

# Shire of Denmark

## Ordinary Council Meeting MINUTES

18 February 2020



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



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## Strategic Community Plan (snapshot)

### E1.0

#### Our Economy

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

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

### N2.0

#### Our Natural Environment

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

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

### B3.0

#### Our Built Environment

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

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

### C4.0

#### Our Community

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

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

### L5.0

#### Our Local Government

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

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

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## **DISCLAIMER**

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**1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

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

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

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

Cr Gearon acknowledged the recent efforts of the Denmark Walpole Women’s Football Team.

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

MEMBERS:

- Cr Ceinwen Gearon (Shire President)
- Cr Mark Allen (Deputy Shire President)
- Cr Geoff Bowley
- Cr Kingsley Gibson
- Cr Steve Jones
- Cr Jan Lewis
- Cr Ian Osborne
- Cr Janine Phillips
- Cr Roger Seeney

STAFF:

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

APOLOGIES:

Nil

ON APPROVED LEAVE(S) OF ABSENCE:

Nil

ABSENT:

Nil

VISITORS:

Members of the public in attendance at the commencement of the meeting: 27

DECLARATIONS OF INTEREST:

Name	Item No	Interest	Nature
Cr Gearon	10.1	Financial	Cr Gearon is a Board Member of the Amazing South Coast Tourism Inc.
Cr Phillips	10.1	Financial	Cr Phillips is a Member of the Amazing South Coast Tourism Inc.



### 3. ANNOUNCEMENTS BY THE PERSON PRESIDING

*The Shire President announced that the Shire had sent a number of volunteer firefighters to assist with the bush fires on the East Coast of Australia.*

*Cr Gearon noted that the Shire's Community Emergency Services Manager, Scott Medhurst had recently returned and thanked him and all of the volunteers within the community for their efforts.*

### 4. PUBLIC QUESTION TIME

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

Nil

#### 4.2 PUBLIC QUESTIONS

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

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

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

#### Questions from the Public

##### 4.2.1 Mr Nathan Devenport – Item 8.1.1 – Downhill Mountain Bike Trail

Mr Devenport from the Denmark Mountain Bike Club spoke about the proposal stating that it would be a great opportunity to have a dedicated track in Denmark. Mr Devenport said that he believed the Club had demonstrated its commitment to undertake their activities professionally and responsibly, giving due consideration to the environment and nearby residents.

##### 4.2.2 Mr Peter Keelan – Item 8.1.1 – Downhill Mountain Bike Trail

Mr Keelan said that he believed there had been a lack of transparency and disclosure of facts throughout the development application process and expressed his disappointment that he didn't believe that Council had adhered to their consultation commitment. Mr Keelan expressed his concern that the development would negatively impact the peacefulness and serenity of the area.

##### 4.2.3 Mr Jamie Scally – Item 8.1.1 – Downhill Mountain Bike Trail

Mr Scally, President of the Albany Mountain Bike Club expressed his support for the development of a dedicated mountain bike trail in Denmark. Mr Scally said that riders were always looking for new challenges and he believed the proposed trail would be good for coaching opportunities.

##### 4.2.4 Mr Craig Chappelle – Item 8.1.1 – Downhill Mountain Bike Trail

Mr Chappelle referred to dieback and noted that the proposal did not reference cleaning of vehicles, Council's Dieback Policy or of how it would be managed if dieback was found. Mr Chappelle said he would like to see the applicant made to undertake an initial dieback survey.

**4.2.5 Mrs Beverley Ford – Item 8.1.1 – Downhill Mountain Bike Trail**

Mrs Ford said that the development adjoined her property and expressed concern that it would negatively impact on the tranquillity of the area. Mrs Ford congratulated Officers on a thorough report and conditions proposed however, believed that some would not be enforceable. Mrs Ford referred to the number of people at any one time and the restrictions on frequency of use and asked what the Shire could do if the conditions were breached.

*The Director Assets & Sustainable Development said that the Shire had power under legislation to issue penalties for non-compliance with conditions. Mr King agreed that he appreciated that monitoring the compliance could prove difficult and that the Shire would probably rely on feedback from adjoining landowners.*

Mrs Ford asked whether the Council could consider provisional approval so that it could be reviewed after a period of time.

*The Shire President acknowledged Mrs Ford’s suggestion and said that Councillors could consider it when they discussed the item.*

**4.2.6 Ms Hazel Moon – Item 8.3.4 – Public Health Plan Working Group**

Ms Moon spoke in support of Dr Karl Richardson’s application to be a member of the Public Health Plan Working Group. Ms Moon said that Dr Richardson was a member of the Denmark Homelessness Project and had extensive qualifications which would be beneficial to the Working Group.

**4.2.7 Dr Karl Richardson – Item 8.3.4 – Public Health Plan Working Group**

Dr Richardson said that he had the energy, drive, compassion and empathy to use his expertise to assist the Public Health Plan Working Group achieve their objectives. Dr Richardson said that he a number of ideas that could be looked at to improve the health and wellbeing of Denmark residents.

**4.2.8 Ms Kelly Gadsby – Item 8.1.1 – Downhill Mountain Bike Trail**

Ms Gadsby spoke as the landowner and in support of the development. Ms Gadsby commended the Denmark Mountain Bike Club for the work they had already put in towards ensuring that the development was successful.

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

**4.3 CR GEOFF BOWLEY – CONTRIBUTIONS TO ROADWORKS**

The following Questions on Notice were received by the Chief Executive Officer in writing on the 7 February 2020 and therefore complies with the Shire of Denmark Standing Orders Local Law clause 3.10.

*“A number of concerns have been raised about significant changes, over the last the three financial years, in the treatment of Contributions to Roadworks funds held by Council. These funds are detailed in Council’s Financial Reports (Notes to and Forming part of the Financial Reports relating to Conditions over Grants/Contributions). Details of these funds follow:*

2016/2017:	Expended \$0.....	Balance \$249,230
2017/2018:	Expended \$8,291.....	Balance \$244,218
2018/2019:	Expended \$208,726.....	Balance \$45,462

*I request answers to the following questions:*

- 1. Have any changes occurred to the accounting standards that apply to the recording of Restricted Creditors/contributions to roadworks?*

- a. *If changes did occur please provide details of the nature and timing of those changes.*
2. *In regard to the \$208,726 expended from the Restricted Creditors/contributions to roadworks in 2018/2019 please advise:*
  - a. *Where were the funds transferred to?*
  - b. *Were all the transferred funds expended for the purposes for which a contribution to roadworks was collected and if not please provide a detailed breakdown explaining which liabilities have been extinguished and which liabilities still should be shown in Council's accounts.*
3. *Has specific audit advice been sought and received in relation to the treatment of Restricted Creditors/contributions to roadworks funds in the 2018/2019 Financial Report?*
  - a. *If advice has been sought have any implications been identified in regard to Council's 2019/2020 Budget and future Financial Reports?"*

*Officer Response:*

*The Acting Chief Executive Officer advised that Officers had concluded their investigations into the responses to Cr Bowley's questions and had provided him with the following written responses on 18 February 2020, prior to the meeting.*

Question 1. Have any changes occurred to the accounting standards that apply to the recording of Restricted Creditors/contributions to roadworks?

*Officer Response:*

*Changes to Accounting Standards AASB 1004, AASB 1058 and AASB 15 have been made to deal with some of the income characteristics unique to the Not-For-Profit sector. These have implications for the 2018/2019 and 2019/2020 financial report.*

Question 1 a). If changes did occur please provide details of the nature and timing of those changes.

*Officer Response:*

*The funds were recognised into operating revenue during the 2018/2019 financial year as a Contribution to Works.*

Question 2 a). Were all the transferred funds expended for the purposes for which a contribution to roadworks was collected and if not please provide a detailed breakdown explaining which liabilities have been extinguished and which liabilities still should be shown in Council's accounts.

*Officer Response:*

*The funds were recognised into operating revenue during the 2018/2019 financial year as a Contribution to Works.*

Question 2b). Where were the funds transferred to?

*Officer Response:*

*Confirming that not all contributions transferred to revenue during 2018/2019 had been expended for the purposes for which they had been collected. This is because the contributions received, dating back over a number of years, should have been treated as revenue at time of receipt in accordance with Australian Accounting Standard AASB 1004 as it applied to Not-For-Profit (NFP) sector, which required that*



*once an entity had control of the funds (either by way of grant or contribution) the income was to be recognised. Due to the changes in the Accounting Standards, with effect from 1 July 2019 resulting from the implementation of AASB 15, a 'Contract Liability' is to be created and brought to account for the outstanding works for the 2019/2020 financial accounts. This process is currently being worked through by management and administration to ensure all such liabilities for outstanding works for which contributions have been made are properly brought to account for the year ended 30 June 2020 to comply with the change in Accounting Standards and the implementation timeline stipulated for those changes.*

Question 3. Has specific audit advice been sought and received in relation to the treatment of Restricted Creditors/contributions to roadworks funds in the 2018/2019 Financial Report?

*Officer Response:*

*Specific audit advice from Office of Auditor General has not been sought, as auditors are not permitted to give advice. This would impeach on their independence.*

*This accounting treatment is in accordance with the Local Government Act 1995, Local Government (Financial Management) Regulations 1996, applicable Australian Accounting Standards and the financial statements audited by the Auditor General. The unqualified audit opinion of the OAG as stated in the financial documents presented, confirms accounting treatment and disclosure as true and correct.*

*It is confirmed accounting treatment will change in the 2019-20 financial year, when revenue will only be recognised once the work has been undertaken. This includes changes to AASB 1004, AASB 1058 and AASB 15 for the recognition of revenue and the requirement to set up Contract Liabilities during the 2019/2020 year for contributions received for which performance obligations have not been met.*

Question 3a). If advice has been sought have any implications been identified in regard to Council's 2019/2020 Budget and future Financial Reports?

*Officer Response:*

*The adjustments referred to above will have no impact on the 2019/2020 budget. The 2019/2020 Financial Report will be prepared to include the Contract Liabilities identified as part of the management review of contributions previously recognised as revenue currently being undertaken.*

#### **4.4 PRESENTATIONS, DEPUTATIONS & PETITIONS**

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

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

Nil.

#### **5. APPLICATIONS FOR FUTURE LEAVE OF ABSENCE**

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

Nil.

**6. CONFIRMATION OF MINUTES**

**6.1 ORDINARY COUNCIL MEETING – 17 DECEMBER 2019**

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 6.1
MOVED: CR JONES	SECONDED: CR SEENEY
That the minutes of the Ordinary Meeting of Council held on the 17 December 2019 be confirmed as a true and correct record of the proceedings.	
CARRIED UNANIMOUSLY: 9/0	Res: 010220

**6.2 STRATEGIC BRIEFING NOTES – 17 DECEMBER 2019**

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 6.2
MOVED: CR LEWIS	SECONDED: CR BOWLEY
That the Notes from the Strategic Briefing Forum held on the 17 December 2019 be received.	
CARRIED UNANIMOUSLY: 9/0	Res: 020220

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

**8. REPORTS OF OFFICERS**

**8.1 DIRECTOR ASSETS AND SUSTAINABLE DEVELOPMENT**

**8.1.1 PROPOSED DOWNHILL MOUNTAIN BIKE TRAIL – No.82 (LOT 100) LAPKO ROAD, SHADFORTH**

<b>File Ref:</b>	A3652 (2019/138)
<b>Applicant / Proponent:</b>	Denmark Mountain Bike Club Inc.
<b>Subject Land / Locality:</b>	No.82 (Lot 100) Lapko Road, Shadforth
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	5 February 2020
<b>Author:</b>	Laura Delbene, Town Planner.
<b>Authorising Officer:</b>	David King, Director Assets & Sustainable Development
<b>Attachments:</b>	8.1.1a – Development Application Documentation 8.1.1b – Schedule of Submission 8.1.1c – Location Plan 8.1.1d – Environmentally Sensitive Area Mapping – Lapko Road

**Summary:**

The applicant is seeking Development Approval for ‘Private Recreation’ (Downhill Mountain Bike Trail) at No.82 (Lot 100) Lapko Road, Shadforth. Having regard to the requirements of Town Planning Scheme No.3, existing surrounding zoning and land uses and the issues raised by the submitters; conditional approval is recommended.

**Background:**

Subject Site

No. 82 (Lot 100) Lapko Road, Shadforth is 29.99ha in area and zoned ‘Rural’ by Town Planning Scheme No.3 (TPS No.3). The subject lot shares boundaries with multiple zones such that a reasonably unique interface of Rural, Landscape Protection, Tourist & Special Rural zoned land occurs.

The site is characterised by a large area of remnant vegetation and open paddock with steep topography rising to a peak centrally within the lot. The site has irregular boundaries with primary access off Lapko Road in the north west corner of the lot and a battle axe leg that

runs along the eastern boundary and intercepts South Coast Highway. Existing development on the site includes one dwelling and rural outbuildings, which are located towards the north east of the lot. There is an existing easement associated with a dam over the property for the provision of water for firefighting purposes that serves the property itself and the tourist zoned property to the south (See Attachment 8.1.1c) for Location Plan/aerial photography).

The lot is bounded to the south by a tourist zoned property comprising of two strata lots. One of which contains a private dwelling and the other developed as 'Karma Chalets' which includes 10 holiday accommodation chalets and the Ocean & Earth Spa Boutique. To the immediate east of the lot is a rural zoned property that is developed as 'Forest Hill Winery' and includes the restaurant 'Pepper & Salt'. The property shares a northern boundary with a rural property which includes the 'Denmark Maze' tourist attraction and to the north east is the 'Myers Mountain' Special Rural development. On the opposite side of Lapko Road to the west is the 'Hidden Valley' Landscape Protection Zone.

### Proposal

A development application was lodged on 10 October 2019 by the Denmark Mountain Bike Club (DMTBC) which comprises of approximately 35 members, who are proposing construction and use of a trail to allow for downhill mountain bike activities, predominantly for coaching sessions and may include social ride days on occasion.

The proposal includes:

- A downhill mountain bike trail to be used by the DMTBC approximately twice monthly for coaching sessions over a period of 10 months per year.
- The number of riders for coaching sessions will not exceed 8 riders and 1 coach at any one time.
- The number of riders on the trail for social rides will not exceed 10 riders at any one time.
- The trail will not be made available to the general public. Riders must be members of the DMTBC, and on occasion, if it coincides with a coaching session or social ride; members of Mountain Bike Australia visiting the area may be invited to attend and only if their visit can be accommodated within the limit of the number of people allowed on-site at any one time.
- A steep downhill trail which commences at the top of the property and traverses through a stand of remnant vegetation before opening out in to a cleared area on the lot where a series of jumps and other features are proposed.
- A turnaround area for vehicles that transport bikes and riders to the start of the trail and a parking area further down the hill in a cleared area. Transportation/vehicle movement on coaching days is envisaged to be minimal as riders will focus on small sections of the trail.
- No use of a PA loud speaker system or playing of music is proposed.
- Existing toilet facilities adjacent to the main house will be made available to participants.
- Topsoil will be stockpiled and replaced to allow grass/vegetation to grow back to minimise visual impact of the jumps and other features.
- No removal of trees shall be undertaken to construct the trail.
- Bikes will be cleaned on entry to the site to minimise the potential spread of *Phytophthora Cinnamomi* (Dieback). Bikes are required to be inspected as per Mountain Bike Australia standards.
- No smoking will be permitted anywhere on the property.
- An emergency evacuation route subject to final approval is proposed.

The applicant has lodged the following documentation in support of the proposal:

- Development Management Strategy;
- Development Support Letter;

- Map of the trail including proposed Emergency Evacuation route (subject to further assessment); and
- Plans and elevations of the jumps and features.

A full copy of the development application documentation is found at Attachment 8.1.1a.

#### Development without prior approval

In August 2019 the Shire was made aware of earthworks commencing at the subject site. Following a site inspection, the applicant and landowner were instructed to stop work and seek development approval.

Work stopped and the resultant application is before Council for determination. Therefore, the trail through the bushland portion of the property is already constructed as well as the earthworks around the proposed car parking area. As addressed elsewhere in this report, Council has the ability to consider development applications retrospectively.

#### **Consultation:**

The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal and considered Council's Community Engagement Policy P040123 and the associated Framework as well as the requirements of Town Planning Scheme No.3, Schedule 2, Part 8, Clause 64 of *the Planning and Development (Local Planning Schemes) Regulations 2015*, and undertook the following level of consultation:

#### External Consultation:

- Applicant & landowners
- Nine (9) adjoining and nearby landowners inviting comment on the proposal.
- One (1) Strata body on behalf of all strata owners.
- Department of Biodiversity, Conservation and Attractions (DBCA)
- Department of Water and Environmental Regulation (DWER)
- Department of Planning, Lands & Heritage.
- Advert in Denmark Bulletin, Shire website & notice boards

#### Internal Consultation:

- Development Co-ordination Unit.

#### Public Meeting

- Mid-way through the consultation period a special community meeting was offered and run by the Shire to assist in providing some clarity to common questions being raised regarding the application. The landowner, applicant, nearby landowners, Shire CEO, other staff and a number of Councillors attended. At the conclusion of the meeting the consultation period was extended to allow people to respond to any additional information received.

Whilst not statutorily required, public advertising of the proposal was undertaken in accordance with Clause 6.4 of TPS No. 3, with two (2) government agency and nineteen (19) public submissions received.

Attachment 8.1.1b is the Schedule of Submissions – with the submissions received being entered into the Schedule verbatim. Column 4 of the Schedule of Submissions represents Planning Services comments/response to the submission (noting the key issues that were consistent across the submissions have been addressed in the Comments section of this report).

**Statutory Obligations:**

Town Planning Scheme No.3 (TPS No. 3) specifies the pertinent planning provisions for the proposed use.

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

**Policy Implications:**

Town Planning Scheme Policy No. 29: Rural Settlement Strategy

**Budget / Financial Implications:**

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

**Strategic & Corporate Plan Implications:**

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

Denmark 2027

## B3.0 Our Built Environment

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

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

Denmark Sport and Recreation Master Plan

Mountain Bike trails were a key theme that was highlighted following community consultation of the Denmark Sport and Recreation Masterplan. The plan which was adopted on 19 March 2019 and aligns with the Great Southern Outdoor Recreation Strategy, identified the growing need to cater for adventure sporting pursuits with high community interest in development of mountain bike trails. It was also revealed that the immediate demand for mountain biking experiences is not being met and as a result, unsanctioned trail use is taking place which has the potential to negatively affect the environment and landscape due to the unregulated use.

Corporate Business Plan

Nil

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

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

➤ **Environmental:**

Minimal clearing of understorey is required to accommodate the portion of the track through the vegetated area. No tree removal is required. Whilst there is an environmentally sensitive area and declared rare flora in the vicinity, this does not extend over the subject lot.

➤ **Economic:**

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

➤ **Social:**

The Denmark Mountain Bike Club aims to promote Mountain Biking as a socially cohesive, fun, healthy and environmentally sustainable activity.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
The proponent may lodge an application for review to the State Administrative Tribunal if the Council's decision was to refuse the proposal.	Possible (3)	Moderate (3)	Moderate (5-9)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Risk: Note: If a decision is made to refuse the application, Council is to provide sound reasoning to support solid defence at the State Administrative tribunal should the applicant wish to pursue a Right of Review.
Approving the Mountain Bike Trail brings people to the area unfamiliar with the emergency management measures of the site in a bushfire prone area.	Possible (3)	Major (4)	Moderate (5-9)	Ineffective Management of Facilities and Events	Ensure an Emergency Evacuation Plan is implemented and maintained.

**Comment:**

Town Planning Scheme No. 3 Considerations

In accordance with Town Planning Scheme No. 3 (TPS No.3) the subject site is zoned “Rural” with the purpose and intent of this zone *to allow for a range of normal rural activities and to protect the land from inappropriate uses.*

Having regard to the definitions within TPS No. 3 the land use class of ‘Private Recreation’ applies to this application – being *“land and buildings used for recreation which are not normally open to the public without charge”*. As per Table 1 – Zoning Table of TPS No.3, the use class of ‘Private Recreation’ is an ‘AA’ use in the Rural Zone in that Council may, at its discretion permit the use in the zone.

Approval is also required for earthworks resulting in greater than 500mm change to natural; ground level (NGL).

Therefore, the assessment of this development application relates to the proposed land use ‘private recreation’, associated works related to this land use and in particular the changes to natural ground level.

It could be argued that if the trails proposed were for the private use of the landowner only, then only approval for the earthworks (resulting 500mm difference to NGL) would be required.

The WAPC ‘Rural Planning Guidelines’, in discussing what land uses can occur on rural land, state: *“As established in SPP 2.5, rural zones are highly flexible and cater for a wide range of land uses including intensive and extensive agriculture, primary production, animal premises, basic raw material extraction, biodiversity conservation, natural resource management, tourism, regional facilities and public purposes including waste infrastructure.”*



The Shire’s TPS No.3 recognises the flexible nature of the Rural zone and allows for a range of land uses that can be considered and supported where appropriate in the Rural Zone including but not limited to:

- Boarding House – ‘AA’ use
- Caravan Park – ‘SA’ use
- Cellar Sales – ‘SA’ use
- Cottage Industry – ‘AA’ use
- Club Premises – ‘SA’ use
- Consulting Rooms – ‘SA’ use
- Cottage Industry – ‘AA’ use
- Education Establishment – ‘SA’ use
- Extractive Industry – ‘AA’ use
- Feedlot Farming – ‘SA’ use
- Fuel Depot – ‘AA’ use
- Gallery/Restaurant – ‘SA’ use
- Garden Centre – ‘AA’ use
- Holiday Accommodation - ‘SA’ use
- Holiday Home (Standard & Large) – ‘SA’ use
- Hotel – ‘SA’ use
- Kennels – ‘SA’ use
- Market – ‘AA’ use
- Motel – ‘SA’ use
- Noxious Industry – ‘SA’ use
- Piggery – ‘SA’ use
- Private Recreation – ‘AA’ use
- Public Amusement – ‘SA’ use
- Public Worship – ‘AA’ use
- Residential Building – ‘SA’ use
- Restaurant – ‘AA’ use
- Rural Industry – ‘SA’ use
- Service Station – ‘SA’ use
- Tavern – ‘SA’ use
- Transport Depot – ‘AA’ use
- Veterinary Establishment – ‘AA’ use
- Winery – ‘SA’ use

- “AA” use: means that the Council may, at its discretion, permit the use in the zone.
- “SA” use: means that the Council may, at its discretion, permit the use in the zone after giving notice of application in accordance with Clause 6.4.

As there are no specific requirements pertaining to ‘Private Recreation’ in TPS No.3, regard has been given to Part 5.1 – Development Standards, Part 5.11 – Amenity and Part 5.12 – Nuisance where it is considered that with appropriate conditions, consistency with the provisions can be demonstrated.

The *Planning and Development (Local Planning Schemes) Regulations 2015* (Schedule 2 Deemed Provisions c.67) requires the Council in considering an application for development approval to have regard to those matters relevant to the application from the list. Those relevant matters are discussed in the table below:

Matter to be Considered	Response
(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;	With appropriate conditioning the proposal is considered consistent with aims, provisions and standards of TPS3.
(b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving;	<p>The requirements of orderly and proper planning involve consideration of the allocation of the land to various Reserves and Zones in TPS3 as well as the matters to be considered in making determinations of applications for development approval; namely those issues to which this section of the report addresses. Principle among these considerations is whether the proposed development is appropriately located and compatible with other uses within its setting. In general terms, the proposal is considered to satisfy the requirements of orderly and proper planning given that it is a permissible use in a Rural Zone and the nature of activity being predominantly based on occasional use serves to limit any potential visual impact/loss of amenity.</p> <p>There are no other draft scheme amendments or planning instruments that affect this proposal.</p>
(c) any approved State planning policy;	SPP2.5 – ‘Rural Planning’ applies which acknowledges that a growing economy and population will increase the pressure on rural land to be used for a wide variety of

Matter to be Considered	Response
	purposes including urban settlement, economic development, infrastructure and utilities, essential services such as water supply, areas for conservation, cultural and recreational purposes, and food production
(d) any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);	Not applicable.
(e) any policy of the Commission;	Not applicable.
(f) any policy of the State;	Not applicable.
(g) any local planning policy for the Scheme area;	The following elements of TPS3 Policy 29: Rural Settlement Strategy 'Policy Area 7- Little River Catchment' are applicable <ul style="list-style-type: none"> <li>• 7.3.2 To encourage land uses which create little or no nutrient discharge into Wilson Inlet.</li> <li>• 7.3.6 To retain the rural character and landscape of the Little River valley floor.</li> </ul>
(h) any structure plan, activity centre plan or local development plan that relates to the development;	This is not applicable to this Development Application.
(i) any report of the review of the local planning scheme that has been published under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> ;	Not applicable.
(j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;	Not applicable to this Development Application. The land is zoned Rural and is not 'Reserved' under the Scheme.
(k) the built heritage conservation of any place that is of cultural significance;	Not applicable to this Development Application. There are no places on the application site that have been included within the State Register of Heritage Places or included on Appendix VII of TPS3.
(l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;	There are no cultural heritage considerations applicable to the lot <a href="https://maps.daa.wa.gov.au/AHIS/">https://maps.daa.wa.gov.au/AHIS/</a> .
(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;	The subject lot is located adjacent to a variety of land uses including tourist zoned land, rural residential living and the Denmark Maze. The physical works proposed, are limited to recontouring of a cleared area and a reasonably narrow track through existing bushland. Once these works are rehabilitated and landscaped the impact when viewed from surrounding properties is likely to be minimal. The proposed use of the land by the DMTBC is infrequent and can be managed through a conditional approval.
(n) the amenity of the locality including the following: (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development;	The Development Application raises some environmental impact consideration given the site is located adjacent to a Landscape Protection Zone (LPZ) which contains Declared Rare Flora (DRF) and threatened fauna species (including Black Cockatoos as identified in the report). There are no threatened species or DRF identified on subject lot which is zoned Rural. Referrals have been made to relevant agencies in regards to environmental impact whereby no environmental concerns were raised in association with the development proposal.  The character of the locality comprises a mix of land zonings including Rural, Tourist, Landscape Protection Zone and Special Rural Zone. The properties immediately adjacent to the lot are zoned Tourist with approved uses for holiday accommodation, spa boutique and single house, and Rural zone with approvals ranging from a restaurant, winery and public tourist attraction (Denmark maze). Due to the existing multiple land uses surrounding the subject lot this proposal is not considered to be in conflict with the character of surrounding locality. There is potential land use conflict

Matter to be Considered	Response
	<p>relating to the Landscape Protection Zone (LPZ) which does not share a common boundary with the subject lot being separated from the LPZ by Lapko Road.</p> <p>It may be perceived that a favourable social impact may result from the proposal by contributing to the demand in adventure sport activity as identified in the Denmark Sport and Recreation Master Plan.</p>
(o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;	The proposal is not expected to adversely impact the environment or water resources, noting all relevant referrals have been undertaken and no concerns raised by the relevant assessing agencies.
(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;	<p>Clearing/removal of trees is not proposed, only minimal understorey clearing is required for the track where it traverses through a vegetated area. Some contouring of the land greater than 500mm above natural ground level is proposed which is proposed to be covered with topsoil to allow regrowth of grass/vegetation to minimise visual impact.</p> <p>This report recommends the preparation and implementation of a landscaping plan to screen parking areas and rehabilitation of proposed earthworks.</p>
(q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;	The land is considered suitable for the proposal. The trail design will take in to consideration the potential for erosion, noting the trail twists and weaves through the vegetation and contains features which aims to reduce of water velocity downhill. It is anticipated that a significant change in the existing course of run-off will not result from the occasional use. An approved Bushfire Management Statement and Bushfire Emergency Evacuation Plan with an alternative emergency access route is recommended as a condition of any approval.
(r) the suitability of the land for the development taking into account the possible risk to human health or safety;	There is a need to manage risk to humans from potential bushfire threat on the site. Risk to human health and safety related to the mountain bike activity itself is not a planning matter.
(s) the adequacy of - (i) the proposed means of access to and egress from the site; and (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;	<p>The proposal includes utilising existing access/egress onto Lapko Road. An approved Bushfire Management Statement and Bushfire Emergency Evacuation Plan with an alternative emergency access route will be required as a condition</p> <p>The proposal has included sufficient manoeuvring and parking areas.</p>
(t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;	The proposal is not expected to generate any substantial increase in traffic, noting conditions to limit the number of people on-site at any one time will aid in reducing the potential number of vehicles.
(u) the availability and adequacy for the development of the following - (i) public transport services; (ii) public utility services; (iii) storage, management and collection of waste; (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities); (v) access by older people and people with disability;	<p>There are no public transport services available to the property.</p> <p>Due to the nature of the proposal the servicing infrastructure available to the property is deemed adequate including availability of toilet facilities and water.</p> <p>Due to the nature of the proposal excessive rubbish will likely not be generated. Rubbish removal can be conditioned accordingly.</p> <p>The proposal is not 'commuter based' therefore end of trip facilities are not deemed essential, noting a toilet will be made available on-site.</p> <p>Access to the site is via 2wd and participation in Mountain Bike Activity by older people or persons with a disability is at the jurisdiction of the DMTBC.</p>
(v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from	No loss of a community service is anticipated from an approval being granted for the proposed private recreational pursuit. The development, if approved and

Matter to be Considered	Response
economic competition between new and existing businesses;	implemented, can extend the range of community services.
(w) the history of the site where the development is to be located;	The lot has been the subject of former subdivision approval, noting Karma Chalets (Lot 1 South Coast Highway) were once part of the lot prior to subdivision in 1999. Extractive industry operations were also undertaken on the western side of the property adjacent to the proposed track at the base of the vegetated area. Remediation of this area has been undertaken.
(x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;	There is no perceived impact on the community as a whole noting the proposal is not visible from South Coast Highway.
(y) any submissions received on the application;	See Consultation part of report above and the Schedule of Submissions at attachment 8.1.1b.
(z) any other planning consideration the local government considers appropriate.	The Strategic Community Plan and Denmark Sport and Recreation Masterplan are considered in the 'Strategic & Corporate Planning Implications' section.

Key Issues

The following addresses the predominant and recurrent issues raised within the submissions.

*- Community Consultation.*

Whilst not statutorily required, public advertising of the proposal was undertaken in accordance with Clause 6.4 of TPS No. 3. Although the scale of this proposal is not comparable, consideration was given to the level of public concern generated over the Denmark Thrills and Spills Adventure Park, a private recreation land use in the Rural zone, which was underestimated at the time. In this regard, consultation included notification being made in the Denmark Bulletin, on the Shire’s website and notice boards and written consultation with adjoining landowners. It should be noted that there is no requirement for the applicant or landowner to conduct their own consultation, and if it was undertaken, it was done so voluntarily.

Due to an increasing number of questions in the community regarding the proposal, a special community meeting was offered by the Shire and the consultation period extended accordingly. The meeting was chaired by the Shire’s CEO and was well attended, including the landowner, applicant, nearby residents, a number of Councillors and Shire staff and served to provide some clarifications regarding the nature of the proposal. The comments received during the meeting are largely reflected in the submissions that were received following the meeting and as such have been considered by the officer.

*-Publicly available documentation*

There were several comments received regarding clarification of who the applicant was and why the Development Application form had not been made publicly available. As confirmed at the community information meeting, the application form is legally required as prescribed under the *Planning and Development (Local Planning Schemes) Regulations 2015* and is not made publicly available due to it containing private information. Furthermore, it is not a requirement to disclose the names of the applicants in any of the documentation made publicly available, rather it is commonplace to make reference to ‘applicant’ or ‘proponent’. In this instance, the officer deemed it appropriate to not redact the applicant’s details on the documents administered for consultation, noting that it was specified that the ‘Denmark Mountain Bike Club’ were seeking approval. It is a legal requirement that a Development Application be signed by all landowners, however an application can be made by parties independent to the ownership of the land.

It is acknowledged that some confusion may have resulted from the use of personal letterhead of the applicants ‘point of contact’ to submit supporting information (see attachment 8.1.1a). This has been noted by staff for future applications to avoid confusion.

### *-Environmental*

A recurring concern within several submissions was the impact on the environment that the activity may have, in particular on native fauna including:

- Carnaby's Cockatoo
- Baudin's Cockatoo
- Brushtail Possums
- Phascogale
- Quenda
- Chuditch

In addition, there is declared rare flora in the Hidden Valley Landscape Protection Zone opposite the subject lot whereby *Eucalyptus Virginea* has been identified, however this is not envisaged to be impacted due to the separation distance. (see Attachment 8.1.1.d for a map of the tree location in relation to the subject lot).

The application has been referred to the Department of Biodiversity, Conservation and Attractions (DBCA) who responded with no comment. Due to the number of concerns raised, the assessing officer discussed the matter in more detail with the District Manager for the Franklin District/Warren Region where it was further understood that the DBCA deem mountain bike activity to have minimal physical impact on the environment. Bicycle tyres are considered to have a relatively insignificant footprint compared to motorised vehicles such as quad/motorbikes that can be readily used on an unrestricted basis by rural landowners.

The officer has also considered the *Environment Protection and Biodiversity Conservation Act* (EPBC Act) referral guidelines for three threatened black cockatoo species as prescribed by the Department of Sustainability, Environment, Water, Population and Communities. The most significant threat to the species is 'loss' of habitat for both roosting and foraging which can cover an area of approximately 6 kilometres away from the night roost sites. Whilst it is acknowledged that 'human noise' is also a contributing factor that may affect native fauna, the proposal does not present a 'significant impact' that would trigger referral under the EPBC Act as no 'loss' of habitat will result. The proposal was also referred to the Department of Water and Environmental Regulation who provided comment that the proposal was likely to be exempt from a clearing permit as assessed under Regulation 5, Item 12 of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* (the Clearing Regulations). No removal of trees is proposed and clearing is limited to some understorey vegetation, limited to a narrow transect to form the trail.

### *-Subsequent Approval of works already undertaken*

Clause 164 of the Planning and Development Act 2005 allows for the subsequent approval of development that has already commenced.

When assessing a 'subsequent applicant' it is commonplace to refer to subsequent works as 'proposed' as assessment must be undertaken as if works had not commenced; noting 'existing' works can be ordered to be removed and the land rectified should assessment determine that they are not deemed appropriate or are in contravention of TPS.3.

Commencement of earthworks onsite had been brought to the attention of a Shire Officer where the owner was ordered to cease any further works until it could be ascertained whether approval was required. A site visit was subsequently undertaken which confirmed that the physical portion of the trail through the vegetated area may be exempt from requiring development approval, however the work that had been done to the base of the trail requires approval due to works being more than 500mm above natural ground level. Consequently, the earthworks that had commenced on-site have been assessed as part of this application.

### *-Bushfire Risk and Evacuation on Lapko Road*

Concern has been raised over potential issues surrounding bushfire evacuation. In addition, it has been questioned why a formalised Bushfire Management Plan (BMP) or Bushfire Emergency Evacuation Plan (BEEP) has not been required up front with the application.

Development proposals in bushfire prone areas are assessed against the requirements of the WAPC Bushfire Policy Framework, which includes State Planning Policy 3.7 and the associated guidelines. This Framework requires that the '*...level of assessment and corresponding BMP should reflect the scale of planning proposal.*' (WAPC Planning Bulletin 111/2016).

In this case a full BMP is not deemed required for the scale and nature of this application; which is intermittent use of a downhill mountain bike track with at least three (3) potential emergency access routes available. In addition, the Shire is in the process of identifying alternative strategic fire access routes under the Shire-wide Bushfire Risk Management Plan, for the surrounding vicinity. Due to these multiple options available, Planning Services are comfortable that a compliant Bushfire Management Statement and Bushfire Emergency Evacuation Plan can be required as a condition of development approval, to be implemented prior to the commencement of activity as permitted under a development approval.

Concern over the impact of additional traffic on to Lapko Road which has several one-lane squeeze points has been taken in to consideration to inform the development conditions in terms of frequency of activity and number of people on-site at any one time.

#### *-Visual Impact, Vehicular Noise and Loss of Amenity*

There have been recurring comments with regard to the visual impact of the proposal and the potential loss of amenity to surrounding landowners, in particular the impact on a number of properties located within the Hidden Valley Landscape Protection Zone (LPZ) who face the subject lot.

The works component of the proposed development consists of a reasonably narrow track through the bushland (already constructed) and earthworks in a cleared area. The works in the cleared space has potential to be seen from surrounding properties, particularly across the valley in the Hidden Valley LPZ. However, once vegetation has been given time to regrow back over the jumps and features at the base of the track, any impact may be considerably reduced. A landscaping plan to address some of the disturbance to the natural ground due to the formation of jumps, features and carparking area will be required should approval be granted.

Concern has also been raised over noise, in particular the noise emanating from vehicular movement up and down the gravel driveway, echoing across the valley. In this regard, the impact of the additional traffic generated by the proposed Private Recreation land use, over and above what may normally be generated by the existing rural land use, is to be assessed.

In response to the concerns with the increase in traffic that the proposed Private Recreation land use may cause, limits to the frequency of use and number of people on-site at any one time will effectively limit the number of vehicles on-site in association with this proposal. A steeper portion of the driveway has been identified to be sealed as a condition of approval to minimise engine noise and/or potential wheel slip on the gravel.

In addition to vehicle noise, general noise associated with the activity will be largely limited to non-motorised bicycle activity and human activity. No PA or loudspeaker use is proposed.

#### Conclusion

It is acknowledged that the subject site is located in a rare interface of Rural, Landscape Protection, Tourist & Special Rural zoned land which requires due consideration of the potential land use conflicts that can arise under such circumstances. The subject site is



zoned “Rural” with the purpose and intent of this zone to allow for a range of normal rural activities and to protect the land from inappropriate uses.

The current proposal gives rise to some potential issues around noise, amenity, bushfire and the environment. These issues appear to be capable of being addressed through planning conditions; particularly those restricting the frequency and numbers of users and implementation of suitable landscaping.

Therefore, having regard to the issues raised in the submissions, the relevant provisions of TPS No. 3, and the additional information provided by the applicant conditional development approval is recommended.

Lastly, given that the nature of the application involves the use of private property by an external agency (Denmark Mountain Bike Club), it is recommended that the development approval should contain a condition that the approval relates to the specific proposal details only and is not transferable.

### **Voting Requirements:**

Simple majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 8.1.1</b>
MOVED: CR ALLEN	SECONDED: CR LEWIS
<p>That with respect to the development application for the proposed ‘Private Recreation’ (Downhill Mountain Bike Trail) and associated works at No.82 (Lot 100) Lapko Road, Shadforth, Council:</p> <ol style="list-style-type: none"> <li>1. Notes the submissions received.</li> <li>2. Grants Development Approval subject to the following:</li> </ol> <p><u>Conditions</u></p> <ol style="list-style-type: none"> <li>a) The development hereby approved must be carried out in the areas identified on the stamped approved plans and details submitted including: <ul style="list-style-type: none"> <li>• Development Management Strategy date stamped 25 October 2019;</li> <li>• Development Support Letter date stamped 25 October 2019; and</li> <li>• Track Site Plan, Jumps &amp; Features Plans and Sections date stamped 10 October 2019.</li> </ul> </li> <li>b) The track, jumps, features and land the subject of this approval shall be used for the purposes of Private Recreation – Downhill Mountain Bike Trail only, or for any other purpose approved by the Shire of Denmark (Planning Services) in writing as being incidental to the predominant use of the land for its authorised purpose - refer Advice Note 1.</li> <li>c) This development approval is granted to the applicant only and is not transferable to a third party – refer Advice Note 2.</li> <li>d) The development hereby approved, or any works required to implement the development, shall not commence until the following plans or details have been submitted to the Shire and have been approved in writing: <ol style="list-style-type: none"> <li>i. Bushfire Management Statement and Bushfire Emergency Evacuation Plan to the satisfaction of the Shire of Denmark – refer Advice Note 3.</li> <li>ii. Landscaping Plan – refer Advice Note 4.</li> <li>iii. Dieback Management Statement.</li> </ol> </li> <li>e) Coaching Sessions shall be limited to two days (2) per month between the hours of 9.00am and 5pm. No more than 20 people are to be on-site at any one time during coaching sessions unless specific approval for occasional events has been granted by the Shire of Denmark.</li> <li>f) Social Ride Days shall be limited to four (4) per annum between the hours of 9.00am and 5pm. No more than 40 people are to be on-site at any one time during</li> </ol>	

Social Ride Days unless specific approval for occasional events has been granted by the Shire of Denmark.

- g) The driveway/accessway shall be constructed and maintained to a minimum all-weather standard (e.g. gravel, crushed rock) to facilitate access to the development by 2-wheel drive vehicles, and be constructed in accordance with Acceptable Solution A3.5 of Element 3: Vehicular Access of the Guidelines for Planning in Bushfire Prone Areas – refer Advice Note 5.
- h) A portion of driveway as identified in red on the approved plans shall be sealed (bitumen or concrete) to the satisfaction of the Shire of Denmark – refer Advice Note 6.
- i) Designated parking areas shall be constructed and maintained to a minimum all-weather standard (e.g. gravel, crushed rock) to facilitate access to the development by 2 wheel drive vehicles.
- j) The use of PA systems or loudspeakers is not permitted unless otherwise approved by the Shire of Denmark.
- k) All stormwater and drainage run off from all impervious areas is to be retained on-site to the satisfaction of the Shire of Denmark (Infrastructure Services).

#### Advice

1. The applicant is advised that no hosting of events have been approved as part of this application. Any event or proposal outside that which is permitted as part of this development approval may require the separate approval of the Shire of Denmark.
2. This development approval is not transferable, such that a new development approval would need to be lodged for consideration accordingly should the landowner and/or mountain bike trail operator/association details change.
3. A Bushfire Management Statement and Bushfire Emergency Evacuation Plan is required to be approved by the Shire of Denmark prior to the commencement of the approved activity on-site. An alternative Bushfire Emergency Evacuation Route shall be suitably identified, constructed and maintained to the Shire's satisfaction. Note, an accessway that runs adjacent to the boundary of No. 34 (Strata Lot 1/Part Lot 1) Lapko Road, Shadforth shall not be deemed a suitable alternative.
4. Prior to the commencement of the approved activity, details of the landscape works including revegetation of the jumps and features and screening of the parking area shall be submitted and approved in writing, and thereafter maintained to the satisfaction of the Shire of Denmark.
5. For the driveway/accessway required at condition (g) to meet Acceptable Solution A3.5 of Element 3: Vehicular Access of the Western Australian Planning Commission's Guidelines for Planning in Bushfire Prone Areas:
  - All sections of the driveway/accessway should have a minimum constructed trafficable surface with a width of 4 metres and horizontal clearance of 6 metres.
  - All vegetation overhanging the driveway/accessway should be trimmed to maintain a minimum vertical clearance of 4.5 metres.
  - Passing bays should be located every 200 metres with a minimum length of 20 metres and a minimum width of two metres, and constructed to a suitable standard (eg. gravel, crushed rock).
  - Turn-around areas within 50 metres of the approved development and located every 500 metres along the accessway and designed to accommodate type 3.4 fire appliances to enable them to turn around safely and must be constructed to a suitable standard (eg. gravel, crushed rock).
  - Any bridges or culverts are able to support a minimum weight capacity of 15 tonnes.
6. A portion of the driveway at its steepest point as identified in red on the stamped approved plans shall be sealed to the satisfaction of the Shire of Denmark prior to the commencement of the approved activity on-site.

7. The maximum accommodation of 20 persons for Coaching Sessions and 40 persons for Social Ride Days on-site at any one time as established at condition (e) & (f) is inclusive of riders, coaching staff and spectators.
8. No signage has been approved as part of this application. Any signs proposed to be erected on-site may require the separate approval of the Shire of Denmark. Please liaise with Planning Services regarding any approvals which may be required.
9. It is the responsibility of the applicant to search the title of the property to ascertain the presence of any easements and/or restrictive covenants that may apply.

**AMENDMENT**

MOVED: CR PHILLIPS

SECONDED: CR SEENEY

That a Condition I) be added to read as follows, "This approval is valid for a temporary period of 1 year only and shall be subject to a new application in 12 months, from the commencement of the activity, with the Shire of Denmark (refer Condition f) and Advice Note i)."

LOST: 2/7

Res: 030220

*Pursuant to Council Policy P040134 all Councillors' votes on the above resolution are recorded as follows;*

*FOR: Cr Phillips and Cr Seeney.*

*AGAINST: Cr Gearon, Cr Gibson, Cr Bowley, Cr Allen, Cr Jones, Cr Lewis and Cr Osborne.*

THE ORIGINAL MOTION WAS PUT & CARRIED UNANIMOUSLY: 9/0

Res: 040220

**8.1.2 LOCAL PLANNING STRATEGY REVIEW – CONSULTATION STRATEGY**

<b>File Ref:</b>	PLN.46
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Shire of Denmark
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	5 February 2020
<b>Author:</b>	Craig Pursey, Manager Sustainable Development
<b>Authorising Officer:</b>	David King, Director Assets and Sustainable Development
<b>Attachments:</b>	8.1.2a – Project Plan - Local Planning Strategy Review 8.1.2b – Communication and Engagement Plan (CEP)

**Summary:**

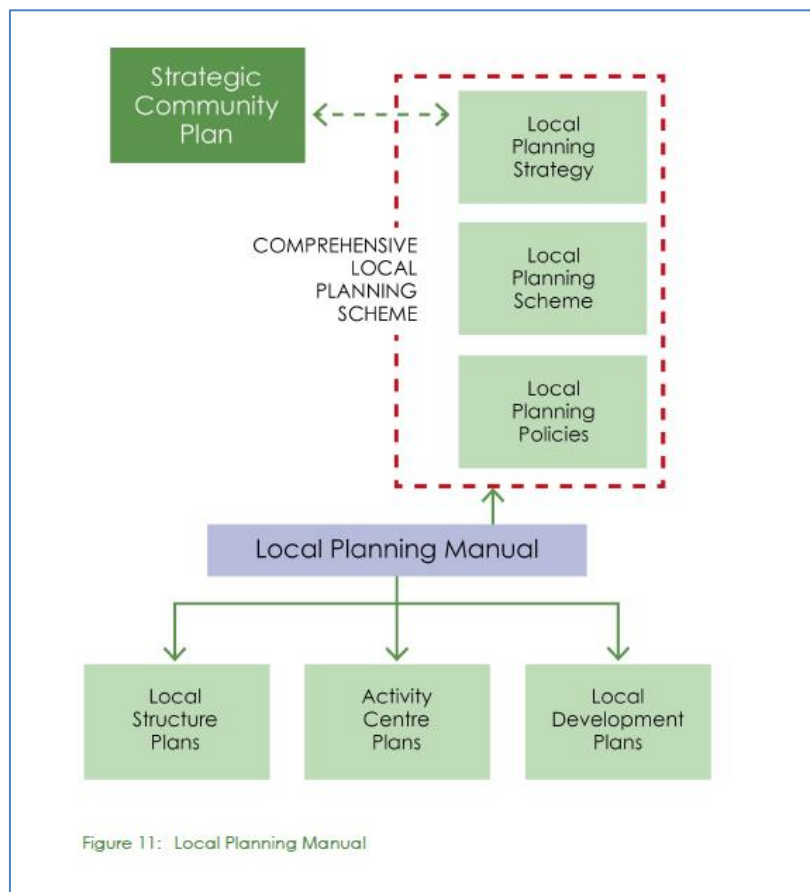
The purpose of this report is to request Council to endorse the Communication and Engagement Plan proposed as an integral part of the Shire of Denmark's Local Planning Strategy review.

**Background:**

The Local Planning Strategy (LPS) is the overarching document that sets the 10-15 year vision for land use planning in the Shire. It sets the framework for planning in the Shire and forms the basis for the Local Planning Scheme.

The Strategy should be consistent with and apply the State Planning Policies and regional strategies and provides the rationale for the various zones and reservation of land.

It is proposed to align the Local Planning Strategy with the Strategic Community Plan as far as is possible and build upon the findings and consultation work completed with the preparation of the Strategic Community Plan.



Extract from *Modernising WA’ Planning System 2018, WAPC (the Green Paper)* showing the relationship of the LPS and the Strategic Community Plan

The Planning and Development (Local Planning Schemes) Regulations 2015 require that a Local Planning Scheme (and by reference a LPS) be reviewed every five years. The current LPS was adopted in 2011 and is overdue for review. This process was delayed to allow for the LPS to accord with the community aspirations expressed in the Strategic Community Plan (SCP).

Local Planning Strategy Working Group

At the November 2019 Council meeting it was resolved to establish a Local Planning Strategy Working Group to “assist Shire Officers in reviewing the required update to the current Strategy”.

The Working Group is chaired by Councillor Gibson and has met in December 2019 and January 2020. The Group has supported the Communication and Engagement Plan in principle.

**Consultation:**

The Planning and Development (Local Planning Schemes) Regulations 2015 set out the minimum consultation and advertising required to prepare a LPS; being a single 21 advertising period (see the *Statutory Obligations* section of this report for details).

Consistent with the Shire of Denmark’s *Community Engagement Policy & Framework* it is proposed to undertake considerable ‘preliminary advertising’ to build on the information received during the formulation of the SCP and seek new contributions which are specifically land use planning based.

In summary, the Communication and Engagement Plan proposes to include:

- A facilitated workshop to commence the consultation process;

- ‘Conversation Café’ style series of open days where the general public can meet with planning staff to discuss the LPS one on one;
- Consultation papers on topics aligned with the SCP, supported by Frequently Asked Questions and a dedicated website page to elicit feedback and provide some guidance on what a LPS can and can’t do;
- Preparation of a ‘Do It Yourself’ kit for interested parties to host their own consultation sessions; and
- One on one meetings with external agencies such as Main Roads WA, Water Corporation, Department of Primary Industries and Regional Development, and so forth.

A full copy of the Communication and Engagement Plan is found at 8.1.2b of this report.

### **Statutory Obligations:**

Part 3 of the Planning and Development (Local Planning Schemes) Regulations 2015 address Local Planning Strategies. Clause 11 states:

11. *Requirement for local planning strategy for local planning scheme*
- (1) *A local government must prepare a local planning strategy in accordance with this Part for each local planning scheme that is approved for land within the district of the local government.*
- (2) *A local planning strategy must —*
- (a) set out the long-term planning directions for the local government; and*
  - (b) apply any State or regional planning policy that is relevant to the strategy; and*
  - (c) provide the rationale for any zoning or classification of land under the local planning scheme.*

Clause 13 describes the advertising *requirements* for the Local Planning Strategy as follows:

13. *Advertising and notifying local planning strategy*
- (1) *A local government must, as soon as reasonably practicable after being provided with certification that a local planning strategy complies with regulation 11(2), advertise the strategy as follows —*
- (a) publish a notice of the local planning strategy in a newspaper circulating in the area to which the strategy relates, giving details of —*
    - (i) where the strategy may be inspected; and*
    - (ii) to whom, in what form and during what period submissions may be made;*
  - (b) display a copy of the notice in the offices of the local government for the period for making submissions set out in the notice;*
  - (c) give a copy of the notice to each public authority that the local government considers is likely to be affected by the strategy;*
  - (d) publish a copy of the notice and the strategy on the website of the local government;*
  - (e) advertise the strategy as directed by the Commission and in any other way the local government considers appropriate.*
- (2) *The local government must ensure that arrangements are in place for the local planning strategy to be made available for inspection by the public during office hours*
-

(a) at the office of the local government; and

(b) at the office of the Commission

(3) The period for making submissions in relation to a local planning strategy must not be less than a period of 21 days commencing on the day on which the notice of the strategy is published under subregulation (1)(a).

(4) Notice of a local planning strategy as required under subregulation (1) may be given in conjunction with the notice to be given under regulation 20(1) for the scheme to which it relates.

#### **Policy Implications:**

There are no policy implications.

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

Funds were allocated in the 2019/20 Budget to prepare a revised Local Planning Strategy and Scheme over the next three (3) years. This allocation is being utilised to fund the review 'in-house' with support from consultants as required.

It is anticipated that the entire Communication and Engagement Plan process will be funded from this budget.

#### **Strategic & Corporate Plan Implications:**

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

##### Denmark 2027

L5.0 Our Local Government

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

L5.2 *To have meaningful, respectful and proactive collaboration with the community*

B3.0 Our Built Environment

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

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

##### Corporate Business Plan

B3.3.2 Undertake a review of the Local Planning Strategy to activate the community vision and guide

#### **Sustainability Implications:**

##### ➤ **Governance:**

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

##### ➤ **Environmental:**

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

##### ➤ **Economic:**

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



➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not undertake a full preliminary consultation process and choose to prepare and advertise a LPS strictly in accordance with the Regulations minimum standard	Unlikely (2)	Major (4)	Moderate (5-9)	Inadequate Engagement - Community / Stakeholders / Crs	Conduct preliminary advertising to inform the LPS review
That the consultation process is considerably extended and expanded using more staff time and resources	Possible (3)	Moderate (3)	Moderate (5-9)	Not Meeting Community expectations	Increase budget and revise timeframes to prepare the LPS Review and subsequent new Local Planning Scheme preparation.

**Comment/Conclusion:**

An updated LPS will set out the long-term planning directions for the whole of the Shire by providing high level strategic direction to matters such as population growth, housing needs, strengthening the local economy and improving the connections and spaces where our community live, work and visit over a 10-15 year period.

The LPS applies State and regional planning policies and provides the rationale for the zones, reserves and provisions in the new Local Planning Scheme. The LPS will inform the new Local Planning Scheme including providing a basis for any changes to zoning and development standards.

The LPS and the Local Planning Scheme will act as the key planning tools to proactively manage land use and development in the district over the next decade and beyond.

Importantly, the LPS process will also build on existing community input from the Shire of Denmark Strategic Community Plan 2027.

A project plan for the update of the LPS is provided at Attachment 8.1.2a. This is a general guide as to the steps required to prepare a LPS. This allows for “initial community input” from February 2020 through to April 2020.

The proposed Communication and Engagement Plan at attachment 8.1.2b precedes the statutorily required advertising period and provides a realistic balance of appropriate opportunities for input and comment with the need to complete the review process within a suitable timeframe.

**Voting Requirements:**

Simple majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 8.1.2</b>
<b>MOVED: CR GIBSON</b>	<b>SECONDED: CR BOWLEY</b>
That with respect to the Local Planning Strategy Review, Council endorse the Communication and Engagement Plan found at attachment 8.1.2b of this report.	
<b>CARRIED UNANIMOUSLY: 9/0</b>	<b>Res: 050220</b>

*The Shire President announced that she would bring forward Item 8.3.5 to this point in the meeting as she was aware that there were a number of people in the public gallery who were interested in knowing the outcome.*

**8.3.5 DENMARK MEN’S SHED LEASE**

<b>File Ref:</b>	A3140
<b>Applicant / Proponent:</b>	Denmark Men’s Shed Inc.
<b>Subject Land / Locality:</b>	No. 2 (Lot 952) Inlet Drive, Denmark (Reserve No. 30277)
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	17 January 2020
<b>Author:</b>	Claire Thompson, Executive Assistant & Governance Coordinator
<b>Authorising Officer:</b>	David Schober, Acting Chief Executive Officer
<b>Attachments:</b>	8.3.5 – Draft Lease

**Summary:**

Council are asked to consider a draft lease between the Shire of Denmark and the Denmark Men’s Shed and authorise the CEO and Shire President to execute it.

**Background:**

At its meeting held 19 December 2019 Council resolved as follows (Resolution No. 061219);

*“That with respect to the Denmark Men’s Shed to lease a portion of No. 2 (Lot 952) Inlet Drive, Denmark, Council;*

- 1. Commit to providing a lease area as depicted in Attachment 8.3.1c;*
- 2. Authorise the Chief Executive Officer to provide a letter of support for the project;*
- 3. Request the Chief Executive Officer to commence lease negotiations, noting the Lessee’s request to retain ownership of the buildings and responsibility for maintenance and insurance, and present the draft lease to Council for approval prior to execution.”*

**Consultation:**

The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal and considered Council’s Community Engagement Policy P040123 and the associated Framework and believes that no additional external/internal engagement or consultation is required.

Consultation in relation to a proposed lease area for the Denmark Men’s Shed was undertaken as part of the Heritage Precinct review in April 2019. As a result, the revised adopted Concept Plan made provision for a Men’s Shed at the Reserve. Attached is a project update which includes some letters of support from two of the other three leaseholders at the Reserve (refer Attachment 8.3.5)

**Statutory Obligations:**

The Shire of Denmark has Management Order over the reserve with the power to lease for up to 21 years, subject to the Minister’s approval. The purpose of the Reserve is *“Historical Precinct, Recreation and Community Purposes”*.

Pursuant to Regulation 30 (2) (b) of the Local Government (Functions & General) Regulations 1996, a disposal of this nature is considered an exempt land transaction and therefore no advertising period is required.

Section 18 of the Land Administration Act 1997 requires that Ministerial approval be obtained to “assign, sell, transfer or otherwise deal with interests in Crown land or create or grant an interest in Crown land”.

**Policy Implications:**

Policy P110102 – *Leasing of Land and/or Buildings to Community Groups* relates and reads as follows;

*“With respect to community groups exclusively occupying, or seeking to exclusively occupy, Council property or buildings;*

- a. *There be a signed lease based on Council’s standard ‘not for profit’ lease prior to occupation or upon renewal;*
- b. *Council desires lessees to be incorporated (with the exception of Volunteer Bush Fire brigades which are covered under the Bush Fires Act);*
- c. *Contribution by Council towards legal costs (if required) by Council 100%;*
- d. *Have differing rentals discounted to market valuation depending upon the following factors;*
  - i. *To what degree the property is utilised for charitable, not for profit or sporting purposes;*
  - ii. *The ability of the lessee to derive income from use of the property including sub-leases, rental hire and the presence of a liquor license;*
  - iii. *The strategic value of the land in the short term to Council;*
  - iv. *To what degree if any that the use is competing with commercial enterprise;*
- e. *Where the applied rental is lower than a valuation or real estate rental appraisal, Council indicate that contra difference in its annual budget, for that property;*
- f. *Offer local authority rate exemption, rebate or donation (rather than exemption contra);*
- g. *Offer Council insurance of the buildings and Council owned property / contents without recoup of the annual premium and to encourage repairs and reinstatement through insurance claims, Council will meet all bar the first \$500 of any insurance excess on claims;*
- h. *All outgoings and consumable costs to be met by the lessee including but not limited to water, sewer, gas, telephone, ESL, refuse charges, etc;*
- i. *Lessees to meet all ongoing internal and external building and grounds maintenance other than structural building repairs;*
- j. *Leases require endorsement of Council prior to signing;*
- k. *Have differing tenure and renewal rights and terms depending upon the strategic future requirements for that land and or building(s) but based on a maximum of 21 years including any right of renewal (subject to the prevailing management order if applicable);*
- l. *The use of the property is consistent with the zoning and/or management order and power to lease exists (if required).*
- m. *Reflecting the non ‘exclusive club’ usage and fact that they perform a valuable Council service for wide community benefit Council annually (subject to annual budget deliberation) contributes to the maintenance of the following leased Halls;*
  - i. *Parryville Hall \$2,000;*
  - ii. *Tingledale Hall \$2,000;*
  - iii. *Scotsdale Hall \$2,000 (nb: Hall is owned by Scotsdale Progress Association on Association vested land);*
  - iv. *Kentdale Hall \$2,000;*
  - v. *RSL Hall \$3,000;*
  - vi. *Museum Building maintenance is 100% Council responsibility;*
  - vii. *Nornalup Hall \$2,000;*
  - viii. *Morgan Richards Community Centre \$2,000; and*
  - ix. *Peaceful Bay Hall (& Les Carpenter Shed) \$2,000.*

- n. Council's Principal Building Surveyor at least on an annual basis inspect all leased buildings and land to ascertain their state of maintenance pursuant to the lease and priority for future and long term maintenance in conjunction with the lessee.
- o. The definition of 'exclusive occupation' does not include reference to yearly licenses to occupy storage space within a building such as at the Denmark Recreation Centre.

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

The lease is based on a standard community group "peppercorn" lease for \$1.00 per annum.

Insurance and maintenance for the building and lease area would be the ongoing responsibility of the Lessee.

#### **Strategic & Corporate Plan Implications:**

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

#### Denmark 2027

##### B3.0 Our Built Environment

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

B3.4 To manage assets in a consistent and sustainable manner.

##### 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.*

##### L5.0 Our Local Government

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

L5.2 To have meaningful, respectful and proactive collaboration with the community.

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

#### Corporate Business Plan

Nil

#### **Sustainability Implications:**

##### ➤ **Governance:**

A formal lease protects the rights and stipulates the responsibilities of the lessor and the lessee.

##### ➤ **Environmental:**

A Bushfire Management Plan over the entire Reserve was commissioned by the Shire earlier in the year. This includes the area proposed for the lease site.

##### ➤ **Economic:**

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

##### ➤ **Social:**

The primary focus of men's sheds is to improve the physical and mental wellness of shed members. The Denmark Men's Shed's mission is to provide "a safe place where men can develop friendships; whilst improving their physical, emotional, psychological and spiritual health and wellbeing".

The Denmark Men's Shed's values;

- A focus on care, support, respect, dignity and fellowship;
- Programs that engage and develop members and are kept relevant to the needs of members and the community;

- Involve members in active participation with the community;
- Being a valued partner with other organisations in the region.

➤ **Risk:**

There are no significant risks associated with the report or the Officer Recommendation.

**Comment/Conclusion:**

The Denmark Men’s Shed have secured and raised most of the funds required for them to build their shed and are now awaiting the outcome of their Lotterywest application which should be known by mid to late February. The Shire provided a letter of support for their application noting that Council had agreed in principle, at the December 2019, to grant them a lease area.

The lease attached has been negotiated with the Men’s Shed and Ministerial Consent has been obtained to lease a portion of the reserve, under the conditions in the draft lease.

**Voting Requirements:**

Simple majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 8.3.5</b>
MOVED: CR SEENEY	SECONDED: CR LEWIS
That Council approve the draft lease, as per Attachment 8.3.5, between the Shire of Denmark and the Denmark Men’s Shed Inc. and authorise the CEO and Shire President to execute the lease.	
CARRIED UNANIMOUSLY: 9/0	Res: 060220

**8.1.3 WILLIAM BAY ROAD TRANSFER OF LAND TENURE**

<b>File Ref:</b>	PROJ.ENG.28_William Bay Upgrade
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	William Bay Road Reserve and Crown Reserve 443491
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	4 February 2020
<b>Author:</b>	David King, Director Assets and Sustainable Development
<b>Authorising Officer:</b>	David Schober, Acting Chief Executive Officer
<b>Attachments:</b>	8.1.3 – Proposed additions to William Bay National Park

**Summary:**

William Bay National Park is currently undergoing infrastructure renewal works to improve roads, parks and visitor recreation facilities. These works are being undertaken by Nigel Palmer Earthmoving under contract with the Department of Biodiversity Conservation and Attractions (DBCA).

The Shire of Denmark currently has land management of the access road to the Greens Pool carpark and the existing sealed car park at Greens Pool.

It is proposed that the access road and sealed carpark be incorporated into the William Bay National Park so that the land management transfers to the DBCA.

**Background:**

William Bay National Park attracts high visitation during the warmer months, with almost 300,000 visitors to the park between July 2018 and June 2019. Safer roads, improved parking facilities and pedestrian pathways will better accommodate high numbers of visitors to the park.

The DBCA is working with the Shire of Denmark and key stakeholders to deliver this project.

The State Government will invest \$4.425 million over two years to renew aging visitor infrastructure in the Park. This includes a \$2.5 million Royalties for Regions budget for development of visitor facilities in the Greens Pool - Elephant Rocks precinct.

A significant part of the works is being used to upgrade car park and access road infrastructure that is currently within the William Bay Road Reserve under control of the Shire.

**Consultation:**

The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by this proposal and in conjunction with reviewing Council's Community Engagement Policy P040123 as well as the associated Framework, and believes that consultation is required with the following:

- Main Road Western Australia (MRWA);
- Other Government Agencies that may be affected by the closure including Police, Fire Services, Ambulance Service, Water Corporation and Western Power; and
- All adjoining residents and property owners likely to be affected by the proposed changes.

To comply with the specific requirements of the Local Government Act 1995 on closure of thoroughfares, there will be a 35-day public submission period, which requires advertising in the local newspaper and on the Shire of Denmark Website.

**Statutory Obligations:**

For Road Closure the following applies:

Section 3.50 of the Local Government Act 1995, -

3.50 Closing certain thoroughfares to vehicles

- (4) Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare, the local government is to -
- (a) Give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when and why it would be closed, and inviting submission from any person who wishes to make a submission; and
  - (b) Give written notice to each person who-
    - (i) Is prescribed for the purposes of this section; or
    - (ii) Owns land that is prescribed for the purposes of this section; and
  - (c) Allow a reasonable time for submissions to be made and consider any submissions made.
- (5) The local government is to send to the Commissioner of Main Roads appointed under the Main Roads Act 1930 a copy of the contents of the notice required by subsection (4)(a)

For the transfer of Road Reserve back to UCL the following applies:

Section 58(6)(a) of the Land Administration Act 1997

58. Closing Roads

- (6) When a road is closed under this section, the land comprising the former road -
- (a) becomes unallocated Crown land; or



- (b) if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.

For the request to add the land to the National Park the following applies:

Section 45(2)(a) of the Land Administration Act 1997

- 45. Certain land subject to Conservation and Land Management Act 1984 or Swan and Canning Rivers Management Act 2006, Minister's powers as to
  - (2) If land is reserved under section 41 for the purpose of a conservation park, national park or class A nature reserve, the Minister may, with the consent of the Minister to whom the administration of the Conservation and Land Management Act 1984 is for the time being committed by the Governor, by order -
    - (a) add Crown land to such a reserve;

**Policy Implications:**

There are no policy implications.

**Budget / Financial Implications:**

There are no significant budget implications associated with this transfer.

In 2018 the extent of road had a replacement value of \$384,772 and a depreciated value of \$312,575. Annual depreciation is \$8,802 and this will need to be adjusted in future financial documentation.

If Council do not approve the closure and land transfer the replacement value and associated depreciation will increase considerably as the infrastructure being installed as part of the project is a significant upgrade.

**Strategic & Corporate Plan Implications:**

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

Denmark 2027

L5.0 Our Local Government

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

Corporate Business Plan

Nil

**Sustainability Implications:**

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
<b>Reputational:</b> Community concern over the potential future fee to visit Greens Pool	Likely (4)	Minor (2)	Moderate (5-9)	Inadequate Engagement - Community / Stakeholders / Crs	Accept Risk and Manage by working with the DBCA to effectively communicate any proposed future changes to Park management

**Comment/Conclusion:**

With the current investment in the National Park by the DBCA, it is sensible for the management of that park to be consolidated. This will allow improved efficiencies with regards to asset maintenance, enforcement and emergency management.

With the new infrastructure, it will be appropriate for the land manager to be able to levy a fee which will be used to ensure the upkeep and future expansion of the facilities. Without a consolidated land parcel, and associated single land manager, this would be problematic as enforcement with regards to entry fees and parking would be split between a State and Local Government.

Across the State, it is commonplace that the DBCA control and manage access and car parking to the National Parks. This is especially apparent where there is a significant tourist attraction. Examples within surrounding Shires include the Tree Top Walk in Denmark and The Gap at Albany.

If the Shire progress the transfer of management, it is envisaged that the DBCA will at some point introduce a parking fee to enter the Park. The Shire would no longer retain any control over any proposed fee.

The DBCA currently offers annual local park passes. These are currently priced at \$25 and are available to local residents and ratepayers only. The pass provides unlimited entry to one park (or a group of local parks) for 12 months from purchase. Up to two (2) vehicles can be included on the pass provided they are registered at the nominated local address and are owned by the pass holder or the pass holders spouse.

In addition to the road reserve, the DBCA have requested relinquishment of the Shire of Denmark’s Reserve 43491 for the addition to William Bay National Park. This is shown in Attachment 8.1.3.

The Shire does not currently undertake any land management on this reserve and it is understood that there are no community groups with an interest in this parcel of land. As such officers consider it appropriate that the land management of this parcel transfers to the DBCA and is included in the National Park.

The process for the transfer of land to the National Park is outlined as follows:

The portion of the William Bay Road is agreed to be closed then the land will revert to UCL (refer s58(6)(a) of the Land Administration Act 1997). This will be actioned by the Shire.

The Minister for Lands is then asked to add this land to the William Bay National Park in accordance with s45(2)(a) of the Land Administration Act 1997. This will be actioned by DBCA officers.

In support of this request for the Minister for Lands to add land to the National Park the following will need to be completed:

1. DBCA will seek the support of the Conservation and Parks Commission (CPC) for the addition of land to the National Park. The National Park is vested in CPC in accordance with s19(1)(a)(ii) of the Conservation and Land Management Act 1984.
2. if CPC support the addition the Minister for Environment is asked to consent to the addition of land to the National Park in accordance with s45(2)(a) of the Land Administration Act 1997.
3. the Department of Planning, Lands and Heritage are notified of the Minister for Environment consent to the addition and they:
  - prepare instructions, probably for Landgate, to have a new deposited plan prepared depicting the enlarged boundaries of the National Park.
  - have the addition proposal advertised for not less than 30 days in a newspaper in accordance with s45(5) of the Land Administration Act 1997.

The Department of Mines, Industry Regulation and Safety would also be consulted about the proposed addition to the National Park. This is Department of Planning, Lands and Heritage a policy requirement agreed between them and Department of Mines, Industry Regulation and Safety.

After the above is completed the Department of Planning, Lands and Heritage will ask Landgate to finalise the requirements to have these amendments registered.

**Voting Requirements:**

Simple majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 8.1.3 a)
MOVED: CR GIBSON	SECONDED: CR OSBORNE
That with respect to the William Bay Road, Council:	
<ol style="list-style-type: none"> <li>1. Approves the closure of William Bay Road from the Greens Pool carpark until the point at which it is adjacent to freehold ownership as shown in Attachment 8.1.3a;</li> <li>2. Gives public notice of the closure in accordance with the Local Government Act (S3.50);</li> <li>3. Authorises the CEO to consider and manage any submissions in regards to item 2 and any further actions required by the Department of Planning, Lands and Heritage to complete the road closure process</li> <li>4. Approves the transfer of land described in item 1 (Attachment 8.1.3) to the Department of Biodiversity, Conservation and Attractions for the inclusion in the William Bay National Park once the road is closed</li> <li>5. Authorises the CEO to undertake any further actions required by the Department of Planning, Lands and Heritage to complete the land transfer</li> <li>6. Notes that the Department of Biodiversity, Conservation and Attractions will continue to work with the Shire of Denmark to provide access through the National Park along this portion of road to Greens Pool</li> </ol>	
CARRIED UNANIMOUSLY: 9/0	Res: 070220

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 8.1.3 b)</b>
<b>MOVED: CR SEENEY</b>	<b>SECONDED: CR BOWLEY</b>
That with respect to the Crown Reserve 43491, Council:	
1. Relinquishes the Management Order over Crown Reserve 43491, in order for this land to be transferred to the Department of Biodiversity, Conservation and Attractions for inclusion in the William Bay National Park; and	
2. Authorises the CEO to undertake any further actions required by the Department of Planning, Lands and Heritage to complete the land transfer pertinent to item 1.	
<b>CARRIED UNANIMOUSLY: 9/0</b>	<b>Res: 080220</b>

**8.2 DIRECTOR CORPORATE AND COMMUNITY SERVICES**

**8.2.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDING 30 NOVEMBER 2019**

<b>File Ref:</b>	FIN.1
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	8 January 2020
<b>Author:</b>	Lee Sounness, Executive Manager Corporate Services
<b>Authorising Officer:</b>	Lee Sounness, Executive Manager Corporate Services
<b>Attachments:</b>	8.2.1 – November Monthly Financial Report

**Summary:**

The attached financial statements and supporting information for the period ending 30 November 2019 are presented for the consideration of Elected Members.

**Background:**

In order to prepare the attached financial statements, the following reconciliations and financial procedures have been completed and verified;

- Reconciliation of all bank accounts.
- Reconciliation of the Rates Book, including outstanding debtors and the raising of interim rates.
- Reconciliation of all assets and liabilities, including payroll, taxation and postal services.
- Reconciliation of the Sundry Debtors and Creditors Ledger.
- Reconciliation of the Stock Ledger.
- Completion of all Works Costing transactions, including allocation of costs from the Ledger to the various works chart of accounts.

**Consultation:**

Nil

**Statutory Obligations:**

It is a requirement of the Local Government Act 1995 that monthly and quarterly financial statements are presented to Council, in order to allow for proper control of the Shire’s finances. In addition, Council is required by legislation to undertake a mid-year review of the Municipal Budget to ensure that income and expenditure is in keeping with budget forecasts. It should be noted that the budget is monitored by management on a monthly basis in addition to the requirement for a mid-year review. The attached statements are prepared in accordance with the requirements of the Local Government Act 1995 (s.5.25(1)) and the Local Government (Financial Management) Regulations 1996.

**Policy Implications:**

Policy P040222 - Material Variances in Budget and Actual Expenditure, relates

*For the purposes of Local Government (Financial Management) Regulation 34 regarding levels of variances for financial reporting, Council adopted a variance of 10% or greater of the annual budget for each program area in the budget, as a level that requires an explanation or report, with a minimum dollar variance of \$10,000.*

*The material variance is calculated by comparing budget estimates to the end of month actual amounts of expenditure, revenue and income to the end of the month to which the financial statement relates.*

*This same figure is also to be used in the Annual Budget Review to be undertaken after the first six months of the financial year to assess how the budget has progressed and to estimate the end of the financial year position.*

*A second tier reporting approach shall be a variance of 10% or greater of the annual budget estimates to the end of the month to which the report refers for each General Ledger/Job Account in the budget, as a level that requires an explanation, with a minimum dollar variance of \$10,000.*

**Budget / Financial Implications:**

There are no significant trends or issues to be reported.

**Strategic & Corporate Plan Implications:**

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

Denmark 2027

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

L5.4 *To be fiscally responsible.*

Corporate Business Plan

Nil

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

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

**➤ Environmental:**

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

**➤ Economic:**

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

**➤ Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Not meeting Statutory Compliance	Rare (1)	Moderate (3)	Low (1-4)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation
Financial mismanagement and/or Budget overruns.	Rare (1)	Moderate (3)	Low (1-4)	Inadequate Financial, Accounting or Business Acumen	Control through robust systems with internal controls and appropriate reporting mechanisms

**Comment/Conclusion:**

As at 30 November 2019, total cash funds held totals \$8,920,742 (Note 4).

Shire Trust Funds total \$850

Reserve Funds (restricted) total \$4,177,147

- \$874,624 of this has been placed on investment for 31 days with the Western Australian Treasury Corporation at the quoted rate of .70%,
- \$3,146,796 has been invested with the National Aust. Bank, maturing 31 December 2019 at the quoted rate of 2.05%
- \$155,727 has been invested with the Commonwealth Bank of Australia, maturing 31 December 2019 at the quoted rate of 1.49%

Municipal Funds (unrestricted) total \$4,742,745

- \$4,200,000 is invested with the NAB in 4 Term Deposits, maturing at various dates at an average rate of 1.70%

Key Financial Indicators at a Glance

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

- Taking into consideration the adopted Municipal Budget and any subsequent year to date budget amendments identified including the mid-year budget review (refer Note 5), the 30 June 2020 end of year position is estimated to be \$0 which is in line with budget projections (Statement of Financial Activity).
- Operating revenue and expenditure is generally in line with year to date budget predictions for 30 November 2019 (Statement of Financial Activity) except for depreciation expense, which is yet to be applied this financial year.
- The Rates Collection percentage currently sits at 74.09%, is in keeping with historical collection rates (see Note 6).
- The 2019/20 Capital Works Program is 19.77% complete utilising actual year to date figures and the total committed cost is 27.86% as at 30 November 2019 (see Note 12).
- Various transfers to and from general Reserve Funds have not been made for 2019/20 as they are generally undertaken in the latter half of the financial year, depending on the specific projects to which the transfers relate. Transfers from Denmark East Development Reserve of \$332,289 relate to current project expenditure for the period.
- Salaries and Wages expenditure is generally in line with year to date budget estimates (not reported specifically in Financial Statement).

Other Information

- Building Depreciation Expense

Depreciation of Buildings has not been calculated for the reporting period. Building depreciation expense will be calculated once the revaluation of the asset class has been confirmed.

**Voting Requirements:**

Simple majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 8.2.1
MOVED: CR JONES	SECONDED: CR GIBSON
That with respect to Financial Statements for the period ending 30 November 2019, Council;	
1. Receive the Financial Reports, incorporating the Statement of Financial Activity and other supporting documentation.	
2. Endorse the Accounts for Payment for the month of December 2019 as listed.	
CARRIED UNANIMOUSLY: 9/0	Res: 090220

**8.2.2 FINANCIAL STATEMENTS FOR THE PERIOD ENDING 31 DECEMBER 2019**

<b>File Ref:</b>	FIN.1
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	3 February 2020
<b>Author:</b>	Scott Sewell, Accountant
<b>Authorising Officer:</b>	Lee Sounness, Executive Manager Corporate Services
<b>Attachments:</b>	8.2.2 – December Monthly Financial Report

**Summary:**

The attached financial statements and supporting information for the period ending 31 December 2019 are presented for the consideration of Elected Members.

**Background:**

In order to prepare the attached financial statements, the following reconciliations and financial procedures have been completed and verified;

- Reconciliation of all bank accounts.
- Reconciliation of the Rates Book, including outstanding debtors and the raising of interim rates.
- Reconciliation of all assets and liabilities, including payroll, taxation and postal services.
- Reconciliation of the Sundry Debtors and Creditors Ledger.
- Reconciliation of the Stock Ledger.
- Completion of all Works Costing transactions, including allocation of costs from the Ledger to the various works chart of accounts.

**Consultation:**

Nil

**Statutory Obligations:**

It is a requirement of the Local Government Act 1995 that monthly and quarterly financial statements are presented to Council, in order to allow for proper control of the Shire’s finances. In addition, Council is required by legislation to undertake a mid-year review of the Municipal Budget to ensure that income and expenditure is in keeping with budget forecasts.

It should be noted that the budget is monitored by management on a monthly basis in addition to the requirement for a mid-year review. The attached statements are prepared in accordance with the requirements of the Local Government Act 1995 (s.5.25(1)) and the Local Government (Financial Management) Regulations 1996.

**Policy Implications:**

Policy P040222 - Material Variances in Budget and Actual Expenditure, relates

*For the purposes of Local Government (Financial Management) Regulation 34 regarding levels of variances for financial reporting, Council adopted a variance of 10% or greater of the annual budget for each program area in the budget, as a level that requires an explanation or report, with a minimum dollar variance of \$10,000.*

*The material variance is calculated by comparing budget estimates to the end of month actual amounts of expenditure, revenue and income to the end of the month to which the financial statement relates.*

*This same figure is also to be used in the Annual Budget Review to be undertaken after the first six months of the financial year to assess how the budget has progressed and to estimate the end of the financial year position.*

*A second tier reporting approach shall be a variance of 10% or greater of the annual budget estimates to the end of the month to which the report refers for each General Ledger/Job Account in the budget, as a level that requires an explanation, with a minimum dollar variance of \$10,000.*

**Budget / Financial Implications:**

There are no significant trends or issues to be reported.

**Strategic & Corporate Plan Implications:**

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

Denmark 2027

L5.0 Our Local Government

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

L5.4 *To be fiscally responsible.*

Corporate Business Plan

Nil

**Sustainability Implications:**

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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



➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Not meeting Statutory Compliance	Rare (1)	Moderate (3)	Low (1-4)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation
Financial mismanagement and/or Budget overruns.	Rare (1)	Moderate (3)	Low (1-4)	Inadequate Financial, Accounting or Business Acumen	Control through robust systems with internal controls and appropriate reporting mechanisms

**Comment/Conclusion:**

As at 31 December 2019, total cash funds held totals \$8,284,715 (Note 4).

Shire Trust Funds total \$850

Reserve Funds (restricted) total \$4,211,411

- \$875,144 of this has been placed on investment for 31 days with the Western Australian Treasury Corporation at the quoted rate of 0.70%,
- \$3,180,095 has been invested with the National Aust. Bank, maturing 31 March 2020 at the quoted rate of 1.55%
- \$156,172 has been invested with the Commonwealth Bank of Australia, maturing 30 March 2020 at the quoted rate of 1.49%

Municipal Funds (unrestricted) total \$4,067,226

- \$3,450,000 is invested with the NAB in 5 Term Deposits, maturing at various dates at an average rate of 1.50%

Key Financial Indicators at a Glance

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

- Taking into consideration the adopted Municipal Budget and any subsequent year to date budget amendments identified including the mid-year budget review (refer Note 5), the 30 June 2020 end of year position is estimated to be \$0 which is in line with budget projections (Statement of Financial Activity).
- Operating revenue and expenditure is generally in line with year to date budget predictions for 31 December 2019 (Statement of Financial Activity) except for depreciation expense for the asset class of Buildings, which is yet to be applied this financial year.
- The Rates Collection percentage currently sits at 76.14%, is in keeping with historical collection rates (see Note 6)
- The 2019/20 Capital Works Program is 22.25% complete utilising actual year to date figures and the total committed cost is 30.50% as at 31 December 2019 (see Note 12).
- Various transfers to and from general Reserve Funds have not been made for 2019/20 as they are generally undertaken in the latter half of the financial year, depending on the specific projects to which the transfers relate. Transfers from Denmark East Development Reserve of \$332,289 relates to current project expenditure for the period.

- Salaries and Wages expenditure is generally in line with year to date budget estimates (not reported specifically in Financial Statement).

Other Information

- Building Depreciation Expense

Depreciation of Buildings has not been calculated for the reporting period. Building depreciation expense will be calculated once the revaluation of the asset class has been confirmed.

**Voting Requirements:**

Simple majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 8.2.2</b>
<b>MOVED: CR GIBSON</b>	<b>SECONDED: CR BOWLEY</b>
That with respect to Financial Statements for the period ending 31 December 2019, Council;	
1. Receive the Financial Reports, incorporating the Statement of Financial Activity and other supporting documentation.	
2. Endorse the Accounts for Payment for the month of January 2020 as listed.	
<b>CARRIED UNANIMOUSLY: 9/0</b>	<b>Res: 100220</b>

**8.2.3 REVIEW OF FINANCIAL MANAGEMENT, RISK MANAGEMENT, LEGISLATIVE COMPLIANCE AND INTERNAL CONTROLS**

<b>File Ref:</b>	FIN.8A
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	5 February 2020
<b>Author:</b>	Lee Sounness, Executive Manager Corporate Services
<b>Authorising Officer:</b>	David Schober, Acting Chief Executive Officer
<b>Attachments:</b>	6.2a – Moore Stephens Report 6.2b – Summary of Recommendations & Proposed Actions

**Summary:**

Council are requested to consider and adopt the recommendations and proposed actions made on the Shire’s financial and risk management, legislative compliance and internal controls from the Audit Advisory Committee held 4 February 2020.

**Background:**

In May 2019, the Shire of Denmark engaged Moore Stephens to undertake a comprehensive review of the Shire’s management of financial, risk and compliance as well as internal processes and controls.

**Consultation:**

The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal and considered Council’s Community Engagement Policy P040123 and the associated Framework and believes that no additional external/internal engagement or consultation is required.

All internal employees were involved in various aspects of the review which involved their day to day tasks.

**Statutory Obligations:**

Regulation 16 of the Local Government (Audit) Regulations 1996 prescribes the functions of an Audit Committee which includes;

*“16 (c) to review a report given to it by the CEO under regulation 17(3) and is to –*

- (i) Report to the council the results of that review; and*
- (ii) Give a copy of the CEO’s report to the council.”*

*“16 (d) to monitor and advise the CEO when the CEO is carrying out functions in relation to a review under –*

- (i) Regulations 17 (1); and*
- (ii) The Local Government (Financial Management) Regulations 1996 regulation 5(2)(c).”*

Regulation 17 of the Local Government (Audit) Regulations 1996 reads as follows;

*“(1) The CEO is to review the appropriateness and effectiveness of a local government’s systems and procedures in relation to —*

- a) risk management; and*
- b) internal control; and*
- c) legislative compliance.*

*(2) The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review not less than once in every 3 financial years.*

*(3) The CEO is to report to the audit committee the results of that review.”*

Regulation 5 (2) (c) of the Local Government (Financial Management) Regulations 1996 states that *“the CEO is to undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 3 financial years) and report to the local government the results of those reviews.”*

**Policy Implications:**

The review recommended some potential improvement opportunities to some of the Council’s policy. Officers have provided comment in the spreadsheet attached as to these recommendations and, if agreed, a proposed timeframe for any review / changes.

**Budget / Financial Implications:**

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

**Strategic & Corporate Plan Implications:**

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

Denmark 2027

L5.0 Our Local Government

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

L5.1 To be high functioning, open, transparent, ethical and responsive.

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

L5.4 To be fiscally responsible.

### Corporate Business Plan

L5.3.8 Undertake a Section 17 and Section 5 (2) (c) review to improve risk management, internal controls, legislative compliance and financial management systems and procedures.

#### **Sustainability Implications:**

➤ **Governance:**

While Regulation 5 (2) (c) and 17 reviews are required pursuant to legislation, regular reviews of the Shire's practices and processes are best practice and enable the Shire to identify any processes that need to be improved.

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

There are no known risks associated with this report or the Officer Recommendation. The key principle of the review is to identify any risks associated with the Shire's financial, compliance and risk management processes and controls.

#### **Comment/Conclusion:**

The review conducted by Moore Stephens was undertaken with a dual purpose. Firstly, to provide the basis for a report by the CEO to the Audit Committee on the appropriateness and effectiveness of the Shire's risk management, internal controls and legislative compliance systems and procedures as required by the Local Government (Audit) Regulations 1996 Regulation 17. Secondly, a review of financial management systems to assess the appropriateness and effectiveness of these systems and procedures, as required by Local Government Financial Management Regulations 5(2) c.

The matters examined are detailed in Attachment 6.2 and where opportunities for improvement have been identified, they are reported in summary with associated mitigation action strategy and completion date.

It is recommended that Officers provide a report, on a six monthly basis, to the Audit Advisory Committee to enable the Committee to monitor the progress on each risk issue and improvement action, pursuant to Regulation 16 (d) of the Local Government (Audit) Regulations 1996.

#### **Voting Requirements:**

Simple majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 6.2</b>
MOVED: CR BOWLEY	SECONDED: CR GIBSON
<p>That Council support the Audit Advisory Committee’s recommendation with respect to Regulation 16 &amp; 17 of the Local Government (Audit) Regulations 1996 and Section 5 (2) (c) of the Local Government (Financial) Management Regulations 1996 and;</p> <ol style="list-style-type: none"> <li>1. Receive the Moore Stephens Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls report, dated August 2019;</li> <li>2. Note the recommendations identified in the report and the actions proposed in Attachment 6.2; and</li> <li>3. Request Officer’s to provide a report, on a six-monthly basis, to the Audit Advisory Committee to enable the Committee to monitor the Shire’s progress in addressing the recommendations, pursuant to Regulation 16 (d) of the Local Government (Audit) Regulations 1996.</li> </ol>	
CARRIED UNANIMOUSLY: 9/0	Res: 110220

**8.3 CHIEF EXECUTIVE OFFICER**

**8.3.1 DRESS CODE FOR CITIZENSHIP CEREMONIES & AMENDMENTS TO POLICY P040114 (NATURALISATION CEREMONIES)**

<b>File Ref:</b>	GOV.43
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	3 January 2020
<b>Author:</b>	Claire Thompson, Executive Assistant & Governance Coordinator
<b>Authorising Officer:</b>	David Schober, Acting Chief Executive Officer
<b>Attachments:</b>	8.3.1a – Letter from the Minister 8.3.1b – Australian Citizenship Code

**Summary:**

Council are required to establish a Dress Code for Citizenship Ceremonies, pursuant to recent changes to the Australian Citizenship Ceremonies Code (refer Attachment 8.3.1b).

The new requirement has prompted a review of Policy P040114 (Naturalisation Ceremonies) and the Officer has recommended a few minor amendments together with the addition of a Dress Code.

**Background:**

Local Government Authorities are provided an Instrument of Delegation by the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs to perform Citizenship Ceremonies. Ceremonies must be conducted in accordance with the Australian Citizenship Ceremonies Code.

**Consultation:**

The Officer has researched various other local governments Dress Code and most of them have adopted simple policies.

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 Obligations:**

The Australian Citizenship Ceremonies Code (the Code) is established under the Australian Citizenship Act 2007 and sets out the legal and other requirements for conducting citizenship

ceremonies as well as the roles and responsibilities for those involved in citizenship ceremonies.

The Code now requires all local governments to have a Dress Code for Citizenship Ceremonies. Adopted Dress Codes are required to be forwarded to the Department Home Affairs and provided to all conferees participating in a ceremony.

**Policy Implications:**

Delegation D040114 details the Instrument of Delegation from the Minister to the Shire President, Deputy Shire President and the Chief Executive Officer of a local government.

Existing Policy P040114 - Naturalisation Ceremonies relates and reads as follows;

1. Where possible the ceremonies be conducted on National Citizenship Day and Australia Day however should an urgent ceremony be required then it should be conducted on a Council meeting day, prior to the scheduled meeting.
2. Afternoon tea be provided for those involved.
3. A small gift be presented to the recipients of citizenship - preferably a plant, of a variety relevant to Australia.
4. Citizenship Ceremonies may be conducted by the Shire President, Deputy Shire President or the Chief Executive Officer pursuant to the Delegation issued by the Minister for Immigration & Citizenship (refer Council Delegation D040114).
5. The Ceremony is to be facilitated in accordance with the Australian Citizenship Ceremonies Code.

The Officer recommends that the following draft Dress Code be adopted and added as an addition to Policy P040114.

***"DRESS CODE FOR CITIZENSHIP CEREMONIES***

*The dress code for the ceremony is smart/casual and you are welcome to wear your country of nationality's traditional wear if you wish."*

**POLICY REVIEW**

The requirement to adopt a Dress Code has prompted a review of the existing policy.

The Code notes that *Citizenship ceremonies are public, ceremonial occasions which fulfil requirements prescribed by the Citizenship Act*. A copy of the Code is attached (refer Attachment 8.3.1b).

Council Officers endeavour to schedule 1 – 3 ceremonies a year (including one near or on Australian Citizenship Day – 17 September and in addition to Australia Day).

Over the last few years there has been an increase in the number of people wishing to have an ad-hoc or urgent ceremony, typically this is because they either don't want to attend an event with other people (or an audience), they are going away or they want to apply for a passport. Whilst administratively it can be done, it results in the event being less ceremonious and if afternoon was provided, it could likely be for one or two people with a few Councillors and Staff. Typically, the practice has been that Officers have not arranged afternoon tea, which is in contradiction to the existing policy.

Many local governments have scheduled ceremony dates and do not hold ad-hoc ceremonies for individual conferees, who have 12 months to attend a ceremony from the date of the Department's approval. The Department also advises conferees that they cannot choose where and when to attend a ceremony because it is the local Councils who arrange them. An overseas ceremony can be organised via the Department of Home Affairs. Given the above, the Officer recommends the following amendments;

- a) Change the Policy title to *Citizenship Ceremonies* – creates consistency with the Code.

- b) Replace Part 1 with the following;
  - “Ceremonies will be scheduled at the beginning of each year to be held;
    - On Australia Day; and
    - Prior to an Ordinary Council Meeting day in April; and
    - Prior to an Ordinary Council Meeting day in July; and
    - On a weekday in September (as close as possible to the 17<sup>th</sup> being National Citizenship Day), preferably prior to an Ordinary Council meeting.”
- c) Part 2 be amended to read,
  - “Light refreshments will be provided following scheduled Ceremonies”.

**Budget / Financial Implications:**

There are no known budget or financial implications.

**Strategic & Corporate Plan Implications:**

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

Denmark 2027

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.*

L5.0 Our Local Government

*The Shire of Denmark is recognised as a transparent, well governed and effectively managed local government.*

**Sustainability Implications:**

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not adopt a Dress Code for Citizenship Ceremonies.	Unlikely (2)	Minor (2)	Low (1-4)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation

**Comment/Conclusion:**

As detailed in the policy implications section of this report, the Officer recommends that the following changes be made to Policy P040114.

- d) Change the Policy title to *Citizenship Ceremonies* – creates consistency with the Code.
- e) Replace Part 1 with the following;
  - “Ceremonies will be scheduled at the beginning of each year to be held;
    - *On Australia Day; and*
    - *Prior to an Ordinary Council Meeting day in April; and*
    - *Prior to an Ordinary Council Meeting day in July; and*
    - *On a weekday in September (as close as possible to the 17<sup>th</sup> being National Citizenship Day), preferably prior to an Ordinary Council meeting.”*
- f) Part 2 be amended to read,
  - “*Light refreshments will be provided following scheduled Ceremonies*”.
  - *Add the following section;*  
 “**DRESS CODE FOR CITIZENSHIP CEREMONIES**  
*The dress code for the ceremony is smart/casual and you are welcome to wear your country of nationality’s traditional wear if you wish.”*

**Voting Requirements:**

Simple majority.

5.51pm – Cr Allen left the room.

5.53pm – Cr Allen returned to the room.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 8.3.1</b>
MOVED: CR SEENEY	SECONDED: CR BOWLEY
<p>That with respect to Citizenship Ceremonies conducted by the Shire of Denmark, Council;</p> <ol style="list-style-type: none"> <li>1. Adopt a Dress Code which reads, “<i>The dress code for the ceremony is smart/casual and you are welcome to wear your country of nationality’s traditional wear if you wish</i>” and this be added as an addition to Council Policy P040114;</li> <li>2. Forward a copy of the adopted Dress Code to the Department of Home Affairs as required under the Australian Citizenship Code; and</li> <li>3. Amend Council Policy P040114 as follows;                             <ol style="list-style-type: none"> <li>a) Change the name of the Policy to Citizenship Ceremonies;</li> <li>b) Replace Part 1 with the following;                                     <ul style="list-style-type: none"> <li>“<i>Ceremonies will be scheduled at the beginning of each year to be held;</i> <ul style="list-style-type: none"> <li>• <i>On Australia Day; and</i></li> <li>• <i>Prior to an Ordinary Council Meeting day in April; and</i></li> <li>• <i>Prior to an Ordinary Council Meeting day in July; and</i></li> <li>• <i>On a weekday in September (as close as possible to the 17<sup>th</sup> being National Citizenship Day), preferably prior to an Ordinary Council meeting.”</i></li> </ul> </li> </ul> </li> <li>c) Part 2 be amended to read,                                     <ul style="list-style-type: none"> <li>“<i>Light refreshments will be provided following scheduled Ceremonies</i>”.</li> </ul> </li> </ol> </li> </ol>	
<b>AMENDMENT</b>	
MOVED: CR GIBSON	SECONDED: CR LEWIS
<p>Amend the Dress Code by;</p> <ol style="list-style-type: none"> <li>1. changing the words “smart/casual” to “smart casual”; and</li> <li>2. changing the word “nationality’s” to “origin’s”.</li> </ol>	
CARRIED: 8/1	Res: 120220



Pursuant to Council Policy P040134 all Councillors' votes on the above resolution are recorded as follows;

FOR: Cr Gibson, Cr Bowley, Cr Allen, Cr Seeney, Cr Gearon, Cr Phillips, Cr Lewis and Cr Jones.

AGAINST: Cr Osborne.

**AMENDMENT**

MOVED: CR OSBORNE SECONDED: CR BOWLEY

Amend the Dress Code by replacing the words "you are welcome to wear your country of nationality's traditional wear if you wish" with the words "should reflect the significance of the occasion".

CARRIED: 5/4 Res: 130220

Pursuant to Council Policy P040134 all Councillors' votes on the above resolution are recorded as follows;

FOR: Cr Osborne, Cr Bowley, Cr Allen, Cr Seeney and Cr Jones.

AGAINST: Cr Lewis, Cr Phillips, Cr Gearon and Cr Gibson.

**AMENDED MOTION**

That with respect to Citizenship Ceremonies conducted by the Shire of Denmark, Council;

1. Adopt a Dress Code which reads, "The dress code for the ceremony is smart casual and should reflect the significance of the occasion" and this be added as an addition to Council Policy P040114;
2. Forward a copy of the adopted Dress Code to the Department of Home Affairs as required under the Australian Citizenship Code; and
3. Amend Council Policy P040114 as follows;
  - a) Change the name of the Policy to Citizenship Ceremonies;
  - b) Replace Part 1 with the following;
 

*"Ceremonies will be scheduled at the beginning of each year to be held;*

    - *On Australia Day; and*
    - *Prior to an Ordinary Council Meeting day in April; and*
    - *Prior to an Ordinary Council Meeting day in July; and*
    - *On a weekday in September (as close as possible to the 17<sup>th</sup> being National Citizenship Day), preferably prior to an Ordinary Council meeting."*
  - c) Part 2 be amended to read,

*"Light refreshments will be provided following scheduled Ceremonies".*

THE AMENDED MOTION BECAME THE SUBSTANTIVE MOTION WHICH WAS PUT & CARRIED UNANIMOUSLY: 9/0 Res: 140220

**COUNCIL RESOLUTION**

MOVED: CR GIBSON SECONDED: CR PHILLIPS

That the meeting be adjourned for a short break, the time being 6.09pm.

CARRIED UNANIMOUSLY: 9/0 Res: 150220

**COUNCIL RESOLUTION**

MOVED: CR GIBSON SECONDED: CR LEWIS

That the meeting resume, the time being 6.18pm.

CARRIED UNANIMOUSLY: 9/0 Res: 160220

### 8.3.2 ATTENDANCE AT EVENTS POLICY

<b>File Ref:</b>	ADMIN.2
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	10 January 2020
<b>Author:</b>	Claire Thompson, Executive Assistant & Governance Coordinator
<b>Authorising Officer:</b>	David Schober, Acting Chief Executive Officer
<b>Attachments:</b>	8.3.2 – Draft Attendance at Events Policy

#### Summary:

Council are required to adopt an Attendance at Events policy.

#### Background:

Recent changes (October 2019) to the Local Government Act incorporated amendments to the disclosure provisions, which excludes gifts relating to Council Member and CEO attendance at events, if the attendance is approved in accordance with an adopted Attendance at Events policy.

#### Consultation:

The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal and considered Council's Community Engagement Policy P040123 and the associated Framework and believes that no additional external/internal engagement or consultation is required.

The Department of Local Government, Culture and Industries have been consulted on the draft policy and deemed that it complies with what is required.

#### Statutory Obligations:

Section 5.90A of the Local Government Act 1995 provides that a local government must prepare and adopt an Attendance at Events Policy.

Section 5.62 (1B) provides exclusion from disclosure for gifts approved pursuant to an adopted Attendance at Events Policy.

#### Policy Implications:

This report seeks Council's adoption of a new Attendance at Events Policy.

The draft policy authorises the CEO and, in the case of the CEO, the Shire President or Deputy Shire President to approve attendance at events in accordance with the policy guidelines.

#### Budget / Financial Implications:

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

#### Strategic & Corporate Plan Implications:

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

#### Denmark 2027

L5.0 Our Local Government

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

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

Corporate Business Plan

Nil

**Sustainability Implications:**

➤ **Governance:**

Pursuant to changes in legislation, all local governments are required to adopt an Attendance at Events Policy and requires the policy be published on the Shire’s website. The main purpose for the change is ensure transparency and accountability in decision-making.

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council don’t adopt an Attendance at Events Policy.	Rare (1)	Minor (2)	Low (1-4)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation

**Comment/Conclusion:**

In developing a policy one of the main principles to consider is the benefit to the community or local government in having member/s of Council or the CEO attend the event.

Attendance at events approved under an Attendance at Events policy enables Council Members and the CEO to participate in Council meetings where the event organiser or third party may have a matter before Council. It is not intended to be used as a mechanism to avoid conflict of interest provisions where significant matters are likely to come before Council from the provider of the invitation.

Extract from the Department of Local Government, Sport and Cultural Industries Operational Guidelines (Attendance at Events Policy);

*“While attending events is generally considered an important function for council members and the CEO to represent the local government, if there are costs involved, especially significant costs, it can lead to criticism from the community for spending ratepayer’s money if the tangible benefits are not identified. Similarly, if the council is accepting tickets, including those as a result of sponsorship, there can be a perception of bias when matters affecting that organisation come before council.”*

Examples of what is defined under the word “events” is provided in the legislation however, this is not an exhaustive list and Council can consider the range of events that may be

relevant to the Shire of Denmark. Ultimately, it is the decision of the Council as to what is contained within the policy. The Officer considers the definition provided in the draft policy, in the context of “local” events, is adequate and has the view that it should be kept fairly broad and individual events need not be listed.

**Voting Requirements:**

Absolute majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 8.3.2
MOVED: CR PHILLIPS	SECONDED: CR GIBSON
That Council adopt the draft Attendance at Events Policy, as per Attachment 8.3.2.	
CARRIED UNANIMOUSLY AND BY AN ABSOLUTE MAJORITY: 9/0	Res: 170220

**8.3.3 ELECTED MEMBER TRAINING & CONTINUING PROFESSIONAL DEVELOPMENT POLICY**

<b>File Ref:</b>	ADMIN.2
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	5 February 2020
<b>Author:</b>	Sue Mearns, Executive Support Officer
<b>Authorising Officer:</b>	David Schober, Acting Chief Executive Officer
<b>Attachments:</b>	Nil

**Summary:**

This report recommends that Council adopt a Policy relating to Continuing Professional Development; and determine the preferred service provider for Elected Member Training.

**Background:**

The Local Government Legislation Amendment Act 1995 received the Governor’s assent on 5 July 2019. S5.128 requires Councils to adopt a policy in relation to the continuing professional development of Elected Members with a requirement for a Policy to be published on the local government website.

The Department of Local Government, Sport and Cultural Industries (DLGSC) have subsequently advised that all Council Members will need to complete the Council Member Essentials training course, within 12 months of being elected. The course has been developed to provide Council Members with the skills and knowledge to perform their roles as leaders in their district.

**Consultation:**

Officers have consulted with the Department of Local Government, Sport and Cultural Industries (DLGSC), South Metropolitan TAFE and WALGA.

**Statutory Obligations:**

Pursuant to section 5.128 of the Local Government Act 1995, all Councils are required to adopt a policy in relation to the continuing professional development of Elected Members, with a requirement that an up-to-date version of the policy be available on the Shire’s website.

In addition, s5.127 will require the Shire to report on the training completed by Elected Members each financial year, and that report is to be published on the Shire’s website within 1 month after the end of the financial year.

**Policy Implications:**

The following draft policy is for Council's consideration:

*PXXXX Continuing Professional Development*

*Objective*

*To ensure that Elected Members of the Shire of Denmark receive appropriate information and training to enable them to understand and undertake their responsibilities and obligations.*

*Policy*

*The Shire of Denmark recognises the importance of providing Elected Members with the knowledge and resources that will enable them to fulfil their role in accordance with statutory compliance and community expectations and make educated and informed decisions.*

*Pursuant to the Local Government Act 1995, Elected Members must complete Council Member Essentials which incorporates the following training units:*

- a. Understanding Local Government*
- b. Conflicts of Interest*
- c. Serving on Council*
- d. Meeting Procedures and Debating*
- e. Understanding Financial Report and Budgets*

*Council's preferred provider for the training is WALGA (WA Local Government Association).*

*All units and associated costs will be paid for by the Shire, and must be completed by 30 June in the year immediately following the Elected Member's election. The training is valid for a period of five years.*

*Additionally, the Shire will publish, on the Shire's website, training undertaken by all Elected Members within 1 month after the end of the financial year pursuant to Local Government Act 1995.*

*Members wishing to attend training, conferences, events and the like where expenses are likely to be incurred, should contact the CEO or the Shire President beforehand to discuss their intention / request.*

*It is Council's preference that the training is undertaken via the eLearning method which is the more cost efficient form of delivery. It is acknowledged however that there may be Elected Members who prefer to receive training face-to-face and/or opportunities to attend training which is being delivered in the Great Southern region. Individual training requirements can be discussed with the Shire President or CEO.*

**Budget / Financial Implications:**

There is an amount of \$10,000 currently available in the Councillor training budget for the 2019/2020 financial year.

Costs associated with accommodation, meals and travel expenses should be taken into consideration for any face-to-face training.

**Strategic & Corporate Plan Implications:**

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

Denmark 2027

L5.0 Our Local Government

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

L5.1 To be high functioning, open, transparent, ethical and responsive

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

Corporate Business Plan

Nil

**Sustainability Implications:**

➤ **Governance:**

In 2017 the McGowan Government announced a review of the Local Government Act 1995. The changes to the act have been introduced in recognition of the unique and challenging role that council members have. Subsequent to these changes, it is now required that all council members undertake training within the first 12 months of being elected.

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not adopt a policy compliant with the Local Government Legislation Amendment Act 2019.	Rare (1)	Minor (2)	Low (1-4)	Failure to meet statutory, regulatory or compliance requirements	Council endorsement of a Policy

**Comment/Conclusion:**

All Council Members will have to complete the Council Member Essentials course unless, in the previous five years, they have passed the Diploma of Local Government 52756WA (Elected Member) or the course titled LGASS00002 Elected Member Skill Set.

The Council Member Essentials course comprises of the following five units:

- Understanding Local Government (1/2 day) – eLearning
- Serving on Council (1/2 day) – eLearning
- Meeting Procedures (2 days)
- Conflicts of interest (1 day)
- Understanding financial reports and budgets (1 day)

Courses are provided by the following two organisations with several delivery options available:

WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA)

Options	Delivery of training	Individual Cost
Option 1	Three (3) individual Face to Face (at WALGA offices) plus two (2) eLearning	\$2240 per person
Option 2	Five (5) Individual eLearning ( <i>all 5 courses conducted online</i> )	\$975 per person

SOUTH METROPOLITAN TAFE

Training Course	Individual fees	
	Face to face per participant at SMT	ELearning per participant
Understanding Local Government	450.00	250.00
Serving on Council	800.00	440.00
Conflicts of Interest	450.00	250.00
Understanding Financial Reports & Budgets	450.00	250.00
Meeting Procedures	450.00	250.00
All 5 courses in one amalgamated course	2,365.00	1,300.00

\*Travel and accommodation costs need to be added to the above costs for face to face learning.

COST COMPARISON TABLE

Options	WALGA	SMTafe
1 <ul style="list-style-type: none"> <li>ELearning modules (all courses online)</li> </ul>	\$975 PP	\$1300 PP
2 <ul style="list-style-type: none"> <li>3 individual face to face (duration 4 days)</li> <li>2 ELearning (<i>Understanding Local Government and Conflicts of Interest</i>)</li> </ul>	\$2240 PP	\$2200 PP

The Shire of Denmark’s Annual Budget includes allowance for the costs associated with Elected Member training, which could be face-to-face or completed online. Council Officers will liaise with Councillors to arrange mutually convenient training opportunities. The training is valid for five years.

The Officer has recommended that the policy refer to eLearning being the Council’s preference, given that this represents a cost saving to the Shire. However, the policy also acknowledges that there may be Elected Members who prefer to receive training face-to-face and/or opportunities to attend training which is being delivered in the Great Southern region. Individual training requirements can be discussed with the Shire President or CEO.

Should an Elected Member have completed any of the units of training previously, the Elected Member will be required to undertake the on-line assessment component only of the training which will then be auto marked and a Certificate of Achievement automatically issued.

The Officer has recommended WALGA as the Shire’s preferred facilitator for the Council Member Essentials training.

**Voting Requirements:**  
Absolute majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 8.3.3</b>
<b>MOVED: CR JONES</b>	<b>SECONDED: CR GIBSON</b>
That with respect to section 5.128 of the Local Government Act 1995, Council:	
1. Adopt the draft Continued Professional Development Training Policy as detailed under the policy implications heading of the report; and	
2. Select WALGA for delivery of Council Member Essentials Training.	
<b>CARRIED UNANIMOUSLY AND BY AN ABSOLUTE MAJORITY: 9/0</b>	<b>Res: 180220</b>

**8.3.4 APPOINTMENT OF COMMUNITY MEMBERS ON THE DISABILITY SERVICES ADVISORY COMMITTEE, PUBLIC HEALTH PLAN WORKING GROUP AND THE SUSTAINABILITY STRATEGY WORKING GROUP**

<b>File Ref:</b>	PLN.88.A, COMM.DSC, PLN.84
<b>Applicant / Proponent:</b>	Various
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	29 January 2020
<b>Author:</b>	Claire Thompson, Executive Assistant & Governance Coordinator
<b>Authorising Officer:</b>	David Schober, Acting Chief Executive Officer
<b>Attachments:</b>	8.3.4a – Community Member Applications (CONFIDENTIAL to Councillors) 8.3.4b – Disability Services Advisory Committee Charter 8.3.4c – Sustainability Strategy Working Group Terms of Reference 8.3.4d – Public Health Plan Working Group Terms of Reference

**Summary:**

This report recommends that Council appoint community members to the Disability Services Advisory Committee, the Public Health Plan Working Group and the Sustainability Strategy Working Group.

It is also recommended that Council:

- Amend the Public Health Plan Working Group membership; and
- 1. Amend the membership and Terms of Reference for the Sustainability Strategy Working Group.

**Background:**

Following the meeting held on 19 November 2019 (Council Resolutions 201119 and 211119), community member vacancies were advertised for the following Council Committee and Working Groups:

Committee / Working Group	Number of Vacancies
Disability Services Advisory Committee (including one position for Community Professional – Public Sector)	6
Sustainability Strategy Working Group	1
Public Health Plan Working Group (New)	2

**Consultation:**

Advertising commenced on 29 November 2019 in the Denmark Bulletin, the Walpole Weekly, Shire of Denmark Notice Boards, the Shire’s website and Facebook page.

The closing date for applications was 3 January 2020.

**Statutory Obligations:**

Section 5.10 of the Local Government Act 1995 relates to the appointment of committee members.



- “5.10. Committee members, appointment of*
- (1) A committee is to have as its members —*
    - a) persons appointed\* by the local government to be members of the committee (other than those referred to in paragraph (b)); and*
    - b) persons who are appointed to be members of the committee under subsection (4) or (5).*
  - (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.*
  - (3) Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.*
  - (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.*
  - (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —*
    - a) to be a member of the committee; or*
    - b) that a representative of the CEO be a member of the committee, the local government is to appoint the CEO or the CEO’s representative, as the case may be, to be a member of the committee.”*

**Policy Implications:**

Policy P040235 - Presiding Members of Council Committees relates and reads as follows;

“Objectives

- *To maximise the adherence of Council Committees and Working Groups to adopted policies and procedures;*
- *To maximise the likelihood of Council Committees and Working Groups having continuity of a Presiding Person for the duration of its term; and*
- *To maximise the efficiency and effectiveness of Committees and Working Groups by ensuring that the Chairperson has the appropriate training and support.*

Policy

*Wherever there is one or more Elected Members appointed to a Council Committee or Working Group, then it is Council Policy that the members of the Committee should elect one of those Elected Members to the role of Presiding Person.*

*A Presiding Person, and if required a Deputy, is to be elected using the same method as detailed in Section 5.12 of the Local Government Act 1995.*

*A deputy of a member of a Committee or Working Group may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause and a deputy of a member of a Committee or Working Group, while acting as a member, has all the functions of and all the protection given to a member (Section 5.11A of the Local Government Act 1995).”*

**Budget / Financial Implications:**

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

**Strategic & Corporate Plan Implications:**

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

Denmark 2027

## L5.0 Our Local Government

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

L5.1 To be high functioning, open, transparent, ethical and responsive.

Corporate Business Plan

4.1.2 Ensure that a system of processes through which the Shire conducts its decision making and directs, controls, and monitors the operation of the organisation, is implemented and maintained.

4.4.6 Support strategic alliances, community groups, stakeholder forums and advisory committees that assist the Shire in policy development and service planning.

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

Community representation on Council Committees and Working Groups provide a consultative structure to assist the Council with its decision making and its delivery of projects and provision of services and facilities.

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

Community members on Council Committees and Working Groups provide an important 'community' perspective on Council functions, service provisions and strategic direction.

➤ **Risk:**

There are no known risks associated with the report or officer recommendations.

**Comment/Conclusion:**

Copies of the applications are attached (refer Attachment 8.3.4a – CONFIDENTIAL to Councillors).

## DISABILITY SERVICES ADVISORY COMMITTEE

A copy of the Committee Charter is attached (refer Attachment 8.3.4b).

There were 6 applications received for 6 vacancies. Council have the option to appoint all, some or some of the applicants. The Officer recommends appointing all of the applicants.

## SUSTAINABILITY STRATEGY WORKING GROUP

There were 5 applications received for 1 vacancy. Council have the option to;

1. Select and appoint 1 applicant; or
2. Amend the Terms of Reference to have 12 community members rather than 7 and appoint all applicants; or
3. Not appoint any applicant.

The Officer recommends option 2. In addition to amending the membership, the Director Assets & Sustainable Development recommends allowing for the meetings to be conducted by an external facilitator. The recommended change would result in the Working Group consisting of 15 members, all of who would have considerable knowledge, experience and suggestions to contribute. An external facilitator working with the Presiding Person could ensure that outcomes are achieved effectively in a timely manner.

Refer Attachment 8.3.4c for a draft amended Terms of Reference.

**PUBLIC HEALTH PLAN WORKING GROUP**

There were 3 applications received before the 3 January 2020 closing date. Carl Heslop missed the deadline to submit his application and has subsequently submitted one on 29 January 2020. Given Carl’s extensive knowledge and experience in public health it is recommended that his application be considered by Council. Council have the option to;

1. Select and appoint 1 applicant; or
2. Amend the Terms of Reference to have 5 community members rather than 2 and appoint the three applicants who submitted their applications prior to the closing date; or
3. Amend the Terms of Reference to have 6 community members rather than 2 and appoint 4 applicants; or
4. Not appoint any applicant and re-advertise the vacancies.

The Officer recommends option 3 to maximise the benefits of receiving the considerable knowledge and experience of all 4 applicants towards the development of the Shire’s Public Health Plan.

Refer Attachment 8.3.4d for a draft amended Terms of Reference.

**Voting Requirements:**

Absolute majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 8.3.4a
MOVED: CR ALLEN	SECONDED: CR GIBSON
That with respect to the Disability Services Advisory Committee, Council;	
1. Appoint Helen Spencer, Emma Reilly, Yvonne Hortin, Peter Boyes and Geoff Hill as community members; and	
2. Appoint Adrian Hinds as the community professional member.	
CARRIED UNANIMOUSLY AND BY AN ABSOLUTE MAJORITY: 9/0	
Res: 190220	

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 8.3.4b
MOVED: CR LEWIS	SECONDED: CR GIBSON
That with respect to Sustainability Strategy Working Group, Council;	
1. Amend the Terms of Reference as follows;	
a) Increase the number of community representatives from 7 to 12;	
b) Add a new clause “5.9 Meeting Format” to state, “The meetings will be conducted by an external facilitator appointed by the Director Assets & Sustainable Development”; and	
2. Appoint Alexander Gavranich, Mark Jones, Mark McHenry, Miguel Pez and Jeffrey Spencer as community members.	
CARRIED UNANIMOUSLY AND BY AN ABSOLUTE MAJORITY: 9/0	
Res: 200220	

**OFFICER RECOMMENDATION**

ITEM 8.3.4c

That with respect to Public Health Plan Working Group, Council;

1. Increase the number of community representatives in the Terms of Reference from 2 to 5; and
2. Appoint Susan Morison, Karl Richardson, Petra Thompson and Carl Heslop as community members.

**COUNCIL RESOLUTION**

ITEM 8.3.4c

MOVED: CR GEARON

SECONDED: CR PHILLIPS

That with respect to Public Health Plan Working Group, Council;

1. Increase the number of community representatives in the Terms of Reference from 2 to 5;
2. Appoint Susan Morison, Karl Richardson, Petra Thompson and Carl Heslop as community members; and
3. Change the Councillor Member from Cr Gearon to Cr Bowley.

CARRIED UNANIMOUSLY AND BY AN ABSOLUTE MAJORITY: 9/0

Res: 210220

REASONS FOR CHANGE

Councillors wished to change the Council member on the Working Group.

**8.3.5 DENMARK MEN'S SHED LEASE**

<b>File Ref:</b>	A3140
<b>Applicant / Proponent:</b>	Denmark Men's Shed Inc.
<b>Subject Land / Locality:</b>	No. 2 (Lot 952) Inlet Drive, Denmark (Reserve No. 30277)
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	17 January 2020
<b>Author:</b>	Claire Thompson, Executive Assistant & Governance Coordinator
<b>Authorising Officer:</b>	David Schober, Acting Chief Executive Officer
<b>Attachments:</b>	8.3.5 – Draft Lease

*This item was brought forward in the Agenda for consideration prior to Item 8.1.3. Refer to page 60.*

**8.3.6 MINOR REVIEW OF THE STRATEGIC COMMUNITY PLAN**

<b>File Ref:</b>	ADMIN.1.2027
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	3 February 2020
<b>Author:</b>	Teiga Murray, Corporate Planning Officer
<b>Authorising Officer:</b>	David Schober, Acting Chief Executive Officer
<b>Attachments:</b>	8.3.6a – Updated Strategic Community Plan 8.3.6b – Minor Review Feedback Form

**Summary:**

The Strategic Community Plan is Council's principal strategy and planning document that links community aspirations with the Council's vision and long-term strategy. The purpose of this report is for Council to consider the proposed changes to the Strategic Community Plan, Denmark 2027, following a minor review.

**Background:**

The Local Government Act 1995 and the Local Government (Administration) Regulations 1996 require each Local Government to adopt a Strategic Community Plan and Corporate Business Plan as part of a 'Plan for the Future'. In accordance with Section 5.56(1) of the Local Government Act 1995, Local Governments must undertake full review of their Strategic Community Plan (SCP) every four years.

The legislative requirements of the 'Plan for the Future' are underpinned by the Department of Local Government, Sport and Cultural Industries' Advisory Standards and Guidelines, titled the Integrated Planning and Reporting (IPR) Framework. The IPR Framework states that every two years, Local Governments are required to undertake a review of the Strategic Community Plan, alternating between a minor and major review.

The IPR Framework states that:

*"A Minor Strategic Review is primarily a desktop exercise and usually focuses on resetting the Corporate Business Plan with consequential amendments to the core informing strategies as required. Assuming there are no major changes proposed, community engagement is discretionary. However, if significant changes are on the cards, then community engagement or consultation is expected. The degree of consultation or engagement should be reflective of the significance of the proposed change.*

*A Major Strategic Review re-engages with the community on the vision and key choices for the coming ten and four years."*

To facilitate the major review of the Strategic Community Plan in 2017, Council endorsed a four-stage community engagement program that featured increasing levels of public participation. The community engagement program followed the IAP2 model of public participation which is widely regarded by Local Governments and other organisations as best practice. Over 1,127 responses were received during the major review via fifteen engagement mechanisms, exceeding the Department of Local Government, Sport and Cultural Industries' advisory standard of 500 responses and two documented mechanisms.

Following the major review and subsequent adoption of Denmark 2027 in December 2017, the Shire commenced a minor review of the Strategic Community Plan in November 2019 in line with the IPR Framework. Although no major changes were proposed, the Shire sought to involve the community prior to Council and staff considering any changes to the document as part of the minor review.

**Consultation:**

To facilitate the minor review the Shire of Denmark sought feedback from the community, Shire officers and Council.

A request for community feedback was made in November 2019, with community members asked whether they believe the Strategic Community Plan aspirations and objectives were still relevant (and if not, why not).

The request for community feedback was advertised in the Denmark Bulletin and Walpole Weekly, on the Shire's website and Facebook page. The request was also emailed to registered contacts on the Shire's Community Contact database ([www.denmark.wa.gov.au/community-contacts-database.aspx](http://www.denmark.wa.gov.au/community-contacts-database.aspx))

The Shire received 13 submissions from the community during the review period which were considered by Shire officers and Councillors at a workshop held on the 21<sup>st</sup> January 2020. The submissions and responses are detailed as follows:

Do you think our SCP aspirations and objectives are still relevant?	Response
<p>Overall, Yes, with qualifying in the following context:                      Regarding the mechanisms for implementing the objectives, is it considered to cross reference across different themes.                      Eg E1.2 (tourist destination) with N2.3 (reduce human impact) with car parks, water resources, etc.                      Regarding definitions: many words seem ambiguous or loose. eg L5.2 Meaningful collaboration with the community. While I have no judgement on the following: Tha House, Bandstand, Cemetery committee/fairies - it seems there is some disenfranchised aspect of all 3 of these that those directly affected feel the collaboration &amp; transparency wasn't present. It comes up for me when I speak of the vastly improved shire processes in my area (environment).                      Regarding Summary Statement on front page of doc 'celebrating the natural environment'. 'Celebrate' isn't a word in the N2 list in Aspirations and Objectives. I'm not sure what it means or where it came from. 'Value' may be preferable.</p>	<p>Officers and Councillors considered cross referencing objectives throughout the five pillars, however agreed it would need to be considered as part of a more comprehensive engagement period as part of a major review of the SCP.</p> <p>Comments regarding the Shire's performance against the Strategic Community Plan have been noted by Council and Shire officers.</p> <p>A change was made to the overall vision of Denmark 2027 to use the word 'value' as opposed to 'celebrate' which was creating some ambiguity. This change was consistent with the overall intent of feedback received during the major review.</p>
<p>Yes                      Have suggested a couple of small additions overleaf.                      Thank you for the opportunity to comment.                      E1.2 To be a vibrant and unique tourist destination, that celebrates <b>and safeguards</b> our natural and historical assets.                      L5.2 To have meaningful respectful and proactive <b>consultation and collaboration</b> with the community.</p>	<p>Officers and Councillors considered the suggested change to E1.2 and considered that the intent of 'safeguards' was present in the following aspirations and objectives:</p> <ul style="list-style-type: none"> <li>• <i>N2.0 Our natural environment is highly valued and carefully managed to meet the needs of our community, now and in the future</i></li> <li>• <i>N2.1 To preserve and protect the natural environment</i></li> <li>• <i>B3.0 We have a functional built environment that reflects our rural and village character and supports a connected, creative, active and safe community</i></li> <li>• <i>C4.3 To create a community that nurtures and integrates natural, cultural and historical values</i></li> <li>• <i>C4.4 To recognise and respect our local heritage and Aboriginal history</i></li> </ul> <p>Officers and Councillors considered the suggested change to L5.2 and considered that the addition of objective <i>L5.6 To seek two-way communication that is open and effective</i> would address the intent of this submission. This change was consistent with the overall intent of feedback received during the major review.</p>
<p>Yes</p>	<p>Submission noted.</p>
<p>Yes. As long as they are adhered to.</p>	<p>Submission noted.</p>

<p>E1.1 I see a disconnect between the business community and the shire in respect to communication exchanges. Can the local business community be expected to be "resilient, stable and innovative" (inherent contradictions in charge? innovative and stability/resilience). Suggest an objective for meaningful, productive dialogue between the Chamber of Commerce, local business community leaders and the Shire.</p>	<p>Officers and Councillors considered the submission and altered objective E1.1 to read as follows: <i>To have a <u>stable and locally supported resilient, stable and innovative</u> business community that embraces <u>innovation</u> creativity, resourcefulness and originality.</i> This change was consistent with the overall intent of feedback received during the major review.</p> <p>The feedback relating to the Chamber of Commerce was noted, with the Chamber already appearing as a Key Partner on page 15 of the document. Feedback regarding open dialogue is noted in existing L5 Our Local Government objectives and in the addition of objective <i>L5.6 To seek two-way communication that is open and effective.</i></p>
<p>Yes</p>	<p>Submission noted.</p>
<p>Yes</p>	<p>Submission noted.</p>
<p>Yes</p>	<p>Submission noted.</p>
<p>Yes!! And No No - Because everything the shire does needs to be in context of the declaration of CLIMATE EMERGENCY hence this must be the primary consideration in the SCP</p>	<p>Submission noted with existing objective <i>N2.4 To acknowledge and adapt to climate change</i> provided in Denmark 2027.</p>
<p>NO. We do not believe that the Shire of Denmark is fulfilling the aspirations and objectives relevant to nodal communities such as Peaceful Bay for example: B3.1 B3.2 B3.3 B3.4 L5.2</p>	<p>Comments regarding the Shire's performance against the Strategic Community Plan have been noted by Council and Shire officers.</p>
<p>Yes, still relevant. How do we realise these aspirations and objectives? Is there an action plan?</p>	<p>Submission noted. The Corporate Business Plan is the designated 'action plan' within the IPR Framework, outlining projects and activities that the Shire will undertake over a four-year period that support the vision of Denmark 2027.</p>
<p>Response to your Minor Review request. 1. Yes, the strategic community plan's aspirations and objectives are still relevant, but this is conditional on the question being asked. 2. Given that each aspiration and objective is equal to any other it becomes a political decision which, if any, takes precedent. 3. There will be issues that ratepayers are not informed about, so comments cannot be made. 4. Sometimes the aspirations and objectives are not followed for pragmatic</p>	<p>Comments regarding the Shire's performance against the Strategic Community Plan have been noted by Council and Shire officers.</p> <p>The addition of objective <i>L5.6 To seek two-way communication that is open and effective</i> would address the intent of this submission.</p>

<p>reasons; for example, the issuing of rates in 2019. Had the Shire issued a statement with information about how and why they were delayed and recalculated then most ratepayers would have understood and it would not have become an issue. See L5.1, L5.2.</p> <p>5. While the aspirations and objectives are still relevant, it is how they are implemented at crucial times that makes them pragmatic or not.</p> <p>6. Perhaps, a new entry under L5 our local government should include: To recognise the need to communicate openly and effectively with the community.</p>	
<p>As discussed yesterday I've had a look at the Denmark Community plan which is a very good document and I believe we could improve it slightly by acknowledging/highlighting a few spots where Road Safety could be mentioned which would make it more usable by the RoadWise Committee if/when we are looking for external funding in future.</p> <p>My comments which we might like to submit from the RW Committee would be as follows</p> <ul style="list-style-type: none"> <li>• Page 5 – it is good to see “safe community” mentioned under the Theme: Our Community. Maybe there could also be some mention under the Theme: Our Built Environment around safety as I presume this theme is what covers roads etc. May be             <ul style="list-style-type: none"> <li>o We have a functional built environment that reflects our rural and village character and supports a safe, connected, creative and active community</li> </ul> </li> <li>• Page 10 – probably hard to change anything in the “What the Community told us” section but wondering if under key issues the last comment “the need for infrastructure to cope with increased population and tourism” includes need for improved road infrastructure?</li> <li>• Page 12 Under “our Response” –             <ul style="list-style-type: none"> <li>o in the Our Built Environment section could there be some mention of safety under point B3.2 as this looks like the most relevant spot for roads to be covered.</li> <li>o In Our Community it is good to see safety mentioned in C4.1 could it be expanded to included facilities/infrastructure as well that foster ..... rather than just services?</li> </ul> </li> <li>• Page 19 – same comment as for page 5 maybe good to add safe to the Aspiration</li> </ul>	<p>Officers and Councillors considered the submission and altered B3.0 to read as follows: <i>We have a functional built environment that reflects our rural and village character and supports a connected, creative, <del>and active</del> and safe community.</i> This change was consistent with the overall intent of feedback received during the major review.</p> <p>Alterations to page 10 were unable to be considered as the feedback was drawn directly from a community survey during the major review.</p> <p>Further changes to include safety references within the Built Environment were considered to be covered through the alteration of the aspiration. The following existing objectives also are in line with the intent of safe infrastructure:</p> <ul style="list-style-type: none"> <li>• <i>B3.1 To have public spaces and infrastructure that are accessible and appropriate for our community</i></li> <li>• <i>B3.2 To have community assets that are flexible, adaptable and of high quality to meet the purpose and needs of multiple users</i></li> <li>• <i>B3.4 To manage assets in a consistent and sustainable manner</i></li> </ul> <p>The Towards Zero Road Safety Strategy was included on Page 21 as an informing Strategy.</p> <p>Comments regarding referencing infrastructure in the Community pillar were not actioned as the Built Environment pillar is reflective of infrastructure and the Community pillar is reflective of services. For this reason, it was also deemed appropriate the Built Environment pillar</p>



<p>for built environment</p> <ul style="list-style-type: none"> <li>• Page 20 same as for page 12 – possible inclusion of safety under B3.2</li> <li>• Page 20 – under the New section could we include mention of the RoadWise Committee’s annual Action Plan as a reference doc?</li> <li>• Page 21 – under State and Federal strategies that inform – Should there be a mention of the Towards Zero Road Safety Strategy</li> <li>• Page 23 – as for page 12 - In Our Community it is good to see safety mentioned in C4.1 could it be expanded to included facilities/infrastructure as well that foster ..... rather than just services?</li> <li>• Page 23 – could we get monitoring the Road Safety statistics as measure of success?</li> <li>• Page 24 - under State and Federal strategies that inform – Should there be a mention of the Towards Zero Road Safety Strategy</li> </ul>	<p>referenced the Towards Zero Road Safety Strategy rather than the Community pillar.’</p> <p>Changes to the measures of success were outside the scope of the minor review. Detailed measures of success form a key component of the Corporate Business Plan and Council and Officers will consider this feedback when reviewing the Corporate Business Plan later this year.</p>
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The changes listed above have been reflected across all relevant parts of the document and are highlighted in the attachment in yellow.

Shire Officers and Councillors also made the following changes during the workshop to reflect staff and Councillor feedback:

- Updating Page 4:
  - To remove the reference to the Community Satisfaction occurring every two years, as at present the Shire conducts a MARKYT Scorecard every year.
  - To ensure the names of two informing strategies accurately reflect the titles of the documents adopted by Council.
- Updating Page 12 to include the statement *“These five pillars represent the community’s feedback and the way forward for the Shire of Denmark. Naturally some decisions may reflect a greater alignment to one aspiration over another, however Council and staff consider the impact that a decision will have across all pillars when considering projects, activities and requests.”* This statement was included to highlight that all aspirations and objectives are considered by Officers and Council when making decisions and they do not operate in isolation.

**Statutory Obligations:**

The requirements for the minor review of a Strategic Community Plan are detailed within the Department of Local Government, Sport and Cultural Industries Integrated Planning and Reporting Framework and Advisory Standards.

**Policy Implications:**

There are no policy implications relating to the development or adoption of the Strategic Community Plan as it is a legislative requirement

**Budget / Financial Implications:**

There are no budget/financial implications relating to the minor review of the Strategic Community Plan.

**Strategic & Corporate Plan Implications:**

The report and officer recommendation is consistent with the Local Government (Administration) Regulations 1996 and the Department of Local Government, Sport and Cultural Industries and Communities’ Integrated Planning and Reporting Framework and Advisory Standards.

**Sustainability Implications:**

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council choose not to finalise the minor review of the Strategic Community Plan and readopt the document	Unlikely (2)	Moderate (3)	Low (1-4)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation
That Council choose not to accept the modifications put forward by the community, officers and Councillors	Unlikely (2)	Minor (2)	Low (1-4)	Not Meeting Community expectations	Accept Risk and communicate the reasons for not accepting the modifications

**Comment/Conclusion:**

Denmark 2027 provides the long-term vision, values, aspirations and priorities for the Shire of Denmark and, as the foundational Integrated Planning and Reporting strategic document, drives the priorities of the Shire’s complementing strategic documents and plans.

Since adopting Denmark 2027 in December 2017, the Shire of Denmark has sought to align all operations within the organisation to support the community’s aspirations and objectives. Significant work has also been undertaken to develop a number of key informing strategies and plans that guide the future service delivery and infrastructure requirements within the Shire.

The minor review has highlighted that, on balance, the community is supportive of the aspirations and objectives outlined in Denmark 2027 and on the whole, believe they are still relevant.

The Shire has also received feedback relating to areas of improvement during the minor review. This will be reviewed by each relevant team in the organisation, in addition to Council, to guide the way we operate and will help shape the priorities of the next iteration of the Corporate Business Plan (the Shire’s four-year action plan).

**Voting Requirements:**

Simple majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 8.3.6</b>
MOVED: CR ALLEN	SECONDED: CR GIBSON
With respect to the Integrated Planning and Reporting Framework, Council;	
1. Endorse the changes proposed to the Strategic Community Plan, Denmark 2027, resulting from the minor review;	
2. Adopt Denmark 2027 as the principal planning and strategy document for the Shire of Denmark; and	
3. Endorse the vision, aspirations, objectives, strategies and plans included within Denmark 2027.	
6.48pm – Cr Osborne left the room.	
CARRIED UNANIMOUSLY: 8/0	Res: 220220

6.49pm – Cr Osborne returned to the room.

**9. COMMITTEE REPORTS AND RECOMMENDATIONS**

Nil

**10. MATTERS BEHIND CLOSED DOORS**

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 10</b>
MOVED: CR SEENEY	SECONDED: CR BOWLEY
That the meeting move behind closed doors pursuant to Section 5.23 (2) (b) of the Local Government Act 1995, for the consideration of	
1. Item 10.1 which discusses and could impact the personal affairs of a person; and	
2. Item 10.2 which discusses a potential contract that may be entered into.	
CARRIED UNANIMOUSLY: 9/0	Res: 230220

*Cr Gearon declares a financial interest on the basis that she is a Board Member of the Amazing South Coast Tourism Inc.*

*Cr Phillips declares a financial interest on the basis that she is a Member of the Amazing South Coast Tourism Inc.*

6.49pm - *Cr Gearon and Cr Phillips left the room and did not participate in discussion or vote on the matter.*

*The Deputy Shire President, Cr Allen assumed the chair as the Presiding Person.*

**10.1 AMAZING SOUTH COAST INC. – REQUEST FOR ADDITIONAL FUNDS**

<b>File Ref:</b>	ORG.88
<b>Applicant / Proponent:</b>	Amazing South Coast Inc.
<b>Subject Land / Locality:</b>	Shire of Denmark
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	3 February 2020
<b>Author:</b>	David Schober, Acting Chief Executive Officer
<b>Authorising Officer:</b>	David Schober, Acting Chief Executive Officer
<b>Attachments:</b>	10.1a – Letter from Amazing South Coast Tourism Incorporated 10.1b – Destination Marketing Organisation Project Funding Agreement

This report and the attachments were confidential and were provided to Councillors under separate cover.

**OFFICER RECOMMENDATION**

**ITEM 10.1**

That with respect to the proposed Amazing South Coast Tourism Incorporated request, Council approve, in principle, the request from the Amazing South Coast Tourism Incorporated to underwrite the Denmark Visitor Centre to a maximum value of \$23,405 for the 2019/20 financial year, as a one-off additional contribution, to continue visitor servicing at the Denmark Visitor Centre, subject to funds being identified to reallocate in the 2019/20 mid-year budget review (March 2020).

**COUNCIL RESOLUTION**

**ITEM 10.1**

MOVED: CR GIBSON

SECONDED: CR LEWIS

That with respect to the proposed Amazing South Coast Tourism Incorporated request to underwrite the Denmark Visitor Centre to a maximum value of \$23,405 for the 2019/20 financial year, Council;

1. Approve an increase to the monthly payments from \$7,916.67 to a maximum of \$13,767.67, from March 2020 to 30 June 2020 inclusive, subject to the following conditions;
  - a) That the Denmark Visitor Centre maintain its current opening hours, staffing level and levels of service;
  - b) That, by the 25 February 2020, the Amazing South Coast Tourism Inc. inform Denmark Visitor Centre employees of their intention to divest itself of visitor servicing in Denmark by 30 June 2020.

CARRIED UNANIMOUSLY: 7/0

Res: 240220

REASONS FOR CHANGE

Council wanted to provide a definitive answer to the Amazing South Coast Tourism Inc. rather than any additional funding being reliant on the outcome of the mid-year budget review in March 2020. In addition, Council wanted to ensure that the level of visitor servicing remained the same and that the Denmark Visitor Centre employees were aware of the Amazing South Coast Inc's current financial position.

*7.49pm – Cr Gearon & Cr Lewis returned to the room. Cr Gearon resumed the chair as the Presiding Person.*

**10.2 HARDY STREET REMEDIATION**

<b>File Ref:</b>	A5795
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	No. 26 (Lot 3002) Hardy Street, Denmark (Reserve No. 52384)
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	4 February 2020
<b>Author:</b>	David King, Director Assets & Sustainable Development
<b>Authorising Officer:</b>	David Schober, Acting CEO
<b>Attachments:</b>	10.2a – Auditor Approved Remediation Action Plan (RAP) 10.2b – Tendered Rates for Works Under Contract (WUC) 10.2c – Offer of Sale

This report and the attachments were confidential and were provided to Councillors under separate cover.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 10.2</b>
MOVED: CR GIBSON	SECONDED: CR JONES
That with respect to No. 26 (Lot 3002) Hardy Street, Denmark, Council:	
<ol style="list-style-type: none"> <li>1. Authorise the Chief Executive Officer to accept the Offer of Sale for \$1.00;</li> <li>2. Authorise officers to progress option 2b noting that there is an existing approved budget line for remediation works; and</li> <li>3. Request that officers amend expenditure accounts 1076002, 1076004 and income accounts 1076683 in the mid-year budget review.</li> </ol>	
CARRIED UNANIMOUSLY: 9/0	Res: 250220

<b>COUNCIL RESOLUTION</b>	<b>SECONDED: CR ALLEN</b>
MOVED: CR GEARON	
That Council come out from behind closed doors and proceed in public.	
CARRIED UNANIMOUSLY: 9/0	Res: 260220

*There were no members of the public that returned to the room and therefore the Shire President did not read out the resolutions for Items 10.1 and 10.2.*

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

Nil

**12. CLOSURE OF MEETING**

8.12pm – There being no further business to discuss, the Shire President, Cr Gearon declared the meeting closed.

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