



Minutes

ORDINARY MEETING OF COUNCIL

TO BE HELD IN THE COUNCIL CHAMBERS,
953 SOUTH COAST HIGHWAY, DENMARK
ON TUESDAY, 29 NOVEMBER 2016.

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Ordinary Council Meeting

29 November 2016

DISCLAIMER

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

4.00pm – The Shire President, Cr Morrell, declared the meeting open.

SWEARING IN CEREMONY OF NEW COUNCILLORS

Newly elected Councillors were sworn in by Ms Christine Venkatachalam JP prior to the commencement of the meeting as follows;

	Name	Ward	Term Expiring
Elected:	Cr Janine Phillips	(Kent/Nornalup Ward)	October 2019
	Cr Clement Wright	(Kent/Nornalup Ward)	October 2017

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
- Cr Janine Phillips
- Cr Clem Wright

STAFF:

- Mr Bill Parker (Chief Executive Officer)
- Mr Gilbert Arlandoo (Director of Infrastructure Services)
- Mr Gregg Harwood (Director of Community & Regulatory Services)
- Ms Claire Thompson (Executive Assistant)

APOLOGIES:

- Mrs Annette Harbron (Director of Planning & Sustainability)

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: 19
- Members of the press in attendance at the commencement of the meeting: 2

DECLARATIONS OF INTEREST:

Name	Item No	Interest	Nature
Cr Allen	8.1.1	Financial	Cr Lewis’ husband does electrical contracting work at Rockcliffe Winery.
Cr Lewis	8.1.1	Financial	Cr Allen is an employee at Rockcliffe Winery.
Cr Bartlett	10.1	Financial	Cr Bartlett is a casual coach and volunteer judge for Denmark Gymnastics.
Cr Gearon	10.1	Impartiality	Cr Gearon is a member of the Denmark Surf Life Saving Club together with Mr Norwood who is one of the nominees.

3. ANNOUNCEMENTS BY THE PERSON PRESIDING

Nil

4. PUBLIC QUESTION TIME**4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****4.1.1 Mr John Sampson – Council Finances and Use of Ratepayers Money**

At the meeting held on 8 November 2016 Cr Sampson queried the reason why Councillors were using their own vehicles for Council related business. He also queried the \$0.78 per kilometre allowance where the Australian Tax Office allowance was \$0.66 per kilometre. The question was taken on notice and the following written response has been provided to Mr Sampson;

“In response to your questions taken on notice at the Ordinary Council meeting held on Tuesday, 8 November 2016, regarding Council finances and use of Ratepayers money, I provide the following response. Your question and this written response will be published in the next Council Agenda for the Ordinary meeting scheduled for Tuesday, 29 November 2016.

Question - Mr Sampson also queried the reason why Councillors were using their own vehicles for Council related business. He also queried the \$0.78 per kilometre allowance where the Australian Tax Office allowance was \$0.66 per kilometre.

Response - Council Policy P040129 refers to the reimbursement of elected members travel expenses. This policy states that the rate per kilometre is pursuant to the relevant employment award applying to local government officers. In this instance, the applicable award is the Local Government Industry Award 2010. The vehicle allowance specified under clause 15.2 is \$0.78 per kilometre. This was the rate which was paid to the Councillor.

Council’s Policy Manual is currently being reviewed. This policy will be subjected to scrutiny to ensure that the allocated rates are appropriate and acceptable.”

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 Ms Samantha Blythe – Denmark East Development Precinct Project**

Ms Blythe stated that she did not agree with the proposed bridge being used for fire evacuation and did not agree with the preferred route which she understood would result in the clearing of substantial vegetation. Ms Blythe

talked about the importance of preserving old growth forests and requested that Council consider an alternate route.

4.2.2 Mrs Bev Seeney – Australia Day Celebration

Mrs Seeney referred to the City of Fremantle resolving the change the day that they celebrate Australia Day and urged Council to consider incorporating inclusive elements into the Council's existing celebration rather than change the day. Mrs Seeney stated that she had been undertaking some ~~consultation~~ conversation on the matter and had some ideas from some members of the community.

CORRECTION TO MINUTES.
Pursuant to Council Resolution No. 031216

Cr Caron asked if Mrs Seeney could provide the Council with a copy of the consultation to which Mrs Seeney replied that she would.

4.2.3 Mr Chris Hoare – Denmark East Development Precinct Project

Mr Hoare spoke about the proposed alignment options stating that in his opinion Options B and E were not good access with respect to fire mitigation. Mr Hoare agreed that the Shire of Denmark did need another bridge.

4.2.4 Mr Brian Humphries – Cr Whooley's Leave of Absence

Mr Humphries noted that the 29 November 2016 meeting was the last day for Cr Whooley's approved Leave of Absence and asked what the Shire's position was with respect to his return.

The Shire President advised that Council would be considering an item on the matter later in the meeting however it would be dealt with behind closed doors.

4.2.5 Mr Brian Humphries – Director of Finance & Administration Position

Mr Humphries asked why the advertised package for the Director of Finance & Administration position included a \$22,000 car allowance as he thought it to be extravagant as the officer could utilise a pool vehicle instead.

The Chief Executive Officer responded stating that a vehicle or allowance was expected for that type of position. Mr Parker noted that the vehicle allowance would be paid to the officer in lieu of a vehicle and therefore the officer would be responsible for their own fuel, maintenance, insurance and all other vehicle related expenses.

4.2.6 Mr Brian Humphries – Dam at Hazelvale Road

Mr Humphries stated that he was acting on behalf of Mr & Mrs Crossley who had concerns relating to dams constructed on neighbouring property. Mr Humphries stated that he had provided the Chief Executive Officer with a video showing that there was leakage from one of the dams which could potentially develop into a wall collapse. Mr Humphries stated that he believed that there was a need for the dam to be examined by an engineer and had raised these concerns approximately six weeks ago. Mr Humphries asked why he hadn't received a response.

The Chief Executive Officer noted that he had discussed the issue with Mr Humphries some six weeks ago and that following that discussion he had been endeavouring to find the appropriate hazard management authority. Mr Parker advised that he had managed to arrange a meeting on Thursday and if the Council were the appropriate hazard management authority then he would ensure that required assessments would be done.

4.2.7 Ms Julie Marsh – East River Road (Bridge and Western Section)

Ms Marsh asked if her questions and comments could be taken on notice. The Shire President agreed.

Ms Marsh's comments and questions were as follows;

“Statement leading to questions

A Business case is the ‘cornerstone’ of any project seeking funding from Royalties for Regions/Great Southern Development Commission. This is a publicised fact.

Yet, this project has a weak and factually inaccurate business case – that was kept away from public view.

In September 2016 - I asked the CEO to substantiate the business case that the GHSS is the major beneficiary of this road. This could not be proven through data or documentation of consultation

The CEO stated - that even without the GHSS component the business case was sufficient – this makes no sense as the business case is the cornerstone of funding – Hence this is not an accountable answer to me - that a ‘one off casual conversation’ lead to the conclusion of a \$2 million ‘benefit’ to the school. Hence I re-ask the same questions & some more – in the spirit that – all Royalties for Regions funding are dependent on a clear and substantiated business case. I require a fuller explanation for each question please; outlining accountability of the use of the school in the business.

Questions re. GHSS

- 1. Who (names, organisation and positions held) undertook the consultation with the GHSS?*
- 2. When did the consultation take place?*
- 3. Who (names and positions held) from GHSS supplied this information?*
- 4. Where is, and who holds the written evidence of this consultation, and the results of it?*
- 5. Who (names and positions held) did approve the business case (project) and why did it come as a total surprise to the school community that it was in a business case at all?*
- 6. I understand some conflicts of interest existed with those involved in decision making – back in about 2011 (I think). Not the current council of the last few months. Can we please see the proof of declarations of these, by whom – and written evidence of the reasons exemptions were granted?*
- 7. Proof of the decision making process - by whom?*

It is also bewildering that this project was joined with the proposed Light Industrial Area, which is a totally separate requirement for the town, the road does not affect the effectiveness or access to the new Industrial area.

8. *Why were these joined into one project? And became inseparable – evidence to prove they are directly linked. I heard that our CEO stated at a meeting held at GHSS in late September 2016 that 'The process is complete', 'there is no backing out of the project', and 'it will go ahead regardless of anything that happens now'.*

Can this please be explained – why this has to move forward, regardless of community feeling it has not been properly managed – and continues to be unaccountable and not transparent – hence these questions?

I was told by Shire staff - that submissions would be posted on your website. I looked for them. I rang council today, and they have now told me the submissions have been sent to Landcorp for summary and a report for councillors.

I am very concerned about this – why is Landcorp involved in this process. I understand they are the project managers. Hence have a vested interest in the project progressing.

Please tell me how this is not a conflict of interest, unless it is technical questions in a submission?

Please inform me of why they are the appropriate body to evaluate the submissions – as I disagree that they are, as they have a financial interest in the project.

Please tell me why this is not a transparent and open process – that everyone be able to see all submissions (they can be anonymous if necessary).

Please inform me of when the 'summary and report' will be released from Landcorp, and how much notice the community will have to reply to it, and prepare for councils decision making meeting?

With respect I seek clear - written and minuted clarification of the above questions.

Closing Statement –

My firm belief is that the entire East river component of the project has been unsatisfactorily managed. The business case lacks both substance and fact. Although I understand current Shire councillors were not responsible for the poor management or decision making of this process – I do feel it is now your responsibility to acknowledge the process is heavily flawed and take accountable action to prevent the road going ahead.

I strongly believe the Shire should return this portion of the money to royalties for regions, until the community is satisfied with the process and its validity.

All I ask is that the project be stalled for a period. The project milestones can be focused on the light industrial area fulfilling the 'contractual' obligation, while working with the community on accountability and transparency of the business case.

If this road and bridge are built through or around this significant forest (and encroaches further onto Agricultural college land) we have lost our way, and are

bowing to becoming a 'clone town' with little regard for integrity or insight. This is much more than the road itself.

I look forward to your answers, with special attention regarding accountability over the business case. Your time and energy is appreciated."

Ms Marsh also read out a statement on behalf of Ms Katie Bewley which urged Council to hold a meeting of all electors and for all electors to vote on the final alignment for the bridge.

4.2.8 Mr Nick Wishaw – Bridges at Prawn Rock Channel

Mr Wishaw asked whether there had been any progress on replacing the bridges at Prawn Rock Channel.

The Director of Infrastructure Services advised that the design had been done and materials had been purchased however they were waiting on approvals from a number of agencies before they could commence work.

4.2.9 Ms Karen Cussons – Bridges at Prawn Rock Channel

Ms Cussons asked whether there was a priority for either of the bridges because she believed that there was more need for the bridge to the dog exercise area to be replaced first.

The Director of Infrastructure Services advised that there was no priority at this stage as he believed both to be equally important to the community however he would take Ms Cussons comments on board for consideration.

4.2.10 Mr Tony Pedro – Denmark East Development Precinct Project

Mr Pedro started by thanking Cr Bartlett for taking the time to inspect the proposed prescribed burn area at the Valley of the Giants which he had raised concerns about at a previous meeting.

Mr Pedro stated that he believed that if Option 3B was chosen for the alignment then it would have considerable environmental impact and expressed concerns also with the clearing to the north required to prevent a canopy fire.

Mr Pedro suggested that perhaps the Council could come to some arrangement with the Agricultural College about using some of their land and questioned the indication that Option 3E would cost considerably more than the other options.

The Shire President advised that the Council had to take technical advice from technical experts in relation to alignments and indicative costs as the Council itself did not have the required expertise.

4.2.11 Ms Melissa Howe – Denmark East Development Precinct Project

Ms Howe referred to the Heritage Report which noted that on the day when Noongar Elders were taken on site, there were areas that they could not access because it had been too wet. Ms Howe asked why they had not been taken back to inspect the area since.

The Chief Executive Officer advised that he would take the question on notice and respond in writing.

Ms Howe suggested that perhaps the Noongar Elders should also been provided with a copy of the Flora and Fauna Report to assist thorough consultation.

4.2.12 Mr Roger Seeney – Denmark East Development Precinct Project

Mr Seeney welcomed the new Councillors and stated that he was representing the Chief Bush Fire Control Officer, Ross McDougall, as he was unable to attend the meeting. Mr Seeney read out some comments stating that the Bush Fire Advisory Committee had endorsed an alignment and that with respect to fire and emergency access and evacuation, suggested that Councillors read the reports on the Esperance and Yarloop fires which had just been released.

Mr Seeney highlighted a number of reasons why he believed that the bridge was required from a fire, emergency and evacuation perspective.

4.2.13 Mr Murray Thornton – Draft Country Sewers Policy & Denmark East Development Precinct Project

Mr Thornton referred to the Health Department's draft Country Sewers Policy which was currently out for public submission. Mr Thornton stated that he believed it would have significant implications for development in Denmark as it will significantly impact land use settlement.

Mr Thornton referred to the proposed bridge and highlighted a number of reasons why he believed the decision had been made to locate it in the northern part of the Shire, including existing planning which already made provision for the addition of some 700 residential lots to the north in the future. Mr Thornton stated that he believed the main reasons for the bridge were disbursement of local traffic followed by an alternative evacuation point.

The Shire President thanked Mr Thornton for providing Council with some insight into previous decisions and future land use planning.

4.2.14 Mrs Lydia Kenyon – Denmark East Development Precinct Project

Mrs Kenyon welcomed new Councillors and referred to the Save East River Forrest (SERF) network which had approximately 200 members. Mrs Kenyon outlined the purpose and objectives of SERF and questioned the consultation process surrounding the Denmark East Development Precinct Project. Mrs Kenyon asked when the submissions would be published.

The Chief Executive Officer advised that over 200 submissions had been received and that Council Officers now had to record the submissions, review them and then write a report for Council's consideration prior to them being published for public consumption.

Mrs Kenyon asked whether consideration will be made to the Golden Hill Steiner School's submission concerning consultation with them with respect to the Business Case.

The Chief Executive Officer stated that all submissions will be considered. Mr Parker asked Mrs Kenyon whether she could clarify for Council whether she believed the whole consultation process had been flawed or whether it was just particular times or elements.

Mrs Kenyon advised that she believed the current level of consultation was fantastic particularly making reports available to the public however she had

some concerns with some of the reports themselves and the justification for the project.

4.2.15 Mrs Katy Pierce – Family Friendly Council

Mrs Pierce suggested that a way that Council could engage with younger people could be to provide a room with a movie or similar where parents could leave their children while they attended a Council meeting.

The Shire President thanked Mrs Pierce for her suggestion.

4.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

4.4 PRESENTATIONS, DEPUTATIONS & PETITIONS

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

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

Nil.

5. APPLICATIONS FOR FUTURE LEAVE OF ABSENCE

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

COUNCIL RESOLUTION	ITEM 5.1
MOVED: CR GEARON	SECONDED: CR BARTLETT
That Cr Lewis be granted leave of absence from the 3 January 2017 to 22 January 2017.	
CARRIED UNANIMOUSLY: 8/0	Res: 081116

6. CONFIRMATION OF MINUTES

6.1 ORDINARY COUNCIL MEETING

OFFICER RECOMMENDATION ITEM 6.1

That the minutes of the Ordinary Meeting of Council held on the 8 November 2016 be confirmed as a true and correct record of the proceedings.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 6.1
MOVED: CR GEARON	SECONDED: CR BARTLETT

That the minutes of the Ordinary Meeting of Council held on the 8 November 2016 be confirmed as a true and correct record of the proceedings, subject to the following amendment:

1. Page 23 - Include the following words prior to the Officer Recommendation for Item 8.1.3;
“Item 8.1.3 was unable to be dealt with given that two Councillors had declared financial interests and would need to leave the room, resulting in a loss of quorum.”

CARRIED UNANIMOUSLY: 8/0 Res: 091116

6.2 STRATEGIC BRIEFING NOTES

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

That the minutes of the Notes from the Strategic Briefing held on 8 November 2016 be received.

CARRIED UNANIMOUSLY: 8/0 Res: 101116

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

Nil

8. REPORTS OF OFFICERS

8.1 Director of Planning & Sustainability

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

Cr Allen declares a financial interest on the basis that he is an employee at Rockcliffe Winery.

Cr Lewis declares a financial interest on the basis that her husband does electrical contracting work at Rockcliffe Winery.

5.29pm - Cr Allen and Cr Lewis left the room and did not participate in discussion or vote on the matter.

8.1.1 PROPOSED USE NOT LISTED (MICROBREWERY) – NO. 18 (LOT 2) HAMILTON ROAD, SCOTSDALE

File Ref:	A348 (2016/124)
Applicant / Proponent:	S. Hall
Subject Land / Locality:	No. 18 (Lot 2) Hamilton Road, Scotsdale
Disclosure of Officer Interest:	Nil
Date:	21 October 2016
Author:	Jon Creedon, Senior Town Planner
Authorising Officer:	Annette Harbron, Director of Planning & Sustainability
Attachments:	8.1.1a – Development Application Documentation 8.1.1b – Schedule of Submissions

Summary:

The proponent is seeking Development Approval to operate a Microbrewery (for production purposes) within an existing Cellar Sales and Restaurant building associated with Rockcliffe Winery at No. 18 (Lot 2) Hamilton Road, Scotsdale.

Having regard to the proposal, the relevant provisions of *Town Planning Scheme No. 3* (TPS No.3), associated planning policies and the submissions received on the application, it is recommended that Development Approval be granted subject to appropriate conditions.

Background:Current Application

An application for Development Approval was lodged with Planning Services in July 2016 to operate a Microbrewery from an area within the existing Rockcliffe Winery Cellar Sales and Restaurant building at No. 18 (Lot 2) Hamilton Road, Scotsdale – refer Attachment 8.1.1a.

In summary, the applicant seeks to take advantage of recent changes to the Department of Racing, Gaming & Liquor's rules on Producer's Licences (of which Rockcliffe Winery currently holds) which now permit licence holders to supply:

- Wine or spirits made from grapes for consumption on the premises, and in sealed containers for consumption off the premises;
- Spirits not made from grapes, in sealed containers for consumption off the premises; and
- Beer for consumption on the premises, and in sealed containers for consumption off the premises.

The proposed microbrewery will result in small quantities of beer (up to 1200 litres per week in peak season) being produced to complement the existing winemaking production at Rockcliffe Winery.

This application was referred to the Ordinary Council Meeting of 8 November 2016, however due to lack of a quorum the matter was not able to be considered at the meeting thus is referred to this meeting for Council's consideration.

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; as well as the requirements of TPS No. 3 and undertook the following level of consultation:

External Consultation:

'Microbrewery' is a 'Use Class Not Listed' in TPS No. 3, thus as per Clause 3.2.5(b) and Schedule 2, Part 8, Clause 64 of the *Planning & Development (Local Planning Schemes) Regulations 2015*, the proposal was advertised for public comment as per the following:

- An advertisement was placed in the Denmark Bulletin newspaper on 8 September 2016 inviting public comment;
- Referral to five (5) adjoining landowners inviting comment; and
- Referral to the Department of Agriculture and Food Western Australia, Department of Environment Regulation, Department of Water and Department of Racing, Gaming & Liquor.

Internal Consultation

- Development Co-ordination Unit

At the close of the advertising period, four (4) submissions were received – one (1) from the public and three (3) from government agencies. Attached as Attachment 8.1.1b is the Schedule of Submissions – with the submissions received being entered into the schedule as verbatim. Column 4 of the Schedule of Submissions represents Planning Services comments/response to the submissions.

Statutory Obligations:

Town Planning Scheme No. 3 sets out the relevant statutory obligations relating to this proposal.

Should Council refuse this Development Application or impose conditions on a Development Approval that the applicant is aggrieved by, as per Part 14 of the *Planning and Development Act 2005*, the applicant can apply to the State Administrative Tribunal for a Right of Review.

Policy Implications:

As per *Delegation D100601: Implementation of Town Planning Scheme*, the Chief Executive Officer and the Director of Planning & Sustainability have the delegation to initiate public advertisement of 'Use Not Listed' development applications only, thus the development application is being referred to Council for determination.

Town Planning Scheme Policy No. 29: *Rural Settlement Strategy* (Policy 29) sets out the relevant policy implications relating to this proposal. The subject property is within the Scotsdale Brook Catchment, which has the following objectives:

- 6.3.1 *To conserve the potential of the area to support horticulture on capable land and in such a manner that it will not further exacerbate problems identified in the above management issues.*
- 6.3.2 *To encourage horticultural activities on appropriate land.*
- 6.3.3 *To improve water quality and prevent further eutrophication of Wilson Inlet through inappropriate land use and development.*
- 6.3.4 *To encourage the development of small scale tourist orientated developments such as holiday accommodation providing they will not compromise the primary objective 6.3.1 above.*
- 6.3.5 *To not support proposals for special rural.*
- 6.3.6 *To encourage the preparation of an integrated catchment management plan in order to address existing and potential management issues and land use conflicts.*

Budget / Financial Implications:

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

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

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

- 4.1.1 *Ensure quality, consistent and responsive development and building assessment approval processes and enforcement.*

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

The existing winery & restaurant operations on-site contribute to the local Denmark economy in terms of local employment opportunities and in contributing to the Denmark tourism sector; the addition of the microbrewery will only further enhance such contributions.

➤ **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)
The proponent may lodge an application for review to the State Administrative Tribunal if the Council's decision was to refuse the proposal.	Possible (3)	Minor (2)	Moderate (5-9)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation as the decision is based on sound planning grounds. If a decision is made to refuse the application, Council is to provide sound reasoning to support solid defence at the State Administrative Tribunal should the applicant wish to pursue a Right of Review.

Comment/Conclusion:

In accordance with TPS No.3, the subject site is zoned Rural. 'Microbrewery' is a defined use under TPS No. 3 (being "premises used for the purposes of brewing and sale of boutique hand crafted beers with a limited capacity (as determined by Council) in conjunction with an existing tourist operation"), however is not listed in Table 1 – Zoning Table of TPS No. 3. As a result, Microbrewery is classified as a "Use Not Listed".

In this regard Clause 3.2.5 of TPS No. 3 applies, and states:

If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:

- a) *Determine that the use is not consistent with the purpose and intent of the particular zone and is therefore not permitted; or*
- b) *Determine by absolute majority that the proposed use may be consistent with the purpose and intent of the zone and thereafter follow the procedure set out in Clause 6.4 in considering an application for planning consent.*

Noting that there are two existing microbrewery operations that operate in conjunction with a winery from 'Rural' zoned lots in the Shire of Denmark and having regard to Clause 3 of *Delegation D100601: Implementation of Planning Scheme*, the development application was advertised for public comment in accordance with Clause 6.4 of TPS No. 3 and Schedule 2, Part

8, Clause 64 of the *Planning & Development (Local Planning Schemes) Regulations 2015* – refer ‘Consultation’ section of the report for details of extent of advertising and the submissions received.

From a Planning Services perspective, the proposal as presented is appropriate and will have minimal impact on the amenity of the locality having regard to the small scale of the proposal, the fact that Rockcliffe Winery is an operational winery and that the proposed Microbrewery would be located inside the existing Cellar Sales and Restaurant building. The Microbrewery is proposed to be located within floor space presently utilised as a servery area associated with the approved Restaurant’s kitchen, and does not require the provision of additional car parking spaces or ablution facilities – noting that the previous approvals for the site limit the number of patrons to no more than 120 persons at any one time unless a variation has been approved in writing by Council (i.e for special events, functions).

Having regard to the nature of the proposal, the existing development on-site, the relevant provisions of TPS No. 3 and Policy 29 and the submissions received, it is recommended that Development Approval be granted subject to appropriate conditions.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.1.1
MOVED: CR CARON	SECONDED: CR PHILLIPS
That with respect to the development application for the Proposed Use Not Listed (Microbrewery) at No. 18 (Lot 2) Hamilton Road, Scotsdale, Council resolves to grant Development Approval subject to the following:	
<u>Conditions</u>	
<ol style="list-style-type: none"> 1. The development shall be carried out and fully implemented in accordance with the stamped approved plan(s) dated 12 July 2016. 2. No more than 120 patrons (pertaining to the cellar door/restaurant & microbrewery licensed areas) at any one time unless specific approval for occasional events has been granted by the Shire of Denmark. 3. Wastewater from the microbrewery operations is to be disposed of in an approved manner to the satisfaction of the Shire of Denmark (Environmental Health Services), having due regard to the Department of Water’s Water Quality Protection Note #73 Wineries and Distilleries. 	
<u>Advice Notes</u>	
<ol style="list-style-type: none"> 1. The applicant/landowner is advised that an application to amend the current Producer’s Licence may be required to be obtained from the Department of Racing, Gaming and Liquor. It is the applicant/landowner’s responsibility to ascertain the necessary approvals required to be obtained prior to works commencing on-site. 2. It is the responsibility of the developer to search the title of the property to ascertain the presence of any easements and/or restrictive covenants that may apply. 	
CARRIED UNANIMOUSLY: 6/0	Res: 111116

8.2 Director of Community & Regulatory Services
Nil

8.3 Director of Infrastructure Services
Nil

8.4 Director of Finance & Administration

5.30pm – The Director of Community & Regulatory Services left the room.

5.30pm – Cr Lewis returned to the room.

5.31pm – Cr Allen returned to the room.

8.4.1 FINANCIAL STATEMENT FOR THE MONTH ENDING 31 OCTOBER 2016

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Denmark
Disclosure of Officer Interest:	Nil
Date:	15 November 2016
Author:	Steve Broad, Acting Director of Finance & Administration
Authorising Officer:	Steve Broad, Acting Director of Finance & Administration
Attachments:	8.4.1 – October 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 October 2016 total cash funds held total \$15,736,915 (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 \$10,920,860 and \$6,989,194 has been placed on investment for 30 days with the Western Australian Treasury Corporation at the quoted rate of 1.45% 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 \$4,630,366 with the amount of \$3,058,888 invested with the National Bank, maturing on various dates up to the 26 March 2017 at an average rate of 2.28% (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 \$1,846 as per budget projections (Note 5).
- Operating revenue and expenditure is slightly lower than that predicted for 31 October 2016 (Statement of Financial Activity).
- Rates Collection percentage of 73.82% is in keeping with historical collection rates (Note 6).
- The 2016/17 Capital Works Program is 12.89% complete utilising actual year to date figures and total committed cost is 22.71% at 31 October 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.

5.32pm – The Director of Community & Regulatory Services returned to the room.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.4.1
MOVED: CR CARON	SECONDED: CR BARTLETT
That with respect to Financial Statements for the month ending October 2016, Council;	
1. Receive the Financial Reports, incorporating the Statement of Financial Activity and other supporting documentation.	
2. Endorse the Accounts for Payment for October 2016 as listed.	
CARRIED UNANIMOUSLY: 8/0	Res: 121116

8.5 Chief Executive Officer

8.5.1 COUNCIL MEETING SCHEDULE FOR 2017	
File Ref:	CR.2
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	17 November 2016
Author:	Claire Thompson, Executive Assistant
Authorising Officer:	Bill Parker, Chief Executive Officer
Attachments:	8.5.1a – Draft Meeting Schedule 1 8.5.1b – Draft Meeting Schedule 2 8.5.1c – Draft Meeting Schedule 3

Summary:

This report recommends that Council set its meeting schedule for 2017.

Background:

At the first meeting held after the 2015 Local Government Election, Councillors requested, informally, that the first Council meeting after the 2017 Election be held no closer than two weeks after that date to enable new Elected Members to undertake an induction prior to their first meeting. The proposed meeting schedule (Attachment 8.5.1b) reflects this request.

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.

Statutory Obligations:

The following legislation relates to Council meeting dates;

Section 5.3 & 5.4 of the Local Government Act 1995 states;

5.3. Ordinary and special council meetings

- 1) *A council is to hold ordinary meetings and may hold special meetings.*
- 2) *Ordinary meetings are to be held not more than 3 months apart.*
- 3) *If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.*

5.4. Calling council meetings

An ordinary or a special meeting of a council is to be held —

- a) *if called for by either —*
 - i. *the mayor or president; or*
 - ii. *at least 1/3 of the councillors, in a notice to the CEO setting out the date and purpose of the proposed meeting; or*
- b) *if so decided by the council.*

Section 12 (1) of the Local Government (Administration) Regulations relates to a local government's requirement to give local public notice of the dates on which and the time and place at which the ordinary council meetings are to be held in the next 12 months.

Clause 2.1 of the Shire of Denmark Standing Orders Local Law relates;

"The Council shall decide at the first meeting held after each ordinary elections day –

- a) *The day or days in each month when an ordinary meeting is to be held;*
- b) *The hours during which an ordinary meeting is to be held; and*
- c) *The place at which each ordinary meeting is to be held."*

Pursuant to section 5.5 of the Local Government Act 1995 the Chief Executive Officer is to provide each Councillor an agenda at least 72 hours prior to the meeting.

Policy Implications:

The following policies relate to Council meetings;

Policy P040101 – Ordinary Council Meetings

The Council shall meet every three (3) weeks on a Tuesday with a Briefing Session beginning at 10.00am and the Ordinary Council meeting commencing at 4.00pm, and/or as determined by the Chief Executive Officer in conjunction with the Shire President.

Policy P040103 – Locality (Kent/Nornalup Ward) Meetings

Council will host a meeting of citizens and community organisations at least once a year in Peaceful Bay and will alternate an additional meeting each year between the localities of Tingle Dale and Nornalup and it will be widely advertised prior to the meetings.

Policy P040238 – Annual Closures of Some Services & Operations over December & January

That Council authorise the closure of all Shire of Denmark services and operations, with the exception of Emergency Services, Waste Services, Ranger Services and Cleaning Services, annually from the Christmas Day holiday until normal working hours on the day following the New Year public holiday inclusive, with employees required to use their leave entitlements and the closure being well publicised prior to this date.

Budget / Financial Implications:

The cost of advertising the Council and Locality meeting dates can be accommodated within Council's existing general administration advertising budget.

Each ordinary meeting of the Council typically involves two meals and refreshments for Councillors (dinner after the meeting and lunch depending upon the start time of the meetings for that day). These costs are accommodated under Council's Budget.

In addition, Councillors are entitled to claim travel for attending Council meetings based on a kilometre basis and allowance for such is included in Council's 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

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.

Corporate Business Plan

4.2.2 Ensure that agendas and minutes are prepared and Council and Committee meetings are held in accordance with the appropriate legislation, Local Law, policies and corporate standards.

Sustainability Implications:

➤ **Governance:**

Frequency of meeting provides for continuity of decision making and impacts turnaround times on applications and the like, some of which are governed by other statutes.

➤ **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)
That Council not determine a meeting schedule for Ordinary Council Meetings in 2017.	Rare (1)	Low (1-4)	Low (1-4)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation

Comment/Conclusion:

Council currently meets every three weeks on a Tuesday at 4.00pm as determined at the meeting held on 1 December 2015. Council are at liberty to amend the meeting days, times and frequency for the next 12 months, noting that pursuant to Regulations, Council is required to provide public notice of its meeting schedule for the ensuing 12 months.

Attached are two draft meeting schedules based on the current three weekly cycle and commencement time being 4.00pm.

DRAFT SCHEDULE 1 – commencing 24 January 2017 (refer Attachment 8.5.1a)

- Three (3) weekly cycle on a Tuesday.
- 16 meetings per year.
- 24 October meeting falls three days after the 2017 Local Government Election.

DRAFT SCHEDULE 2 – commencing 31 January 2017 (refer Attachment 8.5.1b)

- Mostly three (3) weekly cycle on a Tuesday with one exception being;
 - 25 April meeting falls on ANZAC Day and therefore draft schedule reflects a four week gap between the 4 April and 2 May meetings.
 - Meeting Agenda for 2 May meeting would be published the Wednesday before (not Tuesday) as the Tuesday is a public holiday (ANZAC Day).
- 16 meetings per year.
- Two week gap between the Local Government Election 2017 and the first meeting that new Elected Members would be required to attend.

The Officer recommends that the first meeting be Tuesday, 31 January 2017. This will allow Officers sufficient time to prepare reports and the Agenda for distribution to Councillors prior to the meeting date, noting that the office will be closed from 23 December 2015 to 2 January 2017, re-opening on the 3 January 2017. To hold a meeting any earlier than this may result in there being no, or very few, items on the Agenda, given that a number of employees could also be taking extended leave over this Christmas / New Year period.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 8.5.1

That with respect to the Meetings of Council to be held in 2017, Council;

1. Retain a 4.00pm commencement time for all Ordinary Council meetings in 2017.
2. Endorse the dates for the Ordinary Council meetings in 2017, as shown as the three weekly meeting cycle in Attachment 8.5.1b, with the first meeting commencing on Tuesday, 31 January 2017;
3. Pursuant to Policy P040103, host two Locality (Kent/Nornalup) Ward Meetings for the interest of residents, ratepayers and community organisations at the Peaceful Bay Progress Association Hall and the Nornalup Hall at times and dates to be determined by the Chief Executive Officer in conjunction with the Shire President, the Progress Association and Nornalup Hall Committee, and widely advertise those times & dates prior to the meetings.
4. Advertise the dates, times and locations in part 2 and 3 in the Denmark Bulletin, Walpole Weekly, on Council's website and on Council's Notice Boards.

Following the publication of the Agenda, the Chief Executive Officer and Councillors discussed the possibility of moving to a monthly meeting cycle. An additional draft meeting schedule has been provided to Councillors to reflect a monthly cycle with meetings commencing on 17 January 2016 (being the third Tuesday of every month) and Concept Forums being held monthly, on the second Tuesday of every month.

DRAFT SCHEDULE 3 – commencing 17 January 2017 (refer Attachment 8.5.1c)

- Monthly cycle on a Tuesday, being the third Tuesday of every month.
- 12 meetings per year.
- October meeting falls five weeks after the 2017 Local Government Election.

Officer comment:

A monthly cycle will mean that there are four less meetings per year, resulting in less meetings which are open to the public to attend and potentially longer waits for matters to be considered by Council – particularly items relating to planning and compliance. However, this can be

mitigated to some degree with Officers ensuring that items are brought to Council in a timely manner.

The costs associated with Council meetings, namely travel and refreshments, would most likely be reduced. Officer time associated with Agenda and Minute preparation and distribution would also be reduced.

The first meeting date being 17 January 2016 is a concern, in the Officer’s opinion, in so much as the Items for Agenda preparation need to be submitted by Thursday, 5 January 2016 which is not very long following the Christmas / New Year holiday period. This could result in the Agenda could be “light on” or potentially have no items at all to deal with.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.5.1
MOVED: CR CARON	SECONDED: CR WRIGHT
That with respect to the Meetings of Council to be held in 2017, Council;	
1. Retain a 4.00pm commencement time for all Ordinary Council meetings in 2017.	
2. Endorse the dates for the Ordinary Council meetings in 2017, as shown as the monthly meeting cycle in Attachment 8.5.1c, with the first meeting commencing on Tuesday, 17 January 2017;	
3. Pursuant to Policy P040103, host two Locality (Kent/Nornalup) Ward Meetings for the interest of residents, ratepayers and community organisations at the Peaceful Bay Progress Association Hall and the Nornalup Hall at times and dates to be determined by the Chief Executive Officer in conjunction with the Shire President, the Progress Association and Nornalup Hall Committee, and widely advertise those times & dates prior to the meetings.	
4. Advertise the dates, times and locations in part 2 and 3 in the Denmark Bulletin, Walpole Weekly, on Council’s website and on Council’s Notice Boards.	
CARRIED UNANIMOUSLY: 8/0	Res: 131116

5.47pm – *The Director of Community & Regulatory Services and the Director of Infrastructure Services left the room.*

5.47pm - Public Question Time

The Shire President stated that the second public question time would begin & called for questions from members of the public.

Mr Brian Humphries – Denmark East Development Precinct Project

Mr Humphries wished to commend the Council on its current level of consultation and engagement with the community.

9. COMMITTEE REPORTS & RECOMMENDATIONS

Nil

10. MATTERS BEHIND CLOSED DOORS

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 10
MOVED: CR GEARON	SECONDED: CR BARTLETT
That pursuant to Section 5.23 (2) of the Local Government Act 1995 and Clause 3.7 of the Shire of Denmark Standing Orders Local Law, Council move behind closed doors to consider Item 10.1 which deals with the personal affairs of a person and Item 10.2 which also deals with the personal affairs of a person and legal advice.	
CARRIED UNANIMOUSLY: 8/0	Res: 141116

10.1 2017 CITIZEN & COMMUNITY GROUP OR EVENT OF THE YEAR AWARDS

File Ref:	PBR.1
Applicant / Proponent:	Various
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	18 November 2016
Author:	Claire Thompson, Executive Assistant
Authorising Officer:	Bill Parker, Chief Executive Officer
Attachments:	10.1 – Honour Board of Previous Recipients 10.2 – Nominations (Confidential to Councillors)

Summary:

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

Background:

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

The nomination process and award certificates are coordinated in conjunction with the Australia Day Council of WA and this year, in commemoration of the AusDay Council’s 40th anniversary the process was changed and included the following;

- Remove the reference to “Premier’s” from the award title – Her Excellency the Governor of WA is the new Patron of the awards.
- An additional award category
- Nominations were encouraged to be online via their website
- Medallions for recipients; and
- Closing date for nomination was brought forward to 31 November 2016, as opposed to the fourth Friday of November which is has been previously.

Consultation:

The marketing & promotion for these awards commenced on 5 October 2016 and included the following:

Marketing & Promotion	Date
Shire of Denmark Website	5 October 2016
Shire of Denmark Notice Boards (x 2)	5 October 2016
Shire of Denmark Facebook page	5 October 2016 & reposted 19 October 2016
Denmark Recreation Centre – flier	5 October 2016
Denmark Library – flier	5 October 2016
Denmark Youth Centre – flier	5 October 2016
Letter to every known local Community & Sporting Group	5 October 2016
Advert in Denmark Bulletin	6 October 2015 & 20 October 2015
Emails to Councillors & Employees	5 October 2016 & 19 October 2016
Specific email to Manager of Recreation & Youth Services requesting assistance in promotion	5 October 2016

Specific email to High School and Ag College Principals requesting assistance in promotion	5 October 2016
Specific email to Senior Librarian requesting assistance in promotion	5 October 2016

Statutory Obligations:

There are no statutory obligations.

Policy Implications:

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

“A. PREMIER’S AUSTRALIA DAY ACTIVE CITIZENSHIP AWARDS

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

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

Nominations to close the last week in November.

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

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

Presentation to be at a local function celebrating Australia Day (January 26th).

Eligibility

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

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

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

In light of the changes this year to the nomination process and timing, the Officer suggests that Council’s Policy be amended to read as follows;

DRAFT AMENDED POLICY

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

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

- Citizen of the Year;*

- Citizen of the Year – Youth (under 25 years)
- Senior Citizen of the Year – Senior (65 years or over)
- Active Citizenship Award (for a community group or event).
- ~~• a person of 25 years or older;~~
- ~~• a person under 25 years;~~
- ~~• a community group or event.~~

~~Nominations to close the last week in November.~~

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

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

Presentation to be at a local function celebrating Australia Day (January 26th).

Eligibility

~~For person(s) of 25 years or older and person(s) under 25 years, The nomination:~~

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

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

Budget / Financial Implications:

Council has included provision in the 2016/2017 Budget for these Awards which will fund certificates, plaques for each winner and updating of the Honour Board.

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

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

1.2.8 *Support, encourage and advocate for the hosting of local events and festivals.*

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not select winners for the 2017 Citizen & Community Group or Event of the Year.	Rare (1)	Minor (2)	Low (1-4)	Not Meeting Community expectations	Accept Officer Recommendation

Comment/Conclusion:

The closing date for nominations was Monday, 31 October 2016. Nine nominations were received as follows;

CATEGORY: Citizen of the Year

- Roger Seeney x 4
- Pat Evans
- Peter Scoby-Smith

CATEGORY: Citizen of the Year – Youth (under 25 years)

- No nominations received.

CATEGORY: Senior Citizen of the Year – Senior (65 years or over)

- Jenny Wilson
- Martin Norwood

CATEGORY: Active Citizenship Award (for a community group or event)

- Denmark Gymnastics

A table of previous recipients is attached (refer Attachment 10.1a).

Voting Requirements:

Simple majority.

Cr Bartlett declared a financial interest on the basis that she is a casual coach and volunteer judge for Denmark Gymnastics.

6.17pm - Cr Bartlett left the room and did not participate in discussion or vote on the matter.

Cr Gearon declared that she is a member of the Denmark Surf Life Saving Club as with one of the nominees and as a consequence there may be a perception that her impartiality on this matter may be affected. Cr Gearon declared that she will consider this matter on its merits and vote accordingly.

COUNCIL RESOLUTION	
MOVED: CR CARON	SECONDED: CR LEWIS
That Council suspend Standing Orders to allow open discussion on Item 10.1.	
CARRIED UNANIMOUSLY: 7/0	Res: 151116

COUNCIL RESOLUTION	
MOVED: CR CARON	SECONDED: CR GEARON
That Council resume Standing Orders.	
CARRIED UNANIMOUSLY: 7/0	Res: 161116

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 10.1a
MOVED: CR LEWIS	SECONDED: CR GEARON
With respect to the Australia Day Active Citizen Awards for 2017, the following recipients be awarded in the respective categories and those names remain confidential to Councillors, Senior Officers and the Council’s Executive Assistant and those names also remain embargoed until the Awards Ceremony on 26 January 2017;	
<ol style="list-style-type: none"> 1. 2017 Citizen of the Year to Roger Seeney; 2. 2017 Citizen of the Year – Senior (person over 65 years) to Jenny Wilson; 3. 2017 Citizen of the Year – Youth (person under 25 years) not be awarded due to no nominations being received; and 4. 2017 Community Group or Event of the Year to Denmark Gymnastics. 	
CARRIED UNANIMOUSLY: 7/0	Res: 171116

OFFICER RECOMMENDATION	ITEM 10.1b
That Council amend Policy P040113 as per the DRAFT AMENDED POLICY detailed within the report.	

6.20pm – Cr Bartlett returned to the room.

COUNCIL RESOLUTION	ITEM 10.1b
MOVED: CR GEARON	SECONDED: CR LEWIS
That Council amend Policy P040113 as per the DRAFT AMENDED POLICY detailed within the report and ensure that when the Awards are advertised each year that the Citizen of Year Award notes that there is no age restriction.	
CARRIED UNANIMOUSLY: 8/0	Res: 181116

REASONS FOR CHANGE

Council wished to ensure that when the awards are advertised each year that the Citizen of the Year category notes that there is no age restriction, given that there had been an additional category added for a senior citizen aged 65 and over.

10.2 EXTENSION OF COUNCILLOR WHOOLEY’S LEAVE OF ABSENCE

File Ref:	CR.2
Applicant / Proponent:	Cr Whooley
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	16 November 2016
Author:	Bill Parker, Chief Executive Officer
Authorising Officer:	Bill Parker, Chief Executive Officer
Attachments:	10.2 – Hearing Report (Confidential to Councillors)

The report and associated attachment for this Item were confidential and accordingly were provided to Councillors under separate cover.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 10.2
MOVED: CR LEWIS	SECONDED: CR GEARON
That in accordance with section 2.25 of the Local Government Act 1995, Council seek Ministerial Approval to grant Councillor Whooley an extended period of leave until such time that his action against the Shire of Denmark has concluded.	
CARRIED UNANIMOUSLY: 8/0	Res: 191116

COUNCIL RESOLUTION	ITEM 10.2
MOVED: CR CARON	SECONDED: CR GEARON
That council come out from behind closed doors.	
CARRIED UNANIMOUSLY: 8/0	Res: 201116

6.28pm – The Director of Community & Regulatory Services returned to the room.

The Shire President read out the Council’s Resolutions with respect to Items 10.1 and 10.2.

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

12. CLOSURE OF MEETING

6.30pm – There being no further business to discuss the Shire President, Cr Morrell, declared the meeting closed.

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