



Minutes

ORDINARY MEETING OF COUNCIL

TO BE HELD IN THE COUNCIL CHAMBERS,
953 SOUTH COAST HIGHWAY, DENMARK ON
TUESDAY, 18 OCTOBER 2016, COMMENCING AT 4.00PM.

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Ordinary Council Meeting

18 October 2016

DISCLAIMER

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

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

4.02pm – The Shire President, Cr Morrell, declared the meeting open.

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

MEMBERS:

Cr David Morrell (Shire President)
 Cr Ceinwen Gearon (Deputy Shire President)
 Cr Mark Allen
 Cr Yasmin Bartlett
 Cr Peter Caron
 Cr Jan Lewis
 Vacant
 Vacant

STAFF:

Mr Bill Parker (Chief Executive Officer)
 Mr Gilbert Arlandoo (Director of Infrastructure Services)
 Mrs Annette Harbron (Director of Planning & Sustainability)
 Mr Gregg Harwood (Director of Community & Regulatory Services)
 Ms Claire Thompson (Executive Assistant)

APOLOGIES:

Nil

ON APPROVED LEAVE(S) OF ABSENCE:

Cr Rob Whooley (pursuant to Council Resolution No. 040916)

ABSENT:

Nil

VISITORS:

Members of the public in attendance at the commencement of the meeting: 38
 Members of the press in attendance at the commencement of the meeting: Nil

DECLARATIONS OF INTEREST:

Name	Item No	Interest	Nature
Mrs Harbron	8.5.1	Impartiality	Mrs Harbron and her family are members of the Denmark Country Club, including the Denmark Tennis Club.

3. ANNOUNCEMENTS BY THE PERSON PRESIDING

The Shire President announced that in consultation with the Department of Fire & Emergency Services and the Department of Parks & Wildlife, he and the Chief Bush Fire Control Officer, under delegated authority, had decided to delay the commencement of the Prescribed Burning Period from 1 November to 14 November 2016. Cr Morrell stated that the change would be widely advertised.

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4.1.1 Mr Brian Humphries – Operations of Council

At the meeting held on 27 September 2016 Mr Humphries asked a number of questions which were taken on notice. A response in writing was provided to Mr Humphries and reads as follows;

“In response to your questions taken on notice at the Ordinary Council meeting held on Tuesday, 27 September 2016, relating to financial contribution rules during elections, I provide the following responses. Your questions and these written responses will be published in the next Council Agenda for the Ordinary meeting scheduled for Tuesday, 18 October 2016.

Question 1 - What was the minimum amount that requires disclosure?

Part 5A of the Local Government (Elections) Regulations 1997 deals with the disclosure of gifts. This section states that a gift is only relevant if the value of the gift is \$200 or more.

Question 2 - Did the Shire keep a register and could he get access?

The Local Government (Elections) Regulations 1997 requires the Shire to keep a register. The Regulations also provide public access to the register.

Question 3 - If an agent collected multiple donations, did the agent need to make a declaration?

If the agent collected donations and the summation of all donations exceeded \$200, then a declaration should be made.

Question 4 – What penalties applied to non-disclosure?

The penalty for non-disclosure is \$5,000.”

4.1.2 Mr Adrian Baer – Denmark East River Development

At the meeting held on 27 September 2016 Mr Baer asked a question which was taken on notice. A response in writing was provided to Mr Baer and reads as follows;

“In response to your question taken on notice at the Ordinary Council meeting held on Tuesday, 27 September 2016, I provide the following responses. Your question and this written response will be published in the next Council Agenda for the Ordinary meeting scheduled for Tuesday, 18 October 2016.

Question 1 - Mr Baer asked whether there was a timeframe for using the funding for the Denmark East River Development Project and what would happen if the money is not used?

The Shire of Denmark has executed a Financial Assistance Agreement (FAA) with the State of Western Australia. The FAA details six (6) milestones with associated timeframes. The FAA indicates that the project completion date is 31 December 2018.

If the Shire fails to comply with or meet a Milestone, the Shire is in default. The State could require the Shire to remit all funding paid to the Shire under the Agreement that has not been spent or committed.”

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 Mr Craig Chappelle – Item 8.3.1 (Ocean Beach Lime Quarry)

Mr Chappelle explained that there had been a long history of concerns in relation to the Lime Quarry and expressed concern that the current situation would be resulting in a \$120,000 deficit in the Budget. Mr Chappelle stated that in his opinion the situation had arisen due to the actions of two people in particular and asked whether the Shire would be seeking any restitution from those individuals.

The Shire President advised that they had not considered seeking any restitution and deferred to the Chief Executive Officer to provide further comment.

The Chief Executive Officer stated that the main concern was getting the Lime Quarry back to being compliant as it was acknowledged that an operational quarry was of great value to the agricultural sector of the Shire. Mr Parker stated that if the Council was issued a fine, and an insurance claim was submitted then the insurer may want to go down that avenue.

Mr Chappelle asked that it be considered and then referred to sections of the report and questioned why there were no policy implications noted. Mr Chappelle stated that he believed that the procedure and management of the Lime Quarry should have been noted as he believed that they required considerable changes.

The Shire President responded stating that this year the procedures had been complied with and that it was a matter of making what had happened in the past now compliant. Cr Morrell stated that he did not believe that a Policy was required as he was confident that Council Officers were doing their job well.

Mr Craig Chappelle – Writ

Mr Chappelle asked whether Council had received any response from Council's Insurer with respect to the Writ which had been served.

The Shire President stated that the Council had delegated carriage of the claim to the Chief Executive Officer.

The Chief Executive Officer advised that he had made contact with the Insurer last week and that the person handling the claim was on leave and therefore needed to await their return to receive an update on the claim. Mr Parker therefore did not have an update on the status of the claim.

Mr Chappelle asked whether the advice from the Insurer would be made public once it was received.

The Chief Executive Officer advised that whilst he was conscious of keeping the matter as transparent for the public as possible, he would not be making any public statements which could jeopardise the Shire's legal position.

Mr Craig Chappelle – Extraordinary Election

Mr Chappelle asked what the cost of the last Extraordinary Election had been.

The Shire President advised that it had cost approximately \$8,000 per candidate.

Mr Craig Chappelle – WOW Trail

Mr Chappelle noted that the Wilderness Ocean Walk (WOW) Trail was nearing completion and it included access through the Windfarm. Mr Chappelle stated that on behalf of the Denmark Community Windfarm organisation he wanted to say that the Council Officers had been a pleasure to work with throughout the project.

4.2.2 Mr Jeff Atkinson – Denmark East Development Project

Mr Atkinson stated that he believed references to the Golden Hill Steiner School in the Business Case were incorrect and that the Business Case relied on references to consultation and benefits to the School that had not occurred. Mr Atkinson questioned what this said about governance and consultation if such remarks had been made in the Business Case which, in his opinion, were untrue. Mr Atkinson asked how the assumption was made that the School supported the project.

Mr Atkinson stated that he believed that if the Business Case contained a flaw then it was incumbent to revisit the decision.

The Shire President advised that Council Officers had made enquiries and at best it had been an informal discussion between previous administration and senior members of the School at the time. Cr Morrell assured Mr Atkinson that the Council was looking forward and he believed that the Business Case measured up regardless of references to the Golden Hill Steiner School. Cr Morrell stated that the Council would ensure that the community were on board with respect to any similar future decisions however in this instance, Council had accepted the State Government grant and therefore were obliged to proceed with the project.

4.2.3 Mr John Davey – Denmark East Development Project

Mr Davey stated that he supported the Light Industrial Area project but was saddened by the Council's intention to re-establishing the traffic bridge and he believed there was a history of opposition when the matter had been raised in the past. Mr Davey stated that he believed the reasoning for the project was flawed because the goals could be achieved at a different location. Mr Davey stated that he believed the location to be unique with very old, giant trees which

should be preserved. Mr Davey urged Council to consider freezing the project and reconsidering all options.

4.2.4 Mr Brian Humphries – Item 8.3.1 (Ocean Beach Lime Quarry)

Mr Humphries commended the Chief Executive Officer and Council Officers for preparing the report on such a complex matter however stated that he believed the conclusions and recommendations were flawed. Mr Humphries stated that he had the benefit of 800 pages of Freedom of Information (FOI) documents regarding the Lime Quarry which he had sourced from the Shire which highlighted, in his opinion, the incompetency of previous management. Mr Humphries provided some background which he had learned from the FOI documents and noted that the operating profit of \$120,000 gave the appearance of a successful financial venture. However, in his opinion this was because the Shire had ignored the costs of compliance over many years. Mr Humphries showed two photographs and described the issues relating to depth and rehabilitation. Mr Humphries requested that Council move an alternate motion to require a full financial cost benefit analysis of the costs to rehabilitate the site prior to recommencing operations.

4.2.5 Ms Katie Bewley – Denmark East Development Project

Ms Bewley thanked the Council for their commitment to community conversation which had been demonstrated thus far and noted that it had been acknowledged by the Denmark Shire that Golden Hill Steiner School has been misrepresented in the Business Case, which had been used to secure funding for the project. Ms Bewley asked Council to take the initiative and talk to Royalties for Regions to highlight the inaccuracies in the document. Ms Bewley asked how it would look if a member of the public raised the concerns before Council did.

The Shire President responded stating that he did not know the answer however a contract had been signed and the Shire was now obligated to carry out various aspects of the project.

4.2.6 Mr Kees Koning – Denmark East Development Project

Mr Koning stated that he believed the Lime Quarry had been inspected in March 2016 and that the problems that had been identified now should have been identified then.

The Director of Infrastructure Services advised that the last inspection of the Lime Quarry had been undertaken many years ago.

Mr Koning referred to a report to Council on 20 January 2015 where the officer recommendation had been to undertake a consultation process to gauge the community's support for extending the quarry in a southerly direction and asked whether the consultation had ever occurred.

The Shire President advised that the former Shire President had provided Council Officers with a lot of information regarding the Council's involvement in overseeing the project. Cr Morrell stated that Council had been previously provided assurances that Officers were in liaison with relevant Departments and that solutions were being looked at.

The Chief Executive Officer added that the documents which had been received from the former Shire President had indicated that Council had followed advice received from Council Officers in good faith.

Mr Kees Koning – Item 8.3.2 (Replacement Works on Bridges at the Prawn Rock Channel)

Mr Koning, Secretary of the Wilson Inlet Restoration Group, spoke in favour of the reconstruction and asked whether it would be started before the school holiday period.

The Director of Infrastructure Services advised that they were aiming to commence as soon as Council gave the go ahead and other necessary approvals had been obtained.

4.2.7 Mr Murray Thornton – Council Budget and Financial Position

Mr Thornton provided a handout for Councillors and referred to a previous response to his questions on notice where the advice received had been that wording in the Annual Report had been carried across from the previous Annual Report publication. Mr Thornton stated that he believed the Annual Report to be an important document and expressed disappointment that more diligence hadn't been applied. Mr Thornton stated that he could not see that the Annual Report had been adopted following any considered discussion.

Mr Thornton referred to the Writ which had been served on the Council stating that he believed that if it was a civil case then the Council should be aiming to claim costs.

Mr Thornton referred to the information that he had provided Councillors which showed a ten year breakdown for the cash backed reserves and raised a number of his concerns with the reserves, loans and loan repayments.

4.2.8 Ms Sara Gunning – Item 8.5.1 (Denmark Tennis Club – Community Financial Assistance Grant Reinstatement)

Ms Gunning spoke in support of the reinstatement of the grant stating that the Denmark Tennis Club was undertaking a number of initiatives to encourage families, children and young people. Ms Gunning stated that the Club was experiencing growth and had 66 members to date. Ms Gunning advised that the practice wall would be available for everyone free of charge and urged Council to support the application.

4.2.9 Mr John Sampson – Item 8.3.1 (Ocean Beach Lime Quarry) and Council Budget & Reserves

Mr Sampson thanked the Director of Infrastructure Services for a well written report under what he believed to be difficult circumstances. Mr Sampson spoke about the history of the Lime Quarry and also spoke about the budget and the importance of the reserves.

4.2.10 Mrs Lydia Kenyon – Denmark East Development Project

Mrs Kenyon requested permission to read out some emails that she had received from the former Principal of the Golden Hill Steiner School regarding the consultation which was expressed in the Business Case.

The Chief Executive Officer stated that after receiving questions in relation to consultation with Golden Hill Steiner School, Officers had found a previous version of the Business Case which had referenced consultation with the School. Mr Parker stated that he had contacted previous administration and been advised that the consultation was an informal dialogue and it hadn't been documented.

Mrs Kenyon read out the emails from the former Principal which indicated that the discussion had been informal.

4.2.11 Letter Regarding Denmark East Development Project

The Chief Executive Officer stated that he had received a letter which had been signed by a number of residents who had requested that it be read out during public question time. Mr Parker provided a summary of the letter which highlighted concerns in relation to references to the Golden Hill Steiner School (GHSS) in the Business Case. Mr Parker stated that the following specific questions had been asked and that they would be responded to in writing.

“We would like to ask the Denmark Shire Council to:

- 1. Publicly acknowledge that GHSS was not officially consulted in the preparation of the Denmark East Development Precinct Project (DEDPP) Business Case.*
- 2. Request at a state level that the DEDPP be split into two individual projects. Therefore, allowing work to begin on the non-contentious aspect of the project, the light Industrial Area (LIA).*
- 3. Inform the State funding bodies that as a matter of integrity, the Denmark Shire would like to initiate a pause to the East River Road Bridge (ERRB) aspect of the project, while necessary time is taken for proper community and stakeholders consultation to occur.”*

4.2.12 Ms Julie Marsh – Denmark East Development Project

The Chief Executive Officer stated that he had received a letter from Ms Marsh who had requested that it be read out during public question time. Mr Parker provided a summary of the letter which highlighted concerns in relation to references to the Golden Hill Steiner School (GHSS) in the Business Case. Mr Parker stated that the following specific questions had been asked and that they had been responded to in writing. Mr Parker advised that a copy of the response would be included in the Minutes.

- “1. Where (as in who) was this information on the schools intentions sought?*
- 2. Who (Shire or Regional development or other organisation) sourced this information and from whom at GHSS?*
- 3. Where is the written evidence of any such discussions?”*

The following response was provided to Ms Marsh in writing on 7 October 2016;

“The Shire has been back and checked all of our old records, files and emails in relation to the preparation of the Business Case and consultation that occurred with the Golden Hill Steiner School. We fortunately found an old version of the business case (May 2015) that makes reference to the Principal from the Steiner School. The following extract is very relevant;

“The Golden Hill Steiner School presently accommodates a year 1 to 6 programme and is seeking to expand the school to years 7 to 12. In the event that the Council of the Shire of Denmark is able to purchase lot one situated north of Riverbend Lane, Council would make the necessary land available to the Steiner School to facilitate the proposed expansion. It is expected that approximately 100 extra students would be accommodated and that the investment in the additional facilities would be in the order of at least \$2 million.

The School's Principal has been consulted on this aspect of the proposal and is excited as to the prospect and opportunity that it presents".

As you would be aware, the bold text above is missing in the current business case. I have subsequently called the former Shire CEO. He has assured me that conversations were held with the Principal. As the discussions were only preliminary, no records were kept in relation to the dialogue.

Following on from your questions I have also been asked what would occur if the School was removed from the Business Case. In essence, the removal of the School from the Business Case did occur during the sensitivity testing of the financial modelling. The sensitivity testing concluded a positive net present value would be achieved for the project even if the economic benefits associated with the expansion of the Golden Hill Steiner School was removed.

As per your request, I will ensure that your questions are read out at public question time at the meeting to be held on Tuesday, 18 October 2016 and my written response to your questions will be published in the subsequent Minutes."

4.2.13 Mr Don Millar – Council Operations

The Chief Executive Officer stated that he had received some comments from Mr Millar who had requested that they be read out at public question time. Mr Parker stated that Mr Millar had expressed his support for the Shire Council noting that he had been following the workings of various Councils over the year and firmly believed that this was the best Council Denmark had had.

4.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

4.4 PRESENTATIONS, DEPUTATIONS & PETITIONS

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

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

Nil.

5. APPLICATIONS FOR FUTURE LEAVE OF ABSENCE

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

Nil.

6. CONFIRMATION OF MINUTES

6.1 ORDINARY COUNCIL MEETING

COUNCIL RESOLUTION & OFFICER RECOMMENDATION **ITEM 6.1**
MOVED: CR LEWIS **SECONDED: CR CARON**

That the minutes of the Ordinary Meeting of Council held on the 27 September 2016 be confirmed as a true and correct record of the proceedings, subject to the following amendment:

1. Page 11 – Item 4.2.18, the word “Ms” be corrected to read “Mr” and that the word “she” be corrected to read “he” in both in both places that it occurs; and
2. Page 18 – in the Resolution for Item 8.2.1 that the vote be corrected from “6/0” to “5/0”; and
3. Page 23 – Within Resolution No. 220916, remove the word “to” from the second paragraph which refers to Cr Caron requesting that his words be recorded.

CARRIED BY AN ABSOLUTE MAJORITY: 6/0 **Res: 011016**

6.2 STRATEGIC BRIEFING NOTES

COUNCIL RESOLUTION & OFFICER RECOMMENDATION **ITEM 6.2**
MOVED: CR BARTLETT **SECONDED: CR CARON**

That the minutes of the Notes from the Strategic Briefing held on Tuesday, 27 September 2016 be received.

CARRIED UNANIMOUSLY: 6/0 **Res: 021016**

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 SCHEME AMENDMENT 141 – REZONING NO. 99 (LOT 556) MCINTOSH ROAD, HAY FROM “PUBLIC USE” RESERVE TO “GENERAL INDUSTRY” AND NO. 652 (LOT 2) SOUTH COAST HIGHWAY, HAY FROM “RURAL” TO PART “GENERAL INDUSTRY” AND PART “SPECIAL USE”

File Ref: TPS3/SA141 (A5604; A2503)
Applicant / Proponent: Edge Planning on behalf of Shire of Denmark
Subject Land / Locality: No. 99 (Lot 556) McIntosh Road, Hay & No. 652 (Lot 2) South Coast Highway, Hay
Disclosure of Officer Interest: Nil
Date: 4 October 2016
Author: Annette Harbron, Director of Planning & Sustainability
Authorising Officer: Annette Harbron, Director of Planning & Sustainability
Attachments: 8.1.1 – Proposed Scheme Text Provisions, Zoning Map and Indicative Concept Plan

Summary:

Council are requested to initiate Scheme Amendment 141 to Town Planning Scheme No. 3 (TPS No. 3) to rezone No. 99 (Lot 556) McIntosh Road, Hay from “Public Use” local scheme reserve to “General Industry” and No. 652 (Lot 2) South Coast Highway, Hay from “Rural” to part “General

Industry” and part “Special Use”. The rezoning of the two land parcels will provide for the development of the new industrial estate, comprising of ‘composite’ rural enterprise development on the southern portion of the land parcels abutting South Coast Highway.

Having due regard to the relevant provisions of TPS No. 3, the Shire’s adopted Local Planning Strategy (2011), the numerous State Planning Policies and Town Planning Scheme Policies that are relevant to this proposal, as well as the Lower Great Southern Strategy 2016, the Great Southern Regional Planning & Infrastructure Framework (2015) and the Great Southern Regional Investment Blueprint, it is recommended that Scheme Amendment No. 141 be initiated.

Background:

Attached at Attachment 8.1.1 are the proposed Scheme Text provisions, Zoning Map and an Indicative Concept Plan that has been prepared to demonstrate at the Scheme Amendment stage that the land is capable of being developed for general industry and rural enterprise purposes, noting that the final subdivision and development of the land may differ from the Indicative Concept Plan. Due to the size of the document, a copy of the Scheme Amendment report documentation is available for Councillors via Dropbox or USB, with a printed version available for Councillors upon request.

Consultation:

In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, public advertising of a ‘standard amendment’ (refer explanation under ‘Statutory Obligations’) is required to be undertaken for a minimum period of 42 days once the Environmental Protection Authority have considered the Scheme Amendment.

External Consultation

- Edge Planning
- LandCorp
- Department of Planning
- K & R Hithersay (Landowners of No. 652 (Lot 2) South Coast Highway, Hay)

Internal Consultation

- Development Co-ordination Unit

Statutory Obligations:

- *Planning and Development Act 2005* – TPS No. 3 is an operative Local Planning Scheme under the Act;
- Town Planning Scheme No. 3 – No. 99 (Lot 556) McIntosh Road, Hay is currently reserved as “Public Use” and No. 652 (Lot 2) South Coast Highway, Hay is zoned “Rural”; and
- *Planning and Development (Local Planning Schemes) Regulations 2015* – The Regulations set the procedure for amending a town planning scheme.

The *Planning and Development (Local Planning Schemes) Regulations 2015* provide for complex, standard and basic amendments. In relation to Scheme Amendment No. 141, it is considered to be a standard amendment having regard to Regulation 34 which is defined as:

- (a) an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;
- (b) an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
- (c) an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment;
- (d) an amendment to the scheme map that is consistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the

- amendment relates if the scheme does not currently include zones of all the types that are outlined in the plan;*
- (e) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;*
- (f) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;*
- (g) any other amendment that is not a complex or basic amendment.*

Policy Implications:

The following policies have been given due consideration in relation to this proposal:

- State Planning Policy No. 2.5: Land Use Planning in Rural Areas
- State Planning Policy No. 2.9: Water Resources
- State Planning Policy No. 3: Urban Growth and Settlement
- State Planning Policy 3.7: Planning in Bushfire Prone Areas
- State Planning Policy 4.1: State Industrial Buffer Policy
- Local Planning Policy No. 25.1: Denmark Airfield and Airpark

Budget / Financial Implications:

Costs associated with the engagement of the planning consultant, and associated technical consultants, to undertake the Scheme Amendment have been met by the Shire (funded out of the 2016/2017 Municipal Budget) and/or LandCorp as part of the development of the Industrial Estate.

At the Ordinary Meeting of Council held on 22 March 2016, Council resolved (Res. No: 280316) to accept the Royalties for Region grant of \$7,626,000 as the State Government's contribution to the Denmark East Development project – total project value of \$14,317,000. The development of the industrial estate (Stage 1) is one component of the Denmark East Development Precinct Project - which also provides for a bridge crossing and associated road connections/upgrades.

Strategic Implications:

The subject lots are designated in the adopted Local Planning Strategy as 'Industrial', with the Airport Buffer and Waste Transfer Buffer extending over the lots.

The following provisions from the Local Planning Strategy are relevant to Scheme Amendment 141:

Part 1 Section 4.3 Future Industry

Objective: To identify a new industrial area that will provide sufficient and adequately serviced land available for a range of industrial activities to broaden the employment opportunities close to the Denmark townsite.

Strategies:

- a) Identify a new industrial park located on McIntosh Road within the Education Department's (Agriculture College) landholding and a portion of privately owned land to facilitate future industrial development. Council needs to continue negotiations with the State Government (State Land Services on behalf of Education Department), the board of the Denmark Agricultural College and the private land owner in order to facilitate transfer of the State land to ownership of the Shire of Denmark.*
- b) The Shire needs to either, enter in dialogue with LandCorp to secure it as a potential partner to undertake the subdivision and development works to prepare industrial lots for sale or consider the options of entering into a Joint Venture with a private developer, undertaking the project management itself, or selling the industrial park en globo to a private developer. The Shire will need to put in place appropriate measures and/or investigate employment of appropriate staff in regard to implementation of the last three options.*

Implementation:

1. 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 were visible from the South Coast Highway to retain the appearance of rural land and graduating to industrial uses where not visible from the highway.
2. 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.
3. Council enter into discussions with Water Corporation and Western Power to agree to a timing program for the extension of adequate services to the industrial park.
4. Council promote partnerships in the subdivision and development of the new industrial park.

In relation to the above:

- Strategy a) and Implementation Point 2. have been implemented as Council acquired the subject land (now referred to as No. 99 (Lot 556) McIntosh Road) from the Department of Education on 28 November 2014;
- Implementation Point 1. is currently being implemented via the progression of Scheme Amendment 141; and
- Strategy b) and Implementation Points 3. and 4. have been/are being implemented as Council requested, and LandCorp agreed, to undertake the subdivision of Stage 1 of the industrial estate under the Regional Development Assistance Program.

The development of the industrial estate is consistent with the Lower Great Southern Strategy 2016, the Great Southern Regional Planning & Infrastructure Framework (2015) and the Great Southern Regional Investment Blueprint.

The report and officer recommendation is consistent with Council's adopted Strategic Plan Objectives and Goals and the Corporate Business Plan Actions and Projects in the following specific ways:

Strategic Community Plan

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

Economic Goal: Development – that the Shire of Denmark 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.

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.

Corporate Business Plan

- 1.1.6 *Implement the Local Planning Strategy implementation items as required.*
- 3.2.1 *Finalise the Denmark East Development Precinct industrial land subdivision works.*
- 4.4.2 *Collaborate with the State Government to ensure that local planning development and long term growth needs are met.*

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 proposed Scheme provisions will ensure that due regard is given to environmental considerations associated with the future development of the industrial estate.

➤ **Economic:**

Industrial businesses are major contributors to the local economy.

➤ **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 Council not initiate Scheme Amendment No. 141	Possible (3)	Moderate (3)	Moderate (5-9)	Not Meeting Community expectations	Accept Officer Recommendation

Comment/Conclusion:

Scheme Amendment No. 141 proposes to rezone No. 99 (Lot 556) McIntosh Road, Hay from “Public Use” local scheme reserve to “General Industry” and No. 652 (Lot 2) South Coast Highway, Hay from “Rural” to part “General Industry” and part “Special Use”. The rezoning of the two land parcels will provide for the development of the new industrial estate, comprising of ‘composite’ rural enterprise development on the southern portion of the land parcels abutting South Coast Highway.

As TPS No. 3 does not currently have a “General Industry” zone or a “Special Use” zone, Scheme Amendment No. 141 has had to include a number of structure-related modifications to introduce such zones into TPS No. 3

From a Planning Services perspective it is considered that Scheme Amendment 141 will provide the appropriate planning mechanisms to progress with the development of the industrial estate, including the rural enterprise development component.

It is therefore recommended that Council initiate Scheme Amendment No. 141 to TPS No. 3 accordingly.

Voting Requirements:

Simple majority.

5.19pm – The Shire President, Cr Morrell left the room. The Deputy Shire President, Cr Gearon, assumed the Chair as the Presiding Person.

5.22pm – The Shire President returned to the room and resumed the Chair as the Presiding Person.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION

ITEM 8.1.1

MOVED: CR CARON

SECONDED: CR ALLEN

That with respect to the initiation of a Scheme Amendment to rezone No. 99 (Lot 556) McIntosh Road, Hay from “Public Use” local scheme reserve to “General Industry” and No. 652 (Lot 2) South Coast Highway, Hay from “Rural” to part “General Industry” and part “Special Use”, Council:

1. Pursuant to Section 75 of the *Planning and Development Act 2005* initiate Town Planning Scheme No. 3 Amendment No. 141 by:
 - a) Inserting new ‘General Industry’ and ‘Special Use’ zones to Clause 3.1.1.
 - b) Inserting new Clause 3.1.3(k) as follows:
 General Industry Zone - to provide for a broad range of industrial, service and storage activities which, by the nature of their operations, should be isolated from residential and other sensitive land uses.
 To accommodate industry that would not otherwise comply with the performance standards of light industry.
 Seek to manage impacts such as noise, dust and odour within the zone.
 - c) Inserting new Clause 3.1.3(l) as follows:
 Special Use Zone - to facilitate special categories of land uses which do not sit comfortably within any other zone.
 To enable the local government to impose specific conditions associated with the special use.
 - d) Adding the use class of ‘Caretaker’s Dwelling’ to Table 1 – Zoning Table with the following symbols to apply:
 - ‘Residential’, ‘Industrial’ and ‘Rural Multiple Occupancy’ zones – no symbol
 - ‘Tourist’, ‘Commercial’, ‘Rural’ and ‘Professional Office’ zones - AA
 - e) Amending Table 1 – Zoning Table as follows:
 - Adding a new column titled ‘General Industry’
 - Adding a new column titled ‘Special Use’
 - Adding the symbol ‘AA’ to the following use classes in the ‘General Industry’ column:
 - o Fuel Depot
 - o General Industry
 - o Service Industry
 - o Service Station
 - o Telecommunications Infrastructure
 - o Transport Depot
 - o Vehicle Repairs
 - o Vehicle Wrecking
 - o Warehouse
 - Adding the symbol ‘SA’ to the following use classes in the ‘General Industry’ column :
 - o Noxious Industry
 - o Rural Industry
 - o Veterinary Establishment
 - Adding the symbol ‘IP’ to the following use classes in the ‘General Industry’ column:
 - o Office
 - o Shop
 - Allocating no symbol to all other use classes in the ‘General Industry’ column
 - Adding the words ‘Refer to Appendix XVIII’ in the ‘Special Use’ column
 - f) Amending Table 2 – Development Standards as follows:
 - Adding a new row titled ‘General Industry’, with the following to apply:
 - o Minimum Setback – Front (m): 15

- Minimum Setback – Side (m): 5
- Minimum Setback – Rear (m): 10
- Maximum Plot Ratio – 0.6:1
- Maximum Site Coverage – (B)
- Landscaping (percent) – 2.5
- Adding a new row titled 'Special Use, with the following to apply:
 - Minimum Setback – Front (m): (B)
 - Minimum Setback – Side (m): (B)
 - Minimum Setback – Rear (m): (B)
 - Maximum Plot Ratio – (B)
 - Maximum Site Coverage – (B)
 - Landscaping (percent) – (B)
- g) Adding Clause 5.39 as follows:

GENERAL INDUSTRY ZONE PROVISIONS

5.39.1 Minimum lot size for 'General Industry' zoned lots shall be 4000m².

5.39.2 In considering an application for development approval within the General Industry zone, the local government shall have regard to matters including, but not limited to:

 - (i) the Environmental Protection Authority's *Guidance Statement No. 3 – Separation Distances between Industrial and Sensitive Land Uses*;
 - (ii) heights of buildings/structures, risks (including bushfire risk), hazards, health and amenity associated with the proposed use being located in proximity to existing and approved adjoining and surrounding land uses;
 - (iii) the water usage requirements of the proposed industry in light of the area being unsewered; and
 - (iv) the practicability and effectiveness of any amelioration measures which form part of the proposed development.

5.39.3 The use of zincalume as a roof and/or wall material for buildings is prohibited.
- h) Adding Clause 5.40 as follows:

SPECIAL USE ZONE PROVISIONS

Scheme provisions for a specific Special Use Zone shall be as set out in Appendix XVIII specifying any special provisions appropriate to secure the objectives of the zone.

- i) Adding a new 'Appendix XVIII – Special Use Zone' as follows:
 - Column 1: SU No.
 - Column 2: Particulars of the Land
 - Column 3: Special Uses
 - Column 4: Conditions
- j) Updating the Table of Contents accordingly.
- k) Adding 'General Industry' and 'Special Use' zones to the Scheme Map legend accordingly as per the Scheme Amendment Map.
- l) Rezoning No. 99 (Lot 556) McIntosh Road, Hay from 'Public Use' reserve to 'General Industry' zone and amending the Scheme map accordingly.
- m) Rezoning No. 652 (Lot 2) South Coast Highway, Hay from 'Rural' to part 'General Industry' zone and part 'Special Use (SU1)' zone and amending the Scheme Map accordingly.
- n) Inserting Special Use (SU1) zone provisions in 'Appendix XVIII – Special Use Zones' as follows:
 - Column 1: SU No.
SU1
 - Column 2: Particulars of the Land
Ptn of No. 652 (Lot 2) South Coast Highway, Hay
 - Column 3 – Special Uses
Rural Enterprise Precinct

Objectives:

 - To provide for light industrial and ancillary residential development on one lot.

- To provide for lot sizes in the range of 1 to 4 hectares.
 - To carefully design rural enterprise estates to provide a reasonable standard of amenity (within the precinct and the surrounding locality) without limiting light industrial land uses.
 - To provide a transition use between the 'General Industry zone to the north of the precinct and South Coast Highway, acknowledging the precinct's location on South Coast Highway being the 'gateway' into Denmark.
 - To notify prospective purchasers of potential amenity impacts from industrial land uses on-site and from the adjoining industrial area.
- Column 4 – Conditions
1. Notwithstanding any other provisions of the scheme, the following land uses are the only permissible land uses in this zone:
 - 'AA' Uses:
 - Light Industry
 - 'SA' Uses:
 - Aquaculture
 - Garden Centre
 - Service Industry
 - Transport Depot
 - 'IP' Uses:
 - Single House
 2. Prior to subdivision and development of the site (excluding subdivision of the subject site to reflect the boundaries of the 'General Industry' and 'Special Use' zones), a Local Development Plan is to be approved by the local government.
 3. The Local Development Plan is to guide and coordinate development and subdivision of the site and shall suitably address matters including, but not necessarily limited to:
 - (i) Lot configuration;
 - (ii) Location of suitable development areas for industrial uses and ancillary residential development on-site;
 - (iii) Adjoining land use buffer considerations;
 - (iv) Vegetation retention and/or revegetation areas to address visual amenity impacts of the development from South Coast Highway;
 - (v) Bushfire management considerations;
 - (vi) Vehicular access arrangements – noting no vehicular access is permissible to South Coast Highway (other than an emergency access way);
 - (vii) Servicing arrangements including stormwater management;
 - (viii) Signage, building material and fencing considerations.
 4. Development and subdivision shall generally be in accordance with the approved Local Development Plan.
2. Determine that Town Planning Scheme No. 3 Scheme Amendment No. 141 is a 'Standard Amendment' as per the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:
 - a) It is an amendment that is consistent with a local planning strategy that has been endorsed by the Western Australian Planning Commission;
 - b) It is an amendment that is considered will have minimal impact on land in the scheme area that is not the subject of the amendment;
 - c) It is an amendment that is considered will not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
 - d) Is not a complex or basic amendment.
 3. Refer Town Planning Scheme No. 3 Scheme Amendment No. 141 to the Environmental Protection Authority in accordance with Section 81 of the *Planning and Development Act 2005*.

4. Resolve to proceed to advertising of Town Planning Scheme Amendment No. 141 as per Regulation 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

CARRIED UNANIMOUSLY: 6/0 Res: 031016

8.2 Director of Community & Regulatory Services
 Nil

8.3 Director of Infrastructure Services

8.3.1 OCEAN BEACH LIME QUARRY	
File Ref:	A3770
Applicant / Proponent:	Shire of Denmark
Subject Land / Locality:	Ocean Beach Lime Quarry
Disclosure of Officer Interest:	Nil
Date:	3 October 2016
Author:	Gilbert Arlandoo, Director of Infrastructure Services
Authorising Officer:	Bill Parker, Chief Executive Officer
Attachments:	Nil

Summary:

There have been several non-compliance issues identified by the Department of Mines and Petroleum (DMP), Environmental Protection Authority (EPA) and Department of Aboriginal Affairs (DOA) based on recent inspections undertaken at the Ocean Beach Lime Quarry.

These relate mainly to;

- Encroachment of mining operations into the protected *Thomasia quercifolia* buffer zone.
- Slope stability concerns on the walls of the former and Stage 1 mining footprints.
- Absence of abandonment bunds along the perimeter of the former and Stage 1 quarry areas.
- Poor on-site topsoil management and no progressive revegetation works.
- Significant exceedance of the allowable excavation depth for former mining stages.
- Non-validity of the pre-stage 2 Aboriginal survey.
- Non-submission of updated Environmental Management Plan and Mining Plan.
- Non-submission of annual rehabilitation progress monitoring reports for past years.

As a result, the Department of Mines and Petroleum have advised the Shire of Denmark that a new mining proposal and associated mine closure plan would be required in the event further mining is to be undertaken. These mining documents would include site plans, geotechnical assessment, bench heights and mining methodologies.

This item seeks Council approval to transfer \$60,000 from the Lime Quarry Reserve and amend the 2016/17 Budget. The item also seeks authorisation to prepare the appropriate documentation to secure a lime quarry operator for a minimum period of three (3) years.

Background:**1. THE OCEAN BEACH LIME QUARRY**

The Shire's Lime Quarry is located at 906 Ocean Beach Road, which is approximately 7 kilometres south west of the Denmark Central Business District. The mine is wholly located within Crown Reserve 46273 for which the Shire of Denmark holds the management order with a purpose of mining, as per the mining tenement M70/1038 issued by the Department of Mines and Petroleum.

The environmental aspects of the Lime Quarry are governed by an approved Environmental Management Plan (EMP) prepared by the Denmark Conservative Society in 1999. Under the plan, the Shire of Denmark is required to protect the *Thomasia quercifolia* species during the staged mining operations and undertake regular revegetation works as part of the mining rehabilitation process.

The mining operations are carried out by a contractor appointed by the Shire of Denmark from an annual tender process. The operation involves the excavation, sieving and crushing of lime sand. A maximum annual extraction rate of 15,000 tonnes of lime is allowable as per Schedule 1 of the Ministerial Statement 521 from the Environmental Protection Authority. The schedule also prescribes a maximum excavation depth of 15m for Stage 1 mining and 5m for Stage 2.

2. ISSUES IDENTIFIED BY THE DEPARTMENT OF MINES AND PETROLEUM

In March 2016, the Department of Mines and Petroleum undertook a site inspection and raised concerns on the following issues;

- Significant encroachment of the mining operations into the *Thomasia quercifolia* buffer zone which was committed to be protected by the Shire of Denmark as part of the approved Environmental Management Plan and mining tenement.
- Slope stability of the walls of the former and Stage 1 mining footprints which appear to be unsafe and prone to further structural degradation from weathering and chemical reactions.
- Absence of abandonment bunds along the perimeter of the former and Stage 1 quarry areas which are required for safety.
- Inappropriate storage of hydrocarbons on the stockpiled topsoil by the mining contractor.

In September 2016, the Department of Mines and Petroleum conducted another random inspection at the Ocean Beach lime quarry with Worksafe WA, and requested the Shire to operationally address the following shortcomings;

- Inadequate safety signage.
- Inadequate traffic management including road delineation.
- Unimpeded access below potentially unstable pit faces.
- Inadequate bunding adjacent to steep slopes and embankments.
- Inadequate security particularly against access by road trail bikes.

The Department of Mines and Petroleum subsequently issued a notice for enforcement action consideration for breaching of Conditions 9, 11 and 15 of the mining tenement as per Section 97 of the Mining Act 1978. These conditions and their non-compliance relate to the following matters;

- Condition 9: The construction and operation of the project and measures to protect the environment being carried out generally in accordance with the document titled "Environmental Management Plan-Continuation of Ocean Beach Limes and Project" (NOI

3320) dated November 2000 and retained on Department of Minerals and Energy File No. 4151/00.

Breach: The quarrying operation has not been implemented in accordance with the Environmental Management Plan dated November 2000. This document mentioned the commitment of the Shire of Denmark in ensuring no disturbance within the buffer zone of the *Thomasia quercifolia* species. It appears that the operation may have impacted this area.

- Condition 11: All topsoil being removed ahead of all mining operations from sites such as pit areas, waste disposal areas, ore stockpile areas, pipeline, haul roads and new access roads and being stockpiled for later respreading or immediately respread as rehabilitation progresses.

Breach: All topsoil was not removed ahead of mining. There was evidence of unstripped topsoil in the car parking area and at the edge of the Stage 2 pit. Not all topsoil was stockpiled for rehabilitation as some of the topsoil was used as a windrow and in the Stage 2 pit bund wall.

- Condition 15: Any alteration or expansion of operations within the lease boundaries beyond that outlined in the above document(s) not commencing until a plan of operations and a programme to safeguard the environment are submitted to the Director, Environment, DoIR for his assessment and until his written approval to proceed has been obtained.

Breach: The alteration to the lime quarrying operation was not approved by the Department of Mines and Petroleum.

The Department of Mines and Petroleum have outlined within their correspondence that they will make a recommendation to the Minister on action to be taken against the Shire.

3. ISSUES IDENTIFIED BY THE ENVIRONMENTAL PROTECTION AUTHORITY

In September 2016, the Environmental Protection Authority advised the Shire of Denmark of the following non-compliance matters based on conditions 1-1 and 4-2 of the present Environmental Management Plan and have requested those to be rectified by November 2016;

- There has been significant exceedance of the allowable excavation depth for Stage 1 mining operations. A recent survey has indicated the Quarry has been excavated to depths greater than 15m.
- Significant encroachment of the mining operations into the *Thomasia quercifolia* buffer zone has been observed on site.
- No safety fence between the *Thomasia quercifolia* priority species and mining area as required by section 3.2.1 of the Environmental Management Plan.
- Fuel storage by contractor located on top soil and not appropriately bunded or sealed as required by section 3.6 of the Environmental Management Plan.

It should be noted that the Shire had submitted a request proposing to amend the EMP in 2014 to remove the buffer zone around a priority 4 species and the Office of the Environmental Protection Authority had advised that an updated EMP needed to be produced with the requested changes for review. No updated EMP was provided for approval prior to resuming clearing and mining operations.

4. ISSUES IDENTIFIED BY THE DEPARTMENT OF ABORIGINAL AFFAIRS

In conjunction to the audit and assessment by the Environmental Protection Authority, the Department of Aboriginal Affairs have confirmed that the pre Stage 2 Aboriginal Survey is not acceptable and not valid as it was not presented in the required format within the formal process. The following survey deficiencies were identified by the Department of Aboriginal Affairs;

- There is no indication of the areas surveyed.
- There is no information provided on how the survey was conducted.
- There is no information provided on the archaeological qualifications and experience of the person who conducted the survey to establish the basis on which the archaeological considerations are given.
- It appears that Aboriginal cultural material was encountered. However, there is no information provided to indicate the location (including surface or sub-surface) of those materials or artefact densities.
- There is no information provided to document the material encountered such as types of artefacts and materials.
- The material encountered is described as being minor with the material identification information are not provided.
- There is no background research provided on the survey area to contextualise the archaeological significance of the area.

5. RECTIFICATION MEASURES REQUIRED BY THE SHIRE OF DENMARK

As a result of the identified non-compliance matters by the involved government agencies, the following measures have to be undertaken at the Ocean Beach Lime Quarry;

- Engage qualified environmental and mining consultants to review the mining and environmental management plans of the Lime Quarry.
- Engage qualified geotechnical consultants to address the slope stability and drainage concerns.
- Continue facilitating the necessary progressive revegetation, and monitoring works to address ongoing rehabilitation process.
- Facilitate the construction of safety fences and bunds to address the safety concerns.
- Undertake geophysical survey and geological drilling to determine the spatial extent of limesand and depth to water table.
- Investigate any potential groundwater contamination from the spilling of hydrocarbon from mining machinery.

These measures are required to ensure the continuation of the mining operations at the Ocean Beach Lime Quarry. Mining operations cannot recommence until the outstanding matters have been addressed and environmental documentations approved and authorised by the Department of Mines and Petroleum, Environmental Protection Authority and Department of Aboriginal Affairs.

A geotechnical consultant has been engaged to undertake geotechnical investigations at the Lime Quarry and address the slope stability matter reported by the Department of Mines and Petroleum. The geotechnical investigations have indicated that despite the breach, most of the Quarry wall zones had enough incorporated factors of safety within acceptance criteria with the exception of the southern quarry wall. The investigations have recommended the following ground control management measures;

- Regular slope displacement monitoring.
- Deflection barriers or swale drains to divert water away from the crest of the instable slopes.

- Weighted toe to arrest the progressive translational failures along the slopes of the quarry wall.

The Shire has engaged Clark Lindbeck and Associates to review the Mining Plan, the Environmental Management Plan and also respond to the Department of Mines and Petroleum on the noted breaches. The consultancy also includes a flora survey, Aboriginal heritage survey and the possibility having the *Thomasia quercifolia* priority species removed from the mining zone.

Consultation:

The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal and considered Council’s Community Engagement Policy P040123 and the associated Framework. The consulted parties in this matter are listed below;

- Department of Mines and Petroleum
- Environmental Protection Authority
- Department of Aboriginal Affairs
- Department of Parks and Wildlife

Statutory Obligations:

- Guidelines for Mining Proposals in Western Australia
- Part IV of the Environmental Protection Act 1986 – Environmental Assessment Guideline
- Regulation 10 of the Aboriginal Heritage Regulations 1974
- Section 18 Notices from the Department of Aboriginal Affairs
- Local Government Act 1995 and associated regulations

Policy Implications:

There are no known policy implications.

Budget / Financial Implications:

The Shire currently has \$50,000 allocated within Job No. 70001 for operational and rehabilitation issues associated with the Lime Quarry. The works associated in reviewing the Environmental Management Plan and addressing various other compliance issues is forecast to be \$108,300. The shortfall in the 2016/17 budget is therefore \$58,300.

Components	Approximate Cost (exc GST)
Preparation of a new Mining Proposal and Environmental Management Plan	\$30,500
Flora survey to determine abundance and area of occupancy of <i>Thomasia quercifolia</i> in the Ocean Beach Quarry Tenement and surrounds	\$4,500
Aboriginal heritage survey	\$18,400
Preparation of the 2016 Annual Environmental Report for submission to the Department of Mines and Petroleum	\$1,500
Field investigations for determining resource supply and depth to water table	\$25,100
Installation of groundwater monitoring bores and quality analysis	\$10,000
Signage as per DMP & Worksafe instruction	\$1,800
Preparation of response to the Department of Mines and Petroleum in relation to enforcement action	\$1,500
Ongoing maintenance and rehabilitation	\$15,000
Total	\$108,300

The Lime Quarry Reserve is forecast to have \$155,977 at the end of 2016/17. It is therefore recommended that \$60,000 be transferred from the Reserve to pay for the additional works this financial year.

Additionally, if the Shire is unable to mine this financial year, the Budget revenue shortfall is estimated at \$368,100. This is offset by expenses associated with the mining activities of \$250,000 with the net loss likely to be approximately \$120,000.

If the Shire is unable to mine this financial year, an item will be prepared and considered at the statutory Budget review.

By outsourcing the preparation of a specification and tender documents there will be a cost associated with this. It is anticipated that this cost is adequately accounted for within the Shire's operating Budget.

Strategic & Corporate Plan Implications:

The report and officer recommendation is consistent with Council's adopted Strategic Plan Objectives and Goals and the Corporate Business Plan Actions and Projects in the following specific ways:

STRATEGIC COMMUNITY PLAN

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

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.

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.

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.

Structure: ...ensures that it has a structure that is transparent, trustworthy, flexible, consultative and collaborative, and is able to attract and retain a high standard of Councillors and Senior Management.

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

Co-operation & Community Input: ...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.

CORPORATE BUSINESS PLAN

3.1.1 Finalise Stage 1 of the Lime Quarry Restoration project.

Sustainability Implications:

➤ **Governance:**

There are no known governance implications relating to the proposed rectification measures to be done by the Shire of Denmark.

➤ **Environmental:**

The proposed rectification measures at the Ocean Beach lime quarry may have potential impacts on the remaining buffer zone and *Thomasia quercifolia* priority species.

➤ **Economic:**

The supply of agricultural lime within the local community may be delayed as the lime quarrying operations would be suspended until all the relevant governing documentations are addressed to the compliance satisfaction of the Department of Mines and Petroleum, Environmental Protection Authority, Department of Aboriginal Affairs and Department of Parks and Wildlife.

➤ **Social:**

Potential delays in resuming quarrying operations and supplying agricultural lime may result in backlash from the farming community and potential users/purchasers of the lime product.

➤ **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 decide not to implement the necessary remedial actions on the lime quarry.	Unlikely (2)	Major (4)	High (10-16)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation
That Council decide to proceed with quarrying operations prior to all necessary approvals being obtained.	Unlikely (2)	Major (4)	High (10-16)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation

Comment/Conclusion:

The implications of the shortcomings and breaches could be significant and the likelihood of mining next year becomes increasingly uncertain. This situation has reinforced the need for rectification measures to be undertaken in order to address the outstanding items identified by the Department of Mines and Petroleum, Environmental Protection Authority and Department of Aboriginal Affairs.

The Shire is very aware of the work required to recommence mining this financial year and is very concerned that an agricultural product may not be available when demanded. In response, the Shire is recommending preparing the appropriate tender documentation and appointing a preferred Quarry operator so that mining can commence as soon as practicable.

Although the Shire has previously operated on an annual contract, the supply of lime to the agricultural sector is important from a timeliness perspective and having a preferred contractor appointed for multiple years will assist in the distribution of lime over the calendar year.

It is intended to commission the Western Australian Local Government Association (WALGA) to review the tender documents for quarrying and crushing of agricultural lime and undertake the tender process as soon as possible. As part of the process, WALGA would be looking at reviewing

the specifications and conditions of tendering, revising the mining contract for a period of at least 3 years, undertaking the tendering exercise, evaluating the submissions and recommending a suitable contractor. The contract would be awarded on the condition that no quarrying operation should occur on site until all documentations have been achieved to the satisfaction of the regulatory authorities and necessary approvals obtained.

Voting Requirements:

Absolute majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.3.1
MOVED: CR GEARON	SECONDED: CR LEWIS
That with respect to the Ocean Beach Lime Quarry, Council;	
1. Amend the 2016/17 Budget by transferring an additional \$60,000 from the Lime Quarry Reserve.	
2. Increase expenditure associated with Job No. 70001 from \$50,000 to \$110,000 for the preparation of an environmental management plan and other associated compliance and rectification works.	
3. Advise consumers that due to compliance and rectification works that the Shire's agricultural lime may not be available in time for the 2016/17 season.	
4. Authorise the Chief Executive Officer to prepare a specification and tender documentation for the quarrying and crushing of agricultural lime for a period of three (3) years.	
CARRIED UNANIMOUSLY AND BY AN ABSOLUTE MAJORITY: 6/0	Res: 041016

8.3.2 REPLACEMENT WORKS ON BRIDGES AT THE PRAWN ROCK CHANNEL

File Ref:	A3071
Applicant / Proponent:	Shire of Denmark
Subject Land / Locality:	Prawn Rock Channel, Ocean Beach
Disclosure of Officer Interest:	Nil
Date:	27 September 2016
Author:	Wei Kit Fan, Engineering Technical Officer
Authorising Officer:	Gilbert Arlandoo, Director of Infrastructure Services
Attachments:	Nil

Summary:

In July 2016, both the floating pontoon and dog exercise area access bridges at Prawn Rock Channel were damaged by adverse weather conditions along the Wilson Inlet. As a result, both bridges at the Prawn Rock Channel will require replacement works. The replacement works on both bridges would be implemented in accordance with the Prawn Rock Channel Concept Plan which was adopted by the Council in September 2015.

A Budget of \$52,000 has been allocated for the replacement of one of the bridges however, due to the significance of both bridges, one to access the dog exercise area and the other for recreational users, both need replacement as a result of the weather imposed damages. It is recommended to Council to change the description of Job No. 50016 from "Replace Bridge at Dog Exercise Area at Prawn Rock Channel" to "Replace Bridges at Prawn Rock Channel".

Background:

The Prawn Rock Channel area comprises of Reserve 20578 which is managed by the Shire of Denmark. It is used for recreational purposes such as swimming, fishing, dog-walking and picnicking. Some of the Prawn Rock Channel area is also recognised as a dog exercise area as per "Council Policy P050203: Specified Dog Exercise or Prohibited Areas".

The Prawn Rock Channel area is a popular tourism attraction in Denmark. Due to its relative importance in the tourism economy of Denmark, it has been subjected to pressures related to increased residential population and visitors. It is also a popular place for locals wanting to walk and exercise their dogs. The floating pontoon bridge and dog exercise area access bridges are the two major bridge structures in the Prawn Rock Channel area.

In July 2016, both the floating pontoon and dog exercise area access bridges were damaged by adverse weather conditions in the Wilson Inlet. The incurred damages on the structural components of the floating pontoon bridge were beyond means of repair and the bridge has been completely removed from the Prawn Rock Channel area. The damages on the dog exercise area access bridge was not as extensive as the floating pontoon bridge with the middle decking being partially uplifted and the north western landing platform being damaged from the adverse weather. The dog exercise area access bridge is also in a poor structural condition and has been temporarily closed with no public access for safety reasons.

Both the floating pontoon bridge and dog exercise area access bridges would now require replacement works. To minimise budget impact, the replacement components have been sourced from available second hand materials.

The Shire of Denmark had allocated \$52,000 for the proposed bridge replacements works at the dog area of Prawn Rock Channel (Job no: 50016) in the 2016/17 financial year. In order to allow Infrastructure Services to undertake works on both the floating pontoon and dog exercise area access bridges, the description of Job No. 50016 in the budget needs to be changed from "Replace Bridge at Dog Exercise Area at Prawn Rock Channel" to "Replace Bridges at Prawn Rock Channel".

Consultation:

The Officer has considered the requirement for consultation and engagement with persons or organisations that may be unduly affected by the proposal and considered Council's Community Engagement Policy P040123 and the associated Framework. The consulted parties in this matter are listed below;

- Department of Transport
- Department of Water
- Wilson Inlet Restoration Group
- Planning and Sustainability Services
- The Council's insurance company, LGIS
- Department of Aboriginal Affairs

Statutory Obligations:

There are no present known statutory obligations relating to the proposed change of the description of Job No. 50016 from "Replace Bridge at Dog Exercise Area at Prawn Rock Channel" to "Replace Bridges at Prawn Rock Channel".

Policy Implications:

The Shire's Insurance Policy will be updated to include the two reconstructed bridges.

Budget / Financial Implications:

There are no present known budget implications relating to the proposed change of the description of Job No. 50016 from "Replace Bridge at Dog Exercise Area at Prawn Rock Channel" to "Replace Bridges at Prawn Rock Channel".

However, the Shire of Denmark has submitted insurance claims to LGIS for the damages incurred on both the floating pontoon and dog exercise area access bridges. Actual expenditures and

monies received from the insurance claims will be accounted for in the mid-year budget review process.

Strategic & Corporate Plan Implications:

The report and officer recommendation is consistent with Council's adopted Strategic Plan Objectives and Goals and the Corporate Business Plan Actions and Projects in the following specific ways:

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

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.

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.

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.

Structure: ...ensures that it has a structure that is transparent, trustworthy, flexible, consultative and collaborative, and is able to attract and retain a high standard of Councillors and Senior Management.

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

Co-operation & Community Input: ...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.

Sustainability Implications:

➤ **Governance:**

There are no known governance implications relating to the proposed change in the description of Job No. 50016.

➤ **Environmental:**

There are no known environmental implications relating to the proposed change in the description of Job No. 50016.

➤ **Economic:**

There are no known economical implications relating to the proposed change in the description of Job No. 50016.

➤ **Social:**

There are no known social implications relating to the proposed change in the description of Job No. 50016.

➤ **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 does not support changing the description of Job No.50016 to from “Replace Bridge at Dog Exercise Area at Prawn Rock Channel” to “Replace Bridges at Prawn Rock Channel”.	Unlikely (2)	Major (4)	High (10-16)	Damage to Physical Assets	Accept Officer Recommendation

Comment/Conclusion:

The reason for this item is that as the 2016/17 Budget currently reads it provides for the dog exercise area access bridge only. Since the Budget was adopted the Shire has experienced adverse weather conditions and both bridges require replacement. In order to achieve this the relevant Budget line item descriptor needs amending, no additional funds are being sought.

The Shire of Denmark has submitted insurance claims to LGIS for the damages incurred on both the floating pontoon and dog exercise area access bridges. However, it has to be noted that the insured values alone will not be sufficient for the bridges replacement works at Prawn Rock Channel.

Should the Shire of Denmark be successful in obtaining the insurance claims, the received insurance money will be used towards the project such as improving the condition of the second hand materials used for the reconstruction works for better finished products.

Voting Requirements:

Absolute majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.3.2
MOVED: CR GEARON	SECONDED: CR BARTLETT
That with respect to the replacement of bridges at Prawn Rock Channel, Council amend the 2016/17 Budget by modifying the description associated with Job No. 50016 from “Replace Bridge at Dog Exercise Area at Prawn Rock Channel” to “Replace Bridges at Prawn Rock Channel”.	
CARRIED UNANIMOUSLY AND BY AN ABSOLUTE MAJORITY: 6/0	Res: 051016

8.4 Director of Finance & Administration

8.4.1 FINANCIAL STATEMENT FOR THE MONTH ENDING 31 AUGUST 2016

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Denmark
Disclosure of Officer Interest:	Nil
Date:	4 October 2016
Author:	Steve Broad, Acting Director of Finance & Administration
Authorising Officer:	Steve Broad, Acting Director of Finance & Administration
Attachments:	8.4.1 – August 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 half yearly 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 & Corporate Plan Implications:

The report and officer recommendation is consistent with Council’s adopted Strategic Plan Objectives and Goals and the Corporate Business Plan Actions and Projects in the following specific ways:

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)
Not meeting Statutory Compliance	Rare (1)	Moderate (3)	Low (1-4)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation
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:

As at 31 August 2016 total cash funds held total \$13,656,859 (Note 4).

Shire Trust Funds total \$185,449 with the amount of \$174,287 invested for 180 days with the National Bank, maturing 18 December 2016 at the quoted rate of 2.80%.

Reserve Funds total \$10,903,954 and \$6,972,288 has been placed on investment for 30 days with the Western Australian Treasury Corporation at the quoted rate of 1.70% and \$3,560,922 has been invested with the National Bank, maturing 25 February 2017 at the quoted rate of 2.55%.

Municipal Funds total \$2,567,456 with the amount of \$1,202,526 invested with the National Bank, maturing on various dates up to the 27 October 2016 at an average rate of 2.05% (refer note 4 for detail).

Key Financial Indicators at a Glance

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

- Taking into consideration the adopted Municipal Budget and subsequent amendments identified, the estimated 30 June 2017 end of year position is estimated to be \$2,452 as per budget projections (Note 5).
- Operating revenue and expenditure is slightly lower than that predicted for 31 August 2016 (Statement of Financial Activity).
- Rates Collection percentage of 24.15% is in keeping with historical collection rates (Note 6).
- The 2016/17 Capital Works Program is 5.20% complete utilising actual year to date figures and total committed cost is 9.33% at 31 August 2016 (Note 12).
- Various transfers to and from Reserve Funds have not yet been made for 2016/17 and are generally undertaken in the latter half of the financial year, depending on specific projects to which these transfers relate.
- Salaries and Wages expenditure is in keeping with budget estimates (not reported specifically in Financial Statement).

Budget Amendments and Variances (Note 5 and 5a)

As detailed in Note 5a.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.4.1
MOVED: CR BARTLETT	SECONDED: CR ALLEN
That with respect to Financial Statements for the month ending August 2016, Council;	
1. Receive the Financial Reports, incorporating the Statement of Financial Activity and other supporting documentation.	
2. Endorse the Accounts for Payment for August 2016 as listed.	
CARRIED BY AN ABSOLUTE MAJORITY: 6/0	Res: 061016

8.5 Chief Executive Officer

Prior to consideration of Item 8.5.1 the Chief Executive Officer, through the Presiding Person, brought to the attention of the meeting the following disclosure(s) of interest:

Mrs Harbron and her family are members of the Denmark Country Club, including the Denmark Tennis Club and as a consequence there may be a perception that her impartiality on this matter may be affected. Mrs Harbron declares that she will consider this matter on its merits and advise Council accordingly.

8.5.1 DENMARK TENNIS CLUB – COMMUNITY FINANCIAL ASSISTANCE GRANT REINSTATEMENT	
File Ref:	PBR.10.A
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	3 October 2016
Author:	Teiga Murray, Administration Officer
Authorising Officer:	Bill Parker, Chief Executive Officer
Attachments:	8.5.1 - Request from Denmark Tennis Club

Summary:

Council is being asked to consider a request from the Denmark Tennis Club to reinstate Community Financial Assistance Grant funding of \$5,000 approved in 2015/16.

Background:

The Denmark Tennis Club originally applied for \$3,500 via the 2014/15 Community Financial Assistance Program to build a practice tennis wall at the Denmark Country Club. In May 2014 (Resolution No. 220514) Council awarded the Denmark Tennis Club \$2,333, 1/3 of the estimated project cost, and the Club was advised to apply for further funding via the Community Sporting and Recreation Facilities Fund (CSRFF) Small Grants Program.

The Denmark Tennis Club did not complete the project during the 2014/15 financial year and applied for further funding from the Shire of Denmark via the 2015/16 Community Financial Assistance Program. In July 2015 (Resolution No. 090715) Council granted a carry-over of funds of \$2,333 from the 2014/15 Municipal Budget and awarded additional funding of \$2,667 resulting in a total contribution of \$5,000.

Due to various circumstances the Denmark Tennis Club did not complete the project during the 2015/16 financial year and as such the funds were not acquitted. The Club wrote to the Director of Finance and Administration in June 2016 requesting a further carry over of funds in the 2016/17 Municipal Budget.

Council considered 2016/17 Community Financial Assistance Grant applications during a series of Budget Workshops and, upon adoption of the 2016/17 Municipal Budget, awarded \$46,500 in funding to various community groups via the Community Financial Assistance Program.

ORGANISATION	AMOUNT
Community Kitchen	\$500.00
Denmark Primary School P&C	\$1,080.00
Denmark Soccer Club (Seniors)	\$1,500.00
Denmark Surf Life Saving Club Inc.	\$1,670.00
Denmark Weed Action Group	\$1,782.74

Denmark Country Women’s Association	\$3,442.08
Denmark Men’s Shed	\$4,711.00
Denmark Men’s Shed	\$4,814.00
Denmark Clay Target Club	\$5,000.00
Denmark Little Athletics	\$5,000.00
Denmark Community Resource Centre	\$5,000.00
Riding for the Disabled	\$12,000.00
Total	\$46,499.82

The funds allocated to the Denmark Tennis Club in 2014/15 and 2015/16 were not identified for carry over during this process.

The Denmark Tennis Club has written to the Chief Executive Officer and requested that Council consider reinstating Community Financial Assistance Grant funding of \$5,000 to allow the Club to complete the project, which is scheduled to commence in the coming months.

Consultation:

The Chief Executive Officer discussed the reinstatement request with the former Director of Finance and Administration and met with the Denmark Tennis Club Chairperson, Brian Wolfenden, on Friday 30 September 2016.

Statutory Obligations:

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

Policy Implications:

Policy P040125 Community Financial Assistance Program relates, specifically the following sections;

“CONDITIONS AND REQUIREMENTS

- *Project must commence and be completed in the financial year for which funding has been approved.*
- *When the amount of grant is \$500 or more, 50% of the grant will be paid on approval of the project and the balance following successful acquittal of the project. When the amount of grant is less than \$500 than payment can be made at the commencement of the project.*
- *Where changes to the scope of the approved project changes applicants are to contact the Director of Finance and Administration, prior to commencement, who will determine if the changes are deemed to be “substantial” and if reconsideration of the grant funding is required.*
- *Project and financial reports must be submitted to the Shire within one month from the completion of the project on the acquittal form provided.*
- *Acknowledgement that "This project is assisted by the Shire of Denmark" must be made in all publicity associated with the project. Use of the Shire of Denmark logo is encouraged.*

APPROVED COMMUNITY FINANCIAL ASSISTANCE GRANTS SHALL BE ADMINISTERED IN ACCORDANCE WITH THE FOLLOWING:

- *Where financial assistance is approved by Council for projects that are dependent upon funding from an outside source, e.g. Sport and Recreation WA; Lotteries Commission etc, and that funding application is unsuccessful or the level of financial assistance from an outside source has been reduced below that requested by an organisation, the organisation shall be required to demonstrate its ability to meet the funding shortfall.*
- *In such circumstances the Council will reassess the viability of the project and may, if project viability is not substantiated, revoke the grant approval. Those funds shall then be made available to other applicant organisations.*

- *Council financial assistance (as approved) shall be paid to the applicant, on receipt of and up to the value of copy invoices, statements or receipts.*
- *Where approved financial assistance is not claimed by 31st May and the organisation involved has failed to provide an explanation and request for those funds to be carried forward, the Chief Executive Officer shall advise the organisation that the approval is revoked and that they should then re-apply.*
- *Where requests for financial assistance are received outside the deadline for receipt of applications they shall not be accepted and the applicants will be advised accordingly.”*

Budget / Financial Implications:

Council has committed \$46,500 to the Community Financial Assistance Program in the 2016/17 Municipal Budget.

Since the adoption of the Budget a number of circumstances have occurred that will impact the Community Financial Assistance Program (GL1420342) account balance; they are detailed as follows:

- The Denmark Men's Shed were awarded two grants via the 2016/17 Community Financial Assistance Program of \$4,814 (to build a concrete slab) and \$4,711 (to purchase new tools). The President, Mal Dickie, advised on 7 September 2016 that the Denmark Men's Shed no longer requires the grant of \$4,814 as they will not be constructing a shed due to not obtaining the necessary approval from the Hospital Board.
- The Denmark Primary School P&C were awarded a 2016/17 Community Financial Assistance Grant of \$1,080 to fund 4 x 3 Month Gold Gym Membership Passes as prizes for their Community Fun Run. The Treasurer, Ary Clarke, advised on 13 September 2016 that the P&C no longer requires the grant as the event has been cancelled.
- The Scotsdale Tennis Club were awarded a 2015/16 Community Financial Assistance Grant of \$3,000. The final balance of \$1,500 was acquitted by the Club and approved for payment during the 2016/17 financial year; however a carry-over of funds from the 2015/16 Municipal Budget to the 2016/17 Municipal Budget did not occur.
- The Denmark Tennis Club have requested a reinstatement of their 2015/16 Community Financial Assistance Grant of \$5,000, which was not carried over from the 2015/16 Municipal Budget.

Due to the circumstances detailed above, \$5,894 of previously allocated 2016/17 Community Financial Assistance Grant funding is now accessible. \$6,500 of carry-over funding from the 2015/16 Municipal Budget has not been accounted for, resulting in an overall deficit of \$606 should Council decide to reinstate the Denmark Tennis Club's 2015/16 Community Financial Assistance Grant.

Strategic & Corporate Plan Implications:

The report and officer recommendation is consistent with Council's adopted Strategic Plan Objectives and Goals and the Corporate Business Plan Actions and Projects in the following specific ways:

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.

- 1.10.27 *Provide grant and funding assistance to community groups and clubs, and assist with coordinating their promotion.*

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 other than those described as Budget/Financial Implications.

➤ **Social:**

Should Council decided to reinstate funding to the Denmark Tennis Club the project would result in social benefits to 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 choose not to reinstate grant funding to the Denmark Tennis Club and the project is delayed or unable to be completed.	Possible (3)	Minor (2)	Low (1-4)	Not Meeting Community expectations	Accept Officer Recommendation
That Council choose to reinstate grant funding to the Denmark Tennis Club, in preference to maintaining a surplus or awarding funding to other Community Groups that were unsuccessful during the 2016/17 round, resulting in a perception that funding has not been awarded in line with CFAG guidelines.	Possible (3)	Minor (2)	Low (1-4)	Not Meeting Community expectations	Accept Risk

Comment/Conclusion:

In considering the Denmark Tennis Club’s request to reinstate 2015/16 Community Financial Assistance Grant funding of \$5,000, consideration should be given to both the level of progression with the project (and the subsequent impact that a shortfall in funding would have) and the Community Financial Assistance Program policy and guidelines.

The Denmark Tennis Club have indicated that they believed the funds would be carried over to the 2016/17 Municipal Budget and continued to progress the project based on this assumption. On this basis the Club commissioned the development of drawings and undertook a number of fundraising activities. The request states that a loss of the Shire’s contribution would be ‘devastating to many of the members who have worked so hard to ensure the project is realised’.

The Community Financial Assistance Program Policy states as a condition and requirement that a ‘Project must commence and be completed in the financial year for which funding has been approved’, and ‘Organisations that have not acquitted previous projects funded through the Shire of Denmark’ will not be funded.

The Policy also states that *'Where approved financial assistance is not claimed by 31st May and the organisation involved has failed to provide an explanation and request for those funds to be carried forward, the Chief Executive Officer shall advise the organisation that the approval is revoked and that they should then re-apply'* and *'Nothing in this policy prevents the CEO, where that officer deems appropriate, from referring a request for financial assistance to Council for determination'*.

Whilst the Denmark Tennis Club did not commence and complete their project in the financial year for which the funding had been approved, and the request to carry over funds was received after the 31st May deadline, the Club did not receive notice from the Shire of Denmark advising that their approval had been revoked.

In light of the above information, and the level of progression of the project, it is the Officer's recommendation that the reinstatement of funds to the Denmark Tennis Club be approved.

Voting Requirements:

Absolute majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.5.1
MOVED: CR BARTLETT	SECONDED: CR LEWIS
With respect to the Denmark Tennis Club's request to reinstate Community Financial Assistance Grant funding of \$5,000, Council resolve to:	
<ol style="list-style-type: none"> 1. Acknowledge that the Denmark Men's Shed and Denmark Primary School P&C have relinquished \$5,894 in funding under the 2016/17 Community Financial Assistance Program; 2. Approve the Denmark Tennis Club's application for \$5,000, recognising that the funding has been approved in previous years; 3. Establish that the project and funds must be acquitted in this financial year; 4. Recognise that \$1,500 has been claimed by the Scotsdale Tennis Club in relation to funds that were not carried forward; and 5. Amend the 2016/17 Budget by increasing Account 1420342 'Community Financial Assistance Program' from \$46,500 to \$47,106, noting a decrease in the Budget surplus of \$606, resulting in a net Budget surplus of \$1,846. 	
CARRIED BY AN ABSOLUTE MAJORITY: 5/1	Res: 071016

Pursuant to Resolution No.031115 all Councillors' votes on the above resolution are recorded as follows;

FOR: Cr Lewis, Cr Gearon, Cr Morrell, Cr Bartlett and Cr Caron.

AGAINST: Cr Allen.

8.5.2 DENMARK EAST DEVELOPMENT PRECINCT – EAST RIVER ROAD (EASTERN END) ALIGNMENT
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File Ref:	PLN.74
Applicant / Proponent:	Not applicable
Subject Land / Locality:	East River Road and McIntosh Road
Disclosure of Officer Interest:	Nil
Date:	10 October 2016
Author:	Bill Parker, Chief Executive Officer
Authorising Officer:	Bill Parker, Chief Executive Officer
Attachments:	8.5.2 – Proposed Alignment Option 1A

Summary:

On 22 March 2016, Council accepted a Royalties for Regions (RfR) grant and a contribution from LandCorp towards the Denmark East Development Project. Council also appointed LandCorp as the Project Manager to undertake the subdivision and development works.

Since this time, LandCorp in partnership with the Shire has progressed works on the project. The project has been divided into two distinct parts being;

1. Eastern precinct; and
2. Western precinct

The eastern precinct comprises the area from Denmark-Mt Barker Road to McIntosh Road and includes the proposed industrial area. This item seeks Council endorsement for the road alignment of the eastern precinct.

Background:

On 4 March 2016 the Minister for Regional Development, Hon Mr Terry Redman MLA, announced publicly that the State had approved an application for RfR funding of \$7,626,000 for Denmark East Development Precinct Project.

At its meeting held on 22 March 2016, Council resolved as follows (Resolution No. 280316);

“That with respect the Denmark East Development Project, Council:

1. *Accept a Royalties for Region grant of \$7,626,000 as the State Governments contribution to the Denmark East Development project on the understanding that any cost overruns will be accommodated within the scope of the project as confirmed by Great Southern Development Commission and LandCorp in their discussions with Councillors at the Strategic Briefing today.*
2. *Appoint LandCorp as Project Manager to undertake the subdivision and development works on Council’s behalf and accept a contribution of \$2,500,000 from the State’s Land Development arm LandCorp acknowledging that the project will be the subject of a funding agreement outlining the project management, subdivision and development works of the industrial area, bridge and connector roads as outlined in the Denmark East Development Business Case.*
3. *Requests the CEO, in accordance with Part 1 Section 4.10 “Transport” of the Local Planning Strategy (LPS) section 1(d) Implementation, to ensure that community consultation occurs with the community to determine;*
 - a) *where the bridge crossing point across the Denmark river is to be located; and*
 - b) *where the Connector road between the bridge and Scotsdale Road is to be located; and*
 - c) *organise, as soon as practicable, a public meeting to inform and answer questions on process around the project and the ongoing public consultation.*

4. *Thank the Minister for Regional Development, the Hon. Mr Terry Redman MLA, LandCorp and the Great Southern Development Commission for their support in making the grant application possible.*

In the time subsequent, the Shire of Denmark in partnership with LandCorp has been working tirelessly on the project. The project has been divided into two distinct parts being;

1. Eastern precinct; and
2. Western precinct

This item only relates to the eastern precinct which comprises the area from Denmark-Mt Barker Road to McIntosh Road and includes the proposed industrial area. Access from Denmark-Mt Barker Road to the proposed industrial area included two options.

1. Option 1A

Heading east, Option 1A approximately follows the existing East River Road, then connects to McIntosh Road with a sweeping curve to the south (encroaching onto the Airport reserve land) allowing for improved RAV4 access (which is a heavy service vehicle that is less than 27.5m in length with a maximum permitted mass of 87.5 tonnes, typically comprising a prime mover, semi trailer towing 6 axle dog trailer.

The option requires that East River Road be marginally widened. A preliminary horizontal alignment has been developed with a larger curve radius to allow for RAV4 access. In several instances this brings the road shoulder within close proximity to the boundary of the road reserve on both East River Road and McIntosh Road.

2. Option 1B

Option 1B requires the creation of a new road reserve between Denmark-Mt Barker Road and the western edge of the Industrial Area, traversing Agricultural College land (Lots 555 and 556), south of Denmark Airport. Although closer to the proposed Industrial Area, Option 1B requires the acquisition of a large amount of land between Denmark-Mt Barker Road and McIntosh Road.

As Lot 555 will be bisected with the selection of Option 1B, consideration must also be given to the method of access (vehicles and livestock) between the northern and southern sections of the property. Under Option 1B, it would be possible to avoid sealing McIntosh Rd (as proposed in the Royalties for Regions business case).

The project team comprising representatives from the Shire of Denmark, LandCorp and Great Southern Development Commission considered the two options taking into consideration a number of criteria including physical, social, financial and engineering.

Although both options were essentially possible, option 1B was less preferred due to the land acquisition requirements and impacts on the Agricultural College.



Figure 01: Image indicating proposed alignments 1A and 1B.

From this point, work on option 1A progressed with affected landholders invited to attend a meeting at the Shire of Denmark on 16 September 2016. Following consultation with affected property owners on East River Road, the preliminary concept design was refined to align with the existing fire break east from Sheoak Drive. This allows the existing road to be decommissioned and revegetated, with private access driveways retained for the four affected properties on the northern side of East River Road. This refined alignment impedes on the north-east corner of Crown Allotment 8027 (Denmark Airport reserve), but maximises the extent of buffering vegetation between private residences and the RAV4 route.

Figure 02: Image indicating variation to option 1A based upon consultation with East River Road residents.

Consultation:

The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal and considered Council's Community Engagement Policy P040123 and the associated Framework.

In terms of the eastern precinct, affected landholders were invited to attend a meeting at the Shire of Denmark on 16 September 2016. Following consultation, the preliminary concept design was refined based upon the feedback received.

Following on from this meeting, a letter was circulated to the affected landholders indicating that the proposed alignment (eastern precinct) would be subject to a Council decision on 18th October 2016.

At the time of preparing this report, only one submission was received indicating general support for the proposed realignment.

Statutory Obligations:

There are no statutory obligations relating to this item. Council is being asked to endorse a conceptual alignment. If following detailed design it is identified that the road reserve requires realignment, Council will be required to execute this function.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

The overall project has significant implications for the Shire of Denmark. These implications have been addressed in the 2016/17 Budget and draft 10 year financial plan that is currently being prepared.

Once detailed design is complete, the overall budget (\$14,317,000) will be refined and updated.

Strategic & Corporate Plan 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.

As referenced in the 'Background' section of this report, the Shire's LPS provides implementation recommendations relating to the bridge crossing point and associated neighbourhood connector roads.

The "Denmark East Development Precinct" project is strategically aligned with the Great Southern Region Investment Blueprint – being a key criteria in the Shire receiving the grant funding for this project.

A LPS is the framework for local planning and the strategic basis for local planning schemes. It sets out Council's objectives for future land use planning and development and includes a broad framework by which to pursue such objectives. The grants offered through the "Royalties for Regions scheme and LandCorp are consistent with the LPS.

Sustainability Implications:**➤ Governance:**

There are no known governance implications.

➤ Environmental:

The proposed route has been assessed by various consultants to reduce the environmental impact.

➤ Economic:

There are no known economic implications.

➤ Social:

There are no known social implications.

➤ **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 endorse a preferred alignment at this meeting.	Possible (3)	Major (4)	High (10-16)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation

Comment/Conclusion:

Council is being requested to endorse a proposed road alignment for the eastern precinct which comprises the area from Denmark-Mt Barker Road to McIntosh Road and includes the proposed industrial area.

In arriving at a preferred option, two routes were assessed with the preferred option being 1A. Option 1A approximately follows the existing East River Road, then connects to McIntosh Road with a sweeping curve to the south allowing for improved RAV4 access. The option requires that East River Road be marginally widened. A preliminary horizontal alignment has been developed with a larger curve radius to allow for RAV4 access.

This option results in;

- Utilisation of the existing section of East River Road (between Sheoak Drive and McIntosh Road) as the alignment for the new road is unacceptable as it places the road too close to adjoining properties and will unreasonably impact on flora and fauna values within the existing road reserve;
- Portions of the new road being located within the current cleared area containing the existing power line and firebreak, into the airport reserve if necessary, to reduce further clearing in the locality and to increase the separation distance between current residents and future traffic movements;
- Effort being taken to maintain habitat in the locality for fauna and to limit the removal of significant trees used for black cockatoo foraging and breeding;
- The opportunity to provide animal migration corridors under and over the proposed road;
- The current East River Road pavement abutting the frontage of the adjoining residential lots being modified to reflect a private driveway arrangement by the removal of existing road pavement and subsequent replanting in numerous locations; and
- Potentially improving sight distances for motorists exiting Sheoak Drive.

Attachment 8.5.2 is a conceptual plan showing the modified alignment.

The affected land owners have been consulted and invited to prepare submissions. At the writing of this report, only one submission had been received.

Voting Requirements:

Simple majority.

Cr Lewis asked the following question which she requested be recorded in the Minutes with the *Chief Executive Officer's response*; "Referring to bullet point 1 under Comment/Conclusion on page 35 of the Agenda - it is stated that 'the alignment for the new road is unacceptable as it places the road too close to adjoining properties' Can the CEO please explain the differences in the types of vehicles that will be able to use both the west and eastern sections of East River Road?"

“The Chief Executive Officer advised that the eastern section has been designed for large vehicles (RAV4) accessing the industrial area. A RAV4 vehicle is a heavy service vehicle that is less than 27.5m in length with a maximum permitted mass of 87.5 tonnes, typically comprising a prime mover, semi-trailer towing a 6 axle dog trailer. The western section is designed to accommodate local traffic e.g. passenger vehicles and small trucks that would typically access a residential street such as a furniture removalist.”

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.5.2
MOVED: CR CARON	SECONDED: CR LEWIS
That with respect to the Denmark East Development Project (Eastern End) alignment Council endorse the proposed conceptual road alignment as per Attachment 8.5.2.	
CARRIED UNANIMOUSLY: 6/0	Res: 081016

9. COMMITTEE REPORTS & RECOMMENDATIONS

Nil

10. MATTERS BEHIND CLOSED DOORS

COUNCIL RESOLUTION	ITEM 8.5.2
MOVED: CR GEARON	SECONDED: CR CARON
That a second Public Question Time be held at this point in the meeting given that the next two items will be deliberated behind closed doors	
CARRIED UNANIMOUSLY: 6/0	Res: 091016

5.44pm - Public Question Time

The Shire President announced that the second public question time would begin & called for questions from members of the public. There were no questions.

Mr John Sampson – Council Budget and Financial Position

Mr Sampson raised a number of concerns in relation to the Council’s adopted budget and financial position and suggested that Council may like to consider looking at where they could reduce costs in order to pay for deficiencies.

The Shire President thanked Mr Sampson for his advice and advised that he is confident that Council Administration will consider a budget review should one be required.

Mr Craig Chappelle – Denmark East Development Project

Mr Chappelle discussed the current consultation process and asked whether the advertisement in the Bulletin would be amended to reference that documents would be available on the Council’s website.

The Director of Planning & Sustainability advised that the advertisement would be amended and would appear in the Denmark Bulletin, the Albany Advertiser and the Walpole Weekly.

Mr Chappelle questioned the time period for public submissions and asked whether the Business Case still had traction given the concerns that had been raised about it.

The Shire President responded that the Business Case was an aspirational document prepared for the purpose of seeking funding for the project.

Mrs Lydia Kenyon – Denmark East Development Project

Mrs Kenyon asked whether it would be possible to extend the public consultation period given that she believed there had been some confusion for some people finding the reference documents on the Council’s website.

The Shire President advised that they needed to comply with certain timeframes and therefore they were not able to extend the consultation period.

6.03pm – *The Shire President, Cr Morrell, left the room. The Deputy Shire President, Cr Gearon, assumed the chair as the Presiding Person.*

The Chief Executive Officer stated that the public consultation period had commenced on Monday and the documents had been available on Monday and that this provided members of the public a week to peruse the documents prior to the information session. Mr Parker advised that an extended period was unlikely.

6.04pm – *The Shire President returned to the room and resumed the chair as the Presiding Person.*

Mr Geoff Bowley – Denmark East Development Project

Mr Bowley thanked Council for the consultation process stating that when he had rung with a query he had been advised that he could pick up the information from the Shire Office which he had done and believed it to be very extensive.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 10
MOVED: CR LEWIS	SECONDED: CR GEARON
That pursuant to Section 5.23 (2) (b) of the Local Government Act 1995 and Clause 3.7 of the Shire of Denmark Standing Orders Local Law, Council move behind closed doors for the consideration of Item 10.1 & Item 10.2 to allow the successful applicants names to remain confidential to Council until the official announcement at the winners’ current School’s 2016 Graduation Ceremony.	
CARRIED UNANIMOUSLY: 6/0	Res: 101016

6.05pm – *The Directors and all of the members of the gallery left the room.*

10.1	2016 AGRICULTURAL SCHOLARSHIP
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File Ref:	PBR.10
Applicant / Proponent:	Various
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	11 October 2016
Author:	Claire Thompson, Executive Assistant
Authorising Officer:	Bill Parker, Chief Executive Officer
Attachments:	10.1a – List of Previous Recipients 10.1b – Applications (confidential to Councillors)

Summary:

Council is requested to peruse the attached applications for the Shire of Denmark Agricultural Scholarship and determine the successful applicant for 2016.

Background:

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

A list of previous recipients is attached as Attachment 10.1a.

Consultation:

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

This Scholarship was marketed and promoted as follows;

- General Advertisement in the Denmark Bulletin & the Walpole Weekly;
- General Advertisement on Council’s Notice Boards;
- General Advertisement for display at Tha House, Recreation Centre and Library;
- General Advertisement on Council’s website;
- Email to Councillors & Employees advising that applications were being called and request for assistance with promoting the Scholarship;
- Specific Email to Council’s Youth Centre Co-ordinator, Manager of Recreation & Youth Services and the Senior Librarian requesting their assistance in promoting the Scholarship through their networks and patronage;
- Email to Denmark High School & Denmark Agricultural College Principals with link to application forms on Council’s website.

Statutory Obligations:

There are no statutory obligations.

Policy Implications:

Council Policy P080201 relates as reads as follows;

DENMARK AGRICULTURAL COLLEGE SCHOLARSHIP

Council shall make available an annual Denmark Agricultural College Scholarship.

Objective

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

Guidelines

- a) *The applicant must be a student who intends to complete Years 11 & 12 at the WA College of Agriculture – Denmark and is either;*
 - *Completing Year 10 at the Denmark High School; or*
 - *Completing Year 10 at the WA College of Agriculture – Denmark; or*
 - *A Year 10 student residing in the Denmark Shire.*
- b) *The Scholarship will not be based wholly on academic record. Interest in agriculture and family need is a consideration.*
- c) *Preference will be given to those students who are likely to continue agricultural pursuits within the Shire boundaries.*
- d) *The Scholarship amount will be determined by Council and 50% will be paid at the start of the first year and upon successful completion and continuation, 50% will be paid at the start of the second year.*
- e) *The CEO and/or the Shire President address the Seniors School students at the commencement of the advertising of the program (generally in September) to promote the Scholarship;*
- f) *The Sponsorship be widely promoted in local papers, notice boards and Council's website to both potential nominees and their parents or guardians;*
- g) *A Scholarship will not be awarded if no applicants are suitable.*
- h) *The decision of Council and/or the delegated Committee shall be final.*
- i) *The closing date for applications will be determined each year by the CEO to allow sufficient time for determination of the winner by Council and presentation at the relevant school's graduation ceremony.*

Budget / Financial Implications:

Council's 2016/17 Budget includes an amount of \$1,000 for the Agricultural Scholarship (GL1610832).

Strategic & Corporate Plan Implications:

The report and officer recommendation is consistent with Council's adopted Strategic Plan Objectives and Goals and the Corporate Business Plan Actions and Projects in the following specific ways:

STRATEGIC COMMUNITY PLAN

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

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

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:**

Council's Agricultural Scholarship provides financial assistance to a local student who intends to complete Years 11 and 12 at the Denmark Agricultural Collage.

➤ **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 no application is suitable and therefore the 2016 Agricultural Scholarship is not awarded.	Rare (1)	Insignificant (1)	Low (1-4)	Not Meeting Community expectations	Accept Risk

Comment/Conclusion:

At the close of the advertising period on 7 October 2016, three (3) applications had been received. The applications have been provided to Councillors as a confidential attachment.

Of the three applications, unfortunately only one of them meets the criteria outlined in the guidelines. Two of the applications are from students who are currently in Year 9. The Officer has included comment for Councillors in the List of Applicants attached to the confidential applications.

Part g) of Council Policy states, "A Scholarship will not be awarded if no applicants are suitable."

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 10.1
MOVED: CR LEWIS	CR BARTLETT
That with respect to the 2016 Denmark Agricultural College Scholarship, Council;	
1. Announce Kayla Emmerton as the successful applicant at their current School's Graduation Ceremony in 2016 and present them with the first year's scholarship payment of \$500; and	
2. Keep the name of the recipient of this scholarship and the decision of this meeting confidential to Council, Seniors Officers and the Executive Assistant and embargoed until the announcement.	
CARRIED UNANIMOUSLY: 6/0	Res: 111016

COUNCIL RESOLUTION	SECONDED: CR ALLEN
MOVED: CR LEWIS	
That Council suspend Standing Orders to allow discussion on Item 10.2.	
CARRIED UNANIMOUSLY: 6/0	Res: 121016

COUNCIL RESOLUTION	SECONDED: CR GEARON
MOVED: CR LEWIS	
That Council resume Standing Orders.	
CARRIED UNANIMOUSLY: 6/0	Res: 131016

10.2 2016 LEADERSHIP AWARD	
File Ref:	PBR.10
Applicant / Proponent:	Various
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	11 October 2016
Author:	Claire Thompson, Executive Assistant
Authorising Officer:	Bill Parker, Chief Executive Officer
Attachments:	10.2a – List of Previous Recipients 10.2b – Applications (confidential to Councillors)

Summary:

Council is requested to consider awarding the 2016 Shire of Denmark’s Leadership Award, should applications be received by the time of the meeting.

Background:

The Shire of Denmark Leadership Award was established in March 2011.

A list of previous recipients is attached as Attachment 10.2a.

Consultation:

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

This Award was marketed and promoted as follows;

- General Advertisement in the Denmark Bulletin & the Walpole Weekly;
- General Advertisement on Council’s Notice Boards;
- General Advertisement for display at Tha House, Recreation Centre and Library;
- General Advertisement on Council’s website;
- Email to Councillors & Employees advising that applications were being called and request for assistance with promoting the Scholarship;
- Specific Email to Council’s Youth Centre Co-ordinator, Manager of Recreation & Youth Services and the Senior Librarian requesting their assistance in promoting the Scholarship through their networks and patronage;
- Email to Denmark High School & Denmark Agricultural College Principals with link to application forms on Council’s website.

Statutory Obligations:

There are no statutory obligations.

Policy Implications:

Council Policy P080202 relates as reads as follows;

SHIRE OF DENMARK LEADERSHIP AWARD

Objective

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

- Skill development;
- Leadership;

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

The selected activity or program could include;

- *A registered leadership program;*
- *A personal endeavour.*

Guidelines

- a) *The applicant must be a Year 12 student currently attending the Denmark High School;*
- b) *The Sponsorship will be awarded based on citizenship, community involvement and leadership;*
- c) *The successful applicant will be required to complete the selected program or activity within 12 months of being awarded this Sponsorship.*
- d) *The Sponsorship amount will be \$1,000 (2015/16) and will be paid to the successful applicant;*
- e) *The CEO and/or the Shire President address the Seniors School students at the commencement of the advertising of the program (generally in September) to promote the award and the principles of leadership;*
- f) *The Sponsorship be widely promoted in local papers, notice boards and Council's website to both potential nominees and their parents or guardians;*
- g) *The successful applicant will be required to acquit the Sponsorship, within a reasonable timeframe of completion, by providing a written report to Council on their activity or program and presenting that report to Council;*
- h) *A Sponsorship will not be awarded if there are no suitable applicants;*
- i) *The decision of Council and/or the delegated Committee shall be final.*
- j) *The closing date for applications will be determined each year by the CEO to allow sufficient time for determination of the winner by Council at presentation at the relevant school's graduation ceremony.*

Budget / Financial Implications:

Council's 2016/17 Budget includes an amount of \$1,000 for the 2016 Leadership Award (GL1610822).

Strategic & Corporate Plan Implications:

The report and officer recommendation is consistent with Council's adopted Strategic Plan Objectives and Goals and the Corporate Business Plan Actions and Projects in the following specific ways:

STRATEGIC COMMUNITY PLAN

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

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

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:**

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

➤ **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 no application is suitable and therefore the 2016 Leadership Award is not awarded.	Rare (1)	Insignificant (1)	Low (1-4)	Not Meeting Community expectations	Accept Risk

Comment/Conclusion:

At the conclusion of the advertising period, no nominations had been received. The Year 12 Co-ordinator at the Denmark High School has been contacted and has agreed to raise the Award again with Year 12 students advising them that we will accept nominations up to 4.00pm on Friday, 14 October 2016.

Unfortunately this year the Year 12s graduation ceremony is a lot earlier, being 25 October 2016 (last year it was the 15 December) and whilst the advertising period commenced at the same time, it was only advertised for three weeks to enable the matter to be determined by the Council prior to the graduation ceremony, where the announcement is made.

Any applications received by 4.00pm Friday will be forwarded to Councillors prior to Tuesday’s meeting. The Officer Recommendation is premised on the expectation that applications will be received however should no applications be received then the following recommendation is suggested.

That with respect to the 2016 Leadership Award, Council;

1. *Note that due to there being no applications received, the 2016 Leadership Award could not be awarded;*
2. *Consider the unallocated funds in the 2016/17 Budget during the mid-year budget review; and*
3. *Write to the Denmark High School to ascertain their comments as to why they believe that there were no applications submitted and that Council Officers review the feedback received and recommend changes to Council’s process or Policy, should it be required.*

Part i) of Council’s Policy states that “A sponsorship will not be awarded if there are no suitable applicants” and therefore if Council does not deem the applicant suitable, they are under no policy obligation to award it.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 10.2

That with respect to the 2016 Shire of Denmark Leadership Award, Council;

1. Announce _____ as the successful applicant at the Denmark High School's graduation ceremony in 2016;
2. Authorise the Chief Executive Officer to schedule a meeting with the successful applicant to discuss their selected program or activity and make the necessary arrangements with respect to the payment of the award; and
3. Keep the name of the recipient of this scholarship and the decision of this meeting confidential to Council, Seniors Officers and the Executive Assistant and embargoed until the announcement.

COUNCIL RESOLUTION	ITEM 10.2
MOVED: CR GEARON	SECONDED: CR LEWIS
That Council not award the 2016 Shire of Denmark Leadership Award this year and that the Guidelines for the Agricultural Scholarship and the Leadership Award be reviewed and referred back to Council.	
LOST: 4/2	Res: 141016

Pursuant to Resolution No.031115 all Councillors' votes on the above resolution are recorded as follows;

FOR: Cr Gearon and Cr Lewis.

AGAINST: Cr Morrell, Cr Bartlett, Cr Allen and Cr Caron.

COUNCIL RESOLUTION	ITEM 10.2
MOVED: CR BARTLETT	SECONDED: CR ALLEN
That with respect to the 2016 Shire of Denmark Leadership Award, Council;	
<ol style="list-style-type: none"> 1. Announce Corey Benson as the successful applicant at the Denmark High School's graduation ceremony in 2016; 2. Authorise the Chief Executive Officer to schedule a meeting with the successful applicant to discuss their selected program or activity and make the necessary arrangements with respect to the payment of the award; and 3. Keep the name of the recipient of this scholarship and the decision of this meeting confidential to Council, Seniors Officers and the Executive Assistant and embargoed until the announcement. 4. Request the Chief Executive Officer to review the Award Guidelines and report back to Council. 	
CARRIED UNANIMOUSLY: 6/0	Res: 151016

COUNCIL RESOLUTION	
MOVED: CR GEARON	SECONDED: CR BARTLETT
That Council come out from behind closed doors.	
CARRIED UNANIMOUSLY: 6/0	Res: 161016

There were no members of the gallery who returned to the room.

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

12. CLOSURE OF MEETING

6.31pm – *There being no further business to discuss, the Shire President declared the meeting closed.*

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

Signed: _____
Bill Parker – Chief Executive Officer

Date: _____

These minutes were confirmed at a meeting on the _____.

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