



Minutes

ORDINARY MEETING OF COUNCIL

TO BE HELD IN THE COUNCIL CHAMBERS,
953 SOUTH COAST HIGHWAY, DENMARK
ON TUESDAY, 19 JUNE 2018.

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Ordinary Council Meeting

19 June 2018

DISCLAIMER

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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 Kingsley Gibson
- Cr Jan Lewis
- Cr Ian Osborne
- Cr Janine Phillips
- Cr Roger Seeney

STAFF:

- Mr Bill Parker (Chief Executive Officer)
- Mrs Annette Harbron (Director Sustainable Development)
- Mr Cary Green (Director Corporate and Community Services)
- Ms Claire Thompson (Executive Assistant)

APOLOGIES:

- Cr Rob Whooley
- Mr Gilbert Arlandoo (Director Infrastructure and Assets)

ON APPROVED LEAVE(S) OF ABSENCE:

- Cr Mark Allen (pursuant to Council Resolution No. 020518)

ABSENT:

Nil

VISITORS:

- Members of the public in attendance at the commencement of the meeting: 20
- Members of the press in attendance at the commencement of the meeting: Nil

DECLARATIONS OF INTEREST:

Name	Item No	Interest	Nature
Cr Phillips	8.1.1	Financial	Cr Phillips is the owner of a Caravan Park in Peaceful Bay.
	8.1.2	Impartiality	Cr Phillips’ brother in law owns the lease of Rivermouth Caravan Park.
	8.3.3	Impartiality	Cr Phillips’ brother in law owns the lease of Rivermouth Caravan Park.
Cr Lewis	8.1.2	Financial	Cr Lewis’ husband does electrical work for the Rivermouth Caravan Park.
	8.3.3	Financial	Cr Lewis’ husband does electrical work for the Rivermouth Caravan Park.

3. ANNOUNCEMENTS BY THE PERSON PRESIDING

Nil

4. PUBLIC QUESTION TIME**4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****4.1.1 Mr Chris Howden – Community Survey and Privacy**

At the meeting held on 15 May 2018 Mr Howden made some comments and asked some questions relating to the community survey and privacy. The questions were taken on notice and Mr Howden has been provided with the following response in writing.

“Extract from Council Minutes – 15 May 2018

“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.

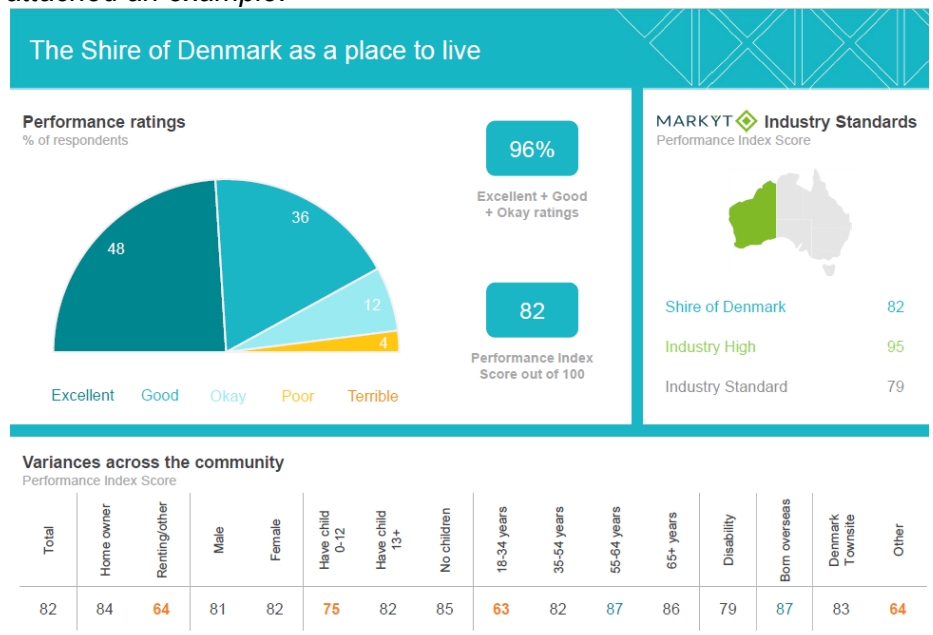
Mr Howden requested that the Shire demand the company to destroy any information that they collected and confirm that they have done so.

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?”*

In response to your questions I provide the following responses;

1. Approximately 6,400 data records were provided to Catalyse. Of these, invitations were sent to 3,000 randomly selected households (1,000 by mail and 2,000 by email).
2. It is likely that the non-resident was either an absentee property owner or uses a service provided by the Shire.
3. The Chief Executive Officer.
4. The Councillors were advised that the Shire was conducting a survey using an external consultant. The Councillors were not aware that the contractor required personal data to randomly select the recipients of the survey.
5. The Councillors were advised that the Shire was conducting a survey using an external contractor.
6. The cost of the survey was \$10,000.
7. At the end of the project, the Shire will consider communicating with participants in terms of the survey outcomes and how personal data has been managed.
8. The CEO has been in regular contact with Catalyse and will ensure that the data is destroyed or recovered at the end of the project.
9. As previously advised, cookies are used on the Catalyse website to understand visitors habits when they visit the site. This information is used to optimise visitor experiences by facilitating the design of the website to meet the needs of those who visit it. All visitors to the Catalyse site will have this information collected from them. This information is not connected or linked to responses provided to any surveys that may be accessed through the website.
10. The Shire has no interest in individual responses. We have been assured by Catalyse that responses are anonymous. At the end of the process, the Shire receives a report with summary statistics. I have attached an example."



Q. How would you rate performance in the following areas?
Base: All respondents, excludes 'unsure' and 'no response' (n = 526).

The Chief Executive Officer apologised to Mr Howden for not answering one of his questions, which had only just been brought to his attention. Mr Parker noted that Mr Howden had indicated that he would be asking the question again during public question time which would give him an opportunity to respond.

4.1.2 Mr Geoff Bowley – Community Survey and Privacy

At the meeting held on 15 May 2018 Mr Bowley made some comments and asked some questions relating to the community survey and privacy. The questions were taken on notice and Mr Bowley has been provided with the following response in writing.

“Extract from Council Minutes – 15 May 2018

“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.”

In response to your question regarding the destruction of any personal information, once the community survey process has been concluded, Catalyse will destroy or de-identify your personal information.”

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 Mrs Katy Rutter – Item 8.3.1 (Acceptance of Shire of Denmark Sport and Recreation Draft Masterplan)

The Shire President said that Mrs Rutter had sent her through some comments to be read out as she was unable to attend the meeting in person. Cr Gearon read out Mrs Rutter’s message which highlighted concerns that the draft plan mentioned a pool but did not mention a gymnasium. Mrs Rutter stated that she supported both projects but would like to see a gymnasium considered in the plan.

4.2.2 Mr Bob Eddington – Item 8.1.1 (Proposed Camel Rides – Peaceful Bay)

Mr Eddington, a resident of Peaceful Bay, said that he felt that the general consensus of residents at Peaceful Bay was that they had concerns about the potential interactions with other users of Peaceful Bay, particularly dogs. Mr Eddington said that the beach got quite narrow at certain times and did not believe it was suitable for the camel rides. Mr Eddington noted the temporary

signage proposed in that it restricted the dog exercise area for the period that the camel rides would be operating.

4.2.3 Mr Brian Humphries – Item 8.3.1 (Acceptance of Shire of Denmark Sport and Recreation Draft Masterplan) & Lime Pit

Mr Humphries asked whether the intention was that the draft plan was being proposed to seek public comment on it and whether the Council would accept his comments on it at the meeting.

The Shire President said yes it was a draft plan which would then be subject to public comment and that Mr Humphries would be best to make any comments through that process.

Mr Humphries referred to page 66 which showed an aerial photo of proposed alterations at McLean Park and asked whether the intent was to reduce the size of McLean Oval to accommodate two additional soccer ovals.

The Chief Executive Officer said that the existing playing oval was much longer than other ovals and by shortening it, to a more standard size, it would enable the Shire to build two large soccer ovals and relocate the cricket nets onto the upper playing surface.

Mr Humphries asked whether the intention was to demolish Tha House.

The Chief Executive Officer said that the detail had not been finalised.

Mr Humphries noted that the plan showed that the building would be demolished and perhaps the Shire needed to provide some clarity around the possible proposal.

The Chief Executive Officer said that they would seek to provide further clarity when the plan was advertised for public consultation.

Mr Humphries referred to the Lime Pit rehabilitation and geological report and asked where the work was currently at.

The Chief Executive Officer advised that the Shire had undertaken some drilling but the plan had not yet been prepared as they had come across some issues. Mr Parker said that the Shire had done some rehabilitation works.

4.2.4 Mr Chris Howden – Community Survey, Privacy and Kangaroos at the Denmark Airport

Mr Howden referred to the Chief Executive Officer's response to his previous questions on notice and said that one question had not been answered and he sought clarification on the exact information that was disclosed, such as telephone numbers, mobile numbers, street addresses, email addresses etc.

Mr Howden asked that his previous question be taken on notice again and answered in writing which was, "Prior to this 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?"

Mr Howden asked two further questions;

1. "The CEO has stated that the Privacy Statement of the Shire needs revisiting as it is currently ambiguous. Would the Council please inform

- me together with the residents, ratepayers and holiday home makers, what they consider as ambiguous about the statement, “The Shire of Denmark will never knowingly distribute such details to third parties”?; and
2. Was the CEO aware of Catalyse own privacy statement. The below is an excerpt from the Catalyse privacy statement. Would the CEO please comment.

This policy is effective from 1 March 2016. We may change this policy from time to time. Although we intend to observe this Privacy Policy at all times, it is not legally binding on Catalyse in any way. From time to time we may regard it as necessary or desirable to act outside the policy.”

The Shire President stated the Chief Executive Officer had apologised for omitting to answer one of Mr Howden’s former questions taken on notice and that his questions would be taken on notice and responded to in writing.

Mr Howden advised that there were a large number of kangaroos at the Denmark Airport and said that he believed that something had to be done about it before an accident happens.

The Chief Executive Officer responded stating that Council Officers had been looking at solutions at the Denmark Airport and that the Department of Biodiversity, Conservation and Attractions had recommended a vermin proof fence rather than a culling program which would only be a short term solution.

4.2.5 Mr Geoff Bowley – Item 8.1.2 (Rivermouth Precinct Development Concept Plan) and Item 8.3.1 (Sport and Recreation Draft Masterplan)

Mr Bowley noted the reference to the Denmark River being a registered Aboriginal Heritage Site and the requirement for development proposals to obtain approvals under current acts and regulations. Mr Bowley said that he believed the South West Native Title Settlement Act and the Noongar Heritage Partnership Agreement described a collaboration framework for identifying, recording, protecting and managing Noongar Heritage values and site.

Mr Bowley suggested that the Council should consider more timely and effective consultation as plans are developed rather than seek indigenous input to already approved concept and master plans.

Mr Bowley referred to the sport and recreation plan asking why the Riverside Stage 2 Concept Plan had not been summarised along with other plans under Appendix 1 and why the Dragon Boat Club’s submission had not been included in Appendix 2 with the other submissions. Mr Bowley asked whether it could be amended.

The Shire President thanked Mr Bowley for his comments and said the amendments would be considered by the Officer.

4.2.6 Mr Matt Mauger – Item 8.1.1 (Proposed Camel Rides – Peaceful Bay)

Mr Mauger asked why Peaceful Bay residents and ratepayers hadn’t been notified of the proposal via mail and that he was disappointed that consultation had taken place when it did. Mr Mauger said that he believed it would have been better if consultation had occurred at a time when there had been more residents and ratepayers at Peaceful Bay.

Cr Phillips and Cr Lewis said the issue had been raised at a recent ward meeting at Peaceful Bay and the Chief Executive Officer was looking into it.

4.2.7 Mr Brad Goode – Community Members on Council Committees

Mr Goode asked how Council elect community members for committees and working groups and asked whether the nominations are scrutinized to make sure that the information is accurate.

The Shire President said that Council does scrutinize the nominations and look for particular expertise and people's interest.

Mr Goode asked if the Council actually checked each nomination.

The Shire President advised that the Council acted in good faith and did not check the accuracy of information stated in nominations.

Mr Goode said he was surprised when Council offered him a position on the Cemetery Advisory Committee when he had applied for a position on the Disability Services Advisory Committee.

The Shire President said that the Council had received more nominations for the number of vacancies on the Disability Committee and because they had appreciated Mr Goode's interest in providing input on a Council Committee they had offered him the vacant community member position on the Cemetery Committee. Cr Gearon apologised if this had not been communicated well with Mr Goode.

4.2.8 Mr Noel Phillips – Item 8.3.3 (Disposal of Property – Lot 1 (Lot 1084), Reserve 46241, Inlet Drive, Denmark (Rivermouth Caravan Park))

The current leaseholder of the Rivermouth Caravan Park, Mr Phillips, thanked the Director Corporate and Community Services, the Chief Executive Officer and Councillors for their work they had put into getting a new lease.

Mr Phillips asked whether the date for the lease to be presented to Council could be brought forward from October 2018 as he was keen to get his new developments, including an office and a café, underway in time for the tourist season.

4.2.9 Mrs Beverley Ford – Item 8.1.2 (Rivermouth Precinct Development Concept Plan), Item 8.3.3 (Disposal of Property – Lot 1 (Lot 1084), Reserve 46241, Inlet Drive, Denmark (Rivermouth Caravan Park)) & Item 8.1.1 (Proposed Camel Rides – Peaceful Bay)

Mrs Ford offered her support for the Rivermouth Concept Plan and supported Mr Phillips comments in relation to bringing the timeframe forward to allow new developments at the Rivermouth Caravan Park, which she believed would be good for tourism.

Mrs Ford said she thought the Camel Rides would be good for the Shire but was surprised to see that the applicant had withdrawn Parry Beach from the proposal as she had felt that Parry Beach would have been the best location.

The Director Sustainable Development said that the proponent had withdrawn their application for Parry Beach after they had considered the submissions received, had identified an issue with the positioning of a camel station and a narrow section of beach.

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 Phillips

COUNCIL RESOLUTION	ITEM 5.1
MOVED: CR LEWIS	SECONDED: CR SEENEY
That Cr Phillips be granted leave of absence for the July 2018 meetings.	
CARRIED UNANIMOUSLY: 7/0	Res: 010618

6. CONFIRMATION OF MINUTES

6.1 ORDINARY COUNCIL MEETING – 15 MAY 2018

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 6.1
MOVED: CR GIBSON	SECONDED: CR PHILLIPS
That the minutes of the Ordinary Meeting of Council held on the 15 May 2018 be confirmed as a true and correct record of the proceedings.	
CARRIED UNANIMOUSLY: 7/0	Res: 020618

6.2 STRATEGIC BRIEFING NOTES – 15 MAY 2018

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 6.2
MOVED: CR GIBSON	SECONDED: CR CARON
That the Notes from the Strategic Briefing held on 15 May 2018 be received.	
CARRIED UNANIMOUSLY: 7/0	Res: 030618

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

Nil

8. REPORTS OF OFFICERS

8.1 Director Sustainable Development

Cr Phillips declares a financial interest in Item 8.1.1 on the basis that she is the owner of a Caravan Park at Peaceful Bay.

4.49pm – *Cr Phillips left the room and did not participate in discussion or vote on the matter.*

8.1.1 PROPOSED CAMEL RIDES – PEACEFUL BAY	
File Ref:	LEG.12
Applicant / Proponent:	Great Southern Camel Company
Subject Land / Locality:	Peaceful Bay
Disclosure of Officer Interest:	Nil
Date:	5 June 2018
Author:	Jasmine Tohill, Senior Town Planner
Authorising Officer:	Annette Harbron, Director Sustainable Development
Attachments:	8.1.1a – Permit Application Documentation 8.1.1b – Submissions 8.1.1c – Applicant’s Response 8.1.1d – Site Photos

Summary:

The applicant is seeking a Permit to conduct supervised beach camel rides at Peaceful Bay.

Having regard to the proposal and the relevant provisions of the Shire of Denmark Activities on Thoroughfares & Trading in Thoroughfares & Public Places Local Law it is recommended that approval for a six month trial period be granted subject to appropriate conditions.

Background:

Current Application

A Permit application to undertake supervised beach camel rides at Parry Beach and Peaceful Bay was lodged with Planning Services in February 2018. It should be noted that following public consultation the applicant has advised that at this point in time they do not wish to progress with the application to operate at Parry Beach.

Attached at Attachment 8.1.1a is the application documentation (excluding Parry Beach).

In summary the applicant is seeking approval to conduct camel rides at Peaceful Bay from 1 November until 31 March between 3pm and 7pm Thursday to Sunday (including Tuesdays and Wednesdays during School Holidays) and Public Holidays. Rides are to be conducted along approximately 1 kilometre of beach east of the Sea Rescue building within Foul Bay.

It is proposed to use 3 to 4 camels at a time for rides of approximately 15-30 minutes in duration. The camels are to be permanently housed at the applicant’s rural property on South Coast Highway, Nornalup and transported to the site within a purpose built trailer when bookings are received. The trailer will convert to a camel loading station occupying an area of 5 metres x 3 metres utilising 2x car parking bays at the western end of the Peaceful Bay carpark.

Consultation:

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

- Public advertising period commenced on 9 March 2018 and concluded on 6 April 2018 (29 days).
- Advertising notice published in the *Denmark Bulletin* on 9 March 2018 inviting public comment.
- Advertising notice published in the *Walpole Weekly* on 14 March 2018 inviting public comment.
- Referral letters to Parrys Beach Voluntary Management Group Inc. & the Peaceful Bay Progress Association;
- Referral letter to Department of Biodiversity Conservation and Attractions;
- The Permit application was available for viewing at the Shire Administration Office and on the Shire's website inviting public comment.

At the end of the advertising period, 18 submissions were received– refer Attachment 8.1.1b.

Statutory Obligations:

The Shire's Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law outlines relevant considerations that must be given due regard by the local government in determining an application for a Permit to trade. This includes:-

- (a) Any relevant policies of the local government;
- (b) The desirability of the proposed activity;
- (c) The location of the proposed activity;
- (d) The principles set out in the Competition Principles Agreement; and
- (e) Such other matters as the local government may consider to be relevant in the circumstances of the case.

Should Council refuse this Permit Application as per Division 1 of Part 9 of the *Local Government Act 1995* and regulations 33 and 34 of the Regulations, the applicant can apply to the State Administrative Tribunal for a Right of Review.

Policy Implications:

Policies *P070404 - Principles Supporting the Shire of Denmark Activities on Thoroughfares & Trading in Thoroughfares & Public Places Local Law* and *P130201 – Tourism Policy* are relevant to consideration of the application.

Budget / Financial Implications:

There are no known financial implications upon either the Council's current Budget or Long Term Financial Plan. Fees and Charges will apply as per the Shire's Fees and Charges applicable at the time, with ongoing yearly permit fees applicable should the Permit be renewed in ensuing years.

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

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

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

N2.0 Our Natural Environment

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

N2.2 To promote and encourage responsible development.

B3.0 Our Built Environment

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

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

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

Corporate Business Plan

3.7.1 Continue to support new sustainable tourism development (across accommodation, activity, attraction, amenity, access sectors) that will contribute to growth in tourism; as well as supporting improvements to existing tourism.

3.7.2 Continue to support small business and entrepreneurial opportunities around tourism and other community enterprise.

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

Environmental impacts associated with the proposal are considered negligible subject to imposition of appropriate conditions.

➤ **Economic:**

The proposal would support diversification in tourism activities at Peaceful Bay and offer broader economic benefits for the Shire.

➤ **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.	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.

Comment/Conclusion:

The Peaceful Bay carpark and adjacent beach area within Foul Bay, extending north to the Walpole-Nornalup National Park, are reserved for "Parks and Recreation" under TPS No.3 and fall under the Shire's management jurisdiction (as part of Reserve 24510). The proposed recreational activity is generally consistent with the TPS No.3 reservation.

The Shire's *Coastal Reserves Management Strategy and Action Plan 2010-2020* (February 2011) acknowledges a broad range of uses that occur at Peaceful Bay, and notes that land use pressures and recreational pursuits appeared to be well managed at the time of publication. The objective for Peaceful Bay under the Action Plan is to continue to provide safe, nature-based recreational facilities and cater for increased demand while ensuring that natural and cultural values are maintained and protected. The *Peaceful Bay Foreshore Concept Plan* (April 2018) and the *Ocean Beach & Peaceful Bay Coastal Hazard Risk Management and Adaptation Plan* (November 2017) further inform and update recommendations under the Action Plan as they relate specifically to infrastructure and coastal assets. The proposed commercial tours are compatible with the nature-based recreational activities intended at Peaceful Bay and would not compromise recent infrastructure or asset recommendations being a primarily ephemeral activity.

Following public advertising and wider media reporting a total of 18 submissions were received; noting two submissions received specifically related to the application for Parry Beach and this is no longer a site being pursued by the applicant). Of the 17 private submissions received, 10 raised objections/concerns, 5 were in support and two provided comment. The Department of Biodiversity, Conservation and Attractions raised no objection to the proposal. Attached at Attachment 8.1.2b is the Schedule of Submissions – with the submissions received entered verbatim.

Submissions in support of the proposal have sighted the positive contribution that such a venture would provide in offering a draw card for visitors, diversification in the regional tourism base and benefits for local businesses.

The primary concerns raised in submissions relate to:

- Congestion during holiday periods;
- Potential conflicts with dogs and horses;
- Narrow width of the beach, particularly at high tide;
- Potential impacts upon vehicles that drive and park on the beach;
- Conflicts associated with the boat launching area and beach access track;
- The potential to impact upon a range of activities currently enjoyed by local residents and visitors.

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

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

Environmental Impacts

From an environmental management perspective the impact of camels at Peaceful Bay would be minimal compared to that of vehicles, horses, dogs and people already using the beach at this location. All camels are intended to be fitted with a bag that captures droppings during the tour with all manure collected and disposed of off-site. Conditions can be applied to ameliorate other potential environmental impacts.

Beach Width

At the time of conducting site visits (10am on 11 April 2018 and 3pm on 22 May 2018) the beach remained wide enough to accommodate the passing of two vehicles and other beach users (refer- Attachment 8.1.1d showing nominal beach width). Although submissions have raised concerns regarding the impact of tides at this location this would form only one contributing factor to beach width, with erosional impacts and storm surges far more likely to play a far greater role in reducing beach width during the winter months, outside the period of operation. It is not possible to accurately predict or apply conditions to cover all such occurrences and it should remain at the tour operator's discretion to

determine whether it is safe to conduct tours on any one day. The Shire would retain an ability to close the beach or instruct that tours temporarily cease for public safety or operational reasons should the need arise.

Parking & Access

Infrastructure Services have reviewed the proposal and raise no objection to the camel trailer being located within the carpark, noting that it is designed to accommodate larger vehicles, boats and trailers. That said, this position has been based on a currently underutilised carpark. Assessment of the application should have regard to the carpark potentially being full thus it is recommended, should Council approve the application, that a condition be imposed requiring reserved parking signage be provided and installed at the applicant's expense denoting the use of one bay for specific use of the operator.

Assuming two riders per camel it is anticipated that a maximum of 8 participants would be in attendance at any one time. The number of participants is not considered to result in significant parking demand or impose additional maintenance requirements upon the Shire.

Following a site inspection and noting concerns raised over use of the vehicle access track it is recommended that conditions be applied to ensure that a dedicated staff member is available to act as a spotter and ensure a safe clearway is available when camels enter and exit the beach. Given the restricted hours of operation and limited length of time camels are likely to remain within the access track it is anticipated that this would be unlikely to pose significant impacts upon other beach users or Sea Rescue operations, noting that a right of way should always be provided to emergency services.

Managing Risk, Conflict and Congestion

Research indicates that camel tours operate successfully at other public beaches in Australia where a wide range of activities, including 4-wheel driving and dog walking occur. Although the proposed activity is not without some level of risk for participants a review of literature and analysis of similar approvals indicates that this can be mitigated to a large degree by adopting appropriate staffing and management practices.

The proposed tours are of a low scale, being confined to a maximum of four camels at any one time, supervised by a minimum of two handlers. The tour route is to be confined to the north of the Sea Rescue building, away from the boat launch area and swimming beach where the majority of beach activity is concentrated. It is intended that the camels be lead clear of vehicles and other beach users noting that there is sufficient flexibility for handlers to determine the most appropriate path to follow on the day. The highly supervised nature of the tour and slow pace of the camel also provides ample opportunity for handlers to assess and respond to potential conflict/ risks as they may arise and to take avoidance action where necessary. Ultimately the main physical risk associated with such activities would rest with the rider and handler and remain the operator's responsibility to control and mitigate. The acceptance of operator based risk is consistent with the approach applied by Council in approving similar commercial activities, such as horse riding, on Shire controlled land.

The designated dog exercise (leash free) area for Peaceful Bay is located north of the main swimming beach covering the full extent of the proposed tour route. Horse riding is also permitted within this area. Notwithstanding that some dogs and horses may potentially react to the presence of camels, similar issues can currently arise through interactions between other dogs, horses, cars, children, fishermen etc. and it remains the responsibility of all owners to ensure that their animals are under the control of a responsible person and do not pose a threat to others. In the event that approval is granted it is recommended that temporary signage be placed at the entrance to the beach when

tours are in progress to ensure that other beach users are aware of the presence of camels. The remaining portion of the dog exercise area, south of the Sea Rescue building, would be available to owners should they be concerned that their dog may react to the presence of camels when the tours are being operated.

If issued, it is recommended that the Permit be limited to an initial 6 month trial period (single summer season), noting that such Permits are required to be re-issued on a yearly basis. Although the applicant has advised of their intent to operate during the Easter school holidays, in 2019 this would not correlate with the period that has been applied for and advertised (1 November – 31 March 2019). From a Planning Services perspective, it is recommended that the trial period include April 2019 such that a full assessment of the business operating over key peak tourist periods can be undertaken should the proponents seek renewal of such permit.

Tourism Benefits

Policy P130201 – Tourism Policy details matters relevant to assessment of the current application, noting the potential social and economic benefits that such tourism ventures can offer. The Policy Guidelines state that Council will encourage tourism product development and investment throughout the area and facilitate the development application process. The Guidelines also state that Council will ensure the welfare of the whole community when supporting tourism development and the provision of facilities and will consider the social, cultural, economic and environmental impact of any proposal.

Whilst noting concerns raised in submissions, the proposal has the potential to become a tourism drawcard within the western portion of the Shire that could offer broader economic benefits as recognised by Policy P130202. In this context and having regard to matters discussed in the preceding assessment there is merit in supporting a trial to determine whether such beach activities are sustainable in the longer term.

Competition Principles Agreement

There are no known matters of relevance to the Competition Principles Agreement as referenced under the applicable Local Law, noting that the application has been lodged by an independent operator and no similar tourism ventures/ businesses of this nature operate or have previously sought to operate at this location.

Having regard to assessment of the proposal in line with the Shire of Denmark Activities on Thoroughfares & Trading in Thoroughfares & Public Places Local Law and relevant Policy requirements, it is recommended that the Permit be granted subject to appropriate conditions being imposed.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION ITEM 8.1.1
 MOVED: CR CARON SECONDED: CR OSBORNE

That with respect to the Permit application to conduct Camel Rides at Peaceful Bay, Council:

1. Note the submissions received.
2. Subject to payment of the required annual permit fee as per the Shire’s operative Fees and Charges Schedule, grant a six (6) month trial period with the following conditions to apply:

Conditions

- a) The Permit applies to the Peaceful Bay Camel Trek Route and Loading Station Site as depicted on the stamped approved plan dated 7 March 2018.
- b) The Permit being restricted to the following days, times and operating arrangements:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Days of operation	-	Only during school holidays/ public holidays	Only during school holidays/ public holidays	Only during school holidays/ public holidays	Yes	Yes	Yes
Hours of operation	-	3pm– 7pm	3pm– 7pm	3pm-7pm	3pm-7pm	3pm-7pm	3pm-7pm
Method of operation	-	Only in attendance when bookings received	Only in attendance when bookings received	Only in attendance when bookings received	Only in attendance when bookings received	Only in attendance when bookings received	Only in attendance when bookings received

- c) The Permit is valid for six (6) months from 1 November 2018 until 30 April 2019, with the Permit holder required to apply for a Permit renewal in accordance with the Shire of Denmark’s Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2001 (refer Advice Note c)).
- d) The operator shall, before commencing operations within the permitted area, take out public liability insurance for the term of the Permit to a minimum value of \$10,000,000 for any one claim, which indemnifies Council for the full period of the Permit. A copy of any Policy renewal required during the term of the Permit is to be lodged with the Shire prior to expiry.
- e) All vehicles, trailers and equipment associated with the permitted use must be parked wholly within the designated carparking bay and adjoining hatched area nominated as Loading Station Site on the stamped approved plans dated 7 March 2018.
- f) Provision and installation of a reserved parking sign by the Shire of Denmark, with all costs to be met by the applicant, such that it delineates usage of the designated carparking bay for the camel rides business.
- g) A maximum of four (4) camels are permitted on the beach and within the carpark at any one time.
- h) The Permit holder and employees are to ensure that the permitted use is conducted in the safest possible manner with regard to prevailing beach and surf conditions.
- i) The Permit holder must conduct the activities so as not to create an annoyance or conflict with other beach users.
- j) The Permit holder must conduct the activities so as not to cause a traffic hazard or danger to the safety of the general public.
- k) The Permit holder shall ensure all manure is contained, collected and disposed of off-site.
- l) Camels are not to be fed within the permitted area.

- m) Camels are to be lead and controlled by a minimum of two competent employees at all times with such employees to be clothed in apparel that clearly identifies them as the responsible person/s in charge of the permitted use.
- n) All employees in attendance during the tour are to maintain a current Senior First Aid Certificate.
- o) A sign must be placed at the vehicle entrance to the beach which is clearly visible during the permitted use to indicate that Camel Rides are being conducted within the area. The sign is to be removed at the conclusion of each period of operation of the permitted use.
- p) When entering and exiting the beach a staff member is to be stationed at the vehicle access track between the beach and carpark to ensure that a safe clear way is available.
- q) Camels are prohibited from entering vegetated areas, dunes, steep slopes, banks or other areas not forming part of the approved tour route.
- r) The Permit holder is to comply with any relevant animal welfare legislation, guidelines and/or code of practice valid during the lifetime of the permitted use, which includes the *Primary Industries Standing Committee Model Code of Practice for the Welfare of Animals – The Camel*.
- s) The Permit holder is responsible for any damage to Shire property arising from the permitted use.
- t) The Permit holder and employees are to comply with all reasonable directions of Shire Rangers or other authorised Shire Officers.
- u) At the conclusion of tours, the surrounding area must be left in a clean and litter free condition.
- v) All advertising signage and banners located within the Loading Station Site are to be portable in nature and limited to a maximum size of two 1800 x 600mm signs or banners that are displayed no more than 30 minutes prior to the commencement of tours and removed within 15 minutes after.
- w) The operator must not connect to or utilise any Shire of Denmark utilities without prior approval and at an additional charge.

Advice Notes:

- a) The granting of a Permit does not imply a right to exclusive use of any portion of the Shire's reserve/s. The operation does not take precedence over other reserve users.
- b) The granting of a Permit does not include approval to install additional advertising signage and or banners outside of the Loading Station Site.
- c) Please note that it is the responsibility of the applicant (and not the Shire) to be aware of the renewal requirements associated with this Permit and to lodge such renewal application prior to expiry of the Permit. The granting of this Permit should not be interpreted to imply that future Permit applications will be granted.
- d) This Permit is not transferrable.

3. Advise the submitters of Council's decision.

CARRIED UNANIMOUSLY: 6/0

Res: 040618

Cr Lewis declares a financial interest in Item 8.1.2 on the basis that her husband does electrical work for the Rivermouth Caravan Park.

4.55pm – Cr Lewis left the room and did not participate in discussion or vote on the matter.

4.56pm – Cr Phillips returned to the room.

Prior to consideration of Item 8.1.2, Cr Phillips declared that her brother in law owns the lease for the Rivermouth Caravan Park and as a consequence there may be a perception that her impartiality on this matter may be affected. Cr Phillips declared that she will consider this matter on its merits and vote accordingly.

8.1.2 RIVERMOUTH PRECINCT DEVELOPMENT CONCEPT PLAN	
File Ref:	PLN.76
Applicant / Proponent:	Shire of Denmark
Subject Land / Locality:	Smith Brothers Park (Portion of Reserve 14376) and Rivermouth Caravan Park (Reserve 46241)
Disclosure of Officer Interest:	Nil
Date:	6 June 2018
Author:	Annette Harbron, Director Sustainable Development
Authorising Officer:	Annette Harbron, Director Sustainable Development
Attachments:	8.1.1a – Draft Rivermouth Precinct Development Concept Plan (as advertised) 8.1.2b – Schedule of Submissions 8.1.2c – Modified Rivermouth Precinct Development Concept Plan

Summary:

The draft Rivermouth Precinct Development Concept Plan (RPDCP) was advertised for public comment with twelve (12) submissions received.

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

Background:

At the Ordinary Meeting of Council held on 21 November 2017, Council resolved as follows (061117):

That with respect to the Draft Rivermouth Precinct Development Concept Plan, Council adopt the draft Concept Plan for the purposes of public advertising as per the following:

- 1. Public advertising period for a minimum of 42 days.*
- 2. Advertising notice to be published in the Denmark Bulletin inviting public comment.*
- 3. Advertising notice, and the associated plans, inviting public comment on the proposal being displayed at the Shire Administration Office, the Shire Library and the Shire’s website for the duration of the public advertising period.*
- 4. Referral to key stakeholders including the Department of Transport, Department of Water and Environmental Regulation (Water) and Department of Planning, Lands & Heritage (Aboriginal Services) inviting comment.*

Attached as Attachment 8.1.2a is the draft Development Concept Plan that was advertised for public comment.

Consultation:

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

- Public advertising period commenced on 20 December 2017 and concluded on 22 February 2018 (65 days).
- Advertising notice published in the *Denmark Bulletin* on 4 January 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 key stakeholders including the Department of Transport, Department of Water and Environmental Regulation (Water), Department of Planning, Lands & Heritage (Heritage) and Department of Planning, Lands & Heritage (Land Use Planning) inviting comment.

At the close of the advertising period, a total of twelve (12) submissions were received – nine (9) from the public/community stakeholder groups and three (3) from State Government Departments. Attached as Attachment 8.1.2b is the Schedule of Submissions, with all submissions received being entered into the schedule as verbatim.

Statutory Obligations:

Denmark River is a registered Aboriginal Heritage site (Site ID 22081). Development proposals for the area will require Regulation 10 (for revegetation/rehabilitation works primarily) or Section 18 approvals accordingly from the Department of Planning, Lands & Heritage (Heritage).

Approval and licensing of the proposed jetties will be required to be obtained from the Department of Transport.

Policy Implications:

The *Shire of Denmark Disability Access and Inclusion Plan June 2013 – 2018* makes recommendations relating to increasing accessibility to "Council's main active, passive and coastal recreation areas" and investigating "universal access opportunities along the Shire of Denmark's high value foreshore areas". As such the Development Concept Plan seeks to improve the opportunities for disabled access to the river foreshore.

Budget / Financial Implications:

Implementation of the Concept Plan will be dependent upon access to grant funds, Council budget priorities and/or private contributions (as appropriate) to undertake the improvement works provided for in the Development Concept Plan in due course.

In this regard it should be noted that current Long Term Financial Planning considerations has not provided for any substantial improvement works proposed by the Development Concept Plan. Some aspects of the improvement works can be undertaken as part of operational and maintenance/asset management budgets.

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.

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

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.

Corporate Business Plan

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

1.10.6 Investigate improvements to parks and reserves and implement improvements where appropriate.

2.1.2 Manage natural resources in a sustainable manner on land owned or managed by the Shire.

3.7.1 Continue to support new sustainable tourism development (across accommodation, activity, attraction, amenity, access sectors) that will contribute to growth in tourism; as well as supporting improvements to existing tourism.

3.7.3 Continue to engage in the management of local natural areas with associated recreation and tourism uses.

3.7.8 Provide infrastructure and services to support local tourism.

Sustainability Implications:➤ **Governance:**

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

➤ **Environmental:**

The Development Concept Plan for the Rivermouth Precinct seeks to balance recreational use of the area while mitigating impacts and enhancing and restoring natural values.

➤ **Economic:**

Implementation of the Development Concept Plan will be dependent upon access to grant funds and/or Council budget priorities to undertake the recommended works in due course; noting that commercial use jetties may require full and/or partial funding from the relevant commercial entities.

➤ **Social:**

The Development Concept Plan seeks to cater for future predicted increased use of the recreational area, by both local residents and visitors alike, and provide for (close-to) year-round

access to the site. It also aims to provide greater opportunities for access by the disabled and elderly.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council do not support the Rivermouth Precinct Development Concept Plan	Unlikely (2)	Minor (2)	Low (1-4)	Inadequate Engagement – Community/ Stakeholder/ Crs	Accept Officer Recommendation

Comment/Conclusion:

The Working Group reviewed all submissions received to determine a position on the issues/comments and guide the final Development Concept Plan to be submitted to Council for adoption. From the review process undertaken by the Working Group, the following minor modifications to the advertised draft Development Concept Plan are recommended (also refer to Attachment 8.1.2c, which identifies the modifications graphically in red pen; noting the appointed Architects will professionally finalise the plans for publication purposes once Council has considered its position on the Development Concept Plan):

- Front page: Remove word ‘Denmark’ from title and update date to read “Adopted at 19 June 2018 Ordinary Meeting of Council (Res No: {details to be added once minutes finalised}).
- Contents page: delete as is not necessary.
- Area A to Area E pages: modify colour used for ‘Exposed Aggregate Concrete Path” so that there is a distinct differentiation to the colour used for the existing roads.
- Area A page: add reference associated with Tourism/Directional Signage for the area to be called “The Rivermouth Foreshore”.
- Area B page: add a sentence that makes reference that multi-use floating jetty could include use by, but not limited to, classic boaters, permanent mooring requestors (by application) etc.
- Area B page: add reference that the provision of the jetties is part of the long term development plan and that financial contributions from commercial operators and mooring applicants may be sought (whether that be for construction purposes and/or leasing arrangements).
- Area D page: delete reference to boat washdown facility.
- Area D page: change ‘existing jetties’ to ‘existing jetty’.
- Area D page: delineate drop-off/pick-up bay adjacent to the lawn area.
- Area E page: add ‘(dual use)’ to end of asphalt path and timber boardwalk references in the legend.
- Area F: denote the emergency exit to Inlet Drive from the Caravan Park.
- Area F: delete the Caravan Park Reception/Shop/Café Aesthetic image.

Overall it is considered that the proposed modifications are appropriate and it is recommended that Council adopt the Concept Plan (as per Attachment 8.1.2c) to guide the future usage and development of the Caravan Park and the Rivermouth Precinct.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.1.2
MOVED: CR GIBSON	SECONDED: CR CARON
That with respect to the Rivermouth Precinct Development Concept Plan, Council:	
<ol style="list-style-type: none"> 1. Note the submissions received; 2. Adopt Attachment 8.1.2c as the final Development Concept Plan; 3. Advise the submitters of Council's decision; 4. Acknowledge the work of the Rivermouth Precinct Development Concept Plan Working Group in the development of the Development Concept Plan to guide the future usage and development of the Caravan Park and the Rivermouth Precinct. 5. Formally cease the Rivermouth Precinct Development Concept Plan Working Group given the Working Group's aim to develop the Development Concept Plan is now complete. 	
CARRIED UNANIMOUSLY: 6/0	Res: 050618

8.2 Director Infrastructure and Assets
Nil

4.59pm – Cr Lewis returned to the room.

8.3 Director Corporate and Community Services

8.3.1 ACCEPTANCE OF SHIRE OF DENMARK SPORT AND RECREATION DRAFT MASTERPLAN
File Ref: A3035
Applicant / Proponent: Shire of Denmark
Subject Land / Locality: Not applicable
Disclosure of Officer Interest: Nil
Date: 6 June 2018
Author: David Schober, Manager, Community Services
Authorising Officer: Cary Green, Director Corporate and Community Services
Attachments: 8.3.1 – Draft Shire of Denmark Sport and Recreation Masterplan

Summary:

This report recommends that Council accept the draft Shire of Denmark Sport and Recreation Masterplan, prepared by ABV Consultants, and instruct the Chief Executive Officer to make available to the public, for a period of 28 days, through Council's adopted Community Consultation process.

Background:

A small grant CSRFF application was lodged with the Department of Sport and Recreation. In December 2016 Council was officially notified that they had been successful with their application for a one third contribution towards the Shire of Denmark Sport and Recreation Plan incorporating a Master Plan for the McLean Park Precinct and High School Oval Precinct.

The purpose of these plans is to research and document current and proposed sport and recreation opportunities for the next 15 years to assist in informing future decision making for investment. The plan is to assess the efficiency and effectiveness of sport and recreation facilities whether provided by Council, not for profit or community based providers. Part of the work will include an assessment of current infrastructure to identify where facilities may be improved, rationalised or consolidated and made more suitable to the emerging needs of existing and future residents of the Shire.

It is envisaged that this process will give Council;

- An adopted Sport and Recreation Masterplan for the Shire of Denmark; and,
- An implementation strategy for Sport and Recreation facility development for the Shire of Denmark;
- Specific information relative to the McLean Park Precinct and High School Ovals to guide future development at these two facilities.

These strategic documents once completed, with the appropriate community consultation, will provide Council with the tools to consider sport and recreation decisions for the long-term future.

At its meeting held on 21st February 2017, Council established the Shire of Denmark Sport and Recreation Plan Working Group with the following membership (Resolution No. 090217);

Voting Rights

- 2 x Councillors (Cr Mark Allen & Cr Jan Lewis)
- Director Corporate and Community Services (Cary Green)
- Manager Recreation & Youth Services (Damian Schwarzbach)
- McLean Park User Group representative (Glen Burton)
- Department of Education representative (Ken Davies)
- 2 x Community Member Representatives (Katy Pierce, Bernie Wong and Dan Robson)

Non-Voting

- Department of Sport & Recreation Representative (Chris Thompson)
- Consultant

While there has been significant community consultation as part of the information collection and needs analysis performed by ABV Consultants, the 11 person Working Group identified that “reporting back” to the community and obtaining specific feedback on all elements identified, or not, within the Masterplan should form an integral component before reaching Council for final adoption. It is therefore offered that the attached draft Sport and Recreation Masterplan should be offered to the community and all comments and feedback obtained be considered before Council adopts the final Shire of Denmark Sport and Recreation Masterplan.

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.

Community consultation for this project has utilised (4) four integrated strategies to harvest the widest and most detailed level of consultation possible. This has included:

1. Formation of the Shire of Denmark Sport and Recreation Masterplan Working Group.

Vacancies for Community representatives were advertised for a minimum period of 14 days in the Denmark Bulletin, on the Shire website and on notice boards. Selection and appointment was made by Council considering the merits of all applications.

Working Group members held regular meetings and provided both “end user” insight and strategic input for both the Shire and consultants.

2. Consultant meetings, briefings and public forums.

a. Consultant meetings.

As part of the Masterplan’s development ABV Consultants directly contacted over 80 user groups, clubs and individuals to provide an opportunity for a 30 minute one on one meeting,

either in person or by telephone. The invitation allowed stakeholders to provide comment and feedback from their perspective.

b. Consultant briefings.

The Consultants met with all Executive staff, Council and peak industry bodies including the Department of Sport and Recreation, Great Southern Centre for Outdoor Excellence and numerous State sporting bodies. This approach ensured a best practice model was considered from a utilisation, sustainability and funding perspective.

c. Public forums.

The Consultants offered 2 public forums which were advertised within the Shire of Denmark on the website, through social media, by way of invitation and through public notices. This provided any interested community member the opportunity to speak directly to the Masterplan's authors.

3. Shire of Denmark advertisements, messaging and announcements.

The Shire sought comment from the community and received various individual submissions for consideration. This included website and social media messaging, advertisements in the Denmark Bulletin and announcements at community, sport and recreation events.

4. Harvested related Sport and Recreation feedback from community consultation from the Shire of Denmark's Strategic Community Plan – Denmark 2027.

Utilised where gaps in data or community feedback were identified. This included information pertaining to the townships of Nornalup and Peaceful Bay where there are no designated sporting or recreation clubs included in the Consultants' report.

Statutory Obligations:

There are no statutory obligations.

Policy Implications:

P110304 SUSTAINABILITY & COLLOCATION (SPORT & RECREATION FACILITIES) reads as follows:

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

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

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

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

The following internal organisation procedure relates;

"OP040105 PROJECT MANAGEMENT OR WORKING GROUPS OF COMMITTEES

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

To maximise the probability of Council support for the recommendations or outcomes of a consultancy project, officers that create or setup a PMG or WG, Steering Committee or Working

Group, are to ensure that wherever such a group has one or more elected members on that group, that an elected member is appointed as the Chair. Under no circumstances should an officer of the Council be in a position of Chair.

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

Budget / Financial Implications:

Council received 2 quotes from Sport & Recreation Consultants that were used as the basis for the grant application to the Department of Sport & Recreation. These quotes were both around \$40,000.

The successful application received the maximum one third funding of \$13,927 towards a total project cost of \$41,780.

Thus Council’s two thirds contribution is \$27,853. The following accounts in Council’s 2016/17 adopted budget were utilised:

- 17040 Recreation Master/Strategic Plan \$15,000
- 14071 GSSRFP – Local Plan \$10,000
- 15092 High School Oval Concept Plan \$ 3,000

Total funds Available \$28,000

Council’s contribution to the 14071 GSSRFP (Great Southern Sport and Recreation Facilities Plan), was paid in the 2015/16 financial year and these funds for 2016/17 were earmarked for the Local Plan.

Strategic & Corporate Plan Implications:

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

Denmark 2027

N2.0 Our Natural Environment

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

N2.2 To promote and encourage responsible development.

N2.4 To acknowledge and adapt to climate change.

B3.0 Our Built Environment

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

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

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

Corporate Business Plan

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

1.2.6 Establish outdoor amenities that suit the needs of the community.

1.10.3 Support the Denmark Surf Club Redevelopment/Upgrade.

1.10.6 Investigate improvements to parks and reserves and implement improvements where appropriate.

- 1.10.16 Maintain and improve sporting and recreation facilities (including dog parks) in the District based on catchment needs.
- 2.1.2 Manage natural resources in a sustainable manner on land owned or managed by the Shire.
- 2.2.9 Assess coastal vulnerability of high risk Shire assets along the coastline.
- 3.7.3 Continue to engage in the management of local natural areas with associated recreation and tourism uses.

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:**

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

➤ **Social:**

Council has recognised the significant community value of organised competitive sport and less formal passive and active recreational activities.

The positive social interaction between members, as well as the health benefits derived from the physical exercise of active participation in sport and recreation result in a sense of personal well-being / good health in each member and, collectively, within the community.

➤ **Risk:**

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

Comment/Conclusion:

The Sport and Recreation Masterplan will assist Council to understand the community's sport and recreation needs, to better manage its provision, assist future sport and recreation decision making and map a justified implementation plan with indicative staged costings. The Masterplan will therefore inform Long Term Financial Plans in a fiscally responsible manner while serving to inform the Denmark community of realistic and timely outcomes appropriate to the needs of the community.

The Masterplan will identify opportunities for Council to upgrade, develop new and/or co-locate facilities to provide the community with opportunities to better participate in physical activity pursuits, both competitive and passive.

New or improved facilities which are well located in partnership with key stakeholders, like the Department of Sport and Recreation, will enable greater utilisation by Shire of Denmark community members. Communicating and addressing community needs against expectations will serve as a key outcome.

Voting Requirements:

Simple majority.

5.00pm – The Director Sustainable Development left the room and did not return.

<p>COUNCIL RESOLUTION & OFFICER RECOMMENDATION MOVED: CR GIBSON</p>	<p>ITEM 8.3.1 SECONDED: CR GEARON</p>
<p>That with respect to the Shire of Denmark Sport and Recreation Masterplan, Council:</p> <ol style="list-style-type: none"> 1. Accept the draft Shire of Denmark Sport and Recreation Masterplan report, and 2. Instruct the CEO to advertise the draft Shire of Denmark Sport and Recreation Masterplan report for a period of 28 days inviting comment from the community. 	
<p>AMENDMENT MOVED: CR CARON</p>	<p>SECONDED: CR LEWIS</p>
<p>In Part 1 after the word “report” add the words “<i>subject to minor corrections and amendments including but not limited to typographical errors, definitions, moving text within the report, rewording text for increased clarity, additional text relating to aboriginal heritage and removal of superfluous detail</i>”.</p>	
<p>CARRIED: 4/3</p>	<p>Res: 060618</p>
<p><i>Pursuant to Resolution No.031115 all Councillors’ votes on the above resolution are recorded as follows;</i></p>	
<p><i>FOR: Cr Caron, Cr Gibson, Cr Gearon and Cr Lewis.</i></p>	
<p><i>AGAINST: Cr Seeney, Cr Phillips and Cr Osborne.</i></p>	
<p>AMENDED MOTION</p>	
<p>That with respect to the Shire of Denmark Sport and Recreation Masterplan, Council:</p>	
<ol style="list-style-type: none"> 1. Accept the draft Shire of Denmark Sport and Recreation Masterplan report, subject to minor corrections and amendments including but not limited to typographical errors, definitions, moving text within the report, rewording text for increased clarity, additional text relating to aboriginal heritage and removal of superfluous detail, and 2. Instruct the CEO to advertise the draft Shire of Denmark Sport and Recreation Masterplan report for a period of 28 days inviting comment from the community. 	
<p>LOST: 4/3</p>	<p>Res: 070618</p>
<p><i>Pursuant to Resolution No.031115 all Councillors’ votes on the above resolution are recorded as follows;</i></p>	
<p><i>FOR: Cr Lewis, Cr Gearon and Cr Caron.</i></p>	
<p><i>AGAINST: Cr Osborne, Cr Seeney, Cr Phillips and Cr Gibson.</i></p>	

DEFERRAL MOTION	ITEM 8.3.1
MOVED: CR PHILLIPS	SECONDED: CR SEENEY
That the matter be deferred to allow;	
<ol style="list-style-type: none"> 1. Sufficient consultations with residents and ratepayers in the western part of the Shire for inclusion in the draft Masterplan; 2. For minor corrections and amendments including but not limited to typographical errors, definitions, moving text within the report, rewording text for increased clarity, additional text relating to aboriginal heritage and removal of superfluous detail; 3. The inclusion of all submissions; and 4. Final consideration by the Working Group before returning the draft Masterplan to Council in July 2018. 	
CARRIED UNANIMOUSLY: 6/4 7/0	Res: 080618
<i>Pursuant to Resolution No.031115 all Councillors' votes on the above resolution are recorded as follows;</i>	
<i>FOR: Cr Caron, Cr Gibson, Cr Seeneey, Cr Gearon, Cr Phillips and Cr Lewis.</i>	
<i>AGAINST: Cr Osborne.</i>	

CORRECTION TO MINUTES.
Pursuant to Council Resolution No. 030718

8.3.2 FINANCIAL STATEMENTS FOR THE PERIOD ENDING 30 APRIL 2018

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Denmark
Disclosure of Officer Interest:	Nil
Date:	6 June 2018
Author:	Lee Sounness, Corporate Services Manager
Authorising Officer:	Cary Green, Director of Finance & Administration
Attachments:	8.3.2 – 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

Comment/Conclusion:

As at 30 April 2018 total cash funds held total \$13,323,168 (Note 4).

Shire Trust Funds total \$201,284.

- \$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 \$10,787,726

- \$7,142,355 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 \$2,334,157

- \$1,678,004 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 30 April 2018 (Statement of Financial Activity).
- The Rates Collection percentage currently sits at 91.07% which is approximately 4.87% lower than for the same period last year (Note 6).
- 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).
- The 2017/18 Capital Works Program, as at 30 April is 53.91% (including committed costs - Note 12).

The forecast expenditure as at 30 June 2018, is 73.54% as shown in the table below.

Capital Expenditure Program 2017/2018				
forecast as at June 30, 2018				
	Budget	Actual	Variance	% Complete
Capital Exp Program	6,012,013	4,421,132	1,590,881	73.54%
17/18 Capital Exp Projects for Re-budget in 2018/19				
Ocean Beach Fire Station	285135	0	285,135	
Purchase of Plant	79000	0	79,000	
MRWA Project McLeod Rd	516403	409,632	106,771	
Cemetery Bridge	25000	0	25,000	
Plane Tree Precinct	531245	58,384	472,861	
Denmark East	2600000	2,030,830	569,170	
			1,537,937	

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.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.3.2
MOVED: CR GIBSON	SECONDED: CR SEENEY
That with respect to Financial Statements for the period ending 30 April 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 May 2018 as listed.	
CARRIED UNANIMOUSLY: 7/0	Res: 090618

Cr Lewis declares a financial interest in Item 8.3.3 on the basis that her husband does electrical work for the Rivermouth Caravan Park.

5.40pm – Cr Lewis left the room and did not participate in discussion or vote on the matter.

Prior to consideration of Item 8.3.3, Cr Phillips declared that her brother in law owns the lease of the Rivermouth Caravan Park and as a consequence there may be a perception that her impartiality on this matter may be affected. Cr Phillips declared that she will consider this matter on its merits and vote accordingly.

8.3.3 DISPOSAL OF PROPERTY – NO. 1 (LOT 1084), RESERVE 46241, INLET DRIVE, DENMARK (RIVERMOUTH CARAVAN PARK)

File Ref:	LEA.7
Applicant / Proponent:	Jenbrook Nominees Pty Ltd
Subject Land / Locality:	No. 1 (Lot 1084), Reserve 46241, Inlet Drive, Denmark
Disclosure of Officer Interest:	Nil
Date:	8 June 2018
Author:	Cary Green, Director of Finance and Administration
Authorising Officer:	Bill Parker, Chief Executive Officer
Attachments:	Nil

Summary:

In August 2016, Council agreed in principle to negotiate a new or extended lease for the Rivermouth Caravan Park. Officers have been liaising with the proponents to develop a new lease taking into consideration the outcomes of the Rivermouth Foreshore Precinct Development Concept Plan.

This item seeks Council approval to commence the disposal process in accordance with the Local Government Act 1995 and associated Regulations.

Background:

At the Ordinary Meeting of Council held on 16 August 2016, Council resolved as follows (Res. No: 090816):

That Council:

- 1. Form a Rivermouth Foreshore Precinct Development Concept Plan (RPDCP) Working Group to develop a Concept Plan to guide the future usage and development of the Rivermouth Caravan Park and the Rivermouth Precinct in accordance with the attached Terms of Reference.*
- 2. Agree in principle to negotiate a new or extended 21-year lease for the caravan park with clauses that reflect the outcomes of the working group.*

In response to the decision of Council, the development of the Rivermouth Foreshore Precinct Development Concept Plan and discussions on a new lease for the Rivermouth Caravan Park have occurred concurrently.

The current lease of the Rivermouth Caravan Park is due to expire on 31 March 2025.

This item seeks to authorise the Chief Executive Officer to commence the disposal process for a new lease in accordance with section 3.58 of the Local Government Act 1995.

Consultation:

Consultation has occurred with the Lessee, Chief Executive Officer and Shire Solicitors.

Under section 3.58(3) of the Local Government Act 1995, the Shire is required to give local public notice of the proposed disposition given the nature of the disposal. Upon completion of the advertising process, Council will consider any submissions made.

Statutory Obligations:

Section 3.58 of the Local Government Act 1995 applies to this item.

3.58. Disposing of property

(1) *In this section —*

dispose *includes to sell, lease, or otherwise dispose of, whether absolutely or not;*

property *includes the whole or any part of the interest of a local government in property but does not include money.*

(2) *Except as stated in this section, a local government can only dispose of property to —*

a) *the highest bidder at public auction; or*

b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

(3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*

a) *it gives local public notice of the proposed disposition —*

(i) *describing the property concerned; and*

(ii) *giving details of the proposed disposition; and*

(iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*

and

b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

(4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*

a) *the names of all other parties concerned; and*

b) *the consideration to be received by the local government for the disposition; and*

c) *the market value of the disposition —*

(i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*

(ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

(5) *This section does not apply to —*

a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*

b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*

anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or any other disposition that is excluded by regulations from the application of this section

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

The Shire of Denmark receives rental income from the Rivermouth Caravan Park. Any new lease agreement will continue upon similar terms e.g. market rent indexed to CPI with regular market rent reviews.

Strategic & Corporate Plan Implications:

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

Denmark 2027

L5.0 The Shire of Denmark is recognised as a transparent, well governed and effectively managed Local Government

L5.4 To be fiscally responsible

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

Sustainability Implications:

➤ **Governance:**

The disposal process will occur in accordance with section 3.58 of the Local Government Act 1995 and associated Regulations.

➤ **Environmental:**

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

➤ **Economic:**

A new lease will provide the Lessee with security of tenure to develop and continue to manage a significant tourism business in the Shire.

➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That the Council does not agree to commence the disposal process.	Possible (3)	Moderate (3)	Moderate (5-9)	Ineffective Management of Facilities and Events	Accept Officer Recommendation

Comment/Conclusion:

The Shire has met with the proponents on numerous occasions to discuss the development plan and the proposed new lease. The key discussions to date have included;

1. *The Lease Term*

The proponents have requested a new 21-year lease, from the date of execution. This will give the Lessee greater certainty of tenure and further development of the Rivermouth Caravan Park into the future.

2. *Obligations on Expiry or Termination of Lease*

The current lease includes a mechanism for the Shire to purchase the proponents improvements at the end of the lease term. The clauses are ambiguous and not ideal from the Shire’s perspective. A new lease provides an opportunity to clearly articulate the obligations of both parties at the end of the lease term.

3. *Completion of Development Plan*

In discussing a new lease, the parties discussed the Rivermouth Caravan Park’s development plan and includes provisions to ensure that the works are completed in a timely manner.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION		ITEM 8.3.3
MOVED: CR GIBSON		SECONDED: CR CARON
That in relation to No. 1 (Lot 1084), Reserve 46241, Inlet Drive, Denmark, Council;		
1. In accordance with section 3.58 (3) of the Local Government Act 1995, authorises the Chief Executive Officer to give local public notice of the proposed disposal of the subject property to Jenbrook Nominees Pty Ltd.		
2. Endorses the terms of the proposed disposal to include;		
i) A lease period of 21-years;		
ii) Rental consideration to be based on a market valuation; and		
iii) Annual rent reviews based on the Perth (All Groups) Consumer Price Index with periodic market rent reviews;		
3. Considers any submissions made and the proposed lease document at the October 2018 Council Meeting.		
AMENDMENT		
MOVED: CR SEENEY		SECONDED: CR OSBORNE
Add a part 2 to read as follows, <i>“Invites comment from the Department of Planning, Lands and Heritage in relation to State Planning Policy No. 2.6 – State Coastal Planning Policy”</i> .		
<p><i>Cr Seeneey asked that his comments be recorded in the Minutes which were as follows;</i></p> <p><i>“I believe that because the reserve is owned by the State and vested in the Shire of Denmark we need to consult with the Department of Planning, Lands and Heritage. My concerns are that there are other subdivisions in the same locality that have been affected by State Planning Policy No. 2.6 – State Coastal Planning Policy”</i>.</p>		
LOST: 4/2		Res: 100618
Pursuant to Resolution No.031115 all Councillors’ votes on the above resolution are recorded as follows;		
FOR:	Cr Caron and Cr Seeneey.	
AGAINST:	Cr Gibson, Cr Gearon, Cr Phillips and Cr Osborne.	

AMENDMENT

MOVED: CR PHILLIPS

SECONDED: CR GIBSON

That the date in part 3 be amended from October 2018 to August 2018.

CARRIED: 4/2

Res: 110618

*Pursuant to Resolution No.031115 all Councillors' votes on the above resolution are recorded as follows;**FOR: Cr Caron, Cr Gibson, Cr Gearon and Cr Phillips.**AGAINST: Cr Seeney and Cr Osborne.***AMENDED MOTION**

That in relation to No. 1 (Lot 1084), Reserve 46241, Inlet Drive, Denmark, Council;

1. In accordance with section 3.58 (3) of the Local Government Act 1995, authorises the Chief Executive Officer to give local public notice of the proposed disposal of the subject property to Jenbrook Nominees Pty Ltd.
2. Endorses the terms of the proposed disposal to include;
 - iv) A lease period of 21-years;
 - v) Rental consideration to be based on a market valuation; and
 - vi) Annual rent reviews based on the Perth (All Groups) Consumer Price Index with periodic market rent reviews;
3. Considers any submissions made and the proposed lease document at the August 2018 Council Meeting.

THE AMENDED MOTION BECAME THE SUBSTANTIVE MOTION WHICH WAS PUT AND
CARRIED: 5/1

Res: 120618

*Pursuant to Resolution No.031115 all Councillors' votes on the above resolution are recorded as follows;**FOR: Cr Caron, Cr Gibson, Cr Gearon, Cr Phillips and Cr Osborne.**AGAINST: Cr Seeney.*

6.00pm – Cr Lewis returned to the room.

8.4 Chief Executive Officer

8.4.1 INDUSTRIAL AREA LEASE – ASPECT MODULAR

File Ref:	PLN.74
Applicant / Proponent:	Aspect Modular
Subject Land / Locality:	No. 99 (Lot 556) McIntosh Road, Hay
Disclosure of Officer Interest:	Nil
Date:	1 June 2018
Author:	Claire Thompson, Executive Assistant
Authorising Officer:	Bill Parker, Chief Executive Officer
Attachments:	8.5.1a – Lease (CONFIDENTIAL) 8.5.2b – Site Designs (CONFIDENTIAL)

Summary:

The Shire of Denmark has been progressing towards a new industrial area for many years. The rezoning of the site is complete, with construction commencing in January 2018 and practical completion forecast for September/October 2018.

Council has previously agreed to lease a portion of the new industrial area. This item seeks Council approval to execute the lease agreement and finalise the disposal process in accordance with the Local Government Act 1995 and associated Regulations.

Background:

At its meeting held on 21 November 2017 Council resolved as follows (Resolution No. 211117);

“That in relation to No. 99 (Lot 556) McIntosh Road Hay, Council;

1. *Agrees to dispose (lease) a portion of the subject property to Aspect Modular in accordance with the following conditions;*
 - i) *A term not exceeding 5 years.*
 - ii) *Consideration received to be based on market value (\$2.00 per square metre per annum).*
 - iii) *Annual rent reviews based on the Perth (All Groups) Consumer Price Index.*
 - iv) *An option to purchase the interest at the conclusion of the lease, subject to all legislative disposal requirements being met.*
 - v) *Development approvals being obtained from all statutory authorities.*
2. *Authorises the Chief Executive Officer to commence preparing the lease documentation.”*

The lease has now been prepared and requires Council authorisation to execute the lease and finalise the disposal process.

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. In applying the statutory framework, the Shire is required to undertake a consultation process.

The Shire of Denmark advertised the disposal from Thursday 26 October 2017. The advertisement appeared on the Shire’s website and Denmark Bulletin (edition 944).

All individuals that had registered interest in the industrial area, were invited to a presentation facilitated by the Chief Executive Officer (CEO). The presentation explained the progress made to date, when lots will become available and also outlined the applications for early entry. This meeting was conducted on Wednesday 1st November 2017 and was attended by approximately 10 stakeholders.

Statutory Obligations:

The Shire has complied with section 3.58 of the Local Government Act 1995 during the disposal process.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

The Shire will receive rental income for a period of up to five years, the first year being \$8,134.00 (plus GST) with consumer price indexation each year thereafter. There is provision in the lease for the Shire to review the rent once services are connected to the lot (such as water and electricity).

The lease includes a Deed for an "Option to Purchase Land" which gives Aspect Modular the option to purchase the lease area once the subdivision has been completed. The purchase price will be determined by a licensed valuer.

Strategic & Corporate Plan Implications:

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

Denmark 2027

E1.0 Our Economy

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

E1.3 To have diverse education and employment opportunities.

Corporate Business Plan

3.2.1 Finalise the Demark East Development Precinct industrial land subdivision works.

Sustainability Implications:➤ **Governance:**

The Shire of Denmark has complied with section 3.58 of the Local Government Act 1995.

➤ **Environmental:**

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

➤ **Economic:**

The early entry of Aspect Modular into the industrial area will secure the business in town, therefore creating employment opportunities.

➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council is criticised for leasing the property prior to the subdivision being concluded and therefore not being in a position to provide any more lots at this time to other businesses.	Possible (3)	Major (4)	High (10-16)	Inadequate Engagement - Community / Stakeholders / Crs	Control through keeping the community informed and conducting a transparent disposal process

Comment/Conclusion:

The previous Council resolution authorised the CEO to commence preparing the lease documentation. The documentation has now been prepared by Denmark Legal and is now ready for execution.

Aspect Modular has progressed designs for the site that currently reside with the Shire’s Planning Department. Copies of the designs have been provided to Councillors as separate confidential attachments.



Figure 1 - Proposed lot layout after subdivision

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.4.1
MOVED: CR GIBSON	SECONDED: CR CARON
That Council authorise the Chief Executive Officer and Shire President to execute the lease and option to purchase, as per confidential attachment, between the Shire of Denmark and Aspect Modular Pty Ltd for a portion of No. 99 (Lot 556) McIntosh Road, Hay.	
CARRIED UNANIMOUSLY: 7/0	Res: 130618

6.01pm - Public Question Time

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

1. Noel Phillips – Item 8.3.3 (Disposal of Property – no.1 (Lot 1084), Reserve 46241, Inlet Drive, Denmark (Rivermouth Caravan Park))

Mr Phillips said that he wanted to clarify that he had had his development plans lodged for approximately three years and was aware that any development on the reserve was subject to being a certain height above sea level.

8.4.2	POLICY P040220 – PURCHASING POLICY – AMENDMENTS & INCLUSION OF PANELS OF PRE-QUALIFIED SUPPLIERS
File Ref:	ADMIN.2
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	8 June 2018
Author:	Claire Thompson, Executive Assistant
Authorising Officer:	Bill Parker, Chief Executive Officer
Attachments:	8.4.2a – Current Purchasing Policy 8.4.2b – Proposed Purchasing Policy (with amendments)

Summary:

This report seeks Council’s approval to amend the Shire of Denmark’s Purchasing Policy to include a section relating to Panels of Pre-Qualified Suppliers.

Background:

The Shire of Denmark has engaged the Western Australian Local Government Association (WALGA) to establish a Panel of Pre-Qualified Suppliers to conduct earthworks, road construction, drainage and turfing services to areas within the Shire of Denmark as required. The Panel will be used as a primary contractor pool to receive quotes for various jobs over the next two years. The two major works that the Shire will be channelling through the Panel will be flood damage funded under the Western Australia Natural Disaster Relief and Recovery Arrangements (WANDRRA) and works associated with the McLean Oval Reconstruction.

Prior to establishing a Panel of suppliers, the Council needs to have a written policy that makes provision in respect of matters set out in the Local Government (Functions and General) Regulations 1996 (Part 4, Division 3). The Shire’s current policy is not sufficient.

Consultation:

The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal and considered Council’s Community

Engagement Policy P040123 and the associated Framework and believes that no additional external/internal engagement or consultation is required.

The draft amended policy has been sent to the Chief Executive Officer of the Denmark Chamber of Commerce for comment. The Chamber has made a number of constructive comments on the proposed policy that will inform a more comprehensive review at a later date.

Statutory Obligations:

Regulation 11A of the Local Government (Functions and General) Regulations 1996 requires local governments to adopt and implement a purchasing policy in relation to contracts for other persons to supply goods or services. The policy must make provision for the form of acceptable quotes, the minimum number of quotes required (whether oral or written) and record keeping.

Part 4, Division 3 of the Local Government (Functions and General) Regulations 1996 provides for local governments to establish panels of pre-qualified suppliers and outlines the requirements to do so.

Regulation 24C, subregulation (2) sets out the matters which need to be included in any written policy for panels of pre-qualified suppliers.

Invitations to apply for a Panel are conducted through a tender process.

Policy Implications:

- Policy P040220 – Purchasing Policy.
- Policy P040216 – Regional Price Preference will be taken into consideration during the tender process.
- Policy P05011 – Spending Authority for Chief and Deputy Chief Bush Fire Control Officers. Advice received is that this policy is appropriate provided that the Shire's Budget includes allocations for this purpose. This does not apply to emergency expenditure which has not been included in the annual Budget (this falls under s6.8 of the LGA) and can only be authorised by the Shire President).

Budget / Financial Implications:

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

Strategic & Corporate Plan Implications:

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

Denmark 2027

E1.0 Our Economy

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

- E1.3 To have a locally supported resilient, stable and innovative business community that embraces creativity, resourcefulness and originality.

L5.0 Our Local Government

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

- L5.1 To be high functioning, open, transparent, ethical and responsive.
- L5.3 To be decisive and to make consistent and well considered decisions.

Corporate Business Plan

4.3.3 Ensure that projects and infrastructure are assessed on whole of life costings.

Sustainability Implications:

➤ **Governance:**

Local Governments are required to adopt a Purchasing Policy containing certain information. The policy provides consistency and guidance to employees and suppliers in relation to purchasing and ensuring value for money.

➤ **Environmental:**

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

➤ **Economic:**

A purchasing policy provides consistent guidance to employees when making purchases for goods or services on behalf of the Shire. It also provides transparency for local suppliers, particularly when written quotes are required or a tender process is undertaken.

➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not approve the proposed amendments to the Purchasing Policy, including the addition of Pre-Qualified Panel of Suppliers.	Rare (1)	Minor (2)	Low (1-4)	Business Disruption	Accept Officer Recommendation.

Comment/Conclusion:

In 2018/ the Shire of Denmark is undertaking two significant projects being flood damage funded under the Western Australia Natural Disaster Relief and Recovery Arrangements (WANDRRA) and works associated with the McLean Oval Reconstruction.

In undertaking flood damage work, many local governments have established local panels for efficiency and effectiveness. The benefits of establishing a local panel include;

1. The ability to use local contractors without creating a tender for each proposed job i.e. saving time.
2. Local Government being able to receive the best contracted price from each contractor.
3. To have the ability to spend more than \$150,000 per local contractor within each financial year without entering in a lengthy tender process.

In putting forward an amendment to the Purchasing Policy to include Pre-Qualified Panel of Suppliers, the Author noted a number of improvement opportunities to the existing policy. These were based on the WALGA Purchasing Policy template.

The changes are summarised as follows;

- **Reformat** – Policy, Objectives, Ethics and Integrity sections. The information contained in these sections now is the same, similar or enhances what was already stated in the existing policy.
- **Value for Money** – more information has been included, not changing the intent of the existing policy, but provides more clarity for staff.
- **Sustainable Procurement** – The Author believes that the intent remains the same as the existing policy however has reworded this section to be consistent with the definition outlined in WALGA’s “Guide to Sustainable Procurement”.
- **Purchasing Requirements** – More information has been added to this section to provide further guidelines for staff. The values and intent of the existing policy have not changed but rather additional information for transparency and consistency has been added.
- **Purchasing Thresholds** – values have been insignificantly amended (eg. instead of \$5,000 to \$19,999.99 the amended policy reads “\$5,001 to \$20,000”), this is consistent with WALGAs template. The intent of the existing thresholds and requirements have not been amended. Words relating to Panels of Pre-Qualified Suppliers has been added to each section as well as reference to the annual budget, value for money considerations and purchase order requirements.
- **Emergency Purchases** – this section has been added and comes straight from the WALGA template. Whilst not required, the Author believes it would be best practice to include it in the table as an alternative type of purchase. A definition has also been included.
- **Sole Source of Supply** – this highlights a position that the Shire is put in, on occasion, where there is only one source of supply available and details a transparent process which needs to be followed.
- **Tendering Exemptions** – these exemptions are stipulated under Regulation 11(2) of the Local Government (Functions and General) Regulations 1996.
- **Other Procurement Processes** – this section has been added and is consistent, generally, with the organisations current practice. Currently the Shire of Denmark has no guidelines for Officers with respect to these types of procurement which this addition seeks to provide.
- **Panels of Pre-Qualified Suppliers** – this section has been copied from the WALGA template. Regulations required that local governments must establish a written policy which makes provision for matters prescribed under Regulation 24AC of the Local Government (Functions and General) Regulations 1996.
- **Records Management** – Regulation 11A (3) (b) of the Local Government (Functions and General) Regulations 1996 states that a purchasing policy must make provision in respect of the recording and retention of related written information or documents.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.4.2
MOVED: CR CARON	SECONDED: CR GIBSON
That Council adopt the amended Purchasing Policy, as attached.	
CARRIED UNANIMOUSLY: 7/0	Res: 140618

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

6.06pm – *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.)