

Shire of Denmark

Ordinary Council Meeting **AGENDA**

16 April 2019



TO BE HELD IN THE COUNCIL CHAMBERS, 953 SOUTH COAST HIGHWAY,
DENMARK ON TUESDAY, 16 APRIL 2019, COMMENCING AT 4.00PM.



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Strategic Community Plan (snapshot)

E1.0

Our Economy

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

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

N2.0

Our Natural Environment

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

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

B3.0

Our Built Environment

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

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

C4.0

Our Community

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

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

L5.0

Our Local Government

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

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

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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

MEMBERS:

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

STAFF:

- Mr Cary Green (A/CEO & Director Corporate and Community Services)
- Mr David King (Director Assets and Sustainable Development)
- Ms Claire Thompson (Executive Assistant & Governance Coordinator)
- Mrs Lindsey Heymans (Administration Officer- Engineering)

APOLOGIES:

- Mr Bill Parker (Chief Executive Officer)

ON APPROVED LEAVE(S) OF ABSENCE:

ABSENT:

VISITORS:

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

DECLARATIONS OF INTEREST:

Name	Item No	Interest	Nature

3. ANNOUNCEMENTS BY THE PERSON PRESIDING

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.1.1 MR MURRAY THORNTON – DEVELOPER CONTRIBUTIONS

At the meeting held 19th March 2019, Mr Thornton stated that he did not believe the Shire had any authority to request developer contributions. Mr Thornton asked the following questions which were taken on notice.

1. What rationale and authority does the Shire of Denmark have to impose a developer contribution fee on a simple subdivision?
2. Given that SPP3.6 [*State Planning Policy 3.6*] is the enabling document to set up developer contribution schemes, through designating development contribution areas in the town planning scheme, and establishing a need and nexus relationship, why does Shire of Denmark levy this developer contribution with no such amendment and incorporation of 3.6 into the town planning scheme? The Shire of Denmark does not have a legislated heads of agreement to levy a contribution scheme. The Shire of Denmark is operating Ultra Vires in requesting these payments.
3. Why does Shire of Denmark levy a developer contribution in direct contravention of Section 73(1) of Planning and Development Regulations 2015? This makes the collection of these fees without an approved developer contribution scheme illicit and unlawful.
4. Given that the annual report presented tonight shows a closing balance of \$288,384-00 for developer contributions, and this being a transactional account with outgoings so the total collected will be more, what actions will the Shire of Denmark take to refund this illicitly gained money?
5. Given that the Shire quotes resolution 180410 as the rational for imposing this levy, why did the officer with carriage of this issue not set out a scheme amendment to incorporate SPP3.6 into TPS3 [*Town Planning Scheme No. 3*], and set up an approved WAPC developer contribution scheme. Why did engineering simply start levying a contribution around 2012, which, as noted in the Planning and Development regulations Section 73(1), is illicit?
6. Why does the Shire of Denmark use coercion by refusing to give clearance of conditions of subdivision, to enable issue of title, if the illicit developer contribution payment is not made? In the case of a simple DA [*Development Application*], the refusal to issue the DA if the illicit payment is not made?

The following initial response has been provided to Mr Thornton.

“In response to your questions taken on notice at the Ordinary Council Meeting held on Tuesday, 19 March 2019 regarding developer contributions, I advise that the matter is more complex than can be responded to by the April 2019 Ordinary Council Meeting.

We will respond formally once we have more information.”

The substantive response to Mr Thornton’s questions will be published in a future Agenda once they have been provided to Mr Thornton.

4.2 PUBLIC QUESTIONS

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

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

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

Questions from the Public

4.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

4.4 PRESENTATIONS, DEPUTATIONS & PETITIONS

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

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

Nil.

5. APPLICATIONS FOR FUTURE LEAVE OF ABSENCE

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

6. CONFIRMATION OF MINUTES

6.1 ORDINARY COUNCIL MEETING – 19 MARCH 2019

OFFICER RECOMMENDATION	ITEM 6.1
That the minutes of the Ordinary Meeting of Council held on the 19 March 2019 be confirmed as a true and correct record of the proceedings.	

6.2 STRATEGIC BRIEFING NOTES – 19 MARCH 2019

OFFICER RECOMMENDATION	ITEM 6.2
That the Notes from the Strategic Briefing held on 19 March 2019 be received.	

6.3 SPECIAL COUNCIL MEETING – 26 MARCH 2019

OFFICER RECOMMENDATION	ITEM 6.3
That the minutes of the Ordinary Meeting of Council held on the 26 March 2019 be confirmed as a true and correct record of the proceedings.	

6.4 STRATEGIC BRIEFING NOTES – 26 MARCH 2019

OFFICER RECOMMENDATION	ITEM 6.4
That the Notes from the Strategic Briefing held on 26 March 2019 be received.	

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

Nil

8. REPORTS OF OFFICERS

8.1 DIRECTOR ASSETS AND SUSTAINABLE DEVELOPMENT

8.1.1 PROPOSED CLASSROOM, VEHICLE ACCESS & CARPARKING – NO.2 (Lot 952) INLET DRIVE, DENMARK

File Ref:	A5598
Applicant / Proponent:	Spirit of Play Community School Inc.
Subject Land / Locality:	No.2 (Lot 952) Inlet Drive, Denmark (Reserve 30277)
Disclosure of Officer Interest:	Nil.
Date:	5 April 2019
Author:	Jasmine Tohill, Senior Town Planner
Authorising Officer:	David King, Director Assets & Sustainable Development
Attachments:	8.1.1a – Development Application Documentation 8.1.1b – Denmark Historical Railway Station Precinct Concept Plan 8.1.1c – Works Program – Tree removal 8.1.1d – Draft Bushfire Management Plan

Summary:

The applicant (Spirit of Play Community School Inc.) as lessee of a portion of Reserve 30277, No.2 (Lot 952) Inlet Drive, Denmark is seeking Council consent to lodge an application for development approval to construct a new classroom, vehicle access and carparking (Attachment 8.1.1a).

Background:

At the Ordinary Meeting of Council held on 19 February 2019, Council resolved to adopt the amended Denmark Heritage Railway Station Precinct Concept Plan (Attachment 8.1.1b) (Resolution 230219) and to approve an extension of the lessees lease term and their lease area (Resolution 260219).

Pursuant to Clause 10.2 of the Lease, the applicant is required to undertake Common Area Works, at their cost, which includes;

- . Relocation of access road from Inlet Drive;
- . Construction of carparking surrounding the Lions Lair (Denmark Lions Club Lease Area);
- . Construction of carparking adjacent to Crellin Street and a culvert to allow vehicle access; and
- . Any servicing requirements as a result of school activities.

The Common Area Works have been incorporated into the Development Application for the new classroom and the Lessee has provided a development application including the necessary documentation to officers. The draft documentation is attached for reference (refer Attachment 8.1.1a).

Council has management over the Reserve and is therefore required to consent to the submission of a Development Application for formal assessment.

Consultation:

The Officer has considered the requirement for consultation and 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 addition, the requirements of Town Planning Scheme No.3, Schedule 2, Part 8, Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (the 'Regulations')*,

State Planning Policy 3.7 (Planning in Bushfire Prone Areas) and Policy No.45: Planning Application Process for Heritage Places has been considered.

In consideration, it is recommended that Council impose a 21 day public consultation period be undertaken including:

- Publishing of a notice of the proposal in a newspaper circulating in the Scheme area;
- Erection of a sign on the land the subject of the application;
- Letters to:
 - Denmark Lions Club;
 - Denmark Machinery Restoration Group;
 - Denmark Men's Shed;
 - Denmark Woodturners;
 - Denmark Historical Society;
 - Denmark Weed Action Group (DWAG);
- Referral to the Department of Fire and Emergency Services (*noting minimum 42 days required under cl. 66(3) of the Regulations*);
- Referral to the Department of Planning Lands and Heritage (Heritage) (*noting minimum 42 days required under cl.66(3) of the Regulations*);
- Referral to the Department of Water and Environmental Regulation (Clearing) (*noting minimum 42 days required under cl.66(3) of the Regulations*).

Statutory Obligations:

The Town Planning Scheme No.3 (TPS No. 3) and the *Planning and Development (Local Planning Schemes) Regulations 2015* outlines application advertising requirements and pertinent planning matters relevant to Council's future assessment of the proposed development in the event that landowner consent is granted to progress the application.

Should Council consent to the proposal as landowner, it will retain an ability to impose conditions or to refuse the Development Application as the decision making authority. Should Council refuse the application or impose conditions that the applicant is aggrieved by the applicant would retain an ability to apply to the State Administrative Tribunal for a Right of Review.

Policy Implications:

Pursuant to Delegation D130311, the CEO has delegated authority to approve, as the landowner, minor developments on Council land such as, gazebos, verandahs, sheds and fences etc. This development is considered major and is therefore being referred to Council.

Town Planning Scheme Policy No.45: Planning Application Process for Heritage Places relates to the development application given that the Shire of Denmark's Municipal Heritage Inventory (MHI) contains Place Record Forms for the 'Railway Precinct' (which encompasses the full extent of Reserve 30277) within which development is proposed.

In considering the request for landowner consent to lodge an application, due regard has been given to the Denmark Historical Railway Station Precinct Concept Plan and the Place Records within the MHI associated with the Reserve.

State Planning Policy 3.7 – *Planning in Bushfire Prone Areas* and the associated Guidelines apply to the proposal noting that the site is mapped as a Bushfire Prone Area under the Department of Fire and Emergency Services (DFES) state wide mapping. The school is considered as a vulnerable land use for the purpose of the Policy, whereby additional assessment requirements will apply.

Having regard to the above Policy requirements, the application will be referred to the Denmark Historical Society and DFES.

Budget / Financial Implications:

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

Strategic & Corporate Plan Implications:

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

Denmark 2027*E1.0 Our Economy*

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

E1.3 To have diverse education and employment opportunities.

B3.0 Our Built Environment:

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

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

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

C4.0 Our Community

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

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

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

L5.0 Our Local Government:

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

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

Sustainability Implications:**➤ Governance:**

Pursuant to Clause 10.2 c) of the Lease, the Spirit of Play are required to submit plans and specifications for the Common Area Works by 30 April 2019.

➤ Environmental:

Tree removal is required to accommodate siting of the new classroom and clearing of understorey for nine (9) carparking bays within the Spirit of Play carpark area, adjacent to Crellin Street. The extent of clearing is identified in the attached documentation.

The removal of five (5) smaller trees and five (5) significant trees (being three (3) swamp mahogany, one (1) Blue Gum and one (1) Marri) are required to accommodate siting of the proposed classroom, in accordance with recommendations contained within the Bushfire Management Plan for the Heritage Precinct. The design of the Lions Carpark has been modified to allow retention of two marri trees (previously nominated for removal) at the request of Shire officers.

A separate clearing permit may be required for such works under the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*. Shire Officers will liaise further with the Department of Water and Environmental Regulation to ascertain what, if any clearing permits will be required, noting that exemptions may apply for approved buildings and works required under the Shire’s Fire Management Notice.

There will be additional clearing works required for the existing buildings in line with the Bushfire Management Plan. A draft version of the Plan is attached which will form part of the submission and subject to full consultation. Following the consultation process, a Final version of the report will be brought back to Council for Approval at the same time as the Approval for Development.

➤ **Economic:**

There are no known significant economic considerations related to the report or the officer recommendation.

➤ **Social:**

The Spirit of Play Community School provides alternative schooling options to the public education system.

➤ **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)
Reputation: That there is community concern around the necessary tree removal for the development.	Likely (4)	Minor (2)	Moderate (5-9)	Inadequate Engagement – Community/ Stakeholders/ Councillors.	Undertake the engagement process outlined in the consultation section of this report and require that the Final Development Application requires Council Approval
Reputation: That adjacent lease holders do not support the development	Likely (4)	Minor (2)	Moderate (5-9)	Inadequate Engagement – Community/ Stakeholders/ Councillors.	Ensure that the development is consistent with the Council Endorsed Concept Plan

Comment/Conclusion:

The proposal is consistent with the adopted Denmark Historical Railway Station Precinct Plan, noting that the building footprints and carpark design shown on the adopted Precinct Plan are conceptual.

Whilst formal lodgement of the application has not occurred, a preliminary review of the application has been undertaken to assess the carpark design, access and scope of tree removal all of which are deemed acceptable. However, the following comments on the attached draft documentation have been made to the Lessee:

- (i) remove the works associated with the proposed ‘Hard Court’, adjacent realignment of the Heritage Rail Trail and associated tree removal;
- (ii) Clearly notate trees to be removed as part of the Stage 1 Classroom Building works and Lions Club carpark works; and
- (iii) Clearly notate the area subject to clearing of understorey within the proposed Spirit of Play carpark.

The proposal has not been subject to detailed planning assessment in term of the siting and design of the new building, noting that this will need to be informed by submissions received during the public consultation period.

It is recommended that Council support the lodgement of an application to enable a detailed assessment and consultation to occur. It is proposed that the approval or refusal of the final application is brought back to Council for consideration following the formal assessment and consultation.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 8.1.1

That with respect to the development application for the proposed classroom for the Spirit of Play Community School, vehicle access and carparking on portion of No.2 (Lot 952) Inlet Drive, Denmark, Council:

1. Consents to the proposal as landowner for the Application for Development Approval and the subsequent Building Permit subject to the following amendment of the draft documentation:

- (i) Remove those works associated with the proposed 'Hard Court', adjacent realignment of the Heritage Rail Trail and associated tree removal.
- (ii) Clearly notate trees to be removed as part of the Stage 1 Classroom Building works and Lions Club carpark works.
- (iii) Clearly notate the area subject to clearing of understorey within the proposed Spirit of Play carpark.

2. Impose the following conditions for advertising of the Development Application:

Advertise for a minimum period of 21 days including:

- (i) Publishing of a notice of the proposal in a newspaper circulating in the Scheme area;
- (ii) Placement of a sign on the land the subject of the application;
- (iii) Letters to:
 - o Denmark Lions Club;
 - o Denmark Machinery Restoration Group;
 - o Denmark Men's Shed;
 - o Denmark Woodturners;
 - o Denmark Historical Society;
 - o Denmark Weed Action Group (DWAG);
- (iv) Referral of the application to the Department of Fire and Emergency Services (noting minimum 42 day referral required under cl. 66(3) of the Regulations);
- (v) Referral of the application to the Department of Planning Lands and Heritage (Heritage) (noting minimum 42 day referral required under cl.66(3) of the Regulations)
- (vi) Referral of the application to the Department of Water and Environmental Regulation (Clearing) (noting minimum 42 day referral required under cl.66(3) of the Regulations).

3. Requires that following formal assessment and consultation of the Development Application be brought back to Council for consideration.

8.2 DIRECTOR CORPORATE AND COMMUNITY SERVICES

8.2.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDING 28 FEBRUARY 2019

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	2 April 2019
Author:	Lee Sounness, Corporate Services Manager
Authorising Officer:	Cary Green, Director Corporate & Community
Attachments:	8.3.1 – February 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

Nil

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

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 28 February 2019 total cash funds held total \$12,545,361 (Note 4).

Shire Trust Funds total \$188,282

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

Reserve Funds (restricted) total \$10,005,896

- \$5,406,899 of this has been placed on investment for 31 days with the Western Australian Treasury Corporation at the quoted rate of 1.45%,
- \$4,598,977 has been invested with the National Aust. Bank in 3 term deposits, maturing at various dates at an average rate of 2.50%

Municipal Funds (unrestricted) total \$2,351,183

- \$2,006,170 is invested with NAB and Westpac in 3 Term Deposits, maturing at various dates at an average rate of 2.15%

Key Financial Indicators at a Glance

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

- Taking into consideration the adopted Municipal Budget and any subsequent year to date budget amendments identified including the mid-year budget review (refer Note 5), the 30 June 2019 end of year position is estimated to be \$0 which is in line with budget projections (Statement of Financial Activity).
- Operating revenue and expenditure is generally in line with year to date budget predictions for 28 February 2019 (Statement of Financial Activity) except for building depreciation expense, which is yet to be applied this financial year.
- The Rates Collection percentage currently sits at 84.66%, is in keeping with historical collection rates (see Note 6)
- The 2018/2019 Capital Works Program is 47.89% complete utilising actual year to date figures and the total committed cost is 78.26% as at 28 February 2019 (see Note 12& 12a)
- Various transfers to and from Reserve Funds have not been made for 2018/2019 as they are generally undertaken in the latter half of the financial year, depending on the specific projects to which the transfers relate.
- Salaries and Wages expenditure is generally in line with year to date budget estimates (not reported specifically in Financial Statement).

Other Information

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

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION	ITEM 8.2.1
<p>That with respect to Financial Statements for the period ending 28 February 2019, Council;</p> <ol style="list-style-type: none"> 1. Receive the Financial Reports, incorporating the Statement of Financial Activity and other supporting documentation. 2. Endorse the Accounts for Payment for the month of March 2019 as listed. 	

8.2.2 COMMUNITY FINANCIAL ASSISTANCE PROGRAM (PO40125) & CULTURAL DEVELOPMENT FUND (P110702)

File Ref:	ADMIN.2
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not Applicable
Disclosure of Officer Interest:	Nil
Date:	02 April 2019
Author:	Lee Sounness, Manager Corporate Services
Authorising Officer:	Cary Green, Director Corporate and Community Services
Attachments:	8.2.2a - Community Financial Assistance Program Policy P040125 (revised) 8.2.2b - Community Financial Assistance Program Guidelines

Summary:

The purpose of this report is to request that Council adopt a new Community Financial Assistance Program (CFAP) Policy P040125 including the amalgamation of Policy P110702 Cultural Development Fund.

Background:

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

Resolution 190219 for a deferral motion at Ordinary Council Meeting on 19th February 2019 was carried unanimously in respect to the officer's recommendations to allow Council to discuss the matter further.

Resolution 110319 for a deferral motion at Ordinary Council Meeting on 19th of March 2019 was carried unanimously in respect to the officer recommendations and amended officer recommendations in order to allow time to correct errors, anomalies and make necessary changes in the policy document and the guidelines. These requested changes to the CFAP Policy and Guidelines were discussed at a Concept Briefing Forum on 26th March 2019 and are contained within the attachments.

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

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

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

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

1. There was no predetermined amount allocated in the Annual Budget for the programs;
2. The current guidelines and policy were outdated and didn't align to the Strategic Community Plan;
3. The CFAP and CDF objectives overlapped, creating confusion for the community;

4. Advertising for the programs were too late, which created pressure during budget preparation;
5. The administration and assessment of the programs was conducted by Shire Officers without Elected Member involvement until the budget workshops; and
6. The assessment criteria were not well defined in the guidelines, which created inconsistencies.

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

CFAP

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

CDF

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

Consultation:

The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal and considered Council's Community Engagement Policy P040123 and the associated Framework.

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

Statutory Obligations:

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

Policy Implications:

P110702 – Cultural Development Fund Policy would be repealed upon adoption of the amended P040125 – Community Financial Assistance Program Policy.

Budget / Financial Implications:

The Officer has recommended that Council consider an annual amount of \$35,000 in the Annual Budget. The amount of \$35,000 would be included in each year of the Long Term Financial Plan.

Strategic & Corporate Plan Implications:

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

Denmark 2027

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

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

Corporate Business Plan

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

Sustainability Implications:

➤ **Governance:**

Having an updated Policy and guidelines that are clear and concise is considered essential to promote transparency and provide guidance to Shire Officers and the Community.

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That without clear Policy and guidelines, community expectations may exceed Council's ability to meet them.	Possible (3)	Minor (2)	Moderate (5-9)	Not Meeting Community expectations	Accept Officer Recommendation

Comment/Conclusion:

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

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

Conclusion

Based on the outcome of the review and in consultation with Council at briefing sessions, it is recommended that Council adopt the new policy with the following changes:

1. Amalgamate the CFAP and CDF into one consolidated CFAP policy P040125 to reduce duplication and double handling.
2. Update the policy and guidelines to assist with the assessment process and align with the Strategic Community Plan. To provide consistency through the assessment & administration process.
3. Advertise the CFAP annually prior to June and promote through Shire media communications;
4. Consider a total annual contribution of \$35,000 for the CFAP.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 8.2.2

That with respect to the Community Financial Assistance and Cultural Development Grants Programs, Council:

1. Repeal P110702 Cultural Development Fund Policy;
2. Amend the Community Financial Assistance Program Policy P040125 as per Attachment 8.2.5a) and endorse the Guidelines as per Attachment 8.2.5b);
3. Consider including a total amount of \$35,000 in the 2019/20 Annual Budget.

8.3 CHIEF EXECUTIVE OFFICER**8.3.1 ESTABLISHMENT OF THE LAING PARK DOG EXERCISE DEVELOPMENT CONCEPT PLAN WORKING GROUP**

File Ref:	A1409
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Laing Park, Reserve No. 45377. No. 104 (Lot 1001) Ocean Beach Road, Ocean Beach
Disclosure of Officer Interest:	Nil
Date:	5 April 2019
Author:	Claire Thompson, Executive Assistant & Governance Coordinator
Authorising Officer:	Cary Green, Acting Chief Executive Officer
Attachments:	8.3.1 – Draft Terms of Reference

Summary:

Council are requested to establish a Working Group to develop a draft Development Concept Plan for a Dog Exercise Area.

Background:

In March 2014, Council resolved to develop Laing Park into the Shire's primary off-lead dog park, resolving as following (Resolution No. 140314);

"That with respect to the proposed Dog Park Strategy, Council;

1. *Develop Laing Park, Lot 101 Ocean Beach Road as the primary developed dog park for the Shire.*
2. *Develop the unnamed cleared portion of Reserve 32279, Lot 1001 that is adjacent to Walters Park that is on Campbell Rd near the corner of Inlet Drive as a low key "off lead" exercise area.*
3. *Amend its Dog Local Laws in accordance with parts 1 and 2.*
4. *Ban dogs from the playing surfaces of the Mclean Park Oval complex.*
5. *Consider the allocation of \$3,000 in its 2014/2015 budget to engage an architect to prepare a development plan for the Laing Park site to ensure that it is developed in a way that best utilises the site from a dog owners perspective while taking into account parking and access factors as well as the needs of adjoining property owners and Trail users.*
6. *Plan for an allocation of \$20,000 per year in years 2-10 of the Forward Financial Plan to implement the Strategy.*
7. *Engage further with the community regarding dog access to the sandbar at Prawn Rock Channel, to further protect the habitat of migratory birds."*

The Officer is not aware of any further work that was undertaken towards the development of a development plan, pursuant to part 5 above.

The Corporate Business Plan includes a project to development a Dog Park Concept Plan.

Consultation:

The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be affected by the proposal and considered Council's Community Engagement Policy P040123 and the associated Framework. The development of a Working Group will see the representation of some community members and other key stakeholders have input into the initial plan. It is envisaged that the draft Concept Plan would then be advertised for broader community consultation prior to adoption.

Statutory Obligations:

There are no known statutory obligations related to the establishment of a project working group.

Policy Implications:

Policy P040235 relates to an Elected Member being appointed the Presiding Person for Council Committees and Working Groups.

Budget / Financial Implications:

\$1,500 has been included in the 2018/2019 Budget for the development of a concept 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, specifically in relation to the development of a comprehensive plan.

Denmark 2027

N2.0 Our Natural Environment

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

N2.1 To preserve and protect the natural environment.

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.

Corporate Business Plan

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

B3.1.12 Develop a Dog Park Concept Plan \$1,500.

Sustainability Implications:

➤ **Governance:**

A working group with broad membership from community and stakeholders assists with good governance by promoting proactive collaboration which contributes to well considered decision making.

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not establish a working group.	Rare (1)	Minor (2)	Low (1-4)	Not Meeting Community expectations	Accept Risk

Comment/Conclusion:

In 2013 and 2014 when a dedicated off-lead dog exercise area was first proposed, the Shire received over 60 submissions. The establishment of a working group allows for a proactive, collaborative approach to develop a draft plan. It also allows for a transparent process to appoint Council Delegates and members to the group.

A draft Terms of Reference is attached which includes proposed membership, objectives and a sunset clause.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION	ITEM 8.3.1
<p>With respect to the development of a Dog Exercise Area Development Concept Plan, Council;</p> <ol style="list-style-type: none"> 1. Establish the Laing Park Dog Exercise Area Development Concept Plan Working Group with the Terms of Reference including Membership as per Attachment 8.3.1; 2. Appoint _____ and _____ as the Council Delegates; and 3. Advertise for community members for a period of 14 days. 	

9. COMMITTEE REPORTS & RECOMMENDATIONS

Nil

10. MATTERS BEHIND CLOSED DOORS

Nil

11. NEW BUSINESS OF AN URGENT NATURE

Nil

12. CLOSURE OF MEETING