

# Shire of Denmark

## Ordinary Council Meeting MINUTES

18 August 2020



HELD IN THE COUNCIL CHAMBERS, 953 SOUTH COAST HIGHWAY,  
DENMARK ON TUESDAY, 18 AUGUST 2020.



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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 stable and locally supported business community that embraces innovation, 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, active and safe 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
- L5.6 To seek two-way communication that is open and effective

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## **DISCLAIMER**

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

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## 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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

*Cr Gearon acknowledged the land on which the meeting was being held and the traditional custodians of the land, the Bibbulmun and Minang people.*

*Cr Gearon stated that she would also like to show her respect for Elders past, present and emerging.*

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

### MEMBERS:

Cr Ceinwen Gearon (Shire President)  
Cr Mark Allen (Deputy Shire President)  
Cr Geoff Bowley  
Cr Kingsley Gibson  
Cr Jan Lewis  
Cr Roger Seeney

### STAFF:

Mr David Schober (Acting Chief Executive Officer)  
Mr David King (Director Assets and Sustainable Development)  
Mr Lee Sounness (Executive Manager Corporate Services)  
Ms Angela Simpson (Executive Manager Community Services)  
Ms Claire Thompson (Executive Assistant & Governance Coordinator)  
Ms Sue Mearns (Executive Support Officer)

### APOLOGIES:

Nil

### ON APPROVED LEAVE(S) OF ABSENCE:

Cr Steve Jones (pursuant to Council Resolution NO. 030720)  
Cr Ian Osborne (pursuant to Council Resolution NO. 050720)  
Cr Janine Phillips (pursuant to Council Resolution NO. 040720)

### ABSENT:

Nil

### VISITORS:

Nil

### DECLARATIONS OF INTEREST:

Nil

## 3. ANNOUNCEMENTS BY THE PERSON PRESIDING

*The Shire President expressed her condolences to the family of former Denmark Shire employee, Mark O'Donnell, who had passed away recently.*

*Cr Gearon acknowledged that two Shire employees would soon be taking maternity leave and wished both Teiga Murray and Kristina Low well.*

#### 4. PUBLIC QUESTION TIME

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

Nil

##### 4.2 PUBLIC QUESTIONS

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

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

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

##### Questions from the Public

##### 4.2.1 Mr Adrian Hinds – Disability Services Advisory Committee

Mr Hinds stated that he was a member of the Disability Services Advisory Committee and asked if the Council would allow him to engage legal representation to attend the next meeting.

*The Shire President responded that should Mr Hinds wish to engage legal representation then that was up to him. Cr Gearon asked for some context as to why he wanted a legal representative at the next committee meeting.*

Mr Hinds said that he was concerned about how the meetings were conducted.

*The Acting Chief Executive Officer said that he had been made aware of some of Mr Hinds' concerns, raised at the recent committee meeting, and had been trying to contact him to arrange a time to discuss them.*

*The Shire President suggested that Mr Hinds make some time to arrange a meeting with the Acting Chief Executive Officer.*

##### 4.2.2 Dr Karl Richardson – Homelessness

Dr Richardson asked for Council to support local projects that were aimed at supporting the homeless in Denmark. Dr Richardson also asked that Council consider making some provision for land that could be used for affordable housing.

*The Shire President advised that the Councillors were also concerned about levels of homelessness in Denmark and that they had been discussing the matter with Officers.*

##### 4.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

##### 4.4 PRESENTATIONS, DEPUTATIONS & PETITIONS

In accordance with Section 5.24 of the Local Government Act 1995, Sections 5, 6 and 7 of the Local Government (Administration) Regulations and section 3.3 and 3.13 of the Shire of Denmark Standing Orders Local Law, the procedure for persons seeking a deputation and for the Presiding Officer of a Council Meeting dealing with Presentations,

Deputations and Petitions shall be as per Council Policy P040118 which can be downloaded from Council's website at <http://www.denmark.wa.gov.au/council-meetings>.

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

Nil.

## 5. APPLICATIONS FOR FUTURE LEAVE OF ABSENCE

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

## 6. CONFIRMATION OF MINUTES

### 6.1 ORDINARY COUNCIL MEETING – 21 JULY 2020

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 6.1
MOVED: CR GIBSON	SECONDED: CR ALLEN
That the minutes of the Ordinary Meeting of Council held on the 21 July 2020 be CONFIRMED as a true and correct record of the proceedings.	
CARRIED UNANIMOUSLY: 6/0	Res: 060820

### 6.2 SPECIAL COUNCIL MEETING – 4 AUGUST 2020

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 6.2
MOVED: CR SEENEY	SECONDED: CR BOWLEY
That the minutes of the Special Meeting of Council held on the 4 August 2020 be CONFIRMED as a true and correct record of the proceedings.	
CARRIED UNANIMOUSLY: 6/0	Res: 070820

### 6.3 STRATEGIC BRIEFING NOTES – 21 JULY 2020

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 6.3
MOVED: CR GEARON	SECONDED: CR GIBSON
That the Notes from the Strategic Briefing Forum held on the 21 July 2020 be RECEIVED.	
CARRIED UNANIMOUSLY: 6/0	Res: 080820

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

Nil.

## 8. REPORTS OF OFFICERS

### 8.1 DIRECTOR ASSETS AND SUSTAINABLE DEVELOPMENT

Nil

### 8.2 DIRECTOR CORPORATE AND COMMUNITY SERVICES

#### 8.2.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDED 30 JUNE 2020

<b>File Ref:</b>	FIN.1
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	4 August 2020
<b>Author:</b>	Scott Sewell, Accountant
<b>Authorising Officer:</b>	Lee Sounness, Executive Manager Corporate Services
<b>Attachments:</b>	8.2.1 – June Monthly Financial Report

#### **Summary:**

The attached financial statements and supporting information for the period ending 30 June 2020 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 Rate Book, including outstanding debtors and the raising of interim rates.
- Reconciliation of all assets and liabilities, including payroll, taxation and other 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:**

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 statements are prepared in accordance with the requirements of the Local Government Act 1995 (s.5.25(1)) and the Local Government (Financial Management) Regulations 1996.

#### **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:**

The 30 June 2020 end of year budget position was estimated to be \$0. The actual year end closing financial position is currently \$1,530,783 (including pre-paid Financial Assistance Grants of \$562,576). This is mainly due to grants relating to the 2020-21 financial year being paid in 2019-20 and savings from redeploying works depot staff from planned road maintenance to capital works road projects which are grant funded. The end of year closing position will change after audit and year-end adjustments are completed

**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

Nil

**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:**

Nil

**Comment/Conclusion:**

As at 30 June 2020, total cash funds held (excluding trust funds) totals \$6,802,246 (Note 1).

Shire Trust Funds total \$850 (Note 9).

Reserve Funds (restricted) total \$4,376,066 (Note 5).

Municipal Funds (unrestricted) total \$2,426,180 (Note 2).

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 3), the 30 June 2020 end of year budget position was estimated to be \$0. The actual year end closing financial position is currently \$1,530,783 (including pre-paid Financial Assistance Grants of \$562,576), however this will change after audit and year-end adjustments are completed. Once the adjustments are completed, the closing position is expected to be close to the estimated surplus brought forward position of \$1,504,620 used for the adopted budget for the 2020/2021 financial year. Contributing factors to this projected outcome for the year ended 30 June 2020 include the manner in which Council’s day labour depot workforce was deployed between capital and operational works, adjustments in day to day organisational structure in response to the pandemic and other variances to the budgeted revenue and expenditure estimates. (Statement of Financial Activity).
- Operating revenue and expenditure is generally in line with year to date budget predictions for the year ended 30 June 2020 (Statement of Financial Activity) except for items referenced in Material Variance Report? Note 3(a) which includes the depot staff deployment on general roadwork maintenance as mentioned above.
- The Rates Collection percentage currently sits at 94.75% and is in keeping with historical collection performance statistics (see Note 4)
- The 2019/20 Capital Works Program was 80.94% completed for the year and the total committed cost was 83.00% as at 30 June 2020 (see Note 10) with the outstanding works being for the Denmark East Development and the Plane Tree Precinct project which have been re-budgeted for completion in the 2020-2021 financial year.
- Various transfers to and from general Reserve Funds have been made for the 2019/20 year and confirm a closing Reserve Fund balance of \$4,376,066.
- Salaries and Wages expenditure is generally in line with year to date budget estimates (not reported specifically in Financial Statement).

Other Information

- The financial statements presented as part of this report have been updated with the outcome of the Mid-Year Budget Review (MYBR) which was adopted by Council at its Ordinary meeting held on 17<sup>th</sup> March 2020 and therefore include all of the amendments to the adopted budget accepted by Council at that meeting.

**Voting Requirements:**

Simple majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 8.2.1</b>
<b>MOVED: CR BOWLEY</b>	<b>SECONDED: CR ALLEN</b>
That Council, RECEIVE the financial statements for the period ending 30 June 2020, which incorporates the Statement of Financial Activity and other supporting documentation.	
<b>CARRIED UNANIMOUSLY: 6/0</b>	<b>Res: 090820</b>

### 8.2.2 INVESTMENT REPORT FOR THE PERIOD ENDED 31 JULY 2020

<b>File Ref:</b>	FIN.7
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	6 August 2020
<b>Author:</b>	Scott Sewell, Accountant
<b>Authorising Officer:</b>	Lee Sounness, Executive Manager Corporate Services
<b>Attachments:</b>	8.2.2 – July 2020 Investment Register

**Summary:**

This report presents the Investment Register for the month ending 31 July 2020.

**Background:**

This report is for Council to receive the Investment Register as at 31 July 2020.

Council's Investment of Funds Policy sets the criteria for making authorised investments of surplus funds after assessing credit risk and diversification limits to maximise earnings and ensure the security of the Shire's funds.

**Consultation:**

Nil.

**Statutory Obligations:**

The *Local Government Act 1995 – Section 6.14*, the *Trustees Act 1962 – Part III Investments*, the *Local Government (Financial Management) Regulations 1996 - Reg. 19, 28 and 49*, and the *Australian Accounting Standards*, sets out the statutory conditions under which funds may be invested.

Regulation 34 of the *Local Government (Financial Management) Regulations* requires a monthly report on the Shires Investment Portfolio to be provided to Council.

**Policy Implications:**

All investments are made in accordance with Council Policy P040229 – Investments, which states that in relation to Counterparty Credit Framework that no more than 50% of the total investment portfolio should be held with any one institution.

To control the credit quality over the entire portfolio, the following credit framework limits the percentage of the portfolio exposed to any particular credit rating category.

A. S&P Long Term Rating	B. S&P Short Term Rating	C. Direct Investment Maximum %	D. Managed Funds Maximum %
AAA	A-1+	100%	100%
AA	A-1	60%	80%
A	A-2	40%	80%

Exposure to an individual counterparty/institution will be restricted by their credit rating so that single entity exposure is limited, as detailed in the table below.

A. S&P Long Term Rating	B. S&P Short Term Rating	C. Direct Investment Maximum %	D. Managed Funds Maximum %
AAA	A1+	50%	50%
AA	A-1	35%	45%
A	A-2	20%	40%

If any of the Council's investments are downgraded such that they no longer fall within the investment policy, they will be divested as soon as practicable.

Investments fixed for greater than 12 months are to be reviewed on a regular basis and invested for no longer than 5 years.

**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

Nil

**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:**

Nil.

**Comment / Conclusion:**

The attached Investment Report tables the Investment Portfolio balance as at 31 July 2020.

At the end of July 2020 Council had a total of \$4,376,596 invested with four banking institutions to ensure an appropriate portfolio balance mix with no single institution holding more than 50% of the total funds invested which is in accordance with the requirements outlined in Council policy P040229.

The total Reserve Funds invested as at 31 July 2020 totals \$4,376,596.  
The total Municipal Funds invested as at 31 July 2020 totals \$0.

Municipal funds invested were fully withdrawn during July to cover cash flow requirements whilst awaiting the first instalment of rates income to be collected.

The Reserve Bank of Australia has not altered its cash rate for this month. The cash rate remains set at 0.25%.

**Voting Requirements:**

Simple majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 8.2.2
MOVED: CR SEENEY	SECONDED: CR GEARON
That Council RECEIVE the Investment Register for the period ended 31 July 2020.	
<b>AMENDMENT</b>	
MOVED: CR GIBSON	SECONDED: CR BOWLEY
Insert the words “(attachment 8.2.2)” after the word “Register”.	
CARRIED UNANIMOUSLY: 6/0	Res: 100820
<b>AMENDED MOTION</b>	
That Council RECEIVE the Investment Register (attachment 8.2.2) for the period ended 31 July 2020.	
THE AMENDED MOTION BECAME THE SUBSTANTIVE MOTION WHICH WAS PUT & CARRIED UNANIMOUSLY: 6/0	
	Res: 110820

**8.2.3 LIST OF PAYMENTS FOR THE PERIOD ENDING 31 JULY 2020**

<b>File Ref:</b>	FIN.1
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	6 August 2020
<b>Author:</b>	Scott Sewell, Accountant
<b>Authorising Officer:</b>	Lee Sounness, Executive Manager Corporate Services
<b>Attachments:</b>	8.2.3 – July Monthly List of Accounts Submitted Report

**Summary:**

The purpose of this report is to advise the Council of payments made during the period 1 July 2020 to 31 July 2020.

**Background:**

Nil

**Consultation:**

Consultation was not required for this report.

**Statutory Obligations:**

Section 6.10(d) of the Local Government Act 1995.

Regulation 13 and 13(1) of the Local Government (Financial Management) Regulations.

**Policy Implications:**

Delegation Number D040201 relates.

**Budget / Financial Implications:**

There are no known significant trends or issues to be reported.

**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

*L5.4 To be fiscally responsible*

Corporate Business Plan

Nil

**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:**

Nil

**Comment/Conclusion:**

Nil

**Voting Requirements:**

Simple majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 8.2.3</b>
<b>MOVED: CR LEWIS</b>	<b>SECONDED: CR GIBSON</b>
That with respect to the attached Schedule of Payments, totalling \$1,710,697.10, for the month of July 2020, Council RECEIVE the following summary of accounts:	
<ul style="list-style-type: none"> <li>• Electronic Funds Transfers EFT28054 to EFT28260 - \$1,057,926.61;</li> <li>• Municipal Fund Cheque No's 60378 – 60384 - \$7,426.77;</li> <li>• Internal Account Transfers (Payroll) - \$533,334.17; and</li> <li>• Direct Debit - \$11,791.83;</li> <li>• Corporate Credit Card; \$-100.47;</li> <li>• Department of Transport Remittances; \$93,914.15, and</li> <li>• Loan Payments: \$6,404.04</li> </ul>	
<b>CARRIED UNANIMOUSLY: 6/0</b>	<b>Res: 120820</b>

**8.2.4 AMENDMENT TO SCHEDULE OF FEES AND CHARGES 2020/21**

<b>File Ref:</b>	FIN.1
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	10 August 2020
<b>Author:</b>	Jodi Vitler, Assistant, Accountant
<b>Authorising Officer:</b>	Lee Sounness, Executive Manager Corporate Services
<b>Attachments:</b>	Nil

**Summary:**

Council are asked to make amendment to the adopted Schedule of Fees and Charges 2020/21, in respect to Annual Licence and Application Fees listed in the category of Food Vendors, Food Premises and Alfresco Dining and Trading.

**Background:**

The Annual Budget was adopted by Council on the 4<sup>th</sup> August 2020, incorporating the 2020/21 Schedule of Fees and Charges. In response to Ministerial recommendations during the COVID-19 pandemic the Schedule of Fees and Charges were adopted under the premise that there would be a zero percent increase in any listed fee and charge except for lime sales fees and lease rental fees.

The fees listed in the Schedule of Fees and Charges category of Food Vendors, Food Premises and Alfresco Dining and Trading have been listed incorrectly as a Statutory Fee set by the Food Act 2008. Whilst some fees in this category are indeed set by legislation the following listed fees are not. Under the Food Act 2008, the listed items have the ability to be determined, set and imposed by the local government in whose district they fall under, rather than by statute.

Excerpt from 2020/21 Schedule of Fees and Charges including the proposed amended fee, which represents the same fee as 2019/2020 (i.e. no increase from last financial year):

Food Premises Annual Licence – Fixed (per Food Act 2008)	Adopted Fee 2020/21	Proposed Amended Fee 2020/21
Food Vendors – Mobile / Temporary / Home Based Application Fee (per Food Act 2008) (per annum, per van / property etc:		
Mobile / Itinerant / Street Traders (where no other licence is paid	120.00	107.00

Home based Food Producers	30.00	26.50
Food Premises Annual Licence – Fixed (per Food Act 2008) (per annum, per property):		
Restaurants, Takeaways, Lunch Bars, Cafes, and Bakeries serving food	225.00	214.00
General Stores, Supermarkets, Butchers	225.00	214.00
Selling prepared packages of food and drink	55.00	53.00
Cellar Doors / Wine Bars:		
Serving food	225.00	214.00
Not serving food	55.00	53.00
Selling imported liquor products (Inc. food fee)	115.00	107.00
Liquor Stores	115.00	107.00
Rural Producers / Distributors:		
Major (including packaging dairies / apiaries)	115.00	107.00
Minor (including cottage producers, low volume apiaries / olives)	55.00	53.00
Alfresco Dining / Trading – Annual Licence Fee:		
Public Places	170.00	160.00
Private Property (temporary Licence only; from a vehicle or tent; per Food Act 2008)	110.00	107.00

**Consultation:**

Information was provided by officers in relation to fees and charges applicable to their department for this report.

**Statutory Obligations:**

Sections 6.16 & 6.19 of the Local Government Act 1995 relate.

**Policy Implications:**

Nil

**Budget / Financial Implications:**

Should Council agree with the proposed amendment, the Schedule of Fees and Charges for 2020/2021 will be amended accordingly.

**Strategic & Corporate Plan Implications:**

The report and officer recommendations 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

L5.4 To be fiscally responsible

Corporate Business Plan

Nil

**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:**

Nil

**Comment/Conclusion:**

The Annual Licence and Application Fees listed in the category of Food Vendors, Food Premises and Alfresco Dining and Trading in the Schedule of Fees and Charges requires amendment by means of a reduction that will then reflect the same fee amount as listed in the 2019/20 Annual Budget and therefore imposing a 0% increase.

**Voting Requirements:**

Absolute majority.

OFFICER RECOMMENDATION

ITEM 8.2.4

That Council;

1. AMEND the 2020/2021 Schedule of Fees and Charges, in respect to the Annual Licence and Application Fees pursuant to Food Vendors, Food Premises and Alfresco Dining and Trading, (per Food Act 2008) to reflect the same fees and charges as imposed in the 2019/20 Schedule of Fees and Charges;
2. GIVE public notice of 7 days of the intent to amend the previously adopted fees and charges.

**COUNCIL RESOLUTION**

ITEM 8.2.4

MOVED: CR GIBSON

SECONDED: CR SEENEY

That Council;

1. GIVE 7 days public notice of its intent to amend the 2020/21 Schedule of Fees and Charges;
2. Following the 7 days public notice referred to in point 1. above, AMEND the 2020/2021 Schedule of Fees and Charges as per the following table:

Food Premises Annual Licence – Fixed (per Food Act 2008)	Adopted 2020/21	Amended Fee 2020/21
Food Vendors – Mobile / Temporary / Home Based Application Fee (per Food Act 2008) (per annum, per van / property etc:		
Mobile / Itinerant / Street Traders (where no other licence is paid	\$120.00	\$107.00
Home based Food Producers	\$30.00	\$26.50
Food Premises Annual Licence – Fixed (per Food Act 2008) (per annum, per property):		
Restaurants, Takeaways, Lunch Bars, Cafes, and Bakeries serving food	\$225.00	\$214.00
General Stores, Supermarkets, Butchers	\$225.00	\$214.00
Selling prepared packages of food and drink	\$55.00	\$53.00
Cellar Doors / Wine Bars:		
Serving food	\$225.00	\$214.00
Not serving food	\$55.00	\$53.00
Selling imported liquor products (Inc. food fee)	\$115.00	\$107.00
Liquor Stores	\$115.00	\$107.00
Rural Producers / Distributors:		
Major (including packaging dairies / apiaries)	\$115.00	\$107.00

Minor (including cottage producers, low volume apiaries / olives)	\$55.00	\$53.00
Alfresco Dining / Trading – Annual Licence Fee:		
Public Places	\$170.00	\$160.00
Private Property (temporary Licence only; from a vehicle or tent; per Food Act 2008)	\$110.00	\$107.00
CARRIED UNANIMOUSLY & BY AN ABSOLUTE MAJORITY: 6/0		Res: 130820

**8.3 CHIEF EXECUTIVE OFFICER**

**8.3.1 DELEGATION FOR TENDER CONSIDERATION FOR LIGHTS BEACH UPGRADE**

<b>File Ref:</b>	Delegations Register
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	30 July 2020
<b>Author:</b>	David King, Director Assets and Sustainable Development
<b>Authorising Officer:</b>	David Schober, Acting Chief Executive Officer
<b>Attachments:</b>	8.3.2 – Draft Delegation D040217

**Summary:**

It is requested that consideration be given to increase the delegated value threshold for the Lights Beach Upgrade, in order to award the contract in a timely manner and enable construction to commence late October 2020.

**Background:**

Delegation D040217 (Tenders for Providing Goods & Services) was last revised in December 2019.

D040217 currently provides the CEO a limit of \$250,000 for the acceptance of tenders with exception of Tender No. TEN.1.19/20 – Plane Tree Structural and Landscaping which has a limit of \$500,000.

Tender TEN.1.19/20 was awarded under delegation within the determined limit in January 2020, and is therefore no longer required in the delegation.

**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 including the associated Framework, and believes that no additional external/internal engagement or consultation is required.

**Statutory Obligations:**

Local Government Act 1995

*Section 5.42 - Delegation of some powers and duties to CEO.*

Provides the power to delegate.

*Section 5.43 – Limits on delegations to CEO*

The delegation requested within this report is able to be delegated by Council and is not excluded under section 5.43.

*Section 5.44 – CEO may delegate powers and duties to other employees*

**Policy Implications:**

Delegation D040217 – Tenders for Providing Goods & Services. It is proposed that D040217 is amended as Attachment 8.3.2 – Draft Delegation D040217.

Key alterations:

1. the consideration for TEN.1.1920 is removed.
2. The increased threshold of \$750,000 is delegated to the CEO for TEN.1.20/21 – Lights Beach Upgrade.
3. delegation to other employees is restricted to items (a) and (b) in Attachment 8.3.2
4. The delegation is also re-written for clarity.

Purchase Policy P040220 provides Officers with guidelines on purchasing objectives, ethics/integrity, sustainable procurement, local purchasing considerations and thresholds.

**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.

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

**Sustainability Implications:**

➤ **Governance:**

Delegations provide mechanisms to enable the day to day business of the Shire to be handled administratively without the need to refer each decision formally to Council. Alternatively, all decisions made under delegation would need to be considered formally by the Council. This could have timing implications and potentially reduce customer satisfaction of the Shire’s ability to make efficient, consistent decisions.

➤ **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)
Budget over expenditure	Possible (3)	Moderate (3)	Moderate (5-9)	Inadequate Financial, Accounting or Business Acumen	Manage by placing appropriate conditions on the delegation.
Lights Beach closure impacting through Christmas and January	Almost Certain (5)	Moderate (3)	High (10-16)	Not Meeting Community expectations	Accept Risk or Manage by delegation Tender Award to the CEO

**Comment/Conclusion:**

The Shire has applied for Drought Communities Funding to fund the Lights Beach Upgrade Project. This funding must be acquitted by 30<sup>th</sup> June 2021.

In a typical construction year, the efficient, productive construction months are from November through to April. This is because wet weather outside of these months causes delays and stand downs, that slow construction, increase the risk of poor workmanship and ultimately increases cost.

Unfortunately, these construction months coincide with the busiest months for tourism in Denmark and the Lights Beach site will need to be closed during construction. This is because the construction site will be high risk and too constrained to enable visitation whilst ensuring suitable separation between the public and site works.

To reduce the impact of the closure, it is proposed that the site will be made safe and opened to the public from the 21<sup>st</sup> December 2020 until 29<sup>th</sup> January 2021. To enable this, the bulk earthworks, septic systems and pavement works need to be completed prior to the 21<sup>st</sup> December.

Bulk earthworks, septic systems and pavement works will take approximately eight (8) weeks to complete, which means the contract must be awarded ten (10) weeks prior to the 21<sup>st</sup> December. The date of the contract being awarded must then be no later than the 12<sup>th</sup> October 2020.

Design for the Lights Beach Upgrade is underway and it is expected that tender documentation will be complete in order to advertise the Tender for at least 21 days in September. There is insufficient time for the Tender to close and be evaluated in time to meet the September Ordinary Council Meeting for consideration. Waiting until the subsequent October Ordinary Council Meeting increases the risk of the site having to be closed through Christmas and January in order to meet the June 30, 2021 funding acquittal deadline.

It is therefore requested that Council consider increasing the delegation for the Lights Beach Upgrade.

**Voting Requirements:**

Absolute majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 8.3.1</b>
MOVED: CR ALLEN	SECONDED: CR GIBSON
That Council AMEND delegation D040217 as per attachment 8.3.1.	
TIED: 3/3	Res: 140820
THIS ITEM REQUIRED AN ABSOLUTE MAJORITY THEREFORE THE SHIRE PRESIDENT DID NOT USE HER CASTING VOTE BECAUSE IT WOULD HAVE RESULTED IN A LOST MOTION WHETHER HER VOTE WAS FOR OR AGAINST.	
<i>Pursuant to Council Policy P040134 all Councillors' votes on the above resolution are recorded as follows;</i>	
<i>FOR:</i>	<i>Cr Gearon, Cr Gibson and Cr Allen.</i>
<i>AGAINST:</i>	<i>Cr Bowley, Cr Seeney and Cr Lewis.</i>

### 8.3.2 LEASE OF PORTION OF LOT 300 ON DEPOSITED PLAN 46811, 832 SOUTH COAST HIGHWAY, DENMARK – DENMARK HAULAGE

<b>File Ref:</b>	A2228 & LEA.10
<b>Applicant / Proponent:</b>	Avalon Enterprises (WA) Pty Ltd t/as Denmark Haulage
<b>Subject Land / Locality:</b>	Lot 300 on Deposited Plan 46811, 832 South Coast Highway, Denmark
<b>Disclosure of Officer Interest:</b>	The Author's partner is a customer of Denmark Haulage for commercial purposes
<b>Date:</b>	15 July 2020
<b>Author:</b>	Claire Thompson, Executive Assistant & Governance Coordinator
<b>Authorising Officer:</b>	David Schober, Acting Chief Executive Officer
<b>Attachments:</b>	Nil

#### Summary:

Denmark Haulage have accepted Council's offer for a new three year lease and Council are requested to consider the market valuation and advertise the intention to lease.

#### Background:

Denmark Haulage lease an area of 7,600m<sup>2</sup> and have been operating at the site since at least 1998.

At the meeting held on 19 May 2020, Council agreed to enter into a three year lease with Denmark Concrete, a sub-lessee at the time to Denmark Earthmoving, who leased an area of 8,100sqm of Lot 300, and were seeking to terminate their lease with the Shire.

At the same meeting, Council also considered the other two leaseholders on the Lot who were operating under a holding over period (monthly tenancy) since 2017. To ensure consistency and fairness, Council resolved as follows (Resolution No. 180520);

*"That with respect to Lot 300, 832 South Coast Highway, Denmark, Council authorise the Chief Executive Officer to offer Denmark Haulage and Soil Solutions the opportunity to enter into new three (3) year leases based on an independent market valuation and subject to statutory disposal requirements."*

Denmark Haulage have accepted the Council's offer and an independent valuation has been received.

#### Consultation:

It is a statutory requirement that Council's intention to dispose (lease) land be advertised for public comment. Following public consultation, the Council is required to consider any submissions received.

An independent, qualified valuer was commissioned to provide a market rental valuation.

#### Statutory Obligations:

LOCAL GOVERNMENT ACT 1995

Section 3.58 relates to the disposal of property, which includes leasing.

Section 3.58 (3) allows Council to dispose of property providing it gives two weeks local public notice describing the property concerned, details of the proposed disposition, inviting submissions and giving consideration to any submissions received.

Section 3.58 (4) states that the notice must include the

- Names of all other parties concerned; and
- The amount (consideration) to be received by the local government; and
- The market value, ascertained by a valuation.

**Policy Implications:**

There are no policy implications.

**Budget / Financial Implications:**

The annual rent payable in 2019/20 by Denmark Haulage was \$19,958.40 (ex GST). The new market valuation, dated 4 June 2020, values the annual market rent at \$18,240.00 (ex GST). It is acknowledged that the 2020 value is less than that paid in 2019/20. Officers questioned this and the valuer advised that it is a reflection of the current market for similar premises.

The Lessee is required to pay rates and all outgoings associated with their operations (e.g. water, gas, electricity).

**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.*

E1.1 To have a stable and locally supported business community that embraces innovation, creativity, resourcefulness and originality.

E1.3 To have diverse education and employment opportunities.

## 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.

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

Corporate Business Plan

Nil

**Sustainability Implications:**➤ **Governance:**

Lot 300 was purchased by the Shire in mid-2011 and is identified in the Local Planning Scheme (2011) as a "Service Park", noting that the Scheme and Strategy are under review.

Denmark Haulage have been occupying the premises as monthly tenants since December 2017, given the desire at the time for them to purchase a block and relocate to the Light Industrial Area on East River Road.

➤ **Environmental:**

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

➤ **Economic:**

A lease will provide the business with confidence that they can continue operating at the site for at least the next three years.

➤ **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)
<b>Reputational:</b> That offering a short term lease is viewed by Landcorp as not supported them to sell the lots available at the Light Industrial Area at a detriment to the Shire relationship with Landcorp.	Unlikely (2)	Minor (2)	Low (1-4)	Inadequate Engagement - Community / Stakeholders / Crs	Accept Risk noting that Council Officers have discussed the proposal with Landcorp who have acknowledged that the Lessees may not be in a position to purchase a block and the importance of Council supporting local business.

**Comment/Conclusion:**

Officers recommend a three (3) year lease term with no option. This is consistent with the term provided to Denmark Concrete in May 2020.

The short term nature of the leases, will enable Council to reconsider the use of the site based on the current environment at that time. In addition, it is expected that a revised Local Planning Strategy will have been adopted that will add value to the decision making process.



ABOVE: Aerial of Lot 300, 832 South Coast Highway showing current Lessees.



ABOVE: Aerial of Denmark Haulage Lease Area (outlined in red)

Should Council agree to a new lease, Council’s intention would need to be advertised for public comment for a period of 14 days. A report will be brought back to Council to consider any submissions received.

It is recommended that if no opposing submissions are received, that Council authorise the Chief Executive Officer to prepare a draft lease for Council’s consideration.

**Voting Requirements:**

Simple majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 8.3.2
MOVED: CR SEENEY	SECONDED: GIBSON
That with respect to Lot 300, 832 South Coast Highway, Denmark, Council;	
1. ADVERTISE, for 14 days, its intention to lease 7,600sqm to Avalon Enterprises (WA) Pty Ltd t/as Denmark Haulage for the market value as determined by an independent valuation dated 4 June 2020, being \$18,240 (ex GST);	
2. CONSIDER any submissions received following the close of the advertising period; and	
3. Should there be no opposing submissions received, AUTHORISE the Chief Executive Officer to prepare a draft lease for Council’s consideration.	
<b>AMENDMENT</b>	
MOVED: CR BOWLEY	SECONDED: CR LEWIS
That the word “annually” be added after the word “(GST)”.	
CARRIED UNANIMOUSLY: 6/0	Res: 150820
<b>AMENDED MOTION</b>	
That with respect to Lot 300, 832 South Coast Highway, Denmark, Council;	
1. ADVERTISE, for 14 days, its intention to lease 7,600sqm to Avalon Enterprises (WA) Pty Ltd t/as Denmark Haulage for the market value as determined by an independent valuation dated 4 June 2020, being \$18,240 (ex GST) annually;	
2. CONSIDER any submissions received following the close of the advertising period; and	
3. Should there be no opposing submissions received, AUTHORISE the Chief Executive Officer to prepare a draft lease for Council’s consideration.	
THE AMENDED MOTION BECAME THE SUBSTANTIVE MOTION WHICH WAS PUT	
AND CARRIED UNANIMOUSLY: 6/0	Res: 160820

### 8.3.3 LEASE OF PORTION OF LOT 300 ON DEPOSITED PLAN 46811, 832 SOUTH COAST HIGHWAY, DENMARK – SOIL SOLUTIONS

<b>File Ref:</b>	A3123 & LEA.18
<b>Applicant / Proponent:</b>	Vancouver Waste Services t/as Soil Solutions
<b>Subject Land / Locality:</b>	Lot 300 on Deposited Plan 46811, 832 South Coast Highway, Denmark
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	16 July 2020
<b>Author:</b>	Claire Thompson, Executive Assistant & Governance Coordinator
<b>Authorising Officer:</b>	David Schober, Acting Chief Executive Officer
<b>Attachments:</b>	Nil

#### Summary:

Soil Solutions have accepted Council's offer for a new three year lease and Council are requested to consider the market valuation and advertise the intention to lease.

#### Background:

Soil Solutions lease an area of 9,804m<sup>2</sup> and have been operating at the site since 2014.

At the meeting held on 19 May 2020, Council agreed to enter into a three year lease with Denmark Concrete, a sub-lessee at the time to Denmark Earthmoving, who leased an area of 8,100sqm of Lot 300, and were seeking to terminate their lease with the Shire.

At the same meeting, Council also considered the other two leaseholders on the Lot who were operating under a holding over period (monthly tenancy) since 2017. To ensure consistency and fairness, Council resolved as follows (Resolution No. 180520);

*"That with respect to Lot 300, 832 South Coast Highway, Denmark, Council authorise the Chief Executive Officer to offer Denmark Haulage and Soil Solutions the opportunity to enter into new three (3) year leases based on an independent market valuation and subject to statutory disposal requirements."*

Soil Solutions have accepted the Council's offer and an independent valuation has been received.

#### Consultation:

It is a statutory requirement that Council's intention to dispose (lease) land be advertised for public comment. Following public consultation, the Council is required to consider any submissions received.

An independent, qualified valuer was commissioned to provide a market rental valuation.

#### Statutory Obligations:

LOCAL GOVERNMENT ACT 1995

Section 3.58 relates to the disposal of property, which includes leasing.

Section 3.58 (3) allows Council to dispose of property providing it gives two weeks local public notice describing the property concerned, details of the proposed disposition, inviting submissions and giving consideration to any submissions received.

Section 3.58 (4) states that the notice must include the

- Names of all other parties concerned; and
- The amount (consideration) to be received by the local government; and
- The market value, ascertained by a valuation.

**Policy Implications:**

There are no policy implications.

**Budget / Financial Implications:**

The annual rent payable in 2019/20 by Soil Solutions was \$40,110.72 (ex GST). The new market valuation, dated 4 June 2020, values the annual market rent at \$31,850.00 (ex GST). It is acknowledged that the 2020 value is less than what they paid in 2019/20. Officers questioned this and the valuer advised that it is a reflection of the current market for similar premises.

The Lessee is required to pay rates and all outgoings associated with their operations (e.g. water, gas, electricity).

**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.*

E1.1 To have a stable and locally supported business community that embraces innovation, creativity, resourcefulness and originality.

E1.3 To have diverse education and employment opportunities.

## 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.

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

Corporate Business Plan

Nil

**Sustainability Implications:**➤ **Governance:**

Lot 300 was purchased by the Shire in mid-2011 and is identified in the Local Planning Scheme (2011) as a "Service Park", noting that the Scheme and Strategy are under review.

Soil Solutions have been occupying the premises as monthly tenants since December 2017, given the desire at the time for them to purchase a block and relocate to the Light Industrial Area on East River Road.

➤ **Environmental:**

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

➤ **Economic:**

A lease will provide the business with confidence that they can continue operating at the site for at least the next three years.

➤ **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)
<b>Reputational:</b> That offering a short term lease is viewed by Landcorp as not supported them to sell the lots available at the Light Industrial Area at a detriment to the Shire relationship with Landcorp.	Unlikely (2)	Minor (2)	Low (1-4)	Inadequate Engagement - Community / Stakeholders / Crs	Accept Risk noting that Council Officers have discussed the proposal with Landcorp who have acknowledged that the Lessees may not be in a position to purchase a block and the importance of Council supporting local business.

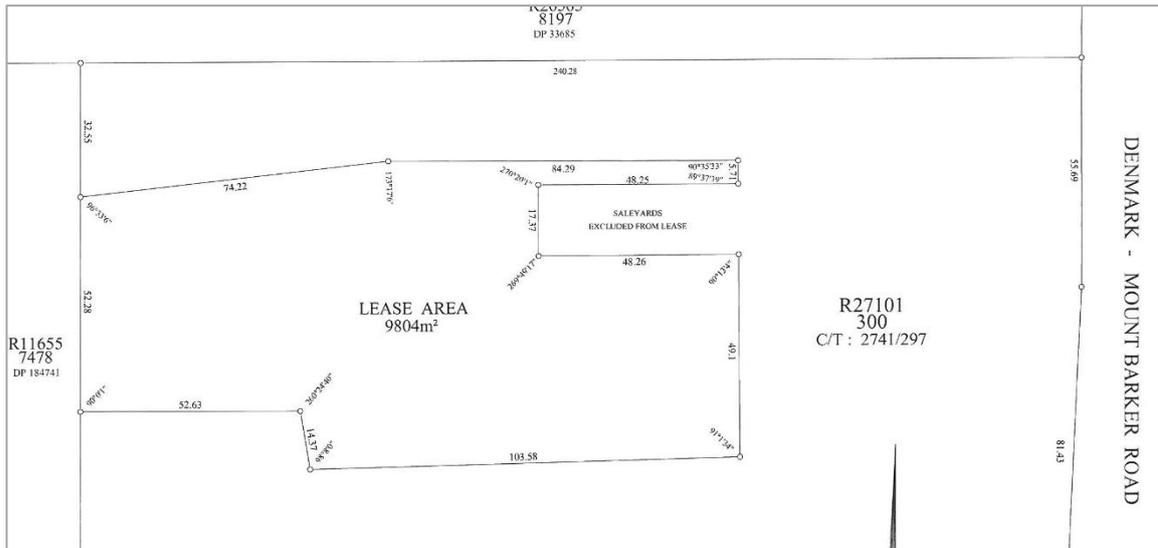
**Comment/Conclusion:**

Officers recommend a three (3) year lease term with no option. This is consistent with the term provided to Denmark Concrete in May 2020.

The short term nature of the leases, will enable Council to reconsider the use of the site based on the current environment at that time. In addition, it is expected that a revised Local Planning Strategy will have been adopted that will add value to the decision making process.



ABOVE: Aerial of Lot 300, 832 South Coast Highway showing current Lessees.



ABOVE: Surveyed Soil Solutions Lease Area

Should Council agree to a new lease, Council’s intention would need to be advertised for public comment for a period of 14 days. A report will be brought back to Council to consider any submissions received.

It is recommended that if no opposing submissions are received, that Council authorise the Chief Executive Officer to prepare a draft lease for Council’s consideration.

**Voting Requirements:**

Simple majority.

**OFFICER RECOMMENDATION**

**ITEM 8.3.3**

That with respect to Lot 300, 832 South Coast Highway, Denmark, Council;

1. ADVERTISE, for 14 days, its intention to lease 9,804sqm to Vancouver Waste Services t/as Soil Solutions for the market value as determined by an independent valuation dated 4 June 2020, being \$31,850.00 (ex GST);
2. CONSIDER any submissions received following the close of the advertising period; and
3. Should there be no opposing submissions received, AUTHORISE the Chief Executive Officer to prepare a draft lease for Council’s consideration.

**COUNCIL RESOLUTION**

**ITEM 8.3.3**

MOVED: CR BOWLEY

SECONDED: CR SEENEY

That with respect to Lot 300, 832 South Coast Highway, Denmark, Council;

1. ADVERTISE, for 14 days, its intention to lease 9,804sqm to Vancouver Waste Services t/as Soil Solutions for the market value as determined by an independent valuation dated 4 June 2020, being \$31,850.00 (ex GST) annually;
2. CONSIDER any submissions received following the close of the advertising period; and
3. Should there be no opposing submissions received, AUTHORISE the Chief Executive Officer to prepare a draft lease for Council’s consideration.

CARRIED UNANIMOUSLY: 6/0

Res: 170820

## 9. COMMITTEE REPORTS AND RECOMMENDATIONS

### 9.1 BUSH FIRE ADVISORY COMMITTEE - FIRE CONTROL OFFICER & FIRE WEATHER OFFICER APPOINTMENTS FOR 2020/2021

File Ref:	FIRE.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Shire of Denmark
Disclosure of Officer Interest:	Nil
Date:	3 August 2020
Author:	Lee Shelley, Strategic Projects Officer
Authorising Officer:	Angela Simpson, Executive Manager Community Services
Attachments:	Nil

#### Summary:

The Bush Fire Advisory Committee has recommended a number of Fire Control Officers, a Chief Bush Fire Control Officer, a Deputy Chief Bush Fire Control Officer and a Fire Weather Officer for the 2020/2021 financial year.

#### Background:

Each Brigade has put forward their nominated FCO for 2020/21 which were considered at the recent Bush Fire Advisory Committee (BFAC) Annual General Meeting held on 20 June 2019.

The Committee has recommended these appointments together with the following Council Officers.

- Senior Ranger
- Ranger
- Bushfire Risk Mitigation Officer
- Community Emergency Services Officer

#### Consultation:

Each of the Brigade's recommended Fire Control Officer appointments have been submitted via the Annual General Meeting of their Brigade and have subsequently been considered and endorsed by the BFAC.

#### Statutory Obligations:

Section 38 of the Bush Fires Act 1954 relates to the appointment of Fire Control Officers, Chief Bush Fire Control Officer and Deputy Bush Fire Control Officers to advise the FES commissioner, FES Commissioner is to publish in the Government Gazette.

The section states that a local government may appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act.

Section 38 (8) of the Bush Fires Act 1954 provides Council with the authority to appoint to the office of Fire Weather Officer such number of senior bush fire control officers as it thinks necessary.

#### Policy Implications:

Council Delegation D050109 records the Shire of Denmark's authorised Officers under the Bush Fires Act 1954 and will be amended accordingly should Council agree to make such appointments.

Council Delegation D050110 records the Shire of Denmark's appointment of Fire Weather Officers and will be amended accordingly should Council agree to make such an appointment.

**Budget / Financial Implications:**

There are minor financial costs upon the Council’s proposed budget with the costs associated with the advertising of a Fire Weather Officer and the issuing of appointment cards as per the Bush Fires Act 1954. These costs are able to be covered under existing budget lines.

**Strategic Implications:**

The report and officer recommendation is 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

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.

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

Corporate Business Plan

1.7.3 *Support the functions of Community Emergency Services in achieving required actions and goals.*

1.7.5 *Maximise community safety through the management of the risks associated with fire, natural events and large-scale emergencies, whilst supporting initiatives to improve community safety.*

**Sustainability Implications:**

➤ **Governance:**

Council has the authority, under the Bush Fires Act 1954, to appoint a Chief and Deputy Chief Bush Fire Control Officer, Fire Weather Officer and as many Fire Control Officers as it deems necessary.

➤ **Environmental:**

Fire Control Officers play an important role in protecting and preserving the natural environment when faced with out of control bush fires.

➤ **Economic:**

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

➤ **Social:**

Fire Control Officers play an important role in public safety by assisting the Shire with fire mitigation and control and assisting local volunteer brigades to carry out their activities.

➤ **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 appoint Fire Control Officers and by default the Council would be required to undertake the role causing potential delays in fire response times.	Rare (1)	Catastrophic (5)	Moderate (5-9)	Inadequate Organisation or Community Emergency Management	Accept Officer Recommendation

**Comment/Conclusion:**

All of the Brigade Officers recommended have carried out senior/management roles in their respective brigades and have completed, or enrolled to complete, relevant training.

The appointment of FCO's, ensures that that person has the powers to assist with any local fire incident which may happen at the same time and provide backup to volunteers and the command structure at a fire.

**Voting Requirements:**

Simple majority.

<b>COUNCIL RESOLUTION &amp; COMMITTEE &amp; OFFICER RECOMMENDATION</b>		<b>ITEM 9.1</b>
MOVED: CR ALLEN		SECONDED: CR SEENEY
That Council;		
1. Pursuant to Section 38(1) and Section 38(8) of the Bush Fires Act 1954, APPOINT the following persons for the financial year 2020/2021 and that the appointments be advertised in the Denmark Bulletin and Council's Delegation (Appointments) D050109 and D050110 be updated accordingly;		
<u>Bush Fire Control Officers authorised within the entire Shire of Denmark</u>		
Fire Control Officer & Chief Fire Control Officer		Lez Baines
Fire Control Officer & Deputy Chief Fire Control Officer		Bryce Edwards
Fire Control Officer & Deputy Chief Fire Control Officer		Nigel Marsh
Fire Control Officer & Fire Weather Officer		Adrian Kranendonk
Fire Control Officer		Charmaine Shelley
Fire Control Officer		David Lonie
Fire Control Officer		Emma Holliday
Fire Control Officer		Melanie Haymont
Fire Control Officer		Scott Medhurst
<u>Bush Fire Control Officers authorised within the entire Shire of Denmark area on behalf of their respective Brigades</u>		
Carmarthen Volunteer Bush Fire Brigade		Craig Hughes
Denmark East Volunteer Bush Fire Brigade		William Miller
Harewood Volunteer Bush Fire Brigade		Michael (Mike) Hills
Hazelvale/Tingledale Volunteer Bush Fire Brigade		Alex Williams
		Brian Vigus
Kordabup Volunteer Bush Fire Brigade		Craig Lilley
Owingup Volunteer Bush Fire Brigade		Bryce Edwards
Mehniup Volunteer Bush Fire Brigade		Paul Moncrieff
Mt Lindesay Volunteer Bush Fire Brigade		Murray Brooker
Nornalup Volunteer Bush Fire Brigade		Neville Brass
Ocean Beach Volunteer Bush Fire Brigade		Hank Alberts
Parryville Volunteer Bush Fire Brigade		Kevin Hard
Peaceful Bay Volunteer Bush Fire Brigade		Vacant
Scotsdale/Shadforth Volunteer Bush Fire Brigade		Arthur (Sid) Marshall
		Carlton Wesley
Somerset Hill Volunteer Bush Fire Brigade		Callum Baxter
William Bay Volunteer Bush Fire Brigade		Simon Coppock
<u>Bush Fire Control Officers authorised within the prescribed Denmark Fire &amp; Rescue Service Area Only</u>		
Denmark Fire & Rescue Service (Volunteer Brigade)		Lee Shelley
Denmark Fire & Rescue Service (Volunteer Brigade)		Paul Harbron
2. Pursuant to Section 38(13) of the Bush Fires Act 1954, ADVISE the FES Commissioner of the Fire Weather Officer appointment.		
CARRIED UNANIMOUSLY: 6/0		Res: 180820

## 9.2 BUSH FIRE ADVISORY COMMITTEE - SHIRE OF DENMARK FIRE MANAGEMENT NOTICE AND FIRE AND BURNING INFORMATION BOOKLET 2020/2021

<b>File Ref:</b>	FIRE.1
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	All privately held land within the Shire of Denmark
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	3 August 2020
<b>Author:</b>	Lee Shelley, Project Officer Governance
<b>Authorising Officer:</b>	Angela Simpson, Executive Manager Community Services
<b>Attachments:</b>	9.2a – 2020/2021 Fire Management Notice 9.2b – Fire and Burning Information Booklet

### Summary:

This report recommends Council adopt the 2020/21 Annual Fire Management Notice which incorporates changes endorsed by the Bush Fire Advisory Committee (BFAC).

### Background:

The Fire Management Notice and Fire and Burning Information Booklet presented is for the 2020/21 bushfire season. This information is reviewed annually and takes into consideration feedback received from the community and other stakeholders.

All occupiers and ratepayers will be required to comply from 1<sup>st</sup> December 2020. The Notice and Booklet has been raised at this time in order for the notice to be printed and distributed to property occupiers and ratepayers to enable them to comply with the requirements for the 2020/2021 bush fire season.

At the Bush Fire Advisory Committee meeting held on 24 July 2020, it was recommended that Council adopt the draft notice, as amended at Attachment 9.2a.

### Consultation:

Nil

### Statutory Obligations:

Section 33(1) of the *Bush Fires Act 1954* says a Local Government “*may give notice to an owner or occupier situated within the district of the local government or shall give notice to all owners or occupiers of land in its district...by publishing a notice in the government Gazette*”.

Section 33(2) of the *Bush Fires Act 1954* says that “*a notice in writing may be given to an owner or occupier of land by posting it to him at his last postal address known to the local government and may be given to an owner of land by posting it to him at the address shown in the rate record kept by the local government.*”

### Policy Implications:

Council has several policies relevant to the Fire Management Notice. The Fire Management Notice will align with the following policies;

Policy P050101	Burning of Garden Refuse
Policy P050102	Camping & Cooking Fires

### Budget / Financial Implications:

The Fire Management Notice will be provided to all owners and occupiers in the district at a cost of approximately \$450. This can be accommodated within the 20/21 budget.

Printed copies of the Notice and Booklet will be posted to all Ratepayers with their annual rate notice. The 2020/21 annual budget has an allocation of \$6,500 for printing.

Additional copies can be printed at the Shire Office upon request and an electronic version will be available on the Shire’s website.

**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.*

*N2.1 To preserve and protect the natural environment.*

*N.2.3 To reduce human impact on natural resources, reduce waste and utilised renewable energy.*

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.*

Corporate Business Plan

C4.1.8 Review and Improve the Fire Management Notice to improve emergency services outcomes

C4.1.15 Review and improve firebreak and fire mitigation policies to support emergency services outcomes.

C4.1.16 Support the community in fire and emergency management planning through Street Meets and other engagement activities.

**Sustainability Implications:**

➤ **Governance:**

In the Officer’s opinion, it is in the best interests of a Local Government to publish and distribute a Fire Management Notice to assist with preventing the spread or extension of bushfire within the district.

➤ **Environmental:**

Management of potential risks associated with bushfire plays a role in protection of the natural environment.

➤ **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 Shire of Denmark not having a Fire Management Notice in place to manage property preparedness.	Rare (1)	Moderate (3)	Low (1-4)	Inadequate Natural Environment Management Practices and possible issues relating to infrastructure and public safety.	Accept Officer Recommendation

**Comment/Conclusion:**

In summary the changes to the 2020/21 Fire Management Notice are as follows;

Fire Management Notice (changes to this document have been highlighted in red in the attachments):

- Page 1 – Additional definition, date change, size of lots added to the definition of low fuel boundaries
- Page 2 – Addition of required height for ground covers and grass on vacant lots
- Page 3 – Addition of minimum requirements for asset protection zones on telecommunications/critical infrastructure

Fire and Burning Information Booklet:

- Redesigned front page to make important information clearer including removal of duplicated information
- Formatting changes on several pages to correct spelling and grammar mistakes
- Updated the planned burning section to include appropriate terminology and links to new websites and information

**Voting Requirements:**

Simple majority.

<b>COUNCIL RESOLUTION &amp; COMMITTEE RECOMMENDATION</b>	ITEM 9.2
MOVED: CR ALLEN	SECONDED: CR SEENEY
That Council ADOPT the Shire of Denmark 2020/2021 Fire Management Notice and Fire and Burning Information booklet as per Attachments 9.2a and 9.2b.	
CARRIED UNANIMOUSLY: 6/0	Res: 190820

4.58pm – Cr Bowley left the room.

4.58pm – Cr Bowley returned to the room.

4.59pm – The Executive Manager Corporate Services, the Executive Manager Community Services and members of the public left the room and did not return.

Dr Cyril Edwards asked the Shire President for permission to speak prior to him leaving the room.

The Shire President granted Dr Edwards permission.

Dr Edwards stated that the fire rating applied to Denmark was a broad fire rating that the Department of Fire and Emergency Services applied from Bremer Bay to Walpole. Dr Edwards said that sometimes it created problems because whilst the actual fire danger for Denmark might be low, the rating applied across the regions might be high.

**10. MATTERS BEHIND CLOSED DOORS**

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 10
MOVED: CR ALLEN	SECONDED: CR SEENEY
That pursuant to section 5.23(2)(a) and 5.23(2)(b) the meeting move behind closed doors to consider Item 10.1 which deals with a matter affecting an employee and the personal affairs of a person.	
CARRIED UNANIMOUSLY: 6/0	Res: 200820

**10.1 SENIOR OFFICER – TEMPORARY CONTRACT OF EMPLOYMENT, PROPOSED OFFER**

<b>File Ref:</b>	Personnel File
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	1 August 2020
<b>Author:</b>	David Schober, Acting Chief Executive Officer
<b>Authorising Officer:</b>	David Schober, Acting Chief Executive Officer
<b>Attachments:</b>	10.1a – Confidential – Copy of Curriculum Vitae (CV) 10.1b – Confidential – Temporary employment contract

The report and attachments for this item were confidential and had been provided to Councillors under separate cover.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 10.1</b>
MOVED: CR ALLEN	SECONDED: CR SEENEY
That Council;	
1. ACCEPT the CEO’s recommendation to employ Mr Lee Sounness as the Acting Director of Corporate and Community Services, commencing 19 August 2020, for a period of up to 12 months, or less, subject to Council appointing a substantive Chief Executive Officer.	
2. ENDORSE the proposed employment contract that reflects a term of up to 12 months, with the conditions and entitlements reflecting the budget parameters.	
3. AUTHORISE the Shire President and Chief Executive Officer to execute the temporary employment contract.	
CARRIED UNANIMOUSLY: 6/0	Res: 210820

<b>COUNCIL RESOLUTION</b>	<b>SECONDED: CR GEARON</b>
MOVED: CR GIBSON	
That the meeting resume in public.	
CARRIED UNANIMOUSLY: 6/0	Res: 220820

*No members of the public returned to the room and therefore Resolution No. 210820 was not required to be read out loud.*

**11. NEW BUSINESS OF AN URGENT NATURE**  
Nil

**12. CLOSURE OF MEETING**

*5.09pm – There being no further business to discuss, the Shire President, Cr Gearon, declared the meeting closed.*

The Chief Executive Officer recommends the endorsement of these minutes at the next meeting.	
Signed: _____	
	<i>David Schober – Acting Chief Executive Officer</i>
Date: _____	
These minutes were confirmed at a meeting on the _____.	
Signed: _____	
	<i>(Presiding Person at the meeting at which the minutes were confirmed.)</i>