

Shire of Denmark

Ordinary Council Meeting MINUTES

16 July 2019



HELD IN THE COUNCIL CHAMBERS, 953 SOUTH COAST HIGHWAY,
DENMARK ON TUESDAY, 16 JULY 2019.



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Strategic Community Plan (snapshot)

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
- E1.2 To be a vibrant and unique tourist destination, that celebrates our natural and historical assets
- E1.3 To have diverse education and employment opportunities
- E1.4 To recognise the importance of agriculture in our local economy and protect prime agricultural land

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
- N2.2 To promote and encourage responsible development
- N2.3 To reduce human impact on natural resources, reduce waste and utilise renewable energy
- N2.4 To acknowledge and adapt to climate change

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
- B3.4 To manage assets in a consistent and sustainable manner
- B3.5 To have diverse and affordable housing, building and accommodation options

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
- 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

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 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
- L5.5 To embrace change, apply technological advancement and pursue regional partnerships that drive business efficiency

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DISCLAIMER

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

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

4.00pm – *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 Jan Lewis
- Cr Ian Osborne
- Cr Janine Phillips
- Cr Rob Whooley

STAFF:

- Mr Bill Parker (Chief Executive Officer)
- Mr Cary Green (Director Corporate and Community Services)
- Mr Martin Buczak (Acting Director Assets and Sustainable Development)
- Ms Claire Thompson (Executive Assistant & Governance Coordinator)

APOLOGIES:

- Mr David King (Director Assets and Sustainable Development)

ON APPROVED LEAVE(S) OF ABSENCE:

- Cr Kingsley Gibson (pursuant to Council Resolution No. 020219)
- Cr Roger Seeney (pursuant to Council Resolution No. 030219)

ABSENT:

Nil

VISITORS:

Members of the public in attendance at the commencement of the meeting: 9

DECLARATIONS OF INTEREST:

Name	Item No	Interest	Nature
Cr Lewis	8.3.1	Proximity	The McHenry's are neighbours of Cr Lewis.
Cr Phillips	8.3.2	Financial	Cr Phillips is one of the owners of the Peaceful Bay Caravan Park.

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.d8.3.1enmark.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 Geoff Bowley – 2019/2020 Budget

Mr Bowley thanked the Shire for providing additional information with the recent advertising of the proposed differential rates. Mr Bowley suggested that in future years Council could advertise and provide the additional information earlier and for a longer period of time. Mr Bowley noted that it was difficult to provide comment when there was no details of the draft budget which would have provided context to the proposed rates.

The Shire President thanked Mr Bowley for his comments stating that they would like to continue to provide more information for ratepayers. Cr Gearon said that once the Asset Management Plan and long term financial plan was adopted then the Council's reasoning would likely become clearer.

4.2.2 Mrs Bev McGuinness – John Clark Memorial Bandstand

Mrs McGuinness presented a Petition containing a total 513 signatures, including an online petition containing 456 signatures with approximately 96 identified as residents and/or ratepayers of the Shire of Denmark.

The Shire President thanked Mrs McGuinness for the Petition noting that the Council were aware that the Bandstand was a very important issue for the community. Cr Gearon read out the preamble which was as follows;

"We the undersigned, being electors of the Shire of Denmark are opposed to your decision to demolish the John Clark Memorial Bandstand without following due process as set out in the Community Consultation Policy.

Your petitioners, respectfully request to Council to revoke their decision to demolish the John Clark Memorial Bandstand and allow a community consultation period in which to consider other possible options for the future of this structure."

Cr Caron asked Mrs McGuinness why the Council would delay demolishing the structure if the petitioners were seeking alternative options.

Mrs McGuinness advised that the alternative options included refurbishment, which they had been advised by some local builders that it could be done, and external funding.

4.2.3 Mr Miguel Pez – Climate Change and Refugee Migration

Mr Pez referenced an ABC (Australian Broadcasting Corporation) article stating that they had obtained information that predicts that the military may be forced to increase patrols in Australia's northern waters to deal with "sea-borne migration" sparked by rising sea levels.

Mr Pez said that whilst government had a focus on climate change, the article identified that one of the major impacts could be mass migration of refugees. Mr Pez said that he believed State and Federal Government to be "asleep at the wheel" with respect to climate change and suggested that local government and communities needed to take action. Mr Pez urged Council to declare a climate change emergency.

The Shire President said that the Western Australian Local Government Association (WALGA) had a policy on Climate Change which the Council provided feedback on in April 2018 and that the Shire had a Climate Change Policy which was adopted in 2010.

4.2.4 Ms Yasmin Bartlett – 2019/2020 Budget and Surf Club Project

Ms Bartlett asked when the Community Financial Assistance Program applications would be determined.

The Director Corporate and Community Services said that they would be assessed after the adoption of the 2019/2020 Budget.

Ms Bartlett said that she believed that many people were struggling financially and urged Council to take this into consideration when adopting any rate increase for the 2019/2020 financial year.

The Shire President advised that the Council were aware of the current economic climate and that any rate increase would not be considered lightly.

Ms Bartlett asked whether WALGA would be in control of the tenders for the Surf Club project.

The Chief Executive Officer advised that the Shire of Denmark would be responsible for the tenders and whether WALGA would play any role in the process, was yet to be determined.

Ms Bartlett said that she hoped that the Shire spends locally.

Mr Parker advised that local spending had been a strong focus within the administration for a few years.

Ms Bartlett referred to the 2017 cut in penalty rates, particularly in the retail and hospitality industries which many Denmark residents were employed in. Ms Bartlett said that the cuts were 50% over four years and made a comparison with the wages of a government worker.

4.2.5 Mrs Pauline McHenry – Item 8.3.1, Proposed Road Name "McHenry"

Mrs McHenry noted that their family had had a number of problems with their address over the years because they didn't have a road name. Mrs McHenry thanked the Council in advance for considering the name "McHenry" in honour of her husband, the late Michael McHenry.

4.2.6 Mrs Beverley Ford – 2019/2020 Budget

Mrs Ford, on behalf of the Denmark Residents and Ratepayers Association Committee, said that it was difficult to make an informed decision on rates when people didn't have any budget documentation to show what it was based on. Mrs Ford referred to the proposed 4% increase and said that she believed people in Denmark were worse off financially than the Council thought. Ms Ford asked if the Council would consider deferring some of the projects to keep any rate increase down.

The Shire President thanked Mrs Ford for her comments stating that the Council would take them on board when considering the draft budget on the 30 July 2019.

4.2.7 Mr Tony Pedro – Traditional Generational Farming

Mr Pedro stated that he would like to pass his family farm onto his son but couldn't because there are too many hurdles. Mr Pedro said that he hadn't been able to build his superannuation and thought that a small title could be excised from the farm for him to sell to fund a comfortable retirement. Mr Pedro said that planning laws and policies didn't allow farmers to do it because they wanted to protect prime agricultural land.

The Shire President advised that she had seen Mr Pedro's story on the ABC recently and she had already requested the Chief Executive Officer to place an item on a Briefing Agenda for discussion.

Cr Phillips agreed with Mr Pedro's concerns noting that her family were farmers and wanted to do the same thing. Cr Phillips said that she was unsure what the solution was.

Cr Osborne noted Mr Pedro's position and said that many farms had pockets of unproductive land which could be sold on a separate title. Cr Osborne said that the scenario would see many people benefit from providing residential titles rather than just big developers via subdivisions.

Cr Lewis proposed a workshop for farmers to discuss barriers to productive and generational farming.

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.

There were no applications.

6. CONFIRMATION OF MINUTES

6.1 ORDINARY COUNCIL MEETING – 18 JUNE 2019

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 6.1
MOVED: CR CARON	SECONDED: CR OSBORNE
That the minutes of the Ordinary Meeting of Council held on the 18 June 2019 be confirmed as a true and correct record of the proceedings.	
CARRIED UNANIMOUSLY: 7/0	Res: 010719

6.2 STRATEGIC BRIEFING NOTES – 18 JUNE 2019

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 6.2
MOVED: CR CARON	SECONDED: CR OSBORNE
That the Notes from the Strategic Briefing held on 18 June 2019 be received.	
CARRIED UNANIMOUSLY: 7/0	Res: 020719

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

Nil

Cr Whooley wished it noted that he had submitted a notice of motion and that the motion had been refused.

8. REPORTS OF OFFICERS

8.1 DIRECTOR ASSETS AND SUSTAINABLE DEVELOPMENT

8.1.1 SUSTAINABLE EVENTS POLICY REVIEW

File Ref:	PLN.66
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Shire of Denmark
Disclosure of Officer Interest:	Nil
Date:	8 July 2019
Author:	Bohdan Davies, Sustainability Officer
Authorising Officer:	Martin Buczak, Acting Director Assets and Sustainable Development
Attachments:	8.1.1 – Sustainable Events Policy & Information Sheet

Summary:

This report provides a review of the Sustainable Events Policy since its adoption and recommends further steps.

Background:

At the 21 August 2018 Ordinary Council Meeting, Council adopted a Sustainable Events Policy which included a nine (9) month review period. Council’s Resolution (Res. No. 090818) was as follows;

“That with respect to Policy P100516 - Sustainable Events, Council adopt Attachment 8.1.4b as the final Policy, subject to:

1. *A nine-month transition period to allow Shire staff to undertake engagement with affected stakeholders and promotion of the Policy.*
2. *Shire staff to review the Policy after nine-months with referral back to Council.*
3. *Information sheets or educational material supporting the Policy not containing guidance or instructions that are unrelated or not supported by the Policy.*
4. *Amending the text so that the use of single-use plastics and polystyrene is permitted, whilst retaining the restriction on their sale and distribution.*
5. *Inserting the following text under Best Practice Provisions*
Purchasing and clean-up
Whilst single use Styrofoam and single-use plastics such as cling wrap are not excluded from purchase and clean-up operations, organisers should seek out reusable and more sustainable alternatives to these products at every opportunity.
6. *Correction of typographical errors.”*

The Sustainable Events Policy prescribes sustainable practices for the conduct of events on Council-managed land and for any Shire-coordinated or supported event. It includes conditions related to the elimination of use of single-use plastics, balloons and provision of adequate recycling bins.

The Sustainable Events Policy and Information Sheet can be found in Attachment 8.1.1.

Consultation:

The Shire has to date completed the following consultation since August 2018.

- Updates to the Shire Website and Social Media.
- Shire staff education via internal email and meetings.
- Direct engagement with Denmark Arts .

Shire staff have also worked to pursue improvements in the delivery of external and internal events. Community groups such as Plastic Reduction Denmark and Greenskills have been active in supporting the outcomes of the Policy at Denmark Arts Market events over the summer period. Greenskills has performed waste bin audits, provided compost bins and community engagement/education. Plastic Reduction Denmark have provided a wash station and reusable cutlery/crockery at these events.

To ensure that the Sustainable Events Policy continues to encourage the adoption of sustainable practises and product use the following community consultation is proposed;

- Continue to promote the Policy and provide information on the Shire’s website, at the Administration Office and social media pages, including the provision of information sheets to increase education.
- Engage with community groups, relevant sporting groups and larger event organisers and include reference to the Policy on the Event Application Form.
- Promote the success of local events in implementing the Policy.
- Survey events over the coming summer period for compliance and barrier identification.

Statutory Obligations:

The WA State Government legislated the ban of lightweight single-use plastic bags on 1 July 2018. The ban includes biodegradable, compostable and degradable lightweight plastic bags. This Shire Policy supports the State legislation in the elimination of plastic bags at events.

Policy Implications:

The *Great Southern Group of Councils Regional Waste Strategic Plan 2014 – 2018* details activities relating to increasing the recovery of recyclables from general waste. In accordance

with the draft Sustainable Events Policy, recycling bins would need to be provided at all events.

Budget / Financial Implications:

Following the adoption of the Policy, the Shire has;

- Provided a \$200 donation (Delegation D040101) to Plastic Reduction Denmark to assist with the purchase, modification, licencing and stocking of a trailer to provide reusable cutlery, crockery and a wash station facility for community use at events.
- Purchased two portable water dispensers.
- Purchased five reusable platter trays for use at Council events.

The main ongoing cost implications related to implementation of the Policy is associated with the collection and processing of recyclable materials. Given the Shire does not currently provide public recycling bins at most of its reserves and facilities (eg. McLean Park, Berridge Park, Ocean Beach etc.), it would be the responsibility of the event organiser to provide the relevant quantity of bins and bear any cost related to disposal. The cost per bin is dependent upon the number of bins required. Cleanaway does have an events trailer available which is free to use, however the cost of picking up and dropping off the trailer will be borne by the event organiser, whether that be the Shire or community. These costs would need to be factored in to event budgets, including the Council's for Council run events.

The Cleanaway trailer hire is free and must be booked through Cleanaway, event organiser to pick up and drop off at Cleanaway depot in Albany. Disposal of recycling is free, if waste is contaminated this may not be the case.

There will be some minor cost involved in continued promotion of the Policy which can be accommodated within the Shire's annual operating 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

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.

N2.3 To reduce human impact on natural resources, reduce waste and utilise renewable energy.

Corporate Business Plan

N2.3.20 Investigate a food waste drop off point for Shire events to divert waste from landfill.

N2.3.21 Investigate a public recycling bin scheme to reduce waste.

Sustainability Implications:

➤ **Governance:**

There are no known governance implications.

➤ **Environmental:**

The Policy addresses environment issues relating to waste minimisation, litter, recovery of resources, greenhouse gas emissions, minimising water and energy use, and sustainable agriculture.

➤ **Economic:**

There are no known economic implications.

➤ **Social:**

There are no known social implications.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That event organisers don't comply with the Policy.	Possible (3)	Insignificant (1)	Low (1-4)	Not Meeting Community expectations	Manage by continuing to promote the Policy and provide education to event organisers, particularly in relation to new products on the market which are financially viable and easy to obtain.

Comment/Conclusion:

During the transition period, a local community group, Plastic Reduction Denmark, developed a cutlery, crockery and wash station and ran it at all the Markets since the policy's adoption.

The approximate average rate of utilisation was 500 mugs washed per market event, cutlery was only supplied for the last two markets where approximately 500 single items were washed at each of these.

Due to staff turnover and organisational restructure, aspects of the review, engagement and implementation of this Policy have not been extensive. However, the Policy has been largely a success and this has been a testament to the buy in from active community groups such as Plastic Reduction Denmark and Greenskills. Shire Officers have embraced the Policy and ensure that single use plastics are not used at Shire run events. External event organisers are provided with a copy of the Policy and encouraged to comply.

Review of the Policy's effectiveness, stakeholder/community engagement and internal Shire staff education is proposed to be ongoing. Continued review of the Policy is also required, as best practice methods, products and strategies are developed.

To alleviate the need for the use of Cleanaway's public recycling bin trailer the Officer proposes the investigation of a waste trailer which may contain sufficient numbers of rubbish bins, recycling bins and compost bins (if process options are available) for use by event organisers. This may also provide educational materials like signage for community engagement at events. A trailer would streamline waste services provided for any events in the Shire, centralising collection of the waste by delivery of all waste to Denmark Waste Management and Recovery Centre by event organisers. This would alleviate Officer time and Rubbish Truck asset time for collection/disposal of waste at events.

The Officer recommends that no changes are made to the Policy at this time and that the Shire Officers investigate the viability of a Waste Trailer.

Voting Requirements:

Simple majority.

<p>COUNCIL RESOLUTION & OFFICER RECOMMENDATION</p> <p>MOVED: CR PHILLIPS</p> <p>That with respect to Policy P100516 - Sustainable Events Policy, Council;</p> <ol style="list-style-type: none"> Note the outcomes of the review and continue to endorse the adopted Policy; Request Council Officers to investigate the viability of a Waste Trailer, including provision for the display of educational material. <p>CARRIED UNANIMOUSLY: 7/0</p>	<p>ITEM 8.1.1</p> <p>SECONDED: CR LEWIS</p> <p>Res: 030719</p>
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8.2 DIRECTOR CORPORATE AND COMMUNITY SERVICES

8.2.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDING 31 MAY 2019

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	July 3, 2019
Author:	Lee Sounness, Manager Corporate Services
Authorising Officer:	Cary Green, Director Corporate & Community
Attachments:	8.2.1 – May Monthly Financial Report

Summary:

The attached financial statements and supporting information for the period ending 31 May 2019 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:

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 statements are prepared in accordance with the requirements of the Local Government Act 1995 (s.5.25(1)) and the Local Government (Financial Management) Regulations 1996.

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

Nil

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 May 2019, total cash funds held totals \$10,439,143 (Note 4).

Shire Trust Funds total \$164,263

- \$161,599 of this is invested for 2 months with the National Aust. Bank, maturing 28 June 2019 at the quoted rate of 2.10%.

Reserve Funds (restricted) total \$9,432,578

- \$5,426,685 of this has been placed on investment for 31 days with the Western Australian Treasury Corporation at the quoted rate of 1.45%,
- \$4,005,893 has been invested with the National Aust. Bank in 2 term deposits, maturing at various dates at an average rate of 2.50%

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 May 2019 (Statement of Financial Activity) except for building depreciation expense, which is yet to be applied this financial year.
- The Rates Collection percentage currently sits at 94.32%, is in keeping with historical collection rates (see Note 6)
- The 2018/2019 Capital Works Program is 72.98% complete utilising actual year to date figures and the total committed cost is 77.73% as at 31 May 2019 (see Note 12 & 12a). The Capital Works Program finished 87.15% complete as at 30 June, 2019. Major projects not completed:

- Ocean Beach Fire Station
- Plane Tree Precinct Public Realms
- Parry Beach Ablution Block Upgrades

These projects were carried forward into the 2019/2020 Capital Expenditure Program due to various operational reasons

- Grants and Contributions (see Note 10) not received as at 31 May 2019 were received by June 30, 2019 except:
 - DFES Ocean Beach Fire Station
 - Lotterywest Plane Tree Precinct Public Realms
 - Main Roads WA WANDRRA Claim #8

Funding for the above projects is due to be received in the 2019/2020 Budget

- Transfer of \$692,953 from reserve for the Denmark East Development project was made in March 2019 as budgeted. Other 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 building assets has not been calculated for the reporting period as the revaluation of the building asset class has yet to be adopted.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.2.1
MOVED: CR CARON	SECONDED: CR ALLEN
That with respect to Financial Statements for the period ending 31 May 2019, 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 June 2019 as listed.	
CARRIED UNANIMOUSLY: 7/0	Res: 040719

Cr Lewis declared a proximity interest on the basis that the McHenry's are neighbours of hers.

4.51pm - Cr Lewis left the room and did not participate in discussion or vote on the matter.

8.3 CHIEF EXECUTIVE OFFICER

8.3.1 PROPOSED NAME OF UNNAMED ROAD RESERVE (MCHENRY) – OFF WILLIAMS ROAD, SCOTSDALE

File Ref:	A366 / GOV.49 / New Road File
Applicant / Proponent:	M McHenry
Subject Land / Locality:	Unmade Road Reserve, off Williams Road, Scotsdale
Disclosure of Officer Interest:	Nil
Date:	27 May 2019
Author:	Claire Thompson, Executive Assistant
Authorising Officer:	Bill Parker, Chief Executive Officer
Attachments:	8.3.1a – Related Council Report 19 February 2019 8.3.1b – Group Settlement Map

Summary:

The Shire has received an objection to the proposed name for an unnamed Road Reserve, located off and to the north west of Williams Road, Scotsdale. Council are asked to consider the submissions received and determine their position on the proposed name.

Background:

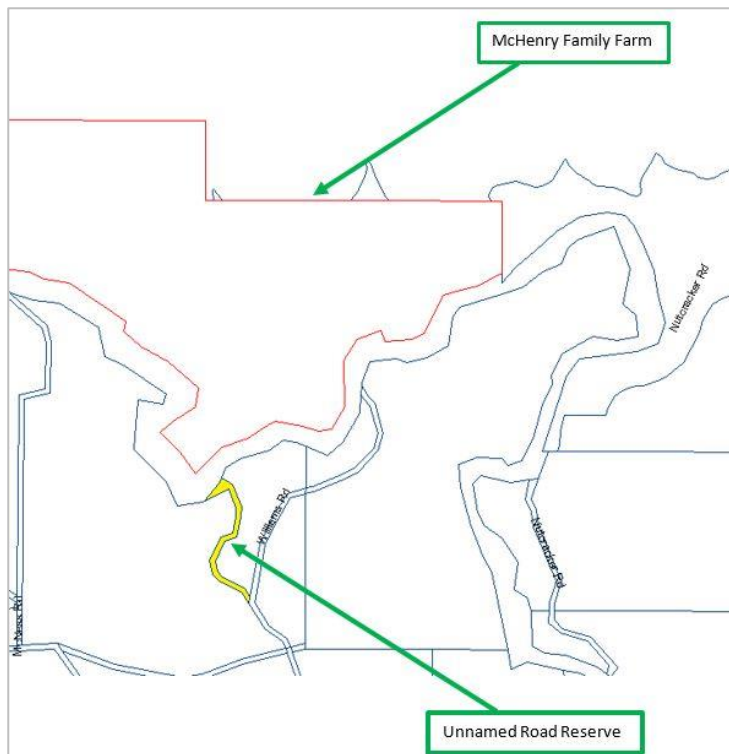
At its meeting held on the 19th February 2019, Council resolved as follows (Resolution No. 220219);

“That with respect to the request to name an unnamed road reserve near Williams Road, Scotsdale, as shown on Attachment 8.3.2a, Council;

- 1. Endorse the name “McHenry Lane”;*
- 2. Undertake consultation on the proposed naming with landowners adjoining Williams Road, Scotsdale; and*
- 3. Should there be no adverse submissions received, request the Chief Executive Officer to submit the naming proposal to the Geographic Names Committee for consideration.”*

Attached is a copy of the Report from the February 2019 which includes the history behind the proposed name “McHenry”, specifically the late Michael McHenry. (see Attachment 8.3.1a).

Below is a map showing the location of the subject Road Reserve.



Picture 1 - Map showing location of Road Reserve

Consultation:

Section 1.8 of Landgate's *Policies and Standards for Geographical Naming in WA* states that any proposed change to rename or any new name, which would be considered to be of significance to the immediate or extended community, must include evidence of consultation with the community. Local governments must ensure that the level and form of consultation undertaken reflects the significance of the naming proposal.

Pursuant to part 2 of the Resolution, the three landowners adjoining Williams Road were consulted with one objecting to the proposal and proposing an alternative name. Following the objection received, the Denmark Historical Society were invited to provide their comments and they provided another alternative name.

The Author has also contacted the Geographic Names Team to test the two alternative names proposed.

Statutory Obligations:

Landgate's *Policies and Standards for Geographical Naming in WA* relates and must be considered before putting proposed names forward to the Geographic Names Committee. The GNC make the final determination as to whether the name is allocated to the identified road reserve.

Policy Implications:

Policy P100603 – Road & Reserve Naming within the Shire relates. The name McHenry is currently listed in the Council's approved names and this would be removed should the name be allocated to the unnamed road reserve.

Budget / Financial Implications:

Should Council proceed with naming the unnamed road, the cost of a road sign can be accommodated within the Budget.

Strategic & Corporate Plan Implications:

The report and officer recommendation are 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

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

C4.0 Our Community

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

Nil

Sustainability Implications:

➤ **Governance:**

There are no known significant governance implications relating to the report or offer 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:**

Using the names of local identities who have contributed significantly or in a significant way provides an interesting insight into the history and culture of areas. They form an integral part of personal identity by defining where people were born, live, have lived and form where their ancestors have come from.

➤ **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 approve the proposed name for the unnamed road reserve.	Rare (1)	Insignificant (1)	Low (1-4)	Not Meeting Community expectations	Accept Officer Recommendation
That Council approve an alternative name for the unnamed road reserve.	Possible (3)	Insignificant (1)	Low (1-4)	Not Meeting Community expectations	Accept Risk

Comment/Conclusion:

In 2018 the Shire received a request from the McHenry family to consider naming an unnamed road reserve which is used to access their family farm, off Williams Road,

Scotsdale. Landgate have confirmed that the road is unnamed and that Council could put forward a naming proposal for Geographic Names Committee (GNC) consideration.

The Author has assessed the proposed name against GNC policies and standards (section 1.4) and is of the opinion that it would comply with the guidelines and be suitable to submit to GNC for consideration.

Attached is a copy of the Report from the 19 February 2019 Council meeting which includes the history behind the proposed name “McHenry”, specifically the late Michael McHenry and his contributions to the Denmark community.

The objection from an adjoining landowner proposes the name “Powley” in recognition of the late Eric and Jean Powley. The submission states that, *“Powley’s took over the property as war service land after the war ended. [World War II] They farmed it for many long years, milking cows etc. The dirt road (track) to the farm was put in by them. A lot of very hard work, also cleared the land for farming”*.

Lot 2011 (McHenry’s Farm) is an amalgamation of Lots 1459 and 1460. The information that Officers have obtained from the Historical Society, the McHenry family (from Titles) and the Shire’s Rate Book is as follows (the Author has extrapolated the data received to only reflect the Lots associated with the McHenry Farm. Attached is a copy of a Group Settlement map showing the location of the Lots. (refer Attachment 8.3.1b)

Family Name	Leased/Owned	Lot No.		Lease/Ownership period	Years of Ownership
Duckett, W	Owner	Lot 1460		1931 - 1939	8
Johnson, F L	Owner		Lot 1459	1931 - 1933	2
Duckett, W	Owner		Lot 1459	1934 - 1939	5
Evans, W H	Owner	Lot 1460		1939 - 1939	9 months
Evans, W H	Owner		Lot 1459	1939 - 1940	1
Evans, M C (widow of WH)	Owner (Probate)	Lot 1460		1941 – 1948	7
Resumed 14/7/1948, transferred to King George VI					
Released 1950-1963, allotted to N Powley (by mistake - War Service Settlement - compensated with Styx R. Property (Source Shire Rate Book).					
Powley, N	Owner	Lot 1460	Lot 1459	1950 - 1963	
Slee, P C & D L	Leased	Lot 1460	Lot 1459	1963 - 1967	
Everitt, N F & Fleay, A K	Leased	Lot 1460	Lot 1459	1967 - 1977	
Lots 1460 & 1459 amalgamated into Lot 2011 and auctioned by Lands and Surveys on 5/9/1977					
Everitt, N F & Fleay, A K	Owner	Lot 2011		1977 - 1977	3 months
Hammersley, T R & B G	Owner	Lot 2011		1977 - 1981	4
Elliot, D G & M	Owner	Lot 2011		1981 - 1982	1
McHenry, P J & M J	Owner	Lot 2011		1982 – current day	37

Whilst the Denmark Historical Society don’t object to the name “McHenry” they have proposed the name “Duckett”, *“as the family remained in the area for many years, although they moved from their original group settlement location”*.

As per Landgate’s *Policies and Standards for Geographical Naming* duplication of names and/or close proximity (within 50km) to existing names are not permitted. With respect to

“Powley”, there is a Powleys Road in Scotsdale, a Powley Street in Denmark and a Powley Road in Mt Romance, all are within 50km of the proposed unnamed road reserve. For this reason, the name “Powley” would not be accepted by the GNC. See below validation report.

[Query Road Name](#)

Results

Request	Road Name	Type	Availability	
New	powley	Null	Failed Preliminary Validation	Add to list
<ul style="list-style-type: none"> ✘ Road name exists within 50km. POWLEYS RD in SCOTSDALE POWLEY ST in DENMARK POWLEY RD in MOUNT ROMANCE ✘ Similar road name exists within 50km. PILE RD in FOREST HILL POWLEY RD in MOUNT ROMANCE POWLEYS RD in SCOTSDALE POWLEY ST in DENMARK ✘ Road name exists in SCOTSDALE POWLEYS RD ✘ Similar road name exists in SCOTSDALE POWLEYS RD in SCOTSDALE ✘ Road name exists in adjoining locality. ✘ Similar road name exists in adjoining locality. POWLEY RD in MOUNT ROMANCE POWLEY RD in MOUNT ROMANCE POWLEY ST in DENMARK ✘ Road name exists in SHIRE OF DENMARK POWLEYS RD in SCOTSDALE POWLEY ST in DENMARK POWLEY RD in MOUNT ROMANCE ✘ Similar road name exists in SHIRE OF DENMARK POWLEYS RD in SCOTSDALE POWLEY ST in DENMARK POWLEY RD in MOUNT ROMANCE 				

With respect to the name “Duckett”, there is a Duckett Road in Mt Barker which is also within 50km of the unnamed road reserve. It is unlikely that the name would be accepted at this location for that reason. See below validation report.

[Query Road Name](#)

Results

Request	Road Name	Type	Availability	
New	duckett	Null	Failed Preliminary Validation	Add to list
<ul style="list-style-type: none"> ✘ Road name exists within 50km. DUCKETT ST in MOUNT BARKER ✘ Similar road name exists within 50km. DUCKETT ST in MOUNT BARKER 				

Given the above situation, in the Author’s view the proposed names of “Powley” and “Duckett” would not be accepted and therefore it is recommended that the Council re-endorse the name “McHenry” and refer it to the GNC for consideration or Council may choose to either leave the road unnamed or choose an alternative name.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.3.1
MOVED: CR CARON	SECONDED: CR ALLEN
That with respect to the naming the unnamed road reserve near Williams Road, Scotsdale, as shown on Attachment 8.3.2a, Council;	
<ol style="list-style-type: none"> 1. Note the submissions received and the proposed alternative names; 2. Request the Chief Executive Officer to submit the name “McHenry Lane” to the Geographic Names Committee for consideration; 3. Communicate to the objector and the Denmark Historical Society the reasons why the names “Powley” and “Duckett” were not endorsed. 	
CARRIED UNANIMOUSLY: 6/0	Res: 050719

4.53pm – Cr Lewis returned to the room.

Cr Phillips declared a financial interest on the basis that she is one of the owners of the Peaceful Bay Caravan Park.

4.54pm - Cr Phillips left the room and did not participate in discussion or vote on the matter.

8.3.2 PEACEFUL BAY CARAVAN PARK LEASE RENEWAL

File Ref:	LEA.33
Applicant / Proponent:	ML, JF & RJL Phillips
Subject Land / Locality:	Lots 305 & 306 on Deposited Plan 220017, Portion of Reserve No. 24510, Peaceful Bay
Disclosure of Officer Interest:	Nil
Date:	14 June 2019
Author:	Claire Thompson, Executive Assistant & Governance Coordinator
Authorising Officer:	Bill Parker, Chief Executive Officer
Attachments:	8.3.2 – Letter from the Lessee - CONFIDENTIAL

Summary:

The Lessee of the Peaceful Bay Caravan Park has requested that Council consider a new 21 year lease to enable them to undertake capital improvements to the Park which will require significant investment.

Background:

In 2007, the Lease for the Peaceful Bay Caravan Park was assigned from Seafront Asset Pty Ltd to ML, JF & RJL Phillips for a 21 year term due to expire on 29 May 2028.

In May 2019 the Lessee sent in a formal request for a new 21 year lease for them to facilitate major upgrades to some ageing facilities within the park and the addition of three new ablution blocks.

Attached is a letter from the Lessee which provides some further background (see Attachment 8.3.2). The letter is marked confidential to Councillors at the request of the Lessee due to commercial confidence.

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. Should Council

agree to enter into a new lease, the disposal will be advertised in accordance with legislation and regulations.

It is also recommended that the Peaceful Bay Progress Association be consulted and to provide assistance with promoting the consultation period within the Peaceful Bay area.

Statutory Obligations:

The Reserve is managed by the Shire of Denmark for the purpose of “Recreation, Camping Caravan Park and Holiday Cottages” with the power to lease for up to 21 years, subject to the approval of the Minister for Lands.

Section 3.58 of the Local Government Act 1995 (3) states that a local government can dispose of property if it gives local public notice, describing the property concerned and giving details of the proposed disposition, including the names of parties concerned, the consideration to be received and the market value. The local government must then consider any submissions received.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

The cost of the 2019 rental valuation by Landgate was borne by the Shire, pursuant to Clause 2.01 of the Lease (as amended via Resolution No. 100815). The valuation cost \$5,142.50 and has been accommodated under Legal Expenses (GL14202320). The new annual rent payable from 1 July 2019 is \$40,000 (including GST). This has been applied to their existing lease from 1 July 2019 and would be used as the market valuation for a new lease (should the new lease be executed within 6 months of the date of the valuation).

Under the provisions of the Lease, the Lessee is responsible for payment of rates relating to the subject property.

Costs associated with the preparation of a new lease would be incurred by the Lessee, pursuant to clause 3.02 of the current Lease.

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.

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

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

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.

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

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 - Nil

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 Peaceful Bay Caravan Park is a significant tourist accommodation destination within the Shire of Denmark. The Caravan Park proprietors also operate a small shop and takeaway fish and chip business. The request for a new 21 year lease will provide the proprietors with the confidence to make significant investment into the Park and the shop providing improved facilities (including increased accessibility) for its customers and visitors to the area.

➤ **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 agree in principle to a new 21 year lease.	Unlikely (2)	Minor (2)	Low (1-4)	Not Meeting Community expectations	Accept Officer Recommendation

Comment/Conclusion:

The Chief Executive Officer, the Director Assets & Sustainable Development and the EA/Governance Coordinator have met with the Lessee on site to discuss their future aspirations and have no concerns, noting that any proposed new structures will be considered through a normal development application process.

Attached is a letter from the Lessee which provides some information on their proposed future upgrades and the reasoning behind them (refer Attachment 8.3.2). The Attachment is confidential to Councillors due to commercial confidence. In summary the improvements include;

- Demolishing the existing aged and inadequate ablution blocks and replacing them with three purpose built ablution facilities (which would contain accessible and ambulant facilities) and an outdoor beach shower and toilet;
- Sensitively levelling the Caravan Park sites;
- Expanding the number of sites to efficiently utilise 6.8 hectare Caravan Park grounds;
- Continuing to mitigate bushfire safety issues within the Caravan Park; and
- Installing an office building within the Caravan Park grounds.

Should Council agree in principle to a new 21 year lease, the intention to dispose will be advertised and any submissions will be formally considered by the Council. If at that stage, the Council still wishes to proceed, Officer’s will commence lease negotiations. The final draft Lease will be presented to Council for approval prior to execution.

Should Council not agree in principle to a new 21 year lease, the current lease is due to expire in May 2028 and it would be unlikely, in the Author’s opinion, that the Lessee would make any significant investment into the Caravan Park until they were guaranteed a longer tenure.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.3.2
MOVED: CR ALLEN	SECONDED: CR LEWIS
That with respect to the Peaceful Bay Caravan Park and Shop Lease, located on Lots 305 & 306 on Deposited Plan DP220017, Peaceful Bay, Council;	
1. In accordance with section 3.58 (3) and (4) of the Local Government Act 1995, advertise the proposed disposal of the subject property to ML, JF and RJL Phillips for a period of 21 years with the consideration to be received by the Shire of Denmark being \$40,000 per annum.	
2. Acknowledge that following the conclusion of the advertising period, the matter will be referred back to Council to consider any submissions made.	
CARRIED UNANIMOUSLY: 6/0	Res: 060719

5.00pm – Cr Phillips returned to the room.

8.3.3 DENMARK COMMUNITY FOUNDATION (WA) INC. – REQUEST FOR COUNCIL DELEGATE & POLICY P040127 (COUNCILLOR COMMUNICATION / INFORMATION DISTRIBUTION)

File Ref:	ORG.51
Applicant / Proponent:	Denmark Community Foundation (WA) Inc.
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	4 July 2019
Author:	Claire Thompson, Executive Assistant & Governance Coordinator
Authorising Officer:	Bill Parker, Chief Executive Officer
Attachments:	8.3.3 – Denmark Community Foundation (WA) Inc. Constitution

Summary:

The Denmark Community Foundation (WA) Inc. have requested that Council appoint a delegate to their organisation.

Background:

The Denmark Community Foundation (WA) Inc. was established in 2007. It is a registered community charity that receives donations and bequests from the community which are placed in a Community Fund for the good of the community.

Attached is a copy of the Foundation’s Constitution which details their objectives. Information on specific projects funded can be found on their website at www.dcfwa.org.au.

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:

There are no known statutory obligations.

Policy Implications:

Policy P040127 – Councillor Communication / Information Distribution relates and reads as follows;

“Objective

1. To define a communication of information process for Councillors and Staff.

2. *To define a reciprocal communication process between local groups / organisations, general community and Council.*

Policy

1. *An item "Announcement by the Person Presiding" be included on the Council meeting agenda to enable the Shire President to advise/report to Councillors matters of civic interest. The Councillors have a period of 10 minutes to discuss matters raised by the Presiding Person.*
2. *When a Councillor as a Councillor or a Council delegate to an organisation requires a decision from Council, a request should be put to the Chief Executive Officer for an appropriate officer to prepare a written report, on behalf of the Councillor, to have it included on the Council agenda. The views of the Councillor must be expressed in the report, however the officer should reflect his or her professional opinion on the subject.*
3. *When a Councillor raises matters as a delegate on an external Committee, or matters are raised with the Councillor, which require action by a Councillor acting on behalf of Council, such action must be authorised by a resolution of Council or the Chief Executive Officer, as appropriate.*
4. *Local groups and organisations, to which Council provides a delegate, are encouraged where relevant to submit a copy of all their meeting minutes to the Chief Executive Officer unless commercially sensitive material is contained in the meeting minutes.*
5. *The Chief Executive Officer is to include matters of interest to Councillors in the monthly Councillor Information Bulletin. The Chief Executive Officer is to determine matters of interest.*
6. *A copy of the Councillor's Information Bulletin is to be placed in the Denmark Library and on Council's website.*
7. *The Administration recognises the voluntary and part-time nature of Councillors involvement and the need to provide Councillors with documents well in advance of decision making.*
8. *The Administration supports Councillors being as informed as possible about the nature and functions of Council."*

The Officer questions the policy's currency and relevance and suggests that perhaps the Policy should be repealed.

Part 1 – the Shire of Denmark Standing Orders Local Law (clause 3.2 (1) (h) provides for announcements by the presiding person, but notes "*without discussion*". In law, a policy would not override a Local Law so it is questionable whether or not this serves any real purpose. A review of the Shire's Locals Laws is in the Corporate Business Plan to be undertaken in the next couple of years and this could be addressed as part of that process, should Council wish to enable discussion on announcements.

Part 2, 3 and 4 – the Officer believes that these parts were included to provide advice to Council Delegates, particularly noting that they are not able to make decisions on behalf of the Shire or the Council. In lieu of these parts, a notation could be made in the Councillor's Induction Handbook advising that Council Delegates cannot make decisions on behalf of the Council or the Shire.

Part 5 and 6 – refers to the former Information Bulletin which has not been produced since December 2017.

Part 7 – It would appear, to the Officer, to be best practice to ensure that Councillors are provided adequate information well in advance to enable good and informed decisions and, in the Officer's opinion, this does not need to be a Council Policy.

Part 8 – will be covered by the changes to the Local Government Act which has introduced mandatory training for all Elected Members. (Ascension expected in the next couple of weeks).

The Officer recommends that the policy be repealed and a notation be added the Shire of Denmark’s Councillors Induction Handbook, under section 3.1.5 (Delegates to Committees and Organisations) to note that *Delegates are not permitted to make decisions on behalf of the Shire or the Council.*

Budget / Financial Implications:

A Council Delegate would be entitled to claim travel expenses for attending Denmark Community Foundation meetings. This could be covered under the Council’s existing 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.

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

Corporate Business Plan - Nil

Sustainability Implications:

➤ **Governance:**

Council Delegates provide a conduit between organisations and the Council.

➤ **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 decline to provide a delegate.	Possible (3)	Insignificant (1)	Low (1-4)	Not Meeting Community expectations	Accept Risk

Comment/Conclusion:

A Council Delegate would be required to attend DCF meetings and, whilst not a Board member, would be invited to join all discussion and provide updates on Council related matters relating to health, wellbeing and community. A Council Delegate would have no voting rights.

The DCF states that they, “*would envisage collaborating with Council in progressing various community development, predominately health and wellbeing activities, integral to nurturing and maintaining a health and safe community*”.

Meetings are held once a month in Denmark, at 5.30pm and typically go for 1 – 2 hours.

The Officer has included an additional recommendation to repeal Policy P040127.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION ITEM 8.3.3a
 MOVED: CR PHILLIPS SECONDED: CR LEWIS

That with respect to the Denmark Community Foundation (WA) Inc.’s request for a Council Delegate, Council appoint Cr Mark Allen.

CARRIED UNANIMOUSLY: 7/0 Res: 070719

COUNCIL RESOLUTION & OFFICER RECOMMENDATION ITEM 8.3.3b
 MOVED: CR CARON SECONDED: CR ALLEN

That Council repeal Policy P040127 – Councillor Communication / Information Distribution as it is no longer required and request that the Chief Executive Officer place a notation in the Councillors Induction Handbook stating that, *“Council Delegates are not permitted to make decisions on behalf of the Shire or the Council.”*

AMENDMENT
 MOVED: CR LEWIS SECONDED: CR GEARON

Add the following additional words to the Councillor’s Induction Manual which states, *“When a Councillor as an individual Councillor or as a Council delegate to an external organisation requires a decision from Council, a request should be put to the Chief Executive Officer for an appropriate officer to prepare a written report, on behalf of the Councillor, and to have it included on the Council agenda. The views of the Councillor must be expressed in the report, however the officer should reflect his or her professional opinion on the subject”*, to keep the intent of Part 2 of the repealed Policy.

CARRIED: 6/1 Res: 080719

Pursuant to Council Policy P040134 all Councillors’ votes on the above resolution are recorded as follows;

FOR: Cr Gearon, Cr Caron, Cr Allen, Cr Phillips, Cr Lewis and Cr Osborne.
 AGAINST: Cr Whooley.

AMENDED MOTION

That Council repeal Policy P040127 – Councillor Communication / Information Distribution as it is no longer required and request that the Chief Executive Officer place a notation in the Councillors Induction Handbook stating that, *“Council Delegates are not permitted to make decisions on behalf of the Shire or the Council and when a Councillor as an individual Councillor or as a Council delegate to an external organisation requires a decision from Council, a request should be put to the Chief Executive Officer for an appropriate officer to prepare a written report, on behalf of the Councillor, and to have it included on the Council agenda. The views of the Councillor must be expressed in the report, however the officer should reflect his or her professional opinion on the subject.*

THE AMENDED MOTION BECAME THE SUBSTANTIVE MOTION AND WAS PUT &
 CARRIED: 6/1 Res: 090719

Pursuant to Council Policy P040134 all Councillors’ votes on the above resolution are recorded as follows;

FOR: Cr Gearon, Cr Caron, Cr Allen, Cr Phillips, Cr Lewis and Cr Osborne.
 AGAINST: Cr Whooley.

9. COMMITTEE REPORTS AND RECOMMENDATIONS

9.1 BUSH FIRE ADVISORY COMMITTEE - FIRE CONTROL OFFICER & FIRE WEATHER OFFICER APPOINTMENTS FOR 2019/2020

File Ref:	FIRE.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Shire of Denmark
Disclosure of Officer Interest:	Nil
Date:	27 June 2019
Author:	Scott Medhurst, Community Emergency Services Manager
Authorising Officer:	Cary Green, Director Corporate and Community Services
Attachments:	Nil

Summary:

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

Background:

While the Captains, Lieutenants, Secretaries, Equipment Officers and the like are elected by Brigades it is the Local Government's role to appoint Fire Control Officers, a Chief Bush Fire Control Officer, a Deputy Chief Bush Fire Control Officer and Fire Weather Officers.

Each Brigade has put forward their nominated FCO for 2019/20 which were considered at the recent Bush Fire Advisory Committee (BFAC) Annual General Meeting held on 20 June 2019.

The Committee has recommended these appointments together with some Council Officers.

Consultation:

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

Statutory Obligations:

Section 38 of the Bush Fires Act 1954 relates to the appointment of Fire Control Officers, Chief Bush Fire Control Officer and Deputy Bush Fire Control Officers.

The section states that a Local Government may appoint such persons as it thinks necessary to be its Bush Fire Control Officers under and for the purposes of this Act.

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

Policy Implications:

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

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

Budget / Financial Implications:

There are minor financial costs upon the Council's proposed budget with the costs associated with the official Gazetting of the Fire Weather Officer and the issuing of appointment cards as per the Bush Fires Act 1954. These costs are able to be covered under existing budget lines.

Strategic Implications:

This 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**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.

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

Corporate Business Plan

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

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

Sustainability Implications:**➤ Governance:**

Council has the authority, under the Bush Fires Act 1954, to appoint a Chief and Deputy Chief Bush Fire Control Officer, Fire Weather Officer and as many Fire Control Officers as it deems necessary.

➤ Environmental:

Fire Control Officers play an important role in protecting and preserving the natural environment when faced with out of control bush fires.

➤ Economic:

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

➤ Social:

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not appoint Fire Control Officers and therefore by default the Council would be required to undertake the role pursuant to the Bush Fires Act 1954 and local volunteer brigades could lack necessary leadership, coordination leading to reduced efficiency and potential delays in fire response times.	Rare (1)	Catastrophic (5)	Moderate (5-9)	Inadequate Organisation or Community Emergency Management	Accept Officer Recommendation

Comment/Conclusion:

All of the Brigade Officers recommended have carried out senior/management roles in their respective Brigades and have completed, or enrolled to complete, relevant training.

The appointment of Fire Control Officer’s ensures that that person has the powers to assist with any local fire incident which may happen at the same time and provide backup to volunteers and the command structure at a fire.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & COMMITTEE RECOMMENDATION		ITEM 9.1
MOVED: CR ALLEN		SECONDED: CR PHILLIPS
That, pursuant to Section 38 (1) and Section 38 (8) of the Bush Fires Act 1954, Council appoint the following persons for the financial year 2019/2020 and that the appointments be advertised in the Denmark Bulletin and Council’s Delegation (Appointments) D050109 and D050110 be updated accordingly;		
<u>Bush Fire Control Officers authorised within the entire Shire of Denmark</u>		
Community Emergency Services Manager	Scott Medhurst	
Fire Control Officer & Chief Fire Control Officer	Lez Baines	
Fire Control Officer & Deputy Chief Fire Control Officer	Bryce Edwards	
Fire Control Officer & Fire Weather Officer	Adrian Kranendonk	
Senior Ranger	Charmaine Shelley	
Ranger	David Lonie	
Fire Control Officer	Melanie Haymont	
<u>Bush Fire Control Officers authorised within the entire Shire of Denmark area on behalf of their respective Brigades</u>		
Carmarthen Volunteer Bush Fire Brigade	Craig Hughes	
Denmark East Volunteer Bush Fire Brigade	Patrick McConigely	
Harewood Volunteer Bush Fire Brigade	Michael (Mike) Hills	
Hazelvale/Tingledale Volunteer Bush Fire Brigade	Alex Williams	
	Brian Vigus	

Kordabup Volunteer Bush Fire Brigade	Craig Lilley
Owingup Volunteer Bush Fire Brigade	Bryce Edwards
Mehniup Volunteer Bush Fire Brigade	Vacant
Mt Lindesay Volunteer Bush Fire Brigade	Murray Brooker
Nornalup Volunteer Bush Fire Brigade	Neville Brass
Ocean Beach Volunteer Bush Fire Brigade	Marcus Owen
Parryville Volunteer Bush Fire Brigade	Kevin Hard
Peaceful Bay Volunteer Bush Fire Brigade	Ivars Sulcs
Scotsdale/Shadforth Volunteer Bush Fire Brigade	Arthur (Sid) Marshall
	Carlton Wesley
Somerset Hill Volunteer Bush Fire Brigade	Callum Baxter
William Bay Volunteer Bush Fire Brigade	Simon Coppock
<u>Bush Fire Control Officers authorised within the prescribed Denmark Fire & Rescue Service Area Only</u>	
Denmark Fire & Rescue Service (Volunteer Brigade)	Lee Shelley
Denmark Fire & Rescue Service (Volunteer Brigade)	Paul Harbron
CARRIED UNANIMOUSLY: 7/0	Res: 100719

10. MATTERS BEHIND CLOSED DOORS

Nil

11. NEW BUSINESS OF AN URGENT NATURE

Nil

12. CLOSURE OF MEETING

5.14pm – 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.)