

Shire of Denmark

Ordinary Council Meeting AGENDA

19 May 2020



TO BE HELD ELECTRONICALLY VIA VIDEO CONFERENCE ON TUESDAY, 19
MAY 2020, COMMENCING AT 4.00PM.



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Strategic Community Plan (snapshot)

E1.0

Our Economy

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

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

N2.0

Our Natural Environment

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

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

B3.0

Our Built Environment

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

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

C4.0

Our Community

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

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

L5.0

Our Local Government

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

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

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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

MEMBERS:

- Cr Ceinwen Gearon (Shire President)
- Cr 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)
- Ms Claire Thompson (Executive Assistant & Governance Coordinator)

APOLOGIES:

ON APPROVED LEAVE(S) OF ABSENCE:

ABSENT:

VISITORS:

DECLARATIONS OF INTEREST:

Name	Item No	Interest	Nature

3. ANNOUNCEMENTS BY THE PERSON PRESIDING

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTIONS

The Shire President advises that the Shire of Denmark has implemented the following procedures for members of the public to submit questions and receive responses:

Questions and comments need to be submitted to the Shire by 4.00pm on the Monday prior to the meeting. The comments and questions need to relate to items that are on the Agenda. Council and Officers will endeavour to answer any questions at the meeting. A summary of both the question and the response will be recorded in the Minutes.

Questions from the Public

SUSPENSION OF CLAUSE 9.1 OF STANDING ORDERS

As Members will be attending the meeting electronically and not in person, clause 9.1 should to be suspended,

OFFICER RECOMMENDATION

That Council suspend the operation of clauses 9.1 of the Shire of Denmark Standing Orders Local Law for the duration of this electronic meeting and that *members wishing to speak* must state their name, await acknowledgement from the Presiding Person and then speak.

4.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

4.4 PRESENTATIONS, DEPUTATIONS & PETITIONS

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

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

Nil.

5. APPLICATIONS FOR FUTURE LEAVE OF ABSENCE

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

6. CONFIRMATION OF MINUTES

6.1 ORDINARY COUNCIL MEETING – 21 APRIL 2020

OFFICER RECOMMENDATION

ITEM 6.1

That the minutes of the Ordinary Meeting of Council held on the 21 April 2020 be confirmed as a true and correct record of the proceedings.

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 STRUCTURE PLAN FOR LOT 374 SCOTSDALE ROAD, SCOTSDALE – FINAL APPROVAL

File Ref:	PLN.91
Applicant / Proponent:	Sam Williams Consulting
Subject Land / Locality:	Lot 374 Scotsdale Road, Scotsdale
Disclosure of Officer Interest:	None
Date:	5 May 2020
Author:	Craig Pursey, Manager Sustainable Development
Authorising Officer:	David King, Director Assets and Sustainable Development
Attachments:	8.1.1a – Structure Plan document 8.1.1b – Schedule of submissions

Summary:

Council is requested to endorse a Structure Plan for Lot 374 Scotsdale Road, Scotsdale for final approval and forward it to the Western Australian Planning Commission for final approval.

Background:

This Structure Plan applies to Lot 374 Scotsdale Road, Scotsdale.

The land is bound by Scotsdale Road to the east, unconstructed McLean Road to the south, privately owned land zoned Special Rural and Residential R2 to the west and privately owned land zoned Rural to the north. The land is accessible via Scotsdale Road.

Lot 374 is zoned "Rural" under the Shire of Denmark's Town Planning Scheme No.3 (the Scheme).

The Shire of Denmark's 2011 Local Planning Strategy (LPS) identifies the majority of the land as 'General Agricultural' and a triangular portion in the south eastern corner as 'Urban Residential' and 'Indicative Neighbourhood Connector Road'.

This Structure Plan has been prepared to facilitate the lodgement of a two-lot subdivision application to excise the triangular portion of the land identified as 'Urban Residential' from the remainder of the property.

The south-eastern corner of Lot 374 is currently being used as a tree nursery. The operator of the tree nursery business sought advice on whether this land could be subdivided to allow him to purchase it and further expand his business.

The subdivision proposal was discussed informally with officers from the Department of Planning, Lands and Heritage (DPLH) who advised that they would not be prepared to support a subdivision until such time as a basic structure plan had been prepared confirming the alignment of the 'indicative neighbourhood connector road' identified in the Shire's Local Planning Strategy 2011.

Structure plan documentation was received on the 14th January 2020 and initiated under delegated authority. The process for assessing a structure plan is covered in the 'statutory obligations' part of this report.

Consultation:

The Officer considered the Council's Community Engagement Policy P040123 and the requirements of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) and undertook the following advertising:

- Advert in the Denmark Bulletin;
- Notification to adjoining landowners and relevant agencies including DWER, DPIRD, Department of Health and DBCA;
- Emailed notification to all Councillors;
- Posting of the advertisement on the Shire's website; and
- A copy of the document being made available in the Shire offices.

Formal advertising closed on the 28th February 2020 with 6 submissions being received.

The submissions are reviewed in the attached Schedule of Submissions at 8.1.X (b) of this report.

Statutory Obligations:

Schedule 2, Part 4, clause 15 of the Regulations outlines that a structure plan may be prepared for an area that is:

- identified in a local planning scheme as being suitable for urban or industrial development (through zones such as Urban or Industrial Development);
- for other areas as identified in a scheme prior to subdivision or development of land;
- as requirement under a State Planning Policy (SPP); or
- as required by the WAPC for orderly and proper planning purposes.

The portion of Lot 374 in question is earmarked as 'Urban Residential' in the Local Planning Strategy 2011.

Schedule 2, Part 4, clauses 17 & 18 of the Regulations requires that upon acceptance of a structure plan it should be advertised for public comment, agency and utility feedback, the WAPC is notified and the plan placed on advertising seeking public comment. The Shire fully complied with the requirements of these clauses in the assessment process for the current structure plan.

Schedule 2, Part 4, clauses 19 & 20 of the Regulations require that Council consider the submissions received during advertising and make a recommendation to the WAPC on how to proceed with the structure plan.

Policy Implications:

There are no policy implications.

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

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.

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:**

There is no risk to Council in determining this Structure Plan proposal.

If Council choose to recommend support or refusal, this recommendation is forwarded to the WAPC for final determination and any appeal of their final decision lies with the WAPC.

Comment/Conclusion:

The proposed structure plan for Lot 374 Scotsdale Road, Scotsdale has been prepared with the intention of providing enough supporting information to prove that the planned Neighbourhood Connector Road (identified in the Local Planning Strategy) connecting McLean Road through to Scotsdale Road is feasible and appropriately located.

The neighbourhood connector alignment and intersection with Scotsdale Road have been assessed and supported by an independent engineer and the Shire’s Infrastructure Services team.

The south eastern corner of Lot 374 is identified for ‘Urban Residential’ development in the Local Planning Strategy, with Bayley Creek forming a natural boundary to the northern expansion of the planned residential area. This area will be the subject of more detailed planning; including structure planning and rezoning, prior to further residential development.

Support for the proposed Structure Plan of Lot 374 Scotsdale Road, Scotsdale is recommended.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION	ITEM 8.1.1
<p>That Council, in accordance with the requirements of the Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2, Part 4, clause 20:</p> <ol style="list-style-type: none"> 1. Endorse the proposed Structure Plan for Lot 374 Scotsdale Road, Scotsdale without modification; and 2. Forward a copy of the structure plan, Council report and submissions received to the Western Australian Planning Commission for determination. 	

8.2 DIRECTOR CORPORATE AND COMMUNITY SERVICES

8.2.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31 MARCH 2020

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	28 April, 2020
Author:	Scott Sewell, Accountant
Authorising Officer:	Lee Sounness, Executive Manager Corporate Services
Attachments:	8.2.1 – February Monthly Financial Report

Summary:

The attached financial statements and supporting information for the period ending 31 March 2020 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 other 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

L5.4 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:**

Nil

Comment/Conclusion:

As at 31 March 2020, total cash funds held (excluding trust funds) totals \$8,463,761 (Note 1).

Shire Trust Funds total \$850 (Note 9).

Reserve Funds (restricted) total \$4,225,485 (Note 5).

Municipal Funds (unrestricted) total \$4,238,276.

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 3), 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 the period ended 31 March 2020 (Statement of Financial Activity) except for items referenced in Note 3(a)
- The Rates Collection percentage currently sits at 90.65%, is in keeping with historical collection performance statistics (see Note 4)
- The 2019/20 Capital Works Program is 43.23% complete utilising actual year to date figures and the total committed cost is 59.32% as at 31 March 2020 (see Note 10).
- 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 (see Note 5).
- Salaries and Wages expenditure is generally in line with year to date budget estimates (not reported specifically in Financial Statement).

Other Information

- The financial statements presented as part of this report have been updated with the outcome of the mid-year budget review (MYBR) which was adopted by Council at its Ordinary meeting held on 17th March 2020 and therefore include all of the amendments to the adopted budget accepted by Council at that meeting.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION	ITEM 8.2.1
<p>That with respect to Financial Statements for the period ending 31 March 2020, Council receive the Financial Reports, incorporating the Statement of Financial Activity and other supporting documentation.</p>	

8.2.2 LIST OF PAYMENTS FOR THE PERIOD ENDING 30 APRIL 2020

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	5 April, 2020
Author:	Scott Sewell, Accountant
Authorising Officer:	Lee Sounness, Executive Manager Corporate Services
Attachments:	8.2.1 – March Monthly List of Accounts Submitted Report

Summary:

The purpose of this report is to advise the Council of payments made during the period 1 April 2020 to 30 April 2020.

Background:

Nil

Consultation:

Consultation was not required for this report.

Statutory Obligations:

Local Government (Financial Management) Regulation 13 relates.

Policy Implications:

Delegation Number D040201 relates.

Budget / Financial Implications:

There are no significant trends or issues to be reported.

Strategic & Corporate Plan Implications

Implement a financial strategy to ensure the Shire of Denmark’s financial sustainability.

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

Denmark 2027

L5.4 To be fiscally responsible

Corporate Business Plan

Nil

Sustainability Implications

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

Nil

Comment/Conclusion:

Nil

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION	ITEM 8.2.2
<p>That with respect to the attached Schedule of Payments, totalling \$1,465,504.80, for the month of March 2020, Council endorse the following summary of accounts:</p> <ul style="list-style-type: none"> • Electronic Funds Transfers EFT27423 to EFT27632 - \$1,052,012.14; • Municipal Fund Cheque No’s 60367 – 60370 - \$5,334.28; • Internal Account Transfers (Payroll) - \$346,466.55; and • Direct Debit - \$13,664.16; • Corporate Credit Card; \$721.48; • Department of Transport Remittances; \$40,104.60, and • Loan Payments: \$7,201.59 	

8.2.3 INVESTMENT REPORT FOR THE PERIOD ENDED 30 APRIL 2020

File Ref:	FIN.7
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	06 April 2020
Author:	Scott Sewell, Accountant
Authorising Officer:	Lee Sounness, Executive Manager Corporate Services
Attachments:	8.2.2 – April 2020 Investment Report

Summary

This report presents the Investment Register for the month ending 30 April 2020.

Background

This report is for Council to receive the Investment Register as at 30 April 2020.

Council's Investment of Funds Policy sets the criteria for making authorised investments of surplus funds after assessing credit risk and diversification limits to maximise earnings and ensure the security of the Shire's funds.

Consultation

Nil.

Statutory Obligations

The *Local Government Act 1995 – Section 6.14*, the *Trustees Act 1962 – Part III Investments*, the *Local Government (Financial Management) Regulations 1996 - Reg. 19, 28 and 49*, and the *Australian Accounting Standards*, sets out the statutory conditions under which funds may be invested.

Regulation 34 of the *Local Government (Financial Management) Regulations* requires a monthly report on the Shires Investment Portfolio to be provided to Council.

Policy Implications

All investments are made in accordance with Council Policy P040229 – Investments, which states that in relation to Counterparty Credit Framework that no more than 50% of the total investment portfolio should be held with any one institution.

To control the credit quality over the entire portfolio, the following credit framework limits the percentage of the portfolio exposed to any particular credit rating category.

A. S&P Long Term Rating	B. S&P Short Term Rating	C. Direct Investment Maximum %	D. Managed Funds Maximum %
AAA	A-1+	100%	100%
AA	A-1	60%	80%
A	A-2	40%	80%

Exposure to an individual counterparty/institution will be restricted by their credit rating so that single entity exposure is limited, as detailed in the table below.

A. S&P Long Term Rating	B. S&P Short Term Rating	C. Direct Investment Maximum %	D. Managed Funds Maximum %
AAA	A1+	50%	50%
AA	A-1	35%	45%
A	A-2	20%	40%

If any of the Council’s investments are downgraded such that they no longer fall within the investment policy, they will be divested as soon as practicable.

Investments fixed for greater than 12 months are to be reviewed on a regular basis and invested for no longer than 5 years.

Budget / Financial Implications

The 2019/20 Adopted Budget for earnings from investment income including from the Denmark East Redevelopment Reserve is \$127,631. This was amended to \$107,631 at the Mid-Year Budget Review adopted by Council on 17 March 2020. The interest earned on investments up to 30 April 2020 is \$88,609 compared to a year-to-date budget of \$89,350. Interest is applied at maturity of each investment.

Strategic & Corporate Plan Implications

Implement a financial strategy to ensure the Shire of Denmark’s financial sustainability.

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

Denmark 2027

L5.4 To be fiscally responsible

Corporate Business Plan

Nil

Sustainability Implications

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

Nil.

Comment / Conclusion

The attached Investment Report tables summarise how funds are invested as per the Shire’s Investment Policy and reports on the Investment Portfolio balance as at 30 April 2020.

At the end of April 2020 Council had a total of \$6,727,561 invested with four banking institutions to ensure an appropriate portfolio balance mix with no single institution holding more than 50% of the total funds invested which is in accordance with the requirements outlined in Council policy P040229.

Current Reserve Funds invested total \$4,225,629. The remaining budgeted transfers to and from Reserve will be processed at the end of 2019/20 year. The budgeted reserve balance for the year ending 30 June 2020 is \$3.347 M.

The Reserve Bank of Australia has not altered its cash rate for this month. The cash rate remains set at 0.25%.

Voting Requirements

Simple majority.

OFFICER RECOMMENDATION	ITEM 8.2.3
<p>That with respect to the Investment Register for the period ending 30 April 2020, Council receives the Investment Register for the period ended 30 April 2020.</p>	

8.2.4 NEW FINANCIAL HARDSHIP POLICY

File Ref:	FIN.8A
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	7 May 2020
Author:	Lee Sounness, Executive Manager Corporate Services
Authorising Officer:	Lee Sounness, Executive Manager Corporate Services
Attachments:	8.2.4 – Draft Financial Hardship Policy

Summary:

This report presents a draft Financial Hardship policy for Council’s consideration and adoption.

Background:

The Shire does not have a policy in relation to financial hardship. Payment arrangements for those experiencing financial difficulty in meeting rates obligations are currently considered under delegation and referred to council if necessary.

In light of the current Coronavirus Pandemic (COVID-19) and its effects on the economy, officers have drafted a policy to formalise and clarify the process for those within the community experiencing financial hardship. The policy is intended to not only assist officers during the current situation, but to provide a framework for decision making in the future.

Council’s endorsement is sought for the adoption of a policy addressing Financial Hardship, particularly in light of COVID-19.

Consultation:

External

- WALGA – general advice for Local Governments ensuring they have addressed financial hardship challenges encountered by community members arising from the COVID-19 pandemic.

- WALGA Template – COVID-19 Financial Hardship Policy
- Ombudsman Western Australia publication – Local Government collection of overdue rates for people in situations of vulnerability: Good Practice Guidance

Internal

The development of this policy has been in consultation with the Shire's Executive Management Team and Governance Coordinator and is in line with the WALGA's recently developed template.

Statutory Obligations:

Section 2.7(2) (b) of the Local Government Act 1995 – Role of Council
Local Government (Financial Management) Regulations 1996.

Policy Implications:

A draft Financial Hardship Policy is attached. Refer Attachment 8.2.5.

Shire of Denmark P040227 Debt Collection Policy relates to recovery of debts and it is recommended that reference to the Financial Hardship Policy be included to ensure fair, equitable and consistent support is provided to sundry and rate debtors experiencing genuine financial hardship.

Budget / Financial Implications:

Outstanding debtors that meet the criteria of the Financial Hardship Policy are not charged penalty interest.

Cashflow management - The recovery of outstanding amounts for debtors on a payment plan under the terms of the Financial Hardship Policy would indicate delays in normal repayment times of the debt outstanding.

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

Nil

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

This report is to give effect to the Shire's commitment to support the whole community to meet the financial and economic challenges.

➤ **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)
Recovering outstanding debts to meet payment obligations of operations	Possible (3)	Moderate (3)	Moderate (5-9)	Inadequate Financial, Accounting or Business Acumen	Accept Officer Recommendation

Comment:

The Shire’s policy P040227 Debt Collection Policy has been formulated “to treat all debtors fairly and consistently while recognising Council has the responsibility to recover all outstanding debts and charges in a timely manner to finance its operations and ensure effective cash flow.” As such, ratepayers are able to make an application to enter into a payment arrangement to pay off their outstanding rates and charges.

This draft Financial Hardship policy (refer attachment 1) is intended to allow further flexibility considered necessary to assist with the assessment of applications premised on financial hardship in regard to payment of rates and service charges.

This draft policy is intended to apply to all ratepayers experiencing financial hardship regardless of their status, be they a property owner, tenant, business owner, etc., and is applicable to:

- 1) Outstanding rates and service charges as at the date of adoption of this Policy.
- 2) Future rates and service charges levied.

The draft policy outlines the following criteria for determining financial hardship;

- Recent unemployment or under-employment
- Sickness or recovery from sickness
- Low income or loss of income
- Unanticipated circumstances such as caring for and supporting extended family.

While the current COVID-19 Pandemic could give rise to the above circumstances, officers recognise that these circumstances could occur in other situations and therefore have drafted the policy to have a broader application than just COVID-19.

It is also a reasonable community expectation, that those with the capacity to pay rates do so. For this reason, this draft policy is not intended to provide rate relief to ratepayers who are not able or not willing to evidence financial hardship and the statutory provisions of the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996 will apply.

Where a ratepayer falls behind with rates and service charges payments and the debt recovery process is activated, interest and legal fees can substantially increase the amount outstanding in a short period of time, making it more and more difficult for those in genuine financial hardship to catch up and recover.

Therefore, for those ratepayers that are in hardship and meet the Financial Hardship Policy criteria, then no penalty interest or instalment interest rate will apply. In addition, as long as

the ratepayer adheres to the conditions of the agreement, the Shire will suspend any debt recovery process.

It is proposed that the Chief Executive Officer be delegated authority to assess and approve applications made under this policy, including the interest to be suspended and/or written off up to the maximum amount of \$500. This can be covered within existing Delegation D040226.

This draft policy is intended to ensure that the Shire of Denmark offers fair, equitable, consistent and dignified support to any ratepayers suffering hardship, while treating all members of the community with respect and understanding.

This draft policy applies to all ratepayers experiencing financial hardship regardless of their status, be they a property owner, tenant, business owner, sporting group etc.

Voting Requirements:

Absolute majority due to budget implications.

OFFICER RECOMMENDATION	ITEM 8.2.4
That Council endorse the draft Financial Hardship Policy, as per Attachment 8.2.4.	

** Absolute majority required.*

8.2.5 SHORT TERM LENDING FACILITY

File Ref:	FIN.8A
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	7 May 2020
Author:	Lee Sounness, Executive Manager Corporate Services
Authorising Officer:	Lee Sounness, Executive Manager Corporate Services
Attachments:	

Summary:

The purpose of this report is for Council to consider authorising the establishment of a short-term lending facility for the Shire of Denmark as a result of the COVID-19 Pandemic.

Background:

The Shire of Denmark does not currently have any short-term borrowing facilities in place.

COVID-19 was declared a pandemic on 12 March 2020. On 16 March, the State Government of Western Australia declared a State of Emergency. A series of restrictions have since been imposed on individuals and businesses, affecting the social, cultural and economic well-being of our community.

As a result of the pandemic the Shire’s 2019/20 end of year position was projected in April to ascertain:

- Impact of decreased revenue streams due to change in economic circumstances.
- Impact on cashflow due to households, community organisations and businesses capacity to pay outstanding rates, leases and self-supporting loan commitments by the due date.
- The possible requirement to draw on reserves or set up short term borrowing facilities to fund day to day operations before June 30, 2020.

The cash flow projections indicate the Shire's normal cashflows are likely to be affected from June 2020 and well into the 2020/21 financial year. It is therefore considered prudent to ensure that a short-term borrowing facility be established to assist in meeting cashflow requirements for the Shire of Denmark during this period.

Consultation:

Western Australian Treasury Corporation – short term facility options

National Australia Bank – the Coronavirus Small and Medium Enterprises (SME) Guarantee Scheme

Western Australian Local Government Association (WALGA)

Statutory Obligations:

LOCAL GOVERNMENT ACT 1995

Section 6.20. Power to borrow

- (1) *Subject to this Act, a local government may —*
 - (a) *borrow or re-borrow money; or*
 - (b) *obtain credit; or*
 - (c) *arrange for financial accommodation to be extended to the local government in ways additional to or other than borrowing money or obtaining credit, to enable the local government to perform the functions and exercise the powers conferred on it under this Act or any other written law.*
- (2) *Where, in any financial year, a local government proposes to exercise a power under subsection (1) (**power to borrow**) and details of that proposal have not been included in the annual budget for that financial year —*
 - (a) *unless the proposal is of a prescribed kind, the local government must give one month's local public notice of the proposal; and*
 - (b) *the resolution to exercise that power is to be by absolute majority.*
- (3) *Where a local government has exercised a power to borrow and —*
 - (a) *it does not wish to proceed with the performance of the function or the exercise of the power for which the power to borrow was exercised; or*
 - (b) *after having completed the performance of the function or the exercise of the power for which the power to borrow was exercised, any part of the money borrowed, credit obtained or financial accommodation arranged has not been expended or utilized,*
the local government may resolve to expend the money or utilize the credit or financial accommodation for another purpose if one month's local public notice is given of the proposed change of purpose.*
- (4) *A local government is not required to give local public notice under subsection (3) —*
 - (a) *where the change of purpose has been disclosed in the annual budget of the local government for the relevant financial year; or*
 - (b) *in such other circumstances as are prescribed.*
- (5) *A change of purpose referred to in subsection (3) is to be disclosed in the annual financial report for the year in which the change occurs.*

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996

Regulation 20. When local public notice not required for exercise of power to borrow (Act s. 6.20(2)(a))

- (1) *A local government is not required to give local public notice of a proposal to exercise a power to borrow when the power is to be exercised to re-finance a loan or to continue other financial accommodation (whether with the same or another bank or financial institution) except where the re-financing or continuation is a major variation.*
- (2) *In this regulation —*
major variation *means a variation in the terms of a loan or other financial accommodation which is —*

- (a) a capitalisation of interest accruals; or
- (b) an increase in the term of the loan or other financial accommodation;

re-finance in relation to a loan or other financial accommodation (the **existing loan**), means to borrow an amount (the **new loan**) which is, at the date of the new loan —

- (a) equal to the principal amount owing on the existing loan; or
- (b) not more than \$5 000 more or less than the principal amount owing on the existing loan,

for the principal purpose of paying out the existing loan or preserving the credit originally provided by the existing loan.

- (3) A local government is not required to give local public notice of a proposal to exercise a power to borrow where each of the following conditions is satisfied —
 - (a) a decision to exercise the power is made while there is in force a state of emergency declaration applying to the district, or part of the district, of the local government;
 - (b) the local government considers that the borrowing is required to address a need arising from the hazard, or from the impact or consequences of the hazard, to which the state of emergency declaration relates;
 - (c) the decision and the reasons for it are recorded in the minutes of the meeting at which the decision is made.

Policy Implications:

Nil

Budget / Financial Implications:

Establishing a short-term lending facility will ensure any future cashflow issues which may occur during the pandemic can be addressed in an efficient manner.

The costs to set up such a facility with the WA Treasury Corporation (WATC) are as follows:

Establishment Fee - \$0

Credit Line Fees - \$0

Indicative rolling short term facility rate - 0.46%

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

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

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:**

The economic impact of not establishing a short-term lending facility may result in issues managing cashflow relating to both operational and capital works programs.

➤ **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)
Financial: If a short term loan is not above able to be entered into it could affect the Shire's capacity to meet its monthly financial commitments.	Rare (1)	Moderate (3)	Low (1-4)	Inadequate Financial, Accounting or Business Acumen	Accept Officer Recommendation

Comment/Conclusion:

The Shire of Denmark has seen a decline in both revenue and expenditure in the current budget period. While the overall impact up until June 30 has been modelled to suggest a balanced budget is probable, going forward into the 2020/21 financial year deferral of income suggests normal cashflow will be impacted. It is expected the deferral of lease fees, self-supporting loans, some rate payments and the loss of income from services normally rendered in the first half of the 2020/21 financial year will most likely contribute to this position.

In order to have a short-term lending facility available to manage the expected and reduced cashflow levels, information was sought from our current banker, National Australia Bank (NAB) and the Western Australian Treasury Corporation (WATC) for details of the options available. The following information has been provided:

Option 1 – WATC Short Term Lending Facility

Rolling Short Term Loan

Facility Amount - \$500,000

Specified Period – 2 years

Indicative rolling short term loan rate - 0.46% plus GFEE (waived from June 1, 2020)

Interest only incurred on amount drawn down

Unsecured finance

Application Assessment – Audited Annual Financial Statements, most recent Monthly Finance Report, endorsed recommendation from Council by absolute majority.

Option 2 – NAB Coronavirus SME Guarantee Scheme

Working Capital Loan

Facility Amount - \$250,000

Specified Period – up to 3 years

Government guaranteed 50% of loan total

Loan Rate – 4.5%

Interest only incurred on amount drawn down. 6-month repayment holiday.

Unsecured finance

Application Assessment – Audited Annual Financial Statements, most recent Monthly Finance Report, endorsed recommendation from Council by absolute majority.

It should be noted that the State Parliament enacted legislation on Thursday, 9 April 2020, to enable local governments to be more agile in their response to the pandemic, including exemptions requiring local government to give public notice of a ‘power’ to borrow under section 6.20 of the Act.

Voting Requirements:

Absolute majority.

OFFICER RECOMMENDATION	ITEM 8.2.5
<p>That Council, pursuant to Section 6.20 of the Local Government Act 1995:</p> <ol style="list-style-type: none"> 1. Authorise the Chief Executive Officer to lodge an application to establish a short-term lending facility with the Western Australian Treasury Corporation (WATC), with a limit of \$500,000, for the purposes of managing cash-flow due to the impacts of the COVID-19 pandemic on the Shire of Denmark’s operations for the 2020/21 financial year. 2. Instruct the Chief Executive Officer to report to Council on a monthly basis the status of the Western Australian Treasury Corporation (WATC) short term lending facility via the Finance Report, excluding January 2021, until is it relinquished. 	

* Absolute majority required.

8.2.6 GREAT SOUTHERN REGIONAL TRAILS MASTER PLAN

File Ref:	ORG.90
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not Applicable
Disclosure of Officer Interest:	Nil
Date:	21 April 2020
Author:	Damian Schwarzbach, Manager Recreation Services
Authorising Officer:	Angela Simpson, Executive Manager Community Services
Attachments:	8.2.6a – Great Southern Regional Trails Master Plan 8.2.6b – Public Comment Received

Summary:

This report recommends that Council endorse the Great Southern Regional Trails Master Plan 2020-2029(GSRTMP), prepared by the Great Southern Centre for Outdoor Recreation Excellence (GSCORE).

Background:

GSCORE works collaboratively with local governments across the region with the aim of supporting the growth and development of the outdoor recreation sector.

In 2018/19, GSCORE produced the Great Southern Outdoor Recreation Strategy, to encourage collaboration to improve the provision of outdoor infrastructure and increase levels of participation in outdoor recreation activities. The Strategy delivers an integrated, whole-of-region approach to outdoor recreation across the Great Southern over a three-year period. It will enable stakeholders to plan, develop, manage and promote outdoor recreation in the Great Southern into the future.

At the Ordinary Council meeting on February 19 2019, Resolution 170219, was carried unanimously;

That Council endorse the Great Southern Outdoor Recreation Strategy.

The next stage of this process was for GSCORE in partnership with the Great Southern Local Government Authorities, Department of Biodiversity, Conservation and Attractions, Department of Local Government, Sport and Cultural Industries and Great Southern

Development Commission to develop the GSRTMP, which had been identified as a priority project.

In June 2018, the Shire of Denmark wrote to GSCORE with the following commitment,

“The Shire of Denmark would like to be considered as one of the four business cases for prioritised infrastructure projects. The Shire of Denmark is currently preparing the 2018/19 Budget and Corporate Business Plan for the period 2018/19 to 2021/22. In terms of next year’s budget, the Shire has forecast a \$30,000 contribution to the development of the Master Plan. This is obviously subject to Council’s approval”

This was subsequently supported in the Budget with a \$30,000 allocation that has been paid to GSCORE for the production of the GSTMP.

The Report in front of Council is the result of this study.

Summary of GSRTMP

The GSRTMP aims to identify a clear program of trail infrastructure development across the Great Southern region over a ten-year period (2020 – 2029).

The objectives of the GSRTMP are to:

- Adopt a strategic coordinated approach to trail planning, management and maintenance through key stakeholder collaboration and prioritise and target investment;
- Develop, upgrade and maintain a network of high quality trails and facilities that deliver outstanding experiences to a wide range of trail users and activity types;
- Encourage strong local community and visitor participation in recreational trail activities through effective promotion and marketing of the regions trails; and
- Capitalise on the opportunities presented by a well-designed trails network for health, environment, culture, economic and liveability benefits.

The trail projects are separated into regional and local priorities.

A Regional Priority Project is defined as being integral to the Great Southern’s vision to become a world-class trail destination.

A Local Priority Project provides a “value-added experience” to the resident and visitor and could be in the form of a trail linkage or enhancement to an existing trail.

The priorities were identified through a multi-tiered assessment process to determine their ranking. These tiers looked at market potential, destination significance, destination opportunity and destination deliverability.

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.

There were three significant rounds of community consultation undertaken as part of the development of the GSRTMP.

Round One

- Workshops with the Shire of Denmark community members, stakeholders and trail users. This stage was used to identify aspirations for trails and to gain local knowledge of existing trails.

Round Two

- Targeted workshops with the community to discuss the opportunities and challenges presented. This was designed to assist GSCORE to formulate trail proposal recommendations.

Round Three

- The Draft Plan was circulated for a whole of community response. This comprised of a;
A four-week community and stakeholder review and comment period was undertaken by GSCORE from 16 December 2019 closing on 19 January 2020.

The Plan was advertised through;

- The Shire's website under Community Consultation,
- Denmark Bulletin,
- On the notice boards at the Shire Administration, Denmark Recreation Centre & Denmark Library.

Attached with this report is the Public Comment Received document.

Further consultation will occur of specific sites as they are advanced through the trail development process.

The Western Australian Strategic Trails Blueprint 2017-2021 produced by the State Government was utilised as a guiding document. The aim of the Blueprint is to guide future investment and planning into consistent, sustainable trail development. This document recommends the development of regional trails master plans as important tools for all levels of government.

Statutory Obligations:

Nil

Policy Implications:

P110304 Sustainability & Co-location (Sport & Recreation Facilities) relates and reads as follows:

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

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

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

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

This Strategy supports the capacity for co-locating community infrastructure and sharing of resources.

Budget / Financial Implications:

The endorsement of the GSRTMP has no direct financial implications as it merely adopts a strategic focus with regional priorities for future trail development.

The report identifies possible trail development opportunities throughout the Shire of Denmark. These opportunities will require funding, either from Council, funding agencies, or a combination of both. The endorsement of this plan will ensure that any proposed projects are managed through a recognised best-practice framework and guidelines endorsed by

State Government. This will assist the Shire to both access funding opportunities and oversee trails development as environmentally, socially and economically sustainable assets.

Strategic & Corporate Plan Implications:

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

Denmark 2027

N2.0 Our Natural Environment

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

N2.2 To promote and encourage responsible development.

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.

Corporate Business Plan

B3.2.5 Support the development of a Great Southern Regional Trails Masterplan through a contribution to GSCORE

B3.2.6 Construct a mountain bike trail to provide recreation and economic development opportunities

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

While there are no environmental implications in endorsing the GSRTMP, there is considerable environmental concerns around the construction and maintenance of trails in highly sensitive natural environments.

Best practice trail development involves an eight stage process and encompasses a constant evaluation, review and improvement process as trails are being developed, maintained, extended or renewed.

This process is detailed below;

1. Trail Proposal

A trail development proposal is either supported in principle by the land manager/owner, or not supported (due to environmental, social, cultural or other constraints). The purpose of a proposal could be to identify potential suitable areas for consideration.

2. Framework

A project outline developed by the steering group (stakeholders), including: project objectives, project management model, stakeholders, roles, target market, requirements, execution and ongoing management model.

3. Site Assessment

Broad-scale study of the area and identification of opportunities, constraints and characteristics such as soil types, vegetation etc.

4. Concept Planning

Identification of opportunities and conceptual trail plan, including broad trail corridors and infrastructure requirements.

5. Corridor Evaluation

Detailed assessment of trail corridors for use in determining the final trail alignment.

6. Detailed Design

Detailed trail design and alignments physically flagged in the field. Includes detail on the trail classifications, technical trail features, construction methods and specifications.

7. Construction

Trail constructed in line with the Detailed Design.

8. Management

Management plan implemented detailing maintenance and monitoring requirements.

In respect to the proposed Mt Hallowell Mountain Bike Trail Development, the Shire of Denmark after consultation with key stakeholders requested that additional community engagement be carried out to understand the community's views. This forms part of Stage 2, the framework section.

Once that framework is established, the next stage is Stage Three, Site Assessment.

➤ Economic:

The vision to position the Great Southern as a trail destination region is designed to attract visitors from outside the area from intrastate, interstate and potentially overseas.

There are currently no existing snorkel, paddle, sanctioned cross-country or downhill mountain bike trails in the Shire of Denmark.

There are two off-road cycling trails – the WOW Trail and the Denmark-Nornalup Heritage Rail Trail.

The proposed project area provides an opportunity to address local recreational demand for mountain bike trails (as evidenced by increasing unsanctioned trail construction in the reserve).

It also supports the aspirations outlined in the GSRTMP to establish a network of MTB trails which, when marketed under one brand, could attract mountain bike trail users to the region for recreational cycling.

The Great Southern region has limited existing recognition as a mountain biking or cycle trail destination, with a small network of dual-use trails in Albany and Denmark. The experience would be tailored to the fast growing leisure and family market.

The primary focus for the Mt Hallowell area would be for the leisure market including families, youth, and beginner adult riders seeking well-marked and accessible trails. Low to medium skill levels required with some degree of challenge and difficulty.

➤ Social:

The development of trails will provide increased opportunities for outdoor physical activity, leading to improved physical and mental wellbeing and a reduction in lifestyle diseases and associated medical costs.

Trails are a low cost activity for the participant, which encourages accessibility to many different groups in the community. This also creates the opportunity to improve awareness and appreciation of the natural environment and support for its conservation and protection.

These social benefits will become even more prevalent post COVID-19 as the community starts to recover and look at ways to improve their health & well-being.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That the community view the endorsement of the GSRTMP as sanctioning all trail development.	Possible (3)	Moderate (3)	Moderate (5-9)	Inadequate Engagement - Community / Stakeholders / Crs	Control through the Shire Communications team via Social media, media outlets, media releases, key stakeholder engagement.

Comment/Conclusion:

The Shire of Denmark is considered a prime area for developing opportunities for nature based trails. The planning and development of these trails is an opportunity for the Shire to become a regional hub for adventure tourism. The potential to develop opportunities like snorkelling and other aquatic trails would offer the Shire a unique niche in the market.

The Great Southern Regional Trails Master Plan provides an integrated, whole-of-region approach to planning, developing, managing and promoting recreational trails in the Great Southern. The RTMP was developed in 2019 on behalf of all eleven local governments in the Great Southern region, the Department of Local Government, Sport and Recreation (DLGSC), the Department of Biodiversity, Conservation and Attractions (DBCA), and the Great Southern Development Commission (GSDC).

The purpose of the master plan is to create a sustainable and inclusive trail network in the Great Southern and the Shire of Denmark that delivers significant social, economic, educational, environmental, and health benefits to the region’s residents.

THE GSRTMP identified the following Regional Priority Projects for the Shire of Denmark:

Short Term Regional Priority 1-2 years

- **Walpole Nornalup Inlets Marine Park Paddle Experience.** A multi-day paddling experience in the Walpole Nornalup Inlets Marine Park. DBCA is the project lead and land manager. The Shire is an important project partner for proposed infrastructure development around the Nornalup precinct.

Medium Term Regional Priority 3-5 years

- **Greens Pool to Lights Beach Coastal Hiking Trail.** A hiking trail from Greens Pool to Lights Beach in William Bay National Park. DBCA is the project lead and land manager.
- **Mt Hallowell Mountain Bike Trail Network.** Mt Hallowell Trail Network – the GSRTMP identifies five MTB projects that together could create a network of accessible cycle trail experiences suitable to the leisure, active and adventure markets. Denmark has the potential to be one of three trail towns (the others being Albany and Mount Barker) that support these trail experiences. Each site could

provide a sustainable and well-designed MTB trail network. The Mt Hallowell trail network may also include existing walking trails and the potential for inclusive trails.

- **Munda Biddi Trail – Denmark Nornalup Rail Trail Connector.** Shire of Denmark led project to improve connectivity to the Munda Biddi Trail by providing a safer link at the junction of the South Coast Highway and McLeod Road.
- **Munda Biddi Trail – William Bay Road Connector.** Re-alignment of the Munda Biddi Trail in William Bay National Park. DBCA is the project lead and land manager.

The GSRTMP identified the following Local Projects for the Shire of Denmark:

Short Term Local Priority 1-2 years

- **Windfarm to Ocean Beach Link.** Shire of Denmark led project to connect Ocean Beach to the WOW trail
- **Mt Hallowell Lookout way marking.** Shire of Denmark led project to improve way marking on the Bibbulmun Track
- **Greens Pool Snorkel Trail.** A snorkel trail network in Greens Pool. GSCORE will work with the Shire and DBCA to implement snorkel trail signage at the Greens Pool trailhead.

Long Term Local Priority 6-10 years

- **Bibbulmun Track - Denmark Town site to Nullaki.** (Shire of Denmark led)
- **Wilson Inlet Paddle way marking.** GSCORE will work with the Shire to develop a project plan.

The GSRTMP does not identify any priority projects for trail bike riding or equestrian bridle trails. This is due to difficulty associated with a variety of land managers to gain access to enough space to provide regionally significant trails.

An extensive planning exercise is mentioned to identify the potential for trail bike trail development.

The GSRTMP also mentions the recent opening of the Warren Blackwood Stock Route for equestrian bridle trail use. The report mentions monitoring this trail over the next period to determine the usage and financial viability of such a project in the Great Southern region that may encompass the Shire of Denmark.

If endorsed by Council, the next stage is the implementation of the projects.

The GSRTMP proposes the following structure:

- Formation of a Great Southern Trails Reference Group – responsible for overseeing the implementation of the plan.
- Contract GSCORE as the overall Project Manager for implementation.
- GSCORE employ a Trails Coordinator to liaise and work with each individual project team for their designated project.

Conclusion

The development of the GSRTMP has revealed a strong sense of collaboration and a commitment to align local governments across the region to maximise the opportunity to attain future trails development and resources for other forms of outdoor recreation infrastructure.

This represents an opportunity for the Shire of Denmark to position the Shire as a trail destination for a variety of outdoor pursuits.

This reports supports the endorsement of the Great Southern Regional Trails Master Plan.

Voting Requirements:
Simple majority.

OFFICER RECOMMENDATION	ITEM 8.2.6
That Council endorse the Great Southern Regional Trails Master Plan prepared by the Great Southern Centre for Outdoor Recreation Excellence.	

8.2.7 CONNECTED COMMUNITY PROGRAM

File Ref:	HLTH.12.D
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not Applicable
Disclosure of Officer Interest:	Nil
Date:	28 April 2020
Authors:	John Overton, Assistant Manager Recreation Services Claudia Simpson, Community Development Officer
Authorising Officer:	Angela Simpson, Executive Manager Community Services
Attachments:	Nil

Summary:

The Connected Community Program was established to maintain social connections, and support health and wellbeing in our community during the Covid-19 restrictions.

This report recommends that Council support the continuation of the Connected Community Program until June 30 2020.

Background:

The Connected Community Program was established as a response to the social distancing and Covid-19 restrictions on gatherings and services. The program utilises the Zoom video conferencing platform to offer a dedicated Denmark community channel. The activities offered as part of the program are delivered in partnership with community and small business.

The program’s objective is to enable, empower and inspire community members to create a whole of community response to social distancing, by providing an online platform dedicated to re-establishing and maintaining social connections in our community and reducing isolation. The program also aims to support small and micro business that are unable to trade during the restrictions. These businesses have been supported to get online with training in online delivery and use of interactive technology in order to maintain connection with their customers and enable readiness for post lockdown recovery.

The program was established as a three-week trial and commenced on April 6 2020. The Connected Community Program delivered 63 single sessions in the first 3 weeks of operation and engaged 678 participants of all ages, from 0 to 70+. Many activities have also provided a space for intergenerational participation.

The activities delivered were based on activities already on offer in our community pre-lockdown and focused on health and general wellbeing. The activities included were art, craft, yoga, karate fitness and music. The Connected Community Program has also enabled the Recreation Centre and the Library to reconnect with their customers by delivering some of their established programs including fitness sessions with an instructor, story time and various social groups such as the Shakespeare and poetry groups.

Connected Community Program participation summary:

Weeks	Sessions Offered	Participants
Week 1: 6 - 11 April	19	209
Week 2 & 3: 12 – 26 April	44	469
Total	63	678

The Connected Community Program has also engaged fifteen external small business providers and two Shire of Denmark staff from Recreation and Library Services to deliver the activities.

Small business providers have agreed to terms and conditions of service and are being paid for their services. Staff are currently receiving income through their current workplace agreement. Community members have also delivered some activities on a volunteer basis.

For future programs, Denmark CRC has been engaged to assist with the management of community volunteers. A dedicated segment called ‘Volunteer TV’ has been slotted into the program to enable once off community offerings to be included. Denmark CRC will manage this segment and activities delivered as part of this initiative are not expected to incur any costs.

Feedback

Positive community feedback have been a highlight of this program. The following measures are used in evaluating and modifying the program:

- Participant feedback
- Participation numbers
- Participant satisfaction
- Social connections (# engaged groups)
- Feedback from business operators

Staff requirements

The Shire of Denmark staff requirements to continue the program are as follows:

- Connected Community channel operation – 16 hours per week. (this time resource is reducing as more presenters gain confidence with the platform and some outsourcing to other community groups is introduced)
- Programming – 2 hours per week
- Administration – 4 hours per week (liaising with community, answering queries, preparing program activities and tech support)
- Marketing – 2 hours per week
- Billing and payments 1 hours per week
- Staff equivalent – 0.6 FTE

Proposed timeline:

Stage 1 6 April	Stage 2 27 April	Stage 3
Develop community engagement timetable: Trial for 3 weeks	Continue to deliver revised timetable based on community feedback. Program to be released in two-week blocks.	Embed into our service delivery 20/21

Consultation:

The Officers have 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 undertaken to date:

- Shire of Denmark Executive staff

- Shire of Denmark Pandemic Response Team
- External micro-business and small business providers
- Denmark Community Resource Centre

Statutory Obligations:

There are no Statutory Obligations

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

The financial implications for the continuation of the Connected Community Program are outlined below, with some forecasted costs to vary based on the involvement of volunteer groups and partnership with the Denmark Community Resource Centre.

The 9-week approval would provide the Program with a capability to engage up to 15 businesses a week to operate through until June 30 2020.

	9 Weeks
Program Cost	\$6,534
Shire FTE commitment	0.6

Due to current changes in operating conditions, there are potential savings across Community expenditure accounts that can be utilised.

GL 116275230 DENMARK YOUTH FESTIVAL

An additional \$5,000 was assigned to this account in the MYR, however due to COVID 19, this event was cancelled. The current balance on this account is \$6,000.

GL 116201020 MY COMMUNITY DIRECTORY

An additional \$4,000 was assigned to this account in the MYR to commence the annual subscription to the My Community Directory. By delaying this subscription until after June 30 we can look to utilise the funds to support this project and review subscription in the out years. The current balance on this account is \$4,864.

Strategic & Corporate Plan Implications:

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

Denmark 2027

E1.0 Our Economy

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

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

C4.0 Our Community

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

- C4.1 To have services that foster a happy, healthy, vibrant and safe community
- C4.2 To have services that are inclusive, promote cohesiveness and reflect our creative nature.

Corporate Business Plan

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:**

The Connected Community Channel is providing a platform for micro-business and small business operators to maintain an income, maintain a connection to targeted markets and, appeal and attract new clientele.

➤ **Social:**

The social value and impact of the Connected Community Channel has already been significant. The Connected Community Program emphatically represents the people in the Shire of Denmark and has the ability to support our community, maintaining our values and identity as a creative resilient community.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council do not support the continuation of the Community Connect Channel	Possible (3)	Moderate (3)	Moderate (5-9)	Not Meeting Community expectations	Manage by continual monitoring and reporting to Council on the effectiveness of the Channel.

Comment/Conclusion:

During the 3-week trial period, the Connected Community program has achieved the following:

- It has allowed our community to stay connected, for social groups to reconnect and for people who are isolated to feel supported.
- Provided an opportunity for the community to become active again and improve their physical and mental health.
- Community feel supported by the Shire (as per feedback).
- The program has provided support to local micro and small businesses who were unable to trade. Business have been able to stay connected to their customers, build their brands and get some income.
- The program has supported staff, business and community to upskill and use new technology.
- The Shire has received free PR promotion by the local media, which has assisted to improve the Shire’s brand as an industry leader.
- Positive feedback from community, Councillors and business, general community satisfaction.

The unprecedented nature of this health pandemic has forced the closure of services our residents’ value. The Connected Community Program is one example of many initiatives the Shire of Denmark has taken to provide leadership and guidance to reduce anxiety, confusion and hardship for our community.

Conclusion

The opportunity presented to Council through the Community Connect Program provides an avenue for the community to remain connected, maintain a sense of normality and support local businesses within our Shire. The report recommends Council to support the Community Connect Channel to maintain the current service until June 30 2020.

Voting Requirements:

Absolute majority.

OFFICER RECOMMENDATION	ITEM 8.2.7
<p>That Council endorse:</p> <ol style="list-style-type: none"> 1. The ongoing operation of the Connected Community Channel. 2. The reallocation of uncommitted funds from GL116275230 and GL116201020 to support the program delivery for the remainder of 2019/2020. 	

* Absolute majority required.

8.3 CHIEF EXECUTIVE OFFICER

8.3.1 DISBANDING THE PUBLIC HEALTH PLAN WORKING GROUP

File Ref:	PLN.84
Applicant / Proponent:	Various
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	4 May 2020
Author:	Julia Scriven, Project Officer, Public Health Plan
Authorising Officer:	David Schober, Acting Chief Executive Officer
Attachments:	Nil

Summary:

This report recommends that Council temporarily disband the working group, including community members, of the Public Health Plan Working Group due to COVID-19, until February 2021.

Background:

The Public Health Plan Working Group was endorsed by Council in February 2020, consisting of:

- 1 x Councillor (Cr. Geoff Bowley)
- 4 x Community Representatives (Susan Morison, Karl Richardson, Petra Thompson and Carl Heslop)
- 1x Project Officer, Public Health Plan.

The objective of the working group is to review, provide guidance and recommendations throughout all stages of the development of a Shire of Denmark Public Health Plan (PHP), including identification of priority health areas and the development of strategies.

The working group were due to meet for the first time in April however, the meeting was postponed due to the implementation of social distancing measures and the changing community health needs as a result of the COVID-19 pandemic.

As the COVID-19 pandemic continues to evolve, it is recommended that the PHP Working Group is temporarily discontinued for the foreseeable future, to be reassessed in 2021 at the earliest. This will provide Shire officers time to:

- Review the response to the pandemic event;
- Identify gaps in preparedness and community support;
- Reassess the evolving community health and wellbeing needs;

- Realign the shire's public health planning project with any changes made to the State Public Health Plan as a result of the pandemic.

Consultation:

Nil

Statutory Obligations:

Section 5.11 of the Local Government Act 1995 relates to the tenure of committee Part 5 of the Public Health Act 2016 requires the preparation of two types of public health plans:

1. State public health plan prepared by the Chief Health Officer and
2. Local public health plan prepared by each local government district

Local Government is the closest level of Government to the community and provides a significant contribution to public health and mental wellbeing of the community. The WA State Government introduced the Public Health Act 2016 for Western Australia which requires Local Governments to develop local public health plans. The Public Health Act 2016 is being delivered in stages, with full implementation expected by 2021. All regulations from the previous Act are currently under review and will be repealed and replaced.

Policy Implications:

There are no known policy implications.

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

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

➤ **Risk:**

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

Comment/Conclusion:

The Officer recommends disbanding the current Public Health Plan Working Group until February 2021, or later, should the pandemic social distancing measures still be in place. This will allow time to adequately identify the evolving community health and wellbeing needs and review any changes to the State Public Health Plan as a result of the COVID-19 pandemic.

Once the pandemic crisis is over it is recommended to re-advertise again seeking community membership for the Public Health Plan at a time the Chief Executive Officer deems appropriate.

Voting Requirements:

Absolute majority.

OFFICER RECOMMENDATION	ITEM 8.3.1
<p>That with respect to Public Health Plan Working Group, Council resolves to;</p> <ol style="list-style-type: none"> 1. Thank the current community members for their interest and advise that, due to the current public health emergency caused by the COVID-19 pandemic, Council will disband the working group until February 2021, or later, should pandemic social distancing measures still be in place, including its members; 2. Request the Chief Executive Officer to reassess the situation in February 2021 and, should it be considered appropriate to re-establish the Working Group, submit a report to Council for formal consideration; and 3. Advise the current community members that should Council resolve to re-establish the Working Group, the community member vacancies will be advertised and they are welcome to re-apply. 	

* *Absolute majority required.*

8.3.2 PEACEFUL BAY PROGRESS ASSOCIATION INC. RENEWAL

File Ref:	LEA.14
Applicant / Proponent:	Peaceful Bay Progress Association Inc.
Subject Land / Locality:	Sites 300 & 302 on Deposited Plan 220017, portion of Reserve No. 24510, Peaceful Bay
Disclosure of Officer Interest:	Nil
Date:	5 May 2020
Author:	Claire Thompson, Executive Assistant & Governance Coordinator
Authorising Officer:	David Schober, Acting Chief Executive Officer
Attachments:	8.3.2 – Draft Lease

Summary:

Council are asked to consider a new lease between the Shire of Denmark and the Peaceful Bay Progress Association Inc.

Background:

In 2014, the Peaceful Bay Progress Association (PBPA) entered into a Lease with the Shire of Denmark for Sites 300 & 302, portions of Reserve No. 24510, Peaceful Bay. The Lease was for a five (5) year term and did not include an option to renew for a further term. The current lease expired on 1 July 2019. The Lessee has continued occupancy of the premises pursuant to the 'Holding Over' (monthly tenancy) clause of their lease.

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.

Officers have contacted the PBPA who have advised that they would like to enter into a new five (5) year lease and are happy with the attached draft.

Statutory Obligations:

Section 3.58 of the Local Government Act 1995 pertains to the disposal of land however, Regulation 30 (2) (b) of the Local Government (Functions and General) Regulations 1996 provides for an exempt disposition if,

“the land is disposed of to a body, whether incorporated or not —

- (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
- (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;”*

The PBPA is considered a “benevolent” organisation and complies with part (ii).

Section 6.47 of the Local Government Act 1995 relates to a local government's power to waive a rate or service charge. Typically, community group rate charges have been waived however this is considered by Council during the budget development process each year.

Ministerial approval for the disposition of crown land is required, pursuant to Section 18 of the Land Administration Act 1997.

Consideration has been given to State Coastal Planning Policy 2.6 which has identified Peaceful Bay as a ‘Coastal Erosion Hotspot’. Sites 300 & 302 are not included in the schematic diagram for Peaceful Bay.

Policy Implications:

Policy P110102 – Leasing of Land and/or Buildings to Community Groups relates.

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:

It is proposed that the new lease continues to be on a 'peppercorn' basis (ie. \$1 pa), this is consistent with similar leases with not-for-project organisations, reflecting the service that they provide to the wider community. The Lessee would be responsible to meet the cost of any Emergency Services Levy (ESL), refuse, water, electricity and gas associated with the premises.

The Lessee would be responsible to keep and maintain the premises in good repair, including painting of internal surfaces and pest control. The Shire would remain responsible for the building insurance and structural building repairs.

The 2019/20 Budget included a contribution of \$3,000 towards the maintenance, insurance and fire protection of the Peaceful Bay Community Hall, which is managed by the PBPA on behalf of the Shire.

An additional amount of \$40,000 for PBPA was included in the 2019/20 Budget for maintenance of reserves and drainage at Peaceful Bay on behalf of the Shire. Provision and expenditure of any annual funds for this purpose is subject to a separate management agreement between the Shire and the PBPA and does not form part of this lease.

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

- 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.
- 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.

- 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 decisive and to make consistent and well considered decisions.

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.

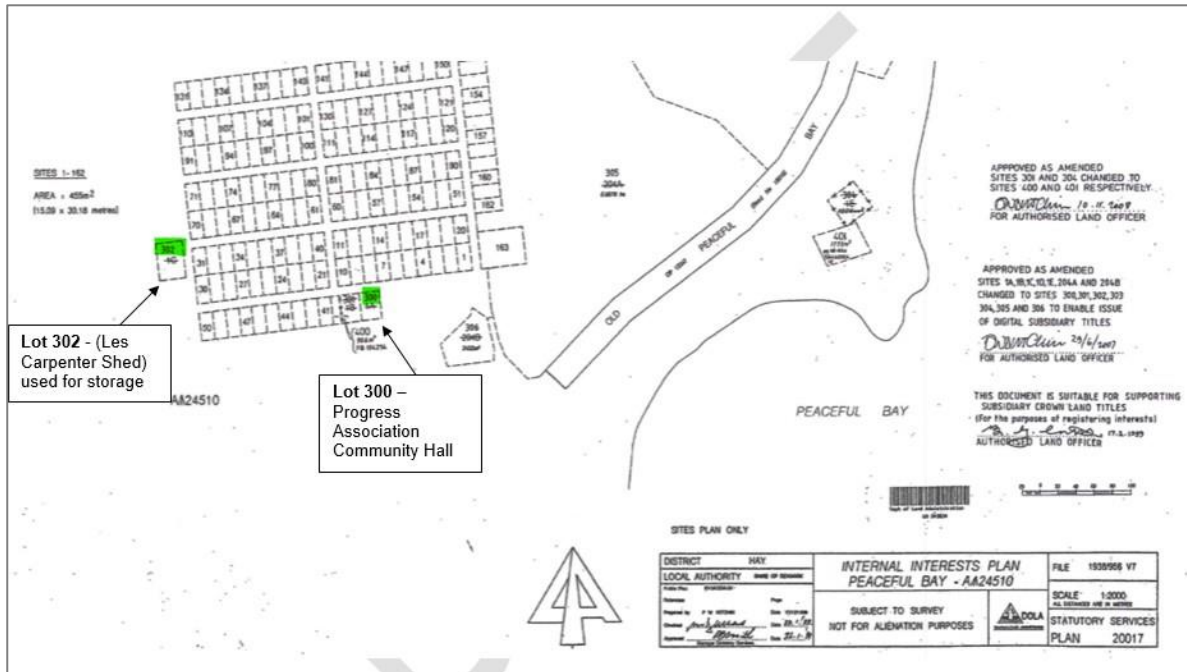
- **Social:**
There are no known significant social implications relating to the report or officer recommendation.

- **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 grant a new lease to the PBPA which results in the organisation having to vacate the premises.	Rare (1)	Minor (2)	Low (1-4)	Not Meeting Community expectations	Accept Officer Recommendation

Comment/Conclusion:

The PBPA represent a large number of ratepayers who own property within the Peaceful Bay area and manage the use of the Community Hall. The PBPA provide an important conduit between the Peaceful Bay residents & ratepayers and the Shire. The Les Carpenter Shed is used for general storage and by the gardeners who maintain the area on behalf of the Shire.



Map of Peaceful Bay Leasehold Area. PBPA sites highlighted in green.

The Officer recommends that a new lease be entered into for a period of 5 (five) years with a further 5 (five) year option. The benefit of having a further option being built into the lease is that should the Lessee wish to extend their lease beyond five years, it can be done administratively without the need for it to be presented back to Council.

The draft lease attached is based on the Shire’s standard lease for community groups occupying premises on Shire managed land within crown reserves.

Voting Requirements:
Simple majority.

OFFICER RECOMMENDATION	ITEM 8.3.2
<p>That with respect to Site 300 & 302 on Deposited Plan 220017, portion of Reserve 24510, Council;</p> <ol style="list-style-type: none"> 1. Agree to a new lease with the Peaceful Bay Progress Association Inc., for a five year term with the option for a further five year term as per Attachment 8.3.2; and 2. Authorise the Chief Executive Officer and the Shire President to execute the lease, subject to Ministerial Approval pursuant to Section 18 of the Land Administration Act 1997. 	

8.3.3 PEACEFUL BAY RETURNED SERVICES LEAGUE (RSL) LEASE RENEWAL

File Ref:	LEA.17
Applicant / Proponent:	Peaceful Bay Returned Services League (RSL)
Subject Land / Locality:	Lot 400 on Deposited Plan 220017, portion of Reserve No. 24510, Peaceful Bay
Disclosure of Officer Interest:	Nil
Date:	6 May2020
Author:	Claire Thompson, Executive Assistant & Governance Coordinator
Authorising Officer:	David Schober, Acting Chief Executive Officer
Attachments:	8.3.3 – Draft Lease

Summary:

Council are asked to consider in principle support for a new lease between the Shire of Denmark and the Peaceful Bay Returned Services League (RSL).

Background:

In 2014, the Peaceful Bay RSL entered into a Lease with the Shire of Denmark for Lot 400, portion of Reserve No. 24510, Peaceful Bay. The Lease was for a five (5) year term and did not include an option to renew for a further term. The Lessee has continued occupancy of the premises pursuant to the 'Holding Over' (monthly tenancy) clause of their lease.

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.

Officers have contacted the Peaceful Bay RSL who have advised that they would like to enter into a new five (5) year lease and happy with the attached draft.

Statutory Obligations:

Section 3.58 of the Local Government Act 1995 pertains to the disposal of land however, Regulation 30 (2) (b) of the Local Government (Functions and General) Regulations 1996 provides for an exempt disposition if,

“the land is disposed of to a body, whether incorporated or not —

(iii) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and

(iv) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;”

The Peaceful Bay RSL is considered a “benevolent” organisation and complies with part (ii).

Section 6.47 of the Local Government Act 1995 relates to a local government's power to waive a rate or service charge.

Ministerial approval for the disposition of crown land is required, pursuant to Section 18 of the Land Administration Act 1997.

Consideration has been given to State Coastal Planning Policy 2.6 which has identified Peaceful Bay as a 'Coastal Erosion Hotspot'. Site 400 is not included in the schematic diagram for Peaceful Bay.

Policy Implications:

Policy P110102 – Leasing of Land and/or Buildings to Community Groups relates.

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

- n. There be a signed lease based on Council's standard 'not for profit' lease prior to occupation or upon renewal;*
- o. Council desires lessees to be incorporated (with the exception of Volunteer Bush Fire brigades which are covered under the Bush Fires Act);*
- p. Contribution by Council towards legal costs (if required) by Council 100%;*
- q. Have differing rentals discounted to market valuation depending upon the following factors;*
 - v. To what degree the property is utilised for charitable, not for profit or sporting purposes;*
 - vi. 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;*
 - vii. The strategic value of the land in the short term to Council;*
 - viii. To what degree if any that the use is competing with commercial enterprise;*
- r. 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;*
- s. Offer local authority rate exemption, rebate or donation (rather than exemption contra);*
- t. 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;*
- u. All outgoings and consumable costs to be met by the lessee including but not limited to water, sewer, gas, telephone, ESL, refuse charges, etc;*
- v. Lessees to meet all ongoing internal and external building and grounds maintenance other than structural building repairs;*
- w. Leases require endorsement of Council prior to signing;*
- x. 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);*
- y. The use of the property is consistent with the zoning and/or management order and power to lease exists (if required).*
- z. 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;*
 - x. Parryville Hall \$2,000;*
 - xi. Tingle Dale Hall \$2,000;*
 - xii. Scotsdale Hall \$2,000 (nb: Hall is owned by Scotsdale Progress Association on Association vested land);*
 - xiii. Kentdale Hall \$2,000;*
 - xiv. RSL Hall \$3,000;*
 - xv. Museum Building maintenance is 100% Council responsibility;*
 - xvi. Nornalup Hall \$2,000;*
 - xvii. Morgan Richards Community Centre \$2,000; and*
 - xviii. Peaceful Bay Hall (& Les Carpenter Shed) \$2,000.*
- p. 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.*
- q. 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:

It is proposed that the new lease continues to be on a 'peppercorn' basis (ie. \$1 pa), this is consistent with similar leases with not-for-project organisations, reflecting the service that

they provide to the wider community. The Lessee would be responsible to meet the cost of any Emergency Services Levy (ESL), refuse, water, electricity and gas associated with the premises.

The Lessee would be responsible to keep and maintain the premises in good repair, including painting of internal surfaces and pest control. The Shire would remain responsible for the building insurance and structural building repairs.

The Shire provides annual contributions of \$1,000 to the Peaceful Bay RSL / Community Bus and \$200 towards the ANZAC Day Service facilitated by the organisation for the community.

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

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.

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.

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 decisive and to make consistent and well considered decisions.

Corporate Business Plan

C4.1.2 Continue to support the Peaceful Bay RSL and Community Bus through an annual contribution.

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:**

The purpose of Returned & Services Leagues is to help veterans and their families by offering care and advocacy, along with commemorative services that help all Australian remember the fallen. Peaceful Bay is approximately 50km from the Denmark RSL, therefore providing services for residents and ratepayers who reside at the western end of the Shire.

The Peaceful Bay RSL also run a community bus which is used to assist Peaceful Bay, and surrounding, residents with an alternative transport option to Denmark and Albany.

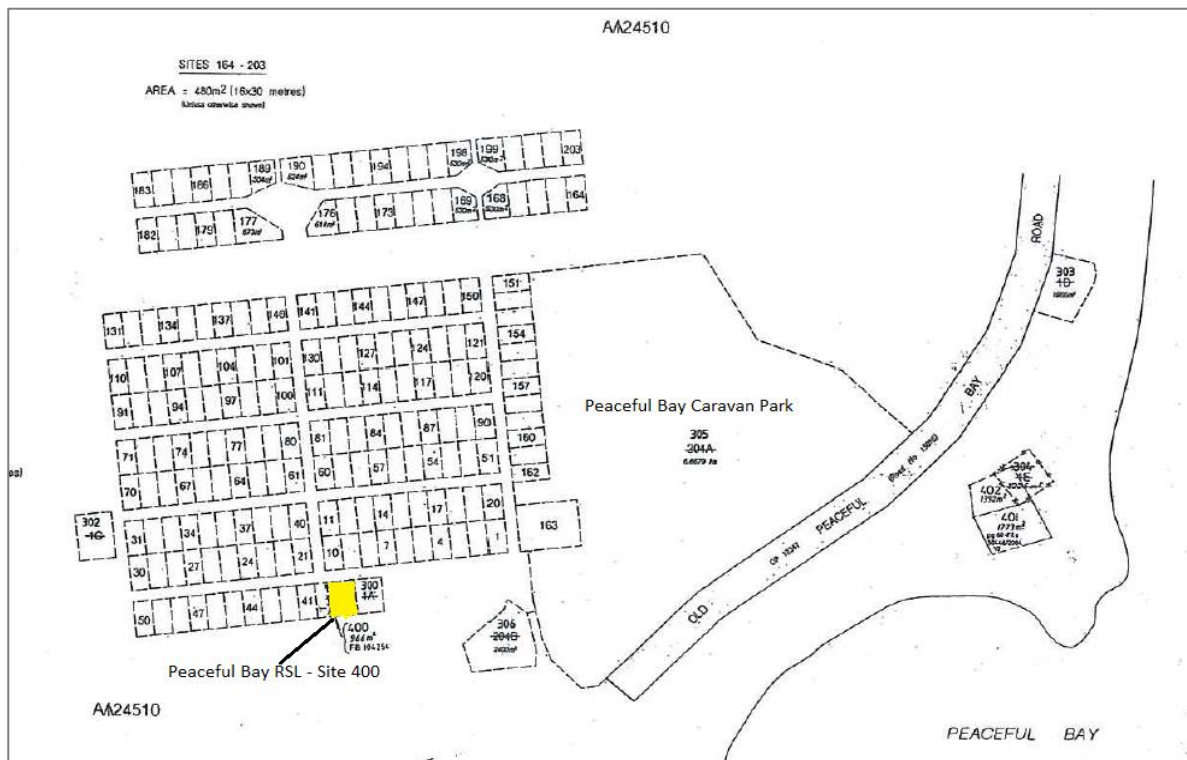
➤ **Risk:**

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 grant a new lease to the Peaceful Bay RSL which results in the organisation having to vacate the premises.	Rare (1)	Minor (2)	Low (1-4)	Not Meeting Community expectations	Accept Officer Recommendation

Comment/Conclusion:

The Peaceful Bay RSL currently have 11 members and 9 affiliate members. The Shed is used to store equipment including the equipment used for the ANZAC Day Breakfast (Peaceful Bay) and occasionally to hold their meetings. The shed is not hired out to external parties.

The shed also houses their bus and trailer. The Peaceful Bay RSL travel through Denmark to Albany once a month, which is a transport option available for people who may not have any other means of transport. They charge a small donation for this service, which goes towards fuel. People are welcome to book the bus, for a donation, as long as it is driven by a member of the Peaceful Bay RSL.



Map of Peaceful Bay Leasehold Area. Peaceful Bay RSL Shed highlighted in yellow.

The Officer recommends that a new lease be entered into for a period of five (5) years with a further five (5) year option. The benefit of having a further option being built into the lease is that should the Lessee wish to extend their lease beyond five years, it can be done administratively without the need for it to be presented back to Council.

The draft lease attached is based on the Shire’s standard lease for community groups occupying premises on Shire managed land within crown reserves.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION	ITEM 8.3.3
<p>That with respect to Site 400 on Deposited Plan 220017, portion of Reserve 24510, Council;</p> <ol style="list-style-type: none"> 1. Agree to a new lease with the Peaceful Bay RSL Sub Branch, for a five year term with the option for a further five year term as per Attachment 8.3.3; and 2. Authorise the Chief Executive Officer and the Shire President to execute the lease, subject to Ministerial Approval pursuant to Section 18 of the Land Administration Act 1997. 	

8.3.4 RESPONSE TO COVID-19 PANDEMIC

File Ref:	HLTH.12 & ADMIN.27
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	The Acting Chief Executive Officer is a paid employee
Date:	5 May 2020
Author:	David Schober, Acting Chief Executive Officer
Authorising Officer:	David Schober, Acting Chief Executive Officer
Attachments:	8.3.4 – Business Continuity & Pandemic Response Plan

Summary:

The Western Australian Government has declared a Public Health Emergency and a State of Emergency in response to the COVID-19 Pandemic outbreak.

As a Local Government the Shire of Denmark has responded in a variety of ways to meet community and legislative requirements.

This report outlines the Shire of Denmark’s response measures, the projected financial impact and the Shire’s future direction, both short and long term, in meeting the demands placed on operations as a result of responding to COVID-19.

Background:

On 16 March 2020 the Shire of Denmark established a Pandemic Response Team (PRT) as result of the COVID-19 Pandemic. The objectives of the PRT were to:

1. Redirect Shire operations to meet community needs.
2. Revise the Shire’s Pandemic Response and Business Continuity Plans.
3. Assist State Government agencies to provide community safety.
4. Assist Federal and State Government agencies to provide community welfare and support.
5. Advise Shire Executive and Council.
6. Develop and implement a community engagement plan to provide meaningful information to the community.

On 30 March 2020 the PRT was placed in recess having achieved its objectives as outlined following. The PRT can be re-formed anytime should it be required.

Redirection of Shire operations to meet community needs

In responding to community needs more than 20 staff were redirected at the height of the response to COVID-19. Staff were redirected according to job function and experiences in order to meet community and legislative needs.

The State of Emergency declared by WA Police and the State Government required Local Governments to provide information, enforce declarations and maintain community safety. Some Officers, such as Rangers and Environmental Health Officers, have been requested to assist with additional duties under the State of Emergency to carry out legislative requirements.

Shire staff continue to support Denmark businesses with information, training and assistance. The Denmark Chamber of Commerce, Denmark Community Resource Centre and other Not for Profits play an integral role with ongoing support and the Shire have partnered with these organisations to avoid duplication, attract grant funding and support business continuity.

Pandemic and Business Continuity Plans

The Shire's Business Continuity Plan was tested with the COVID-19 Pandemic and required modification to meet the demands of the outbreak. Local Government Business Continuity Plans have traditionally focused on short term emergency events like fire, theft, man-made and natural disasters. The ongoing nature of the Pandemic required the Shire of Denmark's Business Continuity Plan to mirror the long-term response required, and as such a Communicable Diseases response plan has been added to the Business Continuity Plan.

The Shire of Denmark Business Continuity Plan can be found as Attachment 8.3.4 of this report.

Assisting State Government Agencies to maintain public safety

WA Police sought assistance and resourcing from the Shire to help manage community safety. This included assistance with routine enquiries, monitoring community compliance with social distancing measures, providing assistance to vulnerable community members and information from PRT activities and stakeholders.

The Shire President scheduled weekly Local Emergency Management Committee (LEMC) meetings in order to assist State Government agencies such as the Department of Communities, Fire and Emergency Services, State Emergency Service and the Department of Health.

While not a State Government agency St John Ambulance were also included in PRT planning and preparedness and LEMC meetings.

The LEMC continue to meet on an "as needs" basis.

Assisting State and Federal Government Agencies to provide welfare and support.

The Denmark Community Resource Centre (DCRC) has played a vital role in assisting the community. Centrelink and Medicare agencies are located at the DCRC. The incredible demand on these services have stretched the largely volunteer workforce at the centre. The Shire continues to provide support and assistance to the DCRC to maintain these services.

In addition to Centrelink and Medicare, a number of Not for Profit groups like the Denmark Community Foundation, Denmark Homeless Project and others have been providing financial and crisis relief support. Together with the Department of Communities vulnerable members of the community are provided support and assistance when identified, with the PRT supporting with information and resourcing.

Advise Executive and Council

The PRT provided regular briefings to the Shire's Executive Team and Council to facilitate decision making and support for resources.

Two members of the Executive team formed part of the PRT to ensure continuity.

Whilst the PRT is in recess the Executive team will continue to brief Council on COVID-19 related matters.

Community Engagement Plan to provide meaningful information

The PRT implemented an engagement plan to provide immediate and continued information to the community. This required a range of methods to best meet location and vulnerable community member needs. The townships of Peaceful Bay and Nornalup required in-person visitation to update designated community members and noticeboards in addition to the broader all of community approach of social media, radio and television interviews, noticeboard and electronic information, newspaper press releases and advertisements.

In addition to the Shire of Denmark there were numerous requests to provide the township of Walpole with information and services. Given its location to Nornalup, this service was provided to Walpole and the Shire of Manjimup.

Wage savings and redirection of Shire staff to support capital expenditure

In response to the pandemic, the Shire has not recruited externally to replace staff resignations since February 2020. In addition, the Shire has ceased engagement of non-essential casual staff. As a result, significant annual wage savings are currently being realised. This can continue until it impacts on Shire operations, and/or community expectations, in line with the Workforce plan. Ultimately, the salaries are, and will be significantly less in 2020/21 when compared to the 2019/20 budget and Long Term Financial Plan.

It is expected that the Shire will have an extensive capital expenditure program for the 2020/21 Financial Year. For infrastructure projects that Shire officers directly design, manage and construct, the value is expected to be in the order of \$1.5M more than 2019/20. This in turn provides the opportunity for some level of redeployment, where appropriate, for staff members who otherwise have a downturn in workload.

Staff mapping suggests a total of 7 Full Time Equivalent (FTE) staff can be redeployed to support essential functions of the Shire, including capital works. This equates to more than 10% of the workforce and will include almost total redeployment of the Recreation Centre, Library and Customer Service (part) teams, not including casual staff members.

Given that capital works are largely grant funded, there exists further opportunity to accrue operational savings by increasing the value of capital works constructed 'in house'. By shifting construction staff from maintenance works and into capital projects the impact to general revenue is decreased by virtue of grant funded capital works. This will be considered as an option should the Pandemic impact operations beyond January 1, 2021. However, the budget assumptions made, at this point in time, keep maintenance wage costs at 100% of 2019/20 levels in order to maintain service delivery and community expectations.

It should be noted that if maintenance is reduced, Council must accept a corresponding decrease in service levels across the road network.

As a result of the above, the officers are confident that a balanced budget, without a reliance on reserves, can be achieved without any further stand downs. Where officers' workload is reduced as a result of the pandemic, there exists ample opportunity to carry out meaningful work for the community.

Community expectations

It is noted that there exists a level of community expectation that suggests the Shire should be reducing its workforce as a result of the Pandemic.

The Shire has indicated a strong desire to continue with capital projects and support both staff and the small business community of Denmark. Analysis of the draft budget, including the potential to decrease salaries, suggests that reducing the administrative workforce by

20% would impact negatively on capital program delivery. By redeploying staff, and in turn offering increased work to Denmark businesses, this provides a more beneficial model to deliver on community expectations.

There exists an opportunity to share with the community the substantial wage savings being made, along with an increased capital expenditure program, to support local business during the pandemic, and then later in the recovery phase.

Consultation:

West Australian Local Government Association

On 27 March 2020, the WA Local Government Association (WALGA) held a Special State Council Meeting to consider the Local Government Sector's Response to the COVID-19 Pandemic. The Council resolved (Resolution 41.1/2020) that WALGA:

1. Notes the significant contribution of Local Governments in supporting their communities through the COVID-19 pandemic from a financial, economic, community and social perspective.
2. Requests each Local Government give consideration to the following suite of actions, for Local Governments with the capacity to do so, to provide a coordinated and consistent response to the COVID-19 pandemic:
 - a) Consider not increasing rates for the 2020-21 financial year.
 - b) Adoption of rates hardship policy by Local Governments that do not currently have a policy, based on the WALGA template
 - c) Consider rate relief options to support small businesses affected by the COVID-19 pandemic.
 - d) Review fees and charges considering whether fees can be reduced, waived or deferred during the COVID-19 pandemic.
 - e) Bring forward capital works and infrastructure spending with aggressive application of reserves and borrowing. Prioritise Local Government spending with businesses and contractors located within the Local Government.
 - f) Implement business friendly payment terms to support business cash flow.
 - g) Consider supporting Community sporting and cultural groups by either establishing grant programs or waiving fees and charges.
 - h) Redeploy staff affected by facility closures to tasks that support the community.
3. Notes the State Government is urgently drafting legislative and regulatory amendments to support the actions outlined in point 2 above.
4. Notes the advocacy for the following:
 - a) An increase in Local Government borrowing capacity beyond current Western Australian Treasury Corporation borrowing limits.
 - b) Suspension of the Western Australian Treasury Corporation's borrowing.
 - c) Guarantee charge of 0.7 percent on top of the loan interest rate for the 2020-2021 financial year.
 - d) No increase to street lighting and utility tariffs in 2020-2021.
 - e) Deferral of revaluations for the 2020-2021 financial year.
 - f) Request the Office of the Auditor General to cease performance audits for the 2020-2021 financial year.
 - g) Freezing of the waste levy for the 2020-2021 financial year.

This resolution is in line with the request from the Premier of Western Australia to local governments to support the fight against the COVID-19 pandemic.

Great Southern Development Commission (GSDC)

Great Southern Local Government Chief Executive Officers and Chamber of Commerce entities have met weekly from March 2020 with the GSDC in response to forming a collaborative COVID-19 response across the region.

Denmark Not for Profit Sector

Shire staff have been in regular contact with the Not for Profit sector. Initial response has been geared towards the Not for Profits providing welfare and crisis care support.

The Officer has considered the requirement for further consultation and/or engagement with persons or organisations that may be unduly affected by COVID-19 and considered Council's Community Engagement Policy P040123 and believes that no additional external/internal engagement or consultation is required for the purposes of this report.

It is clear ongoing community consultation is required as a result of the Pandemic, but not directly relating to this item.

Statutory Obligations:

Environmental Health Officer (EHO)

Local Governments have statutory obligations under the WA Government Pandemic Plan to provide EHO's in accordance to the Department of Health Guidelines pertaining to the Food Act (2008) and the Food Regulations (2009). This includes assisting with investigation of human epidemics, monitoring of food safety and providing guidance on public health measures to the Shire and business community.

Ranger Services

While no specific additional powers were assigned to Rangers, they were identified under section 38 of the Emergency Management Act (2005) through the Shire of Denmark's Local Emergency Management Committee and the WA Governments State of Emergency arrangements, as a resource that could assist Police with monitoring of public places and promoting social distancing.

Business Continuity & Pandemic Response Plan

A Business Continuity Plan, including a Pandemic Response Plan, is considered necessary to assist the Chief Executive Officer to comply with their obligations under Regulation 17 of the Local Government (Audit) Regulations 1996 which includes risk management.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

The COVID-19 Pandemic has significantly impacted Local Governments financially. As at 24 April 2020 the Shire of Denmark has directly incurred staff costs of \$57,550 in responding to community needs and supporting State and Federal Government agencies. Indirect costs are much greater.

As a result of the Pandemic the 2019/20 end of year position was projected to ascertain:

- Impact of decreased revenue streams due to change in economic circumstances.
- Impact on cashflow due to households, community organisations and businesses inability to pay or deferring outstanding rates, leases and self-supporting loans.
- The possible requirement to draw on reserves or take out short-term borrowing facilities to fund day to day operations before June 30, 2020 and into the 2020/21 financial year.
- The effect of maintaining the existing workforce structure.

Projected financial position as at June 30, 2020 is a \$42,000 year end surplus. Thus there is no requirement to access short-term funding or draw down on reserve funds for the 2019/20 financial year.

The impact on income has been offset by the substantial savings made in salaries.

The 2020/21 budget is expected to be significantly impacted and the following assumptions are made:

- Zero percent (0%) increase in rate yield.
Noted to be -1.25% due to waivers in the new recommended rating model.
- Rate collection deferred moderately.
- Zero percent (0%) increase in fees and charges.
- No Corporate Business Plan projects.
- Zero percent (0%) increase in salaries and wages.
- No casual staff until January 2021. Redeploy staff from service areas not used.
- Service levels of the organisation to be reviewed. Assess each division and apply to budget chart of accounts where utilised. ie Capital projects.
- Recreation Centre potentially impacted until December 2020, reduced fees, staff redeployed.
- Library impacted in the short-term, staff redeployed / restricted access.
- Parry Beach Campground closed and/or reduced services for short term, reduced fees.
- Planning & Building fee income adjusted.
- Capital expenditure Budget of \$4.162m, this includes a breakdown consisting of Council funds \$316,000 / Grant funds \$3,800,000.
- Deliver balanced budget with effective cashflow management a priority.
- Implement efficiency and wage savings.

Given the changing environment as a result of the COVID-19 Pandemic it is suggested Council review the budget quarterly, that is, adopt three (3) budget reviews, including one (1) formal budget review as required under the Regulations. Currently all Local Governments are required to undertake at least one (1) midyear budget review.

Long Term Financial Plan

The Shire of Denmark's adopted Long Term Financial Plan 2019-2034 (LTFP) makes the following assumptions:

- Business as usual – existing service levels are maintained.
- Balanced budget – expenditure matches income.
- Rate base will grow minimally over the life of the plan.
- Rates revenue will increase by an average of 4% per year.
- Staff costs will increase by no more than 3% per year.
- Staff levels will remain stable during the first four years.
- Inflation will be 2% per year.

It is clear these assumptions will need to be modified as a result of the Pandemic and the revised economic forecast. Immediately after the 2020/21 budget is completed the LTFP should be updated to reflect the most current economic conditions to enable Council to share its position with the community.

Strategic & Corporate Plan Implications:

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

Denmark 2027

E1.0 Our Economy

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

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

L5.0 Our Local Government

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

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

Corporate Business Plan

5.4.10 Develop and implement a Long Term Financial Plan.

Sustainability Implications:

➤ **Governance:**

In declaring a State of Emergency, the State Government have ceded responsibility of enforcement protocols relating to Health inspections of food service businesses to Local Government under the State Government Pandemic Plan. The State has requested Local Governments not charge a fee for this service.

➤ **Environmental:**

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

➤ **Economic:**

The resultant impact of the COVID-19 Pandemic on the economic position of the Shire is not yet fully understood. In conducting regular formal reviews, as detailed in this report, this will allow Council, staff, the Department of Local Government and the community to better understand the current and future economic imperatives and financial position of the Shire.

➤ **Social:**

The social and well-being implications for the community are significant as a result of the pandemic. It is generally considered that local governments play a significant role in supporting the social structure of their community through a wide variety of services and functions delivered.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council do not endorse Business Continuity or Pandemic Response Plans	Rare (1)	Minor (2)	Low (1-4)	Inadequate Organisation or Community Emergency Management	Accept Officer Recommendation
That Council do not conduct quarterly budget reviews and/or update the Long Term Financial Plan	Unlikely (2)	Moderate (3)	Moderate (5-9)	Inadequate Financial, Accounting or Business Acumen	Accept Officer Recommendation

Comment/Conclusion:

The Pandemic Response Team (PRT) have been recognised for their outstanding work by the West Australian Local Government Association, Local Government Professionals and Government agencies for the suite of documents produced in response to the COVID-19 pandemic. The Business Continuity Plan has been updated and a new Pandemic Response Plan been drafted as a result. In considering these documents for endorsement Council acknowledge the leadership shown by the Shire of Denmark toward other regional Local Governments across Western Australia.

Staff redirection and redeployment has been central to the response by the Shire. The demonstrated “can do” approach by Council, staff, Not for Profit sector and the community of Denmark has received significant community support and praise.

The COVID-19 Pandemic has clearly altered the economic and social environment for all Australians. The Denmark community through job losses, impact on sole traders and small business and general well-being of the community requires the Shire to re-evaluate the Long Term Financial Plan together with its underlying assumptions. This is important in providing community and business sector confidence.

The next twelve (12) months remain very uncertain financial times. All business, including Local Government, will need to continually monitor and review economic forecasts and operating budgets. There will be a heavy reliance for Local Government to embrace Capital Grants to drive the local economy and the Shire will need to work with State and Federal Governments to attract investment. To this end it will be important Council review quarterly the operating budget and formally adopt such reviews.

As a result of the difficult financial times ahead the Shire will need to ensure cash flow is well understood and any impediments are managed to ensure continued operations, particularly around capital expenditure projects. Working with the Department of Treasury to secure short finance facility at record low interest levels will be important to achieve these outcomes.

At the Shire of Denmark’s Ordinary Council Meeting, on 21 April, 2020, Council resolved
That in preparing its 2020/21 budget;
a. Ensure that no ratepayer shall pay more in rates for the same assessment than they did in 2019/20 except where improvements or development have occurred on the relevant property which have increased the rateable value of said property.

While this resolution makes a determination of Council, most community members would be unaware of this decision. Thus, it is suggested that the Shire advise the community of this decision by authorising the CEO to make public the resolution by way of a press release.

Further, it is suggested that Council formally commit to a zero increase in fees and charges for the 2020/21 financial year as advocated by the West Australian Government and the West Australian Local Government Association, where practicable, noting some fees and charges may require amendment due to legislative requirements.

Voting Requirements:
 Simple majority.

OFFICER RECOMMENDATION	ITEM 8.3.4
<p>That Council;</p> <ol style="list-style-type: none"> 1. Endorse the attached Business Continuity & Pandemic Response Plan. 2. Note the redeployment of staff, as per community expectation, to support essential services, including capital works. 3. Direct the CEO to update the Long Term Financial Plan and prepare a report for Council’s consideration prior to the draft 2021/22 budget being developed. 4. Direct the CEO to provide Council with three (3) quarterly Budget Reviews for endorsement during the 2020/21 financial year, rather a single mid-year Budget review as legislated. 5. Direct the CEO to publicly advertise that; <ol style="list-style-type: none"> a. No ratepayer shall pay more in rates for the same assessment than they did in 2019/20 except where improvements or development have occurred on the relevant property which have increased the rateable value of said property. b. Fees and Charges will remain the same for the 2020/21 budget where possible, noting some fees and charges may require amendments due to legislative requirements. 	

8.3.5 APPOINTMENT OF RANGER & POUND KEEPER & AMENDMENT TO DELEGATION D050204 – LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960

File Ref:	Personnel File and ADMIN.9
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	5 May 2020
Author:	Claire Thompson, Executive Assistant & Governance Coordinator
Authorising Officer:	David Schober, Acting Chief Executive Officer
Attachments:	Nil

Summary:

Council are asked to;

1. Appoint an existing employee as an additional Ranger to enable back up for ranger services when one of the two existing rangers are on leave.
2. Amend Delegation D050204 – Local Government (Miscellaneous Provisions) Act 1960 to enable any future ranger appointments can be made by the Chief Executive Officer.

Background:

The Shire of Denmark employs a Senior Ranger and a Ranger on a full-time basis. At the moment there is no backup employee for ranger services should one of the rangers be on leave. This can become particularly problematic during peak seasons (eg. bushfire, tourism) if Ranger Services are reduced by half, or none.

Delegation D050204 relates to the appointment of rangers or poundkeepers but should refer to names of person(s) not positions. Council are asked to consider delegating authority to the Chief Executive Officer to appoint such person(s).

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.

A public notice is required should a ranger or pound keeper be appointed or removed.

Statutory Obligations:

RANGER AND POUNDKEEPER APPOINTMENTS

Section 449 of the Local Government (Miscellaneous Provisions) 1960 gives power to the Council to appoint "*fit and proper persons to be keepers of those pounds and may appoint a ranger or rangers*".

Section 450 states that a local government must give local public notice of any appointments, or removals, made under section 449.

DELEGATION D050204 & DELEGATED AUTHORITY

Section 5.42 of the Local Government Act 1995 allows the Council to delegate any of its powers or functions to the Chief Executive Officer. Section 2 of the Local Government (Miscellaneous Provisions) 1960 states that it is to be read as part of the Local Government Act 1995 and therefore section 5.42 applies.

Delegation D050204 – Local Government (Miscellaneous Provisions) Act 1960 reads as follows;

“AUTHORISED PERSONS

Pursuant to Sections 450, 458 & 474 of the Local Government (Miscellaneous Provisions) Act 1960, the Council appoints the following persons as Pound keepers and Rangers;

1. *Chief Executive Officer;*
2. *Senior Ranger; and*
3. *Ranger.”*

Section 449 provides power to appoint *persons*, therefore the above delegation should refer to the name of those person(s) not positions.

Most local governments, and WALGA’s delegations’ template, provide the Chief Executive Officer the delegated function of appointing authorised persons under the Miscellaneous Provisions Act. This allows the CEO to appoint a ranger quickly and efficiently, if required, to ensure continuity of ranger services. The Author has recommended that Council amend the delegation to provide this power to the CEO rather than any ranger appointment having to be made by a formal Council resolution.

The officer recommends that Delegation D050204 be amended to read as follows;

“D050204 – APPOINTMENT OF RANGERS AND POUND KEEPERS

LEGISLATIVE POWER: Section 5.42, Local Government Act 1995
DELEGATE: Chief Executive Officer

The Chief Executive Officer is delegated the local government’s power under section 449 of the Local Government (Miscellaneous Provisions) Act 1960, to appoint person(s) as rangers or pound keepers.

AUTHORISED RANGERS

Charmaine Shelley
David Lonie

AUTHORISED POUND KEEPERS

Charmaine Shelley
David Lonie

CONDITIONS

Only person(s) who are appropriately qualified and trained may be appointed as Authorised Persons.”

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

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

The future Annual Budgets to include provision for the cost to back up the Ranger position.

Strategic & Corporate Plan Implications:

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

Denmark 2027

C4.0 Our Community

We live in a happy, 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.

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

No directly related actions but there are a number of actions which are to be implemented or assisted by ranger services.

Sustainability Implications:➤ **Governance:**

Ranger services is a specialised and required function of local government. Whilst much of a ranger's role is around law enforcement, they also provide an important monitoring and assistance function for emergency services and community safety.

The officer has recommended that the CEO be delegated to appoint such person(s), as required, to ensure the continuity of ranger services. The Shire currently has two rangers and if one is holidays, for example, and the other ranger is unwell and unable to work, the Shire is left without a ranger until the Council can formally appoint one. This could leave a gap in servicing and create problems, particularly during bushfire or tourist seasons when ranger services are in high demand.

➤ **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 significant risks associated with the report or officer recommendation.

Comment/Conclusion:

It is recommended that Emma Holliday be appointed as a Ranger and Poundkeeper and, by default of the position, will be given the following delegated authority and power;

D050105 - Issuing of Infringements under the Bush Fires Act 1954;

D050202 – Dogs – Local Laws and Dog Act 1976;

D050203 – Cat Act 2011;

D050302 – Power of Entry;

D050303 – Impounding Goods;

D050305 – Enforcement & Legal Proceedings (s.9.10 of the Local Government Act 1995)

D050306 – Control of Vehicles (Off-Road Areas) Act 1978;

D050308 – Fines, Penalties and Infringement Enforcement Act 1994 – Prosecution Officer;

D100601 – Town Planning Scheme (monitoring compliance);

- D110201 – Property Local Law;
- D120301 – Parking & Parking Facilities Local Law;
- D120401 – Prescribed Officer – Road Traffic (Administration) Act 2008;
- D130101 – Pest Plants Local Law;
- D130204 – Caravan Parks and Camping Grounds – Authorised Person.

It is not considered necessary to appoint Emma as a Fire Control Officer.

Emma is an existing Shire employee and would be available to perform ranger services when required and has already undertaken some accredited ranger training which is specific to the role. The Chief Executive Officer is comfortable that the Officer is suitably qualified to fulfil the role.

Voting Requirements:

Simple majority.

ITEM 8.3.5 a)

OFFICER RECOMMENDATION

That pursuant to section 449 of the Local Government (Miscellaneous Provisions) Act 1960, Council appoint Emma Holliday as a ranger and poundkeeper and provide public notice of the appointment.

ITEM 8.3.5 b)

OFFICER RECOMMENDATION

That Council amend Delegation D050204 – Local Government (Miscellaneous Provisions) Act 1960 to read as follows;

“D050204 – APPOINTMENT OF RANGERS AND POUND KEEPERS

LEGISLATIVE POWER: Section 5.42, Local Government Act 1995

DELEGATE: Chief Executive Officer

The Chief Executive Officer is delegated the local government’s power under section 449 of the Local Government (Miscellaneous Provisions) Act 1960, to appoint person(s) as rangers or pound keepers.

AUTHORISED RANGERS
Charmaine Shelley
David Lonie

AUTHORISED POUND KEEPERS
Charmaine Shelley
David Lonie

CONDITIONS
Only person(s) who are appropriately qualified and trained may be appointed as Authorised Persons.”

9. COMMITTEE REPORTS AND RECOMMENDATIONS

Nil

10. MATTERS BEHIND CLOSED DOORS

If there were members of the public in attendance at the meeting, Officers would be recommending that Council move behind closed doors to consider Item 10.1. Given that the meeting is being held electronically pursuant to Regulation 14B of the Local

Government (Administration) Regulations 1996 and there are no members of the public present, a motion is not required.

The subject and information contained within the report for Item 10.1 is confidential, as determined by the Chief Executive Officer pursuant to Regulation 6 (1) of the Local Government (Rules of Conduct) Regulations 2007. The Chief Executive Officer considers that if the report was made public it would reveal the business and commercial affairs of a number of people.

10.1 LEASES OF PORTIONS OF LOT 300 ON DEPOSITED PLAN 46811, 832 SOUTH COAST HIGHWAY, DENMARK

File Ref:	A5561 & LEA.51
Applicant / Proponent:	Denmark Concrete Pty Ltd
Subject Land / Locality:	Portion of Lot 300, 832 South Coast Highway, Denmark
Disclosure of Officer Interest:	The Author's partner is a casual employee of Denmark Concrete.
Date:	6 May 2020
Author:	Claire Thompson, Executive Assistant & Governance Coordinator
Authorising Officer:	David Schober, Acting Chief Executive Officer
Attachments:	Nil

This item is confidential and has been provided to Councillors under separate cover.

11. NEW BUSINESS OF AN URGENT NATURE

12. CLOSURE OF MEETING