



Minutes

ORDINARY MEETING OF COUNCIL

HELD IN THE COUNCIL CHAMBERS,
953 SOUTH COAST HIGHWAY, DENMARK
ON TUESDAY, 18 SEPTEMBER 2018.

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Ordinary Council Meeting

18 September 2018

DISCLAIMER

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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

Cr Gearon acknowledged the land on which the meeting was being held and the traditional custodians of the land, the Bibbulman and Minang people.

Cr Gearon stated that she would also like to show her respect for elders past, present and emerging.

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

MEMBERS:

- Cr Ceinwen Gearon (Shire President)
- Cr Peter Caron (Deputy Shire President)
- Cr Mark Allen
- Cr Kingsley Gibson
- Cr Ian Osborne
- Cr Janine Phillips
- Cr Roger Seeney
- Cr Rob Whooley

STAFF:

- Mr Bill Parker (Chief Executive Officer)
- Mr Gilbert Arlandoo (Director Infrastructure and Assets)
- Mrs Annette Harbron (Director Sustainable Development)
- Mr Cary Green (Director Corporate and Community Services)
- Ms Claire Thompson (Executive Assistant)

APOLOGIES:

Nil

ON APPROVED LEAVE(S) OF ABSENCE:

Cr Jan Lewis (pursuant to Council Resolution No. 020718)

ABSENT:

Nil

VISITORS:

Members of the public in attendance at the commencement of the meeting: 35

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

DECLARATIONS OF INTEREST:

Name	Item No	Interest	Nature
Cr Seeney	8.4.3	Impartiality	Cr Seeney is a member of the Denmark Historical Society.
Cr Seeney	8.4.4	Impartiality	Cr Seeney is a member of the Denmark Lions Club and the Denmark Historical Society.
Cr Seeney	10.1	Impartiality	One of the applicants is known to Cr Seeney.
Mr Parker	8.2.1	Impartiality	One of the tenderers is known to Mr Parker.
Cr Gearon	8.3.2	Impartiality	Cr Gearon is a member of the Denmark Surf Life Saving Club.
Cr Gearon	10.1	Impartiality	Many of the applicants are known to Cr Gearon.
Cr Whooley	8.2.1	Impartiality	Cr Whooley knows some of the contractors professionally and he is familiar with their work, ability and resources.
Cr Caron	10.1	Impartiality	One of the applicants is the daughter of a friend of Cr Caron's.

3. ANNOUNCEMENTS BY THE PERSON PRESIDING

Nil

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

Nil

4.2 PUBLIC QUESTIONS

In accordance with Section 5.24 of the Local Government Act 1995, Council conducts a public question time to enable members of the public to address Council or ask questions of Council. The procedure for public question time can be found on the wall near the entrance to the Council Chambers or can be downloaded from our website at <http://www.denmark.wa.gov.au/council-meetings>.

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

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

Questions from the Public**4.2.1 Mr John Maxwell – Item 8.1.1 (Proposed Single House – No. 3 (Lot 214) Ratcliff View, Ocean Beach)**

Mr Maxwell spoke on behalf of the applicant providing some background information on the application and reasons why they were requesting a reduction in the required setback.

4.2.2 Ms Serena Kirby – Item 8.4.4 (Denmark Heritage Rail Way Precinct – Amendment to Concept Plan and Spirit of Play Community School – Request for Extension)

Ms Kirby, a teacher at the Spirit of Play Community School, spoke about their unique literacy program and other programs they offer. Ms Kirby said that one of their students had recently won the Tim Winton literacy Award and requested Council's support to enable a stable future for the school.

The Shire President asked Ms Kirby to pass on the Council's congratulations to the young writer who had won the award.

4.2.3 Mr Carl Heslop – Item 8.4.4 (Denmark Heritage Rail Way Precinct – Amendment to Concept Plan and Spirit of Play Community School – Request for Extension)

Mr Heslop, Chair of the Spirit of Play Community School, recognised the hard work from all stakeholders who had worked together to come up with a mutually beneficial outcome. Mr Heslop said that they had tried to find as many wins for all users of the site and looked for a result that would also benefit the community. Mr Heslop stated that he did not believe it was a choice between history and children but an opportunity to bring children and history together.

4.2.4 Mr Ashleigh Murch – Item 8.4.4 (Denmark Heritage Rail Way Precinct – Amendment to Concept Plan and Spirit of Play Community School – Request for Extension)

Mr Murch spoke on behalf of the Denmark Historical Society and said that he also did not believe it should be a win or lose situation however their members

believed that a 15 year lease was a very long period of time and they did not entirely agree that the heritage reserve was an appropriate location for a school. Mr Murch said that the Historical Society acknowledged the position that the school was in but would prefer a shorter lease term and for the school to continue to look for an alternative site.

Mr Murch said that there had been some mention of the possibility of the school vacating the Old Post Office so that it could be used as a community space with additional historical photos. Mr Murch advised that they believed this could be a good outcome as they felt that some visitors might be uncomfortable accessing the photos because it appeared to be within a school site.

4.2.5 Mr Rance Boog – Item 8.4.4 (Denmark Heritage Rail Way Precinct – Amendment to Concept Plan and Spirit of Play Community School – Request for Extension)

Mr Boog, Principal of the Spirit of Play Community School, noted that they were not asking the Council for any funding for their proposal but trying to obtain some security for their school. Mr Boog said that they had a strong focus of trying to build relationships within the community and be leading light when it came to education. Mr Boog said that the school had committed to sending a few of their teachers to study world class educational practices in Finland to bring back their experiences and improve their education model in Denmark.

The Shire President acknowledged the Spirit of Play Community School's passion for education and noted that the educational diversity had featured strongly in the Shire's Strategic Community Plan.

4.2.6 Mr Brian Humphries – Item 8.4.4 (Denmark Heritage Rail Way Precinct – Amendment to Concept Plan and Spirit of Play Community School – Request for Extension)

Mr Humphries asked why the Spirit of Play proposal was being brought to Council prior to the Heritage Precinct Working Group meeting which was scheduled for 2 October.

Cr Caron said that he believed Mr Humphries was talking about the Heritage Precinct Building Working Group.

The Director Sustainable Development advised that the objective of the Working Group was to look at a building to accommodate the Denmark Machinery Restoration Group, the Denmark Men's Shed, the Denmark Woodturners and the Denmark Lions Club such that the proposal was 'shovel ready' for funding consideration. Mrs Harbron said that some of the principles were included in the draft amended Concept Plan and that the Working Group would be looking at it at their first meeting.

Mr Humphries said that he believed the proposal was in conflict with the objectives of the Working Group.

The Shire President advised that she did not believe it was.

Mr Humphries said that he understood that the Spirit of Play Community School was unable to find a suitable alternative site but he did not believe that they should be allowed to remain on a heritage precinct site.

Mr Humphries expressed concerns about the 15 year term proposed and mentioned two alternative sites which could be suitable, being the Shire's land on Riverbend Lane and land on the western side of Weedon Hill which he said was already designated as a school site.

The Chief Executive Officer said that discussions had been had with the Spirit of Play regarding the Riverbend Lane site and the School had indicated that it was not a desirable location. Mr Parker said that the Shire of Denmark had also made a significant investment in purchasing the property and would at some stage require a return on that investment.

Mr Parker advised that the Spirit of Play had had countless meetings with Shire Officers and have been very active trying to locate an alternative site.

The Director Sustainable Development advised that the land designated at Weedon Hill in the Scheme was a government school site and had already been flagged as a potential site for the Denmark Primary School to relocate, or an additional school, as they reach capacity in the future. Mrs Harbron said that ~~any relocation~~ the location of a school requires consultation with other schools in the area and having ~~a government~~ two non-government schools within close proximity to ~~a non-government school~~ was not desirable each other was not the former Department of Education Services preferred option. Mrs Harbron confirmed that the School had had numerous discussions with herself, private landholders, government agencies and private developers in an attempt to acquire an alternative site.

CORRECTION TO MINUTES.
Pursuant to Council Resolution No. 021018

4.2.7 Mr Ian Carter – Item 8.4.4 (Denmark Heritage Rail Way Precinct – Amendment to Concept Plan and Spirit of Play Community School – Request for Extension)

Mr Carter from Carters Real Estate advised that the he had been assisting the Spirit of Play to find an alternative site for approximately four years and had been unsuccessful. Mr Carter said that he was aware that they had been involved with a private developer but the proposal had fallen through. Mr Carter said that given the schools predicament he believed that granting them a secure lease at their current location was reasonable.

4.2.8 Ms Beverley Ford – Item 8.2.1 (Panel of Pre-Qualified Suppliers – Provision of Road Construction, Earthworks, Drainage and Turfing Services)

Ms Ford applauded the efforts of the Shire for engaging WALGA to undertaking the tender process however, said that she believed the list of 10 recommended suppliers only contained two Denmark businesses. Ms Ford said from a Denmark Residents and Ratepayers Association's perspective it was important to keep people in town by supporting local business and creating jobs. Ms Ford said that she would have like to have seen more Denmark contractors on the list.

The Chief Executive Officer said that WALGA would be providing customised feedback to each of the tenderers which may assist any unsuccessful Denmark contractors with future submissions. Mr Parker said that he was hopeful that the Shire could work together with the Denmark Chamber of

Commerce to assist those local suppliers build capacity and achieve greater scores in the future.

4.2.9 Ms Liz Jack – Item 8.2.1 (Panel of Pre-Qualified Suppliers – Provision of Road Construction, Earthworks, Drainage and Turfing Services)

Ms Jack, Chief Executive Officer of the Denmark Chamber of Commerce, said it was great to see two local businesses on the list and that it was great to see the Chamber and the Shire working together to assist local businesses. Ms Jack said that she would urge any local businesses wishing to do business with the Shire to talk to them.

The Shire President thanked Ms Jack and the Denmark Chamber of Commerce for their assistance through the tender process.

4.2.10 Mr Ross McGuinness – Item 8.4.4 (Denmark Heritage Rail Way Precinct – Amendment to Concept Plan and Spirit of Play Community School – Request for Extension)

Mr McGuinness, Chair of the Denmark Machinery Restoration Group, referred to his letter which he had previously circulated to Councillors expressing their concerns with the project. Mr McGuinness said that they had been advised previously that the Golden Hill Steiner School had vetoed any intention by the Spirit of Play to relocate to Riverbend Lane. Mr McGuinness advised that he had spoken with the Golden Hill Steiner School who had advised him that they had never made such comment.

Mr McGuinness said that if the Spirit of Play have to stay at the Heritage Precinct then the DMRG's preference would be for the Spirit of Play to relocate to the southern end of the reserve where they could access the site via Brazier Street.

4.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

4.3.1 CR WHOOLEY – ITEM 8.2.1 – PANEL OF PRE-QUALIFIED SUPPLIERS

The following Questions on Notice were received by the Chief Executive Officer in writing on the 31 August 2018 and therefore complies with the Shire of Denmark Standing Orders Local Law clause 3.10. The Chief Executive Officer has provided a response under each question.

1. *The Local Government (Functions and Regulations) 1996 Part 4– Divisions 1, 2 and 3 and Part 4A are applicable to Tenders. Are you confident that those parts of the Regulations will be met – independent of advice from WALGA as a paid Consultant?*

Response: WALGA is well recognised. It is for this reason that the Shire has commissioned WALGA. As an example of the benefits, WALGA identified various shortcomings in the Shire's Procurement Policy as a part of this process. Shire staff are attending procurement training administered by WALGA in September 2018.

2. *The Local Government (Functions and General) Regulations Part 4 – Division 2 – Regulation 14 (4b) states "detailed specifications of the goods and services required". The Tender document suggests the Specifications are contained within the Scope of Works. Can you point to any part of the Tender documentation, including Scope of Works, which contains Specification details relating to:*
 - a. *compaction,*
 - b. *tolerances,*

- c. subgrade,
 - d. gravel,
 - e. sealing (asphalt, emulsion of hot spray),
 - f. earthworks,
 - g. concrete,
 - h. paving,
 - i. kerbing, or
 - j. roadworks in general,
- which are not specific to drainage?

Response: The panel specifications are to get a baseline to evaluate the ability of a prospective contractor. Each project under the panel contract will have specifications. Therefore the documentation in question does not need to have that level of detail available in it.

3. Can you offer any explanation why most of the major headings in the tendered Scope of Works relate to drainage (for example “Services and Testing”, “Earthworks”, etc).

Response: There has been emphasis on drainage due to WANDRRA and McLean Park works. However, Services and Testing under section 3 allow for earthworks, trench backfill, subgrade, subbase, base course, asphalt, pavers etc. Details relating to these type of works will occur during the quoting process and each project will have relevant specifications.

4. The pricing schedules contain many general items like sealing (m2 rate) and pipes (lineal metre rate). Are you confident that Contractors can price these items without knowing the bitumen application rate – or depth of pipe- or location? (these are only 2 examples of significant work components).

Response: The panel specifications are to get a baseline to evaluate the ability of a prospective contractor. They are not to give exact details relating to a particular type of works. This will occur during the quoting process.

5. Notwithstanding the 2 examples above- are you confident that all the other items, which require pricing, are specified (reasonably enough) to be fairly priced?

Response: The panel specifications are to get a baseline to evaluate the ability of a prospective contractor. They are not to give exact details relating to a particular type of works. This will occur during the quoting process.

6. The drainage works calls for “Black Max” pipes. Are these the trademark items, or will cheaper generic versions be equally acceptable? Is it possible some Tenderers will use the proprietary item in their price – while others will use a significantly cheaper product? How will this be evaluated? Will Tenderers be able to alter their prices if they have used the more expensive item – while others used the cheaper item?

Response: The panel specifications are to get a baseline to evaluate the ability of a prospective contractor. They are not to give exact details relating to a particular type of works. This will occur during the quoting process.

7. Are you confident that all Tenderers were provided the same information throughout the process? How was this assured?

Response: WALGA's tender portal ensures that information is shared with all registered tenderers. This includes variations to the original documentation and access to all questions asked and answered during the tender process.

8. Are you confident that there is a mechanism which will allow the Tender to be assessed on a fair and equitable basis - even if there is a lack of Specification, unclear Scope of Works, undefined Products and undefined Pricing Schedule?

Response: The panel specifications are to get a baseline to evaluate the ability of a prospective contractor. They are not to give exact details relating to a particular type of works. This will occur during the quoting process.

9. What is the total estimated cost WALGA will be paid once the Tenders are finalised?

Response: The cost of the service was \$19,328. This included preparing the specification, assessing the tenders, preparing the final report for Council consideration and also includes preparing the contractual documentation.

10. Did the Shire seek any quotes for this work other than through WALGA? If not – why not?

No. WALGA has provided a similar process for the Shire in the past. The Shire has been previously very satisfied with the process and documentation produced.

11. Do you have confidence in the Shire Technical Staff to administer, negotiate, vary and enforce this Tender once WALGA have completed their process?

Response: Yes.

12. Once a Panel of Suppliers is established- will specific jobs be detailed, scoped and specified by Shire Technical Staff– or will that be outsourced to WALGA once again?

Response: It depends on the project complexity. For example, the specification for the McLean Park redevelopment has been produced externally. This was not completed by WALGA.

13. Once a Panel of Suppliers is established - will any quotes received be weighted and assessed by Shire Technical Staff – or will that be outsourced to WALGA again?

Response: They will be assessed by Shire staff.

14. If it is anticipated that Shire Staff will detail, scope and specify future tasks – what differentiates a Tender from that process apart from advertising?

Response: No significant difference. The main benefit is the speed in which a contractor can be appointed and the works completed. It also addresses compliance with the Regulations and contractors reaching the prescribed tender thresholds over numerous financial years.

15. Do you agree that Tender documents have some legitimacy in Law and are generally enforceable?

Response: Yes

16. Are you confident that the Tender documents are definitive and robust enough to stave off any reasonable lawful challenge, or dispute, that may arise?

Response: No. Disputes occur regularly in contract management.

17. Who produced the documentation – specifically Scope of Works and Specification – for the Tender?

Response: WALGA

18. Did any Council Staff member read the final Tender documentation – or was that assigned to WALGA?

Response: Staff reviewed the final documentation.

19. Who read, reviewed and signed off on, specifically, Scope of Works and Specification- prior to going to public advertising?

Response: Director Infrastructure and Assets

20. Do you have confidence that WALGA have the technical knowledge to produce a working, locally relevant, Specification and Scope of Works?

Response: The Shire would not have appointed WALGA otherwise. WALGA have administered a number of panel contracts for local governments across Western Australia.

21. Does the CEO have confidence in the Shire Technical Staff to produce tender documentation (specifically Specification and Scope of Works) for “Minor Works”?

Response: Generally yes. It comes down to capacity.

22. Does the CEO have confidence in the Shire Technical Staff to assess any submitted tenders for “Minor Works”?

Response: Generally yes. In relation to this process and given the value of the work involved, it was decided that a transparent and independent process was required.

23. Does the CEO have confidence in the Shire Technical Staff to produce tender documentation (specifically Specification and Scope of Works) for “Major Works”?

Response: It would depend on the works.

24. Does the CEO have confidence in the Shire Technical Staff to assess any submitted tenders for “Major Works”?

Response: Generally yes. However in each instance we discuss the process with staff. Often in small communities, staff prefer an independent and transparent process.

25. If you have confidence in Shire Staff to produce and assess a tender for “Minor Works” – why did the Shire engage WALGA to undertake this work?

Response: In relation to this process and given the value of the work involved, it was decided that a transparent and independent process was required. Shire technical staff

know many of the contractors and implementing an ‘at arms length’ process was supported and endorsed by the staff involved.

26. On a scale of 1 to 10 – 1 being poor and 10 being excellent – how does Shire Technical Staff indicatively rate the Tender documentation (specifically Scope of Works and Specification)?

Response: An assessment of WALGA’s performance should not be completed until after the process has been finalised.

27. How much does the Shire anticipate paying WALGA for this Tender?

Response: Answered above (question 9).

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 – 21 AUGUST 2018

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 6.1
MOVED: CR GIBSON	SECONDED: CR CARON
That the minutes of the Ordinary Meeting of Council held on the 21 August 2018 be confirmed as a true and correct record of the proceedings.	
CARRIED UNANIMOUSLY: 8/0	Res: 010918

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

Nil

8. REPORTS OF OFFICERS

8.1 Director Sustainable Development

8.1.1 PROPOSED SINGLE HOUSE – NO. 3 (LOT 214) RATCLIFF VIEW, OCEAN BEACH

File Ref:	A5357 (2018/110)
Applicant / Proponent:	Maxwell Designs on behalf of J & A Schoombee
Subject Land / Locality:	No. 3 (Lot 214) Ratcliff View, Ocean Beach
Disclosure of Officer Interest:	Nil
Date:	30 August 2018
Author:	Marieke de Vries, Town Planner
Authorising Officer:	Annette Harbron, Director Sustainable Development
Attachments:	8.1.1a – Development Application Documentation (July 2018) 8.1.1b – Amended Development Application Plans dated 28 August 2018 8.1.1c – Schedule of Submissions 8.1.1d – Applicant’s Response to Submission 8.1.1e – Site Photos

Summary:

The proponent is seeking Development Approval for a Single House at No. 3 (Lot 214) Ratcliff View, Ocean Beach.

Having regard to the issues raised from the submissions received, the applicant’s justification and assessment of the proposal against the relevant provisions of Town Planning Scheme No. 3 (TPS No. 3) and the Residential Design Codes (R-Codes), it is recommended that the Single House be granted Development Approval subject to appropriate conditions.

Background:

Current Application

An application for Development Approval was lodged with Planning Services in July 2018 for a Single House – refer Attachment 8.1.1a.

Following the public comment period and review of the submissions by the applicant, amended plans were lodged for consideration by Planning Services in August 2018 – refer Attachment 8.1.1b.

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 Town Planning Scheme No.3 (TPS No.3), Schedule 2, Part 8, Clause 64 of *the Planning and Development (Local Planning Schemes) Regulations 2015* and the Residential Design Codes, and undertook the following level of consultation:

External Consultation:

- Applicant.
- Two (2) adjoining landowners inviting comment on the proposal.

Internal Consultation:

- Development Co-ordination Unit.

At the close of the advertising period two (2) submissions were received – refer Attachment 8.1.1c. The submissions received have been entered into the schedule as verbatim with Column 4 of the Schedule of Submissions being Planning Services comments/response to the issues raised in the submissions.

Attached at Attachment 8.1.1d is the applicant's comments on the issues raised in the submissions.

It should be noted that following submission of the amended plans the plans were not provided to the submitters (submission 1) for further comment noting that the submitter clearly indicated that a setback less than the 6m minimum would not be supported. This was emphasised in an additional submission to their original submission following liaison with Planning Services (which has been included as an addendum in the Schedule of Submissions table).

Statutory Obligations:

TPS No. 3 and the Residential Design Codes (R-Codes) specify the pertinent planning provisions for the proposal.

As per current Delegation D100601: Implementation of Town Planning Scheme, the Chief Executive Officer, Director Sustainable Development and/or the Senior Town Planner only have the delegation to approve proposals for boundary setback variations under the Residential Design Codes, TPS No. 3 or relevant Town Planning Scheme Policies (where there is the power to vary the standards) where the proposed positioning will not impact adversely on the locality and/or amenity of adjoining properties.

Should Council refuse this Development Application, as per the provisions of the *Planning and Development Act 2005* the applicant can apply to the State Administrative Tribunal for a Right of Review.

Policy Implications:

TPS Policy No.40 – Rainwater Tanks & Greywater Re-use Systems applies to the development (noting that two rainwater tanks are proposed underneath the dwelling), with the proposal being fully compliant.

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 Aspirations and Objectives and the Corporate Business Plan Actions and Projects in the following specific ways:

Denmark 2027

B3.0 Our Built Environment:

We have a functional built environment that reflects our rural and village character and supports a connected, creative and active community.

B3.3 To have a planning framework that is visionary, supports connectivity and enables participation.

B3.5 To have diverse and affordable housing, building and accommodation options.

Corporate Business Plan

3.2.7 Guide local development and require compliance in accordance with the Planning Scheme policy.

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 considerations 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)
The proponent may lodge an application for review to the State Administrative Tribunal if the Council’s decision was to refuse the proposal or to impose conditions on the approval that the applicant is aggrieved by.	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 Town Planning Scheme No. 3 (TPS No. 3), the subject site has a lot size of 2016m² and is zoned “Residential R5”.

The original plans submitted in July 2018 were generally compliant with the Deemed-to-Comply criteria of the Residential Design Codes (R-Codes) with the exception of the rear boundary setback and visual privacy setbacks from a study window and the rear deck – refer Attachment 8.1.1a.

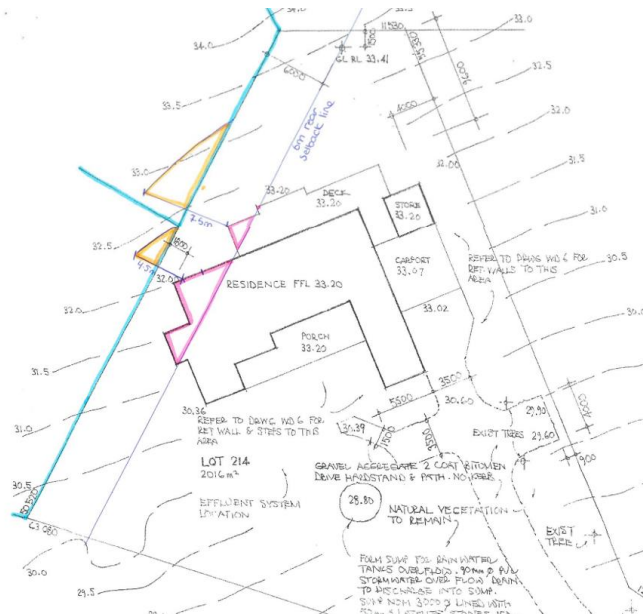


Fig 1 – Original submitted plan illustrating extent of building intrusion into the 6m rear setback line (pink), and cone of visions for the visual privacy setback variations from the study window and deck. (orange).

As referenced above, amended plans were lodged by the applicant in response to the submissions received, noting that these plans, with the exception of the south and west elevations, are the plans submitted for approval – refer Attachment 8.1.1b. The amended plans address the visual privacy setbacks via the provision of screening such that the development complies with the Deemed-to-Comply criteria of the R-Codes that relate to visual privacy setbacks, and increase the rear setback from a minimum of 1.8m to 3m via a minor modification to the floor layout. As a 6m rear setback is required in the R5 zone, the proposal remains non-compliant with the Deemed-to-Comply criteria of the R-Codes and a setback variation is therefore sought.

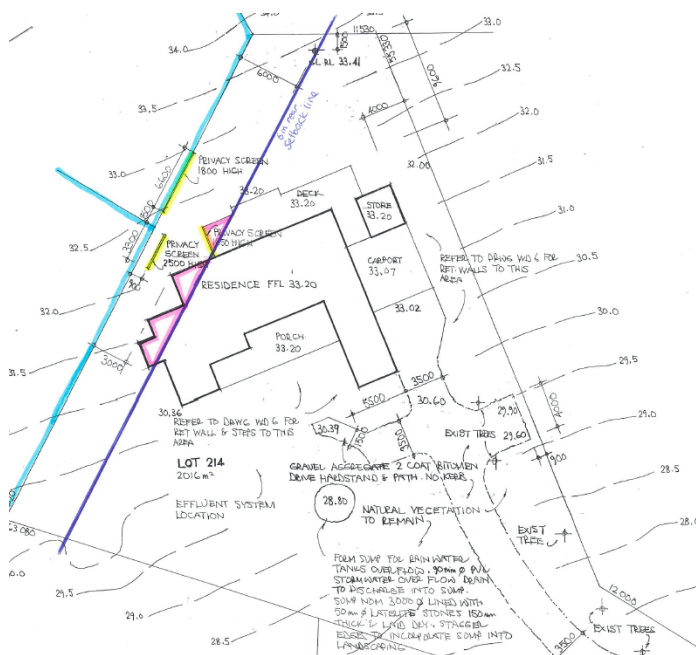


Fig 2 – Amended Site Plan illustrating extent of building intrusion into the 6m rear setback line (pink), and screening such that the development is compliant with visual privacy setback requirements (yellow).

As per the R-Codes, where proposals do not meet the Deemed-to-Comply criteria, the proposal is assessed having regard to the relevant Design Principles criteria, as detailed below:

P3.1: Buildings setback from lot boundaries or adjacent buildings on the same lot so as to:

- *Reduce impacts of building bulk on adjoining properties;*

It is noted that the 3m reduced setback (from 6m) applies to a small portion of the building only due to the angle and articulation of the building, and the potential impact of building bulk is split between two adjoining rear properties (refer Fig 2 above – blue lines indicate the property boundaries). Due to this, the downslope location of the building from the rear boundary, as well as the large lot sizes and distance between buildings (the buildings up slope are sited away from the proposed development to take advantage of views) it is not considered that the reduced setback would result in a significant impact of building bulk.

It is further noted that lesser setbacks down to 1m would be permissible if the boundary in question was considered a side boundary – the development in its current form would have required a 1.5m setback. Whilst the proponent has questioned the classification of the boundary as ‘rear’ Planning Services retain the view that whilst the lot shape is unusual the boundary is still considered to be the rear due to the prevailing orientation of adjoining lots and the way in which the boundaries align to the primary street frontage.

- *Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and*

The development complies with deemed-to-comply provisions of the R-Codes relating to solar access (pertaining to overshadowing on neighbouring lots). The 3m setback proposed, in addition to large rear setbacks on the properties up slope allow a significant area of separation between buildings such that the building will receive adequate sun and ventilation. Overall, given the large lot sizes and generous lot boundary setbacks (noting that even with the proposed variation the rear setback is greater than the minimum required if the boundary was considered a side boundary), it is not considered that adequate access to direct sunlight, and daylight to major openings into habitable rooms on all adjoining properties will be affected by the proposed dwelling.

- *Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.*

Whilst the development did not initially comply with visual privacy setbacks in the R-Codes due to the FFL at the rear being greater than 500mm from natural ground level, it is not considered that neighbours up slope would be significantly impacted due to the distance between the buildings (18m+) and noting that the impacted neighbours are up slope and in turn overlook the subject property. Nevertheless screening has been proposed such that this aspect of the R-Codes is now compliant.

Refer Attachment 8.1.1e for photos of the site, noting that one of the houses impacted by the setback variation is under construction, with the other lot vacant. The mature trees forming screening to the rear neighbours are proposed to be retained.

Having regard to the issues raised from the submissions, and assessment of the proposal in line with the intent and objectives of TPS No.3 and the R-Codes, it is recommended that Development Approval be granted subject to appropriate conditions being imposed.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION

ITEM 8.1.1

MOVED: CR SEENEY

SECONDED: CR ALLEN

That with respect to the development application for the Proposed Single House at No. 3 (Lot 214) Ratcliff View, Ocean Beach, Council:

CORRECTION TO MINUTES.
Pursuant to Council Resolution No. 021018

1. Notes the submissions received.
2. Grants ~~Subsequent~~ Development Approval subject to the following:
 - Conditions
 - a) Development to be in accordance with the attached stamped approved plans dated 9 July 2018 (south and east elevations) and 28 August 2018 (site plan, floor plan and north and west elevations).
 - b) The development to be constructed to Australian Standard 3959 – *Construction of Buildings in Bushfire Prone Areas* (BAL-12.5).
 - c) Permanent screening (being at least 1.6m in height, at least 75 per cent obscure, permanently fixed and made of durable material as per the Residential Design Codes) to be provided where marked on the approved plans to address visual privacy, to the satisfaction of the Shire of Denmark.
 - d) The approved development shall be connected to a reticulated water supply provided by a licensed water provider.
 - e) The approved development shall be connected to an approved high capacity nutrient retention system (i.e. ATU system) to the satisfaction of the Shire of Denmark (Environmental Health Services) – refer Advice Note 2.
 - f) The vehicle crossover shall be suitably constructed, drained and sealed (asphalt, concrete or brick pavers) to the satisfaction and specifications of the Shire of Denmark (Infrastructure Services) and thereafter maintained – refer enclosed vehicle crossover application form.
 - g) Vehicle accessways and designated parking areas shall be suitably constructed, drained, sealed (e.g. asphalt, concrete or brick pavers) and thereafter maintained.
 - h) All stormwater and drainage run off from all roofed and impervious areas (including overflow from rainwater tanks) is to be retained on-site or connected to a legal point of discharge to the satisfaction of the Shire of Denmark (Infrastructure Services).

Advice Notes:

- i. From a preliminary review of the information provided, the Shire's Principal Building Surveyor advises that in addition to the standard Building Permit application documentation engineering certification of the subfloor structure and retaining walls is required.
 - ii. In relation to condition e), the requirement for a high capacity nutrient retaining system is due to the environmental factors associated with the development of the residential estate (noting prospective purchasers of lots were required to be advised of such development provisions relating to the property). For more information in this regard please contact the Shire's Principal Environmental Health Officer on 9848 0312.
 - iii. Rainwater tanks intended for use as a potable water supply should be installed in accordance with the Department of Health's standard on water tanks. This includes but is not limited to a "First Flush Water Diverter" (for detailed information see 'Water' link at <http://www.public.health.wa.gov.au>).
 - iv. It is the responsibility of the applicant to ensure that building setbacks correspond with the legal description of the land. This may necessitate re-surveying and re-pegging the site. The Shire of Denmark will take no responsibility for incorrectly located buildings.
 - v. 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.
3. Advise the submitters of Council's decision.

CARRIED UNANIMOUSLY: 8/0

Res: 020918

8.2 Director Infrastructure and Assets

Prior to consideration of Item 8.2.1;

- Cr Whooley declared that he knew some of the contractors professionally and he was familiar with their work, ability and resources and as a consequence there may be a perception that his impartiality on this matter may be affected. Cr Whooley declared that he would consider this matter on its merits and vote accordingly.
- Mr Parker declared that one of the tenderers was known to him and as a consequence there may be a perception that his impartiality on this matter may be affected. Mr Parker declared that he would consider this matter on its merits and advise Council accordingly.

8.2.1 PANEL OF PRE-QUALIFIED SUPPLIERS – PROVISION OF ROAD CONSTRUCTION, EARTHWORKS, DRAINAGE AND TURFING SERVICES

File Ref:	ENG.1
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Shire of Denmark
Disclosure of Officer Interest:	Impartiality: Some tenderers are known to both the Author and Authorising Officer.
Date:	10 September 2018
Author:	Martin Buczak, Manager Technical Services
Authorising Officer:	Bill Parker, Chief Executive Officer
Attachments:	8.2.1 – CONFIDENTIAL Attachment

Summary:

The Shire of Denmark engaged the Western Australian Local Government Association (WALGA) to facilitate the appointment of a panel of contractors for the provision of road construction, earthworks, drainage and turfing services. It is envisaged that the panel of prequalified suppliers will provide support for the delivery of numerous projects contained within the 2018/19 budget and beyond.

This item recommends the endorsement of 10 prequalified suppliers for an initial two (2) year period, with the possibility of a further two (2) year extension.

Background:

In adopting the 2018/19 budget, Council has endorsed an extensive capital works program that is well in excess of the Shire’s internal capacity. In order to deliver this program, the Shire will need external assistance.

Given the size and value of the proposed program, it was determined that a formal tender process was required to ensure compliance with the Local Government Act 1995 and associated Regulations.

Given the success of previous tender processes and in order to meet community expectations, the Shire engaged the professional services of WALGA to undertake the procurement process on the Shire’s behalf.

Rather than tender each project individually, the Shire has decided to assemble a panel of prequalified suppliers. Under this approach, various contractors are subjected to a tender process and placed on a panel. The Shire is then able to use this panel exclusively to undertake the nominated works.

A panel offers numerous benefits to a local government including;

1. The Shire can be assured that contractors are appropriately qualified and hold appropriate levels of insurance.
2. The Shire does not have to go through a formal tender process for each job. Each of the panel members are prequalified.
3. The Shire can be more responsive, with contractors appointed quickly.
4. The Shire can ensure that all procurement requirements have been met. This includes tender thresholds over multiple financial years.

WALGA offers procurement services to all local governments in Western Australia. WALGA has a team of procurement specialists that are experienced and knowledgeable in all aspects of procurement, including the requirements under the Local Government Act 1995 and associated Regulations. One of the main benefits in using WALGA’s service is that it allows Shire staff to remain independent of the process. This is particularly beneficial in small towns where prospective tenderers are often known to staff.

The Invitation to Tender (ITT) was advertised in:

- The West Australian (Wednesday 27th June 2018)
- WALGA’s Tendering Portal (Tenderlink, Wednesday 27th June 2018)
- Albany Advertiser (Thursday 28th June 2018)
- Denmark Bulletin (Thursday 5th July 2018)

During the open period, two (2) addenda were issued;

- Provision of Community Forum Presentation (12th July 2018)
- Application Rates of Sealing (19th July 2018)

The ITT closed on 25th July 2018 at 2:00 pm.

In response to the ITT, WALGA received twenty-two (22) submissions.

There were no formal requests for late tenders to be accepted.

The evaluation team comprised solely of WALGA staff. This was to ensure independence and transparency. The evaluation team signed a declaration prior to the evaluation to confirm that there was no conflict of interest. The team members were:

Name	Position	Role
Ruth Verrier	Procurement Specialist (WALGA)	Evaluator (Chairperson)
Alison Maggs	Strategic Sourcing Manager, Business Solutions (WALGA)	Evaluator
Danielle Buitenhuis	Procurement Specialist (WALGA)	Evaluator

In response to the assessment process, WALGA has made a recommendation to appoint ten (10) panel members across multiple categories.

Consultation

In addition to the statutory advertising required under the Local Government Act 1995 and associated Regulations, the Shire of Denmark in partnership with the Denmark Chamber of Commerce facilitated an information session in Denmark for prospective tenderers. WALGA’s Strategic Sourcing Manager attended the session and provided a comprehensive overview of the process, evaluation criteria and Regulations that relate to local government procurement. The session was well attended by prospective tenderers.

Statutory Obligations:

The Local Government Act (1995) relates to this item.

3.57. Tenders for providing goods or services

(1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.

(2) Regulations may make provision about tenders.

Division 2 and 3 of the Local Government (Functions and General) Regulations (1996) also apply to this item.

Policy Implications:

The Shire's Purchasing Policy was amended in June 2018 to allow the establishment of a panel of prequalified suppliers. In addition to allowing the Shire to establish a panel, the policy also clearly articulates how the Shire of Denmark will distribute work to the panel members.

7.1 Distributing Work Amongst Panel Members

In considering the distribution of work among Panel members, the detailed information, which is to be stipulated in the detailed information set out under Regulation 24AD(5)(f) when establishing a Panel, will also prescribe whether:

- *Each Panel member will have the opportunity to bid for each item of work under the Panel, with pre-determined evaluation criteria forming part of the invitation to quote to assess the suitability of the supplier for particular items of work. Contracts under the prequalified panel will be awarded on the basis of value for money in every instance; or*
- *Work will be awarded on a ranked basis. The Shire of Denmark will invite the highest ranked Panel member, who is to give written notice as to whether to accept the offer for the work to be undertaken. When a ranking system is established, the Panel will not operate for a period exceeding 12 months.*

Should the list of Panel members invited be exhausted with no Panel member accepting the offer to provide goods/services under the Panel, the Shire of Denmark may then invite suppliers that are not pre-qualified under the Panel, in accordance with the Purchasing Thresholds stated in section 6.4 of this Policy.

In establishing this particular panel, the Shire has decided that either methodology could apply. The Shire's preference is that each Panel member will have the opportunity to bid for each item of work under the Panel. Each job will be supported by a specification.

In undertaking the pricing evaluation, the Assessment Panel took the Shire's Regional Price Preference Policy into consideration.

Budget / Financial Implications:

The cost of WALGA providing the procurement service was \$19,328. This included the preparation of advertising material, preparing the specification, assessing the tenders, preparing the final report for Council consideration and also includes preparing the contractual documentation.

It should be noted that the work undertaken by WALGA will apply for up to four years.

The work to be undertaken by the panel of prequalified suppliers has been allowed for in the 2018/19 Budget.

Strategic & Corporate Plan Implications:

In December 2017, Council adopted a new Strategic Community Plan for the period 2017-2027. In developing this document, the Shire undertook extensive community consultation. The community clearly articulated that it wanted the Shire of Denmark to be recognised as a transparent, well governed and effectively managed local government.

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

Denmark 2027

E1.0 Our Economy

We are an attractive location to live, invest, study, visit and work.

- E1.1 To have a locally supported resilient, stable and innovative business community that embraces creativity, resourcefulness and originality.

L5.0 Our Local Government

The Shire of Denmark is recognised as a transparent, well governed and effectively managed Local Government.

- L5.1 To be high functioning, open, transparent, ethical and responsive.
- L5.2 To be decisive and to make consistent and well considered decisions.
- L5.4 To be fiscally responsible.

Corporate Business Plan

1.10.9 Implement the McLean Park Precinct improvements.

3.3.2 Advocate for increased resources for business development.

3.3.4 Where appropriate, assist with the promotion and marketing of local businesses.

4.1.2 Ensure that a system of processes through which the shire conducts its decision making and directs, controls, and monitors the operation of the organisation, is implemented and maintained.

Sustainability Implications:**➤ Governance:**

The decision to engage WALGA was to ensure that the Shire remained at 'arms length' to the procurement process. WALGA's independence represents a transparent, open and accountable governance system.

➤ Environmental:

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

➤ Economic:

The work undertaken by the Panel will provide an economic benefit to the Shire of Denmark. The extent of the benefit will vary, depending on how many local contractors are appointed to the panel or the amount of local content should a non-local panel member be appointed to undertake works.

➤ 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 Panel is not endorsed by Council and the Shire is delayed in commencing the capital works program.	Unlikely (2)	Major (4)	High (10-16)	Inadequate Procurement, Disposal, Tender Practice	Accept Officer Recommendation

Comment/Conclusion:

The selection criterion utilised in this ITT consisted of Compliance and Disclosure, Qualitative and a non-weighted pricing assessment.

The following Weighted Criteria was used for this process.

<p>Demonstrable Projects</p> <p>i. Provide at least two examples of engagements of the goods and services within each of your nominated categories of supply to demonstrate your ability in the respective supply category. Highlight any industry specific accreditations and licences. Where goods are provided provide an overview of the range of goods, and brandings that can be provided. Project examples are to include:</p> <ul style="list-style-type: none"> • Preferred Supply Category Fit; • Customer Name, • Customer Contact Details; • Date Delivered, • Project Name; • Project Summary; • Project Value; And • Project Photos (Desirable). <p><i>(Principal is seeking to establish your level of experience and ability within your nominated areas of supply.)</i></p>	<p>35%</p>
<p>Organisational Capability</p> <p>i. Provide a detailed overview regarding your ability to provide goods and or services over multiple locations and customers within your nominated regions of supply.</p> <p>ii. Detail your business systems currently utilised to ensure a high level of service and quality outcome is delivered.</p> <p>iii. Provide copies of your Occupational Health and Safety policies and procedures to show that you can undertake these requirements in a capable and safe manner.</p>	<p>30%</p>
<p>Key Personnel</p> <p>i. Detail the project team members (including sub-contractors) inclusive of any relevant Current Registrations or Licences held, their intended role and any relevant experience and qualifications held; (RFT Personnel has been attached to this criterion and is available in the WALGA Provider Portal).</p> <p><i>(for example the number of years working at your organisation, job experience and Qualifications)</i></p>	<p>20%</p>

Local Content	15%
<p>i. The Tenderer must provide details of the benefits to the local community (within the Shire boundaries) from their involvement in this contract. Examples may include, but should not be limited to things such as:</p> <ul style="list-style-type: none"> • Local Employment; • Use of local service providers; • Use of local food and beverage providers; • Use of local accommodation for work crews; and • Sourcing of materials and consumables locally. 	

The evaluation process consisted of:

- (a) each panel member individually read and assessed each response. The assessment was based on the member allocating a score against the selection criterion resulting in an overall score determining their ability to provide the services.
- (b) Reference checks and financial due diligence on preferred Tenderer(s) was undertaken;
- (c) The evaluation report was prepared and issued to the Evaluation Panel for endorsement; and
- (d) The recommendation was finalised for CEO/Council endorsement and approval.

At the conclusion of the evaluation process, the following scores were associated with the preferred tenderers. The following companies are recommended for award to the Panel for the provision of services in the categories listed below and are subject to contracting and satisfaction of outstanding clarifications and minor variations:

Tenderer	Overall Score	Overall Rank	Category
Down South Timber Company	70%	1	Plant and Equipment Traffic Management Roadworks Drainage Landscaping
Nigel Palmer Earthmoving Pty Ltd	70%	2	Plant and Equipment Roadworks Drainage
Tmaster	66%	3	Landscaping
WCP Civil Pty. Ltd.	64%	4	Plant and Equipment Traffic Management Roadworks Drainage Landscaping
Comiskey's Contracting Pty Ltd	64%	5	Plant and Equipment Roadworks Drainage
A.D. Contractors Pty Ltd	63%	6	Plant & Equipment Roadworks Drainage
Riverhill Contracting Pty Ltd	62%	7	Plant and Equipment Roadworks Drainage
Palmer Civil Construction	60%	8	Plant and Equipment Traffic Management

Tenderer	Overall Score	Overall Rank	Category
			Roadworks Drainage
Busselton Civil Pty Ltd	59%	9	Plant and Equipment Traffic Management Roadworks Drainage Landscaping
Wintersky Pty Ltd	58%	10	Plant and Equipment Landscaping

The overall score and rank for the remaining tenderers is contained within the confidential evaluation report.

The Evaluation Panel recommends that Council accepts the Tenders submitted, to appoint a Panel of Pre-Qualified Suppliers for the provision of Road Construction, Earth Works, Drainage and Landscaping (turfing) Services, by the recommended companies representing the most advantageous Tender to form a Contract.

- a) The estimate value of the Contract was \$2,000,000, based on similar works over the last twelve (12) months
- b) The initial term is for two (2) years with two (2) options to extend of twelve (12) months each

Voting Requirements:

Simple majority.

4.55pm – The Director Sustainable Development left the room and did not return.

COUNCIL RESOLUTION	ITEM 8.2.1
MOVED: CR WHOOLEY	SECONDED: CR PHILLIPS
That Council reject all tenders and re-tender for plant rates only with a view to including as many local contractors as possible.	
SUSPENSION OF STANDING ORDERS	
MOVED: CR SEENEY	SECONDED: CR CARON
That Standing Orders be suspended to allow discussion on the motion.	
CARRIED: 7/1	Res: 030918
<i>Pursuant to Resolution No.031115 all Councillors' votes on the above resolution are recorded as follows;</i>	
FOR: Cr Gearon, Cr Phillips, Cr Whooley Cr Osborne, Cr Seeney, Cr Gibson and Cr Caron.	
AGAINST: Cr Allen.	
RESUMPTION OF STANDING ORDERS	
MOVED: CR SEENEY	SECONDED: CR CARON
That Standing Orders be resumed.	
CARRIED UNANIMOUSLY: 8/0	Res: 040918

Cr Whooley requested that his words be recorded which were as follows;

I have spent a lot of time looking at this Tender. I have raised some issues in a detailed way. I appreciate that Councillors may not have the technical knowledge to follow those concerns.

The issues I have highlighted are not simply “errors”. We can all live with errors.

I appreciate the need for decisions and the impact that not making a decision can have.

Nevertheless – decisions for decisions sake – are not the way good governance should be approached. Having revisited this tender over and over – I can honestly say that there are, in my opinion, no redeeming features at all. The contract itself would be – if it were not clouded by the inclusion of Contract terms within the Scope of Works which contradict.

It is hard to imagine that – even if the brief was to produce a poor document – anyone would produce this.

I would like to pick up on just a few things.

One Contractor was assessed as a 4 for Local Content – another got a 6- both are from Plantagenet. If the Contractor that got a 4 received a 6 - that would rank them alongside Busselton Civil in terms of raw score and put them in contention.

AD Contractors appear to be in the top 3 for documentation and the top 3 for price- yet their overall ranking is 6.

The rankings appear to be a direct translation of the assigned raw scores – yet the tender is supposed to apply a percentage weighting to each category ranging from 15% to 35%. I cannot see where this has been applied.

AD Contractors appear to be in the top 3 for documentation. They appear to be in the lowest 3 for individual plant rates - yet for roadworks they are ranked 6 with the 3rd highest total price.

That just does not make sense. Neither does the 3 days used to assess roadworks – using only a skidsteer loader (which isn't a listed piece of plant), roller and excavator.

No grader, no watercart, no broom, no trucks etc. No-one builds roads without these items. How can this be a valid assessment?

We also have a new category under Traffic Management. I don't think it was clear in the tender that we would be forming a Panel for Traffic Management in the tender title.

In any event the assessment is also poor. Both complex and basic traffic management are assessed as having 2 controllers for 8 hours. That is not legal. There are mandatory breaks required and for anything complex at least 3 controllers are required – unless it is intended to stop work every 2 hours.

There is no evidence that pricing has been considered. Indeed Council are not even privy to the submitted prices in any detail. Dozers are Dozers- Loaders are Loaders. It is hard to imagine all contractors have the same size machines.

Not having the pricing of all tenders makes it impossible for Council to assess. This is not a matter of “we're WALGA – trust us”.

It is within Council prerogative – notwithstanding the assessment – to include or exclude any other Contractor. Council is not even privy to that information.

This is a tender that is based on documentation alone as far as I can see. The assessors have solely relied on their interpretation of a company's ability as reflected by the level of documentation and not on the inherent ability of the company.

This is a tender that has no specification at all.

The pricing schedule was impossible. For example – asking for a sq metre rate for sealing with no reference to how much bitumen should be applied is the same as asking for a sq metre rate for concrete with no particular thickness specified.

The Scope of Works is confused and only deals with drainage.

The Contract document is compromised by contract clauses in the Scope of Works.

Effectively all we have is a set of rates for machinery- complicated by poor documentation -which can only give rise to arguments.

Councillors may be of the opinion that the Panel of Suppliers will save time. Or indeed that it is urgent – as the Officer report alludes the risk impact is “Major” and there will be a “delay in commencing the works program”.

This is not true. There is plenty of time to re-tender this item and have no impact on the works program. Indeed the time to start most of the proposed work is January.

Any interim machines needed can be sought in the traditional way and managed through the purchasing system – if exceeding the tender thresholds is a concern.

In terms of time and effort – make no mistake- any project we intend to tender for will require full specifications, new contract documentation, full Scope of Works and a complete new pricing schedule. It would also require a complete and new assessment against criteria.

The only saving is advertising. The downside is that the possibility of getting a good price is now limited to the Panel alone.

Any such tender will just be complicated by running alongside an existing tender that has separate pricing, scope and no specification.

The problem seems to be that no one read the tender documents and there was no assessment of exactly what was trying to be achieved by going to tender.

The impact on local business is exacerbated- in that if this tender runs for 4 years – there will be a disincentive for people to start up any small contract business.

While there is no compulsion to even use the Panel of Suppliers- I can guarantee that Staff will be reluctant to go outside of it because of the issues that will raise.

For example – if I were a Panel Supplier and I noticed a Contractor who was not on the list doing work- I would be asking the question ... Why?

I do not understand why acceptance of the tender is “subject to outstanding clarifications and minor variations”. It is quite unusual to present a Tender without first having sorted all that out – it is integral to the assessment.

I cannot in good conscience support this tender in any way shape or form. It will create a rod for our backs.

I urge Councillors to reject this tender and revisit this with a view to get Plant Rates only and include as many Local Businesses as possible by not making the documentation and process so difficult so as to exclude local contractors which we have relied upon for years.

In summary – The Shire of Plantagenet does have a Panel of Suppliers. The Contractors are listed with all their machinery and all the prices are there. It is simple and open.

We are in a situation where we are cautioned about even discussing this tender here at Council, because it has been made confidential. There is nothing open and transparent about that. The many failings in assessment cannot be voiced.

There are contractors in there that only have one or two bits of gear – yet are assessed as eligible for roadworks.

In all other tenders the assessment and weightings have been published.

While it might be fair to say the alternative motion should not include the words “with a view to include more local contractors” – it is equally fair to say that by making the paperwork heavy and the process onerous – we effectively exclude local contractors.

We have experience with this in relation to the Bowling Club. That Tender called for QA documented Registered Builder- not just a Registered Builder. That requirement effectively removed all local builders from contention and increased the price.

We are responsible for the allocation of resources and we cannot make a good decision without the supporting documentation. It is not good enough to say “I am WALGA – trust me”.

I again urge all Councillors to reject this tender and re-advertise it with some decent documentation and objectives.

THE MOTION WAS THEN PUT AND LOST: 2/6

Res: 050918

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

FOR: Cr Whooley and Cr Phillips.

AGAINST: Cr Allen, Cr Caron, Cr Gibson, Cr Seeney, Cr Gearon and Cr Osborne.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.2.1
MOVED: CR CARON	SECONDED: CR GIBSON
That in relation to the Panel of Prequalified Suppliers, Council;	
<ol style="list-style-type: none"> 1. Accepts the Tenders submitted, to appoint a Panel of Pre-Qualified Suppliers for the provision of Road Construction, Earth Works, Drainage and Landscaping (turving) Services, by the recommended companies representing the most advantageous Tender to form a Contract with an initial term of two (2) years and with two (2) options to extend of twelve (12) months each; and 2. Authorise the Chief Executive Officer and Shire President to execute the contracts with the recommended companies, subject to the satisfaction of outstanding clarifications and minor variations. 	
CARRIED: 6/2	Res: 060918
<i>Pursuant to Resolution No.031115 all Councillors' votes on the above resolution are recorded as follows;</i>	
<i>FOR: Cr Allen, Cr Caron, Cr Gibson, Cr Seeney, Cr Gearon and Cr Osborne.</i>	
<i>AGAINST: Cr Whooley and Cr Phillips.</i>	

8.3 Director Corporate and Community Services

8.3.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDING 31 JULY 2018	
File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Denmark
Disclosure of Officer Interest:	Nil
Date:	6 September 2018
Author:	Lee Sounness, Manager Corporate Services
Authorising Officer:	Cary Green, Director Corporate and Community Services
Attachments:	8.3.1 – July Monthly Financial Report

Summary:

It is a requirement of the Local Government Act 1995 that monthly and quarterly financial statements are presented to Council, in order to allow for proper control of the Shire’s finances. In addition, Council is required by legislation to undertake a mid year review of the Municipal Budget to ensure that income and expenditure is in keeping with budget forecasts. It should be noted that the budget is monitored by management on a monthly basis in addition to the requirement for a mid year review.

The attached financial statements and supporting information are presented for the consideration of Elected Members.

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 adopted 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 are consistent with Council's adopted Strategic Plan Objectives and Goals and the Corporate Business Plan Actions and Projects in the following specific ways:

Denmark 2027

L5.4 To be fiscally responsible

Corporate Business Plan

4.4.12 Provide Statutory and other relevant information to internal and external stakeholders on a timely basis.

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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 July 2018 total cash funds held total \$11,899,729 (Note 4).

Shire Trust Funds total \$186,011.

- \$183,348 of this is invested for 6 months with the National Bank, maturing 18 December 2018 at the quoted rate of 2.47%.

Reserve Funds (restricted) total \$9,966,163

- \$5,354,987 of this has been placed on investment for 31 days with the Western Australian Treasury Corporation at the quoted rate of 1.45%,
- \$4,380,292 has been invested with the National Bank, maturing 29 December 2018 at the quoted rate of 2.55% and
- \$230,885 has been invested with the National Bank, maturing 3 August 2018 at the quoted rate of 2.40%.

Municipal Funds (unrestricted) total \$1,747,555

- \$702,583 is invested with the National Bank, maturing on 19 August at the quoted rate of 2.05%

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 any subsequent year to date budget amendments identified including the mid-year budget review (refer Note 5), the 30 June 2019 end of year position is estimated to be \$0 which is in line with budget projections (Statement of Financial Activity).
- Operating revenue and expenditure is generally in line with year to date budget predictions for 31 July 2018 (Statement of Financial Activity).

- The Rates Collection percentage currently sits at 14.33%, which is the % collection of outstanding rates overdue from 2017/2018 collected so far in July 2018. The rates billing for 2018/2019 was levied on 6 August compared to July in 2017. (see Note 6)
- The 2018/2019 Capital Works Program is 1.03% complete utilising actual year to date figures and the total committed cost is 5.52% as at 31 July 2018
- Various transfers to and from Reserve Funds have not been made for 2018/2019 as they are generally undertaken in the latter half of the financial year, depending on the specific projects to which the transfers relate.
- Salaries and Wages expenditure is generally in line with year to date budget estimates (not reported specifically in Financial Statement).

Other Information

- Depreciation Expense

Depreciation of assets has not been calculated for the reporting period as the Annual Financial Audit for the year ended 30 June 2018 has not been concluded at the time of producing this report.

- Rates Receivable (Note 6)

No rates income received in the month of July as rates were not levied until 6th of August 2018. Payment of rates or 1st instalment payment of rates are due by the 17th of September and a steady flow of income will be generated in coming months.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.3.1
MOVED: CR CARON	SECONDED: CR GIBSON
That with respect to Financial Statements for the period ending 31 July 2018, Council;	
1. Receive the Financial Reports, incorporating the Statement of Financial Activity and other supporting documentation.	
2. Endorse the Accounts for Payment for the month of August 2018 as listed.	
CARRIED UNANIMOUSLY: 8/0	Res: 070918

Prior to consideration of Item 8.3.2, Cr Gearon declared that she is a member of the Denmark Surf Life Saving Club and as a consequence there may be a perception that her impartiality on this matter may be affected. Cr Gearon declared that she would consider this matter on its merits and vote accordingly.

8.3.2 CSRFF GRANTS – DENMARK SURF LIFE SAVING CLUB

File Ref:	A5588
Applicant / Proponent:	Shire of Denmark
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Members of Officers family are members of the Denmark Surf Life Saving Club
Date:	28 August 2018
Author:	Damian Schwarzbach, Manager Recreation Services
Authorising Officer:	Cary Green, Director Corporate and Community Services
Attachments:	8.3.2a – Summary of CSRFF Applications 8.3.2b – CSRFF Grant Application – Denmark Surf Club Transformation Project

Summary:

Prior to consideration of applications for funding assistance through the Community Sporting and Recreation Facilities Fund (CSRFF), the Department for Local Government, Sport and Cultural Industries (DLGSC), require Local Governments to endorse funding applications from community groups and to place a funding priority on each application. The Local Government support, its priorities in ranking order and the applications received are forwarded to DLGSC by 28 September 2018.

The only application received for consideration by Council from the 2018/19 round of funding is from the Denmark Surf Life Saving Club, who are proposing to build a new, modern and fit-for-purpose facility that services the needs of members, the Denmark community and visitors to Ocean Beach.

The report recommends Council support the application and request the Officer to submit the grant application to the Department of Local Government, Sport & Cultural Industries.

Background:

The Community Sporting and Recreation Facility Fund (CSRFF) is a Department of Local Government, Sport and Cultural Industries administered grant program.

The purpose of the program is to provide financial assistance to community groups and local government authorities to develop basic infrastructure for sport and recreation.

The CSRFF program aims to increase participation in sport and recreation, with an emphasis on physical activity, through rational development of sustainable, good quality, well designed and well utilised facilities.

The CSRFF Forward Planning Grants are offered on an annual basis. The grants were advertised and opened in June 2018 and successful applicants are notified in February 2019.

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

List of CSRFF Applications for 2018/19

1. CSRFF application submitted by the Denmark Surf Life Saving Club

Project: Denmark Surf Life Saving Club Transformation Project
Project Cost: \$4,711,000
CSRFF Grant Request: \$600,000

The Denmark Surf Life Saving Club (DSLSC / The Club) are proposing to build a new, modern and fit-for-purpose facility that services the needs of members, the Denmark community and visitors to Ocean Beach.

The Denmark Surf Life Saving Club was officially formed on the 28th of November 1958, with the first patrol commencing on Sunday 14 December 1958. By the end of 1960, the first clubhouse was built, and is still in use today, housing the patrol equipment, members' boards and kiosk. The clubhouse provided a venue to train the first Ocean Beach Surf Life Saving group who were awarded the Bronze Medallion in 1962.

In 1987, new club rooms were built, which included the completion of the 2 story club house with a function room, kitchen and toilet facilities plus extensive storage space. The Denmark SLSC will host the Surf Life Saving WA Country Carnival in 2019 which attracts many clubs from around WA.

The Club had grown significantly from the small and dedicated group of surf club pioneers numbering around 18 active members in 1964 to 290 active members in 2017/18. Patrols have been extended to include full time paid Life Guards, funded by the Shire of Denmark, during the summer school holidays and voluntary patrols on Saturday afternoons, plus the usual all day Sunday patrols.

The DSLSC has very recently earned the prestigious Lavan WA Club of the Year award at the Surf Life Saving WA Awards of Excellence in Perth for the 2017/18 season.

The Shire of Denmark has management order over the reserve with power to lease for up to 21 years. The current lease in favour of the Surf Club expires in 2031.

This project is identified by the State Sporting Association, Surf Life Saving WA, as a priority development. The project is aligned to the Surf Life Saving WA Strategic Plan by addressing the following objectives, increased organisational sustainability, enhanced club membership growth, building safer communities and providing community education and health promotion.

The existing facility would continue to be utilised during the construction phase enabling The Club to continue to provide their community service and club activities. Once the new facility is built the demolition of the existing building would occur.

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.

Consultation undertaken to date:

- Key Community Stakeholders;
- Club members.

Planned consultation to occur:

- Community Information Sessions.

At present, Council has the draft Shire of Denmark Sport and Recreation Master Plan developed by ABV Consultants out for public comment. The draft report identifies this project as one of the priorities for Council.

Whilst the location has been agreed upon, as per the Ocean Beach Foreshore Concept Plan and the Coastal Hazard Risk Management and Adaptation Plan, the aesthetic component will be subject to broader consultation to coincide with the planning process.

Statutory Obligations:

A development approval and building permit will be required to be obtained for the building – noting that due regard to State Planning Policy 2.6: State Coastal Planning Policy will be required as part of any development application assessment process.

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 with the community infrastructure and sharing of resources.

Budget / Financial Implications:

The CSRFF application asks Council to provide in principal support for the project. The financial contribution from Council would be \$400,000 towards a project total of \$4,711,000.

Source of funding	\$Amount ex GST
Local government	\$400,000
Applicant cash	\$50,000
Volunteer labour	0
Donated materials	0
Other State Government funding	\$1,500,000
Federal Government funding	\$2,161,000
Other funding – to be listed	0
CSRFF request (No Development Bonus)	\$600,000
or CSRFF request (Development Bonus)	
b) Total project funding	\$4,711,000

Council will also need to take into consideration the associated costs of this project including the demolition of the existing building, landscaping for the community amenities and public realm, and future carpark improvements/extensions. These costs will be indirect costs to Council for the completion of the Ocean Beach Surf Club Precinct project, and concept plans and costings for these associated works will be developed as the project matures.

Strategic & Corporate Plan Implications:

The report and Officer recommendation is consistent with Council's adopted Strategic Community Plan aspirations and objectives and the Corporate Business Plan actions and projects in the following specific ways:

Denmark 2027

E1.0 Our Economy

We are an attractive location to live, invest, study, visit and work.

E1.2 To be a vibrant and unique tourist destination, that celebrates our natural and historical assets.

N2.0 Our Natural Environment

Our natural environment is highly valued and carefully managed to meet the needs of our community, now and in the future.

N2.2 To promote and encourage responsible development.

B3.0 Our Built Environment

We have a functional built environment that reflects our rural and village character and supports a connected, creative and active community.

B3.1 To have public spaces and infrastructure that are accessible and appropriate for our community

B3.2 To have community assets that are flexible, adaptable and of high quality to meet the purpose and needs of multiple users.

B3.3 To have a planning framework that is visionary, supports connectivity and enables participation.

C4.0 Our Community

We live in a happy, healthy, diverse and safe community with services that support a vibrant lifestyle and foster community spirit.

C4.1 To have services that foster a happy, healthy, vibrant and safe community

C4.2 To have services that are inclusive, promote cohesiveness and reflect our creative nature.

L5.0 Our Local Government

The Shire of Denmark is recognised as a transparent, well governed and effectively managed Local Government.

L5.2 To have meaningful, respectful and proactive collaboration with the community.

L5.3 To be decisive and to make consistent and well considered decisions.

L5.4 To be fiscally responsible.

Corporate Business Plan

1.1.1 Advocate for the provision and promotion of services and facilities that meet the needs of the community.

- 1.1.5 Consider the diverse needs of various groups and communities in planning for the services required to cater for population growth.
- 1.10.3 Support the Denmark Surf Club Redevelopment/Upgrade.

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

A native vegetation clearing permit is not expected to be required, however an environmental consultant will be engaged in the next detailed design phase of the project, which will set out all requirements in this regard. The area is potentially not a high conservation area and is fundamentally a regrowth area.

The new development is designed to include measures for energy and water efficiency. These include solar collection, thermal mass, passive ventilation, energy generation and evacuated tube solar hot water.

➤ **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 and more 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 do not support the Denmark Surf Life Saving Club's CSRFF Application	Possible (3)	Moderate (3)	Moderate (5-9)	Not Meeting Community expectations	Accept Officer Recommendation to support the application
That Council supports the CSRFF Application, but is unsuccessful and does not receive funding.	Possible (3)	Moderate (3)	Moderate (5-9)	Ineffective Management of Facilities and Events	Accept Risk and if unsuccessful revisit funding opportunities and the timeframe for the project.

Comment/Conclusion:

The Shire of Denmark Officers followed the CSRFF Procedure.

The process and supporting documentation supplied by The Club addresses all the important requirements of the CSRFF grant. The studies and plans produced are of a high standard and demonstrate considerable due diligence towards the project costs and the ongoing management of the facility.

The proposed facility would become an iconic community facility that would service the Shire of Denmark for the future and be a source of pride for the local participants.

The Officer recommends Council supports the DSLSC CSRFF Application and ranks the project number one as the only application for this round.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.3.2
MOVED: CR GIBSON	SECONDED: CR SEENEY
That the Department of Local Government, Sport and Cultural Industries be advised that the only application received for the Community Sport and Recreation Facilities Fund Grants Round for the Denmark Surf Life Saving Club Transformation Project is supported by Council.	
CARRIED UNANIMOUSLY: 8/0	Res: 080918

8.3.3 AMENDMENT TO POLICY P040227 – DEBT COLLECTION POLICY

File Ref:	RTS.1
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not Applicable
Disclosure of Officer Interest:	Nil
Date:	10 September 2018
Author:	Lee Sounness, Manager of Corporate Services
Authorising Officer:	Cary Green, Director Corporate and Community Services
Attachments:	8.3.3a – Policy (track changes) 8.3.3b – Policy (no track changes)

Summary:

Council are requested to consider an amendment to Policy P040227 by including separate reference to the debt management process of Sundry Debtors and to remove the first reminder notice provision of fourteen (14) days in the Rates Collection process.

Background:

The current Debt Collection Policy (P040227) doesn't differentiate debt collection management process of general debtors and rates debtors. The intent of the current policy is to collect outstanding monies using the same payment terms.

The current Debt Collection Policy (P040227) allows a first reminder notice to be sent to outstanding rates debtors after thirty five (35) days. The intent of the amendment is to remove this provision and to issue a final notice after thirty five days (35) days if no payment by the ratepayer.

Consultation:

The Officer has considered the requirement for the debtors finance officer and the rates finance officer to utilise different terms and methods to collect outstanding monies. The Officer has considered best practice policy on debt management by other Shires.

Statutory Obligations:

Nil

Policy Implications:

As per attached changes to P040227.

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 Community Plan Aspirations and Objectives and the Corporate Business Plan Actions and Projects in the following specific ways:

Denmark 2027

L5.0 Our Local Government

The Shire of Denmark is recognised as a transparent, well governed and effectively managed Local Government

L5.1 To be high functioning, open, transparent, ethical and responsive.

L5.3 To be decisive and to make consistent and well considered decisions.

Corporate Business Plan

4.2.2 Develop the skills and information required for Councillors and senior staff to represent the interests of the Shire and provide ongoing training that emphasises the role of corporate governance.

Sustainability Implications:

➤ **Governance:**

Council policies provide guidance to employees and the community on Council’s objectives and ensure that positions that are determined by the Council are documented, observed and reviewed from time to time.

➤ **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 amend Policy P040227	Rare (1)	Minor (2)	Low (1-4)	Inadequate Financial, Accounting or Business Acumen	Accept Officer Recommendation

Comment/Conclusion:

An objective of amending the policy is to document two types of debtors that may require debt management within the one policy. The process and terms to collect outstanding debts vary depending on the type of debtor – rates or sundry.

An objective of amending the policy is to reduce the time allowed to pay an outstanding rates debt by 14 days through removing the First Reminder provision. A Final Notice is issued after non-payment of rates notice after 35 days.

The above amendments provide clear distinction between the collection of monies for different debtor types and removes an administration process that delays collection of outstanding rates.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.3.3
MOVED: CR GIBSON	SECONDED: CR CARON
That Council amend Policy P040227 – Debt Collection Policy as per Attachment 8.3.3b.	
CARRIED UNANIMOUSLY: 8/0	Res: 090918

8.4 Chief Executive Officer

8.4.1 AMENDMENT TO POLICY P050303 - DONATIONS TO ROYAL FLYING DOCTOR SERVICE

File Ref:	FIN.1 & ADMIN.2
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	24 August 2018
Author:	Claire Thompson, Executive Assistant
Authorising Officer:	Bill Parker, Chief Executive Officer
Attachments:	Nil

Summary:

Council are requested to consider an amendment to Policy P050303 by including reference to donations to the Royal Flying Doctor Service, to align with Council’s adopted Budget.

Background:

On 31 July 2018 Council adopted the Shire of Denmark’s 2018/19 Budget which included an income account dedicated to donations received via the Australia Day Breakfast and given to the Royal Flying Doctor Service and an expense account for the amount of \$2,000. The expense account narrative includes the words “in accordance with Policy”.

Officers included the narratives as a result of discussions with Councillors during Budget Workshops where it was indicated that the Council wanted to ensure a consistent donation / contribution to the Royal Flying Doctor Service each year in recognition of the important service they provide to Western Australia.

The intent during Budget adoption was to also amend Policy P050303 to reflect this commitment. This is now the subject of this report.

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:

Nil

Policy Implications:

Policy P050303 – Donations of Funds to Emergency and Disaster Recovery currently reads as follows;

“In considering financial assistance to various emergency and disaster relief efforts and to accommodate funding for such unforeseen requests during a budget year the following budget provisions be made;

- *Allowance for 1 x annual Local and State Emergency/Disaster - up to \$10,000; and*
- *Allowance for 1 x annual National Emergency/Disaster – up to \$5,000; and*
- *International Emergency/Disaster - Nil and the CEO be authorised to advise proponents of requests for international disaster relief that Council’s Policy is to refer such requests to State & Federal Governments, whose jurisdiction includes international relations.”*

It is recommended that the title of the policy be amended to “Donations of Funds to Emergency Services and Disaster Recovery” and the following words be added;

In addition to the above considerations, the Australia Day Breakfast will raise funds for the Royal Flying Doctor Service by requesting a voluntary donation from attendees. The donation is in recognition of the critical emergency service that it provides for rural and regional Western Australia, including the Denmark Community.

If the amount raised is less than the budgeted amount under GL1530292, the Shire will contribute the difference.

Budget / Financial Implications:

The adopted 2018/19 Budget (GL1530292) includes provision for a \$2,000 donation to the Royal Flying Doctor Service. The amount raised at the annual Australia Day Breakfast is typically around \$1,500.

Strategic & Corporate Plan Implications:

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

Denmark 2027

L5.0 Our Local Government

The Shire of Denmark is recognised as a transparent, well governed and effectively managed Local Government.

L5.1 To be high functioning, open, transparent, ethical and responsive.

C4.0 Our Community

We live in a happy, healthy, diverse and safe community with services that support a vibrant lifestyle and foster community spirit.

C4.1 To have services that foster a happy, healthy, vibrant and safe community.

Corporate Business Plan

1.7.8 Promote and support planning and activities that encourage a safe and responsible community.

Sustainability Implications:

➤ **Governance:**

Council policies provide guidance to employees and the community on Council’s objectives and ensure that positions that are determined by the Council are documented, observed and reviewed from time to time.

➤ **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:**

The Shire of Denmark has donated the voluntary gold coin donations raised at the Australia Day Breakfast to the Royal Flying Doctor Service since 2013 as a way of supporting a not-for-profit emergency service required from time to time by Denmark residents and regional Australia.

➤ **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 amend Policy P050503.	Rare (1)	Insignificant (1)	Low (1-4)	Inadequate Financial, Accounting or Business Acumen	Accept Officer Recommendation

Comment/Conclusion:

The objective of amending the policy is to document the commitment of the Council to contribute \$2,000 annually to the Royal Flying Doctor Service, in recognition of the critical service they provide to rural and regional Western Australia (including the Denmark community), and request a voluntary gold donation at the Shire’s annual Australia Day Breakfast to put towards the annual contribution.

Voting Requirements:

Simple majority.

<p>COUNCIL RESOLUTION & OFFICER RECOMMENDATION</p> <p>MOVED: CR PHILLIPS</p> <p>That Council change the title of Policy P050303 to <i>Donation of Funds to Emergency Services and Disaster Recover</i>”, and add the following words;</p> <p><i>In addition to the above considerations, the Australia Day Breakfast will raise funds for the Royal Flying Doctor Service by requesting a voluntary donation from attendees. The donation is in recognition of the critical emergency service that it provides for rural and regional Western Australia, including the Denmark Community.</i></p> <p><i>If the amount raised is less than the budgeted amount under GL1530292, the Shire will contribute the difference.</i></p> <p>CARRIED UNANIMOUSLY: 8/0</p>	<p>ITEM 8.4.1</p> <p>SECONDED: CR SEENEY</p> <p>Res: 100918</p>
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8.4.2 AMENDMENTS TO THE AUDIT ADVISORY COMMITTEE TERMS OF REFERENCE
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File Ref:	FIN.8
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	20 August 2018
Authors:	Claire Thompson, Executive Assistant
Authorising Officer:	Bill Parker, Chief Executive Officer
Attachments:	8.4.2 – Draft Audit Advisory Committee Charter

Summary:

Following amendments to the Local Government Audit and Financial Management Regulations, Council are required to amend the Terms of Reference for the Audit Advisory Committee to reflect the changes.

Background:

Amendments to the Local Government (Financial Management) Regulations 1996 and the Local Government (Audit) Regulations 1996 were gazetted on Tuesday, 26 June 2018.

2017 Local Government Act 1995 Amendments

In 2017 amendments to the Local Government Act 1995 now require the Auditor General to audit council finances and performance. The Auditor General will take over responsibility for all local government financial audits as existing audit contracts expire. The Auditor General will be able to contract out some or all of the financial audits but all audits will be done under the supervision of the Auditor General and paid for by the Council. The Auditor General commenced overall responsibility for the Shire of Denmark's audit last financial year.

In addition to the above, the 2017 reforms introduced a new "performance audit" category which gives the Auditor General the power to examine the economy, efficiency, and effectiveness of programs and organisations, including compliance with legislative provisions and internal policies. Such audits may focus on a particular issue or theme, such as procurement practices, and are paid for by the State Government.

The Shire of Denmark was subjected to credit card performance audit in late 2017.

Supporting Amendments to Regulations 2018

The 2017 changes in the Act have now been supported by amendments to the Local Government (Financial Management) Regulations and the Local Government (Audit) Regulations, gazetted on 26 June 2018.

The key changes affecting local governments as a result of the 2018 amendments are as follows;

1. An asset is to be *excluded* from the assets of a local government if the fair value of the asset as at the date of acquisition is under \$5,000. CEOs must take all reasonable steps to prevent the theft or loss of non-consumable portable and attractive items valued under \$5,000. The steps necessary to protect portable and attractive assets are a decision for each local government CEO.
2. Local governments will be required to revalue an asset whenever the local government is of the opinion that the fair value of the asset is likely to be materially different from its carrying amount; and in any event, within a period of at least 3 years but not more than 5 years after

the day on which the asset was last valued or revalued. These changes have been introduced to achieve greater consistency with the Australian Accounting Standards.

3. The timeframe for reviews under Regulation 17, Audit Regulations) and Regulation 5 (2), Financial Management Regulations have been amended so that they are now both to occur no less than every 3 years.
4. The role of the Audit Committee has been strengthened to assist the CEO to carry out the reviews of audit systems. The Audit Committee's responsibilities have also been extended to 'monitor and advise' the CEO in reviews conducted into financial management systems and audit systems and procedures. The Audit Committee will also support the auditor as required and have functions to oversee the implementation of audit recommendations made by the auditor, which have been accepted by Council; and accepted recommendations arising from reviews of local government systems and procedures.

This report deals with the key change no. 4.

Consultation:

- Guidelines from the Department of Local Government, Sport and Cultural Industries.
- Advice from the Western Australian Local Government Association (WALGA).

Statutory Obligations:

- Local Government Act 1995
- Local Government (Financial Management) Regulations 1996
- Local Government (Audit) Regulations 1996

Policy Implications:

There are no policy implications relating to the report or the Officer Recommendation.

A draft new Delegation to the Audit Advisory Committee has been included in the comment section of this report for consideration.

Budget / Financial Implications:

There are no known budget or financial implications relating to the report or the Officer Recommendation.

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:

L5.0 Our Local Government

The Shire of Denmark is recognised as a transparent, well governed and effectively management Local Government.

L5.1 To be high functioning, open, transparent, ethical and responsive.

L5.4 To be fiscally responsible.

Corporate Business 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.

Sustainability Implications:

➤ **Governance:**

The Council’s Audit Advisory Committee’s Terms of Reference needs to reflect requirements under state legislation. The draft new delegation has been provided to provide the Audit Committee with appropriate autonomy to carry out its functions in a timely and efficient manner.

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That the Council not amend the Audit Advisory Committee Terms of Reference.	Rare (1)	Moderate (3)	Low (1-4)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation
That the Council not delegate any functions to the Audit Advisory Committee.	Possible (3)	Minor (2)	Moderate (5-9)	Inadequate Financial, Accounting or Business Acumen	Accept Officer Recommendation

Comment/Conclusion:

Audits

Local governments are required to do everything in their power to –

1. Assist the auditor;
2. Ensure audits are conducted successfully and expeditiously;
3. Meet with the auditor at least once in every year;
4. Examine the annual financial report given to it by the auditor;
5. Examine any report prepared by the auditor on a particular aspect of the accounts
 - a. Determine if any matters raised by the report require action to be taken; and
 - b. Ensure that appropriate action is taken in respect of those matters.
6. Prepare a report on any actions taken under 5 (above) and forward a copy of the report to the Minister by the end of the next financial year.

Functions of Audit Advisory Committee

The functions of an Audit Committee are determined by Regulation 14 and 16 of the Local Government (Audit) Regulations 1996.

TERMS OF REFERENCE PRIOR TO JUNE 2018

An audit committee —

- a) *Is to provide guidance and assistance to the local government —*
 - i. *as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and*
 - ii. *as to the development of a process to be used to select and appoint a person to be an auditor.*

- b) *May provide guidance and assistance to the local government as to —*
 - i. *matters to be audited; and*
 - ii. *the scope of audits; and*
 - iii. *its functions under Part 6 (Financial Management) of the Act; and*
 - iv. *the carrying out of its functions relating to other audits and other matters related to financial management.*

- c) *Is to review a report given to it by the CEO under Regulation 17 (3) (the Regulations) and is to —*
 - i. *Report to the Council the results of that review; and*
 - ii. *Give a copy of the CEO's report to the Council.*

- d) *Is to review the annual Compliance Audit Return and report to Council the results of that review (Regulation R14 (3A)) of the Regulations).*

TERMS OF REFERENCE POST JUNE 2018

An audit committee has the following functions —

- (a) *to guide and assist the local government in carrying out —*
 - i. *its functions under Part 6 of the Act; and*
 - ii. *its functions relating to other audits and other matters related to financial management;*

- (b) *to guide and assist the local government in carrying out the local government's functions in relation to audits conducted under Part 7 of the Act;*

- (c) *to review a report given to it by the CEO under regulation 17(3) (the **CEO's report**) and is to —*
 - i. *report to the council the results of that review; and*
 - ii. *give a copy of the CEO's report to the council;*

- (d) *to monitor and advise the CEO when the CEO is carrying out functions in relation to a review under —*
 - i. *regulation 17(1); and*
 - ii. *the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);*

- (e) *to support the auditor of the local government to conduct an audit and carry out the auditor's other duties under the Act in respect of the local government;*

- (f) *to oversee the implementation of any action that the local government —*
 - i. *is required to take by section 7.12A(3); and*
 - ii. *has stated it has taken or intends to take in a report prepared under section 7.12A(4)(a); and*

- iii. *has accepted should be taken following receipt of a report of a review conducted under regulation 17(1); and*
- iv. *has accepted should be taken following receipt of a report of a review conducted under the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);*
- (g) *to perform any other function conferred on the audit committee by these regulations or another written law.*
- (h) *Is to review the annual Compliance Audit Return and report to Council the results of that review (Regulation R14 (3A)) of the Regulations).*

The reforms are intended to empower the Committee to help the CEO formulate recommendations to council to address issues identified in reviews. The authority includes overseeing the implementation of any action;

- required to take under s.7.12A (3) and s7.12A (4) (a);
- the local government has accepted should be taken following a report of a review conducted under Reg. 17 (1); and
- the local government has accepted should be taken following receipt of a report of a review conducted under Reg. 5(2)(c) of the Local Government (Financial Management) Regulations 1996.

These roles reflect the importance of the Audit Committee charged with specific responsibilities to scrutinise performance and financial management.

DRAFT DELEGATION TO AUDIT ADVISORY COMMITTEE

It is recommended that Council consider delegating some functions to the Audit Committee to enable the Committee to carry out its functions in a timely and efficient manner. Delegations do not diminish or replace the Council’s power to carry out any functions which are delegated.

The following draft Delegation is provided for consideration;

<i>Delegation No.</i>	<i>D040231</i>
<i>Legislative Power:</i>	<i>s. 5.16 and s. 7.1B of the Local Government Act 1995</i>
<i>Delegate:</i>	<i>Audit Advisory Committee</i>
<i>Activity:</i>	<i>Other Governance</i>
 FUNCTION	
1. <i>Authority to meet with the Shire’s Auditor at least once every year on behalf of the Council [s.7.12A(2)].</i>	
2. <i>Authority to:</i>	
a) <i>Examine the report of the Auditor and determine matters that require action to be taken by the Shire of Denmark; and</i>	
b) <i>Ensure that appropriate action is taken in respect of those matters [s.7.12A(3)].</i>	
3. <i>Authority to prepare a report on any actions under s.7.12A (3) in respect of an audit conducted in respect of a financial year for Council’s endorsement, prior to sending the report to the Minister [s.7.12A(4)].</i>	
 CONDITIONS	
<i>Nil</i>	
 RECORD KEEPING	
<i>Audit Committee Minutes shall record and identify each decision made under this delegation in accordance with the requirements of Administration Regulation 19.</i>	

Should Council choose to provide delegation to the Committee, meetings will be required to be open to the public [s.5.23 (1) (b)] and allowance made for public question time [Reg. 5 (b) (Admin)].

Voting Requirements:

Absolute majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION		ITEM 8.4.2
MOVED: CR GIBSON		SECONDED: CR OSBORNE
That with respect to the Audit Advisory Committee, Council;		
1. Delegate some of its functions as per the draft Delegation D040231 detailed in the comment section of the report;		
2. Amend the Charter as follows;		
a) Adopt the new Terms of Reference as detailed in the report; and		
b) Include reference to public question time.		
CARRIED UNANIMOUSLY AND BY AN ABSOLUTE MAJORITY: 8/0		Res: 110918

Prior to consideration of Item 8.4.3, Cr Seeney declared that he is a member of the Denmark Historical Society and as a consequence there may be a perception that his impartiality on this matter may be affected. Cr Seeney declared that he will consider this matter on its merits and vote accordingly.

8.4.3 DENMARK HISTORICAL SOCIETY – REQUEST FOR DONATED USE OF COUNCIL CHAMBERS AND RECEPTION ROOM
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File Ref:	ORG.15 & A3032
Applicant / Proponent:	Denmark Historical Society
Subject Land / Locality:	Council Chambers and Reception Room
Disclosure of Officer Interest:	Nil
Date:	28 August 2018
Author:	Claire Thompson, Executive Assistant
Authorising Officer:	Bill Parker, Chief Executive Officer
Attachments:	Nil

Summary:

The Denmark Historical Society are seeking use of the Council Chambers and the Reception Room for a Bert Saw Photograph Exhibition to be held for two weeks from 26 December 2019 to 10 January 2020.

Background:

The Denmark Historical Society is a not for profit local organisation, re-established in 1983 and has approximately 185 members. The organisation leases the “Old Police Station” from the Council as the Denmark Museum, located on Mitchell Street, Denmark. The Museum is open to the public and managed by volunteers.

The Denmark Historical Society are the key local organisation who collect, preserve and promote the history of Denmark. They are also the Shire’s reference group for historical information, including membership on a number of Council Committees and Working Groups.

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:

Nil

Policy Implications:

Policy P040120 – Use of Council Chamber/Reception Room relates and reads as follows;

“Objective

To ensure this meeting venue is available for Council purposes at the times and dates required.

Policy

That the Council Chamber and/or Reception Area be used only for meetings of the Council, Council Committees and/or approved regular events (refer also Policy P110711 – Woodturners of Denmark Annual Exhibition) and otherwise at the discretion of the Shire President or the Chief Executive Officer.”

Policy P110711 relates to the use of the rooms by the Woodturners for their annual exhibition and reads as follows;

“Woodturners of Denmark Annual Exhibition

Council authorises the Woodturners of Denmark Inc. to hold their annual Excellence in Woodcraft Exhibition in the Council Chambers & the Reception Area free of charge in exchange for sponsorship rights to the event, subject to the event not conflicting with Council meeting days or times.”

Budget / Financial Implications:

At this stage, the Denmark Historical Society (DHS) are seeking in principle approval subject to confirmation that the donation is included in the 2019/2020 Budget. The cost of hiring both the Chamber and the Reception Room for 14 full days would be \$7,700 plus \$225 bond.

The hire fees for the Chambers and Reception Room were increased substantially in previous years to ensure that the Shire was not competing with other venues available for hire within the Shire. The hire fee for one day is \$550. Limiting use to the Council facilities also make sure that the Shire can use its own facilities to conduct its own business (refer Policy P040120).

Should Council support the request, pursuant to section 6.12 of the Local Government Act 1995 Council can waive the hire and bond and include reference in the 2019/20 Budget under “Donated Use of Council Facilities”.

Entry to the exhibition will be free and the Denmark Historical Society are seeking external funding to pay for display materials, printing and advertising.

Strategic & Corporate Plan Implications:

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

Denmark 2027

E1.0 Our Economy

We are an attractive location to live, invest, study, visit and work.

E1.2 To be a vibrant and unique tourist destination, that celebrates our natural and historical assets.

- C4.0 Our Community
We live in a happy, healthy, diverse and safe community with services that support a vibrant lifestyle and foster community spirit.
- C4.3 To create a community that nurtures and integrates natural, cultural and historical values.
- C4.4 To recognise and respect our local heritage and Aboriginal history.

Corporate Business Plan

3.7.5 Promote and support local and regional tourism initiatives.

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 exhibition will be an additional attraction for visitor over the Christmas / New Year holiday period.

➤ **Social:**

The late Bert Saw documented social activities of the day and the historical collection is of approximately 500 images including the building of the Elleker to Nornalup railway and building South Coast Highway. Recognition and respect for local history featured strongly in the recent community consultation undertaken for the Strategic Community Plan review. The exhibition may also provide an opportunity to initiate conversations regarding Denmark’s local heritage.

➤ **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 provide in principle support.	Rare (1)	Insignificant (1)	Low (1-4)	Not Meeting Community expectations	Accept Officer Recommendation

Comment/Conclusion:

Next year marks 50 years since the late Bert Saw passed away which is why the Denmark Historical Society are seeking to host an exhibition in 2019 of his photographs taken during the early to mid 1900s around Denmark and Albany.

This would be a once-off exhibition managed by volunteer members of the Historical Society. Ideally they would like a venue close to town, accessible and large enough to display around 500 images. They have investigated the Denmark Community Resource Centre Gallery space and the area would not be large enough.

The two week period requested is at a time when the Shire Office is typically closed and the Author does not consider that there would be any conflict with any other use at this time, apart from emergency management in the case of a major incident.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.4.3
MOVED: CR CARON	SECONDED: CR OSBORNE
<p>With respect to the Denmark Historical Society’s request to use the Council Chambers and Reception Room for a Bert Saw Photographic Exhibition to be held from 26 December 2019 to 10 January 2020, Council;</p> <ol style="list-style-type: none"> 1. Provides in principle support given the positive alignment with the aspirations and objectives contained within the Shire of Denmark Strategic Community Plan; and 2. Consider waiving the hire fee and bond in preparing and considering the 2019/20 Budget under “Donated Use of Council Facilities”. 	
CARRIED UNANIMOUSLY: 8/0	Res: 120918

Prior to consideration of Item 8.4.4, Cr Seeney declared that he is a member of the Denmark Historical Society and the Denmark Lions Club and as a consequence there may be a perception that his impartiality on this matter may be affected. Cr Seeney declared that he will consider this matter on its merits and vote accordingly.

8.4.4	DENMARK HERITAGE RAIL WAY PRECINCT – AMENDMENT TO CONCEPT PLAN AND SPIRIT OF PLAY COMMUNITY SCHOOL – REQUEST FOR LEASE EXTENSION
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File Ref:	A5598 & LEA.41
Applicant / Proponent:	Spirit of Play Community School
Subject Land / Locality:	Reserve No. 30277, No. 2 (Lot 952) Inlet Drive, Denmark
Disclosure of Officer Interest:	Nil
Date:	10 September 2018
Author:	Claire Thompson, Executive Assistant
Authorising Officer:	Bill Parker, Chief Executive Officer
Attachments:	8.4.4a – Initial stakeholder feedback 8.4.4b – Response to feedback from Spirit of Play 8.4.4c – Adopted Heritage Precinct Concept Plan 8.4.4d – Draft amended Heritage Precinct Concept Plan

Summary:

The Spirit of Play Community School have requested an extension to their lease term and area to provide them with sufficient space to meet their educational requirements and provide them with security of tenure to ensure continuity of operations and a realistic return on forecasted investment in the site.

Background:

The Spirit of Play Community School have leased a portion of Shire of Denmark managed Reserve 30277 since 2003. The initial lease was for five (5) years.

At its meeting held on 24 June 2008, Council approved a new lease for a period of five (5) years (Resolution No. 130608), which resulted in a new expiration date of 2013.

At its meeting held on 25 September 2012, Council approved an extension to the lease area to incorporate an approved additional storage building, existing septic tanks and adequate area for sufficient soft fall sand under the swing set (Resolution No. 160912).

In 2013, under clause 4.6 (Further Term) of the Lease, the Lessee exercised their option for a further five (5) year term by written request to the Chief Executive Officer. A new valuation was

undertaken in October 2013 which formed the basis of their annual lease fee from 1 December 2013 to 30 November 2018.

At its meeting held on 27 May 2014, Council adopted the Denmark Historic Railway Precinct Concept Plan with respect to Reserve No. 30277 (Resolution No. 240514). Part 6 of the resolution stated,

“Advise the Spirit of Play that it has amended the plan such that the label of the building that they currently lease is titled “Old Post Office Building” so as to provide clarity that it is Council’s view that an expanded community school at the site is not a long term complementary use at the Heritage Precinct.”

At its meeting held on 22 March 2016, Council approved the addition of a temporary classroom which involved an extension of the lease area (Resolution No. 160316). This resulted in a relative increase in the annual lease fee, based on the 2013 valuation.

In 2017, the Spirit of Play approached Council advising that whilst they had identified an appropriate alternative site for the School, they would require a 12 month extension to give them sufficient time to relocate to the new site. At its meeting held on 18 July 2017, Council granted permission for the Spirit of Play to continue occupation of the Leased Premises as a monthly tenant until 21 December 2019 (Resolution No. 120717).

Consultation:

The following stakeholders have been consulted in relation to the proposal;

- Denmark Lions Club
- Denmark Machinery Restoration Group
- Denmark Men’s Shed
- Denmark Woodturners
- Denmark Historical Society
- Denmark Yacht Club

A letter detailing the proposal was sent to all stakeholders requesting their comments on 4 July 2018 and responses were received from all except the Denmark Yacht Club (who utilise a shed within the Denmark Lions Club lease area).

The common themes of the concerns expressed were as follows (copies of the individual responses are attached – see Attachment 8.4.4a);

1. The proposal, given substantial investment, can be viewed as a permanent solution rather than a temporary one;
2. Would result in substantial leased area of northern section of reserve, essentially taking over the reserve;
3. Area was designated as a heritage precinct and is not compatible with school;
4. Public / shared access to historical relics, namely the ash pit, turntable and old post office - concern that the public would feel uncomfortable entering a “school site”.
5. Removal of vegetation required for access road and additional car parking;
6. Parking at Lions Lair would be restricted and limited area to manoeuvre trailers and the like;
7. Limits future development of the site to attract visitors;
8. Proposed access road cuts across DMRG lease area, limiting plans of joint development between DMRG and Men’s Shed;
9. Traffic conflict with trail users;
10. Shared use could initiate problems associated with “working with children” and “police clearances”;
11. The site is a key historical precinct and should be developed as a tourist attraction.

The Spirit of Play were provided an opportunity to respond to the stakeholder concerns and a copy of their response is attached (see Attachment 8.4.4b). This response was forwarded to all stakeholders and a meeting was scheduled between all parties and Shire Officers to discuss a mutually agreeable way forward.

At the meeting the Denmark Historical Society reiterated that they were not comfortable with a school being located at the Heritage Precinct as they consider the use incompatible with the development of a historical and tourist precinct.

Following the meeting, the DMRG, Denmark Men's Shed, Denmark Woodturners, Denmark Lions and the Spirit of Play met with Council Officers on site to discuss the proposed entrance / internal road and parking. The attached draft Concept Plan has been developed following the above consultations and, from the Officer's perspective, is considered to be acceptable to the stakeholders.

The Denmark Historical Society and the Denmark Machinery Restoration Group have indicated that whilst they are prepared to compromise, their preference would still be for the School to relocate to an alternative site as they do not believe that the use is compatible with precinct.

The Denmark Weed Action Group assist the Shire with weed and bushland management on the Reserve and have expressed support for the Spirit of Play's proposal and expressed no concerns.

Statutory Obligations:

Pursuant to Regulation 30 (2) (b) (i) of the Local Government (Functions and General) Regulations 1996, Council are not required to comply with the disposition of property requirements under Section 3.58 of the Local Government Act 1995. Regulation 30 excludes disposition of property to a body whose objects of which are of an educational nature.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

The annual rental from the Spirit of Play's existing lease area for 2018/19 is \$11,642.40. A new valuation would need to be sought for any increase in lease area.

The School pays approximately \$890,000 in wages per annum and expends approximately \$100,000 in the community through hiring local tradespeople and local shop accounts.

With the annual rent from Spirit of Play, the Council could place some of the funds aside to be used for future heritage projects in the Shire or the Council could use the funds as additional annual general revenue.

Strategic & Corporate Plan Implications:

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

Denmark 2027

E1.0 Our Economy

We are an attractive location to live, invest, study, visit and work.

E1.3 To have diverse education and employment opportunities.

C4.0 Our Community

We live in a happy, healthy, diverse and safe community with services that support a vibrant lifestyle and foster community spirit.

C4.3 To create a community nurtures and integrates natural, cultural and historical values.

C4.4 To recognise and respect our local heritage and Aboriginal history.

Corporate Business Plan

SOCIAL ACTIONS

1.1.2 Advocate for the provision and promotion of services and facilities that meet the needs of the community.

1.2.4 Acknowledge and support the European heritage and Aboriginal roles in the future development of Denmark.

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

1.3.1 Development partnerships with educational institutions to create an ‘environment of learning’.

1.10.18 Identify opportunities for co-hosting and rationalisation of recreation facilities.

3.3.5 Promote the long term growth of the district by encouraging diverse, profitable and sustainable business.

3.7.3 Continue to engage in the management of local natural areas with associated recreation and tourism uses.

3.7.5 Promote and support local and regional tourism initiatives.

Sustainability Implications:

➤ **Governance:**

It is unlikely that the Council would spend any significant funds on the historical precinct in the foreseeable future. The Officer suggests that it could be in the Council’s and community’s best interest to gain some revenue from the leasehold area in the interim.

➤ **Environmental:**

The Denmark Weed Action Group (DWAG) work together with the School to undertake manual weeding and bushland maintenance at the site. The DWAG have expressed no concerns about the proposal. Some clearing may be required in the shared use area however this would be done in liaison with the DWAG and Shire Officers.

➤ **Economic:**

As detailed under budget implications, the School contributes significantly to the local economy.

➤ **Social:**

There are significant social considerations with respect to the precinct and its current users. The heritage assets provide tourism and educational attractions, the School provides social, educational and economic benefits and the DMRG and the Denmark Lions are both active community groups with energetic memberships.

The School teaches the students about the history of the precinct and would like to encourage more intergenerational activities by utilising the experience and expertise of local individuals, community groups and the members of the community groups who occupy the site.

The Spirit of Play have proposed to maintain the shared use public area, create nature play areas for the public and the install interpretative signs to highlight the history of the precinct and the heritage assets it holds.

➤ **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 agree to extend the lease.	Possible (3)	Moderate (3)	Moderate (5-9)	Inadequate Engagement - Community / Stakeholders / Crs	Manage by undertaking further consultation with Lessee and stakeholders to find a suitable alternative for the Lessee and/or stakeholders.

Comment/Conclusion:

DENMARK HERITAGE RAILWAY STATION NO. 3 RESERVE

The Shire of Denmark has management order for Reserve No. 30277 and power to lease for up to 21 years. The designated purpose of the reserve is “Historical Precinct, Recreation and Community Purposes”.

The Council's adopted Municipal Heritage Inventory (MHI) includes the following Place Records which relate to the reserve;

- Railway Precinct (including the Bridge, Ashpit and Turntable);
- Denmark River Railway Bridge;
- Old Post Office (currently in the Spirit of Play lease area);
- Station Master House (current Lions Lair); and
- Old Railway Station (former Bowling Club on Reserve 20403).

History

The railway precinct became the centre of railway operations in Denmark at the opening of the Denmark-Nornalup line in 1929, the bridge over the Denmark River was constructed at the same time when the line from Albany was realigned to connect with Nornalup.

The 60 foot turntable (pictured below) was constructed in 1896 and was used to turn locomotives at the site between 1929 and 1957. It is rare and is the oldest and only remaining example of its type in Western Australia.



Picture 1 - Turntable



Picture 2 - Turntable

The ashpit's purpose was to contain the ash from the steam engines. The fireman on the engine would clean out the 'clinkers' into the ashpit to maximise the power that a clean firebox could generate. (pictured right and below)



Picture 3 - Ashpit

The MHI notes that the Railway Bridge, the turntable and the ashpit all have considerable historic value and also notes the significant social value in the site which relates to the town and outlying region and beyond, particularly given the important link that it provided with isolated Group Settlements in Denmark. The MHI records the significance of the Precinct as "Exceptional" stating that *"..the place should be retained and conserved unless there is no feasible and prudent alternative to doing otherwise and any alterations or extensions should reinforce the significance of the place.."*



Picture 4 - Ashpit with carriages

Constructed in 1926, the Old Post Office was moved from Strickland Street to the Reserve in 1987 when a new post office building was proposed. The MHI records the Old Post Office as of "Considerable" significance as it is a good example of quality architecture erected in country towns and acknowledges the importance of the post office for life in Denmark. It also states that *"Conservation of the place is highly desirable. Any alterations or extensions should reinforce the significance of the place"*.

DENMARK HISTORICAL RAIL WAY STATION PRECINCT CONCEPT PLAN

In 2011 Council considered the Denmark Bowling Club's request to demolish their, then, clubhouse which was the Old Railway Station building, formerly located on Reserve 30277. community feedback received at the time, indicated the community's desire for the building to be relocated back to the reserve which prompted the Council to request Staff prepare a draft concept plan for the reserve. The concept plan was adopted by the Council in May 2014 following an extensive consultation process (see Attachment 8.4.4c).

The Concept Plan guides development and use of the reserve into the future, portraying the rich and interesting history through the development of exhibition spaces for historical machinery and artefacts, the relocation of the old railway station building for community use, nature play areas and the development of an historical interpretation system throughout the precinct, extending along the Heritage Railway Trail.

SPIRIT OF PLAY

The School has operated at the site since 2003 and, following the adoption of the Heritage Concept Plan in 2014, had made significant progress and investment in securing an alternative site. In 2017 Council acknowledged that the School had found a new location and agreed to grant a 12 month extension to allow them sufficient time to relocate however, the development fell through which left them, once again, without a suitable site.

They currently have 73 students (67 families including their affiliated playgroup) and 19 members of staff. The Spirit of Play wants to remain small by design and believes that this model has, and will, contribute to its success. They have advised that taking on too many children could negatively impact their ability to provide a specialised learning environment for their students.

The School offers an alternative to the Denmark Primary School with smaller size class rooms, nature based learning and delivers the WA Curriculum.

Spirit of Play has contributed to the cost of maintenance of the Old Post Office building, including asbestos removal, regular maintenance, electrical and plumbing upgrades. Students regularly assist the Denmark Weed Action Group with weeding the precinct area, surrounding bushland and trails.

The School has stated that they are “.. highly compatible with the explicit objectives of the Western Australia Heritage Bill 2017, particularly relating to promoting the understanding and appreciation and facilitation of continuing use and adaptive reuse of places of cultural significance. Spirit of Play is keen to continue its current promotion of the heritage area and to try to bring more people to the site. There are over 100 people accessing the site every school day providing unprecedented opportunity to provide place-conscious education and knowledge to not just students, but parents and families.”.

THE PROPOSAL

The Spirit of Play have advised that even if they find another site now, it could take up to two years for them to go through the processes required in order to relocate. At this stage, the School is seeking to achieve a long-term stable outcome which means requesting Council to allow them to remain at their current site. As from November 2018, pursuant to Resolution No. 120717, the School will be operating under a monthly tenancy until December 2019.

The School is seeking a 21 year lease (preferably) and additional lease area, including an area of shared use, so that they can build two new classrooms and continue to offer an alternative education model for Denmark. Spirit of Play has advised that a lease term of less than 10 years would leave the school in a non-viable position and they would most likely cease operation. The maximum number of students they are aiming for is 92.

The proposal in summary (refer also Attachment 8.4.4d);

- Close the existing entrance off Inlet Drive and install removable bollards, to minimise conflict with pedestrians, bus and traffic;
- Extend the lease area to the south to incorporate two additional classrooms;
- Relocate the classroom out of the Old Post Office making this the front office and entrance to the School;
- Assist the Denmark Historical Society to restore the photographs on display in the Old Post Office entrance way and install signage clearly stating that the area is for public access;
- Extend the lease area to the north, incorporating the turntable and the ashpit as a shared public use area noting that the;
 - Area would be unfenced;

- School would be responsible for maintenance;
 - School would be willing to support other groups, such as the Denmark Historical Society, to refurbish the heritage assets;
 - Upgrade and add interpretive signage highlighting the history of the area and the heritage assets;
 - Install signage clearly stating that the area is for public access;
 - Creation of nature play elements shared with the general public, maintained by the School.
- Extend carpark area for the Denmark Lions Club to allow additional car parks and an area big enough for manoeuvring trailers;
 - A new access road between the DMRG and Lions Club which links up with the DMRG and Lions lease areas;
 - Extend car park adjacent to Crellin Street for staff, parents and visitors to the school;
 - Possibility of creating a shared woodwork/Woodturners centre on common ground which the School would be happy to contribute financially to;
 - Increased opportunity for intergenerational cooperation and learning around Denmark's rich history and natural and cultural heritage (both pioneers and indigenous) with the School expanding their volunteer program to actively seek out community members who are willing to share their expertise with their students.

The School have advised that they would fund the internal road and carparks and the works would be done to the satisfaction of the Shire. Any development (ie. school buildings) on the site would be subject to a development application. The Shire would need to consent to any development, as the landowner.

The additional purpose of closing the entrance road from Inlet Drive is to clearly delineate the School from the Lions Club carpark. There would also be no access to the School from the southern side and by increasing the car parking area off Crellin Street, it is predicted that parents and teachers will use this car park rather than take up parking bays used by the Lions or other visitors to the site.

SUMMARY

As seen under Strategic Implications, the proposal is consistent with a number of elements in the Strategic Community Plan, namely, heritage, education and economy which, in this situation can be seen as competing particularly when you put heritage against education and economy.

The request is for a 21 year lease, the maximum permissible under the reserve management order. Following consultation with all stakeholders and weighing up the pros and cons it is considered that the best compromise for the Council and the community would be to consent to a 15 year lease, allowing the Spirit of Play;

- Security of tenure ensuring that they keep their licence and can continue operating;
- to undertake the internal road and car parking works, at their cost; and
- work with the Denmark Historical Society to preserve and display the historical relics on site.

The Long Term Financial Plan, currently being developed is for 15 years. The draft document has already identified that the Council will not have significant capacity in the next 10-15 years to invest heavily in the reserve. A 15 year lease would be a comfortable, synchronised timeframe and would still allow the School to remain open at the site.

Officers have acknowledged that whilst the Denmark Historical Society and the Denmark Machinery Restoration Group have agreed to compromise, they wanted to make it clear that this is not to be seen as them being agreeable to a school being located on the historical precinct and that ideally they would prefer the school to relocate.

Should Council wish to encourage the applicant to still actively pursue an alternative site, given the 2014 Resolution where Council noted that a “school” was not a compatible use for the heritage site, a notation could be included in the draft lease. Alternatively, the lease could contain a provision whereby the lease could be broken, without financial penalties applying if an alternative site is identified.

Officers have also acknowledged the heritage of the site and the long term aspiration to revitalise it into a heritage tourist attraction. This notwithstanding, with the likelihood of funding not being available in the foreseeable future, the additional revenue the Council can generate from the lease, the benefit of retaining an alternative education option in Denmark, the benefits the school brings to the local economy and the offer from the Spirit of Play to assist the Historical Society to bring the turntable (particularly) and the ashpit “back to life” either by restoration or adaptive reuse, seems to be a reasonable argument for the Council to support the proposal.

Voting Requirements:

Simple majority.

<p>COUNCIL RESOLUTION & OFFICER RECOMMENDATION MOVED: CR ALLEN</p>	<p>ITEM 8.4.4 SECONDED: CR CARON</p>
<p>That with respect to the request from the Spirit of Play Community School, Council;</p> <ol style="list-style-type: none"> 1. Advertise the modified draft Denmark Historical Rail Way Station Precinct Concept Plan, as per Attachment 8.4.4d, for a period of 28 days, subject to the culvert near the school carparking being labelled as ‘vehicle accessible’; 2. Agree in principle to a 15 year lease for a portion of the Reserve 30277, No 2 (Lot 952) Crellin Street, Denmark; 3. Agree in principle to an extension to the lease area to approximately 3,950sqm, including an a share public use area (unfenced) of approximately 1,550sqm, as shown on the attached draft plan; 4. Authorise the Chief Executive Officer to commence preparation of a draft lease for Council consideration, including; <ol style="list-style-type: none"> a. Including the Lessee’s obligation to; <ol style="list-style-type: none"> i. liaise with the Denmark Historical Society and the Shire regarding any works or modifications to any historical relics on the site; ii. ensure the shared use area is not fenced; iii. to maintain the shared use area to the satisfaction of the Shire; iv. erect clear signage near the shared public use area and the Old Post Office stating that the area is for public access; and v. fund improvements in the precinct including relocation of access road from Inlet Drive, carparking surrounding Lions Lair, carparking adjacent to Crellin Street with culvert to be constructed to allow vehicle access, establishment of nature play areas within the shared use area and any servicing requirements as a result of school activities. b. No penalty for the Lessee terminating the lease early if an alternate site for the School is identified. 	
<p>AMENDMENT</p>	
<p>MOVED: CR OSBORNE</p>	<p>SECONDED: CR SEENEY</p>
<p>That part 2 be amended to replace the number “15” with the number “10”.</p>	
<p>LOST: 2/6</p>	<p>Res: 130918</p>
<p><i>Pursuant to Resolution No.031115 all Councillors’ votes on the above resolution are recorded as follows;</i></p>	
<p><i>FOR: Cr Seeney and Cr Osborne.</i></p>	
<p><i>AGAINST: Cr Allen, Cr Caron, Cr Gibson, Cr Gearon, Cr Phillips and Cr Whooley.</i></p>	

AMENDMENT
 MOVED: CR SEENEY SECONDED: CR OSBORNE

Include the following conditions in the lease documentation;

- vi. Upgrade of main switch board and consumer mains on site to accommodate for an individual metered supply for all lease holders.
- vii. Upgrade of water main to accommodate for individual water meters for all leaseholders.
- viii. Upgrade of ablutions and all waste systems to comply with Department of Health and Regulations and Shire requirements.
- ix. All new constructions on site to be of transportable design to facilitate removal at expiration of lease.
- x. At expiry or termination of lease agree to the rehabilitation of the site after the school buildings have been removed.

LOST: 2/6 Res: 140918

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

FOR: Cr Seeney and Cr Osborne.

AGAINST: Cr Allen, Cr Caron, Cr Gibson, Cr Gearon, Cr Phillips and Cr Whooley.

AMENDMENT
 MOVED: CR GIBSON SECONDED: CR PHILLIPS

Include the following conditions in the lease documentation;

- vi. Any new buildings constructed on site shall be sympathetic to the natural and heritage values of the site.

LOST: 3/5 Res: 150918

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

FOR: Cr Gibson, Cr Phillips and Cr Whooley.

AGAINST: Cr Allen, Cr Caron, Cr Seeney, Cr Gearon and Cr Osborne.

THE ORIGINAL MOTION WAS THEN PUT AND CARRIED UNANIMOUSLY: 8/0
Res: 160918

COUNCIL RESOLUTION
 MOVED: CR GIBSON SECONDED: CR GEARON

That Council suspend proceedings, the time being 6.25pm.

CARRIED UNANIMOUSLY: 8/0 Res: 170918

6.36pm – The meeting resumed with all Councillors and Staff who were present prior to the suspension.

6.36pm - Public Question Time

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

1. Ms Liz Jack – Item 8.2.1 (Panel of Pre-Qualified Suppliers – Provision of Road Construction, Earthworks, Drainage and Turfing Services)

Ms Jack, Chief Executive Officer of the Denmark Chamber of Commerce, acknowledged Cr Whooley’s comments regarding Item 8.2.1 noting that she was keen to work with the Shire regarding the process to ensure that it was not burdensome on local businesses.

9. COMMITTEE REPORTS & RECOMMENDATIONS

9.1 DRAFT SHIRE OF DENMARK DISABILITY ACCESS AND INCLUSION PLAN 2018-2023

File Ref:	SER 8
Applicant / Proponent:	Shire of Denmark
Subject Land / Locality:	Not Applicable
Disclosure of Officer Interest:	Nil
Date:	September 2018
Author:	Claudia Simpson, Community Development Officer
Authorising Officer:	Cary Green, Director Corporate and Community Services
Attachments:	Draft Disability Access and Inclusion Plan

Summary:

This report recommends that Council accept the draft Shire of Denmark Disability Access and Inclusion Plan (DAIP) 2018-2023, and instruct the Chief Executive Officer to make available to the public, for a period of 28 days, through Council’s adopted Community Consultation process.

Background:

Part 5 of the Disability Services Act 1993 states that each Public Authority must develop and implement a DAIP that outlines the ways in which the Authority will ensure that people with disabilities have equal access to facilities and services.

The Disability Services Act 1993 also requires for the DAIP to be reviewed every five years.

Other legislation underpinning access and inclusion includes the WA Equal Opportunity Act and the Commonwealth Disability Discrimination Act.

A Disability Access and Inclusion Plan (DAIP) ensures that barriers to participation and inclusion are addressed to support an accessible an inclusive community.

The seven major outcome areas of a DAIP include:

Outcome 1: People with disability have the same opportunities as others to access the services of and any events organised by the Shire of Denmark.

Outcome 2: People with disability have the same opportunities as other people to access the buildings and facilities of the Shire of Denmark.

Outcome 3: People with disability receive information from the Shire of Denmark in a format that will enable them to access the information as readily as other people are able to access it.

Outcome 4: People with disability receive the same level and quality of service from Shire of Denmark staff as other people receive from the Shire of Denmark

Outcome 5: People with disability have the same opportunities as other people to make complaints to the Shire of Denmark.

Outcome 6: People with disability have the same opportunities as other people to participate in any public consultation by the Shire of Denmark.

Outcome 7: People with disability have the same opportunities as other people to obtain and maintain employment with the Shire of Denmark.

The Disability Services Advisory Committee have been assisting with developing the draft plan and at their meeting held on 22 August 2018 resolved as follows;

“That the draft DAIP 2018-2023 be endorsed by the Disability Services Advisory Committee to be presented at the September Council Meeting to be made available to the public, for a period of 28 days, through Council’s adopted Community Consultation process.”

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.

Community consultation for this project utilised integrated strategies to create meaningful community engagement. To prepare the DAIP the Shire of Denmark conducted community and stakeholder consultation including:

- Community consultation through two community and stakeholder focus groups.
- A group forum with the Denmark Over 50s Association.
- Shire of Denmark staff consultation with Officer representatives from all Directorates.
- A call for written submissions to identify barriers to access and inclusion was advertised in the local newspaper and promoted in the Shire of Denmark notice boards, website, social media and through targeted liaison with key stakeholders.
- The draft plan has been reviewed by the Disability Advisory Committee of Council and subsequently endorsed.

A total of 80 people participated in the consultation process and assisted in the identification of barriers to access and inclusion in the Shire of Denmark.

Statutory Obligations:

The Disability Services Act 1993 requires for the DAIP to be reviewed every five years. A review of the Shire of Denmark DAIP 2013-2018 was required under the Act.

The new DAIP has to be lodged with the Disability Services Commission.

Local Governments are also required under the Disability Services Act 1993 to include in their Annual Report a statement on the actions that have been undertaken to implement the DAIP.

Policy Implications:

Policy Statement (P110710)

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

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

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

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

Budget / Financial Implications:

Implementation of the DAIP strategies may require future allocation in Council's Municipal Budget and/or external funds obtained through grants.

Strategic & Corporate Plan Implications:

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

Denmark 2027

B3.0 Built Environment

We have a functional built environment that reflects our rural and village character and supports a connected, creative and active community.

B3.2 To have community assets that are flexible, adaptable and of high quality to meet the purpose and needs of multiple users.

B3.3 To have a planning framework that is visionary, supports connectivity and enables participation.

C4.0 Community

We live in a happy, healthy, diverse and safe community with services that support a vibrant lifestyle and foster community spirit.

C4.1 To have services that foster a happy, healthy, vibrant and safe community.

C4.2 To have services that are inclusive, promote cohesiveness and reflect our creative nature.

Corporate Business Plan

1.1.3 Advocate for the provision and promotion of services and facilities that meet the needs of the community.

1.2.5 Maintain and plan parks, gardens, recreational areas and open space at standards acceptable to the community.

1.2.6 Establish outdoor amenities that suit the needs of the community.

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

Implementation of the DAIP strategies may require future allocation in Council's Municipal Budget and/or external funds obtained through grants.

➤ **Social:**

Implementation of the DAIP strategies will reduce barriers to access and inclusion for people with disability and positively impact participation, social interaction, community awareness and inclusion in community events and facilities.

➤ **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 accept the Disability Access and Inclusion Plan (DAIP) 2018-2023	Possible (3)	Minor (2)	Moderate (5-9)	Not Meeting Community expectations	Accept Officer Recommendation
That the DAIP 2018-2023 is not submitted to the Disability Services Commission by the required deadline.	Possible (3)	Moderate (3)	Moderate (5-9)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation

Comment/Conclusion:

A Disability Access and Inclusion Plan (DAIP) ensures that barriers to participation and inclusion are addressed to support an accessible an inclusive community.

It is a requirement of the Disability Services Act 1993 that Public Authorities must have a current DAIP, review it at least every five years and take all practical measures to ensure that officers, employees, agents and contractors implement the DAIP.

The DAIP Implementation Plan identifies strategies to be actioned across the organisation, which have been formulated in consultation with stake holders and the community.

The Disability Services Advisory Committee have reviewed the draft DAIP 2018-2023 and endorsed it prior to it being presented to Council. The DAIP implementation plan will be monitored by the Disability Services Advisory Committee.

Implementing the DAIP strategies will provide significant improvements to reduce barriers to access and inclusion which will in turn enhance the lives of people with disability.

Voting Requirements:

Simple majority.

COMMITTEE RECOMMENDATION

ITEM 9.1

That the draft DAIP 2018-2023 be endorsed by the Disability Services Advisory Committee to be presented at the September Council Meeting to be made available to the public, for a period of 28 days, through Council's adopted Community Consultation process.

The following Officer Recommendation is provided as an alternate to the Committee Recommendation to clearly articulate the actions required and removal of Strategy 2.1 on the basis that the Residential Design Codes and/or the Building Code of Australia provide the relevant legislative requirement for such considerations with new developments and/or substantial redevelopments of existing buildings.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.1
MOVED: CR ALLEN	SECONDED: CR SEENEY
That with respect to the draft Disability Access & Inclusion Plan (DAIP) 2018-2023, Council:	
1. Note that the draft plan has been endorsed by the Disability Services Advisory Committee;	
2. Advertise the draft DAIP for a period of 28 days, inviting public submissions, subject to the removal of Strategy 2.1;	
3. Make the draft DAIP available for public inspection, through the Council's adopted Community Engagement Policy and Framework;	
4. Present the draft DAIP back to Council for consideration together with any submissions received.	
CARRIED UNANIMOUSLY: 8/0	Res: 180918

10. MATTERS BEHIND CLOSED DOORS

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 10
MOVED: CR GIBSON	SECONDED: CR CARON
That pursuant to Section 5.23 (2) (b) of the Local Government Act 1995 and Clause 3.7 of the Shire of Denmark Standing Orders Local Law, Council move behind closed doors for the consideration of Item 10.1 to allow the successful applicant's name to remain confidential to Council until the official announcement at the Denmark Senior High School Graduation Ceremony.	
CARRIED UNANIMOUSLY: 8/0	Res: 190918

Prior to consideration of Item 10.1,

- *Cr Seeneey declared that one of the applicants was known to him;*
- *Cr Gearon declared that many of the applicants were known to her; and*
- *Cr Caron declared that one of the applicants is the daughter of one of his friends.*

and as a consequence there may be a perception that their impartiality on this matter may be affected.

Cr Seeneey, Cr Gearon and Cr Caron declared that they would consider this matter on its merits and vote accordingly.

10.1 2018 LEADERSHIP AWARD	
File Ref:	PBR.1
Applicant / Proponent:	Various
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	One of the applicants is the niece of the author.
Date:	6 September 2018
Author:	Claudia Simpson, Community Development Officer
Authorising Officer:	Cary Green, Director Corporate and Community Services
Attachments:	10.2a – List of Previous Recipients 10.2b – Applications (confidential to Councillors)

Summary:

Council is requested to peruse the attached applications for the Shire of Denmark’s 2018 Leadership Award and determine the successful applicant for 2018.

Background:

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

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

Consultation:

This Award was marketed and promoted as follows;

- General Advertisement in the Denmark Bulletin & the Walpole Weekly
- Media release in local newspapers
- Promotion on Shire of Denmark Notice Boards
- Promotion on Shire of Denmark website & Facebook Page.
- Promotion on dedicated 4Youth Facebook Page and Instagram
- Email to Councillors & employees
- Liaison with the Denmark Senior High School Year 12 Coordinator and Student Coordinator
- Community Development Officer addressed the Year 12 students and handed out application forms.

Statutory Obligations:

There are no statutory obligations.

Policy Implications:

Council Policy P080202 relates as reads as follows;

Shire of Denmark Leadership Award

Objective

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

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

The selected activity or program could include;

- A registered leadership program;
- A personal endeavour.

Guidelines

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

Budget / Financial Implications:

Council’s 2018/2019 Budget includes an amount of \$2,000 for the 2018 Leadership Award (GL1610822).

Strategic & Corporate Plan Implications:

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

Denmark 2027

E1.0 Our Economy

We are an attractive location to live, invest, study, visit and work.

E1.3 To have diverse education and employment opportunities.

C4.0 Community

We live in a happy, healthy, diverse and safe community with services that support a vibrant lifestyle and foster community spirit.

C4.1 To have services that foster a happy, healthy, vibrant and safe community.

Corporate Business Plan

1.1.4 Advocate for the provision and promotion of services and facilities that meet the needs of the community.

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That no application is suitable and therefore the 2018 Leadership Award is not awarded.	Rare (1)	Insignificant (1)	Low (1-4)	Not Meeting Community expectations	Accept Risk

Comment/Conclusion:

Eight applications have been received and have been forwarded to Councillors under separate confidential cover.

Voting Requirements:

Simple majority.

<p>COUNCIL RESOLUTION & OFFICER RECOMMENDATION</p> <p>MOVED: CR CARON</p> <p>That with respect to the 2018 Shire of Denmark Leadership Award, Council;</p> <ol style="list-style-type: none"> 1. Announce Chai Robertson as the successful applicant at the Denmark Senior High School's graduation ceremony in 2018; 2. Authorise the Chief Executive Officer to schedule a meeting with the successful applicant to discuss their selected program or activity and make the necessary arrangements with respect to the payment of the award; and 3. Keep the name of the recipient of the award and the decision of this meeting confidential to Councillors, Seniors Officers, the Executive Assistant and the Community Development Officer and embargoed until the announcement. <p>CARRIED UNANIMOUSLY: 8/0</p>	<p>ITEM 10.1</p> <p>SECONDED: CR SEENEY</p> <p>Res: 200918</p>
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11. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 11
MOVED: CR ALLEN	SECONDED: CR SEENEY
<p>That pursuant to the clause 3.11 of the Shire of Denmark Standing Orders Local Law, Council accept an item of new business to consider the appointment of the Fire Control Officer for the Nornalup Volunteer Bush Fire Brigade to enable the Fire Control Officer's name to be printed in the adopted Fire Management Notice, if approved.</p>	
CARRIED UNANIMOUSLY: 8/0	Res: 210918

11.1 APPOINTMENT OF BUSH FIRE CONTROL OFFICER NORNALUP

File Ref:	FIRE.16
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Shire of Denmark
Disclosure of Officer Interest:	Nil
Date:	18 September 2018
Author:	Scott Medhurst, Community Emergency Services Manager
Authorising Officer:	Cary Green, Director Corporate and Community Services
Attachments:	No

Summary:

This report discusses the need for Neville Brass, Nornalup Volunteer Bush Fire Brigades recently nominated Fire Control Officer, to be appointed as a Fire Control Officer (FCO) in order for him to be able to fulfil the duties of his position.

The Officer report recommends that he be appointed to this role.

Background:

At its meeting held on the 17th July 2018, Council appointed a number of Fire Control Officers, following a recommendation from the Bush Fire Advisory Committee. Jean-Marc Merat was appointed as the Nornalup Volunteer Bush Fire Brigade (NVBFB) Fire Control Officer.

Jean-Marc Merat has since resigned from the position which has required to NVBFB to appoint an alternative FCO.

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.

The Bush Fires Act 1954 does require the local government to publish appointments made under the Act in a newspaper circulating in its district.

Statutory Obligations:

Section 38 of the Bush Fires Act 1954 relates to the appointment of Bush Fire Control Officers.

38. Local government may appoint bush fire control officer

- 1) *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.

...

- 2A) *The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.*

Section 39 outlines the special powers of bush fire control officers.

Policy Implications:

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 the recommended appointment.

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:

Denmark 2027

- N2.0 Our Natural Environment
Our natural environment is highly valued and carefully managed to meet the needs of our community, now and in the future.

- N2.1 To preserve and protect the natural environment.*
N.2.3 To reduce human impact on natural resources, reduce waste and utilised renewable energy.

- C4.0 Our Community
We live in a happy, healthy, diverse and safe community with services that support a vibrant lifestyle and foster vibrant lifestyle and foster community spirit.

- C4.1 To have services that foster a happy, healthy, vibrant and safe community.*

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.
2.3.1 Support the community in emergency and fire management planning, preparedness, response and recovery.
2.3.2 Maximise community safety through the management of the risks associated with fire.

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 Fire Control Officers.

The appointment Fire Control Officers improve the resilience of the Shire’s emergency response capacity as it means Fire Control Officers are able to take control of a fire ground when the Chief or Deputy Chief is not available.

➤ **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 Neville Brass as a Fire Control Officer	Rare (1)	Minor (2)	Low (1-4)	Inadequate Organisation or Community Emergency Management	Accept Officer Recommendation

Comment/Conclusion:

In July 2018, Council appointed numerous Bush Fire Control Officers. This particular appointment replaces outgoing Fire Control Officer Jean-Marc Merat who recently resigned and will complement the Shire of Denmark’s Bush Fire Control Officers in providing a Fire Control officer for the Nornalup area.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 11.1
MOVED: CR ALLEN	SECONDED: CR SEENEY
That in accordance with Section 38 of the Bush Fires Act 1954, Council;	
1. Appoint Neville Brass as a Fire Control Officer within the entire Shire of Denmark area on behalf of the Nornalup Volunteer Bush Fire Brigade; and	
2. Authorise the Chief Executive Officer to publish the appointment in the Denmark Bulletin and update Council’s Delegation (Appointments) D050109 to reflect the assignment.	
CARRIED UNANIMOUSLY: 8/0	Res: 220918

12. CLOSURE OF MEETING

6.59pm – *There being no further business to discuss the Shire President, Cr Gearon, 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.)