



# Minutes

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## SPECIAL MEETING OF COUNCIL

For the purpose of considering 2015/16 Shire of Denmark Annual Report,  
including the Annual Financial Statement.

HELD IN THE COUNCIL CHAMBERS,  
953 SOUTH COAST HIGHWAY, DENMARK  
ON TUESDAY, 14 FEBRUARY 2017.

### Contents

	Page No.
DISCLAIMER	2
1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	3
2. RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE	3
3. ANNOUNCEMENT BY THE PERSON PRESIDING	3
4. PUBLIC QUESTION TIME	3
5. REPORTS	5
5.1 2015/16 ANNUAL REPORT & ANNUAL ELECTORS MEETING	5
6. CLOSURE	7

# Special Council Meeting

14 February 2017

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

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

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

Cr David Morrell (Shire President)  
Cr Ceinwen Gearon (Deputy Shire President)  
Cr Mark Allen  
Cr Yasmin Bartlett  
Cr Peter Caron  
Cr Jan Lewis  
Cr Janine Phillips  
Cr Rob Whooley  
Cr Clem Wright

**STAFF:**

Mr Bill Parker (Chief Executive Officer)  
Mr Cary Green (Director of Finance & Administration)  
Mrs Annette Harbron (Director of Planning & Sustainability)  
Mr Gregg Harwood (Director of Community & Regulatory Services)  
Mr Gilbert Arlandoo (Director of Infrastructure Services)  
Ms Claire Thompson (Executive Assistant)

**APOLOGIES:**

Nil

**ON APPROVED LEAVE(S) OF ABSENCE:**

Nil

**ABSENT:**

Nil

**VISITORS:**

Members of the public in attendance at the commencement of the meeting: 3  
Members of the press in attendance at the commencement of the meeting: Nil

**DECLARATIONS OF INTEREST:**

Nil

**3. ANNOUNCEMENTS BY THE PERSON PRESIDING**

Nil

**4. PUBLIC QUESTION TIME****4.1 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.

For a Special Meeting of Council, such as this, they must however relate to the item(s) on the Agenda.

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

Should you wish to address Council please note that the Presiding Person (the Shire President) may have to limit the time of individual speakers in order to allow sufficient time

for all speakers present at the meeting to address Council. The rules of this process and the time allocated will be determined by the Presiding Person at the meeting dependent upon the indicative number of speakers.

#### Questions from the Public

##### **4.1.1 Mr Geoff Bowley**

Mr Bowley referred to the Disability Access and Inclusion Plan report which noted that quotes were being sourced for a new audio system in the Council Chambers. Mr Bowley stated that he hoped that Council would progress with it as sound issues had been raised a number of times at recent meetings.

Mr Bowley referred to the draft Long Term Financial Plan which was referenced in the Annual Report noting that it was due to be considered by Council. Mr Bowley asked whether it will be advertised for public comment and if so when it would likely happen.

*The Chief Executive Officer advised that the draft Long Term Financial Plan had been through a number of Council workshops however generally it was best practice to have a Strategic Community Plan, a Corporate Business Plan and an Asset Management Plan in place which then fed into a Long Term Financial Plan. Mr Parker said that it was likely that the document would be adopted as an interim document until such time that the other integrated documents were complete and could then properly inform the final document.*

*The Director of Finance & Administration advised that it was one of his priority tasks however he couldn't state exactly when it would be available for Council consideration. Mr Green stated that a Long Term Financial Plan was generally a fluid document and that he would also be getting the draft document reviewed by a third party to ensure that the data was tested and verified.*

*The Shire President noted that he and some other Councillors had recently had some training in Asset Management Plans and that there was an expectation to have the other plans done first.*

4.08pm – The Director of Community & Regulatory Services and the Director of Infrastructure Services entered the room.

##### **4.1.2 Mr Brian Humphries**

Mr Humphries expressed surprise that the Chief Executive Officer could sign off on an Annual Report for a period when he wasn't even at the Shire of Denmark. Mr Humphries noted that there had been a number of different officers and Councillors during the reporting period and suggested that there could be a timeline to show who was in what position and when.

*The Shire President stated that he wasn't sure how much work would be involved.*

Mr Humphries noted that the Annual Report was an outcome based report that doesn't reflect on performance which he believed is what the community want to see. Mr Humphries referred to comments made in the statutory reporting noting that it didn't correlate to any performance measurement.

*The Chief Executive Officer agreed noting that the Department also advocated for more specific and measurable objectives, like performance indicators.*

Mr Humphries referred to a comment on page 47 which stated that a major review of the Fire Regulation Notice had commenced and noted that he had been the person who had raised the need for it with Council a year ago. Mr Humphries

wondered why there hadn't been any public consultation and in particular consultation with him, as he had a interest and had raised the concerns with the existing document.

*The Director of Community & Regulatory Services advised that a working group comprising Bush Fire Advisory Committee members had developed a draft document which would be referred back to the full Committee for consideration.*

Mr Humphries referred to planning approvals and percentages in relation to timeframes for responding to applications. Mr Humphries referred to Delegation D100601 and suggested that Council needed to review the Delegation, in particular to ensure that any retrospective approval must be referred to the Council and any approval which impacts on a third party must be referred to Council.

4.19pm – The Director of Community & Regulatory Services left the room and did not return.

## 5. REPORTS

### 5.1 2015/16 ANNUAL REPORT & ANNUAL ELECTORS MEETING

<b>File Ref:</b>	FIN.31
<b>Applicant / Proponent:</b>	Not Applicable
<b>Subject Land / Locality:</b>	Not Applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	6 February 2017
<b>Author:</b>	Cary Green, Director of Finance & Administration
<b>Authorising Officer:</b>	Bill Parker, Chief Executive Officer
<b>Attachments:</b>	5.1 - 2015/2016 Draft Annual Report including Annual Financial Report Management Letter

#### Summary:

To accept the Shire of Denmark 2015/16 Annual Report, including the Annual Financial Report and Audit report and to set a date for the Annual Electors meeting.

The draft Annual Report and the Management Letter will be provided to Councillors prior to the meeting.

#### Background:

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

#### Consultation:

Shire of Denmark Audit Advisory Committee.  
Mr R Harrison, Lincolns Chartered Accountants.

#### Statutory Obligations:

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

**Policy Implications:**

There are no policy implications.

**Budget / Financial Implications:**

The 2015/16 Annual Report is printed and collated in-house by Shire Staff, the cost of which is included in operating budgets for the 2016/17 financial year.

**Strategic Implications:**

The report and officer recommendation is consistent with Council's adopted Mission and Vision.

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

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

**➤ Environmental:**

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

**➤ Economic:**

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

**➤ Social:**

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

**➤ Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not accept the Annual Report and does not set a date for the Annual Electors meeting.	Unlikely (2)	Moderate (3)	Moderate (5-9)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation

**Comment/Conclusion:**

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

The Audit Report was received by the Shire of Denmark on 16 December 2016, and in accordance with Section 5.54(2) of the Local Government Act 1995, is required to be accepted by 16 February 2017.

A copy of the Audit Report including the 2015/2016 Annual Financial Statements was forwarded directly to the Department of Local Government and Communities by Council's Auditors Lincolns Chartered Accountants and again by Shire officers on 11 January 2017.

The Audit Report and Management Letter was the subject of an Audit Committee meeting held on 31 January 2017, where the Committee considered any action that may be required from the Management Letter. The Audit Report forms part of the Annual Report and the Management Letter are provided as Attachments.

At the meeting of the Audit Advisory Committee held on 31 January 2017, the Committee recommended as follows;

*“That the Shire of Denmark Audit Committee recommends to Council that the 2015/16 Annual Financial Statements including Auditors Report be accepted”*

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

The Annual Electors Meeting must be held within 56 days of accepting the Annual Report with appropriate notice of the meeting given, pursuant to Section 5.27 of the Local Government Act 1995. This effectively means that the Annual Electors Meeting must be held no later than Tuesday, 11 April 2017.

The Officer recommends that the date for the Annual Electors meeting be set for Tuesday, 21 March 2017 to coincide with Council’s next Ordinary Meeting date.

**Voting Requirements:**

Absolute majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 5.1
MOVED: CR GEARON	SECONDED: CR WRIGHT
That Council;	
1. Accept the Annual Report including the Annual Financial Report and Audit Report for the 2015/2016 year; and	
2. Hold the Annual Electors meeting on Tuesday, 21 March 2017 in the Council Chambers, commencing at 7:00pm.	
CARRIED UNANIMOUSLY AND BY AN ABSOLUTE MAJORITY: 9/0	Res: 010217

**6. CLOSURE OF MEETING**

4.22pm – *There being no further business to discuss the Shire President, Cr Morrell, declared the meeting closed.*

The Chief Executive Officer recommends the endorsement of these minutes at the next meeting.

Signed: \_\_\_\_\_  
*Bill Parker – Chief Executive Officer*

Date: \_\_\_\_\_

These minutes were confirmed at a meeting on the \_\_\_\_\_.

Signed: \_\_\_\_\_  
*(Presiding Person at the meeting at which the minutes were confirmed.)*