



Minutes

ORDINARY MEETING OF COUNCIL

HELD IN THE COUNCIL CHAMBERS,
953 SOUTH COAST HIGHWAY, DENMARK ON
TUESDAY, 18 AUGUST 2015.

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Ordinary Council Meeting

18 August 2015

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

4.05pm – The Presiding Person, Cr Ross Thornton, declared the meeting open.

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

Cr Ross Thornton (Shire President)
Cr John Sampson (Deputy Shire President)
Cr Kelli Gillies
Cr Jan Lewis
Cr David Morrell
Cr Ian Osborne
Cr Dawn Pedro
Cr Belinda Rowland
Cr Roger Seeney

STAFF:

Mr Dale Stewart (Chief Executive Officer)
Mr Martin Buczak (Acting Director of Infrastructure Services)
Mr Kim Dolzadelli (Director of Finance & Administration)
Mrs Annette Harbron (Director of Planning & Sustainability)
Mr Gregg Harwood (Director of Community & Regulatory Services)
Ms Claire Thompson (Executive Assistant)

APOLOGIES:

Nil

ON APPROVED LEAVE(S) OF ABSENCE:

Nil

ABSENT:

Nil

VISITORS:

Members of the public in attendance at the commencement of the meeting: 4
Members of the press in attendance at the commencement of the meeting: Nil

DECLARATIONS OF INTEREST:

Nil

3. ANNOUNCEMENTS BY THE PERSON PRESIDING

The Shire President announced that at the recent Local Government Week Conference there had been two awards presented to Denmark people.

Cr Thornton announced that Cr Rowland had received her Diploma in Local Government and that she had completed it in record time. Cr Thornton congratulated Cr Rowland on her achievement, noting that she had put in a lot of time and effort to get it completed within 12 months.

Cr Thornton congratulated the Chief Executive Officer for being awarded a Distinguished Officers Award through the Western Australian Local Government Association's Honours program. Cr Thornton stated that Mr Stewart had dedicated 29 years of service to local government and worked for a number of different local authorities during that time. Cr Thornton also noted that Mr Stewart had also recently won an award from the Institute of Public Administration Australia.

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4.1.1 Mr Robert Whooley – Item 4.1.1 (Mr Michael Stokes – Item 4.1.1 (Mr Jesz Fleming – McGeary’s Rock Boat Ramp Study))

At the meeting held on 28 July 2015, Mr Whooley referred to Item 4.1.1 on the Agenda, of that date, and asked some questions of the Chief Executive Officer which were taken on notice. A copy of the questions and the written response posted to Mr Whooley is copied below;

“Thankyou for your questions relating to Item 4.1.1 on the Agenda, directed to myself, taken on notice by the Deputy Shire President at the Council meeting of 28 July 2015.

My responses follow and these, together with your questions, will be included in the Agenda for the Council Meeting of 18 August 2015.

Question 1 - Mr Micheal [sic] Stokes question 3 related to the application – not brief. Is it not true that the application to the department [sic] of Transport stated that detailed engineering drawings would be produced?

Response:

That is correct – the box in the application ‘Detailed Engineering Drawings’ was ticked. This detail was listed and quoted in the application however as ‘Concept design’ only. Until such time as the site is or is not confined as suitable to provide a facility, provision of detailed engineering drawings would of course be a poor investment.

Question 2 - Mr Micheal [sic] Stokes question 4 related to the study not approval of the brief. Is it not true that that the Department of Transport will have no input into the study?

Response:

For accuracy, Mr Stokes question was “Isn’t it true that the Department of Transport will have no input into the study?”

My response to Mr Stokes was; “That is not correct – they will approve the Brief as per the funding Guidelines.” I therefore stand by my response noting that the Department has provided input into the Brief which will patently guide and determine the outputs of the Study. That is its purpose.

Question 3 - Mr Micheal [sic] Stokes question 7 was very specific. The question was which Council Officer submitted the application. Accepting that the engineering support officer (secretary) actually submitted the application – isn’t it true that none of Councils engineer officers had any input into the application?

Response:

I certainly confirm that the Engineering Administration Officer did indeed prepare the application and if you as the Director of Infrastructure Services, and direct supervisor of the employee concerned, did not oversee nor have any input into the application – then I accept that as a fact. I did request an update from you as to the progress of the application on 27 January 2015 however and the application was submitted on or around the 10 February

2015. As to what involvement or discussions you had with your staff relating, I was not privy to that.

Question 4 - Isn't it true that the CEO effectively submitted this application utilising the engineering support officer?

Response:

The Chief Executive Officer has responsibility and carriage to implement the Council's decisions and resolutions. As to what involvement that you had in the process, then I take it that you had little to none.

Question 5 - Isn't it true that the application was submitted in the name of the former director of infrastructure utilising his electronic signature?

Response:

I can confirm that the application was submitted via email on the 9 February 2015 by the Engineering Administration Officer. The electronic application noted that Mr Rob Whooley, Director of Infrastructure Services was the Project Manager. There was no electronic signature used in the application. At the time that the application was submitted, 9 February 2015, you were employed at the Shire of Denmark as the Director of Infrastructure Services and indeed were provided a copy of application via 'cc' on lodgement by the Engineering Administration Officer.

Question 6 - Isn't it misleading to Council and the Community to not answer this question directly in light of the obvious intent of the question?

Response:

Not in my opinion.

Question 7 - Is there any particular reason why the questions asked by Mr Stokes treated so evasively?

Response:

It is your assertion that this is the case. I do not concur that this is so.

I thank you for your questions and should you require further information or advice on this matter please contact the undersigned on telephone (08) 9848 0300 or email enquiries@denmark.wa.gov.au."

4.2 PUBLIC QUESTIONS

In accordance with Section 5.24 of the Local Government Act 1995, Council conducts a public question time to enable members of the public to address Council or ask questions of Council. The procedure for public question time can be found on the wall near the entrance to the Council Chambers or can be downloaded from our website at <http://www.denmark.wa.gov.au/council-meetings>.

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

In accordance with clause 3.2 (2) & (3) of the Shire of Denmark Standing Orders Local Law, a second Public Question Time will be held, if required and the meeting is not concluded prior, at approximately 6.00pm.

Questions from the Public

4.2.1 Cr Lewis – Aquatic Facility

Cr Lewis stated that she would like the following questions taken on notice.

CEO, at the Public Information Forum on Tuesday 11th August you stated that our Manager of Recreation and Youth Services has been alongside this project all the way. Can you please explain precisely the input our expert on sport and recreation has had in developing the twin pool option?

CEO Under the comment/conclusion section of your officer report which went to Council on 7th July, can you please confirm that the figures given regarding confidence levels – ‘Sample size 1053 (15%)’ and ‘Sample size 1756 (25%)’ relate in face to the **response rate** not the proposed **sample size**?

CEO – part of your officer recommendation which went to Council on 7th July dealt with the survey question and **included the words**, “*and it is acknowledged that such a facility, whilst able to be staged to be part of a larger Indoor heated facility, would probably delay the next stage (laps lanes and leisure water) until the Council and Community were in a position to fund that.*” Can you please explain why these words were included in your officer recommendation?

Shire President – it is not clear from the “Reasons for Change” section why the above words where [sic] omitted from COUNCIL RESOLUTION 8.5.2 – can you please explain why this sentence was removed?

I have had several community members voice their disquiet that the final COUNCIL RESOLUTION 8.5.2 differed dramatically from the published officer recommendation. Their concern is that they were denied the opportunity to comment / question the proposed resolution. Can the CEO please explain the rules around changing officer recommendations?

COUNCIL RESOLUTION 8.5.2 states; in 5.b) **“Request the CEO to prepare information for the Forum, Displays in the Shire Administration Office and Library and online and for the Survey Questionnaire, and to advertise the information and Forum widely in local newspapers and media;** and in 5.e) **‘Send the Survey, to recipients, not before the 11 August 2015 and by the 13 August with a return date by the 4 September (allowing a minimum of 21 days)’** There does not appear to be any information in either the Admin Office of the Library no anything I could find online, and the survey should have gone out last week. Two questions: -

- a) Why has this part of the Council resolution not been implemented?
- b) Is the CEO confident that those answering the survey will have made a thoroughly informed decision?

The Shire President asked the Chief Executive Officer whether he wished to respond to the questions or take them on notice. Mr Stewart stated that whilst he was confident that he could provide immediate brief responses to the questions, he would prefer to take them on notice and provide written thorough responses to Cr Lewis.

4.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

4.4 PRESENTATIONS, DEPUTATIONS & PETITIONS

In accordance with Section 5.24 of the Local Government Act 1995, Sections 5, 6 and 7 of the Local Government (Administration) Regulations and section 3.3 and 3.13 of the Shire of Denmark Standing Orders Local Law, the procedure for persons seeking a deputation and for the Presiding Officer of a Council Meeting dealing with Presentations, Deputations and Petitions shall be as per Council Policy P040118 which can be downloaded from Council's website at <http://www.denmark.wa.gov.au/council-meetings>.

In summary however, prior approval of the Presiding Person is required and deputations should be for no longer than 15 minutes and by a maximum of two persons addressing the Council.

Nil.

5. APPLICATIONS FOR FUTURE LEAVE OF ABSENCE

A Council may, by resolution, grant leave of absence, to a member, for future meetings.

4.12pm – The Director of Community & Regulatory Services left the room.

6. CONFIRMATION OF MINUTES

6.1 ORDINARY COUNCIL MEETING

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 6.1
MOVED: CR SEENEY	SECONDED: CR MORRELL
That the minutes of the Ordinary Meeting of Council held on the 28 July 2015 be confirmed as a true and correct record of the proceedings.	
CARRIED UNANIMOUSLY: 9/0	Res: 010815

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

Nil

8. REPORTS OF OFFICERS

8.1 Director of Planning & Sustainability

8.1.1 PROPOSED SINGLE HOUSE ADDITIONS/ALTERATIONS – NO. 15 (LOT 27) JASPER PLACE, SHADFORTH

File Ref:	A3621 (2015/91)
Applicant / Proponent:	A Chounding
Subject Land / Locality:	No. 15 (Lot 27) Jasper Place
Disclosure of Officer Interest:	Nil
Date:	3 August 2015
Author:	Marieke de Vries, Senior Town Planner
Authorising Officer:	Annette Harbron, Director of Planning & Sustainability
Attachments:	8.1.1a – Planning Application Documentation 8.1.1b – Schedule of Submissions 8.1.1c – Proponents Response to Submission Received 8.1.1d – Site Photos

Summary:

The proponent is seeking Planning Approval for a Single House at No. 15 (Lot 27) Jasper Place, Shadforth.

In this instance the proposal constitutes a second storey addition, and as per Delegation D100601: Implementation of Town Planning Scheme, where a planning application is for a two storey house proposal in an area where there is a limit to single storey by TPS No. 3 or a Town Planning Scheme Policy provision, as part of the assessment of a planning application the application is to be advertised to adjoining/affected landowners for their comment prior to the planning application being able to be determined.

Having regard to the issues raised from the submission received and assessment of the proposal having regard to the relevant Special Provisions in Town Planning Scheme No.3, it is considered that on balance the proposed development is appropriate and will not adversely affect the visual amenity of the area. It is therefore recommended that Planning Approval be granted subject to appropriate conditions.

Background:

Current Application

An application for Planning Approval was lodged with Planning Services in May 2015 seeking Planning Approval for a Single House Additions/Alterations – refer Attachment 8.1.1a. The proposal as presented constitutes a second storey addition.

Consultation:

The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal and considered Council's Community Engagement Policy P040123 and the associated Framework and has undertaken the following level of consultation:

External Consultation:

- The application was referred to five (5) adjoining landowners inviting comment on the proposal.
- The applicant

Internal Consultation:

- Development Co-ordination Unit

Statutory Obligations:

Town Planning Scheme No. 3 (TPS No. 3) specifies the pertinent planning provisions for the proposed use.

Should Council refuse this Planning Application, as per the provisions of the *Planning and Development Act 2005* the applicant can apply to the State Administrative Tribunal for a Right of Review.

Policy Implications:

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

Budget / Financial Implications:

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

Strategic Implications:

The report and officer recommendation is consistent with Council's adopted Mission and Vision and assists achieve the following specific adopted Strategic Objectives and Goals.

Governance Objective: The Shire of Denmark provides renowned leadership in sustainability, is effective with both its consultation with its people and its management of its assets, and provides transparent and fiscally responsible decision making.

Governance Goal: Planning - That the Shire of Denmark work with other relevant authorities and agencies to develop and implement planning policies and decisions that not only reflect the wishes of the community, but also provide the region with appropriate development options.

Sustainability Implications:**➤ Governance:**

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

➤ 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.

➤ Risk:

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
The proponent may lodge an application for review to the State Administrative Tribunal if the	Possible (3)	Minor (2)	Moderate (5-9)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation as the decision is based on sound planning grounds in the opinion of the officer. If a decision is made to refuse the

Council's decision was to refuse the proposal.					application, Council is to provide sound reasoning to support solid defence at the State Administrative Tribunal should the applicant wish to pursue a Right of Review.
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Comment/Conclusion:

In accordance with Town Planning Scheme No. 3 (TPS No. 3) the subject site is zoned "Special Residential 3 (S Res 3)" and a 'Single House' is a "P" use – that is the use is permitted provided the relevant standards and requirements are complied with.

Special Provision (viii) c) of the relevant TPS 3 provisions that pertain to the property states:

"All residential buildings shall be single storey except where it can be proven to Council that a variation to the height restriction would not adversely affect the visual amenity of the locality".

In this instance the proposal constitutes a second storey addition, and as per Delegation D100601: Implementation of Town Planning Scheme, where a planning application is for a two storey house proposal in an area where there is a limit to single storey by TPS No. 3 or a Town Planning Scheme Policy provision, as part of the assessment of a planning application the application is to be advertised to adjoining/affected landowners for their comment prior to the planning application being able to be determined.

The proposal was referred to five (5) adjoining and nearby landowners, with one (1) submission received. Attached at Attachment 8.1.1b is the Schedule of Submissions – with the submission received being entered into the schedule as verbatim. Column 4 of the Schedule of Submissions represents Planning Services comments/response to the submissions.

Attached at Attachment 8.1.1c is the applicant's responses to the submissions received.

As part of the assessment a site inspection was undertaken to ascertain the visual impacts of the proposed addition (refer Attachment 8.1.1d – Site Photos). Noting that the existing dwelling is cut into the slope; the distance from surrounding residences (in terms of possible visual privacy impacts); and the presence of mature vegetation which would work to break up the bulk of the building, it is considered that the development would not adversely affect the visual amenity of the area.

Having regard to the issues raised from the submission and assessment of the proposal having regard to the Special Provisions, it is not considered that the proposed development will adversely affect the visual amenity of the area.

Voting Requirements:

Simple majority.

4.14pm – The Director of Community & Regulatory Services returned to the room.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION

ITEM 8.1.1

MOVED: CR SAMPSON

SECONDED: CR ROWLAND

That Council with respect to the planning application for the Proposed Single House Additions/Alterations at No. 15 (Lot 27) Jasper Place, Shadforth:

1. Notes the submission received.
2. Grants Planning Approval subject to the following:

Conditions

- a) Development shall be in accordance with the attached stamped approved plans dated 19 May 2015.
- b) The Single House Additions/Alterations to be constructed to *Australian Standard 3959 – Construction of Buildings in Bushfire Prone Areas*.
- c) All buildings and development such as the approved effluent disposal system, retaining walls, water tanks stone walls or any other form of revetment to contain building structures on the lot shall be contained within the approved Building Envelope.
- d) The driveway/access shall be constructed, sealed (concrete, asphalt or brick pavers) and thereafter maintained.
- e) Stormwater and drainage runoff from all roofed and impervious areas is to be retained on-site or connected to a legal point of discharge to the satisfaction of the Shire of Denmark (Infrastructure Services).

Advice Notes

- i. From a preliminary review of the information provided, the Shire's Principal Building Surveyor advises that the following:
 - In addition to the standard Building Permit application documentation, engineering certification of the existing subfloor structure is required.
 - Stainless steel wire cannot be used as balustrading where the height of the deck above ground level exceeds 4m (BCA Vol 2: 3.9.2.3).
 - ii. From a preliminary review of the information provided, the Shire's Principal Environmental Health Officer advises that the leach drains are required to be extended to 2 x 13m.
 - iii. It is the responsibility of the applicant/owner to ensure that building setbacks correspond with the legal description of the land. This may necessitate re-surveying and re-pegging the site. The Shire of Denmark will take no responsibility for incorrectly located buildings.
 - iv. It is the responsibility of the applicant/owner to search the title of the property to ascertain the presence of any easements and/or restrictive covenants that may apply.
3. Advise the submitter of Council's decision.

CARRIED UNANIMOUSLY: 9/0

Res: 020815

8.1.2 ADOPTION OF PLANNING POLICY NO. 19.5: HOLIDAY HOMES
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File Ref:	PLN.70.E
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not Applicable
Disclosure of Officer Interest:	Nil
Date:	6 August 2015
Author:	Marieke de Vries, Senior Town Planner
Authorising Officer:	Annette Harbron, Director of Planning & Sustainability
Attachments:	8.1.2a – Draft Planning Policy 19.5: Holiday Homes
	8.1.2b – Schedule of Submissions
	8.1.2c – Property Management Plan Template

Summary:

Draft Town Planning Scheme Policy No. 19.5: Holiday Homes (Policy 19.5) seeks to provide clarity to applicants, the community and Planning Services Staff in relation to commercially let holiday homes in recognition that whilst well managed holiday homes are important to Denmark's tourism industry, appropriate mechanisms are required to ensure that the potential impacts of holiday homes on the amenity of adjoining residences are minimised.

Draft Policy 19.5 was advertised for public comment in accordance with Clause 8.2.2 of Town Planning Scheme No. 3 (TPS No. 3), with four (4) submissions received.

It is recommended that Council adopt draft Policy 19.5 (refer Attachment 8.1.2 a) as a final Town Planning Scheme Policy.

Background:

At the Ordinary Meeting of Council held on 26 May 2015 Council considered draft Policy 19.5 and resolved the following (Res No: 130515):

"That Council with respect to draft Town Planning Scheme Policy No. 19.5: Holiday Homes (provided as Attachment 8.1.2b) adopt it for public comment for a minimum period of 42 days in accordance with Clause 8.2.2 of Town Planning Scheme No. 3."

Consultation:

Draft Policy 19.5 was advertised for public comment from 11 June 2015 to 30 July 2015 (inclusive) as per the following:

- Advertising notice in the Denmark Bulletin on 11 June 2015 and 9 July 2015 inviting public comment;
- Advertising notice inviting public comment on the proposal being displayed at the Shire Administration Office, the Shire Library, on the Shire's website and on the Shire's Facebook page for the duration of the advertising period; and
- Referral to Tourism WA, Denmark Tourism Inc. and the Denmark Chamber of Commerce inviting comment.

It should be noted that reference material, such as the PowerPoint presentation utilised during a Councillor Briefing Session on the topic and a 'track' changes version of draft Policy 19.5 was provided on the Shire website to provide contextual background to the policy review.

At the close of the advertising period, a total of four (4) submissions were received – two (2) from the public and two (2) from stakeholders. Attached as Attachment 8.1.2b is the Schedule of Submissions – with all submissions received being entered into the schedule as verbatim.

Column 4 of the Schedule of Submissions represents Planning Services comments/response to the submissions and any modifications recommended as a result.

Statutory Obligations:

Clause 8.2 of TPS No. 3 sets out the requirements for the preparation and adoption of TPS No. 3 policies, noting a Scheme policy shall only become operative once the procedures contained within Clause 8.2 have been complied with.

Policy Implications:

Final adoption of draft Policy 19.5 by Council will rescind current Planning Policy 19.4: Holiday Homes. If adopted by Council, Policy 19.5 will be included in the Shire's Planning Policy Manual.

Budget / Financial Implications:

Advertising costs associated with the final adoption of Policy 19.5 are provided for within the 2015/16 Budget (Account No: 1040302).

Strategic Implications:

The report and officer recommendation is consistent with Council's adopted Mission and Vision and assists achieve the following specific adopted Strategic Objectives and Goals.

Economic Objective: Denmark's economy is diverse and vibrant – its prime industries of tourism and agriculture rely on and enjoy natural and other assets that are sensibly managed and promoted.

Economic Goal: Development – that the Shire of Denmark closely monitor development and associated infrastructure needs in the region, and acts in conjunction with other authorities and agencies to plan development which is sensitive, timely and appropriate to the community's needs.

Economic Goal: Tourism – that the Shire of Denmark acknowledge the importance of tourism to the region, and by innovative policies, practices and partnerships, facilitates and encourages the greater year-round sustainability of tourism, whilst monitoring and managing its impacts.

Governance Objective - The Shire of Denmark provides renowned leadership in sustainability, is effective with both its consultation with its people and its management of its assets, and provides transparent and fiscally responsible decision making.

Governance Goal: Planning - That the Shire of Denmark work with other relevant authorities and agencies to develop and implement planning policies and decisions that not only reflect the wishes of the community, but also provide the region with appropriate development options.

Sustainability Implications:**➤ Governance:**

TPS No. 3 sets out the process for adoption of a Town Planning Scheme Policy.

➤ Environmental:

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

➤ Economic:

Holiday homes, when managed and maintained to a high standard, make a positive contribution to Denmark's tourism industry.

➤ **Social:**

A key objective of draft Policy 19.5 is *“to minimise negative impacts of holiday homes on the amenity of adjoining residents through appropriate planning approval conditions and associated regulations that apply”*.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That draft Policy 19.5 does not reflect the general direction Council wishes to take in this regard.	Possible (3)	Minor (2)	Moderate (5-9)	Inadequate Engagement - Community / Stakeholders / Crs	Accept Officer Recommendation

Comment/Conclusion:

Planning Services are recommending that Council adopt draft Policy 19.5 as the final Town Planning Scheme Policy without modification as it is considered that draft Policy 19.5 provides clarity to applicants, the community and Planning Services Staff in relation to commercially let holiday homes in recognition that whilst well managed holiday homes are important to Denmark's tourism industry, appropriate mechanisms are required to ensure that the potential impacts of holiday homes on the amenity of adjoining residences are minimised.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.1.2
MOVED: CR OSBORNE	SECONDED: CR LEWIS
That Council adopt Attachment 8.1.2a as final Town Planning Scheme Policy No. 19.5: Holiday Homes.	
CARRIED: 8/1	Res: 030815

Cr Morrell requested that his vote against the motion be recorded.

8.1.3 PROPOSED HOLIDAY HOME (STANDARD) – NO. 58 (LOT 13) RIVERSIDE DRIVE, NORNALUP

File Ref:	A165(2015/101)
Applicant / Proponent:	P Hora
Subject Land / Locality:	No. 58 (Lot 13) Riverside Drive, Nornalup
Disclosure of Officer Interest:	Nil
Date:	3 August 2015
Author:	Marieke de Vries, Senior Town Planner
Authorising Officer:	Annette Harbron, Director of Planning & Sustainability
Attachments:	8.1.3a – Planning Application Documentation 8.1.3b – Schedule of Submissions 8.1.3c – Proponent's Response to Submissions Received

Summary:

The proponent is seeking Planning Approval for a Holiday Home (Standard) at No. 58 (Lot 13) Riverside Drive, Nornalup.

Having regard to the issues raised from the submissions received and the objectives and provisions of Town Planning Scheme Policy No. 19.4: Holiday Homes (Policy 19.4) and draft Policy 19.5: Holiday Homes (Policy 19.5), it is recommended that Planning Approval be granted subject to appropriate conditions.

Background:
Current Application

An application for Planning Approval was lodged with Planning Services in June 2015 seeking Planning Approval to use an existing dwelling as a Holiday Home (Standard) – refer Attachment 8.1.3a.

Policy 19.4

Policy 19.4 was adopted by Council at its meeting of 6 November 2012. Policy 19.4 provides details on preferred locations for the establishment/operation of holiday homes, minimum development standards that dwellings need to comply with and management responsibilities to ensure that holiday homes are managed appropriately whilst ensuring the local character and amenity of the area is not compromised.

As per the provisions of Policy 19.4, the subject site is located within 'Area 2 – Rural' – which is one of the preferred locations for holiday homes to establish.

Draft Policy 19.5

Draft Policy 19.5 was adopted by Council for advertising at the Ordinary Meeting of 26 May 2015. Advertising has recently closed and draft Policy 19.5 forms part of this current Council agenda – refer Item 8.1.2.

Draft Policy 19.5 proposes the following changes to current Policy 19.4:

- Removing preferred locations and residential density of land for holiday homes;
- Modifying the applicable criteria to be met for Holiday Home (Large) applications by increasing the minimum site area (from 1000m² to 1500m²) and inclusion of an additional development standard that parking and outdoor living areas are located/screened such that the visual privacy of surrounding neighbours is protected;
- Modifying the public notice provisions such that the minimum level of consultation is to the immediate adjoining landowners; and
- Inclusion of a guide to the purpose of seeking comments from immediate adjoining landowners on holiday home proposals.

Consultation:

The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal and considered Council's Community Engagement Policy P040123 and the associated Framework, as well as the consultation provisions of Policy 19.4, and undertook the following level of consultation:

External Consultation:

- The application was referred to seven (7) adjoining landowners inviting comment on the proposal.
- The applicant

Internal Consultation:

- Development Co-ordination Unit

Statutory Obligations:

Town Planning Scheme No. 3 (TPS No. 3) specifies the pertinent planning provisions for the proposed use.

Should Council refuse this Planning Application, as per the provisions of the *Planning and Development Act 2005* the applicant can apply to the State Administrative Tribunal for a Right of Review.

Policy Implications:

Policy 19.4 provides details on preferred locations for the establishment/operation of holiday homes, minimum development standards that dwellings need to comply with and management responsibilities to ensure that holiday homes are managed appropriately whilst ensuring the local character and amenity of the area is not compromised.

Clause 8.2.4 of TPS No. 3 states:

A Town Planning Scheme Policy shall not bind the Council in respect of any application for planning consent but the Council shall take into account the provisions of the policy and the objectives which the policy was designed to achieve before making its decision.

Budget / Financial Implications:

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

Strategic Implications:

The report and officer recommendation is consistent with Council's adopted Mission and Vision and assists achieve the following specific adopted Strategic Objectives and Goals.

Governance Objective: The Shire of Denmark provides renowned leadership in sustainability, is effective with both its consultation with its people and its management of its assets, and provides transparent and fiscally responsible decision making.

Governance Goal: Planning - That the Shire of Denmark work with other relevant authorities and agencies to develop and implement planning policies and decisions that not only reflect the wishes of the community, but also provide the region with appropriate development options.

Sustainability Implications:**➤ Governance:**

There are no known significant governance considerations relating to the report or officer recommendation, however it is noted that Planning Consent and registration of the premises as a Holiday Home with Health Services is a statutory requirement for Holiday Homes.

➤ **Environmental:**

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

➤ **Economic:**

Holiday Homes, when managed to a high standard make a positive contribution to Denmark's tourism industry.

➤ **Social:**

Two of the key objectives of Policy 19.4 are to:

- Ensure that the predominant residential nature and character of neighbourhoods are retained; and
- Minimise negative impacts of holiday homes on the amenity of adjoining residents.

To this regard it is considered that with the proper management of holiday homes negative impacts can be minimised. Attest to this is a holiday home in Knowles Court that when advertised received twelve (12) objections. This holiday home was granted approval to operate by the Shire of Denmark in July 2013 and has operated without complaint since.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
The proponent may lodge an application for review to the State Administrative Tribunal if the Council's decision was to refuse the proposal.	Possible (3)	Minor (2)	Moderate (5-9)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation as the decision is based on sound planning grounds in the opinion of the officer. If a decision is made to refuse the application, Council is to provide sound reasoning to support solid defence at the State Administrative Tribunal should the applicant wish to pursue a Right of Review.

Comment/Conclusion:

In accordance with Town Planning Scheme No. 3 (TPS No. 3), the subject site (lot size of 4044m²) is zoned "Residential (R5)". As per Table 1 – Zoning Table of TPS No.3, the use class of 'Holiday Home (Standard)' is an 'SA' use in a Residential zone – that is Council may, at its discretion, permit the use in the zone after giving public notice of the application in accordance with Clause 6.4 of the TPS No. 3.

Public advertising of the proposal was undertaken in accordance with Clause 6.4 of TPS No. 3 (refer 'Consultation' section of the report), with three (3) objections received. Attached at Attachment 8.1.3b is the Schedule of Submissions – with the submissions received being entered into the schedule as verbatim. Column 4 of the Schedule of Submissions represents Planning Services comments/response to the submission. The proponent has also provided a response to the submissions received – refer Attachment 8.1.3c.

Having regard to the issues raised from the submissions and assessment of the proposal having regard to the objectives and provisions of Policy 19.4 and draft Policy 19.5, it is recommended that Planning Approval be granted subject to appropriate conditions being

imposed. As Planning Approval is only granted initially for 12 months from the date of registration of the premises as a holiday home, in circumstances where valid complaints regarding the holiday home operations are received, the Shire has the right to not renew the approvals to operate.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION

ITEM 8.1.3

MOVED: CR MORRELL

SECONDED: CR GILLIES

That Council with respect to the planning application for the Proposed Holiday Home (Standard) at No. 58 (Lot 13) Riverside Drive, Nornalup:

1. Notes the submissions received.
2. Grants Planning Approval subject to the following:
Conditions
 - a) The Holiday Home shall be in accordance with the attached stamped approved details/plans dated 8 June 2015.
 - b) This approval is valid for a temporary period of 1 year only and shall be subject to a new application in 12 months from the date of registration with the Shire of Denmark (refer Condition c), after which it may be renewed for a three year period (refer Advice Note i).
 - c) Prior to the commencement of activities, the premises must be registered with the Shire of Denmark (Health Services) as a holiday home, with fees payable as per Councils operative Fees and Charges Schedule at the initial 'premises' application stage and annually thereafter (refer Advice Note ii).
 - d) A maximum of six (6) persons exclusive of the owner/operator may be accommodated at any one time within the holiday home.
 - e) The holiday home can only be rented for a maximum period of 3 months to any one person in any one twelve (12) month period.
 - f) Owner/operators must provide and maintain a register of all people who utilise the holiday home during the year to Council's satisfaction. A receipt book must be kept.
 - g) Prior to the commencement of activities, the applicant shall provide a copy of an approved Property Management Plan to adjoining land owners/occupiers (see Advice Note iii for extent of properties that notices are to be provided to). Copies of such correspondence shall be provided to the Shire of Denmark for its records.
 - h) Prior to the commencement of activities, hardwired smoke alarms to be provided in the bedrooms and emergency lighting to exit the building to the satisfaction of the Shire of Denmark (Building Services) - refer Advice Note iv.
 - i) Provision of two (2) car parking bays associated with the development, with the car parking bays, manoeuvring and circulation areas to be to a minimum all-weather standard and thereafter maintained.
 - j) The following information shall be provided to all tenants at the commencement of an agreement to occupy the premises:
 - Annual Registration Certificate;
 - Caretaker/manager or management company and its contact details;
 - Emergency contact details;
 - Code of Conduct; and
 - Fire and Emergency Plan.
 - k) The provision of the following fire safety measures to the satisfaction of the Shire's Community Emergency Services Manager:
 - A fire blanket in the kitchen area;
 - Fire extinguishers;
 - Maintenance of a Building Protection Zone around the dwelling;

- Implementation and display of the Fire and Emergency Plan;
- l) Signage shall be limited to a 0.2m² nameplate on the property.

Advice Notes

- i. Should the Shire receive valid complaints or the above conditions of approval are not adhered to, Council may consider refusing to grant a new and/or longer approval.
- ii. Please contact the Shire's Principal Environmental Health Officer on 9848 0300 regarding the requirements for registration of the premises as a 'Holiday Home', noting approval will not be forthcoming until all relevant conditions of this Planning Approval have been complied with.
- iii. The 'Property Management Plan' shall be provided to the following properties:
 No.50 (Lot 95) Riverside Drive, Nornalup
 No.52 (Lot 93) Riverside Drive, Nornalup
 No.54 (Lot 12) Riverside Drive, Nornalup
 No.60 (Lot 130) Riverside Drive, Nornalup
 No.64 (Lot 15) Riverside Drive, Nornalup
 No.68 (Lot 19) Riverside Drive, Nornalup
 No.63 (Lot 129) Macpherson Drive, Nornalup.
- iv. In relation to Condition h, there is a need to provide emergency lighting on exit paths and hardwired smoke alarms are required in all bedrooms.
- v. The applicant is advised that all activities on-site are to comply with the Environmental Protection (Noise) Regulations 1997.
3. Advise the submitters of Council's decision.

CARRIED UNANIMOUSLY: 9/0

Res: 040815

8.1.4 PROPOSED HOLIDAY HOME (STANDARD) – NO. 22 (LOT 25) LIGHTS ROAD, OCEAN BEACH

File Ref:	A570 (2015/96)
Applicant / Proponent:	M Spaziani & J Drewe
Subject Land / Locality:	No. 22 (Lot 25) Lights Road, Ocean Beach
Disclosure of Officer Interest:	Nil
Date:	3 August 2015
Author:	Marieke de Vries, Senior Town Planner
Authorising Officer:	Annette Harbron, Director of Planning & Sustainability
Attachments:	8.1.4a – Planning Application Documentation 8.1.4b – Schedule of Submissions 8.1.4c – Proponent's Response to Submission Received

Summary:

The proponent is seeking Planning Approval for a Holiday Home (Standard) at No. 22 (Lot 25) Lights Road, Ocean Beach.

Having regard to the issues raised from the submission received and the objectives and provisions of Town Planning Scheme Policy No. 19.4: Holiday Homes (Policy 19.4) and draft Policy 19.5: Holiday Homes (Policy 19.5), it is recommended that Planning Approval be granted subject to appropriate conditions.

Background:

Current Application

An application for Planning Approval was lodged with Planning Services in June 2015 seeking Planning Approval to use an existing dwelling as a Holiday Home (Standard) – refer Attachment 8.1.4a.

Policy 19.4

Policy 19.4 was adopted by Council at its meeting of 6 November 2012. Policy 19.4 provides details on preferred locations for the establishment/operation of holiday homes, minimum development standards that dwellings need to comply with and management responsibilities to ensure that holiday homes are managed appropriately whilst ensuring the local character and amenity of the area is not compromised.

As per the provisions of Policy 19.4, the subject site is located within 'Area 2 – Rural' – which is one of the preferred locations for holiday homes to establish.

Draft Policy 19.5

Draft Policy 19.5 was adopted by Council for advertising at the Ordinary Meeting of 26 May 2015. Advertising has recently closed and draft Policy 19.5 forms part of this current Council agenda – refer Item 8.1.2.

Draft Policy 19.5 proposes the following changes to current Policy 19.4:

- Removing preferred locations and residential density of land for holiday homes;
- Modifying the applicable criteria to be met for Holiday Home (Large) applications by increasing the minimum site area (from 1000m² to 1500m²) and inclusion of an additional development standard that parking and outdoor living areas are located/screened such that the visual privacy of surrounding neighbours is protected;
- Modifying the public notice provisions such that the minimum level of consultation is to the immediate adjoining landowners; and
- Inclusion of a guide to the purpose of seeking comments from immediate adjoining landowners on holiday home proposals.

Consultation:

The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal and considered Council's Community Engagement Policy P040123 and the associated Framework, as well as the consultation provisions of Policy 19.4, and undertook the following level of consultation:

External Consultation:

- The application was referred to twelve (12) adjoining landowners inviting comment on the proposal.
- The applicant

Internal Consultation:

- Development Co-ordination Unit

Statutory Obligations:

Town Planning Scheme No. 3 (TPS No. 3) specifies the pertinent planning provisions for the proposed use.

Should Council refuse this Planning Application, as per the provisions of the *Planning and Development Act 2005* the applicant can apply to the State Administrative Tribunal for a Right of Review.

Policy Implications:

Policy 19.4 provides details on preferred locations for the establishment/operation of holiday homes, minimum development standards that dwellings need to comply with and management responsibilities to ensure that holiday homes are managed appropriately whilst ensuring the local character and amenity of the area is not compromised.

Clause 8.2.4 of TPS No. 3 states:

A Town Planning Scheme Policy shall not bind the Council in respect of any application for planning consent but the Council shall take into account the provisions of the policy and the objectives which the policy was designed to achieve before making its decision.

Budget / Financial Implications:

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

Strategic Implications:

The report and officer recommendation is consistent with Council's adopted Mission and Vision and assists achieve the following specific adopted Strategic Objectives and Goals.

Governance Objective: The Shire of Denmark provides renowned leadership in sustainability, is effective with both its consultation with its people and its management of its assets, and provides transparent and fiscally responsible decision making.

Governance Goal: Planning - That the Shire of Denmark work with other relevant authorities and agencies to develop and implement planning policies and decisions that not only reflect the wishes of the community, but also provide the region with appropriate development options.

Sustainability Implications:**➤ Governance:**

There are no known significant governance considerations relating to the report or officer recommendation, however it is noted that Planning Consent and registration of the premises as a Holiday Home with Health Services is a statutory requirement for Holiday Homes.

➤ **Environmental:**

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

➤ **Economic:**

Holiday Homes, when managed to a high standard make a positive contribution to Denmark's tourism industry.

➤ **Social:**

Two of the key objectives of Policy 19.4 are to:

- Ensure that the predominant residential nature and character of neighbourhoods are retained; and
- Minimise negative impacts of holiday homes on the amenity of adjoining residents.

To this regard it is considered that with the proper management of holiday homes negative impacts can be minimised. Attest to this is a holiday home in Knowles Court that when advertised received twelve (12) objections. This holiday home was granted approval to operate by the Shire of Denmark in July 2013 and has operated without complaint since.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
The proponent may lodge an application for review to the State Administrative Tribunal if the Council's decision was to refuse the proposal.	Possible (3)	Minor (2)	Moderate (5-9)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation as the decision is based on sound planning grounds in the opinion of the officer. If a decision is made to refuse the application, Council is to provide sound reasoning to support solid defence at the State Administrative Tribunal should the applicant wish to pursue a Right of Review.

Comment/Conclusion:

In accordance with Town Planning Scheme No. 3 (TPS No. 3), the subject site (lot size of 1012m²) is zoned "Residential (R10)". As per Table 1 – Zoning Table of TPS No.3, the use class of 'Holiday Home (Standard)' is an 'SA' use in a Residential zone – that is Council may, at its discretion, permit the use in the zone after giving public notice of the application in accordance with Clause 6.4 of the TPS No. 3.

Public advertising of the proposal was undertaken in accordance with Clause 6.4 of TPS No. 3 (refer 'Consultation' section of the report), with one (1) objection received. Attached at Attachment 8.1.4b is the Schedule of Submissions – with the submissions received being entered into the schedule as verbatim. Column 4 of the Schedule of Submissions represents Planning Services comments/response to the submission. The proponent has also provided a response to the submission received – refer Attachment 8.1.4c.

Having regard to the issues raised from the submission and assessment of the proposal having regard to the objectives and provisions of Policy 19.4 and draft Policy 19.5, it is recommended that Planning Approval be granted subject to appropriate conditions being imposed. As Planning Approval is only granted initially for 12 months from the date of registration of the

premises as a holiday home, in circumstances where valid complaints regarding the holiday home operations are received, the Shire has the right to not renew the approvals to operate.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.1.4
MOVED: CR SEENEY	SECONDED: CR MORRELL
That Council with respect to the planning application for the Proposed Holiday Home (Standard) at No. 22 (Lot 25) Lights Road, Ocean Beach:	
<ol style="list-style-type: none"> 1. Note the submission received. 2. Grants Planning Approval subject to the following: 	
<u>Conditions</u>	
<ol style="list-style-type: none"> a) The Holiday Home shall be in accordance with the attached stamped approved details/plans dated 25 June 2015. b) This approval is valid for a temporary period of 1 year only and shall be subject to a new application in 12 months from the date of registration with the Shire of Denmark (refer Condition c), after which it may be renewed for a three year period (refer Advice Note i). c) Prior to the commencement of activities, the premises must be registered with the Shire of Denmark (Health Services) as a holiday home, with fees payable as per Councils operative Fees and Charges Schedule at the initial 'premises' application stage and annually thereafter (refer Advice Note ii). d) A maximum of six (6) persons exclusive of the owner/operator may be accommodated at any one time within the holiday home. e) The holiday home can only be rented for a maximum period of 3 months to any one person in any one twelve (12) month period. f) Owner/operators must provide and maintain a register of all people who utilise the holiday home during the year to Council's satisfaction. A receipt book must be kept. g) Prior to the commencement of activities, the applicant shall provide a copy of an approved Property Management Plan to adjoining land owners/occupiers (see Advice Note iii for extent of properties that notices are to be provided to). Copies of such correspondence shall be provided to the Shire of Denmark for its records. h) Prior to the commencement of activities, hardwired smoke alarms to be provided in the bedrooms and emergency lighting to exit the building to the satisfaction of the Shire of Denmark (Building Services) - refer Advice Note iv. i) The vehicle crossover shall be constructed, drained and sealed (concrete, asphalt or brick pavers) to the satisfaction and specifications of the Shire of Denmark (Infrastructure Services) and thereafter maintained. j) Provision of two (2) car parking bays associated with the development, with the car parking bays, manoeuvring and circulation areas to be suitably constructed, sealed (concrete, asphalt or brick pavers), drained and thereafter maintained. k) The following information shall be provided to all tenants at the commencement of an agreement to occupy the premises: <ul style="list-style-type: none"> • Annual Registration Certificate; • Caretaker/manager or management company and its contact details; • Emergency contact details; • Code of Conduct; and • Fire and Emergency Plan. l) The provision of the following fire safety measures to the satisfaction of the Shire's Community Emergency Services Manager: <ul style="list-style-type: none"> • A fire blanket in the kitchen area; • Fire extinguishers; • Maintenance of a Building Protection Zone around the dwelling; 	

- Implementation and display of the Fire and Emergency Plan;
- m) Signage shall be limited to a 0.2m² nameplate on the property.

Advice Notes

- i. Should the Shire receive valid complaints or the above conditions of approval are not adhered to, Council may consider refusing to grant a new and/or longer approval.
 - ii. Please contact the Shire's Principal Environmental Health Officer on 9848 0300 regarding the requirements for registration of the premises as a 'Holiday Home', noting approval will not be forthcoming until all relevant conditions of this Planning Approval have been complied with.
 - iii. The 'Property Management Plan' shall be provided to the following properties:
 - No. 24 (Lot 26) Lights Road, Ocean Beach
 - No. 26 (Lot 27) Lights Road, Ocean Beach
 - No. 28 (Lot 28) Lights Road, Ocean Beach
 - No. 19 (Lot 30) Iluka Avenue, Ocean Beach
 - No. 17 (Lot 31) Iluka Avenue, Ocean Beach
 - No. 15 (Lot 32) Iluka Avenue, Ocean Beach
 - No. 13 (Lot 33) Iluka Avenue, Ocean Beach
 - No. 11 (Lot 34) Iluka Avenue, Ocean Beach
 - No. 16 (Lot 22) Lights Road, Ocean Beach
 - No. 18 (Lot 23) Lights Road, Ocean Beach
 - No. 20 (Lot 24) Lights Road, Ocean Beach
 - No. 732 (Lot 2522, 2014, 3521 and 2521) Lights Road, Ocean Beach.
 - iv. In relation to Condition h, there is a need to provide emergency lighting on exit paths and hardwired smoke alarms are required in all bedrooms.
 - v. The applicant is advised that all activities on-site are to comply with the Environmental Protection (Noise) Regulations 1997.
3. Advise the submitter of Council's decision.

CARRIED UNANIMOUSLY: 9/0

Res: 050815

8.2 Director of Community & Regulatory Services

8.2.1 CSRFF SMALL GRANTS APPLICATIONS FOR 2015/16

File Ref:	Pistol Club - A3167/ Country Club - A3088
Applicant / Proponent:	Denmark Pistol Club (Inc.), Denmark Country Club (Inc.) – Tennis Section
Subject Land / Locality:	Denmark Pistol Club Reserve 36044 - 223 Churchill Road Denmark Country Club Reserve 22886 / 951 South Coast Highway
Disclosure of Officer Interest:	Author is a member of the Denmark Golf Club which is part of the Denmark Country Club
Date:	14 July 2015
Author:	Damian Schwarzbach, Manager of Recreation & Youth Services
Authorising Officer:	Gregg Harwood, Director of Community & Regulatory Services
Attachments:	8.2.1 – CSRFF Small Grant Applications

Summary:

The Denmark Country Club Incorporated - Tennis Section, and Denmark Pistol Club Incorporated have submitted a Department of Sport and Recreation, Community Sport and Recreation Facilities Fund (CSRFF) small grants application for the 2015/16 grant funding round.

The Denmark Country Club – Tennis Section (DTC) has requested the construction of a tennis practice wall adjacent to the existing tennis courts.

The Denmark Pistol Club (DPC) has requested the construction of permanent target holders on the 25 and 50 metre shooting ranges, increasing the permanent target frames on the 50 metre range from 15 – 20, 10 new permanent target frames on the 100 metre range, target benches and target mounds on the 100 metre range plus a single unisex / wheel chair accessible toilet facility on their 100 metre range.

The report recommends Council support the applications and rank the DPC as 1 (one) and the DTC as 2 (two) due to the disability access and inclusion and participant safety benefits of the DPC proposal notwithstanding DTC's greater participation numbers.

Background:

CSRFF grants are made on the basis of one third Department of Sport and Recreation (DSR) grant and two thirds group/local government/other funding sources. Local applications compete with others from throughout the Great Southern region and the state.

Prior to the consideration of applications for funding assistance, DSR requires Local Governments to consider all of the funding applications from community groups within their area and to place a funding priority on each application.

In order to qualify for the current round, grant applications must be assessed for priority and supported by the Local Government and submitted to the DSR by 30 August 2015.

Denmark Pistol Club (DPC):

The DPC is associated with their State Sporting Association and the Sporting Shooting Association of Australia which provides their insurance cover.

Their membership numbers are 32 for 2014/15.

Reserve 36044 is the subject of a Management Order to the Shire of Denmark for the purpose of "Pistol Club". The DEPC have a 21 year lease over the Reserve which expires on 30 March 2032.

The DPC run a variety of events including Pistol, Small Bore, Shot Gun and Revolver. The club also hosts shooters from other clubs at inter-club shooting events.

The DPC has been self funded for over 25 years and have other infrastructure on the property.

The Council provided \$5,000 in 1998 towards their club rooms which cost \$15,000.

In 2007 the DPC extended the Western Action Range out to 100 metres and this expansion has led to an increase in membership.

In 2013, the DPC constructed an all weather shelter on their 100 metre range, jointly funded by Council (\$5,800), DSR (CSRFF small grant) and the club.

The all weather shelter has allowed the scheduled programmes to precede thereby reducing cancellations, improve the shooting experience for visitors and members and increased the attractiveness of the club as a membership destination for potential new participants.

The DPC share the facility with the Western Australian Police force for their training requirements.

The DPC has a strong focus on gun safety and gun educational, demonstrating a role in helping shooters, especially junior members, to keep themselves and others safe.

Denmark Tennis Club (DTC):

The DTC is situated on the Denmark Country Club site and is effectively a co-tenant with the Denmark Golf Club, under the Denmark Country Club banner.

The DTC is membership based, but the facilities are open to the general public through a hire system and have demonstrated increased usage over a period of time.

The DTC is associated with its State Sporting Association (Tennis West) and have discussed this project with them.

The DTC membership numbers have increased from 190 in 2012/13 to 230 for 2014/15. Junior participation has increased significantly in the past 2 years with up to 75 children attending the 'Hot Shots' program on a Saturday morning.

Reserve 22886 is the subject of a Management Order to the Shire of Denmark for the purpose of "Golf Links". The DCC have a lease over the Reserve which expires on 29 March 2029.

The club operate on a number of days plus hold junior coaching and regional tournaments.

The DTC successfully received funding from DSR and Council in addition to its own resources in 2008 to construct four extra synthetic all-weather courts at the current site. This project was successful, completed on time and within the budget submitted.

Council, as part of their annual Community Financial Assistance grant, have allocated a total of \$5,000 to the DTC for the club's proposed project.

The below is resolution from has been taken from item 8.4.3 of the 7 July 2015 Council minutes (Resolution No. 090715):

That with respect to the Community Financial Assistance Grant applications received, Council;

1. Approve the following Community Financial Assistance grants totalling \$20,000.00 for inclusion in the 2015/2016 Municipal Budget (GL 1420342):

<i>Description</i>	<i>Amount</i>
<i>Denmark Senior High School P&C</i>	<i>\$500.00</i>
<i>Equipment for New Canteen</i>	
<i>Denmark Netball Association</i>	<i>\$350.00</i>
<i>Great Southern Junior Regional Carnival</i>	
<i>Scotsdale Tennis Club Inc.</i>	<i>\$3,000.00</i>
<i>New Building - Kitchen Fit Out & Water Tank</i>	
<i>Denmark Historical Society</i>	<i>\$3,703.40</i>
<i>Footpath to Toilets, Security Screens and Cameras</i>	
<i>Denmark Machinery Restoration Group</i>	<i>\$1,172.60</i>
<i>Installation of Emergency Lighting</i>	
<i>Denmark Primary School P&C</i>	<i>\$1,257.00</i>
<i>Denmark Community Fun Run 2015</i>	
<i>Denmark Weed Action Group</i>	<i>\$600.00</i>
<i>Purchase Computer and iPad</i>	
<i>Denmark Country Club - Tennis Section</i>	<i>\$2,667.00</i>
<i>Build a Practice Wall Adjacent to Courts</i>	
<i>Denmark Occasional Day Care Centre</i>	<i>\$3,000.00</i>
<i>Repair of Rammed Earth Structure & Painting of Gables</i>	
<i>Denmark Surf Life Saving Club Inc.</i>	<i>\$3,750.00</i>
<i>2 Resuscitation Manikins for CPR Training</i>	
<i>Total</i>	<i>\$20,000.00</i>

2. Refers the following request to be dealt with through the full competitive Council Budget process:

<i>Description</i>	<i>Amount</i>
<i>Green Skills</i>	<i>\$42,600.00</i>
<i>Improvements to the Road and Parking Surface at the Tip shop</i>	

3. With respect to the 2015/16 Community Financial Assistance, grants carry over funds of \$8,050 from the 2014/15 Municipal Budget as follows:

<i>Applicant</i>	<i>Project Description</i>	<i>Amount</i>
<i>Denmark Tennis Club (Country Club)</i>	<i>Practice wall</i>	<i>\$2,333.00</i>
<i>1st Denmark Scouts</i>	<i>Shed to house food caravan and trailer. Building approval issued works to be completed by early August 2015</i>	<i>\$5,717.00</i>
<i>Total</i>		<i>\$8,050.00</i>

4. Allocate a total Budget for Community Financial Assistance grants to be included in the 2015/16 Municipal Budget (GL 1420342) of \$28,050.00.

Consultation:

- Department of Sport and Recreation

- Shire of Denmark's Club Development Officer
- Denmark Pistol Club
- Denmark Country Club – Tennis Section
- Tennis West
- Sporting Shooters Association of Australia – WA Branch

Statutory Obligations:

There are no statutory obligations.

Policy Implications:

Policy P110304 SUSTAINABILITY & COLLOCATION (SPORT & RECREATION FACILITIES) relates as follows;

"Council will give priority support to facility development or redevelopment that shows capacity for collocating or the sharing of resources.

Applicants must be community based organisations and incorporated under the WA Association Incorporations Act 1997.

Council will require community based organisations seeking public funds of greater than \$10,000 for developing new or refurbished current facilities to have a business plan appropriate to the size of their organisation.

Council will contribute to a maximum of one-third (1/3) only of major facility development / redevelopment with a project cost greater than \$50,000 to demonstrate the need for such development and their strategies to ensure that the development will be viable for at least the next 10 years or such period requested by Council."

The DPC and DTC request is in accordance with this Policy.

Disability Access & Inclusion

Section 2.1 of the Shire of Denmark's Disability Access & Inclusion Plan 2013 – 2018 titled *"Infrastructure Planning & refurbishment of Buildings to incorporate access & inclusion requirements"*, identifies a need for Council staff to audit the shire's various community halls to establish the extent of their toilet compliance and to prepare plans for their improvement.

If could be reasonably argued that sporting grounds (under the management order of Council) are arguably included in the intent of this directive making the DPC proposal a first priority notwithstanding DTC's greater membership and participation rates.

Budget / Financial Implications:

The DPC request is not in the Council's 2015/16 Budget so the amount would need to be sourced from other accounts allocated funds if they subsequently prove to be successful. The cost to Council is \$4,041.22.

The DTC request is highlighted in Council's 2015/16 Budget.

Strategic Implications:

The report and officer recommendation is consistent with Council's adopted Mission and Vision and assists achieve the following specific adopted Strategic Objectives and Goals:

Recreation: ...monitor all forms of recreational and cultural facilities and services, and take careful account of the level of community support for those in determining the improvements or new facilities to be supported together with their relative contribution to personal and community well-being.

SOCIAL OBJECTIVE - Denmark's communities, people and places are connected and creative, vibrant and dynamic, healthy and safe.

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

Council has recognised the significant community value of organised competitive sport and less formal passive and active recreational activities.

The positive social interaction between members, as well as the health benefits derived from the physical exercise of active participation in the sport result in a sense of personal well-being / good health in each member and, collectively, within the community.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That the DPC & DCC are unsuccessful with their CSRFF Applications and the Council is asked to fund the difference (being two thirds).	Possible (3)	Insignificant (1)	Low (1-4)	Inadequate Financial, Accounting or Business Acumen	Accept Risk and DPC & DCC to source alternate ways to fund the project.
That the DPC & DCC are successful with their CSRFF Applications and the Council is asked to fund the difference (being one third).	Possible (3)	Insignificant (1)	Low (1-4)	Inadequate Financial, Accounting or Business Acumen	Accept Risk and DPC & DCC to source alternate ways to fund the project.

Comment/Conclusion:

Denmark Pistol Club (DPC):

The DPC has highlighted that the current target frames on their 25 and 50 metre shooting ranges require the use of clips or straps to hold the cardboard targets in place and are ineffectual as they often fall off during a match. This then requires all participants to stop while someone has to replace the targets during their shoots.

The DPC would also like to extend the target frame on the 50 metre range to 20 targets which will enable a full gallery of shooters to move from the 25 metre range to the 50 metre range in competitions.

There are no target frames on the 100 metre range so the DPC uses temporary targets which have been hammered into the ground. This results in shooters shooting in a downward angle towards the targets, causing unsafe ricocheting of bullets in the range area. The club is proposing to install permanent mounds at different heights across the range which will have the targets mounted on them, preventing ricocheting of bullets and enhancing safety for shooters. A permanent target structure will be installed at the 100 metre mark.

The DPC also aims to install a unisex, disability compliant toilet adjacent to the 100 metre range. There is an existing toilet facility by the 50 metre range, however due to the placement of the toilet it cannot be used while a shoot is occurring at the 100 metre range due to safety concerns. This limits the Club's ability to host inter-club events and expand the 100 metre shooting activities.

The DPC has consulted with Shire staff regarding the toilet block and will apply for a planning approval and a building permit once a decision has been made regarding the funding.

The addition of these facilities will assist the club to improve their membership base and also expand their capabilities for holding events. This would also assist with an approach from the Denmark Agricultural College to provide teaching firearm safety.

With the proposed changes in place, one of the events that could be incorporated into the club's activities is 'bench-rest rifle', which is attractive for new shooters or people with disabilities to participate in.

The DPC's finances show improved performance each year with a closing balance of \$5,275.18 at financial year end 2014/2015. The finances appear to adequately cover the expected financial contribution for this project.

The club planned, built and acquitted the funds from the previous project constructing the all weather shelter within the guidelines stipulated. They have shown the experience and ability to deliver on projects within the budget and time constraints.

The total cost of the project is \$12,123.66, which includes earthworks, target frames, toilet building and fixtures plus septic tank installation.

The Council and DSR contributions requested are \$4,041.22 each, with the remainder met by the DPC. If the project is not funded by DSR then the DPC will have to revise the scope of works.

The DPC has consulted with the Officer, Club Development Officer and their own members in relation to this application and it reflects a desire to improve their facilities. They have spoken with the Great Southern Regional Manager from DSR and he encouraged the DPC to submit an application.

Denmark Tennis Club (DTC):

The Denmark Country Club has demonstrated over a long period of time an ability to plan, budget and deliver substantial projects to an agreed outcome. The DTC as a subsidiary to the Country Club have also demonstrated this ability with the tennis court development a prime example.

The DTC currently contributes \$15,000 per annum to a sinking fund for the replacement of the synthetic surfaces on the tennis courts. The surfaces have a rating of 10 years before replacement though on current inspection of the courts, this may increase to 12 – 15 years.

The DTC has an increasing growth in membership and casual users over the past years. This growth is especially evident in the junior section with 75 participants in the Hot Shots program last year.

The DTC aims to install a practice wall adjacent to the tennis courts. The total project cost budgeted is \$14,682, which covers the pad, hitting wall and includes minor cost escalation from the quotes. The Club requests \$4,545.50 from Council and the same amount from DSR. The Country Club has agreed on the location and construction of the tennis practice wall. It will be located adjacent to the existing tennis courts, outside the fenced area so it is accessible at all times.

The tennis practice wall will allow flexibility for the junior coaching program and provide an area for the community to come along and practice their skills.

The existing 8 courts at the DTC become fully utilised during some club days, junior coaching clinics and large tournaments. During these occasions there is no access to warm up or areas for coaching/training.

The construction of a tennis practice wall will provide all players with a space to practice, warm up and improve their skills.

This particular addition to the Country Club site is a 'community asset' as it will be free and available to be used by anyone, similar to the cricket training nets, oval, skate park and playground equipment, leading to an increase in physical activity and well being. Community members who become more proficient at tennis may then follow into becoming club members increasing the sustainability and financial viability of the tennis section in the Country Club.

The DTC has indicated if the funding application is denied then the project will be shelved for the moment and revisited at a later date.

Summary

The applications will be lodged with DSR by the end of August 2015, and Council will be notified by the end of October 2015 if they are successful in obtaining the funding. It is anticipated that funding will be available for work to commence in November 2015 and work completed and acquitted by June 2016.

Both applications are deemed worthy and meet the criteria set out in Council's own policy, in addition to meeting DSR's requirements. Both applications also have all supporting documentation required and have answered all points requested by DSR.

In considering this matter there are two factors that need to be balanced which are as follows.

- 1) The Denmark Pistol Club application improves the participant and spectators safety of the grounds and will allow the club to grow its membership base and participation in the regional competition circuit. Its downside however is that it will be for members and their invited guests only or through some arrangement by a user and the Club.
- 2) The Denmark Pistol Club application assists Council in achieving the intent of the outcomes of Section 2.1 of the Shire of Denmark's Disability Access & Inclusion Plan 2013 – 2018.

Given these factors it is the Officer's recommendation that the Denmark Pistol Club application be ranked first.

Voting Requirements:

Simple majority.

4.48pm – Cr Sampson left the room.

4.50pm – Cr Sampson returned to the room.

COUNCIL RESOLUTION

ITEM 8.2.1

MOVED: CR LEWIS

SECONDED: CR SAMPSON

That with respect to the applications from the Denmark Country Club - Tennis and the Denmark Pistol Club for the 2015/16 Community Sport & Recreation Facilities Fund, Council resolves that it;

1. Supports both applications; and
2. Ranks the Denmark Country Club's application as first and the Denmark Pistol Club's application as second; and
3. Limits its contribution to either project, if successful, to a maximum of one third of the total project cost inclusive of cash and/or in kind.

LOST: 2/7

Res: 060815

COUNCIL RESOLUTION & OFFICER RECOMMENDATION

ITEM 8.2.1

MOVED: CR MORRELL

SECONDED: CR SEENEY

That with respect to the applications from the Denmark Country Club - Tennis and the Denmark Pistol Club for the 2015/16 Community Sport & Recreation Facilities Fund, Council resolves that it;

1. Supports both applications; and
2. Ranks the Denmark Pistol Club's application as first and the Denmark Country Club's application as second; and
3. Limits its contribution to either project, if successful, to a maximum of one third of the total project cost inclusive of cash and/or in kind.

CARRIED UNANIMOUSLY: 9/0

Res: 070815

8.3 Director of Infrastructure Services

Nil

8.4 Director of Finance & Administration

8.4.1 FINANCIAL STATEMENT FOR THE MONTH ENDING 30 JUNE 2015

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Denmark
Disclosure of Officer Interest:	Nil
Date:	4 August 2015
Author:	Steve Broad, Accountant
Authorising Officer:	Kim Dolzadelli, Director of Finance And Administration
Attachments:	8.4.1 – June 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.

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 - Material Variances in Budget and Actual Expenditure, relates

For the purposes of Local Government (Financial Management) Regulation 34 regarding levels of variances for financial reporting, Council 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 \$10,000.

The material variance is calculated by comparing budget estimates to the end of month actual amounts of expenditure, revenue and income to the end of the month to which the financial statement relates.

This same figure is also to be used in the Annual Budget Review to be undertaken after the first six months of the financial year to assess how the budget has progressed and to estimate the end of the financial year position.

A second tier reporting approach shall be a variance of 10% or greater of the annual budget estimates to the end of the month to which the report refers for each General Ledger/Job Account in the budget, as a level that requires an explanation, with a minimum dollar variance of \$10,000.

Budget / Financial Implications:

There are no significant trends or issues to be reported.

Strategic Implications:

The report and officer recommendation is consistent with Council's adopted Mission and Vision and assists achieve the following specific adopted Strategic Objectives and Goals.

Governance Objective: The Shire of Denmark provides renowned leadership in sustainability, is effective with both its consultation with its people and its management of its assets, and provides transparent and fiscally responsible decision making.

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Not meeting Statutory Compliance	Rare (1)	Moderate (3)	Low (1-4)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation
Financial mismanagement and/or Budget overruns.	Rare (1)	Moderate (3)	Low (1-4)	Inadequate Financial, Accounting or Business Acumen	Control through robust systems with internal controls and appropriate reporting mechanisms

Comment/Conclusion:

Shire Trust Funds of \$169,542 have been invested for 92 days with the National Bank, maturing 19 September 2015 at the quoted rate of 2.75%.

Reserve Funds totalling \$4,129,560 have been placed on investment for 30 days with the National Bank, maturing 8 July 2015 at the quoted rate of 2.25%.

Municipal Funds totalling \$757,201 have been invested with the National Bank, maturing on various dates up to the 4 August 2015 at an average rate of 2.25% (refer note 4 for detail).

Key Financial Indicators at a Glance

The following comments and/or statements provide a brief summary of major financial/budget indicators and are included to assist in the interpretation and understanding of the attached Financial Statements.

- Taking into consideration the adopted Municipal Budget and subsequent amendments identified, the estimated 30 June 2015 end of year position is estimated to be a surplus of \$17,341, as per budget projections (Note 5).
- Operating revenue and expenditure is slightly lower than that predicted for 30 June 2015 (Statement of Financial Activity).
- Rates Collection percentage of 95.81% is slightly lower than historical collection rates (Note 6).
- The 2014/15 Capital Works Program is 55.32% complete as at 30 June 2015 (Note 12). Some major projects remain outstanding and will need to be carried forward into the 2015/15 year. These projects include:
 - Morgan Richards Community Centre.
 - Roundabout Barnett and Strickland Streets
 - Remediation Reserve 32409
 - Bridge Const – Powley's Road Bridge 4287
- Various transfers to and from Reserve Funds have been made for 2014/15 as per the Municipal Budget (Note 7).
- Salaries and Wages expenditure is in keeping with budget estimates (not reported specifically in Financial Statement).

Budget Amendments and Variances (Note 5 and 5a)

As detailed in Note 5a.

The Officer notes that not all End of Year entries have been effected in the attached Report and therefore are subject to final amendment when preparing the Annual Financial Statements.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION		ITEM 8.4.1
MOVED: CR MORRELL		SECONDED: CR SEENEY
That with respect to Financial Statements for the month ending June 2015, Council;		
1. Receive the Financial Reports, incorporating the Statement of Financial Activity and other supporting documentation.		
2. Endorse the Accounts for Payment for June 2015 as listed.		
CARRIED UNANIMOUSLY: 9/0		Res: 080815

8.4.2 DRAFT AGREEMENT FOR THE PROVISION OF SERVICES IN TERMS OF SECTION 6B OF THE ROAD TRAFFIC ACT 1974
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File Ref:	GOV.31
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not Applicable
Disclosure of Officer Interest:	Nil
Date:	10 August 2015
Author:	Kim Dolzadelli, Director of Finance & Administration
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	8.4.2a - Draft Agreement for the Provision of Services in terms of Section 6b of The Road Traffic Act 1974 8.4.2b - Advice from Local Government Insurance Services

Summary:

Council is being requested to authorise the Chief Executive Officer to negotiate modifications to a draft agreement with the Director General of the Department of Transport for the Provision of Services in terms of Section 6b of the Road Traffic Act 1974 and to execute the modified agreement.

This agreement deals with the current Authorised Inspection Station activities currently provided by the Shire through its mechanical Workshop located at the Shire Depot.

Background:

The Shire of Denmark has been providing Approved Inspection Station Services on behalf of the Department of Transport (DoT) since before the year 2000.

The Department of Transport has written to the Shire requesting that a new agreement be entered into between the parties being the Department of Transport and Shire of Denmark.

In January 2013 the DoT commenced a review of "Authorised Inspection Station" AIS agreements and decided that all AIS would be moved across to a 6B Agreement, a draft copy of which is attached to this report.

The main differences between the new agreement and the current arrangements are:

- The new agreement will be valid for a fixed term. This will provide security of tenure for the designated period.
- Prior to the term of the agreement expiring, DoT may call a competitive application process for vehicle inspection services in the area, depending upon the number of potential suppliers in the area.
- The new agreement has revised insurance requirements.
- Revised requirements for inspection equipment, ie. headlamp tester or suitable screen, window tint meter and exhaust noise level meter.

With respect to the above the Officer only has concerns with respect to the "revised insurance requirements" and has taken advice from LGIS with respect to this matter.

Consultation:

The Officer has consulted with the Western Australian Local Government Association (WALGA), Local Government Insurance Services (LGIS) and the Department of Transport (Dot).

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

Statutory Obligations:

Nil

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

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

For the Information the reader the following expenses and income have been incurred with respect to this service over the past 3 financial years are as follows:

GL	Description	2014/2015	2013/2014	2012/2013
1491003	Vehicle Inspection Fees	\$15,092	\$13,404	\$14,547
1498002	Vehicle Inspections Expenses	\$14,384	\$12,201	\$11,994
Net Return		\$707	\$1,203	\$2,553

Strategic Implications:

The report and officer recommendation is consistent with Council's adopted Mission and Vision and assists achieve the following specific adopted Strategic Objectives and Goals.

REGIONAL SERVICES OBJECTIVE: ...support objectives that manage the development of long-term growth settlement areas that ensures an acceptable level of services for its residents, regardless of where they live.

PUBLIC SAFETY OBJECTIVE: ...work with relevant authorities and organisations to maintain a safe and secure environment for its residents and visitors.

Sustainability Implications:**➤ Governance:**

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

➤ Environmental:

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

➤ Economic:

The Officer notes that the closest Approved Inspection Station, outside the Shire of Denmark, is located in Albany. The ongoing provision of this service within the Shire of Denmark benefits all residents by negating the need to travel outside of the district. It is also seen to benefit local business in so much that local mechanical repair shops are more likely to be utilised to

undertake any required improvements/repairs to a vehicle in the instance that it does not satisfactorily meet requirements of an inspection.

➤ **Social:**

If the service was to no longer be available in Denmark, there could be social disadvantages for Denmark residents due to the time and cost (fuel) required to then have to travel to Albany for a vehicle inspection.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not authorise negotiation of the Draft Agreement and that the Department of Transport revoke the current Agreement for provision of approved Inspection Station services.	Unlikely (2)	Moderate (3)	Moderate (5-9)	Not Meeting Community expectations	Accept Officer Recommendation

Comment/Conclusion:

The Officer has consulted with the Western Australian Local Government Association (WALGA), Local Government Insurance Services (LGIS) and the Department of Transport (DoT).

WALGA has advised that they see no problems in entering into the new agreement from a Governance perspective.

LGIS have advised against signing the draft agreement for the specific reason of wording in the agreement in regard to Indemnity clauses. LGIS is still negotiating with DoT with respect to these clauses.

The provision of this service by the Shire of Denmark over the past 3 financial years reveal that it makes a minor return to Council in that Income slightly exceeds the Expenses related to the service.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION

ITEM 8.4.2

MOVED: CR PEDRO

SECONDED: CR GILLIES

That with respect to the draft Agreement for the Provision of Services in Terms of Section 6b of the Road Traffic Act 1974, Council;

1. Authorise the Chief Executive Officer to negotiate modifications to the draft agreement such that the Shire of Denmark does not allow itself to become exposed to any unacceptable level of risk that may arise out of signing the new agreement; and
2. Once the outcomes of Part 1 have been negotiated, to his satisfaction, the Chief Executive Officer is authorised to execute the agreement for the Provision of Services in Terms of Section 6b of the Road Traffic Act 1974.

CARRIED UNANIMOUSLY: 9/0

Res: 090815

8.4.3 PEACEFUL BAY CARAVAN PARK LEASE

File Ref:	A1971
Applicant / Proponent:	ML, JF & RJL Phillips
Subject Land / Locality:	Reserve 24510 - Peaceful Bay Caravan Park 10 East Avenue, Peaceful Bay WA 6333
Disclosure of Officer Interest:	Nil
Date:	10 August 2015
Author:	Kim Dolzadelli, Director of Finance & Administration
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	Nil

Summary:

This report considers the Rent Review clause 2.01 of the Lease between the Shire of Denmark and ML, JF & RJL Phillips Reserve 24510 - Peaceful Bay Caravan Park.

Background:

On 13th August 2007 a Deed of Assignment was entered into between the Shire of Denmark (Landlord), Seafront Asset Pty Ltd (Assignor) and Malcolm Lindsay, Janine Faye & Ryan John Lindsay Phillips (Assignee), assigning the lease of Reserve 24510 to ML, JF & RJL Phillips effective from 20th August 2007. The term of the lease being 21 years, having commenced on 30 May 2007 and terminating on 29 May 2028, with no options to renew.

Clause 1.06 'Yearly Rental' of the lease states:

'The term 'Yearly Rental' means the annual sum set forth in Item 4 of the Schedule as reviewed from time to time as hereinafter provided for.'

Clause 2.01 'Manner of Payment of Yearly Rental' of the lease states:

'The Lessee shall pay the Yearly Rental for each Rental Year during the Term in the manner described in Item 4 of the Schedule without any deduction or set off and without any deduction therefor being made by the Lessor PROVIDED THAT the Lessor may from time to time effect from the 1st July in any year during the Term ("Rent Review Date") review the Yearly Rental and the Lessee shall pay the Yearly Rental as reviewed from the relevant Rent Review Date.'

On 5 August 2015, a meeting took place with JF & RJL Phillips and the Director of Finance and Administration, Kim Dolzadelli, where various matters regarding their lease agreement were discussed. At this meeting JF & RJL Phillips requested that Council consider a variation to the lease, to remove ambiguity surrounding the process and/or parties involved when undertaking future rent reviews of Peaceful Bay Caravan Park, Reserve 24510.

The proposed requested amendments are in keeping with other Lease Agreements that the Shire of Denmark holds and the Officer supports the request.

Consultation:

Consultation was undertaken between the Shire of Denmark with JF & RJL Phillips.

Statutory Obligations:

There are no statutory obligations.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

Amending the lease with respect to Annual Rent reviews will bring more certainty to expected levels of income for the Shire.

The current (to 30 June 2015) rental is \$17,637.49 (including GST), with the effect of the change to the lease resulting in the new valuation taking effect from July 2015.

Strategic Implications:

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

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not agree to vary the lease for Reserve 24510, resulting in uncertainty surrounding Rent Review processes, which may lead to lost revenue.	Possible (3)	Minor (2)	Low (1-4)	Inadequate Financial, Accounting or Business Acumen	Accept Officer Recommendation

Comment/Conclusion:

The Director of Finance and Administration has made a recommendation to support a variation to the Lease Agreement, in order to provide clear parameters when completing the Rent Review process.

Clause 2.01 'Manner of Payment of Yearly Rental' of the lease currently states:

'The Lessee shall pay the Yearly Rental for each Rental Year during the Term in the manner described in Item 4 of the Schedule without any deduction or set off and without any deduction therefor being made by the Lessor PROVIDED THAT the Lessor may from time to time effect from the 1st July in any year during the Term ("Rent Review Date") review the Yearly Rental and the Lessee shall pay the Yearly Rental as reviewed from the relevant Rent Review Date.'

The Officer recommends that Clause 2.01 be replaced with:

'The Lessee shall pay the Yearly Rental for each Rental Year during the Term in the manner described in Item 4 of the Schedule without any deduction or set off and without any deduction therefor being made by the Lessor PROVIDED THAT the Lessor may effect from the 1st July each year during the Term ("Rent Review Date") review the Yearly Rental and the Lessee shall pay the Yearly Rental as reviewed from the relevant Rent Review Date. The Rent shall be

reviewed by the Valuer General at the Lessor's cost effective from 1 July 2015 and thereafter at 1 July of each triennium period. At each 1 July during a triennium period, the rental shall be reviewed and a new rent determined by multiplying the rental paid immediately preceding that Rent Review Date by the then current Consumer Price Index (CPI) for Perth as published for the March quarter from time to time by the Australian Bureau of Statistics with the resultant figure then being added to or decreased from that rental amount to arrive at a rent for the ensuing 12 month period'.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION

ITEM 8.4.3

MOVED: CR GILLIES

SECONDED: CR SEENEY

That Council with respect to the Lease between the Shire of Denmark and ML, JF & RJL Phillips, Reserve 24510 - Peaceful Bay Caravan Park authorise the Chief Executive Officer to amend clause 2.01 of the lease agreement between the Shire of Denmark and ML, JF & RJL Phillips to read as follows:

"The Lessee shall pay the Yearly Rental for each Rental Year during the Term in the manner described in Item 4 of the Schedule without any deduction or set off and without any deduction therefor being made by the Lessor PROVIDED THAT the Lessor may effect from the 1st July each year during the Term ("Rent Review Date") review the Yearly Rental and the Lessee shall pay the Yearly Rental as reviewed from the relevant Rent Review Date.

The Rent shall be reviewed by the Valuer General at the Lessor's cost effective from 1 July 2015 and thereafter at 1 July of each triennium period.

At each 1 July during a triennium period, the rental shall be reviewed and a new rent determined by multiplying the rental paid immediately preceding that Rent Review Date by the then current Consumer Price Index (CPI) for Perth as published for the March quarter from time to time by the Australian Bureau of Statistics with the resultant figure then being added to or decreased from that rental amount to arrive at a rent for the ensuing 12 month period".

CARRIED UNANIMOUSLY: 9/0

Res: 100815

8.5 Chief Executive Officer

8.5.1 NO SPRAY REGISTER POLICY

File Ref:	ENG.18
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not Applicable
Disclosure of Officer Interest:	Nil
Date:	10 August 2015
Author:	Erica Sayer, Engineering Administration Officer
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	8.5.1 – Schedule of Submissions

Summary:

This report considers the implementation of a proposed new policy with respect to a No Spray Register.

Background:

Infrastructure Services Directorate submitted a 'Draft' No Spray Policy to Council at its Ordinary Meeting of Council 16 June 2015.

Resolution No. 100615 stated as follows;

"That Council advertise the draft policy entitled "No Spray Register Policy", as detailed in the officer report under Policy Implications, for public comment in the Denmark Bulletin for a minimum period of 30 days inviting public comment and specifically invite comment from local organisations, including those identified within the Officer's Report."

There are currently 69 properties on the current 'No spray register' which has been used by staff in the past with no 'formal' application process or policy.

Consultation:

Public advertising of the No Spray Register Policy was undertaken for a period of 30 days, as per Council Resolution 100615, and the following local organisations were specifically invited to make comment.

- Denmark Weed Action Group;
- Denmark Environment Centre;
- Green Skills;
- Denmark Chamber of Commerce;
- Denmark Tidy Towns;
- Peaceful Bay Progress Association; and
- Nornalup Residents & Ratepayers Association.

Residents and ratepayers on the register from 2014 were also notified of the public consultation period by mail. Ten (10) submissions were received. Attached is a Schedule of Submissions (refer Attachment 8.5.1).

Statutory Obligations:

There are no Statutory Obligations with respect to adopting a No Spray Register Policy.

Policy Implications:

Council does not have a current Policy on or with respect to a "No Spray Register".

The proposed Policy, which was the subject of advertising and consultation with the Community, read as follows and, the Officer is of the opinion that it need only minor changes (highlighted in red) after considering the submissions;

"NO SPRAY REGISTER POLICY"

Objective

This policy is intended to allow property owners and residents to apply to Council to request that vegetation on Council road reserves and/or Council land directly abutting their property not be sprayed with chemical herbicides.

Policy

*Council is responsible for vegetation management within its road reserves. Management methods for the control of vegetation include **hand weeding**, slashing and the use of chemical herbicides to **eradicate** vegetation growing in the road reserve.*

Council acknowledges that there will be residents within the Shire that do not wish to have the frontage of their property sprayed with chemical herbicides due to a variety of reasons including registered organic farms and where residents have a medical condition where avoidance of spray is necessary.

Rural Roads - Council has responsibility for maintenance of Council owned or managed roadways. This includes, but may not be limited to, spraying verges, drains, woody weeds within the entire road reserve, around ends of culverts, marker posts and other street furniture. Declared weeds and other priority pest plants are a priority of Council to be controlled within the road reserve.

Urban Roads - Council endeavours to keep the roadway between the back edges of any kerb and the full width of footpaths free of vegetation. Additionally, Council endeavours to keep the road reserve free of declared weeds and priority pest plants in a prioritised manner which is consistent with Councils various weed management strategies.

Council Land - Council is required to manage declared and pest weeds in its reserves.

This policy applies to vegetation management on Council managed road reserves and Council land. Council will consider applications to cease spraying operations where Council road reserves and/or land abut private land on a case by case basis.

Note well: This Policy does not relate to Road Reserves managed by Main Roads WA and/or the Department of Parks and Wildlife.

Procedure

This policy will be administered by the Director of Infrastructure Services as part of the Council land and road reserves maintenance program.

Applications to be included within the No Spray Register

An advertisement shall be placed in the Denmark Bulletin, Walpole Weekly, and Corporate Website and via social media no later than 31 July each year advising that applications are invited for road reserve frontages and for the frontage of Council land directly abutting a person's land to be placed on the No Spray Register.

An application must be undertaken in writing on the approved application form and lodged with Council no later than 30 August each year. An application can only be applicable to the entire frontage of the resident's immediate property and for the area parallel to a distance of no greater than 10m.

In completing the application, the resident agrees to take over the responsibility for:

- controlling all National, State and Locally-listed pest plants;
- keeping the road frontage clear and/or tidy;
- keeping drainage and or paths free of obstruction and fully operational at all times; and,
- ensuring kerbs, footpaths and gutters are free of vegetation growth.

Removal of native vegetation must not occur without prior written approval from Council and in accordance with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004.

In considering an application, the following shall be taken into consideration:

- whether the adjoining land is used for certified organic vegetable/fruit production.
- existence of a medical condition in the household which may be exacerbated by exposure to herbicides or associated additives.
- The applicant has other mitigating circumstances that would warrant an area not being exposed to the use of herbicide chemicals.

Council reserves the right to reject any application on grounds that it is not within the overall interest of Council to include the area within the No Spray Register.

Upon acceptance or refusal of an application for the No Spray Register, Council Staff will reply in writing to the resident with the outcome.

Where the application is approved, Council Staff will add the property onto the No Spray Register. Applications are non-transferrable.

Residents who are not the landowner must provide written confirmation from the landowner that they do not object to the request.

If an application is refused, applicants will be informed in writing by Council Staff outlining the reasons for refusal. Applicants may reapply if they feel they can adequately address the concerns that caused Council Staff to refuse their initial application.

No Spray Register:

The register shall be in the form of an electronic spreadsheet detailing the residents' details, area to be excluded from herbicide chemical spraying and the date the application was approved and date of expiry.

Each application will have a valid period of two (2) years in which the applicant will have to reapply after that expiry date.

The register shall be maintained by Council's Infrastructure Services Directorate and be available in an appropriate Drive for all relevant staff to be able to access.

Failure to Comply

In agreeing to take over responsibility for managing Council's road reserves and/or Council land abutting the applicant's property, the applicant will maintain the above areas to the same standard that can be achieved by the herbicide control method. If Council's standards for management are not being met, the following will occur:

- Council will advise the applicant in writing that maintenance must occur within twenty one (21) days of the date of the correspondence;
- Failure by the applicant to conduct maintenance of the area within 21 days will result in Council undertaking, without further notice, any necessary work to reduce the vegetation; and,
- The applicant will be removed from the No Spray Register at the end of the twenty one (21) day period if the required maintenance has not been completed. The applicant may reapply at the next application period.

Roadside spraying and slashing tenders and contracts:

Council Staff shall include within all tenders and contracts for roadside spraying the advice that No Spray Zones have been established and provide a list of the areas to appointed contractors.

Council Staff shall ensure that roadside spraying contractors have acknowledged the No Spray Zones and ensure that the contractor does not breach the contract by spraying within the zones.

Responsible Officer

The Director of Infrastructure Services is the responsible officer for implementing this policy."

Budget / Financial Implications:

As the proposed Policy is consistent with current practice, there are known financial implications upon either the Council's current Budget or Long Term Financial Plan.

There is no fee or charge proposed with the assessment of any application under this proposed Policy, as the introduction of a fee or charge is, possibly contradictory, and/or counter intuitive to the reasons for introducing a "No Spray Register".

Strategic Implications:

The report and officer recommendation is consistent with Council's adopted Mission and Vision and assists achieve the following specific adopted Strategic Objectives and Goals.

SOCIAL OBJECTIVE - *Denmark's communities, people and places are connected and creative, vibrant and dynamic, healthy and safe.*

SOCIAL GOAL

Lifestyle: ...endeavour to maintain and improve the standards and style of living, together with the creative and vibrant culture, that residents and visitors have come to expect.

ENVIRONMENTAL GOAL

Natural Environment: ...acknowledge the importance of the natural environment to the residents of Denmark and the region, and works with residents and all relevant agencies to maintain a high standard of environmental protection and its integration with community life.

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

Adoption of such a Policy will have the intended effect of requiring the landowner or resident that chooses to, to accept responsibility for maintenance of their immediate verge via means acceptable to the individual, rather than the Council utilising herbicides.

➤ **Economic:**

Adoption of such a Policy will have the intended effect of requiring the landowner or resident, that chooses to, to accept responsibility for maintenance of their immediate verge via means acceptable to the individual, rather than the Council using its labour, plant, chemicals and/or contractors.

➤ **Social:**

Adoption of such a Policy will provide for the opportunity to be flexible in considering residents' different perspectives, and/or personal health circumstances, on the use of chemicals, whilst not undermining the aesthetics of the streetscape.

Comment/Conclusion:

All of the submitters support the proposed Policy, appreciating the option and many of them acknowledging that it was, more or less, the current practice of the Council.

One of the submitters suggested that the review period should be five (5) years rather than the advertised two (2) years with another suggesting that the policy should be amended to provide an option of Council hand weeding where practical rather than spraying or slashing.

Another submitter provided an alternative form that required the Council to provide guarantees to the submitter, however this suggestion has not been taken up.

The Policy to be adopted has retained the two (2) year review but has been amended to reflect that Council does indeed do hand weeding on its properties in addition to slashing and spraying.

Voting Requirements:

Simple majority.

Cr Lewis advised that on 18th Aug 2015 she had received the following comments from Mr Bart Lebbing and as a result provides an alternate motion:

"Hi Jan, i wanted to raise this issue too at Council, but can't be there unfortunately this afternoon. Roundup in its use directions, the user is told not to use it next to waterways, yet this Shire used it all along the Denmark River, with undoubtedly spray contaminating the water in the river. We are fortunate to have you on Council and bringing up important issues like this. I am very much intersted [sic] to get this product taken off the shelves in Australia. If possible could you forward my concerns to Council, and put in my apologies for not able to attend."

COUNCIL RESOLUTION	ITEM 8.5.1
MOVED: CR LEWIS	SECONDED: CR PEDRO
That with respect to the proposed No Spray Register Policy, that Council notes the submissions received and adopts it as detailed in the officer report under Policy Implications with the period of 2 years changed to 3 years.	
Furthermore Council acknowledges that IARC (the International Agency for Research on Cancer), part of WHO (the World Health Organisation), has found glyphosate to be 'probably carcinogenic to humans'. And, given the significance of these findings and the possible detrimental health effects it's continued usage could have on Shire workers and residents, it requests that the CEO research and implement other methods of weed control with the aim of phasing out the use of glyphosate as soon as practicable.	
LOST: 1/8	Res: 110815

Cr Lewis requested that her vote for the motion be recorded.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.5.1
MOVED: CR MORRELL	SECONDED: CR GILLIES
That with respect to the proposed No Spray Register Policy, Council notes the submissions received and adopts it as detailed in the officer report under Policy Implications.	
CARRIED: 8/1	Res: 120815

Cr Lewis requested that her vote against the motion be recorded.

8.5.2 REGIONAL PRICE PREFERENCE POLICY REVIEW
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File Ref:	ADMIN.2
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	10 August 2015
Author:	Dale Stewart, Chief Executive Officer
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	8.5.2 – City of Albany's Buy Local Policy (Regional Price Preference)

Summary:

This report considers Council's resolution at its meeting held on Tuesday, 28 July 2015 to review the application and stated objectives of the Council's current Regional Price Preference Policy.

Background:

In a letter addressed to the Shire President, dated 24 June 2015, the Denmark Chamber of Commerce (DCC) referred to a Special General Meeting they had held on 15 June 2015 and one of the motions which had been ratified by the DCC Board on 23 June 2015 was that the Shire of Denmark clarify their procurement process, their definition of a 'local supplier' and how the Shire considers and supports local business.

At its meeting held on 28 July 2015 Council resolved as follows (Resolution No. 250715);

"That Council request a report by the CEO on the current adopted Regional Price Preference Policy, and its application and stated objectives, given recent concerns expressed by local businesses and the Denmark Chamber of Commerce regarding local procurement practices of the Shire of Denmark."

At the same meeting Council resolved to enter into a Memorandum of Understanding with the City of Albany and the Shire of Plantagenet with respect to Strategic Regional Economic Development Plan for the purpose of furthering economic development in the sub-region (being Albany, Denmark & Plantagenet) and recognising that what is good for one is good for all.

Consultation:

The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal and considered Council's Community Engagement Policy P040123 and the associated Framework and given the impact that the Policy can have on local businesses, notwithstanding the advertising requirement pursuant to legislation, the Officer believes that any proposed amendment should be advertised extensively.

The Officer Recommendation also refers to seeking specific comment from the Denmark Chamber of Commerce, the Peaceful Bay Progress Association and the Nornalup Residents & Ratepayers Association.

Following the advertising and consultation period, the Policy, pursuant to Section 24E (4) of the Local Government (Functions & General) Regulations 1996 is to be referred back to Council to consider any submissions received prior to adoption.

Statutory Obligations:

The provisions of this part are derived from the empowering legislation, the Local Government Act 1995, Section 3.57;

3.57. *Tenders for providing goods or services*

- (1) *A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
- (2) *Regulations may make provision about tenders.*

Part 4A of the Local Government (Functions and General) Regulations 1996, added in February 2000, relates specifically to Regional Price Preference and is copied below.

Section 24E & 24F, in particular, state that Local Governments must create a Policy if it intends to give regional price preference(s) and the information which must be stated within the Policy.

Extract from the Local Government (Functions and General) Regulations 1996, Part 4;

24A. *Application of this Part*

The provisions of Part 4 may be varied in accordance with this Part, if the local government is located outside the metropolitan area and intends to give a regional price preference in accordance with this Part.

24B. *Terms used*

(1) In this Part —

regional price preference, in relation to a tender submitted by a regional tenderer, involves assessing the tender as if the proposed tender price were discounted in accordance with regulation 24D;

regional tenderer means a supplier of goods or services who satisfies the criteria in subregulation (2).

(2) A supplier of goods or services who submits a tender is regarded as being a regional tenderer for the purposes of this Part if —

- a) that supplier has been operating a business continuously out of premises in the appropriate region for at least 6 months before the time after which further tenders cannot be submitted; or*
- b) some or all of the goods or services are to be supplied from regional sources.*

24C. *Regional price preference may be given*

A local government located outside the metropolitan area may give a regional price preference to a regional tenderer in accordance with this Part.

24D. *Discounts permitted for regional price preferences*

(1) A preference may be given to a regional tenderer by assessing the tender from that regional tenderer as if the price bids were reduced by —

- a) up to 10% — where the contract is for goods or services, up to a maximum price reduction of \$50 000; or*
- b) up to 5% — where the contract is for construction (building) services, up to a maximum price reduction of \$50 000; or*
- c) up to 10% — where the contract is for goods or services (including construction (building) services), up to a maximum price reduction of \$500 000, if the local government is seeking tenders for the provision of those goods or services for the first time, due to those goods or services having been, until then, undertaken by the local government.*

- (2) *Although goods or services that form a part of a tender submitted by a tenderer (who is a regional tenderer by virtue of regulation 24B(2)(b)) may be —*
- a) *wholly supplied from regional sources; or*
 - b) *partly supplied from regional sources, and partly supplied from non-regional sources,*
- only those goods or services identified in the tender as being from regional sources may be included in the discounted calculations that form a part of the assessments of a tender when a regional price preference policy is in operation.*
- (3) *Despite subregulation (1), price is only one of the factors to be assessed when the local government is to decide which of the tenders it thinks would be most advantageous to that local government to accept under regulation 18(4).*

24E. Regional price preference policies for local governments

- (1) *Where a local government intends to give a regional price preference in relation to a process, the local government is to —*
- a) *prepare a proposed regional price preference policy (if no policy has yet been adopted for that kind of contract); and*
 - b) *give Statewide public notice of the intention to have a regional price preference policy and include in that notice —*
 - (i) *the region to which the policy is to relate; and*
 - (ii) *details of where a complete copy of the proposed policy may be obtained; and*
 - (iii) *a statement inviting submissions commenting on the proposed policy, together with a closing date of not less than 4 weeks for those submissions;*
 - c) *make a copy of the proposed regional price preference policy available for public inspection in accordance with the notice.*
- (2) *A regional price preference policy may be expressed to be —*
- a) *for different regions in respect of different parts of the contract, or the various contracts, comprising the basis of the tender;*
 - b) *for different goods or services within a single contract or various contracts;*
 - c) *for different price preferences in respect of the different goods or services, or the different regions, that are the subject of a tender or tenders (subject to the limits imposed by regulation 24D),*
- or for any combination of those factors.*
- (3) *A region specified under this Part —*
- a) *must be (or include) the entire district of the local government; and*
 - b) *cannot include a part of the metropolitan area.*
- (4) *A policy cannot be adopted by a local government until the local government has considered all submissions that are received in relation to the proposed policy and, if that consideration results in significant changes to the proposed policy, then the local government must again give Statewide public notice of the altered proposed regional price preference policy.*

24F Adoption and notice of regional price preference policy

- (1) *A policy cannot be adopted by a local government until at least 4 weeks after the publication of the Statewide notice of the proposed policy.*
- (2) *An adopted policy must state —*
 - a) *the region or regions within which each aspect of it is to be applied; and*
 - b) *the types and nature of businesses that may be considered for each type of preference; and*
 - c) *whether the policy applies to —*
 - (i) *different regions in respect of different parts of the contract, or the various contracts, comprising the basis of the tender;*
 - (ii) *different goods or services within a single contract or various contracts;*
 - (iii) *different price preferences in respect of the different goods or services, or the different regions, that are the subject of a tender or tenders, or to any combination of those factors.*
- (3) *An adopted policy cannot be applied until the local government gives Statewide notice that it has adopted that policy.*
- (4) *The local government is to ensure that a copy of an adopted regional price preference policy is —*
 - a) *included with any specifications for tenders to which the policy applies; and*
 - b) *made available in accordance with regulation 29 of the Local Government (Administration) Regulations 1996.*

24G. Adopted regional price preference policy, effect of

A local government that has adopted a regional price preference policy in relation to a certain type of contract may choose not to apply that policy to a particular tender in the future for a contract of that type but, unless it does so, the policy is to apply to all like tenders.

Although not clear (in the opinion of the author), the author does have concerns that the legislation seems to infer (or state), that such policies can only relate to purchases made by the local government through a 'tender' process.

In other words – it may not be able to be applied to ordinary and everyday 'purchases' not initiated pursuant to the quite explicit and detailed governing regulations and requirements relating to tenders (section 3.57 and the Local Government (Functions and General) Regulations 1996).

This view is consistent with the Council's current policy, however inconsistent, for example, to the City of Albany's policy which purports to relate to not just all tenders, but also all quotes that are over \$30,000 in value.

Policy Implications:

Council's current Regional Price Preference Policy (P040216) relates solely to tenders, and reads as follows;

Objective

To provide price preference to regional suppliers tendering for contracts with Council.

Policy

1. *Price preference will apply to all tenders invited by Council for the supply of goods and services and construction (building) services, unless Council resolves that this policy not apply to a particular tender.*
2. *The following levels of preference will be applied under this policy:*
 - a) *Goods and Services up to a maximum price reduction of \$50,000, 10% to businesses located within the Shire of Denmark, 5% to businesses located within the City of Albany and Shires of Plantagenet and the Walpole Ward of the Shire of Manjimup.*
 - b) *Construction (Building) Services up to a maximum price reduction of \$50,000. 5% to businesses located within the Shire of Denmark 2.5% to businesses located within the City of Albany and Shires of Plantagenet and the Walpole Ward of the Shire of Manjimup.*
 - c) *Goods and Services, including Construction (Building) Services up to a maximum price reduction of \$500,000, if Council is seeking tenders for the provision of those goods or services for the first time, due to those goods or services having been, until then, undertaken by Council. 10% to businesses located within the Shire of Denmark 5% to businesses located within the City of Albany and Shires of Plantagenet and the Walpole Ward of the Shire of Manjimup.*
3. *The levels of preference outlined in 2 above, will only apply to businesses that have been located within the local government areas specified for at least 6 months prior to the closing date of tenders.*
4. *Only those goods or services identified in the tender as being from regional sources will be included in the discounted calculation that forms a part of the assessment of a tender.*
5. *It should be noted that price is only one of the factors to be assessed when Council decides to accept the tender it thinks would be the most advantageous to accept.*

Council's Purchasing (Procurement) Policy (P040220) relates to purchases other than Tenders and states as follows;

Objectives

- *To provide compliance with the Local Government Act, 1995 and the Local Government Act (Functions and General) Regulations, 1996 (as amended in March 2007).*
- *To deliver a best practice approach and procedures to internal purchasing for the Shire of Denmark.*
- *To ensure consistency for all purchasing activities that integrates within all the Shire of Denmark operational areas.*

Why do we need a Purchasing Policy?

The Shire of Denmark is committed to setting up efficient, effective, economical and sustainable procedures in all purchasing activities. This policy:

- *Ensures that purchasing transactions are carried out in a fair and equitable manner.*
- *Strengthens integrity and confidence in the purchasing system.*
- *Ensures that the Shire of Denmark receives value for money in its purchasing.*
- *Ensures the Shire of Denmark is compliant with all regulatory obligations.*
- *Promotes effective governance and definition of roles and responsibilities.*

Ethics & Integrity

All officers and employees of the Shire of Denmark shall observe the highest standards of ethics and integrity in undertaking purchasing activity and act in an honest and professional manner.

The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:

- *full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;*
- *all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Shire of Denmark policies and code of conduct;*
- *purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently;*
- *Council reserves the right to give preference to local suppliers in accordance with Councils adopted Regional Price Preference Policy (refer Policy P040216).*
- *all processes, evaluations and decisions shall be transparent, free from bias;*
- *any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and*

Value for Money

Value for money is an overarching principle governing purchasing that allows the best possible outcome to be achieved for the Shire of Denmark. It is important to note that compliance with the specification is more important than obtaining the lowest price, particularly taking into account user requirements, quality standards, sustainability and life cycle costing.

An assessment of the best value for money outcome for any purchasing should consider:

- *all relevant whole-of-life costs and benefits whole of life cycle costs (for goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal.*
- *the technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality;*
- *financial viability and capacity to supply without risk of default.*
- *a strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable.*

Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.

Sustainable Procurement

Sustainable Procurement is defined as the procurement of goods and services that have less environmental and social impacts than competing products and services.

The Shire of Denmark is committed to sustainable procurement where appropriate and shall endeavour to provide a preference to goods, services and/or processes that minimise environmental and negative social impacts. Sustainable considerations must be balanced against value for money outcomes in accordance with these objectives.

Purchasing Thresholds

Where the value of procurement (excluding GST) for the value of the contract over the full contract period (including options to extend) is, or is expected to be:-

AMOUNT OF PURCHASE	POLICY
Up to \$5,000	Direct purchase from suppliers requiring only verbal quotations.
\$5,001 - \$19,999	Obtain at least two verbal or written quotations.
\$20,000 - \$39,999	Obtain at least two written quotations
\$40,000 - \$99,999	Obtain at least three written quotations containing price and specification of goods and services (with procurement decision based on all value for money considerations).
\$100,000 and above	Conduct a public tender process.

Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the \$100,000 threshold (excluding GST). If a decision is made to seek public tenders for Contracts of less than \$100,000, a Request for Tender process that entails all the procedures for tendering outlined in this policy must be followed in full.

Up to \$5,000

Where the value of procurement of goods or services does not exceed \$5,000, purchase in accordance with the budget and value for money principles. The use of verbal quotes is recommended. It is recommended to use professional discretion and occasionally undertake market testing by obtaining quotes to ensure competitiveness and best value is maintained.

This purchasing method is suitable where the purchase is relatively small and low risk. Purchase orders should be issued for all purchases with the exception of items purchased via petty cash and/or through a resolution of Council.

\$5,001 to \$19,999

At least two verbal or written quotations (or a combination of both) are required. On occasion this may not be practical e.g. due to limited suppliers.

The general principles for obtaining verbal quotations are:

- Ensure that the requirement / specification is clearly understood.
- Ensure that the requirement is clearly, accurately and consistently communicated to each of the suppliers being invited to quote.

Purchase orders should be issued for all purchases.

\$20,000 to \$39,999

For the procurement of goods or services where the value exceeds \$20,000 but is less than \$39,999, it is required to obtain at least two written quotes (commonly a sufficient number of quotes would be sought according to the type and nature of purchase).

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

Notes: The general principles relating to written quotations are;

- An appropriately detailed specification should communicate requirement(s) in a clear, concise and logical fashion.
- Invitations to quote should be issued where practical at the same time.
- Responses should be assessed for compliance and then value for money and all quote retained for record keeping purposes.
- The successful respondent should be advised in writing by the issue of a purchase order as soon as possible after the final determination is made and approved.

\$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.

Notes: The general principles relating to written quotations are;

- An appropriately detailed specification should communicate requirement(s) in a clear, concise and logical fashion.*
- Invitations to quote should be issued where practical at the same time.*
- Responses should be assessed for compliance and then value for money and all quote retained for record keeping purposes.*
- The successful respondent should be advised in writing by the issue of a purchase order as soon as possible after the final determination is made and approved.*

For this procurement range, the selection should not necessarily be based on price alone, and it is strongly recommended to consider some of the qualitative factors such as quality, stock availability, accreditation, time for completion or delivery, warranty conditions, technology, maintenance requirements, organisation's capability, previous relevant experience and any other relevant factors as part of the assessment of the quote.

Budget / Financial Implications:

There are no known major financial implications upon either the Council's current Budget or Long Term Financial Plan with respect to reviewing either of the policies. The cost of advertising the current Regional Price Preference Policy can be accommodated within Council's existing advertising budget however it is envisaged that the cost will be approximately \$2,000 due to the fact that Statewide notice is required pursuant to legislation.

Strategic Implications:

The report and officer recommendation is consistent with Council's adopted Mission and Vision and will in the officers' opinion be a key driver in assisting to achieve the following specific adopted Strategic Objectives and Goals.

Governance Objective - The Shire of Denmark provides renowned leadership in sustainability, is effective with both its consultation with its people and its management of its assets, and provides transparent and fiscally responsible decision making.

Co-operation & Community Input: ...acknowledge that it also has a regional role, and endeavours to work collaboratively with neighbouring local governments, the State Government and external organisations, whilst remaining responsive to the voice of its own community.

Sustainability Implications:**➤ Governance:**

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

➤ Environmental:

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

➤ **Economic:**

A Regional Price Preference Policy creates provisions which improves the ability of local suppliers to compete with non-regional suppliers and therefore has economic benefits for local businesses. Regional Price Preference is a means where local governments can assist supporting local businesses who may otherwise be 'costed out' of tenders due to the suppliers' limited ability to source materials and labour at a 'metropolitan' price.

➤ **Social:**

Assisting to maximise the goods, services and works purchased from competitive local businesses, in turn supports the businesses owners, who are generally local residents who live and work in the community. This in turn, supports the social fabric of Denmark by creating employment opportunities and maintaining the diversity of goods and services available, locally, to other residents, ratepayers and visitors.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council retain its existing Regional Price Preference Policy and in doing so is seen as breaching the spirit or intention of the new Economic Alliance with the City of Albany and Shire of Plantagenet.	Possible (3)	Minor (2)	Moderate (5-9)	Inadequate Engagement - Community / Stakeholders / Crs	Control through deferring until legal advice is obtained/
That Council amend its Regional Price Preference Policy to include purchasing not just tenders, and is subsequently considered to be ultra-vires (without power).	Possible (3)	Minor (2)	Moderate (5-9)	Inadequate Procurement, Disposal, Tender Practice	Control through seeking legal advice prior to amending.

Comment/Conclusion:

In the Officer's opinion, given the recent Strategic Regional Economic Alliance Memorandum of Understanding with the City of Albany and the Shire of Plantagenet and the Denmark Chamber of Commerce's concerns relating to Council's procurement, a review of the current Regional Price Preference Policy and Purchasing Policy would be beneficial.

The City of Albany for example, treats all businesses in the Shire of Denmark as equal to those businesses in the City of Albany and, indeed, to those in their adjoining local authorities of Plantagenet, Jerramungup and Gnowangerup.

The Shire of Plantagenet conversely, has no adopted Regional Price Preference Policy and therefore cannot apply price discounts to its purchasing practices.

The strategic observation appears to be to refer the issue (of review of each of the three local governments Regional Price Preference Policies) to the Alliance as a 'first' realisable objective. Whilst each of the local authorities has different adjoining neighbours - ourselves with Manjimup; Plantagenet with Cranbrook; and Albany with Jerramungup and Gnowangerup; there is merit, in the opinion of the author, in the Council's having 'similar', if not consistent, policies.

The question that has to be asked, is that if the Shire of Denmark, with its 'purchasing power' continued with its current policy of price preference over businesses located in the City of Albany, and the City subsequently reviewed its Policy to no longer give equal price preference to businesses located in the Shire of Denmark, which economy would be the poorer?

That said – the author is of the opinion that the Council (and / or Alliance) need first obtain advice from the Department of Local Government and Communities, or failing, that, appropriate legal counsel, on the question of whether Part 4A of the Local Government (Functions and General) Regulations 1996, can provide Council with the authority to adopt a Regional Price Preference to purchases other than tenders.

Voting Requirements:

Simple majority.

5.48pm – Cr Morrell left the room.

5.49pm – Cr Morrell returned to the room.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.5.2a
MOVED: CR SAMPSON	SECONDED: CR SEENEY
That Council, with respect Regional Price Preference Policies generally, refer the matter to the Albany, Denmark and Plantagenet Strategic Regional Development Alliance to;	
1. Obtain advice from the Department of Local Government and Communities, or failing that, appropriate legal counsel, on the question of whether Part 4A of the Local Government (Functions and General) Regulations 1996, provides authority to adopt a Regional Price Preference to purchases other than tenders; and	
2. Subject to the outcome of Part 1., request the Alliance to consider the preparation and recommendation to each authority of a consistent Policy across the three local authorities.	
CARRIED UNANIMOUSLY: 9/0	Res: 130815

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.5.2b
MOVED: CR SAMPSON	SECONDED: CR MORRELL
That Council, with respect to its current Regional Price Preference and Purchasing Policies, refer them to the Denmark Chamber of Commerce for comment on any inadequacies and or improvements that the Chamber might suggest on behalf of its members and advise that the Council's CEO and Director of Finance and Administration are willing to meet with the Board in addressing such concerns or opportunities.	
CARRIED UNANIMOUSLY: 9/0	Res: 140815

8.5.3 SPONSORSHIP REQUEST – GREAT SOUTHERN FAIR FOOD FESTIVAL
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File Ref:	PBR.10
Applicant / Proponent:	Community Food Events
Subject Land / Locality:	Albany Town Square, Albany WA
Disclosure of Officer Interest:	Nil
Date:	10 August 2015
Author:	Claire Thompson, Executive Assistant
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	8.5.3 – GSFFF Proposal & Sponsorship Package Information

Summary:

Community Food Events have written to Council seeking sponsorship for a Great Southern Fair Food Festival (GSFFF) to be held at the Albany Town Square on Sunday, 4 October 2015, which will benefit the local Denmark community by further promoting 'shop local' and increasing community awareness concerning food security. Five (5) of the 18 stallholders are local Denmark businesses and community groups.

Background:

Community Events Food are a not for profit events management group, run by volunteers, based in the Great Southern who focus on events that promote food security and local food initiatives. This year's GSFFF is the inaugural event however the group is hoping to make it an annual, regional festival.

Community Events Food have been operating for approximately 12 months and have indicated that they are working towards becoming incorporated so that they can source grants for future events that they facilitate in the great southern.

Consultation:

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

There are a number of other organisations, including the WA College of Agriculture, the Great Southern Wine Producers Association and Green Skills who have indicated their support for the event.

Statutory Obligations:

There are no known statutory obligations.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

There are three tiers of sponsorship detailed within the Sponsorship Package (refer Attachment 8.5.3). The Officer recommends that Council opt for Level 2 tier and has recommended that Council offer \$1,000 towards the event. These funds can be accommodated in the 2015/16 Budget under Donations (GL1410082).

Strategic Implications:

The report and officer recommendation is consistent with Council's adopted Mission and Vision and will in the officers' opinion be a key driver in assisting to achieve the following specific adopted Strategic Objectives and Goals.

ECONOMIC OBJECTIVE - Denmark's economy is diverse and vibrant - its primary industries of tourism and agriculture rely on and enjoy natural and other assets that are sensibly managed and promoted.

ECONOMIC GOALS

Agriculture: ...acknowledge agriculture as a diverse and prominent industry in the region, and implements and advocates for policies and strategies that will assist farming to improve its effectiveness and viability.

Employment: ...identify the key economic drivers in the region and develop, implement and advocate for policies that will provide and assist viable and acceptable employment opportunities for residents and ratepayers.

Tourism: ...acknowledge the importance of tourism to the region, and, by innovative policies, practices and partnerships, facilitates and encourages the greater year-round sustainability of tourism, whilst monitoring and managing its impacts.

GOVERNANCE GOAL

Co-operation & Community Input: ...acknowledge that it also has a regional role, and endeavours to work collaboratively with neighbouring local governments, the State Government and external organisations, whilst remaining responsive to the voice of its own community.

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

Whilst not related directly to the request for sponsorship, Community Food Events, focus is on promotion of food security and sustainable food growing.

➤ **Economic:**

The GSFFF provides an opportunity for local producers to meet and network with other local producers and businesses within the Great Southern, which creates potential for future business growth by developing relationships with industry suppliers and consumers. In the Officer's opinion, the event will provide a platform to showcase the wares of the Great Southern, broadening promotion of our region.

➤ **Social:**

There are some social implications related to supporting a regional event which provides an opportunity for people from different local government areas with similar interests to come together and collaborate.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not agree to sponsor the Great Southern Food Fair Festival.	Unlikely (2)	Insignificant (1)	Low (1-4)	Not Meeting Community expectations	Accept Risk

Comment/Conclusion:

The GSFFF is a not-for-profit event that aims to:

- Generate awareness concerning food security in the Great Southern;

- Support and develop networks between producers, local businesses, organisations with the community and amongst consumers;
- Increase community participation in local food initiatives;
- Celebrate our existing local food economy.

Activities at the event include Chefs displaying great southern produce and wine tastings, share plates and opportunities for attendees and participants to engage with educational and industry speakers. The event also offers the chance to meet and network with local producers, businesses and community groups working to achieve sustainable food outcomes in the Great Southern.

Level 2 sponsorship entitles the Council to the following in relation to the event;

- Business logo included on promotional material, including A0 posters;
- Verbal mention and thank you at the GSFFF Event and radio media;
- Inclusion in social media promotion via the Community Food Events page.

There is no indication that if Council chose not to support the event that it would negatively impact on its facilitation or success however, in the Officer's opinion, this is a great opportunity for the Shire of Denmark to show its support for not only the local businesses and organisations involved but regional food production in general.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION		ITEM 8.5.3
MOVED: CR SEENEY	SECONDED: CR MORRELL	
That Council agree to the request from Community Food Events Council to sponsor the Great Southern Fair Food Festival to be held on Sunday, 4 October 2015, given the stated benefits to local businesses with respect to supporting and developing networks between producers, organisations and consumers.		
CARRIED UNANIMOUSLY: 9/0		Res: 150815

9. COMMITTEE REPORTS & RECOMMENDATIONS

Nil

10. MATTERS BEHIND CLOSED DOORS

Nil

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

Nil

5.56pm - 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.

12. CLOSURE OF MEETING

5.57pm – There being no further business to discuss the Presiding Person, Cr Ross 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: _____

These minutes were confirmed at the meeting of the _____

Signed: _____

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