

# Shire of Denmark

## Ordinary Council Meeting **AGENDA**

**19 APRIL 2022**



TO BE HELD IN COUNCIL CHAMBERS, 953 SOUTH COAST HIGHWAY, DENMARK, ON TUESDAY, 19 APRIL 2022, COMMENCING AT 4.00PM.



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## Strategic Community Plan (snapshot)

### E1.0

#### Our Economy

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

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

### N2.0

#### Our Natural Environment

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

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

### B3.0

#### Our Built Environment

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

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

### C4.0

#### Our Community

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

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

### L5.0

#### Our Local Government

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

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

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- 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**
- 2. RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE**

**MEMBERS:**

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

**STAFF:**

David Schober (Chief Executive Officer)  
 David King (Deputy Chief Executive Officer)  
 Gina McPharlin (Director Corporate & Community Services)  
 Claire Thompson (Governance Coordinator)

**APOLOGIES**

**ON APPROVED LEAVE(S) OF ABSENCE**

**ABSENT**

**VISITORS**

- 3. DECLARATIONS OF INTEREST**

Name	Item No	Interest	Nature

- 4. ANNOUNCEMENTS BY THE PERSON PRESIDING**

- 5. PUBLIC QUESTION TIME**

**5.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

In relation to item Item 9.3.1 - Sustainable Projects Committee of the 15 March 2022 Ordinary Council Meeting, Craig Chappelle asked the following questions:

1. Why was the committee only made up of councillors and no community members?

*The CEO advised that the intention was that the committee would consult with numerous stakeholders on a range of topics and would invite people to attend meetings at any time.*

Additional notes:

Once the Committee is formed members may add standing agenda items from stakeholders with common interests on specific projects. The Committee will review the terms of reference on formation.

2. Craig noted that there was a proposal to increase the number of solar panels on the Shire Administration building and asked what the Shire's present annual consumption was?

## RESPONSE:

*The Shire Administration building's annual consumption from the grid in FY21 was 58,468kWh excluding consumption supplied by the existing solar panels.*

3. What proportion of the Shire's annual power consumption was provided by the existing rooftop solar?

## RESPONSE:

*The existing rooftop solar panels provide approximately 43,000kWh per annum equating to around 42% of power consumption in FY21.*

4. Would the additional panels, required to provide 100% of the Shire's consumption, fit on the building.

## REPOSE:

*The CEO said that it hadn't been determined yet.*

Additional notes:

*The Shire is currently reviewing its current and future energy needs in order to develop a business plan for the Committee's review. The review will investigate the feasibility of solar panels for major buildings owned by the Shire including, but not limited to, the Civic Centre, Community Resource Centre and Depot.*

5. Craig said that he believed the Shire needed to take into consideration that the Denmark Community Windfarm provided approximately 40% of Denmark's annual energy needs, including the Shire's.

**5.2 PUBLIC QUESTIONS**

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

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

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

Questions from the Public

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

Nil

**5.4 PRESENTATIONS, DEPUTATIONS & PETITIONS**

In accordance with Section 5.24 of the Local Government Act 1995, Sections 5, 6 and 7 of the Local Government (Administration) Regulations and section 3.3 and 3.13 of the Shire of Denmark Standing Orders Local Law, the procedure for persons seeking a deputation and for the Presiding Officer of a Council Meeting dealing with Presentations, Deputations and Petitions shall be as per Council Policy P040118 which can be downloaded from 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.

**6. APPLICATIONS FOR FUTURE LEAVE OF ABSENCE**

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

**7. CONFIRMATION OF MINUTES**

**7.1 ORDINARY COUNCIL MEETING – 15 MARCH 2022**

OFFICER RECOMMENDATION	ITEM 7.1
That the minutes of the Ordinary Meeting of Council held on the 15 March 2022 be CONFIRMED as a true and correct record of the proceedings.	

**7.2 STRATEGIC BRIEFING NOTES – 15 MARCH 2022**

OFFICER RECOMMENDATION	ITEM 7.2
That the Notes from the Strategic Briefing Forum held on 15 March 2022 be RECEIVED.	

**7.3 STRATEGIC BRIEFING NOTES – 5 APRIL 2022**

OFFICER RECOMMENDATION	ITEM 7.3
That the Notes from the Strategic Briefing Forum held on 5 April 2022 be RECEIVED.	

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

The following Notice of Motion (NOM) was received by the Chief Executive Officer in writing on the 7<sup>th</sup> April 2022 and therefore complies with the Shire of Denmark Standing Orders Local Law clause 3.9.

### 8.1 EXPLORATION LICENSE: OBJECTION TO APPROVAL

<b>File Ref:</b>	CR.3
<b>Applicant / Proponent:</b>	Not Applicable
<b>Subject Land / Locality:</b>	Not Applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	7 April 2022
<b>Author:</b>	Cr Donald Clarke – Town Ward
<b>Attachments:</b>	Nil

#### Councillor Comments:

United Funds Pty Ltd submitted an application for an exploration licence (EL) 70/5795 (E70/5795) in the Shire of Denmark on 21 May 2021. The application covers an area on the southern side of the South Coast Highway between Parker Road in the west and McLeod Road in the east, and Scotsdale Rd in the north.

As there were no objections to this license application under the Mining Act 1978, the application was lodged with the Perth Mining Registrar. The Perth Mining Register has not yet made a recommendation on the application for the Minister of Mines consideration.

There have been previous applications for exploration and mining leases within the Shire of Denmark, including but not limited to BHP and individual proponents. All have relinquished their applications.

The Mining Act 1978 stipulates minimum requirements for consultation for an application for an exploration licence. *“Within the prescribed period the applicant shall serve such notice of the application as may be prescribed on the owner and occupier of the land to which the application relates and on such other persons as may be prescribed.”* The Mining Regulations 1981 determine that this includes landowners and the Local Government Chief Executive Officer (CEO).

Under the Mining Regulations 1981 64A (amend 2013), notice in the form of Form 21 shall be served on the Chief Executive Officer (CEO) of the local government within (14) days of the lodging of the application to which the notice relates unless notice of the application is given to that Chief Executive Officer under section 33(1).

The Shire received the notice as the Local Government for the area; it has management orders over various crown reserves within the proposal.

Also, under this section of the Regulations, the notice required to be served on the owner and occupier shall be - (a) in the form of Form 21; and (b) served by the applicant within 14 days of the lodging of the application to which the notice relates.

Enquiries by the Denmark Environment Centre (DEC) have found no landowners were served with the prescribed form (this also seems to be the case with an EL application in the Torbay area).

Objections to the EL application can be made to the Warden, where the application is objected to is for a mining tenement relating to private land, within 21 days of the day on which the person was served with a copy of notice or 35 days after the day on which the application is lodged, whichever period ends later.

Until the Perth Mining Registrar makes a recommendation on the application, the Warden is able to consider the late lodgement of objections but, alternately, can determine not to. In considering whether to accept a late objection, the Warden may undertake a submission exchange to afford all parties procedural fairness.

In the discussed instance, the Shire did not lodge an objection to the Warden but responded to the proponent United Funds Ltd with concerns regarding any future mining in the area

from a Shire planning perspective. A planning response was considered appropriate as mining exploration is a low impact activity, and there were no planning grounds for objection.

Although the Shire did not lodge an objection, given there were no planning grounds for objection, the Act does not stipulate on what grounds an objection would be valid or reasonable, planning or otherwise. Therefore, the Shire could have lodged an objection with respect to any other matter.

No objections to the application were received from the public, who only became broadly aware of the application in late February 2022, months after the objection period closed.

While not lodging an objection, the Shire communicated a number of concerns to the proponent regarding the area to be explored, including:

- Proximity to the Irwin Inlet and its foreshore reservation, a number of rural residential developments, and the South Coast Highway;
- A number of existing stands of remnant vegetation and creek lines throughout the area;
- There are very high landscape values in this area that require protection in any development proposal; and
- There are a number of Reserves that are reserved for Recreation under the Shire of Denmark Town Planning Scheme No.3 (the Scheme)."

There are many other reasons the community would expect the Shire to cite in objecting to the EL application and to the exploration for minerals within the Shire of Denmark.

There has been long-standing community opposition to mineral sand exploration and mining in the Denmark region. This is motivated by the wish to protect the region's natural environment and the community's quality of life. Mineral sands' exploration and mining also poses a threat to the long-standing community effort to protect our waterways. There is opposition to exploring in riparian zones, areas of remnant vegetation, and any areas that may release the potential of acid sulphate soils as well as in areas within Nature Reserves and State Forests.

The community's reasons for opposing mineral sands exploration and mining within the Denmark region also include:-

- 1) Adverse impact on local tourism.
- 2) Adverse impacts of heavy haulage.
- 3) Adverse visual impacts.
- 4) Adverse social impacts.
- 5) Destruction of prime dairy farming land.
- 6) Spread of dieback (*phytophthora cinnamomi*).
- 7) Radioactive dust pollution.
- 8) Blown sand and dust pollution.
- 9) Noise pollution.
- 10) Adverse impact on Parry Inlet and catchment.
- 11) Adverse impact on Owingup Swamp and catchment.
- 12) Adverse impact on local hydrology.
- 13) Adverse impact on William Bay National Park.
- 14) Adverse impact on soil structure and chemistry.
- 15) Potential destruction of remnant vegetation.

Although the period for formal notice of objection has closed, the opportunity still exists to lodge a formal notice of an objection that the Warden may receive, if they determine reasonable grounds for the late notice.

Also, community members have been seeking a general re-opening of the objection period by the Warden. This would allow all those in the community with objections to have a voice.

### **Strategic Community Plan Implications**

This Notice of Motion (NOM) is consistent with Council's adopted Strategic Community Plan Aspirations and Objectives:

E1.0 Our Economy We are an attractive location to live, invest, study, visit and work



- E1.2 To be a vibrant and unique tourist destination, that celebrates our natural and historical assets
- N2.0 Our Natural Environment Our natural environment is highly valued and carefully managed to meet the needs of our community, now and in the future
- N2.1 To preserve and protect the natural environment
- N2.2 To promote and encourage responsible development
- N2.3 To reduce human impact on natural resources, reduce waste and utilise renewable energy

**Officer Comment:**

Officers appreciate the community concerns around the issue of an exploration licence within the Shire of Denmark. It should be noted that an existing, live, exploration licence exists to West of the Hay River in the municipality of Denmark.

**Draft Policy Motion**

Extractive industry is already controlled via the State Mining Act, State Planning Policy, Local Planning Scheme, Extractive Industry Planning Policy, and Extractive Industry Local Law.

Officers require more detail on Councillors intent of the Policy, so that advice can be provided on how the intent may affect or contradict other legislation, local or state policy.

Officers support the opportunity for informal discussion with Councillors through a briefing to determine the intent and whether a Policy is appropriate.

**Lodge with the Warden a formal notice of objection to Exploration Licence**

Exploration is a low impact activity controlled via the Mining Act.

Whilst a Mine may have adverse impacts, that is not the proposal being considered and therefore impacts 1-15 are not considered valid by officers.

Section 58 (4) of the Mining Act 1978 (the Act) requires that within the prescribed period the applicant shall serve such notice of the application as may be prescribed on the owner and occupier of the land to which the application relates and on such other persons as may be prescribed.

Officers deem that this requires a notice to be issued to owner and occupiers of the affected land and it is officers understanding that landowners in the affected area have not received a notice.

Officers consider an appropriate response to being to write to the mining registrar, notifying them of Local Government concerns that the provisions of the Act have not been met. Therefore, refusal should be recommended in accordance with Section 59 (3a) of the Act.

Officers recommend that the motion provide a detailed explanation as to the nature of the objection.

**Re-opening of the objection period.**

Officers support the motion to write to the Warden and advocate for the re-opening of the objection period.

<b>CR CLARKES NOTICE OF MOTION</b>	<b>ITEM 8.1</b>
<p>That Council REQUEST the Chief Executive Officer:</p> <ol style="list-style-type: none"> <li>1. To CONVENE a briefing of Councillors to determine if a policy position on mining and tenement applications in the Shire of Denmark should be progressed; and,</li> <li>2. To LODGE a formal notice of objection to the Warden to Exploration Licence 70/5795; and,</li> <li>3. To ISSUE a request to the Warden for general re-opening of the objection period, to allow landholders and occupiers in the area covered by the Exploration Licence 70/5795, and other community groups and members, to lodge submissions.</li> </ol>	

**9. REPORTS OF OFFICERS**

**9.1 DIRECTOR ASSETS AND SUSTAINABLE DEVELOPMENT**

Nil

**9.2 DIRECTOR CORPORATE AND COMMUNITY SERVICES**

**9.2.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDED 28 FEBRUARY 2022**

<b>File Ref:</b>	FIN.1
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	23 March 2022
<b>Author:</b>	Lee Sounness, Manager Corporate Services
<b>Authorising Officer:</b>	Gina McPharlin, Director Corporate & Community Services
<b>Attachments:</b>	9.2.1 – February 2022 Monthly Financial Report

**Summary:**

The monthly financial statement report is a standard financial reporting item prepared in accordance with the provisions of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996.

Council is to consider the financial results for the period ending 28 February 2022.

**Background:**

In accordance with Financial Management Regulation 34, the Shire is to prepare a monthly Statement of Financial Activity reporting on the sources and applications of funds, as set out in the annual budget under Financial Management Regulation (1) (d), for that month with the following details:

- a) annual budget estimates;
- b) budget estimates to the end of the month to which the statement relates;
- c) actual amounts of expenditure, revenue, and income to the end of the month to which the statement relates;
- d) material variances between the comparable amounts referred to in (b) and (c); and
- e) net current assets at the end of the month to which the statement relates.

**Consultation:**

Nil

**Statutory Obligations:**

LOCAL GOVERNMENT ACT 1995 S6.8 (1)(b) – a Local Government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by resolution.

**LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATION 34**

Regulation (1) – the Shire is to prepare a monthly Statement of Financial Activity reporting on the sources and applications of funds, as set out in the annual budget.

Regulation (1)(d) the monthly Statement of Financial Activity includes material variances between budget estimates and actual expenditure, revenue, and income.

Regulation 34(5) - Council adopted a material variance threshold of 10% or a minimum of \$10,000, whichever is greater. (Res: 230821)

**Policy Implications:**

Policy P040222 - Material Variances in Budget and Actual Expenditure - An explanation or report is required for levels of variances for financial reporting exceeding 10% (minimum dollar variance of \$10,000) of the annual budget estimates to the end of the month to which the report refers for each program or General/Ledger Job Account.

**Budget / Financial Implications:**

Council endorsed amendments to the capital works and expenditure program for the 2021/2022 financial year at the 16 November 2021 Ordinary Council Meeting (Res: 161121). These amendments are included in Note 3 of Attachment 9.2.1.

Council endorsed further amendments to the adopted budget as part of the statutory mid-year budget review which was adopted at a Special Council Meeting held on 1 March 2022. Those amendments are captured within the financial statements presented for the period ended 28 February 2022.

There are no significant trends or issues to be reported. Some minor variances to year-to-date budgets are disclosed in Note 3(a) of the financial statements, including those relating to the timing of the works program.

**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

L5.4 To be fiscally responsible

**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:**

This report is in line with Financial Management Regulation 34(2)(b), which requires commentary on material variances to the Statement of Financial Activity at the nature/type, program, or business unit level.

The 28 February 2022 Statement of Financial Activity (Statement of Financial Activity - Statutory Reporting by Nature & Type page 2. Attachment 9.2.1 – February 2022 Monthly Financial Report) shows a year-to-date actual closing surplus position of \$4,419,590 compared to the year-to-date budget of \$3,384,546, a year-to-date variance of \$1,035,044.

The adopted budget for 2021/2022 was built on an estimated brought forward surplus position from 2020/2021 of \$1,553,964. On audit signoff, the confirmed closing position for the year ended 30 June 2021 was \$1,582,425, an increase of \$28,461. The increase in closing financial position resulted from the finalisation of year-end accruals and adjustments to various restricted grants and has been accounted for as part of the mid-year review adopted by Council at the Special Meeting of Council held on 1 March 2022.

Year-to-date operating revenue is \$75,721 higher than the year-to-date budgeted amount (Statement of Financial Activity - Statutory Reporting by Nature & Type page 2. Attachment 9.2.1 – February 2022 Monthly Financial Report). This is due to:

- fees and charges income is higher than expected due to higher activity in the following areas:
  - recreation centre fee income,
  - reimbursement and rental income, and
- operating grants that have been received in advance of budget profile (timing).

The actual operating expenditure is \$472,458 less than the year-to-date budgeted amount. The main cause of this variance is timing and contractor supply issues affecting planned Disaster Recovery Funding Arrangement Western Australia (DRFAWA) storm reinstatement works. (refer to Materials and Contracts Expense in the Statement of Financial Activity Report by Nature and Type)

\$1,443,829 capital expenditure has been incurred to the end of February 2022, which is \$578,639 less than budgeted. The main variation is due to the McLean Oval Water Re-Use Project, which has been delayed by Water Corporation pending a license amendment. The road renewal reseal program is also currently tracking behind the anticipated budget timeline.

**Outstanding Debtors (Note 4)**

As at 28 February 2022, outstanding Rates Debtors totalled \$972,371 compared to \$991,654 at the same time last year.

The rates collection percentage for the year sits at 86.88% (see Note 4), compared to 85.95% at the same time last year.

As at 28 February 2022, outstanding Sundry Debtors totalled \$98,295, \$36,358 less than at the same time last year. \$75,067 of the \$98,295 total is more than 90 days due and is primarily unpaid lime sales.

**Reserves**

The movement to reserves represents interest earned on reserve funds and transfers to and from reserves. A transfer of \$545,000 from the Denmark East Development Reserve (see Note 5) has been made to fund the Denmark East Light Industrial Area Fire Suppression System project.

**Cash Management**

As at 28 February 2022, total cash funds held (excluding trust funds) total \$8,590,099 (Note 1).

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

Reserve Funds (cash restricted) total \$4,112,399 (Note 5).

Municipal Funds (cash unrestricted) total \$4,477,700 (Note 2).

**Voting Requirements:**

Simple majority.

OFFICER RECOMMENDATION	ITEM 9.2.1
<p>That Council; with respect to the Financial Statements for the period ending 28 February 2022, RECEIVE the Financial Reports, incorporating the Statement of Financial Activity and other supporting documentation.</p>	

**9.2.2 LIST OF PAYMENTS FOR THE PERIOD ENDING 28 FEBRUARY 2022**

<b>File Ref:</b>	FIN.1
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	28 March 2022
<b>Author:</b>	Lee Sounness, Manager of Corporate Services
<b>Authorising Officer:</b>	Gina McPharlin, Director Corporate & Community Services
<b>Attachments:</b>	9.2.2 – February 2022 Monthly List of Payments Summary

**Summary:**

The purpose of this report is to advise the Council of payments made during the period 1 February 2022 to 28 February 2022.

**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 known 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 Community Plan Aspirations and Objectives and the Corporate Business Plan Actions and Projects in the following specific ways:

Denmark 2027

L5.4 To be fiscally responsible

**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.

<b>OFFICER RECOMMENDATION</b>	<b>ITEM 9.2.2</b>
<p>That Council, with respect to the attached Schedule of Payments, totalling \$1,901,223.36, for the month of February 2022, RECEIVE the following summary of accounts:</p> <ul style="list-style-type: none"> <li>• Electronic Funds Transfers EFT32216 to EFT32423 - \$1,319,174.51;</li> <li>• Municipal Fund Cheque No's 60471 – 60476 - \$11,393.45;</li> <li>• Internal Account Transfers (Payroll) - \$452,116.68; and</li> <li>• Direct Debit - \$12,199.96;</li> <li>• Corporate Credit Card; \$978.96;</li> <li>• Department of Transport Remittances; \$88,786.85, and</li> <li>• Loan Payments: \$16,572.95</li> </ul>	

**9.2.3 INVESTMENT REPORT FOR THE PERIOD ENDED 28 FEBRUARY 2022**

<b>File Ref:</b>	FIN.19
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	28 March 2022
<b>Author:</b>	Lee Sounness, Manager Corporate Services
<b>Authorising Officer:</b>	Gina McPharlin, Director Corporate & Community Services
<b>Attachments:</b>	9.2.3 - February 2022 Investment Register

**Summary**

This report presents the Investment Register for the period ending 28 February 2022.

**Background**

This report is for Council to receive the Investment Register for the period ending 28 February 2022.

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 investments are to comply with the following three (3) key criteria:

- a) Portfolio Credit Framework - limits the percentage of the portfolio exposed to any particular credit rating category (table a.)

Table a.

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%

- b) Counterparty Credit Framework – limits single entity exposure by restricting investment in an individual counterparty/institution by their credit rating (table b.)

Table b.

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	25%	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.

- c) Term to Maturity Framework - limits investment based upon maturity of securities (table c.)

Table c.

Overall Portfolio Return to Maturity		
Portfolio % <1 year	Min 40%	Max 100%
Portfolio % >1 year	Min 0%	Max 60%
Portfolio % >3 year	Min 0%	Max 50%
Portfolio % >3 year < 5 year	Min 0%	Max 25%

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

**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 Community Plan Aspirations and Objectives and the Corporate Business Plan Actions and Projects in the following specific ways:

Denmark 2027

L5.4 To be fiscally responsible

**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 Register summarises how funds are invested as per the Shires Investment Policy and reports on the Investment Portfolio balance as at 28 February 2022.

The Investment Portfolio complies with the criteria of Investment Policy P040229.

The portfolio balance mix meet the policy requirement in that no single institution hold more than 50% of the total funds invested, and the individual institution's S&P credit rating meet the required threshold to limit single entity exposure.

The total Reserve Funds invested as at 28 February 2022 totals \$4,112,399

The total Municipal Funds Invested as at 28 February 2022 totals \$3,408,766

The Reserve Bank of Australia (RBA) has not altered its cash rate for this month. The cash rate remains set at 0.10%.

**Voting Requirements**

Simple majority.

OFFICER RECOMMENDATION

ITEM 9.2.3

That Council; RECEIVE the Investment Register (Attachment 9.2.3) for the period ended 28 February 2022.



## 9.2.4 APPOINTMENT OF COMMUNITY MEMBERS ON THE DISABILITY SERVICES ADVISORY COMMITTEE

<b>File Ref:</b>	COMM.DSC
<b>Applicant / Proponent:</b>	Various
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	18 March 2022
<b>Author:</b>	Rosie Arnephie, Community Development Officer
<b>Authorising Officer:</b>	Gina McPharlin, Director Corporate & Community Services
<b>Attachments:</b>	9.2.4a - Community Member Applications ( <b>CONFIDENTIAL TO COUNCILLORS</b> ) 9.2.4b - Disability Advisory Committee Charter 9.2.4c - Advert for Disability Services Advisory Committee Members

### Summary:

Council is requested to appoint five (5) community members and one (1) professional member to the Disability Services Advisory Committee.

### Background:

Following the October 2021 Local Government Election, Council re-established the Disability Services Advisory Committee at the 16 November 2021 Ordinary Council Meeting (Resolution 291121).

The Committee's membership shall comprise of one (1) Councillor, five (5) community and one (1) professional member, as detailed in the Disability Advisory Committee Charter. The vacancies listed in the table below were advertised following the October 2021 meeting (Resolution 291121), Attachment 9.2.4c.

Disability Services Advisory Committee	No. of Vacancies
Community Members	5
Community Professional (Private Sector)	2

### Consultation:

Advertising commenced on 9 February 2022 in the Denmark Bulletin, the Walpole Weekly, Denmark Direct, Denmark Direct Shire of Denmark media release and the Shire of Denmark website and Facebook page.

The closing date for applications was 25 February 2022. The date was extended to ensure adequate number of initial applications are received. Direct marketing was also undertaken to target disability service providers and community groups.

### Statutory Obligations:

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

### Policy Implications:

There are no policy implications.

### Budget / Financial Implications:

There are no known financial implications upon 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 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.

Corporate Business Plan

The 2021-2024 Corporate Business Plan lists Disability Access and Inclusion as an existing service that is delivered by the Community Services Team. The plan aims to deliver strategies and actions to improve access and inclusion outcomes for people of all abilities within the Shire.

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

Community representation on Council Committees and Working Groups provides 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:**

The Disability Services Advisory Committee members provide an important 'community' perspective on Council functions, service provisions and strategic direction to support people with disability in our community.

**➤ Risk:**

Nil

**Comment/Conclusion:**

The criteria for the advertised positions, attachment 9.3.4c, were:

**• Community Members**

Criteria: community representatives of any age who have lived experience with disability or an interest in access and inclusion for people of all abilities.

**• Community Professional**

Criteria: representative from the private sector (such as an agency or organisation) who provides services to people with disability.

A total of seven (7) applications were received for the Disability Services Advisory Committee. Five (5) applications were received for the five (5) Community Member positions with all five (5) applicants meeting criteria for community member vacancies. Two (2) applications were received for the one (1) position of Community Professional (Private Sector).

**Voting Requirements:**

Simple majority.

OFFICER RECOMMENDATION	ITEM 9.2.4
<p>That Council; with respect to the 2022 Disability Services Advisory Committee, APPOINTS;</p> <p>1. _____, _____, _____,                  _____, _____ and                  _____ as the successful applicants for the positions of Community Members; and,</p> <p>2. _____ as the successful applicant for the position of Community Professional (Private Sector).</p>	

**9.3 CHIEF EXECUTIVE OFFICER**

**9.3.1 PROPOSED HOUSING AFFORDABILITY POLICY**

<b>File Ref:</b>	PLN.70.E
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	19 March 2022
<b>Author:</b>	David Schober, Chief Executive Officer
<b>Authorising Officer:</b>	David Schober, Chief Executive Officer
<b>Attachments:</b>	9.3.1a - Draft Housing Affordability Policy 9.3.1b - WA Housing Strategy 2020-2030

**Summary:**

This report recommends that Council adopt the draft Housing Affordability Policy, Attachment 9.3.1a.

The purpose of the Policy, is to detail the Shire’s role in supporting diverse, sustainable and affordable housing development.

**Definitions:**

Affordable Housing: low-income or social housing.

Diverse Housing: development that provides a range of dwelling sizes that increases the supply and choice of housing in the local government area.

Housing Affordability: the relationship between expenditure on housing (prices, mortgage payments or rents) and household incomes.

**Background:**

Prior to the Covid-19 Pandemic, the lack of available housing in Denmark, and other coastal locations in Western Australia, was beginning to emerge as a significant issue with increased property prices and a decrease in available properties for long term rental.

Following the declaration of the Covid-19 Pandemic, the Western Australia border was closed, limiting travel in and out of the State. Tourism destinations, like Denmark, have received increased visitations, driving up demand for accommodation, resulting in price increases, both for property purchase and within the short and long-term rental markets.

In response to housing affordability in Denmark, the Shire coordinated two (2) regional housing forums. The forums were attended by the following key agencies;

- Department of Communities (Housing),

- Great Southern Development Commission,
- Advanced Housing,
- Albany Youth Support Association,
- Pivot Support Services,
- Southern Aboriginal Corporation,
- Anglicare,
- West Australian Primary Health Alliance,
- Hon. Jane Kelsbie MLA,
- Hon. Rebecca Stephens MLA,
- City of Albany and Shires of Denmark, Jerramungup and Plantagenet.

The forums' objectives were to:

- obtain source data and understand key trends,
- develop current and future opportunities,
- form partnerships and referral pathways to existing service providers,
- create collaborative funding submissions,
- foster a collaborative network approach, and
- develop a regional advocacy position.

The Department of Communities led discussion, as the State Government agency responsible for housing, on the WA Housing Strategy 2020-2030 (Attachment 9.3.1b). The Housing Continuum model, pages 10 and 11 of the Strategy, speaks to eight (8) specific steps from:

- homelessness,
- crisis accommodation,
- supported housing,
- social housing,
- affordable rental,
- market rental,
- affordable home ownership and
- market home ownership.

It was clear to all local governments participating that homelessness, crisis accommodation, supported housing and social housing are elements currently being serviced by the non profit sector, supported by State and Federal Government funding. If local governments were to enter these areas, they would essentially be competing against the non profit sector for government funds, and possibly duplicating services. The Department of Communities encouraged local governments to partner and support the non profit sector, who have dedicated resources to meet community needs. The major concern from local governments is the centralisation of many agencies in Albany and the need for a "hub and spoke" approach to service delivery.

The key learning for local governments, according to the WA Housing Strategy 2020-2030, is to focus on an advocacy approach to affordability and diversity of offering within the housing continuum, through local planning frameworks consistent with community expectations.

From these two regional forums the Shire hosted a further two community forums in Denmark. All agencies who participated in the regional forums were invited to contribute and provided information and service links.

Key agencies involved in the Denmark community forums, in addition to the regional forum participants, included:

- Bricks and Mortar Housing Alliance (BAMHA)
- Denmark Community Resource Centre
- Albany Community Foundation

- Individual Shire of Denmark Councillors

One of the requests generated from the Denmark forum was for the Shire of Denmark to create a policy position in respect to housing in Denmark.

Following the two regional and two Denmark community forums Councillors participated in a series of briefings and requested the Chief Executive Officer to draft a policy position with respect to the Shire's role and relationship to housing issues in Denmark.

### **Consultation:**

Officers have consulted in the following ways:

- Organised and participated in two regional housing forums.
- Organised and conducted, jointly with BAMHA, two Denmark community housing forums.
- Attended five (5) BAMHA meetings in the past 16 months.
- Met with Homeless Project Denmark
- Met with the following stakeholders in the past 12 months to create referral pathways:
  - a. Department of Communities (Housing)
  - b. Great Southern Development Commission
  - c. Advanced Housing
  - d. Albany Youth Support Association
  - e. Pivot Support Services

Councillors have consulted in the following ways:

- participated in two Denmark community housing forums.
- received a briefing from BAMHA.
- held individual meetings with BAMHA members.

### **Statutory Obligations:**

Section 1.3(3) and 2.7 of the Local Government Act 1995 relates:

#### 1.3(3) Content and Intent

In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

#### 2.7. Role of council

##### (1) The council —

- a) governs the local government's affairs; and
- b) is responsible for the performance of the local government's functions.

##### (2) Without limiting subsection (1), the council is to —

- a) oversee the allocation of the local government's finances and resources; and,
- b) determine the local government's policies.

### **Policy Implications:**

The Shire is currently completing a review of the Local Planning Strategy and Scheme. The implementation of any associated policy should be considered in the context of this review, whilst also considering the current Town Planning Scheme.

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

While the policy itself will not have any budget implications on the Council, its adoption will guide the Shire's Corporate Business Plan activities, which may lead to future Officer time and budget considerations.

**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

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

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

**Sustainability Implications:**

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

There are no known significant economic considerations, other than that listed in the budget implications.

➤ **Social:**

Officers note the establishment of the Homeless Project Denmark in response to a level of homelessness in Denmark. Shire Officers acknowledge the intent of the project to assist and raise awareness of community members experiencing homelessness, domestic violence and other challenges leading to displacement or temporary accommodation requirements.

The draft policy under consideration does not seek to address the issues of homelessness, crisis accommodation or supported housing. While officers acknowledge these are all critical social and well-being elements, they are currently being funded by State and Federal Governments. Officers further acknowledge the social impacts as a consequence of housing pressures, but maintain this is the remit of State Government to support low cost, crisis and supported housing infrastructure. The Shire is aware of the current funding challenges, and accepts more can be done to assist, and will therefore continue to advocate for greater investment to support the social well-being of all Denmark residents.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
REPUTATION: DRAFT policy Not meeting community expectations	Possible (3)	Minor (2)	Moderate (5-9)	Not Meeting Community expectations	Accept Risk

**Comment/Discussion:**

The key element for Council in considering the adoption a housing policy is the distinction between housing affordability and affordable housing.

Housing affordability is the relationship between expenditure on housing (prices, mortgage payments or rents) and household incomes.

Affordable housing is low cost, social housing, and by design supports low income levels.

The City of Perth, notionally, has the highest levels of homelessness as a local government in Western Australia. The City of Perth’s policy is one of housing affordability. Staff at the City of Perth hold a view that affordable housing is a State Government responsibility.

Conversely, the City of Fremantle policy, is one of affordable housing, although the majority of the policy speaks to housing affordability. Officers at the City of Fremantle have suggested supporting the temporary use of surplus public land, and reserves, in suitable locations to accommodate low-cost housing, pending requirement for its longer term reserved purpose.

If a housing affordability policy, as opposed to an affordable housing policy, is adopted, Shire officers and Councillors will give due regard to communicating this position to ensure clarity with stakeholders and the community. Agencies such as BAMHA and Homeless Project Denmark have been actively lobbying the Shire of Denmark to facilitate an affordable housing position to address the homelessness problem they have identified.

The challenge to date has been accessing valid and reliable data to demonstrate the need and support affordable housing projects. Feedback from funding agencies, derived from three grant applications in the last 12 months, has identified these gaps and will be central to the success of any future funding requests.

**Conclusion:**

The regional housing forums identified that homelessness, crisis accommodation, supported housing and social housing have support through non profit agencies like Anglicare, St Vincent De Paul, Advanced Housing, Mia Mia Housing Collective, Albany Youth Support Association and Southern Aboriginal Corporation. These agencies receive state and federal funding to deliver their services across Western Australia. The challenge is to ensure services are delivered to Denmark and that residents do not have to relocate to Albany.

Officers believe that any policy endorsed by Council should reflect a housing affordability position. This position assumes that the State will continue to be the responsible agency for affordable housing options.

Officers believe that the Shire does not have the necessary funds, land or resources to assume a State Government responsibility. While officers note some local governments have entered the affordable housing domain, these are mostly larger local governments with the available funds to do so, or have a targeted approach to essential worker accommodation.

**Voting Requirements:**

Simple majority.

OFFICER RECOMMENDATION	ITEM 9.3.1
That Council ADOPT the draft Housing Affordability Policy, as per Attachment 9.3.1a.	

### 9.3.2 ACCEPTANCE OF MINUTES AND CONSIDERATION OF DECISIONS FROM SPECIAL ELECTORS MEETING HELD 8 MARCH 2022

<b>File Ref:</b>	ELC.3
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	29 March 2022
<b>Author:</b>	David Schober, Chief Executive Officer
<b>Authorising Officer:</b>	David Schober, Chief Executive Officer
<b>Attachments:</b>	9.3.2a - Minutes of Special Electors Meeting 8 March 2022 9.3.2b - List of correspondence received (CONFIDENTIAL TO COUNCILLORS) 9.3.2c - Draft Public Written Response.

#### Summary:

The purpose of this report is to receive the minutes, Attachment 9.3.2a, and consider the decisions made at the Special Meeting of Electors, held on Tuesday, 8 March 2022.

#### Background:

Under the Local Government Act 1995, all decisions made at an electors' meeting are to be considered at the next ordinary Council Meeting or, if that is not practicable, at the first ordinary Council Meeting after that meeting or at a Special Meeting called for that purpose. This report seeks Council's consideration in relation to the decisions made at the Special Electors Meeting.

A request signed by more than 100 community members was submitted to the Shire President on Tuesday, 15 February 2022, requesting a Special Meeting of Electors.

In accordance with section 5.29 of the Local Government Act 1995, the Chief Executive Officer convened a Special Meeting of Electors on Tuesday, 8 March 2022. Appropriate notice in accordance with the legislative requirements was provided to the community and elected members.

In anticipation of a large attendance, the Special Meeting of Electors was held on the outside grassed area at the Shire of Denmark, behind the Council Chambers. This setting was selected to ensure the meeting was conducted in a suitable Covid safe environment that enabled social distancing and would accommodate a maximum capacity of 500, as required under the level 2 public health measures, which at that time had been imposed by the State Government.

Each person that attended the meeting was required to sign the attendance register. An analysis of the register confirms that 250 community members attended the meeting.

#### Definitions.

**Access** means to enter, or remain at a premises.

**Approved COVID-19 vaccine** means

- a. any vaccine that has been approved by the Therapeutic Goods Administration (TGA) for use in Australia for the purpose of vaccinating persons against COVID-19 or any mutations and derivatives thereof; and/or,
- b. any other vaccine specified by the Chief Health Officer or any other person authorised by the Chief Health Officer for that purpose as an approved COVID-19 vaccine.

**Premises** has the same meaning that it has in the Public Health Act 2016 (WA).

**Vaccine** does not mean the medical terminology as defined in medical journals but is the generic term in the context of COVID-19 as referred to by the Therapeutic Goods



Administration and the Chief Health Officer and Government Officials, and publications and statements made and issued under their auspices.

**Vaccination status** means whether a person is not vaccinated or has been vaccinated.

**Not vaccinated** means that the person has not been administered with any dose of an approved COVID-19 vaccine.

**Vaccinated** means that the person has been administered with any prescribed doses of an approved COVID-19 vaccine.

The decisions made at the Special Meeting of Electors were as follows;

**COVID-19 VACCINATION PRO-CHOICE STATEMENT – PART 1**

DECISION 1: Forms the first part of an advocacy position statement called the ‘COVID-19 Vaccination Pro-Choice ‘Statement’. It requests that the Council adopt this position statement and actively advocate to the State Government to remove the vaccination mandate policy.

<p><b>DECISION 1</b></p> <p>Request that the Council ADOPT an advocacy position statement called the ‘COVID-19 Vaccination Pro-Choice ‘Statement’ with the content:</p> <p>That no person shall or should be:</p> <ul style="list-style-type: none"> <li>a) prevented from performing work or receiving income on the basis of vaccination status;</li> <li>b) discriminated against on the basis of vaccination status;</li> <li>c) coerced or manipulated into the need for vaccination for any reason;</li> <li>d) deprived of any Statutory and Regulatory benefits on the basis of vaccination status;</li> <li>e) restricted access to premises on the basis of vaccination status;</li> <li>f) restricted in any form of community participation on the basis of vaccination status;</li> <li>g) required to provide evidence for any reason of vaccination status; and / or,</li> <li>h) subject to anything under written law that a person who differs in vaccination status is not.</li> </ul>
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**COVID-19 VACCINATION PRO-CHOICE STATEMENT – PART 2**

DECISION 2: Forms the second part of an advocacy position statement called the ‘COVID-19 Vaccination Pro-Choice ‘Statement’. It requests that the Council adopt this position statement and actively advocate to the State Government to remove the vaccination mandate policy.

<p><b>DECISION 2</b></p> <p>Request that the Council ADOPT an advocacy position statement called the ‘COVID-19 Vaccination Pro-Choice ‘Statement’ with the content:</p> <p>That the Local Government shall:</p> <ul style="list-style-type: none"> <li>a) not restrict any function, property, or service of the Local Government based on vaccination status; and,</li> <li>b) as far as practicable redeploy or reinstate employees of the Local Government that risk termination or have been terminated on the basis of vaccination status;</li> <li>c) honour all obligations under contract for all persons adversely impacted as a consequence of inferred mandatory requirement for vaccination; and,</li> <li>d) establish means to compensate Local Government employees that have lost income as a consequence of termination on the basis of vaccination status.</li> </ul>
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**COVID-19 VACCINATION PRO-CHOICE STATEMENT – PART 3**

DECISION 3: Forms the third part of an advocacy position statement called the ‘COVID-19 Vaccination Pro-Choice ‘Statement’. It requests that the Council adopt this position statement and actively advocate to the State Government to remove the vaccination mandate policy.

<p><b>DECISION 3</b></p> <p>Request that the Council ADOPT advocacy position statement called the ‘COVID-19 Vaccination Pro-Choice ‘Statement’ with the content:</p> <p>That the Local Government actively advocate for:</p> <ul style="list-style-type: none"> <li>a) the removal the COVID-19 mandatory vaccination policy and any associated directions made under the Public Health Act 2016 (WA); and</li> <li>b) the repeal of any mandate or written law, or, anything done under any mandate or written law that conflicts with this position statement.</li> </ul> <p>And that The Local Government in performing an advocacy role will seek the cooperation of:</p> <ul style="list-style-type: none"> <li>a) Other Local Governments across the State;</li> <li>b) Western Australian Local Government Association (WALGA);</li> <li>c) Local Government Professionals WA; and,</li> <li>d) Other professional bodies, associations, and business entities.</li> </ul>
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**COVID-19 VACCINATION PRO-CHOICE STATEMENT – PART 4**

DECISION 4: Forms the fourth part of an advocacy position statement called the ‘COVID-19 Vaccination Pro-Choice ‘Statement’. It requests that the Council adopt this position statement and actively advocate to the State Government to remove the vaccination mandate policy.

<p><b>DECISION 4</b></p> <p>Request that the Council adopt an advocacy position statement called the ‘COVID-19 Vaccination Pro-Choice ‘Statement’ with the content:</p> <p>That no volunteer, including but not limited to fire &amp; emergency services, service clubs, and community volunteers, shall or should be:</p> <ul style="list-style-type: none"> <li>a) prevented from participating in volunteer roles on the basis of vaccination status;</li> <li>b) limited in their capacity as a volunteer on the basis of vaccination status;</li> <li>c) discriminated against on the basis of vaccination status;</li> <li>d) coerced or manipulated into the need for vaccination for any reason; and/or</li> <li>e) required to provide evidence for any reason of vaccination status.</li> </ul>
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**Consultation:**

The Special Meeting of Electors was published in the Denmark Bulletin, the Walpole Weekly, the Shire’s Notice Boards and on the Shire’s website for two weeks preceding the meeting. Notice of the meeting was also published on the Shire’s Facebook page.

The Shire has received 31 written communications regarding the meeting through email and post. Copies of the correspondence are provided to Council under confidential cover, as Attachment 9.3.2b.

In addition, staff and Councillors received phone calls and personal visitations from community members before and after the Special Meeting of Electors.

*Note: The author is unable to verify the number of total phone calls and visitations from community members wishing to engage with staff and individual Councillors on the motions and decisions made at the Special Meeting.*

### **Statutory Obligations:**

Section 5.28 of the Local Government Act 1995 requires the Shire to hold a Special Meeting of Electors after a request from 100 or more electors or 5% of the number of electors, whichever is the lesser. The request is to specify the matters to be discussed in the prescribed form and is to be sent to the President. The meeting is to be held no more than 35 days after the request is received.

### **Section 5.33 of the Local Government Act 1995 apply to this report.**

#### 5.33. Decisions made at electors' meetings

(1) *All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or if that is not practicable —*

- a) at the first ordinary council meeting after that meeting; or*
- b) at a special meeting called for that purpose,*

*whichever happens first.*

(2) *If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.*

### **Parts 11 and 12 of the Public Health Act 2016 apply to this report.**

*An emergency officer who is*

- (a) the Chief Health Officer; or*
- (b) an authorised officer or other person who is authorised by the Chief Health Officer under section 174(2) and has utilised Sections 157(1)(e), 157(l)(k), 180 and 190(1)(p) of the Public Health Act 2016 to apply directions considered reasonably necessary to prevent, control or abate the serious public health risk in Western Australia.*

### **Sections 67,70 and 72 of the Emergency Management Act 2005 apply to this report.**

The State Emergency Coordinator (Commissioner of Police) has utilised Sections 67, 70 and 72A of the Emergency Management Act 2005 to introduce Directions related to Proof of Vaccination amongst other emergency directions.

### **Policy Implications:**

There are no known significant policy implications relating to the report of officer recommendation.

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

In conducting the Special Meeting of Electors costs were incurred for staging, sound, security and technical support. These costs were not budgeted and expenses totalling \$1400.00 have been allocated to 'Hosting Meetings – 1410052' in the 2021/22 financial year budget.

Staff resources were also utilised to plan, prepare and conduct the meeting. Approximately 60 hours of officer time was expensed.

### **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

L5.1 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 make consistent and well-considered decisions

**Sustainability Implications:**

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

There are no known significant economic considerations other than that listed in the budget implications.

➤ **Social:**

The Shire acknowledges the concerns raised and the rights of all community members with respect to the decisions made at the Special Electors Meeting on March 8, 2022.

In recognition of these social implications, part A of the officer recommendation offers a public written statement that, if endorsed by Council, provides acknowledgement of the social and well-being implications resulting from the vaccination mandate and restrictions.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
REPUTATION: Council resolution does not meet community expectations	Unlikely (2)	Minor (2)	Low (1-4)	Not Meeting Community expectations	Accept Risk

**Comment/Discussion:**

The Shire acknowledges the comments made by electors in relation to the mandatory vaccination requirements and restrictions (Directives) imposed by the State Government.

The Shire supports these Directives as necessary measures to reduce the risk of serious illness within our community based on public health advice provided by the State Government and Chief Medical Officer. As there is a high rate of vaccination in our community, this would indicate that a greater majority of members within the community accept the need to vaccinate.

The Shire notes the State Government is already reviewing restrictions and mandates, as the public health risk diminishes over time, and has signalled an intent to ease restrictions further, when it is safe to do so. The Shire will continue to rely on the public health advice provided by the State Government and Chief Medical Officer.

**Conclusion:**

Given the Shire’s reliance on the public health advice provided by the State Government and Chief Medical Officer, Officers are unable to support the decisions made at the Special Electors Meeting, as it is outside of the jurisdiction of Local Government.

The Shire supports the Directives in place by the State Government as necessary measures to reduce the risk of serious illness within our community, based on public health advice provided by the State Government and Chief Medical Officer. Officers also note, that for

reasons of age and socio-economic background, the Denmark community is more vulnerable than the average WA population.

The Shire has taken a position during the pandemic to follow all lawful directions. It should be noted that the Shire has not introduced any vaccination policies, in excess of State Government Directives and has worked with employees where their position requires them to be vaccinated to seek alternative employment within the Shire, should they have chosen not to be vaccinated. At the time of writing this report, no staff at the Shire of Denmark have been stood down as a result of vaccination Directives.

Officers are not medically qualified to form an opinion or provide advice on the matter of vaccination mandates as a suitable means to increase vaccination coverage.

Officers suggest Council receive the minutes, acknowledge the concerns raised by the four decisions made at the Special Meeting of Electors, and provide a public written response.

With respect to the four decisions made during the Special Meeting of Electors, officers suggest no further action is taken.

**Voting Requirements:**

Simple majority.

OFFICER RECOMMENDATION	ITEM 9.3.2a
<p>That Council, with respect to the four decisions made at the Special Meeting of Electors, held on 8 March 2022;</p> <ol style="list-style-type: none"> <li>1. RECEIVES the minutes; and,</li> <li>2. ACKNOWLEDGES the concerns raised; and</li> <li>3. OFFERS a public written response to the decisions made (as per Attachment C).</li> </ol>	

OFFICER RECOMMENDATION	ITEM 9.3.2b
<p>That Council, with respect to the four (4) decisions made at the Special Meeting of Electors held on 8 March 2022, takes NO further action.</p>	

**10. COMMITTEE REPORTS AND RECOMMENDATIONS**

Nil

**11. MATTERS BEHIND CLOSED DOORS**

Nil

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

Nil

**13. CLOSURE OF MEETING**