

Shire of Denmark

Ordinary Council Meeting **MINUTES**

19 JULY 2022



HELD IN COUNCIL CHAMBERS, 953 SOUTH COAST HIGHWAY,
DENMARK, ON TUESDAY, 19 JULY 2022.



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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

DISCLAIMER

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

4.03pm – The Deputy Shire President, Cr Gibson, declared the meeting open and acknowledged the Bibbulmun and Minang people as the traditional custodians of the land on which the meeting was being held. Cr Gibson paid his respects to Elders past, present and emerging.

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

MEMBERS:

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

STAFF:

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

APOLOGIES

- Cr Ceinwen Gearon (Shire President)
- David King (Deputy Chief Executive Officer)

ON APPROVED LEAVE(S) OF ABSENCE

Nil

ABSENT

Nil

VISITORS

Nil

3. DECLARATIONS OF INTEREST

Name	Item No	Interest	Nature
Cr Carman	8.1	Impartiality	Provided some administration support for DEC/DCC and DRR Forum on the topic (Feb 2020).
Cr Campbell	8.1	Impartiality	Involved in volunteer group related to the issue.
Cr Clarke	8.1	Impartiality	I am the primary petitioner to the WA Parliament calling for an inquiry into prescribed burning. Petition #29.

4. ANNOUNCEMENTS BY THE PERSON PRESIDING

Nil

5. PUBLIC QUESTION TIME

5.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

In relation to repairs to roads at the 21 June 2022 Ordinary Council Meeting, Cr Jan Lewis asked the following questions:

1. When were these roads last re-sheeted?

The CEO requested that the question be taken on notice, responded to in writing and recorded in the next Council Meeting Agenda.

2. When was Lights Rd last re-sheeted?

The CEO requested that the question be taken on notice, responded to in writing and recorded in the next Council Meeting Agenda.

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

5.2.1 Bart Lebbing – Item 8.1 (State Prescribed Burning Practices)

Bart spoke in support of Cr Lewis' Notice of Motion stating that he believed a request from the Council would send a strong message to the State Government that a review is required.

5.2.2 Dr Joanna Young – Item 8.1 (State Prescribed Burning Practices)

Dr Young thanked Cr Lewis' for her Motion and said that she believed that a review could identify new approaches to fire mitigation that could improve protection for ecosystems and the build environment. Dr Young said that she held concern about the impact of hot prescribed burns on the areas fragile ecosystems and urged Council to support the motion.

5.2.3 Peter Kerr – Commercial Use of Shire Gymnasium

Peter referred to a decision of Council in June 2022 to change the way that commercial operators use the Recreation Centre Gymnasium. Mr Kerr addressed his first three questions to individual Councillors.

The Deputy Shire President advised Peter that questions should be directed towards the Council and not individual Councillors and for that reason he would not be receiving any response to his first three questions.

Peter then asked the following questions to the Chief Executive Officer.

1. Bearing in mind your responsibility to provide Councillors with relevant and factually correct information, can you provide the specific details of the information you relied on to write the report in support of the Council's Resolution No. 090622?
2. Can you provide proof that at the time of introducing after-hours access, Council's intention was anything more than just to provide after-hours access?
3. Bearing in mind the dictionary definition, meaning and correct application of the words "literal" and "figurative" why do you persist in putting a literal interpretation on what is clearly a figurative expression, specifically "24/7" and its associated variants?

4. Why have you applied a bureaucratic approach to what was and still is a commercial problem?
5. Why have you abandoned your best, most long time customer without so much as a valid explanation?
6. Why have you set the bar so high that no commercial operator would consider it sensible to accept the conditions you have imposed?
7. Why did you not consider the commercial operator of the Physiotherapist Supervised Rehabilitation Circuit to be a customer?
8. Why did you not consider the needs of your customer's customers?
9. Why did you not consider other options better suited to address the problems that you alluded to but failed to describe or address. Options that would be acceptable to all parties including the customer's customers?
10. Are you aware that the Physiotherapist Supervised Rehabilitation Circuit has chosen to decline the ridiculous conditions and has relocated to the Scout Hall while the gymnasium is effectively empty?
11. What are you prepared to do to correct this appalling situation being informed as you should be by the 2027 Strategic Community Plan and referenced document describing "age friendly" communities?
12. In reference to the 2015 Council Resolution to re-establish the Seniors Advisory Committee, will the Council move to yet again re-establish a Seniors Advisory Committee?

The Deputy Shire President advised that the questions would be taken on notice, responded to in writing and recorded in the next Ordinary Council Meeting Agenda.

5.2.4 Melissa Howe – Item 8.1 (State Prescribed Burning Practices)

Melissa referred to the Officer's recommendation to defer the motion and suggested that perhaps some consultation with people or organisations that have ecological expertise.

5.2.5 Dr Cyril Edwards – Item 8.1 (State Prescribed Burning Practices)

Dr Edwards referred to the Notice of Motion and said he was pleased to see issues relating to climate change were finally being addressed. Dr Edwards added that protecting biodiversity was equally important.

5.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

The following questions were asked by Cr Lewis at the Ordinary Council Meeting held on 21 June 2022, prior to the Council's consideration of Item 9.1.5 on that Agenda. The following two questions were unable to be answered by Shire Officers on the night and were taken on notice.

Below is the written response that has been provided to Cr Lewis' to those questions.

Question 1 - When were these Roads last re-sheeted? (Harewood, Mt Lindesay, Walter, Parker, Ficifolia)

RESPONSE

Harewood

- Capital renewal re-sheet for the first 2-3km in 2021/22
- Remaining has not been re-sheeted in the last 10 years.

Mt Lindesay

- Capital renewal re-sheet for approximately 4km planned for 2022/23.
- Capital renewal re-sheeting was undertaken up to McNess Road 10-15 years ago however, various sections of the road have been re-sheeted numerous times under maintenance over the last 15 years.

Walter

- The last significant capital renewal re-sheet was approximately 15 years ago for the full length.
- Various sections of the road have been re-sheeted under maintenance numerous times over the last 15 years.

Parker

- Capital renewal re-sheeting was undertaken from 2018 – 2020 for the last 6km of the road to Scotsdale.

Ficifolia

- Upgraded from sand track 10-15 years ago (the last 2km did not receive a re-sheet as part of this project)
- Last 2km scheduled for capital renewal re-sheet in 2022-23

Question 2 - When was Lights Rd last re-sheeted?

RESPONSE

In the last 15 years Lights Road has not received a whole of road re-sheet through a capital renewal project however, various sections of the road have been re-sheeted numerous times over this time period. Most recently the section opposite the Rail Trail has been re-sheeted. The quality and depth of pavement on Lights Road is considered to be reasonable. Its poor service level is attributed to traffic volumes and exposure to excessive moisture.

5.4 PRESENTATIONS, DEPUTATIONS & PETITIONS

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

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

Nil.

6. APPLICATIONS FOR FUTURE LEAVE OF ABSENCE

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

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 7.1
MOVED: CR ORMSBY	SECONDED: CR DEVENPORT
That Council grant leave of absence to:	
1. Cr Lewis for the Special Council Meeting scheduled for Tuesday, 2 August 2022; and	
2. Cr Phillips for the entire month of August 2022.	
CARRIED: 8/0	Res: 020722

7. CONFIRMATION OF MINUTES

7.1 ORDINARY COUNCIL MEETING – 21 JUNE 2022

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 7.1
MOVED: CR LEWIS	SECONDED: CR CARMAN
That the minutes of the Ordinary Meeting of Council held on the 21 June 2022 be CONFIRMED as a true and correct record of the proceedings.	
CARRIED: 8/0	Res: 030722

7.2 SPECIAL COUNCIL MEETING – 5 JULY 2022

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 7.1	
MOVED: CR CLARKE	SECONDED: CR CAMPBELL	
That the minutes of the Special Meeting of Council held on the 5 July 2022 be CONFIRMED as a true and correct record of the proceedings, subject to the following correction;		
1. Item 5.1, correct the order of the figures in Table 3, Differential General Rate Valuation column from:		
	Properties	Valuation
<u>GRV</u>		
Non Rural Improved	2254	273,582,000
Holiday	131	9,500,000
Vacant	220	10,232,000
<u>UV</u>		
Rural	467	39,420,162
Rural Additional Use - Holiday	19	2,133,300
Rural Additional Use - Commercial	16	2,117,520
	3107	336,984,982
to		
	Properties	Valuation
<u>GRV</u>		
Non Rural Improved	2254	39,420,162
Holiday	131	2,133,300
Vacant	220	2,117,520
<u>UV</u>		
Rural	467	273,582,000
Rural Additional Use - Holiday	19	9,500,000
Rural Additional Use - Commercial	16	10,232,000
	3107	336,984,982
CARRIED: 8/0	Res: 040722	

7.2 STRATEGIC BRIEFING NOTES – 21 JUNE 2022

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 7.2
MOVED: CR CLARKE	SECONDED: CR DEVENPORT
That the Notes from the Strategic Briefing Forum held on 21 June 2022 be RECEIVED.	
CARRIED: 8/0	Res: 050722

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

The following Notice of Motion was received by the Chief Executive Officer in writing on the 7 July 2022 and therefore complies with the Shire of Denmark Standing Orders Local Law clause 3.9.

Prior to consideration of Item 8.1,

1. *Cr Carman declared an impartiality interest on the basis that she had provided some administrative support for DEC/DCC and DRR Forum on the topic (Feb 2020).*
2. *Cr Campbell declared an impartiality interest on the basis that she was involved in a volunteer group related to the issue and as a consequence there may be a perception that her impartiality on this matter may be affected.*
3. *Cr Clarke declared an impartiality interest on the basis that he ~~was involved in a volunteer group related to the issue~~ is the primary petitioner to the WA Parliament calling for an inquiry into prescribed burning and as a consequence there may be a perception that her impartiality on this matter may be affected.*

CORRECTION TO MINUTES.
Pursuant to Council Resolution No. 070822

8.1 REQUEST FOR STATE GOVERNMENT TO REVIEW THE CURRENT PRESCRIBED BURN POLICY & PRACTICES TO ENSURE BOTH ARE EFFECTIVE IN PROTECTING LIVES, PROPERTY AND THE ENVIRONMENT AND ARE ALIGNED WITH CURRENT SCIENCE AND COMMUNITY SENTIMENT

File Ref:	FIRE.1
Applicant / Proponent:	Nil
Subject Land / Locality:	Shire of Denmark Local Government Area
Disclosure of Officer Interest:	Nil
Date:	7 July 2022
Author:	Cr Jan Lewis
Attachments:	Nil

COUNCILLORS COMMENTS:

The Shire of Denmark covers an area of 1860km² and is part of one of 36 global biodiversity hotspots. It is an area of high conservation value due to the level of species richness and endemism. It is particularly renowned for its magnificent stands of tall Karri and ancient Tingle trees, coastal heath and granite outcrops – many of which can be significantly damaged by fire.

The Shire is responsible for 121 reserves located throughout the local-government area. Eighty (80) of these reserves require some degree of natural resource management input to maintain biodiversity and environmental values. Of these 80, 12 are A-class reserves, which secures their natural and/or community values a higher level of protection.

National Parks are important for their biodiversity values, heritage value and tourism and include William Bay National Park, Mount Lindesay National Park, Walpole Nornalup National Park, Quarram Nature Reserve and Kordabup Nature Reserve. These National Parks offer wildflower attractions, hiking trails, mountain biking, canoeing, fishing and 4WDing opportunities such as the Bibbulmun Track, Munda Biddi, Wilderness Ocean Walk trail; Valley of the Giants Treetop walk, and cycle and 4WD trails. Natural coastal attractions

include Greens Pool, Madfish Bay, Waterfall Beach, Ocean Beach, Lights Beach, Parry Beach, and Peaceful Bay.

The State, through DBCA (Dept Biodiversity, Conservation and Attractions), currently sets an annual prescribed burned regime in the Southwest of Western Australia, much of which is regularly conducted within our Shire. The stated objective in the Department of Parks and Wildlife CORPORATE POLICY STATEMENT NO. 88 PRESCRIBED BURNING July 2015 POLICY 5.1 is:

“The department will use prescribed burning to reduce bushfire-related risk to communities and built and natural assets at both the local scale and the landscape scale, and also to achieve biodiversity conservation, forest silviculture, research and other land management objectives.”

New research has found that the current regular prescribed burning of large tracts of forest increases the ferocity of wildfires due to the dense understory that is promoted by these burns:

<https://theconversation.com/coming-of-age-research-shows-old-forests-are-3-times-less-flammable-than-those-just-burned-179571>

There is now also evidence that smoke from prescribed burns causes long term health effects and death:

<https://www.mja.com.au/journal/2020/212/8/bushfire-smoke-urgent-need-national-health-protection-strategy>

Additionally, prescribed burns in fire sensitive ecosystems have profound impacts on biodiversity and can result in loss of vulnerable species and habitats.

<https://www.abc.net.au/news/2021-02-19/prescribed-burning-under-scrutiny-in-wa-south-west-wilderness/13110150>

Strategic Community Plan Implications:

This Notice of Motion is consistent with Council’s adopted Strategic Community Plan Aspirations and Objectives:

E1.2 To be a vibrant and unique tourist destination, that celebrates our natural and historical assets
N2.1 To preserve and protect the natural environment

N2.3 To reduce human impact on natural resources, reduce waste and utilise renewable energy
N2.4 To acknowledge and adapt to climate change

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

Sustainability Implications:

This Notice of Motion is consistent with Council’s adopted Sustainability Strategy 2021-2031:

2.3 Advocate and support attracting businesses with a shared vision in sustainable transformation to Denmark, including eco-tourism.

4.2 Prioritise protection of natural bushland habitats and ecosystems, including protection of waterways for nutrient control in agriculture, salinity control, riparian vegetation.

10.1 Embrace the role of a leader in the community by reducing carbon emissions.

CHIEF EXECUTIVE OFFICER COMMENTS:

Policy Implications:

Officers believe the following Council policies relate:

P050110 HAZARD REDUCTION BURNING ON PRIVATE PROPERTY

Council supports local Volunteer Bush Fire Brigades that use Shire & Brigade equipment and vehicles to undertake hazard reduction burning of private property, if directed by the Shire to do so.

Council acknowledges that these activities offer an effective means of providing both a safe and low risk training environment and also the opportunity of charging for the services performed to assist the Brigade fund facilities and activities, not otherwise funded through the Emergency Services Levy (ESL), as an additional means of attracting and retaining volunteer members.

P050120 PRESCRIBED FIRE PLAN GUIDELINES & TEMPLATES

Council adopts the Department of Fire and Emergency Services Prescribed Fire Plan Guidelines and Templates for prescribed burns within the Shire of Denmark which don't currently (June 2014) have an existing prescribed burn checklist completed, which aligns prescribed burning processes with the International Organisation for Standardisation Risk Management (ISO 31000).

Council annually reports to the Bush Fire Advisory Committee and the Community in general, the Reserves that have been prescribed burned during the preceding 12 months, the percentage of that Reserve hazard reduction and the proposed program for the following 12 months based on the Bush Fire Advisory Committee's latest priorities.

Officers believe the following plans relate:

- Denmark Fire Prevention Report (2001)
- Mt Hallowell Fire Management Plan (2008)
- Local Emergency Management Arrangements (2018)
- Community Engagement Policy and Framework - Adopted 05 May 2015
- Shire of Denmark Coastal Reserves Management Strategy and Action Plan 2010-2020
- Roadside Vegetation and Conservation Values in the Shire of Denmark (2011)
- Coastal Reserves Management Strategy and Action Plan 2010-2020

Officers refer to the following information on the Shire of Denmark website:

Fire Mitigation Works

The Shire of Denmark is currently reviewing the 2021/2022 mitigation program.

These works may include mechanical or chemical methods such as:

mulching, pruning, slashing, chemical spraying, drainage, prescribed burning, cultural burning, ploughing, hand weeding and access road construction

These works are funded by several sources including:

- Department of Fire and Emergency Services Mitigation Activities Funding
- Department of Fire and Emergency Services UCL/UMR program
- Shire of Denmark Strategic Fire Management Budget

Works in these programs are driven by the:

- Shire of Denmark Bushfire Risk Management Plan
- Bushfire Resilience in the Great Southern Program
- State Planning Policy for Building in Bushfire Prone Areas
- The Shire of Denmark Planning Policy and Subdivision Guide Plan

Statutory Obligations:

The following legislation applies:

- Bush Fires Act 1954
- Emergency Management Act 2005

- Fire Brigades Act 1942
- Fire and Emergency Service Act 1998
- Conservation and Land Management Act 1984
- Environmental Protection Act 1986
- Biodiversity Conservation Act 2016
- Wildlife Conservation Act 1950
- Aboriginal Heritage Act 1972
- Country Areas Water Supply Act 1947
- Bush Fires Regulations 1954
- Emergency Management Regulations 2006

The following national and state policies, guidelines and standards are relevant:

- National Emergency Risk Assessment Guidelines (NERAG) (2015)
- State Hazard Plan Fire (Formerly Wesplan Fire)
- State Emergency Management Policy 2.5 – Local Arrangements
- State Emergency Management Policy 3.2 – Emergency Risk Management Planning
- State Emergency Management Prevention Procedure 1 – Emergency Risk Management Planning

The following Shire of Denmark local law applies:

- Bushfire Brigades Local Law (2016)

Consultation:

Officers believe consultation with the following Shire of Denmark representative bodies is required:

- Shire of Denmark Bush Fire Advisory Committee (BFAC)
- Shire of Denmark Local Emergency Management Committee (LEMC)

Officers believe consultation with the following emergency response planning agencies would be appropriate:

- Great Southern District Emergency Management Committee (DEMC)
- Great Southern Department of Fire and Emergency Services (DFES)

Direct Shire of Denmark Community Engagement

The Shire of Denmark and the Department of Fire and Emergency Services conducted the *Denmark Community Bushfire Survey* in December 2019.

The survey was informed by the following methods:

Mail Survey

- 24 page booklet-style questionnaire
- Accompanied by a letter to the householder and reply paid envelope
- Conducted 11th November -16th December 2019, with responses collected up to 6th January 2020.
- Mailed to random sample of 1000 households in the Shire of Denmark
- 19 were returned to sender
- Additional 200 survey packs delivered to Shire for people wishing to opt in to participate in the survey.

Online Survey

- Mail survey was redesigned for online delivery
- Emails distributed to 593 individuals on the Shire's email rates database, gym database and library database following removal of duplicate email addresses and non-residents.
- Two reminder emails sent to those who had not yet completed the survey and a third reminder email to those who had started but not yet completed the survey.

- Conducted 13th November -16th December 2019, with responses collected up to 8th January 2020.
- Additional 1500 unique links supplied to Shire for people wishing to opt in to participate in the survey.

Results

- 392 responses received
- 305 responses to the mail survey (31.1% response rate)
- 87 responses to the online survey (16.3% response rate)
- No participants to the mail or online opt-in surveys

The objectives of the survey were to:

- build capacity of local emergency services organisations, volunteers and the community to work together to improve community preparedness and resilience.
- provide a baseline for levels of bushfire planning and preparedness, and attitudes to bushfire risk mitigation

The questions were designed to understand community sentiment across a range of areas including planned burning versus mechanical removal of vegetation.

The survey and report were provided to Councillors in 2020, but has not been approved for public release.

Cultural burning activities

The Shire of Denmark has recently engaged with the Binalup Rangers and some of the Menang Elders of the region to conduct trial cultural burns within the Shire of Denmark.

Officers have not had the opportunity to consult with key Indigenous stakeholders, but would recommend this is conducted before reaching a definitive policy position.

Budget / Financial Implications:

The Department of Fire and Emergency Services have provided Bush Fire Mitigation Activities Funding to the Shire of Denmark for the purposes of managing bush fire risk as follows:

2019/20 \$335,000
2020/21 \$500,000
2021/22 \$497,900

Officers have not had sufficient time to investigate what impacts this Notice of Motion will have on grant funding in future years.

Summary:

Officers understand the State Government is about to release information relating to an enquiry into the practices of prescribed burning in Western Australia. While there is currently no information available or listed by the State Government on their website, key advocacy groups in the Great Southern have been informed this is likely to be announced in the coming months.

Officers are supportive of part 1c. of the motion which recognises the benefits of additional resources for early detection and rapid suppression of bush fires in Denmark, and part 2, which reports back to Council.

In respect parts 1a. and 1b. of the motion officers have not had sufficient time to review in order to fully inform Council on the benefits or disadvantages. It would appear the intent of the motion is at odds with two Council policies and potentially a number of related plans. On this basis officers would suggest the contents of this Notice of Motion be considered in Strategic Briefings to fully inform Councillors of the benefits, disadvantages and resources

required to undertake such activity which has not been considered within the draft 2022/23 Corporate Business Plan.

Should Councillors determine the Strategic Briefings are the appropriate forum for review the notes would be available to the public to communicate the future intent of Council to illicit a community engagement plan according to the Shire of Denmark Community Engagement Policy and Framework.

Officer recommendation:

That the Notice of Motion be REFERRED to the Shire of Denmark's August Strategic Briefing for review.

COUNCILLOR MOTION

ITEM 8.1

Council request that the Chief Executive Officer:

1. Write to the Premier: Hon Mark McGowan MLA, the Minister for Environment; Climate Action: Hon Reece Whitby MLA, the Deputy Premier; Minister for State Development, Jobs and Trade; Tourism; Commerce; Science: Hon Roger Cook MLA, the Minister for Emergency Services; Innovation and ICT; Medical Research; Volunteering: Hon Stephen Dawson ML, the Minister for Regional Development; Agriculture and Food; Hydrogen Industry: Hon Alannah MacTiernan MLC, the Minister for Water; Forestry; Youth: Hon Dave Kelly BA MLA, the Minister for Health; Mental Health: Hon Amber-Jade Sanderson BA MLA, and the Member for Warren-Blackwood: Hon Jane Kelsbie MLA advising that:
 - a) Whilst Council acknowledge that in certain circumstances prescribed burning is warranted, it has concerns regarding the effectiveness of the State government's current prescribed burning policy and the practices used by state agencies to achieve this policy's intended outcomes.
 - b) These concerns include that;
 - New research has found that the current regular prescribed burning of large tracts of forest can increase the ferocity of wildfires due to the dense understory that is promoted by these burns.
 - There is evidence that smoke from prescribed burns causes long term health effects and death.
 - Prescribed burns in fire sensitive ecosystems have profound impacts on biodiversity, and can result in loss of vulnerable species and habitats
 - c) Council recognises that climate change is creating a range of challenges for the State in managing the increased risk of bushfires in our region and request additional resources for early detection and rapid suppression.
2. Report back to Council once responses have been received.

COUNCIL RESOLUTION

ITEM 8.1

MOVED: CR LEWIS

SECONDED: CR CAMPBELL

Council request that the Chief Executive Officer:

1. Write to the Premier: Hon Mark McGowan MLA, the Minister for Environment; Climate Action: Hon Reece Whitby MLA, the Deputy Premier; Minister for State Development, Jobs and Trade; Tourism; Commerce; Science: Hon Roger Cook MLA, the Minister for Emergency Services; Innovation and ICT; Medical Research; Volunteering: Hon Stephen Dawson ML, the Minister for Regional Development; Agriculture and Food; Hydrogen Industry: Hon Alannah MacTiernan ML, the Minister for Water; Forestry; Youth: Hon Dave Kelly BA MLA, the Minister for Health; Mental Health: Hon Amber Jade Sanderson BA MLA, Chair, Standing Committee on Environment and Public Affairs: Hon. Peter Foster MLC, and the Member for Warren-Blackwood: Jane Kelsbie MLA advising that Council respectfully request:
 - a) a public review of the State's prescribed burn policy and practices to ensure both are effective in protecting lives, property and the environment, and are aligned with current science and community sentiment, and that any such review provide for a 90 day consultation period to receive submissions, and
 - b) that the State Government recognise that climate change is creating challenges in managing the increased risk of bushfires regionally and consider providing local governments with additional resources for early detection and rapid suppression.
2. Report back to Council by October 2022, with any responses that have been received as at that date.

Cr Clarke requested that his words for the motion be recorded which were as follows.

"I supported this notice of motion on my understanding that in seeking a review of the current state-wide broad scale prescribed burning regime (that impacts so much of the Walpole Wilderness), it does not seek to question the validate of the Shire's fire mitigation requirements and practices (as laid out in the Officer Recommendations).

- *Research has brought into question the effectiveness of broad scale burns in protecting property or preserving biodiversity;*
- *In contrast, there is research that supports the effective bushfire mitigation provided by controlled burning proximal to population and property*
- *I am informed that the broad scale PB regime has not been externally assessed for many years and, given the critical importance in Denmark of both mitigation of the wildfire threat to our community and conservation of our unique vulnerable environment, I believe this Council would be remiss in not calling for a review of the state program.*
- *My understanding is that there is no plan at this stage for the State Government to hold a review; in fact, the Ministerial response to petitioning last year was that there were no grounds for concern. However, in response to this petitioning, the relevant parliamentary committee has instigated hearings in August to assist determining whether an inquiry is to be recommended. Council support for this Motion is a very timely contribution to those deliberations."*

CARRIED: 8/0

Res: 060722

REASONS FOR CHANGE

Council took the Officer's comments into consideration and, with their assistance prior to the meeting, worked to amend the Notice of Motion so that the intent of it was clearer, more concise and less open to misinterpretation.

9. REPORTS OF OFFICERS

9.1 DIRECTOR ASSETS AND SUSTAINABLE DEVELOPMENT

9.1.1 INDUSTRIAL AREA LOTS – EAST RIVER ROAD, HAY

File Ref:	PLN.9
Applicant / Proponent:	Nil
Subject Land / Locality:	Lots 8, 9, 10 and 11 on Deposited Plan 413874
Disclosure of Officer Interest:	Nil
Date:	3 July 2022
Author:	Claire Thompson, Governance Coordinator
Authorising Officer:	David King, Deputy Chief Executive Officer
Attachments:	9.1.1a – Deposited Plan 413974 9.1.1b – March 2022 Valuation (CONFIDENTIAL) 9.1.1c – Real Estate Agent Proposals (CONFIDENTIAL)

Summary:

Council is asked to authorise the listing for sale of four freehold lots located in the Industrial Area, East River Road, Hay.

Background:

The Industrial Area subdivision was completed by Development WA (formerly Landcorp). As part of the agreement, the Shire now owns five of the newly created lots shown in Attachment 9.1.1a.

In May 2022, the Shire received an enquiry as to whether there were any lots for sale in the industrial area. The purpose of this report is to grant authority to the Chief Executive Officer to enter into negotiation with any prospective purchasers.

Consultation:

Development WA have sold all but one of their lots, and Development WA officers have indicated that they would have no objection to the Shire placing lots on the market.

Statutory Obligations:

LOCAL GOVERNMENT ACT 1995

Section 3.58 – A local government can dispose of property (including land) by public auction, public tender or by giving local public notice of its intention to dispose of the property to a particular party or parties.

Section 5.42 – A local government may delegate (by absolute majority) any of its powers or the discharge of any of its duties to the CEO.

Any acceptable offer would require the Council (or the CEO if delegated) to advertise the intended disposal in accordance with s 3.58 of the Act.

Policy Implications:

In accordance with the Shire's Purchasing Policy listing proposals were sought from four local real estate agents. Three submitted quotes. A summary of the proposals is attached (Attachment 9.1.1c).

Budget / Financial Implications:

Attached is a copy of the confidential market valuation dated 31 March 2022 (Attachment 9.1.1b). It includes a market rent analysis and market value for vacant possession.

The officers recommendation is consistent with the Long-Term Financial Plan that assumes the sale of Lots 8, 9, 10 and 11 from the 2023/24 financial year.

A summary of the real estate proposals is attached, as confidential attachment. Following a review of three proposals officers are recommending that the Council appoint Nutrien Harcourts WA, who have a local office in Denmark, to list the lots for sale.

Officers are recommending that the CEO be granted authority to negotiate any prospective purchase, not less than the market value, and that any offer be brought to Council for consideration. As such there is no requirement to make provision in the annual budget until Council resolve to enter into a contract of sale.

The \$2,500 cost for the valuation was accommodated within the 2021/2022 general consultancies budget.

Strategic & Corporate Plan Implications:

The report and officer recommendation are consistent with Council's adopted Strategic Community Plan Aspirations and Objectives 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.

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

L5.4 To be fiscally responsible.

Sustainability Implications:

➤ **Sustainability:**

Nil

➤ **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:**

Development WA have sold all but one of their lots. For this reason, it would be timely for the Shire to consider listing its lots for sale in order to ensure that there are sites available should existing or new businesses wish to purchase them, move or establish a new local industry.

➤ **Social:**

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

➤ **Risk:**

Nil

Comment/Conclusion:

Consideration of Lease as an Alternative to Sale

Officers considered the option to retain one or more lots for leasing. Officers have discounted leasing as the likelihood of take-up is low due to the significant capital

development costs. Furthermore, banks are unlikely to lend without long-term security of ownership or tenure.

It is not recommended that the Shire outlay capital investment to develop the lots to improve their lease potential as this is not a core Shire business and is a commercial venture. Where there is a market for leases, the demand should be met by private investors.

Conditions of Sale

To stimulate development and avoid land banking investments, it is not uncommon for the condition of sale to include the requirement for development within a specified timeframe.

Officers understand that similar provisions are in place for the lots sold by Development WA.

If the officer's recommendation is passed, the details and mechanisms to ensure this outcome will be presented to Council with any contract of sale.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION		ITEM 9.1.1
MOVED: CR PHILLIPS		SECONDED: CR CAMPBELL
That with respect to Lots 8, 9,10 and 11 on Deposited Plan 413974, Council:		
1. APPOINT Nutrien Harcourts WA (Denmark) to list them for sale for a price not less than the market value, as informed by the independent valuation dated 31 March 2022;		
2. AUTHORISE the Chief Executive Officer to negotiate any prospective purchase and authority to advertise any intention to dispose, in accordance with s 3.58 of the Local Government Act 1995; and		
3. REQUEST that any contract of sale be subject to the endorsement of the Council and presented to the Council for consideration.		
CARRIED: 8/0		Res: 070722

9.2 DIRECTOR CORPORATE AND COMMUNITY SERVICES

9.2.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31 MAY 2022

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	29 June 2022
Author:	Lee Sounness, Manager Corporate Services
Authorising Officer:	Gina McPharlin, Director Corporate & Community Services
Attachments:	9.2.1 – May 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 31 May 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 and at its Ordinary Council Meeting held on 17 May 2022

All 2021/2022 Council-approved budget amendments are contained in the financial statements presented for the period ended 31 May 2022.

It is forecast that a number of capital expenditure projects won't be completed in the 201/2022 financial year and will result in unspent funds as at 30 June. These funds will need to be considered as part of the adoption of the 2022/2023 budget.

There are no other 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 capital 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:

The commentary contained in the body of 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 Statement of Financial Activity shows a closing net current funding position of \$2,559,267 (surplus) for the period ended 31 May 2022 compared to the year-to-date amended budget of \$879,702, a variance of \$1,679,565.

Operating revenue is currently \$423,715 lower than the year-to-date budgeted amount (Statement Report by Nature and Type). This is the result of

- higher than expected activity in the following fees and charges income areas:
 - recreation centre fees,
 - Parry Beach camping charges, and
 - rates property enquiry fees
- lower than expected operating grants and contributions revenue as the net result of:
 - the pre-release of 75% (\$834,718) of the 2022/2023 WA Local Government Grants Commission Financial Assistance Grants (FAG's),
 - part payment of the Fire Mitigation Activity funding, and
 - Disaster Recovery Funding Arrangements Western Australia (DRFAWA) storm claim is being finalised so the funding has not yet been received.

These items will be factored into the calculation of the year-end closing position.

The actual operating expenditure is \$1,118,097 less than the year-to-date budgeted amount. The main cause of this variance is timing and contractor supply issues affecting planned DRFAWA storm reinstatement works and Fire Mitigation Works as mentioned earlier in this report. (refer to Materials and Contracts Expense in the Statement of Financial Activity Report by Nature and Type).

\$2,646,291 capital expenditure has been incurred to the end of May 2022, which is \$1,622,030 less than budgeted. It is clear, that several capital projects and plant purchases will not be completed this financial and will be addressed in the 2022/2023 budget process for the proposed inclusion in 2022/2023 capital works and plant replacement programs.

Issues that have impacted the completion of the capital works program this financial year include:

- global supply chain issues resulting in extended delivery delays to the Plant & Equipment scheduled for replacement
- a contractor engaged to perform work related to part of the Council's road network reseal and renewal program has withdrawn its services,
- an agreement variation for a change in scope for works relating to the completion of the Denmark East development project has proved challenging,
- delays in obtaining the appropriate licence for the Mclean Oval Water Use Project, and
- changes to the scope and progress of the DRFAWA storm reinstatement works.

Outstanding Debtors (Note 4)

As at 31 May 2022, outstanding Rates Debtors totalled \$375,938, compared to \$418,280 at the same time last year.

The rates collection percentage for the year sits at 94.93% (see Note 4), compared to 94.08% at the same time last year.

As at 31 May 2022, outstanding Sundry Debtors totalled \$134,042, compared to \$99,437 at the same time last year.

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 which has been suspended, and an application to DPIRD to repurpose these funds through a project variation is currently being prepared by management.

Cash Management

As at 31 May 2022, total cash funds held (excluding trust funds) totals \$7,253,041 (Note 1).

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

Reserve Funds (restricted) total \$4,112,455 (Note 5).

Municipal Funds (unrestricted) total \$3,140,586 (Note 2).

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.2.1
MOVED: CR CLARKE	SECONDED: CR ORMSBY
That Council with respect to the Financial Statements for the period ending 31 May 2022, RECEIVE the Financial Reports, incorporating the Statement of Financial Activity and other supporting documentation.	
CARRIED: 8/0	Res: 080722

9.2.2 LIST OF PAYMENTS FOR THE PERIOD ENDING 31 MAY 2022

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	30 June 2022
Author:	Lee Sounness, Manager of Corporate Services
Authorising Officer:	Gina McPharlin, Director Corporate & Community Services
Attachments:	9.2.2 – May 2022 Monthly List of Payments Summary

Summary:

The purpose of this report is to advise the Council of payments made during the period 1 May 2022 to 31 May 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 is consistent with Council's adopted Strategic Community Plan Aspirations and Objectives and the Corporate Business Plan Actions and Projects in the following specific ways:

Denmark 2027

L5.4 To be fiscally responsible

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.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.2.2
MOVED: CR CLARKE	SECONDED: CR DEVENPORT
That with respect to the attached Schedule of Payments, totalling \$1,244,413.47, for the month of May 2022, Council RECEIVE the following summary of accounts:	
<ul style="list-style-type: none"> • Electronic Funds Transfers EFT32875 to EFT33080 - \$674,482.73; • Municipal Fund Cheque No's 60486 – 60490 - \$8,206.10; • Internal Account Transfers (Payroll) - \$420,486.32; and • Direct Debit - \$6,647.52; • Corporate Credit Card; \$1,496.45; • Department of Transport Remittances; \$89,843.45, and • Loan Payments: \$43,250.90 	
CARRIED: 8/0	Res: 090722

9.2.3 INVESTMENT REPORT FOR THE PERIOD ENDED 30 MAY 2022

File Ref:	FIN.19
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	2 July 2022
Author:	Lee Sounness, Manager Corporate Services
Authorising Officer:	Gina McPharlin, Director Corporate & Community Services
Attachments:	9.2.3 - May 2022 Investment Register

Summary

This report presents the Investment Register for the period ending 31 May 2022.

Background

This report is for Council to receive the Investment Register for the period ending 31 May 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 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

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 Register summarises how funds are invested per the Shires Investment Policy and reports on the Investment Portfolio balance as of 31 May 2022.

The Investment Portfolio complies with the criteria of Investment Policy P040229. The portfolio balance mix meets the requirement of no single institution holding more than 50% of the total funds invested. Individual institutions' Standard & Poor's (S&P) credit rating meets the required threshold to limit single entity exposure.

The total Reserve Funds invested as at 31 May 2022 totals \$4,112,455.

The total Municipal Funds Invested as at 31 May 2022 totals \$1,500,000.

The Reserve Bank of Australia (RBA) has altered its cash rate for this month. The cash rate is now set at 0.35%.

Voting Requirements

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.2.3
MOVED: CR CARMAN	SECONDED: CR CAMPBELL
That Council RECEIVE the Investment Register (Attachment 9.2.3) for the period ended 31 May 2022.	
CARRIED: 8/0	Res: 100722

9.3 CHIEF EXECUTIVE OFFICER

9.3.1 WORKFORCE DEVELOPMENT PLAN

File Ref:	ADMIN.1.2022-25
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	30 June 2022
Author:	Angela Simpson, Corporate Planner
Authorising Officer:	David Schober, Chief Executive Officer
Attachments:	9.3.1 - Shire of Denmark 2022-2025 Workforce Development Plan

Summary:

Council is asked to note the Shire of Denmark 2022-2025 Workforce Development Plan as attached in Attachment 9.3.1.

Background:

The Local Government (Administration) Regulations 1996 require each Local Government to adopt a Strategic Community Plan and Corporate Business Plan as part of a 'Plan for the Future.'

The Department of Local Government, Sport and Cultural Industries' Advisory Standards and Guidelines underpin the legislative requirements of the 'Plan for the Future'.

The Advisory Standards and Guidelines comprise the Integrated Planning and Reporting (IPR) Framework. The IPR framework identifies three 'informing strategies', namely a Workforce Plan, Asset Management Plan and Long Term Financial Plan that Local Governments are required to complete. The Shire reports on the progress of these plans annually via the Compliance Audit Return (CAR).



Denmark 2027 – Planning and Reporting Framework

The Workforce Development Plan is the Shire's four-year 'people plan' that ensures the organisation has the right people in the right positions to provide the best opportunity for achieving the Shire's Strategic Community Plan aspirations and Corporate Business Plan deliverables.

Consultation:

The Shire's Corporate Business Plan, Workforce Development Plan, Asset Management Plan and Long Term Financial Plan are internal-style documents that seek to activate, plan and resource the community's aspirations, outlined in the Strategic Community Plan. As such, consultation and collaboration on the Workforce Plan have occurred within the organisation and with Councillors.

Statutory Obligations:

The Department of Local Government, Sport and Cultural Industries' Integrated Planning and Reporting Framework and Advisory Standards outline the requirements for preparing a Workforce Development Plan, as an informing strategy.

It is not a requirement for Council's to adopt the Workforce Plan. The Council have a legislative role in the appointment and performance management of the CEO, ensuring that there is an appropriate structure for the administration and some specific provisions regarding designated employees.

The Workforce Plan is in the domain of the CEO and it is for the CEO to ensure that the plan enables the organisation's objectives to be achieved in the most efficient and effective manner.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

The financial implications of the Workforce Development Plan are incorporated within the Long Term Financial Plan. The Long Term Financial Plan provides the basis for items considered in Annual Budgets.

Strategic & Corporate Plan Implications:

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

These Standards inform how Local Governments approach resourcing and implementing the Strategic Community Plan and Corporate Business Plan priorities and actions.

Denmark 2027

L5.0 Our Local Government

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

Corporate Business Plan

Governance: Deliver updates to the Long Term Financial Plan, Strategic Asset Management Plan, Workforce Development Plan and an annually reviewed four-year Corporate Business Plan in line with the Integrated Planning and Reporting review cycle.

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 are no known risks associated with this report

Comment/Conclusion:

The foundation of the Workforce Development Plan is the guiding principles that outline the Shire's approach to achieving an appropriately skilled workforce. The guiding principles ensure the Shire of Denmark:

1. *plans a workforce of the future.*
2. *attracts the right workforce.*
3. *inspires and develops the workforce.*
4. *nurtures a healthy workplace, and*
5. *embraces effective change to drive organisational performance.*

The Workforce Development Plan highlights many strengths, particularly organisational culture and team spirit. The Plan also lists improvement actions to ensure that the organisation continues to evolve to best meet the community's needs and ensure its status as a high performing organisation.

The Plan outlines the range of risks and external influences likely to impact the workforce in the coming years. Some of these the Shire is already experiencing, include the lack of housing options for staff wanting to move to Denmark to take up employment with the Shire.

Additionally, skills shortages and competition from employers seeking workers across Local Governments and associated industries, particularly civil infrastructure and construction, will continue to impact the workforce and Shire operations.

The Shire's Executive will review the Workforce Development Plan to ensure it remains contemporary and reflects any relevant changes during the preceding twelve months.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION		ITEM 9.3.1
MOVED: CR ORMSBY	SECONDED: CR CLARKE	
That Council NOTE the Shire of Denmark 2022 – 2025 Workforce Development Plan as presented in Attachment 9.3.1.		
CARRIED: 8/0		Res: 110722

9.3.2 EXPRESSION OF INTEREST FOR A DESIGNATED AREA MIGRATION AGREEMENT

File Ref:	ORG.11
Applicant / Proponent:	WALGA Great Southern Country Zone
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	4 July 2022
Author:	David Schober, Chief Executive Officer
Authorising Officer:	David Schober, Chief Executive Officer
Attachments:	9.3.2 - Information Paper Great Southern Zone WALGA

Summary:

A Designated Area Migration Agreement (DAMA) is a labour agreement allowing businesses/employers to sponsor skilled and semi-skilled overseas workers to fill labour shortages in specific areas that cannot be filled with Australian workers.

This report seeks a commitment from Council to participate in developing a DAMA that covers all 11 Local Governments in the Great Southern region.

Establishing a Great Southern Region DAMA has in-principle support and proposed financial commitment from Regional Development Australia and the Great Southern Development Commission.

Background:

A regional Designated Area Migration Agreement (DAMA) is a formal agreement between the Australian Government and a regional, state or territory authority. Operating under an agreement-based framework, a DAMA provides access to more overseas workers than standard skilled migration programs (Temporary Skills Shortage (TSS) 482 visa or Regional 494 visa) by allowing variations to standard occupations and skills lists.

Establishing a DAMA in the region requires the support of various stakeholder groups as well as an in-depth analysis of relevant employment markets with verified evidence to support the application. Once established, a DAMA is reviewed annually and may be varied yearly.

A DAMA is a two-tier framework covering a defined regional area. The framework is:

- first tier - an overarching five-year head agreement with the region's representative (e.g. Regional Development Australia Great Southern). A region representative is called the Designated Area Representative (DAR).
- second tier – DAMA labour agreements with businesses/employers under the head agreement for the region.

Under the framework the DAR forms the first tier and negotiates a DAMA on behalf of businesses/employers within its region. Negotiations provide the most significant benefit of a DAMA and encompass standard occupations, including skill lists and any concessions that may be appropriate to a specific occupation. Examples of negotiated concessions include an extension of the age criteria, relaxation of English skills requirements or modification to the skills and experiences required. The result is flexibility for regions to respond to their unique economic and labour market conditions.

The framework's second tier formalises the individual DAMA labour agreement. A business/employer applies for a DAMA Labour Agreement to the DAR. The business/employer must first demonstrate via Labour Market Testing (LMT) that it cannot employ suitable Australian employees. (A LMT is a business case presented to a DAR and the Department of Immigration that provides solid evidence and includes advertising on the Australian Government's *Jobactive* website and other search methods.)

If an application satisfies the DAMA's terms and conditions, and is supported, the DAR provides endorsement of the application through an approval letter. Once endorsed, applications are then subject to assessment by the Department of Home Affairs and Minister of Immigration, Citizenship and Multicultural Affairs.

If an occupation is unavailable under the standard visa programme, or the DAMA program, a business may negotiate its own Labour Agreement with the Minister, separate from a regional DAMA. Negotiations are based on a labour market survey that demonstrates the reason why a previously unlisted occupation has been applied for.

It is noted most regional businesses do not have the capacity to individually negotiate a Labour Agreement due to lack of capacity, expense and time constraints. A regional DAMA would provide a more attractive option to support business owners in the Great Southern.

Benefits of a DAMA

A DAMA could provide a community with economic benefits through population growth and increased output.

The key value opportunity is that immigrant workers cannot move from the area of their DAMA, but can move between businesses within that area. Effectively migrant workers are secured to the region.

Another benefit of a DAMA is that the semi-skilled occupations, that are in shortage in the particular region, could be available under a DAMA, while they are not available under the standard visa program. Some examples of such occupations are truck drivers, wait staff, bar attendants, drillers, driller assistants, earthmoving/mobile plant operators and horticultural workers such as process and field workers.

DAMA concessions

English Language Concession:

The English language test scores required under a DAMA can be lower than under the standard visa program making it easier for the applicant's visa to be processed. This is especially the case where a person is generally a good English communicator but perhaps not able to meet the requirements of a stringent English test for a visa.

Temporary Skilled Migration Income Threshold (TSMIT) Concession:

The TSMIT value is set by legislation to ensure that migrant workers can financially support themselves in Australia and acknowledges the additional costs temporary residents incur, such as health care and education costs. The current value of the TSMIT is \$53,900, excluding superannuation.

When calculating whether the salary paid by an employer meets the TSMIT, annual earnings may consist of the base salary plus guaranteed earnings such as housing, company car, and guaranteed overtime where this is an industry standard. If an employer intends to include these guaranteed earnings to meet TSMIT requirements, they must be valued and written into the agreed employment contract.

The use of concessions must not undermine relevant industrial awards, nor market salary rates for an equivalent Australian employee in the same location.

Skills Concession:

Every occupation requires an assessment of education, qualifications and employment experience to determine comparability against the assessment standards of a DAMA.

Permanent Residency requirements:

Upon an approval of the subclass 482 visa, there may be a pathway to permanent residency, subject to satisfying the criteria and availability, through the subclass 186 scheme Employer Nominated Scheme Visa.

Age Concession:

To transition into permanent residency, every applicant must meet the age criteria, being under the age of 45.

DAMA requirements

Advice from the office of Rick Wilson, Federal Member for O'Connor, states that a request for a DAMA must contain, as a minimum, the following:

1. a letter of endorsement from the relevant stakeholders;
2. a Designated Area Representative (DAR), endorsed by stakeholders, who can manage the request to establish an agreement;
3. a business case if any additional concessions are being requested to the minimum requirements outlined for a company specific labour agreement; and
4. an explanation of how the DAR proposes to support employers and facilitate the integration of overseas workers in their local communities (for example - provision of information on workplace rights and sponsorship obligations; basic services in the local area such as health; emergency and educational services; community activities such as sporting groups and religious services; engagement of a multicultural officer);
5. supporting documentation, which may include:
 - a. profit and loss statements;
 - b. other applicable financial statements; and
 - c. relevant supporting information.

An example of a region in Western Australia currently covered by a DAMA, since 21 March 2019, is the Goldfields region. The City of Kalgoorlie-Boulder is the DAR and represents other regional and nearby shires.

The Goldfields region aimed to secure permanent labour so as to avoid constantly retraining employees, such as backpackers. The Pilbara region had also applied for a DAMA before the Goldfields was secured, however they were unsuccessful in their application due to not being able demonstrate eligibility.

It is important to note the Goldfields DAMA is an employer-sponsored visa programme providing the framework for employers in its designated area to sponsor skilled and semi-skilled workers under visa subclasses 482, 494, and 186. This is the same model proposed by the Great Southern region.

The process of becoming a DAMA took the City of Kalgoorlie-Boulder 12 months, once the application was submitted. A financial consultancy business was engaged to undertake their business case, which can take between 3 and 6 months to establish.

From a human resource perspective, the City of Kalgoorlie-Boulder provided a 0.5 FTE (full time equivalent) staff member to liaise with the consultant throughout the formation of the Business Case.

In addition, the following on-going human resource tasks, required as the DAR, include:

1. dealing with an approximate average of 1 to 2 business applications per month. A charge of \$250 is levied for each nomination for endorsement. This includes Statutory Declarations and ensures businesses are financially viable and stable.
2. answering queries from prospective businesses, which can be very time consuming.
3. seeking guidance from a team within the Department of immigration.
4. undertaking of an Annual Report for the Department and Minister.
5. negotiation of ongoing Terms and Conditions of the DAMA.
6. surveys and analysis of the regional labour market.
7. monthly meetings with a Department of Immigration representative to discuss the DAMA programme. Note: The Department also liaises with businesses directly.

Other points of note, gained through research with external organisations, include:

2. a subclass 491 visa, for highly skilled and desired occupations, requires nomination by the State Government, or an eligible family member and doesn't require a sponsor. This type of visa cannot be included in a DAMA;
3. the City of Kalgoorlie-Boulder has a population of approximately 30,000;
4. the more local government authorities involved, the better the chance of securing a DAMA; and
5. a larger organisation, such as a Regional Development Authority is best positioned to take on the role of regional representative (DAR) and offers the application a stronger opportunity for success, indicating collaboration between communities.

Creating a DAMA is an extensive process, particularly for the lead organisation (DAR) involved in the application and consultancy phase. Furthermore, there are significant resources required to manage ongoing applications which require liaison with the Department of Immigration for the five-year term.

This type of project requires the support of many stakeholders including regional Local Governments, Chambers of Commerce, Regional Development Australia (RDA), Development Commissions, and members of parliament. All stakeholders must endorse the organisation that is capable and willing to accept the responsibility of being a Designated Area Representative.

Regional Development Australia (RDA) Great Southern have offered to act as the Designated Area Representative (DAR) which will meet this requirement.

Alternative Visa Options to DAMA

Pacific Labour Mobility Scheme

This Scheme enables citizens of partner countries to take up low-skilled and semi-skilled work opportunities in all sectors in rural and regional Australia for up to 3 years. Partner countries include: Fiji, Kiribati, Nauru, Papua New Guinea, Samoa, Solomon Islands, Timor-Leste, Tonga, Tuvalu and Vanuatu.

Seasonal worker Program (Agriculture and Accommodation)

This Scheme enables citizens of partner countries to take up unskilled and low-skilled work opportunities in the Australian agriculture and accommodation sectors in selected rural and regional locations of Australia for up to 9 months. Partner Countries: Fiji, Kiribati, Nauru, Papua New Guinea, Samoa, Solomon Islands, Timor-Leste, Tonga, Tuvalu and Vanuatu.

Industry Labour Agreement

Labour agreements enable approved businesses to sponsor skilled overseas workers when there is a demonstrated need that cannot be met in the Australian labour market and where standard temporary or permanent visa programs are not available. Industry labour agreements are for a specific industry with fixed terms and conditions. The industry is required to show ongoing labour shortage and extensive consultation within the industry. Various approved industry labour agreements include dairy, aquaculture, fishing, meat and livestock, advertising, hospitality, labour-hire and religion.

Standard Business Sponsorship -482 (For highly Skilled Occupations)

This temporary visa lets an employer sponsor a suitably skilled worker to fill a position for which they are unable to find a suitably skilled Australian. Based on the occupation, this visa is generally granted for 2-4 years.

Consultation:

A West Australian Local Government Association (WALGA) Great Southern Country Zone meeting was held in Jerramungup on 24 June 2022. All 11 Local Governments of the region were represented. The Shire of Denmark was represented by Cr Carman and the Chief Executive Officer David Schober.

The Great Southern Development Commission Chief Executive Officer Natasha Monks also attended and participated in the briefing on a proposed DAMA for the region.

The meeting resolved:

That the Great Southern Country Zone of WALGA supports the concept of the Designated Area Migration Agreement (DAMA) as follows:

- 1. The Great Southern Country Local Governments are to report back to the Zone Executive Officer by Wednesday, 17 August 2022 as to their interest in joining the DAMA.*
- 2. The Great Southern Country Zone acknowledge the Regional Development Australia office will act as the Designated Area Representative (DAR), and*
- 3. The Great Southern Country Zone acknowledges that funding will be required from each Local Government.*

The Denmark Chamber of Commerce (DCC) has been advocating for assistance to support Denmark businesses in respect to employee shortages. The DCC is supportive of the concept on behalf of its members and the broader business community.

Statutory Obligations:

Statutory Dependency Migration Act 1958.

Policy Implications:

Nil.

Budget / Financial Implications:

As outlined in Table 1. *Proposed Funding Model* identifies the relative cost proposed by all stakeholders in the development of a DAMA in the Great Southern. It is expected that between \$80,000 to \$100,000 is required to develop the business case in order to be successful. This includes the cost of a consultant to conduct a survey of regional employers, research and provide statistics, and to identify any occupations that may fit the criteria for inclusion in a DAMA application. The direct costs of the consultant are estimated to be circa \$60,000 to \$70,000, with the balance required for project contingencies.

It is noted that a designated team member resource is required to liaise with the consultant. In the case of Kalgoorlie-Boulder, it was estimated that a staff member to the value of 0.5 FTE basis was required for the purpose of establishing their DAMA. Following the successful DAMA application, a further 0.5 FTE investment with ongoing tasks has been required.

RDA Great Southern have indicated they are prepared to fund the ongoing 0.5 FTE employee costs relating to the DAR for the proposed five year period. This salary has not been qualified to date and will require further analysis by RDA Great Southern.

Table 1. Proposed Funding Model

		Estimated Population	Contribution based on Population	Adjusted Contribution
	Total Funds		\$ 111,803	\$ 100,000
	Organisation			
1	GSDC		\$ 10,000	\$ 10,000
2	RDA		\$ 10,000	\$ 10,000
	LGA's	\$ 1.50	\$ 20,000	\$ 20,000
		per head of popn		
3	City of Albany	38,000	\$ 57,000	\$ 40,000
4	Shire of Denmark	6422	\$ 9,633	\$ 8,000
5	Shire of Plantagenet	5079	\$ 7,619	\$ 8,000
6	Shire of Katanning	4200	\$ 6,300	\$ 7,000
7	Shire of Kojonup	1985	\$ 2,978	\$ 5,000
8	Shire of Gnowangerup	1215	\$ 1,823	\$ 2,500
9	Shire of Broomehill-Tambellu	1144	\$ 1,716	\$ 2,500
10	Shire of Jerramungup	1109	\$ 1,664	\$ 2,500
11	Shire of Cranbrook	1089	\$ 1,634	\$ 2,500
12	Shire of Kent	550	\$ 825	\$ 1,000
13	Shire of Woodanilling	409	\$ 614	\$ 1,000
		61,202	\$ 91,803	\$ 80,000

While Table 1 indicates a proposed funding model, no local government has, at this point, made any commitments. It is noted that Albany’s proposed contribution is 50% of the total project cost and represents a risk to the project if they decline to be involved.

The above funding model has not been confirmed by all stakeholders and is presented as a model only for discussion. While the funding model suggests a contribution of \$8,000 for Denmark, this amount has been rounded down. If the model calculations are applied, without rounding down, Denmark would be required to provide \$9,633 on a contribution based on the Shire’s population.

The officer recommendation seeks approval for a contribution up to \$10,000 to account for any changes in the model as a result of feedback from the other 10 local governments.

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:

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

- L5.5 To embrace change, apply technological advancement and pursue regional partnerships that drive business efficiency

Corporate Business Plan

Nil.

Sustainability Implications:

➤ **Sustainability Strategy:**

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

➤ **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:**

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)
Financial Cost of participation does not generate a regional DAMA	Unlikely (2)	Insignificant (1)	Low (1-4)	Not Meeting Community expectations	Accept

It is noted that the project assumes commitment from 11 local governments and two regional bodies. Should any of these commitments not be realised, the project’s viability may be compromised.

Comment/Conclusion:

In the December 2021 quarter Denmark’s unemployment rate was 3.3%.

In comparison:

- Regional WA was 4.1%
- Western Australia was 4.7%
- Australia was 5.1%

Data Source: economic id

The level of unemployment in Denmark has remained relatively stable since late 2017. These low unemployment rates indicate the available pool of employees for Denmark businesses is extremely low and is ultimately leading to business disruption. A number of large employers in Denmark have reduced operating hours in order to cope with lower than desired staffing levels.

On the basis of the current employment conditions the author believes the development of a Great Southern regional DAMA offers part of a solution for those businesses who are currently experiencing under-employment. While it is unlikely a regional DAMA will be the panacea for all businesses it could provide an avenue to assist larger businesses with the capacity to invest in the program.

While a DAMA could produce potential employees it must also be understood that housing considerations must be taken into account. While housing availability is easing, it is still a significant consideration, and is likely to continue for another 12-24 months, where

employers will need to address this consideration in the development of their business case when preparing their DAMA applications.

On the basis of the relatively low cost, matched against the potential to provide Denmark businesses with increased access to new labour markets the author recommends the Shire signal its intent to participate at the next WALGA Great Southern Country Zone meeting on 26 August in Katanning.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 9.3.2

That Council;

1. SUPPORT the development of a Great Southern Designated Area Migration Agreement; and
2. REQUEST the Chief Executive Officer to advise the West Australian Local Government Association Great Southern Country Zone Meeting, by 17 August 2022, of the Shire of Denmark’s intent to participate, subject to:
 - a. Regional Development Australia Great Southern undertaking the role of the Designated Area Representative, and
 - b. A contribution of \$10,000, or less, is confirmed as the Shire of Denmark’s contribution.

COUNCIL RESOLUTION

ITEM 9.3.2

MOVED: CR GIBSON

SECONDED: CR PHILLIPS

That Council;

1. SUPPORT the development of a Great Southern Designated Area Migration Agreement; and
2. REQUEST the Chief Executive Officer to advise the West Australian Local Government Association Great Southern Country Zone Meeting, by 17 August 2022, of the Shire of Denmark’s intent to participate, subject to:
 - c. Regional Development Australia Great Southern undertaking the role of the Designated Area Representative, and
 - d. A contribution of \$10,000, or less, being confirmed as the Shire of Denmark’s contribution.
3. INCLUDE a \$10,000 contribution in the draft 2022/2023 Budget.

CARRIED: 7/1

Res: 120722

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

FOR: Cr Campbell, Cr Phillips, Cr Gibson, Cr Ormsby, Cr Devenport, Cr Carman and Cr Lewis.

AGAINST: Cr Clarke.

REASONS FOR CHANGE

Council included part 3 to make it clear that they would include the funding allocation in the draft 2022/23 Budget.

9.3.3 VARIATION OF LEASE – DENMARK CONCRETE PTY LTD

File Ref:	A5561 & LEA.52
Applicant / Proponent:	Denmark Concrete Pty Ltd
Subject Land / Locality:	Portion of Lot 300 on Deposited Plan 46811, 832 South Coast Highway, Denmark
Disclosure of Officer Interest:	Nil
Date:	4 July 2022
Author:	David King, Deputy Chief Executive Officer
Authorising Officer:	David Schober, Chief Executive Officer
Attachments:	9.3.3a – Lease (CONFIDENTIAL) 9.3.3b – Deed of Variation

Summary:

Council is asked to approve a variation to the lease between the Shire of Denmark and Denmark Concrete Pty Ltd to clarify the ownership and responsibility for all buildings and structures on the site.

Background:

In October 2020, Council agreed to enter into a three (3) year lease with Denmark Concrete for a portion of Lot 300, 832 South Coast Highway, Denmark. Attached is a copy of the lease (Attachment 9.3.3a), and the lease area is delineated in red, as shown in Figure 1.

Figure 1 - Aerial of Denmark Concrete lease area



The site contains several built structures, including a large shed, office and a number of other items of infrastructure. The current lease does not provide clarity over the responsibility and ownership of the infrastructure on the site.

Figure 2 – Shed and Office



Aerial image from Google Maps

Consultation:

Nil

Statutory Obligations:

LOCAL GOVERNMENT ACT 1995

Section 9.49B – local government may make, vary or discharge a contract.

This power has been delegated to the Chief Executive Officer and the Deputy Chief Executive Officer (Delegation 1.2.31); however, Officers were of the view that as the matter deals with a change to a Council-approved commercial lease, the variation should also be a Council decision.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

The shed and office shown in Figure 2 have historically been included on the Shire’s Asset Register and Insurance Schedule. This is because the structures sit on Shire land without any explicit guidance in the lease to suggest otherwise.

Clarifying the ownership and responsibility in the lease would result in a correction (reduction) in the Shire’s insurance, depreciation obligations and associated costs if placed on the Lessee.

The current lease income is based on the land only and therefore the officer recommendation will not effect the commercial value of the lease.

Strategic & Corporate Plan Implications:

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

L5.0 Our Local Government

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

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

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

L5.4 To be fiscally responsible.

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:**

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

Comment/Conclusion:

Denmark Concrete previously sub-let a portion of the site from the former Tenants, Denmark Earthmoving.

The shed was built over 25 years ago by the original lessee (Denmark Export Packers) for their business use and it was subsequently transferred to Denmark Earthmoving when they took over the lease in 2007.

Upon being approved by the Council to take over the lease in its entirety, Denmark Concrete compensated the former Tenant for the large shed and office on the site, as part of the lease takeover transaction, and included it in their insurance schedule.

To officers knowledge, the Shire has never contributed to the construction of any of the sheds, or the improvements on the site. There is also no evidence of any Shire funds spent towards maintenance.

Officers recommend that the lease be varied to clarify that Denmark Concrete owns the sheds and other infrastructure on the site. This would also result in the Tenant being required to remove all of their property and make good the land, in the event that the lease was terminated.

The Tenant has also advised that they have an additional partner. The Deed of Variation seeks to reflect the new trading entity.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.3.3
MOVED: CR PHILLIPS	SECONDED: CR CARMAN
That Council AGREE to vary the lease between the Shire of Denmark and Denmark Concrete Pty Ltd to, as per Attachment 9.3.3b to:	
1. CHANGES the name of the Tenant, to add a new partner; and	
2. AMENDS the definition of “Tenant’s Property”.	
CARRIED: 8/0	Res: 130722

10. COMMITTEE REPORTS AND RECOMMENDATIONS

10.1 BUSH FIRE ADVISORY COMMITTEE – MINUTES AND RECOMMENDATION – 12 MAY 2022

File Ref:	COMM.BFAC
Applicant / Proponent:	Bush Fire Advisory Committee
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	30 June 2022
Author:	Renee Wiggins, Manager Community Services
Authorising Officer:	Gina McPharlin, Director Corporate & Community
Attachments:	10.1a –Bush Fire Advisory Committee Minutes 12 May 2022 10.1b – Standard Operating Procedures – Personal Protective Equipment and Training Standards

Summary:

Council is requested to receive the Minutes from the Bush Fire Advisory Committee (BFAC) and approve two reviewed and updated Standard Operating Procedures.

Council is also requested to give the Chief Executive Officer (CEO) authority to approve any future changes to standard operating procedures for administrative efficiency.

Background:

The Bush Fire Advisory Committee met on the 12 May 2022 and considered proposed changes to two Standard Operating Procedures (SOP), being the Training Standards SOP and Personal Protective Equipment. The amended SOPs are attached for Council’s approval.

The BFAC resolved as follows:

“That the Bush Fire Advisory Committee recommend that the CEO approve the Standard Operating Procedures, subject to the order form being amended to include minimum PPE and PPC standards and equivalent sizes for females.”

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.

Statutory Obligations:

Section 5.22 of the Local Government Act 1995 requires that the Presiding Person of a Council Committee is to cause minutes to be kept of the meeting’s proceedings.

Committee minutes are not required under legislation to be presented to Council however, the Chief Executive Officer has determined that, in order to improve transparency and ensure that Councillors are aware of their various Committees’ activities, all Advisory Committee minutes will be presented to Council to be received.

BUSH FIRE BRIGADES LOCAL LAW

SOPs can be considered as the rules referred to in clauses 2.4 and 2.5 of the Shire of Denmark's Bush Fire Brigades Local Law.

Clause 2.4 Rules

- (1) The Rules govern the operation of a bush fire brigade.
- (2) A bush fire brigade and each brigade members is to comply with the Rules.

Clause 2.5 Variation of Rules

- (1) The local government may vary the Rules in their application to all bush fire brigades or in respect of a particular bush fire brigade.

Policy Implications:

The current SOPs have been adopted as Council Policies (P050112 and P050113) and it is the Shire Administration's intention to gradually review them all, remove them from the Policy Manual and create a central repository of SOPs that all brigades can access.

Officers are recommending that the Council delegate the local governments function under clause 2.5 of the Local Law for administrative efficiency. This will allow any amendments, being substantial to insignificant, to be approved by the CEO, rather than having to be approved by the Council each time.

Budget / Financial Implications:

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

Strategic & Corporate Plan Implications:

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

Denmark 2027

L5.0 Our Local Government

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

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

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

L5.6 To seek two-way communication that is open and effective.

Sustainability Implications:

Sustainability Strategy

1. Health & Happiness

1.4 *Support initiatives that create connected communities with key service areas.*

2. Equity & Local Economy

2.2 *Support the community to promote a circular economy and buy local philosophy.*

3. Culture & Community

3.6 *Embrace inclusivity and ensure availability and access of infrastructure and services to all minority groups including disadvantaged, and people with disabilities.*

➤ **Governance:**

The updated minimum standard is in line with the Department of Fire and Emergency minimum standard.

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

Updating the hire form to include female sizing is required to ensure female brigade members have suitably fitting PPE when attending incidents.

➤ **Risk:**

Not updating the minimum standard to be in line with the Department of Fire and Emergency would cause significant liability if a brigade member were to be injured during an incident.

Comment/Conclusion:

The Author recommends that the Minutes be received by Council, the reviewed SOPs be approved and a new delegation be created to give the CEO authority to update future operational procedures to increase administrative efficiencies.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 10.1a)
MOVED: CR CAMPBELL	SECONDED: CR ORMSBY
That Council RECEIVE the Bush Fire Advisory Committee Minutes for the meeting held on 12 May 2022.	
CARRIED: 8/0	Res: 140722

COMMITTEE & OFFICER RECOMMENDATION	ITEM 10.1b)
That Council:	
1. ACCEPTS the updated Standard Operating Procedures relating to Training Standards and Personal Protective Equipment (PPE), including updating the PPE Form to include male and female sizing; and	
2. REMOVE Council Policies P050112 (Training Standards) and Policy P050113 (Personal Protective Equipment) from the Council’s Policy Manual noting that they are operational procedures and not policies of Council.	

COUNCIL RESOLUTION	ITEM 10.1b)
MOVED: CR GIBSON	SECONDED: CR CLARKE
That Council:	
1. ACCEPTS the updated Standard Operating Procedures relating to Training Standards and Personal Protective Equipment (PPE), including updating the PPE Form to include male and female sizing; and	
2. REPEAL Council Policies P050112 (Training Standards) and Policy P050113 (Personal Protective Equipment), noting that they are operational procedures and not policies of Council.	
CARRIED: 8/0	Res: 150722

REASONS FOR CHANGE

Council changed the word “remove” to “repeal” in part 2.

<p>COUNCIL RESOLUTION & OFFICER RECOMMENDATION</p> <p>MOVED: CR CLARKE</p> <p>That Council DELEGATES to the Chief Executive Officer powers under the Bush Fire Brigades Local Law to allow the establishment or updating of standard operational procedures relating to bush fire brigades and brigade members.</p> <p>CARRIED: 8/0</p>	<p>ITEM 10.1c)</p> <p>SECONDED: CR PHILLIPS</p> <p>Res: 160722</p>
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11. MATTERS BEHIND CLOSED DOORS

Nil

12. NEW BUSINESS OF AN URGENT NATURE

Nil

13. CLOSURE OF MEETING

5.35pm – There being no further business to discuss, the Presiding Person declared the meeting closed.

The Chief Executive Officer recommends the endorsement of these minutes at the next meeting.

Signed: _____
David Schober – Chief Executive Officer

Date: _____

These minutes were confirmed at a meeting on the _____.

Signed: _____
(Presiding Person at the meeting at which the minutes were confirmed.)