



Minutes

ORDINARY MEETING OF COUNCIL

HELD IN THE COUNCIL CHAMBERS,
953 SOUTH COAST HIGHWAY, DENMARK ON
TUESDAY, 29 SEPTEMBER 2015.

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Ordinary Council Meeting

29 September 2015

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

4.00pm – *The Presiding Person, 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
Cr Jan Lewis
Cr Ian Osborne
Cr Dawn Pedro
Cr Belinda Rowland

STAFF:

Mrs Annette Harbron (A/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:

Cr Roger Seeney
Mr Dale Stewart (Chief Executive Officer)
Mr Martin Buczak (Acting Director of Infrastructure Services)

ON APPROVED LEAVE(S) OF ABSENCE:

Cr David Morrell (pursuant to Council Resolution No. 200715)

ABSENT:

Nil

VISITORS:

Members of the public in attendance at the commencement of the meeting: 16
Members of the press in attendance at the commencement of the meeting: 1

DECLARATIONS OF INTEREST:

Nil

3. ANNOUNCEMENTS BY THE PERSON PRESIDING

The Shire President expressed his condolences to the family of Mal Bryant who had passed away on Saturday. Cr Thornton said that Mal would be sorely missed from the Council's outside crew and that Mal had been a brilliant footballer with exceptional agility which had also made him a great football coach. Cr Thornton advised that there would be a service held for Mal at Cosy Corner on Wednesday, 30 September 2015.

The Shire President announced that this would be his last Council meeting as he had not stood for re-election. Cr Thornton stated that he was a third generation local and wore Denmark on his sleeve and after moving to Perth when he was younger he had returned to Denmark to live. Cr Thornton stated that his family businesses had employed a lot of local people over the years and he had wanted to put back into the community when he nominated for Council eight years ago. Cr Thornton said in his time on Council, six years as Shire President, there had been a lot of improvements, much of which had been attributed to the Country Local Government Fund money that the Council had received.

Cr Thornton advised that last Tuesday, Denmark had been announced as the Top Tourism Town for 2015. Cr Thornton stated that these types of successes couldn't be achieved without the support of the CEO, Staff and Councillors and Cr Thornton also congratulated the CEO, Staff and Board of Denmark Tourism Inc. for their efforts.

Cr Thornton advised that stepping down from Council would enable him to fulfil his role on the Western Australian Planning Commission and the Board of the Great Southern Development Commission. Cr Thornton stated that he hoped to be able to further assist Denmark in those roles and that maybe one day he would return to local government.

Cr Thornton thanked the CEO, Councillors and Staff for their support over the years and wished all of the candidates well in the upcoming election.

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4.1.1 Dr Cyril Edwards – Item 4.1.2 (Cr Lewis - Aquatic Facility)

At the meeting held on Tuesday, 8 September 2015, Dr Edwards made a number of comments and asked some questions that were taken on notice. The Chief Executive Officer has provided the following responses in writing to Dr Edwards.

“Thank you for your questions relating to Item 4.1.2 on the Agenda, taken on notice by the Shire President at the Council meeting of 9 September 2015.

My responses on behalf of the Council follows and these, together with your questions, will be included in the Agenda for the Council Meeting of 29 September 2015.

Your comments and questions as recorded in the Minutes were as follows and my responses to your two questions follow;

“Question 3 from Cr Lewis - CEO

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

Response:

Because as Chief Executive Officer, and the Report Author, I held and hold the view that that this would be the case.

Comment from CE

The CEO's response to Q3 reveals that his recommendation to Council reflected his view at the time (i.e. that the smaller pool would probably delay the larger) and it is a view that he adheres to. Quite right!

Question 4 from Cr Lewis - Shire President

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

Response:

This question has been answered by the CEO on behalf of the Shire President. You would have to ask individual Councillors, and/or the mover or the seconder of the motion, the answer to that question – however the words that Council accepted (as the reasons for change) in the adoption of the Minutes for the meeting was that "Council wished to note the reasons why it was considering a smaller option to what was proposed by the Denmark Aquatic Centre Committee and removed words from the survey question relating to acknowledging that building a smaller facility could delay the building of a larger facility."

Comment

*The CEO's response to Q4 correctly points to the **record** of the words that were used but he cannot explain **why they were accepted** by Council. Right again!*

But if Council had a reason for removing the words shouldn't it give an explanation?

So my First Question on Notice is addressed to the Mover (Cr Sampson) and Secunder (Cr Osborne) and the remaining three Councillors that supported them ...

"Why did you press to remove the reference to possible delays as per the Officer's Report?"**Question 5 from Cr Lewis –**

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

The CEO's answer detailed and coherent – and it seems that Clause (e) is directly relevant since the Officer's Report was "substantially altered ..."

The CEO continues ...

Wherever possible, a Member should give notice of his/her intention to move a motion pursuant to (b), (d), (e) and (f) or to move an amendment pursuant to (c), by providing it to the CEO by 4pm on the Thursday prior to the next Ordinary Council meeting. Reasons for the change to be included within the notice, to be recorded in the minutes on the adoption of an amended or changed officer recommendation."

In addition, the Local Government Act 1995, Local Government (Administration) Regulations 1995, Regulation 11 (da) states in relation to the recording of

minutes of Council Meetings; “written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70 (but not a decision to only note the matter or to return the recommendation for further consideration);”

Comment

The issue here is that Parts 1 and 2 of the Resolution are not supported by anything in the Officer’s Report. They came literally out of the blue. There was no opportunity whatsoever for any member of the public to question or challenge them.

The message that they convey is one of impatience and determination ... determination to see an end to the Denmark Aquatic Facility and DACCI for the indefinite future. A prejudice that has previously been only been mumbled in the background is now clearly claimed as a quantitative reality.

So my Second Question on Notice – to the Councillors concerned (not the CEO)

“Will you please provide the community with a carefully documented case to support your conclusions?”

My responses to your two questions within the above text are as follows;

Question 1

“So my First Question on Notice is addressed to the Mover (Cr Sampson) and Seconder (Cr Osborne) and the remaining three Councillors that supported them ...

Why did you press to remove the reference to possible delays as per the Officer’s Report?”

Response:

The request for response to these questions has been referred to the individual Councillors, noting that it will obviously be different from each Councillors perspective, and if the Councillors so choose, they have been invited to make comment direct to you about their specific reasons.

Question 2

“So my Second Question on Notice – to the Councillors concerned (not the CEO)

Will you please provide the community with a carefully documented case to support your conclusions?”

Response:

The request for response to these questions has been referred to the individual Councillors, noting that it will obviously be different from each Councillors perspective, and if the Councillors so choose, they have been invited to make comment direct to you about their specific reasons. It is noted however that the ‘Council’ made the decision – not individual Councillors and as far as I am aware as CEO, there is no such documented case available and the Councillors concerned would have to ‘prepare one’ for you to answer your question and this, on face value, appears unfair and unwarranted, particularly

when the background to the aquatic facilities debate is clearly on the public record.

I trust the above answers your questions however should you require further information or advice on this matter please contact the undersigned on telephone (08) 9848 0300 or email enquiries@denmark.wa.gov.au.

4.1.2 Mr Noel Phillips – Item 8.2.1 (McLean Park Overflow Camping Policy & Management Plan)

At the meeting held on Tuesday, 8 September 2015, Mr Phillips made a number of comments and asked some questions that were taken on notice. The Chief Executive Officer has provided the following responses in writing to Mr Phillips.

“Thank you for your questions relating to Item 8.2.1 on the Agenda, taken on notice by the Shire President at the Council meeting of 8 September 2015.

My responses follow and these, together with your questions, will be included in the agenda for the Council Meeting of 29 September 2015 as is required by legislation.

Your following preamble and questions relates;

“The Rivermouth Caravan Park currently loses on average 4 passing off season caravan bookings a week a result of not having digital television coverage and the figures for other frontline tourist parks would be similar.

These people ask if we have coverage and when we advise them that we do not have it they drive through to Albany.

At its 17 January & 7 February 2012 meetings Council considered whether or not to upgrade its Peaceful Bay and Weedon Hill analogue TV retransmission towers to digital and made a decision not to proceed by moving the following motion:

“That with respect to the request from the Department for Broadband, Communications and the Digital Economy for Council to advise whether it intends to continue retransmission of television services from the Weedon Hill and Peaceful Bay retransmission sites, Council;

- 1. Advise the Department that it does not intend to provide retransmission of the digital services to local households and businesses in the Peaceful Bay area allowing owners of these properties to access the Satellite Subsidy Scheme to receive the VAST service.*
- 2. Advise the Department that it does not intend to provide retransmission of the digital services to local households and businesses in the Denmark area at this point in time, however reserves the right to change this decision as further information regarding costs, black spot areas and other factors become better known.*
- 3. Refer the matter to the Western Australian Local Government Association Great Southern Zone for discussion and comment.”*

The 17 January & 7 February 2012 meeting officer reports did not consider the effect that such a decision would have on the tourism industry and in hindsight should have.

At the time report was the most visitors to the Rivermouth Caravan Park were still able to receive a patchy transmission but the around 18 months this ceased altogether and vans visiting our park can no longer get a signal.

Retransmission equipment is now more readily available and we have obtained quotes that it would cost in the region of \$28,000 to service our own park and \$100,000 to service a 9km radius of Weedon Hill.

A wider coverage would be of benefit to many tourism operators and it would be a waste of resources if the Rivermouth Caravan Park invested \$28,000 to service our own park and for other parks to do the same when Council install a system that would the wider tourism industry's needs for a similar order of costs.

The 17 January & 7 February 2012 meeting officer reports mentioned Royalties for Regions funding as an option. While we understand that this has now been limited to larger by the state government to larger projects and tourism facilitation and be harder to obtain would Council be prepared given the new information that has been presented today to commence dialogue with caravan parks regarding digital TV retransmission."

Response

In responding to this question, I note that the Council has the legislative ability to put in place a 'service charge' for Television or Radio rebroadcasting to recover the cost from the beneficiaries of a service such as this, however given free to air television now benefits so many through line of sight services from Mt Barker and or Albany, I question whether the Council would be wise to invest the estimated \$100,000 to benefit, indicatively, a few tourism businesses, that could install their own services at, say \$28,000 each, without the ratepayers paying out a cent or having ongoing maintenance / license and inevitable upgrade costs.

On face value however, and notwithstanding that the Council owns the Rivermouth Caravan Park, the cost / benefit to the ratepayers on behalf of the beneficiaries appears not justifiable. It could be better, and more relative and attributable to the cost / benefit, for example, for the Council to discuss the matter as lessor / lessee and recover the investment via an additional lease fee over several years.

Having said that, I will ask that the Council's Director of Community & Regulatory Services to meet with you to ascertain and confirm the likely order of costs, and seek similar information and or concerns from the other three Park Owners in the Townsite of Denmark and localities of Ocean Beach and Shadforth (the 9km radius mentioned).

Should you require further information or advice on this matter please contact the undersigned on telephone (08) 9848 0300 or email enquiries@denmark.wa.gov.au."

4.1.3 Mr Rob Whooley – Ocean Beach Road

At the meeting held on Tuesday, 8 September 2015, Mr Whooley made a number of comments and asked some questions that were taken on notice. The Chief Executive Officer has provided the following responses in writing to Mr Whooley.

“Thank you for your questions relating to Ocean Beach Road, directed to the Council, taken on notice by the Shire President at the Council meeting of 8 September 2015.

My responses follow and these, together with your questions, will be included in the Agenda for the Council Meeting of 29 September 2015.

You referred to a question that your wife had asked previously during public question time and stated that the Ocean Beach Road was a full reconstruction and seal. Your observation and statement was that it was a \$1m project so it was important that the design was done properly and that the money was spent well, and you enquired as to whether it would be going out to community consultation. In addition, you asked whether Council would be putting the design/scope of works out for public consultation.

My response is that, in summary terms, the scope of works for the project is per that submitted by yourself, as the Director of Infrastructure Services at the time, to the Regional Road Group. The project has been approved by the Council and Regional Road Group at a project value of \$837,518, plus GST, to preserve the existing pavement with improvements, reconstruction and construction of footpaths and piping of some of the existing open drains, with works all between SLK 0.08 and 0.98 (broadly between Offer and Blackburn Streets).

I totally agree that the design work needs to be done properly and that is why we have enlisted the services of an Albany based Civil Engineering firm, Wood & Grieves to assist our in-house expertise.

Once that detailed design work is completed, we fully intend to inform the Community in general, together with those that might be directly affected by the works, as to any foreseeable inconveniences, traffic delays and the like, and the likely timing of the works. It is not intended that the intended design or scope of works will be subject to community consultation, as the project has already been determined and approved and simply improves the surface, drainage and footpaths of the existing road alignment.

At this stage it is envisaged that work will commence in November, with some works scheduled for March through to May 2016 also.

This practice and process is consistent with our approach for the past decade with similar large project works on existing roads, such as that experienced with Scotsdale Road over the past 3 years.

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

4.2 PUBLIC QUESTIONS

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

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

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

Questions from the Public

4.2.1 Mr Rob Whooley – Complaint

Mr Whooley stated that he wished to register a formal complaint against a Councillor and a member of Staff.

The Shire President advised Mr Whooley that a Council meeting was not the right forum to lodge complaints of that nature and that he needed to follow the correct process and go through the appropriate channels.

4.2.2 Mr Rob Whooley – Item 4.1.3 (Mr Rob Whooley - Ocean Beach Road)

Mr Whooley referred to the response to his questions taken on notice and asked the following further questions on notice.

“To the CEO. I refer to my previous questions taken on notice re Ocean Beach Road reconstruction – Council Meeting 8 September 2015. I acknowledge those questions were not in writing and feel the intent of what I was trying to convey has been missed.

You replied “the project has already been determined and approved and **simply** (my emphasis) improves the surface, drainage and footpaths of the existing road alignment”

If this is the case that the works are simple and nothing changes – why then has Council spent (what I estimate to be) around \$8,000 on survey and \$30,000 on design? Could you please advise cost for design and survey?

You state that the “scope of works is per that submitted by yourself”. A **few lines** on a submission form does not reflect the depth of the scope of work, or the justification for this amount of total project money (\$837,518). The Regional road [sic] Group Technical and sub-committees (along with an independent engineer) review the projects. It is up to the Shire engineers, from 13 Shires, to justify their projects. A lot of in-depth discussion and validation occurs.

The Regional Road Group does not generally support the reconstruction of existing paths. The reason why they are supported, in this case, is that they would be destroyed by the works. The argued intent of works is to create a distributor road which will be suitable for the next 40 years.

If the works are to be limited – as you describe – then in my expert opinion – the external survey and design has been a complete waste of money. Council has the equipment, resources and capability to undertake all this work “in-

house". Why has this extraordinary amount of money been spent on external services and consultants?

Furthermore, in my experience and expert opinion, the "simple" work described by the CEO could be undertaken for \$225,000 negating the need for full path reconstruction, or for \$270,000 including asphalt resurfacing of the existing path. Current staff have no idea what the intended works were as there was no project "handover" permitted – despite the offer. Why has the CEO not made fundamental enquiries about the status and staff knowledge of current projects managed by the former engineer? Why has the CEO not sought a review of this major project, with validation of both the cost and scope of the works, prior to expending significant money?

What percentage of the existing Ocean Beach Road pavement (not surface) is unsound and what treatment is proposed for the unsound areas?

Could you please advise what pavement testing, prior to the spending of design money, occurred to determine the general structural soundness of the existing pavement? If none, what is proposed? If testing is proposed, could the CEO advise how this is helpful to the designers, after the design has been done?

What percentage of the existing pavement (not surface) is unsound and what treatment is proposed for the unsound areas?

Does the CEO agree that reconstructing sound pavement, or paths, for the sake of it, is a waste of ratepayers money?

Does the CEO still maintain this is a "simple" job?"

The Shire President noted that the questions would be taken on notice and responded to in writing, adding that the Chief Executive Officer may decide to await the appointment of the new Director of Infrastructure Services to ascertain some expert advice on the matter.

4.2.3 Mr John Xanthus – Item 8.1.1 (Prawn Rock Channel Concept Plan)

Mr Xanthus stated that he was on the Working Group and highlighted some key benefits of the plan. Mr Xanthus urged Council to support the Officer Recommendation.

4.2.4 Mr Jesz Fleming – Proposed McGeary's Rock Boat Ramp

Mr Fleming asked for a status update on the McGeary's Rock Boat Ramp Study.

The Shire President advised that he was unsure however he would find out and let Mr Fleming know by the end of the week.

Post Script: Following the meeting, the Chief Executive Officer has advised that the project has not been let and that would be seeking quotes in the next week or so.

4.2.5 Ms Wendy Edgeley – Item 8.2.2 (Indoor Heated Aquatic Facility – Survey Outcome)

Ms Edgeley expressed disappointment that the Officer had recommended that the issue not be revisited until 2021 and that the Officer had implied that the

community had convincingly rejected a pool. Ms Edgeley stated that she thought it would be more accurate to state the first survey rejected a rate increase to pay for a facility and the second survey rejected an alternative option. Ms Edgeley stated that she believed that some of the Officer's opinions were misleading and that it was not a good basis for a decision.

The Shire President queried the rate increase figure, of \$56, which had been quoted by the Denmark Aquatic Centre Committee Inc. (DACCI) and asked what kind of increase she believed ratepayers would accept.

Ms Edgeley deferred the question to the DACCI President, Dr Cyril Edwards, to respond.

Dr Edwards stated that the amount of \$56 was arrived at using a specific calculation and was based on the Feasibility Study numbers. Dr Edwards added that he believed that the figures put out in the 2013 Referendum had been incorrect.

The Shire President noted that the DACCI had quoted a \$5.5m build cost and asked whether the \$56 rate increase figure had been based on that build cost.

Dr Edwards responded stating that it had not and referred to what it would have been if the numbers in the 2013 Referendum had been correct. Dr Edwards went further to explain the calculation which had been based on the numbers provided in the Feasibility Study which had been done previously.

4.2.6 Dr Cyril Edwards – Item 4.1.1 (Dr Cyril Edwards – Item 4.1.2 (Cr Lewis - Aquatic Facility)

Dr Edwards began by stating his personal thanks to the Shire President, Cr Thornton, on behalf of the DACCI, for his involvement in the debate on the matter during the last few years. Dr Edwards stated that whilst they may not have reached an outcome or necessarily always agreed, they have tried very hard and he wished to express his thanks for that.

Dr Edwards stated that he did not believe that his questions on notice had been answered and stated that the DACCI would be submitting further questions with respect to the injections by Councillors into the Officer's Recommendation, at the meeting, which they nor members of the community had any time to consider, prior to Council making a decision on the Motion.

4.2.7 Dr Cyril Edwards – Item 8.2.2 (Indoor Heated Aquatic Facility – Survey Outcome)

Dr Edwards referred to the title of the Item including the words "Survey Outcome" and stated that there was no reason for the Officer Recommendation. Dr Edwards stated that he believed that the Officer had put forward such recommendation to ensure that the pool matter was laid to rest.

Dr Edwards provided some background information on how the project had developed over the years and stated that if Council were to wait until 2021 then he believed that the process would have to start all over again.

Dr Edwards requested that Councillors not support the Officer Recommendation.

The Shire President responded stating the year 2021 was not necessarily binding on the Council as future Councils could change resolutions by rescission if they wished to revisit the matter before 2021.

4.2.8 Ms Yasmin Bartlett – Conduct Complaints

Ms Bartlett asked whether there was an actual code of conduct for Councillors and if so, how people could be made aware of it. Ms Bartlett stated that she believed that some Councillors had acted inappropriately when she approached them to ask questions as a future candidate.

The Shire President responded stating that Council meetings were not the correct forum for lodging complaints regarding the conduct of Councillors or Officers.

The Director of Finance & Administration added that he was the Council's official complaints officer in relation to Officers or Councillors and that if anyone had any concerns, questions or wished to make a formal complaint that they were welcome to make an appointment to see him. Mr Dolzadelli also noted that there was information on our website in relation to making a complaint including a copy of the Shire of Denmark's Public Interest Disclosure Statement.

The Shire President asked Mr Dolzadelli whether the Act had changed to deal with frivolous and/or vexatious complaints.

Mr Dolzadelli advised that he was unaware of any change however there may be a change to the minor breach legislation regarding these types of complaints.

4.2.9 Dr Ceinwen Gearon – Conduct Complaints

Dr Gearon referred to the Shire President's response to Ms Bartlett and stated that she believed that sometimes complaints were made by Councillors about other Councillors. Dr Gearon asked how many reports had come from Councillors against Councillors.

The Shire President stated from recollection during his term on Council there had been four complaints lodged.

Cr Gillies stated that she had been reported twice.

The Shire President stated that he believed that reports were supposed to be confidential.

Cr Gillies stated that she had received legal advice which had informed her that she did not have to keep the matter confidential.

Dr Gearon asked the Shire President how many of those four were found to be breaches.

The Shire President responded stating that he believed that two had been found to be breaches.

4.2.10 Dr Ceinwen Gearon – Item 8.2.2 (Indoor Heated Aquatic Facility – Survey Outcome)

Dr Gearon stated that she was a nominee for the Town Ward and had a number of comments and questions for the Author of the report being the Director of Community & Regulatory Services, which were as follows;

- “1. In your summary you state that the outcomes of both surveys have convincingly rejected both the large and the small pool options. Can you explain how you drew this conclusion?
2. In addition you recommended that Council resolve not to revisit the issue for a further five years (2021); do you acknowledge that both the community via the DACC and the Shire have spent a considerable amount of money and invested significant human resource to progress this issue and that this effort will have been wasted and therefore this project will need to be started from the beginning in 2021, thus pushing back a likely build date by at least 5 years to 2026 at the earliest?
3. With regards to the section titled Consultation – did Council actively seek community input into the design of the 2015 Survey and the 2013 Referendum? In other words was information presented to the community in a way, which was accessible to the community?
4. With reference the Shire’s Community Engagement Policy and Framework would you agree that the Shire is currently at the Inform stage of the IAP2 Spectrum of Public Participation, as articulated in the following statement under principles “keep the community informed of decisions made and actions take...? If this is the case how and when does the Shire intend to progress beyond this first stage to the Collaborate and Empower Stages. Specifically my question to the CEO is do you have an implementation plan for this policy and what are the key dates and outcomes?
5. There is a statement under the title sustainability implications (social) as follows ‘conversely there is a significant majority of people that do not support a smaller or staged approach. When and how was the community consulted with regards to a staged approach?

In conclusion, both Council and the community have invested heavily in progressing the stated need of the community for a heated indoor aquatic facility. I would ask Council NOT to accept the officer’s recommendation to defer this issue until the year 2021 but to work collaboratively with the community to identify a way forward, including consideration of a staged approach.”

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

4.41pm – Cr Osborne left the room.

With respect to the upcoming election, Dr Gearon expressed her thanks to all Councillors for taking the time to participate over the years, particularly to Cr Thornton. Dr Gearon wished all candidates the best of luck in the upcoming election.

4.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

4.4 PRESENTATIONS, DEPUTATIONS & PETITIONS

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

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

Nil.

5. APPLICATIONS FOR FUTURE LEAVE OF ABSENCE

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

Nil.

6. CONFIRMATION OF MINUTES

6.1 ORDINARY COUNCIL MEETING

<p>COUNCIL RESOLUTION & OFFICER RECOMMENDATION</p> <p>MOVED: CR SAMPSON</p> <p>That the minutes of the Ordinary Meeting of Council held on the 8 September 2015 be confirmed as a true and correct record of the proceedings.</p> <p>CARRIED UNANIMOUSLY: 6/0</p>	<p>ITEM 6.1</p> <p>SECONDED: CR PEDRO</p> <p>Res: 110915</p>
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7. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

4.45pm – Cr Osborne returned to the room.

8. REPORTS OF OFFICERS

8.1 Director of Planning & Sustainability

8.1.1 PRAWN ROCK CHANNEL CONCEPT PLAN
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File Ref:	A3071
Applicant / Proponent:	Shire of Denmark
Subject Land / Locality:	Prawn Rock Channel recreation area (Reserve 24596 and portion of Reserve 20578) and Prawn Rock Island
Disclosure of Officer Interest:	Nil
Date:	16 September 2015
Author:	Donna Sampey, Sustainability Officer
Authorising Officer:	Annette Harbron, Director of Planning & Sustainability
Attachments:	8.1.1a – Draft Prawn Rock Channel Concept Plan 8.1.1b – Schedule of Submissions 8.1.1c – Modified Prawn Rock Channel Concept Plan

Summary:

A draft Prawn Rock Channel Concept Plan was developed by the Prawn Rock Channel Concept Plan Working Group. The draft Concept Plan has been the subject of recent public advertising, with five (5) submissions received.

Following review of submissions by the Prawn Rock Channel Concept Plan Working Group, it is recommended that Council adopt the Concept Plan with minor modifications.

Background:

At the Ordinary Meeting of Council held on the 16 June 2015, Council considered the draft Prawn Rock Channel Concept Plan and resolved as follows (Resolution No. 080615):

That with respect to the Draft Prawn Rock Channel Concept Plan, Council:

1. *Adopt the Draft Concept Plan for the purposes of public advertising as per the following:*
 - a) *Public advertising period commencing on 25 June 2015 and concluding on 24 August 2015 (60 days).*
 - b) *Advertising notice to be published in the Denmark Bulletin on 25 June and 6 August 2015 inviting public comment.*
 - c) *Advertising notice, and the associated plans, inviting public comment on the proposal being displayed at the Shire Administration Office, the Shire Library and the Shire's website for the duration of the public advertising period.*
 - d) *Referral to the Department of Aboriginal Affairs inviting comment.*
 - e) *Referral to the Shire's Disability Services Advisory Committee for comment.*
2. *Request the Geographic Names Committee approve the proposed name of "Ocean Beach Lookout" on the basis that it conforms with the name of the locality, existing signage and existing accepted long term usage.*

Attached as Attachment 8.1.1a is the draft Concept Plan that was advertised for public comment.

Consultation:

Public advertising of the draft Concept Plan was undertaken in accordance with Council's Community Engagement Policy P040123 and the associated Framework, and considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal. During the advertising period, the following consultation took place:

- Public advertising period commenced on 25 June 2015 and concluded on 24 August 2015 (60 days).
- Advertising notice published in the *Denmark Bulletin* on 25 June and 6 August 2015 inviting public comment.
- Advertising notice, and the associated plans, inviting public comment on the proposal displayed at the Shire Administration Office, the Shire Library and the Shire's website for the duration of the public advertising period.
- Referral to the Department of Aboriginal Affairs inviting comment.
- Referral to the Department of Water inviting comment.
- Referral to the Shire's Disability Services Advisory Committee for comment.

At the close of the advertising period, a total of five (5) submissions were received – three (3) from the public/community stakeholder groups and two (2) from State Government Departments. Attached as Attachment 8.1.1b is the Schedule of Submissions, with all submissions received being entered into the schedule as verbatim.

In relation to point number 2 of Council's resolution, the Geographic Names Committee approved the use of the name "Ocean Beach Lookout" on 30 July 2015.

Statutory Obligations:

The Concept Plan scope area encompasses two Registered Aboriginal Heritage Sites: Poddy Point Burial (ID 4436) and Katelysia Rock Shelter (ID 4668). The Concept Plan and its implementation will need to consider the requirements under the Department of Aboriginal Affairs' *Cultural Heritage Due Diligence Guidelines*, in order to minimise impact to Aboriginal heritage values.

A permit to clear native vegetation, under the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*, will be required prior to commencement of works associated with the expansion of the two car parks and a recreational area. Any strategic pruning of native vegetation at the Ocean Beach Lookout will also need to be undertaken in accordance with the *Regulations*.

Policy Implications:

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". As such, the Concept Plan makes provisions for disabled access to the water and considers disabled access to Ocean Beach Lookout.

Budget / Financial Implications:

Implementation of the Concept Plan will be dependent upon access to grant funds and/or Council budget priorities to undertake the recommended works in due course.

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:**

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

Implementation of the Concept Plan will require clearing of native vegetation in order to expand two car parks and one recreational area.

➤ **Economic:**

There are no known significant economic considerations relating to the report or officer recommendation, since implementation will rely on future Council budget priorities and/or grant funding.

➤ **Social:**

The Concept Plan seeks to cater for future predicted increased use of the recreational area, by both local residents and visitors alike, and provide for (close-to) year-round access to the site. It also aims to provide greater opportunities for access by the disabled and elderly.

➤ **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)
Council do not support the Prawn Rock Channel Concept Plan	Possible (3)	Minor (2)	Moderate (5-9)	Not Meeting Community expectations	Manage by only undertaking routine and reactive maintenance at Prawn Rock Channel

Comment/Conclusion:

The Working Group reviewed all submissions received to determine a position on the issues/comments and guide the final Concept Plan to be submitted to Council for adoption. From the review process undertaken by the Working Group, the following minor modifications to the advertised draft Concept Plan are recommended (also refer to Attachment 8.1.1c, which identifies the modifications graphically in red font/colour):

- Ocean Beach Lookout – short-term strategic pruning of vegetation to enhance views, until such time as the Ocean Beach Lookout undergoes maintenance/upgrade which will consider the inclusion of disabled access.
 - Any revegetation at the Lookout to use low-growing native plant species.
 - Consider provision of disabled car parking.
- Interpretive signage content to include information regarding opening of the Wilson Inlet sandbar.
- Consider options to ensure the dual-use path between the Prawn Rock Channel car park and the dog exercise area is accessible all year (may require raising path levels).

Overall it is considered that the proposed modifications are appropriate and it is recommended that Council adopt the Concept Plan (as per Attachment 8.1.1c) to guide the upgrade, review of existing and provision of new recreational facilities in the Prawn Rock Channel recreation area.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.1.1
MOVED: CR PEDRO	SECONDED: CR LEWIS
That with respect to the Prawn Rock Channel Concept Plan, Council:	
<ol style="list-style-type: none"> 1. Note the submissions received. 2. Adopt Attachment 8.1.1c as the final Concept Plan. 3. Advise the submitters of Council's decision. 4. Acknowledge the work of the Prawn Rock Channel Concept Plan Working Group in the development of a Concept Plan to upgrade, review existing and provide new recreational facilities in the Prawn Rock Channel recreation area. 5. Formally cease the Prawn Rock Channel Concept Plan Working Group given the Working Group's aim to develop the Concept Plan is now complete. 	
CARRIED UNANIMOUSLY: 7/0	Res: 120915

8.2 Director of Community & Regulatory Services

8.2.1 DENMARK CBD LONG VEHICLE PARKING

File Ref:	HLT.1
Applicant / Proponent:	Caravan Industry Association WA
Subject Land / Locality:	Denmark CBD
Disclosure of Officer Interest:	Nil
Date:	13 September 2015
Author:	Gregg Harwood, Director of Community & Regulatory Services
Authorising Officer:	Gregg Harwood, Director of Community & Regulatory Services
Attachments:	8.2.1 – Map & Photographs

Summary:

The officer report discusses the absence of Chamber of Commerce and Caravan Industry feedback in regards to the list of proposed CBD long vehicle parking bays that was referred to them as a result of staff actioning Council Resolution Res: 060715 from its 7 July 2015 meeting and recommends that Council advertise the proposed amended list of sites for 30 days inviting public comment.

Background:

At its 7 July 2015 meeting Council considered the Caravan Industry Association WA's 'Community Welcomes Recreational Vehicles' program and resolved the following motion to adopt the program and to initiate the of setting aside of a number of designated long vehicle parking areas in the Denmark CBD.

"That with respect to the Caravan Industry Association WA's 'Community Welcomes Recreational Vehicles' program, Council adopt the program in terms of marketing the Shire of Denmark as a RV friendly destination and authorise the Chief Executive Officer (CEO) to;

1. *Enter into an agreement with the Caravan Industry Association WA; and*
2. *Seek comment for a period of 30 days from;*
 - a) *Denmark Chamber of Commerce;*
 - b) *Owners/operators of caravan park and campgrounds operating within the Shire of Denmark; and*
 - c) *Denmark Tourism Inc.;*

on whether the creation of the following designated recreational long vehicle parking areas in the Denmark CBD is supported;

 - i. *Entrance to Kwoorabup Park – Length of Research Station Avenue once it is into the park on both sides (ie: past the house at the corner of Hollings Rd) – 4 Hour Parking.*
 - ii. *North Rd – adjacent to the Fire Station equivalent to 3 normal bays – 2 Hour Parking.*
 - iii. *Annie Harrison Park – 2 Hour Parking. Area is already used for RV parking.*
 - iv. *Basket Ball Courts Berridge Park – 4 Hour Parking. Area is already used for RV parking.*
 - v. *Corner of Walker and Hollings (eastern side of Hollings Rd) – 2 Hour Parking.*
 - vi. *Denmark Visitors Centre – 4 Hour Parking is already in place and use.*
3. *Upon conclusion of the comment period, refer the matter back to Council with any recommended changes to any parking bays within the CBD area including compliance with the Shire of Denmark Parking & Parking Facilities Local Law and whether to proceed with formal advertising and broader community."*

In accordance with this resolution, letters were sent to the Denmark Chamber of Commerce; owners and operators of caravan park and campgrounds operating within the Shire of Denmark and Denmark Tourism Inc., asking them to provide any comments that they had by the 21 August

2015. At the conclusion of the submission period, ~~Council has received no responses to these letters.~~ Council Officers had not received a response from the Denmark Chamber of Commerce and the Chief Executive Officer of Denmark Tourism Inc. had responded stating that she supported the idea, hoped that it meant that one or two of the “Community Welcomes Recreational Vehicles” signs would be erected near the long vehicle parking bays and wished the Shire the best with receiving the support it required to implement the project

CORRECTION TO MINUTES.
Pursuant to Council Resolution No. 271015

Consultation:

The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal and considered Council’s Community Engagement Policy P040123 and the associated Framework and believes that additional external/internal engagement or consultation is required in regards to the creation of the long vehicle parking locations and it is recommended that the proposed sites should now be advertised for 30 days public comment via Council’s website and the Denmark Bulletin.

Statutory Obligations:

If, after public advertising, Council chooses to proceed with the Parking & Parking Facilities Local Law will need to be complied with in relation to signage and amending, by resolution, the Fourth Schedule of that local law.

Policy Implications:

There are currently no Council policies in regard to this matter but Council’s 7 July 2015 decision to join the RV Welcome Program is a statement of in principle support of providing long vehicle parking in the CBD.

Budget / Financial Implications:

There are no known major financial implications upon either the Council’s current proposed Budget or Long Term Financial Plan in that the only requirements in adopting the Officer Recommendation involve signage and utilisation of existing infrastructure. In addition to this Council can readily, by subsequent resolution, convert or revert any bays designated for long vehicle parking back to traditional car parking bays.

The only exception to this are the long vehicle parking bays in Kwoorabup Park may require a limestone base and or the use of Grass Reinforcement Mesh / Grass Protection Mesh to ensure the grassed parking area is trafficable year round, if that location is accepted.



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.

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.

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.

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 wellbeing.

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

The provision of suitable long vehicle parking within close proximity to the Denmark town site CBD and Visitor Centre will have positive economic benefit to the community as it will promote as destination that is easy to navigate in long vehicle.

➤ **Social:**

The Council will need to manage expectations of retailers and the public in general regarding the perceived or actual positive or negative implications associated with converting any of the proposed current traditional parking bays near the CBD to long vehicle parking bays.

➤ **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 local residents and business may complain that they have lost normal parking bays to RV tourists	Possible (3)	Minor (2)	Moderate (5-9)	Not Meeting Community expectations	Control through consultation with Chamber of Commerce.
That local residents will use the bays when towing their trailers and horse floats	Almost Certain (5)	Insignificant (1)	Moderate (5-9)	Not Meeting Community expectations	Accept Risk as locals should be able to benefit from tourist infrastructure

Comment/Conclusion:

Given the absence of objections from Denmark Chamber of Commerce and the local caravan park and campground industry, the next step is for Council to, if it chooses to do so, resolve to advertise the below list of potential long vehicle parking locations and suggested parking intervals for 30 days public comment.

Suggested Potential Long Vehicle Park Sites in and around the Denmark CBD

1. Entrance to Kwoorabup Park – Length of Research Station Avenue once it is into the park on both sides (ie: past the house at the corner of Horsley Rd, and opposite the retention pond at the rear of that house – 4 Hour Parking.
2. North Rd – adjacent to the Fire Station equivalent to 3 normal bays – 2 Hour Parking.
3. Annie Harrison Park – 2 Hour Parking. Area is already used for RV parking.

- 4. Basket Ball Courts Berridge Park – 4 Hour Parking. Area is already used for RV parking.
- 5. Opposite Walker and on Hollings (eastern side of Hollings Rd) – 2 Hour Parking.
- 6. Denmark Visitors Centre – 4 Hour Parking is already in place and use.

If after public advertising Council chooses to proceed with the proposed recreational long vehicle parking facilities the Fourth Schedule of Council’s Parking Local Laws will need to be amended by Council resolution accordingly.

On balance, only options 2 – 6 are recommended at present for advertising as there is no financial cost to make them available, with the exception of signage.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.2.1
MOVED: CR ROWLAND	SECONDED: CR OSBORNE

That with respect to long vehicle parking bays in the Denmark CBD, Council;

- 1) Advertise the following proposed designated recreational long vehicle parking areas in the Denmark CBD for a 30 day period seeking public comment;
 - a) North Rd – adjacent to the Fire Station equivalent to 3 normal bays – 2 Hour Parking.
 - b) Annie Harrison Park – 2 Hour Parking. Area is already used for RV parking.
 - c) Basket Ball Courts Berridge Park – 4 Hour Parking. Area is already used for RV parking.
 - d) Corner of Walker and Hollings (eastern side of Hollings Rd) – 2 Hour Parking.
 - e) Denmark Visitors Centre – 4 Hour Parking is already in place and use.
2. Upon conclusion of the comment period, refer the matter back to Council with any recommended changes to any parking bays within the CBD area noting that a specific resolution to amend schedule 4 of Council’s Parking Local Law will be required to make any proposed recreational long vehicle parking bays legally enforceable.

CARRIED UNANIMOUSLY: 7/0	Res: 130915
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8.2.2 INDOOR HEATED AQUATIC FACILITY – SURVEY OUTCOME
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File Ref:	ORG.55C & A3035
Applicant / Proponent:	Not applicable
Subject Land / Locality:	McLean Park, Brazier Street, Denmark
Disclosure of Officer Interest:	Nil
Date:	12 September 2015
Author:	Gregg Harwood, Director of Community & Regulatory Services
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	8.5.1 – Letters received

Summary:

The officer report considers the outcomes of both the March/April 2013, 6 lane 25m ratepayer survey and the recent August/September 2015 Program (Hydrotherapy) and Learn to Swim Facility at the McLean Park Recreation Centre elector and ratepayer survey that was conducted in accordance with the Council's Resolution of 7 July 2015 regarding the construction of two different sizes of heated indoor aquatic facility in Denmark.

The report notes that the outcomes of both surveys have convincingly rejected both the large pool and small pool options and recommends that Council resolve not to revisit the issue for a further indicative five years, to the year 2021, when the following factors may warrant reconsideration of the matter:

1. Denmark's population will have increased.
2. Economic conditions may have changed and likely funding scenarios may have improved.
3. Community attitudes and/or aptitude towards heated aquatic facilities may have changed.
4. Transport options between Albany and Denmark may have improved.

Background:

At the meeting held on 7 July 2015, Council resolved as follows (Resolution No. 120715);

“That Council in considering options for a heated indoor aquatic facility through to, indicatively the year 2026, resolves as follows;

1. *That with the proximity of the Albany Leisure and Aquatic Facility being within 60km of the Denmark Townsite and a predicted population of less than 8,000 persons by that date, that the Council cannot see itself having sufficient warrant to justify an indicative rate increase of over 11% and an investment in the order of \$12m (current day dollars) for the proposed DACCI Model 6 lane leisure and lap facility before that time and;*
2. *That the Council has continuing concerns with the community's willingness to pay for the capital and operating requirements of such a facility as evidenced by the results of the 2013 and 2015 surveys and;*
3. *That the Council has continuing concerns with balancing the future fiscal demands and declining revenue streams on the Council's Budgets including;*
 - a) *The loss of the State Government's Country Local Government Fund of over \$1m pa;*
 - b) *The significant reduction of the State Government's commitment to future sport and recreation facilities in the four year estimates and;*
 - c) *The decline in real terms of the Commonwealth Government's Financial Assistance Grants (FAGs) and progression towards becoming a minimum FAGs grant Council within the next five years.*
4. *That the Council resolve to engage with the community on the concept of a Program and Learn to Swim Aquatic Facility, which may be in better accord with the needs of the Denmark demographic.*

5. *That with respect to the concept of a Program and Learn to Swim Aquatic Facility outlined for the McLean Park Recreation Centre and as detailed within the Officers' Report to the Council Meeting of the 5 May 2015, Council;*
- a) *Conduct a Public Information Forum in the Reception Room and Chambers on the principles and issues relating, commencing at 7 pm on Tuesday 11 August 2015 and;*
 - b) *Request the CEO to prepare information for the Forum, Displays in the Shire Administration Office and Library and online and for the Survey Questionnaire and to advertise the information and Forum widely in local newspapers and media;*
 - c) *Include as advice and advertising for the Forum, that the Council will be conducting a Survey of all residents and ratepayers that are on the 2013 Consolidated Electoral Roll and current Rate Roll (approximately 7,025 persons) using the same online survey tool and techniques as undertaken for the Biennial Community Needs and Customer Satisfaction report 2014/15 and;*
 - d) *Ask the following question;*

Proposal: That the Shire of Denmark proceed to actively source Government Grants to facilitate the construction of a Program (Hydrotherapy) and Learn to Swim Facility at the McLean Park Recreation Centre based on the following indicative parameters;

- An estimated construction cost of \$1,200,000;*
- Existing Reserve Funds of \$100,000;*
- An estimated loan of \$800,000;*
- Estimated grants from various sources of \$300,000;*
- An estimated rate increase of 1% (over traditional rate increases) to fund the ongoing operational loss (inclusive of debt service, depreciation and maintenance).*

The above scenario would enable the Centre to be built in approximately the 2016/17 financial year.

Please indicate whether you agree (Yes) or disagree (No) with the above proposal by placing a cross (X) in your preferred selection.

- e) *Send the Survey, to recipients, not before the 11 August 2015 and by the 13 August 2015 with a return date by the 4 September (allowing a minimum of 21 days) and;*
- f) *Reconsider the matter following conclusion of the Forum and the receipt of results from the Survey.*

In accordance with the above, Council's CEO conducted a survey during the week of 11 August 2015 (closing of 4.00pm Friday, 4 September 2015), 7,031 invitation letters were issued to residents and ratepayers of the Shire who were listed on the, then, current Rates Roll and 2013 Consolidated Electoral Roll, with a total of 7,767 votes issued.

During the course of the Survey period it was identified that a small percentage (3.2%) of residents and ratepayers incorrectly received more than one identification number to complete the Survey (notwithstanding the owners of multiple rateable properties in the Shire who correctly received separate identification numbers for each property they own).

As both residents and ratepayers of the Shire were eligible to complete the 2015 Aquatic Facility Survey, officers were required to merge the data from two different sources, namely the current Rates Roll to account for ratepayers in the Shire and the 2013 Electoral Roll to obtain a list of residents in the Shire. When completing the merge, data tests were undertaken to remove individuals who appeared on both Rolls to ensure they were not ascribed duplicate votes, these tests included both the matching of names and addresses. Whilst this data matching was effective in removing the large majority of duplicates between the Rolls, it did not account for circumstances where names were spelled differently across both Rolls, nor instances where

middle names were listed on one Roll and not the other, or where initials were used on one Roll but not the other.

Council Officers undertook line by line analysis and identified 245 individuals that had incorrectly been issued more than one identification number to complete the Survey. In order to maintain the integrity of the data collected during the Survey it was decided that only the first vote cast by these individuals would be deemed valid when collating the results, and those individuals that had utilised both the incorrectly issued ID numbers and correctly issued ID numbers would be advised of this in writing. As such 7,522 votes were deemed to be the total votes issued.

After the close of the Survey (4.00pm Friday 4 September 2015), there were 2,022 attempts to vote. Of the 2,022 votes, 34 incomplete online votes (drop outs) were discarded along with 11 informal paper votes, resulting in 1,977 votes to validate.

Of the 1,977 votes, 65 votes were discarded comprising of 56 duplicate votes where the same ID number had been utilised multiple times, and 9 votes where an incorrect ID number was listed. When assessing duplicate votes (where the same ID number had been used more than once) the earliest dated valid vote was accepted in all cases, with the others discarded. Of the 56 duplicate votes discarded, 47 had the same response, with 9 having a different response. This stage of validation resulted in 1,912 votes.

The 1,912 votes underwent the final stage of validation which involved the crosschecking of ID numbers against the 245 incorrectly issued ID numbers as previously mentioned. 21 individuals were identified to have utilised both their correctly issued ID number and also their incorrectly issued ID number, and as such only the first (earliest dated) vote cast by these individuals was deemed valid, resulting in 21 votes discarded. The final stage of validation resulted in 1,891 votes.

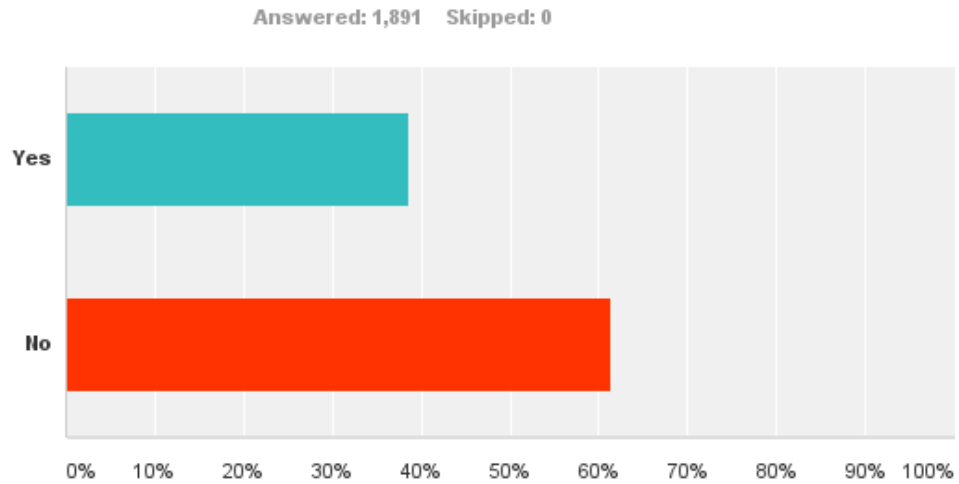
Survey Monkey Printout of 2015 Survey Results:

Proposal: That the Shire of Denmark proceed to actively source Government Grants to facilitate the construction of a Program (Hydrotherapy) and Learn to Swim Facility at the McLean Park Recreation Centre based on the following indicative parameters;

- *An estimated construction cost of \$1,200,000;*
- *Existing Reserve Funds of \$100,000;*
- *An estimated loan of \$800,000;*
- *Estimated grants from various sources of \$300,000;*
- *An estimated rate increase of 1% (over traditional rate increases) to fund the ongoing operational loss (inclusive of debt service, depreciation and maintenance).*

The above scenario would enable the Centre to be built in approximately the 2016/17 financial year.

Please indicate whether you agree (Yes) or disagree (No) with the above proposal.



2015 Survey Votes	Number of Votes Counted	Percentage
Total YES Votes	732	38.71%
Total NO Votes	1,159	61.29%
Total Valid Votes	1,891	100.00%
Total Votes Issued	7,522	
Total Invalid Votes (including drop outs, informal, duplicates and incorrectly issued)	131	
Total Attempted Votes	2,022	

The confidence levels of the 2015 survey based on the 25.14% return are as follows:

Population 7,522 Sample Size 1,891 (25.14%)

- Confidence Level 99%, Margin of Error 3%
- Confidence Level 95%, Margin of Error 2%
- Confidence Level 90%, Margin of Error 2%

March/ April 2013 Ratepayer Only Survey Results:

The March/ April 2013 ratepayer only survey regarding support for a 6 lane 25m pool produced a similar result which is tabulated below:

March/ April 2013 Survey Votes	Number of Votes Counted	Percentage
Total YES Votes	1,016	42.12%
Total NO Votes	1,396	57.88%
Total Valid Votes	2,412	100.00%
Total Votes Issued	3,848	
Total Invalid Votes	7	
Total Attempted Votes	2,419	

As a comparison the confidence levels of the 2013 survey based on a 62.68% return are as follows:

Population 3,848 Sample Size 2,412 (62.68%)

- Confidence Level 99%, Margin of Error 2%
- Confidence Level 95%, Margin of Error 2%
- Confidence Level 90%, Margin of Error 2%

Consultation:

The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal and considered Council’s Community Engagement Policy P040123 and the associated Framework and believes that no additional external/internal engagement or consultation is required because Council has conducted two recent surveys in regards to indoor heated aquatic facilities and there has been extensive media and social coverage and comment regarding a local aquatic facility and those surveys.

This said Council has did receive 13 unsolicited letters in regards to the 2015 survey. Copies of these letters are attached and they are summarised as follows:

<u>Total numbers of letters or emails received:</u>	13
Number of letters expressing specific support for the 2015 Program and Learn to Swim Aquatic Facility outlined for the McLean Park Recreation Centre:	1
Number of letters asking why Council was not giving respondents the choice of voting for a 6 lane 25m pool:	6
Number of letters asking why Council was not giving respondents the choice of voting for no pool at all:	0
Number of letters critical of the 2015 Program and Learn to Swim Aquatic Facility outlined for the McLean Park Recreation Centre:	4
Number of comments expressing support for a 6 lane 25m pool:	0

Statutory Obligations:

There are no relevant statutory obligations relating to conducting a survey of residents, electors or a combination of residents, ratepayers and or electors as determined by the Council.

Policy Implications:

There are no policy implications with respect to the report other than relating to the Council’s adopted Community Engagement Policy & Framework, which is available from on the Shire’s website at <http://www.denmark.wa.gov.au/news-category/community-consultation>.

The Policy itself states as follows:

Objectives

Council is committed to actively engage in dialogue with its community to understand their diverse needs and expectations.

In formulating and implementing the Strategic Community Plan – Denmark 2031 and strategic aims, Council recognises the need to engage with its community and encourage community participation so as to enhance its decision-making.

This policy provides the framework and principles for undertaking community consultation, to encourage participation and to strive to continuously improve its community consultation methods.

Principles

Council will be guided by the following principles in relation to community consultation.

Council will:

- Keep the community informed of decisions made and actions taken in relation to its activities, listen to and acknowledge concerns, and provide feedback on how public input influenced the decision.
- Encourage participation as appropriate.
- Be open and honest about the purpose of any consultation activity so as to be transparent with its decision making processes.
- Use a range of approaches to engage community views and enable everyone interested to contribute.
- Allow time to consult effectively.
- Undertake to make balanced decisions using the outcomes of community consultation whilst taking into account other influences such as budget constraints, statutory obligations and strategic directions.

Responsibility for Implementation

The Chief Executive Officer is responsible for the implementation of this policy and the development of an appropriate framework, staff toolbox and any communication or engagement plans. This will also demonstrate that all levels of employees that have discretion over consultation are adequately trained in not just this Policy, but its implementation.

Whilst it is not always practical or appropriate to engage the community on all Council decisions, it is crucial that community members are sufficiently informed of major issues, plans, projects and all matters likely to affect them and have opportunities to participate meaningfully in community engagement.

Budget / Financial Implications:

The conduct of the forum and mail out has cost approximately \$11,149.57 in postage, printing, stationery and staff wages.

Strategic Implications:

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

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

SOCIAL 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.

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

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

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.

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.

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

The 2013 and 2015 surveys have been conducted to gauge various sizes of aquatic facilities and it would appear based on the results of those surveys, that the level of community support for funding a larger facility has not yet reached a point where Council needs to resolve to provide a facility in the near future. Conversely there is a significant majority of people that do not support a smaller or staged approach.

In sociology, a tipping point is defined as a point in time when a group, or a large number of group members, rapidly and dramatically changes its behaviour by widely adopting a previously rare practice. It appears that it will be some years before the Denmark community reaches this point in regards to an indoor heated aquatic facility.

➤ **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 Council determines to prematurely construct a smaller Program and Learn to Swim Facility (as opposed to an Indoor Aquatic Facility with approximately 6 lanes and leisure water) that is not yet supported or fully utilised by the community	Unlikely (2)	Moderate (3)	Moderate (5-9)	Inadequate Engagement - Community / Stakeholders / Crs	Control through accepting officer to delay further consideration of an indoor heated aquatic facility until approximately 2021.
That the Council determines to construct 6 lanes and leisure water) and it is not yet supported or fully utilised by the community.	Unlikely (2)	Major (4)	Moderate (5-9)	Inadequate Engagement - Community / Stakeholders / Crs	Control through accepting officer to delay further consideration of an indoor heated aquatic facility until approximately 2021.

Comment/Conclusion:

Given the negative outcomes of both the March/April 2013 (6 lane, 25m) ratepayer survey and the recent August/September 2015 Program and Learn to Swim Facility at the McLean Park Recreation Centre elector and ratepayer survey that, in the opinion of the Author, the majority of

the community is at this point where they are sufficiently informed after 5 years of active public dialogue but not yet ready to fund or support any form of indoor heated aquatic facility.

In the opinion of the Author, this observation gels with the experience of other communities that have in fact gone on to build indoor heated pools where, while construction and operating costs are an important factor, the wider community has reached a social tipping point of overwhelming support for the facility and the following factors override them:

- 1) The majority of the community decides that the construction of an indoor heated pool is one of their most important priorities regardless of the costs.
- 2) The community from a strategic development perspective is at or about to reach the population point at which it should have an indoor heated pool and accept the operating losses that will be involved.
- 3) The community is about to experience prolonged population growth and the construction debt and operating losses will soon be spread over a far larger rate base.

Given that the Denmark community is obviously (from resident and ratepayers surveys) not in this place, it is recommended that the question of whether or not there is sufficient support for an indoor heated pool is not revisited until the year 2021, when the following factors may warrant reconsideration of the matter:

1. Denmark’s population will have increased.
2. Economic conditions may have changed and likely funding scenarios may have improved.
3. Community attitudes and/or aptitude towards heated aquatic facilities may have changed.
4. Transport options between Albany and Denmark may have improved.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION	ITEM 8.2.2
MOVED: CR GILLIES	SECONDED: CR LEWIS
<p>That given the outcomes of both the 2013 (6 lane 25m) ratepayer survey and the 2015 Program (Hydrotherapy) and Learn to Swim Facility elector and ratepayer survey Council acknowledges that the community have been discouraged and confused by Council’s attempts to provide a suitable mechanism that achieves an acceptable outcome regarding an Aquatic Facility in Denmark; Council encourages ongoing dialogue with DACCI via a Council delegate and acknowledges that timing for reconsideration of the matter with the community will be a decision for the Council of the day.</p>	
LOST: 2/5	Res: 140915

COUNCIL RESOLUTION & OFFICER RECOMMENDATION

ITEM 8.2.2

MOVED: CR OSBORNE

SECONDED: CR SAMPSON

That given the outcomes of both the 2013 (6 lane 25m) ratepayer survey and the 2015 Program (Hydrotherapy) and Learn to Swim Facility elector and ratepayer survey have convincingly rejected both heated pool options by a significant margin, Council resolve not to revisit the issue until the year 2021 when the following factors may warrant reconsideration of the matter:

1. Denmark's population will have increased.
2. Economic conditions may have changed and likely funding scenarios may have improved.
3. Community attitudes and/or aptitude towards heated aquatic facilities may have changed.
4. Transport options between Albany and Denmark may have improved.

Cr Sampson requested that his words be recorded which were as follows;

"Councillors and Members of the Community,

The Council has extensively engaged and consulted with the community for many years about the pool issue.

It is now time to accept the community's decision and move on.

Personally I am a little disappointed, as an individual I voted in favour of the original 25M proposal and also in favour of the hydrotherapy learn to swim option. For the record I would like a pool, but as a councillor I have listened to the community and accept their decision. In response to the ratepayers who have given written and verbal feedback that we should have included the 25M option in the survey - yes I have listened to you also, but say to you that this option is clearly not viable due to the changed financial circumstances facing local government, to claim otherwise is just pure financial fantasy and fairyland economics. If we had included this option in the survey it would have only raised hopes and expectations that the Council simply could not have met or fulfilled.

I note that some of Council's critics claim that we do not engage or consult with the community - surely there is no better example of where we have consulted and engaged. It appears to me that what these critics are really saying is they don't like the result and decision. That's fair enough - but don't try to tell me we haven't consulted when we very clearly have! I also note that some have tried to twist and manipulate the voting numbers to suit their view, frankly this is nonsense and embarrassing to listen to.

The community have very, very clearly spoken - the majority do not want or are not prepared to pay for a pool in any form. Some may not like it but we must all accept the outcome, that is the democratic process.

It's time to move on."

AMENDMENT

MOVED: CR THORNTON

SECONDED: CR SAMPSON

That part 5 be added to read as follows;

"Any future decision to proceed with an Aquatic Facility only proceed after the majority of Ratepayers of the Denmark Shire give support to the proposal by way of a Ratepayer survey. All capital and ongoing running costs to be clearly conveyed to the Ratepayer in the survey."

CARRIED: 5/2

Res: 150915

Cr Lewis & Cr Gillies requested that their vote against the amendment be recorded.

AMENDED MOTION

That given the outcomes of both the 2013 (6 lane 25m) ratepayer survey and the 2015 Program (Hydrotherapy) and Learn to Swim Facility elector and ratepayer survey have convincingly rejected both heated pool options by a significant margin, Council resolve not to revisit the issue until the year 2021 when the following factors may warrant reconsideration of the matter:

1. Denmark's population will have increased.
2. Economic conditions may have changed and likely funding scenarios may have improved.
3. Community attitudes and/or aptitude towards heated aquatic facilities may have changed.
4. Transport options between Albany and Denmark may have improved.
5. Any future decision to proceed with an Aquatic Facility only proceed after the majority of Ratepayers of the Denmark Shire give support to the proposal by way of a Ratepayer survey. All capital and ongoing running costs to be clearly conveyed to the Ratepayer in the survey.

THE AMENDED MOTION BECAME THE SUBSTANTIVE MOTION WHICH WAS PUT AND CARRIED: 5/2 Res: 160915

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

RESCISSION: Resolution No. 160915 was rescinded, pursuant to Council Resolution No. 051215.

5.27pm – Cr Lewis left the room.

8.3 Director of Infrastructure Services

Nil

8.4 Director of Finance & Administration

8.4.1 FINANCIAL STATEMENT FOR THE MONTH ENDING 31 AUGUST 2015

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Denmark
Disclosure of Officer Interest:	Nil
Date:	16 September 2015
Author:	Steve Broad, Accountant
Authorising Officer:	Kim Dolzadelli, Director of Finance And Administration
Attachments:	8.4.1 – August Monthly Financial Report

Summary:

It is a requirement of the Local Government Act 1995 that monthly and quarterly financial statements are presented to Council, in order to allow for proper control of the Shire's finances. In addition, Council is required to review the Municipal Budget on a six monthly basis to ensure that income and expenditure is in keeping with budget forecasts. It should be noted that the budget is monitored on a monthly basis in addition to the requirement for a six monthly review.

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

Background:

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

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

Consultation:

Nil

Statutory Obligations:

Local Government Act 1995 Section 5.25 (1)

Local Government (Financial Management) Regulations 1996

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

Policy Implications:

Policy P040222 - Material Variances in Budget and Actual Expenditure, relates

For the purposes of Local Government (Financial Management) Regulation 34 regarding levels of variances for financial reporting, Council adopt a variance of 10% or greater of the annual budget for each program area in the budget, as a level that requires an explanation or report, with a minimum dollar variance of \$10,000.

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

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

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

Budget / Financial Implications:

There are no significant trends or issues to be reported.

Strategic Implications:

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

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

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

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

Comment/Conclusion:

As at 31 August 2015 total cash funds held total \$7,713,892.

Shire Trust Funds total \$180,155 with the amount of \$169,542 invested for 92 days with the National Bank, maturing 19 September 2015 at the quoted rate of 2.75%.

Reserve Funds total \$4,143,957 and have been placed on investment for 30 days with the National Bank, maturing 4 September 2015 at the quoted rate of 2.80%.

Municipal Funds total \$3,389,779 with the amount of \$1,360,324 invested with the National Bank, maturing on various dates up to the 16 September 2015 at an average rate of 2.48% (refer note 4 for detail).

Key Financial Indicators at a Glance

As the 2015/16 Municipal Budget was only adopted on 27 July 2015 there is very little activity available for comparison purposes.

Depreciation of non-current assets has not been calculated for the reporting period as the Annual Financial Audit for the year ended 30 June 2015 has not been concluded at the time of producing this report.

Budget Amendments and Variances (Note 5 and 5a)

As detailed in Note 5a.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.4.1
MOVED: CR SAMPSON	SECONDED: CR GILLIES
That with respect to Financial Statements for the month ending August 2015, Council;	
1. Receive the Financial Reports, incorporating the Statement of Financial Activity and other supporting documentation.	
2. Endorse the Accounts for Payment for August 2015 as listed.	
CARRIED UNANIMOUSLY: 6/0	Res: 170915

5.29pm – Cr Gillies left the room.

8.4.2 RETURNED & SERVICES LEAGUE FUNDING APPLICATION	
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File Ref:	A3097
Applicant / Proponent:	Denmark Branch of the Returned & Services League (RSL)
Subject Land / Locality:	Reserve 23631, Lot 40 (No. 54) Strickland Street, Denmark
Disclosure of Officer Interest:	Nil
Date:	21 September 2015
Author:	Kim Dolzadelli, Director of Finance & Administration
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	8.4.2a – Denmark RSL Request for funding 8.4.2b – Letter to Denmark RSL regarding previous approval

Summary:

A request has been received from the Denmark Branch of the Returned & Services League (RSL) for reinstatement of funding approved in 2014/2015 in the amount of \$1,966.86.

Background:

The RSL has previously advised the Chief Executive Officer that they have been unsuccessful with respect to their application for funding with respect to the following Council Resolution:

Resolution Number 150914;

“That with respect to the Denmark RSL Sub-Branch request for funding towards their proposed Hall renovation/improvement project, Council:

1. *Approve in principle a Council contribution up to the amount of \$20,000 plus GST, subject to:*
 - a) *the successful grant funding application,*
 - b) *the project scope is in keeping with what is currently proposed.*
2. *Support the Denmark RSL Sub-branch in any grant funding application to external funding agencies with respect to this project; and*
3. *Advise the Denmark RSL Sub-branch that any proposed works will require Planning Approval, a Building Permit, compliance with the Building Code of Australia and be in keeping with the outcomes of the Shire of Denmark’s Disability Access & Inclusion Plan and the principles of the Plane Tree Precinct Development Concept Plan.”*

At its meeting of 3 March 2015 Council considered a request from the RSL for a contribution towards the placement of a cover over their refurbished 6Pdr anti-tank gun to ensure the item is protected from the elements. The RSL had obtained a quotation to undertake the works; this quotation was for a total amount of \$4,466.86.

Resolution Number; 070315

“That Council with respect to the Denmark Branch of the Returned & Services League (RSL) request for a funding contribution of \$1,966.86 excluding GST approves the request subject to the following conditions;

1. *That placement of the gun and cover to be to the satisfaction of the Director of Planning and Sustainability to ensure that it is in keeping with the adopted Plane Tree Precinct Plan; and*
2. *The RSL obtains all relevant development approvals from the Shire.”*

At its meeting of 26 May 2015 Council considered a request received from the Denmark Branch of the Returned & Services League (RSL) for approval to change the use/purpose of a funding contribution of \$1,966.86 excluding GST previously approved by Council. The RSL sought approval to change the use of the contribution from “a cover being placed over their 6Pdr anti-tank gun” to “the preparation of the longer term plans for the site”.

Resolution Number 170515;

“That Council with respect to the Denmark Branch of the Returned & Services League (RSL) request for a change in the use, of the previously approved contribution of \$1,966.86 excluding GST (Resolution 070315), from “a cover being placed over their 6Pdr anti-tank gun” to “the preparation of the longer term plans for the site” approves this request.”

Consultation:

Consultation has occurred between the RSL, Cr Osborne, Cr Lewis (being members of the CBD development working group) and the Director of Planning and Sustainability with respect to the placement of the gun and cover in keeping with part 1 of Council Resolution 070315. The officer has previously consulted with the Director of Planning and Sustainability in regard to this meeting and the relationship to resolution 170515.

Statutory Obligations:

Nil.

Policy Implications:

The WW2 Gun & Carriage are listed in the Shire’s adopted Municipal Heritage Inventory (2011).

The RSL Memorial Hall is listed in the Shire’s adopted Municipal Heritage Inventory (2011) and is also listed as a Place of Heritage Value in TPS No. 3.

Budget / Financial Implications:

If Council wishes to approve the request from the RSL the Officer recommends decreasing the Budgeted Municipal surplus of \$3,744 to \$1,777 and increase expense account GL 1420342 “Community Financial Assistance Grants” by \$1,967 from \$28,050 to \$30,017.

Strategic Implications:

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

Recreation: 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.

The requested works are conceptually included in the Plane Tree Precinct Development Concept Plan (PTPDCP) and covering report.

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:**

The RSL Building is a regularly used Building in the Denmark CBD that has a significant ‘street appeal’. The adjoining lands are included in the adopted Plane Tree Precinct Development

Concept Plan and are intended to form a vibrant ‘soft’ social hub and gathering place for the community.

➤ **Risk:**

Risks	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 development of the land is not in accordance with the adopted Precinct Plan	Unlikely (2)	Insignificant (1)	Low (1-4)	Ineffective Management of Facilities and Events	Control through adequate provisions that permit the lessor to undertake development in accordance with the adopted Precinct Plan.

Comment/Conclusion:

The RSL was written to on 29 May 2015 advising Council approval of the above resolution and were also advised the following:

“The funds in question are contained within the 2014/2015 Municipal Budget and as such should the Denmark RSL (RSL) not be in a position to finalise the project by 30 June 2015 it will be necessary for the RSL to formally request, by 30 June 2015, that the amount of funding be carried forward to the 2015/2016 Municipal Budget.”

Correspondence was received from the RSL on 14 August 2015 enquiring as to whether it was to late for them to request for the funds to be carried over to the 2015/2016 Financial Year. Following this request the RSL was advised that as the 2015/2016 Municipal Budget was adopted on 27 July 2015 it was to late for the amount to be brought into the current financial year and that any request for reinstatement of the funding would need to be formally considered by Council.

A written request from the RSL was received (attached) on 9 September 2015 to which the officer sought further clarification as to the total project cost and was provided with copies of quotations that total \$3,310 meaning a contribution of \$1,343 from the RSL.

The officer believes the funding request to be both reasonable and in keeping with Councils Strategic and Social Objectives.

Voting Requirements:

Absolute majority.

5.32pm – Cr Gillies returned to the room.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.4.2
MOVED: CR SAMPSON	SECONDED: CR ROWLAND
That Council with respect to the Denmark Branch of the Returned & Services League (RSL) request for contribution of \$1,967 excluding GST for the preparation of the longer term plans for the site:	
<ol style="list-style-type: none"> 1. Approves this request, 2. Decreases the 2015/2016 Budgeted Municipal Surplus from \$3,744 to \$1,777, and 3. Increases expense account GL 1420342 “Community Financial Assistance Grants” by \$1,967 from \$28,050 to \$30,017. 	
CARRIED BY AN ABSOLUTE MAJORITY: 6/0	Res: 180915

8.5 Chief Executive Officer

8.5.2 SPECIAL MEETING – 20 OCTOBER 2015

File Ref:	CR.2
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	15 September 2015
Author:	Claire Thompson, Executive Assistant
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	No

Summary:

Council is asked to consider setting a date for a Special Meeting on 20 October 2015 for the purpose of swearing in of Councillors, election of the Shire President and the Deputy Shire President, and swearing in of both, and the appointment of Elected Members to Committees, Working Groups and external Organisations / Agencies.

Background:

Nil

Consultation:

The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal and considered Council's Community Engagement Policy P040123 and the associated Framework and believes that no additional external/internal engagement or consultation is required other than the statutory requirements informing the public of the additional new meeting date.

Statutory Obligations:

The following legislation relates to Council meeting dates;

- Section 5.3 & 5.4 of the Local Government Act 1995 states;

5.3. Ordinary and special council meetings

- 1) *A council is to hold ordinary meetings and may hold special meetings.*
- 2) *Ordinary meetings are to be held not more than 3 months apart.*
- 3) *If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.*

5.4. Calling council meetings

An ordinary or a special meeting of a council is to be held —

- a) *if called for by either —*
 - i. *the mayor or president; or*
 - ii. *at least 1/3 of the councillors, in a notice to the CEO setting out the date and purpose of the proposed meeting; or*
- b) *if so decided by the council.*

- Section 2.29 of the Local Government Act 1995 states;

2.29. Declaration

- (1) *A person elected as an elector mayor or president or as a councillor has to make a declaration in the prescribed form before acting in the office.*

- (2) *A person elected by the council as mayor, president, deputy mayor or deputy president has to make a declaration in the prescribed form before acting in the office.*
- (3) *A declaration required by this section is to be taken or made before a prescribed person.*

- Schedule 2.3, Division 1, Section 2 of the Local Government Act 1995 states that there is no requirement to schedule a special meeting for the purpose of electing a President & Deputy President if there is an Ordinary Meeting scheduled within 3 weeks of a local government election.

Pursuant to Section 2.29 and Schedule 2.3, the Council does have the option of incorporating the swearing in, adoption of Charters and appointment of Council Delegates into the Agenda for the Ordinary Meeting of Council scheduled for 20 October 2015 at 4.00pm.

- Subdivision 2 of the Local Government Act 1995 relates to the establishment of Committees.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

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

Strategic Implications:

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

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council resolve not to convene a Special Meeting and election of President & Deputy President	Unlikely (2)	Insignificant (1)	Low (1-4)	Errors, Omissions or Delays	Minimise Risk and resolve to convene a Special Meeting of Council.

are made as the first item of business of the Ordinary Meeting scheduled for 20 October 2015.					
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Comment/Conclusion:

The Local Government Elections for 2015 will be held on Saturday, 17 October 2015. Following an election;

- Newly elected (or re-elected) members are required to make a declaration prior to acting in the office;
- Councillors are required to elect a President and Deputy Shire President;
- A newly elected (or re-elected) President and Deputy Shire President are required to make a declaration prior to acting in the office;
- Council may establish Committees and appoint members.

Whilst Council can, legally, carry out the above business at its Ordinary Meeting scheduled for Tuesday, 20 October 2015, the Officer recommends that a Special Meeting be convened to enable Council to deal with it separately to the ordinary business of Council. The meeting will also enable Council to appoint delegates to external organisations and agencies.

The Officer is of the view that the Special Meeting business, in itself, would take approximately two hours.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.5.2
MOVED: CR SAMPSON	SECONDED: CR ROWLAND
5.32pm – Cr Lewis returned to the room.	
That Council convene a Special Meeting of Council for the purpose of election of the Shire President, the Deputy Shire President, establishment of Committees and the appointment of Elected Members to Committees, Working Groups & External Organisations / Agencies on Tuesday, 20 October 2015 commencing at 1.00pm, with the swearing in of the newly elected (or re-elected) members scheduled for 12.30pm on that same day and that the meeting be advertised locally.	
CARRIED UNANIMOUSLY: 7/0	Res: 190915

9. COMMITTEE REPORTS & RECOMMENDATIONS

9.1 FIRE MITIGATION WORK ON UNALLOCATED CROWN LAND (UCL) AND UNMANAGED RESERVES (UMR) IN GAZETTED FIRE DISTRICTS (WITHIN TOWN SITES)

File Ref:	FIRE.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Shire of Denmark
Disclosure of Officer Interest:	Nil
Date:	12 September 2015
Author:	Gregg Harwood, Director of Community & Regulatory Services
Authorising Officer:	Gregg Harwood, Director of Community & Regulatory Services
Attachments:	Nil

Summary:

The officer report discusses the Commissioner of DFES’s recent decision not to renew that agency’s MOU with the Department of Lands regards fire fuel risk reduction of Unallocated Crown Land (UCL) & Unmanaged Reserves (UMR) within town sites as it was not seen as a core business activity for DFES.

The officer recommendation is that Council adopt the Bush Fire Advisory Committee’s (BFAC) recommendation to write to the Minister for Emergency Services expressing Council’s concerns at the Department of Fire & Emergency Services (DFES) Commissioner’s hesitation not to renew the MOU with the Department of Lands regarding fire mitigation work on Unallocated Crown Land (UCL) and Unmanaged Reserves (UMR) in gazetted fire districts (within town sites).

Background:

There has been a long standing arrangement in place where the Department of Parks & Wildlife (DPaW) have handled the fire fuel risk reduction of Unallocated Crown Land (UCL) and Unmanaged Reserves (UMR) outside of town sites and DFES has handles the generally smaller areas that are within town sites in an arrangement that broadly is reflective of the urban vs rural response capabilities of the two agencies.

DPaW, to its credit, have been very proactive in this area and regularly conduct joint burns with Council’s volunteer brigades that burn contiguous parcels that contain both UMR, UCL, Council and, in some cases, privately held land achieving significant levels of strategic risk reduction in the process.

DFES however have typically been active in town sites and have limited their roll to funding the preparation of reserves for burning by local volunteer brigades.

At the 3 September 2015 Bush Fire Advisory Committee (BFAC) meeting, Council’s Community Emergency Services Manager (CESM), initiated discussion regarding the Commissioner of DFES’s recent decision not to renew that agency’s MOU with the Department of Lands in regards fire fuel risk reduction of Unallocated Crown Land (UCL) & Unmanaged Reserves (UMR) within town sites, as it was not seen as a core business activity for DFES.

Having considered the matter BFAC resolved to make the following recommendation to Council:

“That BFAC recommends that Council, as a matter of urgency and in the interests of community safety, write to the Minister for Emergency Services expressing Council’s concerns at the Department of Fire & Emergency Services (DFES) Commissioner’s hesitation not to renew the MOU with the Department of Lands regarding fire mitigation work on Unallocated Crown Land (UCL) and Unmanaged Reserves (UMR) in gazetted fire districts (within town sites). We understand the Commissioner does not see this as a core business activity of DFES.”

Consultation:

The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal and considered Council's Community Engagement Policy P040123 and the associated Framework and believes that no additional external/internal engagement or consultation is required because the matter has been considered by the BFAC which is a committee that has been assembled for the express purpose of advising Council on matters relating the fire risk reduction.

The Council, if it so wishes, could refer the matter in addition or in preference, to the Great Southern Zone of WALGA, for consideration for resolution by the Zone.

Statutory Obligations:

Section 34 of the Bush Fires Act 1954 which relates to the burning of crown land.

Policy Implications:

There are policy implications in relation to P050120 Prescribed Hazard Reduction Burns on Shire of Denmark Managed Reserves and P050110 Hazard Reduction Burning on Private Property Procedure in as much that these activities become far more difficult, if nearby portions of crown land, are not regularly fuel reduced.

Budget / Financial Implications:

There are potentially significant financial costs upon the Council's proposed Budget in that a lack of timely fire fuel reduction of town site UMR & UCL reserves will significantly increase Council's costs in controlling wildfires in those localities.

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.

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 governance considerations relating to the report or officer recommendation.

➤ Environmental:

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

➤ Economic:

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

➤ Social:

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That there will be delays in the fire fuel reduction of town site UMR & UCL land leading to an increased risk of ember large wildfires.	Likely (4)	Catastrophic (5)	Extreme (20-25)	Inadequate Organisation or Community Emergency Management	Accept Officer Recommendation
That problems may occur during town site wildfire events due to uncertainty over agency responsibility for UMR & UCL land.	Likely (4)	Catastrophic (5)	Extreme (20-25)	Inadequate Organisation or Community Emergency Management	Accept Officer Recommendation

Comment/Conclusion:

The Office of Bushfire Risk Management (OBRM) was set up in early 2012 as part of the State Government’s response to the findings of the Keelty Report ‘Appreciating the Risk’.

OBRM is an independent office within the Department of Fire and Emergency Services (DFES), reporting directly to the Fire and Emergency Services (FES) Commissioner. OBRM’s role is to oversee prescribed burning and bushfire related risk management in Western Australia. Its mission statement reads as follows:

“To enhance the efficient and effective management of bushfire related risk in Western Australia in order to protect people, assets and other things valuable to communities.”

OBRM’s seeks to achieve this through the development of a range of standards and the promotion of best practice, OBRM is able to provide advice and guidance to a number of key stakeholders. OBRM aims to encourage harmonious working relationships across agencies, communities and volunteer groups.

It also seeks to work with its partners and stakeholders to progressively reduce bushfire risk through consultation, its published standards, engagement strategies, and reporting outcomes and the level of state-wide risk to the FES Commissioner and as part of this process requires Council to report annually on fire fuel reduction achievements, initiatives and failures within its districts.

Given this administrative environment there is a sense of irony that the same Commissioner should be wavering as to whether or not DFES should be prepared to continue to undertake the management of the fire of risk of UMR & UCL reserves in town site areas.

This irony has not been lost on our volunteer bush fire brigade members and their leaders and they looking to Council to lobby on their behalf.

Voting Requirements:

Simple majority.

COMMITTEE & OFFICER RECOMMENDATION

ITEM 9.1

That Council, as a matter of urgency and in the interests of community safety, write to the Minister for Emergency Services expressing Council's concerns at the Department of Fire & Emergency Services (DFES) Commissioner's hesitation not to renew the MOU with the Department of Lands regarding fire mitigation work on Unallocated Crown Land (UCL) and Unmanaged Reserves (UMR) in gazetted fire districts (within town sites) as it understand the Commissioner does not see this as a core business activity of DFES.

The Director of Community & Regulatory Services advised that he had received advice from the Department of Fire & Emergency Services' Superintendent on 29 September 2015 that the Memorandum of Understanding (MOU) had been signed. Given this information, the Director of Community & Regulatory Services provides the following alternate Officer Recommendation.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION

ITEM 9.1

MOVED: CR OSBORNE

SECONDED: CR SAMPSON

That Council note recent advice from Daniel Austin, (Superintendent Great Southern Region) for the Department of Fire & Emergency Services (DFES), that the Commissioner has renewed the MOU with the Department of Lands regarding fire mitigation work on Unallocated Crown Land (UCL) and Unmanaged Reserves (UMR) in gazetted fire districts (within town sites) and that the department now has an annual state wide allocation of \$400,000 for high risk UCL & UMR fuel reduction across the state and that staff advise BFAC accordingly.

CARRIED UNANIMOUSLY: 7/0

Res: 200915

10. MATTERS BEHIND CLOSED DOORS

Nil

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

Nil

12. CLOSURE OF MEETING

The Shire President thanked Officers for their reports and Councillors and members of the public for their attendance.

5.38pm – There being no further business to discuss the Presiding Person, Cr Thornton, declared the meeting closed.

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

Signed: _____
Annette Harbron – Acting Chief Executive Officer

These minutes were confirmed at a meeting on the _____.

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