

Shire of Denmark

Ordinary Council Meeting MINUTES

19 November 2019



HELD IN THE COUNCIL CHAMBERS, 953 SOUTH COAST HIGHWAY,
DENMARK ON TUESDAY, 19 NOVEMBER 2019.



Contact Us

953 South Coast Highway, Denmark WA 6333

Correspondence to:

Post Office Box 183, DENMARK WA 6333

Phone: (08) 9848 0300

Email: enquiries@denmark.wa.gov.au

Website: www.denmark.wa.gov.au

Facebook: shireofdenmark

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

Table of Contents

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS.....	6
2. RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE	6
3. ANNOUNCEMENTS BY THE PERSON PRESIDING	7
4. PUBLIC QUESTION TIME	7
4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	7
4.1.1 MR JOHN SAMPSON - PRIVACY	7
4.2 PUBLIC QUESTIONS	8
4.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	10
4.4 PRESENTATIONS, DEPUTATIONS & PETITIONS.....	10
5. APPLICATIONS FOR FUTURE LEAVE OF ABSENCE	11
5.1 CR PHILLIPS	11
6. CONFIRMATION OF MINUTES.....	11
6.1 ORDINARY COUNCIL MEETING – 15 OCTOBER 2019.....	11
6.2 SPECIAL COUNCIL MEETING – 22 OCTOBER 2019	11
6.3 STRATEGIC BRIEFING NOTES – 15 OCTOBER 2019	11
7. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	11
8. REPORTS OF OFFICERS.....	12
8.1 DIRECTOR ASSETS AND SUSTAINABLE DEVELOPMENT	17
8.1.1 PROPOSED RESIDENTIAL AGED CARE FACILITY – NO.68 (LOT 366) HORSLEY ROAD, DENMARK	17
8.1.2 PROPOSED PARTIAL ROAD CLOSURE – BENT STREET, ONE WAY.....	21
8.1.3 PROPOSED HOME BUSINESS RENEWAL (ART CLASSES) AND AMENDED HOURS OF OPERATION – NO.17 (LOT 36) HARPER STREET, DENMARK.....	25
8.1.4 PROPOSED RECEPTION CENTRE – No.88 (LOT 3821) ASTARTEA GLADE, PARRYVILLE....	30
8.1.5 PROPOSED MULTIPURPOSE CLASSROOM, STORE, KITCHEN AND MEETING SPACE – NO.2 (Lot 952) INLET DRIVE, DENMARK	37
8.2 DIRECTOR CORPORATE AND COMMUNITY SERVICES.....	44
8.2.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDING 30 SEPTEMBER 2019	44
8.2.2 LOCAL GOVERNMENT RATE CHARGE WRITE OFF FOR QUESTAIR P/L	47
8.2.3 2019/2020 ANNUAL BUDGET RATE WAIVER.....	49
8.3 CHIEF EXECUTIVE OFFICER	53
8.3.1 COUNCIL COMMITTEES, WORKING GROUPS AND APPOINTMENT OF DELEGATES AND POLICY P130206 (OVERFLOW CAMPING & MCLEAN PARK OVERFLOW CAMPING AREA OPENING AND FEE SETTING POLICY).....	53
8.3.2 ORDINARY COUNCIL MEETING DATES FOR 2020 AND TIMEFRAME FOR AGENDA DISTRIBUTION.....	70

8.3.3	REVIEW OF DELEGATIONS, AUTHORISATIONS AND APPOINTMENTS	74
8.3.4	LONG TERM FINANCIAL PLAN.....	78
9.	COMMITTEE REPORTS AND RECOMMENDATIONS	78
10.	MATTERS BEHIND CLOSED DOORS.....	78
10.1	2019 COMMUNITY CITIZEN, GROUP OR EVENT OF THE YEAR AWARDS	79
11.	NEW BUSINESS OF AN URGENT NATURE.....	82
12.	CLOSURE OF MEETING.....	82

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.

No responsibility whatsoever is implied or accepted by the Shire of Denmark for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff.

The Shire of Denmark disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a license, any statement or limitation or approval made by a member or officer of the Shire of Denmark during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Denmark. The Shire of Denmark warns that anyone who has an application lodged with the Shire of Denmark must obtain and should only rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of Denmark in respect of the application.

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 Mark Allen (Deputy Shire President)
- Cr Geoff Bowley
- Cr Kingsley Gibson
- Cr Steve Jones
- Cr Jan Lewis
- Cr Ian Osborne
- Cr Roger Seeney

STAFF:

- Mr David Schober (Acting Chief Executive Officer)
- Mr Cary Green (Director Corporate and Community Services)
- Mr David King (Director Assets and Sustainable Development)
- Mr Craig Pursey (Manager Sustainable Development)
- Ms Claire Thompson (Executive Assistant & Governance Coordinator)

APOLOGIES:

- Cr Janine Phillips

ON APPROVED LEAVE(S) OF ABSENCE:

Nil

ABSENT:

Nil

VISITORS:

Members of the public in attendance at the commencement of the meeting: 23

DECLARATIONS OF INTEREST:

Name	Item No	Interest	Nature
Cr Gearon	8.1.3	Proximity	Cr Gearon owns a property in Harper Street.
Cr Lewis	8.1.4	Impartiality	Cr Lewis' partner did some electrical work at the property over a year ago.
Cr Allen	10.1	Impartiality	Cr Allen is a member of the Great Southern Classic Car Show.
Cr Seeney	10.1	Impartiality	Cr Seeney is a member of the Great Southern Classic Car Show.

3. ANNOUNCEMENTS BY THE PERSON PRESIDING

3.1 Local Help to Fight NSW Bushfires

The Shire President acknowledged local firefighters Bryce Edwards, Kelly McLeod and Marcus Owen who had recently volunteered to help fight the bushfires in New South Wales.

3.2 Rates Prize Incentive Award Winners

The Shire President referred to this year's new Rates Prize Incentive Award which had been introduced to encourage Ratepayers to pay their rates in full by 23 September. Rates Officer, Judy Savic was called to hand out the "Denmark Dollar" prizes to the following recipients.

1st Prize Winner: D Stevens

2nd Prize Winner: D Vermuelen

3rd Prize Winner: A & B Ross

4th Prize Winner: J Harwood

3.3 Volunteer Employer Recognition Award

The Shire President announced that Denmark had been presented with a Gold award at the 2019 Volunteer Employer Recognition Awards (VERA) which recognises the valuable role the Shire plays in supporting the delivery of emergency services in WA.

Cr Gearon stated that the Shire was one of only 3 Local Governments in WA who were awarded a Gold award, with our commitment ensuring the volunteers are released from their duties to respond to emergency situations, and in many cases, attend important training to enhance their skills to volunteer.

3.4 Regional Achievement & Community Awards

The Shire President announced that the Shire had been a finalist for the Regional Safety Award category recognising the Roadwise Advisory Committee's "Sober Super Hero" initiative. Cr Gearon said that the program targeted young drivers and aimed to address the danger of driving after consuming alcohol.

3.5 Agricultural Scholarship

The Shire President declared that the winner of the 2019 Agricultural Scholarship was Zach Miller. Mr Miller was in attendance to accept the Scholarship.

3.6 Strategic Community Plan – Minor Review

The Shire President stated that the Shire would be undertaking a minor review of the Strategic Community Plan in early 2020 and encouraged members of the community to provide their input.

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4.1.1 MR JOHN SAMPSON - PRIVACY

At the meeting held on 17 September 2019, Mr Sampson asked the following questions in relation to the Owners & Occupiers Roll which had been provided to the local government election candidates.

1. Can the CEO confirm that 100s of ratepayers' private information has been unnecessarily divulged by the Shire of Denmark?
2. Will the CEO confirm that it is his responsibility to ensure the proper preparation of this date?

3. Why did the Shire President who had this information not bring the privacy breach to the immediate attention of the CEO?
4. Will the CEO notify in writing all of the effected ratepayers so that they can take steps to secure themselves from identity theft?
5. What steps apart from promising that this will never happen again will the CEO take to restore community confidence in the Shire's protection of their private data and information?

The following written response has been provided to Mr Sampson.

“During the course of Election Candidate Nominations (5th to 12th September 2019), an owners and occupiers roll was provided to each election candidate by the WA Electoral Commission (WAEC) appointed returning officer. The owners and occupiers roll contained elector details as required by the Local Government Act 1995 and Local Government (Elections) Regulations 1997.

It is a requirement that local governments provide a copy of the Owners & Occupiers Roll for the district to the WAEC prior to each local government election, following the close of enrolment claims (30 August). This roll includes the name, address and date of birth of each Elector in order for the WAEC to check and make sure that there are no duplications when consolidating the roll with the State Electoral Roll.

The roll to be provided to candidates is to have the date of birth of each Elector removed, pursuant to Regulation 16 of the Local Government (Elections) Regulations, and this was unfortunately not done prior to providing the roll to candidates, resulting in a breach of Regulation 16.

There is no evidence that any officer or elected member of the Shire was aware of the confidentiality breach, until this was raised by you on 17 September 2019. The Shire then notified the Returning Officer who took immediate action to address and contain the breach.

The Shire takes this incident and ongoing data security very seriously. As a precaution the Shire has undertaken an internal review of its systems for confidential information and data security and has also developed a procedure for providing information to the Returning Officer to prevent any future breaches.”

4.2 PUBLIC QUESTIONS

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

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

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

Questions from the Public

4.2.1 Mr Richard Winter – Fire Risk Pine Plantation

Mr Winter expressed concern regarding the fire risk posed by a pine plantation located adjacent to Aniseed Cove, Hay. Mr Winter said that they were informed when they bought their property that it would be cleared and asked if the Shire knew when it would be.

The Chief Executive Officer said he was unsure but he would be happy to work with him to find out more information.

4.2.2 Mr Mark Davies – Item 8.1.2 (Partial Closure Bent Street)

Mr Davies said that a number of the Denmark RSL members have ambulatory problems and that no parking on the right hand side of Bent Street would make access more difficult for them. Mr Davies referred to the accessible carparking which was proposed as part of the Plane Tree Precinct development, noting that there had also been a path planned from the new bay to the RSL building. Mr Davies asked whether the development could be undertaken as soon as possible as it could alleviate any access issues for some RSL members.

The Director Assets & Sustainable Development noted Mr Davies' comments and advised that works on the Plane Tree Precinct would likely commence in mid-January 2020.

4.2.3 Mrs Wendy Edgeley – Water Shortage in Denmark

Mrs Edgeley asked whether the Shire had any plans to make tourists aware of the water shortage in Denmark.

The Acting Chief Executive Officer advised that a meeting had been arranged with the Water Corporation and part of the discussion would be around messaging and how to inform the public of the water shortage, particularly over the summer and tourist season.

4.2.4 Mrs Bev McGuinness – Item 8.3.1 (Cemetery Advisory Committee)

Mrs McGuinness expressed her disappointment that it was recommended that the Cemetery Advisory Committee be disbanded. Mrs McGuinness stated that the Committee had been around for a long time and had done a lot of good work to ensure that the Cemetery remained relevant and in good condition.

The Shire President said that the Council were thankful to members of the Committee for their work to date that the Council had a keen desire to ensure that the Cemetery did not fall into disrepair.

4.2.5 Dr Cyril Edwards – Item 8.3.4 (Long Term Financial Plan)

Dr Edwards said that he was pleased that the Long Term Financial Plan was now available for public inspection allowing the public to provide direct feedback. Dr Edwards said that he would like to see the timing of an indoor pool be aligned with the upgrade to the Recreation Centre, not eight years apart.

4.2.6 Ms Julie Marsh – Volunteer Firefighters & Community Meeting on Water the Water Situation in Denmark

Ms Marsh said that she had recently become aware that many citizens weren't aware that local firefighters were all volunteers and wondered if the Shire could promote this.

The Shire President said that the Shire did take opportunities to promote local volunteers and volunteering however understood that there was always room for improvement. Cr Gearon noted that statistically, the number of volunteers in Denmark was twice the State average.

Ms Marsh asked whether there had been any progress on organising a community meeting regarding the current water situation in Denmark, pursuant to Cr Lewis' Notice of Motion in the September Minutes.

The Chief Executive Officer advised that Officers were liaising with the Minister's Office and other key stakeholders to confirm a date.

4.2.7 Mr Mike Travers – Civic Centre Toilets, Seniors Luncheon, Prescribed Burn, William Bay Upgrades and Long Term Financial Plan

Mr Travers noted that whilst the upgrades were happening to the Civic Centre toilets, there was no string to flush the urinal.

The Director Assets & Sustainable Development advised that the toilets were being upgraded with a different flush system and wouldn't require a string.

Mr Travers commended the recent Seniors Luncheon which was compered by Cr Allen.

Mr Travers said that he believed that the recent prescribed burn which had met some local residents by surprise and had been a timely reminder of the upcoming bushfire season. Mr Travers Mr Travers referred to the Department of Fire & Emergency Services Bushfire Preparedness Toolkit stating that he believed it was a very useful resource for people.

The Acting Chief Executive Officer said that Officers had met with the Department of Fire & Emergency Services and the Department of Biodiversity, Conservation and Attractions (DBCA) prior to the recent DBCA prescribed burn to discuss the logistics and that it had been very well considered prior to the day.

Mr Travers asked whether there was any plan in place to evacuate seniors, particularly those attending the Seniors Lunch, in the case of an emergency bushfire.

The Shire President stated that there was.

Mr Travers asked whether there had been any news on the proposed closure of William Bay over the summer period.

The Shire President responded that the Shire didn't have the details yet but spoken with the DBCA about communication of the works and closures to the community and visitors.

Mr Travers referred to the Long Term Financial Plan and said that he believed that a lot of people needed to understand everything that the Shire funds not just what was noted in the plan, which might then inform ratepayers as to what they wanted funded and what they didn't.

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.

5.1 CR PHILLIPS

COUNCIL RESOLUTION	ITEM 5.1
MOVED: CR GEARON	SECONDED: CR GIBSON
That Cr Phillips be granted leave of absence until the 31 January 2020.	
CARRIED UNANIMOUSLY: 8/0	Res: 011119

6. CONFIRMATION OF MINUTES

6.1 ORDINARY COUNCIL MEETING – 15 OCTOBER 2019

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 6.1
MOVED: CR GIBSON	SECONDED: CR SEENEY
That the minutes of the Ordinary Meeting of Council held on the 15 October 2019 be confirmed as a true and correct record of the proceedings.	
CARRIED UNANIMOUSLY: 8/0	Res: 021119

6.2 SPECIAL COUNCIL MEETING – 22 OCTOBER 2019

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 6.2
MOVED: CR BOWLEY	SECONDED: CR JONES
That the minutes of the Special Meeting of Council held on the 22 October 2019 be confirmed as a true and correct record of the proceedings.	
CARRIED UNANIMOUSLY: 8/0	Res: 031119

6.3 STRATEGIC BRIEFING NOTES – 15 OCTOBER 2019

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 6.3
MOVED: CR LEWIS	SECONDED: CR SEENEY
That the Notes from the Strategic Briefing Forum held on the 15 October 2019 be received.	
CARRIED UNANIMOUSLY: 8/0	Res: 041119

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

Nil

8. REPORTS OF OFFICERS

The Shire President announced that members had agreed that Item 8.3.4 be brought forward to this point in the meeting.

8.3.4 LONG TERM FINANCIAL PLAN

File Ref:	ADMIN.13
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	7 November 2019
Author:	Teiga Murray, Corporate Planning Officer
Authorising Officer:	David Schober, Chief Executive Officer
Attachments:	8.3.4 – Draft Long Term Financial Plan

Summary:

The purpose of this report is for Council to consider the adoption of the 2019-2034 Long Term Financial Plan.

Background:

The Local Government Act 1995 and 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 legislative requirements of the ‘Plan for the Future’ are underpinned by the Department of Local Government, Sport and Cultural Industries’ Advisory Standards and Guidelines, titled the Integrated Planning and Reporting (IPR) Framework. The IPR framework identifies three ‘informing strategies’, namely a Workforce Plan, Asset Management Plan and Long Term Financial Plan that Local Governments are required to complete. The Shire reports on the progress of these plans annually via the Compliance Audit Return (CAR) and requires the Asset Management Plan and Long Term Financial Plan to calculate financial and asset sustainability ratios that form part of the Annual Financial Statements.

The ratios contained within the Annual Financial Statements form the basis of the Shire’s Financial Health Indicator (FHI) score, which is a measure that the Department of Local Government, Sport and Cultural Industries uses to assess a Local Government’s performance. Poor ratio performance, or the inability to calculate and report on these ratios, is one of the reasons that Local Government’s find themselves classified as high-risk by the Department.

Over the past three years Officers and Council have undertaken a significant body of work to ensure that the Shire of Denmark complies with the Integrated Planning and Reporting Framework. This work will ensure that:

- the Shire will have a full suite of Council adopted IPR documents;
- the Shire is able to report on financial and asset sustainability ratios;
- the Shire’s FHI score improves;
- the Shire is no longer classified as high-risk by the Department of Local Government, Sport and Cultural Industries.

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

Strategic Community Plan

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 IPR Framework and provides the foundation to develop other strategic documents, required by Local Government's including the Corporate Business Plan, Workforce Plan, Asset Management Plan and Long Term Financial Plan. Council adopted a new Strategic Community Plan in December 2017.

Corporate Business Plan

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 a four-year period to improve operations whilst delivering key services and facilities that support the community vision. Council adopted a new Corporate Business Plan in November 2018.

Workforce Plan

The Workforce Plan and People Strategy is the Shire's four-year 'people plan' that ensures the organisation has the right people, in the right positions, at the right time for the right cost. It seeks to provide the best opportunity for achieving the Shire's Strategic Community Plan aspirations and Corporate Business Plan projects. Council adopted the Workforce Plan and People Strategy in October 2019.

Asset Management Plan

The Shire's Strategic Asset Management Plan is a ten-year plan that identifies, records and values Shire-owned assets. The Plan also identifies the point at which assets need to be replaced or renewed, and the associated cost, to ensure that services can be delivered for future generations. Council adopted the Strategic Asset Management Plan in October 2019.

Long Term Financial Plan

The Shire's Long Term Financial Plan comprises long term financial forecasting over a fifteen-year period. This consists of projecting revenue (money coming in) and expenditure (money going out) over the fifteen years. The Long Term Financial Plan does this by using assumptions about the economy, future spending, funding sources and other variables. The Long Term Financial Plan then aligns the Shire's financial capacity with the strategic priorities of the community to ensure the Local Government remains financially sustainable while planning for new or improved services. The draft Long Term Financial Plan is presented to Council for adoption as part of this item.

Consultation:

To facilitate the major review of the Strategic Community Plan, Council endorsed a four-stage community engagement program 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, Sport and Cultural Industries' advisory standard of 500 responses and two documented mechanisms.

The Shire's Corporate Business Plan, Workforce Plan, Asset Management Plan and Long Term Financial Plan are internal-style documents that seek to activate, plan for and resource the aspirations of the community that are outlined in the Strategic Community Plan. As such, consultation and collaboration on the Long Term Financial Plan has occurred within the organisation and with Council. It is intended that the Long Term Financial Plan, once adopted, will act as a starting point to guide discussions with the community on the various options that the Shire of Denmark has available to it when considering the best use of resources to achieve the community's strategic vision.

Statutory Obligations:

The requirements for the preparation of a Long Term Financial Plan are detailed within the Department of Local Government, Sport and Cultural Industries Integrated Planning and Reporting Framework and Advisory Standards.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

The Long Term Financial Plan will provide the basis for items considered in future Annual Budgets.

Strategic & Corporate Plan Implications:

The report and officer recommendation is consistent with the Local Government (Administration) Regulations 1996 and the Department of Local Government, Sport and Cultural Industries and Communities’ Integrated Planning and Reporting Framework and Advisory Standards.

These Standards form the basis of the way Local Governments approach resourcing and implementing the Strategic Community Plan and Corporate Business Plan priorities and actions.

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 Long Term Financial Plan, resulting in non-compliance with the Integrated Planning and Reporting Framework and the inability to calculate financial and asset sustainability ratios that form part of the Annual Financial Statements and FHI Score.	Unlikely (2)	Moderate (3)	Low (1-4)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation

Comment/Conclusion:

The Shire's Long Term Financial Plan has been developed in a way to ensure that it is able to be easily read and understood by all members of the community. The Plan comprises 15 high-level Annual Budgets covering the period from 2020/21 to 2034/35 and is created using the information contained in the 2019/20 Municipal Budget.

The Long Term Financial Plan identifies a number of financial goals, including:

- Prioritisation of asset renewal works to ensure assets in the future are replaced within one year of them reaching a condition rating of 4.5 (between poor and very poor condition);
- Keeping employee costs consistently below 95% of rates revenue;
- Calculating all financial and asset sustainability ratios and achieving a consistent Financial Health Indicator score;
- Delivering projects that meet community needs and address asset renewal requirements; and
- Maintaining customer satisfaction levels with the services provided by the Shire (via the MARKYT Community Scorecard), within the financial forecasts outlined.

The Long Term Financial Plan also sets out the major projects that the Shire wishes to undertake over the fifteen years, including:

- Hardy Street Remediation;
- Denmark Surf Club and Public Realm;
- Mountain Bike Trail(s);
- Berridge Park Redevelopment (including Youth Precinct and Skatepark);
- Denmark High School Oval Facilities Upgrade;
- Denmark Recreation Centre Upgrade;
- Civic Centre and Library Upgrade;
- Shire Administration Building Refurbishment;
- Peaceful Bay Water Supply Upgrade; and
- Denmark Aquatic Facility.

These projects respond to community needs and wants and have been identified through community engagement processes during the development of the Shire's Strategic Community Plan, Denmark 2027. A number of the projects also have a high renewal component and/or have a strong likelihood of attracting external funding.

The exact timing of the construction of these projects is dependent on receiving grants and contributions to undertake this work. Should the funding not be obtained, it is likely that some of the projects will not go ahead.

The Plan is based upon an average 4% increase in total rates income each year. It is noted that rates are unlikely to be increased by 4% each and every year, but this increase has been modelled to achieve the financial goals required to deliver the major projects outlined in the Plan according to the community's aspirations.

As part of the Long Term Financial Planning Process, an additional two scenarios were modelled, including:

- Total rate revenue increases of 5% each year; and
- Total rate revenue increases of 3% each year.

The modelled scenario of an average 5% rate revenue increase each year indicates that the Shire would have an extra \$13.1M over fifteen years. This money could be used to reduce

the Shire’s renewal burden faster, increase the levels of service that are provided and/or fund additional assets that the community may desire.

The modelled scenario of a 3% rate revenue increase each year indicates that the Shire would have a \$11.6M deficit over the life of the plan. To achieve an average 3% increase each year, \$11.6M would need to be found in savings, meaning that the Shire would need to reduce the number of assets owned, delay major projects and/or reduce the services that are currently provided.

The Long Term Financial Plan will be reviewed annually to ensure it remains contemporary and reflects any relevant changes that have occurred during the preceding twelve months.

The format and content of the Long Term Financial Plan is also likely to change in the future as the Shire’s IPR practice matures over time. The first version of this Plan is intended to be simple in nature and provide a concise overview of the Shire’s future financial position. It is intended that the Long Term Financial Plan, once adopted, will act as a starting point to guide discussions with the community on the various options that the Shire of Denmark has when considering the best use of resources to achieve the community’s strategic vision.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.3.4
MOVED: CR GIBSON	SECONDED: CR LEWIS
With respect to the Integrated Planning and Reporting Framework, Council;	
1. Adopt the Long Term Financial Plan for effect from the current financial year through to 2034/35;	
2. Review the Long Term Financial Plan annually;	
3. Make copies of the Long Term Financial Plan available for public inspection both online and in hardcopy.	

Cr Jones requested that his words against the motion be recorded which were as follows;

“I am very respectful that the previous Council and Shire Officers have worked on the Long Term Financial Plan (LTFP) for the last couple of years and it has been a huge effort to get it to this point. I have been on Council for one month.

The Shire Officers have been great in meeting with me to give me some background on the LTFP however they have been short meetings for the amount of information there is to go through. I have read all the integrated plans in detail in relation to the LTFP and have multiple questions that I have provided to Councillors and Officers. There simply has not been enough time to answer or resolve them before this meeting.

In my business and personal life, I always strive to make the best informed decisions I can. I intend to continue this approach as a Councillor. Without answers to my questions I am uncomfortable voting in favour of the LTFP. I intend to seek those answers and information over the coming year for the first LTFP annual review.”

CARRIED: 6/2

Res: 051119

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

FOR: Cr Allen, Cr Gibson, Cr Seeney, Cr Gearon, Cr Osborne and Cr Lewis.

AGAINST: Cr Jones and Cr Bowley.

8.1 DIRECTOR ASSETS AND SUSTAINABLE DEVELOPMENT

8.1.1 PROPOSED RESIDENTIAL AGED CARE FACILITY – NO.68 (LOT 366) HORSLEY ROAD, DENMARK

File Ref:	A1547
Applicant / Proponent:	Amaroo Care Services Inc
Subject Land / Locality:	Lot 366 (#68) Horsley Road, Denmark
Disclosure of Officer Interest:	None
Date:	4 November 2019
Author:	Craig Pursey, Manager Sustainable Development.
Authorising Officer:	David King, Director Assets & Sustainable Development
Attachments:	8.1.1a – Development Application documentation 8.1.1b – WAPC Draft position statement – Residential Aged Care

Summary:

The applicant is seeking approval from Council to determine that a Residential aged care facility is an appropriate land use to be developed at Lot 366 (#68) Horsley Road, Denmark.

Having regard to the details of the proposal, the objectives of the 'Residential' zone and a recently released WAPC draft position statement – 'Residential aged care' it is recommended that Council formally determine that a *Residential aged care facility* may be considered to be a 'Use Not Listed' in the 'Residential' zone.

Background:

Subject Site

Lot 366 (#68) Horsley Road, Denmark is 7.1581ha in area and is zoned Residential 'R20' by the Shire of Denmark Town Planning Scheme No.3. The property is covered by an adopted Structure Plan (Horsley/Rockford Road Local Structure Plan) that establishes the future subdivision pattern for this property.

Proposal

Council has received an application from Amaroo Care Services Inc. (the applicant) seeking Council support for the development of a Residential aged care facility at Lot 366 (#68) Horsley Road, Denmark.

The proposal includes a residential aged care facility that comprises:

- Aged accommodation in 'assisted living units for up to 40 people;
- Some housing for partners/spouses;
- Staff overnight housing;
- Regional administration for Amaroo;
- Maintenance and workshop space;
- Occupational therapy and physiotherapy;
- Wellness centre and programs;
- Day centre activities; and
- Space for local service provision, eg pharmacy, GP, podiatry, hairdresser, massage, etc.

No development details have been provided; the applicant is only seeking to establish whether Council would determine that the Residential aged care facility was an appropriate land use at this location. The applicant also requests Council support for a future subdivision of the residential aged care facility from the remainder of Lot 366 at some time in the future.

The applicant has a conditional offer to purchase Lot 366 and request the formal endorsement/approval of Council on these matters to satisfy this agreement. A full copy of the applicant's proposal is found at Attachment 8.1.1a of this report.

Consultation:

The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal and considered Council's Community Engagement Policy P040123 and the associated Framework and believes that no additional external/internal engagement or consultation is required at this point in the assessment process.

Should the Council determine that a Residential aged care facility is appropriate in the Residential zone then any subsequent development application for the site will be advertised for public comment.

Statutory Obligations:

The land use 'Residential aged care facility' is not recognised as a land use in Town Planning Scheme No.3; therefore it is considered that this development form would be treated as a Use Class Not Listed. In this regard, Clause 3.2.5 of TPS No. 3 is then relevant, being:

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

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

The 'purpose and intent' of the 'Residential' zone in Town Planning Scheme No.3 reads:

"Residential zone – primarily for low density residential uses with Grouped dwellings and selected non-residential uses permitted with approval of Council."

Policy Implications:

There are no policy implications.

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 in the following specific ways:

Denmark 2027

B3.0 Our Built Environment

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

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

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)
The proponent may lodge an application for review to the State Administrative Tribunal if the Council's decision was to refuse the proposal.	Possible (3)	Minor (2)	Moderate (5-9)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Risk. Noting: If a decision is made to refuse the application, Council is to provide sound reasoning to support solid defence at the State Administrative tribunal should the applicant wish to pursue a Right of Review.
The determination results in other Aged Care Facilities being located in inappropriate locations.	Unlikely (2)	Moderate (3)	Moderate (5-9)	Not Meeting Community expectations	Subsequent assessment of a development application should control inappropriate development.

Comment/Conclusion:

Shire staff have offered qualified support for the proposed land use at Lot 366 (#68) Horsley Road, Denmark in the past subject to a development approval that addresses issues including (but not limited to):

- *Amending the existing Horsley/Rockford Local Structure Plan to include the proposed development whilst clearly showing how the major elements of the structure plan would be retained (i.e. drainage, road connections, Public Open Space, etc).*
- *Addressing the steep sloping nature of the site to ensure development meets the gradient requirements for access and universal design of buildings.*

Under the section “Future Residential” the Shire’s Local Planning Strategy supports “private and public developments of aged accommodation in suitable locations having regard to issues including but not limited to close proximity to commercial and community facilities, good accessibility (both vehicular and pedestrian access) and topography of the site having regard to the nature of the occupants”

The Western Australian Planning Commission (WAPC) have just released a position statement on ‘Residential aged care’ which makes the following relevant recommendations:

1. Where applicable, local planning schemes should contain the following land use definition...:

Residential aged care facility: *a residential facility providing personal and/or nursing care primarily to aged or dependent persons which, as well as accommodation, includes appropriate staffing to meet the nursing and personal care needs of residents; meals and cleaning services; furnishings, furniture and equipment. This may consist of multiple components that include residential respite (short-term) care, aged or dependent persons' dwellings and a retirement village, but does not include a hospital, rehabilitation or psychiatric facility.*

2. *Where applicable, 'residential aged care facility' and 'retirement village' should be classified as permitted 'P' land uses in residential zones in the local planning scheme zoning and land use classification tables, unless sufficient justification on proper and orderly planning and locational grounds is provided by the local government to otherwise allocate a discretionary 'D' or 'A' land use permissibility.*
3. *Incidental and ancillary amenities and land-uses associated with and supporting residential aged care facilities and retirement villages (for example medical consulting room, pharmacy, café and the like) that are accessible for residents only should be considered and determined under the above new land-use definitions.*
4. *A Local Development Plan (LDP) should be prepared if development standards for residential aged care facilities and retirement villages are not specified in the local planning scheme or strategic planning framework.*

A LDP should ensure the development is compatible and integrated with streetscape(s) and existing or future desired built form of the locality. LDPs must outline built form requirements, including, but not limited to, building height bulk and scale, open space, setback, access, parking, landscaping, servicing and drainage, visual privacy, solar access and other relevant development requirements.

A full copy of the WAPC position statement is found at Attachment 8.1.1b.

The WAPC position statement makes it clear that the 'Residential' zone is the most appropriate zone for residential aged care facilities and that this is likely to be made part of the model scheme text and/or 'deemed provisions' at some time into the future.

Subdivision

The applicant has requested Council support for the future subdivision of the site subject to appropriate amendments to the existing Horsley/Rockford Local Structure Plan. Staff recommend that it is inappropriate for Council to take a formal position on this matter as subdivision is decided by the WAPC and Shire provides advice only to these matters.

Conclusion

Having regard to the purpose and intent of the Residential zone, the reference in the Shire's Local Planning Strategy (2011) under "Future Residential" and the recommendations of the latest WAPC position statement on this issue it is considered that the most appropriate zone for an Residential aged care facility would be in the 'Residential zone' as it pertains to the Denmark townsite.

Voting Requirements:

Absolute majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION

ITEM 8.1.1

MOVED: CR BOWLEY

SECONDED: CR ALLEN

That with respect to the request from Amaroo Care Services regarding determining that a residential aged care facility is an appropriate land use at lot 366 (No. 68) Horsley Road, Denmark, Council,

1. Pursuant to clause 3.2.5 of the Shire of Denmark Town Planning Scheme No.3 determine that the proposed 'Residential aged care facility' proposed at Lot 366 (#68) Horsley Road, Denmark is consistent with the purpose and intent of the 'Residential' zone subject to the incidental and ancillary amenities and land-uses associated with and supporting the residential aged care being accessible for the use of residents only; and
2. Advise the applicant that it is inappropriate for the Council to provide advice on any future subdivision potential of Lot 366 (#68) Horsley Road, Denmark as it would be subject to an amended structure planning process and the decision-making lies with Western Australian Planning Commission (WAPC). The Shire of Demark should not pre-empt any decision of the WAPC or the results of public advertising and assessment of the details of such a proposal.

CARRIED UNANIMOUSLY AND BY AN ABSOLUTE MAJORITY: 8/0

Res: 061119

8.1.2 PROPOSED PARTIAL ROAD CLOSURE – BENT STREET, ONE WAY

File Ref:	R30183
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Bent Street, Denmark
Disclosure of Officer Interest:	Nil
Date:	6 November 2019
Author:	Martin Buczak, Manager Technical Services
Authorising Officer:	David King, Director Assets and Sustainable Development
Attachments:	8.1.2.a – Bent Street Partial Closure Plan

Summary:

Approval for the permanent partial closure of Bent Street, to direct traffic flow one-way is sought from Council. If approved, officers will proceed with statutory notices and processes in order to effect the change.

Background:

Bent Street is located between Strickland and Price Street within the Central Business District (CBD) of the Shire of Denmark. The current road reserve and seal widths are 10m and 4.7m respectively, compared with the Western Australia Planning Commission’s (WAPC) liveable neighbourhoods guide which indicates that a 5.5m seal width is preferable for two-way traffic.

In January 2015, the Shire engaged the professional services of OPUS International Consultants to complete a traffic study to resolve the traffic flow issues, congestion and parking issues along both Mitchell and Bent Street. The report recommendations for Bent Street was to make the street a one-way westbound from Strickland Street which will slightly increase the traffic volumes heading to Mitchell and Barnett Street intersection by approximately 10%, as the traffic will be reassigned to different routes. This recommendation was not initiated however, there is no technical reason why this should not be implemented.

Recently, the Shire of Denmark have received further written and verbal complaints from the public regarding vehicles parked along the verge of Bent Street causing congestion and problems associated with turning movements for delivery trucks and other road users.

Ad-hoc and uncontrolled parking on Bent Street is causing hazards to pedestrians and road users and there have been numerous reports of vehicles meeting on Bent Street and having to reverse back out into traffic onto the primary roads. As such, a temporary measure to prohibit parking on both sides of the road has been put in place. By initialling a one-way measure, safe parking could be enabled down one side of the street.

The initial proposal is to seek approval from Council to make Bent Street one-way westbound from Strickland Street and install the regulatory signage and line marking. Further future works will be designed and estimated to be incorporated into the Corporate Business Plan to construct parallel parking bays on the southern side of Bent Street and construct an appropriate footpath.

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 consultation is required with the following below.

- Main Road Western Australia (MRWA)
- Other Government Agencies that may be affected by the closure including Police, Fire Services, Ambulance Service, Water Corporation and Western Power.
- All adjoining residents and property owners likely to be affected by the proposed changes.

To comply with the specific requirements of the Local Government Act on closure of thoroughfares, there will be a 35-day public submission period, advertised in the local newspaper.

Statutory Obligations:

Section 3.50 of the Local Government Act 1995, -

"3.50 Closing certain thoroughfares to vehicles

(4) Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare, the local government is to -

- (a) Give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when and why it would be closed, and inviting submission from any person who wishes to make a submission; and
- (b) Give written notice to each person who-
 - (i) Is prescribed for the purposes of this section; or
 - (ii) Owns land that is prescribed for the purposes of this section;
 And
- (c) Allow a reasonable time for submissions to be made and consider any submissions made.

(5) The local government is to send to the Commissioner of Main Roads appointed under the Main Roads Act 1930 a copy of the contents of the notice required by subsection (4)(a)

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

There are minor costs associated with the advertising, installation of signage and line marking which it has been estimated to cost \$3,000. This will be sourced from the maintenance budget.

Future upgrade works including formal car parking and a pathway will be incorporated into the corporate business plan on merit.

Strategic & Corporate Plan Implications:

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

Denmark 2027

B3.0 Our Built Environment

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

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

Corporate Business Plan

3.4.7 Maintain and improve road and pathway infrastructure (including dual use paths) to appropriate standards.

3.4.11 Review the provision of on and off-street parking.

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)
Property: That the unresolved safety issues may result in vehicle accidents or damage to existing infrastructure	Possible (3)	Moderate (3)	Moderate (5-9)	Damage to Physical Assets	Temporary prohibit parking on both side on Bent street until a one-way system can be created
Reputation: That by making the street one way unexpected congestion may be created	Possible (3)	Moderate (3)	Moderate (5-9)	Not Meeting Community expectations	Review the 2015 OPUS study for any potential adverse effects

Comment/Conclusion:

The partial closure of Bent Street will be a cost effective and long-term solution to traffic conflicts within the immediate area. The planning for future works will benefit the community by providing additional available parking for the Plane Tree Precinct and safe pedestrian missing link between Price and Strickland Street.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.1.2
MOVED: CR SEENEY	SECONDED: CR ALLEN
That with respect to the partial closure of Bent Street, Council:	
<ol style="list-style-type: none"> 1. Approve the partial closure of Bent Street, restricting traffic direction to one-way east to west from Strickland Street. 2. In accordance with the Local Government Act 1995 (S3.50) give local public notice of the partial closure. 3. Should there be no substantive objection to the proposal, proceed with the necessary minor works and administrative procedures to affect the partial closure. 	
AMENDMENT	
MOVED: CR LEWIS	SECONDED: CR OSBORNE
<ol style="list-style-type: none"> 1. Add the words, "for a period of 3 weeks", after the word "Street"; and 2. Replace parts 2 & 3 with the following, "Request officers to bring a report back to Council following the 3 week trial period with a recommendation on how to proceed with the proposed closure". 	
THE AMENDMENT WAS PUT AND TIED: 4/4	Res: 071119
<i>Pursuant to Council Policy P040134 all Councillors' votes on the above resolution are recorded as follows;</i>	
FOR: Cr Lewis, Cr Osborne, Cr Allen and Cr Jones.	
AGAINST: Cr Gearon, Cr Gibson, Cr Bowley and Cr Seeney.	
THE SHIRE PRESIDENT USED HER CASTING VOTE AND VOTED AGAINST THE AMENDMENT WHICH WAS LOST: 5/4	Res: 081119
THE ORIGINAL MOTION WAS THEN PUT CARRIED UNANIMOUSLY: 8/0	Res: 091119

5.54pm - Public Question Time

The Shire President stated that the second public question time would commence & called for questions from members of the public. There were no questions.

Cr Gearon declared a proximity interest in relation to Item 8.1.3 on the basis that she owns a property in Harper Street.

5.54pm - Cr Gearon left the room and did not participate in discussion or vote on the matter.

The Deputy Shire President, Cr Allen, assumed the Chair as the Presiding Person.

8.1.3 PROPOSED HOME BUSINESS RENEWAL (ART CLASSES) AND AMENDED HOURS OF OPERATION – NO.17 (LOT 36) HARPER STREET, DENMARK

File Ref:	A2058 (DA 2018/82A)
Applicant / Proponent:	Kendel Lynam
Subject Land / Locality:	No.17 (Lot 36) Harper Street, Denmark
Disclosure of Officer Interest:	Nil.
Date:	4 November 2019
Author:	Jasmine Tohill, Senior Town Planner
Authorising Officer:	David King, Director Assets & Sustainable Development
Attachments:	8.1.3a – Development Application Documentation 8.1.3b – Schedule of Submissions 8.1.3c – Applicant Response to Submissions

Summary:

The applicant is seeking renewal of a Home Business (Art Classes) within an existing Single House at No.17 (Lot 36) Harper Street, Denmark and to extend the hours of operation to include:

- Friday and Saturday evenings 6pm to 10pm
- Saturday and Sundays between 10am and 4pm.

Having regard to the issues raised in submissions and the objectives and provisions of Town Planning Scheme No.3, it is recommended that the Development Approval be renewed subject to the extended hours of operation being limited to Friday evenings 6pm to 9pm and Saturdays 10am to 4pm.

Background:

An application to conduct a Home Business (Art Classes) from the premises was approved by Council at the Ordinary Council Meeting of 21 August 2018 (as per Council Resolution 040818).

Conditions imposed on the Development Approval placed limitations on the frequency of classes (to no more than 8 a week), a maximum class size of 6 children or 4 adults and trading hours to be between 9.00am to 5:30pm Monday to Friday.

The application to renew the Home Business for a further 12 month period and to extended the hours of operation was lodged with Planning Services on 30 July 2019 – refer Attachment 8.1.3a. The applicant has requested that extended hours on Saturday and Sunday that are not supported in the recommendation.

Consultation:

The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal and considered Council's Community Engagement Policy P040123 and the associated Framework as well as the requirements of Town Planning Scheme No.3, Schedule 2, Part 8, Clause 64 of *the Planning and Development (Local Planning Schemes) Regulations 2015* and undertook the following level of consultation:

External Consultation:

- Applicant.
- 15 properties in the vicinity of the Home Business.

Internal Consultation:

- Development Co-ordination Unit.

At the end of the advertising period, six (6) submissions were received – refer Attachment 8.1.3b.

Statutory Obligations:

Town Planning Scheme No.3 (TPS No. 3) specifies the pertinent planning provisions for the proposed use.

Home Business is an ‘SA’ use under the Scheme which the Council may, at its discretion, permit after giving notice of the application.

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

Policy Implications:

There are no operational Policies relevant to consideration of the Home Business.

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 have regard to Council’s adopted Strategic 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.

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)
The proponent may lodge an application for review to the State Administrative Tribunal if the Council’s decision was to refuse the proposal.	Possible (3)	Minor (2)	Moderate (5-9)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Risk: Note: If a decision is made to refuse the application, Council is to provide sound reasoning to support solid

					defence at the State Administrative tribunal should the applicant wish to pursue a Right of Review.
The approval results in amenity impacts and disruption to the immediate community.	Unlikely (2)	Moderate (3)	Moderate (5-9)	Not Meeting Community expectations	Control through compliance process established through planning conditions and application of other applicable legislation.

Comment/Conclusion:

In accordance with TPS No. 3 the subject land is zoned “Residential (R2)”. A “Home Business” is an “SA” use that the Council may, at its discretion, permit in the “Residential” zone.

A Home Business is defined under TPS 3 as:

‘a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which –

- (a) Does not employ more than 2 people not members of the occupier’s household;*
- (b) Will not cause injury to or adversely affect the amenity of the neighbourhood;*
- (c) Does not occupy an area greater than 50 square metres;*
- (d) Does not involve the retail sale, display or hire of goods of any nature;*
- (e) In relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight;*
- (f) Does not involve the use of an essential services of greater capacity than normally required in the zone;*
- (g) Notwithstanding clauses (c) and (e) approval may be granted in the Residential zone for trucks with a tare weight of up to 10 tonnes, providing it does not adversely affect the amenity of the surrounding area.’*

Planning Services have assessed the proposal having regard to the provisions of TPS No.3, and previous approval as granted. The proposal seeks to continue the Home Business, maintaining limitations on the frequency of classes (to no more than 8 a week) and maximum class sizes (6 children or 4 adults). An extension to the approved trading hours is proposed to include 10.00am to 4.00pm on Saturday and Sunday and 6.00pm to 10.00pm on Friday and Saturday night.

Public advertising of the proposal was undertaken in accordance with TPS No.3 and Schedule 2, Part 8, Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* with six (6) objections received. Attached at Attachment 8.1.3b is the Schedule of Submissions – with the submissions received entered verbatim.

The primary issues raised in submissions relate to:

- Impacts upon quiet residential amenity;
- Increased noise & traffic;
- Potential impacts upon wildlife;
- Potential for vehicle light spill.

The applicant has been provided an opportunity to respond to the issues raised and their response is provided verbatim as Attachment 8.1.3c.

From a Planning Services perspective the following comments are relevant to the submissions received:

- The Home Business (Art Classes) has been in operation for 12 months with no complaints or compliance requests having been received during that time.
- There is no evidence to substantiate claims that there has been or would be excessive traffic and noise arising from the premises as a result of the proposed activities, noting restrictions on the frequency and size of classes.
- The hosting of art parties for children is intended to remain under the umbrella of the approved 'Art Class' activities. The playing or broadcasting of music or conducting of any activities outside of the building as part of the classes would not be permitted at any time and this can be referenced in additional conditions to be applied as part of any approval if granted.
- Noting current limitations on the number of attendees and frequency of classes it is not anticipated that the activities would generate significant additional traffic load. Concerns relating to potential for light spill from vehicles have been raised in relation to a property that remains undeveloped. The potential for headlight spill on this property would arise irrespective of the Home Business due to its corner location and the normal movement of residents' vehicles. This would need to be addressed by the landowner as part of any future building design of any future residence on the property.
- Whilst noting concerns relating to the potential for the Home Business to impact the upon the quiet amenity of the area and wildlife, such impacts are speculative. The art classes are of a low scale, will remain fully supervised and are confined wholly to the residential building.
- Having regard to the scope of issues raised in submissions, and likely sensitivity of nearby residents to additional activity outside of normal business hours it is recommended that any extended trading, if approved, be limited to Friday evenings 6pm to 9pm (1x adult class only) and Saturday 10am to 4pm (1x adult class or 1x children's class only).

In conclusion, Planning Services consider there would not be an unreasonable significant adverse impact arising from continuation of the Home Business subject to imposition of appropriate conditions and limitations on the hours of operation. All activities on-site are required to comply with the *Environmental Protection (Noise) Regulations 1997* and those conditions linked to approval of the Home Business will also provide a method of recourse should any problems arise.

As the renewal is granted for a 12 month period, in circumstances where valid complaints are received and subsequently verified, the Shire retains the right to not renew the approval to operate. The applicant has indicated that their intent is to eventually relocate the business to a permanent premises noting that the property is currently listed for sale.

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

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION

ITEM 8.1.3

MOVED: CR GIBSON

SECONDED: CR JONES

That with respect to the development application for the Proposed Home Business Renewal (Art Classes) and Amended Hours of Operation at No.17 (Lot 36) Harper Street, Denmark, Council:

1. Notes the submissions received.
2. Grants Development Approval subject to the following:

Conditions

- a) The Home Business is to be carried out in the area identified on the attached stamped approved plans dated 30 July 2019 subject to the following limitations:
 - i. No more than six (6) children or four (4) adults are to be accommodated on site at any one time.
 - ii. All classes are to be conducted between:
 - 9am and 5:30pm Monday to Friday;
 - 6pm and 9pm Friday (limited to x1 adult class);
 - 10am and 4pm Saturday (limited to x1 adult class or x1 children's class on any one day)
 - iii. No more than 8 classes in total are to be conducted per week;
 - iv. Only safe non-toxic materials are to be used;
 - v. No activities associated with the Home Business are to be undertaken outside of the building at any time.
 - vi. No playing or broadcast of amplified music is permitted.
- b) A minimum of two (2) car parking bays for the residential dwelling and a minimum of two (2) carparking bays for the home business clientele are to be maintained on-site, within the existing driveway with the two (2) clientele bays being independently accessible (ie. not provided in tandem).
- c) The approved Fire and Emergency Evacuation Plan is to be displayed in the premises in a highly visible and easily accessible location.
- d) The approved Home Business shall not entail employment of any person not a member of the occupier's household without the approval of the Shire of Denmark.
- e) All wastewater from the approved operations is to be retained onsite to the satisfaction of the Shire of Denmark.
- f) The approved Home Business shall not cause injury to or adversely affect the amenity of the neighbourhood.
- g) The approved Home Business shall not occupy an area greater than 50m².
- h) The approved Home Business shall not involve the retail sale, display or hire of goods of any nature.
- i) The approved Home Business shall not involve the use of an essential service of a greater capacity than normally required in the zone.
- j) In relation to vehicles and parking, the approved Home Business shall not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and shall not involve the presence, use or calling of a vehicle of more than 3.5 tonnes tare weight.
- k) This approval is valid for 12 months from the date of approval and is subject to an annual renewal application and payment of a renewal application fee in accordance with Council's Operative Fees & Charges Schedule. In relation to the annual renewal application, an accompanying letter is required detailing compliance with the conditions provided for in this Development Approval and/or detailing any changes to the home business that have occurred over the preceding twelve (12) months.
- l) Should Council receive any valid complaints about the Home Business activities causing a nuisance or annoyance to the surrounding locality, this approval may be rescinded.

m) This Development Approval relates to the land the subject of the application and to the applicant only, and cannot be assigned to any other person or be transferred to any other property or premises.

Advice Notes

i) It is the responsibility of the applicant/owner to search the title of the property to ascertain the presence of any easements and/or restrictive covenants that may apply.

ii) The applicant is advised that all activities on-site are to comply with the Environmental Protection (Noise) Regulations 1997.

3. Advise the submitters of Council's decision.

CARRIED UNANIMOUSLY: 7/0 Res: 101119

6.01pm – Cr Jones left the room.

COUNCIL RESOLUTION

MOVED: CR BOWLEY SECONDED: CR SEENEY

That the meeting adjourned for a short break, the time being 6.01pm.

CARRIED UNANIMOUSLY: 6/0 Res: 111119

6.09pm - The meeting resumed with all members and staff who were present prior to the meeting with the addition of Cr Jones and Cr Gearon.

Prior to consideration of Item 8.1.4, Cr Lewis declared that her partner did some electrical work at the property over a year ago and as a consequence there may be a perception that her impartiality on this matter may be affected. Cr Lewis declared that she would consider this matter on its merits and vote accordingly.

8.1.4 PROPOSED RECEPTION CENTRE – No.88 (LOT 3821) ASTARTEA GLADE, PARRYVILLE

File Ref:	A1671 (2019/76)
Applicant / Proponent:	Halsall & Associates
Subject Land / Locality:	No.88 (Lot 3821) Astartea Glade, Parryville
Disclosure of Officer Interest:	None
Date:	5 November 2019.
Author:	Craig Pursey, Manager Sustainable Development.
Authorising Officer:	David King, Director Assets & Sustainable Development
Attachments:	8.1.4a – Development Application Documentation 8.1.4b – DFES Submission 8.1.4c – WAPC Position Statement: Tourism Land Uses in Bushfire Prone Areas

Summary:

The applicant is seeking Development Approval for a Reception Centre at No.88 (Lot 3821) Astartea Glade, Parryville to accommodate up to a maximum of 180 guests.

Having regard to the issues raised in submissions and the objectives and provisions of the applicable bushfire planning framework, it is recommended that Development Approval be granted subject to appropriate conditions.

Background:

Subject Site

No.88 (Lot 3821) Astartea Glade, Parryville is 64.55ha in area and zoned 'Rural' by Town Planning Scheme No.3 (TPS No.3).

The site is characterised by extensive areas of pasture that is associated with historical cattle grazing activities undertaken on site together with areas of remnant vegetation that are primarily associated with elevated gradients and low-lying wetland areas across the site.

The site joins vegetated reserve land to the south, east and west and paddocks to the north. Access is from Astartea Glade to the east which links through to Parry Road. The landowner has already upgraded the first 60m of Astartea Glade to a sealed standard.

Existing development on site includes four (4) chalets, owner's residence and ancillary onsite storage and rural outbuildings, including a large machinery shed (the subject of this proposal) which is located centrally.

Proposal

Council has received a development application to convert an existing machinery shed to a Reception Centre. The proposal includes:

- The Reception Centre to be limited to a maximum of 180 persons.
- Built elements include the converted machinery shed of 432m², freestanding ablution block of 18m² an internal unisex disabled toilet.
- 45 car parking bays;
- Catering provided from off-site;
- Request for consideration to use portable toilets for the first 6 events in order to raise funds to construct the ablution block;
- Potable water supply provided by way of a 150,000L water tank;
- A separate 50,000L tank designated for firefighting purposes in proximity the structure and accessible to fire tenders in a bushfire event; and
- The number of staff associated with the operation is anticipated to be no more than 4 to 6 at any time.

The applicant has lodged the following documentation in support of the proposal:

- Planning report describing and justifying the proposal;
- Development plans;
- Bushfire Management Statement and Emergency Evacuation Plan; and
- Supporting correspondence.

A full copy of the development application is found at Attachment 8.1.4a.

Consultation:

The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal and considered Council's Community Engagement Policy P040123 and the associated Framework as well as the requirements of Town Planning Scheme No.3, Schedule 2, Part 8, Clause 64 of *the Planning and Development (Local Planning Schemes) Regulations 2015*, and undertook the following level of consultation:

External Consultation:

- Applicant.
- Eight (8) adjoining and nearby landowners inviting comment on the proposal.
- The Denmark Boating and Angling Club.
- Department of Biodiversity, Conservation and Attractions (DBCA) and Department of Fire and Emergency Services (DFES).
- Advert in Denmark Bulletin

Internal Consultation:

- Development Co-ordination Unit.

At the end of the advertising period, two (2) submissions were received. The DBCA raised no objection, DFES provided comment, a copy of which is found at Attachment 8.1.4b.

Statutory Obligations:

Town Planning Scheme No.3 (TPS No. 3) specifies the pertinent planning provisions for the proposed use.

Under delegation, staff determined that the proposed 'Reception Centre' was consistent with the 'Rural' zoning of the property and was to be assessed as a 'Use Not Listed'.

Of note, Clause 5.37 of TPS No.3 calls up 'fire protection' measures and references *implementing the relevant WAPC Bushfire Protection policies and guidance*. In this case State Planning Policy 3.7 "Planning in Bushfire Prone Areas" and associated Guidelines are applicable as the bushfire planning framework.

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

Policy Implications:

There are no policy implications.

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 in the following specific ways:

Denmark 2027

E1.0 Our Economy

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

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

Corporate Business Plan

Nil

Sustainability Implications:

➤ **Governance:**

There are no known significant governance considerations relating to the report or officer recommendation, however it is noted that subsequent building and environmental health approvals will be required.

➤ **Environmental:**

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

➤ **Economic:**

A reception centre and associated holiday accommodation, if managed to a high standard may make a positive contribution to Denmark's tourism industry.

➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
The proponent may lodge an application for review to the State Administrative Tribunal if the Council do not approve the application.	Possible (3)	Minor (2)	Moderate (5-9)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Risk: Note: If a decision is made to refuse the application, Council is to provide sound reasoning to support solid defence at the State Administrative tribunal should the applicant wish to pursue a Right of Review.
Approving the Reception Centre brings people into a bushfire prone area.	Possible (3)	Major (4)	Moderate (5-9)	Ineffective Management of Facilities and Events	Ensure Bushfire Risk Management Plan and Emergency Evacuation Plan are implemented and maintained.

Comment/Conclusion:

A 'Reception Centre' is defined in TPS No.3 as "...land and buildings used for functions on formal and ceremonious occasions, but not for unhosted use for general entertainment purposes". In this case, the proposed land use relies upon the rural, natural setting and compliments the existing chalet development.

The proposed Reception Centre meets all of TPS No.3's development standards for the Rural zone. The building is well setback from neighbouring properties, uses non-reflective colours and is not seen from neighbouring properties or the surrounding road network.

Forty Five (45) parking bays are proposed at a rate of 1 bay per 4 persons. This is consistent with the parking standards for restaurants or 'places of public assembly and entertainment'.

State Planning Policy 3.7 "Planning in Bushfire Prone Areas" and associated Guidelines

The proposed Reception Centre is considered to a 'vulnerable land use' when assessed against the requirements of the relevant 'bushfire planning framework'. As such the applicant has had a Bushfire Management Statement and Emergency Evacuation Plan prepared to support the proposal. A copy of this document is available on request.

These plans were referred to DFES for comment and the following relevant issues were raised by this organisation:

- DFES acknowledge the existing chalets were in place before the introduction of the State Government's bushfire planning framework;
- Some of the vegetation classifications in the report are questioned with photographs and the description not aligning;
- No slope or actual separation distances have been provided to inform the BAL Contour Plan, this should the highlight how the Reception Centre can be located within the BAL-29 contour or less;
- The BMP incorrectly states that the 'access' element has been complied with. DFES does not agree that access to two different destinations has been achieved as this is not available until you reach South Coast Highway; 4.8km away. Parry Beach is not accepted as a refuge or alternate destination.

A full copy of the DFES submission is attached at Attachment 8.1.4b.

Of the issues raised by DFES, compliance with the requirement to achieve two methods of acceptable access and egress from a vulnerable development is considered to be a potential issue that is addressed by the WAPC position statement on tourist land use.

WAPC Position Statement - Tourism land uses in bushfire prone areas

During the advertising and assessment period for this application the WAPC released a final position statement on *tourism land uses in bushfire prone areas*. The intent of this position statement position is “*to provide guidance for tourism land uses within bushfire prone areas. The position statement maintains primacy for the protection of life but also recognises that the protection of property or infrastructure may be secondary to the social and economic development of a region. If human safety can be satisfied, the asset may be considered ‘replaceable’ and its bushfire construction level determined to the degree necessary.*”

This position statement recognises that many tourism uses are intrinsically linked to the natural landscape values and remoteness of an area and with this comes an inherent risk of bushfire. This link to the natural landscape and remote location makes it difficult to meet the current provisions of the bushfire planning framework.

The policy provides for alternate methodology in achieving tourism land uses in bushfire prone areas. A full copy of this position statement is found at Attachment 8.1.4c.

The applicant’s Bushfire Management Statement and Emergency Evacuation Plan (BMS & EEP) reference and seek to apply the recommendations of the WAPC position statement, particularly in order to address the shortcomings in the access arrangements.

It does this through a number of measures including:

- Having a trained onsite manager present at all times;
- Recognising that early evacuation is the preferred management measure and sheltering on site is a last resort and that the evacuation management plan is triggered when the fire danger rating is catastrophic;
- Identifies a refuge in an acceptable low fuel area (radiant heat flux of less than 2kW/m²);
- A dedicated 25,000l of fire-fighting water readily available to the Reception Centre site.

These measures and other details of the proposed BMP & EEP appear to meet the requirements of the position statement and therefore should appropriately address DFES concerns with access.

Documentation

The one thing missing from the BMP & EEP documentation is that it has not been certified by a level 3 accredited bushfire practitioner. This level of accreditation provides for the application of performance-based solutions. The applicant has stated that the BMP & EEP are in the process of being appropriately certified, this was not provided at the time of preparing of this report.

Conclusion

A Reception Centre in a remote, rural location, supported by existing chalet development is supported. Setbacks, colours, parking and effluent disposal all meet the relevant legislative requirements.

The main issue with the proposal is with access to this development, being in a bushfire prone area. The WAPC position statement on tourism land uses in bushfire prone areas recognises that if nature-based tourism is to be developed then alternate approaches to the standard fire management requirements need to be considered.

In this instance a suitable management regime and on-site refuge arrangement has been proposed to address concerns with inadequate access that meets the standards required by the WAPC position statement.

Conditional approval is recommended.

Voting Requirements:

Simple majority.

<p>COUNCIL RESOLUTION & OFFICER RECOMMENDATION</p> <p>MOVED: CR ALLEN</p> <p>That with respect to the development application for the proposed Reception Centre at No.88 (Lot 3821) Astartea Glade, Parryville Council:</p> <ol style="list-style-type: none"> 1. Notes the submissions received. 2. Grant Development Approval, subject to the following: <p><u>Conditions</u></p> <ol style="list-style-type: none"> a) The development hereby approved must be carried out and implemented in accordance with the stamped approved plans and details submitted including: <ul style="list-style-type: none"> • planning application report dated June 2019; • site Plan, overview of site, floor plan and elevations date stamped 18 June 2019; and • Bushfire Management Statement and Bushfire Emergency Evacuation Plan, version 1.5, dated 2/11/19. except where varied in red on the plans or by the following conditions of approval. b) The development hereby approved, or any works required to implement the development, shall not commence until the following plans or details have been submitted to the Shire and have been approved in writing: <ul style="list-style-type: none"> • Certification of the Bushfire Management Statement and Bushfire Emergency Evacuation Plan by a Level 3 accredited bushfire practitioner. c) Immediately prior to the occupation of the site and/or buildings for their approved purpose, the proponent shall notify the Shire of Denmark (Planning Services), in writing, of the effective completion of the approved development such that a Final Inspection can be carried out to determine compliance with the conditions contained on this Development Approval. d) The land and buildings the subject of this approval, shall be used for the purposes of 'Reception Centre' only or for any other purpose approved by the Shire of Denmark (Planning Services) in writing as being incidental to the predominant use of the land. e) Reflective materials such as unpainted Zinalume, white and off-white tones are not permitted for roof and external wall materials of all buildings. f) The rainwater tank (and any pumping equipment or structure) shall be coloured, toned or painted to complement the colours of the existing development. g) No more than 180 people to be on-site at any time, unless specific approval for occasional events has been granted by the Shire of Denmark. h) Designated parking areas shall be constructed and maintained to a minimum all-weather standard (e.g. gravel, crushed rock) to facilitate access to the development by two wheel drive vehicles. i) A minimum of forty five (45) car parking bays are to be provided on-site in accordance with the requirements of Australian Standard AS2890.1:2004 Parking Facilities – Off-street Car Parking and the Building Code of Australia. j) All stormwater and drainage run off from all roofed and impervious areas is to be retained on-site to the satisfaction of the Shire of Denmark (Infrastructure Services). 	<p>ITEM 8.1.4</p> <p>SECONDED: CR SEENEY</p>
--	--

- k) The driveway/accessway shall be constructed and maintained to a minimum all-weather standard (e.g. gravel, crushed rock) to facilitate access to the development by two wheel drive vehicles, and be constructed in accordance with Acceptable Solution A3.5 of Element 3: Vehicular Access of the Guidelines for Planning in Bushfire Prone Areas – refer Advice Note (iii).
- l) The approved development shall provide a potable water supply (i.e. rainwater tank) with a capacity of not less than 150,000 litres. The tank shall be installed in accordance with the Department of Health’s standard on water tanks. This includes but is not limited to a “First Flush Water Diverter”.
- m) A minimum of 50,000 litres of dedicated water for firefighting is to be provided, accessible by a DFES approved coupling for emergency purposes only, with such rainwater tank to be located to ensure that vehicle access is provided within 3 metres of the rainwater tank.
- n) The approved development shall be connected to an approved effluent disposal system to the satisfaction of the Shire of Denmark (Environmental Health Services).
- o) A bushfire on-site shelter maintenance plan must be prepared by an appropriately qualified bushfire planning practitioner to the satisfaction of the Shire of Denmark (Planning Services), to detail the maintenance requirements prior to commencement of operation.
- p) Lodgement of a compliance certification by an appropriately qualified bushfire planning practitioner to the Shire of Denmark (Planning Services), at least one month prior to the commencement of the bushfire season.
- q) A 100m wide Asset Protection Zone being established and maintained around the Reception Centre building.

Advice

- (i) The proposed ablutions are to be provided in accordance with the requirements of the Building Code of Australia and relevant environmental health legislation. The Shire will consider up to six (6) events using an equivalent number of compliant portable toilets before the construction of a permanent ablution block.
- (ii) Provision being made for disabled access and facilities in accordance with the provisions contained in the Building Code of Australia and Australian Standard 1428.
- (iii) For the driveway/accessway required at condition (k) to meet Acceptable Solution A3.5 of Element 3: Vehicular Access of the Western Australian Planning Commission’s Guidelines for Planning in Bushfire Prone Areas:
 - All sections of the driveway/accessway should have a minimum constructed trafficable surface with a width of 4 metres and horizontal clearance of 6 metres.
 - All vegetation overhanging the driveway/accessway should be trimmed to maintain a minimum vertical clearance of 4.5 metres.
 - Passing bays should be located every 200 metres with a minimum length of 20 metres and a minimum width of two metres, and constructed to a suitable standard (eg. gravel, crushed rock).
 - Turn-around areas within 50 metres of the approved Reception Centre and located every 500 metres along the accessway and designed to accommodate type 3.4 fire appliances to enable them to turn around safely and must be constructed to a suitable standard (eg. gravel, crushed rock).
 - Any bridges or culverts are able to support a minimum weight capacity of 15 tonnes.
- (iv) The applicant is advised that the approved development must comply with all relevant provisions of the Health Act, the Building Code of Australia and the Public Buildings Regulations.

- (v) Any food preparation undertaken on site must comply with the requirements of the Health (Food Hygiene) Regulations. If the kitchen is used for commercial purposes, it must comply with the Australia and New Zealand Food Standards Code 3.2.3.
 - (vi) No signage has been approved as part of this application. Any signs proposed to be erected on-site may require the separate approval of the Shire of Denmark. Please liaise with Planning Services regarding any approvals which may be required.
 - (vii) It is the responsibility of the applicant to search the title of the property to ascertain the presence of any easements and/or restrictive covenants that may apply.
 - (viii) The maximum accommodation of 180 persons established at condition (g) is based on the proposed parking numbers; this figure may be reduced once assessment against the relevant building, environmental health and/or liquor licensing standards is completed.
- CARRIED UNANIMOUSLY: 8/0
- Res: 121119

8.1.5 PROPOSED MULTIPURPOSE CLASSROOM, STORE, KITCHEN AND MEETING SPACE – NO.2 (Lot 952) INLET DRIVE, DENMARK

File Ref:	A5598
Applicant / Proponent:	Spirit of Play Community School Inc.
Subject Land / Locality:	No.2 (Lot 952) Inlet Drive, Denmark
Disclosure of Officer Interest:	Nil.
Date:	5 November 2019
Author:	Jasmine Tothill, Senior Town Planner
Authorising Officer:	David King – Director Assets & Sustainable Development
	8.1.5a – Development Application Documentation (As Advertised)
	8.1.5b – Development Application Documentation (Modified)
Attachments:	8.1.5c – Denmark Historical Railway Station Precinct Concept Plan
	8.1.5d – Denmark Historical Society Submission
	8.1.5e – Bushfire Management Plan

Summary:

The applicant (Spirit of Play Community School Inc.) as lessee of a portion of Reserve 30277, No.2 (Lot 952) Inlet Drive, Denmark is seeking Development Approval for a new Multipurpose Classroom, Store, Kitchen and Meeting Space (Attachment 8.1.5a).

Having regard to the relevant provisions of the established lease, the adopted Concept Plan for the Denmark Historical Railway Station Precinct and Town Planning Scheme No.3, it is recommended that Development Approval be granted subject to appropriate conditions.

Background:

Current Application

At the Ordinary meeting of Council held on 20 August 2019, Council resolved to consent to lodge the application subject to adjustments to the Bushfire Management Plan (which have been duly completed) and to undertake public advertising (Resolution 050819). A full copy of the plans as advertised are provided at Attachment 8.1.5a.

Modified plans have been received following advertising that incorporate changes to the window placement, the addition of skylights and modified materials/ colours. The size of the building and overall design form remains the same and as such the changes are not considered to materially alter the proposal so as to warrant re-advertising. A copy of the modified plans is provided at Attachment 8.1.5b.

Previous Council Resolutions

Lease & Precinct Concept Plan

At the Ordinary Meeting of Council held on 19 February 2019 Council resolved to adopt the amended Denmark Heritage Railway Station Precinct Concept Plan (Attachment 8.1.5c) (Resolution 230219) and to approve an extension of the lessee's lease term and lease area (Resolution 260219).

In accordance with the approved Lease conditions the Lessee is required to submit detailed plans and specifications and to fund the cost of various common area works and public shared use area works within the Heritage Railway Station Precinct as detailed within the lease document. This includes but is not limited to the construction of a new entrance road off Inlet Drive, carparking for the Denmark Lions Club and carparking adjacent to Crellin Street for staff, parents and visitors to the school.

Stage 1 Application

At the Ordinary Meeting of Council held on 17 September 2019 Council resolved to approve Stage 1 works for Spirit of Play to accommodate a new classroom building, vehicle access and carparking (Resolution 120919). Authorisation to resolve the final access requirements and carpark layout has been delegated to the Director Assets and Sustainable Development having regard to concerns raised by the Lions Club and Denmark Machinery Restoration Group. As the negotiations have yet to be finalised relevant conditions will need to be re-imposed on the Stage 2 application.

Consultation:

Consultation was undertaken for a minimum period of 21 days, commencing on 19 September 2019 having regard to Council's resolution of 20 August 2019 and Council's Community Engagement Policy P040123 and the associated Framework as follows:

- *Publishing of a notice of the proposal in a newspaper circulating in the Scheme area;*
- *Placement of a sign on the land the subject of the application;*
- *Letters to:*
 - *Denmark Lions Club;*
 - *Denmark Machinery Restoration Group;*
 - *Denmark Men's Shed;*
 - *Denmark Woodturners;*
 - *Denmark Historical Society;*
 - *Denmark Weed Action Group (DWAG);*

The public consultation period closed on 11 October 2019 with one submission received – refer Attachment 8.1.5d.

Internal Consultation:

- Development Co-ordination Unit

Statutory Obligations:

The Town Planning Scheme No.3 (TPS No. 3) and the *Planning and Development (Local Planning Schemes) Regulations 2015* outlines those matters pertinent to Council's assessment of the proposed development.

Should Council refuse the application or impose conditions that the applicant is aggrieved by the applicant would retain an ability to apply to the State Administrative Tribunal for a Right of Review.

Policy Implications:

Schedule 2, Part 2; Clause 3(5) of the *Planning and Development (Local Planning Schemes) Regulations 2015* states:

In making a determination under this Scheme the local government must have due regard to each relevant local planning policy to the extent that the policy is consistent with this Scheme.

Town Planning Scheme Policy No.45: Planning Application Process for Heritage Places relates to the development application given that the Shire of Denmark's Municipal Heritage Inventory (2011) contains Place Record Forms for the 'Railway Precinct' which encompasses the full extent of Reserve 30277 within which development is proposed.

Policy No.45 provides guidance on the assessment process for planning applications that relate to heritage places. All planning applications pertaining to a heritage place are required to be referred to the Denmark Historical Society and/ or the State Heritage Office (depending on listing type) for comment.

The Denmark Heritage Railway Station Precinct Concept Plan provides a guide for the coordination of future development within the Precinct, with the final location/ design of buildings and associated infrastructure to be informed through the development assessment process.

Budget / Financial Implications:

Council will be responsible for ongoing management of the shared access/ parking areas that is to be completed in conjunction with the Stage 1 development.

Strategic & Corporate Plan Implications:

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

Denmark 2027*E1.0 Our Economy*

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

E1.3 To have diverse education and employment opportunities.

Corporate Business Plan

Nil

Sustainability Implications:**➤ Governance:**

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

➤ Environmental:

Tree removal will be required to accommodate siting of the new classroom and facilitate carpark construction.

➤ Economic:

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

➤ Social:

The Spirit of Play Community School provides alternative schooling options to the public education system. Works associated with construction of the new access road and car parking facilities will improve access for other leaseholders and reserve users.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
The proponent may lodge an application for review to the State Administrative Tribunal if the Council's decision was to refuse the proposal.	Possible (3)	Minor (2)	Moderate (5-9)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Risk
The approval results in amenity impacts upon the Parks and Recreation Reserve	Unlikely (2)	Moderate (3)	Moderate (5-9)	Not Meeting Community expectations	Control through Lease Conditions and compliance process established through planning conditions and application of other applicable legislation.

Comment/Conclusion:

Public advertising of the proposal was undertaken in accordance with TPS No.3 and Schedule 2, Part 8, Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, with one (x1) submission received from the Denmark Historical Society (Attachment 8.1.5(d)).

TPS No.3 Reservation

In accordance with TPS No. 3 the subject land is reserved for the purpose of Parks and Recreation.

Clause 2.2 of TPS No.3 provides that:

Where an application for planning consent is made with respect to reserved land, the Council shall have regard to the ultimate purpose intended for the reserve and the Council shall, in the case of land reserved for the purposes of a public authority, confer with that authority before granting its consent.

In addition, Clause 67(j) of the deemed provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions)* requires that the local government is to have due regard to:

(j) *in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve'.*

TPS No.3 does not detail objectives for the reserve, nor does it provide any indication as to those uses that may be permitted or those uses that would be precluded under the Parks and Recreation reservation.

The reserve is utilised by a range of community groups, as formalised through established lease arrangements with the Spirit of Play, Lions Club and Denmark Machinery Restoration Group. It is not uncommon for land reserved for the purpose of Parks and Recreation in local planning schemes to accommodate a wide range of uses, including those that may limit broader public access/ imply an exclusivity of use (eg. private recreation, café's and equipment hire). Considerations relevant to the appropriate use and development of the

reserve have been addressed through Council's adoption of the Precinct Plan, Lease agreements and Stage 1 approval. Stage 2 accords with the intent of the adopted Precinct Plan and indicative location of the central classroom building/s, noting that the bulk of the new building (as reflected in the Stage 1 approval) has shifted towards Inlet Drive providing increased visual separation to the Heritage Rail Trail and limiting the need for further clearing.

Reserve Vesting/ Purpose

The Shire of Denmark has a Management Order for Reserve No.30277 and power to lease for up to 21 years. The designated purpose of the reserve is "Historical Precinct, Recreation and Community Purposes".

The Department of Planning Lands and Heritage (Lands) advised through a submission on Stage 1 that the use is considered to be in line with the reserve purpose and therefore consent is not required for the development application.

Municipal Heritage Listing

The Council's adopted Municipal Heritage Inventory includes the following Place records which relate to the broader reserve:

- The Railway Precinct (Bridge, Ashpit and Turntable)
- Denmark River Railway Bridge
- Old Post Office (within the Spirit of Play Lease Area)
- Station Master House (Lions Lair)
- Old Railway Station (former Bowling Club on Reserve 20403)

The proposed Stage 2 classroom building is located within an existing disturbed area, forming part of the established driveway access off Inlet Drive and immediately adjacent to the approved Stage 1 building. It is sited well clear of the heritage listed buildings/ infrastructure, although remains within the curtilage of such places.

The Department of Planning, Lands and Heritage has previously declined to provide comments on the Spirit of Play development, noting that the site is not in the State Register of Heritage Places, is not subject to a heritage agreement, and is not identified as a place warranting assessment by the Heritage Council.

The Denmark Historical Society raises no specific objection to the plans, however, has queried the location of the building being situated immediately adjacent to the lease boundary.

Siting and Design of the Building

There are no prescribed setbacks under TPS No.3 or within associated TPS Policies to provide guidance on the siting of buildings within scheme reserves. The proposed Stage 2 building is to be contained entirely within the allocated lease area and will align with the approved Stage 1 building. The siting of the building will ensure that a minimum 3 metre separation is maintained to the Lions Club building as required under Building Code requirements where no fire wall is provided. The siting will not impose undue constraints upon future development within the Lions Club lease area noting that driveway access is to be provided in this location ensuring that sufficient building separation will be maintained. Ultimately, it remains the intent that the school will relocate to a permanent location in longer term with associated buildings to be removed/ relocated in accordance with the terms of the Lease agreement.

The building is a single storey framed construction with walls and roof to be clad in colorbond steel ('Jasper' and 'Paperbark' walls/ 'Pale Eucalypt' roof) to match the Stage 1 approval.

Window placement and contrasting colorbond wall panels will provide visual interest and articulation on the public interface with the window placement also encouraging visual surveillance of the broader reserve.

The Stage 2 building extension is not out of keeping with the scale and form of other buildings already occupying the reserve, including the established school buildings, heritage buildings, and the Denmark Machinery Restoration Group shed.

Bushfire Planning

State Planning Policy 3.7 and the associated Guidelines apply to the proposal noting that the site is mapped as a Bushfire Prone Area under the Department of Fire and Emergency Services (DFES) state wide mapping. The school also constitutes a vulnerable land use for the purpose of the Policy whereby additional assessment requirements apply.

A Bushfire Management Plan has been prepared for the precinct to inform the siting of new buildings, strategic fire access routes and ongoing management requirements for the reserve. Supporting information contained within the BMP references an Asset Protection Zone (APZ) and works program for the Stage 2 classroom building (Attachment 8.1.5e)). The document accords with the Department of Fire and Emergency Services requirements as articulated in comments provided on the Stage 1 application.

Access & Parking

The Spirit of Play carparking area, off Crellin Street, as proposed under the Stage 1 application nominates a total of 29 carparking bays, which is in excess of the carparking standards necessary under TPS No.3 (Educational Establishments – Primary 1.25 bays per classroom) for the new development. Although this carpark is to be constructed by the school it does not form part of their exclusive use lease area and will be freely available for other reserve users outside of school hours. No significant issues have been raised with regard to the design/ use of the school carpark.

Authorisation to resolve the access and carparking layout for the broader reserve as required under the terms of the Spirit of Play Lease has been delegated to the Director Assets and Sustainable Development through approval of the Stage 1 application. As negotiations have yet to be finalised appropriate conditions will need to be re-imposed on the Stage 2 application.

Tree Removal

To accommodate siting of the building for Stage 2, and to meet the APZ requirements established under the Bushfire Management Plan, the removal of three trees within the Spirit of Play lease area are proposed, comprising one Karri; one introduced eucalypt (unspecified) and one Bluegum sapling).

A review of the proposal by Building, Health and Infrastructure Services has raised no significant issues subject to appropriate conditions being applied in accordance with the officer’s recommendation.

Voting Requirements:
Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.1.5
MOVED: CR GIBSON	SECONDED: CR ALLEN
That with respect to the development application for the proposed Multipurpose Classroom, Store, Kitchen and Meeting Space on No.2 (Lot 952) Inlet Drive, Denmark, Council:	

1. Notes the submission received and advise the submitter of Council's decision
2. Authorise the Director Assets and Sustainable Development to negotiate the final carpark design and access road layout.
3. Grants Development Approval subject to the following:
 - a) The development shall be in accordance with the attached stamped approved plans dated 6 November 2019.
 - b) The development is to be constructed to Australian Standard 3959 – *Construction of Buildings in Bushfire Prone Areas* (BAL-29).
 - c) Clearing of vegetation to meet the BAL 29 classification to accord with the Asset Protection Zone and works program under the approved Bushfire Management Plan.
 - d) The approved Bushfire Emergency Evacuation Plan is to be clearly displayed within the premises at all times to the satisfaction of the Shire of Denmark (Community Emergency Services Manager).
 - e) The approved building shall achieve a minimum finished floor level of 2.5 metre AHD.
 - f) Prior to issuance of a Building Permit, a detailed car parking layout plan shall be submitted and approved by the Shire of Denmark (Infrastructure Services) including the following:
 - Full dimensions & construction standards
 - Signage (including entry and no entry signs for one way systems)
 - Drainage collection points and stormwater conveyance and treatment.
 - Culvert crossings to accommodate fire trucks
 - Disabled parking
 - Bollard location and design
 - g) All vehicle parking to be provided on-site in accordance with the requirements of Australian standard AS2890.1.2004 Parking Facilities – Off-Street Car Parking and the Building Code of Australia, with such car parking bays, manoeuvring and circulation areas being suitably constructed to a minimum all-weather standard (e.g. gravel, crushed rock) and drained to facilitate access to the development by 2 wheel drive vehicles.
 - h) All driveways/ access ways to be constructed to a minimum all-weather standard (eg. gravel, crushed rock) to the satisfaction and specifications of the Shire of Denmark to facilitate access to the development by 2-wheel drive vehicles, and be constructed in accordance with Acceptable Solution A3.5 of Element 3: Vehicular Access of the Guidelines for Planning in Bushfire Prone Areas.
 - i) The vehicle crossover to Inlet Drive shall be constructed, drained and sealed (concrete, asphalt or brick pavers) to the satisfaction and specifications of the Shire of Denmark (Infrastructure Services) and thereafter maintained.
 - j) The vehicle crossovers to Crellin Street shall be suitably constructed and drained to the satisfaction and specifications of the Shire of Denmark (Infrastructure Services) and thereafter maintained.
 - k) Any redundant crossover/s and any associated driveway/ gravel hardstand areas not required for access purposes are to be removed and landscaping reinstated to the satisfaction and specifications of the Shire of Denmark.
 - l) All stormwater and drainage runoff from all roofed and impervious areas is to be retained on-site or connected to a legal point of discharge to the satisfaction of the Shire of Denmark (Infrastructure Services).
 - m) The development is to be connected to a reticulated water supply provided by a licensed water provider prior to occupation.
 - n) The approved development shall be connected to an approved effluent disposal system to the satisfaction of the Shire of Denmark (Environmental Health Services).
 - o) The installation of any outdoor lighting shall be in accordance with the requirements of Australian Standard AS4282-1997: *Control of the Obtrusive Effects of Outdoor Lighting*.

Advice Notes

- (i) With regard to Condition (g), given the proximity of the Wilson Inlet the Department of Water and Environmental Regulation recommend that swales collecting stormwater run-off from the carparks be vegetated with native sedges and rushes to treat stormwater prior to discharge off-site.
- (ii) It is the responsibility of the applicant to ensure that building setbacks correspond with the legal description of the land, including the designated Lease boundary. This may necessitate re-surveying and re-pegging the site. The Shire of Denmark will take no responsibility for incorrectly located buildings.
- (iii) It is the responsibility of the applicant to search the title of the property to ascertain the presence of any easements and/or restrictive covenants that may apply.

CARRIED: 7/1

Res: 131119

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

FOR: Cr Allen, Cr Bowley, Cr Gibson, Cr Seeney, Cr Gearon, Cr Osborne, Cr Lewis and Cr Jones.

AGAINST: Cr Seeney.

6.30pm – The Manager Sustainable Development left the room and did not return.

8.2 DIRECTOR CORPORATE AND COMMUNITY SERVICES

8.2.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDING 30 SEPTEMBER 2019

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	6 November, 2019
Author:	Lee Sounness, Manager Corporate Services
Authorising Officer:	Cary Green, Director Corporate & Community
Attachments:	8.2.1 – September Monthly Financial Report

Summary:

The attached financial statements and supporting information for the period ending 30 September 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 30 September 2019, total cash funds held totals \$9,541,796 (Note 4).

Shire Trust Funds total \$3,784

Reserve Funds (restricted) total \$4,020,391

- \$873,596 of this has been placed on investment for 31 days with the Western Australian Treasury Corporation at the quoted rate of .70%,
- \$3,146,796 has been invested with the National Aust. Bank, maturing 31 December 2019 at the quoted rate of 2.05%

Municipal Funds (unrestricted) total \$5,517,621

- \$3,000,000 is invested with the NAB in 3 Term Deposits, maturing at various dates at an average rate of 1.71%

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 2020 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 2019 (Statement of Financial Activity) except for depreciation expense, which is yet to be applied this financial year.
- The Rates Collection percentage currently sits at 60.02%, is in keeping with historical collection rates (see Note 6)
- The 2019/20 Capital Works Program is 11.68% complete utilising actual year to date figures and the total committed cost is 16.28% as at 30 September 2019 (see Note 12).
- Various transfers to and from general Reserve Funds have not been made for 2019/20 as they are generally undertaken in the latter half of the financial year, depending on the specific projects to which the transfers relate. Transfers from Denmark East Development Reserve of \$488,016 relate to current project expenditure for the period.
- 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 all asset classes have not been calculated for the reporting period. Depreciation expense will be calculated once the annual audit of financial figures for 2018/19 are confirmed.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.2.1
MOVED: CR JONES	SECONDED: CR GIBSON
That with respect to Financial Statements for the period ending 30 September 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 October 2019 as listed.	
CARRIED UNANIMOUSLY: 8/0	Res: 141119

8.2.2 LOCAL GOVERNMENT RATE CHARGE WRITE OFF FOR QUESTAIR P/L

File Ref:	RTS.6, A5420
Applicant / Proponent:	Shire of Denmark
Subject Land / Locality:	HLS7 (Lease 8027), Reserve 41390, East River Road, Hay
Disclosure of Officer Interest:	Not Applicable
Date:	7 November 2019
Author:	Lee Sounness, Manager Corporate Services
Authorising Officer:	Cary Green, Director Corporate & Community
Attachments:	Nil

Summary:

Denmark Airfield Hangar Lease: Lot 7, portion of Reserve 41390, East River Road, Hay has been terminated. Council is requested to write off the outstanding local government rate charge, legal charges and interest on the subject land, as legal advice for the Shire informs that the cost to recover will be in excess of what is owed.

Background:

On 23 May 2019, Questair Pty Ltd (Lessee) accepted termination of the Airfield Hangar Lease for Lot 7 on portion of Reserve 41390 with the Shire of Denmark (lessor) in accordance with the termination notice. Outstanding rate charges, legal charges and interest on Assessment 5420 of the terminated lease property totalled \$3,295.97.

Advice received from Ampac Debt Recovery on the statement of claim against Questair Pty Ltd for the outstanding rates amount of \$3,295.97 indicated that the cost to recover would well exceed the amount owing and there was no guarantee of recovery of legal costs.

Delegation number D040226 Debts Write off, Waiver or Concessions prevents amounts above \$500 to be written off by the CEO and to be referred to Council for decision.

Consultation:

The Officer sought advice from Ampac Debt Recovery legal in relation to the cost to recover outstanding rates, legal charges and interest owed.

Statutory Obligations:

Section 6.47, of the Local Government Act 1995, permits the Shire of Denmark to resolve, either at the time of imposing a local government rate charge or at a later date, to waive (by

absolute majority) the local government rate charge, or resolve to grant other concessions in relation to the local government rate charge.

6.56. Rates or service charges recoverable in court:

(1) If a rate or service charge remains unpaid after it becomes due and payable, the local government may recover it, as well as the costs of proceedings, if any, for that recovery, in a court of competent jurisdiction.

(2) Rates or service charges due by the same person to the local government may be included in one writ, summons, or other process.

[Section 6.56 amended by No. 84 of 2004 s. 80.]

6.60. Local government may require lessee to pay rent

Policy Implications:

P030101 Council Rating Equity Policy

Budget / Financial Implications:

At the termination of the Lease, the subject land had an outstanding balance owing of \$3,295.97. A write off of the outstanding balance will result in an increase to GL 1318033 Rates Write Off of \$3,295.97.

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

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

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

L5.4 To be fiscally responsible

Sustainability Implications:

➤ **Governance:**

There are no known significant governance implications 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)
Council decides not to endorse the rate write off by absolute majority	Unlikely (2)	Minor (2)	Low (1-4)	Inadequate Financial, Accounting or Business Acumen	Accept Officer Recommendation

Comment/Conclusion:

Due to legal advice sought advising that the cost to recover outstanding rates, legal charges and interest owing on the subject land A5420 Questair P/L would exceed the amount owed, the officer recommends Council approve by absolute majority decision a rate write off of \$ 3,295.97.

Voting Requirements:

Absolute majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.2.2
MOVED: CR SEENEY	SECONDED: CR GIBSON
<p>That with respect to the outstanding rates, legal charges and interest owing on the terminated lease between Questair Pty Ltd and the Shire of Denmark for Denmark Airfield Hangar Lot 7, on portion of Reserve 41390, East River Road, Hay, Council;</p>	
<ol style="list-style-type: none"> 1. Acknowledge advice received that the cost of recovery would exceed the amount owing and that there would be no guarantee of recovery of legal costs involved with any recovery; and 2. Write off the amount of \$3,295.97 (ex GST). 	
CARRIED BY AN ABSOLUTE MAJORITY: 7/1	Res: 151119
<p><i>Pursuant to Council Policy P040134 all Councillors' votes on the above resolution are recorded as follows;</i></p>	
FOR:	<i>Cr Allen, Cr Bowley, Cr Gibson, Cr Seeney, Cr Gearon, Cr Osborne and Cr Jones.</i>
AGAINST:	<i>Cr Lewis.</i>

8.2.3 2019/2020 ANNUAL BUDGET RATE WAIVER

File Ref:	FIN.1
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not Applicable
Disclosure of Officer Interest:	Nil
Date:	4 November 2019
Author:	Lee Sounness, Manager Corporate Services
Authorising Officer:	Cary Green, Director Corporate & Community
Attachments:	8.2.3 – Rates in the Dollar Schedule

Summary:

The 2019/20 rate billing process generated an additional \$42,176 of rates revenue above the endorsed budget of \$6,712,471 adopted by Council due to a processing anomaly. The additional rate revenue of \$42,176 generated was waived to all general ratepayers proportionately via a rates journal. In accordance with section 6.47 of the Local Government Act 1995, a rate waiver must be approved by Council by an absolute majority.

Background:

That in relation to the additional rate revenue levied;

1. Council adopted a rating model budget for the 2019-2020 financial year generating \$6,712,471.
2. Testing of the rating system yielded \$6,712,471 as adopted by Council.
3. Upon loading the adopted rates in the dollar and minimum payments (attachment A) into the rating system, an additional \$42,176 was raised.
4. The software system supplier (IT Vision) communicated with the Shire and provided explanation and reasoning for the discrepancy in rate revenue raised. The reason provided as a software generated discrepancy.

5. *The Shire sought external advice from Moore Stephens – external auditor, for the appropriate accounting treatment regarding additional rate revenue.*

Moore Stephens provided the following options regarding the additional revenue levied:

1. *Issue a rate write off or waiver (preferred option)*
2. *Transfer the funds to a reserve account during the financial year and include a transfer from the reserve account in the following year to effectively offset the additional rate revenue raised in this year;*
3. *Adjust the rate revenue estimate through a budget review and offset the additional revenue with capital expenditure.*

Officers considered the above options in conjunction with the required timeframe to generate rate notices within the advertised dates. A decision was made to issue a rate waiver by way of a manual rate journal. The rate waiver of \$42,176 was applied proportionately to all assessments with general rates excluding assessments on minimum payments. The rates waiver journal ensured the rates revenue raised was the endorsed budget amount of \$6,712,471.

The Department of Local Government, Sport and Cultural Industries advised in writing on the 7th of October 2019, that Council:

1. breached section 6.47 of the Local Government Act by opting to waive \$42,176 of rate revenue without an absolute majority decision;
2. did not notify affected ratepayers of any lawfully resolved waiver/concession of rates in accordance with Local Government (Financial Management) Regulation 56 (4) (g) (ii);
3. did not notify ratepayers who have elected to pay by instalments any lawfully resolved waiver/concession of rates in accordance with Local Government (Financial Management) Regulation 57 (1) (f) (ii); and
4. advise how it intends to rectify any non-complying rate notices issued.

Consultation:

The Officer sought advice from Moore Stephens in relation to the correct treatment of additional rate revenue generation.

The Officer has also engaged with the Department of Local Government, Sport and Cultural Industries on determining the best pathway forward.

Statutory Obligations:

The Local Government Act 1995 (Part 6 – Financial management, Division 6 – Rates and service charges) (the Act) provides local government with the statutory authority and guidance for the imposition of rates and service charges.

Section 6.32 of the Act (Rates and service charges) provides the Shire with the direct authority for the:

- *Imposition of rates and charges to meet the annual budget deficiency;*
- *Imposition of additional rates in an emergency; and*
- *Imposition of a new general rate, specified area rate or service charge in the event of a court or the State Administrative Tribunal quashing a general valuation, rate or service charge.*

Section 6.47 of the Act (Concessions)

Subject to the Rates and Charges (Rebates and Deferrals) Act 1992, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.*

** Absolute majority required.*

The Act does not provide a local government with the power or authority to revoke or quash either the annual budget or the imposition of rates. A budget is only able to be quashed by

the State Administrative Tribunal and this only occurs in cases where it does not meet regulatory requirements.

Regulation 56 (4) (g) (ii) of Local Government (Financial Management)

Regulation 57 (1) (f) (ii) of Local Government (Financial Management)

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

The \$42,176 rate waiver applied proportionately to all affected general ratepayers was performed to ensure the rate yield complied with the adopted 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

- L5.1 To be high functioning, open, transparent, ethical and responsive
- L5.3 To be decisive and to make consistent and well considered decisions
- L5.4 To be fiscally responsible

Sustainability Implications:

➤ **Governance:**

The Officer has sought advice from Moore Stephens in relation to the correct treatment of this request from a financial perspective.

➤ **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)
Council decides not to endorse the rate waiver by absolute majority	Unlikely (2)	Moderate (3)	Moderate (5-9)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation
The Shire does not notify affected ratepayers of any lawfully resolved waiver/concession of rates	Unlikely (2)	Minor (2)	Low (1-4)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation

Comment/Conclusion:

To ensure the decision to waive additional rates levied during the 2019/2020 rating process complies with section 6.47 of the Local Government Act 1995, the officer recommends Council approve by absolute majority decision a rate waiver of \$42,176. In addition, the Shire will by public notice on the Shire website and by placing community advertisements in the local newspapers;

1. notify affected ratepayers of any lawfully resolved waiver/concession of rates in accordance with the Local Government (Financial Management) Regulation 56 (4) (g) (ii); and
2. notify ratepayers who have elected to pay by instalments any lawfully resolved waiver/concession of rates in accordance with Local Government (Financial Management) Regulation 57 (1) (g) (ii).

The Department of Local Government, Sport and Cultural Industries will be notified of the decision of Council on this matter.

Voting Requirements:

Absolute majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.2.3
MOVED: CR ALLEN	SECONDED: CR GEARON
That with respect to the 2019/2020 Rates, Council;	
<ol style="list-style-type: none"> 1. Resolve to waive \$42,176 of the additional rate revenue generated during the rating process for 2019/2020 in accordance with section 6.47 of the <i>Local Government Act 1995</i>. 2. Resolve to notify affected ratepayers of the waiver of rates in accordance with the Local Government (Financial Management) Regulation 56 (4) (g) (ii). 3. Resolve to notify affected ratepayers who have elected to pay by instalments of the waiver of rates in accordance with the Local Government (Financial Management) Regulation 57 (1) (g) (ii). 	
AMENDMENT	
MOVED: CR LEWIS	SECONDED: CR GIBSON
<ol style="list-style-type: none"> 1. Remove the words “<i>Resolve to</i>” in Part 1; and 2. Remove the words “<i>Resolve to</i>” in Parts 2 & 3 and add the following words after the word “<i>ratepayers</i>”, “<i>by public notice on the Shire website and by placing community advertisements in the local newspapers</i>”. 	
CARRIED UNANIMOUSLY: 8/0	Res: 161119
AMENDED MOTION	
That with respect to the 2019/2020 Rates, Council;	
<ol style="list-style-type: none"> 1. Waive \$42,176 of the additional rate revenue generated during the rating process for 2019/2020 in accordance with section 6.47 of the <i>Local Government Act 1995</i>. 2. Notify affected ratepayers, by public notice on the Shire website and by placing community advertisements in the local newspapers, of the waiver of rates in accordance with the Local Government (Financial Management) Regulation 56 (4) (g) (ii). 3. Notify affected ratepayers, by public notice on the Shire website and by placing community advertisements in the local newspapers, who have elected to pay by instalments of the waiver of rates in accordance with the Local Government (Financial Management) Regulation 57 (1) (g) (ii). 	
CARRIED UNANIMOUSLY AND BY AN ABSOLUTE MAJORITY: 8/0	
	Res: 171119

COUNCIL RESOLUTION	
MOVED: CR GIBSON	SECONDED: CR LEWIS
That Standing Orders be suspended to allow Councillors to discuss the delegate positions required to filled in Item 8.3.1.	
CARRIED UNANIMOUSLY: 8/0	Res: 181119

COUNCIL RESOLUTION	
MOVED: CR LEWIS	SECONDED: CR SEENEY
That Standing Orders be resumed.	
CARRIED UNANIMOUSLY: 8/0	Res: 191119

8.3 CHIEF EXECUTIVE OFFICER

8.3.1 COUNCIL COMMITTEES, WORKING GROUPS AND APPOINTMENT OF DELEGATES AND POLICY P130206 (OVERFLOW CAMPING & MCLEAN PARK OVERFLOW CAMPING AREA OPENING AND FEE SETTING POLICY)

File Ref:	CR.2
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	8 November 2019
Author:	Claire Thompson, Executive Assistant & Governance Coordinator
Authorising Officer:	David Schober, Acting Chief Executive Officer
Attachments:	8.3.1a – Committee Charters 8.3.1b – Working Group Terms of Reference 8.3.1c – McLean Park Overflow and Emergency Evacuation Accommodation Management Plan

Summary:

Council are asked to review and/or establish Working Groups and Council Committees as well as nominate Council delegates to a number of external organisations and/or committees.

Background:

Whilst not a statutory requirement, following each Local Government Election it is considered good practice for Council to take the opportunity to review its committees, working groups and representation on external organisations, particularly as there are two new Elected Members.

Consultation:

The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal and considered Council’s Community Engagement Policy P040123 and the associated Framework and believes that no additional external/internal engagement or consultation is required.

The CEO, Directors and the Executive Assistant & Governance Coordinator led a discussion with Elected Members regarding Committees and Working Groups at the Concept Forum held on 12 November 2019.

Statutory Obligations:

Section 5.8 to 5.10 of the Local Government Act 1995 relates to Council Committees.

5.8. *Establishment of committees*

A local government may establish committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

5.9. Committees, types of

(1) *In this section —*

other person means a person who is not a council member or an employee.

(2) *A committee is to comprise —*

- a) *council members only; or*
- b) *council members and employees; or*
- c) *council members, employees and other persons; or*
- d) *council members and other persons; or*
- e) *employees and other persons; or*
- f) *other persons only.*

5.10. Committee members, appointment of

(1) *A committee is to have as its members —*

- a) *persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and*
- b) *persons who are appointed to be members of the committee under subsection (4) or (5).*

(2) *At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.*

(3) *Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.*

(4) *If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.*

(5) *If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —*

- a) *to be a member of the committee; or*
- b) *that a representative of the CEO be a member of the committee,*

the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee."

Division 1A, Section 7.1A of the Local Government Act 1995 and the Local Government (Audit) Regulations 1996 relate to the Audit Advisory Committee and is referred to within the comment section of the report.

Section 67 of the Bush Fires Act 1954 relates to the Bush Fire Advisory Committee and is referred to within the comment section of the report.

Section 38 (1) of the Emergency Management Act 2005 relates to the Local Emergency Management Committee and is referred to within the comment section of the report.

Part 17 of the Shire of Denmark Standing Orders Local Law relates to the establishment of Committees (Charters & Terms of Reference), appointment of Deputies and Committee recommendations.

Policy Implications:

Policy P040235 – Presiding Members of Council Committees and Working Groups relates and reads as follows;

Objectives

- *To maximise the adherence of Council Committees and Working Groups to adopted policies and procedures;*
- *To maximise the likelihood of Council Committees and Working Groups having continuity of a Presiding Person for the duration of its term; and*
- *To maximise the efficiency and effectiveness of Committees and Working Groups by ensuring that the Chairperson has the appropriate training and support.*

Policy

Wherever there is one or more Elected Members appointed to a Council Committee or Working Group, then it is Council Policy that the members of the Committee should elect one of those Elected Members to the role of Presiding Person.

A Presiding Person, and if required a Deputy, is to be elected using the same method as detailed in Section 5.12 of the Local Government Act 1995.

A deputy of a member of a Committee or Working Group may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause and a deputy of a member of a Committee or Working Group, while acting as a member, has all the functions of and all the protection given to a member (Section 5.11A of the Local Government Act 1995)."

Delegation D040231 relates to the Audit Advisory Committee.

Policy P130206 – Overflow Camping & McLean Park Overflow Camping Area Opening and Fee Setting Policy is recommended to be repealed and the McLean Park Overflow and Emergency Evacuation Accommodation Management Plan revoked. This recommendation has been initiated following review of the McLean Park Overflow Camping Working Group which was formed pursuant to the Management Plan. Refer Section B of the comment section in the report.

Budget / Financial Implications:

Costs associated with advertising community member vacancies can be accommodated under the existing advertising 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

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

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

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

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.

Details of Strategic Alignment with the Strategic Community Plan has been included within each Committee Charter and Working Group Terms of Reference.

Corporate Business Plan

C4.1.10 Administer the Local Emergency Management Committee to support a safe community.

Sustainability Implications:

➤ **Governance:**

Council Committee and Working Groups provide consultative structure to assist the Council with its decision making and its delivery of projects and provision of services and facilities.

Council Delegates provides a conduit between the Council and external organisations as well as fulfilling the Council’s role in some required positions, such as the Southern Joint Development Assessment Panel.

➤ **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 a Committee or Working Group is established or disbanded which is not expected by the community.	Rare (1)	Insignificant (1)	Low (1-4)	Not Meeting Community expectations	Accept Risk
That Officer resources are not sufficient to manage or implement meetings and required outcomes.	Possible (3)	Minor (2)	Moderate (5-9)	Ineffective People Management	Manage by monitoring frequency of meetings and progress of objectives.

Comment/Conclusion:

A Committee can be defined as a group of people appointed for a specific function by a larger group and typically consisting of members of that group. A Committee is generally ongoing and does not have specific tasks to undertake within a required timeframe.

A Working Group can be defined as a group appointed to study, report and/or undertake a specific question or project. Generally a Working Group has a specific goal or project and has a sunset clause when they will cease to exist following conclusion of the project or set task.

The Charters for each Advisory Committee are attached (refer Attachment 8.3.1a).

The Terms of Reference and Membership for each Working Group are attached (refer Attachment 8.3.1b).

This report is divided into four parts.

SECTION A – Council Committees

SECTION B – Council established Working Groups (current)

SECTION C – Council Working Groups (recommended to be established)

SECTION D – Appointment of Council Delegates to external organisations

A. CURRENT COUNCIL COMMITTEES

AUDIT ADVISORY COMMITTEE

This Committee is required to be established pursuant to Section. 7.1A of the Local Government Act 1995.

7.1A. Audit committee

- (1) *A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.*
- (2) *The members of the audit committee of a local government are to be appointed* by the local government and at least 3 of the members, and the majority of the members, are to be council members.*
* Absolute majority required
- (3) *A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent him or her as a member of an audit committee.*
- (4) *An employee is not to be a member of an audit committee.*

7.1B. Delegation of some powers and duties to audit committees

- (1) *Despite section 5.16, the only powers and duties that a local government may delegate* to its audit committee are any of its powers and duties under this Part other than this power of delegation.*

A delegation to an audit committee is not subject to section 5.17.

Officer comment

In 2017 the Council included provision for 3 community members on the Committee, this was following a suggestion from a member of the public at the time. The positions were advertised and no nominations were received. In April 2018, Council resolved to remove the community member vacancies to reduce the possibility of a quorum not being achieved.

The Audit Advisory Committee is the only Committee with delegated authority and therefore meetings are required to be advertised, open to the public and include a public question time.

BUSH FIRE ADVISORY COMMITTEE

This Committee is not required to be established under legislation however Section 67 of the Bush Fires Act 1954 states that a local government “may” establish a bush fire committee.

67. Advisory committees

- (1) *A local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires, the planning of the layout of fire-breaks in the district, prosecutions for breaches of this Act, the formation of bush fire brigades and the grouping thereof under group brigade officers, the ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities, and any other matter relating to bush fire control whether of the same kind as, or a different kind from, those specified in this subsection.*
- (2) *A committee appointed under this section shall include a member of the council of the local government nominated by it for that purpose as a member of the committee, and the committee shall elect one of their number to be chairman thereof.*
- (3) *In respect to a committee so appointed, the local government shall fix the quorum for the transaction of business at meetings of the committee and may —*
 - a) *make rules for the guidance of the committee; and*
 - b) *accept the resignation in writing of, or remove, any member of the committee; and*
 - c) *where for any reason a vacancy occurs in the office of a member of the committee, appoint a person to fill that vacancy.*
- (4) *A committee appointed under this section —*
 - a) *may from time to time meet and adjourn as the committee thinks fit;*
 - b) *shall not transact business at a meeting unless the quorum fixed by the local government is present;*
 - c) *is answerable to the local government and shall, as and when required by the local government, report fully on its activities.*

Officer Comment

No change is recommended to the Charter, membership and terms of reference.

A draft Charter is attached (refer Attachment 8.3.1a).

CEMETERY ADVISORY COMMITTEE

This Committee is not required to be established under legislation and has not met for over 12 months. It is recommended that the Committee be disbanded as the adopted Cemetery Development Concept Plan provides appropriate guidance to Shire Staff on works that are still required to be done. Maintenance, usage and future requirements are managed adequately operationally and members of the public are welcome to provide suggestions or comments at any time, which Officers can action and/or take into account for future planning on the reserve.

DISABILITY ADVISORY COMMITTEE

This Committee is not required to be established under legislation. It has general and specific functions, is ongoing and has some specific tasks to undertake within required statutory timeframes. All public authorities in WA (including local governments) are required to have a current Disability Access and Inclusion Plan (pursuant to the Disability Services Act 2003), implement and review the plan and report annually to the Minister on the 7 legislated outcomes. For this reason, it is recommended that the Committee continue in its current form to under the tasks as per its Terms of Reference.

A draft Charter is attached (refer Attachment 8.3.1a).

LOCAL EMERGENCY MANAGEMENT COMMITTEE

This Committee is required to be established pursuant to Section 38 (1) of the Emergency Management Act 2005.

38. *Local emergency management committees*

- (1) *A local government is to establish one or more local emergency management committees for the local government's district.*
- (2) *If more than one local emergency management committee is established, the local government is to specify the area in respect of which the committee is to exercise its functions.*
- (3) *A local emergency management committee consists of —*
 - a) *a chairman and other members appointed by the relevant local government in accordance with subsection (4); and*
 - b) *if the local emergency coordinator is not appointed as chairman of the committee, the local emergency coordinator for the local government district.*
- (4) *Subject to this section, the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the SEMC.*

A draft Charter is attached (refer Attachment 8.3.1a).

ROADWISE ADVISORY COMMITTEE

This Committee is not required to be established by legislation however it is recommended that it be retained in its current format given that it deals with a range of matters at each meeting.

The Denmark Residents & Ratepayers Association have requested representation on the Roadwise Advisory Committee to *“increase the opportunity to bring salient issues from the community to the Committee”*. Officers advised at the time that their request would be considered at this meeting when the Committee was reviewed.

From an Officer's perspective, the Roadwise Committee has 11 members who are key stakeholders (no community members) and includes the Police, Health Service, Schools, St Johns, Main Roads and Department of Transport. Organisations and members of the public can request matters to be considered through Officers or the Councillor Delegate. The DRRA have also requested a Council Delegate to attend their meetings which Officers believe is a sufficient conduit to raise any matters of concern.

A draft Charter is attached (refer Attachment 8.3.1a).

WASTE MANAGEMENT ADVISORY COMMITTEE

This Committee is not required to be established by legislation. The Director Assets and Sustainable Development recommends that it be discontinued as a Committee and established as the Waste Reform Working Group with the following objectives;

“To develop a waste services reform for implementation in 2020-21 financial year. This will include:

- *Contracting Model;*
- *Extent of Household Waste Services (General, Recycling, Food Organics Green Organics);*
- *Resolution on the Green Waste Disposal at the Macintosh Road Waste Facility; and*
- *Resolution on bin lid issues.”*

It would be reasonable to assume that by the time the above objectives are finalised, the Sustainability Strategy will be well underway and perhaps even at the advertising or adoption phase. There are clear links between waste and sustainability. For this reason, it would be recommended that Council then consider merging them to implement the Sustainability

Strategy and consider any other key waste/recycling initiatives which may be prevalent at the time.

Refer to the draft Terms of Reference under Section C.

B. REVIEW OF COUNCIL WORKING GROUPS

The following Working Groups are currently already established.

HERITAGE PRECINCT BUILDING PROPOSAL WORKING GROUP

Established in November 2017.

Objective: To develop a building proposal at the Denmark Historical Railway Station No. 3 Precinct, to accommodate the Denmark Machinery Restoration Group, the Denmark Men's Shed, the Denmark Woodturners and the Denmark Lions Club, such that the project is "shovel-ready" for funding consideration by Council and/or external funding bodies. The Working Group will consider, but not be limited to, a 'super shed' concept.

Sunset Clause: The Working Group will cease to exist following the completion of a Building Proposal.

There were some meetings of the group held however instead of a super shed, members agreed on a different model of occupation and colocation. The Denmark Machinery Restoration Group have relinquished a portion of their lease area to the Denmark Men's Shed and built an additional shed. The Denmark Men's Shed are proceeding to seek grant funding for a new shed and their lease is currently being drafted for Council's consideration in due course. Both groups have agreed to some shared use areas including a proposed carpark to the south of the DMRG sheds. It is recommended that this Working Group be dissolved.

LAING PARK DOG EXERCISE AREA DEVELOPMENT CONCEPT PLAN WORKING GROUP

Established in April 2019. Refer Attachment 8.3.1b for the Terms of Reference.

Objective: To develop a Dog Exercise Area Development Concept Plan for Laing Park located on Reserve 45377, No. 104 (Lot 1001) Ocean Beach Road, Ocean Beach.

The park is to be accessible and inclusive to all for the socialisation, exercise and training of dogs and the design is to consider parking and the needs of adjoining property owners and trail users. The plan will provide a sustainable, effective and economical park for funding consideration by Council and/or external funding bodies.

Sunset Clause: The Working Group will cease to exist following completion of a Laing Park Dog Exercise Area Development Concept Plan approved by Council.

The Group is well on their way to achieving their objective. It is recommended that it be continued and the current membership retained. Cr Lewis and Cr Osborne are the Council representatives.

LIGHTS BEACH CONCEPT PLAN WORKING GROUP

Established November 2017. Refer Attachment 8.3.1b for the Terms of Reference.

Objective: To develop a Concept Plan to provide detail on upgrade of existing and provision of new facilities in the proposed Light Beach area such that the project is "shovel-ready" for funding consideration by Council and/or external funding bodies.

Sunset Clause: The Working Group will cease to exist following completion of a final Lights Beach Concept Plan approved by Council.

The Group is well on their way to achieving their objective. It is recommended that it be continued and the current membership retained. Cr Lewis and Cr Whooley were the Council representatives. Cr Whooley is no longer an Elected Member. Given that there is likely to be only one meeting left, it is recommended that no additional Council representative be nominated but Cr Lewis retain her position on the group.

Refer Attachment 8.3.1b for the Terms of Reference.

MCLEAN PARK OVERFLOW CAMPING GROUP WORKING GROUP

Established in September 2015.

This Working Group was established pursuant to the adopted McLean Park Overflow and Emergency Evacuation Accommodation Management Plan.

The Management Plan and Policy were adopted on 8 September 2015 (Resolution No. 030915) following some capital improvements to create an overflow camping facility at McLean Oval, funded mostly through Tourism WA. Recent re-development of the McLean Park sporting precinct, have resulted in the area now not being suitable for overflow camping.

Policy P130206 reads as follows;

“OVERFLOW CAMPING & MCLEAN PARK OVERFLOW CAMPING AREA OPENING AND FEE SETTING POLICY

Objective

The objectives of this policy are as follows:

- 1. To ensure that regularly licensed caravan and camping sites in the Shire are likely to be at least 90% occupancy of their respective category of sites (not including overflow) before permission is given by the Director of Community & Regulatory Services (DCRS) for overflow sites, other than McLean Park, to open.*
- 2. To ensure that regularly licensed overflow caravan and camping sites in the Shire are likely to be at least 90%, as an average, occupancy of their respective category of sites before permission is given by the Director of Community & Regulatory Services (DCRS) for overflow sites, at McLean Park, to open.*
- 3. To ensure that local caravan parks operators are consulted with and that a timely and balanced decisions are made in regard to the need to open the McLean Park Overflow Camping Ground from time to time and its management, timing, duration and the fees that will be charged for each site class.*

Policy

For the purposes of determining booking levels and the opening season(s) of overflow bays the caravan parks and camping grounds within the Shire of Denmark are considered as a collective industry capacity in their various categories of sites (an in toto calculation).

Booking levels for the respective period will be projected by the McLean Park Overflow Camping Ground Working Group whose role is also to provide guidance to the Director of Community & Regulatory Services regarding opening and closing dates for the facility, the setting of fees for each class of site, moving on and ‘close down’ policies, park rules and the general management of the site.

The McLean Park Overflow Camping Ground Working Group will consist of two caravan industry representatives (nominated and agreed by the local industry), two Shire staff and a Councillor.

Caravan parks and camping grounds including those owned or operated by the Council, must apply to the Director of Community & Regulatory Services for permission to open their

licenced overflow camping sites. On receipt of that application the Director will determine whether at least 90% of the licensed sites in toto in those categories are likely to be full and only issue permission for the respective period.

The acceptable standard for overflow bays will be determined by the Director of Community & Regulatory Services using the Caravan Parks & Camping Grounds Regulations 1997 and Caravan Industry Association Western Australia (CIAWA) "Template for a Local Government Overflow Camping Policy" as a guide.

With specific reference to the McLean Park Overflow Camping Area, the Director of Community & Regulatory Services will, after consultation with the McLean Park Overflow Camping Ground Working Group, ensure that the combined total of caravan and camping facilities within the Shire of Denmark are likely to be at 90% or greater capacity of all available bays (including overflow) when setting a date for the opening of the McLean Park Overflow Camping facility.

It is noted that, pursuant to section 6.16 of the Local Government Act 1995, any fees and charges proposed to be applied by the Working Group and Director of Community & Regulatory Services must be approved by the Council prior to applying.

Responsible Officer

The Director of Community & Regulatory Services is the responsible officer for implementing this policy and preparing and applying management plans and practices with respect to the McLean Park Overflow Camping Area."

A copy of the McLean Park Overflow and Emergency Evacuation Accommodation Management Plan is attached (refer Attachment 8.3.1c).

It is recommended that Council revoke the Management Plan, removing the need to establish the Working Group, and repeal Council Policy P130206.

PATHS & TRAILS DEVELOPMENT PLAN WORKING GROUP

Established in November 2017. Refer Attachment 8.3.1b for the amended Terms of Reference.

The current objective of this Working Group is: *"To develop a Paths and Trails Development Plan consistent with the Transport and Recreation Asset Management Plans such that projects are prioritised for funding consideration by Council and/or external funding bodies."*

The Group has provided officers with necessary information to enable prioritisation of 'transport' pathways in order to seek funding appropriately. It has also provided operation information on the pathway hierarchy including preferred material types and key links. Therefore, from a paths perspective this is complete. However, it is noted that there is some regional work being done relating to recreational trails and it would be beneficial to continue the Working Group in order to review and prioritise outcomes from future regional plans or strategies that may be adopted or endorsed by Council from time to time.

It is recommended that the group's objective be amended to read, *"To implement and prioritise outcomes from regional plans or strategies associated with recreational trails within the Shire of Denmark"* and the Sunset Clause be, *"The Working Group will cease to exist once outcomes and priorities have been determined from regional plans or strategies associated with recreational trails within the Shire of Denmark."*

SUSTAINABILITY STRATEGY WORKING GROUP

Established in November 2017. Refer Attachment 8.3.1b for the Terms of Reference.

Objective: *To develop a Sustainability Strategy for the Shire of Denmark at a corporate level.*

Sunset Clause: *The Working Group will cease to exist following completion of a final Strategy adopted by Council.*

Whilst not a lot of work has happened to date since the Working Group was established, with the organisational re-structure complete and experienced Officers now in key positions, it is envisaged that more progress will be made towards achieving the objective. The continuing community member vacancy will be re-advertised.

It is recommended that it be continued and the current membership retained. Cr Lewis, Cr Gibson and Cr Gearon are the Council representatives.

PLANE TREE PRECINCT DEVELOPMENT PROJECT TEAM

Established by the CEO 29 January 2019. Refer Attachment 8.3.1b for the Terms of Reference.

Objective: *To assist Shire Officers in the detailed design, delivery and construction of the Plane Tree Precinct Development Concept Plan.*

Sunset Clause: *The Project Team will cease to exist following the completion of the project.*

It is recommended that it be continued and the current membership retained. Cr Lewis, Cr Osborne and Cr Gibson are the Council representatives.

DENMARK BUSHFIRE MITIGATION WORKING GROUP

Established in May 2019. Refer Attachment 8.3.1b for the Terms of Reference.

Objective:

- To support the Shire of Denmark in its development and review of bushfire mitigation plans.
- Looking to encourage synergies and communication between agencies and groups to deliver effective and efficient bushfire mitigation programs to increase the safety and resilience of the Denmark community from the impacts of bushfire.
- Provide a forum for continuous improvement, collaboration and the exchange of knowledge on initiatives and issues relating to bushfire mitigation.
- Facilitate delivery of applicable aspects of the community strategic plan relevant to Bushfire mitigation
- Provide advice and recommendations regarding best practice in bushfire mitigation for Council and Officers consideration.

Sunset Clause: The Working Group will be reviewed prior to 2021. Any proposed changes resulting from a review of the Bushfire Risk Management Plan are to be approved by Council.

A new Working Group established 6 months ago. It is recommended that it be continued and the current membership retained. Cr Allen, Cr Seeney and Cr Phillips are the Council representatives.

C. PROPOSED NEW COUNCIL WORKING GROUPS

WASTE REFORM WORKING GROUP

The Waste Management Advisory Committee has been recommended to be established as the WASTE REFORM WORKING GROUP with the following objectives;

“To develop a waste services reform for implementation in 2020-21 financial year. This will include:

- *Contracting Model;*
- *Extent of Household Waste Services (General, Recycling, Food Organics Green Organics);*
- *Resolution on the Green Waste Disposal at the Macintosh Road Waste Facility; and*
- *Resolution on bin lid issues.”*

Terms of Reference is attached (refer Attachment 8.3.1b).

LOCAL PLANNING STRATEGY WORKING GROUP

This Working Group is proposed to assist Shire Officers in reviewing the required update to the current Strategy.

Objective:

- *To support the Shire of Denmark in its update of the Shire of Denmark Local Planning Strategy (LPS).*
- *Provide advice and encourage synergies and communication between agencies and groups involved in land use planning in the Shire of Denmark.*
- *Facilitate delivery of applicable aspects of the Strategic Community Plan relevant to land use planning.*
- *Provide advice and recommendations regarding best practice in strategic land use planning for Council and Officers consideration.*
- *Assist and participate in community consultation as appropriate.*
- *Review the draft LPS document throughout its preparation.*

Sunset Clause: *The Working Group will cease to exist following final adoption of the endorsement of the LPS by the Western Australian Planning Commission.*

Terms of Reference is attached (refer Attachment 8.3.1b).

PUBLIC HEALTH PLAN WORKING GROUP

This Working Group is proposed to assist Shire Offices in the development of a required Shire of Denmark Public Health Plan.

Objective: *To review, provide guidance and recommendations throughout all stages of the development of a Shire of Denmark Public Health Plan (PHP), including identification of priority health areas and the development of strategies.*

Sunset Clause: *The Working Group will cease to exist following completion of a final Public Health Plan adopted by Council.*

Terms of Reference is attached (refer Attachment 8.3.1b).

D. DELEGATES TO EXTERNAL ORGANISATIONS

External Organisations or Committees that require a Council Delegate due to legislation, their charter / constitution or in accordance with a Deed or Agreement.

Council is requested to nominate a delegate for each of the following Councillor positions.

DENMARK CHAMBER OF COMMERCE INC.

1 x Councillor

DENMARK HIGH SCHOOL OVAL MANAGEMENT COMMITTEE

Manager of Community Services

1 x Councillor

GREAT SOUTHERN REGIONAL ROAD GROUP

Director Assets and Sustainable Development (non-voting)
 1 x Councillor
 1 x Councillor (Deputy)

SOUTH COAST ALLIANCE INC. COMMITTEE

Shire President, Cr Ceinwen Gearon
 Deputy Shire President, Cr Mark Allen
 1 x Councillor

Pursuant to the South Coast Alliance Inc. adopted membership policy the three members from each local government are to be the Shire President or Mayor, the Deputy Shire President or Deputy Mayor and one elected member.

SOUTHERN JOINT DEVELOPMENT ASSESSMENT PANEL

Development Assessment Panels are intended to enhance planning expertise in decision making by improving the balance between technical advice and local knowledge. The panel consists of 3 specialist members and 2 local government members. The role of DAPs is to determine development applications within a certain type and value threshold.

Appointments are subject to the approval of the Minister for Planning and there is a training requirement for members.

1 x Councillor (Member)
 1 x Councillor (Member)
 1 x Councillor (Alternate Member)
 1 x Councillor (Alternate Member)

WA LOCAL GOVERNMENT ASSOCIATION (WALGA) – GREAT SOUTHERN ZONE

There are 12 WALGA Zones which are each groups of geographically aligned members responsible for the purposes of:

- Director Elections of State Councillors;
- Input into policy formulation; and
- Advise on matters.

Member Councils of the Great Southern Zone are: Albany, Broomehill-Tambellup, Cranbrook, Denmark, Gnowangerup, Jerramungup, Katanning, Kent, Kojonup, Plantagenet and Woodanilling.

Meetings are typically held every two months at one of the member Council locations.

2 x Councillors

External Organisations or Committees that seek a Council Delegate or the Council has previously determined that it should have ongoing representation with.

DENMARK AQUATIC CENTRE COMMITTEE INC.

2 x Councillors

DENMARK ARTS INC.

1 x Councillor

DENMARK COMMUNITY RESOURCE CENTRE INC. COMMITTEE

1 x Councillor

DENMARK HISTORICAL SOCIETY INC.

1 x Councillor

DENMARK RESIDENTS & RATEPAYERS ASSOCIATION INC.

1 x Councillor

GREAT SOUTHERN RECREATION ADVISORY GROUP

Manager Community Services

1 x Councillor

LAKE MUIR / DENBARKER COMMUNITY FERAL PIG ERADICATION GROUP

1 x Councillor

NORNALUP RATEPAYERS & RESIDENTS ASSOCIATION INC. (NRRA)

1 x Councillor

1 x Councillor (Deputy)

PARRY'S BEACH VOLUNTARY MANAGEMENT GROUP INC.

1 x Councillor

PEACEFUL BAY PROGRESS ASSOCIATION INC. (PBPA)

1 x Councillor

1 x Councillor (Deputy)

WALPOLE WORK CAMP COMMITTEE (Department of Corrective Services)

1 x Councillor

WILSON INLET CATCHMENT COMMITTEE INC. (WICC)

1 x Councillor

The following are previous delegate positions which are no longer required and/or recommended to be removed.

DENMARK TOURISM INC. BOARD

Board disbanded due to establishment of the Amazing South Coast (Destination Marketing Organisation)

DENMARK TIDY TOWNS COMMITTEE INC.

It is noted that the previous Council Delegate was not requested to attend any meetings with this Committee. It is therefore recommended that a delegate not be provided at this time.

EQUESTRIAN CLUB WORKING GROUP

Lease relinquished to one part and therefore dispute resolution working group no longer required. Proposed new lease currently being discussed with officers.

SOUTH COAST MANAGEMENT GROUP

Disbanded.

WA AGRICULTURAL COLLEGE – ADVISORY COMMITTEE

Shire representation no longer required.

WA AGRICULTURAL COLLEGE – DECISION MAKING COMMITTEE

Shire representation no longer required.

Voting Requirements:

Absolute majority is required for the establishment of Council Committees.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.3.1 a)
MOVED: CR SEENEY	SECONDED: CR GIBSON
<p>That Council resolves to establish the following Advisory Committees with the membership and terms of reference as per the draft Charters attached to the report;</p> <ol style="list-style-type: none"> 1. Audit Advisory Committee and appoint Cr Bowley, Cr Jones, Cr Gearon, Cr Osborne, Cr Allen and Cr Gibson as the Council Members; 2. Bush Fire Advisory Committee and appoint Cr Allen as the Council Member and Cr Seeney as the Deputy Member; 3. Disability Services Advisory Committee and appoint Cr Allen as the Council Member and advertise for community members; 4. Local Emergency Management Committee and appoint the Shire President, Cr Gearon and Cr Allen as members and appoint the Shire President as the Chairperson. 5. Roadwise Advisory Committee and appoint Cr Seeney as the Council Member and Cr Bowley as a Proxy. 	
CARRIED UNANIMOUSLY BY AN ABSOLUTE MAJORITY: 8/0	Res: 201119

OFFICER RECOMMENDATION ITEM 8.3.1 b)

That Council resolves to establish or continue the following Working Groups with the Terms of Reference and membership being as per the drafts attached to the report;

1. Establish a Local Planning Strategy Working Group and appoint Cr Gibson, Cr Bowley and Cr Lewis as the Council Members;
2. Establish a Waste Reform Working Group and appoint Cr Phillips, Cr Gibson, Cr Lewis and Cr Jones as the Council Members;
3. Establish a Public Health Plan Working Group and appoint Cr Gearon as the Council Member and advertise for the community member positions;
4. Retain the Laing Park Dog Exercise Area Development Concept Plan Working Group and its existing members;
5. Retain the Lights Beach Concept Plan Working Group and its existing members and note that due to the Working Group only have one meeting to go, resolve not to nominate a Councillor to fill the current vacancy, acknowledging that Cr Lewis' representation is retained;
6. Retain the Sustainability Strategy Working Group, its existing members and advertise the current vacant community member position;
7. Retain the Plane Tree Precinct Development Project Team and its existing membership;
8. Retain the Denmark Bushfire Mitigation Working Group and its existing members; and
9. Retain the Paths & Trails Development Plan Working Group and its existing membership with an amended objective of *"To implement and prioritise outcomes from regional plans or strategies associated with recreational trails within the Shire of Denmark"* and a new sunset clause to read *"The Working Group will cease to exist once outcomes and priorities have been determined from regional plans or strategies associated with recreational trails within the Shire of Denmark"*.

COUNCIL RESOLUTION	ITEM 8.3.1 b)
MOVED: CR GIBSON	SECONDED: CR GEARON
<p>That Council resolves to establish or continue the following Working Groups with the Terms of Reference and membership being as per the drafts attached to the report;</p> <ol style="list-style-type: none"> 1. Establish a Local Planning Strategy Working Group and appoint Cr Gibson, Cr Bowley and Cr Lewis as the Council Members; 2. Establish a Waste Reform Working Group and appoint Cr Phillips, Cr Gibson, Cr Lewis and Cr Jones as the Council Members; 3. Establish a Public Health Plan Working Group and appoint Cr Gearon as the Council Member and advertise for the community member positions; 	

4. Retain the Laing Park Dog Exercise Area Development Concept Plan Working Group and its existing members;
5. Retain the Lights Beach Concept Plan Working Group and its existing members and note that due to the Working Group only have one meeting to go, resolve not to nominate a Councillor to fill the current vacancy, acknowledging that Cr Lewis' representation is retained;
6. Retain the Sustainability Strategy Working Group, its existing members, with the exception of replacing Cr Gearon with Cr Jones, and advertise the current vacant community member position;
7. Retain the Plane Tree Precinct Development Project Team and its existing membership;
8. Retain the Denmark Bushfire Mitigation Working Group and its existing members, with the exception of replacing Cr Allen with Cr Gearon; and
9. Retain the Paths & Trails Development Plan Working Group and its existing membership with an amended objective of *"To implement and prioritise outcomes from regional plans or strategies associated with recreational trails within the Shire of Denmark"* and a new sunset clause to read *"The Working Group will cease to exist once outcomes and priorities have been determined from regional plans or strategies associated with recreational trails within the Shire of Denmark"*.

CARRIED UNANIMOUSLY: 8/0

Res: 211119

REASONS FOR CHANGE

Council amended the current Council delegate on the Sustainability Strategy and Denmark Bushfire Mitigation Working Groups.

7.39pm – Cr Osborne left the room.

OFFICER RECOMMENDATION

ITEM 8.3.1 c)

MOVED: CR GEARON

SECONDED: CR ALLEN

Council nominates the following delegates to other external organisations, committees, groups or agencies;

- DENMARK CHAMBER OF COMMERCE INC.
Cr Gibson
- DENMARK COMMUNITY FOUNDATION INC.
Cr Allen
- DENMARK HIGH SCHOOL OVAL MANAGEMENT COMMITTEE
Manager Community Services
Cr Bowley
- GREAT SOUTHERN REGIONAL ROAD GROUP
Director Assets and Sustainable Development (non-voting)
Cr Seeney
Cr Jones (Proxy)
- SOUTH COAST ALLIANCE INC. COMMITTEE
Cr Lewis noting that the Shire President and the Deputy Shire President are automatically members of the Committee.
- SOUTHERN JOINT DEVELOPMENT ASSESSMENT PANEL
Cr Gibson as a Member
Cr Phillips as a Member
Cr Osborne as an Alternate Member
Cr Bowley as an Alternate Member

- WA LOCAL GOVERNMENT ASSOCIATION (WALGA) – GREAT SOUTHERN ZONE
Cr Phillips
Cr Osborne
 - DENMARK AQUATIC CENTRE COMMITTEE INC.
Cr Gibson
 - DENMARK ARTS INC.
Cr Gibson
 - DENMARK COMMUNITY RESOURCE CENTRE INC. COMMITTEE
Cr Jones
 - DENMARK HISTORICAL SOCIETY INC.
Cr Osborne
 - DENMARK RESIDENTS & RATEPAYERS ASSOCIATION
Cr Gibson
 - GREAT SOUTHERN RECREATION ADVISORY GROUP
Manager of Recreation Services
Cr Allen
 - LAKE MUIR / DENBARKER COMMUNITY FERAL PIG ERADICATION GROUP
Cr Allen
 - NORNALUP RATEPAYERS & RESIDENTS ASSOCIATION INC. (NRRA)
Cr Phillips
Cr Seeney (Proxy)
 - PARRY’S BEACH VOLUNTARY MANAGEMENT GROUP INC.
Cr Lewis
 - PEACEFUL BAY PROGRESS ASSOCIATION INC. (PBPA)
Cr Phillips
 - WALPOLE WORK CAMP COMMITTEE (Department of Corrective Services)
Cr Seeney
Cr Phillips
 - WILSON INLET CATCHMENT COMMITTEE INC. (WICC)
Cr Jones
- CARRIED UNANIMOUSLY: 7/0 Res: 221119

COUNCIL RESOLUTION & OFFICER RECOMMENDATION ITEM 8.3.1 d)
 MOVED: CR JONES SECONDED: CR GIBSON

That with respect to the McLean Park Overflow Camping Working Group, Council;

1. Acknowledge the recent redevelopment of the McLean Park precinct noting that the area and oval are no longer suitable for overflow camping or an evacuation area;
2. Revoke the McLean Park Overflow and Emergency Evacuation Accommodation Management Plan, including the need for the established Working Group; and
3. Repeal Policy P130206 – Overflow Camping & McLean Park Overflow Camping Area Opening and Fee Setting Policy.

CARRIED UNANIMOUSLY: 7/0 Res: 231119

7.41pm – Cr Osborne returned to the room.

COUNCIL RESOLUTION

MOVED: CR SEENEY

ITEM 8.3.1 e)
SECONDED: CR BOWLEY

7.42pm – Cr Jones left the room.

7.44pm – Cr Jones returned to the room.

That Officers consider the establishment of a Cemetery Working Group and present draft Terms of Reference, including membership, for Council’s consideration at the December 2019 Ordinary Council meeting.

LOST: 5/3

Res: 241119

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

FOR: Cr Seeneey, Cr Bowley and Cr Jones.

AGAINST: Cr Allen, Cr Gibson, Cr Gearon, Cr Osborne and Cr Lewis.

8.3.2 ORDINARY COUNCIL MEETING DATES FOR 2020 AND TIMEFRAME FOR AGENDA DISTRIBUTION

File Ref:	CR.2
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	6 November 2019
Author:	Claire Thompson, Executive Assistant & Governance Coordinator
Authorising Officer:	David Schober, Acting Chief Executive Officer
Attachments:	8.3.2 – DRAFT Meeting Schedule for 2020

Summary:

This report recommends that Council set its Ordinary Meeting schedule for 2020.

Background:

At the Special Council Meeting held on 22 October 2019, with respect to meeting times, location and frequency, Council resolved as follows (Resolution No. 241019);

“That pursuant to Clause 2.1 of the Shire of Denmark Standing Orders Local Law 2000, the Council determines that the Council will ordinarily meet as follows;

- a) Every third Tuesday of every month commencing 19 November 2019; and*
- b) Commencing at 4.00pm; and*
- c) At the Council Chambers, 953 South Coast Highway, Denmark; and*
- d) Determine, by resolution, the meeting schedule for 2020 at its meeting scheduled for 19 November 2019.”*

Consultation:

The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal and considered Council’s Community Engagement Policy P040123 and the associated Framework and believes that no additional external/internal engagement or consultation is required.

Statutory Obligations:

The following legislation relates to Council meeting dates;

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

5.3. Ordinary and special council meetings

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

5.4. Calling council meetings

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

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

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

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:

Current Policies P040101, P040103 and P040238 relate and read as follows.

P040101: ORDINARY COUNCIL MEETINGS

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

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.

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 Agenda Publication Timeframe

At its meeting held on 1 December 2016, Council requested (Resolution No. 131215) that the Ordinary Meeting Agenda be published seven (7) days prior to the meeting. The current legal requirement is 72 hours. Whilst current Shire Officers are aware of the request / requirement, it is recommended that, if Council would like to continue to receive the Agenda seven days prior, the resolution be recorded under Council Policy P040101 – Ordinary Council Meetings. This will ensure that Council's directive is recorded appropriately outside of the Council Minutes for the guidance of staff.

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

Nil

Sustainability Implications:

➤ **Governance:**

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

➤ **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 2020.	Rare (1)	Minor (2)	Low (1-4)	Failure to meet Statutory, Regulatory or Compliance Requirements	Manage by determining a meeting schedule for 2020 which can be publicly advertised.

Comment/Conclusion:

The proposed meeting schedule for 2020 is based on the Council’s current meeting frequency being on the third Tuesday of every month.

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 2020

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

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

Pursuant to Council Policy P040238, the Shire Office will be closed from 25 December and re-opening on 2 January 2020.

The December / January Christmas and New Years holidays typically see some staff taking periods of leave to take advantage of the additional forced shutdown days. For this reason, there is a risk that there may not be staff available to write reports and/or prepare documentation for a January 2020 meeting. This notwithstanding, should the Council decide to commence the 2020 meeting schedule in January, Shire Officers would accommodate this preference.

The Officer recommends that, as per the 2017, 2018 and 2019 schedule, next year’s meetings commence in February 2020.

With respect to the distribution the timeframe for distribution of the Agenda, Officer Recommendation 8.3.2 b) recommends that the Council’s 2015 directive, which is still current practice, be incorporated into Council Policy.

Voting Requirements:
Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.3.2 a)
MOVED: CR LEWIS	SECONDED: CR GIBSON
<p>That with respect to the Meetings of Council to be held in 2020, Council;</p> <ol style="list-style-type: none"> 1. Retain a 4.00pm commencement time for all Ordinary Council meetings in 2020; and 2. Endorse the proposed dates for the Ordinary Council meetings in 2020 as shown in the Officer Report, with the first meeting commencing on Tuesday, 18 February 2020; 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 Tingledale Community Hall at times and dates to be determined by the Chief Executive Officer in conjunction with the Shire President, the Progress Association and Tingledale Community Hall Committee, and widely advertise those times & dates prior to the meetings; and 4. Advertise the dates, times and locations in part 2 and 3 in the Denmark Bulletin, the Walpole Weekly, on Council’s website, on Council’s Notice Boards and on the Shire’s Facebook page. 	
CARRIED UNANIMOUSLY: 8/0	Res: 251119

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.3.2 b)
MOVED: CR GIBSON	SECONDED: CR GEARON
That in relation to the publication timeframe for the Ordinary Council Meeting Agenda, Policy P040101 be amended to include the reference to Council's Resolution No. 131215, which determined that they be published and distributed seven (7) days prior to the meeting.	
CARRIED UNANIMOUSLY: 8/0	Res: 261119

8.3.3 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:	7 November 2019
Author:	Claire Thompson, Executive Assistant
Authorising Officer:	David Schober, Acting Chief Executive Officer
Attachments:	8.3.3 – Delegations Register (marked up with proposed amendments)

Summary:

Council are requested to review its delegations.

Background:

The delegations were last reviewed in November 2018.

Consultation:

CEO, Directors and the Executive Assistant & Governance Coordinator.

Statutory Obligations:

Sections 5.42 to 5.46 relate to delegations to the CEO and the CEO's power to sub-delegate.

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

L5.3.5 Review and improve the Delegations, Authorisations and Appointments Register.

Sustainability Implications:

➤ **Governance:**

Delegations provide mechanisms to enable the day to day business of the Shire to be handled administratively in a timely and efficient manner. Alternatively, all decisions made under delegation would need to be considered formally by the Council. This could have timing implications, potentially reduce customer satisfaction of the Shire’s ability to make efficient, consistent decisions.

Apart from the suggested amendments, 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:

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) to the Chief Executive Officer (CEO) or Council Committees.

Where appropriate or required, the CEO can on-delegate to other Shire employees, with conditions as specified, unless the Council’s delegation to the CEO specifically removes the right of sub-delegation.

Delegations, Authorisations, Designations or Appointments 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. 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.

A copy of the existing Delegations Register with the proposed amendments is attached (refer Attachment 8.3.3) 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.

The positions titles have been updated to correlate with the organisation structure.

Reference Number	Title	Officer Recommended Amendment / Addition
D050305	Enforcement & Legal Proceedings	Included authorisation for the Rangers under the Road Traffic (Administration) Act 2008 with respect to authority to request vehicle information. Refer also Delegation D120401.
D050306	Control of Vehicles (Off-Road Areas) Act 1978 – Authorised Officers	Replaced Director Infrastructure and Assets and the Director Sustainable Development with Director Assets and Sustainable Development.
D050308	Fines, Penalties and Infringement Notices Enforcement Act 1994 – Appointment of Prosecution Officers	Replace Bill Parker, Chief Executive Officer with David Schober, Acting Chief Executive Officer. Note: this is not a change to the delegation, only an updated to the persons designated by the CEO.
D100203	Litter Act 1979 – Authorised Officers	Administrative – including requirement for certificate of appointment.
D100501	Irwin Inlet Sandbar Opening Protocol	Administrative – corrected contact details for the South Coast Licensed Fisherman’s Association Inc.
D100505	Parry Inlet Sandbar Opening Protocol	Administrative – added contact details for the South Coast Licensed Fisherman’s Association Inc.
D100601	Town Planning Scheme	Altered to provide more clarity. Key changes are additional delegations with regards to development in Shire managed reserves.
D100606	Town Planning – Strata Title	Recorded Instrument of Delegation.

		Administrative – Delegation has been in effect since 2009.
D100607	Applications for Development on Crown Land Managed by the Shire	Recorded Instrument of Authorisation. Administration – Authorisation has been in effect since 2016.
D120401	Road Traffic (Administration) Act 2008 – Prescribed Persons	Added cross reference to Delegation D050305 and file reference for related procedures.
D130204	Caravan Parks and Camping Grounds – Appointment of Authorised Persons	Replaced Director Infrastructure and Assets and the Director Sustainable Development with Director Assets and Sustainable Development.

Voting Requirements:

Absolute majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.3.3
MOVED: CR GIBSON	SECONDED: CR GEARON
That Council adopt the Delegations, Authorisations & Appointments Register with additions, deletions and amendments as per Attachment 8.3.3.	
CARRIED UNANIMOUSLY AND BY AN ABSOLUTE MAJORITY: 8/0	Res: 271119

8.3.4 LONG TERM FINANCIAL PLAN

This item was considered prior to Item 8.1.1. See page 12.

9. COMMITTEE REPORTS AND RECOMMENDATIONS

Nil

10. MATTERS BEHIND CLOSED DOORS

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 10
MOVED: CR ALLEN	SECONDED: CR BOWLEY
That the meeting move behind closed doors pursuant to Section 5.23 (2) (b) of the Local Government Act 1995, for the consideration of Item 10.1 to allow the successful recipient names to remain confidential to Council until the official announcement at the Awards Ceremony on 26 January 2020.	
CARRIED UNANIMOUSLY: 8/0	Res: 281119

COUNCIL RESOLUTION	
MOVED: CR GIBSON	SECONDED: CR JONES
That Standing Orders be suspended to allow discussion on the nominations.	
CARRIED UNANIMOUSLY: 8/0	Res: 291119

COUNCIL RESOLUTION	
MOVED: CR SEENEY	SECONDED: CR ALLEN
That Standing Orders be resumed.	
CARRIED UNANIMOUSLY: 8/0	Res: 301119

Prior to consideration of Item 10.1, Cr Allen and Cr Seeney declared that they are members of the Great Southern Classic Car Show and as a consequence there may be a perception that their impartiality on this matter may be affected.

Cr Allen and Cr Seeney declared that they would consider this matter on its merits and vote accordingly.

10.1 2019 COMMUNITY CITIZEN, GROUP OR EVENT OF THE YEAR AWARDS

File Ref:	PBR.1.B.2019
Applicant / Proponent:	Various
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	As a person actively engaged with the community, some of the nominations have been put forward by the author.
Date:	November 2019
Author:	Claudia Simpson, Community Development Officer
Authorising Officer:	Cary Green, Director of Corporate and Community Services
Attachments:	10.1a – Honour Board of Previous Recipients 10.2b – Nominations (Confidential to Councillors)

Summary:

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

Background:

The Community Citizen, 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.

The Shire's membership with Australia Day Council 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 award recipient.

Consultation:

The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal and considered Council's Community Engagement Policy P040123 and the associated Framework and believes that no additional external/internal engagement or consultation is required.

The 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 posts)
- Denmark Recreation Centre

- Denmark Library
- Email or letter to all local community & sporting group / organisations
- Advertisement in the Denmark Bulletin
- Advertisement in the Voice of the South
- Advertisement in the Walpole Weekly
- Email to Councillors & Employees

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 – Senior (over 65 years);
- Citizen of the Year – Youth (under 25 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 for the cost of the membership with Australia Day Council WA in the 2019/2020 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

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 an opportunity for Council to recognise and acknowledge local individuals and community groups (or events) who have made significant and ongoing contributions to the Denmark community. These awards also foster a sense of community pride and encourage active community engagement.

➤ **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 2019 Citizen & Community Group or Event of the Year.	Rare (1)	Minor (2)	Low (1-4)	Not Meeting Community expectations	Accept Officer Recommendation

Comment/Conclusion:

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

The nominees for each category are as follows:

CATEGORY: Citizen of the Year

- Murray Brooker
- Debra Edmondson
- Basil Schur
- Bernie Wong

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

Lucia Golebiowski

- Yvonne Hortin
- Brad Kneebone
- Beverley McGuinness
- Sally Prickett

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

- Chai Robertson

- Deklan Turnor
- Sarah Clarke
- Evita McMullan

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

- Denmark Surf Life Saving Club DSLSC
- Denmark Weed Action Group
- Great Southern Classic Car Show - Ron Barnett
- Movies with Meaning - Andre Steyl / Caren Blair

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 10.1
MOVED: CR GIBSON	SECONDED: CR SEENEY
<p>With respect to the Community Citizen of the Year Awards for 2019, the following recipients be awarded in the respective categories and those names remain confidential to Councillors, Senior Officers and the Council’s Executive Assistant and those names also remain embargoed until the Awards Ceremony on 26 January 2020;</p> <p>a) 2019 Citizen of the Year to EMBARGOED;</p> <p>b) 2019 Citizen of the Year – Senior (person over 65 years) to EMBARGOED;</p> <p>c) 2019 Citizen of the Year – Youth (person under 25 years) to EMBARGOED;</p> <p>d) 2019 Community Group or Event of the Year to EMBARGOED.</p>	
CARRIED UNANIMOUSLY: 8/0	Res: 311119

COUNCIL RESOLUTION	
MOVED: CR ALLEN	SECONDED: CR GEARON
<p>That the meeting proceed in public.</p>	
CARRIED UNANIMOUSLY: 8/0	Res: 321119

There were no members of the public who returned to the room.

11. NEW BUSINESS OF AN URGENT NATURE

Nil

12. CLOSURE OF MEETING

8.09pm - There being no further business to discuss the Shire President, Cr Gearon, declared the meeting closed.

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