



Agenda

ORDINARY MEETING OF COUNCIL

TO BE HELD IN THE COUNCIL CHAMBERS,
953 SOUTH COAST HIGHWAY, DENMARK
ON TUESDAY, 20 NOVEMBER 2018, COMMENCING AT 4.00PM.

Contents	Page No.
1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	2
2. RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE	2
3. ANNOUNCEMENTS BY THE PERSON PRESIDING	2
4. PUBLIC QUESTION TIME	3
4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	3
4.2 PUBLIC QUESTIONS	3
4.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	3
4.4 PRESENTATION, DEPUTATIONS & PETITIONS	3
5. APPLICATIONS FOR LEAVE OF ABSENCE	3
6. CONFIRMATION OF MINUTES & NOTES	4
6.1 ORDINARY COUNCIL MEETING – 16 OCTOBER 2018	4
6.2 STRATEGIC BRIEFING NOTES – 16 OCTOBER 2018	4
7. ELECTED MEMBERS MOTIONS OF WHICH PRE NOTICE HAS BEEN GIVEN	4
8. REPORTS OF OFFICERS	4
8.1 DIRECTOR SUSTAINABLE DEVELOPMENT - Nil	4
8.2 DIRECTOR INFRASTRUCTURE AND ASSETS - Nil	4
8.3 DIRECTOR CORPORATE AND COMMUNITY SERVICES	4
8.3.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDING 30 SEPTEMBER 2018	4
8.4 CHIEF EXECUTIVE OFFICER	7
8.4.1 LOCAL GOVERNMENT ORDINARY ELECTION 2019	7
8.4.2 ORDINARY COUNCIL MEETING DATES FOR 2019	10
8.4.3 CONTAMINATED SITE REMEDIATION - NO. 26 (LOT 3002) HARDY STREET, DENMARK (RESERVE NO. 52384)	14
8.4.4 REVIEW OF DELEGATIONS, AUTHORISATIONS AND APPOINTMENTS	19
8.4.5 DRAFT CORPORATE BUSINESS PLAN	26
9. COMMITTEE REPORTS & RECOMMENDATIONS - Nil	34
10. MATTERS BEHIND CLOSED DOORS	34
10.1 2019 CITIZEN & COMMUNITY GROUP OR EVENT OF THE YEAR AWARDS	35
11. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	38
12. CLOSURE	38

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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 Jan Lewis
- Cr Janine Phillips
- Cr Roger Seeney

STAFF:

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

APOLOGIES:

ON APPROVED LEAVE(S) OF ABSENCE:

- Cr Ian Osborne (pursuant to Resolution No. 010418)
- Cr Rob Whooley (pursuant to Resolution No. 011018)

ABSENT:

VISITORS:

- Members of the public in attendance at the commencement of the meeting:
- Members of the press in attendance at the commencement of the meeting:

DECLARATIONS OF INTEREST:

Name	Item No	Interest	Nature

3. ANNOUNCEMENTS BY THE PERSON PRESIDING

4. PUBLIC QUESTION TIME

4.2 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

4.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN
Nil

4.4 PRESENTATIONS, DEPUTATIONS & PETITIONS

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

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

Nil.

5. APPLICATIONS FOR FUTURE LEAVE OF ABSENCE

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

6. CONFIRMATION OF MINUTES

6.1 ORDINARY COUNCIL MEETING – 16 OCTOBER 2018

OFFICER RECOMMENDATION	ITEM 6.1
That the minutes of the Ordinary Meeting of Council held on the 16 October 2018 be confirmed as a true and correct record of the proceedings.	

6.2 STRATEGIC BRIEFING NOTES – 16 OCTOBER 2018

OFFICER RECOMMENDATION	ITEM 6.2
That the Notes from the Strategic Briefing held on 16 October 2018 be received.	

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

8. REPORTS OF OFFICERS

8.1 Director Sustainable Development
Nil

8.2 Director Infrastructure and Assets
Nil

8.3 Director Corporate and Community Services

8.3.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDING 30 SEPTEMBER 2018

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	5 November 2018
Author:	Lee Sounness, Manager Corporate Services
Authorising Officer:	Cary Green, Director Corporate & Community Services
Attachments:	8.3.1 – September 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 30 September 2018 total cash funds held total \$15,650,569 (Note 4).

Shire Trust Funds total \$186,011.

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

Reserve Funds (restricted) total \$9,987,179

- \$5,374,582 of this has been placed on investment for 31 days with the Western Australian Treasury Corporation at the quoted rate of 1.45%,
- \$4,612,598 has been invested with the National Aust. Bank in 3 term deposits, maturing at various dates at an average rate of 2.53%

Municipal Funds (unrestricted) total \$1,157,094

- \$657,111 is invested with the National Aust. Bank in 2 term deposits, maturing at various dates at an average rate 2.10%
- \$1,700,000 is invested with Westpac in 3 Term Deposits, maturing at various dates at an average rate of 2.65%

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 30 September 2018 (Statement of Financial Activity) except for depreciation expense, which is yet to be applied this financial year.
- The Rates Collection percentage currently sits at 59.24%, is in keeping with historical collection rates (see Note 6)
- The 2018/2019 Capital Works Program is 5.95% complete utilising actual year to date figures and the total committed cost is 33.89% as at 30 September 2018 (see Note 12& 12a)
- 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.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION	ITEM 8.3.1
<p>That with respect to Financial Statements for the period ending 30 September 2018, Council;</p> <ol style="list-style-type: none"> 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 October 2018 as listed. 	

8.4 Chief Executive Officer

8.4.1 LOCAL GOVERNMENT ORDINARY ELECTION 2019	
File Ref:	ELC.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Shire of Denmark
Disclosure of Officer Interest:	Nil
Date:	30 October 2018
Author:	Claire Thompson, Executive Assistant
Authorising Officer:	Bill Parker, Chief Executive Officer
Attachments:	Nil

Summary:

Council are asked to consider appointing the WA Electoral Commission to conduct the Local Government Ordinary Elections in 2019.

Background:

The seven previous Ordinary Elections at the Shire of Denmark have been conducted by the WA Electoral Commission as a postal vote election.

Consultation:

Nil

Statutory Obligations:

Sections 4.20 (4) and 4.61 of the Local Government Act 1995.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

The estimated cost for the 2019 election if conducted as a postal ballot by the WAEC is \$30,000 (ex GST), which has been based on the following assumptions;

- 5,200 Electors;
- Response rate of approximately 60%;
- Five vacancies
- Count to be conducted at the Shire of Denmark office;
- Appointment of Returning Officer; and
- Regular Australia Post delivery service to apply for the lodgement of the election packages.

Costs not incorporated in the estimate include;

- Any legal expenses other than those that are determined to be borne by the WAEC in a Court of Disputed Returns;
- One local government staff member to work in the polling place on the election day; and
- Any additional postage rate increase by Australia Post.

The WAEC is required to conduct the elections on a full cost recovery basis and therefore any additional, unforeseen, expenses have not been factored into the estimate. Should any significant change in the estimate become evident prior to or during the election the Shire will be notified.

It is recommended that Council include an amount of \$35,000 (ex GST) in the 2019/2020 Municipal Budget for the purpose of conducting the October 2019 Election. This amount is based on the estimate provided by WAEC, plus advertising and Shire staff costs.

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.*

Corporate Business Plan

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 holding of Elections via postal vote, conducted by the WA Electoral Commission, sees generally significant increases in the number of electors that vote at “postal elections” compared to “in person elections”, on a statewide basis.

➤ **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 chooses not to conduct a postal election through the WAEC.	Unlikely (2)	Moderate (3)	Moderate (5-9)	Not Meeting Community expectations	Accept Officer Recommendation

Comment/Conclusion:

The table below shows current terms of expiry, noting that (5) of the nine (9) offices of Councillor expire in October 2019.

WARD REPRESENTATION	TERM EXPIRY DATE
Town Ward	
Cr Ceinwen Gearon	2019
Cr Ian Osborne	2021
Cr Rob Whooley	2019
Shadforth/Scotsdale Ward	
Cr Jan Lewis	2019
Cr Kingsley Gibson	2019
Cr Mark Allen	2021
Cr Peter Caron	2021
Kent/Nornalup Ward	
Cr Janine Phillips	2019
Cr Roger Seeney	2021

By making the Electoral Commissioner responsible for elections, local governments ensure that elections are conducted independently and with impartiality.

The letter attached from the Electoral Commissioner is to be taken as the Commissioner's agreement that he will be responsible for the conduct of the 2019 ordinary elections (as required by section 4.20 (4) of the Local Government Act 1995).

Voting Requirements:

Absolute majority.

OFFICER RECOMMENDATION	ITEM 8.4.1
<p>That with respect to the 2019 Municipal Elections for the Shire of Denmark, Council;</p> <ol style="list-style-type: none"> 1. Declare, in accordance with Section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2019 ordinary elections together with any other elections or polls which may be required; and 2. Decide, in accordance with Section 4.61(2) of the Local Government Act 1995 that the method of conducting the election will be as a postal election. 	

* *Absolute majority required.*

8.4.2	ORDINARY COUNCIL MEETING DATES FOR 2019
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File Ref:	CR.2
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	9 November 2018
Author:	Claire Thompson, Executive Assistant
Authorising Officer:	Bill Parker, Chief Executive Officer
Attachments:	8.4.1 – Draft Meeting Schedule for 2019

Summary:

This report recommends that Council set its Ordinary Meeting schedule for 2019.

Background:

Nil

Consultation:

Chief Executive Officer, Directors and Executive Assistant.

Statutory Obligations:

The following legislation relates to Council meeting dates;

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

5.3. Ordinary and special council meetings

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

5.4. Calling council meetings

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

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

b) *if so decided by the council.*

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

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

Policy Implications:

The following policies relate to Council meetings;

Policy P040101 – Ordinary Council Meetings

The Council shall meet on the third Tuesday of each month with the Ordinary Council meeting commencing at 4.00pm.

Policy P040103 – Locality (Kent/Nornalup Ward) Meetings

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

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

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

Council are at liberty to amend Council Policies via resolution.

Budget / Financial Implications:

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

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

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

Strategic & Corporate Plan Implications:

The report and officer recommendation is consistent with Council's adopted Strategic 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.

Corporate Business Plan

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

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not determine a meeting schedule for Ordinary Council Meetings in 2019.	Rare (1)	Low (1-4)	Low (1-4)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation

Comment/Conclusion:

The proposed meeting schedule for 2019 is based on the Council's current meeting frequency being on the third Tuesday of every month. The last meeting in 2018 is scheduled for 18 December and the first meeting of 2019 is proposed for 19 February 2019.

Council are at liberty to amend the meeting days, times and frequency for the next 12 months, noting that pursuant to Regulations, Council is required to provide public notice of its meeting schedule for the ensuing 12 months.

PROPOSED MEETING SCHEDULE 2019

- Commencing 19 February 2019
- One Ordinary Council meeting per month.
- Held on the third Tuesday of each month.
- 11 meetings per year.

DATE	LOCATION
19 February	Council Chambers, 953 South Coast Highway, Denmark
19 March	Council Chambers, 953 South Coast Highway, Denmark
16 April	Council Chambers, 953 South Coast Highway, Denmark
21 May	Council Chambers, 953 South Coast Highway, Denmark
18 June	Council Chambers, 953 South Coast Highway, Denmark
16 July	Council Chambers, 953 South Coast Highway, Denmark
20 August	Council Chambers, 953 South Coast Highway, Denmark
17 September	Council Chambers, 953 South Coast Highway, Denmark
15 October	Council Chambers, 953 South Coast Highway, Denmark
19 November	Council Chambers, 953 South Coast Highway, Denmark
17 December	Council Chambers, 953 South Coast Highway, Denmark

The Officer recommends that the first meeting be held in February 2019. This will allow Officers sufficient time to prepare reports and the Agenda for distribution to Councillors prior to the meeting date, noting that the office will be closed from 24 December 2018, reopening on 2 January 2019. To hold a meeting any earlier than this may result in there being no, or very few, items on the Agenda, given that a number of employees could also be taking extended leave over this Christmas / New Year period.

Voting Requirements:

Simple majority.

<p>OFFICER RECOMMENDATION</p> <p>That with respect to the Meetings of Council to be held in 2019, Council;</p> <ol style="list-style-type: none"> 1. Retain a 4.00pm commencement time for all Ordinary Council meetings in 2019. 2. Endorse the proposed dates for the Ordinary Council meetings in 2019 as shown in the Officer Report, with the first meeting commencing on Tuesday, 19 February 2019; 3. Pursuant to Policy P040103, host two Locality (Kent/Nornalup) Ward Meetings for the interest of residents, ratepayers and community organisations at the Peaceful Bay Progress Association Hall and the Nornalup Hall at times and dates to be determined by the Chief Executive Officer in conjunction with the Shire President, the Progress Association and Nornalup Community Hall Committee, and widely advertise those times & dates prior to the meetings. 4. Advertise the dates, times and locations in part 2 and 3 in the Denmark Bulletin, Walpole Weekly, on Council’s website and on Council’s Notice Boards. 	<p>ITEM 8.4.2</p>
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8.4.3 CONTAMINATED SITE REMEDIATION - NO. 26 (LOT 3002) HARDY STREET, DENMARK (RESERVE NO. 52384)

File Ref:	A5795
Applicant / Proponent:	Not applicable
Subject Land / Locality:	No. 26 (Lot 3002) Hardy Street, Denmark (Reserve No. 52384)
Disclosure of Officer Interest:	Nil
Date:	9 November 2018
Author:	Bill Parker, Chief Executive Officer
Authorising Officer:	Bill Parker, Chief Executive Officer
Attachments:	Nil

Summary:

In February 2018, Council endorsed a business case for the remediation of No. 26 (Lot 3002) Hardy St Denmark, Reserve 52384. The site was utilised as a Shire works depot between 1964 and 1984. The site is classified as possibly contaminated.

This item seeks to provide Council with an update on the tasks undertaken to date and seeks to amend the 2018/19 Budget to undertake a dilapidation report, asbestos assessment and appoint an accredited Contaminated Sites Auditor.

Background:

The subject property is located at 26 Hardy Street Denmark and is legally described as Lot 3002 on Survey 45104, Certificate of Title Volume LR3151 Folio 703.

The property is a former Shire of Denmark depot site and is impacted by uncontrolled fill, buried natural topsoil and natural sands (impacted by hydrocarbons). In June 2014, the Shire of Denmark received a grant from the Great Southern Development Commission. The grant was used to develop a Remediation Action Plan (RAP) to determine the extent of the contamination and devise an appropriate remediation approach.



Figure 1: Image depicting the subject property

In December 2016, Council resolved (Resolution No. 081216);

“In regard to the remediation of the former Shire Depot site at Lot 3002 (No 26) Hardy St Denmark, Reserve 52384, Council;

1. *Receive the Remediation Action Plan that OPUS International have prepared for the site.*
2. *In accordance with section 3.59 of the Local Government Act 1995, prepare a Business Plan for a major land transaction that addresses the acquisition, remediation and resale of the site”.*

The Shire of Denmark prepared a business case that was subsequently considered by Council. On 20th February 2018, Council resolved (Resolution No. 160218);

With respect to the remediation of the former Shire Depot site at No. 26 (Lot 3002) Hardy St Denmark, Reserve 52384, Council;

1. *Receive the Business Plan and Risk Assessment for the remediation of the site; and*
2. *Consider remediating the site for land banking purposes, as part of the 2018/19 Budget process.*

In response to the resolution, Council included \$40,000 in the 2018/19 budget for ‘Hardy Street Remediation’. The intent of the allocation was to progress the project to a point where tenders could be called.

Since the budget was adopted, the Shire has commissioned GHD (Albany) to;

1. Assist in preparing a brief to appoint an accredited Contaminated Sites Auditor as required by the Contaminated Sites Act 2003
2. Undertake additional onsite investigations required to inform the RAP
3. Landfill sorting, disposal and reuse options analysis
4. Preparation of an amended RAP
5. Preparation of earthworks contractor tender scope (for tendering purposes)

As the project progresses, the Shire has identified some items of expenditure that require addressing now, rather than later. These items include a third-party dilapidation survey and pre-work asbestos investigation and the appointment of an accredited Contaminated Sites Auditor. Although adequately identified and covered in the business case, there is not sufficient funding in the current budget to address these issues prior to going to tender.

This item seeks to reallocate an additional \$40,000 to the remediation project.

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:

Section 6.8 of the Local Government Act 1995 related to this item.

Section 6.8 - Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

Part 2, Section 13 of the Contamination Site Act 2003 relates to the Department of Water and Environmental Regulations' powers to classify a site as contaminated (subject site was classified on 29 August 2011 – *remediation required*). Part 4 of the Act refers to notices which may be given and include a notice of failing to comply. The maximum penalty for failing to comply is \$500,000 and a daily penalty of \$100,000 (for an individual and up to five times these amounts for a body corporate).

The classification *remediation required* requires that the site be cleaned-up, validated, monitored and managed in accordance with guidance set out in the Department's Contaminated Sites Guidelines and the National Environmental Protection (Assessment of Site Contamination) Measure 1999.

Pursuant to the classification, the Shire has been required to provide regular updates relating to the investigation, assessment, monitoring, remediation, validation and/or management of the site. In June 2018 the Department acknowledged that the Shire intends to remediate the site sometime in 2018 and/or 2019 subject to the project being included in the Council's budget and has again requested that the Shire continue to provide updates, in writing, as work progresses.

Policy Implications:

There are no policy implications that relate to this item.

Budget / Financial Implications:

Council allocated \$40,000 in the 2018/19 Budget to progress the Hardy Street Remediation Project. The Shire of Denmark has identified a further \$40,000 in expenditure to appoint an accredited Contaminated Sites Auditor, complete an asbestos assessment and undertake a dilapidation report for surrounding properties. These tasks need to be completed prior to completing the earthworks tender scope as the outcomes may impact the extent of works required.

These items of expenditure have been identified in the total estimated project cost that was presented to Council in February 2018.

It is unlikely that account number 1420312 Office Layout (Administration Building) will be drawn upon this year. It is recommended that Council reallocate \$40,000 from this account to account 1076002 Hardy Street Remediation.

The remaining \$10,000 in account 1420312 Office Layout (Administration Building) will be used to appoint an architect/draftsperson to investigate how space within the existing administration building could be better utilised.

Strategic & Corporate Plan Implications:

The report and officer recommendation is consistent with Council's adopted Strategic Community Plan Aspirations and Objectives and the CEO's KPIs in the following specific ways:

Denmark 2027

N2.0 Our Natural Environment

N2.2 To promote and encourage responsible development

- B3.0 Our Built Environment
 - B3.5 To have diverse and affordable housing, building and accommodation options
- L5.0 Our Local Government
 - L5.4 To be fiscally responsible

CEO KPIs

9. Projects Complete Hardy Street Remediation Project

Draft Corporate Business Plan

B3.4.14 Develop a detailed specification for remediation works on Hardy Street

Sustainability Implications:

➤ **Governance:**

The Shire of Denmark has appointed a project team to undertake the Hardy Street Remediation Project. The project structure comprises Shire of Denmark (CEO, Strategic Project Officer and Director Infrastructure and Assets), GHD, Accredited Auditor and the Civil Works Contractor.

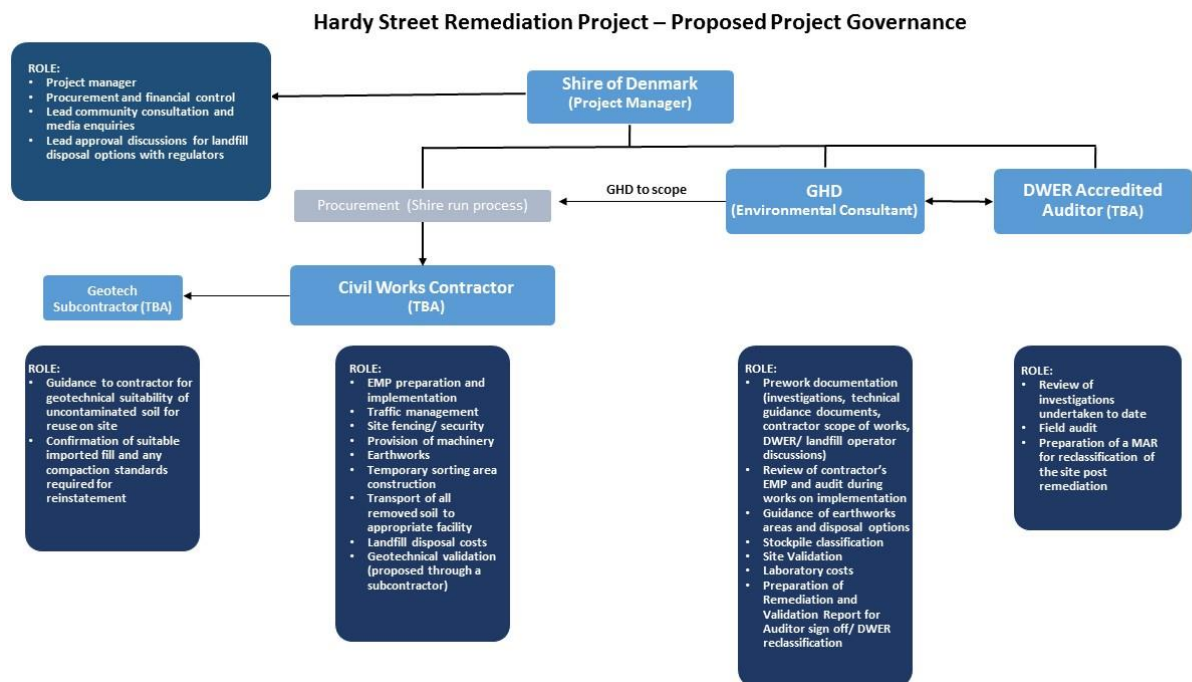


Figure 2: Project Governance Structure

➤ **Environmental:**

The remediation will need to demonstrate that contamination of the site does not present a risk of harm to human health, the environment and environmental values.

➤ **Economic:**

Once the site is remediated, it will be suitable for a range of uses. The actual remediation project will have positive impacts on the local economy. The extent of the benefit will depend on the amount of local content utilised.

➤ **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 decides not to reallocate the funding	Unlikely (2)	Moderate (3)	Moderate (5-9)	Inadequate Financial, Accounting or Business Acumen	Accept Officer Recommendation

Comment/Conclusion:

The project timelines suggest that the project is slightly behind schedule. The Shire does require the reallocated funds to progress the project. No significant variations have been identified that will impact the project costs previously advised to Council in February 2018.

No	Task	Responsibility	Start	Finish
1	Shire of Denmark seek dilapidation report quotes	Project Manager	27/08/2019	31/08/2019
2	Shire to appoint contractor for dilapidation report	Project Manager	4/09/2019	4/09/2019
3	Dilapidation inspection commences	Project Manager	4/09/2019	9/09/2019
4	Shire of Denmark seek auditor quotes	Project Manager	4/09/2019	25/09/2018
5	Auditor appointed	Project Manager	29/09/2018	29/09/2018
6	Auditor to review available information	Auditor	2/10/2018	23/10/2018
7	GHD and Shire to discuss required investigations prior to completing RAP review	GHD & Project Manager	25/10/2019	25/10/2018
8	GHD to undertake additional investigations	GHD	26/10/2019	6/12/2018
9	Auditor to review and approve amended RAP	Auditor	6/12/2019	20/12/2019
	Xmas break			
10	GHD to scope contractor specs for tender	Project Manager	7/01/2019	21/01/2019
11	Shire to run contractor procurement process	Project Manager	21/01/2019	18/02/2019
12	Council award contract	Project Manager	18/02/2019	19/02/2019
13	Shire to commence community consultation	Project Manager	19/02/2019	11/03/2019
14	Contractor to prepare relevant management plans/ preparation for works	Civil Works Contractor	19/02/2019	14/03/2019
15	Shire and GHD review plans and endorse	GHD & Project Manager	14/03/2019	28/03/2019
16	Works commence on site	Civil Works Contractor	28/03/2019	28/03/2019
17	Earthworks onsite removal	Civil Works Contractor	28/03/2019	18/04/2019
18	Contamination validation and landfill disposal classification and sorting	Civil Works Contractor	18/04/2019	6/05/2019

19	Earthworks onsite reinstatement	Civil Works Contractor	6/05/2019	15/05/2019
20	Onsite works completed	Civil Works Contractor	15/05/2019	15/05/2019
21	Post -remediation monitoring (ground and surface water)	GHD	15/05/2019	12/06/2019
22	Remediation and validation reporting	GHD	12/06/2019	7/08/2019
23	Auditor MAR preparation, consultation with GHD	Auditor	19/07/2019	4/08/2019
24	RVRJ MAR submission to DWER for reclassification	Auditor	4/08/2019	4/08/2019

It is anticipated that the earthworks specification will be circulated to the Shire’s Panel of Prequalified Suppliers in January or February 2019. After closing, staff will assess the submissions to determine the full financial extent of the remediation project. From this point, a report will be prepared, with Council to consider and explore the funding options available to fulfil the project’s objectives.

The Shire of Denmark has recently submitted a funding application for \$250,000 to assist with the remediation of the site. It is expected that this funding round will be announced in early 2019.

The Shire is currently working with the Department of Planning, Lands and Heritage (Land Use Management) to have the subject site transferred into the Shire’s ownership (freehold).

Voting Requirements:

Absolute majority.

OFFICER RECOMMENDATION	ITEM 8.4.3
That in relation to the remediation of No. 26 (Lot 3002) Hardy St Denmark, Reserve 52384, Council;	
1. Reallocate \$40,000 from account number 1420312 Office Layout (Administration Building) to account number 1076002 Hardy Street Remediation.	
2. Note the progress of the project made to date.	

** Absolute majority required.*

8.4.4 REVIEW OF DELEGATIONS, AUTHORISATIONS AND APPOINTMENTS	
File Ref:	Delegations Register
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	24 October 2018
Author:	Claire Thompson, Executive Assistant
Authorising Officer:	Bill Parker, Chief Executive Officer
Attachments:	8.4.4 – Delegations Register (marked up with proposed amendments)

Summary:

Pursuant to section 5.18 of the Local Government Act 1995, Delegations of Authority granted by Council under the Local Government Act 1995 and certain sections of the Planning & Development Act 2005 are to be reviewed every year.

Background:

To assist in the effective administration of the Shire, Council has granted various delegations. Delegations made under the Local Government Act 1995 (as opposed to some other Acts) can generally only be made to the Chief Executive Officer (CEO) or Council Committees. Where appropriate, the CEO can on-delegate to other Council employees, with conditions as specified, unless the delegation to the CEO specifically removes this right of sub-delegation.

Delegations made by the Council under legislation other than the Local Government Act 1995 or Sections 214(2), (3) or (5) of the Planning & Development Act 2005 sometimes delegate powers or duties direct to a class of persons eg. Citizenship (these cannot be altered by the Council). In most cases the power or duty under legislation is provided to the local government and the delegation of these powers or duties are at the discretion of the Council.

Consultation:

Senior Council Officers and the Executive Assistant.

Statutory Obligations:

The Local Government Act 1995 relates to most delegations, specifically, Sections 5.42 to 5.46 which relate to Council delegations to the CEO and the CEO's power to sub-delegate if not removed specifically by Council.

5.42. Delegation of some powers and duties to CEO

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
- (a) this Act other than those referred to in section 5.43; or
 - (b) the Planning and Development Act 2005 section 214(2), (3) or (5).

* Absolute majority required.

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

5.43. Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government; hearing or determining an objection of a kind referred to in section 9.5;
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- (h) any power or duty that requires the approval of the Minister or the Governor;
- (i) such other powers or duties as may be prescribed.

5.44. CEO may delegate powers and duties to other employees

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.

- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*
- (3) *This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —*
- (a) *the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and*
- (b) *the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.*
- (4) *Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.*
- (5) *In subsections (3) and (4) —*
conditions *includes qualifications, limitations or exceptions.*

5.45. Other matters relevant to delegations under this Division

- (1) *Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —*
- (a) *a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and*
- (b) *any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.*
- (2) *Nothing in this Division is to be read as preventing —*
- (a) *a local government from performing any of its functions by acting through a person other than the CEO; or*
- (b) *a CEO from performing any of his or her functions by acting through another person.*

5.46. Register of, and records relevant to, delegations to CEO and employees

- (1) *The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*
- (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
- (3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*

Each delegation details the legislative power which enables either the CEO or the Council to delegate, appoint, assign or designate.

Policy Implications:

Council's Delegation Register will be updated accordingly following this review. Some delegations are cross referenced to Council Policy and where this is the case it is noted on the individual delegation or authorisation.

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

4.1.2 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.

4.2.3 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.

4.4.8 Provide delegation mechanism to enable the day to day business of the Council to be handled by administration.

Sustainability Implications:

➤ **Governance:**

As per 4.4.8 in the Corporate Business Plan, delegations provide mechanisms to enable the day to day business of Council to be handled by administration. Alternatively, all decisions made under delegation would need to be considered formally by the Council. This could have timing implications given that the Council meets on a monthly basis.

The Delegations have been reviewed by the CEO, Directors and the Executive Assistant. Apart from the suggested changes the current delegations, authorisations, appointments and designations appear to be working well and providing appropriate authority and guidance to the administration.

➤ **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 review its delegations	Rare (1)	Minor (2)	Low (1-4)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation

Comment/Conclusion:

A copy of the existing Delegations Register with the proposed amendments is attached (refer Attachment 8.5.2) which has been marked up to show where and what the proposed recommended changes are.

The table below provides a summary of the changes within the attached ‘marked up’ document.

Following a review in late 2017, from January 2018, the Information Bulletin is no longer being produced. Reference to this document has been removed from the Delegations Register.

The position of Law Enforcement Officer has been amended to Ranger to reflect the current Organisation Structure.

Reference Number	Title	Officer Recommended Amendment / Addition
D030101	Rate Book	Added sub-delegation to Manager Corporate Services.
D040101	Donations	Amended Recording Requirement to remove reference to Information Bulletin.
D040108	Local Law – Standing Orders – Recording of Proceedings	Corrected Title to reflect s.8.5(1) only which pertains to the delegation. Removed reference to Information Bulletin.
D040111	Freedom of Information – Coordinator & Review Officer	Added reference to s.100 (1) in the title.
D040112	Equal Opportunity – Appointed Persons	Added reference to reporting annually to the Director.
D040114	Citizenship Ceremonies	Corrected Minister’s title.
D040217	Tenders for Providing Goods & Services	Increased authorised threshold to \$250,000.
D040218	Execution of Documents	Removed reference to Information Bulletin.
D040222	Expenditure Before Adoption of Budget	Added sub-delegation to Manager Corporate Services.
D040227	Staff Productivity Incentive Scheme	Removed reference to Information Bulletin.
D040230	Master Lending Agreement	Removed reference to Information Bulletin.
D050103	Burning, Prohibited & Restricted Times (Variations)	Corrected Legislative Power reference.
D050104	Local Law – Bush Fire Brigades	Added Legislative Power reference.
D050105	Bush Fires Act 1954 – Prosecution of Offences	Changed title to include issuing of infringements. Corrected Legislative Power reference. Added reference to withdrawal of infringements.

D050106	Bush Fires Act 1954 – Issuing of Infringement Notices	Repealed. Combined with D050105.
D050107	Bush Fires Act 1954 – Withdrawal of Infringements	Repealed. Not a delegation – no Council discretion. Determined under Regulation 4 of the Bush Fires (Infringement) Regulations 1978.
D050201	Sale of Impounded/Seized/Confiscated Vehicles, Animals or Goods	Amended title to make shorter and broader. Amended Delegation to reflect WALGA template and include reference to s.3.46 and s3.48. Remove reference to Tender Register as tender requirements only apply to “ <i>contracts under which another person is to supply goods or services</i> ”. Include reference to Section 474 of the Local Government (Miscellaneous Provisions) Act 1960.
D050202	Dogs – Local Law & Dog Act 1976	Add reference to Part 7 of the Local Law (covers enforcement) and added the Ranger as an authorised person. Added reference to Section 44 of the Dog Act (enforcement proceedings) under Authorised Persons. Added reference to Sections 16 (dog registration) and 12A (entry of premises) under Registration Officers.
D050203	Cat Act 2011	Removed Section 63 from exclusions as the reference was incorrect. Section 63 refers to the content of an infringement notice.
D050204	Local Government (Miscellaneous Provisions) Act 1960	Added reference to public notice requirement under Section 450.
D050301	Certain Things to be done in Respect of Land	Changed the words “delegated authority” to “authorised”.
D050302	Power of Entry	Include a note to clarify only applicable when performing functions under the Local Government Act.
D050303	Impounding Goods	Correct terminology to remove reference to delegation and replace with authorisation (pursuant to s. 3.39 of the Local Government Act). Delete reference to Sections 3.46, 3.47 and 3.48 – covered under D050101.
D050306	Control of Vehicles (Off-Road Areas) Act 1978 – Local Government Appointments	Amend title to accurately reflect authorisation rather than appointments Added Community Emergency Services Manager as Authorised Officer.
D050308	Fines, Penalties and Infringement Notices Enforcement Act 1994 – Appointment of Prosecution Officers	Amended to include all Officers (including names) who are currently authorised by the Chief Executive Officer.

D070402	Itinerant Food Vendors	Added reference to Trading in Public Places Permits and added additional Officers.
D070403	Extended Trading Permits to Sell Packaged Liquor	Repeal. Sections 61 (1) (d) and (2) have been removed from the Liquor Control Act 1988. No local government discretion, no delegation.
D070404	Grant or Removal of a Liquor Licence – Certificate of Local Government	Repeal. Local Government Certificate required to be obtained by the applicant. Administrative – not delegation.
D070405	Grant or Removal of a Liquor Licence – Certificate of Local Planning Authority	Repeal. Local Government Certificate required to be obtained by the applicant. Administrative – not delegation.
D070406	Health (Miscellaneous Provisions) Act 1911 – Appointment of Authorised Persons	Amend title to include Health Local Law.
D070407	Public Health Act 2016 – Environmental Health Officer Appointments, Enforcement and Authorised Officers	Add Section 21 to legislative power.
D070408	Food Act 2008 – Authorised Officers, Prohibition Orders and Registrations	Add reference to requirement for Certificate of Authority.
D100201	Installation & Removal of Rubbish Bins	Add Section 5.42 to legislative power.
D100202	Refuse Site Charges – Free Disposal for Not-for-Profit Community Groups	Add Section 5.42 to legislative power.
D100501	Irwin Inlet Sandbar Opening Protocol	Amend from delegation to authorisation.
D100502	Wilson Inlet Sandbar Opening Protocol	Amend from delegation to authorisation.
D100505	Parry Inlet Sandbar Opening Protocol	Amend from delegation to authorisation.
D100602	Local Law – Activities on Thoroughfares & Trading in Public Places	Amend delegate to those delegated authority under Delegation D050305, for the purposes of section 9.10 of the Local Government Act 1995. As per the “Authorised Person” definition in the Activities on Thoroughfares & Trading in Public Places Local Law.
D110201	Local Law – Local Government Property	Amend delegate to those delegated authority under Delegation D050305, for the purposes of section 9.10 of the Local Government Act 1995. As per the “Authorised Person” definition in the Activities on

		Thoroughfares & Trading in Public Places Local Law.
D110301	Recreation Centre (Denmark) – Refunds	Add Section 5.42 to legislative power.
D110701	Applications for use of Land under Section 18 of the Aboriginal Heritage Act 1972	Repeal. Administrative – not delegation.
D120301	Local Law – Parking & Parking Facilities	Amend delegate to those delegated authority under Delegation D050305, for the purposes of section 9.10 of the Local Government Act 1995. As per the “Authorised Person” definition in the Activities on Thoroughfares & Trading in Public Places Local Law.
D120401	Road Traffic (Administration) Act 2008 – Prescribed Persons	Remove reference to Road Traffic (Administration) Act.
D130101	Local Law – Pest Plants	Remove reference to Agriculture and Related Resources Protection Act 1976.
D130204	Caravan Parks and Camping Grounds – Appointment of Authorised Persons	Correct appointee from CEO to Council.
D130312	Building Act 2011	Add relevant section under legislative power.

Voting Requirements:

Absolute majority.

OFFICER RECOMMENDATION	ITEM 8.4.4
That Council adopt the Delegations, Authorisations & Appointments Register with additions, deletions and amendments as per Attachment 8.4.4.	

** Absolute majority required.*

8.4.5 DRAFT CORPORATE BUSINESS PLAN

File Ref:	ADMIN.13
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	9 November 2018
Author:	Teiga Murray, Corporate Planning Officer
Authorising Officer:	Bill Parker, Chief Executive Officer
Attachments:	8.4.5 – Draft Corporate Business Plan

Summary:

The purpose of this report is for Council to consider the adoption of the 2018/19-2021/22 Corporate Business Plan.

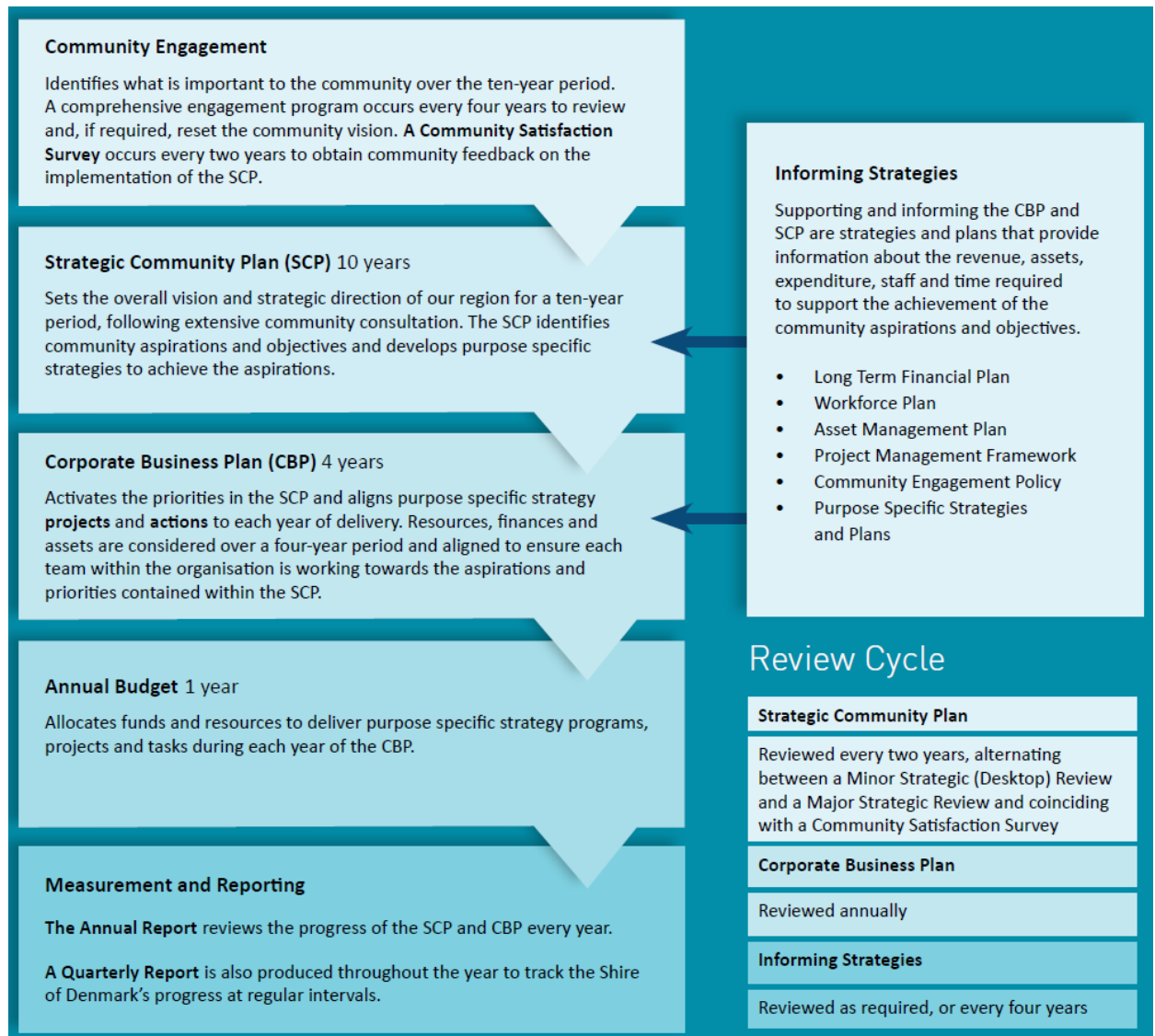
Background:

In order to fulfil the statutory obligations of section 5.56 of the Local Government Act 1995, the Local Government (Administration) Regulations 1996 require each Local Government to adopt a Strategic Community Plan and Corporate Business Plan as part of a ‘Plan for the Future’.

The Strategic Community Plan is Council’s principal strategy and planning document that links community aspirations with the Council’s vision and long-term strategy. The Strategic Community Plan forms the basis of the Integrated Planning and Reporting Framework and provides the foundation to develop other strategic documents, including the Corporate Business Plan. Council adopted a new Strategic Community Plan in December 2017.

The Corporate Business Plan is the Shire’s four-year action plan that activates the community’s high level aspirations and objectives within the Strategic Community Plan, *Denmark 2027*. The Corporate Business plan identifies projects, initiatives and actions that the Shire will undertake over the next four years to improve operations whilst delivering key services and facilities that support the community vision.

A summary of the Integrated Planning and Reporting Framework is provided as follows:



Consultation:

To facilitate the major review of the Strategic Community Plan, Council endorsed a four-stage community engagement program in December 2016 that featured increasing levels of public participation. The community engagement program followed the IAP2 model of public participation which is widely regarded by Local Governments and other organisations as best practice. Over 1,127 responses were received during the major review via fifteen engagement mechanisms, exceeding the Department of Local Government’s advisory standard of 500 responses and two documented mechanisms.

A summary of the engagement activities and responses received during the development of the Strategic Community Plan is provided as follows:

Engagement Method	Level of Engagement	Participation
Community Survey	Consult	523
Youth Survey	Consult	117
Staff Survey	Consult	23
Visions of Denmark Photo Competition	Consult	9
My Vision for Denmark Drawing Competition	Consult	3
Councillor Workshop (including Executive Team)	Involve/Collaborate	10
Peaceful Bay Community Workshop	Involve/Collaborate	16
Denmark Community Workshop	Involve/Collaborate	65
Staff Workshop	Involve/Collaborate	60
Workshop DIY Kits	Involve/Collaborate	88
Focus Group: Sustainable Population and Development	Collaborate	40
Focus Group: Development of Agriculture, Tourism and Small Business	Collaborate	59
Focus Group: Housing Availability and Affordability	Collaborate	39
Focus Group: Decision Making and Community Engagement	Collaborate	35
Focus Group: Bushfire Management and Planning	Collaborate	40
TOTAL:		1127

Following adoption of the Strategic Community Plan in December 2017, employees and Council were provided with the responses received during the major review to inform the development of the Corporate Business Plan.

After reviewing the Strategic Community Plan feedback, employees participated in a number of formal and informal team planning sessions to align their current tasks to the objectives of the Strategic Community Plan and to identify new projects and actions that support the community vision.

Councillors also participated in this process by submitting their own project ideas via project identification forms, with the information used by staff to research and cost potential projects utilising the same criteria that was applied to all community, staff and existing strategy/policy/plan identified projects.

Projects within the Corporate Business Plan have been prioritised using an evaluation methodology that considers strategic fit to the objectives of *Denmark 2027*, initial project and start-up costs and any ongoing annual operating costs. Utilising this decision-making criteria ensures that the projects included within the four-year Corporate Business Plan are able to demonstrate alignment to the community’s aspirations and objectives as well as demonstrating value for money.

Statutory Obligations:

The requirements for the preparation of a Corporate Business Plan are detailed in the Local Government Act 1995.

Further guidance on the achievement of best practice standards is outlined within the Department of Local Government and Communities *Integrated Planning and Reporting Framework* and *Advisory Standards and website*.

Extract Local Government Act 19955.56. *Planning for the future*

- (1) *A local government is to plan for the future of the district.*
- (2) *A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

The Local Government Administration Regulations 1996 state:

19DA. Corporate business plans, requirements for (Act s. 5.56)

- (1) *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) *A corporate business plan for a district is to —*
 - (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) *govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
 - (c) *develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) *A local government is to review the current corporate business plan for its district every year.*
- (5) *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*
- (6) *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*

**Absolute majority required.*

- (7) *If a corporate business plan is, (or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

Policy Implications:

There are no policy implications as the development of a Corporate Business Plan is a legislative requirement.

Budget / Financial Implications:

The first year of the Corporate Business Plan aligns with the activities and projects identified in the 2018/19 Budget. Funding for projects and activities listed for future years is accounted for in the Draft Long Term Financial Plan and will provide the basis for items considered in future Annual Budgets.

Strategic Implications:

The report and officer recommendation is consistent with the Local Government (Administration) Regulations 1996 and the Department of Local Government and Communities' Advisory Standard.

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:**

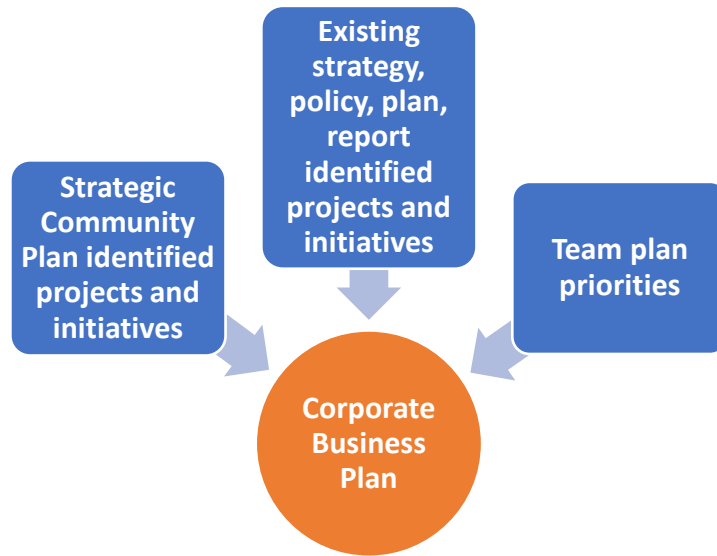
There are no known significant social considerations relating to the report or officer recommendation.

➤ **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)
That Council choose not to adopt the Corporate Business Plan, resulting in non-compliance with the Local Government Act's 'Planning for the future' legislation.	Unlikely (2)	Moderate (3)	Moderate (5-9)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation

Comment/Conclusion:

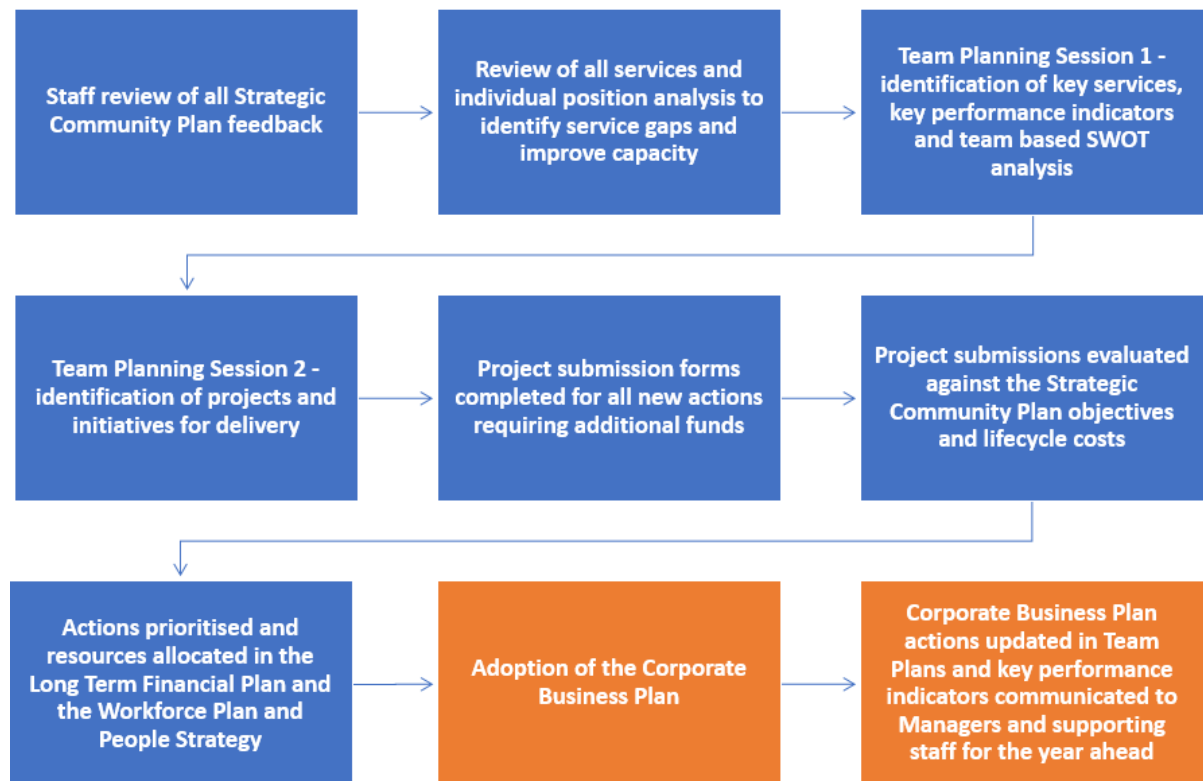
The Corporate Business Plan is structured around the themes, aspirations and objectives prioritised by the community in *Denmark 2027*. The Corporate Business Plan schedules costed actions over the four-year period, with projects drawn from community feedback, items from the Shire's existing strategies, policies, plans and reports and staff identified improvement actions.



The majority of actions listed within the Corporate Business Plan are ‘no additional cost’ initiatives that employees have prioritised to undertake over the four-year period. These initiatives will be undertaken using the Shire’s existing salary and wages budget and administrative overheads.

Where new projects require additional funding above normal operating costs, Councillors and employees have prioritised these projects considering both strategic fit and affordability. Projects identified within the Corporate Business Plan have been included in the Shire’s Draft Long Term Financial Plan, ensuring that the actions that have been identified are affordable over the long term.

The process for developing the Corporate Business Plan is outlined as follows:



As co-facilitator of the Great Southern Peer Support Program, during this process, the Shire of Denmark was selected as a pilot site within the region for the development of a new approach to Corporate Business Planning.

Through the program, the Shire of Denmark received access to a fully subsidised strategic planning consultant (by the Great Southern Peer Support Program) who worked closely with staff to expand on the Shire's draft corporate planning template to develop a regional model and supported officers to facilitate team planning sessions.

Following positive feedback from the Minister of Local Government earlier this year, the program and templates are set to roll out in other regions across WA, with the program having recently been nominated for an Innovative Management Award. The Shire of Denmark has also been appointed as Branch Facilitator for the Great Southern Region and will be supporting other Councils within the area to integrate strategic planning, operations and performance measures.

The Corporate Business Plan will be reviewed each year as the organisation's financial position is further refined, ensuring that the Shire is able to capitalise on any new opportunities as they present. A number of the projects identified in the Corporate Business Plan are either solely or partially reliant on securing external funding, which the Shire will strongly advocate for over the life of the plan. Changing funding streams may result in delivery year changes for some projects.

Actions within the Corporate Business Plan will form key performance indicators for Shire of Denmark staff, with performance reviews and compensation linked to the successful delivery of Corporate Business Plan actions. All major projects will be supported internally with project plans, with projects fully scoped and costed before progressing to inclusion in the Annual Budget for delivery.

The Shire's Executive and Management team will meet on a monthly basis to track the progress of the Corporate Business Plan, ensuring that risks to delivery are minimised and opportunities to support delivery are maximised. The Shire has taken an innovative approach to the portfolio of work identified in the Corporate Business Plan and will explore strategic risks and opportunities each month to ensure the actions identified within the plan support multifaceted positive outcomes within the community.

Quarterly progress updates will be provided to the community to track the Shire's achievements and results against the Corporate Business Plan, with a formal progress report provided each year in the Annual Report.

The IPR Framework and Advisory Standards require all Local Governments to review and align their workforce to deliver on the community vision and aspirations of the Strategic Community Plan. Workforce planning is about shaping the workforce with a clearly identified purpose, linked with organisational objectives, to bring about particular changes. The Workforce Plan is therefore an essential component of the Corporate Business Plan as it identifies workforce requirements and strategies for current and future operations. In response the Shire of Denmark has reviewed the day to day operations of key services within the organisation.

Following the adoption of *Denmark 2027*, the Shire implemented a number of structural changes to ensure that areas of priority for the community were provided more emphasis. Additional effort in areas of asset management, building maintenance, bush fire control and community services have already been achieved through the reclassification of a number of current FTEs and the hiring of new FTEs to deliver key services.

The Shire’s current organisational structure is depicted as follows:



Over time the Shire of Denmark will take steps to align to a new organisational structure that further supports the delivery of key community priorities and business improvement actions. The new organisational structure is depicted as follows:



The proposed structure encompasses a two-director model that supports Directors working at the strategic level, rather than operationally.

The two-director model follows the contemporary management practice of executives operating in a more integrated way, considering their impact across the organisation, rather than focusing on singular areas of operation.

The new model will also support the professional development of the shire’s management tier, providing opportunities for employee growth and career advancement, through increased autonomy and responsibility within their business unit.

Community feedback during the major review strongly supported the integration and application of environmental standards and sustainable practice across the organisation, particularly in relation to development, new infrastructure and the management of assets.

The consolidation of reporting lines will help minimise areas of duplication between directorates, which will increase the impact of these resources, whilst creating a greater focus on the application of sustainable practice through both the ‘planning’ and ‘doing’ functions of the Shire.

Moving from a three-director model to a two-director model will also generate cost savings for the organisation, which will be reinvested back into the business to further improve operations and address areas of strategic significance.

Voting Requirements:

Absolute majority.

OFFICER RECOMMENDATION	ITEM 8.4.5
<p>With respect to the Shire of Denmark Corporate Business Plan, Council;</p> <ol style="list-style-type: none"> 1. Adopt the Corporate Business Plan for effect from the current financial year through to 2021/22; 2. Endorse the proposed two director structure as the preferred model to deliver the Corporate Business Plan; 3. Make copies of the Plan available for public inspection both online and in hardcopy. 	

** Absolute majority required.*

9. COMMITTEE REPORTS & RECOMMENDATIONS

Nil

10. MATTERS BEHIND CLOSED DOORS

OFFICER RECOMMENDATION	ITEM 10
<p>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 Council’s Australia Day Function.</p>	

10.1	2019 CITIZEN & COMMUNITY GROUP OR EVENT OF THE YEAR AWARDS
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File Ref:	PBR.1
Applicant / Proponent:	Various
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	One of the nominations was put forward by the author.
Date:	November 2018
Author:	Claudia Simpson, Community Development Officer
Authorising Officer:	Cary Green, Director of Corporate and Community Services
Attachments:	10.1a – Honour Board of Previous Recipients 10.1b – Nominations (Confidential to Councillors)

Summary:

Council is requested to peruse the attached nominations for Citizen, Group or Event of the Year Awards for 2019 and determine the winners for each category.

Background:

The Citizen and Community Group or Event of the Year Awards recognise individuals and organisations making a notable contribution during the current year, and/or to those who have given outstanding service over a number of years.

Outstanding contribution and community service includes areas such as; education, health, fund-raising, charitable and voluntary services, business, sport, arts, the environment, social inclusion or any other area that contributes to the advancement and wellbeing of a community.

A nominee need only be nominated once to be considered. The number of nominations received per nominee does not provide additional weight to the evaluation process.

The Awards are provided pursuant to Policy P040113 and are presented at the Council's Australia Day Function on 26 January of each year.

Consultation:

The marketing & promotion for these awards included the following:

- Shire of Denmark Website (including banner on the front page)
- Shire of Denmark Notice Boards (x 2)
- Shire of Denmark Facebook page (plus reminder in early October)
- 4Youth Denmark Facebook Page
- Denmark Recreation Centre
- Denmark Library
- Email or letter to all local community & sporting group / organisations
- Advertisement in the Denmark Bulletin
- Advertisement in the Walpole Weekly
- Email to Councillors & Employees

The Shire's membership with Australia Day WA includes an online nomination process, assistance with promotion and advertising, use of their logo with the Shire's promotion and certificates and medallions for each recipient.

Statutory Obligations:

There are no statutory obligations.

Policy Implications:

Part A of Council Policy P040113 reads as follows:

“AUSTRALIA DAY ACTIVE CITIZENSHIP AWARDS

The Awards be advertised in September, inviting nominations for awards in the following categories:

- *Citizen of the Year (no age restriction);*
- *Citizen of the Year – Youth (under 25 years);*
- *Citizen of the Year – Senior (over 65 years);*
- *Active Citizenship Award (for a community group or event).*

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

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

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

Eligibility

For Citizen of the Year Awards, the nomination:

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

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

Budget / Financial Implications:

Council has included provision in the 2018/2019 Budget for these Awards which will fund certificates for each nominee, Shire of Denmark plaques for each winner and updating of the Honour Board.

Strategic & Corporate Plan Implications:

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

Denmark 2027**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

1.1.1 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:**

These Awards provide a way for Council to recognise and acknowledge local individuals and community groups (or events) who have made significant and ongoing contributions to the Denmark community.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not select winners for the 2018 Citizen & Community Group or Event of the Year.	Rare (1)	Minor (2)	Low (1-4)	Not Meeting Community expectations	Accept Officer Recommendation

Comment/Conclusion:

37 nominations have been received and have been provided to Councillors under separate confidential cover.

One nomination was received after the closing date of 31 October 2018.

The nominees for each category are as follows:

CATEGORY: Citizen of the Year

- Dawn Barrington
- Ken Davies
- Nathan Devenport
- Lucia Golebiowski
- Ruth Halbert
- Geoff Hill
- Liz Jack (Including *Gertrude Wellease*)
- Lydia Kenyon
- Marjorie Morrison
- Bernie Wong
- Sharon O'Brien (*Late nomination received 6 November 2018*)

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

- Aaron Blamey-Brown
- Tia Paterson
- Charlie Thornton
- Rosie Williamson

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

- Geoff Bowley
- Pat Evans
- Jesz Fleming
- Linda Halse
- Derek Stone
- Mary Williams

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

- Denmark Senior Soccer Club
- Denmark Surf Life Saving Club
- Golden Hill Steiner School – Kwoorabup Markets
- Nornalup Residents and Rate Payers Association Inc.

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

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION	ITEM 10.1
<p>With respect to the Australia Day Active Citizen Awards for 2019, the following recipients be awarded in the respective categories and those names remain confidential to Councillors, Senior Officers, the Council’s Executive Assistant and the Community Development Officer and those names also remain embargoed until the Awards Ceremony on 26 January 2018;</p> <p>a) 2019 Citizen of the Year to _____;</p> <p>b) 2019 Citizen of the Year – Youth (person under 25 years) to _____;</p> <p>c) 2019 Citizen of the Year – Senior (person over 65 years) to _____;</p> <p>d) 2019 Community Group or Event of the Year to _____.</p>	

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

12. CLOSURE OF MEETING