

# Shire of Denmark Minutes



## ANNUAL ELECTORS MEETING

HELD IN THE COUNCIL CHAMBER,  
953 SOUTH COAST HIGHWAY, DENMARK,  
TUESDAY 2 FEBRUARY 2010.

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

7.30pm – *The Presiding Person, Shire President, Cr Ross Thornton declared the meeting open.*

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

Cr Ross Thornton (Shire President)  
Cr Ken Richardson-Newton (Deputy Shire President)  
Cr Phil Barnes  
Cr Kim Barrow  
Cr Adrian Hinds  
Cr Dawn Pedro  
Cr John Sampson  
Cr Alex Syme

**STAFF:**

Mr Dale Stewart (Chief Executive Officer)  
Mr Rob Whooley (Director of Infrastructure Services)  
Mr Garry Bird (Director of Finance & Administration)  
Mr Gregg Harwood (Director of Community and Regulatory Services)  
Mr Sam Williams (Director of Planning and Sustainability)  
Ms Claire Thompson (Executive Assistant)

**APOLOGIES:**

Cr Rick Phair  
Cr John Wakka  
Cr Bob Laing  
Cr George Ebbett

**ON LEAVE OF ABSENCE:**

Nil

**ABSENT:**

Nil

**ELECTORS:**

An Attendance Register was circulated at the commencement of the Meeting for members of the public to record their attendance. The following members of the public attended;

- Mr Brian Humphries
- Mr Basil Schur
- Ms Janice Marshall

**DECLARATIONS OF INTEREST:**

Nil

**3. ANNOUNCEMENTS BY THE PERSON PRESIDING**

Nil

#### 4. REPORTS

The following Reports are contained within the Annual Report attached to this Agenda.

##### 4.1 SHIRE PRESIDENTS REPORT

Please refer to the Annual Report.

<b>RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 4.1</b>
MOVED: CR HINDS	SECONDED: CR SAMPSON
That the Shire Presidents Report for the year ended 30 June 2009 be received.	
CARRIED	

##### 4.2 CHIEF EXECUTIVE OFFICERS REPORT

Please refer to the Annual Report.

*Cr Hinds noted that he had been asked by a ratepayer to seek advice as to whether the proposed development of a walk trail at Poison Point, Denmark would make provision for disabled fishing platforms and/or access to fishing sites by those with a disability.*

*The CEO responded saying that the design had not been concluded but it was his understanding that the path will link known fishing points to car parks and access roads in a manner which will make it easier for disabled or infirmed persons to access the site. The intention is for the area to be wheelchair accessible however at this stage the material to be used hasn't been defined. The CEO added that the design needs to be cognizant of all the issues relating to the area such as Aboriginal heritage and disabled access.*

*Mr Humphries commended the CEO for the thoroughness of the Annual Report and stated that he believed that he had stabilised the administration since his appointment to the position. Mr Humphries also commended the entire Directorate team for their work. Mr Humphries referred to the CEO's report particularly the reference the Community Survey and asked when the next survey would be conducted?*

*The CEO advised that the intention is that the 2011 Community Survey will be brought to Council in approximately October 2010 with the expected launch being around November 2011.*

*Mr Humphries expressed his concern that the same process might be followed as with the 2008 and stated that he believed Council required more time to peruse the questions. Mr Humphries stated that he believed that some of the questions in the 2008 Community Survey were obscure and lacking in explanation which in resulted in the responses being meaningless and ambiguous.*

*Mr Humphries asked the CEO whether there were any plans in place to rectify those problems such as giving Council more time to consider the questions and suggested that perhaps the community could be given time to review the questions beforehand.*

*The CEO advised that he did not necessarily concur with Mr Humphries statements and believed stated that Council had had essentially 2 months (being 4 meetings) to peruse and discuss the 2008 Community Survey prior to its endorsement and release. The CEO advised that the process for the 2011 Community Survey will not be much different than the process used in 2008 and Council will have the same timeframe to peruse or amend the questions. The CEO added that it wouldn't necessarily be the view of staff to seek community consultation regarding the questions that are to be asked.*

*Mr Humphries asked about perhaps referring the draft 2011 Community Survey to a reference group type process, as Council have done with the Strategic Plan, which had not yet been concluded. Mr Humphries added that the purpose of a reference group would be to obtain feedback and contribute to the survey, making the community to feel as though they are contributing.*

*The CEO responded by saying that the Strategic Plan and Cultural Plan process had not been concluded however were being recommenced with a view to bringing them back to Council. The CEO added that he believed the idea of a reference group was one that Council could take on board and consider at the survey planning stage in approximately October / November 2010.*

<b>RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 4.2</b>
MOVED: CR SYME	SECONDED: CR RICHARDSON-NEWTON
That the Chief Executive Officers report for the year ended 30 June 2009 be received.	
CARRIED	

*Ms Janice Marshall from the Denmark Environment Centre expressed disappointment that the section relating to Natural Resource Management didn't make mention of the environmental education information prepared in conjunction with the Denmark Environment Centre during the year.*

#### **4.3 2008/09 AUDITORS REPORT**

Please refer to the Annual Report.

<b>RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 4.3</b>
MOVED: CR BARROW	SECONDED: CR SAMPSON
That the Audit Report for the year ended 30 June 2009 be received.	
CARRIED	

*The Director of Finance & Administration stated that the Auditor's Report had been omitted from the printed version of the Annual Report and he would be providing amended copies.*

*The Shire President requested the CEO to read the report. The CEO read out the Auditor's Report.*

#### **4.4 2008/09 ANNUAL FINANCIAL REPORT**

Please refer to the Annual Report.

*Mr Humphries commended the Director of Finance & Administration for the complexity of the report and referred to point (q) of the Significant Accounting Policies section stating that it refers the reading to Note 16 however there was nothing under Note 16.*

*The Director of Finance & Administration stated that whilst the Shire of Denmark does not currently have any joint ventures is was a requirement that the Significant Accounting Policies included reference to them.*

*Mr Humphries referred to page 29 being the Shire of Denmark's Preferred Consultants, Advisors and Agents and asked whether the Shire of Denmark had a preferred Information Technology (IT) consultant.*

*The Director of Finance & Administration stated that yes they did and he would consider including reference to that in the 2009/10 report.*

Mr Brian Humphries asked whether the information could be included in the 2008/09 report as an addendum.

The CEO advised that he would be happy to supply a list to Mr Humphries but would not be including it in the 2008/09 Annual Report.

Ms Marshall referred to section relating to Parks, Gardens and Reserves on page 58 of the Annual Report and stated that she had forwarded through some questions prior to the meeting for the Director of Finance & Administration.

The questions and responses are written below;

- “1. For the gardens in Strickland St and along the highway from Co-op corner to Hollings Rd:
- What was expended in the 2008/09 Financial Year?
  - What is budgeted to be spent in the current 2009/10 financial year?
  - In relation to the current financial year, if available, what are the budgeted individual component costs – eg labour, cost of seedlings etc.”

The Director of Finance & Administration’s response:

The following financial report summarises the responses to the above questions asked by Mrs Marshall for ease of understanding.

	<b>2008/09 ACTUAL COSTS</b>	<b>2009/10 BUDGET COSTS</b>			<b>Total</b>
	<b>Total</b>	<b>Labour &amp; O/Heads</b>	<b>Plant &amp; Dep’n</b>	<b>Materials</b>	
Street Gardens & Civic Centre	\$47,512	52,365	621	5,104	\$58,090
Town CBD	\$528	7,399	1,140	476	\$9,015
<b>Total</b>	<b>\$48,040</b>	<b>59764</b>	<b>1761</b>	<b>5580</b>	<b>\$67,105</b>

- “2. For the gardens and parks in the CBD area bounded by the river in the east and the Ocean beach Rd/Visitor Centre in the west:
- What was expended in the 2008/09 Financial Year?
  - What is budgeted to be spent in the current 2009/10 financial year?”

The Director of Finance & Administration’s response:

In the 2008/09 year, \$115,110 was expended with \$147,053 budgeted to be spent in the current financial year. The difference between the 2008/09 actual figures and the 2009/10 budget can largely be attributed to the decision by Council to increase staffing levels of the parks and gardens crew by employing an additional gardener from 1 January 2010.

- “3. For all of the above areas for the financial years 2008/09 and 2009/10; where in WA or Australia do seedlings and shrubs come from or are intended to come from?”

The Director of Finance & Administration’s response:

Council obtains seedlings, shrubs and all other plants from either its own nursery or from Perth nursery suppliers, depending on availability.

Ms Marshall stated that she had raised four questions but only three had so far been responded to.

*The Director of Finance & Administration advised that he has taken the fourth question on notice due to the complexity and will forward a written response to Ms Marshall tomorrow. Cr Hinds raised concerns in relation to the presentation of the Rates Notice and asked whether any member of the public was allowed to discuss their Rates Notice including the format of the Rates Notice with Council staff.*

*The CEO advised that any Councillor as with any ratepayer can view their Rate Notice with the Director of Finance & Administration however he did not believe it to be appropriate to discuss the format or presentation of that Rate Notice with a view to assisting with any alteration. The CEO added that pursuant to a resolution of Council, Council Officers were working towards changed the format/presentation of the Notice to ensure that the Voluntary Sustainability Levy was clearly stated and separated.*

<b>RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 4.4</b>
<b>MOVED: CR SAMPSON</b>	<b>SECONDED: MS MARSHALL</b>
That the 2008/09 Annual Financial Report, incorporating the Annual Financial Statements, be received.	
<b>CARRIED</b>	

## **5. GENERAL BUSINESS**

### **5.1 Mr Basil Schur – Questions regarding Tracks and Trails**

*Mr Basil Schur stated that he had forwarded through some questions to the CEO prior to the meeting.*

*The questions and responses are written below;*

*“1. What is the position of the Denmark Shire Council in regard to encouraging the Department of Environment and Conservation to utilise the Denmark to Nornalup Rail Trail Reserve as the alignment for the proposed Munda Biddi Track as it passes through the Shire of Denmark?”*

*The CEO’s response:*

*Council resolved at its meeting of November 2009;*

*With respect to the proposed northern alignment options proposed by the DEC vs. the Nornalup Rail/Trail’s southern option, that following the deputation by the Department of Environment & Conservation, Council;*

- 1. Consult with the community & specifically;*
  - Denmark Tourism Inc;*
  - Denmark Chamber of Commerce; and*
  - Green Skills Inc.*
- 2. Delegate responsibility to the Paths & Trails Advisory Committee to select and appoint a Council representative on the proposed Munda Biddi Trail Working Group.*

*Subsequently DEC have in January (25<sup>th</sup>) written seeking a rep from Council but it is noted that Council staff haven’t yet initiated any advertising for public comment to assist form a Council position.*

*“2. What would be the policy of the Shire of Denmark in regard to possible use of gazetted Shire Roads by the Munda Biddi cycle trail for part of any possible alignment?”*

*The CEO's response:*

*There is no current policy on the matter, and Council hasn't established a final position on its preferred alignment, but it is noted however that bicycles are legally entitled to travel on a gazetted road. Ideally there should be adequate signage warning motorists of the likelihood of bicycles on the trail, particularly if the road was unsealed and or narrow. This question is however best one for the trail developer and trail promoter / insurer (DEC and the Munda Bididi Trail Foundation).*

*"3. Is the Shire of Denmark prepared to assist with negotiating with the WA Main Roads Department in regard to having proposed future alignment of the Denmark to Nornalup Rail Trail being routed in the South Coast Highway Reserve for the section Geo Ebbett Road junction to Quarram siding (required because the original rail trail reserve has been free-held in this section)?"*

*The CEO's response:*

*Yes, subject to Council receiving a specific request detailing the proposed works and route, there being community support and Council supporting this route as preferred.*

*"4. Is the Shire of Shire of Denmark prepared to assist with negotiating with the WA Department of Environment and Conservation in regard to having proposed future alignment of the Denmark to Nornalup Rail Trail being routed through conservation reserve (required because the original rail trail reserve has either been free-held in this section or converted to conservation or related reserve) for the section Parker Road junction with South Coast Highway and Geo Ebbett Road?"*

*The CEO's response:*

*Yes, subject to Council receiving a specific request detailing the proposed works and route, there being community support and Council supporting this route as preferred.*

*"5. Is the Shire prepared to plan for an annual budget allocation to have the current 55km or so of the Denmark to Nornalup Heritage Rail Trail mechanically slashed, in part recognition that this trail needs maintenance and also it is an important strategic fire access route across much of the shire."*

*The CEO's response:*

*Yes, subject to Council receiving a specific request detailing the proposed works, there being community support, it being subject to normal budgetary constraints and priorities and the method of maintenance being determined as being the most economical and sustainable by Council's Director of Infrastructure Services.*

## **5.2 Mr Basil Schur - Industrial Land**

*Mr Basil Schur stated that he had forwarded through another question, in relation to Industrial Land, to the CEO prior to the meeting.*

*The question and response is below;*

*"Please can the Shire of Denmark update the meeting as regards the progress of efforts to establish a new light industrial site outside of Denmark? How long before such a site might be ready?"*

*The CEO's response:*

*Council at its Meeting of 22 December 2009 resolved;*

*That with respect to potential light industrial estate planning for the Denmark Townsite, Council authorise the CEO to;*

- 1. Engage a consultant to undertake a detailed Business Plan in accordance with Section 3.59 of the Local Government Act 1995 relating to potentially undertaking a*

*major land transaction with presentation to Council no later than 28 February 2010 to enable Council to further consider the matter at its March round of meetings.*

2. *Advertise locally and regionally and write by direct invitation to potential known businesses currently operating within the Shire for expression of interest in acquiring light industrial land in Denmark.*

### **5.3 Mr Duncan & Mrs Marion Archer – Litter**

*The CEO advised that he had received a written letter from Mr & Mrs Archer prior to the meeting and read out the letter. The letter reads as follows:*

*“People do not live in or visit Denmark because of our great footpaths, gazebos, jetties, shopping centres, restaurants or entertainment venues etc. They live and visit here primarily for the regions clean, green ambiance. Nothing detracts quicker from this however, than bottles, cans, plastic etc littering the roadsides. Unfortunately thus far, the Shire has essentially ignored the problem outside of town.*

*When we moved to Denmark ten years ago we were surprised and disappointed to discover that Denmark Shire devoted no resources whatsoever to the control of litter along the Shire’s arterials. Thus far the shire has dodged the issue, holding totally unrealistic expectations of volunteers and so called ‘education’. When one considers the size of the Shire’s budget, we believe this to be a monumental failure.*

*We propose that the Shire determine to direct funds as part of the ongoing, annual budgetary process toward this most important issue. We suggest this could be done in one of three ways:*

1. *Shire devote an appropriate vehicle with two motivated persons for perhaps an afternoon weekly or day fortnightly to attack the problem area.*
2. *Shire to issue a contract to person(s) to carry out the work.*
3. *Shire to organise volunteers in a major clean up perhaps three or four times a year. This would entail promotion and organisation, supply of appropriate vehicles and gloves, refreshments at conclusion etc.*

*We strongly urge Council to consider our proposal. Keeping our Shire litter free is one of the most efficient ways of maintaining a pleasant environment in which to live. When you consider money spent on feasibility studies, enquiries, infrastructure projects, plant and equipment etc. It would provide the best ‘bang for your bucks’ that the Shire could expend.”*

*The CEO’s response;*

*Currently Council has few practices or policies that actively support the prevention of littering or the efforts of the WA based Keep Australia Beautiful Council (KABC) apart from the following;*

- *Participating in the annual Tidy Towns Awards and supporting the Denmark Tidy Towns Committee and Chamber of Commerce with their annual / ongoing efforts.*
- *The hire of a contract sweeper from Albany on an approximately quarterly basis .This contractor sweeps all kerbed roads within the Denmark townsite.*
- *Community Parks and Gardens are maintained by Council staff.*
- *Providing and servicing litter receptacles at appropriate places.*
- *Adopt a Local Reserve Strategy is in its infancy and complimentary.*
- *MRWA has responsibility for Highways but it is probably fair to say is not frequent enough.*
- *Private citizens (individuals) do perform regular clean-ups on some local and state controlled roads from time to time.*

*But little occurs (in the way of active litter management) on Council's rural roads verges and reserves.*

*The CEO proposed the following recommendation;*

**RESOLUTION & OFFICER RECOMMENDATION**

MOVED: MS MARSHALL

SECONDED: CR RICHARDSON-NEWTON

That the meeting request the CEO to prepare a report for Council's consideration on the Council's current litter prevention strategies and practices with a view to adopting an overall Shire of Denmark Litter Prevention Strategy.

CARRIED

*The Shire President thanked Councillors, Staff and members of the public for their attendance.*

**6. CLOSURE OF MEETING**

*8.20pm – The Presiding Person, Shire President, Cr Ross Thornton declared the meeting closed.*