



ORDINARY MEETING OF COUNCIL

HELD IN THE COUNCIL CHAMBERS,
953 SOUTH COAST HIGHWAY, DENMARK
ON TUESDAY, 15 AUGUST 2017.

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Ordinary Council Meeting

15 August 2017

DISCLAIMER

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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

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

MEMBERS:

Cr David Morrell (Shire President)
Cr Mark Allen
Cr Yasmin Bartlett
Cr Peter Caron
Cr Jan Lewis
Cr Rob Whooley
Cr Clem Wright

STAFF:

Mr Bill Parker (Chief Executive Officer)
Mr Gilbert Arlandoo (Director of Infrastructure Services) (*from 4.10pm*)
Mr Cary Green (Director of Finance & Administration)
Mrs Annette Harbron (Director of Planning & Sustainability)
Mr Graham Blackmore (Acting Director of Community & Regulatory Services)
Ms Claire Thompson (Executive Assistant)

APOLOGIES:

Nil

ON APPROVED LEAVE(S) OF ABSENCE:

Cr Janine Phillips (pursuant to Council Resolution No.010717)
Cr Ceinwen Gearon (Deputy Shire President) (pursuant to Council Resolution No.010717)

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: 3

DECLARATIONS OF INTEREST:

Nil

3. ANNOUNCEMENTS BY THE PERSON PRESIDING

The Shire President offered his condolences to the families of Mrs Lynda Gerrard and Mr Ben Napier who had recently passed away.

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4.1.1 Mr Murray Thornton – Adoption of 2017/18 Annual Budget

At the meeting held on 18 July 2017, Mr Thornton asked a number of questions which were taken on notice. The following written response has been provided to Mr Thornton.

“Mr Thornton referred to page 21 of the Budget papers and commended the Council on their plant reserve fund policy stating that he believed it to be logical

to transfer the equivalent of the value of deemed depreciation for all motor vehicles and road plant each year to the reserve. Mr Thornton asked;

1. Why Council had done the opposite to their stated policy on Plant Reserves and not transferred any money to the reserve.
2. Why has Council run down the capital value of existing plant by nearly one million dollars over the past two financial years without providing for its replacement?
3. Why did Council give me an answer on page 5, Minutes of meeting of 27 September 2016, stating that the use of the reserve had changed and the words of should have been updated when they hadn't been? In the 2017/18 budget it states the same rationale for the reserve."

In response to the above questions, the following responses are provided.

1. This was an oversight and the narrative should have been amended, as per the previous reply.
2. The Shire is in the process of completing a substantial review of all our Assets, including an Asset Management Plan as required under the Integrated Planning and Reporting Framework. As part of this process the Shire has engaged SG Fleet to do a full assessment of our current fleet in order to establish a best practice fleet management model for the Shire of Denmark. This model involves implementing strategies that deliver value for money and optimal fleet efficiency. The Shire has budgeted to undertake an operating lease for an item of heavy plant this financial year, in doing so diversifying the plant acquisition model, and keeping our plant current.
3. As stated in question 1, the narrative should have been amended.

4.1.2 Mr John Sampson – Adoption of 2017/18 Annual Budget

At the meeting held on 18 July 2017, Mr Sampson asked a question which was taken on notice. The following written response has been provided to Mr Sampson.

"Mr Sampson referred to the rates table in the Officer's Recommendation stating he believed that it was missing values for UV properties. Mr Sampson asked whether they were all zero.

Response: The table in the Officer Recommendation shows the Differential rating categories, rates in the dollar and minimum payment for 2017/18. The rateable value was missing and has now been included. Thank you for bringing this to our attention."

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

The Shire President announced that he would be changing the rules slightly in relation to public question time. Cr Morrell noted that the Shire of Denmark's public question time was very lenient when compared to the processes followed by many other local governments, some of whom restricted comments and questions to items on the agenda, set a total time limit allocated for public question time or requested comments and questions in writing prior to the meeting.

The Shire President advised that whilst he wouldn't be imposing such restrictions, he would no longer allow any comments any questions which pertained to any individual.

4.2.1 Mr Tony Pedro – Community Engagement

Mr Pedro expressed his condolences for the family of the young local man who had tragically passed away.

Mr Pedro referred to the recent Strategic Community Plan community consultation sessions stating that he felt that there was a genuine attempt by the Council to engage with the community. Mr Pedro said that he hoped that the process was respected and that the Council took on board the views of the community.

Mr Pedro handed out a letter to Cr Caron with respect to his interest in the recent fire mitigation issues at the Valley of the Giants and to Cr Allen for his interest in the Denmark Environment Centre being represented on the Bush Fire Advisory Committee. Mr Pedro handed a letter to Mr Parker in relation to fire response times and rehabilitation of extractive industry sites within the Shire.

The Shire President advised that Councillors had now received some draft documents relating to the Strategic Community Plan and that the community consultation process had been working very well.

4.10pm – The Director of Infrastructure Services entered the room.

4.2.2 Mr Murray Thornton – 2017/18 Annual Budget

Mr Thornton referred to the responses to his previous questions taken on notice and questioned the responses. He stated that not correcting the Council's reserves policy had been an oversight was an inadequate response.

Mr Thornton stated that if the Shire did not put sufficient funds away each year to cover the depreciation of its plant then eventually there would be no funds to replace the plant. Mr Thornton stated that the cost of replacement was funded by ratepayers and that whilst a ten year plan was good, it was based on too many assumptions.

Mr Thornton noted that when he had raised the concern over plant reserves last year he had been told that the Council would be developing a ten year plan and that this year he had been told that the Council would be getting a consultant in to do an assessment. Mr Thornton asked what answer he would be given next year and suggested that the Council needed to do some more in depth financial and economic modelling.

The Shire President responded stating that the two answers that Mr Thornton had been given were correct and that the consultant would be undertaking an

assessment which would then provide input into the Ten Year Financial Plan. Cr Morrell advised that the Council had sought the advice of two CEOs regarding the change to its plant reserves and that Council agreed that it was better to use available funds for projects rather than have cash locked away in reserves.

4.2.3 Mr John Sampson – 2017/18 Annual Budget

Mr Sampson advised that he disagreed with the Council's current process and that he believed that cash reserves for plant replacement was a good practice.

Cr Whooley stated that he did not believe that public question time was the place to debate cash reserves and plant replacement.

Mr Sampson stated that he did not believe that Standing Orders permit Councillors interjecting a member of the public when they were trying to speak.

Mr Sampson referred to his comments at the last meeting with respect to a Councillor's declaration of interest noting that a recent media release on the Shire's website advised that the Chief Executive Officer was going to provide a written response to him. Mr Sampson asked why he had not received a written response.

The Chief Executive Officer advised that he would provide a written response to Mr Sampson which would be published in the next Agenda.

Mr Sampson referred to text messages that he had recently received.

The Shire President advised that he believed that Mr Sampson was bordering on remarks about an individual and that he would not allow it.

Mr Sampson stated that he believed that the Shire President and the Chief Executive Officer had both individually and privately expressed shock and dismay regarding the text messages and that he was disappointed that they could not express that same sentiment in public. Mr Sampson referred to the oath that Elected Members take and the Code of Conduct.

Cr Morrell advised Mr Sampson that if he felt that there had been any misconduct by an Elected Member then he could refer the matter to the Department of Local Government or the Crime and Corruption Commission as it was not something that the Council could deal with.

4.2.4 Mr Brian Humphries – Lime Pit

Mr Humphries referred to previous public safety concerns regarding the potential increase in truck movements along Ocean Beach road given that the Shire had increased its extraction tonnage from 10,000 to 20,000. Mr Humphries asked why the Shire was ignoring the public safety risks, particularly in relation to school children who walk and ride along Ocean Beach Road.

The Shire President advised that he would take the question on notice and it would be responded to in writing.

4.2.5 Mr Brian Humphries – Administration of the Holiday Home Policy

Mr Humphries advised that he had recently requested some information from Council Officers who had advised that there were currently 114 registered

holiday homes in the Shire and that 17 were unconfirmed. Mr Humphries asked why there were 17 unconfirmed.

The Director of Planning & Sustainability advised that she was not aware of the information that Mr Humphries had received however she would presume that the 17 that were unconfirmed probably had planning approval but were yet to meet all of their approval conditions and therefore were yet to be formally registered to operate as holiday accommodation.

Mr Humphries asked why the Shire had only collected 91 registration fees out of the 114 registered holiday accommodation properties.

The Shire President advised that he would take the question on notice and it would be responded to in writing.

Mr Humphries asked how many Bed & Breakfasts the Shire had approved and why it did not keep a register given that the reason for registrations is to ensure that the premises' comply with health and safety standards.

The Shire President advised that he would take the question on notice and it would be responded to in writing.

Mr Humphries stated that he was advised that whilst the Shire charged a higher annual property rate for commercial holiday homes the Shire also allowed those owners to revert back to private residential property rates after the end of the peak tourist season. Mr Humphries asked why the Council were allowing this to happen.

The Shire President advised that he would take the question on notice and it would be responded to in writing.

Mr Humphries referred to the Airbnb website advising that he was aware that there were 96 listings of properties in Denmark and asked why the Shire did not have a policy on properties listed on Airbnb. Mr Humphries stated that some Shires were patrolling the website's listings and sending out Council Officers to inspect the properties.

The Shire President advised that he had discussed the matter informally with colleagues from other local governments and was aware that many of them had Officers monitoring the website to ensure that properties listed were in fact registered as holiday accommodation.

The Director of Planning and Sustainability advised that registered properties listed on Airbnb were required to comply with the Council's Holiday Home Policy with respect to an entire home and the Council's Bed & Breakfast Policy with respect to single rooms. Mrs Harbron advised that Council Officers did monitor the website and also responded to information provided by the community and the Denmark Visitor Centre.

4.2.6 Mr Brian Humphries – Processing of Recyclable Waste

Mr Humphries referred to a recent report that stated that the recycling of glass and plastics was being abused on a national level because it was too expensive to recycle. Mr Humphries asked how the recyclable waste from Denmark was processed, where it was transported to, how it was processed (by whom and where) and where it ended up. Mr Humphries asked if any of it

was going into landfill. Mr Humphries asked if any of the recyclable waste was transported to South Australia.

Cr Caron advised that the Waste Management Advisory Committee had recently visited the facility in Albany where the Denmark Shire's recyclable waste was transferred to. Cr Caron advised that some still did go into landfill however they were looking at getting further clarity on the current situation from Cleanaway, who are the contractors who collect Denmark's recycled material. Cr Caron noted that the operation in Albany was well organised.

Cr Lewis advised that members of the public were welcome to attend Council Committee meetings.

4.2.7 Mr Brian Humphries – Bushfire at Point Henry, Bremer Bay

Mr Humphries noted that the Chief Executive Officer had been at the Shire of Jerramungup when a bushfire at Point Henry had resulted in the evacuation of some residents. Mr Humphries asked whether Mr Parker could provide any insights into his experiences during the time and whether there had been any lessons learned for other local authorities.

Mr Parker advised that there had been plenty of lessons to be learned, too many to detail during this forum. Mr Parker stated that he would be applying those lessons to fire mitigation and response in Denmark.

4.2.8 Mr Roger Seeney – Tip Passes

Mr Seeney asked why rural property owners had only received three Tip Passes for bulky goods and not the usual four Tip Passes for general household waste. Mr Seeney stated that the four Tip Passes had been introduced to reduce instances where rural residents were burning their general waste and that he believed that there had been a reduction in this practice since the passes had been introduced.

The Shire President advised that Mr Seeney's comments could be referred to the Waste Management Advisory Committee for consideration.

4.2.9 Mr Geoff Bowley – Council Committees

Mr Bowley thanked Cr Lewis for advising Council Committee meetings were open to the public and asked whether the meeting dates could be put on the Council's website. Mr Bowley asked when the last Local Emergency Management meeting was held as the website showed December 2016 as the last meeting.

The Shire President advised that they had had a meeting since that date and that the most current Minutes should be on there.

4.2.10 Mr Mike Travers – Community Consultation & Transparency

Mr Travers stated that he believed recent community consultation between the community and the Shire had been very productive. Mr Travers stated that he believed that people should always address positions not individuals so that comments were not personal.

Mr Travers referred to an Item in the November 2014 Minutes which had been labelled Regional Road Group Funding however the item was in relation to a Churchill Road upgrade. Mr Travers asked why the item had not been labelled

Churchill Road upgrade which would have been clear to people what the funds were for.

The Shire President advised that the Regional Road Group determined which roads would be funded each year after they had considered a number of factors which is why the funds were noted as coming from that source.

Cr Whooley advised that Denmark had a number of roads which were deemed regional and that each year the Shire would nominate which roads it considered to need priority funding from the Regional Road Group. Cr Whooley advised that the Shire had to compete with 13 other local governments for limited funding and that Churchill Road had been selected as it provided alternative access to and from Denmark, as well as meeting a number of other factors.

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.

6. CONFIRMATION OF MINUTES

6.1 ORDINARY COUNCIL MEETING

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 6.1
MOVED: CR WRIGHT	SECONDED: CR BARTLETT
That the minutes of the Ordinary Meeting of Council held on the 18 July 2017 be confirmed as a true and correct record of the proceedings, subject to the following amendment;	
1. Page 15 - the page number referred to in Resolution No. 010717 be corrected from “Page 5” to “Page 9”.	
2. Page 8 – in the first paragraph of Item 4.2.5 correct the word “appreciation” to “depreciation”.	
CARRIED UNANIMOUSLY: 7/0	Res: 010817

6.2 STRATEGIC BRIEFING NOTES

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 6.2
MOVED: CR CARON	SECONDED: CR BARTLETT
That the Notes from the Strategic Briefing held on 18 July 2017 be received.	
CARRIED UNANIMOUSLY: 7/0	Res: 020817

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

Nil

8. REPORTS OF OFFICERS

8.1 Director of Planning & Sustainability

Nil

8.2 Director of Community & Regulatory Services

Nil

8.3 Director of Infrastructure Services

Nil

8.4 Director of Finance & Administration

8.4.1 FINANCIAL STATEMENT FOR THE MONTH ENDING 30 JUNE 2017

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Denmark
Disclosure of Officer Interest:	Nil
Date:	1 August 2017
Author:	Steve Broad, Accountant
Authorising Officer:	Cary Green, Director of Finance & Administration
Attachments:	8.4.1 – June 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 30 June 2017 total cash funds held total \$12,539,077(Note 4).

Shire Trust Funds total \$194,927.

- \$179,025 of this is invested for 6 months with the National Bank, maturing 21 December 2017 at the quoted rate of 2.40%.

Reserve Funds (restricted) total \$10,645,752.

- \$7,056,662 of this has been placed on investment for 30 days with the Western Australian Treasury Corporation at the quoted rate of 1.45%,
- \$3,000,724 has been invested with the National Bank, maturing 25 September 2017 at the quoted rate of 2.40% and
- \$588,365 has been invested with the National Bank, maturing 4 September 2017 at the quoted rate of 2.40%.

Municipal Funds (unrestricted) total \$1,700,689

- \$847,556 of this is invested with the National Bank, maturing on various dates up to the 23 September 2017 at an average rate of 2.40% (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 mid- year budget review amendments identified (Note 5), the 30 June 2017 end of year position is estimated to be \$0 as per budget projections (Statement of Financial Activity).
- Operating revenue and expenditure is in line with that predicted for 30 June 2017 (Statement of Financial Activity).

- Rates Collection percentage of 95.94% is in keeping with historical collection rates (Note 6).
- The 2016/17 Capital Works Program is 64.34% complete utilising actual year to date figures and total committed cost is 64.93% at 30 June 2017 (Note 12).
- Various transfers to and from Reserve Funds have been completed for 2016/17. (Note 7)
- 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 WRIGHT	SECONDED: CR BARTLETT
That with respect to Financial Statements for the month ending June 2017, Council;	
1. Receive the Financial Reports, incorporating the Statement of Financial Activity and other supporting documentation.	
2. Endorse the Accounts for Payment for June 2017 as listed.	
CARRIED UNANIMOUSLY: 7/0	Res: 030817

8.4.2 CSRFF APPLICATION - MCLEAN OVAL FULL RECONSTRUCTION PROJECT
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File Ref:	A3035 & GRT.APPS
Applicant / Proponent:	Shire of Denmark
Subject Land / Locality:	McLean Park Precinct / Reserve 15513
Disclosure of Officer Interest:	Author is involved with the Denmark Walpole Football Club, Denmark Cricket Club and Denmark Little Athletics Club
Date:	25 July 2017
Author:	Damian Schwarzbach, Manager of Recreation & Youth Services
Authorising Officer:	Cary Green, Director of Finance & Administration
Attachments:	8.4.2 – CSRFF Application

Summary:

The Shire of Denmark has completed a Community Sport & Recreation Facilities Fund (CSRFF) application for the Department of Sport and Recreation (DSR) 2017/18 grant funding round to reconstruct the playing surface on McLean Oval.

Project Description:

1. *Earthworks – remove the top 100mm of topsoil and build up with sand including final trim of oval to desired shape;*
2. *Install subsoil and mainline drainage;*
3. *Replace reticulation;*
4. *Replace hard wicket cricket pitch;*
5. *Lay Jumbo Roll Turf (20,000sqm)*
6. *Install fencing around perimeter of playing surface*

The total cost of the project is \$1,003,434, requiring a Council contribution of \$668,956 and a grant from the Department of Sport and Recreation for \$334,478.

This is the only application submitted for consideration by Council from the 2017/18 round of funding.

The report recommends Council support the application and submit it to the Department of Sport and Recreation.

Background:

Prior to consideration of applications for funding assistance, the Department of Sport and Recreation (DSR) require Local Governments to be aware of funding applications from community groups and to place a funding priority on each application. The Local Government support and its priorities are to be determined with applications received being forwarded to DSR by 16 September 2017.

CSRFF grants are made on the basis of one third grant and two thirds group/local government/other funding sources and local applications compete with others from, not just the Great Southern region, but the whole of the state of Western Australia.

The McLean Park precinct is the major sporting and recreational facility in the Shire of Denmark. The facility is the main attraction to the community participating in both social and competitive physical activities.

The McLean Park Precinct is part of the Reserve 15513 which is an "A" class reserve that is the subject of a management order to the Shire of Denmark (with power to lease provisions for maximum 21 years) for purpose of "Recreation & Showground".

The Shire has been assessing and developing the McLean Park complex since 2002 when a concept plan was commissioned to look at the future uses for this precinct.

In 2008, the McLean Park User Group committee was formed, consisting of representatives from all the user groups at the facility and the Shire's Manager of Recreation and Youth Services. Over time the committee highlighted the safety concerns in regards to the playing surface as a result of the inadequate drainage.

In 2016 the western side of the oval reached failure point, with above average rainfall resulting in heavy water pooling, extreme damage to the playing surface and teams relocating training and fixtured matches due to the unsafe conditions.

The Shire of Denmark received written or verbal complaints from the Denmark Walpole Football Club, North Albany Football Club, Albany Soccer Association and Denmark Soccer Club in relation to the standard of the ground surface and the potential for injury for their participants.

The complainants also highlighted issues with the suitability of the playing surface. Australian Rules Football required a surface that can provide some cushioning for players tackled firmly to the ground and soccer required a firm flat surface to allow the ball to be played predominantly across the surface. In its current state, McLean Park oval is not meeting either of these requirements.

Council's ongoing investment in club development has seen Denmark's sporting clubs go from strength to strength and the usage of McLean Oval increase as a result.

This ongoing issue of the playing surface resulted in Council engaging Wood & Grieve Engineers to formulate some recommendations to remedy the situation. Their recommendations were presented to Council and at the Ordinary Meeting of Council on 16 August 2016, Res: 080816, (an excerpt of the resolution is provided below);

“2. That Council make application for a Department of Sport and Recreation Annual Forward Planning Grant for Option 1 to improve the drainage at McLean Oval by installing additional drainage and replacing the surface of the western side of the oval as per Wood & Grieve Engineers/ Sports Technology Pty Ltd August 2016 report which will involve an anticipated project cost of \$366,850 and a Council contribution of vicinity of \$220,000 in the 2017/2018 budget.”

The Shire of Denmark was successful in obtaining a CSRFF grant of \$117,000 as a one third contribution towards the total project cost of \$353,000.

The Shire of Denmark then formed a Project Team to engage with specialists in this area.

The project Team is comprised of the following members;

- Project Director – Director of Finance and Administration
- Project Manager – Manager of Recreation and Youth Services
- Technical Support – Engineering Technical Officer
- Works Support – Parks and Gardens Officer
- Consultants – City of Albany Staff & John Forrest (Horticulture Consultant), Wood & Grieve Engineers (contracted to provide the Design Brief)

Once the Project Team commenced consulting with oval specialists and other Local Governments it became clear that the project scope proposed in the grant application last year was not sufficient.

The initial professional advice received, cautioned against providing a part solution to the McLean Oval project and indicated the best course of action would be a full reconstruction of the surface. The main reasons provided were:

- The oval surface would have two distinct looks to it including the probability of an uneven surface which could deem the surface unsafe.
- The unrepaired area having the possibility of failure, due to inadequate sub soil drainage.
- The soil and turf on the unrepaired side is showing increasing signs of stress after years of extensive use with limited or no maintenance.
- The requirement for the project to be done once and completed in the correct manner to ensure the surface continues to service the community for the next 30 years.
-

As such, it was decided the full reconstruction was the best solution for the community for the following reasons;

- Reconstruction of the full playing surface from 8,000sqm to 20,000sqm creating an even surface;
- Installation of subsoil drainage across the same area;
- Redesigned and installed irrigation system;
- Identification of the correct draining sand from Bornholm and the increase in transport costs;
- Replacing the cricket pitch;
- Laying Jumbo Rolls – identified as the best method to limit the time the oval is offline to the community;
- Installing a perimeter fence around the playing surface to act as a safeguard against vandalism and stray animals causing damage;
- Develop an ongoing maintenance plan to ensure the playing surface is maintained to a community sporting level for the next 30 years.

The Shire then entered into costing the project for a full reconstruction of the oval surface. Once these figures were sourced it became apparent that the cost of the project would compromise the

Shire of Denmark's budget and it was agreed to return the grant received to DSR and apply in the 2017/18 round for the full reconstruction project.

Consultation:

Consultation has involved the following groups;

- McLean Park User Group Committee;
- Turf Specialists – Banksia Holdings, Environmental Industries, Greenacres;
- City of Albany staff involved in the Centennial Park development;
- Horticulture Consultant – John Forrest;
- Wood & Grieve Engineers;
- Trench Digging WA – Irrigation

Statutory Obligations:

There are no Statutory Obligations.

Policy Implications:

P110304 Sustainability & Co-location (Sport & Recreation Facilities) relates and reads as follows: *Council will give priority support to facility development or redevelopment that shows capacity for co-locating or the sharing of resources.*

Applicants must be community based organisations and incorporated under the WA Association Incorporations Act 1997.

Council will require community based organisations seeking public funds of greater than \$10,000 for developing new or refurbishing current facilities to have a business plan appropriate to the size of their organisation.

Council will contribute to a maximum of one-third (1/3) only of major facility development / redevelopment with a project cost greater than \$50,000 to demonstrate the need for such development and their strategies to ensure that the development will be viable for a least the next 10 years or such period requested by Council

This project supports the capacity for co-locating Sporting groups and sharing of resources.

Budget / Financial Implications:

The CSRFF application asks Council to provide in principle support for the project. The financial contribution from Council would be \$668,956 towards a project full costing of \$1,003,434. As part of the 2017/18 Budget process, the Shire has allocated \$500,000 into the Land and Building Reserve, to assist with funding this amount.

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

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.

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

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

Funding: ...be fiscally responsible and seek to develop both safe income generating assets and the maximisation of external funding.

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

1.10.22 Review and develop a revised conceptual Master Plan for the McLean Oval Precinct

Sustainability Implications:

➤ **Governance:**

Appropriate provision and effective use of Shire of Denmark managed sport and recreation facilities needs to be considered.

➤ **Environmental:**

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

➤ **Economic:**

The works prescribed for this project will have significant benefits for local businesses who are successful in tendering for specific parts of the reconstruction. It will assist with employment of local contractors, accommodation for workers required that can't be sourced locally and spending within the local community from external contractors.

➤ **Social:**

Sport and Recreation can bring people together for the good of their community. Community members participating, volunteering, utilising their expertise in positive social settings assists in developing stronger, resilient communities.

➤ **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 support the CSRFF application for the Reconstruction of McLean Oval	Possible (3)	Moderate (3)	High (10-16)	Not Meeting Community expectations	Accept Officer Recommendation
That Council supports the CSRFF Application, but is unsuccessful and does not receive funding.	Possible (3)	Major (4)	High (10-16)	Ineffective Management of Facilities and Events	Accept Risk

Comment/Conclusion:

The reconstruction and improvements to McLean Oval will increase physical activity by:

- Enabling the return of Australian Rules football and soccer team matches to the oval and retaining cricket, athletics, touch rugby and social users at the venue;

- Providing a safe and usable playing surface which will withstand wear and tear caused by training and matches year round;
- Providing a venue for junior sports development, clinics and specialised training to support local sports;
- Supporting the surrounding infrastructure in the McLean Park precinct such as clubrooms and change rooms, oval lighting, a Recreation Centre, car parking, community BBQ and viewing areas;
- Creating a playing surface which will be suitable for major events such as a WAFL Game and AFL pre-season game etc, promoting sport and recreation within the community.

The Shire of Denmark has prioritised the reconstruction of Mclean Oval due to the many shared users of the facility. This promotes maximum use of community facilities, the creation of a community hub, maintenance and asset management costs confined, improved relationships between user groups and larger community ownership of the project.

The Department of Sport and Recreation utilises the CSRFF to facilitate the provision of basic, essential sport and recreation infrastructure. The provision of a green field facility with a durable playing surface for the Shire of Denmark community should be considered a priority.

The Feasibility of this project has been determined by;

- The range of opportunities for the community to be physically active and healthy through a large range of different sporting groups and passive recreational users;
- The Shire of Denmark in consultation with the McLean Park User Group Committee to manage the facility resulting in community ownership of the facility;
- It is the only location in the Shire of Denmark, owned by the community, and with existing infrastructure including club rooms, change rooms, lighting, playground, to provide the community with a playing surface to participate on;
- The proposed design will provide a playing surface that will service the community for the next 30 years;
- As part of the 2017/18 Budget process, the Shire has allocated \$500,000 into the Land and Building Reserve, to assist with funding Councils contribution to this project.
- Economically – reducing the financial impact on the community and reducing operating costs by centralising the placement of the facility;
- Socially – the benefits the community derive from participating, volunteering, competing and spectating helps develop stronger communities;
- Environmentally – by providing a well draining but healthy playing surface will reduce the impact on water conservation, energy consumption and waste minimization.

During the month of July 2016, significant damage was caused to the surface of the High School Oval by a car. This highlighted the potential for this to happen at McLean Oval. If Council is to invest significant funds into the reconstruction of this facility then securing it from vandalism is important. Staff propose to install a perimeter fence around the playing area to delineate between the playing area and general recreational activity. This will also provide security for the oval surface by vehicles not being able to be driven on the oval and potentially causing damage. There will be gates installed in the fence to allow service vehicles to perform their roles.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.4.2
MOVED: CR ALLEN	SECONDED: CR BARTLETT
<ol style="list-style-type: none"> 1. That the Department of Sport and Recreation be advised that the application received for the Community Sport and Recreation Facilities Fund Grants Round for the Reconstruction of McLean Oval is supported by Council. 2. That the Department of Sport and Recreation be advised that the Shire of Denmark application is the only application for this round. 	
CARRIED UNANIMOUSLY: 7/0	Res: 040817

8.5 Chief Executive Officer
Nil

9. COMMITTEE REPORTS & RECOMMENDATIONS

9.1 BUSH FIRE ADVISORY COMMITTEE - FIRE CONTROL OFFICER & FIRE WEATHER OFFICER APPOINTMENTS FOR 2017/2018
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File Ref:	FIRE.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Shire of Denmark
Disclosure of Officer Interest:	Nil
Date:	30 June 2017
Author:	Marcus Owen, Community Emergency Services Manager
Authorising Officer:	Bill Parker, Chief Executive Officer
Attachments:	Nil

Summary:

The officer report discusses Denmark Volunteer Bush Fire Brigades nominations for Fire Control Officers (FCO) for their respective Brigade areas, which have in turn been recommended by the Bush Fire Advisory Committee (BFAC) and are presented together with BFAC's recommendations for Chief Bush Fire Control Officer (CBFCO), Deputy Chief Bush Fire Control Officer (DFCO) and Fire Weather Officer (FWO) for consideration and adoption by Council.

The list includes Graeme Thallon, Council's recently retired CBFCO, and the BFAC has recommended his appointment to the role of an additional FCO.

Background:

A number of persons have been recommended for appointment as Fire Control Officers (FCO) for 2017/2018 at the BFAC meeting held on the 8 June 2017.

The Denmark Volunteer Fire and Rescue Service (VFRS) FCO nominations were not submitted prior to the BFAC meeting however their nominations have since been provided and are included in the Officer Recommendation.

The Chief Bush Fire Control Officer (both current & incumbent) support the VFRS nominations and recommended them to the Community Emergency Services Manager for referral to Council. This means that the nominees have the support of the Denmark VFRS brigade, the Community Emergency Services Manager and the Chief Fire Control Officer.

Traditionally there has been a tendency for the retiring CBFCO to assume the Fire Weather Officer's (Fire 3) role to ensure that a well experienced FCO is retained in the Brigade structure

that has the legal powers to act if the Chief and Deputy are unable to do so or are outside of the district.

This structure worked when CBFCOs tended to be older and stay in the position longer and our Brigades and leaders were not being regularly seconded to fight major fires in other districts.

This however has changed. We now have younger Chief and Deputy Chief FCOs that typically want to do the role for 3 – 4 years and then give another person the opportunity to bring their own talents and abilities to the role.

In addition to this our Brigades are now being regularly deployed to other districts meaning that there is a very real likelihood that a former Chief or Deputy Chief may be required to assist in the command structure of a future fire.

For the reasons stated above the proposal to appoint Graeme Thallon, former CBFCO, as an additional FCO is supported.

Consultation:

Each of the Brigade's recommended Fire Control Officer appointments have been submitted via the Annual General Meeting of their Brigade and have subsequently been considered and endorsed by the BFAC.

Statutory Obligations:

While the Captains, Lieutenants, Secretaries, Equipment Officers and the like are elected by Brigades it is the local government's role to appoint Fire Control Officers, a Chief Bush Fire Control Officer and a Deputy Chief Bush Fire Control Officer pursuant to section 38(1) of the Bush Fires Act 1954. This section reads as follows:

"38. Local Government may appoint bush fire control officer

A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it."

Section 38 (8) of the Bush Fires Act 1954 provides Council with the authority to appoint to the office of Fire Weather Officer such number of senior bush fire control officers as it thinks necessary.

Policy Implications:

Council Policy P050107 identifies the number of Bush Fire Brigades within the Shire of Denmark and refers to the Bush Fire Advisory Committee Charter. The recommended appointments will not have any impact on this Policy. It should be noted that the BFAC Charter membership, with respect to FCOs, states "all current and incoming FCOs, or Proxy FCOs representative, from each Volunteer Bush Fire Brigade and therefore the additional appointment of the former CBFCO as a Fire Control Officer does not mean that this person becomes a member of the BFAC, given that they would not be a Brigade representative.

Council Delegation D050109 records the Shire of Denmark's authorised Officers under the Bush Fires Act 1954 and will be amended accordingly should Council agree to make such appointments.

Council Delegation D050110 records the Shire of Denmark's appointment of Fire Weather Officers and will be amended accordingly should Council agree to make such appointment.

Budget / Financial Implications:

There are minor financial costs upon the Council’s proposed budget with the costs associated with the official Gazetting of the Fire Weather Officer and the issuing of appointment cards as per the Bush Fires Act 1954. These costs are able to be borne in the proposed 2017/2018 Budget.

Strategic 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

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

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

Corporate Business Plan

1.7.3 *Support the functions of Community Emergency Services in achieving required actions and goals.*

1.7.5 *Maximise community safety through the management of the risks associated with fire, natural events and large scale emergencies, whilst supporting initiatives to improve community safety.*

Sustainability Implications:

➤ **Governance:**

There are known governance considerations relating to the report as Council has the authority, under the Bush Fires Act 1954, to appoint a Chief and Deputy Chief Bush Fire Control Officer and as many Fire Control Officers as it deems necessary.

➤ **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:**

Fire Control Officers play an important role in community safety by assisting the Shire with fire mitigation and control and assisting local volunteer brigades to carry out their activities.

➤ **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 appoint Fire Control Officers and therefore by default the Council would be required	Rare (1)	Catastrophic (5)	Moderate (5-9)	Inadequate Organisation or Community	Accept Officer Recommendation

<p>to undertake the role pursuant to the Bush Fires Act 1954 and local volunteer brigades could lack necessary leadership, coordination leading to reduced efficiency and potential delays in fire response times.</p>				<p>Emergency Management</p>	
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Comment/Conclusion:

All of the Brigade Officers recommended have carried out senior/management roles in their respective brigades and have completed, or enrolled to complete, relevant training, being the Department of Fire & Emergency Services Fire Control Officers Course.

The appointment of the outgoing CBFCO as an additional FCO for the Shire will mean that that person has the same powers as any other FCO and if an incident should occur and the current Chief and the Deputy Chief are unavailable, the former CBFCO could take command of a situation should this be required or desired at the time.

This additional FCO position for the former CBFCO is recommended to be authorised within the entire Shire of Denmark and not on behalf of a specific Brigade area.

Voting Requirements:

Simple majority.

COMMITTEE RECOMMENDATION

ITEM 9.1

That Council appoint the following persons as Fire Control Officers for 2017/2018, as recommended by the Bush Fire Advisory Committee at its June 2017 Annual General Meeting.

Denmark Shire and BFAC recommended Fire Control Officers

CESM	Marcus Owen
Senior Ranger	Charmaine Shelley
Ranger	David Lonie
Auxiliary FCO	Graeme Thallon

BFAC nominated and recommended Fire Control Officers

Chief Fire Control Officer	Ross McDougall
Deputy Chief Fire Control Officer	Leslie (Lez) Baines
Fire Weather Officer	Adrian Kranendonk

Bush Fire Brigade nominated and BFAC recommended Fire Control Officers

Carmarthen	Kelly MacLeod
Denmark East	Bronnie Wallace
Harewood	Michael (Mike) Hills
Hazelvale	Alex Williams
Kordabup	Bruce Pringle
Mehniup	Gail Guthrie
Mt Lindesay	Murray Brooker
Nornalup	Jean-Marc Merat
Ocean Beach	Derek (Joe) Baker
Owingup	Samantha (Sam) Blythe
Parryville	Kevin Hard

Peaceful Bay
 Scotsdale
 Shadforth
 Somerset Hill
 Tingledale
 William Bay

Ivars Sulcs
 Arthur (Sid) Marshall
 Peter Mildwaters
 Callum Baxter
 Brian Vigus
 Joan Merrifield

COUNCIL RESOLUTION & OFFICER RECOMMENDATION

ITEM 9.1a

MOVED: CR ALLEN

SECONDED: CR BARTLETT

1. That, pursuant to Section 38 (1) of the Bush Fires Act 1954, Council appoint the following persons for the financial year 2017/2018 and that the appointments be advertised in the Denmark Bulletin and Council's Delegation (Appointments) D050109 be updated accordingly;

Bush Fire Control Officers authorised within the entire Shire of Denmark

Community Emergency Services Manager	Marcus Owen
Senior Law Enforcement Officer	Charmaine Shelley
Law Enforcement Officer	David Lonie
Fire Control Officer & Chief Fire Control Officer	Ross McDougall
Fire Control Officer & Deputy Chief Fire Control Officer	Leslie (Lez) Baines
Fire Control Officer	Graeme Thallon

Bush Fire Control Officers authorised within the entire Shire of Denmark area on behalf of their respective Brigades

Carmarthen Volunteer Bush Fire Brigade	Kelly MacLeod
Denmark East Volunteer Bush Fire Brigade	Bronnie Wallace
Harewood Volunteer Bush Fire Brigade	Michael (Mike) Hills
Hazelvale/Tingledale Volunteer Bush Fire Brigade	Alex Williams
	Brian Vigus
Kordabup Volunteer Bush Fire Brigade	Bruce Pringle
Owingup Volunteer Bush Fire Brigade	Samantha (Sam) Blythe
Mehniup Volunteer Bush Fire Brigade	Gail Guthrie
Mt Lindesay Volunteer Bush Fire Brigade	Murray Brooker
Nornalup Volunteer Bush Fire Brigade	Jean-Marc Merat
Ocean Beach Volunteer Bush Fire Brigade	Derek (Joe) Baker
Parryville Volunteer Bush Fire Brigade	Kevin Hard
Peaceful Bay Volunteer Bush Fire Brigade	Ivars Sulcs
Scotsdale/Shadforth Volunteer Bush Fire Brigade	Arthur (Sid) Marshall
	Peter Mildwaters
Somerset Hill Volunteer Bush Fire Brigade	Callum Baxter
William Bay Volunteer Bush Fire Brigade	Joan Merrifield

Bush Fire Control Officers authorised within the prescribed Denmark Fire & Rescue Service Area Only

Denmark Fire & Rescue Service (Volunteer Brigade)	Gary Stanway
	Don Atkinson

CARRIED UNANIMOUSLY: 7/0

Res: 050817

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.1b
MOVED: CR LEWIS	SECONDED: CR WHOOLEY
That Council;	
<ol style="list-style-type: none"> 1. Pursuant to Section 38 (8) of the Bush Fires Act 1954 appoint Adrian Kranendonk as the Shire of Denmark's Fire Weather Officer for 2017/2018; and 2. Pursuant to Section 38 (13) of the Bush Fires Act 1954, advertise the appointment in the Denmark Bulletin and give notice of the appointment once in the Government Gazette; and 3. Update Delegation (Appointment) D050110 accordingly. 	
CARRIED UNANIMOUSLY: 7/0	Res: 060817

10. MATTERS BEHIND CLOSED DOORS

Nil

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

Nil

12. CLOSURE OF MEETING

5.14pm – 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: _____

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.)