



ORDINARY MEETING OF COUNCIL

TO BE HELD IN THE COUNCIL CHAMBERS,
953 SOUTH COAST HIGHWAY, DENMARK ON
TUESDAY, 22 MARCH 2016, COMMENCING AT 4.00PM.

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Ordinary Council Meeting

22 March 2016

DISCLAIMER

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

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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

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

MEMBERS:

Cr David Morrell (Shire President)
 Cr Kelli Gillies (Deputy Shire President)
 Cr Yasmin Bartlett
 Cr Ceinwen Gearon
 Cr Jan Lewis
 Cr Roger Seeney
 Cr Rob Whooley
 Vacant x 2

STAFF:

Mr Cliff Frewing (Chief Executive Officer)
 Mr Kim Dolzadelli (Director of Finance & Administration)
 Mrs Annette Harbron (Director of Planning & Sustainability)
 Mr Gilbert Arlandoo (Director of Infrastructure Services)
 Ms Claire Thompson (Executive Assistant)

APOLOGIES:

Mr Gregg Harwood (Director of Community & Regulatory Services)

ON APPROVED LEAVE(S) OF ABSENCE:

Nil

ABSENT:

Nil

VISITORS:

Members of the public in attendance at the commencement of the meeting: 34
 Members of the press in attendance at the commencement of the meeting: Nil

DECLARATIONS OF INTEREST:

| Name | Item No | Interest | Nature |
|---------------|---------|--------------|---|
| Mr Dolzadelli | 8.4.7 | Impartiality | Mr Dolzadelli declares an Impartiality Interest in so much that the CEO of DTI and he are partners. |
| Cr Morrell | 8.4.6 | Impartiality | Cr Morrell is co-owner of another medical office in Denmark. |
| Cr Bartlett | 8.4.7 | Impartiality | Cr Bartlett is a board member of Denmark Tourism Inc. |
| Cr Seeney | 8.4.2 | Impartiality | Cr Seeney is a member of the Denmark Historical Society Inc. |

3. ANNOUNCEMENTS BY THE PERSON PRESIDING

Nil

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4.1.1 Mr Brian Humphries - Item 4.2.23 (Dams Policy), Item 4.2.24 (Safety Fencing) and Item 4.2.25 (Tender 1-2015/16 – Quarrying, Crushing and Loading of Agricultural Lime)

At the meeting held on 1 March 2016 Mr Humphries made comment and raised a number of questions which were taken on notice. The written responses provided to Mr Humphries are copied below;

“Dams Policy

Question 1 - In regards a “Conditional Development” planning approval for a new dam, does the Shire’s “approval” also give approval to the “construction”?

Question 2 - Can you please describe all the essential detail that you would expect a proponent to include in the application so as to enable Planning Services to review and approve the engineering detail for a Conditional Development dam proposal?

Response:

- *The issuance of development approval for a dam does not specifically approve the “construction method” for the dam; the approval approves the location, size, spillway considerations etc – noting that there is no specific state legislation dealing with dam construction and safety requirements (extract taken from Water & Rivers Commission Water Facts #5 “Taking Water from Streams and Lakes: Information for Landholders”). The Water Facts #5 note goes on to state:*

“The Water & Rivers Commission does not consider dam safety in approving a permit application. As part of the considerations of building a dam, you need to be fully aware of the legal implications under common law. If a dam fails, then the owner of that dam may be liable for the cost of the damage including personal injury, property and stock loss or damage, loss of income, and road repairs and restoration of the stream channel.”

- *The Shire does not approve the engineering detail for the dam construction; details of the spillway location and where the overflow is directed to should form part of the development application for assessment purposes.”*

“Safety Fencing

Question 1 - Can you please advise why the Shire has not required the proponents of the Adventure Park to have the large unprotected dam on the property that will be exposed to the public fenced with child-safe fencing?

Question 2 - Similarly, can you please advise why the Shire has not required the owners of an abandoned dam at #13 Fowler Place (off Peace St in the old Walnut Grove Estate) to also have the abandoned dam on that property fenced with child-safe fencing? Alternatively, would the Shire consider having the dam demolished as it is in a Residential Zone, it is not fenced, it is accessible to the public and is a potential public liability risk if it were to breach that would expose

the public in the area of the Old Butter Factory and along Millers Creek in front of the Old Hospital?

Response:

- *Having regard to the Building Regulations 2012, a dam that is not used for the purpose of swimming, wading or like activities is not classified as a 'private swimming pool' thus there is no requirement to fence.*
- *The landowner of a site that contains a dam may choose to fence their own dam, this is not a requirement of the Shire.*
- *The dam referenced in Question 2 is located on private property (refer comment below on what property it is actually located on) and therefore if members of the public were to access it, they would be technically trespassing.*
- *The subject land is zoned Special Residential (SRes 4) not Residential.*
- *The dam was the original 'farm dam' on-site prior to the area being subdivided; noting when the area was developed the dam was acknowledged as "to be retained within private property".*
- *The facilities referred to are 2.4 kilometres away (straightline) and although the Shire does not have accurate details of depth of the dam, if it was only 3m deep (which is unlikely looking at the street view from Google Earth) then the overall holding capacity is approximately 4050m³ so this would not "flood" the area as referred to if the dam was breached. Public Liability is a matter for the owner to consider.*
- *13 Fowler Place is mentioned however it should be "Flower Place". The dam referred to is actually located on 4 Walnut Grove."*

"Lime Quarry

Question 1 - Why Council is now limiting the new contractor to a depth of 5 metres when quite clearly the existing pit has been excavated to what appears to be about 30 to 40 metres in depth?

Response: Extraction of limesand from the Ocean Beach Quarry is approved for a pit depth of approximately 5m as per Ministerial Statement 521. The lease agreement (Tenement M 70/1038) confines mining on reserves to a depth of 15m from the natural surface. The variation has been referred to the Environmental Protection Authority and the Department of Mines for advice.

In line with the Environmental Management Plan for Stage 2 – continuation of limesand mining will operate under a restriction of excavation to 5m depth.

Question 2 - Has the Mines Department changed the terms of the lease agreement?

Response: No.

Question 3 - What were the old Terms and what are the new?

Response: The terms of the lease agreement have not changed.

Question 4 - Can you please advise if the old and new Lease Agreement(s) are in the public domain?

Response: There is no new lease."

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 Mr Don Millar – Former Infant Health Clinic Building

Mr Millar expressed his concern that the former Infant Health Clinic Building was destined for demolition stating that he believed that it was the wrong decision. Mr Millar stated that he believed that the heritage value of the building was very important to the community and that Council needed to consider the value not only to the current community but to future generations.

4.2.2 Mr Fred Moreno – Item 8.5.2 (Denmark East Development Precinct – Grant Funding and Project Management)

Mr Moreno, President of the Denmark Airport Association, expressed his support for the project noting that he believed that an additional bridge would be important should there ever be a catastrophic event in Denmark, particularly during a peak tourist season. Mr Moreno detailed the Association's recent upgrades to the water bombing filling capacity at the Airport highlighting the importance of ensuring that Denmark was prepared for any major bushfire event.

The Shire President expressed his thanks to Mr Moreno, the Association and all those who assisted with the recent water bomber filling upgrades noting that the initiative and the volunteers' efforts were very much appreciated.

4.2.3 Mr Lez Baines – Item 8.5.2 (Denmark East Development Precinct – Grant Funding and Project Management)

Mr Baines, Deputy Chief Bush Fire Control Officer, expressed his support for the additional bridge with respect to emergency evacuation and emergency response, in the event of a major bushfire event.

4.2.4 Mr Neville Kelly – Item 8.5.2 (Denmark East Development Precinct – Grant Funding and Project Management)

Mr Kelly expressed concern regarding heavy vehicles from the new Light Industrial Area using the new bridge on East River Road which ran through residential areas noting that he believed it would be better to keep the heavy vehicle traffic on Main Roads roads and not Shire maintained roads. Mr Kelly also noted that he was aware that the Shire Depot was proposed to be relocated to the new Light Industrial Area and asked whether the cost of that relocation was included in the funding.

The Shire President responded stating that East River Road was not designed for heavy vehicles and Main Roads would not permit heavy vehicles to have access along East River Road to the Light Industrial Area. Cr Morrell stated

that most heavy traffic would likely access the Light Industrial Area via the Highway or Denmark-Mount Barker Road and not through East River Road. Cr Morrell added that the relocation of the Shire Depot was not included in the funding.

Mr Kelly asked where the funding for the relocation would then come from.

Cr Morrell responded that Council would provide the required funding through the Budget process in approximately two years time.

4.2.5 Mrs Bev McGuinness – Former Infant Health Clinic Building

Mrs McGuinness spoke on behalf of the Denmark Historical Society stating that she would like to see the heritage building preserved and provided some historical information about the building. Mrs McGuinness stated that she believed that there would be a number of community groups who would make good use of the building and requested Council reconsider its decision and protect the building.

4.2.6 Mr Joss Harman – Item 8.5.2 (Denmark East Development Precinct – Grant Funding and Project Management)

Mr Harman, a resident of East River Road, referred to references made regarding genuine community consultation about the matter and asked whether this would still be the case.

The Shire President responded that further community consultation would occur in relation to the location of the bridge.

Mr Harman asked if Council would take the views expressed during the consultation into consideration.

The Shire President stated that he had already responded to Mr Harman's questions previously in an email noting that he understood Mr Harman's concerns. Cr Morrell stated that Council would advocate for minimal impact on residents and that the final decision of Council would be in the interests of the whole community.

The Chief Executive Officer added that the project had been included in the Local Planning Strategy which the Council had adopted five years earlier. Mr Frewing stated that there would be further consultation regarding the alignment of the bridge and any comments or submissions received would be taken into account by the Council.

4.2.7 Ms Beverley Ford – Former Infant Health Clinic Building & Item 8.5.2 (Denmark East Development Precinct – Grant Funding and Project Management)

Ms Ford stated that she had only found out about the proposed demolition of the former Infant Health Building two days earlier and was concerned that extensive community consultation seemed to have not been done. Ms Ford stated that she believed that there was a difference between consultation and having a conversation and that these types of matters required conversations with community and not just Council letting the community know what they had already decided.

Ms Ford referred to the financial contributions table in Item 8.5.2 and questioned the amount shown as contingency.

The Chief Executive Officer advised that it was usual for projects to have a contingency and the table shows the contribution required to be made by Council if the contingency is not used.

With respect to the former Infant Health Clinic Building, the Chief Executive Officer stated that there had been a Plane Tree Precinct Working Group some years ago which had included representatives from a number of community organisations. Mr Frewing noted that it had been unfortunate however that the Denmark Historical Society had not had representation on the Working Group.

4.2.8 Mr Brian Humphries – Lime Quarry

Mr Humphries stated that he had a number of questions and asked whether they could be taken on notice.

The Shire President responded that questions would be answered at the meeting if possible rather than taking them on notice.

Mr Humphries referred to the Minutes of 1 March 2016 stating that there was a resolution for Item 11.1 which did not include reasons for change.

The Chief Executive Officer referred to the Minutes stating that reasons for change for the Council Resolution had been recorded.

Mr Humphries stated that he disagreed.

Mr Humphries referred to a representative of Denmark Earthmoving, one of the tenderers, requesting Council's support for the tender at the meeting during public question time. Mr Humphries referred to one of the conditions of tender which stated that any tenderer who directly or indirectly canvasses support from an elected member or officer being disqualified. Mr Humphries asked why this had been allowed.

The Chief Executive Officer stated that there was nothing preventing a tenderer from addressing the whole Council in the presence of members of the public.

Mr Humphries noted that he disagreed and referred to Item 4.1.1 and the Chief Executive Officer's response to his first question in relation to the Lime Quarry stating that he believed it to be ambiguous.

The Chief Executive Officer stated that he did not believe the response to be ambiguous and iterated that the matter had been referred to the relevant Department for advice.

Mr Humphries referred to the Tenement Agreement that the Shire was required to rehabilitate the site, stating his estimate of the volumetric capacity was 200,000 cubic metres. Mr Humphries asked whether the Shire had any volumetric data to confirm or disagree with his estimate.

The Chief Executive Officer stated that he would take the question on notice and respond to it in writing.

Mr Humphries stated that he had been informed that the contractor was not issuing weighbills and that this was causing concern for drivers and farmers

who may question the capacity of loads delivered. Mr Humphries asked whether the Shire would consider enforcing the requirement for three copies of weighbills and whether the Shire had done any spontaneous inspections or audits to identify any trucks leaving the pit without weighbills.

The Chief Executive Officer stated that he would take the question on notice and respond to it in writing.

Mr Humphries asked why there was a rule that trucks loaded with lime were not permitted to travel along Ocean Beach Road after 3pm whereas other trucks loaded with sand or other materials were.

The Shire President stated that the restriction was put onto the Shire's lime contractor but did not apply to other businesses which have their own rules. Cr Whooley offered some clarification on the matter regarding permit vehicles.

Mr Humphries asked whether some signage could be erected at the Lime Quarry with respect to this rule so that truck drivers were aware of the time restrictions.

The Shire President acknowledged that some signage at the Quarry could be looked at.

Mr Humphries stated that he believed that the Shire was handing the pit contractor a list of all names of previous carriers, customers and farmers which he had been informed was causing some angst and conflict between past carriers and the pit operator. Mr Humphries stated that if this was the case then it could be perceived that the pit operator was gaining a potential competitive advantage. Mr Humphries asked whether the Shire could look at ensuring full transparency and stopping this practice and replace the list of names with a numbered list as he understood had been adopted in past years.

The Shire President stated that the question would be taken on notice and responded to in writing.

Mr Humphries asked whether the Shire could look at issuing the tender earlier in future years so that crushing and stockpiling can be commenced earlier ready for deliveries to start from February onwards.

The Shire President responded stating that Officers were looking at longer term tenders.

4.2.9 Mr John Schindler – Request for Signage and Item 8.5.2 (Denmark East Development Precinct – Grant Funding and Project Management)

Mr Schindler stated that he had recently sent in a request for a sign directing people to the parking at the northern end of Strickland Street but had been advised that the sign was not required.

Mr Schindler referred the proposed bridge noting that the road to Albany was still only two lanes which would cause congestion anyway should there be an evacuation required for Denmark.

4.2.10 Mr Raymond Wyle – Item 8.5.2 (Denmark East Development Precinct – Grant Funding and Project Management)

Mr Wyle referred to a Council decision some years ago with respect to upgrading the Churchill Road Bridge and asked why this had never been done.

The Shire President noted that the upgrade was still required and that the Council were lobbying for some funding to assist with the cost of the works.

Cr Seeney added that there was a possibility that some funds would be available in 2018/19 and that Council would be required to contribute to the costs.

4.2.11 Ms Josie Mitchell – Item 8.5.2 (Denmark East Development Precinct – Grant Funding and Project Management)

Ms Mitchell referred to the costings listed in the Officer Report, in particular the reference to the allocation of Roads to Recovery funding allocations. Ms Mitchell asked how other road maintenance would be done if all of the allocation was put towards this project.

The Shire President stated that road maintenance would still be done as it comes out of the Council's road maintenance budget and that Roads to Recovery money was used for major road upgrades not maintenance.

Ms Mitchell referred to the contingency amount listed in the table within the report and stated that she believed that often projects ran over budget. Ms Mitchell asked who would be paying for the overrun in the event that there was one.

The Chief Executive Officer stated that the Business Case and the figures therein were prepared in order to submit a proposal to attract \$14.3m of funding from the State Government. There were some components of the Business Case, such as Main Roads funding and sale of land which were projections and not detail as such. Mr Frewing stated that at this early stage it would be irresponsible to start talking about over runs.

The Shire President added that there would be more detail in the future and there was generally opportunities to stage particular components of the project should it be required.

Ms Mitchell referred to the cost benefits section of the Business Case noting that it stated that some of the engineering estimates had been provided by Council Staff. Ms Mitchell stated that she believed that the Council's Director of Infrastructure Services had been dismissed at the time and asked who then would have provided the estimates.

The Shire President responded that there were still two technical staff employed at the time.

The Chief Executive Officer advised that the Council's Infrastructure Services Staff had provided some information as well as an external engineering consultant firm. Mr Frewing added that LandCorp had also reviewed the costings and the Main Roads WA had provided information on the bridge costings. Mr Frewing stated that he was confident that the information was sufficient at this stage of the project.

Ms Mitchell stated that the matter should be the subject of further community consultation and that community consultation was only valid if Council listened.

4.2.12 Ms Jan Axe – Item 8.5.2 (Denmark East Development Precinct – Grant Funding and Project Management)

Ms Axe expressed her support for the additional bridge particularly for the purpose of public safety. Ms Axe stated that she believed that the Local Planning Strategy had been through a rigorous process prior to adoption by the Council and endorsement by the Western Australian Planning Commission.

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.

4.4.1 Denmark Weed Action Group

Ms Harwood from the Denmark Weed Action Group gave a presentation on their group's work within the Shire of Denmark.

5. APPLICATIONS FOR FUTURE LEAVE OF ABSENCE

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

6. CONFIRMATION OF MINUTES

6.1 ORDINARY COUNCIL MEETING

OFFICER RECOMMENDATION

ITEM 6.1

That the minutes of the Ordinary Meeting of Council held on the 1 March 2016 be confirmed as a true and correct record of the proceedings, subject to the following amendments;

1. Page 31 – After Resolution Number 070316 add the following words,
“Pursuant to Resolution No. 031115 all Councillors’ votes on the above resolution are recorded as follows;
FOR: Cr Morrell and Cr Seeney.
AGAINST: Cr Gearon, Cr Gillies, Cr Whooley, Cr Bartlett and Cr Lewis.”

2. Page 31 – After Resolution Numbers 080316 add the following words,
“Pursuant to Resolution No. 031115 all Councillors’ votes on the above resolution are recorded as follows;
FOR: Cr Gearon, Cr Gillies, Cr Whooley, Cr Bartlett and Cr Lewis.
AGAINST: Cr Morrell and Cr Seeney.”

COUNCIL RESOLUTION

ITEM 6.1

MOVED: CR GILLIES

SECONDED: CR GEARON

That the minutes of the Ordinary Meeting of Council held on the 1 March 2016 be confirmed as a true and correct record of the proceedings, subject to the following amendments;

1. Page 8 – With respect to item 4.2.18 – add the words *“but no details of the business case were provided.”*
2. Page 31 – After Resolution Number 070316 add the following words,
“Pursuant to Resolution No. 031115 all Councillors’ votes on the above resolution are recorded as follows;
FOR: Cr Morrell and Cr Seeney.
AGAINST: Cr Gearon, Cr Gillies, Cr Whooley, Cr Bartlett and Cr Lewis.”

3. Page 31 – After Resolution Numbers 080316 add the following words,
“Pursuant to Resolution No. 031115 all Councillors’ votes on the above resolution are recorded as follows;
FOR: Cr Gearon, Cr Gillies, Cr Whooley, Cr Bartlett and Cr Lewis.
AGAINST: Cr Morrell and Cr Seeney.”

4. Page 42 – Correct the Reasons for Change by replacing the words *“Historical reliability and the ability to meet administrative arrangements”* with *“For continuity reasons and that the Denmark community would benefit to a greater extent by awarding the tender to local firm and because of historical reliability and the ability to make administrative arrangements, Denmark Earthmoving should be awarded the tender.”*

CARRIED UNANIMOUSLY: 7/0

Res: 140316

6.2 STRATEGIC BRIEFING NOTES

| | |
|--|-----------------------|
| COUNCIL RESOLUTION & OFFICER RECOMMENDATION | ITEM 6.2 |
| MOVED: CR SEENEY | SECONDED: CR BARTLETT |
| That the Notes of the Strategic Briefing Forum held on the 1 March 2016 be received. | |
| CARRIED UNANIMOUSLY: 7/0 | Res: 150316 |

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 TEMPORARY CLASSROOM FOR SPIRIT OF PLAY COMMUNITY SCHOOL – PTN OF – NO. 2 (LOT 952) INLET DRIVE, DENMARK |
| File Ref: | A5598 |
| Applicant / Proponent: | Spirit of Play Community School Council |
| Subject Land / Locality: | No. 2 (Lot 952) Inlet Drive, (Reserve 30277) |
| Disclosure of Officer Interest: | Nil |
| Date: | 10 March 2016 |
| Author: | Annette Harbron, Director of Planning & Sustainability |
| Authorising Officer: | Annette Harbron, Director of Planning & Sustainability |
| Attachments: | 8.1.1a – Development Application Documentation 8.1.1b – Adopted Concept Plan for Denmark Historical Railway Station Precinct 8.1.1c – Draft Variation of Lease |

Summary:

The lessee (Spirit of Play Community School Inc.) is seeking to formally lodge for development approval for a temporary classroom for the Spirit of Play Community School which is located on portion of No. 2 (Lot 952) Inlet Drive, Denmark (being Reserve 30277).

As per the provisions of the lease and the Shire of Denmark’s Procedure *OP040239: Construction of New or Significant Alternations to Building Structures on Council Land*, owner approval of the proposed development is required to be obtained prior to formal assessment of a Planning Application. In this regard, as per Delegation 130311: *Building Structures on Council Land*, the Chief Executive Officer only has delegation to sign on behalf of Council as the landowner for minor developments (defined as gazebos, verandahs, sheds and fences), with all major development applications to be referred to Council for Council consideration.

In addition to the proposal for a new classroom, there is also a request for an additional 752m² of land to be leased to the school to provide additional play space required for the school in lieu of the area lost by the new building.

Having regard to the proposal for the temporary classroom and the relevant provisions of the lease, the adopted Concept Plan for the Denmark Historical Railway Station Precinct and Town Planning Scheme No. 3, it is appropriate that Council consent to the application in its capacity as landowner. This then provides the ability for the lessee to formally lodge the development application and provide for formal assessment in due course.

In relation to the additional lease land request, a draft Variation of Lease is required to extend the leased area.

Background:

Development Application

An application for Development Approval was lodged with Planning Services in February 2016 for a temporary classroom for the Spirit of Play Community School on portion of No. 2 (Lot 952) Inlet Drive, Denmark (being Reserve 30277). Attached as Attachment 8.1.1a is the development application documentation submitted to date.

Upon receipt of the Development Application, Planning Services advised the applicant that the Development Application was deemed incomplete until such time as the landowner (being the Shire of Denmark) has signed the development application form, and that as per the provisions of the lease (being Clause 3.5(a) Alterations and Improvements) pertaining to the site and the Shire of Denmark's Procedure *OP040239: Construction of New or Significant Alternations to Building Structures on Council Land*, owner approval of the proposed development is required to be obtained prior to formal assessment of a Planning Application. In this regard, as per Delegation 130311: *Building Structures on Council Land*, the Chief Executive Officer only has delegation to sign on behalf of Council as the landowner for minor developments (defined as gazebos, verandahs, sheds and fences), with all major development applications to be referred to Council for Council consideration.

Previous Council Resolutions Regarding Lease & Use of Land

At its meeting held on 25 September 2012, Council considered a request to extend the Lessee's leased area and resolved as follows (Resolution No. 160912);

"That with respect to Wilgie View Learning Centre Inc.'s (Spirit of Play Community School) request to extend their lease area of a portion of Reserve 30277, 952 Crellin Street, Denmark, Council advise the applicant that;

- 1. Approval is granted to amend the lease area to include the existing storage shed (erected pursuant to Council Resolution No. 110210) and the septic tanks (approximately 170sqm), which will allow them to provide sufficient soft fall area around the existing playground equipment; and*
- 2. Council accepts the offer for the applicant to relocate the boundary fence at their expense, at no cost to Council, however advises that prior to the applicant undertaking these works, the applicant must obtain agreement from the Council's Chief Executive Officer as to the type of fence and its final position so as to coincide with their extended new lease area."*

At its meeting held on 27 May 2014 Council resolved as follows (Resolution No. 240514);

"That with respect to the draft Denmark Historical Railway Station Precinct at the Denmark No. 3 Railway Station Reserve, Council;

- 1. Adopt the Concept Plan with amendments as shown in Attachment 8.5.1d;*
- 2. Initiate the public advertising process regarding closure of the three (3) unmade road reserves being at the west and south side of Lot 1083 and at the south, western side of Reserve 30277;*
- 3. Request the Minister for Lands to excise Lot 1083 from Reserve 14376 and amalgamate it into Reserve 30277;*
- 4. Request the Minister for Lands to excise a portion of Lot 1086 from Reserve 15513 and amalgamate it into Reserve 30277 and adjust the road reserve to match the existing built road alignment;*
- 5. Provide a copy of the final Concept Plan to all current Lessees and known Stakeholders;*

6. *Advise the Spirit of Play that it has amended the plan such that the label of the building that they currently lease is titled "Old Post Office Building" so as to provide clarity that it is Council's view that an expanded community school at the site is not a long term complementary use at the Heritage Precinct."*

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 on this specific matter; noting that if Council consent to the development application being lodged then the development application will be referred to the Denmark Historical Society for comment as per Town Planning Scheme Policy No. 45: Planning Application Process for Heritage Places.

Statutory Obligations:

Clause 3.5a of the lease between Spirit of Play Community School Inc. and the Shire of Denmark (which expires on 30 November 2018) states:

Alterations and Improvements

Not to erect and build or permit or cause to be erected or built on the Leased Premises any buildings or improvements or to make any alterations or additions to the buildings or other improvements without the prior written approval of the Lessor and then only in strict accordance with plans and specifications first approved of in writing by the Lessor.

Consequently, and moreso having due regard to the Shire's Procedure *OP040239: Construction of New or Significant Alternations to Building Structures on Council Land* and related Delegation 130311: *Building Structures on Council Land*, this matter is being referred to Council for consideration accordingly.

Should Council consent to the proposal as the landowner, it should be noted that Council as the decision making authority could still refuse the Development Application - noting however that the applicant then has the ability to lodge a Right of Review with the State Administrative Tribunal as per the *Planning and Development Act 2005*.

Policy Implications:

Town Planning Scheme Policy No. 45: Planning Application Process for Heritage Places relates to the development application given that the Shire of Denmark's Municipal Heritage Inventory (2011) contains Place Record Forms for the 'Railway Precinct' (which encompasses the entire of Reserve 30277) and the 'Old Post Office' (being the main building within the Spirit of Play Community School Inc. lease area.

In considering the request for owner support to the temporary classroom and additional lease area, due regard has been given to the Denmark Historical Railway Station Precinct Concept Plan that was adopted at the Ordinary Meeting of Council held on 27 May 2014 (Res No: 240514).

Budget / Financial Implications:

In relation to the proposed development application for the temporary classroom building, there are no known financial implications upon either the Council's current Budget or Long Term Financial Plan.

Based on the current valuation dated 2013, undertaken when the Lessor exercised their option to renew the lease for a further five (5) year term and pursuant to the existing Rent Review clause in the Lease, there would be an additional annual rent of \$5,263.00 bringing the total annual rental from \$10,500 (plus GST) to \$13,679.44 (plus GST).

The Lessee has indicated that they accept that their request for an extended lease area and additional buildings on site will result in additional rent payable.

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 fiscally responsible decision making.

Sustainability Implications:

➤ **Governance:**

Due regard has been given to the relevant Council Policy, Organisational Procedure Manual and Delegation Register provisions relating to the report and officer recommendation.

➤ **Environmental:**

Environmental considerations relating to the development proposal will be considered as part of the development application process.

➤ **Economic:**

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

➤ **Social:**

The Spirit of Play Community School provides alternative schooling options to the public education system.

➤ **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 support the proposal for a temporary classroom, thus not supporting the development application as the landowner or the lease area extension. | Unlikely (2) | Insignificant (1) | Low (1-4) | Inadequate Engagement - Community / Stakeholders / Crs | Accept Officer Recommendation |

Comment/Conclusion:

Development Application

Having regard to the adopted Denmark Historical Railway Station Precinct Concept Plan and the current lease, it is considered that the proposal for a temporary classroom on-site is appropriate for consideration as it will provide much needed short-term school accommodation on-site whilst the Spirit of Play Community School are progressing with finding and developing a site for the school beyond the current terms of their lease.

Additional Leased Land Request

A draft Variation of Lease is attached for Council’s consideration (refer Attachment 8.1.1c) which, if endorsed by Council, would be sent to the Minister for Lands for approval.

P&S comments on lease request – support additional leased land subject to no native vegetation being removed from the site without approval and the additional leased area land being fenced with the green ring-lock fencing that currently exists.

Voting Requirements:

Simple majority.

| | |
|---|-----------------------|
| COUNCIL RESOLUTION & OFFICER RECOMMENDATION | ITEM 8.1.1 |
| MOVED: CR GEARON | SECONDED: CR BARTLETT |
| That with respect to the temporary classroom for the Spirit of Play Community School on portion of No. 2 (Lot 952) Inlet Drive, Denmark, Council: | |
| <ol style="list-style-type: none"> 1. Consents to the proposal as required under Clause 3.5(a) of the lease between the Shire of Denmark and Spirit of Play Community School Inc.; 2. Consents to the proposal as the landowner as required for the Application for Development Approval and the subsequent Building Permit (as required should Development Approval be forthcoming); 3. Authorise the Chief Executive officer to issue the Development Approval with appropriate conditions should there be no objections to the Development Application; 4. Consent to Variation of Lease pursuant to Attachment 8.1.1c. 5. Amend Council's 2015/16 Budget to include an increase of annual rental income from \$10,500 (ex GST) to \$13,679.44. | |
| CARRIED UNANIMOUSLY: 7/0 | Res: 160316 |

8.2 Director of Community & Regulatory Services

Nil

8.3 Director of Infrastructure Services

Nil

8.4 Director of Finance & Administration

8.4.1 FINANCIAL STATEMENT FOR THE MONTH ENDING 29 FEBRUARY 2016

| | |
|--|--|
| File Ref: | FIN.1 |
| Applicant / Proponent: | Not applicable |
| Subject Land / Locality: | Denmark |
| Disclosure of Officer Interest: | Nil |
| Date: | 9 March 2016 |
| Author: | Steve Broad, Accountant |
| Authorising Officer: | Kim Dolzadelli, Director of Finance And Administration |
| Attachments: | 8.4.1 – February 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:

As at 29 February 2016 total cash funds held total \$8,846,042 (Note4).

Shire Trust Funds total \$183,368 with the amount of \$171,874 invested for 183 days with the National Bank, maturing 18 June 2016 at the quoted rate of 2.80%.

Reserve Funds total \$4,159,992 and have been placed on investment for 90 days with the National Bank, maturing 2 March 2016 at the quoted rate of 2.70%.

Municipal Funds total \$4,501,017 with the amount of \$3,601,272 invested with the National Bank, maturing on various dates up to the 30 April 2016 at an average rate of 2.65% (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 amendment identified, the estimated 30 June 2016 end of year position is estimated to be \$7, as per budget projections (Note 5).
- Operating revenue and expenditure is slightly higher than that predicted for 29 February 2016 (Statement of Financial Activity).
- Rates Collection percentage of 87.75% is in keeping with historical collection rates (Note 6).
- The 2015/16 Capital Works Program is 17.88% complete as at 29 February 2016 (Note 12).
- Various transfers to and from Reserve Funds have not yet been made for 2015/16 and are generally undertaken in the latter half of the financial year, depending on specific projects to which these transfers relate.
- An analysis of Salaries and Wages expenditure shows a current Year to date Budget overrun of \$143,853 this is namely due to recent changes in the Executive team and the payout of Leave liabilities such as Long Service and Annual Leave entitlements. The Officer notes that this overrun will be the subject of review in the Mid-Year Budget review which is to be considered by Council at its meeting to be held Tuesday, 22 March 2016. The officer also notes that this overrun is expected to be able to be funded through various sources including increased Financial Assistance Grants of \$56,026, larger than expect Surplus carried forward of \$70,468 and Increased Lease Revenue of approximately \$70,000. The officer also notes that the Budget review being considered at this meeting has allowed for this shortfall.

Budget Amendments and Variances (Note 5 and 5a)

As detailed in Note 5a.

Voting Requirements:

Simple majority.

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|---|---------------------|
| COUNCIL RESOLUTION & OFFICER RECOMMENDATION | ITEM 8.4.1 |
| MOVED: CR GILLIES | SECONDED: CR GEARON |
| That with respect to Financial Statements for the month ending February 2016, Council; | |
| 1. Receive the Financial Reports, incorporating the Statement of Financial Activity and other supporting documentation. | |
| 2. Endorse the Accounts for Payment for February 2016 as listed. | |
| CARRIED UNANIMOUSLY: 7/0 | Res: 170316 |

Prior to consideration of Item 8.4.2 the Chief Executive Officer, through the Presiding Person, brought to the attention of the meeting the following disclosure(s) of interest:

Cr Seeney is a member of the Denmark Historical Society Inc. and as a consequence there may be a perception that his impartiality on this matter may be affected. Cr Seeney declares that he will consider this matter on its merits and vote accordingly.

8.4.2 WAIVER OF LOCAL GOVERNMENT RATE CHARGE FOR DENMARK HISTORICAL SOCIETY INC.

| | |
|--|--|
| File Ref: | RTS.6, A3256 |
| Applicant / Proponent: | Shire of Denmark |
| Subject Land / Locality: | 16 (Lease of Whole Lot 1021) Mitchell Street, Denmark |
| Disclosure of Officer Interest: | Nil |
| Date: | 3 March 2016 |
| Author: | Jason Young, Finance Officer Rates |
| Authorising Officer: | Kim Dolzadelli, Director of Finance & Administration |
| Attachments: | 8.4.2 – Shire of Denmark Council Policy P030101 Council Rating Equity Policies, as amended by Res: 210515, 26 May 2015 |

Summary:

Council is requested to waive the 2015/2016 local government rate charge on the subject land and amend Council Policy P030101 Council Rating Equity Policies to add the subject land to the list of Section 6.47 Concessions.

Background:

On 25 February 2016, the Shire of Denmark (as Lessor) and the Denmark Historical Society Inc. (as Lessee) entered into a 21 year lease of the subject land, with effect from 1 February 2016.

Clause 9.2(c) of Schedule 1 of the Lease states that *“pursuant to Council Policy P030101 Council will annually consider the provision of a concession to the value of the local government rates levied with respect to the property.”*

Consultation:

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

Statutory Obligations:

Section 6.47, of the Local Government Act 1995, permits the Shire of Denmark to resolve, either at the time of imposing a local government rate charge or at a later date, to waive (by absolute majority) the local government rate charge, or resolve to grant other concessions in relation to the local government rate charge.

Policy Implications:

Attached to this report, as extracted from the Shire of Denmark Policy Manual, is Council Policy P030101 Council Rating Equity Policies [“Policy P030101”], as amended by Council Resolution 210515 on 26 May 2015.

Council is requested to amend Policy P030101 by inserting the following italicised words at the end of the list of Section 6.47 Concessions:

- *Denmark Historical Society Inc.*
 - *A3256 – 16 (Lease of Whole Lot 1021) Mitchell Street, Denmark*
 - *Denmark Historical Museum*

Budget / Financial Implications:

Prior to the execution of the Lease, the subject land had not been levied a local government rate charge.

The subject land will be levied the local government rate charge, with effect from 1 February 2016, with the minimum impact on the 2015/2016 Municipal Budget being a credit (increase) to G/L # 1318233 GRV's Interim Rates of \$1,066.00, noting that the actual rate charge is subject to a valuation update from Landgate.

A waiver of the full local government rate charge will result in a debit (increase) to G/L # 1318052 Rates – Waiver & Concessions of \$1,066.00, again noting that this is subject to a Landgate valuation.

The net impact to the 2015/2016 Municipal Budget is nil.

The cost of a valuation update is expected to be \$68, and this expense will be absorbed into the existing budget for G/L # 1318062 GRV & UV Valuation and General Expenses.

No extra staff resources are required to implement a section 6.47 concession.

Strategic Implications:

The report and officer recommendation is consistent with Council's adopted Mission and Vision and assists in achieving the below-stated specific adopted Strategic Objectives and Goals.

SOCIAL GOALS:

Education - The Denmark Historical Society Inc. provides a valuable service of educating the public about the history of the Denmark district. By supporting this organisation, through the non-levying of local government rating charges, the Shire of Denmark meets the goals of education by encouraging the diversity of educational opportunities in the district.

Recreation - The Denmark Historical Museum is an important cultural facility at which the Denmark Historical Society Inc. preserves and maintains the history of the Denmark district. By supporting this organisation, through the non-levying of local government rating charges, the Shire of Denmark meets the goals of recreation by supporting an active, coordinated and motivated organisation to continue to preserve and maintain the important history of the community of the Denmark district.

ECONOMIC GOALS:

Tourism - Through the Denmark Historical Museum and its other activities, the Denmark Historical Society Inc. provides a valuable service of promoting an interest towards, and displaying, the history of the Denmark district. By supporting this organisation, through the non-levying of local government rating charges, the Shire of Denmark meets the goals of tourism by acknowledging the importance of tourism and assisting the financial sustainability of historical tourism promotion and activities.

GOVERNANCE GOALS:

Co-operation and Community Input - The Shire of Denmark manages the subject land upon which the former police station now houses the Denmark Historical Museum. The operation of this building is administered by the Denmark Historical Society Inc., with the Shire of Denmark supporting the maintenance of the building, thus reducing the operating cost of the community group. By exempting this community group from paying local government rating charges, it will be able to provide a greater range and quality of community service from these halls.

This meets the goal of co-operation and community input in that the Shire of Denmark remains responsive to the voice of its own community through the preservation of important historical buildings and the general history of the district.

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 cost of paying local government rating charges may be a significant impost on the viability of a range of services offered by the Denmark Historical Society Inc.

➤ **Social:**

Any reduction to the range or quality of services provided by Denmark Historical Inc., due to the added imposition of a local government rating charge, may impact on the preservation of the local history of the Denmark district, thus impacting upon the collective memory of the formation of the district and the social lives of the people who contributed to the area.

➤ **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 support the request for a concession. | Unlikely (2) | Moderate (3) | Moderate (5-9) | Not Meeting Community expectations | Accept Officer Recommendation |

Comment/Conclusion:

Policy P030101 states under Section 6.47 Concessions that *“Council shall consider to resolve, by absolute majority, the waiver of the local government rate charge for the following land parcels and any other land parcels that may fit within the category of properties as set out below:...”* The properties currently listed include those upon which a lease exists for the Denmark Arts Council, Denmark Machinery Restoration Group, Denmark Cottage Crafts Inc., Denmark Tourism Incorporated, Denmark Riverside Club, various hall committees, two RSL’s, and other community groups.

Schedule 1 of the Lease refers to the afore-mentioned wording, as stated in the Background to this report.

Council Resolution 190715, on 27 July 2015, unanimously resolved *“to waive 100% of the 2015/2016 local government rate charge, including any and all future interim adjustments to the aforesaid charge, for [all the property assessments listed in Policy P030101] in accordance with section 6.47 of the Local Government Act 1995...”*

It is the view of officers that Council has already indicated its intention to support the waiver of local government rate charges on the subject land, as the subject land is used for a community purpose not too dissimilar to other land parcels listed in Policy P030101. The vested purpose is Museum. The museum encompasses the preservation of the history of the district of Denmark and provides education and knowledge to the community and visitors.

Voting Requirements:

Absolute Majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION

ITEM 8.4.2

MOVED: CR GEARON

SECONDED: CR GILLIES

That with respect to the local government rate charge for the Denmark Historical Society Inc., Council;

1. In accordance with section 6.47 of the Local Government Act 1995, provides a 100% concession towards the local government rate charge on the following land parcel, for the whole of the 2015/2016 Financial Year:
 - **Denmark Historical Society Inc.**
 - A3256 – 16 (Lease of Whole Lot 1021) Mitchell Street, Denmark
 - Denmark Historical Museum
2. Add the parcel of land to the list of Section 6.47 Concessions in Council Policy P030101 – Council Rating Equity Policies;
3. Increase GL 1318233 GRV's Interim Rates from \$25,000 to \$26,066; and, increase GL 1318052 Rates – Waiver & Concessions from \$43,979 to \$45,045; resulting in no change to the surplus budget position.

Advice Note

The above sought Budget Amendments have been included in Item 8.4.3 "Adoption of 2015/2016 Budget Review".

CARRIED UNANIMOUSLY AND BY AN ABSOLUTE MAJORITY: 7/0

Res: 180316

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| 8.4.3 ADOPTION OF 2015/16 BUDGET REVIEW |
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|--|--|
| File Ref: | FIN.9 |
| Applicant / Proponent: | Not applicable |
| Subject Land / Locality: | Not applicable |
| Disclosure of Officer Interest: | Nil |
| Date: | 11 March 2016 |
| Author: | Kim Dolzadelli, Director of Finance and Administration |
| Authorising Officer: | Cliff Frewing, Chief Executive Officer |
| Attachments: | 8.4.3 - 2015/16 Statement of Budget Review |

Summary:

To consider and adopt the Budget Review as presented in the attached Statement of Budget Review for the period 1 July 2015 to 29 February 2016.

Background:

Council adopted its 2015/2016 Municipal Budget at its meeting held 27 July 2015. It is now appropriate that a review of the Budget be put before Council for consideration and indeed this is required by Legislation.

A summary of the recommended changes is included within this Report.

Consultation:

Direct consultation has occurred with the Chief Executive Officer and all Directors with input from Managers.

Statutory Obligations:

Local Government Act 1995 section 6.2 Municipal Budget
Local Government (Financial Management) Regulations 1996 Regulation 33A

Regulation 33A. Review of budget

- (1) *Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.*
- (2A) *The review of an annual budget for a financial year must —*
 - a) *consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
 - b) *consider the local government's financial position as at the date of the review; and*
 - c) *review the outcomes for the end of that financial year that are forecast in the budget.*
- (2) *Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
- (3) *A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

**Absolute majority required.*
- (4) *Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.*

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

The 2015/16 adopted Municipal Budget provided for a small estimated end of year surplus of \$3,774. Subsequent budget amendments approved by Council after adoption, have resulted to a change to this estimate resulting in an estimated end of year surplus of \$7.

Assuming Council accepts the Officers recommendation to amend the budget as per the attached summary, the net impact on the end of year position would result in the end of year estimated Surplus position of \$27,843. This equates to 0.12% of gross budgeted expenditure and therefore is seen to be a prudent amount to be retained given that we have a number of large unfinished capital expenditure items and the remaining four months of the financial year.

Strategic Implications:

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

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) |
|---|---|---------------------------|---|--|--|
| Not meeting Statutory Compliance | Rare (1) | Moderate (3) | Low (1-4) | Failure to meet Statutory, Regulatory or Compliance Requirements | Consider Budget Review and accept Officer Recommendation or alternate Council Resolution |
| Financial mismanagement and/or Budget overruns. | Rare (1) | Moderate (3) | Low (1-4) | Inadequate Financial, Accounting or Business Acumen | Accept Officer Recommendation |

Comment/Conclusion:

The budget review has been prepared to include information required by the Local Government Act 1995, Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards. Council adopted a variance of 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 figure is to be used in the Statements of Financial Activity the Annual Budget Review which is to be undertaken after the first eight months of the financial year to assess how the budget has progressed and to estimate the end of the financial year position.

The Budget Review contains 196 amendments and has identified savings to the Current Amended Budget position being a surplus position of \$7. This results in a new estimated Budget Surplus position of \$27,843.

The Officer is recommending that Council adopt the Budget Review as presented and retain the estimated Budget Surplus position of \$27,843 given that this equates to 0.12% of gross budgeted expenditure and therefore is seen to be a prudent amount to be retained given that we have a number of large unfinished capital expenditure items and the remaining five months of the financial year.

Voting Requirements:

Absolute majority.

OFFICER RECOMMENDATION

ITEM 8.4.3

That Council adopt the 2015/16 Budget Review, including endorsement of proposed amendments to the 2015/16 Municipal Budget as detailed in the attached Statement of Budget Review, and resulting in a projected end of year position of surplus funds totalling \$27,843.

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| COUNCIL RESOLUTION & AMENDED OFFICER RECOMMENDATION | ITEM 8.4.3 |
| MOVED: CR WHOOLEY | SECONDED: CR SEENEY |

That Council adopt the 2015/16 Budget Review, including endorsement of proposed amendments to the 2015/16 Municipal Budget as detailed in the attached Statement of Budget Review, and resulting in a projected end of year position of surplus funds totalling \$27,843, with the following amendments noting that this will not impact on the projected end of year position of surplus funds totalling \$27,843:

- Job No. 50432 R2R – Mt Lindesay Road 2.35 to 2.75 Reseal \$18,743 Amended Budget \$0
- Job No. 50437 R2R – Scotsdale Road 31.38 to 21.16 Resheet \$70,000 Amended Budget \$0
- Job No. 50438 R2R – Parker Road 4.15 to 5.40 Resheet \$106,250 Amended Budget \$0
- Job No. 50439 R2R – Additional to be allocated \$120,127 Amended Budget \$315,120

CARRIED UNANIMOUSLY AND BY AN ABSOLUTE MAJORITY: 7/0

Res: 190316

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| 8.4.4 ADOPTION OF 2015 COMPLIANCE AUDIT RETURN | |
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| | |
|--|--|
| File Ref: | FIN.31 |
| Applicant / Proponent: | Not applicable |
| Subject Land / Locality: | Not applicable |
| Disclosure of Officer Interest: | Nil |
| Date: | 22 February 2015 |
| Author: | Kim Dolzadelli, Director of Finance & Administration |
| Authorising Officer: | Cliff Frewing, Chief Executive Officer |
| Attachments: | 8.4.4 - 2015 Compliance Audit Return (CAR) |

Summary:

The Shire of Denmark Audit Advisory Committee is holding a Meeting on Friday 18 March 2016 to consider the 2015 Compliance Audit Return.

At this Meeting, the adoption of the 2015 Compliance Audit Return is recommended for adoption by Council, as per the following Officer Recommendation;

“That, upon recommendation of the Audit Advisory Committee, who have reviewed the 2015 Compliance Audit Return, comprising eighty seven items of compliance, Council adopt the 2015 Compliance Audit Return noting 100% compliance.”

Confirmation of the Committee resolution will be confirmed at the meeting of Council.

Background:

The Compliance Audit Return was an initiative introduced by the Department of Local Government and Communities as a means for local authorities to check compliance with the various provisions of the Act. Previously it had been a voluntary exercise for local authorities but amendments to the Act have made it a legal requirement to complete.

The information derived from the Return is retained by the Department for future reference.

The Local Government Act 1995 was amended during 2011 requiring the CAR to be referred to the Audit Committee for consideration, prior to adoption by Council.

Consultation:

Shire of Denmark Audit Committee & Staff.
Department of Local Government & Communities.

Statutory Obligations:

Local Government Act 1995
Local Government (Audit) Regulations 1996 Regulations 13, 14 and 15.

14. Compliance audits by local governments
 - (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
 - (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
 - (3A) The local government’s audit committee is to review the compliance audit return and is to report to the council the results of that review.
 - (3) After the audit committee has reported to the council under sub regulation (3A), the compliance audit return is to be —
 - a) presented to the council at a meeting of the council; and
 - b) adopted by the council; and
 - c) recorded in the minutes of the meeting at which it is adopted.

15. Compliance audit return, certified copy of etc. to be given to Executive Director
 - (1) After the compliance audit return has been presented to the council in with regulation 14(3) a certified copy of the return together with —
 - a) a copy of the relevant section of the minutes referred to in regulation 14(3) (c); and
 - b) any additional information explaining or qualifying the compliance audit, is to be submitted to the Executive Director by 31 March next following the period to which the return relates.
 - (2) In this regulation —

certified in relation to a compliance audit return means signed by —

 - a) the mayor or president; and
 - b) the CEO.

Policy Implications:

There are no policy implications arising from this Report or Committee Recommendation.

Budget / Financial Implications:

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

Strategic Implications:

There are no known significant strategic implications relating to the Report or the Committee Recommendation.

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 Committee Recommendation.

➤ **Economic:**

There are no known significant economic considerations relating to the Report or Committee Recommendation.

➤ **Social:**

There are no known significant social considerations relating to the Report or Committee 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 or alternate Committee Recommendation |

Comment:

Having duly referred the 2015 Compliance Audit Return to the Audit Committee, it is hereby attached for the consideration of Elected Members.

The author notes that the Shire of Denmark had 100% compliance with the 2015 Compliance Audit Return.

At the meeting of the Audit Advisory Committee held on 18 March 2016, the Committee recommended as follows;

“That the Shire of Denmark Audit Advisory Committee, having reviewed the 2015 Compliance Audit Return, comprising Eighty Seven items of compliance, noting 100% compliance recommends to Council its adoption.”

Voting Requirements:

Simple majority.

| | |
|--|---------------------|
| COUNCIL RESOLUTION & OFFICER RECOMMENDATION | ITEM 8.4.4 |
| MOVED: CR GILLIES | SECONDED: CR SEENEY |
| That Council, upon recommendation of the Audit Advisory Committee, who have reviewed the 2015 Compliance Audit Return, comprising eighty seven items of compliance, adopt the 2015 Compliance Audit Return noting 100% compliance. | |
| CARRIED: 6/1 | Res: 200316 |

Pursuant to Resolution No.031115 all Councillors’ votes on the above resolution are recorded as follows;

FOR: Cr Gearon, Cr Gillies, Cr Seeney, Cr Morrell, Cr Lewis and Cr Bartlett.
AGAINST: Cr Whooley.

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| 8.4.5 SHIRE OF DENMARK – 2014/15 ANNUAL REPORT & ELECTORS MEETING |
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| | |
|--|--|
| File Ref: | FIN.31 |
| Applicant / Proponent: | Not Applicable |
| Subject Land / Locality: | Not Applicable |
| Disclosure of Officer Interest: | Nil |
| Date: | 9 March 2016 |
| Author: | Kim Dolzadelli, Director of Finance & Administration |
| Authorising Officer: | Cliff Frewing, Chief Executive Officer |
| Attachments: | 8.4.5a – 2014/2015 Draft Annual Report including Annual Financial Report 8.4.5b – Management Letter |

Summary:

To accept the Shire of Denmark 2014/15 Annual Report, including the Annual Financial Report and Audit report and to set a date for the Annual Electors meeting.

The draft Annual Report and the Management Letter (Attachments 8.4.5a and 8.4.5b) will be provided to Councillors prior to the meeting.

Background:

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

Consultation:

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

Statutory Obligations:

- Local Government Act 1995 Division 5 Annual Reports and Planning Sections 5.53 to 5.55.
- Local Government Act 1995 Section 5.27 and 5.29.
- Local Government (Financial Management) Regulations 1996.
- Local Government (Administration) Regulations 1996.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

The 2014/15 Annual Report is printed and collated in-house by Shire Staff, the cost of which is included in operating budgets for the 2015/16 financial year.

Strategic Implications:

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

Sustainability Implications:➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

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

Comment/Conclusion:

The Council is required to accept the Annual Financial Report by 31 December following the financial year end or no later than two months after receiving the Audit Report.

The Audit Report was received on 18 February 2016 and a copy of this including the 2014/2015 Annual Financial Statements was forwarded directly to the Department of Local Government and Communities by Council’s Auditors Lincolns Chartered Accountants and again by Shire officers on 9 March 2016.

The Audit Report and Management Letter was the subject of an Audit Committee meeting scheduled held on 18 March 2016 where the Committee considered any action that may be required from the Management Letter. The Audit Report forms part of the Annual Report and the Management Letter is provided as Attachment 8.4.5b.

At the meeting of the Audit Advisory Committee held on 18 March 2016, the Committee recommended as follows;

“That the Shire of Denmark Audit Committee recommends to Council that the 2014/15 Annual Financial Statements including Auditors Report be accepted, noting the following points:

1. *From the Independent Auditors Report*
 - *Point (f) In relation to the Asset Renewal Funding Ratio, we note that the information required for the Ratio has not been completed, and*
 - *Point (g) the Shire has not completed the Asset Management Plan or Long Term Financial Plan as required by Administration Regulation 19D.*
2. *From the Auditors Management Letter*
 - *Subsidiary Infrastructure Ledger – Depreciation,*
 - *Long Outstanding Debtors,*
 - *Asset Classifications, and*
 - *Ratio’s.”*

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

The Annual Electors Meeting must be held within 56 days of accepting the Annual Report with appropriate notice of the meeting given, pursuant to Sections 5.27 and 5.29 of the Local Government Act 1995. This effectively means that the Annual Electors Meeting must be held no later than Tuesday, 17 May 2016.

The Officer recommends that the date for the Annual Electors meeting be set for Tuesday, 12 April 2016 to coincide with Council's next Ordinary Meeting date.

Voting Requirements:

An absolute majority is required for Officer Recommendation 8.4.5 a).

A simple majority is required for Officer Recommendation 8.4.5 b).

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| COUNCIL RESOLUTION & OFFICER RECOMMENDATION | ITEM 8.4.5 a) |
| MOVED: CR GILLIES | SECONDED: CR BARTLETT |
| That Council accepts the Annual Report including the Annual Financial Report and Audit Report for the 2014/2015 year. | |
| CARRIED UNANIMOUSLY AND BY AN ABSOLUTE MAJORITY: 7/0 | Res: 210316 |

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| COUNCIL RESOLUTION & OFFICER RECOMMENDATION | ITEM 8.4.5 b) |
| MOVED: CR GILLIES | SECONDED: CR GEARON |
| That Council hold the Annual Electors meeting on Tuesday, 12 April 2016 in the Council Chambers, Denmark, commencing at 7:00pm. | |
| CARRIED UNANIMOUSLY: 7/0 | Res: 220316 |

Prior to consideration of Item 8.4.6 the Chief Executive Officer, through the Presiding Person, brought to the attention of the meeting the following disclosure(s) of interest:

Cr Morrell is co-owner of another medical office in Denmark and as a consequence there may be a perception that his impartiality on this matter may be affected. Cr Morrell suggested that he should leave the room.

| | |
|---|---------------------|
| COUNCIL RESOLUTION | |
| MOVED: CR GILLIES | SECONDED: CR SEENEY |
| That Council allow the Shire President, Cr Morrell, to remain in the room and participate in debate and vote on the matter. | |
| CARRIED UNANIMOUSLY: 7/0 | Res: 230316 |

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| 8.4.6 | REQUEST FOR CONTRIBUTION TOWARDS TRAVEL AND OUTREACH COSTS WALPOLE GENERAL PRACTITIONER – SHIRE OF MANJIMUP |
|--------------|--|

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|--|--|
| File Ref: | FIN.31 |
| Applicant / Proponent: | Not Applicable |
| Subject Land / Locality: | Not Applicable |
| Disclosure of Officer Interest: | Nil |
| Date: | 14 March 2016 |
| Author: | Kim Dolzadelli, Director of Finance & Administration |
| Authorising Officer: | Cliff Frewing, Chief Executive Officer |
| Attachments: | 8.4.6 – Request from Shire of Manjimup |

Summary:

To consider a request from the Shire of Manjimup for a financial contribution towards Travel and Outreach costs for the Walpole General Practitioner.

Background:

Council has previously made a financial contribution to the provision of Medical Services in the township of Walpole.

At its meeting held 30 September 2014 Council made the following resolution which saw a contribution of \$10,000 made to Silver Chain WA (Resolution No. 180914):

“That Council make a contribution as allowed for in the 2014/15 Budget of \$10,000 (plus GST) to Silver Chain WA to support administrative functions associated with the provision of General Practitioner services to the Walpole Townsite Silver Chain Clinic on the following basis;

1. *The contribution is to be seen as ex gratia and a one-off for the 2014/15 financial year.*
2. *The contribution is on the basis that General Practitioner services should be provided to the Walpole Silver Chain Clinic on at least a 5 day per fortnight average.”*

Council included in its 2014/15 Budget the sum of \$10,000 as a potential contribution to General Practitioner (GP) Services and payment of this amount was made to Silver Chain Group Limited on 8 October 2014.

Consultation:

The Director of Finance and Administration has consulted with the Acting CEO of the Shire of Manjimup.

Statutory Obligations:

The following Sections of the Local Government Act 1995 relate;

Section 3(1)

The general function of a local government is to provide for the good government of person in its district.

Section 3.18 (3)

A local government is to satisfy itself that services and facilities that it provides —

- a) integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body; and*
- b) do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and*
- c) are managed efficiently and effectively.*

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

The 2015/16 Municipal Budget GL 1740002 “Contribution – Medical Services Walpole” holds an amount of \$10,000 the narration against this Budget line item reads “*Contingency for determination by Council*”.

Any contribution up to \$10,000 is provided for in the 2015/2016 Municipal Budget any unspent amount will result in a larger Surplus position at the 30 June 2016.

Strategic Implications:

The following specific adopted Strategic Objectives and Goals are relevant from the Strategic Community Plan and, depending upon the weight that one gives to each of them, are complementary or competing in this context;

Regional Services:

That Council 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.

Health:

That Council work with relevant authorities and organisations to maintain and improve health services at all levels within the region.

Funding:

That Council be fiscally responsible and seek to develop both safe income generating assets and the maximisation of external funding, that will benefit the community and assist in meeting its aims and obligations.

Co-operation & Community Input:

That Council 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:**

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 not contribute any or sufficient funds to the service such that the service ceases and or decreases | Unlikely (2) | Minor (2) | Low (1-4) | Inadequate Engagement - Community / Stakeholders / Crs | Accept Risk and if required work with the Shire of Manjimup, Silver Chain and or Medical Providers |
| That the Council contribute to the service and future requests increase | Likely (4) | Minor (2) | Moderate (5-9) | Inadequate Financial, Accounting or Business Acumen | Manage by ensuring that the contribution is provided on an ex gratia and without prejudice basis with Council reserving the right to consider its contribution on a yearly basis. |

Comment/Conclusion:

Residents from the Shire of Denmark western localities of the Shire including Nornalup, Peaceful Bay, Hazelvale, Trent, Bow Bridge and Tingle Dale attend the Walpole clinic from time to time as their local (nearest) service for residents.

The Shire of Manjimup has committed to provide funding in the amount of \$20,000 for the next four years towards the service to assist subsidise some of the travel and administration costs of the visiting GP service and has requested Council consider a contribution also to this service. The Shire of Manjimup has also offered to manage any contribution made by the Shire of Denmark.

Voting Requirements:

Simple majority:

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|---|---------------------|
| COUNCIL RESOLUTION & OFFICER RECOMMENDATION | ITEM 8.4.5 |
| MOVED: CR GILLIES | SECONDED: CR GEARON |
| With respect to the request from the Shire of Manjimup for contribution towards Travel and Outreach costs Walpole General Practitioner, Council make a contribution as allowed for in the 2015/16 Budget of \$10,000 (plus GST) to the Shire of Manjimup to support administrative functions associated with the provision of General Practitioner services to the Walpole Townsite on the basis that the contribution is to be seen as ex gratia and a one-off for the 2015/16 financial year. | |
| CARRIED UNANIMOUSLY: 7/0 | Res: 240316 |

Prior to consideration of Item 8.4.7 the Chief Executive Officer, through the Presiding Person, brought to the attention of the meeting the following disclosure(s) of interest:

Cr Bartlett is a Board Member of the Denmark Tourism Inc. and as a consequence there may be a perception that her impartiality on this matter may be affected. Cr Bartlett declares that she will consider this matter on its merits and vote accordingly.

Cr Whooley declared that he was also a Board Member of Denmark Tourism Inc. The Shire President noted that he was the Council's Delegate to Denmark Tourism Inc.

The Director of Finance & Administration declares that the CEO of Denmark Tourism Inc. and he are partners and as a consequence there may be a perception that his impartiality on this matter may be affected. Mr Dolzadelli stated that notwithstanding that his interest was not a financial or proximity one, he felt that he should leave the room given the nature of his interest.

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| COUNCIL RESOLUTION | |
| MOVED: CR WHOOLEY | SECONDED: CR GILLIES |
| That Council allow the Director of Finance & Administration to remain in the room for the discussion and debate on the matter to enable Councillors to ask questions relating to the report and officer recommendation. | |
| CARRIED: 5/2 | Res: 250316 |

Pursuant to Resolution No.031115 all Councillors' votes on the above resolution are recorded as follows;

FOR: Cr Gillies, Cr Whooley, Cr Seeney, Cr Morrell and Cr Bartlett.
AGAINST: Cr Gearon and Cr Lewis.

Given that the vote was not unanimous, the Shire President suggested that it was best if Mr Dolzadelli left the room.

6.21pm – The Director of Finance & Administration left the room.

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| 8.4.7 REQUEST FOR SELF SUPPORTING LOAN FROM DENMARK TOURISM INCORPORATED |
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|--|--|
| File Ref: | FIN.1 |
| Applicant / Proponent: | Not applicable |
| Subject Land / Locality: | Denmark |
| Disclosure of Officer Interest: | The Director of Finance and Administration declares an Impartiality Interest in so much that the CEO of DTI and he are partners, the Director will leave the room during any discussion with respect to this item. |
| Date: | 15 March 2016 |
| Author: | Kim Dolzadelli, Director of Finance and Administration |
| Authorising Officer: | Cliff Frewing, Chief Executive Officer |
| Attachments: | 8.4.7a – Request from DTI 8.4.7b – WATC Borrowing Rates as at 24 February 2016 8.4.7c – Indicative Loan Repayment Schedule |

Summary:

To consider a request from Denmark Tourism Incorporated (DTI) for a self-supporting loan of up to \$30,000 for the purchase of a replacement vehicle.

Background:

Council previously approved a Self Supporting loan to DTI in the amount of \$30,000 with funding of the loan occurring on 5 August 2010. The loan was for a period of 5 years and was funded via a loan through the Western Australian Treasury Corporation (WATC), this loan has been subsequently been repaid in full to Council by DTI.

The existing vehicle is a 2010 Toyota RAV 4 and has now done approximately 130,000 kilometres, the vehicle is for use by the DTI Chief Executive Officer, and at times, other staff of DTI.

Council purchased the existing vehicle on behalf of DTI and this vehicle remains registered in the name of the Shire of Denmark, however all costs associated with vehicle are the responsibility of DTI.

Consultation:

Chief Executive Officer

Statutory Obligations:

Local Government Act 1995 Section 5.25 (1)

Local Government (Financial Management) Regulations 1996

Policy Implications:

Nil

Budget / Financial Implications:

Should Council agree to the Officers recommendation a Budget Amendment would be required to transfer \$30,000 out of Council's Plant Replacement Reserve and increase GL 1231054 Purchase of Plant and Equipment, this would result in no impact on Council's projected Surplus position.

The other impact will be an increased return on Reserve Funds given that current Interest earnings on term deposits are attracting only a 2.9% return and the loan proposed will earn Council a return of 4.18% which is to be returned, along with the capital amount loaned to the Plant Replacement Reserve.

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.

Tourism Objective: 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.

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) |
|---|---|---------------------------|---|--|---|
| Denmark Tourism Incorporated are unable to fund the provision of a new vehicle and therefore utilise operational funding to do so | Possible (3) | Moderate (3) | Moderate (5-9) | Operational funding is utilised for capital purchase hence may result in reduction in service levels | Accept Officer Recommendation |

Comment/Conclusion:

Council has supported DTI since commencement of operation with financial contributions from Council summarised in Table 1 below:

Table 1 Actual Funding – Denmark Tourism Inc.

| Year | Operating | Marketing | Total |
|---------|-----------|-----------|-----------|
| 2008/09 | \$90,000 | \$20,000 | \$110,000 |
| 2009/10 | \$70,000 | \$20,000 | \$90,000 |
| 2010/11 | \$80,000 | \$20,000 | \$100,000 |
| 2011/12 | \$80,000 | \$20,000 | \$100,000 |
| 2012/13 | \$70,000 | \$25,000 | \$95,000 |
| 2013/14 | \$80,000 | \$25,000 | \$105,000 |
| 2014/15 | \$85,000 | \$30,000 | \$115,000 |
| 2015/16 | \$85,000 | \$30,000 | \$115,000 |

It is understood that Council’s contribution makes up between 12 and 14% of DTI’s total annual revenue.

Council has also previously approved a Self Supporting loan in the amount of \$30,000, which has been fully repaid by DTI.

Council Officers support a self-supporting loan to DTI, however do not believe that it is appropriate for Council to be borrowing such small sums of money from WATC.

The following borrowing rates were advised by WATC as at 24 February 2016, which has formed the basis of the interest rate proposed, a copy of the WATC schedule is attached to this agenda:

| Indicative Prices for | 24 February 2016 |
|-----------------------|--------------------------|
| Term (Years) | WATC Indicative Rate (%) |
| 1 | 2.43 |
| 2 | 2.33 |
| 3 | 2.35 |
| 4 | 2.41 |
| 5 | 2.5 |
| 6 | 2.59 |

| | |
|----|------|
| 7 | 2.69 |
| 8 | 2.78 |
| 9 | 2.87 |
| 10 | 2.95 |
| 15 | 3.26 |
| 20 | 3.48 |

These rates do not include the Government Guarantee Fee (GGF), currently at 0.7%.

Officers propose that Council approve a self-supporting loan to DTI for up to \$30,000 to be funded out of Council’s Plant Replacement Reserve with details as follows:

Loan Term: 5 Years
 Interest Rate: 4.18% (being the highest of the lending rates plus the GGF)

Repayments: Semi Annual

The impact will be an increased return on Reserve Funds given that current Interest earnings on term deposits are attracting 2.9% return and the loan proposed will earn Council a return of 4.18% which is to be returned, along with the capital amount loaned to the Plant Replacement Reserve. The author has attached an indicative loan repayment schedule based upon a total borrowing of \$30,000 for the information of Councillors.

Voting Requirements:

Absolute majority.

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|--|----------------------|
| COUNCIL RESOLUTION & OFFICER RECOMMENDATION | ITEM 8.4.7 |
| MOVED: CR WHOOLEY | SECONDED: CR MORRELL |
| That with respect to the Request for Self Supporting Loan from Denmark Tourism Incorporated Council: | |
| <ol style="list-style-type: none"> 1. Approve a Self Supporting Loan of up to \$30,000 at an interest rate of 4.18% for a term not exceeding 5 years from the date of drawdown, 2. Approve Amendments to the 2015/2016 Municipal Budget being the transfer of up to \$30,000 from Council’s Plant Replacement Reserve and increase GL 1231054 Purchase of Plant and Equipment up to \$30,000 with both transactions being for an equal amount, 3. Authorise the Chief Executive Officer to enter into an Acknowledgement of Debt with Denmark Incorporated to ensure that loan funds are secure, and that Council has no financial responsibility for the vehicle with all associated costs being the sole responsibility of Denmark Tourism Incorporated, 4. Note that all Capital and Interest repayments on the Loan are to be returned to Council’s “Plant Replacement Reserve”, and 5. Note that the above will have no impact on Council’s current Budgeted projected surplus position. | |
| LOST: 2/5 | Res: 260316 |

Pursuant to Resolution No.031115 all Councillors’ votes on the above resolution are recorded as follows;

FOR: Cr Whooley and Cr Morrell.
AGAINST: Cr Gearon, Cr Gillies, Cr Seeney, Cr Lewis and Cr Bartlett.

6.27pm – Cr Gearon left the room.

6.27pm - 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.

6.27pm – The Shire President announced that the meeting would adjourn for a short break.

6.33pm – The meeting resumed with Councillors present and Officers who were present prior to the adjournment including Cr Gearon and the Director of Finance & Administration.

8.5 Chief Executive Officer

8.5.1 APPOINTMENT OF COMMUNITY MEMBERS ON COUNCIL COMMITTEES & WORKING GROUPS

| | |
|--|--|
| File Ref: | ORG.8, COMM.PATAC, COMM.DSC, A5551 & A3104 |
| Applicant / Proponent: | Various |
| Subject Land / Locality: | Not applicable |
| Disclosure of Officer Interest: | Nil |
| Date: | 4 January 2016 |
| Author: | Claire Thompson, Executive Assistant |
| Authorising Officer: | Cliff Frewing, Chief Executive Officer |
| Attachments: | 8.5.1a – Community Member Nominations (Confidential to Councillors) 8.5.1b – Committee Charters |

Summary:

This report recommends that Council review the attached nominations for Community Members vacancies on Council Committees and Working Groups and appoint members.

Background:

Following the meeting held on 20 October 2015 Election, Council advertised for continuing Community Member vacancies on the Disability Services Advisory Committee, the Paths & Trails Advisory Committee, the South Coast Management Group and the Ocean Beach & Peaceful Bay Foreshore Concept Plan Working Group.

At its meeting held on 19 January 2016 Council appointed community members to a number of Council Committees however there were still vacancies which were then re-advertised.

Consultation:

The vacant Community Member positions were advertised in the Denmark Bulletin, Shire of Denmark Notice Boards, Website and Facebook page. An email was sent to all known community groups (that we have email addresses for) on 25 February 2016 and a follow up email was sent to all Councillors and Staff requesting their assistance in promoting the vacancies. Nominations closed on Friday, 4 March 2016.

Statutory Obligations:

Section 5.10 of the Local Government Act 1995 relates to the appointment of committee members.

“5.10. Committee members, appointment of

- (1) *A committee is to have as its members —*
 - a) *persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and*

- b) *persons who are appointed to be members of the committee under subsection (4) or (5).*

** Absolute majority required.*

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.

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

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:**

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

➤ **Social:**

Community members on Council Committees and Working Groups provide an important ‘community’ perspective on Council functions, service provisions and strategic direction. Community representatives on Council Committees provides an additional conduit between the Council and 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 Council choose not to appoint Community Members to various Council Committees and Working Groups. | Rare (1) | Minor (2) | Low (1-4) | Not Meeting Community expectations | Accept Officer Recommendation |

Comment/Conclusion:

Following is a summary of the nominations received for the Community Member vacancies on each Council Committee and Working Group. Copies of the nominations are attached (refer Attachment 8.5.1a). Copies of the Committee Charters are attached as Attachment 8.5.1b).

Where there are more or less nominations than vacant positions, Council have the option to amend the Charter or Terms of Reference to increase or reduce community member positions, with the exception of the South Coast Management Group which is not a group formed by the Council.

Where the Council believes that there is a no suitable nomination(s), Council may choose not to appoint a member and re-advertise the position(s) or not.

All nominations have been provided to Council under confidential separate cover to protect the names of the nominees.

DISABILITY SERVICES ADVISORY COMMITTEE (2 vacancies + 1 professional vacancy)

Nominations were received from four community members.

PATHS & TRAILS ADVISORY COMMITTEE (1 vacancy)

There were two nominations received for one position.

SOUTH COAST MANAGEMENT GROUP (2 vacancies)

There was only one nomination received for two positions The Officer has recommended that the vacant position remain vacant for the time being given the cost of advertising this position for a third time.

OCEAN BEACH & PEACEFUL BAY FORESHORE CONCEPT PLAN WORKING GROUP (2 vacancies)

The Ocean Beach and Peaceful Bay Foreshore Concept Plan Working Group is proposed to be established noting the inclusion of funds in the 2015/16 Budget for Coastal Hazard Risk Management and Adaptation Planning.

Terms of Reference

To develop concept plans, taking into account coastal adaptation planning factors, for the Ocean Beach and Peaceful Bay Foreshore areas to guide the future development of these key recreational nodes.

Membership

2 x Councillors

Cr David Morrell

Cr Ceinwen Gearon

3 x Council Officers

Director of Planning & Sustainability

Director of Infrastructure Services

Sustainability Officer

1 x Denmark Surf Life Saving Club Representative

1 x Peaceful Bay Progress Association Representative

1 x South Coast Natural Resource Management Representative

2 x Community Members

There were four nominations received for two positions.

Voting Requirements:

Absolute majority.

| | |
|---|-----------------------|
| COUNCIL RESOLUTION & OFFICER RECOMMENDATION | ITEM 8.5.1 |
| CARRIED: CR GEARON | SECONDED: CR BARTLETT |
| <p>That with respect to the nominations received for Community Member vacancies on Council Committees and Working Groups, Council appoint the following community members;</p> <ol style="list-style-type: none"> 1. Phil Runham and Mark Blowers as community members on the Disability Services Advisory Committee. 2. Adrian Hinds as the community professional member on the Disability Services Advisory Committee; 3. Phil Runham to the Paths & Trails Advisory Committee; and 4. Lee Shelley and Diane Harwood to the Ocean Beach & Peaceful Bay Foreshore Concept Plan Working Group. | |
| CARRIED UNANIMOUSLY AND BY AN ABSOLUTE MAJORITY: 7/0 | Res: 270316 |

With respect to Item 8.5.2, Cr Lewis stated that she had a number of questions and asked that those questions and the answers be recorded in the Minutes. The Shire President stated that he would allow the questions the responses to be recorded.

“Question 1.

In my view the statement on page 35 of the agenda -

The LPS and / or Business Case has therefore been approved by:

- the Denmark Shire Council
- the States leading Planning Authority the WAPC;
- the GSDC;
- the DRD; and
- State Cabinet.

is misleading as the inference is that the Business Case was approved by Council. I saw this document for the first time on the morning of the meeting of the 9th Feb - 6 weeks ago, after I requested a copy. Can the CEO please confirm that this document has in fact never been approved by Council?”

Response:

The CEO responded stated that he did not believe it to be misleading.

Mr Frewing stated that Council had agreed when it had adopted the Local Planning Strategy and that the Business Case was developed to further the strategic objective within that document.

“Question 2.

Page 36 under - "The Business Case is focused on creating a Denmark East Development Precinct, comprising the following works to occur:"

Item 2 states: "In order to facilitate access to the IA, as well as managing local fire risk, the construction of a new East River Road Bridge (ERRB) across the Denmark River together with access roads which will provide a “connector” East-West Road link."

As it is made clear in other sections of his report that this 'connector' road will not be used by heavy vehicles, can the CEO please explain

- a) what is meant by "In order to facilitate access to the IA"?
- b) how will road trains, trucks etc access the IA?
- c) is there any intention that, at any time in the future, heavy vehicles will be rerouted via this bridge and/or the proposed new 'connector' roads which will service the new subdivisions west of Scotsdale Rd?"

Response:

The Chief Executive Officer provided the following responses to questions a), b) and c):

- a) To provide access to and from Scotsdale Road to the Light Industrial Area.
- b) Via South Coast Highway and Denmark - Mt Barker Road.
- c) The roads will be designed as local roads and therefore any vehicles not requiring a permit can access the bridge and connector road.

“Question 3.

It is suggested in the report that "Council could allocate \$1.081m from Roads to Recovery funds to this project" This is our total allocation for 3 consecutive years. Can the CEO explain how we would otherwise allocate these funds?”

Response:

The Chief Executive Officer advised that the funds would be allocated to other road works and that there could be a number of locations where the funds could be allocated to. Mr Frewing stated that the funds would be Council’s investment in the project and that the allocation would not affect general road maintenance.

8.5.2 DENMARK EAST DEVELOPMENT PRECINCT – GRANT FUNDING AND PROJECT MANAGEMENT

| | |
|--|---------------------------------------|
| File Ref: | PLN.74 |
| Applicant / Proponent: | Shire of Denmark |
| Subject Land / Locality: | Denmark East |
| Disclosure of Officer Interest: | Nil |
| Date: | 2 February 2016 |
| Author: | Cliff Frewing Chief Executive Officer |
| Authorising Officer: | Cliff Frewing Chief Executive Officer |
| Attachments: | 8.5.2 – Locality Plan |

Summary:

Council’s approval is sought to:

1. Accept a Royalties for Region grant of \$7,626,000 as the State Government’s contribution to the Denmark East Development project;
2. Accept a contribution of \$2,500,000 from the State’s Land Development arm LandCorp as its contribution to the Denmark East Development project; and
3. Appoint LandCorp as the Project Manager to undertake the subdivision and development works.

Background:

Work commenced on a Shire of Denmark Local Planning Strategy in 2001 and its progress followed a course of Council meetings / briefings and community involvement over a long period of time.

The Local Planning Strategy was finally adopted at a Special Meeting of Council held on 4 October 2011. The Strategy was then endorsed by the State’s highest Planning Authority, the Western Australian Planning Commission on 22 May 2012.

During the lead up to the adoption of the Strategy, there was significant community consultation which is evidenced in the “Consultation section” of this report.

The content of the Strategy is therefore not only the Shire’s leading Planning document for land use but also reflects the position of the State.

Pursuant to the direction, content and provisions of the Local Planning Strategy, officers have been looking at options as to how best implement the Strategy. Discussions have been held with

officers of the Great Southern Development Commission (GSDC) over a period of time with a view to accessing funds available from the Royalties for Region (RfR) pool of funds.

In the second half of 2015 the Shire and the GSDC engaged consultants to prepare a Business case for funding from the Southern Investment Initiative (SII) (or Growing Our South as it is more properly known) for submission to the Department of Regional Development (DRD) for assessment and ultimately for State Cabinet approval.

Funding support from the GSDC was received because the “Denmark East Development Precinct” project is strategically aligned with the Great Southern Region Investment Blueprint.

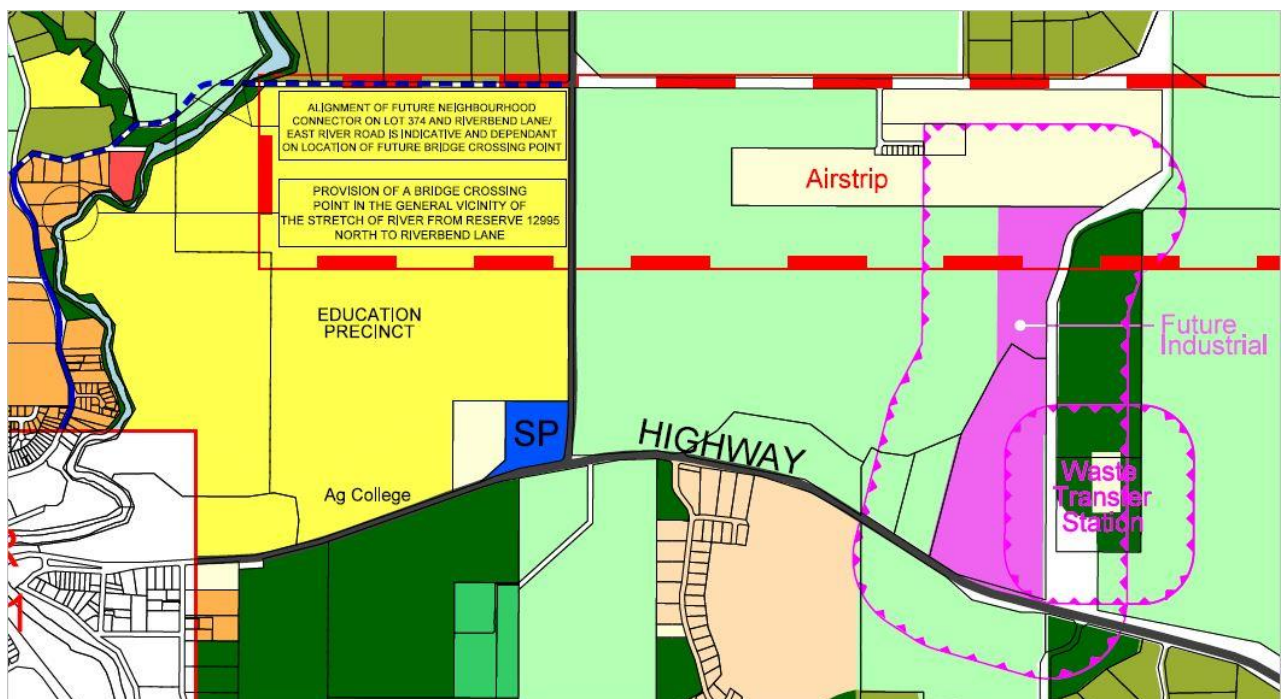
The LPS and / or Business Case has therefore been approved by:

























- the Denmark Shire Council;
- the States leading Planning Authority the WAPC;
- the GSDC;
- the DRD; and
- State Cabinet.

The Business Case is focused on creating a Denmark East Development Precinct, comprising the following works to occur:

1. A 42.572 ha, 60 Lot **Industrial Area (IA)** on the west side of McIntosh Road. This project concerns the 1st stage of this subdivision, consisting of 15 lots, the first 6 lots of which would be assisted by Landcorp, on 12.560 ha of land recently purchased by the Shire from the Denmark Agricultural College site, and
2. In order to facilitate access to the IA, as well as managing local fire risk, the construction of a new **East River Road Bridge (ERRB)** across the Denmark River together with access roads which will provide a “connector” East-West Road link.

The area where the works are designed to occur are shown on LPS Plan 2 – Denmark Urban Area. An extract from this plan is shown below;



| LAND USE DESIGNATIONS | | | | |
|-----------------------|---|---|---|---|
| LEGEND |  | COMMERCIAL |  | EDUCATION PRECINCT |
| |  | URBAN RESIDENTIAL |  | WATERWAYS |
| |  | SPECIAL RESIDENTIAL |  | INDUSTRIAL |
| |  | RURAL RESIDENTIAL |  | SERVICE PARK |
| |  | RURAL SMALLHOLDINGS |  | REGIONAL ROAD |
| |  | PRIORITY AGRICULTURE |  | NEIGHBOURHOOD CONNECTOR ROAD |
| |  | GENERAL AGRICULTURE |  | INDICATIVE NEIGHBOURHOOD CONNECTOR ROAD |
| |  | MIXED BUSINESS |  | SHARED PATH |
| | | |  | HERITAGE RAIL TRAIL |
| | | |  | BIBBULMUN TRACK |
| | | |  | PROPOSED MUNDA BIDDI TRAIL |
| | | |  | AIRPORT BUFFER |
| | | |  | WWTP, WTS AND FUTURE INDUSTRIAL BUFFER AREA |
| | |  | PARKS AND RECREATION | |
| | |  | PUBLIC USE | |
| | |  | TOURIST | |

NOTE: PLAN 2 TO BE READ IN CONJUNCTION WITH LOCAL PLANNING STRATEGY TEXT

In terms of the Business Case being consistent with the LPS, the following provisions of the Local Planning Strategy (LPS) are relevant:

Part 1 Section 4.10 “Transport”

Objective:

- o To provide a network of roads which allow for easy movement around and through the Shire.

Strategies:

- a. Identify neighbourhood connector roads in and around the Denmark townsite as roads that provide the opportunity for dispersment of local traffic.

Implementation:

1. Council in consideration of a road network:
 - a. Identify the following roads as neighbourhood connector roads:
 - vi) Riverbend Lane and East River Road from Denmark-Mt Barker Road to the Denmark River – **noting that these two roads are shown as indicative neighbourhood connector roads as they will be dependent on the location of the proposed Denmark River bridge crossing.** (Emphasis added)
 - b. Identify a Denmark River bridge crossing point in the **general vicinity** of the stretch of river from Reserve 12995 north to Riverbend Lane. (Emphasis added)
 - c. Identify that the final road construction requirements for these neighbourhood connector roads will be of a ‘local scale’ commensurate with Denmark and not that of a Perth metropolitan standard, with such design to have regard to maximising retention of mature remnant vegetation.
 - d. **Undertake public consultation on the bridge crossing point** proposal and any road upgrades required that have not already been the subject of separate planning approval processes (i.e. structure planning, scheme amendments and/or subdivision approvals) throughout the consideration and design processes. (Emphasis added)

Part 2 Section 6.13.1 Roads

South Coast Highway provides the only major artery in and out of Denmark townsite and the major bridge link over the Denmark River. The Howe Road/Hamilton Road/Churchill Road link from Scotsdale Road to Denmark-Mt Barker Road currently provides an alternative/emergency vehicle by-pass route should the need ever arise (noting that traffic management may be required in the vicinity of the single lane bridge dependent on the required timeframes for the road to be used).

The LPS identifies that there is a need for an additional bridge crossing point in the general vicinity of the stretch of river from Reserve 12995 north to Riverbend Lane. At this stage the LPS has only provided for the key principle of providing such a bridge crossing point, noting that further studies/investigations/detailed design processes need to be progressed in due course.

In order to provide for an inter-connected road network that seeks to disperse local traffic (i.e. not heavy haulage traffic – which can be controlled via configuration, design and permit processes as they are Council roads and not Main Roads WA controlled roads) throughout Denmark townsite without the need for utilising South Coast Highway for this purpose, the LPS identifies a number of neighbourhood connector roads, being:

- Ocean Beach Road;
- Hollings Road/Inlet Drive/Campbell Road;
- The proposed roads associated with the development of Lot 5 South Coast Highway (refer Figure 3 for the relevant approved/endorsed structure plan) that link South Coast Highway to Ocean Beach Road;
- Hollings Road/Scotsdale Road (in the vicinity of the Denmark townsite);
- Mt Shadforth Road (in the vicinity of the Denmark townsite);
- Cussons Road;
- McLean Road – from Kearsley Road/Lantzke Road through to the re-aligned Horsley Road intersection;
- New road link on Lot 374 from McLean Road/re-aligned Horsley Road intersection through to Scotsdale Road (noting an indicative alignment only is shown as the final alignment is dependent on appropriate structure planning processes in which key engineering design considerations are to be addressed);
- Horsley Road from Scotsdale Road to McLean Road;
- Kearsley Road from Mt Shadforth Road to McLean Road/Lantzke Road intersection;
- Riverbend Lane and East River Road from Denmark-Mt Barker Road to the Denmark River - noting these two roads should be shown as indicative neighbourhood connector roads as will be dependent on the final location of the proposed bridge crossing.

It should be noted that a number of the identified neighbourhood connector roads are provided for on current road reserve alignments and/or have been approved/endorsed via structure planning, scheme amendment and/or subdivision processes.

The bridge crossing point and neighbourhood connector roads have specifically been identified in the LPS having regard to factors such as the:

- *Level of development that is currently occurring and proposed to occur on the eastern and western sides of the Denmark River, being:*
 - *Extensive residential development already approved in the northern part of town on the western side of Denmark River – approximately 550 lots in the immediate vicinity;*
 - *Proposed future urban expansion areas on both sides of Denmark River;*
 - *Existing education node (High School, TAFE, Agricultural College) on the eastern side of Denmark River;*
 - *Existing and proposed employment nodes (service park, industrial area, Shire, High School, TAFE, Albany) on the eastern side of Denmark River; and*
 - *The existing strategic transport route to Albany and Perth on the eastern side of Denmark River.*
- *Level of development occurring throughout the town putting pressure on the need for an additional bridge crossing in terms of traffic loads on South Coast Highway, the current Denmark River bridge crossing, Scotsdale Road and the South Coast Highway/Hollings Road intersection.*

Council, in its early deliberations on the LPS discussed an alternative, southern link alignment in the vicinity of Inlet Drive and the river mouth however opted to discount this route in the early stages of the process for a number of reasons, including environmental constraints, conflict with the existing use by the community of the Denmark-Nornalup Heritage Rail Trail and the fact that the majority of proposed residential development would be occurring to the north of the townsite.

Council has already implemented part of the LPS by authorising the acquisition of Lot 556 (being portion of Reserve 26565 abutting the Denmark Airstrip and opposite the McIntosh Rd Landfill and Recycling Facility) from the Department of Education, comprising approximately 12 ha, for the purposes of development as an Industrial Park for the Shire. The purchase of this land was

approved by Council on 30 September 2014 (Resolution 200914). The cost of the acquisition was \$596,000 inclusive of GST.

On 4 March 2016 the Minister for Regional Development, Hon Mr Terry Redman MLA, announced publicly that the State had approved the application for RfR funding and a total of \$7,626,000 was allocated to the project spread over three financial years.

Consultation:

A key component of the “Denmark East Development Precinct” as it relates to the bridge crossing point and associated neighbourhood connector roads will require community engagement to occur – noting that such community engagement will be related to the detailed design considerations as the decision to progress with a bridge crossing point has already been made.

The LPS took many years of consideration and involved significant community consultation and in the lead up to the adoption of the Strategy the following occurred:

- Advertising notices in the Denmark Bulletin on 9 June 2011, 23 June 2011 and 7 July 2011 inviting public comment;
- Advertising notice in the West Australian on 11 June 2011 inviting public comment;
- Advertising notice in the Walpole Weekly on 15 June 2011 inviting public comment;
- Advertising notice in the Albany Advertiser on 16 June 2011 inviting public comment;
- Issuance of a media release titled “Draft Local Planning Strategy Released for Public Comment” on 8 June 2011;
- Visual display set up in the foyer of the Shire Administration Office and the Shire Library for the duration of the advertising period;
- A 4-page LPS Information sheet (providing information on the key themes, how to lodge a submission, process after community consultation and where to go for more information) being made available;
- LPS document, including the information sheet and submission form, being available for download on the Shire’s website for the duration of the advertising period;
- LPS document being available for purchase (CD or hard copy) from the Shire Administration Office;
- Referral of the LPS document to the Shire of Plantagenet, the Shire of Manjimup and the City of Albany inviting comments;
- Referral of the LPS document to the following government departments/servicing authorities inviting comments:
 - Fire and Emergency Services Authority
 - Department of Health
 - Department of Water
 - Western Power
 - Telstra
 - Water Corporation
 - Main Roads WA
 - Department of Environment & Conservation
 - Heritage Council
 - Department of Agriculture
 - Department of Indigenous Affairs
 - Tourism WA
 - Department of Education & Training
 - Department of Planning
 - Department of Regional Development & Lands
 - Department of Mines & Petroleum
 - Great Southern Development Commission
- Referral of the LPS document to local community groups inviting comments:

- Advice of the LPS being out for public comment to the local Members of Parliament (being Hon. Terry Redman, Hon Robyn McSweeney and Mr Tony Crook);
- Community information sessions held on 22 June 2011 in Denmark (where 39 ratepayers/residents attended), 30 June 2011 in Peaceful Bay (where 18 ratepayers/residents attended) and 21 July 2011 in Denmark (where 58 ratepayers/residents attended) to inform the community about the purpose and role of the draft LPS and the key issues/themes;
- Issuance of a media release titled “Proposed East-West Link Road for Denmark Clarified” on 7 July 2011; and
- An Addendum Information Sheet in relation to the East-West Road Link being made available.

Statutory Obligations:

In order to progress the construction phase of the LPS a Business Case was prepared in conjunction with and submitted to the Great Southern Development Commission for consideration. The Minister for Regional Development has approved the grant and Council is now required to accept the grant.

Policy Implications:

There are no policy implications however the recommendation to accept the grants is consistent with the Shire’s LPS and Delegation D040223.

Budget / Financial Implications:

A summary of the financial implications is as follows:

1. The “Business Case”, shows the total project costs of the work involved are estimated to be \$14.317M;
2. There are no borrowings proposed;
3. Borrowing ratios will not be affected;
4. Of the total costs, Councils contribution is estimated at \$2.760M (19%)*;
5. Contributions by LandCorp (\$2.5M) and Royalties for Regions (RfR) amount to \$7.626M - this results in total direct external contributions of \$10.126M (71% of the total project cost);
6. Two of the budget items are for roads:
 - o Construction \$1.516M and Upgrades \$0.5M, a total of \$2.016M
 - o Council could allocate \$1.081m from Roads to Recovery funds to this project
 - o The project budget for the Mt Barker / East River Road intersection is \$700,000. A contribution of Main Roads WA, of at least 50% would reasonably be anticipated; and
7. Therefore for works costing \$14.317M, Council receives external Government contributions of up to \$11.557M or 81%

A table showing the mix of financial contributions is shown as follows:

| | | |
|---|--------------|--------------|
| Project Total Cost | | \$14,317,433 |
| Less Royalties for Regions contribution | \$ 7,626,000 | |
| LandCorp contribution | \$ 2,500,000 | \$10,126,000 |
| Balance | | \$ 4,191,433 |
| Less MRWA Contributions | | |
| Mt Barker Rd / East River Road intersection | | \$ 350,000 |
| Balance | | \$ 3,841,433 |
| Less Roads to Recovery contribution (3 years) | | \$ 1,081,000 |
| Balance | | \$ 2,760,000 |
| Less Funds already spent / committed | | |
| Land Acquisition* | | \$ 1,400,000 |
| Balance | | \$ 1,360,000 |
| Less Contingency | | \$ 471,882 |
| Balance to be funded by Council over 3 years | | \$ 888,118 |

Council's exposure and contribution is therefore limited and can be financed over the three year design and construction of the project without placing undue demands on funding demands.

*Council has already acquired the former Agriculture land in McIntosh road for \$596,000 - the southern portion of which would be transferred to LandCorp to develop. The costs of development of this land exceed the revenue generated (which is the LandCorp contribution to the project). This benefits Council when it wishes to develop the northern portion of the land as the public utility services have already been provided to the land.

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.

Development: ...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.

Planning: ...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.

As referenced in the 'Background' section of this report, the Shire's LPS provides implementation recommendations relating to the bridge crossing point and associated neighbourhood connector roads.

The "Denmark East Development Precinct" project is strategically aligned with the Great Southern Region Investment Blueprint – being a key criteria in the Shire receiving the grant funding for this project.

A LPS is the framework for local planning and the strategic basis for local planning schemes. It sets out Council's objectives for future land use planning and development and includes a broad framework by which to pursue such objectives. The grants offered through the "Royalties for Regions scheme and LandCorp are consistent with the LPS.

Sustainability Implications:

➤ **Governance:**

The LPS has addressed the governance factors that affect, and are in turn affected by, land use and development.

➤ **Environmental:**

The LPS has addressed the environmental factors that affect, and are in turn affected by, land use and development.

➤ **Economic:**

The LPS has addressed the economic factors that affect, and are in turn affected by, land use and development.

➤ **Social:**

The LPS has addressed the social factors that affect, and are in turn affected by, land use and development.

➤ **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 proposed grant funds are not accepted | Unlikely (2) | Moderate (3) | High (10-16) | Not Meeting Community expectations | Accept Officer Recommendation |
| | | | | Risk of losing Govt funds allocated to project; Delay in constructing the project; Delay in making available industrial land; and Delay in implementing construction phase of LPS. | |

Comment/Conclusion:

The actions contained in the Business Case which outlines the works that need to be implemented are entirely consistent with the LPS adopted by Council some 5 years ago. It is considered that this is a unique opportunity to implement the construction phase of the LPS with significant contributions from Government sources.

The overall project is soundly based and enables a number of objectives to be achieved at minimal cost. These objectives include:

- Serviced industrial land lots created outside of the “Town” Boundaries;
- Relocation of industrial land uses frees up land for better purposes;
- A new bridge is constructed which will provide as a “connector” road and will:
 - Provide access to and from Scotsdale road from ‘East Denmark’;
 - Provide an alternative east / west link;
 - Provide an alternative link in the event that an ‘event’ occurs on or near the main bridge over the Denmark river; and
 - Provides an alternative “fire-escape” route.
- Upgrades and builds new roads to the area; and
- Works are consistent with Council’s adopted LPS

One of the early actions if the Officer recommendations are supported is to conduct further Community consultation, in accordance with the LPS, regarding the most appropriate location of the bridge and new roads. The consultation is not about whether or not a new bridge is required – that consultation has already been conducted and decision has been made by Council and supported by the WPAC.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 8.5.2

That with respect the Denmark East Development Project, Council:

1. Accept a Royalties for Region grant of \$7,626,000 as the State Governments contribution to the Denmark East Development project;
2. Accept a contribution of \$2,500,000 from the State’s Land Development arm LandCorp as its contribution to the Denmark East Development project;
3. Appoint LandCorp as Project Manager to undertake the subdivision and development works on Council’s behalf; and

4. Thank the Minister for Regional Development, Hon Mr Terry Redman MLA, LandCorp and the Great Southern Development Commission for their support in making the grant application possible.

COUNCIL RESOLUTION

ITEM 8.5.2

MOVED: CR GILLIES

SECONDED: CR SEENEY

That with respect the Denmark East Development Project, Council:

1. Accept a Royalties for Region grant of \$7,626,000 as the State Governments contribution to the Denmark East Development project;
2. Accept a contribution of \$2,500,000 from the State's Land Development arm LandCorp as its contribution to the Denmark East Development project;
3. Appoint LandCorp as Project Manager to undertake the subdivision and development works on Council's behalf; and
4. Thank the Minister for Regional Development, Hon Mr Terry Redman MLA, LandCorp and the Great Southern Development Commission for their support in making the grant application possible.

As the Mover, Cr Gillies spoke to her Motion and requested that her words be recorded which were as follows;

"This opportunity has arisen from 'Growing our South Initiative' and the Great Southern Regional Blueprint; I accept that there will be community members that will have concerns regarding this project and my decision; however, I give you an undertaking that I will stand firm regarding Landcorp providing the community with a Communication Strategy and the ability to assess all milestones set out in the Funding Agreement as review steps for the project.

Landcorp has indicated that there will be a Communication Strategy developed whereby the community will be kept up to date via generic consultation i.e. the council website and the community conversations page in the local paper; updates will be, more than likely, monthly; and more specific engagement where impacts are direct.

Landcorp have the expertise as a developer of both government land assets and developers in the private sector through its Metropolitan Industrial and Regional Industrial Development Program to be able to provide Council and the community with the skills of, development management and project management, for this dual project.

Acceptance of the funding will commence the processes required; a Funding Agreement between Council and the Department of Regional Development will be brought back to Council for approval; this will then activate the detailed design that will carry milestones for the deliverables; these milestones would be review points; The MOU will require Landcorp to protect the benefits of the R4R funding while still value managing the project without any negative impacts for Council.

I believe it would be irresponsible for me to do anything other than support the funding for projects that have been accepted as part of our strategic direction adopted by Council in 2011 and endorsed by the WAPC in May 2012. An Industrial Area site will allow for growth of private business and ultimately provide expansion and employment; a bridge and a community connector road will impact the ambience of the current site, I will continue to advocate to minimise the impacts on immediate residents. Today I have listened to the many concerns; the decision I make is for the wider community for both now and into the future.

I ask all Councillors to support this significant funding opportunity for Denmark and accept the Officer Recommendations."

As the seconder, Cr Seeneey spoke to the Motion and requested that his words be recorded which were as follows;

"I find the Business Case for the Light Industrial Area and associated roadworks and bridge to be a sound document. The final plan will require rigorous public consultation with regard to the alignment, the footpath and accessibility and continuity of the Kwoorabup Trail.

Denmark is in need of a Light Industrial Area. We now have non-compliant businesses throughout the Shire with many businesses operating from special rural and rural land. A number of these businesses indicate a willingness to move to this new precinct. In fact, a number of these businesses cannot expand and grow without this happening.

I recognise the involvement and work by our former Councillor Alex Syme to this project and other Councillors over the years.

The security of Denmark with regard to fire risk and obstruction of our existing bridge is a concern to me. I have witnessed, a number of years ago, a significant fire in the area of Churchill Road and that is fixed in my mind that this road is a point of first defence and can be considered totally unsuitable as an escape route from town.

This new road and bridge is nothing more than a connector road, connecting to the proposed sub-divisions to the west and Scotsdale Road and to my knowledge, has never been proposed as anything else. To think we are going to put heavy duty traffic up either Cussons or McLeod Roads is beyond imagination.

I personally think Denmark is very fortunate to have these projects with such significant grant funding and we should accept this grant gratefully.

To wrap up, this total project is part of the LPS, a strategic document that was passed by the WAPC in 2012.

The funding for this project has been scrutinized both in-house and externally. Over the years public consultation has been done however, I do admit that it could have been promoted better in the past.

And finally, the need for both the bridge and industrial area has been firmly established.

Thank you."

During the course of debate Cr Lewis tabled a proposed amendment which read as follows;

That with respect the Denmark East Development Project, Council:

- 1. Accept a Royalties for Region grant of \$7,626,000 as the State Governments contribution to the Denmark East Development project subject to carrying out due diligence on the costs outlined in the business case via an independent cost analysis.*
- 2. Accept a contribution of \$2,500,000 from the State's Land Development arm LandCorp subject to consideration of a detailed proposal from LandCorp for the project management, subdivision and development works of the industrial area, bridge and connector roads as outlined in the Denmark East Development Business Case.*
- 3. Requests that the CEO, in accordance with Part 1 Section 4.10 "Transport" of the Local Planning Strategy (LPS) section 1(d) Implementation, "Undertake public consultation on the bridge crossing point proposal and any road upgrades required that have not already been the subject of separate planning approval processes (i.e. structure planning, scheme amendments and/or subdivision approvals) throughout the consideration and design processes."*
 - a) organise, within 28 days, a public meeting to inform and answer questions on the project and the ongoing public consultation process.*
 - b) prepare a community consultations plan for the project to be presented to Council at the meeting of the 12th April.*

4. *Thank the Minister for Regional Development, Hon Mr Terry Redman MLA, LandCorp and the Great Southern Development Commission for their support in making the grant application possible.*

Further discussion occurred on the amendment until Councillors were satisfied that the amendment reflected the agreed intent of the proposed Motion.

The Mover and the Seconder agreed to incorporate the amended motion into their original motion. The final motion was put as follows;

CORRECTION TO MINUTES.
Pursuant to Council Resolution No. 020416

COUNCIL RESOLUTION

That with respect the Denmark East Development Project, Council:

1. Accept a Royalties for Region grant of \$7,626,000 as the State Governments contribution to the Denmark East Development project on the understanding that any cost overruns will be accommodated within the scope of the project as confirmed by Great Southern Development Commission and LandCorp in their discussions with Councillors at the Strategic Briefing today.
2. Appoint LandCorp as Project Manager to undertake the subdivision and development works on Council's behalf and accept a contribution of \$2,500,000 from the State's Land Development arm LandCorp acknowledging that the project will be the subject of a funding agreement outlining the project management, subdivision and development works of the industrial area, bridge and connector roads as outlined in the Denmark East Development Business Case.
3. Requests the CEO, in accordance with Part 1 Section 4.10 "Transport" of the Local Planning Strategy (LPS) section 1(d) Implementation, to ensure that community consultation occurs with the community to determine;
 - a) where the bridge crossing point across the Denmark river is to be located; and
 - b) where the Connector road between the bridge and Scotsdale Road is to be located; and
 - c) organise, as soon as practicable, a public meeting to inform and answer questions on process around the project and the ongoing public consultation.
4. Thank the Minister for Regional Development, the Hon. Mr Terry Redman MLA, LandCorp and the Great Southern Development Commission for their support in making the grant application possible.

CARRIED: 6/1

Res: 280316

Pursuant to Resolution No.031115 all Councillors' votes on the above resolution are recorded as follows;

FOR: Cr Gearon, Cr Gillies, Cr Seeney, Cr Morrell, Cr Lewis and Cr Bartlett.

AGAINST: Cr Whooley.

REASONS FOR CHANGE

To clarify community consultation component and to ensure Council undertake due diligence in undertaking this project and accepting funding.

8.5.3 DRAFT CORPORATE BUSINESS PLAN

| | |
|--|--|
| File Ref: | ADMIN.1 |
| Applicant / Proponent: | Not applicable |
| Subject Land / Locality: | Not applicable |
| Disclosure of Officer Interest: | Nil |
| Date: | 18 February 2016 |
| Author: | Cliff Frewing, Chief Executive Officer |
| Authorising Officer: | Cliff Frewing, Chief Executive Officer |
| Attachments: | 8.5.3 – Draft Corporate Business Plan |

Summary:

The purpose of this report is to consider adoption of a draft Corporate Business Plan for community comment. The draft Plan is attached as Attachment 8.5.3.

Background:

The Shire of Denmark Strategic Community Plan was adopted by at its meeting held on 22 October 2013, where Council resolved (in part) as follows (Resolution No. 511013);

“That Council:

Adopt the Strategic Community Plan (as amended) entitled ‘Denmark 2031’ for effect from the current financial year through to 2031, with the following accompanying Vision, “Denmark in the Year 2031 is a leading example of a dynamic, connected, caring and cohesive community, in tune with its environment.”.

The Strategic Community Plan was developed with four Objectives: Social, Environmental Economic and Governance. For each Objective a number of Goals have been developed.

The Strategic Community Plan establishes the community’s vision, mission, values and aspirations and was developed with community involvement. The full document is available on the Shire’s webpage. The document contains information about the process used to develop the Plan and to a large extent there is no need or purpose in reviewing this information.

The ‘Snapshot’ of the Shire’s Plan is essentially the “Strategic Community Plan” and was adopted following an internal review at the last Council meeting on 1 March 2016 (Resolution No. 090316).

The development of the Corporate Business Plan is based on the Objectives and Goals contained in the Strategic Community Plan.

The Strategic Community and Corporate Business Plan are part of an overall framework designed to integrate the major planning and reporting of Council activities at a corporate level.

“Integrated planning and reporting” provides local governments a framework for establishing local priorities and also provides the links to operational functions. Three major parties are involved in the development of an integrated plan: the local government administration, the Council and the community.

Each part has a unique role and responsibilities for effective and sustainable integrated planning and reporting. The *Local Government (Administration) Regulations 1996* requires each local government to adopt a Strategic Community Plan and a Corporate Business Plan.

A successful integrated planning and reporting process will deliver the following outcomes:

- A Strategic Community Plan that clearly links the community's aspirations with the Council's vision and long term strategy;

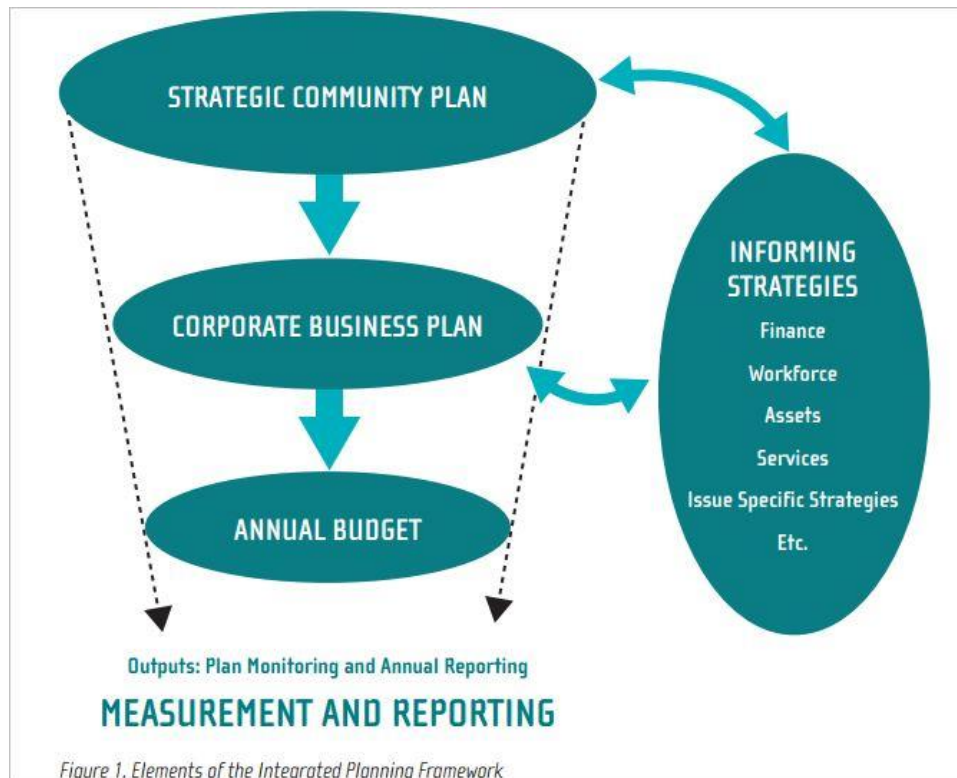
- A Corporate Business Plan that integrates resourcing plans and specific council plans with the Strategic Community Plan; and
- A clearly stated vision for the future viability of the local government area.

The [Integrated Planning and Reporting Framework and Guidelines](#) have been developed as part of the State Government's Local Government Reform Program. They reflect a nationally consistent approach to integrated planning as expressed by the Council of Australian Governments' Local Government Planning Ministers' Council.

The Framework:

- recognises that planning for a local government is holistic in nature and driven by the community;
- builds organisational and resource capability to meet community needs;
- optimises success by understanding the integration and interdependencies between the components; and
- emphasises performance monitoring so that local governments can adapt and respond to changes in community needs and the business environment.

The Integrated Planning and Reporting model is represented in diagrammatic form as follows:



Consultation:

The draft Community Plan was tabled at the previous ‘Strategic Briefing’ held on 1 March 2016 and no comments have been received from Elected Members. The document has been assembled having regard for identified key projects that require funding over the next four years. It also identifies the main operational activities that the Shire performs.

It is suggested that the Council adopts the draft Corporate Business Plan for Community consultation purposes only – and that the document be released for public consideration. When the consultation period has ended and any comments considered, any necessary changes can be made and referred back to Council for final adoption.

It is suggested that the Corporate Business Plan be advertised for community comment for a period of 6 weeks (42 days) via the Denmark Bulletin, Council's Facebook page, Council's Notice Boards and a letter to all known Community Groups requesting assistance with promotion of the draft document's availability for public comment.

Statutory Obligations:

The requirements for preparation, consideration, consultation and advertising of a Corporate Business Plan are detailed in the Local Government Act 1995.

Further guidance on the achievement of best practice standards is outlined within the Department of Local Government and Communities *Integrated Planning and Reporting Framework and Advisory Standards and website*.

Extract Local Government Act 1995

5.56. *Planning for the future*

- (1) *A local government is to plan for the future of the district.*
- (2) *A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

The Local Government Administration Regulations 1996 state:-

19DA. Corporate business plans, requirements for (Act s. 5.56)

- (1) *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) *A corporate business plan for a district is to —*
 - (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) *govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
 - (c) *develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) *A local government is to review the current corporate business plan for its district every year.*
- (5) *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*
- (6) *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*

**Absolute majority required.*

- (7) *If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

Policy Implications:

There are no policy implications as the development of a Corporate Business Plan is a legislative requirement.

Budget / Financial Implications:

Apart from administrative effort, there are no known financial implications upon either the Council’s current Budget or Long Term Financial Plan in preparing a Corporate Business Plan for community comment. In the longer term however when a review of comments received and Council has adopted the Plan, the necessary funds contained for projects listed for 2016/17 will need to be provided in the 2016/17 Budget. Funding for projects and activities listed for funding in 2017/18 to 2019/20 will need to be listed in the Long Term Financial Plan.

Strategic Implications:

The report and officer recommendation is consistent with the Local Government (Administration) Regulations 1996 and the Department of Local Government and Communities’ Advisory Standard.

Sustainability Implications:

➤ **Governance:**

There are no known significant governance considerations relating to the report or officer recommendation as the Local Government requires each Local Government to have a Corporate Business Plan.

➤ **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 not adopt the proposal to put the Draft Community Plan and conduct a community consultation process therefore not complying with the legislation. | Unlikely (2) | Moderate (3) | Low (1-4) | Not Meeting Community expectations | Accept Officer Recommendation |

Comment/Conclusion:

There is a requirement to ensure that the State Government’s “*Integrated planning and reporting*” framework is followed by adopting a draft Corporate Business Plan that establishes local priorities and also provides the links to operational functions.

The Plan is consistent with the recently adopted Objectives and Goals of the Shire as shown on the Strategic Community Plan "Snapshot". The associated Corporate Business Plan has been prepared for Council consideration before being put to the community for a period of 6 weeks for consideration and public comment.

The timing suggested takes into account the fact that the review should involve the community in a meaningful way. Council is then required to consider responses received and adopt a Plan.

Voting Requirements:

Simple majority – absolute majority when Plan is finally adopted.

| | |
|--|---------------------|
| COUNCIL RESOLUTION & OFFICER RECOMMENDATION | ITEM 8.5.3 |
| MOVED: CR GILLIES | SECONDED: CR SEENEY |
| With respect to the draft Shire of Denmark Corporate Business Plan, Council; | |
| 1. Adopt the draft for community comment for a period of 6 weeks; and | |
| 2. Following the community consultation period, Council receives a report recommending adoption of the Corporate Business plan after consideration of any modifications. | |
| CARRIED UNANIMOUSLY: 7/0 | Res: 290316 |

9. COMMITTEE REPORTS & RECOMMENDATIONS

Nil

10. MATTERS BEHIND CLOSED DOORS

Nil

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

The Shire President accepted an Item of New Business.

7.41pm – Cr Gearon left the room.

| | |
|---|---------------------|
| COUNCIL RESOLUTION | |
| MOVED: CR GILLIES | SECONDED: CR SEENEY |
| That the meeting move behind closed doors to discuss a matter in relation to the employment of a Designated Senior Officer. | |
| CARRIED: 6/0 | Res: 300316 |

7.42pm – Cr Gearon returned to the room.

7.42pm – *The Director of Infrastructure Services, the Director of Finance & Administration, the Director of Planning & Sustainability and all members of the public left the room.*

| | |
|--|--|
| 11.1 APPOINTMENT OF CHIEF EXECUTIVE OFFICER – INTERVIEW PROCESS | |
| File Ref: | PER.19 |
| Applicant / Proponent: | Not applicable |
| Subject Land / Locality: | Not applicable |
| Disclosure of Officer Interest: | Nil |
| Date: | 22 March 2016 |
| Author: | Cliff Frewing, Chief Executive Officer |
| Authorising Officer: | Cliff Frewing, Chief Executive Officer |
| Attachments: | Nil |

The report for this item was confidential and was provided to Councillors under separate cover.

OFFICER RECOMMENDATION

ITEM 11.1

That with respect to the appointment of a CEO, Council:

1. Interview the preferred applicants identified in the report; and
2. Authorise the CEO to finalise all interview and relevant administrative arrangements.

COUNCIL RESOLUTION

ITEM 11.1

MOVED: CR GILLIES

SECONDED: CR SEENEY

That with respect to the appointment of a CEO, Council:

1. Interview the preferred applicants identified and shortlisted by WALGA Recruitment; and
2. Authorise the CEO to finalise all interview and relevant administrative arrangements.

AMENDMENT

MOVED: CR LEWIS

SECONDED: CR BARTLETT

In part 1, after the word “Recruitment” add the words “and candidate number 12”.

CARRIED: 4/3

Res: 310316

Pursuant to Resolution No.031115 all Councillors’ votes on the above resolution are recorded as follows;

FOR: Cr Gearon, Cr Whooley, Cr Lewis and Cr Bartlett.

AGAINST: Cr Seeney, Cr Gillies and Cr Morrell.

AMENDMENT

MOVED: CR WHOOLEY

In Part 1, after the word “12” in the substantive motion, add the words “and No. 14”.

LAPSED FOR WANT OF A SECONDER

AMENDED MOTION

That with respect to the appointment of a CEO, Council:

1. Interview the preferred applicants identified and shortlisted by WALGA Recruitment and candidate number 12; and
2. Authorise the CEO to finalise all interview and relevant administrative arrangements.

THE AMENDED MOTION BECAME THE SUBSTANTIVE MOTION WHICH WAS PUT AND CARRIED UNANIMOUSLY: 7/0

Res: 320316

| | |
|--|---|
| <p>COUNCIL RESOLUTION MOVED: CR LEWIS That the meeting come out from behind closed doors. CARRIED UNANIMOUSLY: 7/0</p> | <p>SECONDED: CR GEARON Res: 330316</p> |
|--|---|

12. CLOSURE OF MEETING

7.58pm – *There being no further business to discuss the Shire President, Cr Morrell, declared the meeting closed.*

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

Signed: _____
Cliff Frewing – Chief Executive Officer

Date: _____

These minutes were confirmed at a meeting on the _____.

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