

# Shire of Denmark

## Ordinary Council Meeting **AGENDA**

**15 September 2020**



TO BE HELD IN THE COUNCIL CHAMBERS, 953 SOUTH COAST HIGHWAY,  
DENMARK ON TUESDAY, 15 SEPTEMBER 2020, COMMENCING AT 4.00PM.



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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 stable and locally supported business community that embraces innovation, 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, active and safe 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
- L5.6 To seek two-way communication that is open and effective

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

**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 Janine Phillips  
 Cr Roger Seeney

STAFF:

Mr David Schober (Acting Chief Executive Officer)  
 Mr David King (Director Assets & Sustainable Development)  
 Mr Lee Sounness (Acting Director Corporate & Community Services)  
 Ms Claire Thompson (Governance Coordinator)

APOLOGIES:

ON APPROVED LEAVE(S) OF ABSENCE:

ABSENT:

VISITORS:

DECLARATIONS OF INTEREST:

Name	Item No	Interest	Nature

**3. ANNOUNCEMENTS BY THE PERSON PRESIDING**

**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

**4.3 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 – 18 AUGUST 2020**

OFFICER RECOMMENDATION

ITEM 6.1

That the minutes of the Ordinary Meeting of Council held on the 18 August 2020 be CONFIRMED as a true and correct record of the proceedings.

**6.2 STRATEGIC BRIEFING NOTES – 18 AUGUST 2020**

OFFICER RECOMMENDATION

ITEM 6.3

That the Notes from the Strategic Briefing Forum held on the 18 August 2020 be RECEIVED.

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

Nil

## 8. REPORTS OF OFFICERS

### 8.1 DIRECTOR ASSETS AND SUSTAINABLE DEVELOPMENT

#### 8.1.1 REVIEW OF TOWN PLANNING SCHEME POLICY 19.5: HOLIDAY HOMES

<b>File Ref:</b>	PLN.64 & CR.3
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Whole of Shire
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	25 August 2020
<b>Author:</b>	Craig Pursey, Manager Sustainable Development
<b>Authorising Officer:</b>	David King, Director Assets and Sustainable Development
	8.1.1a – Town Planning Scheme Policy 19.5 Holiday Homes
	8.1.1b – Plan of Holiday Home approvals in and around the Denmark townsite
<b>Attachments:</b>	8.1.1c – Finding and Recommendations of the Economics and Industry Standing Committee – Report 7

#### **Summary:**

This report reviews the current effectiveness of the Town Planning Scheme Policy 19.5 - Holiday Homes in response to a Council resolution from July 2020. Whilst no changes are recommended to the policy itself, a number of refinements are recommended for inclusion in the supporting documentation.

#### **Background:**

##### Request to review

At the meeting of 21<sup>st</sup> July 2020 Council resolved as follows:

*“Council request that the Director Assets and Sustainable Development:*

- 1. Conduct a review of Town Planning Scheme Policy No.19.5: Holiday Homes.*
- 2. Bring an item to the Ordinary Council Meeting of the 18th August 2020 with recommendations for alterations or modifications (if any) to the current Policy.*

*The review to specifically address:*

- i) Additional measures that could minimise the negative impacts of Holiday Homes on the amenity of adjoining residents.*
- ii) The possibility of capping the number of Holiday Homes in any one street and/or area.*
- iii) The appropriateness for specific areas to be classed as Suburban thereby giving some certainty to current and potential residents.*
- iv) The potential for a more pro-active approach to identifying problems with Holiday Homes, for example an annual survey combined with the registration process and access to the complaints register of property managers.”*

##### Shire of Denmark planning framework as it applies to Holiday Homes

There are a number of land use controls placed upon Holiday Homes in the Shire of Denmark, summarised below.

- The Town Planning Scheme defines Holiday Home (large) and Holiday Home (standard) separately as follows:

**Holiday Home (standard)** – means a single house (excluding ancillary accommodation), which may also be used for short stay accommodation for no more

than six people (but does not include a bed and breakfast, guesthouse, chalet or short stay accommodation unit).

**Holiday Home (large)** – means premises conforming to the definition of a Holiday Home (standard) with the exception that the premises provide short stay accommodation for more than six (6) people but not more than twelve (12) at any one time.

Essentially a 'Holiday Home' is a single house that is rented out in its entirety with no on-site management; ie "unhosted" accommodation.

- Holiday Homes were made discretionary land use requiring advertising in all zones (excluding the Commercial, Industrial and Professional Office zones) through Scheme Amendment 124, gazetted in 2011.
- The Shire initiated its first Holiday Home Town Planning Policy in 1998 and this policy has been reviewed six times since.
- The last review in 2015 removed previous restrictions which limited their location (generally on larger lots) and allowed their consideration anywhere within the Shire.

The current policy establishes minimum standards in regard to parking, length of stay, access and manoeuvring, and compliance with the Building Code of Australia (BCA). The policy focusses on appropriate management measures to minimise the potential negative impacts of Holiday Homes on the amenity of adjoining residents.

All applications are referred to the immediate adjoining landowners for comment. Once assessed and approved they are subsequently inspected and registered by the Environmental Health Officer prior to operations commencing.

Approvals are issued for an initial period of one (1) year with the implication that if complaints are received during this period a re-approval may not be issued. Subsequent approvals are required every three (3) years.

A copy of the current policy can be found at Attachment 8.1.1 a of this report.

#### Current Status of Holiday Home Approvals in the Shire of Denmark

The Shire has approximately 111 current development approvals for Holiday Homes.

These are widely distributed around the Shire with an increase in numbers around the Weedon Hill and Ocean Beach localities. A location plan of the approved Holiday Homes in, and immediately around the Denmark town site is at Attachment 8.1.1 b of this report.

The Shire has received 11 recorded complaints in twelve years regarding Holiday Homes.

A search of the AirBnB website lists 173 properties within the Denmark post code. It should be noted however that there will be a number of other sorts of accommodation that market through this website and not just Holiday Homes.

#### State Planning Framework

The Shire's Town Planning Policy accords with the WAPC planning framework as it currently applies to Holiday Homes. Planning Bulletin 99 and the adopted Guidelines recognise the importance of Holiday Homes in the overall mix of tourism accommodation. These documents recommend:

- That Holiday Homes are identified as specific land uses and are defined in the Scheme;
- Focus on establishing appropriate management measures for Holiday Homes; and

- Makes some comment on suitable locations; recommending that they are located in preferred areas with “*high tourism amenity and close proximity to tourism attractions such as the beach, town centre or rural areas*” and not in suburban locations.

The idea of choosing specific localities as a focus for Holiday Homes was reviewed in 2015 where Council at the time agreed that all of Denmark essentially held some attraction for tourists and it was not practical to differentiate between suburbs.

*Economics and Industry Standing Committee – Report 7, “Levelling the Playing Field” Managing the impact of the rapid increase of Short-Term Rentals in Western Australia: September 2019*

A state government inquiry into short-stay accommodation was completed in September 2019; this recognised the complexity of the issues around the rapid rise of the Holiday Homes sector in the tourism accommodation sector. The report investigated a wide range of issues around equity, safety, accessibility and affordability of accommodation options and potential impact on amenity.

A copy of the findings and recommendations from this report are at Attachment 8.1.1c of this report.

The Department of Planning, Lands and Heritage (DPLH) is currently formulating a policy position to bring forward the land use planning recommendations of this report. A draft Position Statement is expected by the end of the year. Indications so far are that this will focus on a state registration system for Holiday Homes rather than significantly changing the current approach to them as a land use.

*Potential Negative Impacts of Holiday Homes*

There is the potential that an excessive number of Holiday Homes can have a detrimental impact on the sense of community in a specific locality and/or street. Holiday Homes are often vacant and only occupied for short periods which could result in the lack of permanent residents inhibiting the development of a sense of community.

There is the potential for a range of amenity impacts including parking, noise, light spill and anti-social behaviour of guests and their pets.

A high number of Holiday Homes may also reduce the number of permanent rentals available.

*Positives of Holiday Homes in the tourist accommodation mix*

Denmark’s tourism industry is an important aspect of Denmark’s economy.

Holiday Homes are an expected tourist accommodation which are particularly well-suited to families.

There is an increase in local industry managing Holiday Homes with small businesses being established to manage and provide cleaning, gardening, etc. Holiday Homes are commonly maintained to a high standard to meet market expectations which has a positive effect on the streetscape.

Denmark also has a high level of absentee land ownership with people buying houses to use for their own holidays and many with an eye to retiring. It is natural that they would seek to get a return on these houses when they are not using them. It could be argued that even temporary occupation as Holiday Homes is better than leaving a house empty when looking at the potential impact upon building a sense of community.



**Consultation:**

Internal consultation with various staff members who receive complaints, administer applications and reapprovals has been undertaken in the preparation of this report.

If the existing Town Planning Policy is to be amended then it would need to be advertised for public comment for a period of 21 days before being presented to Council for final adoption. However, the officer's recommendation does not necessitate an amendment to the Town Planning Policy as the template is an addendum only.

**Statutory Obligations:**

Town Planning Scheme No.3 lists Holiday Homes as a land use that requires development approval. Assessment is guided by a Town Planning Policy that generally accords with the WAPC position statements on this issue.

**Policy Implications:**

Policy implications of this issue are explored throughout this report.

**Budget / Financial Implications:**

Any changes to the current planning framework around Holiday Homes may have ramifications for staffing and resources, particularly around compliance.

**Strategic & Corporate Plan Implications:**

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

Denmark 2027*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*

*B3.0 Our Built Environment*

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

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

**➤ Sustainability Implications:**

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

**➤ 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)
<b>Reputational</b> – That a lack of Policy change results in continued negative feedback during advertising processes for new Holiday Homes	Almost certain	Insignificant	Moderate	Not meeting Community expectations	Accept Risk

**Comment**

Council requested staff to review the Town Planning Scheme Policy 19.5 and specifically investigate the following issues:

- i) Additional measures that could minimise the negative impacts of Holiday Homes on the amenity of adjoining residents.*
- ii) The possibility of capping the number of Holiday Homes in any one street and/or area.*
- iii) The appropriateness for specific areas to be classed as Suburban thereby giving some certainty to current and potential residents.*
- iv) The potential for a more pro-active approach to identifying problems with Holiday Homes, for example an annual survey combined with the registration process and access to the complaints register of property managers.”*

Minimising the negative impacts

The current policy focusses on minimising the impact of Holiday Homes on nearby residents through appropriate management measures and by making these Holiday Home safer for visitors including:

- Requiring hard wired smoke alarms and emergency exit signage;
- Providing a fire blanket and fire extinguishers in the kitchen area;
- Requiring a property management plan (a template describing the expectations of the Shire is added to the Policy) which identifies a local property manager to deal with issues as they arise, this being circulated to all adjoining residences;
- Requiring the preparation of fire and emergency evacuation plans;
- Adoption of a standard *code of conduct* for guests;
- Minimising signage to retain the residential character of the area; and
- Requiring frequent renewal approvals to allow for reassessment in light of any complaints received, with a view to refusing reapproval should a property not be managed appropriately.

A copy of the policy and attachments is provided at Attachment 8.1.1a.

Council have resolved recently to require additional measures including providing adequate recycling bin options and restricting outdoor open fires. It is recommended that these issues be permanently incorporated into the Property Management Plan template attached to the Town Planning Policy.

The other issue that has arisen is a need to highlight the need to maintain a property under the requirements of the Shire’s Fire Management Notice (FMN). Whilst this applies to all

properties throughout the Shire, the fact that Holiday Homes are often owned by absentee landowners, but are managed locally, has raised concerns with ensuring that properties are managed in a safe condition throughout the year. It is recommended that reference to complying with the FMN be included in the Property Management Plan template.

#### The possibility of capping the number of Holiday Homes in any one street and/or area

Capping the number of Holiday Homes in a locality or street was also considered in 2015, the officer report at the time concluded “...*this option would create issues of inequity and would be challenging at best to assess planning applications and a person’s right to lodge an application.*”

No other local government policy could be found that has taken this approach and staff have concluded that it would be extremely difficult to establish a consistent, fair mechanism to limit the density of Holiday Homes.

If Council wished to pursue this approach then it is recommended that legal advice be sought as it needs to be defensible at the State Advisory Tribunal (SAT). Officers are of the view that a successful defence is unlikely in this instance.

#### Identifying preferred localities

Consistent with the recommendations of the WAPC planning framework regarding Holiday Homes; previous versions of the Shire’s policy identified specific areas (including Weedon Hill) as the preferred location for Holiday Homes. However, this appeared to result in intensifying the potential for negative impacts into one area.

When Council considered this matter in 2015 it was agreed that this restriction should be removed on the basis that ...“*in the context of the Shire of Denmark, it can be considered that all locations fit the WAPC criteria for locating Holiday Homes with all lots being close to either the beach, town centre or rural areas (as well as many other key tourism attractions in the Shire).*”

Denmark is seen as a tourist town and it could be argued that use of houses for Holiday Homes partly characterises our residential areas. If you buy a house in a tourist town, there is an expectation that housing stock will be used by tourists and absentee landowners.

The WAPC guidelines discourage Holiday Homes in suburban locations. There are not many areas in Denmark that would be considered ‘suburban’, perhaps only Kempton Estate. However, it appears that the market is already shaping where Holiday Homes are located as there are none approved in this estate.

It is recommended that no specific areas be excluded from Holiday Homes at this point in time.

#### Potential for a more pro-active approach to identifying problems with Holiday Homes

Council has only received 11 formal, recorded complaints regarding Holiday Homes during the last 12 years. Whilst Council commonly receives objections to development applications, these rarely materialise into formal complaints afterward. This would appear to show that the management measures required as part of a development approval are generally fit for purpose.

It is recognised that the property management plans required for Holiday Homes actually encourages neighbours to complain directly to the locally based property manager (either the landowner or an agent) and not the Shire. Also, that there is often a natural hesitancy in the community to register a formal complaint with the Shire. However, if a specific Holiday Home was being poorly managed, then the Shire would receive complaints.

The current practice of circulating the property managers details to neighbouring property owners does work well in that issues that arise are handled directly by the property manager, and often more quickly than it is possible for Shire staff, particularly after hours.

If issues are being dealt with by property managers it is acknowledged that the Shire may not be informed as to the regular type of issues that arise. Options for improving this are explored below:

- a) Requiring property managers to keep a register of complaints

Staff could then require a copy of the register to be regularly lodged for review. This system would show property managers and land owners that the Shire wants to have greater scrutiny of any issues.

The short fall is that if property managers know that renewal of their development approval hinges upon the number of complaints received then accurate registers may not be kept.

- b) Improving standard of information to neighbours

An alternate approach would be to make a clear statement within information provided to neighbouring landowners that if there are issues arising from the running of the Holiday Home, then they can contact the Shire (confidentially if they wish), and clarify how best to do this. This would indicate that the property manager is the first port of call to resolve issues, but that the Shire needs to be advised if there have been issues.

This methodology is favoured by staff as it should still encourage people to lodge complaints, and allows for the collection of statistics however the initial response still lies with the property manager.

## CONCLUSION:

Essentially, the current policy permits Holiday Homes, subject to them meeting minimum standards and having a local, effective property and bushfire management plan in place.

The current planning framework appears to be working well. Council regularly receives objections to development applications but these rarely materialise into complaints afterward. This would appear to show that the management measures required as part of the development approval process are fit for purpose. Most issues can be resolved through appropriate management measures and an inspection/compliance regime.

The impact upon the sense of community in an area is hard to quantify. There is undoubtedly an impact in a street where houses are converted to Holiday Homes and are only occupied intermittently by people who are effectively strangers to residents and who often care less for the local amenity. However, Denmark has a very high absentee landownership and if houses are not used for holiday accommodation there is the risk that they would be left empty for large portions of the year in any case.

On balance, given the number of complaints received, the apparent effectiveness of the management measures imposed, acknowledging the role that Holiday Homes play in the local tourism industry, and the local industry that is growing to support these homes; only minor changes are proposed to the current framework.

Changes proposed to the Property Management Plan template include:

- i) A clear statement to adjoining landowners encouraging them to inform Council whenever a complaint is lodged with the property manager;
- ii) Ensuring that dedicated rubbish recycling facilities and adequate information on recycling is provided to all tenants;

- iii) Open fires or solid fuel barbeques (e.g. Wood, charcoal or heat beads) are not permitted at any time. Contained gas or electric barbeque facilities may be provided and used in a safe manner provided no flammable materials are present; and
- iv) A cross-reference to the Shire’s Fire Management Notice highlighting the need for compliance with this Notice throughout the year.

These changes would not necessitate an amendment to the Town Planning Policy as the template is an addendum only.

**Voting Requirements:**

Simple majority.

<b>OFFICER RECOMMENDATION</b>	<b>ITEM 8.1.1</b>
<p>That Council,</p> <ol style="list-style-type: none"> <li>1. RETAIN the current adopted version of Town Planning Policy 19.5 Holiday Homes;</li> <li>2. UPDATE the Property Management Plan template to include the following additional information:             <ol style="list-style-type: none"> <li>a) A clear statement to adjoining landowners encouraging them to inform Council whenever a complaint is lodged with the property manager;</li> <li>b) Ensuring that dedicated rubbish recycling facilities and adequate information on recycling is provided to all tenants;</li> <li>c) Open fires or solid fuel barbeques (e.g. Wood, charcoal or heat beads) are not permitted at any time. Contained gas or electric barbeque facilities may be provided and used in a safe manner provided no flammable materials are present; and</li> <li>d) A cross-reference to the Shire’s Fire Management Notice highlighting the need for compliance with this Notice throughout the year.</li> </ol> </li> </ol>	

**8.2 DIRECTOR CORPORATE AND COMMUNITY SERVICES**

**8.2.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31 JULY 2020**

<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>	26 August, 2020
<b>Author:</b>	Scott Sewell, Accountant
<b>Authorising Officer:</b>	Lee Sounness, Acting Director Corporate & Community Services
<b>Attachments:</b>	8.2.1 – July Monthly Financial Report

**Summary:**

The attached financial statements and supporting information for the period ending 31 July 2020 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 Rate Book, including outstanding debtors and the raising of interim rates.
- Reconciliation of all assets and liabilities, including payroll, taxation and other 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 from the budget adoption on 4<sup>th</sup> August 2020.

**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:**

Nil

**Comment/Conclusion:**

As at 31 July 2020, total cash funds held (excluding trust funds) totals \$5,636,677 (Note 1).

Shire Trust Funds total \$850 (Note 9).

Reserve Funds (restricted) total \$4,376,596 (Note 5).

Municipal Funds (unrestricted) total \$1,260,081 (Note 2).

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, the 30 June 2021 end of year financial position is estimated to be \$200,000 surplus. At this early stage of the financial year there are no known circumstances to suggest that the actual closing position will differ significantly from the amount calculated in the adopted budget. (Statement of Financial Activity).
- Operating revenue and expenditure is generally in line with year to date budget predictions for the period ended 31 July 2020 (Statement of Financial Activity) except for items referenced in Note 3(a) which includes depreciation expense which is yet to be applied for the 2020/2021 financial year.
- The Rates Collection percentage currently sits at 7.05% and is in keeping with historical collection performance statistics (see Note 4)
- The 2020/2021 Capital Works Program has only just commenced with 0.25% completed for the year to date with a total committed cost of 3.24% as at 31 July 2020 (see Note 10).
- Various transfers to and from general Reserve Funds have not been made for the 2020/2021 year as they are generally undertaken in the latter part of the financial year, depending on the specific projects to which the transfers relate.
- Salaries and Wages expenditure is generally in line with year to date budget estimates (not reported specifically in Financial Statement).

Other Information

- Depreciation Expense – Depreciation of all asset classes have not yet been calculated for the reporting period. Depreciation expenses will be applied once the annual audit of financial figures for the year ended 30 June 2020 have been confirmed.

**Voting Requirements:**

Simple majority.

OFFICER RECOMMENDATION	ITEM 8.2.1
<p>That Council RECEIVE the Financial Statements for the period ending 31 July 2020, incorporating the Statement of Financial Activity and other supporting documentation.</p>	

**8.2.2 LIST OF PAYMENTS FOR THE PERIOD ENDING 31 AUGUST 2020**

<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>	1 September 2020
<b>Author:</b>	Scott Sewell, Accountant
<b>Authorising Officer:</b>	Lee Sounness, Acting Director Corporate & Community Services
<b>Attachments:</b>	8.2.2 – August Monthly List of Accounts Submitted Report

**Summary:**

The purpose of this report is to advise the Council of payments made during the period 1 August 2020 to 31 August 2020.

**Background:**

Nil

**Consultation:**

Consultation was not required for this report.

**Statutory Obligations:**

Local Government (Financial Management) Regulation 13 relates:

**Policy Implications:**

Delegation Number D040201 relates.

**Budget / Financial Implications:**

There are no known significant trends or issues to be reported.

**Strategic & Corporate Plan Implications:**

Implement a financial strategy to ensure the Shire of Denmark’s financial sustainability.

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

*L5.4 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:**

Nil

**Comment/Conclusion:**

Nil

**Voting Requirements:**

Simple majority.

<b>OFFICER RECOMMENDATION</b>	<b>ITEM 8.2.2</b>
<p>That with respect to the attached Schedule of Payments, totalling \$1,101,180.40, for the month of August 2020, Council RECEIVE the following summary of accounts:</p> <ul style="list-style-type: none"> <li>• Electronic Funds Transfers EFT28261 to EFT28443 - \$587,675.52;</li> <li>• Municipal Fund Cheque No's 60385 – 60387 - \$5,449.96;</li> <li>• Internal Account Transfers (Payroll) - \$377,037.55; and</li> <li>• Direct Debit - \$11,721.51;</li> <li>• Corporate Credit Card; \$2088.26;</li> <li>• Department of Transport Remittances; \$100,634.65, and</li> <li>• Loan Payments: \$16,572.95</li> </ul>	

**8.2.3 INVESTMENT REPORT FOR THE PERIOD ENDED 31 AUGUST 2020**

<b>File Ref:</b>	FIN.7
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	2 September 2020
<b>Author:</b>	Scott Sewell, Accountant
<b>Authorising Officer:</b>	Lee Sounness, Acting Director Corporate & Community Services
<b>Attachments:</b>	8.2.3 – August 2020 Investment Register

**Summary**

This report presents the Investment Register for the month ending 31 August 2020.

**Background**

This report is for Council to receive the Investment Register as at 31 August 2020.

Council's Investment of Funds Policy sets the criteria for making authorised investments of surplus funds after assessing credit risk and diversification limits to maximise earnings and ensure the security of the Shire's funds.

**Consultation**

Nil.

**Statutory Obligations**

The *Local Government Act 1995 – Section 6.14, the Trustees Act 1962 – Part III Investments, the Local Government (Financial Management) Regulations 1996 - Reg. 19, 28 and 49, and the Australian Accounting Standards*, sets out the statutory conditions under which funds may be invested.

Regulation 34 of the *Local Government (Financial Management) Regulations* requires a monthly report on the Shires Investment Portfolio to be provided to Council.

**Policy Implications**

All investments are made in accordance with Council Policy P040229 – Investments, which states that in relation to Counterparty Credit Framework that no more than 50% of the total investment portfolio should be held with any one institution.

To control the credit quality over the entire portfolio, the following credit framework limits the percentage of the portfolio exposed to any particular credit rating category.

A. S&P Long Term Rating	B. S&P Short Term Rating	C. Direct Investment Maximum %	D. Managed Funds Maximum %
AAA	A-1+	100%	100%
AA	A-1	60%	80%
A	A-2	40%	80%

Exposure to an individual counterparty/institution will be restricted by their credit rating so that single entity exposure is limited, as detailed in the table below.

A. S&P Long Term Rating	B. S&P Short Term Rating	C. Direct Investment Maximum %	D. Managed Funds Maximum %
AAA	A1+	50%	50%
AA	A-1	35%	45%
A	A-2	20%	40%

If any of the Council’s investments are downgraded such that they no longer fall within the investment policy, they will be divested as soon as practicable.

Investments fixed for greater than 12 months are to be reviewed on a regular basis and invested for no longer than 5 years.

**Budget / Financial Implications**

There are no significant trends or issues to be reported.

**Strategic & Corporate Plan Implications**

Implement a financial strategy to ensure the Shire of Denmark’s financial sustainability.

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:**

Nil.

**Comment / Conclusion**

The attached Investment Report tables summarise how funds are invested as per the Shires Investment Policy and reports on the Investment Portfolio balance as at 31 August 2020.

At the end of August 2020 Council had a total of \$6,470,593 invested with four banking institutions to ensure an appropriate portfolio balance mix with no single institution holding more than 50% of the total funds invested which is in accordance with the requirements outlined in Council policy P040229.

The total Reserve Funds invested as at 31 August 2020 totals \$4,220,593.

The total Municipal Funds Invested as at 31 August 2020 total \$2,250,000.

The Reserve Bank of Australia has not altered its cash rate for this month. The cash rate remains set at 0.25%.

**Voting Requirements**

Simple majority.

OFFICER RECOMMENDATION

ITEM 8.2.3

That Council RECEIVE the Investment Register (attachment 8.2.3) for the period ended 31 August 2020.

## 8.2.4 ADVERTISING SIGNS AT MCLEAN PARK

<b>File Ref:</b>	Policy Manual
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	21 August 2020
<b>Author:</b>	Angela Simpson, Manager Community Services
<b>Authorising Officer:</b>	Lee Sounness, Director Corporate and Community Services (acting)
<b>Attachments:</b>	8.2.4a – Existing Policy 8.2.4b – Amended Advertising Signs at McLean Park (P110309)

### Summary:

The updated policy being presented to Council reflects the new operating arrangements for clubs utilising the newly established facilities at McLean Oval, provides for clearer direction on the signage approval process and allows for the CEO to nominate an officer to undertake the approval process.

### Background:

The current Advertising Signage at McLean Park Policy (P110309) was adopted by Council in September 2014. The policy states that it is to be reviewed every 5 years from the adoption date to ensure its relevance and ability to adapt to changing conditions.

### 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:

In accordance with section 2.7(2)(b) of the Local Government Act 1995 one of the roles of a Council is to "determine the local government's policies".

### Policy Implications:

An update to an existing policy is being presented to Council for consideration.

### 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

##### E1.1 Our Economy

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)
That the policy does not satisfy sporting organisations' expectations.	Possible (3)	Insignificant (1)	Low (1-4)	Not Meeting Community expectations	Accept Risk

**Comment/Conclusion:**

The updated policy provides clear direction to officers undertaking the approval of sponsorship signage for sporting organisations using McLean Oval and will ensure fair and equitable arrangements for all organisations with a current McLean Oval User Agreement.

**Voting Requirements:**

Simple majority.

OFFICER RECOMMENDATION	ITEM 8.2.4
That Council ADOPT the McLean Oval Signage Policy as per Attachment 8.2.4.	

**8.2.5 REVOCATION OF TOWN PLANNING POLICY NO. 38 AND ADOPTION OF NEW EVENT APPROVAL POLICY**

<b>File Ref:</b>	Policy Manual
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Whole of Shire
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	20 August 2020
<b>Author:</b>	Angela Simpson, Manager Community Services Craig Pursey, Manager Sustainable Development
<b>Authorising Officer:</b>	Lee Sounness, Director of Corporate & Community (Acting)
<b>Attachments:</b>	8.2.5a – Town Planning Policy No. 38 8.2.5b – New draft Event Approval Policy

**Summary:**

This report recommends that Council revoke Town Planning Scheme Policy No.38 (Events, Concerts and Other Organised Gatherings) and adopt a new Council policy that provides direction on the Shire’s approval of events.

**Background:**

Town Planning Scheme Policy Number 38 (Events, Concerts and Other Organised Gatherings) was adopted in June 2010 and applied to ‘one-off’ or occasional events, concerts or organised gatherings. A copy of the Policy is attached as Attachment 8.2.5a.

The Planning and Development (Local Planning Schemes) Regulations 2015 were gazetted in 2015. These Regulations introduced 'deemed provisions' through Schedule 2 that applied many standard administrative clauses to all Town Planning Schemes. This included what would be deemed to be 'temporary land uses'. This means that events would now be considered temporary land use that does not require development approval. Therefore, we no longer need a local planning policy.

It should be noted that properties that regularly host events such as clubrooms, hotels, wineries and function centres will require development approval as a venue.

Officers still view that it is necessary to have a policy that guides the Shire's approval of events, so Officers are recommending that an Event Approval Policy be adopted.

Officers' review of TPS Policy No.38 identified the following shortfalls that needed addressing in the drafting of a new policy:

1. Events are currently based on the premise that they fit one of three categories that then inform the process the applicant is required to follow in order to get Shire approval. By nature of the category definitions used, event applications are difficult to categorise into one of these three categories and leave applicants and officers unclear as to what approval process to follow. Most events do not fall neatly into one of the three categories with the associated event attributes, and the risk is that some potential event organisers believe that they do not need to seek Shire approval for their event, thus not appropriately addressing potential risks or securing necessary licences, permits or approvals.
2. The move to creating an online platform to make the event approval process more efficient for applicants required a review of internal processes, including developing clearer event approval guidelines for applicants
3. The cost and management of officer time and resources associated with supporting community groups with events (including traffic management, waste management, and assistance with risk management documentation) is not clearly outlined in the policy.
4. There is no reference to the recovery of Shire costs associated with events through the Fees and Charges Schedule.

#### **Consultation:**

Officers involved in the various components of event management within the Shire have provided feedback on the difficulties they had experienced with assisting community groups with events in the past; the areas where the policy provides a lack of clarity for officers and the positive benefits of community events that need to be maintained and enhanced. Officers from the following teams provided feedback on review of the policy:

- Governance
- Corporate services
- Community services
- Technical Services
- Planning
- Waste and Reserves
- Sustainability

#### **Statutory Obligations:**

Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2, Part 2, Cl 6.

#### *Revocation of a local planning policy*

*A local planning policy may be revoked –*

- (a) *By a subsequent local planning policy .... or*
- (b) *By a notice of revocation –*
  - (i) *prepared by the local government; and*
  - (ii) *published in a newspaper circulating in the Scheme area.*

In accordance with section 2.7(2)(b) of the Local Government Act 1995 one of the roles of a Council is to “determine the local government’s policies”.

**Policy Implications:**

A new policy is being presented to Council for consideration (see Attachment 8.2.5b).

**Budget / Financial Implications:**

Nil

**Strategic & Corporate Plan Implications:**

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

Denmark 2027

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.*

Corporate Business Plan

L5.3.2 *Develop and implement a standard event and risk management plan template to manage risk effectively*

**Sustainability Implications:**

➤ **Governance:**

The policy will provide a standard and comprehensive application method and a consistent approach for officers when considering those applications.

The policy seeks to ensure that events comply with relevant legislation regarding permits, licences etc. and public health and safety.

➤ **Environmental:**

One of the purposes of the policy is to raise event organiser awareness to potential environmental impacts and provide information on how any risks can be mitigated or removed.

➤ **Economic:**

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

➤ **Social:**

One of the purposes of the policy is to raise event organiser awareness to potential public health and safety risks and provide information on how any risks can be mitigated or removed.

➤ **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)
<b>Compliance:</b> There is a risk that by not adopting an appropriate Policy, events on public land may not meet legislative compliance.	Possible (3)	Moderate (3)	Moderate (5-9)	Ineffective Management of Facilities and Events	Accept Risk or adopt a Council Policy.

**Comment/Conclusion:**

The adoption of a new policy for event approvals will ensure that officers time and resources is better managed, that potential event applicants have a clearer understanding of what is required of them in seeking approval for their event, and that this will lead to more successfully managed events in our community.

**Voting Requirements:**

Simple majority.

OFFICER RECOMMENDATION	ITEM 8.2.5
<p>That Council:</p> <ol style="list-style-type: none"> <li>1. REVOKE Town Planning Scheme Policy No.38 (Events, Concerts and Other Organised Gatherings);</li> <li>2. ADOPT the Event Approval policy (Attachment 8.2.5);</li> <li>3. PROVIDE public notice that Town Planning Scheme Policy No.38 has been revoked and replaced with a new Council Policy.</li> </ol>	

**8.3 CHIEF EXECUTIVE OFFICER**

Nil

**9. COMMITTEE REPORTS AND RECOMMENDATIONS**

Nil

**10. MATTERS BEHIND CLOSED DOORS**

OFFICER RECOMMENDATION	ITEM 10
<p>That pursuant to Section 5.23 (a) and (b) of the Local Government Act 1995, the meeting move behind closed doors due to the subject of Item 10.1, 10.2 and 10.3 being matters affecting an employee or employees and the personal affairs of a person.</p>	

**10.1 CHANGE OF METHOD OF VALUATION – 15 (LOT 32) LITTLE RIVER ROAD OCEAN BEACH**

File Ref:	A3919
Applicant / Proponent:	M Thornton
Subject Land / Locality:	No. 15 (Lot 32) Little River Road, Ocean Beach
Date:	7 September 2020
Author:	Lee Sounness, Acting Director Corporate & Community Services
Authorising Officer:	Lee Sounness, Acting Director Corporate & Community Services
Attachments:	10.1a – Land Use Declaration Form 10.1b – Aerial map identifying the Subject Land 10.1c – Map identifying zoning of the Subject Land

This report is confidential and provided to Councillors under separate cover.



## 10.2 ACTING CHIEF EXECUTIVE OFFICER AND ANNUAL PERFORMANCE REVIEW

<b>File Ref:</b>	Personnel File
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	The Author and Authorising Officer are both direct reports to the position of Chief Executive Officer
<b>Date:</b>	9 September 2020
<b>Author:</b>	Claire Thompson, Governance Coordinator
<b>Authorised by:</b>	Lee Sounness, Acting Director Corporate and Community Services
<b>Attachments:</b>	Nil

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This report is confidential and provided to Councillors under separate cover.

## 10.3 CHIEF EXECUTIVE OFFICER RECRUITMENT PROGRESS

<b>File Ref:</b>	Personnel File
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	The Author and Authorising Officer are both direct reports to the position of Chief Executive Officer
<b>Date:</b>	31 August 2020
<b>Author:</b>	Claire Thompson, Governance Coordinator
<b>Authorising Officer:</b>	Lee Sounness, Acting Director Corporate & Community Services
<b>Attachments:</b>	Nil

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This report is confidential and provided to Councillors under separate cover.

## 11. NEW BUSINESS OF AN URGENT NATURE

## 12. CLOSURE OF MEETING