

ORDINARY MEETING OF COUNCIL

HELD IN THE COUNCIL CHAMBERS,
 953 SOUTH COAST HIGHWAY, DENMARK ON TUESDAY,
 17 JANUARY 2012.

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Ordinary Council Meeting

17 January 2012

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

4.15pm – *The Shire President, Cr Thornton, declared the meeting open.*

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

MEMBERS PRESENT:

- Cr Ross Thornton (Shire President)
- Cr John Sampson (Deputy Shire President)
- Cr Kelli Gillies
- Cr Adrian Hinds
- Cr Jan Lewis
- Cr Barbara Marshall
- Cr Ian Osborne
- Cr Roger Seeney
- Cr Alex Syme

STAFF PRESENT:

- Mr Dale Stewart (Chief Executive Officer)
- Mrs Annette Harbron (Director of Planning & Sustainability) *(from 4.16pm)*
- Mr Gregg Harwood (Director of Community & Regulatory Services)
- Mr Rob Whooley (Director of Infrastructure Services)
- Ms Claire Thompson (Executive Assistant)

APOLOGIES:

- Cr Dawn Pedro
- Cr Belinda Rowland
- Mr Garry Bird (Director of Finance & Administration)

ON LEAVE OF ABSENCE:

- Cr Phil Barnes

ABSENT:

Nil

VISITORS:

- Members of the public in attendance at the commencement of the meeting: 11
- Members of the press in attendance at the commencement of the meeting: 1

DECLARATIONS OF INTEREST:

Name	Item No	Interest	Nature
Cr Osborne	8.1.2	Impartiality	Cr Osborne is a patient of the Denmark Medical Centre.

3. ANNOUNCEMENTS BY THE PERSON PRESIDING

The Shire President announced that the meeting was the first to be held in accordance with Council's new three (3) weekly meeting cycle.

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTIONS

In accordance with Section 5.24 of the Local Government Act 1995, Council conducts a public question time to enable members of the public to address Council or ask

questions of Council. The procedure for public question time can be found on the back of the front cover of this Agenda.

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, no later than 6.00pm.

Questions from the Public

4.16pm – *The Director of Planning & Sustainability entered the room.*

4.2.1 Mr Graeme Thallon – Item 9.1 (Bush Fire Advisory Committee – Brigades Minimum Training Standards)

The Chief Bush Fire Brigade Officer, Mr Thallon, stated that whilst he agreed with the recommendation of minimum training standards for brigade volunteers, he believed that existing members' experience, knowledge and prior training needed to be recognised. Mr Thallon said that Council needed to first understand the Brigades' priorities and suggested that perhaps some senior member and incident training would be of more immediate use.

4.2.2 Mr Graeme Thallon – Item 9.3 (Bush Fire Advisory Committee – Procedure for Conducting Hazard Reduction Burning on Private Property)

The Chief Bush Fire Brigade Officer, Mr Thallon, raised a number of concerns relating to the proposed Procedure & Authorisation Form as he believed that the responsibility should rest with the Shire and not the brigades. Mr Thallon also noted that the delegated authority given to the Shire's Fire Control Officers (FCOs) had not been mentioned within the procedure nor any reference to the property owner(s) assuming responsibility for the fire once the Brigade "handed" over the fire to them.

4.2.3 Mr Cyril Edwards – Item 9.1 (Bush Fire Advisory Committee – Brigades Minimum Training Standards)

Mr Edwards, Secretary for the Ocean Beach Volunteer Bush Fire Brigade, stated that whilst he agreed that there was a need to ensure that brigade members were up to date with new relevant technologies he did not believe that the best way would be for members to sit in a training room for one or two days. Mr Edwards noted that the 'hands on' training which had been facilitated recently by Council's Community Emergency Services Manager (CESM) had proved successful.

4.2.4 Mr Cyril Edwards – Item 9.3 (Bush Fire Advisory Committee – Procedure for Conducting Hazard Reduction Burning on Private Property)

Mr Edwards, as a member of the Bush Fire Advisory Committee, stated that, as the Secretary for the Ocean Beach Fire Brigade, he had only received the Agenda on the day of the meeting which did not allow him enough time to distribute it to other members of the Brigade. Mr Edwards said that could not support the procedure, as it stood, but would be happy to discuss alternatives adding that, in his view, by introducing such a procedure it could be seen by absentee landowners as a service (cheaper than private operators) which essentially could be utilised to redirect their own responsibilities in relation to fire hazard reduction on their properties. Mr Edwards added that he had concerns about any responsibility for the burns being transferred to the brigades.

4.2.5 Mr Les Baines – Item 9.1 (Bush Fire Advisory Committee – Brigades Minimum Training Standards)

Mr Baines, Secretary/Lieutenant of the Carmarthen Volunteer Bush Fire Brigade, stated that whilst he had become fully qualified since he had joined the

brigade there were a number of members who had extensive experience but had not undertaken any formal training. Mr Baines expressed concern that some experienced members may resign if they were required to undertake compulsory training or retraining and suggested that perhaps Council could offer non-compulsory refresher training instead.

4.2.6 Ms Samantha Blythe – Item 9.1 (Bush Fire Advisory Committee – Brigades Minimum Training Standards)

Ms Blythe, Fire Control Officer (FCO) for the Owingup Volunteer Bush Fire Brigade, noted that she supported the previous speakers on the matter and asked whether the Shire was aware that they would lose a number of former FCOs if minimum training standards were brought in. Ms Blythe stated that she believed ‘hands on’ training was the best method which also enabled older members to share their knowledge and experience with the young brigade members. Ms Blythe said that some of the more experienced members who had looked at the proposed minimum standards did not believe that it taught them anything about how to fight a fire and they did not want to be involved.

4.2.7 Mr David Keel – Item 9.2 (Bush Fire Advisory Committee – Procedure for Conducting Hazard Reduction Burning on Private Property)

Mr Keel, Lieutenant for the Owingup Volunteer Bush Fire Brigade, noted that he supported the previous speakers on both 9.1 and 9.3 and queried references in the Procedure and the Agenda to sections of the Bush Fires Act 1954. Mr Keel stated that he could not find any reference in the Act which authorised local government authorities to or require owner/occupiers to set fire to bush. Mr Keel added that also couldn't find any reference to where the Act allows brigades to light fires.

4.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

4.4 PRESENTATIONS, DEPUTATIONS & PETITIONS

4.4.1 Dr David Mildenhall – Item 8.1.2 (Proposed Change of use: Shop/Office to Medical Centre – No. 3 (Strata Lots 3-6/Lot 218) Mt Shadforth Road, Denmark)

Dr Mildenhall, as a partner in the Denmark Medical Centre, gave a presentation on the proposal highlighting that the intention was to deliver appropriate level of health care within Denmark by providing a coordinated, integrated health facility. Dr Mildenhall requested that Council waive the parking provisions given that it was intended that the proposed facility would be provided at no cost to ratepayers and the benefits it would have for Denmark and its citizens.

5. APPLICATIONS FOR LEAVE OF ABSENCE

5.1 Cr Pedro

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 5.1
MOVED: CR SAMPSON	SECONDED: CR SEENEY
That Cr Pedro be granted Leave of Absence for the Ordinary Council Meetings to be held on the 7 & 28 February 2012.	
CARRIED: 9/0	Res: 010112

6. CONFIRMATION OF MINUTES

6.1 ORDINARY COUNCIL MEETING

<p>COUNCIL RESOLUTION & OFFICER RECOMMENDATION MOVED: CR SAMPSON That the minutes of the Ordinary Meeting of Council held on the 20 December 2011 be confirmed as a true and correct record of the proceedings. CARRIED: 9/0</p>	<p>ITEM 6.1 SECONDED: CR GILLIES Res:020112</p>
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7. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

The Shire President suggested that Councillors may wish to suspend Standing Orders to allow questions to be asked.

<p>COUNCIL RESOLUTION MOVED: CR SYME That Standing Orders be suspended to allow Councillors to ask questions about any of the items on the Agenda. CARRIED: 9/0</p>	<p>SECONDED: CR SEENEY Res: 030112</p>
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Councillors asked a number of questions of Council Officers relating to several items on the Agenda.

Prior to any questions relating to Item 8.1.2, the Chief Executive Officer, through the Presiding Person, brought to the attention of the meeting the following disclosure(s) of interest:

Cr Osborne is a patient of the Denmark Medical Centre and as a consequence there may be a perception that their impartiality on this matter may be affected. Cr Osborne declares that he will consider this matter on its merits and vote accordingly.

6.03pm - Public Question Time

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

<p>COUNCIL RESOLUTION MOVED: CR SYME That Standing Orders be resumed. CARRIED: 9/0</p>	<p>SECONDED: CR HINDS Res: 040112</p>
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<p>COUNCIL RESOLUTION MOVED: CR HINDS That the meeting be adjourned for a short break, the time being 6.04pm. CARRIED: 8/1</p>	<p>SECONDED: CR GILLIES Res: 050112</p>
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6.14pm – The meeting resumed with all Councillors and Staff who were present prior to the adjournment.

8. REPORTS OF OFFICERS

Councillors are encouraged to identify those Agenda Items from Item 8 (Officer Reports) through to and inclusive of Item 9 (Committee Recommendations) that they would like to discuss, debate, amend, ask questions in relation to or make comment on during the meeting.

ITEM NO.	HEADING	Declarations of Interest Yes / No	Absolute Majority Yes / No
8.1.1	PROPOSED MODIFICATIONS TO ACCESS AND UNDERGROUND POWER EASEMENTS TO THE WIND ENERGY FACILITY SITE	No	No
8.1.2	PROPOSED CHANGE OF USE: SHOP/OFFICE TO MEDICAL CENTRE – NO. 3 (STRATA LOTS 3-6/LOT 218) MT SHADFORTH ROAD, DENMARK	Yes	No
8.3.1	SHIRE OF DENMARK WASTE COLLECTION SERVICE	No	No
8.3.2	ROADS TO RECOVERY PROGRAM	No	No
8.4.1	FINANCIAL STATEMENT FOR THE MONTH ENDING 31 DECEMBER 2011	No	No
8.4.2	DIGITAL TELEVISION SERVICES FOR DENMARK AND PEACEFUL BAY	No	No
8.4.3	UPGRADE OF SOLAR POWER EQUIPMENT – SHIRE OF DENMARK ADMINISTRATION CENTRE	No	No
8.5.1	CHAMBER OF COMMERCE – COUNCIL DELEGATE	No	No
8.5.2	ABORIGINAL PLACE NAMES	No	No
9.1	BUSH FIRE ADVISORY COMMITTEE - BRIGADES MINIMUM TRAINING STANDARDS	No	No
9.2	BUSH FIRE ADVISORY COMMITTEE - VOICE RECORDERS FOR VOLUNTEER BRIGADES	No	No
9.3	BUSH FIRE ADVISORY COMMITTEE - PROCEDURE FOR CONDUCTING HAZARD REDUCTION BURNING ON PRIVATE PROPERTY	No	No

If any of the above items are identified by Council they will be excluded from the following En-bloc recommendation.

OFFICER RECOMMENDATION ITEM 8

That the Officer Recommendations with respect to items be adopted en bloc.

Councillors did not identify any items which they wanted to adopt en bloc and therefore the Officer Recommendation was not considered.

8.1 Director of Planning & Sustainability

8.1.1 PROPOSED MODIFICATIONS TO ACCESS AND UNDERGROUND POWER EASEMENTS TO THE WIND ENERGY FACILITY SITE

File Ref: REM.13; A3108; 30387
Applicant / Proponent: Department of Regional Development and Lands (State Land Services); Denmark Community Windfarm Ltd
Subject Land / Locality: Location 7625 (Reserve 24913) Monkey Rock Road, Denmark
Disclosure of Officer Interest: Nil
Date: 4 January 2012
Author: Annette Harbron, Director of Planning & Sustainability
Authorising Officer: Annette Harbron, Director of Planning & Sustainability
Attachments: 8.1.1 a) – Proposed Underground Power Easement Alignment Plans
 8.1.1 b) – Proposed ‘Construction Only’ Road Access Alignment
 8.1.1 c) – Plan of Areas Approved to be Excised from Reserve 24913 for WEF Site and Associated Easements
 Plan 8.1.1 d) – Indicative Easement and Permanent Access Road Alignment Plan

Summary:
 The Department of Regional Development and Lands (State Land Services) and Denmark Community Windfarm Ltd are respectively seeking the Shire’s comments on

proposed modifications to the underground power easement and access easement associated with the WEF development.

The proposed modified alignments will result in consolidated easement arrangements, are considered appropriate having regard to Council's previous resolutions on each of these issues and the objective of minimising the visual impacts associated with the WEF development, thus it is recommended that Council support both modified alignments.

Background:

Current Proposal

The Department of Regional Development and Lands (State Land Services) is seeking comment from the Shire as to a request received from Western Power for a modified underground power easement to service the proposed Wind Energy Facility (WEF) development - refer Attachment 8.1.1 a).

The proponents of the WEF, Denmark Community Windfarm Ltd, have also recently written to the Shire seeking Council's position on a modification to the approved access road alignment to the WEF site prior to formally lodging the request with the Department of Regional Development and Lands (State Land Services) – refer Attachment 8.1.1 b) for a plan showing the proposed 'construction only' road alignment.

This modified alignment has arisen as a result of recent ground surveys of the area in order to determine civil works parameters, review of construction access requirements (gradients, clearing extents etc) and having regard to the following:

- The location of Western Power's proposed underground power easement;
- Council's stated requirement to minimise visual impact;
- Further reduction of ground and vegetation disturbance; and
- The reduced complexity and lower cost of road construction.

History Regarding Approved Easement Alignments

- At the Ordinary Meeting of Council held on 25 September 2007, Council considered a request from the Department for Planning and Infrastructure (State Land Services) for comment on the proposal to excise 52.75ha from Reserve A24913 to create a lease area for the proposed WEF and the creation of an easement across the present Shire Lime Quarry (Reserve 46273) to allow for roads and services to the proposed WEF area.

After due consideration of the proposal, Council resolved as follows (Res: 317/07):

That Council advises the Department for Planning and Infrastructure and the Department for Industries and Resource that it does not support the granting of a lease within a portion of Reserve A24913 for a wind energy facility on the basis that Council did not support the final approval of Town Planning Scheme No. 3 – Amendment No. 88 to create the Public Use Reserve for the wind energy facility.

- At the Ordinary Meeting of Council held on 27 May 2008, Council considered a request from the Department for Planning and Infrastructure (State Land Services) for comment regarding the Denmark Community Windfarm Inc's proposed alternate access to the WEF – noting that the Minister for Planning and Infrastructure was progressing with the proposal to excise land from Reserve 24913 for the WEF. After due consideration, Council resolved the following (Res: 240508):

That with respect to the requested easement over Class A Reserve 24913 for access to the proposed Wind Energy Facility, Council support an easement subject to:

1. Councils preferred route being to the satisfaction of the Councils Director of Planning & Sustainability and subject to receipt of advice from Councils Natural

Resource Management Officer & the Department of Environment & Conservation as to the most environmentally acceptable option based on:

- i) not being through the Councils Lime Quarry;*
 - ii) allowing for a road construction that will fit harmoniously with the natural contours of the landscape;*
 - iii) being located low in the landscape to avoid unnecessary visual impact and minimise soil erosion caused by run off or wind; and*
 - iv) being limited to a 5.5m maximum cleared width for its non reciprocal part length.*
- 2. The proponent being required during Wind Energy Facility construction, to maintain, to the satisfaction of Councils Director of Infrastructure Services, the access road for its existing constructed length subject to the reciprocal right of access;*
 - 3. Any car park facilities being constructed on the proposed Wind Energy Facility Reserve and not on the easement;*
 - 4. Submission of a landscaping plan to the satisfaction of the Councils Director of Planning & Sustainability with respect to priority species protection, dieback control (LPP #1), weed eradication and post construction rehabilitation.*
- At the Ordinary Meeting of Council held on 24 March 2009, Council considered a request from the Minister for Lands (Hon B Grylls) for comment on the excision of land from Reserve 24913 for the WEF in light of completion of Council's 2008 Community Survey (noting that Council resolved to include a question in the survey about the location of the WEF at Wilson Head).

After due consideration of the matter, Council resolved the following (Res: 280309):

That with respect to the request by the Minister for Lands to comment on the excision and proposed change of purpose of portion of 'A' Class Reserve 24913 for a proposed Wind Energy Facility (WEF), Council respond as follows:

That Council does not support excision or change of purpose of that portion of the reserve in order to preserve the amenity and landscape values of Wilson Head.

- At the Ordinary Meeting of Council held on 24 November 2009, Council considered a further request from the Minister for Lands (Hon B Grylls) for comment on the excision of land from Reserve 24913 for the WEF in light of the October 2009 local government elections and advice from the Australian Government that there needed to be resolution of the land tenure issue or the approved government grant for the project would be withdrawn.

After due consideration of the matter, Council resolved the following (Res: 121109):

That Council with respect to the request by the Minister for Lands to comment on the excision and proposed change of purpose of portion of 'A' Class Reserve 24913 for a proposed Wind Energy Facility (WEF);

- 1. Revoke its decision of 24 March 2009 being resolution number 280309 and:*
- 2. Advise the Minister that having consulted a significant number of its ratepayers, with approximately 69% of respondents in the 2008 Community Needs and Customer Satisfaction Survey being in support, and notwithstanding that the location of a wind energy facility at this site as with most locations within the Shire, would be a contentious issue, is satisfied that the short, medium and long term environmental, social and economic interests of the Shire are best achieved with a decision to support the excision and change of purpose subject to the area and location being in accordance with the Town Planning Scheme 3, Scheme Amendment No. 88 (the land already zoned WEF); and*
- 3. Reaffirm its resolution number 240508 of 27 May 2008.*

Following Council's resolution, the Minister for Lands advised the Shire that the proposed excision of land from Reserve 24913 for the proposed WEF would be proceeding, with the aim to table the proposed excision and associated easements for the first session of Parliament in 2010.

- On the 12 January 2010, the Chief Executive Officer of the Shire of Denmark granted approval to the proposed road access easement arrangements.
- In accordance with Sections 42(4) and 44(1) of the *Land Administration Act 1997*, a 'Notice of Intention to Amend Class A Reserve 24913' to enable leasing of a 52.7860 hectare site for the purpose of a WEF and to provide for 2 easements for the purposes of underground power and access was published in The West Australian newspaper on 24 March 2010 – refer Attachment 8.1.1 c).

Following closure of the public comment period wherein a total of 40 responses were received (comprising 34 support responses from the public; 4 objecting responses from the public; support from Western Power and the Member for Blackwood-Stirling), the Minister for Lands tabled the proposed excision with both Houses of Parliament on the 25 May 2010. The tabling process in each House of Parliament provides for disallowance motions, noting that this was expected to be completed by 12 August 2010. As at 12 August 2010 there were no disallowance motions, thus the Department of Regional Development and Lands (State Land Services) are now in a position to finalise the associated lease and easement arrangements.

- At the Ordinary Meeting of Council held on 24 August 2010, Council considered a request from the Department of Regional Development and Lands (State Land Services) for Council's comments on the proposed underground power easement to service the proposed WEF on Reserve 24913.

After consideration of the proposal, Council resolved the following (Res: 260810):

That with respect to the requested underground power easement over Class A Reserve 24913 for access to the proposed Wind Energy Facility, Council support an easement subject to:

1. *The easement being used for underground power installation (and maintenance of that infrastructure) only;*
2. *The easement being a maximum of 5m wide and adjoining Council's surveyed boundary line of the Lime Quarry as per the deposited plan 66809 version 1;*
3. *The proponent being required to obtain all necessary approvals from the Department of Conservation and Environment for any clearing and complying with any requirements regarding rare flora if such concerns are raised by that Department.*
4. *Should a development application be lodged with respect to installation of underground power the proponent is advised that the following conditions may be imposed at that time;*
 - a) *priority species protection, dieback control (LPP #1), weed eradication and post construction rehabilitation; and/or*
 - b) *ensuring that they liaise with the Council's Director of Infrastructure Services to ensure that there is no negative impact on Council's Lime Quarry access road, fence and embankment as a result of the underground power installation or associated works.*

Comment:

In relation to the modified underground power easement, the 1 metre wide power easement is proposed to be located within the already approved access easement directly adjacent to the western edge of the existing gravel road from the entrance to the limestone quarry site (noting that this is where the gazetted Ocean Beach Road road reserve terminates) through to the proposed access alignment that is also the subject of

this report, then aligns on the northern edge of the approved access easement through to the WEF lease site boundary.

In relation to the modified access arrangement, Attachment 8.1.1 b) only depicts the 'construction only' access route and not the extent of the associated access easement— noting that the approved access easement is 20 metres wide. It is considered appropriate that the modified access easement also be 20 metres wide for consistency purposes and to ensure that the permanent access road to the WEF site provides for a traditional 'T' intersection design that can be wholly located within an approved access easement – refer Attachment 8.1.1 d) for indicative easement and permanent access road alignment plan prepared by Planning Services.

In this regard it should be noted that the following conditions and/or advice notes have been recommended by Planning Services in relation to the WEF planning application that, at the time of writing this report, is proposed to be considered by the Great Southern Joint Development Assessment Panel at a meeting scheduled for the 12 January 2012:

- *Condition b) - The non-reciprocal portion of the access road to the Wind Energy Facility lease boundary is to be located, designed, constructed, drained and positioned wholly within an approved access easement to the satisfaction of the Shire of Denmark (Planning/Infrastructure Services), with such plans of the access road and associated works being submitted and approved by the Shire of Denmark (Infrastructure Services) prior to construction commencing (refer Advice Note a) in relation to matters that such plans need to at least address).*
- *Condition k) - Within six (6) months of the Wind Energy Facility operations commencing, the applicant's providing vehicular and pedestrian access to the Wind Energy Facility Site with all associated car parking to be located within the Wind Energy Facility lease boundaries to the satisfaction of the Shire of Denmark (Planning Services).*
- *Advice Note a) - In relation to Conditions b) and c) the required documentation should address, including but not limited to, the following:*
 - *Road construction materials – noting that crushed limestone is the preferred construction material;*
 - *Drainage management plan;*
 - *Erosion control plan;*
 - *Extent of cut, fill and vegetation clearing proposed – noting that should be kept to a minimum;*
 - *Temporary (allowing for construction movements) and permanent road widths – noting a Council resolution that the maximum cleared width should be limited to 5.5 metres;*
 - *A traffic management plan; and*
 - *Compliance with Town Planning Scheme Policy No. 1: Dieback Disease Management*

Additional conditions pertaining to the need for drainage management, landscaping/rehabilitation plans, and compliance with Town Planning Scheme Policy No. 1: Dieback Disease Management, generally as part of the engineering drawings required for the access roads, have also been recommended. Other conditions/advice notes have been incorporated dealing with road maintenance issues and advising of clearing permit requirements. Therefore these provisions have not been re-duplicated in the officer recommendation pertaining to the easement issues.

Overall from a Planning and Infrastructure Services perspective, the proposed modified alignment for the underground power easement and the proposed modified alignment for the access easement, which results in consolidated easement arrangements, are considered appropriate having regard to Council's previous resolutions on each of these issues and the objective of minimising the visual impacts associated with the road and associated infrastructure with the WEF development.

Consultation:External Consultation

- Department of Regional Development and Lands (State Land Services)
- Western Power
- Denmark Community Windfarm Ltd

Internal Consultation

- Director of Infrastructure Services
- Planning Services
- Chief Executive Officer

Statutory Obligations:

The *Land Administration Act 1997* sets out the requirements and procedures for the creation of access easements on 'A' class reserves, noting that the proposal will need to be tabled with both Houses of Parliament.

Policy Implications:

There are no known policy implications.

Budget / Financial Implications:

There are no known financial implications upon the Council's current Budget or Plan for the Future at this stage.

It should be noted that the proponents are currently investigating if any modifications are necessary to the current unsealed road to facilitate access to the WEF site by construction traffic (i.e. any cut/fill requirements to address gradient issues and/or asphaltting of the road). Once the proponents have ascertained their requirements, further consultation will occur with the Director of Infrastructure Services – noting that the proponents may consider approaching Council in due course for a contribution to asphaltting of the road.

Strategic Implications:

The proposed easement alignments will not conflict with the Shire of Denmark's Coastal Reserves Management Strategy and Action Plan 2010-2010 (February 2011).

Sustainability Implications:**➤ Environmental:**

The proposed easement alignments have had regard to the associated environmental impacts.

➤ Economic:

There are no known significant economic considerations relating to this report or officer recommendation.

➤ Social:

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

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.1.1 a)
MOVED: CR SYME	SECONDED: CR SEENEY
<p>That with respect to the modified underground power easement to service the proposed Wind Energy Facility development, Council advise the Department of Regional Development and Lands (State Land Services) that the easement is supported subject to:</p> <ol style="list-style-type: none"> 1. The easement being a maximum of 1 metre wide as per Deposited Plan 66809 (Version 2); and 2. The proponent being advised of the need to obtain any necessary approvals from the Department of Environment and Conservation for any native vegetation clearing that may be required with the installation of the underground power infrastructure. 	
CARRIED: 9/0	Res: 060112

OFFICER RECOMMENDATION ITEM 8.1.1 b)

That with respect to the modified access road alignment to service the proposed Wind Energy Facility development, Council advise Denmark Community Windfarm Ltd and the Department of Regional Development and Lands (State Land Services) that the alignment is supported subject to:

1. The creation of a 20 metre wide easement that will accommodate the access road to the site and the proposed underground power easement generally as per Attachment 8.1.1 d), noting that a request for the easement needs to be lodged for formal consideration by the Department of Regional Development and Lands as per the provisions of the *Land Administration Act 1997*; and
2. The permanent access road alignment being designed such that it creates a traditional 'T' intersection with the reciprocal access easement (i.e. current gravel sealed extension of Ocean Beach Road).

COUNCIL RESOLUTION	ITEM 8.1.1 b)
MOVED: CR SYME	SECONDED: CR SAMPSON
<p>That with respect to the modified access road alignment to service the proposed Wind Energy Facility development, Council advise Denmark Community Windfarm Ltd and the Department of Regional Development and Lands (State Land Services) that the alignment is supported subject to:</p> <ol style="list-style-type: none"> 1. The creation of a 20 metre wide easement that will accommodate the access road to the site and the proposed underground power easement generally as per Attachment 8.1.1 d), noting that a request for the easement needs to be lodged for formal consideration by the Department of Regional Development and Lands as per the provisions of the <i>Land Administration Act 1997</i>; and 2. The permanent access road alignment being designed such that it creates a traditional 'T' intersection with the reciprocal access easement (i.e. current unsealed extension of Ocean Beach Road). 	
CARRIED: 9/0	Res: 070112

REASONS FOR CHANGE

Council corrected the term “sealed gravel” to “unsealed” as the road is part gravel surfaced & part limestone surfaced.

Prior to Item 8.1.2, the Chief Executive Officer, through the Presiding Person, brought to the attention of the meeting the following disclosure(s) of interest:

Cr Osborne is a patient of the Denmark Medical Centre and as a consequence there may be a perception that their impartiality on this matter may be affected. Cr Osborne declares that he will consider this matter on its merits and vote accordingly.

8.1.2 PROPOSED CHANGE OF USE: SHOP/OFFICE TO MEDICAL CENTRE – NO. 3 (STRATA LOTS 3-6/LOT 218) MT SHADFORTH ROAD, DENMARK

File Ref:	A5435; A5436; A5437; A5438 (2011/211)
Applicant / Proponent:	Karrip Pty Ltd ATF DMC Property Trust
Subject Land / Locality:	No. 3 (Strata Lots 3-6/Lot 218) Mt Shadforth Road, Denmark
Disclosure of Officer Interest:	Nil
Date:	4 January 2012
Author:	Annette Harbron, Director of Planning & Sustainability
Authorising Officer:	Annette Harbron, Director of Planning & Sustainability
Attachments:	8.1.2 a) – Floor plan of the Proposed Development 8.1.2 b) – Letter Requesting Waiver of Parking Requirements 8.1.2 c) – Approved Car Parking Plan

Summary:

Karrip Pty Ltd are seeking Planning Approval for a Change of Use from ‘Shop/Office’ to ‘Medical Centre’ at No. 3 (Strata Lots 3-6/Lot 218) Mt Shadforth Road, Denmark. The applicants have requested Council’s consideration to waive the requirement for cash in lieu payment associated with the on-site parking shortfall as a result of this proposal.

From a Planning Services perspective it is not considered appropriate to waive the requirement for cash in lieu, thus it is recommended that the Planning Application be granted approval with a condition specifically requiring the applicant/landowner to pay cash in lieu associated with the parking shortfall generated from the proposal.

Background:

Current Application

An application for Planning Approval was lodged with Planning Services in December 2011 for a Change of Use from ‘Shop/Office’ to ‘Medical Centre’ at No. 3 (Strata Lots 3-6/Lot 218) Mt Shadforth Road, Denmark (being the upstairs units of ‘Shaddie Plaza’) – refer Attachment 8.1.2 a).

Accompanying the planning application is a letter from Denmark Medical Centre requesting Council waive the requirement for ‘cash-in-lieu’ associated with the on-site parking shortfall that approval to this proposal will result in – refer Attachment 8.1.2 b).

Approved Development

Planning Approval 120/2006 was granted on 18 July 2006 for a Commercial (Shop/Office) Development on the subject site.

Condition 5 of the planning approval required the provision of fifteen parking bays (inclusive of 1 disabled bay) being provided on-site, with such bays to be drained, sealed and line marked to the satisfaction of the Manager Engineering Services. Attached at Attachment 8.1.2 c) is a copy of the approved parking plan – noting access to the car parking area located at the rear of the site is obtained off the Right of Way which extends from South Coast Highway through to Millar Street.

It should be noted that from a recent site inspection of the premises by Planning Services, the car park has been built in accordance with the approved plans, noting however that the line marking is no longer evident thus should be required to be re-line marked – either as a condition of this Planning Approval and/or as a compliance matter associated with the current development on-site.

Comment:

In accordance with Town Planning Scheme No. 3 (TPS No.3), a ‘Medical Centre’ is an “AA” use in the ‘Commercial’ zone – that is a use that the Council may, at its discretion, permit the use in the zone.

Given that the built form of the development proposal is existing on-site, the main issue that requires consideration with this planning application is compliance with the car parking requirements of TPS No. 3. In this regard, the car parking requirements for the overall development proposed on-site are:

Land Use	Scheme Provision	Required No. Of Bays
Medical Centre – Strata Lots 3-6 (being the upstairs portion of the building)	First consultant 4 bays; Additional consultants 4 bays	24 bays (based on 5 x consulting rooms for the Denmark Medical Centre operations and 1 x consulting room with the pathology operations)
Shop/Office – Strata Lots 1 & 2 (being the two downstairs units)	1 bay per 40m ² gross leasable area	6 (based on total floorspace of 234 m ²)
		TOTAL – 30 bays

There currently are fifteen (15) car parking bays located on-site, thus this development proposal will result in a shortfall of fifteen (15) car parking bays on-site as there is no further ability to provide additional on-site car parking.

As per Clause 5.23 of TPS No. 3, there is the ability for a cash payment in lieu of provision of on-site car parking to be paid by the applicant to Council for Council to either purchase land and/or provide a public car park in the nearby vicinity.

In this instance Planning Services consider it appropriate to allow the shortfall of fifteen (15) car parking bays to be addressed via a cash in lieu payment on the basis that:

- The existing parking already provided on-site will account for 50% of the TPS No. 3 on-site requirements (noting that Town Planning Scheme Policy No. 31: Commercial Strategy references that cash-in-lieu should not be seen to be replacing the developer’s responsibility to provide on-site parking);
- Notwithstanding that it is acknowledged some patients of the medical centre will have medical conditions that may require them to park immediately adjacent to the medical centre, the majority of patients would be able to access the medical centre after parking in the public car parking spaces (e.g. Strickland Street, proposed car park in North Street etc) – noting that there is generally limited on-site parking available for patients at the medical centre’s current site; and
- The cash in lieu monies can be utilised by Council to provide public car parking in and around the commercial centre of town.

Having regard to the above, the Director of Planning and Sustainability was prepared to issue a Planning Approval for this planning application, under delegated authority, with the following condition to specifically address the car parking requirement:

Prior to the issuance of a building licence associated with the proposed medical centre operations, a cash in lieu contribution for the shortfall of fifteen (15) car parking bays on-site is to be paid to the Shire of Denmark, with such payment to be calculated as per Council’s operative Schedule of Fees & Charges applicable at the time of payment.

The application of such a condition would require a licensed valuer to be engaged by the applicant/landowner to undertake a land valuation in order to determine the applicable cash in lieu payment - noting that as per Council’s 2011-2012 Fees & Charges Schedule, cash in lieu of car parking is to be calculated as per the following:

Shortfall x [(Bay Size x Land Value per m²) + Construction Cost]

Definition of formula terms:

"Bay Size" = 27m²

"Construction Cost = \$2,075 per Bay"

"Land Value per m²" = as determined by a licensed valuer, and agreed to by the Shire of Denmark

"Shortfall" = difference between the number of car parking bays required to be provided on-site as per TPS 3 and the number of car parking bays to actually be provided

For demonstration purposes, if the land value was \$250 per square metre, the cash in lieu payment for a proposal with a shortfall of 1 car parking bay would be \$8,825.00.

This advice was provided to the applicants and they have subsequently requested Council's consideration of waiving the cash in lieu requirement for shortfall of car parking, thus the basis for referring this matter to Council.

In this regard, as per Clause 6.2 of TPS No. 3 Council does have the discretion to modify any development standards and approve applications accordingly however in exercising such discretion Council may only exercise this discretion where it is satisfied that:

- a) Approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenity of the locality;
- b) The non-compliance will not have any adverse effect upon the occupiers of users of the development or the inhabitants of the locality or upon the likely future development of the locality; and
- c) The spirit and purpose of the requirement or standard will not be unreasonably departed from thereby.

From a Planning Services perspective it is not considered appropriate to waive the requirement for cash in lieu associated with the fifteen (15) car parking shortfall as there is a genuine requirement for car parking (either on-site or in the public realm) associated with any commercial development, and from the 2011 Shire of Denmark Community Needs and Customer Satisfaction Report, 62.3% of respondents agreed or strongly agreed that Council should provide more parking in the CBD area. Accepting payment of cash in lieu by commercial developments that are unable to provide on-site car parking (particularly pertains to landholdings that have limited land areas and/or refurbishment/redevelopment is encouraged) provides suitable funding mechanisms to enable Council to provide such parking in the public domain which will benefit all commercial developments in the CBD area.

As per Clause 6.2 of TPS No. 3, Council does also have the ability to modify the car parking requirements for the development on-site however it is considered that Planning Services have applied some discretion already as the current car parking requirements have had regard to the number of consulting rooms (excluding the nurses room, allied health room and triage/minor surgery room) and not necessarily the number of practitioners/consultants (which includes persons ordinarily associated with a practitioner in the prevention, investigation or treatment of physical or mental injuries or ailments – i.e. nurse).

In addition to the above, it should be noted that as per Clause 5.22 of TPS No. 3, there is the ability for car parking to be provided on an adjoining property (generally known as reciprocal parking arrangements) provided the following criteria are met:

- The property where the car parking is proposed at least satisfies their own car parking requirements;
- The property ideally being adjacent to the development site;
- The car parking on the adjoining property being constructed to the Shire's specifications; and

- All landowners entering into a legal agreement to ensure permanent access to the car parking area regardless of ownership arrangements over the sites;

The applicants have been advised that they could consider this option and they are currently exploring options available to them in this regard.

Consultation:

External Consultation

- Karrip Pty Ltd

Internal Consultation

- Planning Services
- Director of Infrastructure Services
- Chief Executive Officer

Statutory Obligations:

Town Planning Scheme No. 3 specifies the pertinent development requirements for the site.

Policy Implications:

Town Planning Scheme Policy No. 31: Commercial Strategy has the following objectives relevant to this proposal:

- Encourage the redevelopment and infill development of the existing commercial area.
- Support the principle of new uses for old buildings and the revitalisation of the town centre.
- Continue to provide appropriate levels of accessibility and car parking, and allow for time shared and reciprocal use of car parking areas.

Section 7 of Town Planning Scheme Policy No. 31: Commercial Strategy states:

Cash in lieu of parking bays may be considered where developments have a shortfall of parking. Council may accept money for this shortfall, to provide bays in a nearby existing or proposed public parking facility. Cash-in-lieu should not be seen to be replacing the developer's responsibility to provide on-site parking. The provisions of an adequate supply of parking is the intent and as such the following considerations are important:

- *Contributions shall be permitted only in localities where Council is proposing to provide a public car park in the near future or where a public car park already exists;*
- *Contributions may comprise all or part of the on-site parking requirements for a development;*
- *Contributions received for proposed facilities shall be held in a Council Trust Fund for the purpose of acquisition of land for parking in appropriate areas; or accepted by Council as a contribution towards the cost of providing existing public parking facilities in the area.*

Budget / Financial Implications:

As per Council's 2011-2012 Fees & Charges Schedule, cash in lieu of car parking is to be calculated as per the following:

$$\text{Shortfall} \times [(\text{Bay Size} \times \text{Land Value per m}^2) + \text{Construction Cost}]$$

Definition of formula terms:

"Bay Size" = 27m²

"Construction Cost = \$2,075 per Bay"

“Land Value per m²” = as determined by a licensed valuer, and agreed to by the Shire of Denmark

“Shortfall” = difference between the number of car parking bays required to be provided on-site as per TPS 3 and the number of car parking bays to actually be provided

As at January 2012, the Shire has \$53,178.17 held as ‘Restricted Cash’ as cash-in-lieu payments for other commercial developments in the CBD area. As per TPS No. 3 the money is required to be specifically spent on provision of public parking facilities anywhere within the commercial centre of the town or in close proximity of the site in which the cash-in-lieu arrangement was made.

Although not directly related to this planning application, the medical centre operating out of this site will increase vehicular traffic on the Right of Way (ROW) that extends from South Coast Highway through to Millar Street – noting that the car parking area associated with the development on-site is solely accessed via the ROW. The ROW, which is only 5.0 metres wide, is asphalt sealed from South Coast Highway up to the car parking entrance associated with the subject property, with the remainder of the ROW currently gravel sealed.

In this regard, it is considered that Council needs to give due regard to the following issues:

- The ROW should ideally be asphalt sealed given that it predominantly is associated with ‘Commercial’ zoned properties/development, particularly noting that with increased usage of the ROW it is anticipated that there will be pressure from the adjoining properties and/or users of the ROW for upgrading.

To date Council has not identified this project in budget considerations and/or as part of any forward capital works plan.

- Having regard to the overall width of the ROW and the current sealed widths of the asphalt area (minimum 3.8 metres directly adjacent to the subject property’s entrance), the ROW should technically be nominated as one-way – particularly with increased traffic that will be using the ROW should the medical centre move to the area. Generally this would require signage and/or line marking to be provided.

Strategic Implications:

The Shire of Denmark’s adopted Local Planning Strategy (2011), which is currently awaiting endorsement from the Western Australian Planning Commission, contains the following objective for ‘Future Retail’:

To ensure that the Denmark town centre continues to be the focus for all forms of commercial activity that support a vibrant town centre and to ensure that future development enhances its village character.

Sustainability Implications:

➤ **Environmental:**

There are no known significant environmental considerations relating to this report or officer recommendation.

➤ **Economic:**

Refer to comments provided in ‘Budget/Financial Implications’.

➤ **Social:**

Provision of adequate medical services in the Shire is necessary and the Shire are aware that the Denmark Medical Centre have been in search of a suitable property to accommodate their growth for some time.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 8.1.2

That with respect to the planning application for Proposed Change of Use: Shop/Office to Medical Centre for No. 3 (Strata Lots 3-6/Lot 218) Mt Shadforth Road, Denmark, Council resolve to grant Planning Approval subject to the following:

Conditions

1. Development shall be carried out in accordance with the stamped approved plans.
2. Prior to the commencement of the use, the fifteen (15) bay car parking area is to be suitably marked (including the disabled bay) as per the original approved car parking plan for the development.
3. All car parking areas and access ways shall be maintained for their stated purpose at all times and shall not be used for display or general storage purposes.
4. Prior to the issuance of a building licence associated with the proposed medical centre operations, a cash in lieu contribution for the shortfall of fifteen (15) car parking bays on-site is to be paid to the Shire of Denmark, with such payment to be calculated as per Council's operative Schedule of Fees & Charges applicable at the time of payment (refer Advice Notes 1 and 2).
5. All signs proposed to be erected on-site require the separate approval of the Shire of Denmark (Planning Approval and/or Building Licence) prior to erection of such.

Advice Notes

1. In accordance with Council's 2011-2012 Fees & Charges Schedule, cash in lieu of car parking is calculated as per the following:

$$\text{Shortfall} \times [(\text{Bay Size} \times \text{Land Value per m}^2) + \text{Construction Cost}]$$

Definition of formula terms:
"Bay Size" = 27m²
"Construction Cost" = \$2,075 per Bay"
"Land Value per m²" = as determined by a licensed valuer, and agreed to by the Shire of Denmark
"Shortfall" = difference between the number of car parking bays required to be provided on-site as per TPS 3 and the number of car parking bays to actually be provided
2. Notwithstanding Condition 4, should the applicant/landowner be able to secure a reciprocal parking arrangement agreement with an adjoining landowner that satisfies the relevant criteria for such parking arrangements, Council authorises the Director of Planning and Sustainability to accept such arrangement in lieu of cash-in-lieu subject to the appropriate conditions being imposed on the applicant/landowner.
3. Concrete rubbish bin collection pads have been provided for this development on the eastern side of the car park entrance adjoining the Right of Way - refer notation on the approved car parking plan for the development.
4. The applicant/landowner is advised that at this point in time the Shire of Denmark has no immediate plans to upgrade the Right of Way that extends from South Coast Highway to Millar Street.
5. The Shire of Denmark strongly recommends that the business occupiers of the development on-site encourage staff to park off-site such that the on-site parking is primarily made available for customer/client usage.

COUNCIL RESOLUTION

ITEM 8.1.2

MOVED: CR SAMPSON

SECONDED: CR SYME

That with respect to the planning application for Proposed Change of Use: Shop/Office to Medical Centre for No. 3 (Strata Lots 3-6/Lot218) Mt Shadforth Road, Denmark, Council resolve to:

1. Refuse Planning Approval for the following reasons:
 - a) As per Clause 5.21 of Town Planning Scheme No. 3, thirty (30) car parking bays are required to be provided on-site, thus approval to this proposal will result in a shortfall of fifteen (15) car parking bays; and
 - b) Council is not prepared to accept cash-in-lieu as an arrangement to address the car parking shortfall in this instance having regard to the nature of medical centre operations and the limited potential to provide car parking in the public domain that will provide some benefit to the medical centre clientele.
2. Advise the applicants that Council is prepared to consider off-site parking arrangements to accommodate the car parking shortfall generated by this development proposal subject to the following:
 - a) A new Application for Planning Approval for the Proposed Medical Centre will need to be lodged with Planning Services and depending on the site that has been sourced to accommodate the car parking shortfall, an Application for Planning Approval may also have to be lodged for that site as well if 'car park' is the only land use proposed on-site (noting that this proposal would then be deemed a "Use Not Listed" and would be subject to public advertising processes prior to formal consideration by Council in accordance with the requirements of Town Planning Scheme No. 3);
 - b) If the land sourced is owned by a different landowner(s), reciprocal rights of parking arrangements will need to be entered into with the adjoining landowner(s) and the following criteria and/or conditions are relevant:
 - i. The property where the car parking is proposed needs to at least satisfy their own car parking requirements;
 - ii. The car parking area on the adjoining property is to be suitably constructed (asphalt, concrete or brick pavers), drained, kerbed, marked (including disabled bays if required) and thereafter maintained;
 - iii. A Deed of Agreement being entered into between all relevant landowners and registered on the relevant Certificate of Titles as an encumbrance to ensure permanent access to the car parking area, with all preparation and execution costs being met by the applicant/landowner.
 - c) If land sourced is proposed to be purchased by the landowner(s), such land needs to be either amalgamated with Lot 218 or appropriate legal arrangements put into place to ensure permanent access to the car parking area regardless of the ownership arrangements over the relevant sites.
3. Advise the applicants that it is strongly recommended they undertake regular discussions with the Shire's Director of Planning and Sustainability prior to progressing any formal discussions with adjoining landowner(s) to ensure the appropriateness of the site and to identify upfront the relevant criteria that will apply to such site.

DEFERRAL

MOVED: CR HINDS

That the motion be deferred.

LAPSED FOR WANT OF A SECONDER

THE ORIGINAL MOTION WAS THEN PUT & CARRIED: 9/0

Res: 080112

REASONS FOR CHANGE

Council were did not wish to waive the parking provisions given the shortage of parking already within the CBD.

8.2 Director of Community & Regulatory Services

Nil

8.3 Director of Infrastructure Services

8.3.1 SHIRE OF DENMARK WASTE COLLECTION SERVICE

File Ref:	WST
Applicant / Proponent:	Shire of Denmark
Subject Land / Locality:	Shire of Denmark
Disclosure of Officer Interest:	Nil
Date:	18 January 2011
Author:	Rob Whooley, Director of Infrastructure Services
Authorising Officer:	Rob Whooley, Director of Infrastructure Services
Attachments:	8.3.1 – Map of Denmark Refuse Collection

This item recommends the creation of a waste collection (compulsory collection) policy to guide staff on how to deal with ad-hoc requests for refuse services from persons outside the gazetted areas, and that the gazetted area for compulsory waste collection be redescribed such that it includes;

- The townsite of Nornalup;
- The townsite of Peaceful Bay;
- The townsite of Denmark; and
- All subdivided areas that are of Special Residential or higher density (average lot size less than 10,000 sqm or less).

Background:

Historically when a subdivision has been approved and lots are developed it has been common for residents to apply to Council for approval of a rubbish collection service. Once Council approval is obtained, the particular area is then gazetted and the rubbish collection service becomes compulsory for that area.

Residents are not charged for the rubbish collection service until a dwelling is constructed.

Council has requested a policy relating to rubbish collection (compulsory services) be developed.

Currently the Waste Collection Map (refer appendix) purports to include the Special Rural Zones of Lights Road (SR6), where no services are currently provided (no requests), and portion of Golden Hill Special Rural Zone SR15 (Boobook / Riverbend Lane) (where one service is provided and Council currently has several requests, but not yet 50%) and doesn't include the new Cussons Rd subdivision which has two (2) services nor Ocean Beach Road (1 domestic service & several commercial & Council services) and nor an anomaly of a rural zoned property at the extreme western end of East River Road (single residential service).

For consistency and clarity it is recommended that the local law (and the resultant map) be redescribed such that no Special Rural zones are included and all Special Residential zones are included (e.g. Cussons Rd). There is only one known property negatively impacted by the redescription (the property on East River Road) and several landowners could choose to discontinue the service if they so desired, as it would no longer be compulsory (for example a property zoned Rural on Lights Rd and a property zoned Special Rural on Riverbend Lane).

Comment:

The current practice of applying to Council upon completion of each Subdivision takes considerable Councillor and officer time. There is also the issue of dealing with an

application only to find there are dwellings already constructed which are not receiving a collection service. A process of “negotiating” with residents then begins.

There are areas, which the rubbish truck passes, that do not have a compulsory collection. The residents are generally split 50/50 on whether they favour a collection. The area is more appropriately suited to a collection service than disposal of waste within the individual properties unless the properties are of such a size that public health would not be a concern.

For this practical purpose an average lot size of greater than 1 ha has been chosen. Generally speaking lots of greater average than 1 ha are deemed acceptable to retain a non compulsory waste collection service due to distance between ‘pick-ups’ as well as the lot size generally being more able to accommodate single household waste disposal onsite (of putrescibles). Indeed many persons on these larger lots still utilise the Council’s Refuse Site and find that the fees in doing so are less than the Council provided service. Lots greater than 1 ha on average are currently called Special Rural in the Shire of Denmark, with this being redescribed as Rural Residential in the Local Planning Strategy. Such subdivisions include Springdale Heights (not Springdale Beach – which is zoned Special Residential), Airport Estate, Kent River Estate etc. If Council wished to include these subdivisions (Special Rural) it would result in several hundred new services that currently are not serviced and no great demand exists. Council receives several ad hoc requests a year from residents of Special Rural Estates.

Whilst certainly not as economical as a higher density subdivision, all Special Rural Subdivisions can be relatively easily serviced by Council should it wish to make any or all of those areas compulsory. Certainly the closer and small average lots sized subdivisions such as Bimbimbi Way and Boobook Close could be easily added to existing runs.

Current known surveys of ‘subdivisional’ areas not currently serviced include, 8 lots in the easily serviceable Boobook Close Subdivision (SR15) and 14 lots in the McNabb Road (SR 13) subdivision. Both of whom can’t achieve the 50% of landowner approval (to achieve the service).

Indeed the following Special Rural Estates are proposed to be redescribed as Small Rural Holdings (generally above 4ha average) in the Local Planning Strategy, further evidencing their lower average density;

- Monkey Road SR3
- Kent River SR5
- Styx River Road SR9
- Lantzke Road SR10
- Limbourne Road SR18
- McLeod Road SR19
- Sutttons Road SR20.

The gazetted area for compulsory waste collection should be compatible with future subdivision areas to aid economical servicing.

Options for consideration regarding implementation of rubbish services to newly subdivided areas include;

OPTION 1

Compulsory rubbish collection to be advised at subdivision stage and implemented upon completion of the first dwelling.

PROS for Option 1 would be;

- That a resident will have a rubbish service as soon as they are ready to move into their new home.

- There is already a process for the rubbish service charges to be added to a property upon completion of a dwelling in a gazetted area.
- As it would be immediately available there would be little or no risk of accumulated rubbish on the property and or a rubbish pit being dug with an added risk of attracting vermin to a residential subdivision.

CONS for Option 1 would be;

- In some cases it may take some time for it to be economically viable for the rubbish truck to be collecting from a particular area with one or very few bin services.

OPTION 2

Rubbish collection to be implemented within a new subdivision area upon completion of 50% of the dwellings within a subdivision.

PROS for Option 2 would be;

- That the rubbish service would be more economically viable as the truck would have several bins to pick up in the same area.

CONS for Option 2 would be;

- The residents would have a much longer wait for their rubbish service to be implemented- it is possible that it could take several years for homes to be built in a subdivision as there are no statutory regulations or time restrictions for development of vacant land in Denmark.
- It would be difficult to know when completion of 50% of development has taken place in an area without regular site inspections.
- As it could take a long period of time for the service to be implemented there would be added risk of accumulated rubbish on the property/s attracting vermin, being environmentally harmful, or causing air pollution by being burned.
- After waiting many years for a collection- and becoming suitably trained- some residents may resent the compulsory nature of the collection.

Based upon the two scenarios presented above there are three potential policies that the Council could adopt (apart from the "status quo" approach). Those policies are:

- a) That all areas not currently gazetted as a compulsory waste collection service area that are subsequently zoned Special Residential or higher density be provided a compulsory service upon completion of the first house and;
- b) That Council is prepared to support an amendment to its Health Local Laws introducing a compulsory waste collection service for residents in Special Rural / Rural Residential zoned land upon demonstration that over 50% of the landowners support a compulsory service.
- c) That the Director of Infrastructure Services is authorised to approve requests for commercial and/or domestic refuse or recycling services not in a gazetted area if the service is practically and effectively serviceable by being on/an existing route or run adjacent. Such properties are allowed to 'opt' in to a service however at such time as 50% of the properties adjoining that route opt in it is to be recommended to Council to be converted to a compulsory service (NB: Local Law Amendment required).

Consultation:

Whereby a change of service (to compulsory), is proposed, a period of notification for existing house and landowners is recommended.

The new policy essentially reflects current practice and provides policy direction to staff and the public.

If Council supported a compulsory rubbish collection service upon subdivision and dwelling construction this administrative task would be a small cost saving compared to the current practice.

Statutory Obligations:

The Local Government Act 1995.

The Waste Avoidance and Resource Recovery Act (WARR Act) 2007.

Health Act 1911

Shire of Denmark Health Local Laws 1998.

In order to comply with the WARR Act collection areas need to be gazetted via a Local Law amendment. The service will be compulsory for the whole area.

Once a dwelling is completed residents will not have the option to avoid paying an annual fee by choosing to dispose of their waste at the Refuse Disposal Site (or on their property).

Policy Implications:

A new policy is suggested as per the officer recommendation.

Budget / Financial Implications:

Current Fees and Charges will apply as per the 2011/12 Budget.

Compulsory collection costs \$360 per annum for a weekly rubbish collection (\$180 for a fortnightly rubbish collection) and \$129 for a fortnightly recycling collection. A total of either \$309 per annum or \$489 per annum.

Waste Collection and sanitation services are calculated to be cost neutral. Any current discrepancy in the cost recovery for waste services is being addressed with incremental increases over the next few budgets.

Strategic Implications:

There is a need to manage sanitation and waste collection in a manner that has the least significant impact on the environment.

The geology within the Shire and its close proximity to Wilson Inlet and the Denmark River makes it not conducive to domestic waste pits.

Sustainability Implications:

➤ **Environmental:**

There are obvious environmental considerations relating to somewhat uncontrolled waste disposal in a reasonably built-up area.

➤ **Economic:**

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

➤ **Social:**

There are social considerations relating to potential vermin and smell affecting neighbours if a rural-style waste management system is adopted, as opposed to a compulsory urban-style waste collection system for this subdivision.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION

ITEM 8.3.1

MOVED: CR MARSHALL

SECONDED: CR LEWIS

That Council with respect to compulsory waste collection services;

1. Adopt the following Policy;
 - a. That any completed household in the following areas is required to be serviced by a compulsory Waste Collection Service;
 - i. Townsite of Peaceful Bay;
 - ii. Townsite of Denmark;
 - iii. Townsite of Nornalup; and
 - iv. Any land zoned Special Residential or higher density (average lot size of 1 ha or less).
 - b. That Council is prepared to support requests to amend its Health Local Laws introducing a compulsory waste collection service for residents in Special Rural / Rural Residential zoned land upon demonstration that over 50% of the landowners support a compulsory service.
 - c. That the Director of Infrastructure Services is authorised to approve requests for commercial and/or domestic refuse or recycling services not on a gazetted area if the service is practically and effectively serviceable by being on or adjacent an existing route or run. Such properties are allowed to 'opt in' to a service however at such time as 50% of the properties adjoining that route 'opt in', it is converted to a compulsory service (NB: Local Law Amendment required).
2. Request a report for Council's consideration amending the Shire of Denmark Health Local Laws, with associated advertising requirements, to reflect the changes outlined within the report and summarised in part 1)a.
3. That Council survey the East River Road Estate (SR13) and rural zoned properties on East River Road near west of this estate to ascertain their interest in receiving an 'opt in' waste collection service as Council currently services a property at the end of their road.

CARRIED: 9/0

Res: 090112

8.3.2 ROADS TO RECOVERY PROGRAM

File Ref:	GOV.32C
Applicant / Proponent:	Shire of Denmark
Subject Land / Locality:	Shire of Denmark
Disclosure of Officer Interest:	Nil
Date:	5 January 2012
Author:	Rob Whooley, Director of Infrastructure Services
Authorising Officer:	Rob Whooley, Director of Infrastructure Services
Attachments:	8.3.2 - draft letter to Government

Summary:

This item recommends that Council support the Australian Local Government Associations campaign to ensure the Roads to Recovery Program continues with increased funding.

Background:

The Roads to Recovery Program was introduced in the year 2000 because of strong and united local government action.

Local roads are the capillaries of our communities linking our homes, schools, farms and business. They are the building blocks of our nation's transport network providing access to and from our front gates to local, regional, state, national and international services and markets. Without local roads there would be no access to schools, health facilities, social amenities and markets.

The local road system has developed and expanded to 650,000 kilometres which is over 80 per cent by length of all roads in Australia. This is a significant component of the national transport system.

The National Transport Commission has estimated that 36 per cent of all kilometres travelled in Australia are on local roads. The economic importance of these is demonstrated by 30 per cent of medium vehicles and 16 per cent of heavy vehicles kilometres being on local roads.

The maintenance of the local road system is one of local government's major tasks and in most councils it is the single largest item of expenditure. Total expenditure on local roads by councils was estimated by the Bureau of Infrastructure, Transport and Regional Economics to be \$3127 million in 2007–08 (the latest year for which data is available).

Councils have an obligation to manage their local roads effectively and to continue to improve their asset management. However, improved asset management alone cannot meet the backlog in funding to address the issue.

The Australian Local Government Association study released in 2010 into local road funding found expenditure on local roads has been less than the life cycle cost for the past five years and that the shortfall in funding to simply maintain, rather than improve Australia's local roads in the period from 2010 to 2025, is estimated to be around \$1.2 billion annually.

The study quantified what Councils knew—the local road system, the capillaries of our communities, is breaking down. This is an untenable position for Australia.

Since 2000, the Federal Government has recognised that the needs of local roads are beyond the financial capacity of local government and has provided supplementary funding under the Roads to Recovery Program. Local government acknowledges and is grateful for the significant contribution that the Roads to Recovery funding has made to improving local roads and the economic, social and community benefits the program has

achieved to date. It is difficult to imagine what the state of local roads would now be without the \$3.5 billion provided so far.

The Roads to Recovery Program is a true partnership between federal and local government. Under the terms of the Roads to Recovery Program, local government has complete management responsibility for the delivery of the Program without federal intervention. More than 34,000 projects have been funded under the Roads to Recovery Program and this showcases what local government can do with Federal support. Audits by the Australian National Audit Office have consistently shown how well local government uses this funding for the benefit of its communities.

There is more, much more, to do on our local roads. The continued under-investment in local roads hinders local and regional social and economic development and ultimately affects the development of the nation as a whole.

While Federal Government funding for local roads is welcome and crucial in addressing the backlog of needs on local roads, the role of local government should not be forgotten. Not only does local government manage the maintenance and upgrading of local roads, it also provides the largest share of the funding.

Of the \$4.3 billion spent on local roads in 2007–08, \$3.1 billion came from local government's own sourced funding. This means almost 73 per cent of the funding for local roads, in aggregate, came from rates.

There are of course very significant variations from these figures between Councils.

The Federal contribution of \$902 million (Roads to Recovery, Financial Assistance Grants identified for roads and Black Spots) came from the federal government and even less is contributed by state governments.

There is no doubt, based on these figures, that local government is doing the 'heavy lifting' on local roads, but needs the support of the Federal Government to address the \$1.2 billion annual backlog.

The Department of Infrastructure and Transport records how Roads to Recovery funding is used by councils and also assesses key outcomes of councils' expenditure.

By far the largest category of works to which Roads to Recovery funding is directed is Reconstruction, Rehabilitation and Widening.

Almost 50 per cent of funding is directed to this category and it totals more than \$1.9 billion since the inception of the Program.

The next largest categories of works are:

- Resealing (\$416 million);
- Sealing (\$409 million);
- Gravel Sheeting/Resheeting (\$319 million); and
- Bridges and Culverts (\$305 million).

The major outcomes achieved by the Roads to Recovery expenditure, according to the Department of Infrastructure and Transport figures, are Road Safety and achievement of asset maintenance strategies. Each of these two categories of outcome represent about 25 per cent of all the outcomes achieved and a combined total of over 50 per cent. All other outcome categories amount to less than 10 per cent.

These outcomes are consistent with the only comprehensive evaluation analysis of the Roads to Recovery Program undertaken jointly by ALGA and the Commonwealth in 2003. That analysis concluded that Council expenditure had a strong safety focus and that asset management was considered a key priority.

The Departmental outcome figures and earlier analysis, clearly indicates the strong emphasis councils put on safety and access. These are core objectives of the local road system.

Since its inception in 2000, the Roads to Recovery Program has provided more than \$3.5 billion and will have provided over \$4.0 billion by the time the current program ends in 2014.

This is a very large amount of money and tax payers rightly expect to see something in return.

Unlike other transport infrastructure programs Roads to Recovery is unable to point to a magnificent mega project that has won engineering awards, a major new bridge, town bypass, or new rail line. Instead it can point to over 34,000 projects on local roads across Australia. It is a Program that has delivered benefits to all Australians in urban, regional and rural areas. It is unlikely that there is an Australian who has not travelled at some stage on infrastructure built, enhanced or maintained with Roads to Recovery funds.

The program has touched all Australians.

Local government is proud of its achievements through the use of Roads to Recovery Program funding.

As a part of the ongoing campaign to ensure the continuation of this valuable program Mayor Genia McCaffery – President of the Australian Local Government Association- has written to all Shires requesting their support by passing the following resolution and writing to Federal members. The same motion was passed unanimously at the 2011 National Local Roads and Transport Congress and calls on the Federal Government to:

- recognise the successful delivery of the Roads to Recovery Program by local government since 2000;
- continue the Roads to Recovery Program on a permanent basis to assist local government meet its responsibilities of providing access for its communities;
- continue the Roads to Recovery Program with the current administrative arrangements; and
- provide an increased level of funding under a future Roads to Recovery Program that recognises the shortfall of funding on local roads of \$1.2 billion annually.

This campaign has already had some success. At the 2011 National Local Roads and Transport Congress the Government announced that it has no plans to cut the Roads to Recovery Program and the Opposition committed a future Coalition government to retaining the Program beyond 2014 and increasing the level of funding.

Mayor Genia McCaffery encourages all councils members discuss the future of the Roads to Recovery Program with their local Federal member as well as the community more generally to raise the level of understanding of the importance of the Program and the need to have it continued beyond 2014.

Comment:

Our road asset is currently valued at approximately \$100,000,000. This is a low valuation and the reconstruction cost for the pavement component alone would exceed \$125,000,000.

The written down value of our roads is approximately \$50 million. For accounting purposes this means our road asset has used up 50% of its life.

Based on our current road valuation of \$100,000,000 and expecting our roads to last 100 years each, we should theoretically be spending \$1,000,000 each year on capital renewal.

The reality is that the design life of most roads is less than 50 years. This means we should be spending at least \$2,000,000 each year on capital renewal.

This assumes, of course, that all the roads are kept at near 100% of their valuation and that all roads are equal in terms of value - which isn't true.

The Shire of Denmark has approx 203.18 km of sealed roads or approx 1.275 million square metres which costs at the very least \$4.5 million to seal. These costs do not include any preparation work, nor any repairs that may be required before sealing. This is simply the surface seal alone which is also termed "capital renewal".

Allowing one single coat reseal per road every 20 years gives us a minimum annual reseal cost of \$225,000 per annum.

The Shire of Denmark has approximately 694.09 kms of gravel roads having a formation width of between 5-12m.

Based upon the following :

- a 30 year re-sheet period per road
- the average gravel road width being only 6m which is conservative
- a cost of \$20/m² to resheet

we have an annual cost of approximately \$2.78 million to resheet roads.

If the Shire of Denmark only resheet half of them that's \$1.4 million. If the Shire then halves the width of them to an average of only 3m wide- then it's still \$700,000 per year.

These figures are conservative and it is likely that:

- For many roads reseals will be needed every 15 years (not 20 yrs) in our climate.
- Reconstruction will be needed every 40 years (not 100 yrs)
- Most gravel roads will need resheeting every 15-20 years (not 30 yrs)

In summary it is clear that we need to be spending in the vicinity of \$1,000,000 per annum on specific "surface only" related capital renewal. That may be managed by saving it up and spending \$10m once in every 10 years for example. Currently there is no particular strategy and it would seem apparent that the roads are not affordable.

The \$1,000,000 suggested above does not include reconstruction of roads.

Given that 85% of the roads are owned by Local Government it has been made clear that the State and Federal Governments will not "bail out" any Shire that finds itself unable to meet it's road obligations. Recently a Tasmanian and New South Wales Local Council tried this approach. Both Councils eventually took out loans exceeding \$20 million to undertake critical road works.

The maintenance and upgrading needs of Councils largest asset is not being met (at the expected level of service) through current budget resource allocations or available funding sources. Given the projected rate of development, the maintenance shortfall will increase as greater service capacity and infrastructure is demanded within the road reserve.

There is no doubt that Councils District and Local Distributor Road reserves (and the infrastructure they contain) will need substantial upgrades to cope with the already increasing demand.

Since 2005 the Shire of Denmark, based on actual invoices, has spent a total of around \$850,000 on sealing roads. Theoretically \$1.35m is required. These last 6 years have been well funded by comparison with earlier years due to external funding.

It is critical that the sealed roads in the Shire of Denmark remain waterproof- particularly given the climate, materials and geology upon which they are built.

It is similarly critical that a gravel layer is maintained on unsealed roads to prevent bearing failure and deformation of the supporting subgrade.

Road costs and funding needs must be elevated to a higher priority at a State and Federal level.

Attached are 2 draft letters provided by ALGA for the purpose of writing to the Prime Minister, Minister for Infrastructure and Transport, Leader of the Opposition, Opposition Transport Spokesman and Local Federal Member.

Consultation:

Nil

Statutory Obligations:

There are statutory and common law obligations to maintain roads in a reasonable condition.

Policy Implications:

There is no road policy

Financial Implications:

There are significant financial implications relating to the report or the officer recommendation.

Strategic Implications:

There are significant strategic implications relating to the retention of the Roads to Recovery Grant Funding.

Environmental Considerations:

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

Social:

There are obvious significant social considerations relating to the condition and functioning of roads.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.3.2
MOVED: CR SEENEY	SECONDED: CR MARSHALL
That Council, in support of the Australian Local Government Association Roads to Recovery Campaign;	
1. Calls on the Federal Government to:	
a) recognise the successful delivery of the Roads to Recovery Program by local government since 2000;	
b) continue the Roads to Recovery Program on a permanent basis to assist local government meet its responsibilities of providing access for its communities;	
c) continue the Roads to Recovery Program with the current administrative arrangements;	
d) and provide an increased level of funding under a future Roads to Recovery Program that recognises the shortfall of funding on local roads of \$1.2 billion annually.	
2. Support the Shire President writing to the Prime Minister, Minister for Infrastructure and Transport, Leader of the Opposition and Opposition Transport Spokesman in the format provided by ALGA.	
CARRIED: 9/0	Res: 100112

8.4 Director of Finance & Administration

8.4.1 FINANCIAL STATEMENT FOR THE MONTH ENDING 31 DECEMBER 2011

File Ref:	FIN 1
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Denmark
Disclosure of Officer Interest:	Nil
Date:	29 December 2011
Author:	Garry Bird, Director of Finance and Administration
Authorising Officer:	Garry Bird, Director of Finance And Administration
Attachments:	8.4.1 - Monthly Financial Report

Summary:

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 to review the Municipal Budget on a six monthly basis to ensure that income and expenditure is in keeping with budget forecasts. It should be noted that the budget is monitored on a monthly basis in addition to the requirement for a six monthly review.

The attached financial statements and supporting information are presented for the consideration of Elected Members. Council staff welcome enquiries in regard to the information contained within these reports.

Background:

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

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

Comment:

Shire Trust Funds have been invested for thirty days with the National Bank, maturing 19 December 2011 at the quoted rate of 4.85%

Reserve Funds have been invested with the National Bank for 130 days at the quoted rate of 6.10%.

Surplus municipal funds of \$1,500,000 has been placed with the National Bank for a term of 90 days, maturing 29 January 2012 at the rate of 5.72%.

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 Statement.

- Taking into consideration the adopted Municipal Budget and subsequent amendments identified, the estimated 30 June 2012 end of year position is estimated to be a small deficit of \$1,711.00, which will be addressed in the Six Month Budget review to be undertaken in January 2012. (Note 5).

- Operating revenue is slightly higher than that predicted for 30 December 2011, whilst operating expenditure is slightly less (Statement of Financial Activity).
- The 2011/12 Capital Works Program has now commenced, with 8.53% of works completed as at 31 December 2011 (Note 10).
- Rates Collection percentage of 81.00% is in keeping with historical collection rates (Note 6).
- Various transfers to and from Reserve Funds have not been made, generally being undertaken in conjunction with the relevant project.
- Salaries and Wages expenditure is proceeding as per budget estimates (not reported in Financial Statement).

Consultation:

Nil

Statutory Obligations:

Local Government Act 1995 Section 5.25 (1)

Local Government (Financial Management) Regulations 1996

The attached statements are prepared in accordance with the requirements of the Local Government Act 1995.

Policy Implications:

Policy P040222 relates as follows;

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 adopt 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 \$5,000.

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.

Budget / Financial Implications:

There are no significant trends or issues to be reported.

Strategic Implications:

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

Sustainability Implications:**➤ Environmental:**

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

➤ Economic:

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

➤ Social:

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

Voting Requirements:

Simple Majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.4.1
MOVED: CR SAMPSON	SECONDED: CR MARSHALL

That with respect to Financial Statements for the month ending 31 December 2011, Council;

1. Receive the Financial Report, incorporating the Statement of Financial Activity and other supporting documentation.
2. Endorse the Accounts for Payment as listed.

CARRIED: 9/0

Res: 110112

8.4.2 DIGITAL TELEVISION SERVICES FOR DENMARK AND PEACEFUL BAY

File Ref:	SER.6
Applicant / Proponent:	Department of Broadband, Communications and the Digital Economy.
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	29 December 2011
Author:	Garry Bird, Director of Finance & Administration
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	8.4.2 - Request from Department of Broadband, Communication and the Digital Economy.

Summary:

Council has received written correspondence from the Department of Broadband, Communications and the Digital Economy (DBCDE) providing information on the proposed rollout of digital television services in Western Australia and seeking Council to advise the Department whether it continues to operate the existing retransmission towers at Weedon Hill and Peaceful Bay or opt in to the Satellite Subsidy Scheme being offered by the Federal Government.

Council is required to notify DBCDE of its intentions by 15 February 2012.

Background:

As has been widely publicised, all television retransmission towers in regional and remote Western Australia are scheduled to cease broadcasting the existing analogue signal by the second half of 2013 (actual switchover date yet to be determined).

The digital service will be provided to regional and remote communities by the new Viewer Access Satellite System (VAST) service, funded by the Federal Government in conjunction with local broadcasters, GWN and WIN. Broadcasters such as ABC, SBS, WIN and GWN have determined that they will not convert any existing self help retransmission towers (such as Weedon Hill and Peaceful Bay).

Comment:

The options available to Council in regards to the provision of digital television services are as follows;

1. Fund the upgrade of the existing towers at Weedon Hill and Peaceful Bay at Council's cost (estimated to be between \$60,000 and \$100,000 per site), or
2. Advise the DBCDE that Council will not be switching the towers over to receive the digital service and that individual households and businesses will be responsible for accessing the new vast satellite system (effectively opting in to the Satellite Subsidy scheme where the Federal Government will pay for some of the costs of installing the necessary satellite equipment).

Staff have been researching the various advantages and disadvantages of the options available to Council and to date have been able to clarify the following matters;

- The DBCDE are confident that the actual cost to residential properties of installing the necessary satellite equipment to receive the vast service, will be a maximum of \$350, with it being closer to \$200 in other areas which have already switched over.
- Businesses are not eligible to receive the subsidy and will need to access the service at their own cost.
- These businesses can take advantage of the contract to install equipment to households and hopefully take advantage of the costs savings that would result.
- Digital television transmission towers are more expensive to maintain than the relatively cheap analogue towers.
- Only one installation per household will be subsidised under the satellite subsidy scheme.

- Assuming Council elects to opt into the Vast satellite scheme, the DBCDE will put to tender the installation of the equipment to each household.
- Certain persons such as pensioners may be eligible to receive further financial assistance to install the necessary equipment.
- No Federal Government funding is available to upgrade the self help towers, although State Government Royalties for Regions funds could be used to upgrade the towers if so determined by Council.

Additional information is provided in the attached correspondence from the DBCDE.

Consultation:

Department of Broadband, Communications and the Digital economy representatives.

Suppliers of television rebroadcasting equipment.

Statutory Obligations:

Local Government Act 1995

Policy Implications:

Nil.

Budget / Financial Implications:

The 2011/12 Municipal Budget contains an allocation of \$2,000 for both the Weedon Hill and Peaceful Bay sites to engage consultants to advise on the best option available to Council, a process that was occurring until the correspondence was received from the DBCDE nominating the date by which Council has to choose which option it would prefer and the accompanying information received from the DBCDE.

Strategic Implications:

There are no known strategic implications relating to the report or officers recommendation.

Sustainability Implications:

➤ **Environmental:**

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

➤ **Economic:**

There are no known significant economic considerations relating to the report or officers recommendation.

➤ **Social:**

Access to suitable television programming is considered to be a basic service and there is likely to be an expectation from the local community that they will be able to receive the new services at little or no cost.

Residents & Ratepayers in the Shire of Denmark currently (generally) access their free to air television services from either;

1. The Mt Barker retransmission service (connecting to digital in approximately February 2012 and being funded by GWN & WIN); or
2. From the Weedon Hill or Peaceful Bay towers (operated by the Shire of Denmark); or
3. From existing VAST digital satellite services.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 8.4.2

That Council advise the Department for Broadband, Communications and the Digital Economy that Council does not intend to provide retransmission of the digital services to local households and businesses, allowing owners of these properties to access the Satellite Subsidy Scheme to receive the VAST service.

COUNCIL RESOLUTION

ITEM 8.4.2

MOVED: CR GILLIES

SECONDED: CR HINDS

That the item be deferred until the 7 February 2012 pending further research by Cr Gillies.

CARRIED: 8/1

Res: 120112

8.4.3 UPGRADE OF SOLAR POWER EQUIPMENT – SHIRE OF DENMARK ADMINISTRATION CENTRE

File Ref:	A3032
Applicant / Proponent:	Great Southern Solar
Subject Land / Locality:	953 South Coast Highway, Denmark
Disclosure of Officer Interest:	Nil
Date:	29 December 2011
Author:	Garry Bird, Director of Finance & Administration
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	Proposal from Great Southern Solar.

Summary:

Council has received a business proposal from Great Southern Solar to upgrade the existing solar power panels on the Administration Centre Building, to maximise the power generated from this equipment and reduce power consumption costs. The proposal is to increase the existing photovoltaic unit to an optimum, maximum capacity of 32.50 kw (6.30 kw plus 26.20 kw).

A copy of the proposal is attached for the consideration of Elected Members.

Background:

The Administration Centre currently has a 6.3 kilowatt system installed on the roof, which provides a limited amount of power to the building. The primary power source is the reticulated supply obtained from Synergy (actual cost in 2010/11 \$19,274.32).

Comment:

The proposal details significant financial savings to Council over a ten year period and given this financial modelling does not include the impact of the carbon tax on energy prices and possible grant funding that may be available to reduce the capital outlay on the equipment, has potential for further improvement.

In summary, the proposal identifies net savings of \$41,722 over a ten year period.

The proposal has been designed to meet Council's usage patterns and given the introduction of the carbon tax which will further increase energy prices (and not taken into consideration in the proposal) and result in further savings, represents a cost effective investment for Council.

Consultation:

Great Southern Solar.

Statutory Obligations:

Local Government Act 1995 Section 3.57 Tenders for Providing Goods or Services.

This provision of the Act requires a local authority to seek public tenders for goods over the value of \$100,000 or the local authority has no purchasing policy to detail how purchases below this value are to be obtained/managed.

As the cost of the proposed equipment is \$100,214.55 (ex GST) before any solar credits are taken into consideration, the purchase of such equipment will need to be advertised by way of public tender.

Local Government Act 1995 Section 6.2 Local Government to prepare Annual Budget.

As the 2011/12 Municipal Budget contains no provision for expenditure on this equipment, an absolute majority resolution will be required to amend the Municipal budget.

Policy Implications:

Council Policy P040220 – Purchasing states;

“\$40,000 to \$99,999

For the procurement of goods or services where the value exceeds \$40,000 but is less than \$99,999, it is required to obtain at least three written quotations containing price and a sufficient amount of information relating to the specification of goods and services being purchased.

The responsible officer is expected to demonstrate due diligence seeking quotes and to comply with any record keeping and audit requirements.”

Council Policy P040134 – Sustainability Checklist also relates.

Budget / Financial Implications:

The 2011/12 Municipal Budget contains no provision for expenditure on this project.

If Council was to determine to proceed with this project immediately to take advantage of the cost savings, possible funding options could include;

1. Borrow funds from lending institution to pay for capital cost.
2. Borrow funds from Land and Buildings Reserve and repay funds to the Reserve over time.
3. Seek grant funding for all or part of the cost.
4. Allocate Royalties for Region funds in the 2012/13 year to fund the cost.
5. A combination of the above.

Given the potential for grant funding, it would be prudent to seek these funds as a matter of priority and if a contribution is also required by Council (as most grants do require) borrow from the Land and Buildings Reserve (current balance \$1,101,395.20 as at 30 November 2011) if such an application is successful prior to the adoption of the 2012/13 year.

If borrowing from the Reserve Fund, it is recommended that the funds be repaid at the prevailing lending rate available from the WA Treasury Corporation, to ensure that these Reserve Funds are not eroded over time.

Strategic Implications:

Council currently receives positive acknowledgement & recognition for installing its existing photovoltaic system on its administration building. This would only be enhanced by increasing the unit to achieve optimum renewable power (estimated at an average of 85% of energy consumed).

Sustainability Implications:**➤ Environmental:**

There are significant environmental benefits to the proposal including reduced greenhouse gas emissions and use of renewable energy sources.

➤ Economic:

There are no known significant economic considerations relating to the report or officers recommendation.

➤ Social:

There are no known significant economic considerations relating to the report or officers recommendation.

Voting Requirements:

A simple majority is required unless Council amends the Municipal Budget.

OFFICER RECOMMENDATION

ITEM 8.4.3

That with respect to the proposal received from Great Southern Solar to install additional solar panels to the Administration Centre, Council:

1. Authorise staff to seek and apply for grant funds to install the solar panels,
2. Refer the matter of financing any shortfall in funding not secured by grants to Council for further consideration in the 2012/13 Budget;
3. Thank Great Southern Solar for the proposal and advise they will be encouraged to tender or requote for the supply and installation of the equipment, once funding has been determined.

COUNCIL RESOLUTION

ITEM 8.4.3

MOVED: CR GILLIES

SECONDED: CR SAMPSON

That with respect to the proposal received from Great Southern Solar to install additional solar panels to the Administration Centre, Council:

1. Authorise staff to seek and apply for grant funds to install the solar panels,
2. Refer the matter of financing any shortfall in funding not secured by grants to Council for further consideration in the 2012/13 Budget;
3. Thank Great Southern Solar for the proposal and advise they will be encouraged to tender or requote for the supply and installation of the equipment, once funding has been determined.
4. Refer to the Shire of Denmark's Climate Change Advisory Committee the results of parts 1 & 2 of the motion.

6.56pm – Cr Sampson left the room.

6.56pm – Cr Sampson returned to the room.

CARRIED: 7/2

Res: 130112

REASONS FOR CHANGE

Council added part 4 to ensure that the outcomes of parts 1 & 2 would be referred to the Shire of Denmark Climate Change Advisory Committee.

8.5 Chief Executive Officer

8.5.1 CHAMBER OF COMMERCE – COUNCIL DELEGATE

File Ref:	CR.1
Applicant / Proponent:	Denmark Chamber of Commerce
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	4 January 2012
Author:	Dale Stewart, Chief Executive Officer
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	No

Summary:

The Denmark Chamber of Commerce has requested that Council appoint an alternative Councillor Delegate to the Denmark Chamber of Commerce Management Committee.

Background:

At its Special Meeting held on the 18 October 2011, Council appointed Cr Hinds as its delegate on the Denmark Chamber of Commerce Management Committee.

Comment:

The letter from the President of the Denmark Chamber of Commerce states;

"I refer to your letter dated November 11, 2011 regarding the election of Cr Adrian Hinds as the delegate representing Council on the Denmark Chamber of Commerce Management Committee.

At a recent DCC Committee meeting it was decided that the Chamber would decline the appointed delegate and request that another councillor be nominated in the position. Cr Adrian Hinds is a respected and valued member of our DCC Committee in his own right, and as such we would like to utilise the services of an alternative Councillor."

Council has the option to;

- a) Decline the request from the DCC and advise that it is not prepared to nominate an alternative Councillor Delegate; or
- b) Appoint an alternative representative however, given that Cr Hinds is an existing member of the DCC, which would essentially result in there being two Councillors on the Board, one being a Council delegate and the other there in their own right..

Whilst there is nothing preventing an Elected Member who is already a member of a particular group or organisation also representing Council on that same group or organisation, Council delegates are appointed by request of the relevant organisation (generally) and therefore generally have no voting right and are essentially observers or conduits between Council and the particular organisation or group.

Consultation:

Nil

Statutory Obligations:

There are no statutory obligations.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

There are no known financial implications upon the Council's current Budget or Plan for the Future.

Strategic Implications:

There are no major strategic implications other than the small precedent that is caused by encouraging or allowing an 'additional' Councillor to attend and the perception that this may have on the group by others (stacked by Council) and or the extra workload that is caused on Councillors who may have an additional impost on their time.

Sustainability Implications:

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 8.5.1

That with respect to the request from the Denmark Chamber of Commerce (DCC) Management Committee for an alternative Councillor Delegate, Council appoint Cr _____ and advise the DCC accordingly.

COUNCIL RESOLUTION

ITEM 8.5.1

MOVED: CR SAMPSON

SECONDED: CR OSBORNE

That with respect to the request from the Denmark Chamber of Commerce (DCC) Management Committee for an alternative Councillor Delegate, Council declines the request.

CARRIED: 9/0

Res: 140112

8.5.2 ABORIGINAL PLACE NAMES

File Ref:	PLN.53
Applicant / Proponent:	A J Pedro
Subject Land / Locality:	Shire of Denmark
Disclosure of Officer Interest:	Nil
Date:	4 January 2012
Author:	Dale Stewart, Chief Executive Officer
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	8.5.2 – List of identified Aboriginal Names

Summary:

Mr Pedro has produced a map of the Shire which depicts Noongar names for several geographical features of the Shire as recorded in a Journal by Mr Alfred Hillman in 1833 whilst surveying the South Coast Region. Mr Pedro has offered the exhibit to Council, subject to the signing of a Memorandum of Understanding (MOU) which also proposes a dual naming policy for the Shire of Denmark.

Background:

The applicant presented his exhibit to Council at the Ordinary Council meeting held on the 20 September 2011 (together with Mr Harley Coyne from the Department of Indigenous Affairs) and offered the map to the Shire of Denmark, subject to the signing of a MOU.

Comment:

Mr Pedro has compiled an exhibit based on a Journal written by Mr Alfred Hillman on his expedition to Nornalup from Albany in 1833. Mr Hillman and party travelled from King George Sound with an Indigenous Person called Mopie with the intention of exploring the country as far as Nornalup. Along the way Mopie told Mr Hillman the native names for a number of features which were recorded in the Journal. The exhibit shows the location of these areas and suggests that these features could be dual named to bring the Noongar Heritage and place names back into current awareness.

Mr Pedro has offered Council the opportunity to display the material and if Council accepts has requested that the following (MOU) be signed;

“Memorandum of Understanding between AJ Pedro and Shire of Denmark

- 1) *The copyright of the display and its artwork remain the property of the authors and AJ Pedro.*
- 2) *The Noongar place names and research become available to the Shire at minimal cost providing that recognition is noted as stated on the display and information not changed.*
- 3) *AJ Pedro remains the owner of the original copy. The Denmark Shire has the right to copy the display at no cost providing it is not changed.*
- 4) *The display is not to be changed prior to printing or etching for outdoor interpretive display without first consulting AJ Pedro, Wayne Webb and Harley Coyne of the Department of Indigenous Affairs.*
- 5) *If any information held within the display is to be passed on to another government or private body an agreement must be negotiated between AJ Pedro and that third party and the Department of Indigenous Affairs.*
- 6) *AJ Pedro has the right to gain access to the original copy providing a period of one month is given to the Shire to allow for printing.*
- 7) *The Noongar place names noted are the property of DIA and hopefully will be used in a dual naming policy throughout our shire.”*

With respect to part 2 of the MOU and reference to payment (recompense) for the exhibit, should Council accept responsibility for the exhibit then an appropriate, negotiated fee is suggested should be pay (indicatively by Mr Pedro as being

approximately \$1,200.00). Mr Pedro notes that this fee in his opinion should be offered and accepted as reasonable but he is prepared to consider waiving it if the Council has concerns with it. Mr Pedro's compilation (map) is private research and his intellectual property but it is derived from information in the public domain, particularly for example the places names. It is also noted that the Shire of Denmark didn't request the project be undertaken and there are a number of volunteer community groups who provide information to Council from time to time who do not request or receive any payment or reimbursement.

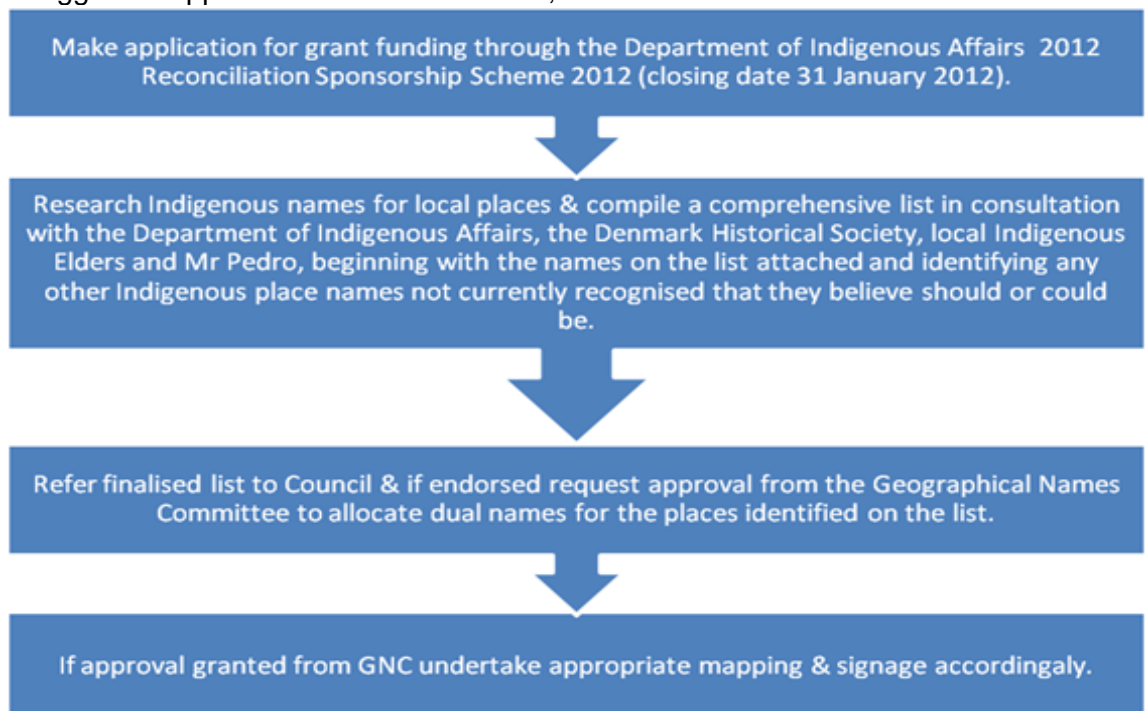
Attached is a list of Noongar Names for a number of physical features within the Shire of Denmark, some of which are already in use either as single or dual names (refer Council's adopted 2011 Municipal Heritage Inventory for example) and the names which are ticked have been included on the Mr Pedro's map.

The Geographical Names Committee (GNC) WA's Principles, Guidelines and Procedures states that "dual naming should apply to physical features, such as mountains, lakes etc" and "dual naming is to give recognition to existing traditional Indigenous names, where evidence exists, preferably historic in written form or oral tradition, that a feature has two names".

Acknowledging and recording Indigenous place names provides another tier of cultural awareness for the residents and visitors ensuring that Denmark's heritage is known and preserved.

There is nothing preventing Council from proposing the dual names to the GNC at this time however, it is recommended that consultation occur with the Department of Indigenous Affairs, local Noongar Elders & the Denmark Historical Society. GNC Guidelines state that "in each case the proposal should be investigated to establish if the Indigenous name would have enough community support to replace the European name" and "dual naming proposals should have significant support from local indigenous communities".

A suggested approach could be as follows;



Consultation:

The Officer's Recommendation suggests that consultation be undertaken with the Department of Indigenous Affairs, Mr Pedro, recognised local Noongar Elders and the Denmark Historical Society.

Statutory Obligations:

Compliance with the Geographical Names Committee WA, Principles, Guidelines and Procedures, which includes an appendix titled "Policy Guidelines for the Recording and Use of Aboriginal and Torres Strait Islander Place Names".

Policy Implications:

Policy P110706 ABORIGINAL HERITAGE reads as follows;

ABORIGINAL RECONCILIATION

That the Shire of Denmark make the following statement in support of reconciliation with the indigenous people of this country, especially those from the south coast of Western Australia–

- Aboriginal Reconciliation is an issue in which each and every Australian has a choice: to silently ignore injustice and inequality, or lend their voice to the growing call to face the truth of the past treatment of indigenous people.
- What was done to Aboriginal people in the past was unjust and regrettable – particularly the taking of Aboriginal children from their families.
- The Noongar people's historical presence in and special attachment to this district is acknowledged, as is their right to continue living according to their own values and customs, within the law.
- The special places, culture and history of the Noongar people are respectfully recognised.
- Changes brought to this district by early white European Settlers were dramatic, imposed without regard for the indigenous people and frequently damaging to them, through the taking of their land, their health and sometimes their lives.
- This Council expresses sorrow at these injustices, and commits itself to participating in a future in which all people enjoy mutual respect, full recognition and equal rights.

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

The Shire of Denmark acknowledges Indigenous Australians (Aboriginal and Torres Strait Islanders) as the first inhabitants and traditional owners of Australia, their presence and contributions to the history of Denmark, both in the past and into the future.

In this regard, the Shire of Denmark will;

1. Through the flying of the Aboriginal Flag at its administration building, recognise and observe;
 - a) National Aboriginal and Islanders' Day Observance Committee (NAIDOC) Week; and
 - b) The anniversary of the High Court decision in the Eddi Mabo land rights case of 1992; and.
2. Incorporate and co-ordinate at appropriate Council coordinated functions and events that bring people together to that event from outside of our District, either;
 - a) An indigenous 'Welcome to Country' Ceremony (it is noted that a Welcome to Country Ceremony will be subject to the consideration of the Budget of the particular event, the cost of performing the Ceremony (should the ceremony attract a fee for service) and the availability of local recognised Elders, with the Ceremony based on the South West Aboriginal Land & Sea Council's Welcome to Country (Noongar Protocols) publication); or
 - b) An Acknowledgement of Country – in accordance with the South West Aboriginal Land & Sea Council's Welcome to Country (Noongar Protocols) publication.

In addition Council's adopted Municipal Heritage Inventory (MHI) which describes Denmark's Aboriginal Heritage and states that the "*Noongar cultural heritage is embedded within the landscape which means that many natural features of the Denmark area hold important heritage values*".

The adopted MHI includes several iconic rivers of the Shire such as the Denmark and Frankland as having recognised indigenous names. An example of the result of

implementation of the officers recommendation would be that the Bridge approach from east and west across the Denmark River would have additional (or replacement) signage acknowledging both the 'Denmark River' and also its recognised indigenous name, the 'Kwoorabup River' (note well the spelling would need to be confirmed through the recommend consultation process).

Budget / Financial Implications:

Should Council agree with the Officer's Recommendation, the Chief Executive Officer would be applying for grant funds from the Department of Indigenous Affairs' Reconciliation Sponsorship Scheme 2012 (closing 31 January 2012, total funds available \$3,000) to assist with the costs associated with any research and/or appropriate mapping & signage expenses.

The process of establishing confirmation of the major geographical features that have recognised indigenous names will involve some administrative and in-kind time but no direct financial outlay and would form Council's contribution to the grant project.

The outcome would be the recommendation to Council of a number of geographical features within the Shire that have the opportunity of dual naming (or maps & signs). This could then be predominately if not solely, funded by relevant grants or Council Budgets over time. For example dual naming of rivers would involve an estimated cost of \$400 per River (two (2) new signs – one (1) for each approach).

Strategic Implications:

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

Sustainability Implications:

➤ **Environmental:**

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

➤ **Economic:**

Recognising and further integrating our Aboriginal Culture within the Shire could potentially have a positive impact on tourism, by appealing to and attracting tourists who seek experiences which have intimate links to cultural, heritage or environmental themes. In time opportunities for local indigenous persons may evolve in providing educational and interpretative activities.

➤ **Social:**

The activity / project proposed seeks to provide Council with an opportunity to further acknowledge Indigenous people as the first inhabitants of Australia by respecting and recognising that many geographical features within the Shire already have/had names given to them by the Noongar people of the South West Region.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 8.5.1

That with respect to the request of Mr A Pedro for Council to house and display art work depicting several Indigenous Names for several geographical features within the Shire of Denmark, Council;

1. Support the principle of indigenous dual naming of iconic geographic features of the Shire.
2. Decline the opportunity to house or permanently display the map at this time.

3. Authorise the Chief Executive Officer to apply for grant funds through the Department of Indigenous Affairs' 2012 Reconciliation Sponsorship Scheme to assist with the costs associated with consultation, research and appropriate signage and/or mapping with Council's 'net of grant' cash commitment being limited to subsequent sign purchases (subject to annual Budget constraints).
4. Liaise with the Department of Indigenous Affairs, recognised local Indigenous Elders, the Denmark Historical Society and Mr Pedro to establish a list of recognised indigenous names of iconic geographical features within the Shire, including confirmation of the names provided by Mr Pedro (pursuant to GNC Guidelines) and following confirmation that they are supported, advertise the considered list in the Denmark Bulletin, Albany Advertiser and Walpole Weekly for a period of not less than 21 days seeking public comment.
5. Refer the completed list to Council for dual naming consideration if there are any objections.

COUNCIL RESOLUTION

ITEM 8.5.1

MOVED: CR OSBORNE

SECONDED: CR SAMPSON

That with respect to the request of Mr A Pedro for Council to house and display art work depicting several Indigenous Names for several geographical features within the Shire of Denmark, Council;

1. Support the principle of indigenous dual naming of iconic geographic features of the Shire.
2. Decline the opportunity to house or permanently display the map at this time.
3. Authorise the Chief Executive Officer to apply for grant funds through the Department of Indigenous Affairs' 2012 Reconciliation Sponsorship Scheme to assist with the costs associated with consultation, research and appropriate signage and/or mapping with Council's 'net of grant' cash commitment being limited to subsequent sign purchases (subject to annual Budget constraints).
4. Liaise with the Department of Indigenous Affairs, recognised local Indigenous Elders, the Denmark Historical Society, South West Aboriginal Land & Sea Council and Mr Pedro to establish a list of recognised indigenous names of iconic geographical features within the Shire, including confirmation of the names provided by Mr Pedro (pursuant to GNC Guidelines) and following confirmation that they are supported, advertise the considered list in the Denmark Bulletin, Albany Advertiser and Walpole Weekly for a period of not less than 21 days seeking public comment.
5. Refer the completed list to Council for dual naming consideration if there are any objections.

CARRIED: 9/0

Res: 150112

REASONS FOR CHANGE

Council added the words "South West Aboriginal Land & Sea Council" to part 4.

9. COMMITTEE REPORTS & RECOMMENDATIONS

9.1 BUSH FIRE ADVISORY COMMITTEE - BRIGADES MINIMUM TRAINING STANDARDS

File Ref:	FIRE.1
Applicant / Proponent:	Bush Fire Advisory Committee
Subject Land / Locality:	Shire of Denmark Bush Fire Brigades
Disclosure of Officer Interest:	Nil
Date:	5 January 2012
Author:	Nathan Hall, Community Emergency Services Manager
Authorising Officer:	Gregg Harwood, Director of Community & Regulatory Services
Attachments:	No

Summary:

The objective of this procedure is to establish, maintain and improve satisfactory training standards for bush fire brigade volunteers.

Establishing a minimum standard of training will assist in the following ways;

1. Provide fire fighters with a sound knowledge base to minimise injury to themselves, fellow fire fighters and the community;
2. Enable fire fighters to keep up to date with the latest information and technology in fire fighting;
3. Increase the effectiveness and efficiency of bush fire suppression; and
4. Enable effective participation in responses to fire incidents in jurisdictions outside the Shire of Denmark.

Background:

The Shire of Denmark has no procedure that sets out a standard of training for its volunteer bush fire fighters. Previously there was an “unwritten rule” that fire fighters would complete the now outdated fire fighting modules 1-3. It is however pleasing to note that a majority of our volunteers completed this training but there is still no policy in place requiring fire fighters undertake a minimum standard of training or preventing untrained fire fighters attending a bush fire which could result in devastating consequences.

At the December 2011 Bush Fire Advisory Committee meeting the Committee was presented with a policy proposal that would establish a minimum training standard.

Comment:

With the arrival of ever increasing levels technology and fire fighting techniques being incorporated into each new generation of equipment and appliances the ongoing training of our fire fighters is extremely important not only for the effectiveness of our brigades in the use of equipment and the suppression of fires but also in ensuring the safety of our fire fighters. The updating of skills is also paramount in our constantly changing environment where special rural and residential developments are encroaching further into our heavily forested rural areas.

With the increased levels of communication and regional cooperation between brigades there is a high likelihood that local brigades will either be called to assist in fires outside the Shire or working alongside brigades that have been brought in from neighbouring districts. Under circumstances brigades will be working under Incident Controllers who do not personally know brigade members and these controllers need to be confident that all members of our brigades have received a required level of training so that they can be effective on the fire ground.

Much discussion ensued at the Bush Fire Advisory Committee and the following concerns were raised;

1. *Committee members felt that there would be a significant loss of experienced members should they have to undertake further training.*
2. *The brigades may lose members with training qualifications that are not the same as FESA's as they will not want to start from the beginning again.*
3. *The training is continually updated requiring members to have to constantly undertake similar training.*

Due to these concerns the following amended motion was put forward;

That the Committee recommends to Council that they adopt the following policy;

That all new Volunteer Bush Fire Brigade members shall complete within 12 months of joining a brigade the following training courses, to form a minimum standard of training, before undertaking active duty on a fire ground:

Volunteer Fire Induction (Induction at local brigade by FCO)

Introduction to Fire Fighting (1 day FESA course)

Bush Fire Fighting (1 day FESA course)

The nominated person responsible for the policies implementation;

The Community Emergency Services Manager will have responsibility for the implementation of this policy, the organisation and implementation of an adequate and ongoing training program to ensure that brigade members have sufficient opportunities to achieve this training standard.

The Community Emergency Services Manager will have responsibility for ensuring that training records are kept and correlated with FESA's training records.

Officer comment: There are potential liability implications that Council may face, especially in regards to Occupational Health and Safety legislation, in not having a procedure that requires all of its volunteer bush fire brigade members to have a standard level of training.

The Community Emergency Services Manager has put forward an alternative Officer Recommendation for the following reasons;

1. The time required to complete the recommended training is not excessive to volunteers. The time required would be 2 days over a period of 2 years (730 days).
2. There is scope for the Community Emergency Services Manager and FESA District Manager to assess current members training and up skill without the volunteers having to undertake the full training (effectively recognition of prior learning).
3. Currently there are 2 training courses run each year at the Shire with meals provided for volunteer fire fighters. This can be increased if there is sufficient demand.
4. The training will provide fire fighters with information on new technologies and fire fighting techniques that were not available in the past.
5. Consistent training will ensure effective team work and coordination on fire grounds.
6. Most importantly Councils legal and moral obligations will be covered by having provided sufficient training should a volunteer fire fighter be injured or killed on the fire ground.

Consultation:

Community Emergency Services Manager consulted with the Chief Bush Fire Control Officer and the Director of Community and Regulatory Services in the development of this report.

Council could consider advertising the policy to Shire of Denmark Volunteer Fire Fighters if it is believed warranted.

Statutory Obligations:

There are statutory obligations that the Shire has legal and moral obligations to the volunteer fire fighters to provide a standard level of training.

As of the 1st January 2012, the Australian states and territories were scheduled to implement new occupational health and safety laws. A significant feature of the new legislation is the inclusion of volunteers into the definition of 'worker', resulting in a greater responsibility on the Shire to provide adequate training for its bush fire brigade volunteers.

Under section 19(1)(b) "Duties of employers" of the Occupation Health and Safety Act 1984 an employer shall, so far as is practicable, provide and maintain a working environment in which the employees of the employer (the *employees*) are not exposed to hazards and in particular, but without limiting the generality of the foregoing, an employer shall provide such information, instruction, and training to, and supervision of, the employees as is necessary to enable them to perform their work in such a manner that they are not exposed to hazards;

An example of this would be in *WorkCover v NSW Fire Brigades (2006 NSWIRComm 356)* where the NSW Fire Brigades were prosecuted for failing to provide adequate training and resources to fire fighters. The proposed maximum penalties that apply to corporations under this new legislation range from \$500,000.00 to \$3,000,000.00.

Policy Implications:

If the Council resolves to adopt this policy proposal it will become a standard policy of Council

Budget / Financial Implications:

There are known financial implications upon the Council's current Budget or Plan for the Future in the form of an increased cost for providing the additional training to enable volunteers to acquire the minimum standard of training. This additional cost of training could be covered by a successful ESL grant application in 2012/13.

Strategic Implications:

There are significant strategic implications relating to the report through the improved training and knowledge base of our volunteer fighters, enabling them to provide the community with a better bush fire suppression capacity.

Sustainability Implications:

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

There are some concerns from a number of current Volunteer Fire Fighters about being required to undergo formal training when they have previously been an active member for many years.

Voting Requirements:

Simple majority.

COMMITTEE RECOMMENDATION

ITEM 9.1

That the Committee recommend that Council adopt the following policy;

That all new Volunteer Bush Fire Brigade members shall complete within 12 months of joining a brigade the following training courses, to form a minimum standard of training, before undertaking active duty on a fire ground:

Volunteer Fire Induction (Induction at local brigade by FCO)

Introduction to Fire Fighting (1 day FESA course)

Bush Fire Fighting (1 day FESA course)

The nominated person responsible for the policies implementation;

The Community Emergency Services Manager will have responsibility for the implementation of this policy, the organisation and implementation of an adequate and ongoing training program to ensure that brigade members have sufficient opportunities to achieve this training standard.

The Community Emergency Services Manager will have responsibility for ensuring that training records are kept and correlated with FESA's training records.

The Officer is of the view that an additional clause; "All current brigade members shall complete or up skill to these minimum training requirements by 1st January 2014 if they wish to continue active duty on a fire ground", should be included in the final policy.

OFFICER RECOMMENDATION

ITEM 9.1

That Council prior to consideration of the adoption of a Volunteer Fire Fighting Policy, invite comment from the Volunteer Bush Fire Brigades and their members.

CEO comment:

FESA recommends the guidelines "Bush Fire Brigades – Volunteer Training" as the preferred approach to target training needs for Brigades and their members depending upon their Brigade 'profile'. All of the Shire of Denmark Brigades fall into the category of either a Rural Brigade, Settlement Brigade or Urban Defensive Structural Brigade. Training courses identified as meeting the needs of these Brigades is outlined in the Guideline (appendix) with the preferred minimum and optimal number of trained personal having each of the identified training courses. It does not state, but it is presumed, that persons acting in a certain capacity, have the stated training.

Whilst achieving this at present is not currently possible, the CESM is able to deliver most of the courses in-house and with up skilling components (a form of RPL) for long serving volunteers that have not previously been 'formally' trained. There is also the aspect of the training needs of the most senior position in Council's Volunteer Bush Fire rank of that of the Chief Bush Fire Control Officer (CBFCO). The Guideline does deal with the training needs of a CBFCO, who, particularly as a community volunteer, has the most responsible position associated with bush fire incidents. Recently the Keelty Report (2011) reported that:

"Recommendation 53 (TOR 1 and 5)

The Fire and Emergency Services Authority and local governments examine the current competencies of Chief Bushfire Control Officers and Community Emergency Services Managers (or Community Fire Managers) and consider what further development is needed to ensure these staff are capable of: measuring and mapping fuel loads maintaining fuel load databases drawing up prescriptions for, and overseeing controlled burns building effective working relationships with all relevant stakeholders."

“Recommendation 54 (TOR 5)

The Interagency Bushfire Management Committee develop a consistent program of education, training (including media), testing and review of Level 3 Incident Controllers. This should include provision for a formal review of the performance of individual Level 3 Incident Controllers after every incident.”

ALTERNATE OFFICER RECOMMENDATION

ITEM 9.1

That Council advise the Bush Fire Advisory Committee that it is considering adopting the FESA recommended ‘Guidelines for Bush Fire Brigades – Volunteer Training’ as being the optimal training desired to adequately protect volunteer firefighters, the community, its public liability and its occupational health and safety liability and seeks comment from the Committee and the Community Emergency Services Manager on the Guidelines. Specifically its applicability to the Shire of Denmark, the desire and / or logistical ability to ensure firefighters and certain Brigade officers meet certain minimum training criteria before acting in that capacity and a practical staged implementation program to achieve the minimum and optimum number of trained personal for each position within and for each Brigade, dependent upon its ‘profile’ within an agreed number of years.

COUNCIL RESOLUTION

ITEM 9.1

MOVED: CR SEENEY

SECONDED: CR MARSHALL

That Council prior to consideration of the adoption of a Volunteer Fire Fighting Policy, invite comment from the Bush Fire Advisory Committee and the Volunteer Bush Fire Brigades and their members.

CARRIED: 9/0

Res: 160112

9.2	BUSH FIRE ADVISORY COMMITTEE - VOICE RECORDERS FOR VOLUNTEER BRIGADES
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File Ref:	FIRE.1
Applicant / Proponent:	Bush Fire Advisory Committee
Subject Land / Locality:	Shire of Denmark Volunteer Bush Fire Brigades
Disclosure of Officer Interest:	Nil
Date:	5 January 2012
Author:	Nathan Hall, Community Emergency Services Manager
Authorising Officer:	Gregg Harwood, Director of Community & Regulatory Services
Attachments:	No

Summary:

This report has been developed to seek Council budgetary funding in 2012/13 for the supply of 26 voice recorders being one for each bush fire appliance (23) and one each for the Deputy Chief Bush Fire Control Officer, the Chief Bush Fire Control Officer and the Community Emergency Services Manager should appropriate funding not be available through the 2012/13 ESL budget.

Background:

As fire fighting risks, responsibilities and expectations increase fire fighters are finding themselves more accountable for their actions and decisions on the fire ground. To that end fire fighters need a simple method to record their actions and decisions should they be required to provide evidence or support to their actions at a later date.

The need to be able to have a simple method to record actions and decisions whilst on the fire ground was identified by the Bush Fire Advisory Committee at its 1 December 2011 meeting and the following motion was put forward;

That the Committee recommends to Council that it budgets for the supply of a voice recorder for each fire appliance, the Chief and Deputy Bush Fire Control Officers and the Community Emergency Services Manager in its 2012/13 budget.

Comment:

As expectations and responsibilities grow for our fire fighters to be able to justify their actions upon the fire ground the ability to record this information in an accurate and simple manner is required. In most instances the luxury of having a spare person available to scribe is not available and having a voice recorder in each appliance will perform the same task without the required man power.

Another advantage of using voice recorders is that brigade members can later use the recordings for training and review purposes.

Consultation:

This recommendation was established by the Bush Fire Advisory Committee at its 1 December 2011 meeting. Recording of fire ground incidents with a voice recorder has now become a standard practice for operational personnel at the Fire and Emergency Services Authority (FESA) and the Department of Environment and Conservation (DEC) and is already being used by the Denmark Volunteer Fire and Rescue Service.

Statutory Obligations:

There are no statutory obligations.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

There are financial implications upon the Council's Budget if the ESL budget is unable to fund the voice recorders and Council approves this recommendation. The estimated cost to Council would be \$2,080.00, being for 26 voice recorders at \$80.00 per recorder.

Strategic Implications:

There are known significant strategic implications relating to the report as the voice recorders will enable brigade members the ability to reflect or refer to their actions at a later date.

Sustainability Implications:**➤ Environmental:**

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

➤ Economic:

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

➤ Social:

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

Voting Requirements:

Simple majority.

COMMITTEE RECOMMENDATION**ITEM 9.2**

That the Committee recommends to Council that it budgets for the supply of a voice recorder for each fire appliance, the Chief and Deputy Bush Fire Control Officers and the Community Emergency Services Manager in its 2012/13 Budget.

Since the BFAC meeting the Shire's Community Emergency Services Manager noted that the voice recorders could be funded from the Emergency Services Levee (ESL) under line item 1 being for the purchase of plant and equipment less than \$1200 per item and has put forward the following recommendation;

OFFICER RECOMMENDATION**ITEM 9.2**

That with respect to voice recorders for Shire of Denmark Emergency Service activities, Council;

1. Consider in the 2012/13 Budget the supply of a voice recorder for each Council fire appliance, the Chief and Deputy Bush Fire Control Officers and the Community Emergency Services Manager, if the 2012/13 ESL budget application is unsuccessful in obtaining the voice recorders; and
2. Request the Chief Executive Officer to develop an Emergency Services Standard Operating Procedure (SOP) regarding their use.

COUNCIL RESOLUTION

ITEM 9.2

MOVED: CR SYME

SECONDED: CR MARSHALL

That with respect to voice recorders for Shire of Denmark Emergency Service activities, Council;

1. Provide in the 2012/13 Budget the supply of a voice recorder for each Council fire appliance, the Chief and Deputy Bush Fire Control Officers and the Community Emergency Services Manager, if the 2012/13 ESL budget application is unsuccessful in obtaining the voice recorders; and
2. Request the Chief Executive Officer to develop an Emergency Services Standard Operating Procedure (SOP) regarding their use.

AMENDMENT

MOVED: CR SEENEY

SECONDED: CR HINDS

That the words "in conjunction with the Chief Bush Fire Control Officer" be added after the word "Officer" in part 2.

CARRIED: 9/0

Res: 170112

AMENDMENT

MOVED: CR HINDS

SECONDED: CR THORNTON

That the word "Provide" be replaced with the word "Consider" in part 1.

LOST: 4/5

Res: 180112

AMENDED MOTION

That with respect to voice recorders for Shire of Denmark Emergency Service activities, Council;

1. Provide in the 2012/13 Budget the supply of a voice recorder for each Council fire appliance, the Chief and Deputy Bush Fire Control Officers and the Community Emergency Services Manager, if the 2012/13 ESL budget application is unsuccessful in obtaining the voice recorders; and
2. Request the Chief Executive Officer in conjunction with the Chief Bush Fire Control Officer to develop an Emergency Services Standard Operating Procedure (SOP) regarding their use.

THE AMENDED MOTION BECAME THE SUBSTANTIVE MOTION WHICH WAS PUT & CARRIED: 9/0

Res: 190112

9.3	BUSH FIRE ADVISORY COMMITTEE - PROCEDURE FOR CONDUCTING HAZARD REDUCTION BURNING ON PRIVATE PROPERTY
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File Ref:	FIRE.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Shire of Denmark
Disclosure of Officer Interest:	Nil
Date:	6 January 2012
Author:	Nathan Hall, Community Emergency Services Manager
Authorising Officer:	Gregg Harwood, Director of Community & Regulatory Services
Attachments:	9.3 – Standard Operating Procedure for Hazard Reduction Burning on Private Property

Summary:

This report has been created to establish a policy that would allow the Shire of Denmark Volunteer Bush Fire Brigades to conduct hazard reduction burns on private property.

Background:

Conducting a hazard reduction burn on private property is not an authorised power of a volunteer bush fire brigade or a Fire Control Officer (FCO), unless directed by a Local Government in the circumstances described in section 33(4) and 33(6) of the Bushfires Act 1954.

As there is no policy, procedure or form that has been accepted by the Shire of Denmark to enable volunteer bush fire brigades to conduct hazard reduction burns on private property, no hazard reduction burns by the brigades should be undertaken without the Shire's written approval.

To enable a process whereby brigades can continue to conduct hazard reduction burns on private property, the Community Emergency Services Manager presented a draft procedure to the Bush Fire Advisory Committee at a special meeting on the 5th January 2012.

The following Officer Recommendation was then reviewed by the Committee;

That Council adopt the recommended procedure in relation to the Shire's Volunteer Bush Fire Brigades conducting hazard reduction burns on private property.

Much discussion ensued at the meeting and an amended motion was put forward by the Committee.

Comment:

As more and more properties are constructed in areas that are prone to bush fires, the need for private property owners to conduct hazard reduction burns is becoming more essential. Establishing a sound policy will enable those brigades that wish to conduct hazard reduction burns, a protocol to guide the activity in a safe manner and at the same time improving their skills and training and reducing Council's potential public liability risk.

Consultation:

In developing this report and procedure the Community Emergency Services Manager Nathan Hall consulted with the Bush Fire Advisory Committee and the Director of Community and Regulatory Services, Gregg Harwood.

Statutory Obligations:

There are statutory obligations in relation to section 33(4) and 33(6) of the Bushfires Act 1954.

Policy Implications:

Should this report be accepted by Council a new procedure will be formed in regards to Bush Fire Brigades conducting hazard reduction burns on private property.

Budget / Financial Implications:

There are minor financial implications upon the Council's current Budget as the private property owner having the hazard reduction undertaken on their property will be required to pay the quoted amount of money to the Shire who will then filter this money back to the brigade(s) conducting the burn.

It is not known how often Council's Volunteer Bush Fire Brigades presently undertake hazard reduction burns on private property and what revenue, if any, they derive from performing these services.

Strategic Implications:

There are significant strategic implications relating to the report as approval would enable private properties within the Shire to become more resilient to bush fires resulting in a safer community. Bush Fire brigades will also be able to hone their skills through more regular use of their equipment.

Sustainability Implications:**➤ Environmental:**

There are environmental considerations relating to the report as bush land areas will be subject to control burning, however if the burns are conducted correctly they will assist in reducing significant environmental damage to the area should a wild fire occur.

➤ Economic:

There are economic considerations relating to the report as the money raised from conducting the hazard reduction burns will go towards funding improvements at bush fire brigades.

The money raised for conducting these burns will enable brigades to purchase non Emergency Service Levy (ESL) funded equipment such as building improvements and assist in funding social activities.

➤ Social:

There are known social considerations relating to the report as the additional funding would enable brigades to increase their ability to provide regular social events that could result in the retention and/or increase of brigade memberships.

It is emphasised that the policy condones existing practice and is put forward to allow those Brigades that wish to undertake the activity, the administrative and legal protection to do so. There is no compulsion or expectation of Council that volunteers or Brigades are required to fundraise or undertake private burns.

Voting Requirements:

Simple majority.

COMMITTEE RECOMMENDATION**ITEM 9.3**

That Council adopt the recommended procedure with the following amendments in relation to the Shire's Volunteer Bush Fire Brigades conducting hazard reduction burns on private property;

1. A suitable clause is added to the Request Form stating that property owners will still be required to comply with the Shire's Fire Regulation Notice should the burn not be completed.
2. That the Community Emergency Services Manager investigates the correct wording for the Shire to enable the brigades to burn on private property.

Following this the special BFAC meeting the Community Emergency Services Manager Nathan Hall carried out the requested research and made the following amendments;

1. A suitable clause has been added to the Request Form stating that property owners will still be required to comply with the Shire’s Fire Regulation Notice should the burn not be completed.
2. Correct wording for the Shire to enable the brigades to burn on private property has been identified and added.

With these amendments and other minor administration amendments now having being made to the procedure it is recommended that the following motion is adopted by Council;

OFFICER RECOMMENDATION

ITEM 9.3

That Council adopt the attached procedure in relation to the Shire’s Volunteer Bush Fire Brigades wishing to conduct hazard reduction burns on private property.

COUNCIL RESOLUTION	ITEM 9.3
MOVED: CR SEENEY	SECONDED: CR SYME
That the matter be referred to the Bush Fire Advisory Committee for comment and recommendation to Council.	
CARRIED: 9/0	Res: 200112

REASONS FOR CHANGE

Council wanted to provide the Bush Fire Advisory Committee further opportunity to research the proposed procedure and make recommendation to Council.

10. MATTERS BEHIND CLOSED DOORS

Nil

11. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

Nil

12. CLOSURE OF MEETING

7.23pm – There being no further business to discuss the Shire President, Cr Thornton, declared the meeting closed.

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

Signed: _____
Dale Stewart – Chief Executive Officer

Date: 18 January 2012

These minutes were confirmed at the meeting of the _____

Signed: _____
(Presiding Person at the meeting at which the minutes were confirmed.)