



# Minutes

## ORDINARY MEETING OF COUNCIL

HELD IN THE COUNCIL CHAMBERS,  
953 SOUTH COAST HIGHWAY, DENMARK ON  
TUESDAY, 23 DECEMBER 2014.

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# Ordinary Council Meeting

23 December 2014

## 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**

4.02pm - The Shire President, Cr Thornton, declared the meeting open.

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

MEMBERS:

Cr Ross Thornton (Shire President)  
 Cr John Sampson (Deputy Shire President)  
 Cr Kelli Gillies (*via instantaneous communication, approved pursuant to Resolution No. 031114*)  
 Cr Ian Osborne  
 Cr Dawn Pedro  
 Cr Roger Seeney

STAFF:

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

APOLOGIES:

Mr Dale Stewart (Chief Executive Officer)  
 Mr Rob Whooley (Director of Infrastructure Services)

ON APPROVED LEAVE(S) OF ABSENCE:

Cr Belinda Rowland (pursuant to Council Resolution No. 010814)  
 Cr Jan Lewis (pursuant to Council Resolution No. 010914)  
 Cr David Morrell (pursuant to Council Resolution No. 021114)

ABSENT:

Nil

VISITORS:

Members of the public in attendance at the commencement of the meeting: 28  
 Members of the press in attendance at the commencement of the meeting: Nil

DECLARATIONS OF INTEREST:

Name	Item No	Interest	Nature
Cr Thornton	8.2.2	Impartiality	Cr Thornton is the Honorary Vice Patron of the Denmark Surf Life Saving Club.
Cr Thornton	8.5.1	Impartiality	Cr Thornton is the Honorary Vice Patron of the Denmark Surf Life Saving Club.

**3. ANNOUNCEMENTS BY THE PERSON PRESIDING**

The Shire President welcomed Mr Marcus Owen, who had recently been appointed as Council's new Community Emergency Services Manager.

The Shire President congratulated the Council's Works & Services Staff on the recent work done on Mt Lindesay Road and Scotsdale Road. Cr Thornton said "well done" and acknowledged the entire Infrastructure Services Directorate for their efforts stating that the roads and facilities including footpaths, gardens and parks were improving every year.

#### 4. PUBLIC QUESTION TIME

##### 4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

##### 4.2 PUBLIC QUESTIONS

In accordance with Section 5.24 of the Local Government Act 1995, Council conducts a public question time to enable members of the public to address Council or ask questions of Council. The procedure for public question time can be found on the 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 Shane Smith – Item 8.5.1 (Intention to Suspend Boat Launching at Ocean Beach – at Specified Times Each Year)

Mr Smith, a local professional fisherman, highlighted his family's fishing history in Denmark and spoke against the proposed closure.

##### 4.2.2 Mr Mark Shepherd – Item 8.5.1 (Intention to Suspend Boat Launching at Ocean Beach – at Specified Times Each Year)

Mr Shepherd read a statement on behalf of his brother, Aido Shepherd who was the father of the young person involved in the June 2014 incident, stating that he wished to set the record straight on a few things that he felt that he had been quoted saying which he hadn't. Mr Shepherd read out his brother's statement which spoke in favour of continued shared use of the area.

##### 4.2.3 Ms Josie Mitchell – Item 8.5.2 (Special Electors Meeting – 19 December 2014)

Ms Mitchell stated that she did not believe the Minutes to be accurate and that she would like all of her remarks recorded.

*The Shire President advised that Minutes were not verbatim and that only the speakers name and the essence of what they spoke about was recorded.*

Ms Mitchell asked how she could get the issues she considered as being significant recorded in the Minutes.

*The Shire President advised that she was welcome to put the details in writing to the Chief Executive Officer for Council's consideration.*

##### 4.2.4 Mr Trent Moore – Item 8.2.2 (Ocean Beach Surf School Agreement Renewal)

Mr Moore wished to record the Denmark Sea Rescue Group's support for the renewal of the Surf School agreement.

##### 4.2.5 Mr Jim King – Item 8.5.2 (Special Electors Meeting – 19 December 2014)

Mr King stated there were a couple of points in the Special Electors Meeting Minutes that were inaccurate and requested that they be corrected.

**4.2.6 Mr John Taylor – Item 8.5.1 (Intention to Suspend Boat Launching at Ocean Beach – at Specified Times Each Year)**

Mr Taylor spoke against the proposed closure. ~~asking whether by sending people to Parry Beach and Peaceful Bay would create similar problems and whether Council would be undertaking a risk assessment on those areas as well.~~

Correction to Minutes. Pursuant to Council Resolution No. 020115

*The Shire President stated that it was likely that Council would undertake similar risk assessments of Parry Beach & Peaceful Bay particularly in relation to boat launching and vehicles on the beach.*

**4.2.7 Mrs Deborah Feld – Item 8.5.2 (Special Electors Meeting – 19 December 2014)**

Mrs Feld asked why her comments made at the Special Electors Meeting were not recorded in the Minutes and was disappointed that Council could approve an application for one person when there were 267 signatures on a petition and 40 objections against it.

*The Shire President advised that her comments were made while she was speaking to her motion, after it had been moved and seconded, and therefore those comments, including debate, was not generally recorded.*

**4.2.8 Mr Mike Neunuebel – Item 8.2.2 (Ocean Beach Surf School Agreement Renewal)**

Mr Neunuebel asked how Council was going with the concept plan, including consideration of a parking area for the Surf School at Ocean Beach.

*The Shire President stated that they had appointed Councillor representatives to the Working Group and that the Denmark Surf Life Saving Club would also be making a contribution to employ Pixel Trix to draw up some initial concept plans.*

**4.2.9 Mr Lee Shelley – Item 8.5.1 (Intention to Suspend Boat Launching at Ocean Beach – at Specified Times Each Year)**

Mr Shelley highlighted a number of inaccuracies in the Risk Assessment document.

*The Shire President asked for a copy of the listed inaccuracies so that Council Officers could go through them and arrange for corrections where required.*

Mr Shelley also referred to a signage review for Ocean Beach which was supposed to be implemented prior to this Christmas and asked why it hadn't been done.

*The Director of Community & Regulatory Services responded stating that they had decided to hold off on implementation until after Council had considered Item 8.5.1 on the Agenda as, depending on the outcome, it could alter some of the signage.*

**4.2.10 Mr Michael Stokes – Item 8.5.1 (Intention to Suspend Boat Launching at Ocean Beach – at Specified Times Each Year)**

Mr Stokes stated that he believed that the Risk Assessment was done cheaply and it was flawed in many ways particularly the general lack of consultation with users and stakeholders.

**4.2.11 Mr Murray Thornton – Item 8.5.1 (Intention to Suspend Boat Launching at Ocean Beach – at Specified Times Each Year)**

Mr Thornton spoke as a Surf Club member stating that their main concern was always public safety and highlighted the ratio of boats vs other users.

**4.2.12 The Hon. Dr Sally Talbot MLC – Item 8.5.1 (Intention to Suspend Boat Launching at Ocean Beach – at Specified Times Each Year)**

Dr Talbot spoke as a local member of parliament and a resident of Denmark and raised some concerns with the quality of the Risk Assessment. Dr Talbot urged Council to continue with the shared use with adequate signage, consultation and education.

**4.2.13 Mr Don Smith – Item 8.5.1 (Intention to Suspend Boat Launching at Ocean Beach – at Specified Times Each Year)**

Mr Smith, President of the Denmark Boating & Angling Club, expressed disappointment with the quality of the Risk Assessment stating that the boating channel had been used since the 1960s with no incidences.

**4.2.14 Mr Trent Moore – Item 8.5.1 (Intention to Suspend Boat Launching at Ocean Beach – at Specified Times Each Year)**

Mr Moore, President of the Denmark Sea Rescue Group, stated that their main concern was public safety and raised concerns about their extended lead time should boats be forced to launch from Parry Beach or Cosy Corner. Mr Moore advised that the Department of Transport had agreed to do up some information packs which they could distribute to caravan parks to provide safety information for boaters likely to use the Ocean Beach boat ramp.

*The Shire President wished to clarify that if the Officers Recommendation was endorsed by Council then the first closure would commence at Easter 2015 and not this Christmas / New Year period.*

**4.2.15 Mr Des Hockley – Item 8.5.1 (Intention to Suspend Boat Launching at Ocean Beach – at Specified Times Each Year)**

Mr Hockley asked what was going to happen to the area if it gets closed.

*The Shire President advised that it would just remain part of the beach.*

**4.2.13 Mr Russell Carter – Item 8.5.1 (Intention to Suspend Boat Launching at Ocean Beach – at Specified Times Each Year)**

Mr Carter, Vice President of the Denmark Sea Rescue Group, stated that the log on statistics were only for one year and that numbers could vary from year to year depending on conditions. Mr Carter referred to the possibility of training a sentry to guide boating safety over busy times and assist lifeguards when there were no boats. Mr Carter suggested that the debate was being emotionalised by using examples of deaths which had occurred in other places and in different circumstances.

**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.

*There were no presentations, deputations or petitions.*

**5. APPLICATIONS FOR FUTURE LEAVE OF ABSENCE**

Nil

**6. CONFIRMATION OF MINUTES**

**6.1 ORDINARY COUNCIL MEETING**

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 6.1</b>
MOVED: CR SAMPSON	SECONDED: CR OSBORNE
That the minutes of the Ordinary Meeting of Council held on the 2 December 2014 be confirmed as a true and correct record of the proceedings.	
CARRIED UNANIMOUSLY: 6/0	Res: 211214

**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 PRAWN ROCK CHANNEL CONCEPT PLAN

<b>File Ref:</b>	A3071
<b>Applicant / Proponent:</b>	Shire of Denmark
<b>Subject Land / Locality:</b>	Prawn Rock Channel recreation area (Reserve 24596 and portion of Reserve 20578) and Prawn Rock Island
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	11 December 2014
<b>Author:</b>	Donna Sampey, Sustainability Officer
<b>Authorising Officer:</b>	Annette Harbron, Director of Planning & Sustainability
<b>Attachments:</b>	8.1.1a – Map of Prawn Rock Channel recreation area subject to Concept Plan 8.1.1b – Draft Terms of Reference for the Prawn Rock Channel Working Group

#### Summary:

Formation of a Working Group is proposed in order to develop a Concept Plan for the Prawn Rock Channel recreation area. The Concept Plan's objectives are to manage the multiple recommendations for the area made in Shire management plans, existing maintenance issues, current known community requests for new infrastructure and/or any other associated issues.

#### Background:

The Prawn Rock Channel recreation area is located on Ocean Beach Road and is defined for the purposes of the Concept Plan as the area immediately north west of the Wilson Inlet opening, including (refer Attachment 8.1.1a):

- Prawn Rock Island (sometimes referred to as 'Dog Island');
- Two car parking areas along Ocean Beach Road; and,
- Grassed picnic area.

The area comprises three land parcels with tenure as per the following:

- Portion of Reserve 20578 – 13.1 ha. Purpose: 'Recreation'; Management Order to Shire of Denmark.
- Reserve 24596 – 0.06 ha. Purpose: 'Recreation'; Management Order to Shire of Denmark.
- 'Prawn Rock Island' – 6.8 ha. Currently Unallocated Crown Land (UCL) which is managed by Department of Lands. However, an application from the Shire to change tenure to Shire-managed is currently being processed by the Department of Lands.

The Prawn Rock Channel area has been used for recreational purposes since the 1940s and major past-times include swimming, fishing, dog-walking, picnicking and, historically, camping (noting camping is no longer permitted as the 'purpose' of Reserve 20578 was changed from 'Camping' to 'Recreation' in 2011). Some of the Prawn Rock Channel area is a recognised dog exercise area as per Council Policy P050203: Specified Dog Exercise or Prohibited Areas.

*The Shire of Denmark Coastal Reserves Management Strategy and Action Plan 2010 – 2020* recognised the Prawn Rock Channel Area as subject to future pressures related to increased residential population and visitors. It recommends a number of management actions to provide appropriate and sufficient facilities to accommodate this demand, while implementing adequate controls to ensure the area's environmental values are protected.

Shire staff have also identified a number of current maintenance issues in the Prawn Rock Channel area, which includes:

- Seasonal inundation of the northern car park and adjacent recreational area;
- Potential safety risks associated with deterioration of the two pedestrian bridges to Prawn Rock Island; and,
- Bank erosion.

Council has also received complaints from the community related to these issues. In addition, the Wilson Inlet Restoration Group is seeking to establish a sun shelter on Prawn Rock Island and more recently have approached Shire staff with requests to install a new pedestrian path south of the Ocean Beach lookout in order to facilitate access to Ocean Beach when Inlet levels are high.

The proposed Prawn Rock Channel Concept Plan will be a method of bringing together the recommendations from the *Coastal Reserves Management Strategy and Action Plan 2010 - 2020*, with existing maintenance issues and current known community requests for new infrastructure at the site. It will be a strategic mechanism of providing detail on upgrade, review of existing and provision of new recreational facilities and amenities in the Prawn Rock Channel area. A Prawn Rock Channel Concept Plan Working Group is proposed in order to facilitate the formation of the Concept Plan.

#### **Consultation:**

Formation of a Working Group will allow consultation with representatives of the community and relevant external stakeholders in compiling a Concept Plan for the Prawn Rock Channel area, prior to being advertised for public comment. Membership is proposed to include:

- 2 x Councillors (one of whom is to be elected Presiding Person)
- Director of Planning and Sustainability
- Director of Infrastructure Services (or delegate)
- Sustainability Officer
- 1 x Wilson Inlet Restoration Group representative
- 2 x Community Representatives

Advertising calling for Community Members to serve on the Working Group is proposed for a minimum period of 14 days:

- Advertising notice to be published in the Denmark Bulletin inviting nominations from the public.
- Advertising notice being displayed at the Shire Administration Office, the Shire Library and the Shire's website for the duration of the public nomination period.

Shire staff seek to finalise the Concept Plan within the 2014/15 financial year. In this case, 14 days is considered an adequate period for advertising, given the additional time required for a further three reports to Council (associated with community nominations for the Working Group, draft Concept Plan and final Concept Plan) and public comment period.

During the development of the Concept Plan, additional liaison is expected with the Department of Aboriginal Affairs to ensure compliance of the proposed Plan with the *Aboriginal Heritage Act 1972* (given two registered aboriginal heritage sites occur within the Concept Plan area).

#### **Statutory Obligations:**

The transfer of tenure of Prawn Rock Island to Shire-management is currently being processed by the Department of Lands. A decision by the Department is likely to be made in time for implementation of any recommendations made in the Concept Plan.

The proposed Concept Plan scope area encompasses two Registered Aboriginal Heritage Sites: Poddy Point Burial (ID 4436) and Katelaysia Rock Shelter (ID 4668).

**Policy Implications:**

The Concept Plan will address recommendations from the *Coastal Reserves Management Strategy and Action Plan 2010 – 2020* specifically relating to recreational amenity at the Prawn Rock Channel recreation area:

- OB1. *Provide picnic facilities (such as covered picnic benches and a limited number of barbecues) on the grassed area near the first car park. Picnic facilities will need to be raised above the seasonally inundated high water level. (Medium priority).*
- OB2. *Ensure that facilities established at Prawn Rock Channel are wheelchair-accessible. (Immediate priority).*
- OB3. *Maintain the formal dual-use path which extends from the Ocean Beach Surf Lifesaving Club past Ocean Beach Lookout and along Ocean Beach Road to the south of Prawn Rock Channel. (Immediate priority).*
- OB4. *Establish public toilets at Prawn Rock Channel with disabled access at the most suitable location, possibly within the southern gravel car park opposite the turnoff to the Ocean Beach Lookout. (Low priority).*
- OB5. *Erect signage further north along Ocean Beach Road to indicate the availability of public amenities. (Low priority).*
- OB6. *Erect signage to indicate that no camping is permitted on the foreshore reserves managed by the Shire. These should be placed in areas which don't obscure or interrupt views. (Medium priority).*

Although largely superseded by the *Coastal Reserves Management Strategy and Action Plan 2010 - 2020*, the *Wilson Inlet Foreshore Reserves Management Plan (2008)* listed recommendations relating to the Prawn Rock Channel recreation area, one of which is still outstanding:

- 2.5h) *It is recommended that picnic facilities be added at Prawn Rock Channel.*

The *Shire of Denmark Disability Access and Inclusion Plan June 2013 – 2018* makes recommendations relating to increasing accessibility to “Council’s main active, passive and coastal recreational areas” and investigating “universal access opportunities along the Shire of Denmark’s high value foreshore areas”. The *Coastal Reserves Management Strategy and Action Plan 2010-2020* Recommendation OB2 supports the inclusion of disability access and will be considered in the Prawn Rock Channel Concept Plan.

The Shire’s Organisation Wide Procedure OP040105: *Project Management or Working Groups of Committees* establishes the need for Working Groups and requirements of the Presiding Member as per the following:

*“This procedure applies whenever the Council or a Council Officer determines that a Project Management Group (PMG) or Working Groups (WG) is desired to establish or oversee a consultancy or project wherever such a group has one or more elected members on that group.*

*To maximise the probability of Council support for the recommendations or outcomes of a consultancy project, officers that create or setup a PMG or WG, Steering Committee or Working Group, are to ensure that wherever such a group has one or more elected members on that group, that an elected member is appointed as the Chair. Under no circumstances should an officer of the Council be in a position of Chair.*

*Minutes or notes of agreed outcomes and attendances of these groups should always be taken by a Council Officer and retained on file.”*

The *Coastal Reserves Management Strategy and Action Plan 2010 – 2020* includes a recommendation relating to coastal tenure which states “*Recommendation CT1: Avoid segregation of the coastal reserves into smaller reserves, and merge reserves where*

*appropriate*". This recommendation supports the merging of Reserves 20578 and 24596 for ease of management, especially given the small size of Reserve 24596 (0.06 ha), they are neighbouring and have the same tenure and purpose; thus Shire staff have recently written to the Department of Lands to tidy up the tenure in this area.

**Budget / Financial Implications:**

A maximum of \$5,000 (excl. GST) will be allocated from Protection of the Environment Account 1060292 (Project Works Unallocated) of Council's 2014/15 Municipal Budget in order to engage an appropriately qualified graphics specialist to finalise the Working Group's Concept Plan. While the majority of the Concept Plan will be compiled by the Working Group, allocating some funds to improving the presentation of the final Plan will improve understanding during the community consultation phase of the Concept Plan's development.

**Strategic Implications:**

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

*Social Objective – Denmark's communities, people and places are connected and creative, vibrant and dynamic, healthy and safe.*

*Population goal - That the Shire of Denmark closely monitors its population growth over the next two decades, to put into place advocacy, policies and infrastructure that reflect the needs of a diverse age range and which will be attractive to both present and new residents.*

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

*Environment Objective - Denmark's natural environment is regionally significant, wild and beautiful, yet so inviting and fragile that its protection and enhancement is carefully balanced in meeting the needs of current and future generations' lifestyle, development and tourism needs.*

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

*Waterways goal - That the Shire of Denmark acknowledge the importance of rivers, inlets and coastline to residents, visitors and the local economy, and implements and advocates for policies with other relevant authorities and organisations to maintain these to a high standard of health and amenity.*

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

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

**Sustainability Implications:**

➤ **Governance:**

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

➤ **Environmental:**

A Concept Plan for the Prawn Rock Channel recreation area will address current environmental impacts, including bank erosion and compaction and vegetation disturbance. It will seek to balance recreational use of the area while mitigating impacts and enhancing and restoring natural values.

➤ **Economic:**

Implementation of the final Concept Plan’s recommendations may require future allocation in Council’s Municipal Budget and/or external funds obtained through grants.

➤ **Social:**

The Prawn Rock Channel recreation area is popular amongst local residents and visitors for a variety of passive pursuits. Numbers of users are predicted to increase over the next 10 years, placing strain on the limited facilities which are provided and exacerbated by the seasonal nature of current access (the picnic areas and carpark are under water when Inlet levels are high). A new public toilet was recommended in the *Coastal Reserves Management Strategy and Action Plan 2010 - 2020*, given the distance to the nearest toilet at Ocean Beach and high-visibility of the Prawn Rock Channel area (along a main road). Prawn Rock Channel has also been recognised as more easily accessible to the disabled and elderly and connects to the Permitted Dog Exercise area on the Wilson Inlet sandbar, which had much support in the recent review of the Shire’s Dog Exercise Areas.

➤ **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 do not support the development of a Concept Plan for the Prawn Rock Channel recreation area	Possible (3)	Minor (2)	Moderate (5-9)	Inadequate Asset Management	Maintenance and installation of any new infrastructure is conducted ad hoc

**Comment/Conclusion:**

The importance of the Prawn Rock Channel recreation area and its growing usage has already been recognised. Given the number of recommendations for improvements to recreational and amenity facilities at Prawn Rock Channel from the *Coastal Reserves Management Strategy and Action Plan 2010 - 2020*, as well as the extent of current maintenance issues e.g. bridges, bank erosion, and current known community requests for new facilities, there is an obvious need to ensure that all new infrastructure, upgrades and maintenance are planned appropriately. This will ensure rationalisation of existing infrastructure, a common theme in the design of new infrastructure, facilities are planned with future needs in mind and funds are allocated appropriately. A Concept Plan for Prawn Rock Channel recreation area will ensure the appropriate planning framework and its development by a Working Group, made up of Councillors, Council staff, community organisations and community representatives will mean the community needs for the area are addressed over the longer-term.

A draft Terms of Reference for the Prawn Rock Channel Concept Plan Working Group is attached at Attachment 8.1.1b.

It should be noted that there is no intention that the Concept Plan will review the Permitted and Prohibited Dog Exercise Areas at Prawn Rock Channel given these areas were adopted by Council at its 11 November 2014 Ordinary Meeting (Resolution 131114).

The scope for the proposed Concept Plan includes only part of the area of Reserve 20578, that being: east of Ocean Beach Road from the northern boundary of the reserve to the start of the

Enorthern driveway to the Ocean Beach lookout, and the Prawn Rock channel carpark adjacent to this driveway on the western side of Ocean Beach Road (refer Attachment 8.1.1a). The Officer has not included the Ocean Beach Lookout area in the scope for the proposed Concept Plan for the following reasons:

- An inspection conducted in March 2014 by the Shire’s Principal Building Surveyor did not identify any structural issues with the lookout and the smaller maintenance issues have since been rectified by Shire staff;
- Recommendations from the *Coastal Reserves Management Strategy and Action Plan* relating to the Ocean Beach lookout have been completed; and,
- Requests from the Wilson Inlet Restoration Group for Council to install a path immediately south of the lookout to enable an alternative access to Ocean Beach during periods of high water level in the Inlet is not consistent with *Coastal Reserves Management Strategy and Action Plan* recommendations.

Notwithstanding the above, should Council support the concept of a new path to Ocean Beach, Council may wish to consider the need to expand the proposed scope area for the Concept Plan to include the Ocean Beach lookout area, given the area will also be excluded from the pending Concept Plan for the Ocean Beach Surf Life Saving Club area.

**Voting Requirements:**

Simple majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 8.1.1
MOVED: CR PEDRO	SECONDED: CR SEENEY
That with respect to the Prawn Rock Channel Concept Plan, Council:	
<ol style="list-style-type: none"> <li>1. Establish a Prawn Rock Channel Concept Plan Working Group in accordance with the Terms of Reference in Attachment 8.1.1b.</li> <li>2. Nominate Councillor Sampson and Councillor Pedro to the Working Group.</li> <li>3. Invite the Wilson Inlet Restoration Group to nominate their representative.</li> <li>4. Advertise for a minimum of 14 days seeking two (2) community members to serve on the Working Group.</li> </ol>	
<b>AMENDMENT</b>	
MOVED: CR THORNTON	SECONDED: CR SAMPSON
That a suitable accessway be included under the Terms of Reference from the Rotary Lookout to the Ocean Beach Foreshore.	
CARRIED UNANIMOUSLY: 6/0	Res: 221214
<b>SUBSTANTIVE MOTION</b>	
That with respect to the Prawn Rock Channel Concept Plan, Council:	
<ol style="list-style-type: none"> <li>1. Establish a Prawn Rock Channel Concept Plan Working Group in accordance with the Terms of Reference in Attachment 8.1.1b, with the inclusion of an additional objective of looking at a suitable accessway from the Rotary Lookout to the Ocean Beach Foreshore.</li> <li>2. Nominate Councillor Sampson and Councillor Pedro to the Working Group.</li> <li>3. Invite the Wilson Inlet Restoration Group to nominate their representative.</li> <li>4. Advertise for a minimum of 14 days seeking two (2) community members to serve on the Working Group.</li> </ol>	
THE SUBSTANTIVE MOTION WAS PUT & CARRIED UNANIMOUSLY: 6/0	
	Res: 231214

## 8.2 Director of Community & Regulatory Services

### 8.2.1 REPLACEMENT CESM FIRE CONTROL OFFICER APPOINTMENT

<b>File Ref:</b>	FIRE.1
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Shire of Denmark
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	10 December 2014
<b>Author:</b>	Gregg Harwood, Director of Community & Regulatory Services
<b>Authorising Officer:</b>	Gregg Harwood, Director of Community & Regulatory Services
<b>Attachments:</b>	No

#### Summary:

The officer report discusses the need for Marcus Owen Council's recently appointed Community Emergency Services Manager (CESM) to be appointed as a Fire Control Officer (FCO) in order for him to be able to fulfil the duties of his position.

The appointment of the CESM as an FCO improves the resilience of our emergency response capacity as it means that the CESM is able to take control of a fire ground when local volunteer FCOs are not available.

The officer report recommends that he be appointed to this role.

#### Background:

In January 2014 each Bush Fire Brigade was requested to submit a nomination for the position of Fire Control Officer at the June 2014 Bush Fire Advisory Committee meeting and these nominations were recommended by the Bush Fire Advisory Committee (BFAC) at its 5 June 2014 meeting.

Normally BFAC's annual FCO recommendation to Council also includes the appointment of both Council's rangers and its CESM but in the case of the CESM this was listed as "vacant" due to Nathan Hall's imminent departure.

#### Consultation:

In January 2014 each Bush Fire Brigade was requested to submit a nomination for the position of Fire Control Officer at the June 2014 Bush Fire Advisory Committee meeting and these nominations were recommended by the Bush Fire Advisory Committee Meeting at its 5 June 2014 meeting.

#### Statutory Obligations:

While the Captains, Lieutenants, Secretaries, Equipment Officers and the like are elected by brigades it is Council's role to appoint Fire Control Officers under section 38(1) of the Bush Fires Act 1954. This section reads as follows:

*"A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act,"*

#### Policy Implications:

There are policy implications in relation to Policy P050107 which identifies the number of Bush Fire Brigades within the Shire of Denmark and refers to the Committee Charter for reference as to the Bush Fire Advisory Committee structure.

#### Budget / Financial Implications:

There are no known financial implications upon 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.

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

*Public Safety: - Work with relevant authorities and organisations to maintain a safe and secure environment for its residents and visitors.*

**Sustainability Implications:**

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **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 CESM is inadequately trained to be an FCO	Unlikely (2)	Moderate (3)	Moderate (5-9)	Inadequate Organisation or Community Emergency Management	Control through quality training of CESM and previous experience

**Comment/Conclusion:**

Marcus has carried out senior/management roles in Lake Grace fire brigades and has previously completed the DFES Fire Control Officers Course and meets all of the training requirements for an FCO position.

His professional back ground in terms of fire control is as follows:

Marcus emigrated from Northumberland England to Lake Grace almost 20 years ago. He has worked in the agricultural industry, since his arrival, both on farm and with the Department of Agriculture and Food for 15 years.

He joined the Shire of Lake Grace almost 5 years ago working first of all for two years as the Natural Resource Management Officer which also included CESM duties and for the last three years as a dedicated Community Emergency Services Manager.

His is a qualified DFES trainer/assessor with CERT IV Trainer/Assessor; currently holds Introduction to Fire Fighting, Bushfire Fighting and Fire Control Officer TRKs.

He also has 17 years of service with Lake Grace Volunteer Fire & Rescue Service and 5 years' experience as Captain and Lake Grace Town Fire Control Officer for 4 years.

**Voting Requirements:**

Simple majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 8.2.1
MOVED: CR SEENEY	SECONDED: CR SAMPSON
That Council appoint Marcus Owen, Council's Community Emergency Services Manager, as a Fire Control Officer (FCO) for 2014/2015.	
CARRIED: 6/0	Res: 241214

*Prior to consideration of Item 8.2.2 the Acting Chief Executive Officer, through the Presiding Person, brought to the attention of the meeting the following disclosure(s) of interest:*

*Cr Thornton is the Honorary Vice Patron of the Denmark Surf Life Saving Club and as a consequence there may be a perception that his impartiality on this matter may be affected. Cr Thornton declares that he will consider this matter on its merits and vote accordingly.*

### **8.2.2 OCEAN BEACH SURF SCHOOL AGREEMENT RENEWAL**

<b>File Ref:</b>	A1830
<b>Applicant / Proponent:</b>	Mike Neunuebel (South Coast Surfing School)
<b>Subject Land / Locality:</b>	Ocean Beach
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	8 December 2014
<b>Author:</b>	Gregg Harwood, Director of Community & Regulatory Services
<b>Authorising Officer:</b>	Gregg Harwood, Director of Community & Regulatory Services
<b>Attachments:</b>	8.2.2a – Item 9.2.3 of 22 December 2009 Council Minutes 8.2.2b – Application from South Coast Surfing School 8.2.2c – Letter from Denmark Surf Life Saving Club

#### **Summary:**

This item discusses a letter (attached) from Mike Neunuebel (South Coast Surfing School) requesting the renewal of his current five year licence granting him permission to run a surfing school at Ocean Beach and the construction of a parking bay at the base of the track that leads down to the beach for the school's vehicle and trailer to be parked in during lessons when the beach recedes.

The officer report recommends that Council grant another five year licence on the same terms and conditions as the previous license until the proposed review of the concept plan for the area is completed, whereupon the licensee may seek a variation, if permitted by that finalised concept plan.

#### **Background:**

Mike Neunuebel's South Coast Surfing School has been running for more than 12 years and has become an established tourist attraction and local business. In 2003 and 2004 approvals for the school's operation were referred to Council and it appears that after this period the school was issued with a five year approval to operate subject to the payment of a \$330 per year Annual Activity Permit fee which is as per Council's scheduled fees and charges.

At Council's 22 December 2009 meeting resolution 161209 granted a further five year approval to operate. This approval is about to expire and the applicant is seeking a further five year approval to operate the school at Ocean Beach and has requested that Council at its own expense construct a parking bay at the base of the track that leads down to the beach so that the school's vehicle and trailer can still be parked adjacent to the beach when the sand at Ocean Beach recedes.

The applicant's rationales for the parking bay request are twofold. The first is that was discussed in Council's December 2009 approval and it is listed as an outcome in Section OB24 of council's Coastal Management Plan 2010-2020 and the second is that he hopes that the presence of the bay will avoid any need on his part repeat his 2013 actions that lead to Council making the following resolution at its 22 December 2013 meeting:

*Resolution No: 061213.*

*"That with respect to the actions on a portion of Reserve 24913, Ocean Beach Road, Ocean Beach by Mr Mike Neunuebel of South Coast Surfing Lessons, Council:*

- 1. Take no further action other than requiring Mr Neunuebel to remove within 14 days the fixed gazebo structure; and*
- 2. Authorise the Chief Executive Officer to engage a consultant;*

- a) *with a maximum budget of \$4,000, funded from Budget Line 1041002 (Other Planning Studies);*
- b) *to work with Staff and key stakeholders to progress the outstanding recommendations from the adopted Coastal Management Plan, numbered OB24 and OB15, with a view to referral of a draft to Council prior to 31 March 2014 before subsequent formal engagement with the community in general and 2014/2015 Budget consideration."*

It is noted that the conclusion of the review has not been finalised at this point in time.

**Consultation:**

Consultation with the key stakeholders involved with usage of Ocean Beach regarding the schools operation produced the following comments:

Denmark Surf Life Saving and Council Funded Lifeguards - They support the school's operation and see the operator as an additional lifeguard during peak periods and a greatly valued presence on the beach when the club is not on patrol. They also mentioned the issue of periodic competition between the school and boat ramp users.

Department of Transport - The Department has not received any complaints about the operation of the surf school and would not object to a new agreement between the Shire of Denmark and the South Coast Surf School.

As the owner of the South Coast Surf School is part of the Ocean Beach User Group and is regularly on the beach he is well aware of the vessel and swimmer/surfer interaction and provides excellent information to new users of the area.

Denmark Boating and Angling Club - The Denmark Boating and Angling Club have advised that they support the renewal.

Shire of Denmark Rangers - The Senior Ranger supports the school's operation and sees the operator as a greatly valued presence on the beach when the Surf Life Saving Club is not on patrol.

Denmark Volunteer Marine Rescue - The Denmark Volunteer Marine Rescue have been contacted regarding renewal but have not responded at this stage.

Shire of Denmark Sustainability Staff - Council's Sustainability Officer has advised that they support the school's operation and the operator's request for a parking bay as it an outcome (OB24) under Council's Coastal Management Plan.

The Sustainability Officer has also requested requiring the removal of all equipment/infrastructure (eg: chairs, gazebos ect) at the completion of the day's business activities. This approach is not supported by the author as these items have not been a problem to date.

From the above comments it is clear that the key stakeholders support the renewal of the school's permission to operate.

**Statutory Obligations:**

Council has power to control and issue trader's permits to use its land under the Local Government Act 1995 and the Shire of Denmark Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2001.

**Policy Implications:**

The installation of signs is regulated under Shire of Denmark Town Planning Scheme Policy No. 32 – Signs and the outcome OB24 of the Shire of Denmark Coastal Management Plan 2010-2020 also relates to the proposal.

Delegation No. D100602 gives Council's Chief Executive Officer authority to exercise all of the powers/duties of the local government contained within the Local Law relating to Activities on Thoroughfares and Trading in Thoroughfares and Public Places, published in the Government Gazette on the 29<sup>th</sup> May 2001.

The Shire of Denmark Coastal Reserves Management Strategy and Action Plan 2010 – 2020 included a recommendation (OB24) to “consider the implementation of a small parking area at the end of the vehicle access on the foredunes for specified use by the South Coast Surfing School trailer throughout the year”.

**Budget / Financial Implications:**

There are known financial implications upon the Council's current Budget or Plan for the Future in that it will cost Council between \$4000 - 8000 to construct the requested parking bay to a suitable standard of durability and aesthetics for a high usage coastal location.

**Strategic Implications:**

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

*Population: ...closely monitors its population growth over the next two decades, to put into place advocacy, policies and infrastructure that reflect the needs of a diverse age range and which will be attractive to both present and new residents.*

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

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

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

*Education: ...work with relevant authorities and organisations that encourage the growth and diversity of educational opportunities and facilities for all age groups both in the town of Denmark and in its outlying communities.*

*Youth: ...encourage opportunities, employment and facilities for young people, and aims to involve them in decisions made within the community.*

**Sustainability Implications:**

➤ **Governance:**

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

➤ **Environmental:**

During the winter of 2013 the applicant as a result of winter tidal beach erosion made a commercial decision to clear a section of fragile foredune native vegetation without Council or DAPW approval so that his school could still park adjacent to the beach.

The cleared vegetation that was in excellent condition and it left the foredune highly susceptible to wind erosion in what is a fragile environment.

It should however be noted that this is an isolated case and the schools operation should not lead to environmental damage under normal conditions of operation.

➤ **Economic:**

Tourism is an important local industry that provides door trade for many local businesses. The presence of an iconic surf school at Ocean Beach contributes to the facilities in Denmark that are available for tourists.

➤ **Social:**

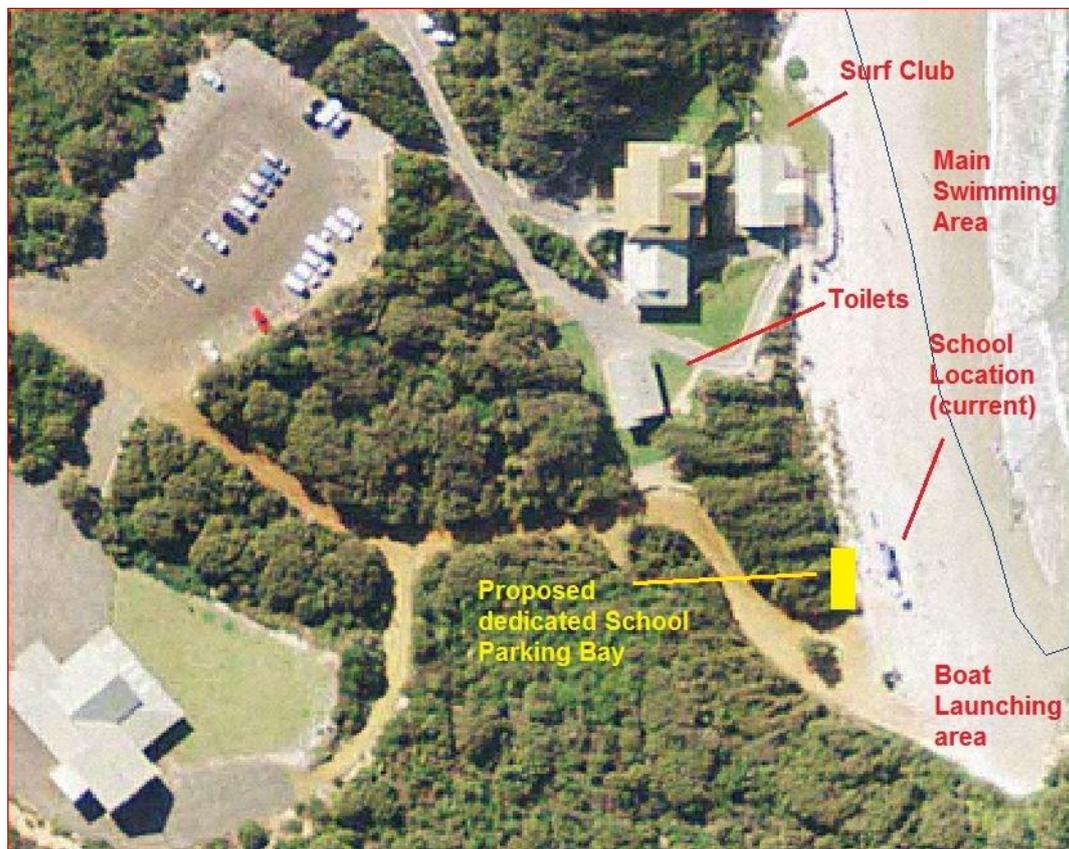
The presence of surf school at Ocean Beach will contribute to the health and wellbeing of Denmark residents through increased recreational opportunities. The operation of the school also provides what amounts to an out of hours life guard on the beach when it is operating.

➤ **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 a participant is injured and sues Council for "inviting" them to a dangerous activity on Council land.	Possible (3)	Major (4)	High (10-16)	Inadequate Employee, Visitor or Public Safety & Security	Treat through ensuring that operator is suitably experienced and carries & maintains Public Liability insurance.
That Council do not allow the school to trade and as result more people learn to surf without appropriate education.	Likely (4)	Major (4)	High (10-16)	Inadequate Employee, Visitor or Public Safety & Security	Renew the licence.

**Comment/Conclusion:**

Below is a map of the Ocean Beach shows the location of the surf school and the proposed beach front parking bay.



Discussion of the applicant's proposal essentially revolves around three main considerations.

The first is whether further approvals should be issued to operate for further five year period. The second relates to the suitability of the school's location given the presence of the boat launching area and the third relates to the construction of the foredune parking bay.

Should a further approval be Issued:

Given the success of the school and the support that it enjoys from other Ocean Beach users, tourism operators and the wider community and the out of hours life guard function that it performs renewing the school's approval for another five years with conditions similar to those of the 2009 approval should be seen as a given until such time as there is clear competition from another operator for the site.

It is the officer's opinion that this is unlikely to happen within the next approval period as the only surfing related inquiries that Council staff have received over the last 5 years with the exception of one seasonal surf school at Peaceful Bay have been for weekend competitions and one off coaching clinics.

Is the school's location suitable given the presence of the boat launching area:

Given the June 2014 near miss between an incoming boat and surfer the question of whether the school's location is suitable given the presence of the boat launching area needs to be asked.

The author's opinion is that the location is suitable due to the operator's knowledge and experience in running clinics, his extensive knowledge of the location and the fact that he puts his students through an induction at the start of the clinics.

These factors combine to significantly reduce the risks to participants when compared to unsupervised persons teaching themselves to surf in this location and given that Council is performing its own risk assessment a licence condition requiring the submission of a risk assessment for the school's exposure to boats is not deemed necessary.

Construction of the proposed beach front parking bay:

While the construction of this bay has been identified in outcome OB24 of the Shire of Denmark Coastal Management Plan 2010-2020 and Council Res: 061213 detailed design work for the ramp has not yet been done.

The applicant's perspective is that the \$330 annual licence fees that he has paid since 2003 should be sufficient for Council to be able to build the parking bay at no cost to himself.

While the construction of the beach front parking bay within the next 5 years is a desirable outcome what the applicant is requesting would set an undesirable precedent for the following reasons:

- 1) The \$330 licence fee is just that, a licence fee to use Council land that primarily covers the costs associated with administering the usage of that land. If Council were to consider those fees to be an infrastructure payment it would set a precedent for similar vendor expectations at other sites.

If Council were to adopt such a scenario a more balanced approach would be to increase the annual licence fee \$1330 per being the being the current \$330 annual licence fee plus a \$1000 per annum contribution towards the construction and maintenance of the parking area.

- 2) If Council were on the basis of tourism benefit and community contribution considering providing the parking bay at no cost to the Surf School which is a "for profit" applicant then it

would also need to consider why it has a policy stance of making a one third contribution in Policy P110304 SUSTAINABILITY & COLLOCATION (SPORT & RECREATION FACILITIES) to “not for profit” groups like the Surf and Riverside Clubs when those projects have an even greater tourism and community contribution benefits.

- 3) One of the difficulties that Council's faces in managing traders on public land is that in the long term they become accustomed to trading in a particular location and tacking advantage of all of the services that the location offer often at no cost to themselves.

By requiring vendors to pay for improvements that are being provided for their benefit Council is keeping these traders on their front foot in terms of valuing their trading opportunities.

In closing it is recommended that Council offer South Coast Surfing School a further five year trading permit on the same basis as previous.

**Voting Requirements:**  
Simple majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 8.2.2
MOVED: CR SAMPSON	SECONDED: CR PEDRO
That Council, with respect to the application by Mike Neunuebel of South Coast Surfing School:	
<ol style="list-style-type: none"> <li>1. Grant a five year approval expiring on the 30 December 2019 to continue to operate a surfing school at Ocean Beach subject to the payment of an Annual Activity Permit fee of \$330 per year, subject to the following conditions being met.                     <ol style="list-style-type: none"> <li>a) The school vehicle being parked in such a manner that it minimises the potential for conflict with the school, recreational boat and other beach users.</li> <li>b) The school is not to operate during the times that Surf Life Saving carnivals are held at Ocean Beach unless permitted to do so by the Senior Ranger in consultation with the Denmark Surf Life Saving Club.</li> <li>c) The school's operation being reviewed on an annual basis by the Director of Community and Regulatory Services to determine if the school is conflicting with the enjoyment of the beach by other users.</li> <li>d) The applicants being advised that instructors or participants are not permitted between the surf flags at any time.</li> <li>e) With the exception of the permitted location parking no permanent advertising signage is to be permitted to be placed on the ground or on any fixtures at the car park and adjacent beach areas. Such signage shall comply with the Council's Town Planning Scheme Policy No. 32 – Signs.</li> <li>f) One vehicle being permitted to be parked on the beach only when the lessons are being conducted.</li> <li>g) The business ensuring it has adequate Public Liability insurance of at least \$10,000,000 and is current for the full period of this approval, and that it will indemnify Council from any claims.</li> <li>h) The operator having all of the necessary qualifications and accreditations and copies of the necessary certificates being provided to Council.</li> <li>i) If any justifiable complaints are received or any disruption that can be attributed to the business then the license will be reviewed.</li> </ol> </li> </ol>	
CARRIED UNANIMOUSLY: 6/0	Res: 251214

**8.3 Director of Infrastructure Services**  
Nil

## 8.4 Director of Finance & Administration

### 8.4.1 FINANCIAL STATEMENT FOR THE MONTH ENDING 30 NOVEMBER 2014

<b>File Ref:</b>	FIN.1
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Denmark
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	9 December 2014
<b>Author:</b>	Steve Broad, Accountant
<b>Authorising Officer:</b>	Kim Dolzadelli, Director of Finance And Administration
<b>Attachments:</b>	8.4.1 – November 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)
Financial mismanagement and/or Budget overruns.	Rare (1)	Moderate (3)	Low (1-4)	Inadequate Financial, Accounting or Business Acumen	Control through robust systems with internal controls and appropriate reporting mechanisms

**Comment/Conclusion:**

Shire Trust Funds of \$155,029 have been invested for 91 days with the National Bank, maturing 19 December 2014 at the quoted rate of 3.40%.

Reserve Funds totalling \$4,072,001 have only been placed on investment for 6 months with the National Bank, maturing 8 April 2014 at the quoted rate of 3.55%.

Municipal Funds totalling \$4,491,885 have been invested with the National Bank, maturing on various dates up to the 19 December 2014 at an average rate of 3.15% (refer note 4 for detail).

Key Financial Indicators at a Glance

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

- Taking into consideration the adopted Municipal Budget and subsequent amendments identified, the estimated 30 June 2015 end of year position is estimated to be a deficit of \$5,509, as per budget projections (Note 5).
- Operating revenue and expenditure is slightly higher than that predicted for 30 November 2014 (Statement of Financial Activity).
- Rates Collection percentage of 78.07% is in keeping with historical collection rates (Note 6).
- The 2014/15 Capital Works Program is 11.36% complete as at 30 November 2014 (Note 12).
- Various transfers to and from Reserve Funds have not yet been made for 2014/15 and are generally undertaken in the latter half of the financial year, depending on specific projects to which these transfers relate.
- Salaries and Wages expenditure is in keeping with budget estimates (not reported specifically in Financial Statement).

Budget Amendments and Variances (Note 5 and 5a)

As detailed in Note 5a.

**Voting Requirements:**

Simple majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 8.4.1
MOVED: CR OSBORNE	SECONDED: CR SAMPSON
That with respect to Financial Statements for the month ending 30 November 2014, Council;	
1. Receive the Financial Reports, incorporating the Statement of Financial Activity and other supporting documentation.	
2. Endorse the Accounts for Payment for November 2014 as listed.	
CARRIED: 6/0	Res: 261214

**8.5 Chief Executive Officer**

*Prior to consideration of Item 8.5.1 the Acting Chief Executive Officer, through the Presiding Person, brought to the attention of the meeting the following disclosure(s) of interest:*

*Cr Thornton is the Honorary Vice Patron of the Denmark Surf Life Saving Club and as a consequence there may be a perception that his impartiality on this matter may be affected. Cr Thornton declares that he will consider this matter on its merits and vote accordingly.*

*The Shire President announced that he had received a letter from Recfishwest stating that they believed that after declaring an impartiality interest when the Ocean Beach boat ramp was considered by Council previously, he should have left the room and not discussed or voted on the matter. Cr Thornton said that the letter informed him that Recfishwest would be pursuing legal action against him if he, yet again, remained in the room, discussed and voted on the matter at this meeting.*

*Cr Thornton advised that as his interest was one of impartiality, he was not required to leave the room and that this would only apply if he had a financial or proximity interest. Cr Thornton stated that he would be advising Recfishwest that should they wish to pursue legal action they were welcome to do so.*

<b>COUNCIL RESOLUTION</b>	ITEM 8.4.1
MOVED: CR SAMPSON	SECONDED: CR SEENEY
That the meeting be adjourned for a 10 minute recess to facilitate improved instantaneous communication arrangements with Cr Gillies.	
CARRIED UNANIMOUSLY: 6/0	Res: 271214

5.53pm – *The meeting resumed with all Councillors and Officers who were present prior to the adjournment.*

**8.5.1 INTENTION TO SUSPEND BOAT LAUNCHING AT OCEAN BEACH – AT SPECIFIED TIMES EACH YEAR**

<b>File Ref:</b>	A5551
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Reserve 24913, Ocean Beach, Ocean Beach
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	8 December 2014
<b>Author:</b>	Dale Stewart, Chief Executive Officer
<b>Authorising Officer:</b>	Dale Stewart, Chief Executive Officer
<b>Attachments:</b>	8.5.1a – Extract from Council Minutes 27 May 2008 (Item 9.4.4) 8.5.1b – Extract from Council Minutes 26 August 2008 (Item 9.5.5) 8.5.1c – Notes from Ocean Beach User Group Meeting 8.5.1d – Ocean Boating Facilities Study 1999 8.5.1e – Submissions & Petition 8.5.1f – Legal Advice 8.5.1g – Risk Assessment

**Summary:**

Council is asked to consider submissions received regarding a proposal to suspend approval (ban) the launching or retrieval of motorised vessels (boats) from the existing “over beach” ramp at Ocean Beach each year, for two specified periods being 20 December to 31 January (inclusive) and Easter Friday through to Easter Monday (inclusive) and at additional defined times by authority of the CEO, if required.

**Background:**

Following concerns expressed by the Denmark Surf Life Saving Club in 2008, in May 2008 Council considered a new management approach and signage, by the Department of Planning & Infrastructure, regarding the possible conflict between swimmers and motorised boats. A copy of the Report is attached as Attachment 8.5.1a.

At that meeting Council resolved as follows (Resolution No.190508);

*“That Council;*

1. *Support the retention of boat launching at Ocean Beach, Denmark and the proposed signage (noting the graphic on the sign to be altered to reflect the correct proposed 30m channel width scale at the beach), gazetted boating channel and boating prohibited area as submitted by the Department for Planning & Infrastructure and invite comments from the listed specific interest groups as well as a general advertisement in the Denmark Bulletin with submissions closing within 21 days following publication prior to adopting a final Council position and recommendation to that Department. Specific interest groups to be invited to make comment include;*
  - a. *Denmark Sea Rescue*
  - b. *Denmark Boating & Angling Club*
  - c. *Denmark Surf Life Saving Club*
  - d. *Mike Neunuebel, Surfing Instructor / Lessons*
  - e. *FESA Volunteer Marine Rescue Service*
  - f. *South Coast Management Group.*
2. *Include for consideration in the next review of its Strategic Plan support of the Government in the next 10 year planning horizon for a suitable safe Ocean Boat Launching Facility for Denmark.”*

The proposed signage was subsequently advertised and the subject of another report to Council in August 2008 (refer Attachment 8.5.1b).

At its meeting held on the 26 August 2008, Council resolved as follows (Resolution No. 70808);

*“That with respect to the proposal of the Department for Planning & Infrastructure to gazette a boating channel and boating prohibited area for Ocean Beach, Denmark, Council following receipt of submissions;*

1. *Advise the Department as follows;*
  - a. *That the proposed boat prohibited area, boating launching area and channel and signage is supported subject to the following signage changes;*
    - i. *Noting the graphic on the sign to be altered to reflect the correct proposed 30m channel width scale at the beach (measured from the rocks off the beach rather than from the corner of the beach);*
    - ii. *That the heading ‘Board Users’ be changed to read ‘Board users, swimmers and snorkelers’ or similar and then words under this heading be changed to state ‘Where vessels are seeking to enter or access the boat launch channel, boarders, swimmers and snorkelers must vacate the channel to allow this activity to safely occur.’;*
    - iii. *An addition or new sign at the entrance to the launch area, recommending a suggested maximum size of vessel and maximum size of swell (indicatively less than 2.5m swell) for safe launching.*
2. *That Council request the Department to consider the installation of;*
  - i. *Appropriate boating ‘lead-in’ post above the channel on Councils reserve; and*
  - ii. *If practical and able, a tethered channel marker at the eastern juncture of the boating prohibited area and channel entrance.*
3. *It responds to the submitters in writing together with a copy of this report.”*

On the 15 June 2014 an incident occurred at Ocean Beach involving a surfer and a motorised vessel. The incident was reported to the Department of Transport who, following an investigation, concluded that the driver of the motorised vessel did in fact breach Section 14A (a) of the Navigable Water Regulations – Navigating a vessel so as to endanger the safety of a vessel or person, and was fined accordingly. This fine was subsequently withdrawn however on appeal.

Following this outcome, two Ocean Beach User Group meetings have been called by the Department of Transport and held on Thursday 28 August 2014 and Wednesday, 8 October 2014. A copy of the notes of the latter are attached as Attachment 8.5.1c.

Council considered this matter at its meeting held on Tuesday, 21 October 2014 and resolved as follows (Resolution No. 091014);

*“That due to concerns with respect to the potential conflict between motorised vessels and other beach users, during peak use holiday periods in particular, Council;*

1. *Note the education and signage improvements being proposed by the Department of Transport, Shire of Denmark and major user groups based at Ocean Beach.*
2. *Advertise its intention, through local public notice and, its website and also specific letter to users identified within the body of this report, for a period of 30 days and in accordance with clause 2.2 of the Shire of Denmark Local Government Property Local Law, to suspend approval to allow any motorised vessel (boats) other than emergency service vessels (Sea Rescue and or Life Saving) from launching and / or being retrieved from the existing “over beach” ramp at Ocean Beach, Ocean Beach (portion of Reserve 24913) for the dates each year as follows;*
  - a. *20 December through to 31 January (inclusive); and*
  - b. *Easter Friday through to Easter Monday (inclusive).*
3. *Apply for a grant from the Department of Transport to undertake an investigation into potential physical (specifically geomorphic and hydrological) site constraints for an alternate locations for an ocean going vessel launch and retrieval facility for the locality of Ocean Beach, immediately north-west of McGeary’s Rock.”*

#### **Consultation:**

Consultation continued to occur with specific user groups at an additional Ocean Beach Users Group Meeting chaired and coordinated by the Department of Transport, on 8 December 2014.

The Denmark Sea Rescue Group also hosted a forum, with the Shire President, several Councillors and the Regional Manager of the Department of Transport in attendance, on 29 November 2014. Over 100 people attended that forum.

The advertised proposal was officially advertised in the Denmark Bulletin, on Council’s Website and Council’s Notice Boards seeking comment for a period of 30 days closing on 8 December 2014 and in accordance with Council’s draft (and current) Community Engagement Policy.

Direct letters were also sent to potentially affected community groups / organisations identified as follows;

- Denmark Sea Rescue
- Denmark Boating & Angling Club
- Denmark Surf Life Saving Club
- Mike Neunuebel, Surfing Instructor / Lessons
- DFES Volunteer Marine Rescue Service
- Department of Transport
- Recfishwest.

Eighty four (84) submissions and a Petition containing approximately 350 signatures have been received and are attached together with a table of submissions. Most submissions clearly were against the proposed closure in any form.

Comments typically included the following themes;

- Undertake a risk assessment.
- Council is not liable – the Department of Transport is.
- That banning Ocean beach for periods would put additional pressure (and risks) on Parry Beach and or Peaceful Bay over beach launch facilities also permitted / supported by Council.

- That the economy of Denmark would suffer significantly from persons that would no longer visit Denmark.
- That the livelihood of commercial fisherman may be compromised.
- Doesn't Denmark support tourism?
- Ocean Beach should be for everybody!
- What next – is Council going to ban surfing?
- Can't the Surfers and swimmers move 0-30m across to enable the beach to be shared?
- Council should only consider suspending or banning if there was another nearby facility!
- One incident only – kneejerk reaction!
- Can't we co-exist?
- Fix the signage and let common sense prevail!
- Surely surfers and swimmers can wait for 30 seconds to a minute to enable the boat to pass!
- Can't volunteer and Shire life savers carry radios and communicate with the boats coming in?
- A suspension for certain days is just the thin edge of the wedge!

In the opinion of the Officer, it is fair to say that the proposal has the potential to negatively impact on how a proportion of Denmark residents and ratepayers enjoy the natural attributes of the Shire. However – given the low number of days, being 4 over Easter and 42 over Christmas / January, the number of visitors and locals inconvenienced and/or denied an element of their way of life is relatively low - certainly on numbers supplied by the Denmark Sea Rescue Group. It is generally accepted that not many people go out to sea in Denmark over Easter (the beach is too busy) and indeed January (typically poor weather conditions).

Council's Director of Community & Regulatory Services spoke to a representative of the Denmark Surf Life Saving Club regarding the possibility of Surf Club members manning radios to call in boats and he advised:

- 1) *"That in his opinion that they are focused on what they are doing and do not want extra roles. In addition to this they do not want to be distracted from saving lives.*
- 2) *That they have a meeting Tuesday night (tomorrow) and will take it to their members and come back with a final definitive answer.*
- 3) *That if Denmark Boating & Angling Club want radios manned they should put some of their own volunteers on the shore.*

*In terms of life guards*

- a) *They are employed by us so it is our call at the end of the day.*
- b) *They are generally busier than the patrols at the weekend and assumed that Council would not want them manning radios as the best practice is sticking to SLSC protocols and being focused on the task.*
- c) *SLSC quality/risk management equates to sticking with SLSC SOPs and protocols."*

Councillors could give some consideration as to whether to allow commercial fisherman the right to launch and retrieve from Ocean Beach however the Officer's research indicates that the commercial viability of salmon and Ocean fisheries at Ocean Beach has declined to such an extent that such usage by commercial fisherman is rare of the past decade. Conversely to allow commercial fisherman with appropriate license the right and thus other fisherman seeing a trailer on the beach may cause some confusion unless the trailer / car was appropriately marked.

In addition, a formal and independent risk assessment was prepared at the request of the Chief Executive Officer by Council's Insurer.

The service request was;

*“To conduct a public liability site risk assessment concerning the launching and retrieval of motorised vessels (boats) on Ocean Beach, Denmark.*

*The scope of the risk assessment will be to:*

- 1. Identify hazards and risks in relation to the provision of launching and retrieving of motorised vessels (boats) on Ocean Beach specifically where Shire of Denmark owes a duty of care to those who access the location.*
- 2. Provide recommendations to the Shire regarding what is reasonably practicable to ensure that foreseeable risks are adequately treated.*

*Note: The scope of this risk assessment does not include external stakeholder consultation nor does it consider identifying specific marine based risks unknown to the Shire.*

*The proposed services, aligned to AS/NZS ISO 31000:2009 Risk Management, will involve a specialist LGIS Risk Management Consultant conducting the following;*

- Site visit to Ocean Beach, Denmark to conduct onsite inspection for the purpose of identifying public risks, hazards and existing controls.*
- Discussions of existing controls and potential treatments with Shire of Denmark representative/(s).*
- Development of draft and final report noting potential risks, hazards and liability issues as well as providing direction for risk treatment options.”*

The result of that Risk Assessment is attached as Attachment 8.5.1g and significantly informs and guides the outcome of this report (particularly with respect to signage treatment options in terms of controlling risks).

Further, given the complexity of the matter and several statements made at the last Council Meeting by members of the public that suggested that the Council wasn't able to do what it intended to do and/or didn't need to as it couldn't be held accountable, legal advice was requested and provided by Council's Solicitor, at the request of the Chief Executive Officer.

The outcomes of that legal advice is attached at Attachment 8.5.1f and provides confirmation of the situation before Council as to potential liability were an incident to occur without the Council being able to demonstrate that it was breaching its duty of care (to manage the known risks) seriously.

The CEO also notes that several submitters suggested that Section 9.56 of the Local Government Act 1995 provides Council with complete immunity from prosecution, the submitters neglected to appreciate however, that the section of the Act is intended to, and so provides, limited immunity for Officers and Councillors – not the Council.

The WA Civil Liability Act 2002, available through the below link, also relates and provides guidance as to the likely liability that the Council could face as highlighted in the Council's legal advice.

[http://www.slp.wa.gov.au/pco/prod/FileStore.nsf/Documents/MRDocument:25251P/\\$FILE/Civil%20Liability%20Act%202002%20-%20%5B04-a0-02%5D.pdf?OpenElement](http://www.slp.wa.gov.au/pco/prod/FileStore.nsf/Documents/MRDocument:25251P/$FILE/Civil%20Liability%20Act%202002%20-%20%5B04-a0-02%5D.pdf?OpenElement)

In terms of likely volumes of boats that might be barred from utilising Ocean Beach during the proposed ban period, the following information has been recently supplied by the Denmark Sea Rescue Group. The split does record local boats versus non locals however;

*“From the three DSRG sub-base radio logs and also the Peaceful Bay sub base log we have obtained the following:*

- Start Dec 2013 to end Nov 2014 – **80** vessels log on/off from Ocean Beach
- Includes **12** vessel log on/off from Ocean Beach during the 20/Dec. to 31 Jan. proposed ban period (2013-2014)
- Nil from the sub-bases during last Easter (2014) from Ocean Beach

Please keep in mind that:

- DBAC don't always log on for their field days as they have multiple boats out and generally look after each other - or one logs on.
- The best estimate from DSRG discussions as to numbers who don't log on (locals or visitors) is about half the boats out for the day (i.e. ~100% more than numbers presented).
- This is only from the last twelve months and seasonal sea state and weather varies i.e. Last Easter was stormy/windy and not suitable for ocean boating."



Picture 1 - Picture showing how 'marker' buoys might be installed (image supplied courtesy of the Denmark Sea Rescue Group) as per several suggestions in the submissions.

**Statutory Obligations:**

The Council's Property Local Law provides the statutory framework to allow 'determinations' to be made on land that is under the control of the local government, such as Reserve 24913, Ocean Beach, as follows;

"local government property" means anything except a thoroughfare –

- a) which belongs to the local government;
- b) of which the local government is the management body under the Land Administration Act 1997; or
- c) which is an 'otherwise unvested facility' within section 3.53 of the Act;

*Procedure for making a determination*

2.2 (1) The local government is to give local public notice of its intention to make a determination.

- (2) The local public notice referred to in subclause (1) is to state that –
- a) the local government intends to make a determination, the purpose and effect of which is summarised in the notice;
  - b) a copy of the proposed determination may be inspected and obtained from the offices of the local government; and
  - c) submissions in writing about the proposed determination may be lodged with the local government within 21 days after the date of publication.
- (4) If submissions are received in accordance with subclause (2)(c) the Council is to –
- a) consider those submissions; and
  - b) decide –
    - (i) whether or not to amend the proposed determination; or
    - (ii) not to continue with the proposed determination.

#### Register of determinations

- 2.5 (1) The local government is to keep a register of determinations made under clause 2.1, and of any amendments to or revocations of determinations made under clause 2.6.
- (2) Sections 5.94 and 5.95 of the Act are to apply to the register referred to in subclause (1) and for that purpose the register is to be taken to be information within section 5.94(u)(i) of the Act.
- 2.7 (1) A determination may provide that specified local government property is set aside as an area on which a person may –
- e) **launch, beach or leave a boat;**
  - f) **take or use a boat, or a particular class of boat;**
- (2) A determination may specify the extent to which and the manner in which an activity referred to in subclause (1) may be pursued and in particular –
- a) **the days and times during which the activity may be pursued;**
  - d) **may limit the activity to a class of vehicles, boats, equipment or things, or may extend it to all vehicles, boats, equipment or things;**
  - e) **may specify that the activity can be pursued by a class of persons or all persons; and**
  - f) **may distinguish between different classes of the activity.**
- 2.8 (1) A determination may provide that a person is prohibited from pursuing all or any of the following activities on specified local government property -
- e) **taking or using a boat, or a particular class of boat;**
- (2) A determination may specify the extent to which and the manner in which a person is prohibited from pursuing an activity referred to in subclause (1) and, in particular –
- a) **the days and times during which the activity is prohibited;**
  - b) **that an activity is prohibited on a class of local government property, specified local government property or all local government property;**
  - c) **that an activity is prohibited in respect of a class of vehicles, boats, equipment or things, or all vehicles, boats, equipment or things;**
  - d) **that an activity is prohibited in respect of a class of persons or all persons; and**
  - e) **may distinguish between different classes of the activity.**

Determination Number 1 (the only such determination that the Council has) of the Council's Local Government Property Local Law, pursuant to clause 2.1, states;

"CAMPING is not permitted on any beach or reserve except where:

- a. *prior written approval of Council has been obtained*
- b. *the beach or reserve or part of the beach or reserve, has been approved as an authorised camping ground / caravan park by Council.*

**MOTORISED VEHICLES**, including motor homes, trucks, passenger vehicles, busses, 4 wheel drive vehicles and motorbikes of any description, are not permitted to enter, drive / ride or park, on any beach or reserve except where:

- a. reserve is set aside for motor sport
- b. prior written approval of Council has been obtained
- c. clear defined vehicular access ways and / or parking areas are evident
- d. beach is an approved motorised vehicle access beach

Motorised vehicles are permitted on the following beaches:

- a. Parrys Beach (Reserve 20928)
- b. Boat Harbour (Reserve 7723)
- c. Peaceful Bay (Reserve 24510)

The following conditions apply to all motorised vehicle access areas:

1. where speed signs are in place – speed is limited to that shown on sign
2. where speed signs are not in place – speed limit observed is not to be greater than 40 kph
3. pedestrians have right of way at all times
4. approved beach areas – vehicles to be driven / ridden only between the low and high water lines
5. vehicles are not to be driven / ridden in a reckless / dangerous manner
6. **Ocean Beach boat ramp – vehicles and boat trailers may be parked near the ramp for the purpose of boat launching and retrieving**
7. only fully road registered / licensed motorised vehicles may enter / park / travel on authorised beach and reserve areas

#### **SALE OF BEER, WINE OR SPIRITS**

The sale of beer, wine or spirits is prohibited on all beaches and reserves and in all Council buildings, except where a liquor permit has first been obtained – this requires Council approval prior to a permit being issued by the Clerk of Courts.”

#### **Policy Implications:**

Council's draft and current Community Engagement Policies provide guidance on methods of engaging with the community with respect to proposed changes of Council Policy that may have an impact on the community or persons. The initial and proposed consultation complies with the intent of these policies as well as the minimum prescribed by the Local law.

Council's Risk Management Policy Number P040237 was utilised by the independent Risk Assessor in determining Council's' appetite for risk.

#### **Budget / Financial Implications:**

The real only financial implications upon either the Council's Long Term Financial Plan (draft) is the implementation of intent of Resolution Number 190508, which proposed a 10 year planning horizon for a suitable safe Ocean Boat Launching Facility for Denmark (indicatively 2018).

Funding for planning studies for such projects is typically funded 3:1 by the Department of Transport under an annual competitive funding round. Indicative pricing of a study is in the order of \$80,000, which would result in a Council construction required of say, \$20,000 in the 2015/16 Financial Year Budget, if successful.

Funding for the construction of facilities is similarly funded 3:1 if a facility is identified as being required and able to be practically located and built in the Ocean Beach locality.

Funding for signage modifications can be accommodated under Council's Parks and Reserves Budgets with a potential need for mid-year review at the end of February 2015. Indicatively signage improvements recommended by the Risk Assessment could be up to \$10,000.

The Risk Assessment cost the Council \$4,456 which is entirely recoupable from the Council's Insurance claims bonus.

The legal advice obtained is estimated at costing \$3,000 and covered under Council's legal advice Budget Account E1420232.

**Strategic Implications:**

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

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

*Public Safety Goal: That the Shire of Denmark work with relevant authorities and organisations to maintain a safe and secure environment for its residents and visitors.*

*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.*

Denmark is iconic for a number of things to different people. One of these elements is its fishing. If Denmark did not have access to an Ocean Launching Boat Facility due to social reasons (conflict between users) and/or environmental reasons, the economic and social impact would be of significant concern from a strategic perspective.

The officer recommendation suggests a limited restriction to the Ocean 'season' during times which are presently infrequently used by locals or visitors (in terms of the number of days and the number of boats – particular in comparison with the usage of the beach by non-boaters during those same periods.

**Sustainability Implications:**

➤ **Governance:**

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

➤ **Environmental:**

The banning of vehicles for the small section of beach proposed (some 30m) would possibly have a small beneficial environmental impact but this is counted by the negative social benefits and the fact that this activity has occurred there for many years.

➤ **Economic:**

There are potentially significant economic considerations if the banning of boat launching from Ocean Beach was proposed without a replacement site of equal or better safety / amenity. The only other identified possible site at Ocean Beach for a future ocean launch facility is an area identified by a member of the Surf Club around from McGearys Rock. This site has not been identified as acceptable in any past surveys and would necessitate large investment of resource and involve possible degradation of the environment to make suitable with its steep grade.

➤ **Social:**

There are significant social considerations relating to the report or officer recommendation. If the Council proposed banning of vehicles (boat launching) from this site it would have an adverse impact on sea rescue, the boating and angling club (their clubrooms about the site) as well as the boating fraternity that utilise this ocean going launch area. The nearest other ocean launch area is some 30km away at Parry Beach.

➤ **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 an incident occurs at Ocean Beach between a boat and swimmer / board rider that results in a fatality or major injury.	Unlikely (2)	Catastrophic (5)	High (10-16)	Inadequate Employee, Visitor or Public Safety & Security	Manage by improving education and signage and banning non-essential boat launching during peak periods. Further investigate all reasonable alternate locations for such launching.
Refer accompanying Risk Assessment					

**Comment/Conclusion:**

The majority of the submissions received advocated for a common theme of ‘Ocean Beach for everybody’. Whilst this is a noble endeavour, it must be acknowledged that the Council has a role to protect the interests of the residents and ratepayers as a whole, as well as the general public, and that it owes that far larger cohort a duty of care as the land manager.

Examples where some might say it is unfortunate – but is generally accepted as reasonable - is the removal of vehicles at Ocean beach some 8 years ago and the fact that dogs are not permitted at Ocean Beach. They have become seen as ‘incompatible’ over the years due to a number of reasons, but most probably due to the increasing ‘volume’ and therefore the similarly increasing ‘likelihood’ of the relating known risks occurring.

On balance to the Officer in preparing this report, is that which is inescapable – as a matter of public record now – being the incident regarded as a ‘near miss’ on 15 June 2014. The set of factors making the issue quiet coherent – is that it involved experienced and local boat owners / operators, one acting as navigator or watch, in seas that were not treacherous or difficult to see, and two local and young (but experienced notwithstanding their age) board riders on a day in the middle of Winter with the beach relatively quiet.

The hypothetical question has to be asked with this set of circumstances, how it would be on a busy day, with non-local board riders, with potentially poor sea or visibility conditions and with an inexperienced and non-local boat operator or sole driver without navigator?

In the opinion of the Officer, it is these circumstances, albeit one of them hypothetical, combined, that a Court or Coroner would clearly be reliant upon – together with the relevant facts of the particular case of course, to, in the opinion of the Officer, hold that the Council should have known of the risks and could have (and probably should have) put in place appropriate controls or measures to reduce those known risks. The officer recommendation seeks to address these concerns notwithstanding that it will lead to, as one submitter put it, ‘another colour gone’. It is the Officer’s view that whilst it may not be the loss of a ‘colour’, it may well be that the shade of one of those colours had lost some of its lustre. The Officer is sure similar, if not more, was said, when driving on Ocean Beach was banned also.

Negligence is the primary trigger for liability to arise in matters of personal injury and/or loss to property.

In general terms you cannot be liable for something unless you have been negligent in a way to have caused or contributed the loss and/or injury.

Over the years, the narrow view between the relationship of negligence to liability has widened as legal practitioners have developed skilful, and perhaps artful, arguments to uncover negligence no matter how benign the negligence was.

The Officer has not been able to substantiate it however one of the submitters for the proposed suspension stated that Ocean Beach was one of only 35 patrolled beaches in WA and one of 311 in Australia, with the only one that allows powered boats adjacent to it - within say 30 metres from time to time, and certainly under the recommended 200 metres recommended as desired in the best practice document highlighted in the Risk Assessment Report.

Refer section 2.3. Supervised Area — Safety Buffer Zones of the Australian Coastal Public Safety Guidelines produced by Surf Life Saving Australia <http://coastsafe.org.au/guide/wwhelp/wwhimpl/js/html/wwhelp.htm#href=ACPSG-Cover.1.1.html>

This issue in itself may be one that a Court would hold up to highlight why this community had different values or justification for retaining the 'shared use' zone.

In summation – the mere fact that there is a high consequence of a risk occurring does not necessarily mean that the risk needs to be removed. There is a high likelihood that the Council, and probably the Department of Transport, both with relatively large 'pockets' would be held to account. Council's Insurers have verbally indicated that the Council's risks are covered through insurance. Therefore the issue remains about whether the Councillors, similarly the Council as a whole, believe that the risks are, whilst potentially catastrophic in nature, so unlikely that they are not foreseeable or are so rare that adequate controls can allow the activity to continue. The officer has recommended that controls be put in place to minimise the likelihood and severity and also bar the activity for certain known 'busier' periods.



Department of Transport

DRAFT

## Denmark - Ocean Beach Marine Safety Information



**CLOSED WATERS - Motorised Vessels**

- The Closed Waters to Motorised Vessels area extends in line with the onshore guidance posts for a distance of 275m east-north-east and 550m north to the Nullaki Peninsula shoreline.
- All Motorised Vessels, including boat launching or retrieval and personal watercraft use, is prohibited within this area.

**8 KNOT SPEED LIMIT - Shared Use Area**

- The 8 knot Speed Limit area extends in line with the onshore guidance posts for a distance of 275m east-north-east and 195m south to the rocky shoreline.
- Boat launching and retrieval is confined to the beach south of the onshore guidance posts within the 8 knot speed limit area.

**Vessel skippers responsibilities**

- Vessel skippers must transit with caution and provide warning of intended passage.

**Board users responsibilities**

- Board users must make every attempt to keep clear of and to not impede the path of transiting vessels.

**REMEMBER TO LOG ON / OFF!**

Call sign VMR613  
VHF channel 16, 22  
27MHz channel 86, 88, 94  
Phone: 9848 1311

REQUIRED SAFETY EQUIPMENT	Prohibited with all class of Loggers	1-2 Motorised Vessels	3-5 Motorised Vessels	6-10 Motorised Vessels	More than 10 Motorised Vessels
<b>RECREATIONAL VESSEL TICKET</b> The skipper must have a valid, current, and appropriate Recreational Vessel Ticket.	✓	✓	✓	✓	✓
<b>BILGE PUMP / BILGES</b> Must be in good working order and ready for use.	✓	✓	✓	✓	✓
<b>FIRE EXTINGUISHER</b> Must be in good working order and ready for use.	✓	✓	✓	✓	✓
<b>ANCHOR / ANCHOR</b> Must be in good working order and ready for use.	—	✓	✓	✓	✓
<b>PERSONAL FLOTATION DEVICE</b> Must be in good working order and ready for use.	—	✓	✓	✓	✓
<b>RED BUOY / RED BUOY</b> Must be in good working order and ready for use.	—	✓	✓	✓	✓
<b>VHF RADIO</b> Must be in good working order and ready for use.	—	✓	✓	✓	✓
<b>FLARES</b> Must be in good working order and ready for use.	—	✓	✓	✓	✓
<b>WHISTLE</b> Must be in good working order and ready for use.	—	✓	✓	✓	✓

Picture 2 - Sign proposed by the Department of Transport supported by the OBUG meeting of 8 December 2014.

The Officer is concerned with some aspects of the sign and would like to see it assessed against the Risk Assessment Report that was completed post this sign being developed.

In conclusion, the following extract from the critics summary of the LGIS Risk Assessment provides the simplest way forward guiding the Council.

*“As a result of inspection there is little doubt that a duty of care exists for the Shire of Denmark given the care, control and management is self-evident by virtue of the vesting, tacit policing and more pertinently from the observations within this report and from the acknowledgement of the Shire in the request to have LGIS review the location. Whether the Shire may be exposed to a breach of its duty of care, in the current state of play, is a matter for the Shire’s legal advisors to determine and in any event would depend on the facts of any particular incident. To some extent by the Shire maintaining status quo it may be viewed as encouraging a situation that is potentially hazardous and this may have the effect of normalising the situation therefore diminishing the effect of existing controls. What is clear is that to do nothing in this situation may expose the Shire to unnecessary liability.”*

**Voting Requirements:**

Simple majority.

**COUNCIL RESOLUTION**

ITEM 8.5.1

MOVED: CR GILLIES

SECONDED: CR SEENEY

That Council with respect to Boat Launching at Ocean Beach, being portion of Reserve 24913, managed by the Shire of Denmark for the purposes of recreation;

1. Note the various submissions received and acknowledge that ‘Ocean Beach is for everybody’ however, the Council must balance its duty of care as the land manager and advise its intention to move towards permanently ceasing the activity of the launching and retrieving of non-emergency service vessels (motorised boats) on Ocean Beach once an alternative facility is provided.
2. Note the advice contained in the legal advice prepared by Council’s Solicitors, McLeods.
3. Note the advice contained in the Public Liability Site Risk Assessment prepared by Council’s insurance and risk service provider, LGIS Risk Management.
4. Note and support the education and signage improvements being proposed by the Department of Transport, authorising the CEO to liaise with that Department regarding the content on that sign and educational material and seeking inclusion of reference to the concern that swimming is not recommended in the shared use zone.
5. Authorise the CEO to further mitigate the risk to swimmers, surf craft users and boat launching with the employment of an additional life guard/launch officer at Ocean Beach. The life guard/launch officer will be employed for the periods 20th December - 31 January and Easter Friday through Easter Monday, funding required for this position is estimated at \$5,000.00; Denmark Boat and Angling Club and Denmark Sea Rescue have agreed to contribute \$1,250.00 each in contribution for funding of the position. A request for further/ongoing financial support will be listed as an Agenda item for the upcoming AGM of both clubs; the balance required for 2014/15 funding will be sought from a mid-year Council budget review.
  - a) The life guard/launch officer will be provided with a loud haler and/or horn and hand held radio by the Denmark Boat and Angling Club and Denmark Sea Rescue;
  - b) The life guard/launch officer will utilise a loud haler, horn or other sufficiently loud device to warn beach users of pending motorised vessels returning to shore;
  - c) The life guard/launch officer will be in attendance at Ocean Beach for the duration of the existing working hours of the Denmark Surf Life Saving Club life guard employees; and
  - d) A further and better job description format (JDF) will be provided after further consultation, if required, with stakeholders.

6. Strongly encourage the Denmark Surf Life Saving Club to;
  - a) Record and share statistics of near miss events involving motorised vessels and swimmers or board riders to assist inform knowledge of the frequency of the risks perceived versus occurring;
  - b) Record and share statistics of near drowning and collisions that sustain an injury between surf craft users and swimmers;
7. Authorise the CEO to liaise with user groups at Ocean Beach regarding implementation of the principles of the signage improvements recommended in the Public Liability Site Risk Assessment and consistent with this entire resolution and to purchase and erect those signs as a matter of priority and not later than Easter 2015.
8. Confirm that it will be applying for a grant from the Department of Transport (closing in February 2015) to undertake an investigation into potential physical (specifically geomorphic and hydrological) site constraints for alternate locations for an ocean going vessel launch and retrieval facility for the locality of Ocean Beach, with particular focus on the bay and beach immediately north-west of McGeary's Rock.
9. Resolve that it is Council's strategic intention to move towards permanently ceasing the activity of the launching and retrieving of non-emergency service vessels (motorised boats) on Ocean Beach once an alternative facility is provided.
10. Resolve to amend the Shire of Denmark Local Government Property Local Law Determination Number 1 such that it states that motorised vehicles are permitted to be utilised and/or parked on that portion of Ocean Beach (Reserve Number 24913) immediately south of the bollards for the purposes of launching and retrieving of motorised vessels with the exception of the following activities, whereupon it is closed to that activity;
  - a) Large scale scheduled and promoted days that in the opinion of the CEO would not be safe to allow the practice to occur such as State Surf Life Saving Carnival or the Southern Ocean Classic Mile swim event.
  - b) Emergency service vessels (for example Sea Rescue and or Life Saving vessels) exempted from the restrictions in part 10a.
12. Give local public notice of the amended Determination in Part 10 with the commencement date of that amendment being effective from Easter 2015.
13. Request the CEO to have undertaken an in-house assessment of the liability risks to Council of over-beach launching at Council managed beaches at Peaceful Bay and Parry Beach with a view to ensuring that signage and information at those beaches is adequate.
14. Seek written assurance from Council's insurer that it is covered for Public Liability Risk and has not breached its duty of care at present and/or with the above controls in place.

LOST: 2/4

Res: 281214

**COUNCIL RESOLUTION & OFFICER RECOMMENDATION**

ITEM 8.5.1

MOVED: CR THORNTON

SECONDED: CR OSBORNE

That Council with respect to Boat Launching at Ocean Beach, being portion of Reserve 24913, managed by the Shire of Denmark for the purposes of recreation;

1. Note the various submissions received and acknowledge that whilst 'Ocean Beach for everybody' is a noble endeavour, that it must balance its duty of care as the land manager compared to the wishes of the majority of the submitters.
2. Note the advice contained in the legal advice prepared by Council's Solicitors, McLeods.
3. Note the advice contained in the Public Liability Site Risk Assessment prepared by Council's insurance and risk service provider, LGIS Risk Management.
4. Note and support the education and signage improvements being proposed by the Department of Transport, authorising the CEO to liaise with that Department regarding the content on that sign and educational material and seeking inclusion of reference to the concern that swimming is not recommended in the shared use zone.

5. Not advocate to the Department of Transport for the installation of 'in-water' channel or line markers or buoys due to concerns that they may have more frequent and unintended consequences to swimmers / board riders, causing in the opinion of the Council, potentially more life threatening injuries than what they may seek to prevent.
6. Not seek the assistance of the Denmark Surf Life Saving Club volunteer lifeguards or its own employed lifeguards to man radios with boats, due to that role being considered a potential distraction from their primary tasks.
7. Strongly encourage the Denmark Surf Life Saving Club to;
  - a. Record and share statistics of near miss events involving motorised vessels and swimmers or board riders to assist inform knowledge of the frequency of the risks perceived versus occurring;
  - b. Utilise a loud haler, horn or other sufficiently loud device to warn beach users of pending motorised vessels returning to shore.
8. Not employ dedicated Lifeguards or Rangers to oversee the activity due to it being impractical and an inefficient use of resources, particularly given the relatively low volumes and infrequent nature.
9. Authorise the CEO to liaise with user groups at Ocean Beach regarding implementation of the principles of the signage improvements recommended in the Public Liability Site Risk Assessment and consistent with this entire resolution and to purchase and erect those signs as a matter of priority and not later than Easter 2015.
10. Confirm that it will be applying for a grant from the Department of Transport (closing in February 2015) to undertake an investigation into potential physical (specifically geomorphic and hydrological) site constraints for alternate locations for an ocean going vessel launch and retrieval facility for the locality of Ocean Beach, with particular focus on the bay and beach immediately north-west of McGeary's Rock.
11. Resolve that due to concerns with respect to the potential for the increasing likelihood of conflict between motorised vessels and other beach users, as well as moving vehicles and boat trailers during peak use holiday periods in particular, that it is Council's strategic intention to move towards permanently ceasing the activity of the launching and retrieving of non-emergency service vessels (motorised boats) on Ocean Beach once an alternative facility is provided.
12. Resolve to amend the Shire of Denmark Local Government Property Local Law Determination Number 1 such that it states that motorised vehicles are permitted to be utilised and/or parked on that portion of Ocean Beach (Reserve Number 24913) immediately west of the bollards for the purposes of launching and retrieving of motorised vessels with the exception of the following dates and activities, whereupon it is closed to that activity;
  - a. 20 December through to 31 January (inclusive);
  - b. Easter Friday through to Easter Monday (inclusive) and;
  - c. Other large scale scheduled and promoted days that in the opinion of the CEO would not be safe to allow the practice to occur such as State Surf Life Saving Carnival or the Southern Ocean Classic Mile swim event.
  - d. Emergency service vessels (for example Sea Rescue and or Life Saving vessels) exempted from the restrictions in part 12a and 12b.
13. Give local public notice of the amended Determination in Part 12 with the commencement date of that amendment being effective from Easter 2015.
14. Request the CEO to ensure that signage at the site clearly differentiates closed times and that the closure is adequately monitored for compliance.
15. Request the CEO to have undertaken an in-house assessment of the liability risks to Council of over-beach launching at Council managed beaches at Peaceful Bay and Parry Beach with a view to ensuring that signage and information at those beaches is adequate.
16. Seek written assurance from Council's insurer that it is covered for Public Liability Risk and has not breached its duty of care at present and/or with the above controls in place.

CARRIED: 4/2

Res: 291214

**6.45pm - 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.*

**8.5.2 SPECIAL ELECTORS MEETING – 19 DECEMBER 2014**

<b>File Ref:</b>	CR.2
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	17 December 2014
<b>Author:</b>	Claire Thompson, Executive Assistant
<b>Authorising Officer:</b>	Dale Stewart, Chief Executive Officer
<b>Attachments:</b>	8.5.2 - Minutes – Special Electors Meeting 19 December 2014

**Summary:**

Council is required to consider any decisions made at the Special Electors Meeting held on Friday, 19 December 2014.

**Background:**

A request signed by 267 Electors to hold a Special Electors Meeting was received by the Shire President on 26 November 2014 which read as follows;

*“Local Government Act 1995 Local Government (Administration) Regulations 1996*

**REQUEST FOR A SPECIAL MEETING OF ELECTORS**

*To: The Chief Executive Officer of the Shire of Denmark/Denmark Shire President*

- 1) Under section 5.28 of the Local Government Act 1995, we the electors of the Shire of Denmark, whose names, addresses and signatures are set out in the attached lists, and who comprise electors, request that a special meeting of the electors of the district be held.*
- 2) The details of the matter to be discussed at the special meeting concern the Application For Planning for the “Denmark Thrills and Spills Adventure Park” and matters arising from the Application including but not restricted to:*
  - Inadequacy of public/community consultation process in this matter*
  - Council responsibility to preserve amenity of local residents in neighbouring residential zones*
  - Adherence to Town Planning Scheme 3*
  - Inappropriate nature of the nominated site*
  - Effects on property value and loss of amenity to local residents*
  - Impact on local businesses*
  - Noise levels*
  - Lighting spill*
  - Hours of operation*
  - ‘After Hours’ activity and service/maintenance vehicles*
  - Signage, perimeter fencing and security*
  - Firefighting provision*
  - Venue permit and potential for expansion*
  - Traffic management and vehicle flow*
  - Traffic impact on local roads and town centre*
  - Waste management and removal*
  - Environmental impact*
  - Staffing levels, health and safety*
  - Accreditation, training and standards*
  - Any other related matters of concern to local residents*

*We the undersigned request that a special meeting of electors of the shire of Denmark be held.”*

The Shire President is obligated to call a Special Electors Meeting with 35 of receiving the request and give at least 14 days public notice of the meeting, pursuant to statutory requirements. Accordingly, the Shire President has set the meeting date as Friday, 19 December 2014 at 5.00pm in the Council Chambers and advertised the meeting in the Denmark Bulletin, Council's website and Council Notice Boards, since the 4 December 2014.

**Consultation:**

Nil

**Statutory Obligations:**

Section 5.33 relate to this report as follows;

5.33. *Decisions made at electors' meetings*

(1) *All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable —*

- a) at the first ordinary council meeting after that meeting; or*
- b) at a special meeting called for that purpose,*

*whichever happens first.*

(2) *If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.*

**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:**

There are no known strategic implications.

**Sustainability Implications:**

➤ **Governance:**

Consideration of any decisions made at an Electors Meeting at the next available Council meeting is a statutory requirement under the Local Government Act 1995.

➤ **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 consider any decisions made at the Special Electors Meeting at this Ordinary Council Meeting.	Rare (1)	Moderate (3)	Low (1-4)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation

**Comment/Conclusion:**

At the Special Electors Meeting held on Friday 19 December 2014, the following motions were carried:

Decision One

**DECISION**

MOVED: DEBORAH FELD

SECONDED: JIM KING

Regardless of the statute that council gives notice of applications in accordance to TPS3.

All applications that currently come under a zoning of AA use be dealt with in future, exactly the same as applications that come under SA use such that the following minimum advertising takes place;

- a) A notice be published in a newspaper circulating in the scheme area for a minimum of 21 days prior to consideration of the application; and
- b) A sign be placed on the property in a conspicuous position on the land for a similar minimum period.

CARRIED

Decision Two

**DECISION**

MOVED: HOWARD BUSH

SECONDED: JOSIE MITCHELL

That all planning applications adhere to a strict set of minimum requirements before the application is receipted by the planning department. This includes all obligations under the current Town Planning Scheme.

CARRIED

Decision Three

**DECISION**

MOVED: DEBORAH FELD

SECONDED: RON FELD

In future, in regard to applications to Council, if there is concern about the application, by community, that an in-depth investigation into the application is exercised and that concerns of residents/ratepayers are heard and genuinely considered.

CARRIED

Decision Four

**DECISION**

MOVED: JOSIE MITCHELL

SECONDED: DEBORAH FELD

That the motions passed tonight be deferred to the Ordinary Council meeting scheduled for Tuesday, 20 January 2015.

CARRIED

In relation to the decisions, as per Section 5.33 of the *Local Government Act 1995* Council must consider them at the next Ordinary Council meeting or, if that is not practicable –

- a) At the first ordinary council meeting after that meeting ; or
  - b) At a special meeting called for that purpose
- whichever happens first.

In this regard, the Officer recommends that Council consider Decisions One - Three at the Ordinary Meeting of Council to be held on 20 January 2015, thus enabling Officers time to prepare a report in relation to Decisions 1 - 3 for Council's due consideration given that the minutes from such meeting were only finalised on 22 December 2014. Adopting this officer position will attend to Motion Four arising from the Special Electors Meeting.

**Voting Requirements:**

Simple majority.

OFFICER RECOMMENDATION

ITEM 8.5.2

That Council consider any decisions made at the Special Electors Meeting held on Friday, 19 December 2014.

Following the Special Electors Meeting and the decisions made at that meeting, the Acting Chief Executive Officer has provided the following Amended Officer Recommendation.

<p><b>COUNCIL RESOLUTION &amp; AMENDED OFFICER RECOMMENDATION</b></p> <p>MOVED: CR OSBORNE</p> <p>That Council with respect to Decisions One – Three arising from the Special Electors Meeting held on 19 December 2014 resolve to defer consideration of these decisions until the Ordinary Meeting of Council to be held on 20 January 2015 to:</p> <ul style="list-style-type: none"> <li>a) Allow officers time to prepare a report for Council's due consideration accordingly; and</li> <li>b) In acknowledgement of Decision Four from the Special Electors Meeting which sought for the motions to be deferred to the 20 January 2015 Ordinary Meeting of Council.</li> </ul> <p>CARRIED UNANIMOUSLY: 6/0</p>	<p>ITEM 8.5.2</p> <p>SECONDED: CR GILLIES</p> <p>Res: 301214</p>
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**9. COMMITTEE REPORTS & RECOMMENDATIONS**

Nil

**10. MATTERS BEHIND CLOSED DOORS**

Nil

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

Nil

**12. CLOSURE OF MEETING**

6.55pm – *There being no further business to discuss the Shire President, Cr Thornton, declared the meeting closed and wished all those present a Merry Christmas.*

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

Signed: \_\_\_\_\_

*Annette Harbron – Acting Chief Executive Officer*

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

These minutes were confirmed at the meeting of the \_\_\_\_\_

Signed: \_\_\_\_\_

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