

Ordinary Council Meeting MINUTES

19 OCTOBER 2021



HELD IN COUNCIL CHAMBERS, 953 SOUTH COAST HIGHWAY,
DENMARK ON TUESDAY, 19 OCTOBER 2021.



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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

DISCLAIMER

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

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

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

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SWEARING IN CEREMONY OF NEW COUNCILLORS

Newly elected Councillors were sworn in by Mr Peter Moyes JP prior to the commencement of the meeting as follows;

	Name	Ward	Term Expiring
Elected:	Cr Jan Lewis	(Scotsdale/Shadforth Ward)	October 2025
	Cr Clare Campbell	(Scotsdale/Shadforth Ward)	October 2025
	Cr Donna Carman	(Town Ward)	October 2025
	Cr Donald Clarke	(Town Ward)	October 2023
	Cr Nathan Devenport	(Scotsdale/Shadforth Ward)	October 2023
	Cr Jackie Ormsby	(Kent/Nornalup Ward)	October 2025

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

4.14pm - The Chief Executive Officer declared the meeting open and announced that he would preside over the meeting until such time as a Shire President was elected. Mr Schober acknowledged the custodians of the land past, present and emerging and thanked Mr Peter Moyes JP for participating in the swearing in ceremony.

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

MEMBERS:

- Cr Ceinwen Gearon
- Cr Kingsley Gibson
- Cr Clare Campbell
- Cr Donna Carman
- Cr Donald Clarke
- Cr Jackie Ormsby
- Cr Jan Lewis
- Cr Janine Phillips
- Cr Nathan Devenport

STAFF:

- Mr David Schober (Chief Executive Officer)
- Mr David King (Deputy Chief Executive Officer)
- Mrs Gina McPharlin (Director Corporate & Community Services)
- Ms Claire Thompson (Governance Coordinator)
- Ms Lisa Sanders (Executive Support Officer)

APOLOGIES

Nil

ON APPROVED LEAVE(S) OF ABSENCE

Nil

ABSENT

Nil

VISITORS

Mr Peter Moyle JP

3. ELECTION OF SHIRE PRESIDENT & DEPUTY SHIRE PRESIDENT

3.1 ELECTION OF SHIRE PRESIDENT

A Nomination for the office of Shire President must be made in writing on a Nomination of Shire President Form (Attachment 3.1) and provided to the Chief Executive Officer (CEO) at any time prior to the meeting or during the meeting up until the election. The Councillor nominated must advise the CEO, either orally or in writing, that they are willing to be nominated for the office.

The process for determining the result of any election for the position (in the event of there being more than one accepted nomination) will be in accordance with Schedule 2.3 of the Local Government Act 1995. Voting for the position will be by secret ballot, and all Councillors in attendance must vote.

The Councillor elected as the Shire President is to assume the role of Chair (Presiding Person) upon being declared elected and having completed the Declaration of Office.

The Shire President, if so elected, is to commence Presiding over the meeting.

Declaration of President

Cr Gibson nominated Cr Gearon who accepted the nomination in writing.

There being no further nominations for the position, the Chief Executive Officer declared Cr Gearon elected as President of the Shire of Denmark until October 2023.

Cr Gearon was duly sworn into the Office of President, in the presence of Mr Peter Moyes JP, and assumed the chair as the Presiding Person.

3.2 ELECTION OF DEPUTY SHIRE PRESIDENT

A Nomination for the office of Deputy Shire President must be made in writing on a Nomination of Deputy Shire President Form (Attachment 3.2) and provided to the CEO at any time prior to the meeting and during the meeting up until the election. The Councillor nominated must advise the CEO, either orally or in writing, that he or she is willing to be nominated for the office.

The process for determining the result of any election for the position (in the event of there being more than one accepted nomination) will be in accordance with Schedule 2.3 of the Local Government Act 1995. Voting for the position will be by secret ballot, and all Councillors in attendance must vote.

The Councillor elected as the Deputy Shire President is to assume the role upon being declared elected and having completed the Declaration of Office.

Declaration of Deputy President

Cr Lewis nominated Cr Gibson who accepted the nomination in writing.

There being no further nominations for the position, the Chief Executive Officer declared Cr Gibson elected as Deputy President of the Shire of Denmark until October 2023.

Cr Gibson was duly sworn into the Office of Deputy President, in the presence of Mr Peter Moyes JP.

4. TABLE SEATING DRAW

Pursuant to Clause 8.2 of the Shire of Denmark Standing Orders Local Law 2000, the names of Councillors, with the exception of the Shire President (who will sit at the top of the table), were drawn randomly by the Chief Executive Officer for the purpose of seating arrangements.

COUNCIL RESOLUTION	
MOVED: CR PHILLIPS	SECONDED: CR GIBSON
That the meeting be adjourned for a short break, the time being 4.24pm.	
CARRIED UNANIMOUSLY: 9/0	Res: 011021

4:32pm - The Shire President resumed the meeting with all members present.

5. DECLARATIONS OF INTEREST

Name	Item No	Interest	Nature
Cr Gibson	11.3.4	Financial	I work for the owner of the building.
Cr Gibson	13.1	Impartially	Some of the applicants are known to me
Cr Gibson	13.2	Impartially	Some of the applicants are known to me
Cr Gearon	13.2	Impartially	Some of the applicants are known to me
Cr Clarke	13.2	Impartially	Coached one of the applicants four (4) years ago
Cr Devenport	13.2	Financial	One of the applicants is known to Cr as a family babysitter.

6. ANNOUNCEMENTS BY THE PERSON PRESIDING

The Shire President acknowledged the land on which the meeting was being held and the traditional custodians of the land, the Bibbulmun and Minang people.

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

Cr Gearon stated that it had been a tragic few weeks, with the loss of two (2) young lives in the community. Cr Gearon acknowledged that the community was in pain and encouraged everyone to look after each other and be kind.

Cr Gearon welcomed new Councillors and acknowledged former Deputy Shire President, Councillor Mark Allen for his dedication of time and energy whilst a member of Council.

Cr Gearon acknowledged former Councillors Seeney, Osborne and Bowley, who had not re-nominated, and thanked them for their service.

7. PUBLIC QUESTION TIME

7.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

7.2 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

7.2.1 Mike Travers

Mike Travers welcomed the new Council and stated that he had admiration for those electing to become members given the commitment involved.

7.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

7.4 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.

7.4.1 Councillor Kingsley Gibson – Electric Car Presentation.

Councillor Gibson presented Council with information in relation to electric vehicles, including sustainability and carbon reduction ambitions and advantages and limitations of the current generation of electric vehicles.

8. APPLICATIONS FOR FUTURE LEAVE OF ABSENCE

Nil

9. CONFIRMATION OF MINUTES

9.1 ORDINARY COUNCIL MEETING – 21 SEPTEMBER 2021

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.1
MOVED: CR GIBSON	SECONDED: CR LEWIS
That the minutes of the Ordinary Meeting of Council held on the 21 SEPTEMBER 2021 be CONFIRMED as a true and correct record of the proceedings.	
CARRIED UNANIMOUSLY: 9/0	Res: 021021

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

Nil

11. REPORTS OF OFFICERS

11.1 DIRECTOR ASSETS AND SUSTAINABLE DEVELOPMENT

11.1.1 TEN.1-2021/22 – OCEAN BEACH LIME QUARRY ON RESERVE 46273 – EXTRACTION, CRUSHING AND SCREENING OF LIMESTONE MATERIAL FOR THE PRODUCTION OF AGRICULTURAL LIME

File Ref:	TEN.1-2021/22
Applicant / Proponent:	Shire of Denmark
Subject Land / Locality:	Ocean Beach Lime Quarry
Disclosure of Officer Interest:	Nil
Date:	4 October 2021
Author:	David King, Deputy Chief Executive Officer
Authorising Officer:	David Schober, Chief Executive Officer
Attachments:	11.1.1a - Mine Staging Plan 2021 - 2025 11.1.1b – Briefing Note - confidential to councillors see body of report for further detail.

Summary:

The 2021/22 Municipal Budget contains an allocation of \$205,000 for *Lime Sand Quarry Operations*. In accordance with this budget provision, the Shire of Denmark issued a request for tender for the quarrying, crushing and loading of agricultural lime.

This item recommends the appointment of *Nexgen Crushing and Screening* for the contract of lime sand mining from the Ocean Beach Quarry for an initial three (3) year period, with a two (2) year option.

Background:

The Ocean Beach Road Limestone Quarry is in the Shire of Denmark, Reserve No. 46273, portion A-Class Reserve No. A24913 and is located on Ocean Beach Road, approximately 8km from the Denmark Townsite. The quarry access road is to the west of Ocean Beach Road, just south of the Denmark Surf Lifesaving Club driveway. An aerial image of the lime pit is provided in Figure 1.

The Ocean Beach Lime Sand Quarry has been in operation for more than twenty (20) years and is currently the subject of Mining Lease No.70/1038. The mining lease was recently renewed for 20 years, expiring on 14 November 2042.

The Quarry is mined on behalf of the Shire of Denmark to produce agricultural lime sand to the local region.

Over the last four (4) financial years, the lime pit has been mined under a three (3) + (1) + (1) contract. Although there was provision in the contract for a further one (1) year term, determined that in order to achieve value for money the market should be re-tested

Figure 1 – Aerial Image of the Lime Pit



The scope of works for the contract under consideration involves the following:

- preparing the site for quarrying
- quarrying, crushing and screening of limestone to produce agricultural lime sand.
- out loading of processed lime.

The quarrying operations are to be carried out in accordance with the Mine Staging Plan provided as Attachment 11.1.1a.

Consultation:

A request for tender was published in the West Australian on 29 August 2021, Albany Advertiser on 28 August 2021 and in the Denmark Bulletin on 27 August 2021.

Statutory Obligations:

Regulation 11 of the Local Government (Functions and General) Regulations 1996 (Regulations) requires Council to publicly tender if the contract is, or is expected to be, more, or worth more than \$250,000.00.

Regulation 18 of the Regulations outlines a number of requirements relating to the choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. The Council may also decline to accept any tender.

Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of the Council's decision.

Attachment 11.1.1b is a confidential briefing note has been distributed under separate cover in accordance with section 5.23 of the Local Government Act 1995(2)(iii), being a matter that if disclosed, would reveal information about the commercial affairs of a person other than the Local Government.

Policy Implications:

P040220 Purchasing Policy and P040216 Regional Price Preference Policy are applicable to this item.

Budget / Financial Implications:

A breakdown of the project budget is included in the confidential briefing note associated with this report.

Strategic & Corporate Plan Implications:

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.

L5.4 To be fiscally responsible.

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

The 2021/22 budget, and adopted long term financial plan, provides direction to officers that the lime pit is to continue. The consideration before Council is to determine a contractor to carry out the works, and as such, there are no known significant environmental implications relating to the decision.

Nevertheless, it is advised that under the proposed contract, no additional clearing is required to extract the 75,000 tonnes of lime required to fulfil the contract terms. Attachment 11.1.1a provides the information to demonstrate this.

➤ **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)
Financial: That a tender is not awarded in a timely manner resulting in risk to the 2021/22 mining operation.	Possible (3)	Moderate (3)	Moderate (5-9)	Business Disruption	Accept Officer Recommendation
Financial: That a multiple-year contract is awarded that is not honoured.	Unlikely (2)	Major (4)	Moderate (5-9)	Business Disruption	Accept Risk

Comment/Conclusion:

Evaluation

At the closing date, one (1) submission was received from *Nexgen Crushing and Screening*, which was deemed to be conforming. Tenders are evaluated using a weighted attributed methodology. The method scores the evaluation criteria and weights the importance to determine an overall point score for each tender.

The purpose of this is to enable a fair and equitable assessment and comparison of submitted tenders. In this case, there is only one tender submission; however, the evaluation still needs to be complete for regulatory requirements. In addition, by undertaking a comprehensive evaluation, officers are able to assess the tender for its value for money.

The evaluation panel consisted of three (3) Shire officers, including a Director. The purpose of the Panel was to assess and score the tender and undertake any communication with the tenderer that may be necessary to clarify the submission. To ensure value for money, the Panel assessed the tender according to a pre-determined weighting schedule.

The criteria and weightings are show in Table 1 – Criteria and Weightings

Table 1 – Criteria and Weightings

Criteria	% Weight
Relevant Experience	20%
Key Personnel	15%
Tenderers Resources	15%
Cost	50%

The qualitative criteria of ‘relevant experience’ and ‘tenderers resources’ were scored as per Table 2 – Qualitative scoring.

Table 2 – Qualitative scoring

Score	Description
0	Inadequate or non-appropriate offer, many deficiencies, does not meet criterion (did not submit any documentation to support claims)

1	Between 0 and 2
2	Marginal offer, some deficiencies, partly meet criterion
3	Between 2 and 4
4	Fair offer, few deficiencies, almost meet criterion
5	Between 4 and 6
6	Good offer, no deficiencies, meet criterion
7	Between 6 and 8
8	Very good offer, exceed criterion
9	Between 8 and 10
10	Outstanding offer, greatly exceed criterion

Based on the evaluation process, the tender from *Nexgen Crushing and Screening* was deemed to satisfy all the selection criteria outlined in Table 1. Further discussion can be found within the confidential briefing note provided to Council under separate cover.

Contract term and Separable Portions

Works were tendered for a five (5) year period until 2025/26 in the form of a three (3) + two (2) contract term. Whilst there is a risk (quantified in the risk section) that financial damages would be due if the initial three (3) year contract was not honoured, there are benefits to the Shire of Denmark by awarding an extended contract timeframe. These are:

- Increased administrative efficiency
- Competitive pricing
- Price security

It should be noted that if Council does not wish to enter into an initial three (3) year contract, a renegotiation on price will be required and the potential requirement to re-tender, if the price is unacceptable, or the tenderer withdraws. This risk is quantified in the risk section of this report.

The contract is to be administered using the Australian Standard 4000 (AS4000). AS4000 is a commonly used set of contract conditions for significant works.

AS4000 allows contracts to be structured to enable the division of the works into separable portions. The use of separable portions allows the works to be split into defined work parcels that can effectively be managed as separate contracts in their own right. This allows for improved management and oversight than a single contract across multiple years. The separable portions are defined in Table 3 – Separable portions.

Table 3 – Separable Portions

Financial Year	Quantity of Lime	Separable Portion
2021/22	15,000	SP1
2022/23	15,000	SP2
2023/24	15,000	SP3
2024/25	15,000	SP4
2025/26	15,000	SP5

It is recommended that Council accept the crushing and screening tender for separable portions SP1, SP2 and SP3. It is further proposed that subject to satisfactory performance; the tenderer is offered SP4 and SP5.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 11.1.1
MOVED CR PHILLIPS	SECONDED CR GEARON
That Council:	
<ol style="list-style-type: none"> 1. ACCEPT the tender from <i>Nexgen Crushing and Screening</i> for TEN.1-2021/22 for Separable Portions 1,2 and 3; and, 2. AUTHORISE the Chief Executive Officer to award Separable Portions 4 and 5 subject to the satisfactory performance of (1) above. 	
CARRIED UNANIMOUSLY: 9/0	Res: 031021

11.2 DIRECTOR CORPORATE AND COMMUNITY SERVICES

11.2.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31 AUGUST 2021

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	30 September, 2021
Author:	Lee Sounness, Manager Corporate Services
Authorising Officer:	Gina McPharlin, Director Corporate & Community Services
Attachments:	11.2.1 – August 2021 Monthly Financial Report

Summary:

The attached financial statements and supporting information for the period ending 31 August 2021 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 are 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

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 since the budget adoption on 17 August 2021.

Strategic & Corporate Plan Implications:

The report and officer recommendation are consistent with Council's adopted Strategic Community Plan Aspiration's and Objectives in the following specific way:

Denmark 2027

L5.4 To be fiscally responsible

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 August 2021, total cash funds held (excluding trust funds) totals \$7,158,264 (Note 1).

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

Reserve Funds (restricted) total \$4,653,717 (Note 5).

Municipal Funds (unrestricted) total \$2,504,547 (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 2022 end of year financial position is estimated to be balanced at zero. 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 in line with year to date budget predictions for the period ended 31 August 2021 (Statement of Financial Activity) except for items referenced in Note 3(a), which includes depreciation expense which is yet to be applied for the 2021/2022 financial year.
- The Rates Collection percentage for the year sits at 1.69%. This is lower than previous years but is related to the late adoption date of the budget and, therefore the timing of the Rates Notices being issued and the due date for payment. (see Note 4)
- The 2021/2022 Capital Works Program has only just commenced with 0.30% completed for the year to date, with a total committed cost of 7.33% as at 31 August 2021 (see Note 10).
- Various transfers to and from General Reserve Funds have not been made for the 2021/2022 year as they are undertaken in the latter part of the financial year, depending on the specific projects to which the transfers relate.
- Salaries and Wages expenditure has been in line with budget estimates (not reported specifically in Financial Statement).

Other Information

- Budget Surplus Brought Forward – The adopted budget for 2021/2022 was built on an estimated brought forward surplus position from 2020/2021 of \$1,553,964.
- Depreciation Expense – Depreciation of all asset classes have not yet been calculated for the reporting period, depreciation expense will be applied once the annual audit of the financial accounts for the year ended 30 June 2021 have been completed.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 11.2.1
MOVED: CR GIBSON	SECONDED: CR CLARKE
That Council; with respect to Financial Statements for the period ending 31 August 2021, RECEIVE the Financial Reports, incorporating the Statement of Financial Activity and other supporting documentation.	
CARRIED UNANIMOUSLY: 9/0	Res: 041021

11.2.2 LIST OF PAYMENTS FOR THE PERIOD ENDING 31 AUGUST 2021

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	30 September 2021
Author:	Lee Sounness, Manager of Corporate Services
Authorising Officer:	Gina McPharlin, Director Corporate & Community Services
Attachments:	11.2.2 – August Monthly List of Accounts Submitted Report – see gina re changes

Summary:

The purpose of this report is to advise the Council of payments made during the period 1 August 2021 to 31 August 2021.

Background:

Nil

Consultation:

Consultation was not required for this report.

Statutory Obligations:

Local Government (Financial Management) Regulations 1996

Regulation 13 – allows delegation of payments from the Municipal Fund or the Trust Fund to the Chief Executive Officer (CEO) and sets out the information (payee name, amount, date and sufficient information to identify the transaction) to be presented to Council each month.

Policy Implications:

Delegation Number D040201 authorises the CEO to make payments from the Municipal Fund or the Trust Fund. Each payment from the Municipal Fund or the Trust Fund is to be reported to Council each month.

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 are consistent with Council's adopted Strategic Community Plan Aspirations and Objectives in the following specific ways:

Denmark 2027

L5.4 To be fiscally responsible

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.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 11.2.2
MOVED: CR CLARKE	SECONDED: CR CAMPBELL
That with respect to the attached Schedule of Payments, totalling \$1,566,549.39, for the month of August 2021, Council RECEIVE the following summary of accounts:	
<ul style="list-style-type: none"> • Electronic Funds Transfers EFT30897 to EFT31109 - \$958,095.09; • Municipal Fund Cheque No's 60447 – 60449 - \$6,453.50; • Internal Account Transfers (Payroll) - \$462,668.29; and • Direct Debit - \$11,736.75; • Corporate Credit Card; \$1,178.66; • Department of Transport Remittances; \$109,844.15, and • Loan Payments: \$16,572.95. 	
CARRIED UNANIMOUSLY: 9/0	Res: 051021

11.2.3 INVESTMENT REPORT FOR THE PERIOD ENDED 31 AUGUST 2021

File Ref:	FIN.19
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	30 September 2021
Author:	Lee Sounness, Manager Corporate Services
Authorising Officer:	Gina McPharlin, Director Corporate & Community Services
Attachments:	11.2.3 August 2021 Investment Register

Summary

This report presents the Investment Register for the month ending 31 August 2021.

Background

This report is for Council to receive the Investment Register as at 31 August 2021.

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 investments are to comply with the following 3 key criteria:

- a) Portfolio Credit Framework - limits the percentage of the portfolio exposed to any particular credit rating category (table a.)

Table a.

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%

- b) Counterparty Credit Framework – limits single entity exposure by restricting investment in an individual counterparty/institution by their credit rating (table b.)

Table b.

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	25%	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.

- c) Term to Maturity Framework - limits investment based upon maturity of securities (table c.)

Table c.

Overall Portfolio Return to Maturity		
Portfolio % <1 year	Min 40%	Max 100%
Portfolio % >1 year	Min 0%	Max 60%
Portfolio % >3 year	Min 0%	Max 50%
Portfolio % >3 year < 5 year	Min 0%	Max 25%

Investments fixed for greater than 12 months are to be reviewed on a regular basis and invested for no longer than five 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 Register summarises how funds are invested as per the Shires Investment Policy and reports on the Investment Portfolio balance as at 31 August 2021.

The Investment Portfolio complies with the criteria of Investment Policy P040229 with the portfolio balance mix meeting the requirement of no single institution holding more than 50% of the total funds invested, and an individual institution’s Standard & Poor’s (S&P) credit rating meeting the required threshold to limit single entity exposure.

The total Reserve Funds invested as at 31 August 2021 totals \$4,653,718.

The total Municipal Funds Invested as at 31 August 2021 totals \$658,565.

The Reserve Bank of Australia (RBA) has not altered its cash rate for this month. The cash rate remains set at 0.10%.

Voting Requirements

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 11.2.3
MOVED: CR CARMAN	SECONDED CR DEVENPORT
That Council RECEIVE the Investment Register (Attachment 9.2.3) for the period ended 31 August 2021.	
CARRIED UNANIMOUSLY: 9/0	Res: 061021

11.3 CHIEF EXECUTIVE OFFICER

11.3.1 DENMARK AIRPORT ASSOCIATION INC. SERVICE AGREEMENT AND BUDGET CONSIDERATION

File Ref:	AGR.71
Applicant / Proponent:	Denmark Airport Association Inc.
Subject Land / Locality:	Denmark Airport Reserve No. 41390, Wrightson Road, Hay
Disclosure of Officer Interest:	Nil
Date:	13 September 2021
Author:	Claire Thompson, Governance Coordinator
Authorising Officer:	David Schober, Chief Executive Officer
Attachments:	11.3.1a – CASA Guidelines for Aeroplane Landing Area 11.3.1b – DRAFT Service Agreement

Summary:

Council is asked to consider entering into a Service Agreement with the Denmark Airport Association Inc. ('DAA') and provide an annual financial contribution.

Background:

DAA HISTORY

Summarised by information provided by the DAA

- The first hangar was constructed in 2001, and DAA emerged as users of the Airport increased.
- Successful Regional Airport Development Scheme (RADS) prepared by the DAA to have the runway lengthened and radio operated lighting installed, which then allowed for the Royal Flying Doctor Service (RFDS) to use the Denmark Airport.
- DAA commenced regular inspections, runway cleaning, repair of failed runway lights, periodic replacement of worn windsocks and other work under an informal agreement with the Shire.
- Firefighting operations – DAA facilitated a project to improve the system to fill firefighting aircraft. DAA contributed \$5,500, volunteer time, additional funds, supplies and materials came from some local businesses. DAA members designed and constructed a system resulting in aircraft being able to be filled in 3.5 minutes (reduced from approximately 15 minutes per aircraft).
- In collaboration with the Shire, a larger water tank has been installed and piping improvements made, resulting in a further decrease in filling time to approximately one minute per aircraft.
- Additional RADS and other proposals yielded funds to updated the runway lights to energy-efficient long-life LED lighting. Other projects have included: Fenced north and east of the Airport to stop public access, Shire provided materials for the DAA to build an equipment shed and new runway markers and constructed a fire pump shed.
- DAA have purchased their own maintenance equipment and supplies and installed a high-quality weather station including cameras that overlook the Airport and parking lot.
- Most recently, DAA members, together with Denmark residents, volunteer organisations, businesses and the Shire, have improved ambulance transfer operations by building weather protection for ambulance patients and crews at the terminal building.
- DAA has assisted the Shire to gain funds to build a kangaroo exclusion fence to improve night operational safety.

THE DRAFT AGREEMENT

The Shire commenced negotiations with the DAA in 2020 for the purpose of providing certainty as to what work the DAA were undertaking annually and what the Shire was responsible for. The Agreement also specified that the DAA was required to have public liability for their activities, which they had never had previously.

Consultation:

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

Statutory Obligations:

Section 2.7(2)(a) – the role of the Council is to oversee the allocation of the local government’s finances and resources.

MANAGEMENT OF RESERVE

The Minister has provided the Shire of Denmark with *Management Order* over Reserve 41390 for the purpose of *Aerial Landing Ground*.



ABOVE: Reserve 41390 (delineated in red)

Policy Implications:

- Denmark Airfield – Land Use Strategy

Situated within Reserve 41390, the airfield is categorised by the Civil Aviation Safety Authority (CASA) as an Aeroplane Landing Area (ALA).

Adopted in 2010, the Strategy acknowledges the importance of the ongoing voluntary role of the Denmark Airport Association (DAA) given the knowledge, skills and expertise of members. In addition, the Strategy notes that the Shire will continue to foster open and positive communication with the DAA and seek input into the future planning, upgrade and improvements to the ALA.

- Town Planning Scheme No. 3 Policy 25.1 – Denmark Airfield and Airpark.

The policy is complementary to the Strategy and provides guidelines related to, predominately, development and land use.

- CASA Guide relating to ALAs

The Denmark ALA is an unregistered facility, and its use is in accordance with the Aircraft Operators Certificate and/or pilot’s responsibility to determine the suitability of the facility.

Notwithstanding, CASA has developed some *Guidelines for ALAs* (see Attachment 11.3.1a) that provide recommendations on best practices. This is the standard that the DAA has sought, and seek, to achieve for the Denmark ALA. While the Shire agree a

framework to guide safety processes is appropriate, careful consideration with respect to improvements must be balanced in the context of not requiring financial contributions beyond all reasonable expectations of an aerodrome that is neither certified nor licenced.

■ Purchasing Policy P040220

The Shire’s policy requires two (2) written quotes for contracts or purchases over \$20,000; however, it also notes that it can depend on the type and nature of the contract or purchase.

Given the nature and breadth of services required, Officers have considered the procurement process and deemed a non-conforming quote is suitable under these circumstances. Officers consider that the amount proposed by the DAA for the services they are required to perform under the Agreement provide good value for money, particularly as the labour is voluntary.

Budget / Financial Implications:

For the last ten years, the DAA members have performed considerable work at the Denmark Aerodrome, in a volunteer capacity and at their own (usually personal) financial cost. The Shire reimburses them for lawnmower fuel, approximately \$1,100 per annum.

The 2021/22 Budget allocation under GL1228052 Account - *Airport Maintenance* is \$16,300, with the remaining 2021/22 balance being \$7,600.

Shire Officers have negotiated an annual contribution amount with the DAA of \$28,500. Both Officers and the DAA have deemed the amount reasonable to cover all of their associated costs.

The amount recommended is based on the following;

Insurance (public liability, personal injury and equipment)	\$4,600
Electrical equipment including Anemometer and internet.....	\$2,570
Mower maintenance (100 hours pa), service and fuel.....	\$3,840
Depreciation of equipment valued at \$36,000 over 10 years	\$3,600
* Twice daily inspections – 25kms/day (fuel and maintenance)	\$6,960
Replacement of windsocks	\$890
Replacement of broken LED runway globes and bases.....	\$1,200
Engagement slashing contractor	\$2,000
Consumables – eg. tools, replacement signs, general hardware	\$2,400
4x4 weed sprayer costs	\$440
TOTAL	\$28,500

** daily inspections consist of checking that the Pilot Activated Lighting system is working, an inspection of the main runway and surrounds checking for damage, lights not working, rubbish and any obstructions. Checking windsock lights, airport building, levels of the water tanks, and pump water to tank feeding main building if the level is low. Under the Agreement, the DAA would also be responsible for cleaning the building and toilets.*

See Attachment 11.3.1b for more detailed information on the services that the DAA would be providing for the Shire.

The Shire would continue to pay approximately \$2,500 per annum for electricity, public liability and building insurance, and the licence for radio/lighting.

In July 2021 a payment was made to the Denmark Airport Association to cover the cost of their insurance for the 2021/22 financial year. Should Council agree to enter into the proposed service agreement and make a contribution for the 2021/22 financial year, this would be less \$4,235.00 (being the amount already paid).

GL Account 1228052 – Airport Maintenance would require adjusting at the time of the mid-year budget review to increase it by approximately \$15,000.

Strategic & Corporate Plan Implications:

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

Denmark 2027

B3.0 Our Built Environment

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

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

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.

Sustainability Implications:

➤ **Governance:**

As stated above, for the last 20 years, the DAA have performed services at the Denmark Aerodrome in a voluntary capacity; however there has never been any agreement in place to clearly define the responsibilities of both the Shire and the DAA. The services that the DAA have provided have resulted in the Shire not having to either employ someone directly or contract the services out.

The Agreement is a means for the DAA to understand the extent of their responsibility and also what the Shire will remain responsible for, significantly reducing any confusion or overlap.

The Agreement also requires the DAA to have their own public liability, which indemnifies the Shire and protects their members.

➤ **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)
Reputational: That there is a company or individual who would like to quote on the service contract.	Unlikely (2)	Insignificant (1)	Low (1-4)	Inadequate Procurement, Disposal, Tender Practice	Accept Risk

Comment/Conclusion:

The attached draft Service Agreement, Attachment 11.3.2a, has been negotiated with the Denmark Airport Association Committee in liaison with their President.

The Shire has a similar arrangement with the Denmark Lions Club for the maintenance of the Denmark Cemetery.

Voting Requirements:

Absolute majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 11.3.1
MOVED CR LEWIS	SECONDED CR PHILLIPS
That with respect to the Denmark Aerodrome, Council;	
1. APPROVE the Service Agreement (as per Attachment 11.3.1b); and	
2. AUTHORISE the Chief Executive Officer and the Shire President to execute the agreement; and	
3. AUTHORISE a payment of \$24,265 (being an agreed annual contribution of \$28,500 less \$4,235 already paid) from GL Account 1228052 – Airport Maintenance; and	
4. REQUEST that GL Account 1228052 be adjusted accordingly in the mid-year budget review to allow for the additional expenditure.	
CARRIED UNANIMOUSLY AND BY AN ABSOLUTE MAJORITY: 9/0	Res: 071021

6.06pm – SECONDE PUBLIC QUESTION TIME.

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

11.3.2 DENMARK COMMUNITY RESOURCE CENTRE LEASE

File Ref:	LEA.37
Applicant / Proponent:	Denmark Community Resource Centre Inc.
Subject Land / Locality:	Portions of Lot 228 on Deposited Plan 217468
Disclosure of Officer Interest:	Nil
Date:	7 October 2021
Author:	Claire Thompson, Governance Coordinator
Authorising Officer:	David Schober, Chief Executive Officer
Attachments:	11.3.2a – Council Report and Resolution from 16 February 2021 11.3.2b – Draft Lease

Summary:

Denmark FM require a suitable portion of land to be added to the current Denmark Community Resource Centre lease, for the purpose of housing a generator.

Officers recommend that the Denmark Community Resource Centre lease be amended to facilitate the installation of a generator.

Background:

At the meeting held on 16 February 2021, Council agreed to enter into a new lease with the Denmark Community Resource Centre Inc. (DCRC) (see Attachment 11.3.2a).

During lease negotiations, the DCRC were developing *Denmark FM*, a local community radio station.

The DCRC contacted the Shire and asked for permission to place a backup generator in a location south of the carpark area (that is managed by the Shire of Denmark).

It is considered appropriate that the area for the generator is included in their lease.

Consultation:

Shire Officers have provided advice on the DCRC's proposed location and clearing requirements for the generator.

Statutory Obligations:

LOCAL GOVERNMENT ACT 1995

Section 3.58 provides a local government with the power to dispose of property, including to lease.

The Shire purchased Lot 228 on Deposited Plan 217468 in 2016. Ministerial approval is not required in order to lease freehold land.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

The cost of clearing an area and installing the generator will be borne by the DCRC.

Strategic & Corporate Plan Implications:

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

Denmark 2027

L5.0 Our Local Government

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 to make consistent and well considered decisions.

Corporate Business Plan

Nil

Sustainability Implications:

➤ **Governance:**

The responsibilities and obligations on the lessor under the lease will be extended to include the area for the generator.

➤ **Environmental:**

The creek line (Millers Creek) is approximately 17m away from the proposed generator location.

An environmental impact assessment indicates, no known environmental or heritage values at the proposed site of the vegetation clearing for the generator.

it is preferable that the concrete slab is constructed in such a way that screening vegetation can be planted.

Officers will provide advice on screening vegetation to plant, given the importance of promoting native local species, due to the high-profile location and being located near Shire reserves and drainage water course into the Denmark River.

➤ **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.

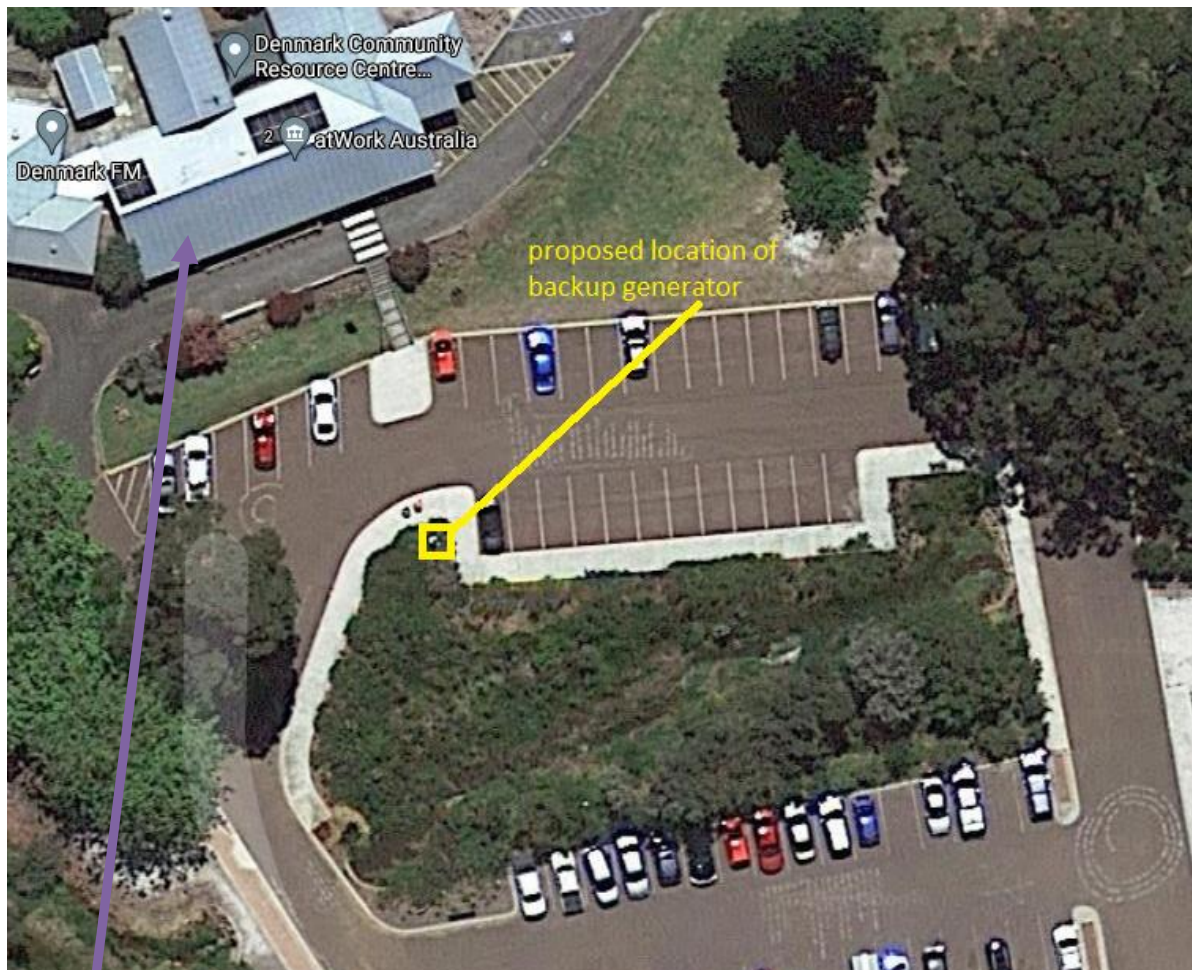
➤ **Risk:**

Nil

Comment/Conclusion:

The location for the generator has been chosen because of its close proximity to the meter box, placing it further away would require significant works and cost (digging up carpark, cabling etc.). The generator will provide a permanent backup power source for the entire Morgan Richards Community Centre (the building occupied by the DCRC), including Denmark FM. The DCRC have also considered that in an emergency situation the backup power source at the facility could be beneficial for the continuation of community services.

The size of the concrete pad for the generator will be 4.2m x 3m.



ABOVE: Morgan Richards Community Centre (leased to the Denmark Community Resource Centre) and proposed location of generator



ABOVE: close up of generator location and area to be revegetated for screening.

Officers recommend that the generator area be fenced and lockable.

An updated draft lease is attached which includes a third Appendix showing the additional lease area for the generator. No other terms have changed from the draft lease that was approved by Council in February 2021.

Voting Requirements:

Simple majority.

<p>COUNCIL RESOLUTION & OFFICER RECOMMENDATION MOVED CR GEARON</p>	<p>ITEM 11.3.2 SECONDED CR GIBSON</p>
<p>That with respect to the lease between the Shire of Denmark and the Denmark Community Resource Centre Inc., Council:</p> <ol style="list-style-type: none"> 1. APPROVE the amended lease (as per Attachment 11.3.2a) that incorporates an area to be used for the installation of a backup generator; 2. AUTHORISE the Chief Executive Officer and the Shire President to execute the lease and affix the common seal; and 3. REQUIRE that any vegetation clearing, the installation of the generator (including the concrete pad and fencing) and revegetation for screening is done in liaison with, and to the satisfaction of, Shire Officers. 	
<p>CARRIED UNANIMOUSLY: 9/0</p>	<p>Res: 081021</p>

11.3.3 SOUTH COAST ALLIANCE INC. 2022 MEMBERSHIP NOMINATION

File Ref:	SCA
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	5 October 2021
Author:	Claire Thompson, Governance Coordinator
Authorising Officer:	David Schober, Chief Executive Officer
Attachments:	11.3.3 - Membership Policy

Summary:

Council are asked to nominate an Elected Member to represent the Shire of Denmark on the South Coast Alliance Inc. (SCA) Committee.

Background:

The SCA is an incorporated body of representatives from the City of Albany and the Shire's of Denmark, Plantagenet and Jerramungup for the purpose of *promoting the sustainable growth of the Lower Great Southern sub-region*.

A regional Economic Development Plan has been endorsed by the Alliance and the recommendations are yet to be implemented.

Consultation:

Nil

Statutory Obligations:

The Rules of Association require that an Annual General Meeting be held to appoint the Committee for the ensuing twelve (12) months and that the Committee is made up of twelve (12) ordinary committee members.

Policy Implications:

The SCA has adopted a Membership Policy (refer Attachment 11.3.3) which requires that the President/Mayor and Deputy President/Mayor be members and an additional Elected Member from each local government.

Budget / Financial Implications:

The Shire of Denmark has budgeted up to \$50,000 (ex GST) for approved Alliance projects in the 2021/22 Budget.

Strategic & Corporate Plan Implications:

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

Denmark 2027

E1.0 Our Economy

We live in 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.

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.

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)
Reputational: That Council not nominate an Elected Member and this is seen as the Shire not supporting the Alliance.	Rare (1)	Minor (2)	Low (1-4)	Not Meeting Community expectations	Accept Officer Recommendation

Comment/Conclusion:

Each of the four local governments can nominate three (3) representatives to the SCA however one must be the Shire President or Mayor and one has to be the Deputy Shire President or Mayor.

The SCA Committee is made up of twelve (12) ordinary committee members, four (4) of whom hold the offices of Chair, Deputy Chair, Secretary and Treasurer.

A Councillor who is nominated by the Council will be required to formally lodge their application with the SCA, pursuant to the Rules of Association.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION MOVED: CR GEARON That standing orders be SUSPENDED. CARRIED UNANIMOUSLY: 9/0	SECONDED: CR GIBSON Res: 091021
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COUNCIL RESOLUTION MOVED: CR GIBSON That standing orders be RESUMED. CARRIED UNANIMOUSLY: 9/0	SECONDED: CR GEARON Res: 101021
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COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 11.3.3
MOVED: CR GIBSON	SECONDED: CR CARMAN
That Council NOMINATE Councillor Jan Lewis, as the additional Elected Member representative, from the Shire of Denmark to the Board of the South Coast Alliance Inc. until the next Annual General Meeting.	
CARRIED UNANIMOUSLY: 9/0	Res: 111021

Cr Gibson declared a financial interest on the basis that he is employed by the owner of the building.

6:28pm - Cr Gibson left the room prior to this item being considered by the Council and did not participate in discussion or vote on the matter.

11.3.4 DISABILITY SERVICES ADVISORY COMMITTEE MINUTES – 6 JULY 2021 AND 28 SEPTEMBER 2021 & RECOMMENDATION

File Ref:	COMM.DBAC
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	7 October 2021
Author:	Claire Thompson, Governance Coordinator
Authorising Officer:	David Schober, Chief Executive Officer
Attachments:	11.3.4a - Disability Services Advisory Committee Minutes 6 July 2021 11.3.4b - Disability Services Advisory Committee Minutes 28 September 2021

Summary:

Council is requested to receive Minutes from the Disability Services Advisory Committee and consider a recommendation from the July 2021 meeting.

Background:

The DSAC held meetings on 6 July 2021 and 28 September 2021.

The Committee made the following recommendation at its 6 July 2021:

“The Committee requests that Council liaise with the Denmark Pharmacy and seek to update and replace the access ramp.”

Consultation:

The Author has discussed the July 2021 Committee Recommendation with Council Officers.

Statutory Obligations:

Section 5.22 of the Local Government Act 1995 requires that the Presiding Person of a Council Committee is to cause minutes to be kept of the meeting’s proceedings.

Minutes of Council Committee meetings are not required under legislation to be presented to Council however, the Chief Executive Officer has determined that, in order to improve transparency and ensure that Councillors are aware of their various Committees’ activities, all Advisory Committee minutes will be presented to Council to be received.

Council Committees are generally established to advise, and make recommendations to, Council.

Policy Implications:

P110710 DISABILITY ACCESS & INCLUSION POLICY STATEMENT

The Shire of Denmark is committed to ensuring that the community is an accessible and inclusive community for people with disabilities, their families and carers.

The Shire of Denmark interprets an accessible and inclusive community as one in which all Council functions, facilities and services (both in-house and contracted) are open, available and accessible to people with disabilities, providing them with the same opportunities, rights and responsibilities enjoyed by all other people in the community.

The Shire of Denmark recognises that people with disabilities are valued members of the community who make a variety of contributions to local social, economic and cultural life. The Shire believes that a community that recognises its diversity and supports the participation and inclusion of all of its members makes for a richer community life.

The Shire of Denmark believes that people with disabilities, their families and carers who live in country areas should be supported to remain in the community of their choice.

Budget / Financial Implications:

There are no known financial implications upon either the Council's current Budget or Long Term Financial Plan.

Strategic & Corporate Plan Implications:

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

Denmark 2027

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.

L5.6 To seek two-way communication that is open and effective.

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

With respect to the Committee's recommendation, the Author would consider the Denmark Pharmacy to be an essential service and therefore has recommended that the Council step into to investigate options to have the access problem rectified.

➤ **Risk:**

Nil

Comment/Conclusion:

The Author recommends that the Minutes be received by Council.

COMMITTEE RECOMMENDATION - 6 July 2021

The Committee requests that Council liaise with the Denmark Pharmacy and seek to update and replace the access ramp.

OFFICER COMMENT

The difficulty of access via the ramp to the Denmark Pharmacy has been ongoing from 2013 when it was first identified during a “wheelchair challenge” coordinated by the Disability Services Advisory Committee. Since then, Officers have investigated a number of options and discussed rectification options with the owner. There has been no improvement made.



ABOVE: the ramp used to access the main entrance to the Denmark Pharmacy. This photo was taken during the 2013 *Wheelchair Challenge*.

It is possible that there is an option to retrofit the access (using Shire land) to make it more accessible and more closely compliant with Australian Standards.

The Author has recommended that the Council request the CEO to investigate options and present a recommendation back to Council by March 2022.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 11.3.4a

That Council RECEIVE the Disability Services Advisory Committee Minutes for the meeting held on 06 July 2021.

OFFICER RECOMMENDATION

ITEM 11.3.4b

That Council RECEIVE the Disability Services Advisory Committee Minutes for the meeting held on 28 September 2021.

COUNCIL RESOLUTION	ITEM 11.3.4
MOVED: CR PHILLIPS	SECONDED: CR CLARKE
That Council RECEIVE:	
<ol style="list-style-type: none"> 1. the Disability Services Advisory Committee Minutes for the meeting held on 06 July 2021; and, 2. the Disability Services Advisory Committee Minutes for the meeting held on 28 September 2021. 	
CARRIED UNANIMOUSLY: 8/0	Res: 121021

REASONS FOR CHANGE:

Council wished to combine the two (2) Officer recommendations.

COMMITTEE RECOMMENDATION

ITEM 11.3.4c

The Committee REQUESTS Council liaise with the Denmark Pharmacy and seek to update and replace the access ramp.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 11.3.4d
MOVED: CR LEWIS	SECONDED: CR PHILLIPS
With respect to the access ramp to the Denmark Pharmacy, Council REQUEST the Chief Executive Officer to investigate options to improve the access and present a recommendation back to the Council by March 2022.	
CARRIED UNANIMOUSLY: 8/0	Res: 131021

12. COMMITTEE REPORTS AND RECOMMENDATIONS

Nil

6:49pm - Cr Gibson returned to the room.

13. MATTERS BEHIND CLOSED DOORS

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 13
MOVED: CR PHILLIPS	SECONDED: CR LEWIS
That Council move behind closed doors pursuant to section 5.23(2)(b) of the Local Government Act 1995, to consider Items 13.1 and 13.2 as the items relate to the personal affairs of a person.	
CARRIED UNANIMOUSLY: 9/0	Res: 141021

COUNCIL RESOLUTION	
MOVED: CR GEARON	SECONDED: CR GIBSON
That Standing Orders be SUSPENDED.	
CARRIED UNANIMOUSLY: 9/0	Res: 151021

COUNCIL RESOLUTION	
MOVED: CR GIBSON	SECONDED: CR GEARON
That Standing Orders be RESUMED.	
CARRIED UNANIMOUSLY: 9/0	Res: 161021

Cr Gibson declared an Impartiality interest due to some of the applicants being known to him.

13.1 2021 SHIRE OF DENMARK AGRICULTURAL COLLEGE SCHOLARSHIP

File Ref:	PBR.1.A.
Applicant / Proponent:	Various
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	23 September 2021
Author:	Rosemarie Arnephie, Community Development Officer
Authorising Officer:	Gina McPharlin, Director Corporate and Community Services
Attachments:	13.1 – Agricultural College Scholarship Applicants List (confidential to councillors)

Summary:

Council is requested to consider the attached applications for the Denmark Agricultural College Scholarship and determine the successful applicant for 2021.

Background:

The purpose of the Denmark Agricultural College Scholarship is to encourage and assist Year 9 or 10 students, residing in the Shire of Denmark, to pursue further education at the WA College of Agriculture - Denmark. Scholarship applicants are assessed on their interest in agriculture, family need/s and, academic record, with preference given to students likely to continue agricultural pursuits within the Shire boundaries.

Council makes an annual budget provision for the Denmark Agricultural College Scholarship, and in 2021/22, an amount of \$1,500 has been allocated.

The Denmark Agricultural College Scholarship is only awarded if suitable applications are received. Last year there were no applications received, and a scholarship was not awarded. This year, the total number of applications increased significantly. The list of previous scholarship recipients is provided below:

YEAR	SCHOLARSHIP RECIPIENT
2006	Luke Doust
2007	Not Awarded
2008	Erika Tharratt
2009	Jack Mildwaters
2010	Cody Stokes
2011	Ella Kelly
2012	Giovanni Gianatti
2013	Rachel Darwin
2014	Patrick Swallow
2015	Samuel Marsh
2016	Kayla Emmerton
2017	Tom Darwin
2018	Amy Riddiough
2019	Zach Miller
2020	Not Awarded

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 P080201 and the associated Framework and believes that no additional external/internal engagement or consultation is required, other than the following engagement that was undertaken to promote the scholarship.

The scholarship was marketed and promoted as follows:

- General advertisement in the Denmark Bulletin and Walpole Weekly
- Media release
- Promotion on Shire of Denmark Notice Boards
- Promotion on Shire of Denmark website & Facebook.
- Promotion on dedicated 4Youth Facebook and Instagram.
- Email to Councillors & Shire employees
- Liaison with the Denmark Agricultural College Student Coordinator and direct email to prospective students.

Statutory Obligations:

In accordance with division 4 of the Shire of Denmark's code of conduct for elected members, committee members and candidates, a document is confidential if it is deemed so by the Chief Executive Officer (CEO) or by a person authorised by the CEO.

Policy Implications:

Council's Denmark Agricultural College Scholarship Policy's (P080201) objective is to encourage and assist Year 9 or 10 students to pursue further education at the WA College of Agriculture, Denmark through the provision of an annual scholarship.

Budget / Financial Implications:

The 2021/22 Council Budget includes an amount of \$1,500 for the 2021 Denmark Agricultural College Scholarship (GL1610832).

Strategic & Corporate Plan Implications:

Denmark 2027

E1.0 Our Economy

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

E1.3 To have diverse education and employment opportunities.

E1.4 To recognise the importance of agriculture in our local economy and protect prime agricultural land.

Corporate Business Plan.

The 2021-2024 Corporate Business Plan lists the Denmark Agricultural College Scholarship as a program deliverable by the Community Services Team.

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:**

The Shire of Denmark College Agricultural Scholarship is an opportunity for Council to encourage and assist a local young person to pursue a career in agriculture and related fields of study.

➤ **Risk:**

There are no risks to report.

Comment/Conclusion:

Six applications have been received for the Denmark Agricultural College Scholarship. All applications meet the award requirements and have been forwarded to Councillors under a separate confidential cover at Attachment 13.1.

The guidelines for assessing the applications are as follows.

1. The applicant must be a student who plans to attend the WA College of Agriculture – Denmark and is a Year 9 or 10 student residing in the Denmark Shire.
2. The scholarship will not be based wholly on academic records. Interest in agriculture and family need is a consideration.
3. Preference will be given to those students who are likely to continue agricultural pursuits within the Shire boundaries.
4. The scholarship amount will be determined by Council via the Annual Budget process and is payable as a lump sum upon proof of enrolment.
5. Shire Officers shall work closely with the WA College of Agriculture, Denmark, to promote the availability of the scholarship.
6. The sponsorship shall be widely promoted in local papers, notice boards, Council’s website and social media.
7. A scholarship will not be awarded if no applicants are suitable.
8. The decision of Council shall be final.
9. The closing date for applications will be determined each year by the Manager Community Services to allow sufficient time for determination of the winner by Council and presentation at the relevant school’s graduation ceremony.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 13.1
MOVED: CR PHILLIPS	SECONDED: CR CLARKE
That with respect to the 2021 Shire of Denmark Agricultural Scholarship, Council;	
<ol style="list-style-type: none"> 1. AWARD EMBARGOED as the successful applicant; and 2. ENSURE the name of the recipient of the scholarship remains confidential until the official announcement by the Shire President or delegate is made at a date to be confirmed. 	
CARRIED UNANIMOUSLY: 9/0	Res: 171021

Cr Devenport declared a financial interest on the basis that one of the applicants is known to him as a family babysitter.

7:04pm - Cr Devenport left the room prior to Item 13.2 and did not participate in discussion or vote on the matter.

7:04pm - The Deputy Chief Executive Officer, David King left the room and did not return.

Cr Gearon declared an impartiality interest due to some of the applicants being known to her.

Cr Gibson declared an impartiality interest due to some of the applicants being known to him.

Cr Clarke declared an impartiality interest due to coaching one of the applicants 4 years ago.

COUNCIL RESOLUTION	
MOVED: CR GEARON	SECONDED: CR GIBSON
That Standing Orders be SUSPENDED.	
CARRIED UNANIMOUSLY: 8/0	Res: 181021

13.2 2021 YOUTH LEADERSHIP AWARD

File Ref:	PBR.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	15 September 2021
Author:	Rosemarie Arnephie, Community Development Officer
Authorising Officer:	Gina McPharlin, Director Corporate and Community Services
Attachments:	13.2 – Leadership Award Applicants List (confidential to councillors)

Summary:

Council is requested to consider the attached applications for the Shire of Denmark 2021 Year 12 Leadership Award and to select one candidate to receive the Award.

Background:

The Shire of Denmark Leadership Award was established in March 2011. The aim of the Award is to support a Year 12 student currently attending Denmark Senior High School (DSHS) to participate in an activity or program which focuses on skill development and fostering leadership skills.

Council makes an annual budget provision for the Leadership Award, and in 2021/22 an amount of \$1,000 has been allocated.

The Leadership Award is only awarded if suitable applications are received. Last year only one application was received. This year the total number of applications increased significantly.

A list of previous recipients is provided below:

YEAR	AWARD RECIPIENT
2011	Tyne Logan Approved Activity: Travelled to London to Study at the Academy of Media and TV.
2012	Lily Winter Approved Activity: Travelled to Northern Thailand to work with the Borderless Friendship Foundation.
2013	Hannah Lloyd-Deely Approved Activity: Travelled to Chiang Mai, Thailand to volunteer for the Thai Elephant Conservation Program.
2014	Ryan Christophers Approved Activity: Adventure Out – Abseiling at the Stirling Range National Park
2015	Alannah Kenny Approved Activity: Early Childhood Diploma.
2016	Corey Benson Approved Activity: World Challenge Program
2017	Julian Anderson Approved Activity: Young Endeavour
2018	Chai Robertson Approved Activity: Instructional seminar at Polyface Organic Farm, Virginia, USA
2019	William Roocke Approved Activity: Global Eco-Conference Ecotourism Queensland Australia

2020	<p>Torben Ramrath Approved Activity: Travelled to Germany to participate in a Workaway Program that involved assisting a filmmaker renovate and maintain an eco-garden.</p>
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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, other than the following engagement undertaken to promote the program.

The Award was marketed and promoted as follows;

- Advertisement in the local newspapers Denmark Bulletin and Walpole Weekly
- Media release
- Promotion in Denmark Senior High School newsletter
- Email to parents/guardians of all Y12 students at DSHS
- Promotion on Shire of Denmark Notice Boards
- Promotion on Shire of Denmark website & Facebook
- Promotion on dedicated 4Youth Facebook and Instagram
- Email to Councillors & Shire employees
- Liaison with the Denmark Senior High School Year 12 Coordinator
- Address to DSHS Year 12 Students by the Chief Executive Officer (CEO).

Statutory Obligations:

In accordance with division 4 of the Shire of Denmark’s code of conduct for elected members, committee members and candidates, a document is confidential if it is deemed so by the Chief Executive Officer (CEO) or by a person authorised by the CEO.

Policy Implications:

Council’s Leadership Award Policy’s (P080202) objective is to provide an annual sponsorship for a Year 12 student currently attending the DSHS. The Award is to assist with the cost of participating in an activity or program which focuses on skill development and fostering leadership skills.

Budget / Financial Implications:

Council’s 2020/21 Budget includes an amount of \$1,000 for the 2021 Leadership Award (GL1610822).

Strategic & Corporate Plan Implications:

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

Denmark 2027

E1.0 Our Economy

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

E1.3 To have diverse education and employment opportunities.

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:**

The Y12 Leadership Award is an important means by which Council can recognise the achievements and leadership qualities of young people in the Shire of Denmark. The Award/Sponsorship encourages the development of youth by supporting personal growth and community involvement.

➤ **Risk:**

There are no risks to report

Comment/Conclusion:

Four (4) applications have been received for the 2021 Shire of Denmark Leadership Award. All applications meet the Award requirements and have been forwarded to Councillors under a separate confidential cover.

The guidelines for assessing the applications are as follows:

- a) The applicant must be a Year 12 student currently attending the DSHS;
- b) The sponsorship will be awarded based on citizenship, community involvement and leadership;
- c) The successful applicant will be required to complete the selected program or activity within 12 months of being awarded this sponsorship;
- d) The sponsorship amount will be \$1,000 and will be paid to the successful applicant;
- e) The CEO and/or the Shire President address the DSHS students at the commencement of the advertising of the program in August to promote the Award and the principles of leadership;
- f) The sponsorship be widely promoted in local papers, notice boards and Council's website to both potential nominees and their parents or guardians;
- g) The successful applicant will be required to acquit the sponsorship, within a reasonable timeframe of completion, by providing a written report to Council on their activity or program and presenting that report to Council;
- h) Sponsorship will not be awarded if there are no suitable applicants;
- i) The decision of Council and/or the delegated Committee shall be final;
- j) The closing date for applications will be determined each year by the CEO to allow sufficient time for the determination of the winner by Council at a presentation at the relevant school's graduation ceremony.

The selected activity or program could include a registered leadership program or personal endeavour which focuses on;

- Skill development;
- Leadership;
- Self-growth and development (self-discovery);
- Problem solving;
- Confidence building;
- Strengthening personal motivation;
- Initiative; and/or
- Team work & communication

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION	
MOVED: CR GIBSON	SECONDED: CR GEARON
That Standing Orders be RESUMED.	
CARRIED UNANIMOUSLY: 8/0	Res: 191021

COUNCIL RESOLUTION & OFFICER RECOMMENDATION		ITEM 13.2
MOVED: CR GIBSON	SECONDED: CR CAMPBELL	
That Council; with respect to the 2021 Shire of Denmark Leadership Award		
1. AWARD EMBARGOED as the successful applicant at the Denmark Senior High School’s graduation ceremony in 2021; and		
2. ENSURE the name of the recipient of the Award remain confidential until the official announcement by the Shire President or delegate at the Denmark High School Graduation at a date to be confirmed.		
CARRIED UNANIMOUSLY: 8/0	Res: 201021	

COUNCIL RESOLUTION	
MOVED: CR GIBSON	SECONDED: CR GEARON
That the meeting proceeds in public.	
CARRIED UNANIMOUSLY: 8/0	Res: 211021

7.13pm – Cr Devenport returned to the room.

No members of the public returned to the room and therefore the Shire President did not read aloud the resolutions for Items 13.1 and 13.2.

14. NEW BUSINESS OF AN URGENT NATURE

Nil

15. CLOSURE OF MEETING

7:14pm - There being no further business to discuss the Shire President, Cr Gearon, declared the meeting closed.

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