

Shire of Denmark

Ordinary Council Meeting **AGENDA**

19 February 2019



TO BE HELD IN THE COUNCIL CHAMBERS, 953 SOUTH COAST HIGHWAY,
DENMARK ON TUESDAY, 19 FEBRUARY 2019, COMMENCING AT 4.00PM.



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Strategic Community Plan (snapshot)

E1.0

Our Economy

We are an attractive location to live, invest, study, visit and work

- E1.1 To have a locally supported resilient, stable and innovative business community that embraces creativity, resourcefulness and originality
- E1.2 To be a vibrant and unique tourist destination, that celebrates our natural and historical assets
- E1.3 To have diverse education and employment opportunities
- E1.4 To recognise the importance of agriculture in our local economy and protect prime agricultural land

N2.0

Our Natural Environment

Our natural environment is highly valued and carefully managed to meet the needs of our community, now and in the future

- N2.1 To preserve and protect the natural environment
- N2.2 To promote and encourage responsible development
- N2.3 To reduce human impact on natural resources, reduce waste and utilise renewable energy
- N2.4 To acknowledge and adapt to climate change

B3.0

Our Built Environment

We have a functional built environment that reflects our rural and village character and supports a connected, creative and active community

- B3.1 To have public spaces and infrastructure that are accessible and appropriate for our community
- B3.2 To have community assets that are flexible, adaptable and of high quality to meet the purpose and needs of multiple users
- B3.3 To have a planning framework that is visionary, supports connectivity and enables participation
- B3.4 To manage assets in a consistent and sustainable manner
- B3.5 To have diverse and affordable housing, building and accommodation options

C4.0

Our Community

We live in a happy, healthy, diverse and safe community with services that support a vibrant lifestyle and foster community spirit

- C4.1 To have services that foster a happy, healthy, vibrant and safe community
- C4.2 To have services that are inclusive, promote cohesiveness and reflect our creative nature
- C4.3 To create a community that nurtures and integrates natural, cultural and historical values
- C4.4 To recognise and respect our local heritage and Aboriginal history

L5.0

Our Local Government

The Shire of Denmark is recognised as a transparent, well governed and effectively managed Local Government

- L5.1 To be high functioning, open, transparent, ethical and responsive
- L5.2 To have meaningful, respectful and proactive collaboration with the community
- L5.3 To be decisive and to make consistent and well considered decisions
- L5.4 To be fiscally responsible
- L5.5 To embrace change, apply technological advancement and pursue regional partnerships that drive business efficiency

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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

MEMBERS:

Cr Ceinwen Gearon (Shire President)
 Cr Peter Caron (Deputy Shire President)
 Cr Mark Allen
 Cr Kingsley Gibson
 Cr Jan Lewis
 Cr Ian Osborne
 Cr Janine Phillips
 Cr Roger Seeney
 Cr Rob Whooley

STAFF:

Mr Bill Parker (Chief Executive Officer)
 Mr Cary Green (Director Corporate and Community Services)
 Vacant (Director Assets and Sustainable Development)
 Ms Claire Thompson (Executive Assistant)

APOLOGIES:

ON APPROVED LEAVE(S) OF ABSENCE:

ABSENT:

VISITORS:

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

DECLARATIONS OF INTEREST:

Name	Item No	Interest	Nature

3. ANNOUNCEMENTS BY THE PERSON PRESIDING

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTIONS

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

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

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

Questions from the Public

4.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

The following Questions on Notice were received by the Chief Executive Officer in writing on the 20 December 2018 and therefore comply with the Shire of Denmark Standing Orders Local Law clause 3.10.

4.3.1 CR WHOOLEY RE MCLEOD ROAD WORKS

Councillor Comment and Questions

In 2005 the Shire embarked on the widening of Scotsdale Road (20km).

The Consultants plans called for the removal of 40+ iconic trees.

In 2005, the Shire Engineer and the Works Manager viewed that as excessive. They rejected the Consultants drawings despite the cost. Collaboratively they redesigned the road on site. The outcome was - 4 large trees were removed.

There is some concern over the removal of trees (56+?) on a short section of McLeod Rd.

Has the Works Manager had any input into the proposed works on McLeod Road – or is this in the hands of Shire Technical Staff and Consultants alone?

Does the Shire Works Manager agree with the tree removal?

Officer Response

1. *The works manager has had no input to the removal of the trees, this was discussed with the technical staff.*
2. *As above, there were no comments from the works manager regarding the tree removal.*

The following Questions on Notice were received by the Chief Executive Officer in writing on the 6 February 2019 and therefore comply with the Shire of Denmark Standing Orders Local Law clause 3.10.

4.3.2 CR WHOOLEY RE MCLEAN OVAL WORKS

Councillor Comment and Questions

I understand the Scope of works and costs have changed at McLean Oval several times.

1. Can you provide an update to Councillors on the status of McLeod Oval including all the variations (and variation costs) to date if any.
2. If there have been variations, where has the funding been obtained from – or what scope has been reduced to accommodate the variations?
3. Council approved the original scope and budget. Did Council approve any reduced scope, or any additional funding?
4. Have the contractors dug through rock/gravel/clay and exposed water areas?
5. Was the clay, rock, or gravel dug through to place the subsoil drains?
6. If so, what was the perceived benefit in doing so and who approved such action?
7. The investigative boreholes clearly showed clay, gravel and rock refusal generally between 250-450mm below the surface. Was this overlooked in opting for subsoil drains?
8. The investigative bores showed little correlation between depth of refusal, free water in the hole and surface performance. The investigative bores showed a strong correlation between more impermeable sands and poor surface performance- predominately along the western edge. Were localised repairs involving removal of the impermeable areas considered along with a western edge subsoil drain?
9. If it was considered – why was it rejected as a solution?
10. There is a rumour that it is now intended to remove all the placed sand for the purpose of lowering the rock. Is that true?
11. It was suggested (if localised repairs were not to be considered) that, the existing turf be lifted (for subsequent reuse) and the whole Oval be topped with 300-500mm of clean highly permeable sand. Why was this potential solution rejected?
12. Will that solution now be considered in lieu of potentially lowering the rock - if that rumour is true?
13. Is the project being managed by Council staff- or externally?

Pursuant to clause 3.10 (2) the answers to the questions above will be tabled at the meeting.

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.

5.1 CR CARON

OFFICER RECOMMENDATION	ITEM 5.1
That Cr Caron be granted leave of absence for the Council meetings to be held between;	
a) 9 th to 23 rd March 2019; and	
b) 12 th to 30 th June 2019.	

6. CONFIRMATION OF MINUTES

6.1 ORDINARY COUNCIL MEETING – 18 DECEMBER 2018

OFFICER RECOMMENDATION	ITEM 6.1
That the minutes of the Ordinary Meeting of Council held on the 18 December 2018 be confirmed as a true and correct record of the proceedings.	

6.2 STRATEGIC BRIEFING NOTES – 18 DECEMBER 2018

OFFICER RECOMMENDATION	ITEM 6.2
That the Notes from the Strategic Briefing held on 18 December 2018 be received.	

6.3 SPECIAL COUNCIL MEETING – 29 JANUARY 2019

OFFICER RECOMMENDATION	ITEM 6.3
That the minutes of the Special Meeting of Council held on the 29 January 2019 be confirmed as a true and correct record of the proceedings.	

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

The following Notice of Motion was received by the Chief Executive Officer in writing on the 9 December 2018 and therefore complies with the Shire of Denmark Standing Orders Local Law clause 3.9.

7.1 NOTICE OF MOTION – CR CARON

RECORDING OF ELECTED MEMBERS VOTING FOR CONFIDENTIAL ITEMS

Resolution 031115 dictates that voting preferences are recorded with the names of elected members, so as to reduce potential misunderstanding on how individual councillors have voted. However, community members may be prevented from understanding the rationale behind voting decisions when supporting information is issued under confidential cover, and confidentiality requirements can prevent councillors from justifying their voting choice if asked.

This motions therefore seeks to remove the requirement for the names of elected members to be recorded with voting preferences for confidential items. It is noted that the

voting preferences can still be recorded upon request of a member of Council, under Section 5.21 (4) of the Local Government Act 1995:

“If a member of a Council or a Committee specifically requests that there be recorded –
(a) his or her vote; or
(b) the vote of all members present,

on a matter voted on at a meeting of the Council or the Committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the Minutes.”

Part 2 of Policy P040134 – Standing Orders Procedures reads as follows;

2. RECORDING OF VOTES FOR AND AGAINST

Objective

To record all votes for and against motions which are not unanimous for the interest of the community and to prevent speculative comments in terms of how Councillor may, or may not, have voted on a particular issue.

Policy

The names of elected members voting for and against all motions are to be recorded in the published Minutes.

Responsibility for Implementation

The Chief Executive Officer is responsible for implementing Part 2 of this Policy.

CR CARON’S MOTION

That Council amend Part 2 of Policy P040134 – Standing Orders Procedures so that the recording of Councillors votes for and against motions is not required for confidential items, except in circumstances when a member of Council specifically requires that his or her vote, or the vote of all members present, are recorded pursuant to section 5.21 (4) of the Local Government Act 1995.

8. REPORTS OF OFFICERS

8.1 DIRECTOR ASSETS AND SUSTAINABLE DEVELOPMENT

8.1.1 PROPOSED SINGLE HOUSE – NO.145 (LOT 5) INLET DRIVE, DENMARK

File Ref:	A1208
Applicant / Proponent:	PTX Architects
Subject Land / Locality:	No.145 (Lot 5) Inlet Drive, Denmark
Disclosure of Officer Interest:	Nil
Date:	6 February 2019
Author:	Steve Thompson, Consultant Planner
Authorising Officer:	Bill Parker, Chief Executive Officer
	8.1.1a – Development Application Documentation (subject to initial consultation with neighbours)
Attachments:	8.1.1b – Submission from Smithson Planning
	8.1.1c – Site Photographs
	8.1.1d – Applicant response to submission
	8.1.1e – Updated plans from Applicant

Summary:

The applicant is seeking Development Approval for a Single House on No.145 (Lot 5) Inlet Drive, Denmark.

Having regard to the issues raised in the submissions and the objectives and provisions of Town Planning Scheme No.3 (TPS No.3) and the Residential Design Codes (R-Codes), it is recommended that Development Approval be granted subject to appropriate conditions.

Background:

Current Application

An application for Development Approval was lodged with Planning Services on 7 November 2018 for a single house (refer Attachment 8.1.1a). The plans were advertised for public comment to immediately adjoining landowners where one submission was received (refer 'Consultation' section of the report).

On 19 December 2018, the applicant provided the Shire with amended plans that increased the northern boundary setback marginally, introduced screening on the north facing alfresco and reconfigured the north facing bedroom windows to address visual privacy. The amended plans were again advertised for public comment to immediately adjoining landowners. In response, an objection was received from an adjoining landowner along with an objection from a planning consultant representing the same adjoining landowner.

On 4 February 2019, the applicant submitted revised plans (showing a proposed solar PV system) along with supporting information justifying the dwelling design rationale and relevant design principles of the R-Codes (refer Attachments 8.1.1d & 8.1.1e).

Consultation:

Planning Services have 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, Town Planning Scheme No.3 and Schedule 2, Part 8, Clause 64 of *the Planning and Development (Local Planning Schemes) Regulations 2015* and undertook the following level of consultation:

External Consultation:

- Referral to two (2) adjoining landowners inviting comment in November 2018 and inviting comment on the amended plans in December 2018.

- The applicant.

Internal Consultation:

- Development Co-ordination Unit.

At the end of the initial advertising period, one (1) submission was received. At the end of the second advertising period, two (2) submissions were received, one from the adjoining landowner and one from their planning consultant (Smithson Planning). The submission from Smithson Planning (refer Attachment 8.1.1b) incorporates the issues and concerns raised in the former landowner submissions.

Statutory Obligations:

Town Planning Scheme No.3 (TPS No.3) and the R-Codes specify the planning provisions pertinent to the proposed development.

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

Policy Implications:

Various policies have been given due consideration in relation to this proposal including:

- State Planning Policy No. 3.1: Residential Design Codes
- State Planning Policy 3.7: Planning in Bushfire Prone Areas

Budget / Financial Implications:

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

Strategic & Corporate Plan Implications:

The report and officer recommendation are consistent with Council's adopted Strategic Plan Objectives and Goals and the Corporate Business Plan Actions and Projects in the following specific ways:

Denmark 2027

B3.0 Our Built Environment:

We have a functional built environment that reflects our rural and village character and supports a connected, creative and active community.

B3.3 To have a planning framework that is visionary, supports connectivity and enables participation.

B3.5 To have diverse and affordable housing, building and accommodation options.

L5.0 Our Local Government:

The Shire of Denmark is recognised as a transparent, well governed and effectively managed Local Government

L5.3 To be decisive and to make consistent and well considered decisions.

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)
The applicant may lodge an application for review to the State Administrative Tribunal if the Council's decision was to refuse the proposal.	Possible (3)	Minor (2)	Moderate (5-9)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation as the decision is based on sound planning grounds. If a decision is made to refuse the application, Council is to provide sound reasoning to support solid defence at the State Administrative tribunal should the applicant wish to pursue a Right of Review.

Comment/Conclusion:

The key issue with the application relates to the northern setback where the applicant seeks the Shire to exercise its discretion in varying the setback standard. The proposed dwelling also requires the Shire to exercise its discretion in varying the southern setback standard. The neighbour, to the south of the application site, raises no objections.

The subject land has a lot size of 4588m², with a length of around 246m, but with a narrow width of 20.42m. The site contains an existing dwelling, which is proposed to be demolished, along with an outbuilding.

The site is zoned 'Residential R2'. The R-Codes prescribe a setback standard of 10 metres from side boundaries. The application is non-compliant with the side setbacks applicable under an R2 Coding. It is however highlighted that no dwelling design for the property can comply with the 10m side setback standard given the 20.42m lot width.

As per the R-Codes, where proposals do not meet the Deemed-to-Comply requirements, the application is assessed having regard to the relevant Design Principles criteria – which in this instance is as follows:

P 3.1: Buildings set back from lot boundaries so as to:

- Reduce impacts of building bulk on adjoining properties;
- Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and
- Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.

From a Planning Services perspective, the following comments are relevant to the application:

- Most components of the proposed dwelling address the Deemed-to-Comply requirements of the R-Codes.
- Acknowledging an inability to achieve setback compliance with an R2 Coding and given the context of the established lot dimensions, it is appropriate that Design Principles be used to assess components of the application.
- The below provides a comparison of compliance under the R2 and R10 Codings. R10 is a common R-Coding in the Denmark townsite.

	Minimum Site area	Minimum frontage	Street setback	Side setback	Rear setback	Open Space
R2	5000m ²	50 metres	20 metres	10 metres	10 metres	80%
R10	875m ²	20 metres	7.5 metres	Variable (1.5 metres applicable under current proposal)	6 metres	60%
Current Application	4588m ² (existing)	20.42 metres (existing)	127 metres (proposed)	5.7 metres (from southern boundary) 1.52 metres (from northern boundary)	90 metres (proposed)	95%

- The justification set out by the applicant (Attachment 8.1.1c) to vary the northern setback is accepted, as it proposes mitigation measures to address visual overlooking under the R Codes e.g. high windows, privacy screening and proposed screening vegetation.
- The Council has on many occasions, accepted setbacks variations for lots to the north and south of the application site. There are many buildings in the area that have been approved and built with a 1m side setback.
- The proposed single storey dwelling is well-designed to the site attributes and constraints. The shallow roof pitch and staggered building setbacks will limit the bulk of the building as viewed from adjoining properties.
- Based upon the proposed setback of the south facing windows, and a lower wall/ roof height across the southern facade the development complies with the relating solar access provisions.
- The updated plans provided on 4 February 2019 show a proposed solar PV system. The solar PV system is consistent with the R-Codes.
- Planning Services does not consider there to be an unreasonable significant adverse impact on visual privacy, amenity, building bulk, or solar access as a result of the reduced boundary setbacks.
- The submission from Smithson Planning seeks assurance from the Shire that their client will be granted a reduced side setback for their client's future development proposal. It is highlighted that all applications are to be considered on their merits based on the context, design, height, bulk, location of major openings and use. There is a need to ensure that buildings located near a southern boundary provide appropriate winter sun to properties to the south. Subject to the receipt and then review of a future development application, the Shire will consider the merits of varying the side setback on the adjoining property to less than 10m.

Having regard to the issues raised in the submissions, and assessment of the application in line with the intent and objectives of TPS No.3 and the R-Codes, it is recommended that Development Approval be granted subject to appropriate conditions being imposed.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 8.1.1

That with respect to the development application for a Single House at No.145 (Lot 5) Inlet Drive, Denmark, Council:

1. Notes the submissions received.
2. Grants Development Approval subject to the following:

Conditions

- a) The development shall be carried out and fully implemented in accordance with the stamped approved plan(s) dated 4 February 2019.
- b) The development is to be constructed to *Australian Standard 3959 – Construction of Buildings in Bushfire Prone Areas* (BAL 12.5).
- c) Permanent screening (being at least 1.6 metres in height, at least 75 per cent obscure, permanently fixed and made of durable material as per the Residential Design Codes) to be provided where shown on the approved plans to address visual privacy, to the satisfaction of the Shire of Denmark.
- d) The approved development shall be connected to a reticulated water supply provided by a licensed water provider.
- e) The approved development shall be connected to an approved effluent disposal system to the satisfaction of the Shire of Denmark (Environmental Health Services) – refer Advice Note i.
- f) The vehicle crossover shall be suitably constructed, drained and sealed (asphalt concrete or brick pavers) to the satisfaction and specifications of the Shire of Denmark (Infrastructure Services) and thereafter maintained – refer enclosed vehicle crossover application form.
- g) The driveway/accessway shall be constructed and maintained to a minimum all-weather standard (eg. gravel, crushed rock) to facilitate access to the development by 2-wheel drive vehicles, designed to allow vehicles to enter the street in forward gear and constructed in accordance with Acceptable Solution A3.5 of Element 3: Vehicular Access of the *Guidelines for Planning in Bushfire Prone Areas* – refer Advice Note ii.
- h) All storm water and drainage runoff from all roofed and impervious areas is to be retained on-site or connected to a legal point of discharge to the satisfaction of the Shire of Denmark (Infrastructure Services).
- i) Screening vegetation as nominated on the approved plans is to be implemented within sixty (60) days of occupancy, to the satisfaction of the Shire of Denmark (Planning and Sustainability Services) – refer Advice Note iii.

Advice Notes

- i. In relation to Condition e), the Shire's Principal Environmental Health Officer advises that should the existing septic system be retained it will require upgrade. For further information in this regard please contact the Shire's Principal Environmental Health Officer on 9848 0312.
- ii. For the driveway/accessway to meet Acceptable Solution A3.5 of Element 3: Vehicular Access of the Western Australian Planning Commission's *Guidelines for Planning in Bushfire Prone Areas*:
 - All sections of the driveway/accessway should have a minimum constructed trafficable surface with a width of 4 metres and horizontal clearance of 6 metres.

- All vegetation overhanging the driveway/accessway should be trimmed to maintain a minimum vertical clearance of 4.5 metres.
 - Passing bays should be located every 200 metres with a minimum length of 20 metres and a minimum width of two metres, and constructed to a suitable standard (eg. gravel, crushed rock).
 - Turn-around areas within 50m of the approved buildings and located every 500 metres along the accessway and designed to accommodate type 3.4 fire appliances to enable them to turn around safely and must be constructed to a suitable standard (eg. gravel, crushed rock).
 - Any bridges or culverts are able to support a minimum weight capacity of 15 tonnes.
- iii. In relation to Condition (i), plant selection shall take into account the Bushfire Prone classification of the site and not result in heightened bushfire risk to the building or neighbouring properties. The planning schedule should have regard to potential impacts upon neighbouring properties so as not to unduly impact access to northern sun and limit potential conflict from vegetation overhang, leaf fall and possible root invasion. In this regard it would be highly recommended to consult with a qualified landscape designer and adjoining property owners prior to planting in proximity to the property boundaries.
- iv. From a preliminary review of the information provided, the Shire’s Principal Building Surveyor advises that:
- An application for a Demolition Licence is required to be submitted and approved by the Shire of Denmark (Building Services) prior to the demolition of the existing building/s on-site unless included as part of the Building Permit. The Demolition Licence/Building Permit is to identify whether asbestos is present and nominate a licenced contractor for removal.
- v. It is the responsibility of the applicant to ensure that building setbacks correspond with the legal description of the land. This may necessitate re-surveying and re-pegging the site. The Shire of Denmark will take no responsibility for incorrectly located buildings.
- vi. It is the responsibility of the developer to search the title of the property to ascertain the presence of any easements and/or restrictive covenants that may apply.
3. Advise the submitters of Council’s decision.

8.1.2 PROPOSED HOLIDAY HOME (LARGE) – NO.111 (Lot 62) MYERS ROAD, SHADFORTH

File Ref: A3500
Applicant / Proponent: Edmond Basson
Subject Land / Locality: No.111 (Lot 62) Myers Road, Shadforth
Disclosure of Officer Interest: Nil
Date: 4 February 2019
Author: Jasmine Tohill, Senior Town Planner
Authorising Officer: Bill Parker, Chief Executive Officer
Attachments: 8.1.2a – Development Application Documentation
 8.1.2b – Schedule of Submissions
 8.1.2c – Applicant Response to Submissions
 8.1.2d - Site Photographs

Summary:

The applicant is seeking Development Approval for a Holiday Home (Large) at No. 111 (Lot 62) Myers Road, Shadforth.

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

Background:Current Application

An application for Development Approval was lodged with Planning Services on 28 September 2018 for a Holiday Home (Large) – refer Attachment 8.1.2a.

Previous Application

An application to use the single house for the purpose of a Holiday Home (Large) was previously lodged with the Shire on 7 April 2016 but withdrawn by the applicant prior to a determination being issued.

Consultation:

The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal and considered Council's Community Engagement Policy P040123 and the associated Framework as well as the requirements of Town Planning Scheme No.3, Schedule 2, Part 8, Clause 64 of *the Planning and Development (Local Planning Schemes) Regulations 2015* and Policy 19.5, and undertook the following level of consultation:

External Consultation:

- Applicant.
- Seven (7) adjoining landowners inviting comment on the proposal.

Internal Consultation:

- Development Co-ordination Unit.

At the end of the advertising period, three (3) submissions were received – refer Attachment 8.1.2b.

Statutory Obligations:

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

Should Council refuse this Development Application, or impose conditions on the development Approval that the applicant is aggrieved by, as per the provisions of the *Planning and Development Act 2005*, the applicant can apply to the State Administrative Tribunal for a Right of Review.

Policy Implications:

Planning Policy No.19.5: Holiday Homes provides details on minimum development standards and management responsibilities that dwellings need to comply with to ensure that holiday homes are managed appropriately whilst ensuring the local character and amenity of the area is not compromised.

Schedule 2, Part 2; Clause 3(5) of the *Planning and Development (Local Planning Schemes) Regulations 2015* states:

In making a determination under this Scheme the local government must have due regard to each relevant local planning policy to the extent that the policy is consistent with this Scheme.

As per current Delegation D100601: Implementation of Town Planning Scheme, the Chief Executive Officer and the Senior Town Planner only have the delegation to determine proposals for 'SA' land uses (such as holiday homes) where the application is compliant with relevant TPS No. 3 provisions, TPS Policies and no valid objections are received.

Budget / Financial Implications:

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

Strategic & Corporate Plan Implications:

The report and officer recommendation is consistent with Council's adopted Strategic Plan Aspirations and Objectives and the Corporate Business Plan Actions and Projects in the following specific ways:

Denmark 2027

B3.0 Our Built Environment:

We have a functional built environment that reflects our rural and village character and supports a connected, creative and active community.

B3.3 To have a planning framework that is visionary, supports connectivity and enables participation.

B3.5 To have diverse and affordable housing, building and accommodation options.

L5.0 Our Local Government:

The Shire of Denmark is recognised as a transparent, well governed and effectively managed Local Government

L5.3 To be decisive and to make consistent and well considered decisions.

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

The key objectives of Policy 19.5 are:

- To support a diverse accommodation base within the Shire of Denmark.
- To minimise negative impacts of holiday homes on the amenity of adjoining residents through appropriate planning approval conditions and associated regulations that apply.
- To encourage the provision of good quality, well managed holiday homes.
- To ensure that holiday homes are managed and maintained to a high standard.

➤ **Risk:**

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

Comment/Conclusion:

In accordance with TPS No. 3 the subject land, with a lot size of 2002m², is zoned “Special Rural (S/Rural 21)”. As per Clause 5.38 of TPS No. 3, ‘Holiday Home (Large)’ is an ‘SA’ use in the Special Rural zone – that is Council may, at its discretion, permit the use in the zone after giving public notice of the application.

Public advertising of the proposal was undertaken in accordance with TPS No.3 and Schedule 2, Part 8, Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, TPS No.3 and Policy 19.5, with three (3) objections received. Attached at Attachment 8.1.2b is the Schedule of Submissions – with the submissions received entered verbatim.

The primary issues raised in submissions relate to:

- Impacts upon amenity and quality of life within the Special Rural zone, including potential noise, traffic and security concerns;
- Lack of boundary fencing and potential for trespass;
- Excessive size of the proposed Holiday Home (10 occupants);
- Adequacy of the septic system;
- Safety concerns associated with the Myers Road turnoff;
- Safety concerns associated with the proximity of dams.

The applicant has been provided an opportunity to respond to the issues raised and their response is provided verbatim as Attachment 8.1.2c.

From a Planning Services perspective the following comments are relevant to the submissions received:

- The Single House located at 111 (Lot 62) Myers Road, Shadforth was approved under delegated authority on 20 April 1999 (DA57/99) with subsequent modifications approved on 9 October 2015 (DA2015/143) to convert the garage into a habitable room (additional bedroom) so as to provide a total of x4 bedrooms.
- The single house complies the minimum 20 metre front and rear setbacks applicable under the Special Rural zone. Although a reduced 16 metre side setback was granted on the western boundary as part of the original single house approval it would appear that the house has been sited further east affording a greater setback than that originally

approved. The house is otherwise well screened from adjacent properties by virtue of the sloping topography, separation distances and existing vegetation coverage.

- Concerns regarding the potential for visitors to trespass onto neighbouring properties due to the absence of boundary fencing are based upon presumptions about the future behaviour of tenants. Although incidents of people entering a neighbouring property have been identified in submissions there is no ability to verify this nor the associated claim that it may have related to an unauthorised Holiday Home use, both of which have been denied by the applicant.
- The property contains Tree Protection and Tree Planting areas adjacent to the north, east and southern boundaries as nominated on the approved Subdivision Guide Plan. In the most part the nature of surrounding topography and vegetation would not be conducive to recreational walkers entering nearby properties. It is considered that the requirement for boundary fencing cannot be substantiated as part of the Holiday Home application and remains a matter to be resolved between adjacent landowners as per the *Dividing Fences Act 1961* and the *Shire of Denmark Local Laws Relating to Fencing*, noting that fencing within designated Tree Protection areas is discouraged under the TPS 3 Special Provisions.
- The southern boundary where the common driveway enters No.40 (Lot 58) Craig View is not clearly delineated and it is feasible that visitors may inadvertently cross into the neighbouring property at this point. It is recommended that a sign and gate/ chain link barrier or the like be placed across the driveway to provide a clear visual barrier whilst making provision for ongoing vehicle access where mutually agreed by both landowners.
- There is no legislative requirement to fence private dams where they are not used for swimming purposes. Within rural areas a range of natural and man-made hazards such as dams are reasonably expected and it would not be appropriate to seek to prohibit holiday homes or other tourist based uses across the Shire based solely upon such perceived risks. Notwithstanding, given the close proximity of existing dams to the house it is recommended that prospective tenants be advised at the time of booking of the presence of dams so that they can make an informed choice as to the suitability of the accommodation particularly for young children.
- Concerns associated with the safety of the Myers Road/ South Coast Highway intersection are based upon a presumption that increased traffic will arise from the Holiday Home and that visitors have a reduced ability to navigate the intersection as compared to permanent residents, both of which are unsubstantiated. The design and construction of the Myers Road intersection was addressed as part of the original subdivision approval in conjunction with Main Roads Western Australia who maintains jurisdiction over the intersection on South Coast Highway. The Holiday Home is of a scale similar to that of a single dwelling and is not anticipated to generate any significant additional traffic load, noting that it would also be unlikely for the Holiday Home to be tenanted all of the time.
- The Holiday Home application was initially proposed to accommodate up to 10 people. Following submissions received during the public consultation period the maximum occupancy is to be reduced to 8. The Shire's Principal Environmental Health Officer is satisfied that the existing septic system has sufficient capacity to accommodate the revised occupancy.
- The proposal meets the applicable standards for a Holiday Home (Large) application under TPS Policy 19.5, noting that the property exceeds 1,500m², has no less than x4 bedrooms, can accommodate x3 carparking bays on-site, and is able to be serviced by a sufficient driveway and crossover.

Planning Services consider there would not be an unreasonable significant adverse impact on amenity arising from the holiday home application subject to imposition of appropriate conditions. Whilst issues have been raised regarding potential amenity impacts, the holiday home would not necessarily generate any greater impact than that which may arise through permanent occupation/ rental of the single house as it currently exists. All activities on-site are otherwise required to comply with the *Environmental Protection (Noise) Regulations 1997* and the Property

Management requirements linked to approval of the Holiday Home will also provide a method of recourse should any problems arise. Approval of the Holiday Home would also provide an opportunity to apply regulatory controls through conditions of development approval, implementation of the Property Management Plan/ Code of Conduct and registration of the premises with Health Services.

Whilst noting concerns raised in relation to the potential for further Holiday Homes to be established within the locality impacting upon the quiet amenity of the area, such impacts are speculative. At the present time Policy 19.5 does not seek to restrict the total number or location of Holiday Homes that may be permitted. As such, all Holiday Home applications are required to be considered on their merits.

As Development Approval is granted initially for a 12 month period from the date of registration of the premises as a holiday home, in circumstances where valid complaints regarding the holiday home operations are received, the Shire retains the right to not renew the approval to operate.

The property falls within a bushfire prone area under the Department of Fire and Emergency Services Map of Bushfire Prone Areas. For the purpose of State Planning Policy 3.7 *Planning in Bushfire Prone Areas* (SPP 3.7) Holiday Homes are considered a 'Vulnerable' land use, however, as the use is to be wholly contained within an existing single residence at a scale consistent with that of a typical dwelling it is to be treated as 'minor development' wherein full compliance with the Bushfire Protection Criteria may not apply. In this instance the dwelling was constructed prior to SPP 3.7 coming in to effect and there is no ability to retrospectively apply building construction standards under Australian Standard 3959.

An inspection of the property has been undertaken having regard to the Shire's current Fire Management Notice to ensure that the property is maintained to minimise risk from bushfire and has been deemed compliant. A review of low fuel boundary access requirements (to be mandated from 2020 and yet to be implemented) may be warranted through a variation to the Fire Management Notice, noting that designated 'Tree Protection Areas' would be impacted. A condition is recommended to ensure that vehicle access to the property is maintained in accordance with the standards specified under the *Guidelines for Planning in Bushfire Prone Areas*.

Having regard to the issues raised in the submissions, and assessment of the proposal in line with the intent and objectives of TPS No. 3 and Policy 19.5, it is recommended that Development Approval be granted subject to appropriate conditions being imposed.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION	ITEM 8.1.2
<p>That with respect to the development application for the Proposed Holiday Home (Large) at No.111 (Lot 62) Myers Road, Shadforth, Council:</p> <ol style="list-style-type: none"> 1. Notes the submissions received. 2. Grants subsequent Development Approval subject to the following: <p><u>Conditions</u></p> <ol style="list-style-type: none"> i) The Holiday Home shall be in accordance with the attached stamped approved details/plans dated 28 September 2018. j) This approval is valid for a temporary period of 1 year only and shall be subject to a new application in 12 months from the date of registration with the Shire of Denmark (refer Condition d), after which it may be renewed for a three year period (refer Advice Note i). k) The driveway/ accessway and three (3) on-site parking bays shall be maintained to a minimum all weather standard (eg gravel, crushed rock) to facilitate access to the 	

development by 2-wheel drive vehicles, and be in accordance with Acceptable Solution A3.5 of Element 3: Vehicular Access of *the Guidelines for Planning in Bushfire prone Areas* (refer Advice Note i).

- l) Prior to commencement of activities, a gate, chain or other visual barrier including 'No Entry/ Private Property' signage is to be erected across the driveway on the boundary of No.111 (Lot 62) Myers Road and No.40 (Lot 58) Craig View at the full cost of the landowner/applicant and to the satisfaction of the Shire of Denmark. The barrier is to facilitate access between the properties where mutually agreed by both landowners.
- m) Prior to the commencement of activities, the premises must be registered with the Shire of Denmark (Health Services) as a holiday home, with fees payable as per Council's operative Fees and Charges Schedule at the initial 'premises' application stage (refer Advice Note iii).
- n) A maximum of eight (8) persons exclusive of the owner/operator may be accommodated at any one time within the holiday home.
- o) The holiday home can only be rented for a maximum period of three (3) months to any one person in any one twelve (12) month period.
- p) Owner/operators must provide and maintain a register of all people who utilise the holiday home during the year to Council's satisfaction. A receipt book must be kept.
- q) Prior to the commencement of activities, the applicant shall provide a copy of the approved Property Management Plan to adjoining land owners/occupiers (see Advice Note iv) for list of properties that this document is to be provided to). Copies of such correspondence shall be provided to the Shire of Denmark for its records.
- r) Prior to the commencement of activities hardwired smoke alarms in the bedrooms and kitchen and emergency lighting to exit the building are to be provided, to the satisfaction of the Shire of Denmark (Building Services).
- s) Owner/operators must inform all prospective tenants at the time of booking that existing dams are located in close proximity to the Holiday Home which may pose a potential risk to children.
- t) The following information shall be provided to all tenants at the commencement of an agreement to occupy the premises:
 - Annual Registration Certificate;
 - Caretaker/manager or management company and its contact details;
 - Emergency contact details;
 - Code of Conduct; and
 - Fire and Emergency Plan.
- u) The provision of the following fire safety measures to the satisfaction of the Shire's Community Emergency Services Manager:
 - A fire blanket in the kitchen area;
 - Fire extinguishers;
 - Maintenance of a Building Protection Zone around the dwelling;
 - Implementation and display of the Fire and Emergency Plan.
- v) Signage shall be limited to a 0.2m² nameplate on the property.

Advice Notes

- i) For the driveway/accessway to meet Acceptable Solution A3.5 of Element 3: Vehicular Access of the Western Australian Planning Commission's Guidelines for Planning in Bushfire Prone Areas:
 - All sections of the driveway/accessway should have a minimum constructed trafficable surface with a width of 4 metres and horizontal clearance of 6 metres.
 - All vegetation overhanging the driveway/accessway should be trimmed to maintain a minimum vertical clearance of 4.5 metres.
 - Passing bays should be located every 200 metres with a minimum length of 20 metres and a minimum width of two metres, and constructed to a suitable standard (eg. gravel, crushed rock).

- Turn-around areas within 50 metres of the approved dwelling and located every 500 metres along the accessway and designed to accommodate type 3.4 fire appliances to enable them to turn around safely and must be constructed to a suitable standard (eg. Gravel, crushed rock).
 - Any bridges or culverts are able to support a minimum weight capacity of 15 tonnes.
- ii) Should the Shire receive valid complaints or the above conditions of approval are not adhered to, Council may consider refusing to grant a new and/or longer approval.
- iii) Please contact the Shire’s Principal Environmental Health Officer (PEHO) on 9849 0312 regarding the requirements for registration of the premises as a ‘Holiday Home’, noting approval will not be forthcoming until all relevant conditions of this Development Approval have been complied with.
- iv) The ‘Property Management Plan’ shall be provided to the following properties:
- No.123 (Lot 63) Myers Road, Shadforth
 - No.120 (Lot 65) Myers Road, Shadforth
 - No.84 (Lot 66) Myers Road, Shadforth
 - No.71 (Lot 61) Myers Road, Shadforth
 - No.30 (Lot 59) Craig View, Shadforth
 - No.40 (Lot 58) Craig View, Shadforth
 - No.52 (Lot 57) Craig View, Shadforth
- v) The applicant is advised that all activities on-site are to comply with the *Environmental Protection (Noise) Regulations 1997*.
3. Advise the submitters of Council’s decision.

8.1.3 SCHEME AMENDMENT 144 – AMENDING SPECIAL RURAL No. 10 PROVISIONS AND UPDATING LOCAL STRUCTURE PLAN: LOTS 4 - 7 LANTZKE ROAD AND LOT 3 McLEAN ROAD, SCOTSDALE

File Ref:	TPS3/SA144
Applicant / Proponent:	Williams Consulting on behalf of L&A Burrows, K White & D Hearn, J Hook, J&M Lillywhite, D&S Roberts
Subject Land / Locality:	No. 111 (Lot 4) Lantzke Road, No. 109 (Lot 5) Lantzke Road, No. 61 (Lot 6) Lantzke Road, No. 39 (Lot 7) Lantzke Road and No. 117 (Lot 3) McLean Road, Scotsdale
Disclosure of Officer Interest:	Nil
Date:	5 February 2019
Author:	Steve Thompson, Consultant Planner
Authorising Officer:	Bill Parker, Chief Executive Officer
Attachments:	8.1.3a – Location Plan 8.1.3b – Current provisions from Appendix VI – Special Rural Zone applicable to the Lantzke Road Special Rural (SR10) zone 8.1.3c – Extract of Scheme Amendment 144 Report including Local Structure Plan 8.1.3d – Proposed modifications to amending provisions in strikeout and highlight

Summary:
 The Shire has received a request to adopt (initiate) an Amendment to Town Planning Scheme No.3 (TPS No. 3) to Special Rural zone No. 10 (Lantzke Road). The amendment request seeks to facilitate a modified Local Structure Plan and update scheme provisions that support the resubdivision of the site from 5 lots to 10 rural smallholding lots. The proposed minimum lot size is 4 hectares.

Having regard to the relevant provisions of TPS No. 3 and the Council's adopted Local Planning Strategy (2011), it is recommended that Scheme Amendment No. 144 be adopted (initiated).

Background:

The site is located approximately 3.5km north of the Denmark townsite as shown in Attachment 8.1.3a. The site is zoned 'Special Rural' and is identified as SR10 in TPS3 No. 3. The existing TPS No. 3 provisions relating to SR10 are set out in Attachment 8.1.3b. The five existing lots range in size between 4.4 – 15.4ha.

Scheme Amendment Request (SAR)

At the Ordinary Meeting of Council held on 23rd November 2010, the Council resolved as follows:

- “1. To support the Scheme Amendment Request to amend the Subdivision Guide Plan (SGP) subject to the following matters being addressed within the amendment documentation:
 - a) Assessment of fire hazard for the site in accordance with Planning for Bushfire Protection (Guidelines, 2010) and the preparation of a bushfire management plan which demonstrates that new development within areas of unacceptable bushfire hazard (in relation to the vegetation both on the subject land and adjoining properties) will not occur and will comply with Council Policy P100601. All building envelopes are to be placed in a location to ensure that the clearing required for the building protection zone does not impinge on the landscape protection zone.
 - b) Detailed land capability studies demonstrating that the land is suitable for the proposed intensification of development, particularly in terms of stormwater management and onsite effluent disposal.
 - c) Demonstration that water supply via roof collection and storage is viable, with minimum roof/collection area and storage figures being provided. Calculations of such figures should take climate change into account when determining reliability of supply.
 - d) Assess the land use compatibility of the proposed intensification of the subject land against:
 - i. potential impacts on surrounding agricultural activities to ensure that agricultural operations on adjoining properties will not be impacted on, including any future development that may result in loss of water to downstream properties.
 - ii. potential impacts of current horticulture/viticulture activities.
 Where land use compatibility issues are identified, suitable measures to be employed to reduce land use conflicts.
 - e) The SGP may be required to take into account any required changes to McLean Road, or any future roads that may be required by any strategic planning documents to the satisfaction of the Director of Infrastructure Services.
 - f) Consultation with the Department of Water in relation to the fencing and revegetation of the 20m buffer to the waterway shown on the SGP.
 - g) Update the special provisions in TPS 3 relating to the land in order to facilitate orderly and proper development of the site, including reference to the new SGP; that no more than 13 lots are to be created; and any other matters following the investigations of the above matters.
2. Advise the applicant that the in principle support for intensification of development within the existing Special Rural zone should not be construed as support for the proposed new Subdivision Guide Plan in terms of lot configuration or numbers as it is envisaged that these may require change as a result of the more detailed investigations required.
3. Advise the applicant that future road upgrades and/or a financial contribution will be required by the applicant which may include the sealing of a portion of Lantzke Road/McLean Road.” (Res: 061110)

Current Amendment Request

Attachment 8.1.3c provides an extract of the Scheme Amendment 144 documentation. Due to the size of the document, a copy of the Scheme Amendment report documentation is available for Councillors via Dropbox or USB, with a printed version available for Councillors upon request.

Amendment 144 proposes to retain the Special Rural zoning but modify the provisions to facilitate the resubdivision of the site from 5 lots to 10 rural smallholding lots. A land capability assessment, geotechnical investigations and bushfire management plan have been prepared to support Amendment 144 and a corresponding Local Structure Plan.

In addition to Amendment 144, the proponent has separately prepared a Local Structure Plan (previously called a Subdivision Guide Map) to facilitate the proposed resubdivision. In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, the Local Structure Plan will be shortly advertised for community and stakeholder consultation prior to consideration by Council and final determination by the Western Australian Planning Commission (WAPC).

Consultation:

In accordance with *the Planning and Development (Local Planning Schemes) Regulations 2015*, a 'standard amendment' (refer explanation under 'Statutory Obligations') is required to be subject to public advertising for a minimum period of 42 days once the Environmental Protection Authority have considered the Scheme Amendment.

Statutory Obligations:

- *Planning and Development Act 2005* – TPS No. 3 is an operative Local Planning Scheme under the Act;
- Town Planning Scheme No. 3 – the site is currently zoned 'Special Rural' with Special Provisions detailed under Appendix VI of the Scheme applicable; and
- *Planning and Development (Local Planning Schemes) Regulations 2015* provide for complex, standard and basic amendments. Having regard to Regulation 34, Amendment No.144 is considered to be a standard amendment for the following reasons:
 - (i) The amendment seeks to enable future development in accordance with the density provisions of the Council's adopted Local Planning Strategy 2011.
 - (ii) The amendment does not seek changes to the current zoning of the land.
 - (iii) The amendment has demonstrated consistency with adopted State, regional and local planning policy requirements.

Policy Implications:

The following policies have been given due consideration in relation to this proposal:

- State Planning Policy No. 2: Environment and Natural Resources Policy
- State Planning Policy No. 2.5: Rural Planning
- State Planning Policy No. 2.9: Water Resources
- State Planning Policy No. 3: Urban Growth and Settlement
- State Planning Policy 3.6: Development Contributions for Infrastructure
- State Planning Policy 3.7: Planning in Bushfire Prone Areas
- Town Planning Scheme Policy No. 29: Rural Settlement Strategy

Budget / Financial Implications:

Fees associated with the amendment have been paid as per Council's operative Fees and Charges Schedule.

Strategic & Corporate Plan Implications:

The site is designated ‘Rural Smallholding’ in the Local Planning Strategy (2011). The proposal is consistent with the Local Planning Strategy.

The report and officer recommendation are consistent with Council’s adopted Strategic Plan Aspirations and Objectives and the Corporate Business Plan Actions and Projects in the following specific ways:

Denmark Strategic Community Plan 2027

E1.0 Our Economy

We are an attractive location to live, invest, study, visit and work

N2.0 Our Natural Environment

Our natural environment is highly valued and carefully managed to meet the needs of our community, now and in the future

B3.0 Our Built Environment

We have a functional built environment that reflects our rural and village character and supports a connected, creative and active community

B3.3 To have a planning framework that is visionary, supports connectivity and enables participation.

B3.5 To have diverse and affordable housing, building and accommodation options.

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

Rural living and associated development are an important contributor to Denmark’s economy.

➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not adopt (initiate) Scheme Amendment No.144	Possible (3)	Minor (2)	Moderate (5-9)	Not Meeting Community expectations	Accept Officer Recommendation

Comment/Conclusion:

Amendment 144 is overall consistent with the State, regional and local planning framework. The proposed minimum lot size of 4ha is consistent with the Special Rural zoning in TPS No. 3 along with the Rural Smallholding classification in the Local Planning Strategy.

Several strategies relating to settlement planning promote compact settlements, minimising urban sprawl and support the re-subdivision of rural living areas where relevant planning, environmental, bushfire, servicing and landscape considerations are suitably addressed.

The supporting technical investigations and associated Local Structure Plan outline that the site appears suitable and capable of accommodating 5 additional lots for rural smallholding purposes.

A key issue with Amendment 144 and in-time the proposed creation of 5 additional rural smallholding lots, is the standard of Lantzke Road and the extent of the subdivider contributions to upgrade Lantzke Road to accommodate additional traffic. Accordingly, Councillors are encouraged to inspect Lantzke Road to consider issues, opportunities and solutions.

Lantzke Road is a narrow unsealed and attractive road containing trees close to the road. The Council resolution on 23rd November 2010 foreshadowed that sealing may be required. It is noted this was when the Structure Plan proposed 13 lots (8 additional lots) compared to the current Structure Plan proposing 10 lots (5 additional lots). While details are to be finalised at the subdivision stage to address WAPC requirements, the options include:

- no upgrading of Lantzke Road – not recommended, given future subdivision and development will increase traffic generation and impacts, with associated costs in-time passed onto ratepayers and the Shire;
- upgrading of Lantzke Road based on anticipated impacts of future subdivision/development compared to the current traffic impacts. This may require re-sheeting and/or select widening which minimises clearing and the provision of passing lanes. This option seeks to address the key intent (where possible) of *Guidelines for Planning in Bushfire Prone Areas* relating to public road standards (this option is recommended by the Shire administration); and
- major upgrading of Lantzke Road through widening and sealing – it is expected the community would not support the environmental and amenity impacts of clearing. While sealing of roads to rural living lots/estates is a typical standard, it is suggested this would not be feasible or possibly warranted for the creation of only 5 additional lots. Related to this, the Council could for instance seek either widening and/or sealing or the Council may for instance want a proportional contribution for sealing. Should Amendment 144 progress, the Shire will only get one opportunity at the subdivision stage to address subdivider contributions and the required standard of Lantzke Road.

Attachment 8.1.3d outlines proposed modifications recommended by the Shire administration to the amending provisions submitted by proponent. The modifications are shown in ~~strikeout~~ and highlighted. One of the modifications is adding a provision relating to subdividers contributing to upgrading Lantzke Road.

Prior to the amendment documentation being referred to the Environmental Protection Authority, there is a requirement for the proponent to undertake relatively minor modifications to the scheme amendment documentation to the satisfaction of the Shire. This includes changing references of 'Local Development Plan' to 'Local Structure Plan' and sections 2.5.4 and 4.2.5.1 to include a reference to the upgrading of Lantzke Road.

It is recommended that Council initiate Scheme Amendment No.144 to TPS No. 3.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 8.1.3

That with respect to the request to adopt (initiate) a Scheme Amendment to modify the zone provisions as they relate to Appendix VI – Special Rural Zone applicable to the Lantzke Road Special Rural (SR10) zone for No. 111 (Lot 4) Lantzke Road, No. 109 (Lot 5) Lantzke Road, No. 61 (Lot 6) Lantzke Road, No. 39 (Lot 7) Lantzke Road and No. 117 (Lot 3) McLean Road, Scotsdale, that Council:

1. Pursuant to Section 75 of the *Planning and Development Act 2005* adopt (initiate) Town Planning Scheme No. 3 Amendment No. 144 as follows:
 - a) Updating the existing Structure Plan (No. 93/7/1) and permit subdivision intensification of the site from five (5) to ten (10) lots at Lots 4-7 Lantzke Road and Lot 3 McLean Road, Scotsdale.
 - b) Updating the provisions in Appendix VI –Special Rural Zone as follows:

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p>10. LANTZKE ROAD SPECIAL RURAL ZONE</p>	<p>Rural Smallholdings Permitted Uses (P):</p> <p>Single House</p> <p>Permitted at Council's Discretion (AA):</p> <ul style="list-style-type: none"> • Cottage Industry • Rural Pursuit • Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling. • Home Business • Home Occupation • Horticulture <p>Permitted at Council's Discretion Subject to Advertising (SA):</p> <ul style="list-style-type: none"> • Gallery/Restaurant on the basis that it is limited to a maximum floor area of 900m². 	<ol style="list-style-type: none"> i. Development and subdivision shall generally be in accordance with the approved Lantzke Road Local Structure Plan. ii. All buildings and effluent disposal systems on a lot must be located within the building envelope location (max 3,000m²) as designated on the approved Lantzke Road Local Structure Plan. Minimum lot size shall be 4.0 ha, with a maximum of 10 lots created within the zone. iii. Notwithstanding (ii), Council may permit the construction of non-residential buildings associated with an approved Rural Pursuit or Cottage Industry outside the designated building envelope area if it is shown to the satisfaction of Council that there will be no detrimental impact on the amenity of the zone and accord with the necessary considerations for the site, notwithstanding 100m setbacks required to the Creekline Protection Area and 50m setbacks to the Reserve along western boundary. iv. Within the Landscape Protection Areas as designated on the approved Lantzke Road Local Structure Plan, no indigenous trees or substantial vegetation shall be felled or removed except where: <ul style="list-style-type: none"> ○ trees are dead, diseased or dangerous; ○ the establishment of a fire break is required under a regulation or by-law; ○ access to a building site is required and approved; ○ an area up to one metre in width for the purpose of erecting and maintaining a fence line is required and approved by Council. In these areas the land shall be slashed with a view to preventing soil erosion. v. The removal of indigenous trees or substantial vegetation for any purpose other than the above exceptions shall require the Consent of Council and as a condition of granting consent, Council may require the planting and maintenance for a period of

			<p>at least 3 years, endemic native trees of species and in locations approved by Council.</p> <p>vi. With the intention of preventing overstocking, erosion or any other practices detrimental to the amenity within that zone, intensive agricultural pursuits and the breeding or keeping of animals for commercial gain shall not be permitted without the approval in writing of Council. The Council may impose limits on stocking or any other conditions in the light of the prevailing seasonal conditions and the need to prevent nutrient run-off to the creek.</p> <ul style="list-style-type: none"> o Council will only permit the keeping of stock and other agricultural pursuits in areas that are already substantially cleared and pastured so as not to conflict with Clause (v) relating to Landscape Protection Areas. o Council will impose fencing requirements as a condition of its approval to keep stock, in order to protect substantive vegetation in the Landscape Protection Areas as shown on the Local Structure Plan. o Council may require the provision of an adequate water supply to the stock as a condition of approval. <p>vii. Provision shall be made to Council's satisfaction to ensure prospective purchasers of land within the Special Rural Zone 10 – Lantzke Road acknowledge and accept these Special Provisions prior to entering into an agreement to acquire any lot as shown on the Local Structure Plan, that:</p> <ul style="list-style-type: none"> • the zone is located adjacent within an area where horticulture and viticulture activities are carried out. <p>viii. All development shall be connected to an ATU installed to the satisfaction of the Health Department of WA and Council.</p> <p>ix. Provision of potable water shall be the responsibility of the individual landowner at the time of development and shall involve the installation of a water storage tank of not less than 92,000 litre capacity.</p> <p>x. The development of all new buildings shall be undertaken to comply with the requirements of AS3959-2009 Construction of Buildings in Bushfire Prone Areas (as amended).</p> <p>xi. All fencing (internal and boundary) shall be of rural construction such as pine/steel posts and strand to the satisfaction of the local government.</p> <p>xii. Council may request the Commission to impose a condition at the time of subdivision requiring the subdivider to upgrade Lantzke Road.</p>
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2. Determine that Town Planning Scheme No. 3 Scheme Amendment No. 144 is a 'Standard Amendment' as per the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* as:

- a) It is an amendment that is consistent with a local planning strategy that has been endorsed by the Western Australian Planning Commission;
 - b) It is an amendment that is considered will have minimal impact on land in the scheme area that is not the subject of the amendment;
 - c) It is an amendment that is considered will not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
 - d) Is not a complex or basic amendment.
3. Subject to the proponent providing modified scheme amendment documentation that addresses formatting changes and administrative ‘tidy-ups’ to the satisfaction of the Shire’s Chief Executive Officer, refer Town Planning Scheme No. 3 Scheme Amendment No. 144 to the Environmental Protection Authority in accordance with Section 81 of the *Planning and Development Act 2005*.
4. Should the Environmental Protection Authority advise that the amendment does not require assessment, advertise the amendment in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

8.2 DIRECTOR CORPORATE AND COMMUNITY SERVICES

8.2.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDING 30 NOVEMBER 2018

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	7 February 2019
Author:	Lee Sounness, Corporate Services Manager
Authorising Officer:	Cary Green, Director Corporate & Community
Attachments:	8.2.1 – November Monthly Financial Report

Summary:

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

The attached financial statements and supporting information are presented for the consideration of Elected Members.

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 adopted 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 & Corporate Plan Implications:

The report and officer recommendation are consistent with Council's adopted Strategic Plan Objectives and Goals and the Corporate Business Plan Actions and Projects in the following specific ways:

Denmark 2027

L5.4 To be fiscally responsible

Corporate Business Plan

4.4.12 Provide Statutory and other relevant information to internal and external stakeholders on a timely basis.

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 November 2018 total cash funds held total \$13,847,045 (Note 4).

Shire Trust Funds total \$186,011.

- \$183,348 of this is invested for 6 months with the National Aust. Bank, maturing 18 December 2018 at the quoted rate of 2.47%.

Reserve Funds (restricted) total \$10,000,211

- \$5,387,614 of this has been placed on investment for 31 days with the Western Australian Treasury Corporation at the quoted rate of 1.45%,
- \$4,612,598 has been invested with the National Aust. Bank in 3 term deposits, maturing at various dates at an average rate of 2.53%

Municipal Funds (unrestricted) total \$1,157,094

- \$3,104,345 is invested with Westpac in 4 Term Deposits, maturing at various dates at an average rate of 2.45%

Key Financial Indicators at a Glance

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

- Taking into consideration the adopted Municipal Budget and any subsequent year to date budget amendments identified including the mid-year budget review (refer Note 5), the 30 June 2019 end of year position is estimated to be \$0 which is in line with budget projections (Statement of Financial Activity).
- Operating revenue and expenditure is generally in line with year to date budget predictions for 30 November 2018 (Statement of Financial Activity) except for depreciation expense, which is yet to be applied this financial year.

- The Rates Collection percentage currently sits at 74.68%, is in keeping with historical collection rates (see Note 6)
- The 2018/2019 Capital Works Program is 32.94% complete utilising actual year to date figures and the total committed cost is 66.74% as at 30 November 2018 (see Note 12& 12a)
- Various transfers to and from Reserve Funds have not been made for 2018/2019 as they are generally undertaken in the latter half of the financial year, depending on the specific projects to which the transfers relate.
- Salaries and Wages expenditure is generally in line with year to date budget estimates (not reported specifically in Financial Statement).

Other Information

- Depreciation Expense

Depreciation of buildings assets has not been calculated for the reporting period as the revaluation of this asset class is yet to be adopted

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION	ITEM 8.2.1
<p>That with respect to Financial Statements for the period ending 30 November 2018, Council;</p> <ol style="list-style-type: none"> 1. Receive the Financial Reports, incorporating the Statement of Financial Activity and other supporting documentation. 2. Endorse the Accounts for Payment for the month of December 2018 as listed. 	

8.2.2 FINANCIAL STATEMENTS FOR THE PERIOD ENDING 31 DECEMBER 2018

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	7 February 2018
Author:	Lee Sounness, Corporate Services Manager
Authorising Officer:	Cary Green, Director Corporate & Community
Attachments:	82.2 – December 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 by legislation to undertake a mid-year review of the Municipal Budget to ensure that income and expenditure is in keeping with budget forecasts. It should be noted that the budget is monitored by management on a monthly basis in addition to the requirement for a mid-year review.

The attached financial statements and supporting information are presented for the consideration of Elected Members.

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 adopted 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 & Corporate Plan Implications:

The report and officer recommendation are consistent with Council's adopted Strategic Plan Objectives and Goals and the Corporate Business Plan Actions and Projects in the following specific ways:

Denmark 2027

L5.4 To be fiscally responsible

Corporate Business Plan

4.4.12 Provide Statutory and other relevant information to internal and external stakeholders on a timely basis.

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 December 2018 total cash funds held total \$12,964,387 (Note 4).

Shire Trust Funds total \$188,282

- \$185,618 of this is invested for 6 months with the National Aust. Bank, maturing 18 March 2019 at the quoted rate of 2.47%.

Reserve Funds (restricted) total \$9,990,259

- \$5,394,249 of this has been placed on investment for 31 days with the Western Australian Treasury Corporation at the quoted rate of 1.45%,
- \$4,596,010 has been invested with the National Aust. Bank in 3 term deposits, maturing at various dates at an average rate of 2.53%

Municipal Funds (unrestricted) total \$2,104,345

- \$2,14,345 is invested with Westpac in 3 Term Deposits, maturing at various dates at an average rate of 2.60%

Key Financial Indicators at a Glance

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

- Taking into consideration the adopted Municipal Budget and any subsequent year to date budget amendments identified including the mid-year budget review (refer Note 5), the 30 June 2019 end of year position is estimated to be \$0 which is in line with budget projections (Statement of Financial Activity).
- Operating revenue and expenditure is generally in line with year to date budget predictions for 31 December 2018 (Statement of Financial Activity) except for building depreciation expense, which is yet to be applied this financial year.
- The Rates Collection percentage currently sits at 76.15%, is in keeping with historical collection rates (see Note 6)
- The 2018/2019 Capital Works Program is 37.16% complete utilising actual year to date figures and the total committed cost is 70.96% as at 31 December 2018 (see Note 12& 12a)
- Various transfers to and from Reserve Funds have not been made for 2018/2019 as they are generally undertaken in the latter half of the financial year, depending on the specific projects to which the transfers relate.
- Salaries and Wages expenditure is generally in line with year to date budget estimates (not reported specifically in Financial Statement).

Other Information

- Depreciation Expense

Depreciation of building assets has not been calculated for the reporting period as the revaluation of the building asset class has yet to be adopted.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION	ITEM 8.2.2
<p>That with respect to Financial Statements for the period ending 31 December 2018, Council;</p> <ol style="list-style-type: none"> 1. Receive the Financial Reports, incorporating the Statement of Financial Activity and other supporting documentation. 2. Endorse the Accounts for Payment for the month of January 2019 as listed. 	

8.2.3 GREAT SOUTHERN REGIONAL SPORT AND RECREATION PLAN

File Ref:	GOV.73
Applicant / Proponent:	Shire of Denmark
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	24 January 2019
Author:	Damian Schwarzbach, Manager Recreation Services
Authorising Officer:	Cary Green, Director Corporate and Community Services
Attachments:	8.2.3a – Great Southern Regional Sport and Recreation Plan 8.2.3b – Schedule of Submission

Summary:

This report recommends that Council adopt the Great Southern Regional Sport and Recreation Plan (GSRSRP), prepared by Dave Lanfear Consulting.

Background:

The Department of Local Government, Sport and Cultural Industries (DLGSC) works collaboratively with local governments across the State with the aim of enhancing the life style and well-being of Western Australians. This collaborative approach was adopted to successfully

deliver the Bunbury Wellington Regional Facilities study. The success of this strategy has been the department's ability to work with local governments to demonstrate the value of working collaboratively to secure funding for future facility provision across the region.

The GSRSRP was undertaken to identify the condition and utilisation of current facilities in addition to identifying the future facility and services needs across the region. The Plan recognises the future population growth and community needs over a 20-year planning horizon. This timeframe aligns with higher order planning documents such as the State Planning Strategy and the Great Southern Regional Investment Blueprint.

The Shire of Denmark provided funding towards the cost of developing the GSRSRP and the project steering committee includes representatives of several of the participant local governments.

Dave Lanfear Consulting was appointed in May 2017 to deliver the GSRSRP by the DLGSC in consultation with the Great Southern Regional Recreation Advisory Group (GSRAG)

In delivering the GSRSRP, the consultant was required to investigate and present findings and key issues as follows:

- In conjunction with each local government, provide an audit to confirm the location and current condition of sport and recreation facilities.
- Review the use, functionality, and standard of each facility, including capacity to support competition and training.
- Determine the future sporting requirements of each facility through to 2036, including the requirements of sport on a regional basis and quantify the provision gap based on this timeframe.
- Investigate opportunities and constraints associated with the staging of facility development over this timeframe.
- Make recommendations on the appropriate method of implementation of the key findings of the strategy.

The GSRSRP includes an overview of the value of sport and recreation to communities across the Great Southern Region including its value in supporting current and emerging health and well-being trends impacting the community.

Council, at the Ordinary Meeting held on 16 October 2019, Resolution: 061018, carried unanimously the following recommendation;

That with respect to the Great Southern Regional Sport and Recreation Plan, Council;

1. *Receive the Report.*
2. *Support the Department of Local Government, Sport and Cultural Industries (DLGSC) with a partnered community engagement strategy for the release of the plan for public review and comment for a four-week period scheduled for late 2018.*

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.

Extensive consultation was undertaken by the appointed consultant as evidence in the documentation provided.

The public review and comment period allowed Council to refer the GSRSRP back to the community for a final review. The DLGSC circulated the GSRSRP to relevant State Government agencies and State Sporting Associations (SSAs) as part of its obligations as per the partnered community engagement strategy.

A four-week community and stakeholder review and comment period were advertised in December 2018 closing on January 10 2019.

The Plan was advertised through;

- The Shire's website under Community Consultation,
- Denmark Bulletin,
- On the notice boards at the Shire Administration, Denmark Recreation Centre & Denmark Library.

There was one submission received from the Denmark Aquatic Centre Committee Inc (DACCI).

At present, Council has the draft Shire of Denmark Sport and Recreation Master Plan developed by ABV Consultants out for public comment. The draft report identifies a range of the projects mentioned in the GSRSRP.

Statutory Obligations:

There are no Statutory Obligations.

Policy Implications:

P110304 Sustainability & Co-location (Sport & Recreation Facilities) relates and reads as follows: *Council will give priority support to facility development or redevelopment that shows capacity for co-locating or the sharing of resources.*

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

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

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

This Plan supports the capacity for co-locating with the community infrastructure and sharing of resources.

Budget / Financial Implications:

Council's contribution to the 14071 GSRSRP of \$2,000, was paid in the 2015/16 financial year.

Strategic & Corporate Plan Implications:

The report and Officer recommendation are consistent with Council's adopted Strategic Community Plan aspirations and objectives and the Corporate Business Plan actions and projects in the following specific ways:

Denmark 2027

N2.0 Our Natural Environment

Our natural environment is highly valued and carefully managed to meet the needs of our community, now and in the future.

N2.2 To promote and encourage responsible development.

N2.4 To acknowledge and adapt to climate change.

B3.0 Our Built Environment

We have a functional built environment that reflects our rural and village character and supports a connected, creative and active community.

- B3.1 To have public spaces and infrastructure that are accessible and appropriate for our community
- B3.2 To have community assets that are flexible, adaptable and of high quality to meet the purpose and needs of multiple users.
- B3.3 To have a planning framework that is visionary, supports connectivity and enables participation.

C4.0 Our Community

We live in a happy, healthy, diverse and safe community with services that support a vibrant lifestyle and foster community spirit.

- C4.1 To have services that foster a happy, healthy, vibrant and safe community
- C4.2 To have services that are inclusive, promote cohesiveness and reflect our creative nature.

L5.0 Our Local Government

The Shire of Denmark is recognised as a transparent, well governed and effectively managed Local Government.

- L5.2 To have meaningful, respectful and proactive collaboration with the community.
- L5.3 To be decisive and to make consistent and well considered decisions.
- L5.4 To be fiscally responsible.

Corporate Business Plan

- B3.2.5 Support the development of a Great Southern Regional Trails Masterplan through a contribution to GSCORE
- B3.2.6 Construct a Mountain Bike Trail to provide recreation and economic development opportunities

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

Implementation of the final Shire of Denmark Sport and Recreation Master Plan recommendations, supported by the Great Southern Regional Sport and Recreation Plan, may require future allocation in Council's Municipal Budget and/or external funds obtained through grants.

➤ **Social:**

Sport and recreation can bring people together for the good of their community. Community members participating, volunteering, utilising their expertise in positive social settings assists in developing stronger and more resilient communities.

Risk:

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council do not adopt the Great Southern Regional Sport and Recreation Plan	Possible (3)	Minor (2)	Moderate (5-9)	Not Meeting Community expectations	Accept Officer Recommendation

Comment/Conclusion:

Each of the local governments across the Great Southern region has various strategic objectives based on location and corporate imperatives. It was revealed through this project there are geographic alignments based on communities of interest and economic and social objectives. Discussions with all the participating local governments have revealed a strong sense of collaboration and a commitment to align across the region to maximise the opportunity to attain future facility development and resources for services.

The GRSRP aligns with the Draft Sport & Recreation Master Plan identifying the following projects as facility development priorities;

- Development of McLean Park as the main sporting hub,
- Development of a subsidiary green field to offset the demand at McLean Oval,
- Renewal of the Recreation Centre,
- Trails Hub Master Plan.

The one submission received from DACCI has been noted and forwarded to the DLGSC for their consideration.

The first action from the recommendations in the GRSRP is to form a Regional Sport & Recreation Officers Network/Partnership. This Project Control Group is a cross government agency/organisation reference group that will provide advice and guide the implementation of the Great Southern Sport and Recreation Plan and will include the following tasks:

- Provide advice and information to the Great Southern Recreation Advisory Group (GSRAG),
- Provide strategic direction advice to the GSRAG for consideration,
- Monitor and/or review progress against the Plan's Targets/Outcomes.

Council's Manager of Recreation Services has been invited to become a member of the reference group.

Conclusion

The GRSRP is a guiding document for the Great Southern region which has been developed to assist with priorities for resourcing and investing in sport and recreation infrastructure.

The Shire of Denmark has developed a Draft Sport and Recreation Master Plan which will guide Council's future decision making and the GRSRP will be a reference document to compliment the Plan.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION	ITEM 8.2.3
That Council endorse the Great Southern Regional Sport and Recreation Plan.	

8.2.4 GREAT SOUTHERN OUTDOOR RECREATION STRATEGY

File Ref:	GOV.73
Applicant / Proponent:	Shire of Denmark
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Not applicable
Date:	24 January 2019
Author:	Damian Schwarzbach, Manager Recreation Services
Authorising Officer:	Cary Green, Director Corporate and Community Services
Attachments:	8.2.4 – Great Southern Outdoor Recreation Strategy 2018 - 2021

Summary:

This report recommends that Council adopt the Great Southern Outdoor Recreation Strategy (GSORS), prepared by the Great Southern Centre for Outdoor Recreation Excellence (GSCORE).

Background:

GSCORE works collaboratively with local governments across the region with the aim of supporting the growth and development of the outdoor recreation sector.

The purpose of the GSORS is to encourage collaboration to improve the provision of outdoor infrastructure and increase levels of participation in outdoor recreation activities. The Strategy delivers an integrated, whole-of-region approach to outdoor recreation across the Great Southern over a three-year period. It will enable stakeholders to plan, develop, manage and promote outdoor recreation in the Great Southern into the future.

The objectives of the Strategy are to:

- Establish strong partnerships that will guide infrastructure development and management.
- Build and manage world-class trails and facilities.
- Promote the Great Southern as an adventure tourism destination.
- Build capacity and capability amongst outdoor recreation providers.
- Ensure all people have more opportunities to participate in outdoor recreation.

Successful implementation of this Strategy will result in a strong and connected outdoor recreation system that helps make residents healthier, stimulates economic growth and jobs, encourages environmental stewardship and contributes to all residents and visitors enjoying lives enriched through their participation in high quality, diverse, safe outdoor recreational pursuits.

The DLGSC encourages all regions to develop outdoor recreation strategies that will support the state-level Outdoor Recreation Framework.

In the Great Southern, GSCORE undertook to produce the Great Southern Outdoor Recreation Strategy (GSORS).

At the Ordinary Council meeting on October 16, 2018, Resolution: 051018 the following recommendation was carried unanimously;

That with respect to the Great Southern Outdoor Recreation Strategy, Council;

1. *Receive the Report.*
2. *Support the Department of Local Government, Sport and Cultural Industries and the Great Southern Centre for Outdoor Recreation Excellence with a partnered community engagement strategy for the release of the plan for public review and comment for a four week period scheduled for late 2018.*

Note: There is another agenda item presented at this October Ordinary Council meeting requesting a similar recommendation for the Great Southern Regional Sport & Recreation Plan. Briefly, the GSRSRP was undertaken to identify the condition and utilisation of current facilities in addition to identifying the future facility and services needs across the region. The Plan contemplates the future population growth and community needs over a 20-year planning horizon. This timeframe aligns with higher order planning documents such as the State Planning Strategy and the Great Southern Regional Investment Blueprint.

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.

Consultation was undertaken by GSCORE as evidenced in the documentation provided.

A four-week community and stakeholder review and comment period were advertised in December 2018 closing on January 10 2019.

The Plan was advertised through;

- The Shire's website under Community Consultation,
- Denmark Bulletin,
- On the notice boards at the Shire Administration, Denmark Recreation Centre & Denmark Library.

There were no submissions received.

At present, Council has the draft Shire of Denmark Sport and Recreation Master Plan developed by ABV Consultants which will be presented to Council in the coming months. The draft report identifies a range of the projects mentioned in the GSORS.

Statutory Obligations:

There are no Statutory Obligations.

Policy Implications:

P110304 Sustainability & Co-location (Sport & Recreation Facilities) relates and reads as follows:

Council will give priority support to facility development or redevelopment that shows capacity for co-locating or the sharing of resources.

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

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

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

This Strategy supports the capacity for co-locating with the community infrastructure and sharing of resources.

Budget / Financial Implications:

There was no financial contribution required from Council for this strategy.

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

Strategic & Corporate Plan Implications:

The report and Officer recommendation is consistent with Council's adopted Strategic Community Plan aspirations and objectives and the Corporate Business Plan actions and projects in the following specific ways:

Denmark 2027

N2.0 Our Natural Environment

Our natural environment is highly valued and carefully managed to meet the needs of our community, now and in the future.

N2.2 To promote and encourage responsible development.

B3.0 Our Built Environment

We have a functional built environment that reflects our rural and village character and supports a connected, creative and active community.

B3.1 To have public spaces and infrastructure that are accessible and appropriate for our community

B3.2 To have community assets that are flexible, adaptable and of high quality to meet the purpose and needs of multiple users.

B3.3 To have a planning framework that is visionary, supports connectivity and enables participation.

C4.0 Our Community

We live in a happy, healthy, diverse and safe community with services that support a vibrant lifestyle and foster community spirit.

C4.1 To have services that foster a happy, healthy, vibrant and safe community

C4.2 To have services that are inclusive, promote cohesiveness and reflect our creative nature.

L5.0 Our Local Government

The Shire of Denmark is recognised as a transparent, well governed and effectively managed Local Government.

L5.2 To have meaningful, respectful and proactive collaboration with the community.

Corporate Business Plan

B3.2.5 Support the development of a Great Southern regional Trails Masterplan through a contribution to GSCORE

B3.2.6 Construct a Mountain Bike Trail to provide recreation and economic development opportunities

Sustainability Implications:➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

Sport and recreation can bring people together for the good of their community. Community members participating, volunteering, utilising their expertise in positive social settings assists in developing stronger and more resilient communities.

Risk:

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council do not endorse the Great Southern Outdoor Recreation Strategy	Possible (3)	Minor (2)	Moderate (5-9)	Not Meeting Community expectations	Accept Officer Recommendation

Comment/Conclusion:

Each local government across the Great Southern region has various strategic objectives based on location and corporate imperatives. It was revealed through this project there are geographic alignments based on communities of interest and economic and social objectives. Discussions with all the participating local governments have revealed a strong sense of collaboration and a commitment to align across the region to maximise the opportunity to attain future trails development and resources for other forms of outdoor recreation infrastructure.

Throughout the extensive collaboration in the development of the GSORS, the region has demonstrated its recognition that outdoor recreation is an integral part of creating a liveable region with thriving communities.

The Strategy is an agreement to collaborate, rather than a prescription as to what any one individual, organisation, jurisdiction or sphere of government should do. It aims to minimise the duplication of initiatives and maximise efforts to reach common goals by establishing shared priorities across the transport, planning, environment, education, health, sport and recreation and tourism sectors.

This planning process is now at a pivotal point whereby Council is requested to adopt the GSORS.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION	ITEM 8.2.4
That Council endorse the Great Southern Outdoor Recreation Strategy.	

8.2.5 SHIRE OF DENMARK STAFF HEALTH AND WELLNESS POLICY

File Ref: ADMIN.2
Applicant / Proponent: Shire of Denmark
Subject Land / Locality: Not applicable

Disclosure of Officer Interest:	Both the Author and Authorising Officer, as employees of the Shire of Denmark, may benefit from the Policy.
Date:	24 January 2019
Author:	Damian Schwarzbach, Manager Recreation Services
Authorising Officer:	Cary Green, Director Corporate and Community Services
Attachments:	8.2.5 – Shire of Denmark Staff Health and Wellness Policy

Summary:

The purpose of this report is to request that Council adopt the proposed, Shire of Denmark Staff Health and Wellness Policy.

Background:

Workplace health programs have been widely studied and there is considerable evidence to support the benefits for employers and employees. There are many peer reviewed clinical research papers indicating the benefits to employees as a result employer led Health and Wellness programs. The resultant increase in employee productivity and corresponding decrease in sick leave is well noted as a result.

Council, at the Ordinary Meeting held on 20 December 2016, Resolution: 071216, carried unanimously the following recommendation;

That with respect to the subsidised Employee Health Assessment & Gym Membership Trial, Council;

- 1. Endorses the trial, made available to twenty-five employees on a 'first-come, first-served' basis for a period of six months;*
- 2. Waives the advertised fee of \$365.00 for twenty-five six-month bronze gym memberships, inclusive of after-hours access, for a total (opportunity) cost of \$9,125.00;*
- 3. Acknowledges that pre and post health assessments will be funded via the LGIS Health and Wellbeing Program; and*
- 4. Requests that the results of the trial be made available for consideration by Council when considering the merits of implementing an organisation-wide subsidised gym membership policy.*

In December 2016, the Shire of Denmark offered a 6-month trial Health and Wellness program for up to 25 staff. The trial provided free access to the Denmark Recreation Centre and provided full use of the gymnasium (24-hour access). It also included individualised gym programs as well as pre and post health assessments.

A total of 23 staff accessed the trial program.

The six-month trial project began in February 2017. Twenty-three people responded to a call for expressions of interest to participate in the trial. For each of the participants, a health assessment was conducted by qualified recreation staff prior to the use of the Centre. Upon completion of the initial assessment, an individualised program was generated for each of the 23 members.

The initial assessment consisted of:

- Physical assessment including height, weight, blood pressure, and girth measurements.
- Risk factor screening using the Physical Activity Readiness Questionnaire (PAR-Q), a seven-item scale that checks for risks factors relating to potential heart disease that may make exercising dangerous.
- Quality of life and wellbeing measured using the Short Form 36 (SF-36). This is a validated tool used extensively to measure quality of life and wellbeing. The tool has eight subscales that measure vitality, physical functioning, bodily pain, general health perceptions, physical role functioning, emotional role functioning, social role functioning, and mental health. This tool is recommended by COTA, the peak body in Australia that represents older people, for use prior to commencing exercise.

- Participants were also inducted to the gym, including use of equipment, times available and options for after-hours use.
- Participants were randomly allocated to teams to promote competition and motivation to undertake regular training. Motivation to continue was further promoted by monthly email or telephone contact between trainers and participants. Motivational interviewing techniques were used to encourage participants to consider their motivation for training and to promote further attendance.

A final assessment was completed at six months, using the same assessment tools as the initial assessment. Cross-referencing the data recorded from initial assessment to final assessment provided measurable information to monitor individual’s progression. This data was beneficial in demonstrating the effectiveness of the trial project.

Table 1: Participant Details

Characteristic	Age Range	Number (%)
Age	20-29	6 (27)
	30-39	5 (23)
	40-49	5 (23)
	50+	6 (27)
Gender (No.22)	Female	11
	Male	11

Outcomes

Attendance and fitness benefits varied greatly across the 23 participants who commenced the trial. Some staff used the opportunity to try and lose weight whilst others focused on building muscle or core strength.

Recreation Centre staff recorded the gym attendance of each participant in the trial. The total number of attendances of all Denmark Shire employees was 281. Participants attended between 1 time only and 45 times across the trial period with a mean of 12.5 times.

Ten follow-up assessments were completed. Several people were unable to attend, and some final assessments were incomplete because pregnancy made taking measurements invalid (i.e. waist measurements and BMI were not completed).

Changes in weight were calculated for 10 participants. Of those staff who continued to access facilities and maintain regular training they reported “having more energy”, “more self-confidence” and generally “felt better” as a result of the program.

Detailed results area available to the Elected Group upon request.

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.

Extensive consultation was undertaken with Shire of Denmark staff participants and Recreation Centre staff.

Employees have communicated their support for the implementation of such a Policy.

Representatives from LGIS have communicated the organisational advantages that would be achieved through such a Policy, and have provided information regarding how pre and post health

assessments facilitated through their program could be utilised to determine the level of improvement to employee health and wellbeing during the trial.

Statutory Obligations:

Section 6.12 of the Local Government Act 1995 provides Council the ability to waive fees and charges.

6.12. Power to defer, grant discounts, waive or write off debts

- (1) *Subject to subsection (2) and any other written law, a local government may —*
- (a) *when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or*
 - (b) *wave or grant concessions in relation to any amount of money; or*
 - (c) *write off any amount of money, which is owed to the local government.*
- * Absolute majority required.*
- (2) *Subsection (1) (a) and (b) do not apply to an amount of money owing in respect of rates and service charges.*
- (3) *The grant of a concession under subsection (1) (b) may be subject to any conditions determined by the local government.*
- (4) *Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power. [Section 6.12 amended by No. 64 of 1998 s.39*

Policy Implications:

If the Policy is adopted by Council, the offer to Shire staff would become available during the 2019/20 financial year.

Budget / Financial Implications:

Due to a number of the staff who accepted the offer but then didn't fully utilise the gym, there is the opportunity to request a nominal fee from participating staff at a reduced rate which may assist attracting the staff who really want to commit and get the benefits of regular physical activity.

The recommendation is to offer a Health and Wellness program for staff (\$430 each 18/19 budget fee) with Council contributing 70% (\$300) and the participant 30% (\$130).

To facilitate the Policy, it is recommended that Council budget annually an amount of \$6,000. This would equate to 20 Staff @\$300 per staff member accessing a Gym membership.

The Shire of Denmark receives an annual allocation of funding through their insurance provider, LGIS, to access a range of health and well-being services. \$3,000 of this allocation could be used to fund a percentage of this program, reducing Council's contribution to \$3,000 per annum, which would be accounted for via a contra entry in the Shire's Annual Budget.

Strategic & Corporate Plan Implications:

The report and Officer recommendation are consistent with Council's adopted Strategic Community Plan aspirations and objectives and the Corporate Business Plan actions and projects in the following specific ways:

Denmark 2027

E1.0 Our Economy

We are an attractive location to live, invest, study, visit and work.

E1.3 To have diverse education and employment opportunities.

L1.0 Our Local Government

The Shire of Denmark is recognised as a transparent, well-governed, and effectively managed Local Government.

L5.1 To be high functioning, open, transparent, ethical and responsive.

Corporate Business Plan

L5.1.42 Review and improve the Shire's employee benefits scheme

Sustainability Implications:➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

There are no known significant economic considerations relating to the report or Officer recommendation, other than those detailed as Budget / Financial implications.

➤ **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 choose not to adopt the policy providing a subsidised health and wellness program for staff	Possible (3)	Moderate (3)	Moderate (5-9)	Ineffective People Management	Accept Officer Recommendation

Comment/Conclusion:

Whilst drafting the Policy, the Officer considered who may get most benefit from a membership, and how best to allocate funds for gym memberships so that Council gets maximum benefit from their investment. Uptake of gym membership may be better if ongoing subsidies are contingent on regular attendance.

The initial health motivated some participants to change their lifestyles. Being made aware of risk factors for cardiovascular disease, such as high blood pressure or excess body weight, encouraged people to visit their general practitioner for a comprehensive health check. Offering workplace health programs has been shown to reduce risks and encourage healthy behaviours.

Conclusion

Over the past 18 months since the trial, a number of Shire of Denmark employees have expressed interest in the development of a health and wellness program. This request is in line with employee benefits offered by surrounding Local Governments and follows the overall industry trend towards providing such a benefit.

The results show that just having a health check can be enough of a red flag to help people make an effort to improve their health. Regular health checks in the workplace are one way of checking health risk quickly and easily, and as the results show, may be enough to encourage someone to visit their doctor to fix a potentially life-threatening issue.

The staff at the Denmark Recreation Centre are able to complete a basic health assessment that includes checking for risks of cardiovascular disease and other chronic illnesses, which may be of benefit to Council staff, particularly when done regularly so changes over time are visible.

Based on the evidence presented, it is recommended Council adopt a subsidised gym membership option for Shire of Denmark employees. Within the framework of the policy, staff will have improved workplace benefits, whilst still contributing to their health and well-being.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION	ITEM 8.2.5
<p>That with respect to the Shire of Denmark Staff Health and Wellness Policy, Council;</p> <ol style="list-style-type: none"> 1. Adopt the Policy as per Attachment 8.2.5; and 2. Determine the number of memberships issued in considering the 2019/20 Budget. 	

8.2.6 COMMUNITY FINANCIAL ASSISTANCE PROGRAM (PO40125) & CULTURAL DEVELOPMENT FUND (P110701)

File Ref:	ADMIN.2
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not Applicable
Disclosure of Officer Interest:	Nil
Date:	11 February 2019
Author:	Lee Sounness, Manager Corporate Services
Authorising Officer:	Cary Green, Director Corporate and Community Services
Attachments:	8.2.6 - Community Financial Assistance Program Policy P040125 (revised)

Summary:

The purpose of this report is to request that Council adopt a new Community Financial Assistance Program (CFAP) Policy including the amalgamation of Policy P110701 Cultural Development Fund.

Background:

Council requested Officers to review of the current Community Financial Assistance Program (CFAP) with a view to improving the effectiveness of the administration and processing of the fund for both the Council and community. In doing so Officers also reviewed the Cultural Development Fund (CDF) to ensure there was no duplication or double handling of the two policies.

The overall purpose of the Community Financial Assistance Program (CFAP) and the Cultural Development Fund (CDF) was to provide financial assistance for community groups and organisations (or individuals) for projects and initiatives which benefited the community.

The CFAP and the CDF funds were advertised annually and applications are assessed as part of Council's annual budget process, in accordance with the policy guidelines. The current application process requires community not for profit organisations to submit an application form with attached specific additional information under 2 categories:

- Minor Grants - \$201 to \$5,000
- Major Grants - over \$5,000

The review of the two current funding programs identified the following issues:

1. There was no predetermined amount allocated in the Annual Budget for the programs;
2. The current guidelines and policy were outdated and didn't align to the Strategic Community Plan;
3. The CFAP and CDF objectives overlapped, creating confusion for the community;
4. Advertising for the programs were too late, which created pressure during budget preparation;
5. The administration and assessment of the programs was conducted by Shire Officers without Elected Member involvement until the budget workshops; and
6. The assessment criteria were not well defined in the guidelines, which created inconsistencies.

An overview of the applications received and amount of money previously granted under the programs is outlined below:

CFAP

Year	2014-15	2015-16	2016-17	2017-18	2018-19
Applications Received	18	14	18	13	17
Applications Successful	11	12	12	5	6
Approved Budget	\$27,580	\$31,817	\$47,106	\$10,000	\$16,370
\$ granted	\$14,161	\$23,015	\$45,837	\$8,886	\$16,370

CDF

Year	2014-15	2015-16	2016-17	2017-18	2018-19
Applications Received	10	5	12	6	7
Applications Successful	7	5	9	4	3
Approved Budget	\$10,000	\$11,000	\$16,315	\$9,458	\$6,000
\$ granted	\$8,000	\$6,500	\$11,135	\$9,848	\$6,000

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.

Consultation was conducted with the staff and a workshop was conducted with the Elected Group.

Statutory Obligations:

There are no statutory obligations with respect to adopting or reviewing the Community Financial Assistance Program Policy and Cultural Development Policy.

Policy Implications:

Council’s Cultural Development Policy P110701 would be repealed upon adoption of the amended Community Financial Assistance Program Policy P040125.

Budget / Financial Implications:

The Officer has recommended that Council consider an annual contribution of \$35,000 in the Annual Budget, being \$25,000 for the Community Financial Assistance Program and \$10,000 towards the Christmas parade. The amount of \$35,000 would be included in each year of the Long Term Financial Plan.

Strategic & Corporate Plan Implications:

The report and officer recommendation is consistent with Council’s adopted Strategic Community Plan Aspirations and Objectives and the Corporate Business Plan Actions and Projects in the following specific ways:

Denmark 2027

C4.1 – To have services that foster a happy, healthy, vibrant and safe community.

C4.2 - To have services that are inclusive, promote cohesiveness and reflect our creative nature

Corporate Business Plan

C4.2.1 - Review the administration of the Community Financial Assistance Grants to improve the selection criteria and process and make it user friendly to apply.

Sustainability Implications:

➤ **Governance:**

Having Policy that is clear and concise is considered essential to promote transparency and clear guidance to Shire Officers and the Community.

➤ **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 without clear Policy, community expectations may exceed Council's ability to meet them.	Possible (3)	Minor (2)	Moderate (5-9)	Not Meeting Community expectations	Accept Officer Recommendation

Comment/Conclusion:

The purpose of reviewing the current CFAP and CDF policies was to come up with a policy that was easy to administer whilst still capturing the original intent, which was to provide financial assistance to community groups or individuals to facilitate projects that benefit the community.

Officers have drafted an amended policy to address each of the issues that were identified throughout the review. The proposed changes to the policy have been made to make it easier to understand and easier to administer.

Conclusion

Based on the outcome of the review, it is recommended Council adopt the new policy with the following changes:

1. Amalgamate the CFAP and CDF into one consolidated CFAP policy to reduce duplication and double handling.
2. Update the guidelines to assist with the assessment process and align with the Strategic Community Plan. To also ensure consistency with the assessment process.
3. Advertise the CFAP earlier in February and promote through media communications, to take the pressure of the budget process;
4. Establish an assessment panel (2 x officers and 2 x Councillors); and
5. Consider an annual contribution of \$35,000 for the CFAP, including \$10,000 specifically for the annual Christmas parade.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION	ITEM 8.3.6
<p>That with respect to the Community Financial Assistance and Cultural Development Grants Programs, Council:</p> <ol style="list-style-type: none"> 1. Repeal P110701 Cultural Development Fund Policy; 2. Amend the Community Financial Assistance Program Policy P040125 as per Attachment 8.2.6); 3. Consider including an amount of \$35,000 in the 2019/20 Annual Budget. (\$25,000 Community Financial Assistant Program and \$10,000 for the annual Christmas Parade); 4. Establish a Community Financial Assistance Program Assessment Panel, (consisting of 2 Shire Officers and 2 Councillors); and 5. Appoint Councillor _____ and Councillor _____ to the Community Financial Assistance Program Assessment Panel. 	

8.3 CHIEF EXECUTIVE OFFICER

8.3.1 PROPOSED NAME FOR FUTURE ROAD RESERVE WITHIN THE SHIRE OF DENMARK (GILLINGHAM) & PROPOSED AMENDMENT TO POLICY P100603 – ROAD & RESERVE NAMING WITHIN THE SHIRE

File Ref:	GOV.49
Applicant / Proponent:	V Savage
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	6 February 2019
Author:	Claire Thompson, Executive Assistant
Authorising Officer:	Bill Parker, Chief Executive Officer
Attachments:	8.3.1a – Photographs of Walter and Christina Gillingham 8.3.1b – GNC Policies and Standards – Commemorative Names 8.3.1c – Proposed amendments to Policy P100603

Summary:

The Shire has a request for Council to consider approving a commemorative name for future road naming.

Geographic Names Committee (Landgate) have changed their procedure regarding reserving road names and an amendment to Council’s Policy P100603 is recommended to reflect this new process.

Background:

Nil

Consultation:

Section 1.8 of Landgate’s *Policies and Standards for Geographical Naming in WA* states that any proposed change to rename or any new name, which would be considered to be of significance to the immediate or extended community, must include evidence of consultation with the community. Local governments must ensure that the level and form of consultation undertaken reflects the significance of the naming proposal. Whilst this does not apply to the naming of new roads where there are currently no residents, businesses or ratepayers or will be directly affected, the Officer recommends that Council advertise its intention to accept the proposed names and include them in the Council’s Policy P100603 (for potential use in the future, following the required endorsement of the Geographic Names Committee).

The Officer has recommended that the proposed names be advertised for a period of 14 days.

Statutory Obligations:

Landgate's *Policies and Standards for Geographical Naming in WA* relates and must be considered before putting proposed names forward to the Geographic Names Committee.

Policy Implications:

Policy P100603 – Road & Reserve Naming within the Shire relates and, if the new names are approved and there are no adverse submissions received from the community, the names will be added to this policy for future use.

Budget / Financial Implications:

The cost of advertising the proposed names is able to be accommodated under the administration's general advertising budget.

Strategic & Corporate Plan Implications:

The report and officer recommendation is consistent with Council's adopted Strategic Community Plan Aspirations and Objectives and the Corporate Business Plan Actions and Projects in the following specific ways:

Denmark 2027

L5.0 Our Local Government

L5.2 To have meaningful, respectful and proactive collaboration with the community.

B3.0 Our Built Environment

B3.3 To have a planning framework that is visionary, supports connectivity and enables participation.

C4.0 Our Community

C4.3 To create a community that nurtures and integrates natural, cultural and historical values.

C4.4 To recognise and respect our local heritage and Aboriginal history.

Corporate Business Plan

Nil

Sustainability Implications:

➤ **Governance:**

The proposed amendments to Policy P100603 will assist the Shire's administration to adhere to the Geographic Names Committee's new process and tidy up the reserved names list.

➤ **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:**

Using the names of local identities who have contributed significantly or in a significant way provides an interesting insight into the history and culture of areas. They form an integral part of

personal identity by defining where people were born, live, have lived and form where their ancestors have come from.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not approve the proposed names for advertising.	Rare (1)	Insignificant (1)	Low (1-4)	Not Meeting Community expectations	Accept Officer Recommendation
That Council not amend Policy P100603.	Rare (1)	Minor (2)	Low (1-4)	Inadequate Document Management	Accept Officer Recommendation

Comment/Conclusion:

The background information has been provided by the applicant, being Ms Vicki Savage, the Grand-daughter of Wally and Christina Gillingham.

Name proposed: **GILLINGHAM**



Walter Gillingham

WALTER JOHN GILLINGHAM – 15 November 1898 - 25 November 1970

Walter John Gillingham (Wally) was born 15 November 1898 in Perth Western Australia and died in Denmark 25 November 1970.

Wally lived in North Perth and did his apprenticeship as a butcher. It was while working as a butcher that he met his future wife, Christina Salmon from Denmark.

They would marry in St. Hilda’s church, North Perth on June 12, 1920 and moved to Denmark in 1921 where he worked as a butcher at Bayley Butchers.

Wally was active community member. He was involved with the Agricultural Show and responsible for organising horse events as he was a keen horseman.

He was instrumental in starting the St. John’s Ambulance in Denmark and served for 31 years as a volunteer. He would have the first ambulance named after him as recognition for his service. He was recently given recognition at the St John Ambulance 80 year celebrations with family members attending from Albany and Bunbury.

He also taught First Aid for many years at the Denmark Agricultural College. Wally also was MC for the local dances and was involved with the Buffalo Lodge for many years and would organise the Buffalo Ball.

Wally and wife Christina were active fundraiser for the war effort when two of their children enlisted, Noel and Jean Gillingham.

In his mid to late 60’s Wally was diagnosed with early onset dementia and Parkinson’s Disease and passed away in Albany Regional Hospital 25 November, 1970 aged 72 years.

At the time of his death, Wally was Father of Noel and June, Jean and Angus, Milton, Valmai and Stuart, Brian and Shirley and grandpa of 12 and Great Grandpa of Jodie.

CHRISTINA LOVELL GILLINGHAM (nee SALMON) – 1900 to 3 May 1986

Christina Lovell Salmon was born in Calton, Victoria in September 1900 to Annie Magdaline and Alfred Noel Salmon. The family relocated the same year to Kalgoorlie where Alfred worked.

Christina's (Chrissy) early schooling was in Kalgoorlie and when aged 11 years continued her schooling in Denmark. Her father had applied for a 100 acre block of land and when successful and the family moved to Denmark in 1911.

In 1919 Chrissie met Walter Gillingham (Wally). They were married 12th June 1920 at St. Hildas Church in North Perth.

In 1927 they moved to Denmark and Wally would be the butcher at Bayley Bros Butchers. They lived on Scotsdale Road when they first moved to Denmark and would later buy a house in town and raise their five children, Noel, Valmai, Jean, Milton and Brian.



Christina & Walter Gillingham

During World War Two, Chrissie would see two of her children enlist. Noel was called for duty with the Australian Militia in 1941 and after 90 days training with the 16th Battalion he volunteered for the Australian Imperial Force to serve overseas.

Chrissy was an active member of The Red Cross and would organise bridge nights at her home and other events to raise funds for the Red Cross.

Jean served in WAAAF (Womens' Auxillary Australian Air Force) from Feb 1942 to September 1946.

After the war, Jean returned to Denmark. Together with her mother Chrissy, they opened the 'Ideal Tea Rooms in Strickland Street.

Chrissy was instrumental in the founding of the Denmark Infant Health Clinic and would oversee the construction of Denmark's first Infant Health building.

Chrissy died in the Denmark Hospital 1986 aged 85 years.

Chrissy and Wally Gillingham were strong and active community members in Denmark.

Officer Comment

The name has been assessed against the *Policies and Standards for Geographical Naming in WA* (see Attachment 8.3.1b) and in the Officer's view they would be suitable for use. The names would still need to be referred to Geographic Names Committee for approval prior to allocating to a road reserve in the future.

AMENDMENTS TO POLICY P100603 – ROAD & RESERVE NAMING WITHIN THE SHIRE

In late 2017, Landgate advised that they would no longer be recording reserved names in a register and existing reserved names would automatically lapse five years from the original approval date. This means that from hereon it would be more beneficial for each local government to retain their own reserved names register and refer names to Landgate's Geographic Names Committee as required. We have been advised that one of the main reasons for this change in their process is because whilst a name might have been approved some years before, it wouldn't necessarily be approved at the time of use. An example would be that a previously approved road name was used in an adjoining local government district and was then no longer suitable for use in the Shire of Denmark.

It is recommended that Policy P100603 be amended as follows (see attached marked up version);

1. Amend the process in the Policy wording to reflect the new practice moving forward;
2. Remove the “Landgate Approved” column from the table;
3. Remove names in the table which have been used for road reserves;
4. Add localities for names where the expired reserved names have one listed;
5. Add the previously approved names of “Pisolithus” and “Poronia” to the table, which are on the expired reserved names;
6. Remove the Note from below the table – not required given that all names have to be resubmitted or submitted to Geographic Names Committee prior to allocated to a road reserve;
7. Amend the second last paragraph of the policy to refer to “roads not in the table above”. Anyone can submit a name to Geographic Names Committee for consideration. For example, a developer could submit a name for a street within a new subdivision that is not on the list and the name is subsequently approved by Geographic Names Committee. This is where this section of the Policy would apply, not in relation to any of the names on the Council’s approved list.
8. Amend reference to the Director Sustainable Development to the Director Assets & Sustainable Development to reflect the new position title.
9. Remove reference to reserves / open space and incorporate the names in the general table for future road reserve naming.
10. The known origins from Landgate’s archived reserved names register have been included in the table for future reference.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION	ITEM 8.3.1a
<p>With respect to the proposed name for future road reserves, Council;</p> <ol style="list-style-type: none"> 1. Approve the name GILLINGHAM; 2. Advertise the name seeking community comment for a period of 14 days; 3. Should there be no adverse comments received, approve the inclusion of the name in Policy P100603 – Road & Reserve Naming within the Shire noting that the preferred locality for the use of the name GILLINGHAM be Scotsdale. 	

OFFICER RECOMMENDATION	ITEM 8.3.1b
<p>With respect to Policy P100603 – Road & Reserve Naming within the Shire, amend as detailed in within the report and as per Attachment 8.3.1c.</p>	

8.3.2 NAMING OF UNMADE ROAD RESERVE (MCHENRY) – OFF WILLIAMS ROAD, SCOTSDALE

File Ref:	A366 / GOV.49 / New Road File
Applicant / Proponent:	M McHenry
Subject Land / Locality:	Unmade Road Reserve, off Williams Road, Scotsdale
Disclosure of Officer Interest:	Nil
Date:	7 February 2019
Author:	Claire Thompson, Executive Assistant
Authorising Officer:	Bill Parker, Chief Executive Officer
Attachments:	8.3.2a – Map showing location of unnamed road reserve 8.3.2b – GNC Policies and Standards – Commemorative Names

Summary:

The Shire has received a request to name an unnamed road reserve, located off and to the north west of Williams Road, Scotsdale (see Attachment 8.3.2a).

Background:

Nil

Consultation:

Section 1.8 of Landgate's *Policies and Standards for Geographical Naming in WA* states that any proposed change to rename or any new name, which would be considered to be of significance to the immediate or extended community, must include evidence of consultation with the community. Local governments must ensure that the level and form of consultation undertaken reflects the significance of the naming proposal. Whilst this does not apply to the naming of new roads where there are currently no residents, businesses or ratepayers or will be directly affected.

The Officer has recommended that landowners adjoining Williams Road, Scotsdale be consulted on the naming proposal with a 14 day submission period.

Council Officers have liaised with Landgate who have confirmed that the road is unnamed therefore the Shire is welcome to put forward a naming proposal.

Statutory Obligations:

Landgate's *Policies and Standards for Geographical Naming in WA* relates and must be considered before putting proposed names forward to the Geographic Names Committee.

Policy Implications:

Policy P100603 – Road & Reserve Naming within the Shire relates. The name McHenry is currently listed in the Council's approved names and this would be removed should the name be allocated to the unnamed road reserve.

Budget / Financial Implications:

The cost of advertising the proposed name would be accommodated under the planning advertising budget.

Strategic & Corporate Plan Implications:

The report and officer recommendation is consistent with Council's adopted Strategic Community Plan Aspirations and Objectives and the Corporate Business Plan Actions and Projects in the following specific ways:

Denmark 2027

L5.0 Our Local Government

L5.2 To have meaningful, respectful and proactive collaboration with the community.

C4.0 Our Community

C4.3 To create a community that nurtures and integrates natural, cultural and historical values.

C4.4 To recognise and respect our local heritage and Aboriginal history.

Corporate Business Plan

Nil

Sustainability Implications:

➤ **Governance:**

There are no known significant governance implications relating to the report or offer 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:**

Using the names of local identities who have contributed significantly or in a significant way provides an interesting insight into the history and culture of areas. They form an integral part of personal identity by defining where people were born, live, have lived and form where their ancestors have come from.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not approve the proposed name for the unnamed road reserve.	Rare (1)	Insignificant (1)	Low (1-4)	Not Meeting Community expectations	Accept Officer Recommendation

Comment/Conclusion:

In 2018 the Shire received a request from the McHenry family to consider naming a portion of unnamed road reserve which is used to access their family farm, off Williams Road, Scotsdale. Landgate have confirmed that the road is unnamed and that Council could put forward a naming proposal for Geographic Names Committee (GNC) consideration.

The Author has assessed the proposed name against GNC policies and standards (section 1.4) and is of the opinion that it would comply with the guidelines and be suitable to submit to GNC for consideration.

The information below has been provided by the McHenry family as supporting information for the proposed name.

“In around 1997, the WA State Nomenclature Committee were in the process of naming all unnamed roads, and they put forward to the Shire ‘McHenry Road’ to name the unnamed road to our farm off Williams Rd. At the time, the Denmark Shire refused the Nomenclature Committees suggestion, stating their policy of only naming roads after people posthumously. Around 20 years later, the road remains unnamed, and we feel that now four years after Michael (my Dad's) death, it is the right time to have the road to the farm named.

In terms of naming the road posthumously after Michael, we have some summary details on his community contribution written up already as per naming submission requirements.

In relation to the Nomenclature Committee's suggestion, our farm, Lot 2011, is surrounded by the Mt Lindesay National Park to the north, and the Denmark River to the south, with no other shared boundaries to freehold properties. At this point in time, we have owned the farm for 36 years; around 4 times longer than the previous longest owner. Prior to us, there was a total of 22 years of freehold, 7 prior owners, with the longest of them owning the farm for only 9 years.

In terms of a practical benefit to the road name change, we often receive mail incorrectly addressed 101 Williams Road (despite our mail address being PO Box 17 in town). Commonly the mail has handwritten comments such as ‘in the state forest’, or ‘Not at PB’ - as it is often mistakenly sent to Williams Road in Peaceful Bay. A renaming of the road would solve this issue.

As it is a single lane road through the forest, we believe the road may be more appropriately called a lane, i.e. McHenry Lane. We've checked there isn't another McHenry Rd/St/La/etc., anywhere in Denmark or adjoining LGAs (and all the other criteria the State Govt need). We also have some alternatives on hand as per requirements of this sort of a submission.”

The Late Michael McHenry's contributions to the broader community

After moving to Denmark to farm, Michael was a member of the Great Southern Junior Football Committee, President and Committee Member of the Denmark Junior Football Club, and was awarded a life membership of the Denmark-Walpole Football Club.

When Michael was the president of the Denmark Junior Football Club, he introduced modified rules, which were controversial at the time. This change enabled Denmark children to play safely, against others of similar age, and compete with Albany and districts clubs. This greatly increased the number of children playing football in Denmark, and enabled Denmark to have an under 12's, under 14's, under 16's, and Colts teams under his direction. Michael and Pauline were also heavily involved in retaining the football oval and clubrooms from redevelopment, as the Denmark Shire at the time were seeking to repurpose the oval precinct. Michael was also instrumental in providing football posts, and the introduction of football into the Denmark Primary School sports curriculum. After many years of support, in 1996 both Michael and Pauline were awarded life membership of the Denmark/Walpole Football Club.

Michael was a member of the Denmark LCDC (Land Conservation District Council), and was involved in field days showing tree plantings and weed control, in addition to water and soil quality sampling and monitoring in local catchments and waterways.

Michael and Pauline were early members of the Australian Master TreeGrowers and Land for Wildlife. The family farm is a prime example of precision agroforestry in shelterbelts, and riparian vegetation protection. Michael and Pauline bought the farm in Denmark in 1982, only to later find out it was under quarantine for declared weeds, and had existing issues with saline groundwater.

Over the years the weeds were removed, and many areas were fenced and revegetated, and with riparian vegetation protection reducing saline groundwater flow into Denmark River. Michael and Pauline have maintained 30 years of salt measurements in their dams and the Denmark River, demonstrating their ability to monitor and mitigate the impact of salt on their farm and on

those downstream. The diverse tree plantings in largely fence-line shelterbelts maximised pasture growth and provided protection and fodder for their highly productive fine wool and prime lamb sheep, and Aberdeen Angus. The McHenry’s Mt Lindesay Perendale Stud (prime lamb sheep) is WA’s only registered Perendale sheep stud, now in its’ 31st year.

Michael was also on the Denmark Agricultural College Advisory Committee for around 12 years. He was heavily involved in retaining the old Agricultural College (as the WA State Government at the time sought to close it), and foster its relocation and expansion into what it is today.

Michael was also volunteer in the Mt Lindesay Fire Brigade for many years.

Michael is survived by his wife Pauline, his two sons Shaun and Mark, their wives Amie and Julia respectively, and his 6 grandchildren; Jayde, Lennox, Matilda, Cass, Leith, and Elara. All of which now live on the same farm Michael and Pauline bought in 1982.

As it is a single lane road through the forest, we believe the road may be more appropriately called a lane, i.e. McHenry Lane.”

GNC Guidelines prescribe that the use of the road type “Lane” should be reserved for a “*narrow way between walls, buildings or a narrow country or city roadway*”. Whilst the final determination of road type will be made by GNC, “Lane” could be appropriate in the Officer’s opinion based on the guideline.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION	ITEM 8.3.2
<p>That with respect to the request to name an unnamed road reserve near Williams Road, Scotsdale, as shown on Attachment 8.3.2a, Council;</p> <ol style="list-style-type: none"> 1 Endorse the name “McHenry Lane”; 2 Undertake consultation on the proposed naming with landowners adjoining Williams Road, Scotsdale; and 3 Should there be no adverse submissions received, request the Chief Executive Officer to submit the naming proposal to the Geographic Names Committee for consideration. 	

8.3.3 DENMARK HERITAGE RAIL WAY PRECINCT – AMENDMENT TO CONCEPT PLAN AND SPIRIT OF PLAY COMMUNITY SCHOOL LEASE

File Ref:	A3140 & A5598 & LEA.41
Applicant / Proponent:	Spirit of Play Community School
Subject Land / Locality:	Reserve No. 30277, No. 2 (Lot 952) Inlet Drive, Denmark
Disclosure of Officer Interest:	Nil
Date:	8 February 2019
Author:	Claire Thompson, Executive Assistant
Authorising Officer:	Bill Parker, Chief Executive Officer
	8.3.3a – Report Extract from Minutes 18 September 2018
Attachments:	8.3.3b – Submissions
	8.3.3c – Draft amended Heritage Precinct Concept Plan – for adoption
	8.3.3d – Draft Lease

Summary:

The Spirit of Play Community School have requested an extension to their lease term and area to provide them with sufficient space to meet their educational requirements into the future. A new lease will provide the school with security of tenure to ensure continuity of operations and a realistic return on forecasted investment. Council are asked to consider the draft lease.

The proposal for a new lease has also resulted in a need to amend the Denmark Heritage Railway Precinct Concept Plan and Council are asked to consider the draft amended plan, which has been advertised for public comment.

Background:

At its meeting held on 18 September 2018, Council considered the proposal and resolved as follows (Resolution No. 160918);

That with respect to the request from the Spirit of Play Community School, Council;

1. *Advertise the modified draft Denmark Historical Rail Way Station Precinct Concept Plan, as per Attachment 8.4.4d, for a period of 28 days, subject to the culvert near the school carparking being labelled as ‘vehicle accessible’;*
2. *Agree in principle to a 15 year lease for a portion of the Reserve 30277, No 2 (Lot 952) Crellin Street, Denmark;*
3. *Agree in principle to an extension to the lease area to approximately 3,950sqm, including an a share public use area (unfenced) of approximately 1,550sqm, as shown on the attached draft plan;*
4. *Authorise the Chief Executive Officer to commence preparation of a draft lease for Council consideration, including;*
 - a. *Including the Lessee’s obligation to;*
 - i. *liaise with the Denmark Historical Society and the Shire regarding any works or modifications to any historical relics on the site;*
 - ii. *ensure the shared use area is not fenced;*
 - iii. *to maintain the shared use area to the satisfaction of the Shire;*
 - iv. *erect clear signage near the shared public use area and the Old Post Office stating that the area is for public access; and*
 - v. *fund improvements in the precinct including relocation of access road from Inlet Drive, carparking surrounding Lions Lair, carparking adjacent to Crellin Street with culvert to be constructed to allow vehicle access, establishment of nature play areas within the shared use area and any servicing requirements as a result of school activities.*
 - b. *No penalty for the Lessee terminating the lease early if an alternate site for the School is identified.*

A copy of the Report from 18 September 2018 Minutes is attached which provides more background information – see Attachment 8.3.3a).

Consultation:

Following Council's resolution in September, the draft Concept Plan was advertised for community comment and draft lease negotiations / preparations commenced.

A general advertisement was placed in the Denmark Bulletin, on the Shire's website, on the Shire's Notice Board, on the Library's Notice Board and on Facebook. The proposal was advertised for a period of 28 days. 22 submissions were received. A schedule of submissions is attached – see Attachment 8.3.3b.

Statutory Obligations:

Pursuant to Regulation 30 (2) (b) (i) of the Local Government (Functions and General) Regulations 1996, Council are not required to comply with the disposition of property requirements under Section 3.58 of the Local Government Act 1995. Regulation 30 excludes disposition of property to a body whose objects of which are of an educational nature.

Policy Implications:

P100602 - Consultation Privacy Policy relates to public submissions.

Budget / Financial Implications:

An independent market valuation was undertaken in November 2018 and determined that the annual market rent for the subject site is \$16,300 (ex GST). The current market rent is \$11,550, with the revised market rent to apply from the date of execution.

Under the draft Lease, it is proposed that a market review will be undertaken every five years, with CPI increases applied every other year.

The costs associated with the lease preparation (approximately \$2,000 ex. GST) and the market rent valuation (\$1,500 ex. GST) are to be borne by the Lessee.

The various amendments to the concept plan are forecast to cost the Shire of Denmark \$3,500 ex GST. There is provision within the 2018/19 for this allocation.

Shire Officers have appointed a consultant to undertake a BAL (Bushfire Attack Level) Assessment and a Bushfire Management Plan over the entire site. This will assist Planning and Building Services assess any future building or planning applications at the site. The Spirit of Play will be responsible for any costs associated with the BAL Contour Assessment relating to their lease area and development proposals.

Strategic & Corporate Plan Implications:

The report and officer recommendation is consistent with Council's adopted Strategic Community Plan Aspirations and Objectives and the Corporate Business Plan Actions and Projects in the following specific ways:

Denmark 2027

E1.0 Our Economy

We are an attractive location to live, invest, study, visit and work.

E1.3 To have diverse education and employment opportunities.

C4.0 Our Community

We live in a happy, healthy, diverse and safe community with services that support a vibrant lifestyle and foster community spirit.

- C4.3 To create a community nurtures and integrates natural, cultural and historical values.
- C4.4 To recognise and respect our local heritage and Aboriginal history.

Corporate Business Plan

E1.3.7 Negotiate a new lease with the Spirit of Play Community School to support the continued delivery of education.

Sustainability Implications:

➤ **Governance:**

The new lease agreement has been prepared by the Shire’s solicitor and is based on a contemporary commercial basis. The rent review clauses ensure that the rental income is corrected to market rent every 5 years with CPI increases every other year.

➤ **Environmental:**

The Denmark Weed Action Group (DWAG) work together with the School to undertake manual weeding and bushland maintenance at the site. The DWAG have expressed no concerns about the proposal. Some clearing may be required in the shared use area however this would be done in liaison with the relevant Government Departments, DWAG and Shire Officers.

➤ **Economic:**

A new, extended lease term provides the School with security of tenure allowing them to continue to employ their administrative staff and teachers. The School makes a significant economic contribution to the local economy and has a strong focus of employing local contractors for any works or goods required at or for the School.

➤ **Social:**

There are significant social considerations with respect to the precinct and its current users. The heritage assets provide tourism and educational attractions, the School provides social, educational and economic benefits and the DMRG and the Denmark Lions are both active community groups with energetic memberships.

The School teaches the students about the history of the precinct and would like to encourage more intergenerational activities by utilising the experience and expertise of local individuals, community groups and the members of the community groups who occupy the site.

The Spirit of Play have proposed to maintain the shared use public area, create nature play areas for the public and install interpretative signs to highlight the history of the precinct and the heritage assets it holds.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not support the modified Concept Plan.	Unlikely (2)	Minor (2)	Low (1-4)	Not Meeting Community expectations	Accept Risk
That Council not approve the draft Lease.	Unlikely (2)	Moderate (3)	Moderate (5-9)	Not Meeting Community expectations	Accept Officer Recommendation

Comment/Conclusion:

Background on the Denmark Heritage Railway Station No. 3 Reserve is included in the report presented to Council in September 2018 (see Attachment 8.3.3a).

As a result of consultation and the submissions received, the draft Concept Plan has been marked up to include additional modifications (see Attachment 8.3.3c). These are as follows;

1. Correct positioning of the windmill and the old railway crane;
2. Add the location of the proposed Denmark Men’s Shed;
3. Include the existing and proposed grassed areas around the DMRG and Lions Club buildings;
4. Remove reference to carparking to the north of the DMRG building; and
5. Shade the “Additional Shed” in the DMRG lease area grey, as this extension has been constructed.

The inclusion of a location for the Denmark Men’s Shed was suggested in Submission 3. In light of the organisation being included on the Heritage Precinct Building Development Working Group and their current proposal to occupy a leased portion of the reserve, the Officer has recommended it be included on the new concept plan.

The draft Lease attached (see Attachment 8.3.3d) has been negotiated by Council Officers with the Spirit of Play. Ministerial consent has been applied for but is yet to be received.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION	ITEM 8.3.3 a)
That with respect to Reserve 30277, No. 2 (Lot 952) Crellin Street, Denmark, Council adopt the amended Denmark Heritage Railway Station Precinct Concept Plan as per Attachment 8.3.3b.	

OFFICER RECOMMENDATION	ITEM 8.3.3 b)
That with respect to the lease between the Shire of Denmark and the Spirit of Play Community School for a portion of Reserve 30277, No. 2 (Lot 952) Inlet Drive, Denmark, Council;	
<ol style="list-style-type: none"> 1. Terminate the existing lease which expires 21 December 2019; and 2. Endorse the draft Lease, as per Attachment 8.3.3d, subject to the Minister’s Consent, and authorise the Chief Executive Officer and the Shire President to execute the document. 	

8.3.4 2018/19 MARKYT COMMUNITY SCORECARD

File Ref:	PBR.23
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	4 February 2019
Author:	Teiga Murray, Corporate Planning Officer
Authorising Officer:	Bill Parker, Chief Executive Officer
Attachments:	Nil

Summary:

The purpose of this report is to endorse the Great Southern Peer Support Program’s regional approach to undertaking the 2018/19 MARKYT Community Scorecard and to consider the Shire’s draft privacy statement.

Background:

In August 2018, Council received the results of the Shire’s first MARKYT Community Scorecard and endorsed the measures contained within the report as key performance indicators for the

Strategic Community Plan, Denmark 2027, and corresponding Corporate Business Plan. Council also resolved to undertake a MARKYT Community Scorecard annually, allowing the Shire to benchmark their performance over time.

Catalyse were selected as the preferred provider to deliver the Shire's annual scorecard due to their competitive pricing and extensive experience providing community perception surveys for over 40 Local Governments across Western Australia. Catalyse also provide the opportunity for the Shire to benchmark the results of the scorecard against the results of other regional and metropolitan Councils, enabling access to industry benchmarks and industry high scores.

During the delivery of the 2017/18 MARKYT Community Scorecard some community members expressed concern that the use of a third-party provider to deliver the scorecard was in contradiction to the Shire's existing Privacy Policy (P040132). To address this concern, Council resolved in August 2018 to review the existing Privacy Policy to clarify the release of ratepayer information to third parties for Shire of Denmark use. A draft Privacy Statement has been prepared for review by Council that seeks to clarify the way in which data is collected and managed by the Shire. The draft Privacy Statement is also intended to guide the delivery of the 2018/19 MARKYT Community Scorecard.

Over the past eighteen months the Shire of Denmark has acted as Co-Facilitator and more recently as Branch Facilitator of the Great Southern Peer Support Program, which aims to help members improve the content and performance of their IPR framework through regional collaboration and resource sharing. The program is the first of its kind in Western Australia, having been awarded the Innovative Management Award at the most recent Local Government Professionals Annual State Conference and endorsed by the Minister of Local Government, with departmental funding provided to support a state-wide rollout of the program.

The ongoing collaboration and resource-sharing provided by the Great Southern Peer Support Program has resulted in all eleven Local Governments in the region committing to undertake the MARKYT Community Scorecard. Having the entire region endorse this approach has provided the Great Southern Peer Support Program with the opportunity to negotiate a collective pricing model and additional layers of regional reporting to better understand community trends, priorities and concerns in a way that is meaningful and comprehensive across our location. This additional level of regional analysis will help support further collaboration between Great Southern Local Governments. The data collected is anticipated to support any future collective funding applications and grant opportunities to help support regional actions and address areas of mutual significance.

Consultation:

A random sample of community members will be independently selected by Catalyse to undertake the 2018/19 MARKYT Community Scorecard utilising the Shire's Ratepayer, Library and Recreation Centre databases. The request to complete a scorecard is voluntary and community members are under no obligation to participate.

Scorecards across the Great Southern will be available for completion during March, with individual Council reports, a regional report and regional workshop for staff and elected members available from May.

The Shire's draft Privacy Statement will be available for public comment for a period of 28 days.

Statutory Obligations:

WA Local Governments are not subject to Australian Privacy Principles, with Section 6C of the Privacy Act 1988 stating that entities which are state or territory authorities or prescribed instrumentalities of a state or territory (which include local councils) are not organisations. As these entities are not organisations they are exempt from the coverage of the Australian Privacy Principles (Office of the Australian Information Commissioner, www.oaic.gov.au/individuals/faqs).

[for-individuals/government/do-the-australian-privacy-principles-apply-to-local-councils-or-state-or-territory-governments](#)).

Whilst there are no statutory implications that apply to the delivery of the MARKYT Community Scorecard, the Shire's contracted service provider, Catalyse, delivers the scorecard in accordance with the Australian Privacy Principles and the Privacy Act 1988 as a commitment to best practice. The storage, management and removal of data by Catalyse, on behalf of the Shire, is undertaken in accordance with these provisions, with written confirmation provided by Catalyse to the Shire of Denmark.

Policy Implications:

In August 2018, Council resolved to review the P040132 Privacy Policy, to clarify the release of ratepayer information to third parties for Shire of Denmark use. The Shire has prepared a draft Privacy Statement that is intended to guide the delivery of the 2018/19 MARKYT Community Scorecard. To ensure clarity, the officer recommends that Council endorse the use of the draft Privacy Statement as the guiding principles for the delivery of the 2018/19 Scorecard.

It is recommended that Council repeal Policy P040132 and the draft Privacy Statement be advertised for a period of 28 days and that the draft Statement and any submission be presented to Council for consideration and subsequent inclusion in the Council's Policy Manual (if adopted).

Budget / Financial Implications:

The typical cost for delivering a MARKYT Community Scorecard is \$10,000 plus postage and disbursements. Following the Shire's success with the Great Southern Peer Support program, a regional pricing model has been formalised with Catalyse, representing a 10% discount for the Shire of Denmark. The 2018/19 MARKYT Community Scorecard will be delivered for \$9,000 plus postage and disbursements. This provision is accounted for in the Shire's 2018/19 Municipal Budget.

Strategic & Corporate Plan Implications:

The report and officer recommendation is consistent with Council's adopted Strategic Community Plan Aspirations and Objectives and the Shire's future Corporate Business Plan as it provides key performance indicators for both components of the Integrated Planning and Reporting Frameworks, through supporting and monitoring the successful delivery of each strategic aspiration.

Reporting against the aspirations and objectives of the Strategic Community Plan is a key recommendation of the Integrated Planning and Reporting Framework and utilising an external provider to undertake this reporting ensures that the process is open and transparent and the results are professionally analysed and reported.

Corporate Business Plan actions that directly relate to this report include:

- L5.2.4 Undertake an annual Community Scorecard satisfaction survey to identify areas of priority and understand levels of satisfaction
- L5.5.4 Facilitate the Great Southern Peer Support Program to support IPR improvement within the region

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 choose not to endorse the Great Southern Peer Support Program's regional approach to undertaking the 2018/19 MARKYT Community Scorecard, resulting in the loss of the 10% discount and access to Great Southern regional analysis.	Possible (3)	Minor (2)	Low (1-4)	Inadequate Financial, Accounting or Business Acumen	Accept Officer Recommendation or accept risk

Comment/Conclusion:

The MARKYT Community Scorecard provides the Shire of Denmark with the opportunity to better understand community perceptions and benchmark our performance across key services and facilities over time and across the industry.

Endorsing the Great Southern Peer Support Program's regional approach to undertaking the 2018/19 MARKYT Community Scorecard will ensure that the Shire is able to access a regional discount whilst also ensuring our approach is consistent with other Local Governments in the area. The added benefit of in-depth regional analysis and reporting will help support further collaboration between Great Southern Local Governments and provide data that can inform collective funding applications and grant opportunities.

Using the draft Privacy Statement as the guiding principles for the delivery of the 2018/19 Scorecard will provide greater clarity and ensure that the community is informed in the ways that data is collected and managed by the Shire.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION	ITEM 8.3.4
<p>That in relation to the Shire of Denmark Annual Community Scorecard Survey, Council;</p> <ol style="list-style-type: none"> 1. Endorse the Great Southern Peer Support Program’s regional approach to undertaking the 2018/19 MARKYT Community Scorecard; 2. Repeal Privacy Policy P040132; 3. Advertise the draft Privacy Statement for public comment for a period of 28 days and refer it back to Council with any submissions received for formal adoption; and 4. Endorse the draft Privacy Statement as guiding principles to deliver the 2018/19 MARKYT Community Scorecard. 	

9. COMMITTEE REPORTS & RECOMMENDATIONS

9.1 AUDIT ADVISORY COMMITTEE - 2017/18 ANNUAL REPORT & ANNUAL ELECTORS MEETING

File Ref:	FIN.31
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not Applicable
Disclosure of Officer Interest:	Nil
Date:	11 February 2019
Author:	Teiga Murray, Corporate Planning Officer
Authorising Officer:	Bill Parker, Chief Executive Officer
Attachments:	9.1 - 2017/18 Draft Annual Report including Annual Financial Report Management Letter

Summary:

The purpose of this report is to accept the Shire of Denmark’s 2017/18 Annual Report; including the Annual Financial Statements and Audit Report; and to set a date for the Annual Electors meeting.

Background:

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

This year the Annual Report provides an overview of the Shire’s achievements during the year, aligning these achievements to the aspirations in the Shire’s Strategic Community Plan, Denmark 2027. The Annual Report also incorporates the community satisfaction measures obtained during the Shire’s first MARKYT Community Scorecard in 2017/18. The results of subsequent scorecards will be reported each year in the Annual Report to help track the Shire’s performance over time.

These changes, along with a number of others, have been included to improve the content and layout of the Annual Report. The officer has made these changes in the hope that they help to provide a more meaningful yearly progress report for the community each year.

At its meeting held on the 5 February 2019 the Audit Advisory Committee made the following recommendation to Council;

“That the Shire of Denmark Audit Advisory Committee recommends that Council adopt the 2017/18 Annual Financial Statements including the Auditors Report, noting the recommendations therein and endorsing the actions proposed to be taken by the Chief Executive Officer.”

Consultation:

The Shire of Denmark Audit Advisory Committee conducted a meeting with the Office of the Auditor General and the appointed auditor, Mr Russell Harrison of Lincolns Beyond Numb3rs, via telephone conference, during the Audit Advisory Committee held on Tuesday, 5 February 2019.

Statutory Obligations:

- Local Government Act 1995
 - Subdivision 4 Electors' Meetings
 - Section 5.27 (1) & (2)
 - Section 5.29 (1)
 - Division 5 Annual Reports and Planning
 - Section 5.53 (1) & (2)
 - Section 5.54 (1) & (2)
 - Section 5.55
 - Section 5.56 (1) & (2)
- Local Government (Financial Management) Regulations 1996.
- Local Government (Administration) Regulations 1996.

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 & Corporate Plan Implications:

The report and officer recommendation is consistent with Council's adopted Strategic Community Plan Aspirations and Objectives and the Corporate Business Plan Actions and Projects in the following specific ways:

Denmark 2027

L5.0 Our Local Government

The Shire of Denmark is recognised as a transparent, well governed and effectively managed Local Government.

L5.1 To be high functioning, open, transparent, ethical and responsive.

L5.4 To be fiscally responsible.

Corporate Business Plan Actions

L5.1.9 Review and improve the Annual Report to provide a more meaningful yearly progress report for the community.

Sustainability Implications:➤ **Governance:**

There are no known significant governance considerations relating to the report or officer recommendation. The adoption of the Annual Report is a key activity for all Local Governments.

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

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

Comment/Conclusion:

Council is required to accept the Annual Report by 31 December following the financial year end, however should the Auditor’s Report not be made available in time to be accepted by 31 December, the Annual Report must be accepted no later than two months after receiving the Audit Report.

The Audit Report was received by the Shire of Denmark on 18 December 2018. The Annual Report has been presented for adoption at the Shire’s first Council Meeting for the year on 19 February 2019.

The Audit Report and Management Letter was the subject of an Audit Advisory Committee meeting held on Tuesday 5 February, 2019. The Audit Advisory Committee recommended that Council adopt the 2017/18 Annual Financial Statements including Auditors Report. The Committee also noted the recommendations contained within the report and endorsed the actions proposed to be taken by the Chief Executive Officer.

The Annual Electors Meeting must be held within 56 days of accepting the Annual Report with appropriate notice of the meeting given, pursuant to Section 5.27 of the Local Government Act 1995. The officer recommends that the date for the Annual Electors meeting be set for Tuesday, 19 March 2019 to coincide with Council’s next Ordinary Meeting date.

Voting Requirements:

Absolute majority.

COMMITTEE RECOMMENDATION	ITEM 9.1
<p>That the Shire of Denmark Audit Advisory Committee recommends that Council adopt the 2017/18 Annual Financial Statements including the Auditors Report, noting the recommendations therein and endorsing the actions proposed to be taken by the Chief Executive Officer.</p>	

OFFICER RECOMMENDATION

ITEM 9.1

That endorse the recommendation from the Audit Advisory Committee and;

1. Accept the Annual Report including the Annual Financial Report and Audit Report for the 2017/18 year; and
2. Hold the Annual Electors meeting on Tuesday, 19 March 2019 in the Council Chambers, commencing at 7:00pm.

** Absolute majority required.*

10. MATTERS BEHIND CLOSED DOORS

Nil

11. NEW BUSINESS OF AN URGENT NATURE

Nil

12. CLOSURE OF MEETING