



# Minutes

## ORDINARY MEETING OF COUNCIL

HELD IN THE COUNCIL CHAMBERS,  
953 SOUTH COAST HIGHWAY, DENMARK  
ON TUESDAY, 15<sup>TH</sup> MAY 2018.

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# Ordinary Council Meeting

15 May 2018

## 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 Bibbulman 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 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 Gilbert Arlandoo (Director Infrastructure and Assets)
- Mrs Annette Harbron (Director Sustainable Development)
- Mr Cary Green (Director Corporate and Community Services)
- Ms Claire Thompson (Executive Assistant)

APOLOGIES:

Nil

ON APPROVED LEAVE(S) OF ABSENCE:

Nil

ABSENT:

Nil

VISITORS:

Members of the public in attendance at the commencement of the meeting: 23

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

DECLARATIONS OF INTEREST:

Name	Item No	Interest	Nature
Cr Gearon	8.1.1	Impartiality	Cr Gearon’s partner works for the Denmark Community Resource Centre.

**3. ANNOUNCEMENTS BY THE PERSON PRESIDING**

1. *The Shire President referred to comments made by a member of the public at the Council meeting held on 17 April 2018. Cr Gearon apologised for allowing the person to make the remarks and stated that she would not accept any comments about individual people.*

2. *The Shire President noted that there had been a number of fires around Denmark over the weekend that had got out of control, resulting in callouts for volunteer fire fighters. Cr Gearon expressed her thanks to the volunteer fire fighters, particularly Lez Baines and Marcus Owen who had been involved in coordinating the responses. Cr Gearon said that she was grateful for their vigilance.*
3. *The Shire President noted that the Shire of Denmark had received a Certificate of Appreciation in recognition of the Shire's support and contribution to the success of the Gold Coast 2018 Commonwealth Games Queen's Baton Relay.*
4. *The Shire President announced that the Shire of Denmark had recently received a Certificate of Endorsement from the Water Corporation for being a "Waterwise Council". Cr Gearon said that the award recognised Councils that were saving water and demonstrating waterwise leadership in their communities and that these actions had been identified in the recently adopted Water Efficiency Action Plan.*

#### 4. PUBLIC QUESTION TIME

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

###### 4.1.1 Mr Brian Humphries – Visitor Numbers for Denmark

At the meeting held on 17 April 2018 Mr Humphries referred to the responses to his previous questions taken on notice that were recorded in the Agenda noting that his concerns were not just relating to visitors per night but also day visitors. Mr Humphries noted that the figures that had been provided were regional and asked what the figures for Denmark were.

The Chief Executive Officer has provided the following response in writing to Mr Humphries.

*"To date, the Shire has been unable to secure figures for Denmark. The Shire will continue to investigate this matter and respond appropriately when the information is forthcoming."*

###### 4.1.2 Mr Brian Humphries – Budget Expenditure

At the Annual Electors meeting held on 20 March 2018 Mr Humphries asked a number of questions which were taken on notice. The following response has been provided to Mr Humphries in writing.

*"In response to your question taken on notice at the Annual Meeting of Electors held on Tuesday, 20 March 2018, I provide the following responses. Your questions and this written response will be published in the Council Agenda for the Ordinary meeting scheduled for Tuesday, 15 May 2018.*

1. *Mr Humphries referred to a report he had previously received from Cary which showed a total expenditure for external consultants of approximately \$900,000, all of which was funded by ratepayers.*

*Mr Humphries asked for an explanation of each listed item of expenditure, an indication of whether it was budgeted for and whether that level of expenditure was expected to continue in the 2017/18 and 2018/19 budgets.*

*The Chief Executive Officer stated that he hadn't seen the figures and referred the question to the Director Corporate and Community Services. The Director stated that he believed that approximately \$400,000 was for insurance.*

The Shire President advised that the Council had been encouraging the Chief Executive Officer to seek external advice for matters which Council Officers did not have the appropriate expertise. Cr Gearon used the recent planning review as an example.

Mr Humphries asked whether his questions could be taken on notice so that the matter could be clarified.

Response: The table below details the expenditure year to date for the 2017/18 financial year with respect to consultancies and legal costs.

<b>Consultants</b>	<b>Year 16/17</b>	<b>Comments</b>
51086 - McLeods Barristers & Solicitors	\$9,723.67	Legal fees. Ongoing expense
53120 - Lincolns Accountants	\$29,570.20	Audit Fees. ongoing expense
50680 - Austral Mercantile Collections	\$1,277.25	Debt collection fees. Ongoing expense
51479 - LGIS Broking	\$388,069.11	Insurance Costs for all council assets. Ongoing Expense
51372 - WALGA	\$26,569.54	Membership fee to LG professional body. Ongoing expense
51278 - Moore Stephens	\$6,503.20	Accounting advice. Ongoing expense
51405 - LGIS Risk Management	\$17,168.80	Risk management cost. Expense amount varies
<b>Total</b>	<b>\$478,881.77</b>	
<b>Other Consultants</b>		
50097 - Denmark Survey And Mapping	\$20,667.50	Professional advice. Expense amount varies.
52419 - Market Creations Pty Ltd	\$2,002.00	Professional advice, website. Ongoing expense
52619 - Id Consulting Pty Ltd	\$3,850.00	Professional advice. Expense amount varies
52678 - C J Planning Pty Ltd t/as Planning Context	\$4,675.00	Professional advice. Expense amount varies
55143 - Fitzgerald Strategies	\$3,000.00	Professional HR advice. One off

52677 - Localise Pty Limited	\$8,791.52	Professional Strategic Planning. One off
51314 - Wood And Grieve Engineers	\$11,374.99	Professional Engineering advice. One off
52555 - LMW Albany	\$990.00	Professional valuation advice. One off
51326 - Opteon	\$7,234.00	Professional valuation advice. One off
<b>Total</b>	<b>\$62,585.01</b>	

2. Mr Humphries asked for an explanation of Council's policy of funding not-for-profit organisations, how their need was evaluated and whether each of those entities should be required to make their books of account available for public scrutiny.

Response: Council Policy PO40125 provides guidance for funding of community based (not-for-profit) organisations. Applications are invited from eligible community based groups, organisations and individuals seeking financial assistance from the Shire of Denmark from its 2018/2019 Community Financial Assistance Program, Cultural Development Fund, and General Budget.

#### Community Financial Assistance Program

This program is designed to provide financial assistance for organisations and/or projects, which benefit the community. The program assists community based (not for profit) organisations to develop facilities, provide relief from Council imposed fees and charges, and provide urgent or emergency financial assistance where required.

#### Cultural Development Fund

This fund is designed to allow community based groups and organisations operating on a not for profit basis to apply for financial assistance to enable them to plan and implement cultural activities, appropriate to the needs of the community.

Eligible activities include exhibitions, workshops, performance, craft, decorative art and music. Program guidelines and application forms for the above Assistance Program and Fund are available from the Shire of Denmark Office, Denmark Recreation Centre, Denmark Public Library, and on Council's website [www.denmark.wa.gov.au/community/grants.aspx](http://www.denmark.wa.gov.au/community/grants.aspx)

#### General Budget Submissions

Proposals that do not meet the eligibility requirements for the Community Financial Assistance Program & Cultural Development Fund are able to be considered as a General Budget Submission. Submissions or requests relating to Council Assets, Infrastructure & Services also fall within this category.

Applicants of General Budget Submissions are invited to submit a proposal in writing detailing project objectives, costings, and the demonstrated need or benefit of the submission. All potential applicants are encouraged to

*discuss their projects with Cary Green, Director Corporate and Community Services, prior to lodging their submission.*

3. *Mr Humphries asked what the total amount of property rates that are exempted by the Shire to faith-based entities and what or who those entities were and the amount exempted for each.*

*Response: There are currently 7 properties within the Shire which are exempt. As the properties are not rated, we are unable to provide information on the total amount exempted.*

## 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 Lez Baines – Volunteer Bush Fire Brigades and Volunteers**

Mr Baines, Deputy Chief Bush Fire Control Officer, expressed his concern about the number of call outs the brigades and volunteers had had over the weekend. Mr Baines said that a majority of the callouts were due to property owners not taking appropriate responsibility when lighting fires on their property, some of whom did not have water on site. Mr Baines was concerned about the hours that volunteer fire fighters were putting in, some attending more than one incident a day, and requested that Council consider developing an appropriate action of recourse for people who don't take due care.

*Cr Allen said that as the Council Delegate on the Bush Fire Advisory Committee he would ensure that an item to discuss the matter would be placed on the next Agenda.*

*The Shire President noted Mr Baines concerns and said she was very grateful of the work that the volunteer fire fighters did for the community.*

#### 4.2.2 **Mr Jesz Fleming – Denmark Residents and Ratepayers Association & Item 8.1.4 (Draft Sustainable Events Policy)**

Mr Fleming acknowledged the wonderful job that local volunteer fire fighters had done over the weekend and thanked them for their efforts.

Mr Fleming advised that following two resignations in the Denmark Residents and Ratepayers Association, Mike Travers was now the new Treasurer and Craig Chappelle was a new committee member.

Mr Fleming endorsed the draft Sustainable Events Policy noting that he believed that the number of seabirds affected worldwide by the ingestion of plastic had risen to 90%.

#### **4.2.3 Mr Chris Howden – Community Survey and Privacy**

Mr Howden referred to a community survey where the Shire had contracted an external organisation to conduct the survey on its behalf. Mr Howden expressed concern that people's personal details had been provided to a third party and that he had been informed by the company that the unique links could be traced to the survey respondent.

Mr Howden stated that when he had clicked on the link, it had placed tracking cookies on his computer which he believed could be used to interrogate people's personal browsing habits.

Mr Howden referred to the Council's Privacy Policy which states that the Shire would never knowingly distribute people's personal details to third parties and noted that he had never authorised the Shire to share his details.

Mr Howden requested that the Shire demand the company to destroy any information that they collected and confirm that they have done so.

Mr Howden asked the following questions;

1. How many names and email addresses of residents and ratepayers have been disclosed?
2. Why would a non resident of Denmark have received electronically a request to file a questionnaire?
3. Who authorised the disclosure?
4. Were the Shire President and Deputy aware of the proposed survey method?
5. Was Council aware of the proposed survey method?
6. What is the budgeted cost for the consultant?
7. Will the Shire individually notify each ratepayer or resident who has had their information disclosed?
8. What steps will the CEO take to make sure this data is recovered?
9. Was the Denmark Shire Council previously aware that CATALYSE © Pty Ltd would be installing tracking cookies onto the ratepayers and residents of Denmark computers?
10. Since the survey was not anonymous, who was to receive the details from CATALYSE © Pty Ltd of what residents said what?
11. Prior to the survey, did the Shire take advice as to what the legal issues were in conducting such a survey and the residents / ratepayers statutory privacy rights?

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

*Cr Caron invited the Chief Executive Officer to comment on Mr Howden's remarks.*

*The Chief Executive Officer stated that one of the common themes noted through the recent Strategic Community Planning consultation had been for the Shire to be more open and transparent. Mr Parker said that in the past the Shire had conducted its biennial survey in house and had received criticism that some of the questions could be considered bias or "loaded". Mr*



*Parker said that for this reason it had been considered appropriate to engage an external organisation to conduct the survey on the Shire's behalf. Mr Parker advised that CATALYSE © had also conducted surveys on behalf of over 40 other local governments and by engaging them it meant that the Denmark Shire's performance could also be benchmarked against other local governments. Mr Parker said that he had received advice that the information provided to CATALYSE © was for the purpose of providing a service on behalf of the Shire of Denmark to assist the Shire in monitoring its own level of service and not for CATALYSE © to use for its own purposes.*

*Mr Parker stated that he had been informed that any personal data would be destroyed once the survey had concluded.*

*Cr Lewis asked Mr Parker whether individuals could be identified.*

*The Chief Executive Officer responded noting that it was not his area of expertise however he had been assured that the information collected was not connected to individual survey responses.*

*Cr Osborne said that he was satisfied with Mr Parker's explanation however acknowledged Mr Howden's concerns. Cr Osborne asked Mr Howden whether he had any suggestions of a better way to conduct the survey.*

*Mr Howden said that the Shire could have sent out the surveys itself and not provided personal data to an external company.*

**4.2.4 Mr Des Arrow – Item 8.1.2 (Proposed Holiday Home (Large) – No. 1 (Lot 243) Tame Close, Denmark)**

*Mr Arrow said that the application presented an opportunity for Council to review its policy because whilst he had expressed some concerns in his submission he was aware that because of policy, there was little that Council could do other than impose some conditions on any approval. Mr Arrow said that he had had an instance where a drone had come from the property, had flown over his house and the Shire had advised that they did not have any authority to stop people flying drones. Mr Arrow noted that the approval was for a limit of eight people but noted the size of the house, he wondered whether the condition would actually prevent more than eight staying there.*

*Cr Lewis asked the Director Sustainable Development whether the Shire had any control of the flying of drones and whether the policy could be amended to exclude the flying of drones at holiday homes.*

*The Director Sustainable Development advised that the Shire did not have any jurisdiction however the owner had proposed to put something in their property management plan regarding the use of drones from the property.*

*Cr Phillips asked what the Shire could do to ensure that no more than eight people stayed at the house at any one time.*

*The Director advised that if there was an issue raised then Council Officers could inspect the property.*

**4.2.5 Mr Geoff Bowley – Community Survey and Privacy**

*Mr Bowley said that he was alarmed at what Mr Howden had alluded to earlier in the meeting stating that his understanding of the word "never", was*

“never”, as noted in the Shire’s Privacy Policy, and he didn’t understand that Chief Executive Officer’s alternative interpretation.

Mr Bowley said that the topic of third parties using people’s personal information had been in the news and he had never given his permission to the Shire for his information to be shared.

Mr Bowley asked whether the Chief Executive Officer or the Council had taken any action to verify that the third party will in fact destroy the information, adding that he believed it needed to be verified somehow.

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

**4.2.6 Ms Wendy Edgeley – Item 8.1.4 (Draft Sustainable Events Policy)**

Ms Edgeley said that whilst she supported the initiative she felt that it could be difficult for some people to curtail use of single use plastics given that there were whole generations that had grown up with them. Ms Edgeley referred to cling wrap and bin liners stating that it would be good to know of any inexpensive alternatives that people could use.

*The Shire President thanked Ms Edgeley for her comments stating that the Shire would be preparing frequently asked questions to assist/educate the community on alternatives.*

**4.2.7 Ms Chloe Kobel – Item 8.1.4 (Draft Sustainable Events Policy)**

Ms Kobel stated that she had worked as an environmental activist in a number of different capacities, overseas and also for Sea Shepherd. Ms Kobel said that there were a number of items which were common environmental pollutants such as plastic bags, plastic straws, balloons and cigarette butts. Ms Kobel noted that there were already a number of local businesses who were using paper straws instead of plastic, which highlighted strong community support for the policy.

Ms Kobel said that she believed Denmark was already seen as an environmentally sustainable town and felt that the draft policy would be a good example of that image.

**4.2.7 Mr Brian Humphries – Visitor Numbers & Heritage Precinct Building Proposal Working Group**

Mr Humphries referred to the responses to his questions taken on notice stating that the reason he believed it was important to determine an accurate number and projection of visitors per night was so that the Shire could ensure that infrastructure will meet demand. Mr Humphries said that there were a number of factors that needed consideration such as pedestrian safety, parking and overflow parking at popular beaches, particularly if the projections in the Destination Marketing documentation were achieved.

Mr Humphries said that it was important that Denmark maintain and improve itself as a product and suggested that the Council establish a local tourism working group, whose first task could be to undertake a thorough audit of tourism operators and include assessments of emergency accesses.

*The Shire President agreed that establishing accurate information was important and assured Mr Humphries that the Shire was doing work to*

*determine the baseline in order to make accurate predictions. Cr Gearon advised that the Destination Marketing Organisation was in a transitional phase however Local Tourism Advisory Groups would fall underneath the model in due course.*

Mr Humphries asked why the Heritage Precinct Building Proposal Working Group hadn't met since it had been established in November 2017. Mr Humphries said that he believed the Chief Executive Officer and Cr Caron had met with Men's Shed representatives and assured them that they were committed to finding them a new home.

*The Shire President advised that whilst the Shire was committed to assisting local organisations, the Shire was in the process of determining its existing assets and this needed to be done before committing to providing more. Cr Gearon said that she believed the Council were aware of the Men's Shed need for space.*

*Cr Caron added that the Working Group had not met as the Shire had been waiting for external organisations to put forward the names of their delegates. Cr Caron said that he was aware that the Men's Shed had some issues with some sites that had been previously suggested, such as quantity of fill required. Cr Caron said that it would not be practical for the Shire to build individual sheds for all community groups looking for space which is why it was important to plan carefully.*

*The Director Sustainable Development advised that she believed the delegates had now been nominated and that there would be a meeting scheduled in the coming months.*

*The Shire President assured Mr Humphries that the Shire was not procrastinating but rather planning carefully.*

#### **4.2.8 Ms Julie Marsh – Volunteer Fire Fighters, Privacy and Item 8.1.4 (Draft Sustainable Events Policy)**

Ms Marsh thanked Lez Baines, Marcus Owen and all of the volunteer fire fighters for the incredible job that they do.

Ms Marsh commended the Council on listening to the community's passionate concerns and stated that she believed it was important for everyone to care about each other.

Ms Marsh said that she believed privacy was important and hoped that it hadn't been compromised.

Ms Marsh referred to the draft Sustainable Events Policy and commended the Council on considering the protection of the natural environment. Ms Marsh said that she thought it was good to see the Strategic Community Plan being used and integrated into Shire initiatives. Ms Marsh said she would be interested to hear people's concerns and would be happy to answer any queries.

**4.2.9 Mr Karl Richardson – Item 8.1.1 (Community Garden Proposal – Morgan Richards Community Centre) and Public Question Time**

Mr Richardson said that he supported the community garden proposal.

Mr Richardson expressed concern about the Shire President's announcement regarding public question time in that he believed it could prevent freedom of speech.

*The Shire President said that in the past there had been some disrespect and lack of courtesy shown during public question time and that she would not allow that type of behaviour. Cr Gearon said that it was not her intention to restrict people's freedom of speech but rather prevent any personal attacks and disrespect.*

**4.2.10 Mr John Schindler – Item 8.1.4 (Draft Sustainable Events Policy)**

Mr Schindler said he was glad to see the draft sustainable events policy however noted that it appeared to only apply to events held on land managed by the Shire. Mr Schindler asked whether this was the case.

*Cr Lewis advised that she intended to move an amendment which would allow the Council to further consider the draft policy which could address any inconsistencies.*

**4.2.11 Mr Mike Travers – Volunteer Fire Fighters, Breath and Item 8.1.4 (Draft Sustainable Events Policy)**

Mr Travers thanked the volunteer fire fighters for the efforts over the weekend and thanked the Shire for the free community screenings of the Breath movie.

Mr Travers referred to Mr Humphries comments regarding tourism and suggested that it needed to be looked after given its positive impact on the economy.

*5.20pm – Cr Gibson left the room.*

Mr Travers said that he endorsed the draft Sustainable Events Policy and noted the comment in the report that there could be negative social implications. Mr Travers said that he believed that suppliers would have to adapt to consumer demand and stock alternative products which are permissible according to the policy. Mr Travers felt that the policy would result in a positive reputation for the Shire which would also be positive for tourism.

*5.22pm – Cr Gibson returned to the room.*

*The Shire President said that the Council were aware of their responsibility of modelling behaviour and they were keen to get it right.*

*Cr Gearon acknowledged Mr Travers positive feedback in relation to the Breath screenings and commended the Community Services team who had secured the additional screenings for the Denmark community, with assistance from the Great Southern Development Commission*

**4.2.12 Dr Cyril Edwards – Item 8.1.4 (Draft Sustainable Events Policy), Volunteer Fire Fighters and Ocean Beach Fire Shed**

Dr Edwards added his support for the draft Sustainable Events Policy stating that he believed it was a good start in the right direction.

Dr Edwards referred to Mr Baines' comments noting that the Chief Bush Fire Brigade Officer was currently away and therefore the coordination of the recent callouts fell on Mr Baines, who was a volunteer, and Mr Owen, who was a Shire employee.

Dr Edwards said that it had been identified some time ago that the Ocean Beach Volunteer Bush Fire Brigade's replacement fire appliance didn't fit in their shed. Dr Edwards said that he understood that a replacement fire shed had been approved and wondered when the project might commence.

*Cr Lewis asked who was responsible for the Ocean Beach Fire Shed project.*

*The Director Corporate and Community Services said that a project team had been tasked with facilitating the building of the new shed.*

*Cr Lewis asked what the projected timeframe was.*

*The Director said that he believed that there were a number of things to consider and that he would anticipate that it would be towards the end of the year.*

**4.2.13 Mr John Sampson – Community Survey and Privacy**

Mr Sampson referred to Mr Howden's concerns stating that he believed the Shire's actions to be a very serious breach of policy, not just because of the privacy but because he believed it also breached the trust with the community.

*5.35pm – The Shire President left the room. The Deputy Shire President assumed the Chair.*

Mr Sampson said that he wasn't confident in the Chief Executive Officer's interpretation of the policy and felt it was a very clear breach of faith within the community.

*5.36pm – The Shire President returned to the room and resumed the Chair as the Presiding Person.*

Mr Sampson said that he believed the external consultant could have facilitated the survey without the Shire providing people's private information and therefore the breach was unwarranted and unnecessary. Mr Sampson stated that he did not believe it was common practice and expressed his disappointment that it had happened. Mr Sampson said that he felt that trust was an important quality for the Council which, once broken, would be difficult to repair.

*The Shire President acknowledged Mr Sampson's and Mr Howden's concerns however noted that the process was used extensively by other local governments. Cr Gearon thanked them for their feedback stating that he Council would use it as an opportunity for improvement.*

*5.40pm – Cr Lewis left the room.*

*5.41pm – Cr Lewis returned to the room.*

**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.

**5.1 Cr Seeney**

<b>COUNCIL RESOLUTION</b>	5.1
MOVED: CR CARON	SECONDED: CR LEWIS
That Cr Seeney be granted leave of absence from the 7 <sup>th</sup> to the 21 <sup>st</sup> August 2018.	
CARRIED UNANIMOUSLY: 9/0	Res: 010518

**5.2 Cr Allen**

<b>COUNCIL RESOLUTION</b>	5.2
MOVED: CR PHILLIPS	SECONDED: CR SEENEY
That Cr Allen be granted leave of absence from the 25 <sup>th</sup> May to the 25 <sup>th</sup> June 2018.	
CARRIED UNANIMOUSLY: 9/0	Res: 020518

**6. CONFIRMATION OF MINUTES**

**6.1 ORDINARY COUNCIL MEETING – 20 FEBRUARY 2018**

The Minutes from the Ordinary Meeting of Council held on 20 February 2018 were confirmed at the Council Meeting held on 20 March 2018, however since then, there has been three necessary corrections brought to the attention of Officers.

The corrections are detailed in the Officer Recommendation below (Item 6.1b) however in order for Council to make the additional corrections, the original Confirmation of Minutes resolution (Res. No. 010318) needs to be rescinded.

Pursuant to the Section 10 (1) (b) and (1a) of the Local Government (Administration) Regulations 1996, the following rescission Motion requires the expressed support from at least one third (3) of the Councillors, whether present or not, inclusive of the mover, prior to it being considered.

Cr Phillips, Cr Allen, Cr Osborne, Cr Caron and Cr Gibson have expressed their support for the rescission in writing.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 6.1a)
MOVED: CR CARON	SECONDED: CR PHILLIPS
That Council rescind Council Resolution No. 010318 to incorporate further amendments to the 20 February 2018 Council Meeting Minutes.	
CARRIED UNANIMOUSLY AND BY AN ABSOLUTE MAJORITY: 9/0 Res: 030518	

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 6.1b)
MOVED: CR GIBSON	SECONDED: CR CARON
That the minutes of the Ordinary Meeting of Council held on the 20 February 2018 be confirmed as a true and correct record of the proceedings, subject to the following correction;	
a) Page 26 – Resolution No. 050218, Advice Note f), correct the number “13” to “12”; and	
b) Correct page 32 of Attachment 8.4.2 by correcting the percentage of “111%” to “52%”.	
c) Page 57 – With respect to Cr Phillips leaving the room, add the words “and did not return”, after the word “matter”.	
d) Page 58 - Resolution No. 170218 be amended by recording the vote as “CARRIED 6/1” and amending the voters for the motion to read “FOR: Cr Allen, Cr Lewis, Cr Gibson, Cr Seeney, Cr Gearon, Cr Osborne”.	
CARRIED UNANIMOUSLY: 9/0 Res: 040518	

**6.2 ORDINARY COUNCIL MEETING – 17 APRIL 2018**

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 6.2
MOVED: CR CARON	SECONDED: CR SEENEY
That the minutes of the Ordinary Meeting of Council held on the 17 April 2018 be confirmed as a true and correct record of the proceedings.	
CARRIED UNANIMOUSLY: 9/0 Res: 050518	

**6.3 STRATEGIC BRIEFING NOTES – 17 APRIL 2018**

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 6.3
MOVED: CR ALLEN	SECONDED: CR LEWIS
That the Notes from the Strategic Briefing held on 17 April 2018 be received.	
CARRIED UNANIMOUSLY: 9/0 Res: 060518	

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

Nil

## 8. REPORTS OF OFFICERS

### 8.1 Director Sustainable Development

*Prior to consideration of Item 8.1.1, Cr Gearon declared that her partner works for the Denmark Community Resource Centre and as a consequence there may be a perception that her impartiality on this matter may be affected. Cr Gearon declared that she will consider this matter on its merits and vote accordingly.*

<b>8.1.1 COMMUNITY GARDEN PROPOSAL – MORGAN RICHARDS COMMUNITY CENTRE</b>
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<b>File Ref:</b>	ORG.68, A3048, A5729
<b>Applicant / Proponent:</b>	Denmark Community Resource Centre Inc.
<b>Subject Land / Locality:</b>	No 2 (Lot 228) Strickland Street Denmark
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	4 May 2018
<b>Author:</b>	Donna Sampey, Sustainability Officer
<b>Authorising Officer:</b>	Annette Harbron, Director Sustainable Development
<b>Attachments:</b>	8.1.1a - Conceptual Layout of Proposed Denmark CRC Community Garden 8.1.1b – Community Garden Memorandum of Understanding 8.1.1c – Schedule of Submissions 8.1.1d – Proposed Lease Area Amendments Map

#### Summary:

The Denmark Community Resource Centre (CRC), in conjunction with Green Skills Inc., seeks to establish a community garden adjacent to the Morgan Richards Community Centre. The proposal was subject to recent public advertising, with twenty three (23) submissions received.

It is recommended that Council adopt the proposal and endorse the accompanying CRC lease area amendments.

#### Background:

At the Ordinary Meeting of Council held on the 20 February 2018, Council considered the proposed community garden and resolved as follows (No. 080218):

*“That with respect to the proposed community garden at the rear of the Morgan Richards Community Centre, subject to the Concept and Memorandum of Understanding being amended as per the comment in the Officer’s report to Council, Council:*

1. *Seek public comment as per the following:*
  - a. *Public advertising period for a minimum period of 30 days.*
  - b. *Advertising notice to be published in the Denmark Bulletin inviting public comment.*
  - c. *Advertising notice inviting public comment on the proposal being displayed at the Shire Administration Office, the Shire Library and the Shire’s website for the duration of the public advertising period.*
  - d. *Referral to the Department of Planning, Lands and Heritage (Heritage) inviting comment.*
  - e. *Referral to key external stakeholders inviting comment (including but not limited to):*
    - *Over 50’s Association*
    - *Neighbouring landowners*
    - *Denmark Arts*
    - *Denmark Historical Society.*
2. *Acknowledges that lease amendments will be required to be progressed further as part of, or following, Council’s final consideration of the proposal following the public advertising period.”*



Attached as Attachment 8.1.1a and 8.1.1b is the Concept Layout and Memorandum of Understanding that were advertised for public comment, noting that these documents reflect the changes required as per the Council resolution above.

**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. During the advertising period, the following consultation took place:

- Public advertising period commenced on 28 February 2018 and concluded on 29 March 2018 (30 days).
- Advertising notice published in the Denmark Bulletin on 1 March 2018 inviting public comment.
- Advertising notice, and the associated plans, inviting public comment on the proposal displayed at the Shire Administration Office, the Shire Library and the Shire's website for the duration of the public advertising period.
- Referral to the Department of Planning, Lands and Heritage (Heritage) inviting comment.
- Referral to the following community stakeholders for comment:
  - Denmark Arts
  - Over 50's Association
  - Denmark Historical Society
  - Three (3) neighbouring landowners.

At the close of the advertising period, a total of twenty three (23) submissions were received – twenty two (22) from the public/community stakeholder groups and one (1) from State Government Departments. Attached as Attachment 8.1.1c is the Schedule of Submissions, with all submissions received being entered into the schedule as verbatim.

**Statutory Obligations:**

The Morgan Richards Community Centre building, as the former Denmark District Hospital, is listed on the State Register of Heritage Places (place number 14171). As such, the *Heritage of Western Australia Act 1990* applies to any changes of use or development of the land and buildings. A submission received from the Department of Planning, Lands and Heritage (Heritage) during the public advertising period states that the proposed development at the rear of the heritage-listed building is unlikely to impact on heritage values. Note that heritage legislative requirements will be further considered in any Shire Development Approvals for garden construction.

**Policy Implications:**

The Morgan Richards Community Centre building, as the former Denmark District Hospital, is listed in the *Shire of Denmark Municipal Heritage Inventory (2011)*. The *Adaptive Re-Use Study and Conservation Plan* for the site references that the three storage sheds on the northern side of the CRC building are intrusive elements to the heritage nature of the site and should be removed. Some trees (non-local native) have also been proposed for removal to assist in construction of the garden and provision of light, which may have impact on heritage values (landscaping). Given the support of the proposal by the Department of Planning, Lands and Heritage (Heritage) from a State-heritage values perspective, it is unlikely there will be significant heritage impacts at a local level. Nonetheless, heritage values will be assessed as part of any Development Application for garden construction and Shire staff review of more detailed drawings for the garden.

Some of the proposed infrastructure eg. sheds, gazebo, rainwater tank, may require development approval and building permit in accordance with the Shire's *Town Planning Scheme No. 3* and the *Building Act 2011*.

Unlike many other larger Councils, the Shire does not have a specific Community Gardens Policy. Any further applications for establishment of a community garden on public land may necessitate the compilation of a specific policy to provide detailed guidance and streamline the application process for the applicants and Shire staff alike.

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

All construction, operating (including electricity and water) and maintenance costs will be borne by the CRC and/or Green Skills in accordance with their signed MOU. Grants of up to \$10,000 are available annually (currently) through the Department of Communities' Community Gardens Grants Program. The funding can cover planning, design, workshops and training, governance, promotion and engagement, monitoring, volunteer capacity building, consumables and infrastructure. Other external funding opportunities may also exist.

In the Concept document and Schedule of Submissions (refer Attachment 8.1.1a and 8.1.1c), the CRC and Green Skills have requested in-kind Shire contribution towards site clean-up and earthworks. Due to current resourcing and project works commitments, this assistance is unable to be provided. However, materials may be available upon application. Where direct financial assistance is sought from the Shire, Green Skills and the Denmark Community Resource Centre will be encouraged to make an application through the Shire's Community Financial Assistance 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

##### *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.*

##### *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.*

#### Corporate Business Plan

*1.1.1 Advocate for the provision of services and facilities that meet the needs of the community.*

*1.2.5 Maintain and plan parks, gardens, recreational areas and open space at standards acceptable to the community.*

**Sustainability Implications:**

➤ **Governance:**

The CRC’s lease boundary will need to be modified to encompass the proposed community garden area. In Green Skills’ submission (refer Attachment 8.1.1c), a request was made to further extend the publically advertised lease area, to effectively encompass the entire area north of the Morgan Richards Community Centre, excluding the Denmark Arts’ shed. The additional area proposed to be included in the CRC’s lease is part of land owned freehold by the Shire of Denmark. The term of the CRC’s current lease is 5 years, expiring on 31 October 2020. Grant programs often require security of tenure as a requirement for funding. Hence, the duration of the tenure may need to be reconsidered and the CRC have requested a ten year extension from the date of the lease changes.

➤ **Environmental:**

The proposed garden will be managed predominantly as an organic enterprise, which minimises the risk of chemical runoff and pollution of soil, groundwater and the nearby Millars Creek. Composting of green waste will minimise contribution to landfill. Rainwater tanks are proposed (dependant on funding) to decrease reliance on scheme water for irrigation. Given the sloping nature of the site, adequate management of surface water runoff will need to be demonstrated as part of the approval process.

➤ **Economic:**

There are no known significant economic implications.

➤ **Social:**

The proposed community garden seeks to provide gardening opportunities inclusive of the disabled and elderly. It will provide a networking opportunity for the local community and enhance skills related to gardening, food production and governance (being part of an organised group). The planned workshops will provide additional educational opportunities to the wider community, without necessarily becoming a member of the garden. Some produce from the garden will also be given to local people in need.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council does not support the community garden proposal	Possible (3)	Minor (2)	Moderate (5-9)	Not Meeting Community expectations	Accept Officer Recommendation OR make substantial changes to the proposal in consultation with the CRC and Green Skills

➤ **Comment/Conclusion:**

All twenty-three (23) submissions received during the advertising period were supportive of the proposal. Note that although the proposal was referred to three neighbouring landowners on Scotsdale Road, no submissions were received. Denmark Arts, as an adjoining landowner, did express concerns regarding overflow parking and impeding access to their storage sheds, which can be addressed as part of any future amendments to the CRC’s lease.

Shire Officers recommend Council support the proposal as detailed in Attachment 8.1.1a and 8.1.1b, noting the following:

- The Shire will provide support for funding applications to establish and maintain the community garden on request.

- The Shire's Infrastructure and Assets Directorate will assess future requests to provide materials for site establishment and operation, having regard to the type, quantity and availability of materials requested.
- Green Skills and the CRC to sign the garden's MOU and provide the Shire with a copy.
- Assistance from the Shire's Works Services' to prepare and establish the site is unable to be provided due to current resourcing and other project commitments.
- Shire staff can complete a Dial Before You Dig enquiry for the site prior to commencement of garden construction.

The major considerations for establishment and operation of a community garden are addressed below, noting the relevant information has been largely addressed in the garden Concept and MOU documents (refer Attachment 8.1.1a and 8.1.1b):

- Public safety
  - Green Skills will develop a volunteer's induction package and health and safety policy, which will include health and safety requirements for members, volunteer training and volunteer liability waiver forms. Green Skills will regularly review the garden's health and safety documents.
  - The garden will be included in the CRC's current public liability insurance.
- Environment safety
  - Rainwater tanks will be installed over time and dependant on funding.
  - The garden will be largely run as an organic enterprise.
  - Appropriate drainage considerations will be factored into Shire staff approvals of the detailed design and assessment of any Development Applications required for the site.
- Maintenance
  - The CRC will oversee the garden's financial budget.
  - A garden working group, coordinated by Green Skills and overseen by the CRC, will be established to coordinate maintenance.
  - The site is to be returned to its current state in the event the garden's operation is ceased.
  - Potted plants may be sold to contribute towards operational costs.
- Appearance
  - Since the garden is behind the CRC building and below the level of Scostdale Road, it has low prominence in the landscape.
  - The site is located within a currently unutilised area and the garden is proposed to increase aesthetics.
  - The Department of Planning, Lands and Heritage (Heritage) did not identify any heritage impacts associated with construction and operation of the garden. The Shire's Development Application process will ensure any other heritage and visual amenity issues are taken into account for the construction of new infrastructure eg. sheds.
- Equity of access
  - Shared access to garden beds (not individual plots).
  - Garden beds will be varied in height to cater for members of different abilities. Site access will aim to accommodate most people.
  - Produce will predominantly be shared amongst the garden members.
  - Educational workshops will be held at the garden and an associated cooking club proposed.
  - Garden membership is open to all members of the community.
- Relation to the Shire's plans and strategies
  - Refer to 'Strategic and Corporate Plan Implications' above.

The Officer recommends more detailed garden layout drawings should be submitted to Shire staff prior to commencement of garden construction. This is to ensure potential issues, including but not limited to, drainage, access, aesthetics and removal of vegetation are appropriately considered.

**CRC Lease**

The Officer recommends the CRC’s lease area be extended to accommodate the community garden (refer Attachment 8.1.Xd). The proposed area extends from the northern boundary of the current CRC lease area to the Scotsdale Road road reserve boundary; and behind the eastern-most administration building to the gallery. The proposed area is larger than the publically advertised lease area. The Officer has extended the proposed lease area in accordance with Green Skills submission since it will also accommodate laydown areas. It does not include the Denmark Arts storage shed footprint.

It is recommended that the CRC’s request for the lease to be extended for another 10 years from the date of the lease changes should be considered by Council separately as part of a broader review of the CRC’s lease, which the CRC has requested. It is noted that the current lease includes provision for a further term of five years, taking the current least to 2025, which in the Officer’s opinion should appease any requirement with respect to grant applications for the project.

Changing the lease area now will at least allow the commencement of garden construction.

In summary, should Council endorse the Community Garden proposal, the following actions are then required in order to commence garden construction:

1. the MOU between the CRC and Green Skills is signed,
2. the necessary CRC lease area amendments are completed, and
3. more detailed design drawings and details are submitted to Shire staff for approval.

This process does not prevent Green Skills or the CRC from applying for funding grants to facilitate garden construction in the interim.

**Voting Requirements:**

Simple majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 8.1.1
MOVED: CR CARON	SECONDED: CR ALLEN
That with respect to the proposed community garden at the rear of the Morgan Richards Community Centre, Council:	
<ol style="list-style-type: none"> <li>1. Note the submissions received.</li> <li>2. Endorse Attachment 8.1.1a as the final community garden concept and authorise commencement of garden construction subject to the following:                     <ol style="list-style-type: none"> <li>a. Amendment to the Community Resource Centre’s (CRC) current lease boundary to include the area as shown in Attachment 8.1.1d and note that the current lease includes provision for a further term of five years, taking the existing lease expiry to 2025;</li> <li>b. Signing of the Memorandum of Understanding between the CRC and Green Skills as shown in Attachment 8.1.1b;</li> <li>c. More detailed design drawings and information approved by the Shire of Denmark staff (Sustainability Services).</li> </ol> </li> <li>3. Acknowledge that the Shire’s Works Services will be unable to provide assistance to the CRC and Green Skills in site clean-up and preparation, due to current resourcing commitments.</li> <li>4. Advise the submitters of Council’s decision.</li> </ol>	
CARRIED UNANIMOUSLY: 9/0	Res: 070518

<b>8.1.2 PROPOSED HOLIDAY HOME (LARGE) – NO. 1 (LOT 243) TAME CLOSE, DENMARK</b>
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<b>File Ref:</b>	A3735
<b>Applicant / Proponent:</b>	Phillip Smith
<b>Subject Land / Locality:</b>	No. 1 (Lot 243) Tame Close, Shadforth
<b>Disclosure of Officer Interest:</b>	Nil.
<b>Date:</b>	7 May 2018
<b>Author:</b>	Jasmine Tothill, Senior Town Planner
<b>Authorising Officer:</b>	Annette Harbron, Director Sustainable Development
<b>Attachments:</b>	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 subsequent Development Approval for a Holiday Home (Large) at No. 1 (Lot 243) Tame Close, 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 subsequent Development Approval was lodged with Planning Services on 13 February 2018 for a Holiday Home (Large) – refer Attachment 8.1.2a.

Previous Application

An application for approval to use the single house for the purpose of holiday accommodation was refused by the Shire on 25 June 2008 on the basis that it was a use which could not be considered within the Special Residential zone at the time.

Clause 5.38, introduced into TPS 3 on 27 September 2011 through the gazettal of Amendment 124 introduced the discretion for Council to approve Holiday Homes within the Special Residential zone as an 'SA' use subject to notice of the application being given.

**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, four (4) submissions were received, including one submission from a landowner in the nearby vicinity who had not been part of the consultation referral as they were not an adjoining landowner – 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, Director Sustainable Development and/or 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

E1.0 Our Economy:

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

- E1.2 *To be a vibrant and unique tourist destination, that celebrates our natural and historical assets.*

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.*

**Corporate Business Plan**

*4.1.1 Ensure quality, consistent and responsive development and building assessment approval processes and enforcement.*

**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 4169m<sup>2</sup>, is zoned “Special Residential (S/Res 2)”. As per Clause 5.38 of TPS No. 3, ‘Holiday Home (Large)’ is an ‘SA’ use in the Special Residential 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 four (4) objections received. Attached at Attachment 8.1.2b is the Schedule of Submissions – with the submissions received entered verbatim.

The primary concerns raised in submissions relate to:

- Broader cumulative impacts upon residential amenity, the quality of life and land values within the Special Residential zone arising from Holiday Homes.
- The size of the Holiday Home (Large) which could allow up to 12 occupants.
- Direct amenity impacts (visual, privacy & noise) associated with use of an existing external verandah and lack of dedicated laundry drying facilities.
- Claims of anti-social behaviour arising from prior unauthorised use of the property as a Holiday Home.
- Safety/ security concerns associated with the transient nature of Holiday Home occupants.
- Inadequate management of refuse including bin storage/ collection arrangements.
- Adequacy of parking/ total number of vehicles attending the property.

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

- The Single House located at No.1 (Lot 243) Tame Close, Shadforth was approved under delegated authority on 28 August 2003 (DA 192/2003).
- The approved building envelope and single house comply with the minimum side and rear setbacks for the Special Residential (2) zone. Although a minor front setback variation was approved for the building envelope adjacent to Tame Close (18 metres in lieu of 20 metres) the Single House achieves a significantly larger front setback than the minimum required.
- Under Policy 19.5 outdoor living and carparking areas associated with Holiday Home (Large) applications are required to be located and/or screened to protect the visual privacy of surrounding residences.

In this instance the elevated outdoor verandah is orientated north-east to take advantage of views across the valley with the primary outdoor entertaining area located at the northern corner. Although concerns have been raised by one submitter regarding potential overlooking from the verandah, the property in question is located more than 60 metres away, on the opposite side of Tame Close. Sightlines towards this property primarily impact the front of the residence rather than private outdoor/ entertaining areas and given the separation distance available it is not considered to constitute adverse overlooking. In this context there is no justification to support a requirement to install additional screening on the verandah as requested.

- A minimum of 3 carparking bays are required for Holiday Home (Large) proposals. The required carparking is to be accommodated within the existing undercroft and adjacent driveway/ manoeuvring area. At the time of inspecting the property the driveway and crossover remained unsealed although some construction works appear to have commenced. A condition will need to be applied to require sealing/paving of the driveway and crossover in the event that Council is mindful to approve the application.

Noting that carparking is to be accommodated beneath the single house and that the adjacent hardstand area will be located more than 20 metres from Tame Close and in excess of 18 metres from the nearest (northern) property a requirement for additional screening is not considered necessary. A number of large trees and established vegetation within the property and within nearby properties will offer an additional

screening effect and limit direct headlight glare. It is also noted that the adjacent property most likely to be affected by proximity of the parking area has raised no objections to the proposal.

- Although incidents of antisocial behaviour have been identified in submissions there is no ability to retrospectively verify these claims nor whether they relate to the previous unauthorised Holiday Home use or legitimate occupation of the dwelling by the landowner. With the exception of complaints relating to rubbish management, which instigated compliance action and lodgement of the subsequent Holiday Home application, there is no record of prior complaints having been received for this property. The applicant has been provided an opportunity to respond to the issues raised and their response is provided verbatim at Attachment 8.1.2c.
- Noting action has been taken to address refuse storage/ collection at the property (including increased frequency of collection as verified by Waste Services) and subject to imposition of conditions to secure commitments made by the landowner for provision of a level bin pad area and removal of bins from the verge on the day of collection it is considered that sufficient management controls will be in place to service the waste management needs of the Holiday Home.
- The application has been lodged as a Holiday Home (Large) which by definition can permit up to 12 occupants within the dwelling at any one time. Notwithstanding, it would remain within the ability of Council to limit occupation to a lesser number.

In this instance the bedrooms are configured to accommodate 8 occupants and having regard to the size of the dwelling, its setting/ surrounding residential context and concerns raised through submissions it is recommended that occupancy be limited to a maximum of 8. The Shire's Health Officer has advised that a review of the on-site effluent disposal system would be required in the event that occupancy greater than 8 is to be contemplated.

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 overlooking and noise, the holiday home would not necessarily generate any greater impact than that which may otherwise 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 cumulative impact of Holiday Homes within the Special Residential zone such impacts are somewhat speculative and would be difficult to quantify. A total of three (3) Holiday Homes have been approved to date within the Special Residential (2) area. Policy 19.4 (now superseded) had sought to nominate preferred locations for Holiday Homes based upon locational attributes. In adopting the current policy such restrictions were removed and a conscious decision made following a period of review and public consultation not to apply restrictions either on the total number or location of Holiday Homes.

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.

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.

**COUNCIL RESOLUTION & OFFICER RECOMMENDATION**

ITEM 8.1.2

MOVED: CR OSBORNE

SECONDED: CR GIBSON

That with respect to the development application for the Proposed Holiday Home (Large) at No.1 (Lot 243) Tame Close, Shadforth, Council:

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

Conditions

- a) The Holiday Home shall be in accordance with the attached stamped approved details/plans dated 13 February 2018 and 28 February 2018.
- b) 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 c), after which it may be renewed for a three year period (refer Advice Note i).
- c) 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 and annually thereafter (refer Advice Note ii).
- d) A maximum of eight (8) persons exclusive of the owner/operator may be accommodated at any one time within the holiday home.
- e) 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.
- f) 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.
- g) 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.
- h) 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).
- i) Provision of three (3) car parking bays associated with the development, with the car parking bays, driveway, manoeuvring and circulation areas to be suitably constructed, sealed (concrete, asphalt or brick pavers) and thereafter maintained.
- j) The vehicle crossover shall be constructed, drained and sealed (concrete, asphalt or brick pavers) to the satisfaction and specifications of the Shire of Denmark (Engineering Services) and thereafter maintained.
- k) A bin pad is to be provided within the Tame Close road reserve (verge area) to accommodate the domestic bin collection requirements of the property. The location, size and construction standard of the bin pad is to be approved by the Shire of Denmark (Engineering Services) prior to construction.
- l) All bins are to be removed from the road verge and returned to a dedicated bin storage area within the property within 24 hours following the scheduled collection.
- m) 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.
- n) 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.
- o) Signage shall be limited to a 0.2m<sup>2</sup> nameplate on the property.

#### Advice Notes

- i) 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.
- ii) 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.
- iii) Following a preliminary inspection of the property, the Shire's Principal Environmental Health Officer has identified the following additional matters that will need to be addressed prior to registration of the premises as a 'Holiday Home':
- The spacing of stair rails on the Tame Close entry do not meet Building Code of Australia requirements;
  - Lift-off Hinges are to be installed on the toilet door;
  - Hard wired smoke alarms to be installed in every bedroom.
- iv) The 'Property Management Plan' shall be provided to the following properties:
- No. 3 Jamieson Heights, Shadforth
  - No.6 Jamieson Heights, Shadforth
  - No.8 Jamieson Heights, Shadforth
  - No.9 Jamieson Heights, Shadforth
  - No.2 Tame Close, Shadforth
  - No.3 Tame Close, Shadforth
  - No.4 Tame Close, 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.

CARRIED UNANIMOUSLY: 9/0

Res: 080518

<b>8.1.3 PROPOSED DISPLAY HOME &amp; SIGNAGE – NO.52 (LOT 113) TRIGGERPLANT LOOP, HAY</b>
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<b>File Ref:</b>	A5897 (2018/58)
<b>Applicant / Proponent:</b>	WA Country Builders
<b>Subject Land / Locality:</b>	No.52 (Lot 113) Triggerplant Loop, Hay
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	3 May 2018
<b>Author:</b>	Jasmine Tohill, Senior Planner
<b>Authorising Officer:</b>	Annette Harbron, Director Sustainable Development
<b>Attachments:</b>	8.1.3a – Development Application Documentation 8.1.3b – Approved Single House

**Summary:**

The applicant is seeking Development Approval to use a Single House at No.52 (Lot 113) Triggerplant Loop, Hay for the purpose of a builder's Display Home and installation of a freestanding panel sign.

Having regard to the proposal, the relevant provisions of *Town Planning Scheme No. 3* (TPS No. 3), and the *Planning and Development (Local Planning Schemes) Regulations 2015*, it is recommended that Development Approval be granted subject to appropriate conditions.

**Background:**Current Application

An application for Development Approval to use the property for the purpose of a Display Home was lodged with Planning Services on 7 March 2018, concurrent with an application for construction of a Single House on the same property (DA 2018/57). The Single House application has been assessed against the TPS 3 provisions and approval granted under delegated authority on 3 May 2018 (refer approved plans at Attachment 8.1.3b).

In summary, the applicant is seeking approval to use a Single House as a Display Home for a period of up to 18 months once constructed. The Display Home is intended to be available for inspection during the following opening times:

- Saturday and Sunday 1pm to 5pm
- Monday and Wednesday 2pm to 5pm

**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 and Schedule 2, Part 8, Clause 64 of *the Planning and Development (Local Planning Schemes) Regulations 2015* and undertook the following level of consultation:

The development application was subject to public advertising from 29 March 2018 to 20 April 2018 (being 22 days) as per the following:

- Advertising notice in the Denmark Bulletin on 29 March 2018 inviting public comment;
- Referral to 21 landowners on Triggerplant Loop;
- Sign on-site inviting public comment;
- Development application was available for viewing at the Shire Administration Office and on the Shire's website inviting public comment.

At the close of the advertising period no submissions had been received.

**Statutory Obligations:**

TPS No. 3 and the *Planning and Development (Local Planning Schemes) Regulations 2015* - Deemed provisions specify the planning provisions pertinent to the proposed development and those matters that must be considered in the assessment of the application.

As per *Delegation D100601: Implementation of Town Planning Scheme*, the Chief Executive Officer and the Director of Sustainable Development have the delegation to initiate public advertisement of 'Use Not Listed' development applications only, thus the development application is being referred to Council for final determination.

Should Council refuse this Development Application or impose conditions on a Development Approval that the applicant is aggrieved by, as per Part 14 of the *Planning and Development Act 2005*, the applicant can apply to the State Administrative Tribunal for a Right of Review.

**Policy Implications:**

Town Planning Scheme Policy No.32 - Signs is appurtenant to assessment of the proposed sign.

**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.

Corporate Business Plan

3.2.6 Provide supportive planning and development guidance on appropriate major land developments.

3.2.7 Guide local development and require compliance in accordance with the Planning Scheme policy.

4.1.1 Ensure quality, consistent and responsive development and building assessment approval processes and enforcement.

**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 proponent may lodge an application for review to the State Administrative Tribunal if the Council's decision was to refuse the proposal or to impose conditions on the approval that the applicant is aggrieved by.	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

**Comment/Conclusion:**

In accordance with TPS No.3, the subject site is zoned “Special Residential (S/Res) 6”. ‘Display Home’ is a use that is neither defined under TPS 3 nor listed in the Table 1 – Zoning Table or provisions applicable to the Special Residential Zone under Appendix 14. Accordingly, it is classified as a ‘Use Not Listed’.

Clause 3.2.5 of TPS No. 3 applies to a ‘Use Not Listed’, and states:

*If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:*

- a) *Determine that the use is not consistent with the purpose and intent of the particular zone and is therefore not permitted; or*
- b) *Determine by absolute majority that the proposed use may be consistent with the purpose and intent of the zone and thereafter follow the procedure set out in Clause 6.4 in considering an application for planning consent.*

Having regard to Clause 3 of *Delegation D100601: Implementation of Planning Scheme*, the development application was advertised for public comment as per Clause 6.4 of TPS No. 3 and Schedule 2, Part 8, Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (refer ‘Consultation’ section of the report) – with no submissions received.

From a Planning Services perspective the proposal as presented is appropriate and is considered to impose minimal amenity impacts on the locality having regard to the following:

- Compliance with TPS 3 provisions relevant to the built form, which has been assessed and approved as part of the separate Single House application.
- The limited time period (18 months) for which approval is being sought.

- The restricted opening hours, being limited to four afternoons per week.
- The capacity to accommodate adequate vehicle parking on-site, noting that in the absence of parking standards for Display Homes under TPS 3 the provision of a minimum of 3 customer carparking bays is considered sufficient given:
  - Visitation is likely to be staggered during opening hours;
  - The relatively low volume of visitors that would be expected given the regional location and relatively low population base.
- A typically higher quality of finish, landscaping and maintenance expected in Display Home developments.
- A low risk of adverse noise impacts given the supervised nature of visitation.

A freestanding display home panel sign of 3.6m<sup>2</sup> is to be erected at the front of the property, adjacent to the western property boundary. Although the sign will exceed the maximum 2m<sup>2</sup> permitted as of right under TPS No. 3, given its temporary nature and alignment perpendicular to the street front it is not considered to pose an unacceptable impact upon the amenity of the locality.

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

**Voting Requirements:**

Simple majority.

5.57pm – The Chief Executive Officer left the room.

5.59pm – The Chief Executive Officer returned to the room.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 8.1.3
MOVED: CR GIBSON	SECONDED: CR CARON
<p>That with respect to the development application for the proposed Display Home and Signage on No. 52 (Lot 113) Triggerplant Loop, Hay, Council grant development approval subject to the following:</p>	
<p><u>Conditions</u></p>	
<ol style="list-style-type: none"> <li>1. Development to be in accordance with the attached stamped approved plans dated 26 March 2018 (Site Plan &amp; Signage).</li> <li>2. The Display Home use is valid for a period of 18 months from the date of completion of the Single House, wherein a new Development Application will be required to be lodged with the Shire of Denmark should the Display Home use be proposed to continue.</li> <li>3. With the exception of private appointments, opening of the Display Home is restricted to the following days and times unless separate approval is otherwise granted by the Shire of Denmark:                     <ul style="list-style-type: none"> <li>• Saturday &amp; Sunday 1pm to 5pm</li> <li>• Monday &amp; Wednesday 2pm to 5pm</li> </ul> </li> <li>4. A minimum of three (3) customer carparking bays are to be accommodated on site, noting that this may be accommodated within the approved driveway of the single house where sufficient car and manoeuvring space permits.</li> <li>5. The approved signage shall be:                     <ol style="list-style-type: none"> <li>(i) securely fixed and maintained in a safe condition;</li> <li>(ii) be kept clean and maintained free of dilapidation at all times;</li> <li>(iii) be non-illuminated; and</li> <li>(iv) removed upon expiry of the approval of the Display Home or cessation of the Display Home use, whichever occurs sooner.</li> </ol> </li> </ol>	



6. The installation of any outdoor lighting on the building or otherwise within the curtilage of the lot shall be in accordance with the requirements of Australian Standard AS4282-1997: Control of the Obtrusive Effects of Outdoor Lighting.

Advice Notes:

- (i) Should any new and/or additional signage be proposed, consultation should occur with the Shire of Denmark (Planning Services) to determine if any approvals are required to be obtained.
- (ii) 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.
- (iii) It is the responsibility of the applicant/owner to search the title of the property to ascertain the presence of any easements and/or restrictive covenants that may apply.

CARRIED UNANIMOUSLY: 9/0

Res: 090518

**6.00pm - Public Question Time**

*The Shire President stated that the second public question time would commence & called for questions from members of the public.*

**1. Mr Brian Humphries**

Mr Humphries referred to the response to his questions taken on notice, at Item 4.1.2, noting that his original question had been for a breakup of the \$900,000 for consultancies as it appeared in the Annual Report. Mr Humphries said that the answer only accounted for a portion of it. Mr Humphries asked whether a similar amount would be budgeted for in the 2018/19 Budget.

*The Chief Executive Officer responded that he was unable to say because the amount budgeted for in 2018/19 would depend on other projects and priorities for that year.*

*The Director of Corporate and Community Services stated that he would investigate the matter and provide Mr Humphries with a response.*

**8.1.4 DRAFT SUSTAINABLE EVENTS POLICY**

<b>File Ref:</b>	PLN.66
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Shire of Denmark
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	4 May 2018
<b>Author:</b>	Donna Sampey, Sustainability Officer
<b>Authorising Officer:</b>	Annette Harbron, Director Sustainable Development
<b>Attachments:</b>	8.1.4 – Draft Sustainable Events Policy

**Summary:**

The draft Sustainable Events Policy prescribes sustainable practices for the conduct of events on Council-managed land and for any Shire-coordinated or supported event. It includes conditions related to the elimination of use of single-use plastics and balloons and provision of adequate recycling bins.

The Officer recommends that Council adopt the Sustainable Events Policy, noting that the Policy will be supported by an Information Sheet – Sustainable Events. A nine-month roll-out period is proposed in order to conduct adequate engagement and promotion. The Policy will be reviewed after nine-months, dependant on the outcomes from the roll-out period.

**Background:**

Following the Town of Bassendean's Council's recent resolution regarding the:

“...ban all use of single use plastics at events organised or sponsored by the Town of Bassendean including but not limited to straws, plastic cups, including plastic lined cups and plastic bags” (27 March 2018, Resolution Item 11.5)

some Denmark Councillors have requested that Shire staff develop a similar policy that would consider the elimination of the use of single-use plastics and balloons from Shire events.

Over the past 50 years, there has been increasing reliance on the use of plastics in packaging of the goods we consume. While plastic is convenient, it does present some well-documented environment impacts:

- Plastics can easily escape into the environment. When they do, they are persistent and usually eventually end up in waterways and the ocean. Plastics do not biodegrade but become smaller pieces of plastics (microplastics), where they become a danger to marine fauna if they become entangled or ingest the material. Plastic was the most common type of rubbish picked up on Clean Up Australia Day across the country over the last 20 years. In August 2003, the impact of plastic on marine fauna was recognised federally and 'injury and fatality to vertebrate marine life caused by ingestion of, or entanglement in, harmful marine debris' was listed as a key threatening process under the *Environmental Protection and Biodiversity Conservation Act 1999*.
- Plastics are made from non-renewable resources such as crude oil, gas and coal, which can contribute to greenhouse gas emissions during their production.
- Some molecules from plastic can migrate into the food it is in contact with, with potential human health concerns. Microplastics within the food chain, most commonly seafood, may also cause adverse human health impacts.
- Balloons released into the environment, intentionally or unintentionally, can also travel long distances, creating litter which can entangle and potentially kill wildlife, particularly marine fauna and birds, if ingested. There are two main types of balloons: those made with a plastic lining which persist in the environment; and those made of latex, which biodegrade much more rapidly than plastic-lined balloons but can still take years to fully decompose. Balloon accessories, such as clips and ribbons, are not biodegradable (Queensland Government, 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. The following internal consultation has occurred:

- Waste Services
- Community Development
- Governance.

The Shire's waste services contractor, Cleanaway, was also consulted regarding recycling at public events.

Should Council endorse the draft Policy, a nine-month roll-out period is proposed to enable engagement with affected external stakeholders to roll-out to the new requirements. This is likely to involve, but not be limited to:

- Advertisements in the *Denmark Bulletin* newspaper.

- Promotion and information on the Shire's website, Administration office and social media.
- Shire staff and Councillor education via internal email, staff meetings and more detailed meetings with relevant staff.
- Letters to all community and relevant sporting groups.
- Direct engagement with larger event organisers eg. Denmark Arts, via targeted letter and/or meetings as required.
- Letters to local vendors and relevant businesses eg. caterers, catering suppliers.
- Drawing competition for children to design an image for the Shire to use in continued promotion of the draft Policy eg. refuse to use single-use plastics.

**Statutory Obligations:**

The WA State Government will legislate the ban of lightweight single-use plastic bags from 1 July 2018. The ban is to include biodegradable, compostable and degradable lightweight plastic bags. This Shire Policy supports the State legislation in the elimination of plastic bags at events.

**Policy Implications:**

*Shire of Denmark Town Planning Scheme Policy No. 38: Events, Concerts and Other Organised Gatherings* sets the requirements for the application and approval of events of more than 300 people. The draft Sustainable Events Policy does not conflict with *Town Planning Scheme Policy No. 38* and for events over 300 people, both policies would need to be adhered to.

The *Great Southern Group of Councils Regional Waste Strategic Plan 2014 – 2018* details activities relating to increasing the recovery of recyclables from general waste. In accordance with the draft Sustainable Events Policy, recycling bins would need to be provided at all events.

**Budget / Financial Implications:**

There will be immediate and long-term costs associated with implementation of the draft Policy for both Shire and community events. The main costs are associated with the draft Policy conditions relating to waste minimisation and resource recovery, and applies both to the Shire and community as event organisers (refer to Table 1 in comment/conclusion section).

There are some potential negative financial implications for vendors and community groups that may rely on the sale of bottled water for income at events. There may also be some negative financial impact for local and regional businesses that sell balloons, and polystyrene and single-use plastic products. However, there may also be positive opportunities for businesses related to the hire of crockery and cutlery, and sale of alternative products.

Council may support purchase of assets that facilitate the implementation of the draft Policy for Shire and community events. This includes portable water dispensers, which could be made available to hire by the Shire for use at community events. Note that as a Waterwise Council, the Shire may also have access to pop-up and permanent water refill stations through the Water Corporation.

The main cost implications related to implementation of the draft Policy is associated with the collection and processing of recyclable materials. Given the Shire does not currently provide public recycling bins at most of its reserves and facilities eg. Recreation Centre, Berridge Park, Ocean Beach, it would be the responsibility of the event organiser, whether that be the Shire or community, to provide the relevant quantity of bins and bear any cost related to disposal. The cost per bin is dependent upon the number of bins required (refer to Table 1 below), noting that Cleanaway does have a free events trailer available for use (subject to availability). There would be no cost to community event organisers in implementing the recycling draft Policy condition should public recycling bins be available at all major Shire reserve and facilities (provided the number of public bins is suitable for the size of the event).

There will be some cost involved in advertising and promotion of the draft Policy, if adopted, which could be accommodated within the Shire's annual operating 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

##### 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.

##### 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.

N2.3 To reduce human impact on natural resources, reduce waste and utilise renewable energy.

N2.4 To acknowledge and adapt to climate change.

##### 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 that nurtures and integrates natural, cultural and historical values.

#### Corporate Business Plan

1.2.8 Support, encourage and advocate for the hosting of local events and festivals.

1.10.28 Encourage and support community groups to host public events.

2.2.1 Support community education and promotion of energy and water efficiency.

2.2.3 Reduce environmental impact and encourage sustainability in all aspects of Shire operations.

### **Sustainability Implications:**

#### ➤ **Governance:**

The Officer recommends no financial penalty for non-compliance with the draft Policy. This removes the requirement to conduct compliance inspections by Shire staff at events where the draft Policy applies. However, known non-compliance may jeopardise the event organiser from holding further events on Shire-managed land.

The draft Policy conditions should be incorporated into the Shire's approval procedures for booking public spaces, noting that the procedures for events with food and non-food are separate. Reference to the draft Policy would also be required for any event which receives funding through the Shire's Cultural Development Fund and Community Financial Assistance Grants.

#### ➤ **Environmental:**

The draft Policy addresses environment issues relating to waste minimisation, litter, recovery of resources, greenhouse gas emissions, minimising water and energy use, and sustainable agriculture. Refer to "Background" section above for further detail.

➤ **Economic:**

There are currently no known significant economic development impacts relating to the report or officer recommendation.

➤ **Social:**

There may be some negative impact on the Shire’s reputation within the community, should the draft Policy be endorsed by Council. This particularly applies to community and sporting groups that hold regular or large events, and local and regional businesses that currently supply products that are now prohibited at events. The risk will be largely mitigated through appropriate education and engagement with affected groups and businesses, as detailed in the “Consultation” section above, and a nine-month roll-out period.

Where health and safety requires the use of single-use plastics, or other materials prohibited under the draft Policy, exemptions can apply with written approval of the Director Corporate and Community Services. These exemptions may apply to items such as gloves for food-serving, and plastic cups for the serving of alcohol where the Liquor Licence conditions prevents the use of glass.

The draft Policy advocates for healthy, local food and products at events. However, without the availability of bottled water, purchases may instead be directed to less healthy options or going without.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not support the draft Sustainable Events Policy	Possible	Minor	Moderate (6)	Inadequate natural environment management	Amend draft Policy to provide exemptions for some event organiser types or amend waste conditions OR improve current Shire waste management practices.
That Council does support the draft Sustainable Events Policy	Unlikely	Major	Moderate (8)	Ineffective management of facilities/ venues/ events	Accept Officer Recommendation, specifically relating to the 6-month roll-out period and engagement and promotion

**Comment/Conclusion:**

Councillors requested Shire staff to consider an events policy that eliminated the use of single-use plastics and balloons. Officers have included conditions relating to other sustainability principles to make the draft Policy a broader ‘Sustainable Events’ policy, rather than focussing on single issues alone (refer Attachment 8.1.4a). Principles addressed in the draft Policy are:

- Waste minimisation
  - No single-use plastics
  - No polystyrene
  - No balloons
  - No bottled water
- Waste recovery
  - Products should be recyclable or contain a recycled content

- Recycling bins must be provided
- Reducing water and energy consumption
- Using local and sustainable food and products
- No impact to the natural environment
- Consider sustainable transport options

The draft Policy applies to all Shire of Denmark coordinated events, all events on Shire-managed land, and all events supported by the Shire. The draft Policy does not apply to events on Shire-managed land which is leased to third parties (ie. Denmark Riverside Club). It does apply to events, including sporting events, at Shire-managed facilities including the Recreation Centre, Library, and Civic Centre.

The draft Policy provides for exemptions where there are health and safety implications eg. disposable gloves are mandated as a condition on a food permit. Other exemptions can apply where the event organiser is unable to implement an alternative practice or purchase an alternative product. All exemptions would need to be approved in writing by the Director Corporate and Community Services.

Council may elect to provide further exemptions to the draft Policy in order to reduce the encumbrance to some type of events eg. exempting sporting events or large events (eg. more than 300 people) from having to comply with the conditions of the draft Policy. Council also have the option of removing some conditions, particularly relating to waste reduction, to assist in maximising compliance with the draft Policy. If this was to occur, removing those conditions where fewer alternative products exist, such as bottled water and single-use plastic cups, may be most beneficial for event organisers. Alternatively, or in addition to, the cost implications associated with the condition relating to the provision of recycling bins could also justify its removal, should Council be seeking to simplify the draft Policy.

Alternative products to single-use plastics, polystyrene and bottled water do exist, although they may require more resources eg. higher purchase costs and labour for washing reusables. Refer to Table 1 for some options. The major issues for sourcing or providing alternatives for the eliminated products are associated with dog waste bags, cups and bottled water, which are discussed below.

**Table 1:** Product alternatives and possible cost implications for the draft Sustainable Events Policy’s waste conditions.

<b>Policy condition</b>		<b>Alternatives</b>	<b>Cost implications</b>
No single use plastics	Straws	No straw	Cost savings.
		Reusable straws	Approximately \$3 - \$4 each metal. Approximately \$9 - \$11 each glass.
	Cutlery	Reusable cutlery (metal etc.)	Hire costs.
		Wooden, bamboo single-use	Approximately \$7 - \$8 for 20.
	Plates/ bowls	Reusable plates (ceramic etc.)	Hire costs.
		Wooden, bamboo, paper, cardboard single-use	Less than \$14 for 20.
	Cups	Reusable cups (ceramic, glass etc.)	Hire costs.

	Bags	Reusable fabric, paper, cardboard	Low
	Cling wrap	Reusable bags and covers (fabric etc.)	Varies depending on size.
		Reusable wraps (beeswax etc.)	Varies depending on size.
		Cardboard boxes, paper wrapping	Low
		Reusable containers eg. glass	Varies depending on size.
No bottled water		Tap water	Decreased profit for clubs and vendors. Purchase and/or hire costs of portable water dispensing machines. Cost savings.
No balloons	Includes plastic-lined and latex.	Bubbles, flags, banners, streamers, bunting, flowers, candles etc.	Varies.
No polystyrene		Refer to possible alternatives for single use plastic above.	
Products should be recyclable and/or contain a recycled content	Paper, cardboard		Usually marginally higher costs for products with a recycled content.
Provision of recycling bins			<ol style="list-style-type: none"> <li>1. Up to 2 x 240L bins can be cleared at McIntosh Road Transfer Station at a cost of \$14 per bin.</li> <li>2. More than 2 x 240L bins – request to be referred directly to Cleanaway: <ol style="list-style-type: none"> <li>a. Events trailer – free (pick up and drop off to Albany required). Subject to availability.</li> <li>b. \$8.40 (excl. GST) per bin clear + \$180/hr (excl. GST) transport (allow 2 hours).</li> </ol> </li> </ol> <p>Note that if the Shire roll-outs supplying public recycling bins at its major reserves and facilities eg. Berridge Park, Recreation Centre, these bins could be used instead with no charge to users (provided the number of bins is adequate for the size of the event) and the above costs to event organisers would no longer apply.</p>

### Dog waste bags

The Shire currently provides plastic bags for the collection of dog waste in areas where dogs are permitted. Although the Shire is transitioning to biodegradable dog waste bags, their use is not strictly in accordance with the draft Policy's principles of waste minimisation. The alternative to plastic dog waste bags is for dog owners to bring their own bags or newspaper. While promotion and engagement associated with the draft Policy should encourage use of the alternatives, continued availability of the bags where dogs are popular will better facilitate owners to clean up after their dogs. If owners were relied upon to bring their own clean up materials, the amount of dog waste on Shire reserves may increase.

### Cups

Single-use cups for holding liquids are generally all plastic lined, which would mean disposable cups could no longer be used at events if the draft Policy was adopted by Council. The use of disposable cups made from plant-based plastics, while marketed as compostable, biodegradable or degradable, would also be eliminated in accordance with the draft Policy. These cups can still take many years to degrade, depending on the conditions, and the compostable varieties require commercial composting facilities to break down (Biomass Packaging, 2015).

On eliminating the use of single-use plastic cups, the alternatives for event organisers are:

- Providing reusable cups eg. ceramic, glass, which are returned for washing.
- Requiring event attendees to bring their own cup eg. Keep-cup.

Transitioning to reusable cups imposes a higher cost on event organisers and vendors, for hire or purchase of the alternative cups, and potentially labour required to wash the cups. Health and safety needs to be considered in adequately washing cups, and event attendee awareness and education is required to ensure cups are returned for reuse.

### Bottled water

Bottled water is usually packaged in plastic, which is derived from crude oil. It can also take up to 3 litres of water to produce a 1 litre water bottle. Bottled water is often transported around the world, contributing to greenhouse gas emissions, and the bottles, although recyclable, often end up in landfill or as litter (Clean Up Australia, 2017).

The alternatives for bottled water include provision of tap water, which could be served in jugs or from portable and fixed dispensers. As a Waterwise Council, the Shire has access to fixed and portable water dispensers from the Water Corporation. Council may consider replacing public fountains with those that can better facilitate the filling of bottles, and provide new public dispensers where none are currently available.

Vendors and sporting clubs may partly rely on the sale of bottled water for income and so may be negatively impacted by eliminating their sale at events.

Without the use of single-use plastic cups for water, alternatives as detailed above would need to be employed. Other alternatives include reusable bottles.

### Waste recovery

The biggest financial implications associated with the draft Policy is potentially associated with the requirement to provide adequate bins for the collection of recyclables at events. Refer to Table 1 above for recycling bin provision and clearance costs. All recycling costs will be borne by the event organiser.

For two bins or less, the recycling can be taken for clearance to the McIntosh Road Transfer Station, at a cost of \$14 per bin. Where more than two recycling bins are required, Cleanaway would need to be contracted directly by the event organiser. The highest costs are associated



with transport of the bins by Cleanaway (\$180/hour) for the provision of more than two bins. This cost needs to be accommodated when budgeting for larger Council events, such as the Australia Day breakfast, and large community events like the Denmark Arts Markets.

Note that if the Shire’s waste contract changes to provide public recycling bins at popular Shire reserves and all facilities, event organisers could utilise the public bins, providing they were adequate for the size of the event. This currently occurs for the public general waste bins at events. This would decrease costs for Shire and community events.

The draft Policy, if adopted by Council, will be supported by an *Information Sheet – Sustainable Events*, which will assist event organisers with implementation of the draft Policy. It would detail possible alternative products and practices, and identify local and regional suppliers of alternative products.

The Officer recommends a nine-month roll-out period for the draft Policy, if adopted by Council. This will allow adequate engagement and education to be undertaken by Shire staff (refer “Consultation” section above) and gradual implementation of the draft Policy – noting that the nine-month period will ensure that there are significant events held during the roll-out period (e.g. Denmark Arts Markets, Australia Day Breakfast etc). After the nine-month roll-out period, the Officer recommends Council and Shire staff review the Policy with referral back to Council, if required, so that any changes deemed required from the outcomes of the roll-out period can be included in an amended Policy.

**Voting Requirements:**

Simple majority.

**OFFICER RECOMMENDATION**

ITEM 8.1.4

That with respect to the draft Sustainable Events Policy, Council adopt Attachment 8.1.4 as the final Policy subject to:

1. Policy taking effect from 1 July 2018;
2. A nine-month roll-out period to allow Shire staff to undertake engagement with affected stakeholders and promotion of the Policy; and
3. A review of the Policy after the nine-month roll-out period, with referral back to Council should amendments be deemed required.

**COUNCIL RESOLUTION**

ITEM 8.1.4

MOVED: CR LEWIS

SECONDED: CR ALLEN

That with respect to the draft Sustainable Events Policy, Council:

1. Acknowledge the work undertaken to date by officers;
2. Request the CEO include the draft policy on the July 2018 Concept Briefing Forum to allow for further discussion between officers and Councillors in relation to matters including, but not limited to, implementation considerations, proposed community education programme and event implications; and
3. A report be presented to the August 2018 Ordinary Meeting of Council which has regard to the outcomes from the July 2018 Concept Briefing Forum.

CARRIED UNANIMOUSLY: 9/0

Res: 100518

**REASONS FOR CHANGE**

Council wanted to delay adopting the policy until they had had sufficient time to consider its content, implementation, implications on events and a community education programme.

**8.2 Director Infrastructure and Assets**

Nil

### 8.3 Director Corporate and Community Services

<b>8.3.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDING 31 MARCH 2018</b>
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<b>File Ref:</b>	FIN.1
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Denmark
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	7 May 2018
<b>Author:</b>	Lee Sounness, Corporate Services Manager
<b>Authorising Officer:</b>	Cary Green, Director of Finance & Administration
<b>Attachments:</b>	8.4.2 – March 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
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**Comment/Conclusion:**

As at 31 March 2018 total cash funds held total \$14,051,618 (Note 4).

Shire Trust Funds total \$201,285.

- \$181,179 of this is invested for 6 months with the National Bank, maturing 18 June 2018 at the quoted rate of 2.40%.

Reserve Funds (restricted) total \$10,779,224

- \$7,133,853 of this has been placed on investment for 30 days with the Western Australian Treasury Corporation at the quoted rate of 1.45%,
- \$3,053,939 has been invested with the National Bank, maturing 28 June 2018 at the quoted rate of 2.40% and
- \$591,432 has been invested with the National Bank, maturing 3 May 2018 at the quoted rate of 2.45%.

Municipal Funds (unrestricted) total \$3,071,109

- \$2,578,004 of this is invested with the National Bank, maturing on various dates up to the 21 May 2018 at an average rate of 2.05% (refer note 4 for detail).

Key Financial Indicators at a Glance

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

- Taking into consideration the adopted Municipal Budget and any subsequent year to date budget amendments identified including the mid-year budget review (refer Note 5), the 30 June 2018 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 March 2018 (Statement of Financial Activity).
- The Rates Collection percentage currently sits at 88.31% which is approximately 6.5% lower than for the same period last year (Note 6).
- The 2017/18 Capital Works Program is 33.98% complete utilising actual year to date figures and the total committed cost is 44.57% as at 31 March 2018 (Note 12).
- Various transfers to and from Reserve Funds have not been made for 2017/18 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).

Budget Amendments and Variances (Note 5 and 5a)

Refer to more detailed information contained in Note 5a of the attachment.

Other Information

- Outstanding Rates

The administration is currently taking action to follow up all outstanding rates owed to Council, with the exception of properties owned by eligible pension or other concession entitlement holders. This process may include referral of any or all amounts overdue to debt recovery

specialists for action, and, where necessary, will result in legal proceedings being initiated to assist in pursuing full settlement of the debt.

**Voting Requirements:**

Simple majority.

6.20pm – The Chief Executive Officer left the room.

6.21pm – The Chief Executive Officer returned to the room.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>		ITEM 8.3.1
MOVED: CR ALLEN		SECONDED: CR PHILLIPS
That with respect to Financial Statements for the period ending 31 March 2018, Council;		
1. Receive the Financial Reports, incorporating the Statement of Financial Activity and other supporting documentation.		
2. Endorse the Accounts for Payment for the months of April 2018 as listed.		
CARRIED UNANIMOUSLY: 9/0		Res: 110518

**8.4 Chief Executive Officer**

Nil

**9. COMMITTEE REPORTS & RECOMMENDATIONS**

Nil

**10. MATTERS BEHIND CLOSED DOORS**

Nil

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

Nil

**12. CLOSURE OF MEETING**

6.24pm – 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: \_\_\_\_\_  
*Bill Parker – Chief Executive Officer*

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

These minutes were confirmed at a meeting on the \_\_\_\_\_.

Signed: \_\_\_\_\_  
*(Presiding Person at the meeting at which the minutes were confirmed.)*