

# Shire of Denmark

## Ordinary Council Meeting MINUTES

17 December 2019



HELD IN THE COUNCIL CHAMBERS, 953 SOUTH COAST HIGHWAY,  
DENMARK ON TUESDAY, 17 DECEMBER 2019.



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## Strategic Community Plan (snapshot)

### E1.0

#### Our Economy

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

- E1.1 To have a locally supported resilient, stable and innovative business community that embraces creativity, resourcefulness and originality
- E1.2 To be a vibrant and unique tourist destination, that celebrates our natural and historical assets
- E1.3 To have diverse education and employment opportunities
- E1.4 To recognise the importance of agriculture in our local economy and protect prime agricultural land

### N2.0

#### Our Natural Environment

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

- N2.1 To preserve and protect the natural environment
- N2.2 To promote and encourage responsible development
- N2.3 To reduce human impact on natural resources, reduce waste and utilise renewable energy
- N2.4 To acknowledge and adapt to climate change

### B3.0

#### Our Built Environment

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

- B3.1 To have public spaces and infrastructure that are accessible and appropriate for our community
- B3.2 To have community assets that are flexible, adaptable and of high quality to meet the purpose and needs of multiple users
- B3.3 To have a planning framework that is visionary, supports connectivity and enables participation
- B3.4 To manage assets in a consistent and sustainable manner
- B3.5 To have diverse and affordable housing, building and accommodation options

### C4.0

#### Our Community

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

- C4.1 To have services that foster a happy, healthy, vibrant and safe community
- C4.2 To have services that are inclusive, promote cohesiveness and reflect our creative nature
- C4.3 To create a community that nurtures and integrates natural, cultural and historical values
- C4.4 To recognise and respect our local heritage and Aboriginal history

### L5.0

#### Our Local Government

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

- L5.1 To be high functioning, open, transparent, ethical and responsive
- L5.2 To have meaningful, respectful and proactive collaboration with the community
- L5.3 To be decisive and to make consistent and well considered decisions
- L5.4 To be fiscally responsible
- L5.5 To embrace change, apply technological advancement and pursue regional partnerships that drive business efficiency

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## **DISCLAIMER**

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

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**1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

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

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

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

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

MEMBERS:

- Cr Ceinwen Gearon (Shire President)
- Cr 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)
- Ms Claire Thompson (Executive Assistant & Governance Coordinator)

APOLOGIES:

Nil

ON APPROVED LEAVE(S) OF ABSENCE:

Cr Janine Phillips (pursuant to Council Resolution No. 011119)

ABSENT:

Nil

VISITORS:

Members of the public in attendance at the commencement of the meeting: 19

DECLARATIONS OF INTEREST:

Name	Item No	Interest	Nature
Cr Gearon	8.1.1	Proximity	Cr Gearon owns properties in both precincts.
Cr Bowley	10.1	Impartiality	Cr Bowley knows one of the candidates.
Cr Osborne	10.1	Impartiality	Cr Osborne is a member of the Denmark Dragon Boat Club as is one of the nominees.
Cr Seeney	8.3.1	Impartiality	Cr Seeney is a member of the Denmark Lions Club who have a current lease on the same reserve.

**3. ANNOUNCEMENTS BY THE PERSON PRESIDING**

*The Shire President acknowledged the efforts of local volunteer firefighters, Bryce Edwards, Marcus Owen and Kelly McLeod who had recently been deployed to assist with fighting the fires in New South Wales.*

*The Shire President referred to a recent accident which had occurred at Ocean Beach. Cr Gearon acknowledged the efforts of the Surf Lifesaving Club volunteers who had assisted the person prior to local volunteer paramedics arriving.*

#### **4. PUBLIC QUESTION TIME**

##### **4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

##### **4.2 PUBLIC QUESTIONS**

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

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

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

##### Questions from the Public

##### **4.2.1 Ms Yvonne Hortin – Lot 3002 Hardy Street**

Ms Hortin spoke on behalf of the Amaroo Village Residents Committee and asked what the Shire were going to do with Lot 3002 Hardy Street now that Amaroo Care Services were no longer going to develop it. Ms Hortin said that Amaroo Village residents felt that the lot was an eyesore, with loose sand blowing off it and were also concerned about possible health risks given that the site had been deemed contaminated.

*The Director Assets & Sustainable Development assured Ms Hortin that there was no risk to public health and that the Shire was awaiting the outcome of grant application which would help fund remediation of the site. Mr King said that once the outcome of the funding was known, Council would be asked to consider future options for the Lot and that this would likely be around February 2020.*

##### **4.2.2 Mr Craig Chappelle – Telstra Tower at Ocean Beach**

Mr Chappelle spoke on behalf of Denmark Community Windfarm Ltd who had been approached to allow Telstra access to their site through the Windfarm Reserve. Mr Chappelle said that they had negotiated a Memorandum of Understanding with Telstra and were awaiting Telstra to get back to them. Mr Chappelle wanted to provide an overview of the project so that Council and the Community could understand why the project was taking so long.

##### **4.2.3 Mr Ian Hardwick – Lot 3002 Hardy Street**

Mr Hardwick spoke on behalf of the Amaroo Village Residents Committee and asked when the Shire reserve to the east of Amaroo Village be slashed to provide an appropriate fire break.

*The Director Assets & Sustainable Development said that the work was funded and would be done as part of the Bushfire Mitigation Program.*

Mr Hardwick referred to some works required along the pathway from Amaroo Village into town, particularly in relation to drainage.

*The Director Assets & Sustainable Development said that a works request had already been received and as soon as the required equipment becomes available the works would be done.*

Mr Hardwick referred to Lot 3002 Hardy Street stating that he believed the fence around it should be removed and the block cleaned up.

*The Shire President referred to the Director's previous comments that Council would consider options for the site in February 2020.*

**4.2.4 Mr Tony Pedro – Bushfire Mitigation**

Mr Pedro congratulated the Bushfire Risk Mitigation Officer on finalising the Bushfire Mitigation Plan and hoped that the Shire would consider a number of mitigation measures and not just prescribed burning.

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

Nil

**4.4 PRESENTATIONS, DEPUTATIONS & PETITIONS**

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

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

Nil.

**5. APPLICATIONS FOR FUTURE LEAVE OF ABSENCE**

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

**6. CONFIRMATION OF MINUTES**

**6.1 ORDINARY COUNCIL MEETING – 19 NOVEMBER 2019**

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 6.1
MOVED: CR GIBSON	SECONDED: CR SEENEY
That the minutes of the Ordinary Meeting of Council held on the 19 November 2019 be confirmed as a true and correct record of the proceedings.	
CARRIED UNANIMOUSLY: 8/0	Res: 011219

**6.2 STRATEGIC BRIEFING NOTES – 19 NOVEMBER 2019**

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 6.2
MOVED: CR GIBSON	SECONDED: CR JONES
That the Notes from the Strategic Briefing Forum held on the 19 November 2019 be received.	
CARRIED UNANIMOUSLY: 8/0	Res: 021219

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

Nil

## 8. REPORTS OF OFFICERS

### 8.1 DIRECTOR ASSETS AND SUSTAINABLE DEVELOPMENT

*Cr Gearon declared a proximity interest in relation to Item 8.1.1 on the basis that she owns properties in both precincts.*

#### 8.1.1 DRAFT LOCAL PLANNING POLICY 48 – INLET DRIVE AND MINSTERLY ROAD PRECINCTS

<b>File Ref:</b>	PLN.70.N
<b>Applicant / Proponent:</b>	N/A
<b>Subject Land / Locality:</b>	Applies in land zoned Residential R2 & R2.5 located on Inlet Drive & Minsterly Road, Denmark
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	2 December 2019
<b>Author:</b>	Craig Pursey, Manager Sustainable Development
<b>Authorising Officer:</b>	David King, Director Assets and Sustainable Development
<b>Attachments:</b>	8.1.1a - Draft Local Planning Policy 48 – Inlet Drive and Minsterly Road Precincts

#### **Summary:**

Council is requested to adopt Local Planning Policy 48 for final approval.

#### **Background:**

A number of areas within the Denmark townsite have a low-density coding (i.e. R2 & R2.5) but are characterised by comparatively quite narrow lots; in particular, lots facing Inlet Drive and Minsterly Road.

The R-Codes provide a setback standard of 10 metres from side and rear boundaries for land coded R2, while a 7.5m side and rear setback applies for land coded R2.5.

Many proposals cannot meet the “deemed-to-comply” side setbacks of the Residential Design Codes (R-Code) applicable under an R2 or R2.5 density coding. For example, no dwelling design for the property can comply with a 10m side setback standard given some lots have a 20m width.

Given the above, the local government has on many occasions, accepted side setback variations for development in these areas, resulting in many buildings having been approved and built with a 1m side setback. However, getting to this point usually takes considerable Shire resources in consulting and liaising with applicants and neighbours for a similar result each time and has potential for an inconsistent standard of development.

#### Previous Consideration

Council considered draft Local Planning Policy 48 – Inlet Drive and Minsterly Road, Denmark at their meeting of 17 September 2019 where it was resolved as follows:

*“That Council:*

- 1. Support the public release of the draft Local Planning Policy 48 – Inlet Drive and Minsterly Road Precincts, outlined in Attachment 8.1.3a, and require the draft Policy to be publicly advertised for an increased period of six weeks.*
- 2. Will reconsider the draft Local Planning Policy 48 – Inlet Drive and Minsterly Road Precincts following the close of the public submission period and will determine whether to proceed with the Policy without modification, proceed with the Policy with modification or to not proceed with the Policy.*



**Consultation:**

LPP48 was advertised for public comment for a 42-day period, closing on the 15<sup>th</sup> November 2019 during which time 3 supportive submissions were received from landowners within the precincts. A copy of the submissions are available on request.

Consultation included:

- A letter to all landowners within the precinct;
- Advertisement in the Denmark Bulletin;
- Public notifications in the Shire offices and library; and
- Information available on the Shire's website

**Statutory Obligations:**

*Planning and Development Act, Planning and Development (Local Planning Schemes) Regulations 2015 State Planning Policy 3.7 Residential Design Codes and TPS3.*

State Planning Policy 3.1 Residential Design Codes (R-Codes) includes provisions for decision-makers to prepare local planning policies to replace certain development standards of the R-Codes where a specific local need arises. Additionally, clause 61(4)(c) of the Deemed Provisions from the Planning and Development (Local Planning Schemes) Regulations 2015 (to be called the 'Regulations') enable Local Planning Policies to amend or replace the deemed-to-comply requirement of the R-Codes.

The R-Codes set out that proposals that do not satisfy the deemed-to-comply requirements of the R-Codes will need to address the design principles of the R-Codes. The design principles provide different ways of achieving an acceptable design outcome if this is consistent with the objectives of the R-Codes.

Clause 7.3.1 of the R-Codes allows Council to vary the 'deemed provisions' for certain elements of the R-Codes including lot boundary setbacks as proposed in LPP48.

This Policy provides variations to relevant deemed-to-comply requirements of the R-Codes, within the precincts, to assist in implementing appropriate development to meet the local context.

**Policy Implications:**

These are addressed in this report and in the attached draft LPP48. Finalisation of LPP48 will increase certainty for everyone with an interest in the matter and should assist in more consistent decision making.

**Budget / Financial Implications:**

There are Shire costs associated with advertising draft LPP48.

**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 way:

Denmark 2027

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

**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 local community do not support the proposed setbacks.	Unlikely (2)	Minor (2)	Low (1-4)	Not Meeting Community expectations	Accept Risk

**Comment/Conclusion:**

Draft Local Planning Policy (LPP48), set out in Attachment 8.1.1a, seeks to establish an alternate 'deemed-to-comply' standard for:

- Side setbacks for dwellings;
- Side and rear setbacks for outbuildings; and
- Side setbacks for retaining walls

within the area identified in Figure 1 of the draft policy.

The intention is to provide some consistency of approach that responds to local conditions and to establish a common understanding for landowners, Council and Shire staff.

The policy only applies to new development.

Proposed Local Planning Policy

Draft LPP48 seeks to establish the same setback standards for the areas identified in Figure 1 of the draft LPP (generally being narrow lots with a R2 or R2.5 density coding) as those for the slightly higher density codes of R5 & R10. This seeks to recognise the inherent difficulty in meeting the standard setback requirements on these properties by establishing a new, consistent 'standard'.

- LPP48 was advertised for public comment with three supportive submissions received.
- The R-Codes allows for the variation of lot boundary setbacks through adopted policy and continuing compliance with the applicable 'design principles'
- LPP48 will maintain a level playing field and facilitate a more efficient assessment process.

Final adoption of LPP48 is recommended.

**Voting Requirements:**

Simple majority.

**COUNCIL RESOLUTION & OFFICER RECOMMENDATION**

ITEM 8.1.1

MOVED: CR GIBSON

SECONDED: CR BOWLEY

That Council,

1. Pursuant to Schedule 2, Part 2 (3) of the Planning and Development (Local Planning Schemes) Regulations 2015, adopt Local Planning Policy - 48 Inlet Drive and Minsterly Road Precincts without modification; and
2. Publish a public notice in an official newspaper circulating in the area to notify the public that Council has adopted a Local Planning Policy No 48; and
3. Advise the submitters of Council's decision.

CARRIED UNANIMOUSLY: 8/0

Res: 031219

**8.2 DIRECTOR CORPORATE AND COMMUNITY SERVICES****8.2.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDING 31 OCTOBER 2019**

<b>File Ref:</b>	FIN.1
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	5 December 2019
<b>Author:</b>	Lee Sounness, Manager Corporate Services
<b>Authorising Officer:</b>	Cary Green, Director Corporate & Community
<b>Attachments:</b>	8.2.1 – October Monthly Financial Report

**Summary:**

The attached financial statements and supporting information for the period ending 31 October 2019 are presented for the consideration of Elected Members.

**Background:**

In order to prepare the attached financial statements, the following reconciliations and financial procedures have been completed and verified;

- Reconciliation of all bank accounts.
- Reconciliation of the Rates Book, including outstanding debtors and the raising of interim rates.
- Reconciliation of all assets and liabilities, including payroll, taxation and postal services.
- Reconciliation of the Sundry Debtors and Creditors Ledger.
- Reconciliation of the Stock Ledger.
- Completion of all Works Costing transactions, including allocation of costs from the Ledger to the various works chart of accounts.

**Consultation:**

Nil

**Statutory Obligations:**

It is a requirement of the Local Government Act 1995 that monthly and quarterly financial statements are presented to Council, in order to allow for proper control of the Shire's finances. In addition, Council is required by legislation to undertake a mid-year review of the Municipal Budget to ensure that income and expenditure is in keeping with budget forecasts. It should be noted that the budget is monitored by management on a monthly basis in addition to the requirement for a mid-year review. The attached statements are prepared in accordance with the requirements of the Local Government Act 1995 (s.5.25(1)) and the Local Government (Financial Management) Regulations 1996.

**Policy Implications:**

Policy P040222 - Material Variances in Budget and Actual Expenditure, relates

*For the purposes of Local Government (Financial Management) Regulation 34 regarding levels of variances for financial reporting, Council adopted a variance of 10% or greater of the annual budget for each program area in the budget, as a level that requires an explanation or report, with a minimum dollar variance of \$10,000.*

*The material variance is calculated by comparing budget estimates to the end of month actual amounts of expenditure, revenue and income to the end of the month to which the financial statement relates.*

*This same figure is also to be used in the Annual Budget Review to be undertaken after the first six months of the financial year to assess how the budget has progressed and to estimate the end of the financial year position.*

*A second tier reporting approach shall be a variance of 10% or greater of the annual budget estimates to the end of the month to which the report refers for each General Ledger/Job Account in the budget, as a level that requires an explanation, with a minimum dollar variance of \$10,000.*

**Budget / Financial Implications:**

There are no significant trends or issues to be reported.

**Strategic & Corporate Plan Implications:**

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

Denmark 2027

L5.4 To be fiscally responsible

Corporate Business Plan

Nil

**Sustainability Implications:****➤ Governance:**

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

**➤ Environmental:**

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

**➤ Economic:**

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

**➤ Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Not meeting Statutory compliance	Rare (1)	Moderate (3)	Low (1-4)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation
Financial mismanagement and/or Budget overruns.	Rare (1)	Moderate (3)	Low (1-4)	Inadequate Financial, Accounting or Business Acumen	Control through robust systems with internal controls and appropriate reporting mechanisms

**Comment/Conclusion:**

As at 31 October 2019, total cash funds held totals \$9,253,494 (Note 4).

Shire Trust Funds total \$1,970.

Reserve Funds (restricted) total \$4,176,644

- \$874,121 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%
- \$155,727 has been invested with the Commonwealth Bank of Australia, maturing 31 December 2019 at the quoted rate of 1.49%

Municipal Funds (unrestricted) total \$5,074,880

- \$4,200,000 is invested with the NAB in 4 Term Deposits, maturing at various dates at an average rate of 1.70%

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 in line with year to date budget predictions for 31 October 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 65.69%, This is in keeping with historical collection rates (see Note 6).
- The 2019/20 Capital Works Program is 15.30% complete; utilising actual year to date figures and the total committed cost is 18.06% as at 31 October 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 \$332,289 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

- **Building Depreciation Expense**  
 Depreciation of buildings has not been calculated for the reporting period. Building depreciation expense will be calculated once the revaluation of the asset class has been confirmed.

Capital Works Program

The Capital Works Program is underway although the majority of projects are progressing through the design and tendering phase. This is reflected by the relatively low expenditure for this item. It is expected that the bulk of expenditure will be made against Capital Works Projects through January to April. There are a six (6) of projects on hold that are awaiting funding confirmation or public consultation outcomes. The remaining projects are on track with no forecast over expenditures and expected to be complete this financial year.

**Voting Requirements:**

Simple majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 8.2.1</b>
MOVED: CR JONES	SECONDED: CR LEWIS
That with respect to Financial Statements for the period ending 31 October 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 November 2019 as listed.	
CARRIED UNANIMOUSLY: 8/0	Res: 041219

**8.2.2 BUSHFIRE RISK MANAGEMENT PLAN**

<b>File Ref:</b>	FIRE.1
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Shire wide document
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	21 November 2019
<b>Author:</b>	Melanie Haymont, Bushfire Risk Planning Coordinator
<b>Authorising Officer:</b>	Cary Green, Director Corporate and Community Services
<b>Attachments:</b>	8.2.2 – Bushfire Risk Management Plan

**Summary:**

Council are asked to approve the attached Bushfire Risk Management Plan (BRMP).

**Background:**

Under the State Hazard Plan for Fire (Westplan Fire) an integrated Bushfire Risk Management Plan (BRM Plan) is to be developed for local government areas with significant bushfire risk. This BRM Plan has been prepared for the Shire of Denmark in accordance with the requirements of Westplan Fire and the Guidelines for Preparing a Bushfire Risk Management Plan (Guidelines). The risk management processes used to develop this BRM Plan are aligned to the key principles of AS/NZS ISO 31000:2009 Risk management – Principles and guidelines (AS/NZS ISO 31000:2009).

The Department of Fire and Emergency Services received funding to assist 22 Priority Local Governments that have high bushfire risk but low capacity to prepare Bushfire Risk Management Plans. The Shire of Denmark nominated to be part of this program. A dedicated Bushfire Risk Planning Coordinator (BRPC) has been working with the Shire of Denmark since October 2017 to prepare a Bushfire Risk Management Plan for the municipality.

**Consultation:**

The project includes a Communication Strategy at Appendix 1. Consultation was facilitated throughout the development of this plan. Consultation is critical to the development of the BRMP particularly because it is tenure blind and looks at risk across all tenures.

Broadly speaking the following communication objectives underpin the BRM Plan for the development, implementation and review of the BRM Plan for the Shire of Denmark:

1. Key stakeholders understand the purpose of the BRM Plan and their role in the bushfire risk management planning process.
2. Stakeholders who are essential to the bushfire risk management planning process, or can supply required information, are identified and engaged in a timely and effective manner.
3. Relevant stakeholders are involved in decisions regarding risk acceptability and treatment.
4. Key stakeholders engage in the review of the BRM Plan as per the schedule in place for the local government area.
5. The community and other stakeholders engage with the bushfire risk management planning process and as a result are better informed about bushfire risk and understand their responsibilities to address bushfire risk on their own land.
6. Strengthen Shire of Denmark Community Strategic Plan “Denmark 2027 objectives eg. Aspiration L5.0 Our Local Government, *“The Shire of Denmark is recognised as a transparent, well governed and effectively managed Local Government.”*”

**Statutory Obligations:**

Under the State Hazard Plan for Fire an integrated Bushfire Risk Management Plan is to be developed for local government areas with significant bushfire risk.

The approval of the BRM Plan by the Council satisfies their obligations under section 2.3.1 of the State Hazard Plan for Fire.

**Policy Implications:**

There are no policy implications.

**Budget / Financial Implications:**

The Shire of Denmark is responsible for the coordination, development and ongoing review of the plan. Currently this is being facilitated by the dedicated Bushfire Risk Planning Coordinator. The Bushfire Risk Management Project is currently funded until June 30 2022, with decreasing allocation of days assigned to the Shire of Denmark. (See Table below)

<u>Year</u>	<u>Local Government</u>	<u>Days per Fortnight</u>
2019/2020	Shire of Denmark	5
2019/2020	Shire of Plantagenet	1
2019/2020	Shire of Albany	4
2020/2021	Shire of Denmark	2
2020/2021	Shire of Plantagenet	3
2020/2021	Shire of Albany	5
2021/2022	Shire of Denmark	2
2021/2022	Shire of Plantagenet	4
2021/2022	Shire of Albany	4

Funding may be secured beyond the current grant agreement to support the implementation of the BRM Plan but is not guaranteed. If further funding is not secured ongoing responsibility for the Plan will need to be resourced from within the Shire, or not undertaken.

Implementation of treatment options will be the responsibility of individual agencies and/or land owners/managers. Risk treatment strategies may be identified which relate to Shire

owned (freehold) land and the Shire would be responsible for undertaking the work at its own cost. This notwithstanding, the Treatment Plan will not bind owners (or the Shire) to undertaking mitigation.

Endorsed Bushfire Risk Management Plans will support requests for future mitigation funding from both State and Federal Government.

The Government of Western Australia Office of Bushfire Risk Management (2015), *Guidelines for Preparing a Bushfire Risk Management Plan states;*

*“In approving the BRM Plan, the local government council is acknowledging the assets that have been identified and the risk ratings and treatment priorities assigned. Approval of the plan is a commitment by local government to work with land owners and managers to address unacceptable risk within their community. It is not the local government committing to a program of treatment works to be implemented by others or an acceptance of responsibility for risk occurring on land that is not owned or managed by the local government”.*

### **Strategic & Corporate Plan Implications:**

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

#### Denmark 2027

##### L5.0 Our Local Government

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

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

##### C4.0 Our Community

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

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

##### B3.0 Our Built Environment

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

B3.4 To manage assets in a consistent and sustainable manner

### **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 does not endorse the Bushfire Risk Management Plan.	Unlikely (2)	Moderate (3)	Moderate (5-9)	Inadequate Organisation or Community Emergency Management	Accept Officer Recommendation

**Comment/Conclusion:**

The Shire of Denmark Bushfire Risk Management Plan (BRMP) is a strategic document that identifies assets at risk from bushfire and their priority for treatment. It is a 5-year plan.

The aim of the BRM Plan is to document a coordinated and efficient approach toward the identification, assessment and treatment of assets exposed to bushfire risk within the Shire of Denmark. The objective of the BRM Plan is to effectively manage bushfire risk within the Shire of Denmark in order to protect people, assets and other things of local value.

Local government are the custodians of the BRMP and coordinate its development and ongoing review. The Department for Fire and Emergency Services, Department of Biodiversity Conservation and attractions, other agencies and landowners are required to participate in, and contribute to, the locally-developed plan.

Local Government are required as a land manager to implement treatment strategies to address risk on their land.

Government agencies and other land managers responsible for implementing treatments within the Shire have participated in the development of this Plan to ensure treatment strategies are collaborative and efficient, regardless of land tenure.

The Asset Schedule is tabled in the report as a percentage of total assets, in the calculated risk categories: Low, Medium High Very High & Extreme (Table 16, P57) This avoids the need for disclosing the calculated risk on individual properties, protecting the privacy of those landholders.

A Treatment Schedule, which sets out a broad program of coordinated multi-agency treatments to address risks identified in the BRMP, will be developed in accordance with the current identified risk. The Office of Bushfire Risk Management (OBRM) requires all efforts be made to complete the treatment schedule within six months of the plan being approved. Given the volume of work required and the community sensitivities, it would be prudent to be more considered in the development of the treatment schedule. Officer anticipate that it will be completed within 12 months.

**Voting Requirements:**

Simple majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 8.2.2
MOVED: CR SEENEY	SECONDED: CR BOWLEY
That Council approve the Bushfire Risk Management Plan 2019 – 2024.	
CARRIED UNANIMOUSLY: 8/0	Res: 051219

### 8.3 CHIEF EXECUTIVE OFFICER

Prior to consideration of Item 8.3.1, Cr Seeney declared that he is a member of the Denmark Lions Club who have a current lease on the same reserve and as a consequence there may be a perception that his impartiality on this matter may be affected. Cr Seeney declared that he would consider this matter on its merits and vote accordingly.

#### 8.3.1 LEASE AREA FOR DENMARK MEN'S SHED

<b>File Ref:</b>	A3140
<b>Applicant / Proponent:</b>	Denmark Men's Shed Inc.
<b>Subject Land / Locality:</b>	No. 2 (Lot 952) Inlet Drive, Denmark (Reserve No. 30277)
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	6 December 2019
<b>Author:</b>	Claire Thompson, Executive Assistant & Governance Coordinator
<b>Authorising Officer:</b>	David Schober, Acting Chief Executive Officer
<b>Attachments:</b>	8.3.1a – Adopted Denmark Heritage Railway Precinct Concept Plan 8.3.1b – Project Status Update November 2019 8.3.1c – Proposed Lease Area within Reserve No. 30277

#### Summary:

The Denmark Men's Shed Inc. are requesting Council support their proposed location for a lease area within the Denmark Heritage Railway Station No. 3 Precinct.

#### Background:

In 2015, Council resolved as follows (Resolution No. 341215);

*"That with respect to the request to lease a portion of Reserve 30277 to the Denmark Men's Shed, Council;*

1. *Agrees in principle to the leasing of an area of approximately 3,600sqm of Reserve 30277 to the Denmark Men's Shed for a period of ten years, with a ten-year option, for the purposes of furthering the purpose and objectives of their organisation, subject to;*
  - a) *The Group being incorporated and obtaining their own appropriate public liability insurance;*
  - b) *The Group obtaining suitable and sufficient grant money from external sources to fund the purchase and construction of a suitable Shed on the site;*
  - c) *The Minister for Lands approving the lease;*
  - d) *The submission of a Business Plan that is to the satisfaction of the Chief Executive Officer that addresses matters relating to noise, public safety, vehicle access, landscaping and amenity;*
  - e) *Consultation occurring with the Denmark Lions Club, Denmark Machinery Restoration Group and the Spirit of Play.*
2. *Authorise the Chief Executive Officer to provide letters of support for any funding applications, at the request of the Denmark Men's Shed, to the effect that they note Council's in principle support for a future lease should the funding application(s) be successful, and supporting the principles of the organisation's purpose and objectives."*

In the last four years the Men's Shed have;

1. Become incorporated and secured their own insurances including public liability;
2. Developed a Business Plan and Strategic Direction – with the financial assistance from the Great Southern Development Commissions' Community Chest Fund;
3. Secured funding from the Brandenburg Foundation; and
4. Fundraised a substantial sum through their own activities and membership base.

#### 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.

Amendments to the Heritage Precinct Concept Plan were made April 2019 which included a conceptual location on the reserve for a future Men's Shed. The amendments were the result of extensive consultation with other leaseholders of portions of the reserve, the broader community and key stakeholders such as the Denmark Historical Society. During the consultation phase, there were no objections raised to the concept of a Men's Shed being located at the Heritage Precinct. (Refer Attachment 8.3.1a for the adopted Concept Plan).

In November 2017 Council established a Heritage Precinct Building Proposal Working Group with the purpose of developing a "Super Shed", for community groups who wished to occupy and carry on their activities at the Heritage Precinct. There were some meetings 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. Both groups have agreed to some shared use areas including a proposed carpark to the south of the DMRG sheds.

Attached is a Project Status Update which has been provided by the Denmark Men's Shed which includes letters from other leaseholders in support of the project. (refer Attachment 8.3.1b).

#### **Statutory Obligations:**

The Shire of Denmark has a Management Order over the reserve with the power to lease for up to 21 years, subject to the Minister's approval. The purpose of the Reserve is "*Historical Precinct, Recreation and Community Purposes*".

As this report only deals with the request for in principle approval there is no need to consider legislative disposal requirements at this time. This notwithstanding, a disposal of this nature (in due course) would be an exempt land transaction pursuant to Regulation 30 (2) (b) of the Local Government (Administration) Regulations 1996.

#### **Policy Implications:**

Policy P110102 – *Leasing of Land and/or Buildings to Community Groups* relates and reads as follows;

*"With respect to community groups exclusively occupying, or seeking to exclusively occupy, Council property or buildings;*

- a. There be a signed lease based on Council's standard 'not for profit' lease prior to occupation or upon renewal;*
- b. Council desires lessees to be incorporated (with the exception of Volunteer Bush Fire brigades which are covered under the Bush Fires Act);*
- c. Contribution by Council towards legal costs (if required) by Council 100%;*
- d. Have differing rentals discounted to market valuation depending upon the following factors;*
  - i. To what degree the property is utilised for charitable, not for profit or sporting purposes;*
  - ii. The ability of the lessee to derive income from use of the property including sub-leases, rental hire and the presence of a liquor license;*
  - iii. The strategic value of the land in the short term to Council;*
  - iv. To what degree if any that the use is competing with commercial enterprise;*
- e. Where the applied rental is lower than a valuation or real estate rental appraisal, Council indicate that contra difference in its annual budget, for that property;*
- f. Offer local authority rate exemption, rebate or donation (rather than exemption contra);*
- g. Offer Council insurance of the buildings and Council owned property / contents without recoup of the annual premium and to encourage repairs and reinstatement through*

- insurance claims, Council will meet all bar the first \$500 of any insurance excess on claims;*
- h. All outgoing and consumable costs to be met by the lessee including but not limited to water, sewer, gas, telephone, ESL, refuse charges, etc;*
  - i. Lessees to meet all ongoing internal and external building and grounds maintenance other than structural building repairs;*
  - j. Leases require endorsement of Council prior to signing;*
  - k. Have differing tenure and renewal rights and terms depending upon the strategic future requirements for that land and or building(s) but based on a maximum of 21 years including any right of renewal (subject to the prevailing management order if applicable);*
  - l. The use of the property is consistent with the zoning and/or management order and power to lease exists (if required).*
  - m. Reflecting the non 'exclusive club' usage and fact that they perform a valuable Council service for wide community benefit Council annually (subject to annual budget deliberation) contributes to the maintenance of the following leased Halls;*
    - i. Parryville Hall \$2,000;*
    - ii. Tingledale Hall \$2,000;*
    - iii. Scotsdale Hall \$2,000 (nb: Hall is owned by Scotsdale Progress Association on Association vested land);*
    - iv. Kentdale Hall \$2,000;*
    - v. RSL Hall \$3,000;*
    - vi. Museum Building maintenance is 100% Council responsibility;*
    - vii. Nornalup Hall \$2,000;*
    - viii. Morgan Richards Community Centre \$2,000; and*
    - ix. Peaceful Bay Hall (& Les Carpenter Shed) \$2,000.*
  - n. Council's Principal Building Surveyor at least on an annual basis inspect all leased buildings and land to ascertain their state of maintenance pursuant to the lease and priority for future and long term maintenance in conjunction with the lessee.*
  - o. The definition of 'exclusive occupation' does not include reference to yearly licenses to occupy storage space within a building such as at the Denmark Recreation Centre.*

The Denmark Men's Shed have indicated that they would prefer to retain ownership of the building and therefore would be seeking a lease which includes such provision and notes that they would also be responsible for maintenance and insurance.

#### **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

##### B3.0 Our Built Environment

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

B3.4 To manage assets in a consistent and sustainable manner.

##### 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.*

##### L5.0 Our Local Government

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

- L5.2 To have meaningful, respectful and proactive collaboration with the community.
- L5.3 To be decisive and make consistent and well considered decisions.

Corporate Business Plan  
Nil

**Sustainability Implications:**

➤ **Governance:**

The Officer recommends that should Council provide in principle support that Council also provide the Chief Executive Officer authority to enter into lease negotiations with the Denmark Men’s Shed.

➤ **Environmental:**

A Bushfire Management Plan over the entire Reserve was commissioned by the Shire earlier in the year. This includes the area proposed for the lease site and would be taken into consideration at such time that a Development Application is submitted.

➤ **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 other leaseholders on the reserve and/or the public object to the Denmark Men’s Shed being granted a portion of the Reserve to lease.	Rare (1)	Minor (2)	Low (1-4)	Inadequate Engagement - Community / Stakeholders / Crs	Manage through engagement and consultation, if required.

**Comment/Conclusion:**

The Denmark Men’s Shed have reached a stage in the project plan where they would like to apply for funding from Lotterywest. At this stage, in the absence of a lease, they are seeking a formal commitment from Council that they will be granted a lease for the area depicted in Attachment 8.3.1c.

Should Council agree to the area proposed and the preparation of a lease, the Denmark Men’s Shed can provide the commitment to Lotterywest to show Council’s support for the project.

**Voting Requirements:**

Simple majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 8.3.1</b>
<b>MOVED: CR GIBSON</b>	<b>SECONDED: CR SEENEY</b>
That with respect to the Denmark Men’s Shed to lease a portion of No. 2 (Lot 952) Inlet Drive, Denmark, Council;	
<ol style="list-style-type: none"> <li>1. Commit to providing a lease area as depicted in Attachment 8.3.1c;</li> <li>2. Authorise the Chief Executive Officer to provide a letter of support for the project;</li> <li>3. Request the Chief Executive Officer to commence lease negotiations, noting the Lessee’s request to retain ownership of the buildings and responsibility for maintenance and insurance, and present the draft lease to Council for approval prior to execution.</li> </ol>	
<b>CARRIED UNANIMOUSLY: 8/0</b>	<b>Res: 061219</b>

**8.3.2 GREAT SOUTHERN DEVELOPMENT COMMISSION BOARD NOMINATIONS**

<b>File Ref:</b>	GOV.16
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	6 December 2019
<b>Author:</b>	Claire Thompson, Executive Assistant & Governance Coordinator
<b>Authorising Officer:</b>	David Schober, Acting Chief Executive Officer
<b>Attachments:</b>	Nil

**Summary:**

The Great Southern Development Commission is seeking nominations for local government representative vacancies on its Board of Management.

**Background:**

Nil

**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 nominations are called in accordance with the Regional Development Commissions Act 1993 which states that the nominees must be members of the Council of a local government in the region and are to be nominated by the local government.

**Policy Implications:**

There are no policy implications.

**Budget / Financial Implications:**

The GSDC cover mileage for travel at a set rate and Board Members receive a sitting fee of \$403 per half day meeting.

**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.*

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

#### 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:**

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

#### **Comment/Conclusion:**

Local Governments in the Great Southern region are invited to nominate up to four Councillors, who are willing and able to be candidates, for appointments. Terms of appointment will be for up to three years. The Minister for Regional Development, Hon. Alannah MacTiernan MLC will make appointments to the Board after consultation with the Cabinet.

The Commission is seeking nominations of highly motivated and enthusiastic people, who can help drive economic opportunities in the region and demonstrate the following;

- Experience in decision making and planning at local government level;
- Active involvement in, and awareness of economic and social development issues within the region;
- Experience and/or knowledge of public sector governance, finances and risk management; and
- Willingness and capacity to devote time and energy to the role.

The Board meets four to five times per year in various locations across the region. Meetings generally run from 9.30am to 12pm.

Other than meetings, Board members may be invited to openings, launches, site visits etc. but attending these will depend on member availability and the location.

There are six members of the Board, representing two members in three categories: community; local government and ministerial.

Nomination forms are on the GSDC website and must be accompanied by a current CV.

The closing date for nominations is 20 December 2019.

**Voting Requirements:**

Simple majority.

<b>COUNCIL RESOLUTION</b>	
MOVED: CR BOWLEY	SECONDED: CR LEWIS
That Standing Orders be suspended to allow open discussion on Item 8.3.2.	
CARRIED UNANIMOUSLY: 8/0	Res: 071219

<b>COUNCIL RESOLUTION</b>	
MOVED: CR GIBSON	SECONDED: CR BOWLEY
That Standing Orders be resumed.	
CARRIED UNANIMOUSLY: 8/0	Res: 081219

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>		ITEM 8.3.2
MOVED: CR GIBSON	SECONDED: CR LEWIS	
That with respect to the Great Southern Development Commission Board, Council nominate the following Elected Members to apply for the local government vacancies;		
Cr Gearon;		
Cr Allen; and		
Cr Jones.		
CARRIED UNANIMOUSLY: 8/0	Res: 091219	

**8.3.3 DELEGATION FOR TENDER CONSIDERATION FOR PLANE TREE PRECINCT LANDSCAPING WORKS**

<b>File Ref:</b>	Delegations Register
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	3 December 2019
<b>Author:</b>	David King, Director Assets and Sustainable Development
<b>Authorising Officer:</b>	David Schober, Acting Chief Executive Officer
<b>Attachments:</b>	Nil

**Summary:**

The final component of the Plane Tree Precinct Development Concept plan is to complete the landscaping which is scheduled for commencement in early 2020.

It is likely that the contract value for the Structural and Landscaping Tender will exceed the current delegation threshold of the CEO.

As there is no Ordinary Council Meeting in January it is requested that consideration be given to increase the delegated value threshold in order to award the contract in a timely manner and enable construction to commence early February 2020.

**Background:**

Pursuant to current delegated authority, tenders are now being called for the Plane Tree Precinct landscaping works. The closing date for tenders is Thursday, 9 January 2020.



Delegation D040217 (Tenders for Providing Goods & Services) was last reviewed in November 2019 and currently provides a limit of \$250,000 for the acceptance of tenders.

**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:**

Sections 5.42 to 5.44 relate to delegations to the CEO and the CEO's power to sub-delegate.

Council may place any limitations or conditions on delegations.

The delegation requested within this report is able to be delegated by the Council and is not excluded under section 5.43.

Delegation of power or duty does not exclude the Council's right to perform any of its functions, whether delegated or not.

Local Government (Functions & General) Regulations 1996.

**Policy Implications:**

Delegation D040217 – Tenders for Providing Goods & Services reads as follows;

*"In respect to part 4 of the Local Government (Functions and General) Regulations 1996, the Chief Executive Officer is delegated authority to perform the following:*

- a) *Publicly invite tenders for the supply of goods and services when the CEO believes that a tender process will deliver the best outcome for Council.  
(Reference: Regulations 11 (1), 12 and 13.)*
- b) *Determine, in writing, the criteria for deciding which tenders should be accepted and give Statewide public notice in accordance with Regulation 14.*

**CONDITION**

*For the purposes of Section 5.43 (b) of the Local Government Act 1995, the Chief Executive Officer is delegated authority to accept a tender when the consideration involved does not exceed \$250,000 provided that appropriate provision is made in Council's Budget."*

To enable the CEO to accept or reject tenders for Tender No. TEN.1.1920 – Plane Tree Structural and Landscaping, it is recommended that the above condition be replaced with the following two conditions;

**"CONDITIONS**

1. *For the purposes of Section 5.43 (b) of the Local Government Act 1995, the Chief Executive Officer is delegated authority to accept or reject tenders for Tender No. TEN.1.1920 – Plane Tree Structural and Landscaping, in accordance with Regulation 18 of the Local Government (Functions & General) Regulations 1996, when the consideration involved does not exceed \$500,000 provided that appropriate provision is made in Council's Budget.*
2. *For the purposes of Section 5.43 (b) of the Local Government Act 1995, the Chief Executive Officer is delegated authority to accept or reject tenders, in accordance with Regulation 18 of the Local Government (Functions & General) Regulations 1996, all*

*other tenders not identified in condition (1), when the consideration involved does not exceed \$250,000 provided that appropriate provision is made in Council’s Budget.”*

Purchase Policy P040220 provides Officers guidelines on purchasing objectives, ethics/integrity, sustainable procurement, local purchasing considerations and thresholds.

**Budget / Financial Implications:**

There are no known financial implications upon either the Council’s current Budget or Long Term Financial Plan on the officers recommendation.

It is recommended that an additional limitation be placed on the condition which states that the tender can only be accepted if it is within the existing budget allocation for the project.

**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

**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.

➤ **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)
Budget Over expenditure	Possible (3)	Moderate (3)	Moderate (5-9)	Inadequate Financial, Accounting or Business Acumen	Manage by placing appropriate conditions on the delegation.
Project not completed on time	Likely (4)	Moderate (3)	High (10-16)	Inadequate Procurement, Disposal, Tender Practice	Manage by holding a special Council meeting in January.

**Comment/Conclusion:**

The current proposal is for Plane Tree Precinct landscaping work is scheduled to commence late January, or early February, depending on the availability of the preferred contractor. It is predicted that the value of the works will exceed \$250,000 which is the current limit on the CEO’s delegation to award a tender.

This will result in the requirement for a Council resolution, with the next available meeting scheduled for 18<sup>th</sup> February 2020. This would result in construction not being able to commence until mid-March 2020, causing a significant risk that the back end of the works could be impacted by wet weather adding both time and cost to the project.

To mitigate the above risk to the project, it is proposed that Delegation D040217 (Tenders for Providing Goods & Services) include an additional provision relating specifically to Tender No. TEN.1.1920 – Plane Tree Structural and Landscaping, which provides the CEO authority to accept or reject tenders, pursuant to Regulation 18 of the Local Government (Functions & General) Regulations 1996, up to the value of \$500,000.

It is recommended that an additional limitation be placed on the condition which states that the tender can only be accepted if it is within the existing budget allocation for the project

**Voting Requirements:**

Absolute majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 8.3.3
MOVED: CR OSBORNE	SECONDED: CR LEWIS
<p>That with respect to tenders received for the Tender No. TEN.1.1920 - Plane Tree Structural and Landscaping works, Council replace the condition of Delegation D040217 – Tenders for Providing Goods &amp; Services, with two conditions which read as follows;</p>	
<p><u>“CONDITIONS</u></p>	
<ol style="list-style-type: none"> <li>1. <i>For the purposes of Section 5.43 (b) of the Local Government Act 1995, the Chief Executive Officer is delegated authority to accept or reject tenders for Tender No. TEN.1.1920 – Plane Tree Structural and Landscaping, in accordance with Regulation 18 of the Local Government (Functions &amp; General) Regulations 1996, when the consideration involved does not exceed \$500,000 provided that appropriate provision is made in Council’s Budget.</i></li> <li>2. <i>For the purposes of Section 5.43 (b) of the Local Government Act 1995, the Chief Executive Officer is delegated authority to accept or reject tenders, in accordance with Regulation 18 of the Local Government (Functions &amp; General) Regulations 1996, all other tenders not identified in condition (1), when the consideration involved does not exceed \$250,000 provided that appropriate provision is made in Council’s Budget.”</i></li> </ol>	
CARRIED UNANIMOUSLY & BY AN ABSOLUTE MAJORITY: 8/0	Res: 101219

### 8.3.4 2018/19 ANNUAL REPORT & ANNUAL ELECTORS MEETING

<b>File Ref:</b>	FIN.31
<b>Applicant / Proponent:</b>	Not Applicable
<b>Subject Land / Locality:</b>	Not Applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	9 December 2019
<b>Author:</b>	Teiga Murray, Corporate Planning Officer
<b>Authorising Officer:</b>	David Schober, Acting Chief Executive Officer
<b>Attachments:</b>	8.3.4 – Draft Annual Report including Annual Financial Report Management Letter

#### Summary:

The purpose of this report is to accept the Shire of Denmark 2018/19 Annual Report, including the Annual Financial Statements and Audit Report and to set a date for the Annual Electors meeting.

#### Background:

Each Local Government is to prepare an Annual Report for each financial year. The Annual Report is a record of the Council's activities for the financial year and forms part of the accountability principles established for Local Government.

#### Consultation:

On Tuesday, 17 December 2019 the Shire of Denmark Audit Advisory Committee will conduct a meeting with the Office of the Auditor General via telephone conference, prior to the Ordinary Council Meeting.

The Audit Advisory Committee will consider a recommendation for Council to adopt the 2018/19 Annual Financial Statements including the Auditors Report, note the recommendations therein and endorse any actions proposed to be taken by the Chief Executive Officer in relation the 2018/19 Annual Financial Statements and Auditors Report.

#### Statutory Obligations:

- Local Government Act 1995
  - Subdivision 4 Electors' Meetings
    - Section 5.27 (1) & (2)
    - Section 5.29 (1)
  - Division 5 Annual Reports and Planning
    - Section 5.53 (1) & (2)
    - Section 5.54 (1) & (2)
    - Section 5.55
    - Section 5.56 (1) & (2)
- Local Government (Financial Management) Regulations 1996.
- Local Government (Administration) Regulations 1996.

#### 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 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.

L5.4 To be fiscally responsible.

**Sustainability Implications:**

➤ **Governance:**

There are no known significant governance considerations relating to the report or officer recommendation. The adoption of the Annual Report is a key activity for all Local Governments.

➤ **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 does not accept the Annual Report and does not set a date for the Annual Electors meeting.	Unlikely (2)	Moderate (3)	Moderate (5-9)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation

**Comment/Conclusion:**

Council is required to accept the Annual Report by 31 December following the financial year end, however should the Auditor’s Report not be made available in time to be accepted by 31 December, the Annual Report must be accepted no later than two months after receiving the Audit Report.

The Audit Report was received by the Shire of Denmark on 6 December 2019, and in accordance with Section 5.54(2) of the Local Government Act 1995, is required to be accepted by 31 December 2019.

A copy of the Audit Report including the 2018/19 Annual Financial Statements were forwarded to the Department of Local Government, Sport and Cultural Industries by Council’s Auditor and by the Director Corporate and Community Services on Monday, 9 December 2019.

The Audit Report and Management Letter will be the subject of an Audit Advisory Committee meeting to be held on 17 December 2019, prior to the Ordinary Council Meeting. The Audit Advisory Committee will consider any action that may be required in relation to the Management Letter. Council will consider recommendations from the Audit Advisory Committee meeting during the Ordinary Meeting of Council.

Comments on the financial position of the Shire of Denmark and operational and strategic activities are contained within the draft Annual Report for consideration.

The Annual Electors Meeting must be held within 56 days of accepting the Annual Report with appropriate notice of the meeting given, pursuant to Section 5.27 of the Local Government Act 1995.

The Officer recommends that the date for the Annual Electors meeting be set for Tuesday, 4 February 2020.

**Voting Requirements:**

Absolute majority.

COMMITTEE RECOMMENDATION  
 MOVED: CR GIBSON

ITEM 7.2  
 SECONDED: CR JONES

The Shire of Denmark Audit Advisory Committee recommends that Council adopt the 2018/2019 Annual Financial Statements including Auditors Report, noting the recommendations therein and endorsing the actions proposed to be taken by the Chief Executive Officer.

CARRIED UNANIMOUSLY: 4/0

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 8.3.4</b>
MOVED: CR BOWLEY	SECONDED: CR GIBSON
That in relation to the 2018/19 Annual Report, Council;	
1. Acknowledge the recommendation of the Audit Advisory Committee meeting, held Tuesday, 17 December 2019;	
2. Adopt the Annual Report including the Annual Financial Report and Audit Report for the 2018/19 year; and	
3. Hold the Annual Electors meeting on Tuesday, 4 February 2020 in the Council Chambers, commencing at 6.00pm.	
CARRIED UNANIMOUSLY & BY AN ABSOLUTE MAJORITY: 8/0	Res: 111219

5.01pm – Cr Jan Lewis left the room.

**9. COMMITTEE REPORTS AND RECOMMENDATIONS**

Nil

**10. MATTERS BEHIND CLOSED DOORS**

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 10</b>
MOVED: CR SEENEY	SECONDED: CR JONES
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: 7/0	Res: 121219

5.04pm – Cr Lewis returned to the room.

*Prior to consideration of Item 10.1;*

*Cr Bowley declared that he knew one of the candidates and as a consequence there may be a perception that his impartiality on this matter may be affected; and*

*Cr Osborne declared that he is a member of the Denmark Dragon Boat Club as is one of the nominees and as a consequence there may be a perception that his impartiality on this matter may be affected*

*Cr Bowley & Cr Osborne both declared that they would consider this matter on its merits and vote accordingly.*

<b>COUNCIL RESOLUTION</b>	
MOVED: CR GIBSON	SECONDED: CR BOWLEY
That Standing Orders be suspended to allow discussion on item 10.1.	
CARRIED UNANIMOUSLY: 8/0	Res: 131219

<b>COUNCIL RESOLUTION</b>	
MOVED: CR LEWIS	SECONDED: CR SEENEY
That Standing Orders be resumed.	
CARRIED UNANIMOUSLY: 8/0	Res: 141219

**10.1 2019 SPORTSPERSON OF THE YEAR AWARDS**

<b>File Ref:</b>	PBR.1
<b>Applicant / Proponent:</b>	Various
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	The Officer and Family, is a member of the Denmark Netball Club, Denmark Gymnastics Club and Denmark Basketball Association
<b>Date:</b>	2 December 2019
<b>Author:</b>	Damian Schwarzbach, Manager Recreation Services
<b>Authorising Officer:</b>	Cary Green, Director Corporate and Community Services
<b>Attachments:</b>	10.1 – Nominations (Confidential to Councillors)

**Summary:**

Council is asked to consider the Nominations received for the Shire of Denmark’s annual Sportsperson of the Year Awards for 2019 and select winners for each category. There were nine nominations in total received across the three categories.

**Background:**

The Sportsperson of the Year Awards are annual Council awards, which are provided pursuant to Policy P040113 and are normally presented at the Shire of Denmark’s Australia Day Function on the 26 January of each year, pursuant to Council Policy.

**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.

Marketing & promotion for these awards commenced during September 2019 and included the following;

- Letters to every known local Community Sporting Group;
- Council’s website;

- Council's Notice Board;
- Denmark Recreation Centre;
- Denmark Library;
- Denmark Youth Centre;
- Advert in the Denmark Bulletin September 2019; and
- Emails to Councillors & Staff.

**Statutory Obligations:**

There are no statutory obligations.

**Policy Implications:**

Council Policy P040113 – CITIZEN & SPORTSPERSONS OF THE YEAR relates and reads as follows;

**B. SPORTSPERSONS OF THE YEAR**

The Sportspersons of the Year Awards are to be advertised commencing in September, inviting sporting organisations, community groups & organisations, schools and individuals to submit nominations for awards for the year ending 30 September, in the following categories;

- Junior Sportsperson of the Year (under 18 years of age)
- Senior Sportsperson of the Year
- Service to Sport Award

Nominations to close the last week in November.

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

Winners are to receive a suitable gift at a value determined annually by Council during the budget process (GL1160752) and a grant of \$100.00 will be awarded for the winner's club or a local club nominated by the winner (should the winner not be a member of a club).

Eligibility

Nominations for a person who resides out of the Shire but participates in sport in the Shire of Denmark will be accepted however, the nominee will only be judged on their achievements within the Shire of Denmark.

**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.*

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



Corporate Business Plan

C4.1.25 Continue to support the Our Clubs Project Officer to assist community sporting groups establish and grow membership.

**Sustainability Implications:****➤ Governance:**

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

**➤ Environmental:**

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

**➤ Economic:**

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

**➤ Social:**

These Awards provide a way for Council & the Community to recognise and acknowledge local individuals and community sporting groups who have contributed positively to the Denmark Community

**➤ Risk:**

Nil

**Comment/Conclusion:**

Council is requested to peruse the attached Nominations and determine a recipient for the award categories.

Nominations closed on Friday 29 November 2019 and there were nine nominations in total received.

Junior Sportsperson of the year

- Maggie Hardiman
- Esme MacDonald
- Rory Pierce
- Zara Whooley

Senior Sportsperson of the Year

- Maureen Cowdell
- William Roocke
- Kayla Emmerton

Service to Sport Award

- Ashleigh Crock
- Jodie Hickey
- Amie McHenry

**Voting Requirements:**

Simple majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 10.1</b>
MOVED: CR GIBSON	SECONDED: CR BOWLEY
<p>With respect to the Shire of Denmark 2019 Sportsperson Awards the following recipients be awarded in the respective categories and those names remain confidential to Councillors, Senior Officers of Council, Council's Executive Assistant and Council's Manager of Recreation Services and in addition those names also be embargoed until the Awards Ceremony on 26 January 2020;</p> <ol style="list-style-type: none"> <li>1. 2019 Senior Sportsperson of the Year to EMBARGOED;</li> <li>2. 2019 Junior Sportsperson of the Year to EMBARGOED; and</li> <li>3. 2019 Service to Sport Award to EMBARGOED.</li> </ol>	
CARRIED UNANIMOUSLY: 8/0	Res: 151219

<b>COUNCIL RESOLUTION</b>	
MOVED: CR JONES	SECONDED: CR SEENEY
<p>That the meeting come out from behind closed doors and proceed in public.</p>	
CARRIED UNANIMOUSLY: 8/0	Res: 161219

**11. NEW BUSINESS OF AN URGENT NATURE**  
 Nil

**12. CLOSURE OF MEETING**

5.13pm – 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> <p>Signed: _____  <i>David Schober – Acting Chief Executive Officer</i></p> <p>Date: _____</p> <p>These minutes were confirmed at a meeting on the _____.</p> <p>Signed: _____  <i>(Presiding Person at the meeting at which the minutes were confirmed.)</i></p>
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