

Shire of Denmark

Ordinary Council Meeting **AGENDA**

20 JUNE 2023



TO BE HELD IN COUNCIL CHAMBERS, 953 SOUTH COAST HIGHWAY, DENMARK, ON TUESDAY, 20 JUNE 2023, 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 stable and locally supported business community that embraces innovation, creativity, resourcefulness and originality
- E1.2 To be a vibrant and unique tourist destination, that celebrates our natural and historical assets
- E1.3 To have diverse education and employment opportunities
- E1.4 To recognise the importance of agriculture in our local economy and protect prime agricultural land

N2.0

Our Natural Environment

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

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

B3.0

Our Built Environment

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

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

C4.0

Our Community

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

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

L5.0

Our Local Government

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

- L5.1 To be high functioning, open, transparent, ethical and responsive
- L5.2 To have meaningful, respectful and proactive collaboration with the community
- L5.3 To be decisive and to make consistent and well considered decisions
- L5.4 To be fiscally responsible
- L5.5 To embrace change, apply technological advancement and pursue regional partnerships that drive business efficiency
- L5.6 To seek two-way communication that is open and effective

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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

MEMBERS:

- Cr Ceinwen Gearon (Shire President)
- Cr Kingsley Gibson (Deputy Shire President)
- Cr Clare Campbell
- Cr Donna Carman
- Cr Donald Clarke
- Cr Nathan Devenport
- Cr Jan Lewis
- Cr Jackie Ormsby
- Cr Janine Phillips

STAFF:

- David King (Chief Executive Officer)
- Lee Sounness (Acting Director Corporate & Community Services)
- Claire Thompson (Governance Coordinator)

APOLOGIES

ON APPROVED LEAVE(S) OF ABSENCE

ABSENT

VISITORS

3. DECLARATIONS OF INTEREST

Name	Item No	Interest	Nature

4. ANNOUNCEMENTS BY THE PERSON PRESIDING

5. PUBLIC QUESTION TIME

5.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5.2 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 clauses 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

5.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

The following Questions on Notice were received by the Chief Executive Officer in writing on the 30 May 2023 and therefore comply with the Shire of Denmark Standing Orders Local Law clause 3.10.

Cr Lewis asked the following questions.

“In the DENMARK CEMETERY CONCEPT DEVELOPMENT PLAN, which was adopted by Council on 6th May 2014 (Resolution No. 060514), there are plans for a Natural Earth Burial Ground.”

Question 1 : Has this plan been progressed, if so to what degree?

CEO Response: *The Natural Earth Burial (NEB) area proposed in the Concept Plan, was investigated further by Shire Officers and deemed unsuitable due to the number of large trees and thick vegetation. Test holes found that it would be very difficult to dig.*

In 2018, the Cemetery Advisory Committee recommended that the Natural Earth Burial area on the adopted Denmark Cemetery Development Concept Plan be relocated to an already cleared area situated to the east of the sealed car park due to concerns that the area originally identified could be congested and would

require the removal of vegetation and large trees, essentially removing the vegetation buffer (screen) between the Cemetery and the Denmark Agricultural College.

Test holes deemed the area suitable for a burial ground however, there was a requirement for some preparatory work such as retaining vegetation, due to the steep decline to the east. The Shire will also need to grid the area and undertake a number of administrative tasks to have the area ready to be used.

Question 2 : Are we now able to offer Natural Earth Burials?

CEO Response: *The short answer is yes. A person can be buried naturally in the Denmark Cemetery, just not in a dedicated Natural Earth Burial (NEB) area. In accordance with the Denmark Cemetery Local Law, the minimum depth is 750mm below the ground surface, NEB advocates for a minimum depth of 1,000mm. Embalment is not required and ithe 'coffin' only needs to be enclosed. There is no stipulation made as to the material, so the coffin can be biodegradable.*

Question 3 : If the answer is NO to the above questions, how can we progress plans for a Natural Earth Burial Ground so we can offer this sustainable option in future?

CEO Response: *To prepare a dedicated area, albeit a hybrid NEB model within the existing Cemetery, it will require resourcing. It is recommended that should Council wish to establish a NEB ground, it will need to be prioritised in the Corporate Business Plan.*

5.4 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 the Shire'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.

6. APPLICATIONS FOR FUTURE LEAVE OF ABSENCE

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

7. CONFIRMATION OF MINUTES

7.1 ORDINARY COUNCIL MEETING – 16 MAY 2023

OFFICER RECOMMENDATION	ITEM 7.1
<p>That the minutes of the Ordinary Meeting of Council held on the 16 May 2023 be CONFIRMED as a true and correct record of the proceedings.</p>	

7.2 STRATEGIC BRIEFING NOTES – 16 MAY 2023

OFFICER RECOMMENDATION	ITEM 7.2
<p>That the Notes from the Strategic Briefing held on 16 May 2023 be RECEIVED.</p>	

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

8.1 CR GEARON NOTICE OF MOTION – REVOKE RESOLUTION NO. 180523

BACKGROUND

At the meeting held on 16 May 2023, Council accepted the 2021 2022 Annual Report and set a date for the Annual General Meeting of Electors.

Since that time, the Chief Executive Officer has informed Councillors that there was regulatory information omitted from the document that was presented to Council and as such needs to present a corrected Annual Report to Council for consideration. To enable sufficient time for electors to consider the corrected document, it is also recommended that Council set a new date for the Annual General Meeting of Electors, should the Council accept the amended 2021 2022 Annual Report.

RESOLUTION NO. 180523

That in relation to the 2021-22 Annual Report, Council;

1. *ACKNOWLEDGE the resolution of the Audit Advisory Committee meeting, held 9 May 2023;*
2. *ACCEPT the Annual Report including the Annual Financial Report and Audit Report for the 2021-22 year; and*
3. *HOLD the Annual Electors meeting on Tuesday, 20 June 2023 in the Council Chambers, commencing at 6.00pm.*

CEO Comment: In accordance with Regulation 10 of the Local Government (Administration) Regulations 1996, the following revocation motion has the written support of Cr Gearon (mover), Cr Clarke and Cr Phillips.

VOTING REQUIREMENT

Absolute majority

NOTICE OF MOTION	ITEM 8.1
<p>That Council:</p> <ol style="list-style-type: none"> 1. REVOKE parts 2 and 3 of Resolution No. 180523; and 2. REQUEST the Chief Executive Officer: <ol style="list-style-type: none"> a) PRESENT the corrected 2021 2022 Annual Report to Council for consideration at a Special Council Meeting to be held on 27 June 2023; and b) MAKE recommendation of a new date for the Annual General Meeting of Electors. 	

9. REPORTS OF OFFICERS

9.1 DIRECTOR ASSETS AND SUSTAINABLE DEVELOPMENT

9.1.1 PROPOSED REVISED LOCAL PLANNING POLICY NO. 51: CARAVAN PARKS & CAMPING GROUNDS

File Ref:	PLN.70.P
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Rural and Tourist zones
Disclosure of Officer Interest:	Nil
Date:	5 June 2023
Author:	Will Hosken, Planning Officer
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.1.1a – Proposed final <i>Local Planning Policy No. 51: Caravan Parks & Camping Grounds</i> 9.1.1b – Schedule of Submissions 9.1.1c – Caravan Parks Information Brochure

IN BRIEF

- On 18 April 2023 the Council endorsed proposed *Draft Local Planning Policy No. 51: Caravan Parks & Camping Grounds* for public consultation.
- Public consultation was opened on 28 April 2023 and closed on 31 May 2023, with 15 submissions received during this time.
- This report recommends final adoption of the proposed draft policy with minor amendments.

RECOMMENDATION

That Council, pursuant to Schedule 2, Part 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:

1. ADOPT *Local Planning Policy No. 51: Caravan Parks & Camping Grounds* (as shown at Attachment 9.x.xa) which includes the following modifications from the advertised draft:
 - a) Amend part 5.1.5 of the Policy to read:
“*Contact details of the designated park manager and an approved guest code of conduct are to be provided to adjoining landowners.*”
 - b) Include the following additional wording into part 4 of the Policy:
“*In addition to the requirement for development approval, all caravan parks and camping grounds are required to apply for a license to operate and meet the servicing, infrastructure and safety requirements of the Caravan Parks and Camping Grounds Regulations 1997.*”
2. Publish notice of the adoption of *Local Planning Policy No. 51: Caravan Parks & Camping Grounds* for a period of 30 days on the Shire’s website, in the Shire’s offices and in a local newspaper within 14 days of the Council resolution.

LOCATION

1. The proposed Policy will apply to all land within the Rural and Tourist zones where ‘Caravan Park’ is a discretionary land use in *Town Planning Scheme No. 3 (TPS 3)*.

BACKGROUND

2. A report presented to Council on 18 April 2023 discussed the background to the development of the proposed Policy, including:
 - The establishment of small-scale caravan parks/ camping grounds on rural properties becoming increasingly common.
 - The existence of a number of caravan parks/ camping grounds operating without required approvals.
 - An opportunity to improve the clarity of approval requirements and minimum standards of service/ infrastructure for landowners seeking to establish a caravan park/ camping ground.
3. The objectives of proposed Local Planning Policy 51: Caravan Parks & Camping Grounds are to:
 - Identify standards for the development of caravan parks and camping grounds in the Rural Zone.
 - Enable the approval of small-scale caravan parks and camping grounds in appropriate circumstances.
 - Clarify interpretations and facility requirements relating to ‘nature-based’ parks.

It is acknowledged that a pathway exists for approval for caravan parks/ camping grounds on land in the Rural and Tourist zones and that the proposed policy aims to provide clear direction on how any such applications will be assessed.

4. The proposed Policy includes provisions to address:
 - Protection of rural production, landscape values and neighbouring land uses.
 - Road infrastructure/ traffic generation.
 - Size/ scale of caravan parks in the Rural Zone, Tourism Precincts and Tourism Zone.
 - Interpretation of 'nature based' as it may be applied to an agricultural setting.
 - Minimum expectations for services and infrastructure for nature-based parks, taking into account the *Caravan Parks and Camping Grounds Regulations 1997* (Caravan Parks Regulations) and associated guidelines, the availability of public services and appropriate environmental protections.
5. Public consultation for the proposed Policy has now been completed, offering the opportunity for all directly affected parties (including operators of approved and not approved caravan parks/ camping grounds) and the wider community to provide feedback on the policy position proposed.

DISCUSSION / OFFICER COMMENTS

6. The public consultation period was open from 28 April 2023 to 31 May 2023, during which time 15 submissions were received. Submissions received and officer responses are detailed in Attachment 9.1.1b.
7. Submissions received raised a range of varying issues for consideration. Six submissions were generally in favour of maintaining or increasing regulation, seven submissions indicate a preference for reduced regulation, and two submissions were undecided or didn't indicate a position.
8. Four submissions were received from the operators of existing, approved caravan parks that raised concerns about the equity between approved caravan parks, who have met service and infrastructure requirements at their cost, and unapproved caravan parks and camping grounds. The Shire aims to enable all businesses to meet the requirements of relevant legislation and thereby operate from an even playing field – other than this, competition between businesses is not a relevant planning consideration.
9. Four submissions were received from the operators of unapproved caravan parks and one submission from a booking platform operator that raised concerns with the proposed minimum requirements for services and infrastructure. These submissions contended that parks providing for fully self-contained caravans or recreational vehicles only, should not be required to provide services and infrastructure (or to the level proposed).
10. The requirement to provide services and infrastructure is directed by the Caravan Parks Regulations for all types of caravan parks and camping grounds. For nature based parks the Regulations reduce servicing requirements but are also less prescriptive, and the purpose of the proposed policy is to provide clarity. It remains that the provision of services and infrastructure is required to meet the intent of the Regulations and to appropriately address for health, safety and environmental concerns.

11. Parks catering to self-contained campers typically ask guests to supply their own potable water, dispose of wastewater at a public facility, and remove their own rubbish from the site. Self-contained recreational vehicles and caravans still require eventual servicing, depending on their capacity and the number of occupants. It is considered appropriate that hosting businesses provide these services rather than pass the responsibility and costs of doing so onto the Shire's ratepayers, particularly where this may bring forward the need for upgrading of Shire operated facilities (for example, the Peaceful Bay dump point which experiences high seasonal demand). Conversely, a lack of facilities on-site may also encourage illegal disposal of rubbish and wastewater/ effluent.
12. Shire officers consider that the standards for service provision proposed in the policy are appropriate for small-scale parks, address the availability of public resources, and provide a sufficient level of health and environmental safeguards. No modification of the policy is proposed in response to these submissions.
13. Two submissions from unapproved caravan parks/camping grounds and one from a booking platform operator requested a larger number of caravan/camping sites within the Rural Zone (outside of Tourism Precincts). These submissions requested a maximum of 8 to 10 sites per property.
14. The proposed policy standard of 4 sites has taken into account the need to minimise potential impacts on the environment and neighbouring landowners, minimise increases to traffic and road maintenance, and to preserve rural and agricultural land uses as predominant in the Rural Zone generally. This aims to support the establishment of small scale proposals that are low key in nature, and is consistent with the majority of unauthorised caravan parks currently operating.
15. The proposed policy does support the development of larger caravan parks (more than 4 sites) within designated Tourism Precincts (in the Draft Local Planning Strategy) or the Tourist Zone. This aims to encourage tourism in strategic locations with appropriate access and infrastructure and provides guidance for where tourism will be supported as the predominant land use within the Rural Zone.
16. Officers suggest that the development of caravan parks to meet future demand can be adequately provided for through existing parks, available land in the Tourist Zone, the potential for large caravan parks within Tourism Precincts, and the potential for small caravan parks elsewhere within the Rural Zone.
17. Two submissions and other compliance-related enquiries received by the Shire have sought to understand how potential impacts on neighbours would be mitigated.
18. The adoption of the proposed policy is intended to improve clarity and certainty for both proponents and neighbouring landowners.
19. In addition, it is proposed to make a minor amendment to the policy as follows (addition in italics):
 - 5.1.5 Contact details of the designated park manager *and an approved guest code of conduct* are to be provided to adjoining landowners.

20. To assist proponents and provide consistency Shire officers are proposing to prepare a template for a guest code of conduct that addresses relevant considerations, similar to the approach that the Shire currently supports for holiday homes.
21. Two submissions raised concerns with the management of dogs within caravan parks and camping grounds. The Caravan Parks Regulations require dogs to be kept on a leash or in an enclosed area while within any caravan park. The Shire will ask all proponents to specify whether the park will accept pets and include this information as part of advertising/referral of the application.
22. One submission recommended that the policy clarify the need for caravan parks and camping grounds to also apply for a license to operate under the *Caravan Parks & Camping Grounds Regulations 1997*.
23. While this is mentioned in the supporting information brochure (Attachment 9.1.1c), officers agree that this is a useful clarification to make in the policy and the recommendation of this report therefore proposes to include additional wording in part 4.

CONSULTATION AND EXTERNAL ADVICE

24. In accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) the Shire published public notices to advertise this proposed local planning policy. This included notices at the Shire offices, on the Shire website (main website and project page on Your Denmark) and within local newspapers (Denmark Bulletin and Walpole Weekly).
25. In addition, Shire officers wrote to landowners of caravan parks (approved and not approved, where identified) to invite their comment on the draft policy and outline approval requirements in relevant legislation.
26. The 15 submissions received during the public consultation period (28 April 2023 to 31 May 2023) are discussed above and detailed in Attachment 9.x.xb.
27. Several responses and enquiries were received from persons notified by the Shire that were not recorded as submissions as they related to the intentions of the landowner rather than the policy. Shire officers propose to send a further letter to advise identified landowners of the outcome of the Council's resolution and, where necessary, the steps required for them to become compliant with approval requirements. Any further compliance action will be pursued on a case-by-case basis subject to the Shire's established procedures and the requirements of relevant legislation.
28. The modifications proposed to be made to the policy as a result of submissions received are considered minor in nature and re-advertising is not considered necessary.
29. Should the Council adopt the proposed policy in accordance with the officer recommendation of this report, Shire officers will inform all parties who were notified of the draft policy and any other persons that provided a submission.

STATUTORY / LEGAL IMPLICATIONS

30. The preparation, amending or rescinding of a local planning policy must occur in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, including public consultation. The Shire is required to publish notice of a proposed local planning policy in accordance with Schedule 2, Part 12, Clause 87. This includes a minimum public comment period of 21 days, which was exceeded for the advertising of this proposed policy.
31. The proposed policy will provide guidance for proponents and for decision making by the Shire but does not alter the statutory requirements of TPS 3 or the *Caravan Parks and Camping Grounds Regulations 1997*.
32. Potential compliance responses by the Shire to unauthorised land uses or development are required to be undertaken in accordance with the *Planning and Development Act 2005* and the *Planning and Development Regulations 2009*. This may include:
 - Issuing an infringement of \$500.
 - Charging of fees at three times the prescribed rate for planning applications made retrospectively.
 - Prosecution with a maximum penalty of up to \$200,000 for individuals (or \$1,000,000 for companies) and a daily penalty of \$25,000 for individuals (or \$125,000 for companies) for a continuing offence.
33. Compliance responses may also be pursued under the *Caravan Parks and Camping Grounds Act 1995* which includes a penalty of \$5,000 for operating a park without a licence and a range of other infringements for non-compliance with the requirements of the Act or subsequent *Caravan Parks and Camping Grounds Regulations 1997*.

STRATEGIC / POLICY IMPLICATIONS

34. The proposed policy is consistent with the intent of the Shire's Sustainable Tourism Strategy, which discusses the continuing demand for low-service, low-cost accommodation options, particularly as the number of self-contained caravans and recreational vehicles increases. The policy aims to remove potential uncertainty of the approval pathway, service/ infrastructure requirements and discretionary decision making by the Shire.
35. The Shire's Draft Local Planning Strategy (LPS), adopted by Council in September 2022 and currently awaiting the consent of the WA Planning Commission to advertise, identifies the need to address the establishment of small-scale caravan parks/ camping grounds by recommending:
 - Amending the land use classes in the planning scheme to better distinguish between types and scales of caravan parks.
 - Developing preferred areas for tourism development, preserving the primacy of rural land uses, and preferencing hosted above unhosted forms of tourist accommodation.
 - Advocating for modernisation of the Caravan Parks and Camping Grounds Regulations 1997.

36. The Draft LPS identifies a potential to introduce a 'Camping Ground' use class to cater for small scale, low service caravan parks/ camping grounds; however, potential changes to land use classes in the planning scheme will continue to be reviewed and will be influenced by:

- Whether the provisions of the draft policy proposed are effective and/ or require strengthening (if adopted).
- A wholistic review of tourism-related use classes and permissibility as part of the preparation of a new planning scheme.
- Further advice from the Department of Planning, Lands & Heritage regarding potential changes to the model scheme provisions in the *Planning and Development (Local Planning Schemes) Regulations 2015*. Preliminary consultation on these reforms indicate that a merging of Caravan Park and Camping Ground land uses is under consideration.

37. The draft policy proposed is consistent with the following objectives of the Strategic Community Plan 'Denmark 2027':

Our Economy

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

Our Built Environment

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

FINANCIAL IMPLICATIONS

38. The implementation of the proposed draft policy will occur within existing resources and will not require any changes to the adopted budget or long-term financial plan.

39. It is anticipated that the majority of operators of unauthorised caravan parks/ camping grounds will voluntarily seek to comply with the need for approvals or cease to operate. In the event that the Shire is required to pursue a substantial number of compliance matters concurrently this could potentially result in an interruption to other functions of the Planning Services team.

OTHER IMPLICATIONS

Environmental

40. The policy proposed is expected to support improved environmental outcomes, noting that existing unauthorised land uses may not be managing rubbish, wastewater, effluent disposal and erosion effectively in some cases.

Economic

- 41. The policy proposed is expected to provide clarity and ultimately enable the establishment of tourism businesses in appropriate circumstances, supporting micro-businesses and local employment opportunities.

Social

- 42. The assessment and approval of appropriate caravan parks/ camping grounds is expected to have positive social benefit by assisting the Shire to address existing unauthorised land uses and preserving the amenity of neighbours to newly proposed businesses.

RISK MANAGEMENT

- 43. A risk assessment has been undertaken per the Shire's Risk Management Governance Framework, and no risks have been identified in relation to the officer recommendation of the report.
- 44. Risks may exist in association with unauthorised caravan parks/ camping grounds that are not known at this time and are not individually the subject of this report. These risks will be addressed as part of planning assessment and/ or compliance action as appropriate.

VOTING REQUIREMENTS

- 45. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.1.1
<p>That Council, pursuant to Schedule 2, Part 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, resolves to:</p> <p>2. ADOPT <i>Local Planning Policy No. 51: Caravan Parks & Camping Grounds</i> (as shown at Attachment 9.x.xa) which includes the following modifications from the advertised draft:</p> <ul style="list-style-type: none"> c) Amend part 5.1.5 of the Policy to read: <i>“Contact details of the designated park manager and an approved guest code of conduct are to be provided to adjoining landowners.”</i> d) Include the following additional wording into part 4 of the Policy: <i>“In addition to the requirement for development approval, all caravan parks and camping grounds are required to apply for a license to operate and meet the servicing, infrastructure and safety requirements of the Caravan Parks and Camping Grounds Regulations 1997.”</i> <p>2. Publish notice of the adoption of <i>Local Planning Policy No. 51: Caravan Parks & Camping Grounds</i> for a period of 30 days on the Shire’s website, in the Shire’s offices and in a local newspaper within 14 days of the Council resolution.</p>	

9.1.2 PROPOSED REVOCATION OF LOCAL PLANNING POLICY NO. 12.1: RELOCATED DWELLINGS

File Ref:	PLN.70
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	All land within the Residential, Professional Office, Rural and Rural Multiple Occupancy zones
Disclosure of Officer Interest:	Nil
Date:	23 May 2023
Author:	Will Hosken, Planning Officer
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.1.2a – Local Planning Policy No. 12.1: Relocated Dwellings 9.1.2b – Information Brochure: Relocated Houses

IN BRIEF

- This report proposes to revoke *Local Planning Policy No. 12.1: Relocated Dwellings* (LPP 12.1) (Attachment 9.x.xa).
- The provisions of LPP 12.1 are considered to be ineffective and unnecessary.

RECOMMENDATION

That Council, pursuant to Schedule 2, Part 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:

1. REVOKE Local Planning Policy No. 12.1: Relocated Dwellings.
2. PROVIDE public notice of the Council’s decision to revoke *Local Planning Policy No. 12.1: Relocated Dwellings* on the Shire’s website and in the Shire’s offices for a period of no less than 21 days.

LOCATION

1. Town Planning Scheme No. 3 (TPS 3) currently provides for a ‘Relocated Dwelling’ as a discretionary land use (AA) in the Residential, Professional Office, Rural and Rural Multiple Occupancy zones. The Scheme also prohibits the development of a Relocated Dwelling in all other zones, including within all Special Residential and Special Rural zones.

BACKGROUND

2. In 1995 provisions were added to TPS 3 to specifically require approval for the construction of relocated dwellings. This included:
 - Defining a Relocated Dwelling as “a residential dwelling which has been previously constructed on a building site whether within the District or elsewhere and whether occupied or not”.
 - Providing for a Relocated Dwelling as a discretionary land use in selected zones.
 - Introducing Clause 5.31 which requires the assessment of proposals for Relocated Dwellings to appropriately address:

- External materials and finishes;
 - Amenity of the locality;
 - Visual prominence of the site;
 - Landscaping and screening, and;
 - The need for bonding of required works.
3. In 2002 LPP 12.1 was adopted by the Council to “provide control over the placement of relocated dwellings within the Shire and ensure that the finished standard of the dwelling/s is compatible to those surrounding”. Guidance includes:
- Development application requirements (Part 1)
 - Bond requirements (Part 2)
 - Limitation on planning approval to 12 months duration (Part 3)
 - Responses to non-compliance (Part 4)
4. Due to inconsistency with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) it is currently unclear whether the Shire can require planning approval for a Relocated Dwelling within the Residential and Professional Office zones. This is due to the Regulations providing an exemption from approval for ‘the erection of, or alterations or additions to, a single house on a lot’. This matter will be resolved through the preparation of Draft Local Planning Scheme No. 4 and will be considered relative to reforms to the Regulations currently being prepared by the Department of Planning, Lands & Heritage.
5. Certain residential subdivisions (eg. Russell Rise, Springdale Beach Estate) have sought to preclude relocated dwellings through the placement of covenants on lot titles. The Shire is not party to these covenants and therefore does not enforce them.
6. The Shire has received 9 applications associated with the construction of a Relocated Dwelling since 2010.

DISCUSSION / OFFICER COMMENTS

7. Officers have assessed LPP 12.1 and found that little or no value is added to the provisions of TPS 3 and the Shire’s standard development application and compliance processes. On this basis the revocation of LPP 12.1 is recommended. This assessment is summarised as follows:
- Part 1 of LPP 12.1 describes application requirements. This does not require any additional details or plans than would ordinarily be expected for the construction of a residential dwelling of any other type, or the Shire could request from the applicant. Standard application requirements are detailed in a checklist that accompanies the development approval application form.
 - Part 2 outlines the potential for the Shire to impose a bond for the completion of works. This is not required as a head of power for the Shire to do so, as the Shire

can require a bond in association with planning conditions for any application type (where reasonably warranted). TPS 3 also retains specific reference to bonding of works for relocated dwellings. This policy provision provides no additional value and would require updating on each occasion that the bond value is changed within the adopted Schedule of Fees and Charges.

- Part 3 limits planning consent to a maximum of 12 months duration. This is an ineffective provision as planning approval is considered to have been taken up once a development is 'substantially commenced'. This provision therefore has no bearing on the completion of required works and standard of the finished building, the stated intent of the policy.
 - Part 4 addresses planning compliance matters. This clause is inconsistent with the compliance procedures ordinarily employed by the Shire, for all types of development, where either planning or building legislation can be utilised to address untidy sites or works that have not been completed in accordance with approved plans.
8. Revocation of LPP 12.1 will not affect the implementation of the existing provisions for relocated dwellings in TPS 3. The Council can consider whether to retain, remove or improve these provisions as part of the preparation of Draft Local Planning Scheme No. 4.
 9. Revoking this policy and others deemed unnecessary will help to improve clarity and consistency within the local planning framework and respond to concerns raised by our community about 'red tape'.
 10. An information brochure has been prepared to provide general guidance on the approval requirements for relocated dwellings (Attachment 9.x.xb).

CONSULTATION AND EXTERNAL ADVICE

11. 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.

STATUTORY / LEGAL IMPLICATIONS

12. The revocation of LPP 12.1 will have no statutory or legal implications and the requirements of TPS 3 will continue to apply.
13. The preparation, amending or rescinding of a local planning policy must occur in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, including public consultation. The Shire is required to publish notice of the revocation of a local planning policy in accordance with Schedule 2, Part 12, Clause 87.

STRATEGIC / POLICY IMPLICATIONS

14. The revocation of LPP 12.1 is consistent with the following objectives of the Strategic Community Plan ‘Denmark 2027’:

Our Natural Environment

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

Our Built Environment

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

FINANCIAL IMPLICATIONS

15. The revocation of this local planning policy will occur within existing resources and will not require any changes to the adopted budget or long-term financial plan.

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

19. A risk assessment has been undertaken per the Shire's Risk Management Governance Framework, and no risks have been identified in relation to the officer recommendation or the report.

VOTING REQUIREMENTS

20. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.1.2
<p>That Council, pursuant to Schedule 2, Part 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, resolves to:</p> <ol style="list-style-type: none"> 1. REVOKE Local Planning Policy No. 12.1: Relocated Dwellings. 2. PROVIDE public notice of the Council’s decision to revoke <i>Local Planning Policy No. 12.1: Relocated Dwellings</i> on the Shire’s website and in the Shire’s offices for a period of no less than 21 days. 	

9.1.3 PROPOSED SCHEME AMENDMENT 149

File Ref:	TPS3/SA149
Applicant / Proponent:	Ayton Baesjou Planning on behalf of LWP Denmark
Subject Land / Locality:	Various lots in Springdale Beach Estate
Disclosure of Officer Interest:	Nil
Date:	7 June 2023
Author:	Jasmine Tohill, Senior Town Planner
Authorising Officer:	David King, Chief Executive Officer
	9.1.3a – Extract of Scheme Amendment 149 Report as advertised. (The entire Scheme Amendment can be found on the Shire’s website or by contacting the Shire’s Planning Team)
Attachments:	9.1.3b – Existing Tourist (T9) provisions
	9.1.3c – BAL Contour Plan
	9.1.3d – EPA Advice
	9.1.3e –WAPC Advice to Local Government
	9.1.3f – Schedule of Submissions
	9.1.3g – Schedule of Modifications

IN BRIEF

- At its meeting of 21 June 2022 Council resolved to adopt (initiate) Amendment 149 to Town Planning Scheme No.3 as a Complex amendment and to progress public advertising.
- The primary purpose of the Amendment is to rezone a vacant Tourist site within the Springdale Beach Estate to Special Residential and to provide for additional land to be included in the Parks & Recreation reserve.
- 10 public submissions (including two petitions of 10 and 43 individuals) were received during the consultation period, together with 7 submissions from public agencies.
- This report is presented to Council with a recommendation to support the amendment subject to modifications.

RECOMMENDATION

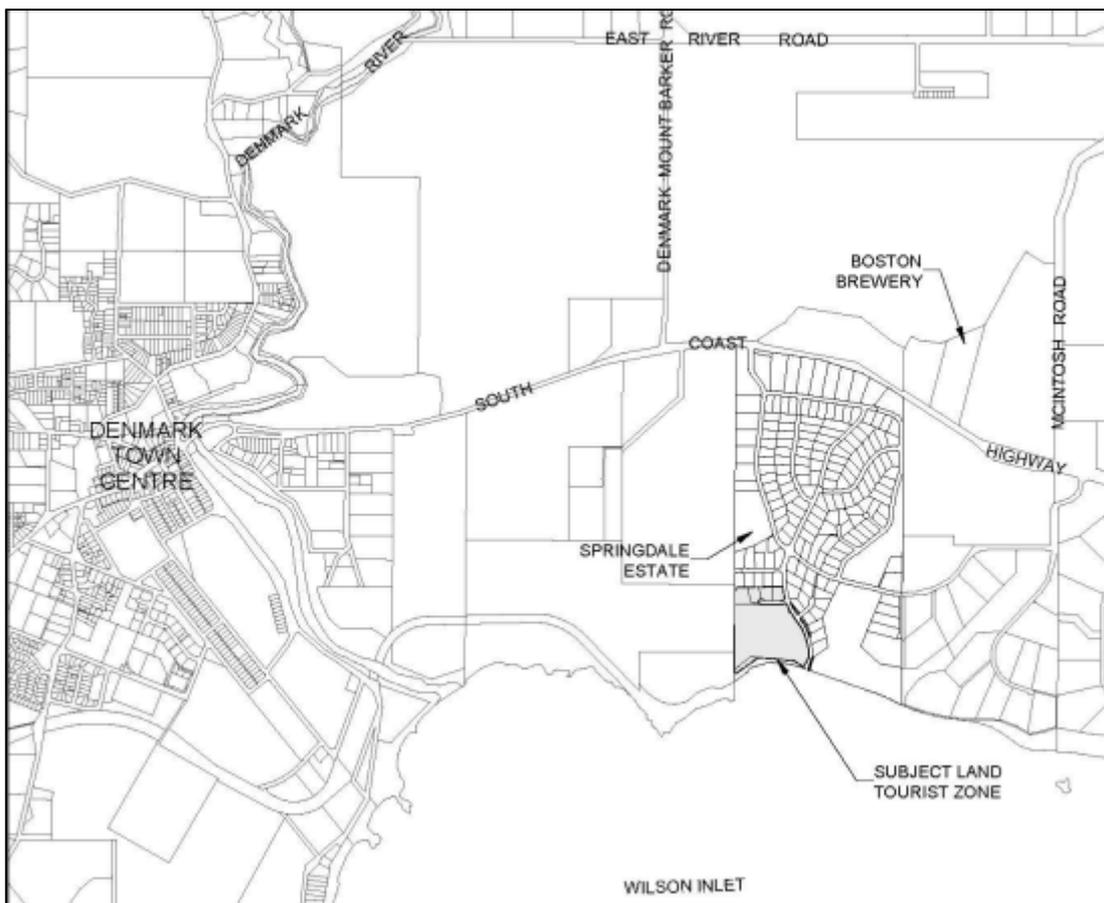
That Council:

1. In accordance with Regulation 41(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*:
 - a) NOTES the submissions received in respect to Amendment No. 149 to the Shire of Denmark Town Planning Scheme No.3;
 - b) ENDORSES the response to the submissions as contained at Attachment 9.1.3f of this report; and
 - c) ENDORSES the response to WAPC’s Advice to Local Government as contained at Attachment 9.1.3e of this report.
2. In accordance with Regulation 41(3)(b) of the Planning and Development (Local Planning Schemes) Regulations 2015, SUPPORT with modifications Amendment No. 149 to the Shire of Denmark Town Planning Scheme No.3 as detailed in Attachment 9.1.3g.

3. AUTHORISES the Shire President and the Chief Executive Officer, in accordance with Section 9.49a of the *Local Government Act 1995*, to execute under Common Seal Amendment No.149 to the Shire of Denmark Town Planning Scheme No.3.
4. ADVISES those who provided a submission of the Council’s resolution.

LOCATION

1. Amendment 149 applies to land in the south-west corner of the Springdale Beach Estate situated approximately 3 kilometres south-east of the Denmark town centre between South Coast Highway to the north and the foreshore of the Wilson Inlet to the south.



BACKGROUND

2. Amendment 149 seeks to rezone a portion of Lot 9010 from the Tourist (T9) zone to Special Residential and Parks & Recreation reserve. Concurrent with this change, various zoning anomalies arising from the misalignment of the existing Tourist (T9) zone, Special Residential (SR6) zone, road and Parks and Recreation Reserve boundaries are also proposed to be corrected.
3. At its meeting on 16 February 2021, Council resolved to adopt (initiate) Amendment 149 (Res:080221).
4. In response to preliminary issues raised by the Environmental Protection Authority (EPA) relating to the adequacy of documentation and environmental outcomes, Council further resolved at its meeting on 21 June 2022 not to proceed with the original Amendment and to prepare and advertise a modified Amendment 149, that increased the area proposed for Parks and Recreation to 1.325ha and inserted additional provisions to guide future subdivision and development (Res:120622).

DISCUSSION / OFFICER COMMENTS

5. This report is presented to Council for consideration of submissions received on the amendment and to pass a resolution to either support the amendment with or without modifications; or not to support the amendment. If modifications are proposed that Council considers are significant then further advertising can be required. The final decision on whether to proceed with the Amendment rests with the Minister for Planning having regard to the recommendation and advice of the Western Australian Planning Commission (WAPC).
6. Concerns raised during the submission period have primarily centred on rezoning of the vacant Tourist site to Special Residential, including commentary and suggested design modifications associated with the Indicative Concept Plan contained within the Amendment report.
7. The Amendment seeks to establish the proposed zoning and provisions required to guide future subdivision and development. It will not determine the final lot layout, density or road configuration. Considerations relevant at this stage are whether removal of the Tourist site would compromise strategic tourism planning and if the site is suitable for special residential development having regard to prevailing land uses, environmental/landscape features, land capability, service availability and bushfire planning requirements.
8. Other aspects of the amendment seek to correct zoning anomalies, extend the foreshore reserve, remove reference to the grazing of animals within Springdale Beach Estate and introduce additional provisions to guide future development.

Strategic Planning - Tourism

9. The Tourist zone was introduced through the gazettal of Amendment 66 in 2001 at the same time as the Special Residential (6) zone being applied to the Springdale Beach Estate. A review of Amendment 66 and the associated background documents indicate that the Tourist site was proposed by the developer to capitalise on southerly and south easterly views, the near foreshore location and reflecting historic tourist activity on the property. It did not arise due to a strategic planning requirement for tourism development, noting the property sat outside the designated Tourist Nodes in the Shire's Rural Settlement Strategy (1999). The Tourist land use designation in the Shire's Local Planning Strategy (2011) (LPS) reflects the zoning that was in place at that time.
10. Relevant considerations associated with departure from the LPS Tourist designation were addressed through the officer's report when Amendment 149 was initially adopted by Council in 2021, including the following points (in summary):
 - The site is not considered to have an element of scarcity to achieve a significant tourism development. There are other more attractive areas and sites elsewhere along the Denmark coastline and in the district;
 - The site does not meet a particular accommodation or market need that cannot be better provided for elsewhere in the district;
 - Council has supported recent amendment requests that seek to expand the range of short stay accommodation and related tourism facilities in the district;
 - The site is compromised by being located adjacent to and having its main access through a residential area;
 - The site is not located on a strategic tourist route or within a high exposure area;

- Nearby development such as the Boston Brewery would decrease the viability and likelihood of a signature restaurant being developed;
- The scale of tourism development that can be accommodated under the current zoning may not be compatible with established low density residential development.

11. Although rezoning of the tourist site departs from the original vision for the property, this change will not compromise broader strategic planning requirements, noting the site was not identified as an important tourism node, it is situated within a predominantly low density residential estate, has remained undeveloped for more than 20 years and given the scope of other tourist developments have progressed across the Shire in ensuing years.

Capability and Suitability

12. Springdale Beach Estate is characterised by low density residential development interspaced with corridors of public open space and reserves. Rezoning of the Tourist site for Special Residential purposes is consistent the prevailing pattern of land use and development.
13. The Tourist site and surrounding Special Residential lots are located within a designated sewer sensitive area, being in proximity to the Wilson Inlet. The Government Sewerage Policy 2019 refers to a minimum 1ha lot size for unsewered residential development in sewer sensitive areas. Exemptions do apply allowing smaller lots where an existing Residential R2 to R10 density applies (equivalent to 5000m² to 1000m² average) and for some non-residential subdivision. The Policy remains silent on the opportunity to consider lots below 1ha where an existing commercial development is converted to low density residential. In cases where a land use change can demonstrate a comparable or reduce scale of development, it is supported by appropriate site and soil capability reporting it is appropriate that such variations be considered on a case by case basis. The Amendment retains potential flexibility to consider lots to a minimum of 3000m², although a final determination on the appropriate lot sizes will rest with the WAPC.
14. No significant land capability, environmental or servicing constraints were identified through the advertising process to preclude a Special Residential zone being applied. Scheme provisions forming part of the amendment have been developed in conjunction with the EPA to support an increase in the size of the Parks and Recreation Reserve, optimise opportunities for vegetation protection and inform additional environmental requirements through structure planning, subdivision and development.

Traffic Management

15. Concerns regarding traffic flow, road access and intersections have featured in many of the public submissions, primarily in response to the Indicative Concept Plan contained within the Amendment Report. The final road layout will not be established by the Amendment and is to be resolved through the structure planning and subdivision design process.
16. It is anticipated that traffic volumes and associated impacts upon the local road network arising from low density residential development would be substantially less than that generated by the commercial uses permitted within the Tourist (T9) zone (refer Attachment 9.1.3c).

Bushfire Planning

17. The Department of Fire and Emergency Services has provided feedback on the Bushfire Management Plan appended to the Amendment report, noting various modifications will be required. The applicant has provided an updated vegetation assessment and BAL contour plan to demonstrate there are no major constraints to the rezoning from a bushfire planning perspective.
18. Council does not have an ability to withhold its recommendation on the Amendment pending updates to the full Bushfire Management Plan and it is recommended that this be required by recommending a modification to the supporting technical report.

CONSULTATION AND EXTERNAL ADVICE

19. In accordance with Regulation 37 the Amendment was referred to the WAPC to determine if modifications were required prior to advertising. The WAPC identified corrections that were implemented prior to advertising. Further advice was also provided to the Local Government for consideration at final approval. This advice together with the officer response and recommendations are detailed in Attachment 9.1.3e.
20. Amendment 149 was referred to the Environmental Protection Authority (EPA) in accordance with Section 81 of the Planning and Development Act 2005. The EPA considers the Amendment unlikely to have a significant effect on the environment and can be managed to meet the EPA's environmental objectives through the scheme provisions and map amendments as proposed. A full copy of the EPA's advice is provided at Attachment 9.1.3d.
21. The Amendment was subject to public advertising for a period of 42 days from 13 October 2022 until 25 November 2022. Following the close of advertising the WAPC directed that re-advertising was required for a further period of 60 days from 9 March 2023 to 8 May 2023 to comply with the minimum requirements for a Complex Amendment. The advertising has included:
 - A notice in the Denmark Bulletin
 - Referral of the Amendment documentation to various government agencies
 - Referral to nearby landowners
 - Signs on site
 - The Amendment documents being available for viewing at the Shire Administration Office and on the Shire's website.
22. At the close of the initial advertising period a total of fifteen (15) submissions were received with a further two (2) submissions received following the second round of advertising as detailed in the Schedule of Submissions, together with Planning Services' response to the issues raised (refer Attachment 9.1.3f).

STATUTORY / LEGAL IMPLICATIONS

23. The Shire of Denmark Town Planning Scheme No.3 (TPS 3) is an operative Local Planning Scheme under the Planning and Development Act 2005.
24. An amendment to TPS 3 must be prepared in the manner and form prescribed by the Western Australian Planning Commission (WAPC) and the Planning and Development (Local Planning Schemes) Regulations 2015.

25. Under Regulation 35(2) the Amendment has been progressed as a 'complex amendment' on the basis that it is not consistent with the Shire of Denmark Local Planning Strategy (2011) which nominates the site as 'Tourist'.

STRATEGIC / POLICY IMPLICATIONS

26. The area proposed to be rezoned from Tourist to Special Residential is designated as a 'Tourist' land use in the Local Planning Strategy (2011). Matters relevant to a departure from the Tourist designation have been addressed through the Discussion/ Officer Comments.
27. The Shire's Draft Local Planning Strategy (2023) proposes the site as Low Density Residential in recognition of Council's prior adoption of Amendment 149.
28. Various WAPC policies and guiding documents are relevant and have been considered as part of Planning Services assessment of the proposal including:
- State Planning Policy No.2: Environment and Natural Resources Policy
 - State Planning Policy No.2.6: State Coastal Planning Policy
 - State Planning Policy No.2.9: Water Resources
 - State Planning Policy 3 – Urban Growth and Settlement
 - State Planning Policy 3.7 – Planning in Bushfire Prone Areas
 - Guidelines for Planning in Bushfire prone Areas
 - Better Urban Water Management
 - Draft State Planning Policy 2.9 Planning for Water
 - WAPC Development Control Policy 2.5: Special Residential Zones
 - Planning Bulletin 83/2013: Planning for Tourism
 - Draft Position Statement – Planning for Tourism
 - Government Sewer Policy 2019
 - Draft State Planning Policy 2.9 Planning for Water
 - Draft Planning for Water Guidelines

FINANCIAL IMPLICATIONS

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

OTHER IMPLICATIONS

Environmental

30. The amendment incorporates zoning provisions to address the environmental considerations, including those identified by the EPA.

Economic

31. Residential development is an important contributor to Denmark's economy.

Social

32. The proposal will facilitate the ceding of additional land as part of a public reserve and contribute towards an increase in residential lot and housing supply.

RISK MANAGEMENT

33. A risk assessment has been undertaken per the Shire's Risk Management Governance Framework, and no risks have been identified in relation to the officer recommendation or the report.

VOTING REQUIREMENTS

34. Simple majority.

<p>OFFICER RECOMMENDATION</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. In accordance with Regulation 41(2) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>: <ol style="list-style-type: none"> a) NOTES the submissions received in respect to Amendment No. 149 to the Shire of Denmark Town Planning Scheme No.3; a) ENDORSES the response to the submissions as contained at Attachment 9.1.3f of this report; and b) ENDORSES the response to WAPC’s Advice to Local Government as contained at Attachment 9.1.3e of this report. 2. In accordance with Regulation 41(3)(b) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, SUPPORT with modifications Amendment No. 149 to the Shire of Denmark Town Planning Scheme No.3 as detailed in Attachment 9.1.3g. 3. AUTHORISES the Shire President and the Chief Executive Officer, in accordance with Section 9.49a of the <i>Local Government Act 1995</i>, to execute under Common Seal Amendment No.149 to the Shire of Denmark Town Planning Scheme No.3. 4. ADVISES those who provided a submission of the Council’s resolution. 	<p>ITEM 9.1.3</p>
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9.2 DIRECTOR CORPORATE AND COMMUNITY SERVICES

9.2.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDED 30 APRIL 2023

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	31 May 2023
Author:	Scott Sewell, Financial Accountant
Authorising Officer:	Lee Sounness, Acting Director Corporate & Community Services
Attachments:	9.2.1 – April 2023 Monthly Financial Report

IN BRIEF

- Under the Local Government Financial Management Regulations, a local government is to prepare, on a monthly basis, a statement of financial activity that reports on the Shire’s financial performance in relation to its adopted budget.

- The Shire of Denmark's Statement of Financial Activity for the period ending 30 April 2023 has been prepared and is attached.
- In addition, the Shire provides Council with a monthly investment register to ensure the investment portfolio complies with the Shire's Investment Policy.

RECOMMENDATION

That with respect to the Financial Statements for the period ending 30 April 2023, Council RECEIVE the Financial Reports, incorporating the Statement of Financial Activity and other supporting documentation, as per Attachment 9.2.1.

LOCATION

Nil

BACKGROUND

1. In order to fill statutory reporting obligations, the Monthly Financial Report prepared provides a snapshot of the Shire's year-to-date financial performance. The report provides:
 - a) Statement of Financial Activity by Nature or Type;
 - b) Statement of Financial Activity by Program;
 - c) Explanation of Material Variances;
 - d) Net Current Funding Position;
 - e) Receivables;
 - f) Capital Acquisitions;
 - g) Cash Backed Reserve Balances;
 - h) Loan Schedule;
 - i) Investment Register;
 - j) Cash and Investments Summary.
2. Each year a local government is required to adopt a percentage or value to be used in the Statement of Financial Activity for reporting material variances. Under Resolution 030822, Council adopted the monthly reporting variance for the 2022/2023 financial year of 10% or greater for each program area in the budget as a level that requires an explanation or report, with a minimum dollar variance of \$10,000.
3. Pursuant to the Shire's Investment Policy, an investment report and investment register are to be provided to Council on a monthly basis, detailing the investment portfolio in terms of performance and counterparty percentage exposure of total portfolio.

DISCUSSION / OFFICER COMMENTS

4. The Statement of Financial Activity for April 2023 shows a year-to-date closing funding surplus of \$1,753,660 compared to the year-to-date budget surplus of \$1,125,948, a variance of \$627,712. The reason why there is a significant closing funding surplus, is that most of the total operating revenue has been recognised (from raising of rates and fees and charges), however, most of the Shire's expenditure occurs evenly over the 12 months. This results in a timing variance and the actual surplus reduces as the financial year progresses. It is also quite usual for a number of capital expenditure projects and any associated non-operating grant funding income applicable to the progress milestones of those projects to be scheduled in the second half of the year and the timing of some of these works have been adjusted for various reasons since the adoption of the budget.

5. Both the year-to-date budget and actual closing funding position balances appear to be comparatively low for this time of year when compared to prior years. This is due to a number of non-operating grants relating to capital works that are yet to be received and plus net transfers from Reserves of approximately \$650,000 (normally scheduled for financial year end), that are yet to be transacted. When these items are factored in, coupled with lower operating expenditure than budgeted, the final closing funding position as at 30 June 2023 is expected to align reasonable well to the adopted amended budget.
6. A summary of the financial position for April 2023 is detailed in the table below:

	Amended Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)
	\$	\$	\$	\$	%
Opening Funding Surplus / (Deficit)	1,493,572	1,493,572	1,493,572	0	0%
Revenue					
Operating revenue	13,641,755	12,790,858	12,822,776	31,918	0%
Capital revenue, grants and contributions	5,095,106	2,298,032	1,056,455	-1,241,577	-54%
	18,736,861	15,088,890	13,879,231	-1,209,659	
Expenditure					
Operating Expenditure	-17,612,285	-14,329,805	-13,774,666	555,139	4%
Capital Expenditure	-7,169,837	-4,914,786	-3,579,457	1,335,329	27%
	-24,782,122	-19,244,591	-17,354,123	1,890,468	
Funding balance adjustments	4,551,690	3,788,078	3,734,980	-53,098	-1%
Closing Funding Surplus / (Deficit)	0	1,125,948	1,753,660	627,712	56%

INVESTMENT REPORT

7. Pursuant to the Shire’s Investment Policy, an investment report and investment register are to be provided to Council on a monthly basis, detailing the investment portfolio in terms of performance and counterparty percentage exposure of total portfolio. The Investment Register is also to provide details of investment income earned against budget, whilst confirming compliance of the portfolio with legislative and policy limits.
8. As at 30 April 2023, total cash funds held (including trust funds) totals \$7,561,835

(Summary – Investment Register).

- Municipal Funds total \$2,677,219
- Shire Trust Funds total \$850
- Reserve Funds (restricted) invested, total \$4,883,765
- Municipal Funds (unrestricted) invested, total \$1,562,060

9. The official Reserve Bank of Australia’s (RBA) cash rate remained set at 3.60% during the month of April 2023 but was increased by 0.25% to 3.85% at the Reserve Bank Board meeting held on 2 May 2023.

CONSULTATION AND EXTERNAL ADVICE

10. 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.

STATUTORY / LEGAL IMPLICATIONS

11. Regulation 34 (1-5) of the Local Government (Financial Management) Regulations 1996, details the form and manner in which a local government is to prepare financial activity statements.
12. The Local Government Act 1995 – Section 6.14.
13. The Trustees Act 1962 – Part III Investments;
14. The Local Government (Financial Management) Regulations 1996 - Reg. 19, 28 and 49; and The Australian Accounting Standards, sets out the statutory conditions under which Council funds may be invested.

STRATEGIC / POLICY IMPLICATIONS

15. Delegation Number D040201 relates:
Implement a financial strategy to ensure the Shire of Denmark’s financial sustainability.
16. The report and officer recommendation are consistent with Council’s adopted Strategic Community Plan Aspirations and Objectives and the Corporate Business Plan Actions and Projects in the following specific ways:

Denmark 2027

L5.4 To be fiscally responsible

FINANCIAL IMPLICATIONS

17. The Shire’s 2022/2023 Annual Budget provides a set of parameters that guides the Shire’s financial practices.
18. Any financial implications or trends are detailed within the context of this report.

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

22. An assessment of evident risks has been undertaken in accordance with the Shire’s Risk Management Governance Framework and no risks have been identified in relation to the officer recommendation or the report.

VOTING REQUIREMENTS

23. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.2.1
<p>That with respect to the Financial Statements for the period ending 30 April 2023, Council RECEIVE the Financial Reports, incorporating the Statement of Financial Activity and other supporting documentation, as per Attachment 9.2.1.</p>	

9.2.2 LIST OF PAYMENTS FOR THE PERIOD ENDING 30 APRIL 2023

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	31 May 2023
Author:	Jodi Masson, Acting Manager Corporate Services
Authorising Officer:	Lee Sounness, Acting Director Corporate & Community Services
Attachments:	9.2.2 – April 2023 Monthly List of Payments Summary

IN BRIEF

- The purpose of this report is to advise the Council of payments made during the period 1 April 2023 to 30 April 2023.

RECOMMENDATION

That with respect to the attached Schedule of Payments, totalling \$1,594,343.62 for the month of April 2023, Council RECEIVE the following summary of accounts:

- Electronic Funds Transfers EFT 35260 to EFT 35481- \$1,041,028.73;
- Municipal Fund Cheque No’s 60529 - 60531 - \$9,045.00;
- Internal Account Transfers (Payroll) - \$440,743.78;
- Direct Debit - \$8,846.45;
- Corporate Credit Card - \$2,867.16;
- Department of Transport Remittances - \$91,812.50; and
- Loan Payments – Nil

LOCATION

1. Nil

BACKGROUND

2. Nil

DISCUSSION / OFFICER COMMENTS

3. Nil

CONSULTATION AND EXTERNAL ADVICE

4. 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.

STATUTORY / LEGAL IMPLICATIONS

5. Local Government (Financial Management) Regulation 13 relates:

STRATEGIC / POLICY IMPLICATIONS

6. Delegation Number D040201 relates:
Implement a financial strategy to ensure the Shire of Denmark’s financial sustainability.
7. The report and officer recommendation is consistent with Council’s adopted Strategic Community Plan Aspirations and Objectives and the Corporate Business Plan Actions and Projects in the following specific ways:

Denmark 2027

L5.4 *To be fiscally responsible*

FINANCIAL IMPLICATIONS

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

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

12. An assessment of evident risks has been undertaken in accordance with the Shire’s Risk Management Governance Framework and no risks have been identified in relation to the officer recommendation or the report.

VOTING REQUIREMENTS

13. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.2.2
<p>That with respect to the attached Schedule of Payments, totalling \$1,594,343.62 for the month of April 2023, Council RECEIVE the following summary of accounts:</p> <ul style="list-style-type: none"> • Electronic Funds Transfers EFT 35260 to EFT 35481- \$1,041,028.73; • Municipal Fund Cheque No’s 60529 - 60531 - \$9,045.00; • Internal Account Transfers (Payroll) - \$440,743.78; • Direct Debit - \$8,846.45; • Corporate Credit Card - \$2,867.16; • Department of Transport Remittances - \$91,812.50; and • Loan Payments – Nil 	

9.2.3 2023-24 PROPOSED DIFFERENTIAL RATES AND MINIMUM PAYMENTS FOR PUBLIC COMMENT

File Ref:	FIN.1
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	02 June 2023
Author:	Lee Sounness, Acting Director Corporate & Community Services
Authorising Officer:	Lee Sounness, Acting Director Corporate & Community Services
Attachments:	9.2.3 - Rating Proposal - Statement of Objects and Reasons

IN BRIEF

- Under section 6.36 of the Local Government Act (1995), a local government is to advertise the intended differential rates and minimum payments for public comment

and consideration by Council prior to their adoption as part of the 2023-24 Annual Budget.

- Council is requested to adopt for local public advertising for a minimum of 21 days the proposed differential rates and minimum payments for 2023-24.
- The proposed differential rate and minimum payment amounts for 2023-24 will see an increase of rates of 5.5% in addition to property growth.

RECOMMENDATION

That Council:

1. REQUESTS the CEO prepare the 2023-24 Annual Budget to incorporate a 5.50% increase in rates revenue in addition to property growth, and;
2. APPROVES the 2023-24 Statement of Objectives and Reasons for Differential Rates and Minimum Payments, as per Attachment A, and;
3. APPROVES advertising in accordance with Section 6.36 of the Local Government Act 1995 for public submissions on the proposed 2023-24 differential general rates and minimum payments as set out in the table below:

Differential Rating Category	Rate in \$ 2023-24	Minimum \$ 2023 -24
GRV		
Non Rural Improved	0.112065	1,369
Holiday Purposes	0.145685	1,643
Vacant	0.223419	1,340
UV		
Rural	0.004016	1,573
Rural - Additional Use Holiday	0.005220	2,045
Rural - Additional Use Commercial	0.006827	2,989

LOCATION

1. Nil

BACKGROUND

2. Rate revenue is a primary source of revenue for all local governments. The Shire can apply a uniform rate or a differential rate for each of the valuation categories. The intention behind applying differential rates is to take into account the levels of services provided to different types of properties.
3. The rates imposed on properties contribute toward the upkeep and maintenance of the Shire’s essential services, such as roads and infrastructure, as well as enabling the provision of other services to its community, such as buildings, facilities, parks and recreational areas, and ensure an efficient level of administrative services is provided to the community and its many visitors.

DISCUSSION / OFFICER COMMENTS

4. In determining the rate revenue yield, the Shire has taken into consideration the following factors:
 - Current economic conditions which impact on the forecast deficiency between revenue and expenditure to be funded from rates;

- Growth of rateable properties;
- Current economic conditions;
- Landgate Unimproved Value (UV) and Gross Rental Value (GRV) revaluations;
- Draft Long Term Financial Plan (LTFP) which identifies the forecast deficiency between revenue and expenditure to be funded from rates;
- 2023-24 Draft Budget;
- Community perception of affordability and the services provided to the community;
- Corporate Business Plan affordability; and
- Compliance with the provisions of the Local Government Act 1995.

These factors are discussed in the relevant sections of this report.

5. The preparation of the 2023-24 draft Budget is based on the rate yield increasing 5.50% plus property growth from last financial year. This addresses the requirement to balance the deficiency between expenditure demands and funding sources. The Shire recognises the pressure elevated inflation continues to put on the community, with ratepayers and other community members facing increases in the cost of living, however, cost increases over the course of 2022-23 has also put pressure on the Shire's finances in maintaining the provision of community facilities and services, and for the maintenance of community roads and other infrastructure.
6. In determining the rate revenue yield of 5.5% plus property growth, the Shire has taken into consideration a number of factors detailed above that will equate to a total rate revenue yield for 2023-24 of \$8,148,944. An increase of \$468,287 from the previous financial year.

CONSULTATION AND EXTERNAL ADVICE

7. The proposed differential rates and minimum payments have been discussed at Council budget workshops. The recommendations in this report reflect the substance of these discussions as well as feedback from Council.
8. The proposed differential rates are required to be advertised and public submissions sought in accordance with Section 6.36 of the Act. The following engagement will take place outlining the intention to levy differential rates and minimum payments and details on how to make a submission:
 - Public notice will be published in two local newspapers.
 - Information will be made available on the Shire's website
 - Post on the Shire's social media feeds.
9. Any submissions received are to be considered as part of the adoption of the 2023-24 Annual Budget.

STATUTORY / LEGAL IMPLICATIONS

Local Government Act 1995

10. In setting the differential rate in the dollar and minimum payment, the Shire must adhere to the requirements of the LG Act and in particular sections 6.33 and 6.35.
11. Section 6.33 states that the Shire cannot apply a rate in the dollar that is more than twice the lowest rate in the dollar for any differential rating category.

- 12. Section 6.35 states that the Shire cannot apply a minimum payment to more than 50% of the total number of properties for an individual differential rating category.
- 13. If the proposed model is adopted by Council for advertising, submissions received during the advertising period, which is planned to close on Tuesday 14 July 2023, will need to be considered at the Special Meeting of Council to adopt the Annual Budget on Tuesday 25 July 2023.
- 14. In accordance with Section 6.36 of the Local Government Act 1995, the Shire is required to give local public notice of its intention to impose differential general rates and minimum payments prior to adopting its 2023/2024 budget. Submissions are invited and a minimum of 21 days is required before Council can consider these submissions. The proposed differential rates and minimum payments can then be imposed, with or without modification.
- 15. A document is required to be made available for inspection by electors and ratepayers that described the objects of and reasons for each proposed rate and minimum payment. This document is included in Attachment 9.2.1.

Waste Avoidance and Resource Recovery Act 2007

- 16. The provisions of the Local Government Act 1995 relating to the making, payment and recovery of general rates apply with respect to waste rates.

STRATEGIC / POLICY IMPLICATIONS

- 17. Policy P030101 – Rating Equity Policy applies.

FINANCIAL IMPLICATIONS

Long Term Financial Plan

- 18. The 2021/22 to 2030/31 plan was adopted by Council in November 2021 and has been reviewed in 2023, with a draft balanced LTFP currently under consideration by Council. The draft Long Term Financial Plan assumed the increase to the rate yield for 2023-24 would be set at 5.00%. Economic conditions continue to demonstrate volatility, with March 2023 Perth CPI sitting at 5.8%, which is 2.8% higher than the CPI forecast included in the draft Long Term Financial Plan. As such, to ensure continued commitment to sound financial management, the 5% rate increase proposed in the draft Long Term Financial Plan is no longer deemed sufficient to ensure the Shire can cover the cost of providing services and facilities to the community.

Growth of Rateable Properties

- 19. The number of rateable properties has increased during 2022-23 as a result of land developments released and subdivisions of land by individual landowners across the Shire. 29 new rateable properties have been created for the financial year to 30 April 2023. A comparison table outlining the increase in the Shire’s rateable property base is below.

Table: Growth in Rateable Properties - Last 5 Years

Year	No. of Properties	Property Increase
2022-23	4167	29
2021-22	4138	23

2020-21	4115	19
2019-20	4096	10
2018-19	4086	18

Table: Growth in Rateable Properties – By Rating Category

Rating Category	21/22	22/23
UV		
Rural	626	626
Rural - Additional Use Holiday	23	24
Rural - Additional Use Commercial	21	21
UV Total	670	671
GRV		
Non Rural Improved	2,887	2,912
Holiday Purposes	142	156
Vacant	439	428
GRV Total	3,468	3,496
Grand Total		
	4,138	4,167
Property No. Increase		29

Landgate Revaluations

- 20. The Valuation of Land Act 1978 (VLA) empowers the Valuer General (VG) to conduct general valuations on a GRV basis within Western Australia at such times and frequency as is considered necessary (currently every 4 years) and for UV properties annually. Values are determined relative to sales and rentals at 1 August of the preceding year.
- 21. Landgate undertook their annual revaluation of UV properties at 1 August 2022, to be effective from 1 July 2023. Details of this revaluation were provided to the Shire by Landgate in late May 2023 and resulted in an overall average increase of 19.57% to rural land values according to Landgate’s summary when compared with 2022.

Table: Change in UV Valuations 2023/24

UV Category	2022/23		2023/24		Increase - \$	Increase - %
	Prop. No.s	Valuation - \$	Prop. No.s	Valuation - \$		
Rural	626	308,610,271	626	369,411,009	60,800,738	19.70%
Rural -Additional Use Holiday	23	10,469,000	24	12,775,000	2,306,000	22.03%
Rural - Additional Use Commercial	21	11,953,000	21	13,680,000	1,727,000	14.45%
TOTAL	670	331,212,271	671	395,866,009	64,833,738	19.57%

- 22. GRV properties are generally revalued every four years by Landgate, with the Shire of Denmark due to have all GRV properties revalued in the 2023/24 financial year.

Rating Models

23. The commencing point for rate modelling is to use up to date property details and the rating details for the current year (rates in the dollar and minimum payments) to identify the rate yield that has resulted from growth in properties. In determining the rate revenue yield of 5.5% plus property growth, the Shire has taken into consideration a number of factors detailed above that will equate to a total rate revenue yield for 2023-24 of \$8,148,944. An increase of \$468,287 from the previous financial year. This additional revenue will be sufficient to meet the expenditure demands and cost increases anticipated in the 2023-24 draft Budget.

24. General rates and minimum payment amounts for each GRV and UV category were amended to achieve the required 5.5% increase in total rate revenue. The UV rates in the dollar for each general rate category were adjusted downward to achieve the required target yield. Adjusting minimum payments and rates in the dollar in this way will result in a total rate yield of \$8.148 million. The proposed rating details for 2023-24 compared to those imposed in 2022-23 are shown in the following table:

25. The rates in the dollar for UV general categories have been discounted back to take into account increases in annual property valuations. As a result of the broad range of variations in valuation, and whilst the average rate yield increase is set at 5.5%, some property owners will receive UV property rate increases greater than the 5.5% yield target. With the calculation of rates being dependent upon property valuation, this unfortunately cannot be avoided.

Table: Proposed Rate in Dollar and Minimum Payments 2023/24

	2022-23	2023-24
General Rate		
GRV		
Non Rural Improved	0.106223	0.112065
Holiday Purposes	0.138090	0.145685
Vacant	0.211772	0.223419
UV		
Rural	0.004511	0.004016
Rural - Additional Use Holiday	0.005864	0.005220
Rural - Additional Use Commercial	0.007668	0.006827
Minimums		
GRV		
Non Rural Improved	1,298	1,369
Holiday Purposes	1,558	1,643
Vacant	1,298	1,340
UV		
Rural	1,491	1,573
Rural - Additional Use Holiday	1,938	2,045
Rural - Additional Use Commercial	2,832	2,989

Table: 2023/24 Rating Revenue based on proposed rating model

Differential General rate				
	Properties	Valuation	Rate in \$	2023/24 Budgeted Rate Revenue
GRV				
Non Rural Improved	2283	39,898,707	0.112065	4,471,249
Holiday Purposes	145	2,344,420	0.145685	341,547
Vacant	218	2,044,650	0.223419	456,814
UV				
Rural	475	328,515,000	0.004016	1,319,316
Rural - Additional Use Holiday	20	11,410,000	0.005220	59,560
Rural - Additional Use Commercial	17	12,004,000	0.006827	81,951
sub total	3,158	396,216,777	0	6,730,437
Minimum Payment				
	Properties	Valuation	Minimum Payment \$	2023/24 Budgeted Rate Revenue
GRV				
Non Rural Improved	628	5,495,435	1,369	859,732
Holiday Purposes	12	92,486	1,643	19,716
Vacant	210	954,470	1,340	281,400
UV				
Rural	151	40,896,009	1,573	237,523
Rural - Additional Use Holiday	4	1,365,000	2,045	8,180
Rural - Additional Use Commercial	4	1,676,000	2,989	11,956
sub total	1,009	50,479,400	10,959	1,418,507
TOTAL	4,167	446,696,177	10,959	8,148,944

Table: Average Rates by Category

Rating Category	2022/23 Average Rate \$	2023/24 Average Rate \$
GRV		
Non Rural Improved	1,735	1,831
Holiday Purposes	2,195	2,301
Vacant	1,560	1,725
UV		
Rural	2,350	2,487
Rural - Additional Use Holiday	2,759	2,823
Rural - Additional Use Commercial	4,410	4,472

Rating Proposal 2023/24 – Statement of Objectives and Reasons

- The Rating Proposal for 2023/24, which includes the Statement of Objectives and Reasons for the proposed differential rates and minimum payments are attached to this report. The objects and reasons provide a brief explanation of the key differences between rate categories and are also published in the Annual Budget.

Waste Collection Rate

- 27. The Waste Collection Rate is an annual rate levied on rateable land within the Shire for the purposes of funding waste services including improvements to McIntosh Road Waste Facility.
- 28. The application of the waste rate must be in accordance with the provisions of the Local Government Act 1995 relating to the making, payment and recovery of general rates and therefore is included here for completeness.
- 29. A low rate in the dollar is set across all land in the district which results in the default minimum payment applicable to all properties.
- 30. As no differential rate is proposed, the rates do not require public notice and will be adopted at the time of the annual budget. However, it is provided here for completeness.

Table: Waste Collection Rate 2023/24

Waste Collection Rate and Minimums	2022/23	2023/24	% change
GRV Properties rate in the dollar \$.001	\$75	\$75	0%
UV Properties rate in the dollar \$.0001	\$75	\$75	0%

OTHER IMPLICATIONS

Environmental

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

Economic

- 32. Like many advanced economies, Australia experienced another sharp increase in inflation during 2022-23, demonstrating a Consumer Price Index (CPI) of 5.8% at March 2023. This follows on from the previous year which saw Perth experiencing the highest CPI rate of all Australian capital cities in March 2022 at 7.6%. Western Australia (WA) has increasingly felt the impact of these two consecutive years of higher-than-normal CPI increases, which has continued to result in upsurges to the cost of supplying goods and services to the community. The Shire recognises the impact that elevated inflation continues to place on the community, with ratepayers and other community member facing increases in the cost of living, however these cost increases over the course of 2022-23 has also increased the pressure on the Shire’s finances.
- 33. Construction materials and contract labour are significant costs for the Shire, with the requirement to maintain a wide range of infrastructure including roads, bridges and community buildings and fund a broad range of services including waste collection and processing and reserve maintenance. These materials and contracts are all impacted by inflation, putting increased pressure on the Shire’s finances to deliver services and facilities to the community. Insert

Social

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

RISK MANAGEMENT

35. A risk assessment has been undertaken per the Shire's Risk Management Governance Framework, and no risks have been identified in relation to the officer recommendation or the report.

VOTING REQUIREMENTS

36. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.2.3	
That Council		
1. REQUESTS the CEO prepare the 2023-24 Annual Budget to incorporate a 5.50% increase in rates revenue in addition to property growth, and;		
2. APPROVES the 2023-24 Statement of Objectives and Reasons for Differential Rates and Minimum Payments, as per Attachment A, and;		
3. APPROVES advertising in accordance with Section 6.36 of the Local Government Act 1995 for public submissions on the proposed 2023-24 differential general rates and minimum payments as set out in the table below:		
Differential Rating Category	Rate in \$ 2023-24	Minimum \$ 2023 -24
GRV		
Non Rural Improved	0.112065	1,369
Holiday Purposes	0.145685	1,643
Vacant	0.223419	1,340
UV		
Rural	0.004016	1,573
Rural - Additional Use Holiday	0.005220	2,045
Rural - Additional Use Commercial	0.006827	2,989

9.2.4 DENMARK FUTURES – PROJECT SUPPORT & CONTRIBUTION REQUEST

File Ref:	ORG.119
Applicant / Proponent:	Denmark Futures Ltd
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	31 May 2023
Author:	Claire Thompson, Governance Coordinator
Authorising Officer:	Lee Sounness, Acting Director Corporate & Community Services
Attachments:	9.2.4a – Seniors Policy 9.2.4b – Age Friendly Community Study (2011) and Implementation Plan 9.2.4c - Shire of Denmark Public Health Plan (2022)

IN BRIEF

- Denmark Futures Ltd have requested Council support and a financial contribution in the 2023/24 Budget.

RECOMMENDATION

That with respect to the request from Denmark Futures Ltd, Council:

1. SUPPORT the project as outlined in the Officer's report; and
2. REQUEST the Chief Executive Officer to include \$10,000 in the draft 2023/24 Budget as a contribution towards the project

LOCATION

1. Not applicable.

BACKGROUND

2. The following background has been provided by Denmark Futures Ltd.
3. Denmark Futures Ltd was established as a registered charity in 2021, born out of the need for a governance structure and support to a broad community of not-for-profit organisations within Denmark to share resources, knowledge and solutions.
4. The need for such a company was identified during the COVID-19 pandemic when there was an increased need to support the community, especially those experiencing hardship, and an entity to lead collaborative projects to support a thriving community.
5. Denmark Futures' objectives are to advance:
 - a) Social and public welfare.
 - b) Education.
 - c) Culture.
 - d) The natural environment.
 - e) Social cohesion.
6. Activities that the Company may undertake to further its objectives include:
 - a) To reduce poverty, disadvantage and homelessness among Denmark Residents.
 - b) To reduce isolation and increase the general wellness of Denmark Residents.
 - c) To provide access to educational services to Denmark Residents.
 - d) To provide access to healthcare services to Denmark Residents, both in-home and via transport to medical facilities in nearby shires.
 - e) To provide cultural programs and facilities and further develop the creative industries for Denmark Residents.
 - f) To conserve the biological diversity of flora and fauna and improve the natural environment throughout the Shire of Denmark.
 - g) To provide specific services that are directed to the welfare and quality of the life of Denmark Residents that are elderly, disabled or otherwise necessitous.

- h) To provide and engage with projects and activities that develop opportunities for Denmark Resident children and youth to realise their potential.
 - i) To collect data and conduct research into matters in the Shire of Denmark that directly relate to the object of the Company.
 - j) To partner and work with other organisations having similar purposes to the Company.
 - k) To raise funds by an legal means for the purpose of carrying out the Company's objectives, including commercial activity (such as a housing cooperative).
 - l) To engage in all other projects and activities incidental, complementary or conducive to the Company's objectives.
7. Denmark Futures looks to create change within the community and local ecosystem that supports it, by empowering the community to participate directly in the design and implementation of solutions to critical social and built infrastructure gaps.
8. It does this by encouraging leadership, facilitating conversations, creating and supporting partnerships, developing innovative collective impact projects and supporting co-investment structures, supporting improvements in ecosystem governance and fiduciary management, and improving information flows across the ecosystem.

DISCUSSION / OFFICER COMMENTS

9. Generally speaking, it is the expectation of community that Local Government contribute to social and public welfare, culture, the natural environment and social cohesion. Rate rise downward pressure, and the upwards pressure from increasing operational and capital cost, is stretching Local Government budgets; Denmark is no exception.
10. Initiatives such as those proposed in this report, seek to empower the community to assist with meeting the servicing needs of the community which, if successful, will provide community benefit with a minimal impact of Local Government resourcing.
11. The project proposed here seeks to pilot the concepts, with a focus on seniors and the services they require. It will serve as a test case for potential future projects.
12. Denmark Futures program will go over two years and aims to connect with seniors to understand what they need to thrive physically, mentally and spiritually. The data will then be used to create an action plan with implementation responsibility specifically designated through a Steering Group process. Denmark Futures will play a role after the two years, as convener of the Steering Group and activating resources to support the action plan.
13. The program outputs over the two year period are:
- a) Extensive consultation with residents over the age of 50, in conjunction with the University of Western Australia (UWA) Public Health Unit, and utilising tools generated by Regen Melbourne who have already been through this conversation with their community.

- b) Mapping of the support system already in place within Denmark for the critical wellbeing issues raised through the consultation, and identification of the most appropriate bodies to take forward actions.
 - c) Development of an implementation plan to include development of a cross agency / not-for-profit steering committee to hold the implementation team to account.
 - d) Project management of the initial stages of implementation.
14. The confirmed partners for this program so far are the Great Southern Development Commission and Regional Development Australia (Great Southern). Denmark Futures have also approached the WA Country Health Service and the WA Primary Health Alliance to ascertain their support for the project.
15. Denmark Futures will be submitting a funding application to Lottery west and are requesting Council's support for the project and a financial contribution in the 2023/24 Budget of \$10,000.
16. Denmark Futures application to Lottery west is expected to be in the order of \$200,000. Officers are of the view that the significant leverage against the requested \$10,000 provides excellent value for the community
17. Without Council's financial support, it is highly unlikely that Lottery west will approve the project.

CONSULTATION AND EXTERNAL ADVICE

18. 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.

STATUTORY / LEGAL IMPLICATIONS

19. Nil.

STRATEGIC / POLICY IMPLICATIONS

Shire's Seniors Policy

20. The project is consistent with the objectives and strategies identified in the Shire's Seniors Policy. See Attachment 9.2.4a

Denmark Age Friendly Community Study (2011) and Implementation Plan

21. Attachment 9.2.4b.

Shire of Denmark Public Health Plan (2022).

22. See Attachment 9.2.4c.
23. The plan identified that, the Shire of Denmark's population is ageing and that people aged over 65 accounted for 25% of the area's population. The regional average is 14.6%. Population projections predict that by 2031, the 65 and over age group will represent almost one third (32.58%) of the Shire's population. [page 11].

24. A deliverable under the plan is to, ‘ADVOCATE / PARTNER with community groups on grant funding opportunities to increase their health and wellbeing of our community’. [page 16].

State Seniors Strategy 2023 – 2033.

25. The Strategy highlights how important it is that State and local governments play their part to ensure policies and activities are age friendly, and how it is crucial that communities and service systems work together to address known challenges. The project proposed will initially seek to understand what local seniors need to thrive, feel valued, safe, and empowered to lead happy and fulfilling lives.

FINANCIAL IMPLICATIONS

26. Denmark Futures are requesting a financial contribution of \$10,000 in the 2023/24 Budget.

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

29. The project seeks to hear and learn the needs of local seniors, identify effective collaboration and cooperation opportunities within the community, to support ageing in place, overall wellbeing, safety, care and support.

RISK MANAGEMENT

30. A risk assessment has been undertaken per the Shire's Risk Management Governance Framework, and no risks have been identified in relation to the officer recommendation or the report.

VOTING REQUIREMENTS

31. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.2.4
<p>That with respect to the request from Denmark Futures Ltd, Council:</p> <ol style="list-style-type: none"> 1. SUPPORT the project as outlined in the Officer’s report; and 2. REQUEST the Chief Executive Officer to include \$10,000 in the draft 2023/24 Budget as a contribution towards the project. 	

9.2.5 TEMPORARY CHIEF EXECUTIVE OFFICER EMPLOYMENT CONTRACT

File Ref:	PER.11.23.CEO
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	The position of CEO is the Author’s and the Authorising Officer’s direct line manager
Date:	3 May 2023
Author:	Claire Thompson, Governance Coordinator
Authorising Officer:	Lee Sounness, Acting Director Corporate & Community Services
Attachments:	9.2.5a - Temporary Employment or Appointment of CEO and Designated of Senior Employees Policy 9.2.5b - Confidential Attachments (provided to Councillors under separate cover)

IN BRIEF

- Council is required to approve the Temporary CEO’s Employment Contract.

RECOMMENDATION

That with respect to the Temporary CEO, David King, Council:

1. APPROVE the negotiated salary package, as per the breakdown provided in the confidential attachment;
2. APPROVE the Employment Contract as provided in the confidential attachments, being the Employment Contract and the modifications detailed in the letter of offer; and
3. AGREE that the salary package applies from the 22 May 2023, being the date that David was appointed to the position.

LOCATION

1. Not applicable.

BACKGROUND

2. Council appointed David King as the Shire’s Temporary CEO at the meeting held on 9 May 2023.
3. The resolution was as follows:

That Council:

1. AUTHORISE the Shire President to negotiate an Employment Contract with David King, Deputy CEO, for the position of Temporary CEO and that the contract terminates upon employment of a substantive CEO; and

2. ADVISE the Shire President that the Total Remuneration Package plus any additional allowances should not exceed the incumbent CEO's entitlements, as detailed within the report; and
3. REQUEST that the draft Employment Contract will be brought back to the Council for approval, in accordance with s 5.36(2) of the Local Government Act 1995.

DISCUSSION / OFFICER COMMENTS

4. The Shire President has negotiated a contract with David and a copy of the appointment letter, detailing the amendments to his existing employment contract, is provided as a confidential attachment.
5. A copy of David's current Employment Contract is provided to Councillors as a confidential attachment.
6. A breakdown of the salary package is provided as a confidential attachment. As resolved by the Council, the total remuneration package does not exceed that of the former CEO.

CONSULTATION AND EXTERNAL ADVICE

7. The Shire President has worked with the Shire's Employee Support & Culture Coordinator.

STATUTORY / LEGAL IMPLICATIONS

Local Government Act 1995

8. Section 5.36(2) – a person not to be employed as a CEO unless the Council believes that the person is suitably qualified for the position and is satisfied with the provisions of the proposed employment contract (*Absolute Majority*).

Section 5.39(2) – a contract for a Temporary CEO cannot be for a term exceeding one year.

Section 5.39(7) – a CEO is to be paid or provided with such remuneration as is determined by the Salaries and Allowances Tribunal under s 7A of the *Salaries and Allowances Act 1975*. The latest Determination is dated 6 April 2023.

STRATEGIC / POLICY IMPLICATIONS

9. Council's Temporary Employment or Appointment of CEO and Designated of Senior Employees Policy relates.
10. The Employment Contract will be in place until a new CEO is recruited [clause 6a)].
11. The Employment Contract is required to be approved by Council by an Absolute Majority.
12. Council will determine by resolution, the remuneration and benefits to be provided to a Temporary CEO when entering into a contract [clause 7(2)].

FINANCIAL IMPLICATIONS

13. A CEO's salary and allowance thresholds are determined by the State Government's Determination of the Salaries and Allowances Tribunal. The latest Determination is dated 6 April 2023 which increased the CEO remuneration Bands by 3.5%, taking into consideration current economic conditions, the wider public service framework and the mandatory 0.5% superannuation increase from July 2023.

- 14. The Shire of Denmark is a Band 3 local government.
- 15. Each Band has a commensurate Total Reward Package ('TRP') range.
- 16. The TRP range for a Band 3 local government is between \$167,533 - \$276,327.
- 17. David has been in the role as Temporary CEO since the 22 May 2023. It is therefore recommended that the approved salary package be applied and effective as of that date, which may require some back pay.

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

- 21. A risk assessment has been undertaken per the Shire's Risk Management Governance Framework, and no risks have been identified in relation to the officer recommendation or the report.

VOTING REQUIREMENTS

- 22. Absolute majority.

OFFICER RECOMMENDATION	ITEM 9.2.5
That with respect to the Temporary CEO, David King, Council:	
<ul style="list-style-type: none"> 1. APPROVE the negotiated salary package, as per the breakdown provided in the confidential attachment; 2. APPROVE the Employment Contract as provided in the confidential attachments, being the Employment Contract and the modifications detailed in the letter of offer; and 3. AGREE that the salary package applies from the 22 May 2023, being the date that David was appointed to the position. 	

* *Absolute majority.*

9.3 CHIEF EXECUTIVE OFFICER

Nil

10. COMMITTEE REPORTS AND RECOMMENDATIONS**10.1 SUSTAINABLE PROJECTS COMMITTEE MINUTES 2 MAY 2023 & RECOMMENDATIONS**

File Ref:	COMM.SPC
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	17 May 2023
Author:	Damian Schwarzbach, Manager Sustainable Projects
Authorising Officer:	David King, Chief Executive Officer
Attachments:	10.1a - Sustainable Projects Committee Minutes 10.1b - South Coast Alliance Built Environment Audit 10.1c - Sustainable Projects Committee Prioritisation Sheet and Task List

IN BRIEF

- The Sustainable Projects Committee met on 2 May 2023.

RECOMMENDATION

That Council RECEIVE the Committee Minutes for the meeting held on 2 May 2023.

BACKGROUND

1. The Sustainable Projects Committee (SPC) held a meeting on 2 May 2023 at the Shire Administration Building.

DISCUSSION / OFFICER COMMENTS

2. The Author recommends that the minutes from 2 May 2023 be received by Council.

CONSULTATION AND EXTERNAL ADVICE

3. 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.

STATUTORY / LEGAL IMPLICATIONS

4. Section 5.22 of the Local Government Act 1995 requires that the Presiding Person of a Council Committee is to cause minutes to be kept of the meeting's proceedings.
5. Minutes of Council Committee meetings are not required under legislation to be presented to Council however, the Chief Executive Officer has determined that, in order to improve

transparency and ensure that Councillors are aware of their various Committees’ activities, all Advisory Committee minutes will be presented to Council to be received.

- 6. Council Committees are generally established to advise, and make recommendations to, Council.

STRATEGIC / POLICY IMPLICATIONS

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

Denmark 2027

L5.0 Our Local Government

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

- L5.1 To be high functioning, open, transparent, ethical, and responsive.
- L5.3 To be decisive and to make consistent and well considered decisions.
- L5.4 To be fiscally responsible.

FINANCIAL IMPLICATIONS

- 8. Nil

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

- 12. An assessment of evident risks has been undertaken in accordance with the Shire’s Risk Management Governance Framework and no risks have been identified in relation to the officer recommendation or the report.

VOTING REQUIREMENTS

- 13. Simple majority.

OFFICER RECOMMENDATION	ITEM 10.1
That Council RECEIVE the Committee Minutes for the meeting held on 2 May 2023.	

10.2 BUSH FIRE ADVISORY COMMITTEE MINUTES 20 APRIL 2023

File Ref:	COMM.BFAC
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	8 June 2023
Author:	Renee Wiggins, Manager Community Services
Authorising Officer:	David King, Chief Executive Officer
Attachments:	10.2 Bush Fire Advisory Committee Minutes

IN BRIEF

- The Bush Fire Advisory Committee met on 20 April 2023.

RECOMMENDATION

That Council RECEIVE the Committee Minutes for the meeting held on 20 April 2023.

BACKGROUND

The Bush Fire Advisory Committee (BFAC) held a meeting on 20 April 2023 at the Shire Administration Building.

DISCUSSION / OFFICER COMMENTS

1. The Author recommends that the minutes from 20 April 2023 be received by Council.

CONSULTATION AND EXTERNAL ADVICE

2. 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.

STATUTORY / LEGAL IMPLICATIONS

3. Section 5.22 of the Local Government Act 1995 requires that the Presiding Person of a Council Committee is to cause minutes to be kept of the meeting's proceedings.
4. Minutes of Council Committee meetings are not required under legislation to be presented to Council however, the Chief Executive Officer has determined that, in order to improve transparency and ensure that Councillors are aware of their various Committees' activities, all Advisory Committee minutes will be presented to Council to be received.
5. Council Committees are generally established to advise, and make recommendations to, Council.

STRATEGIC / POLICY IMPLICATIONS

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

Denmark 2027

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

L5.4 To be fiscally responsible.

FINANCIAL IMPLICATIONS

- 7. Nil

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

- 11. An assessment of evident risks has been undertaken in accordance with the Shire’s Risk Management Governance Framework and no risks have been identified in relation to the officer recommendation or the report.

VOTING REQUIREMENTS

- 12. Simple majority.

OFFICER RECOMMENDATION	ITEM 10.2
That Council RECEIVE the Committee Minutes for the meeting held on 20 April 2023.	

11. MATTERS BEHIND CLOSED DOORS

Nil

12. NEW BUSINESS OF AN URGENT NATURE

Nil

13. CLOSURE OF MEETING