

Shire of Denmark

Special Council Meeting AGENDA

27 June 2023



TO BE HELD IN THE COUNCIL CHAMBERS, 953 SOUTH COAST HIGHWAY,
DENMARK ON TUESDAY, 27 JUNE 2023, COMMENCING AT 4.00PM.

The purpose of the meeting is to appoint:

1. Adopt the 2023 Strategic Community Plan.
2. Consider the Kwoorabup Nature School Lease.
3. Accept the 2021/22 Annual Report and set a date for the Annual General Meeting of Electors.



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Strategic Community Plan (snapshot)

E1.0

Our Economy

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

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

N2.0

Our Natural Environment

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

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

B3.0

Our Built Environment

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

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

C4.0

Our Community

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

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

L5.0

Our Local Government

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

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

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**MEMBERS:

Cr Ceinwen Gearon (Shire President)

Cr Kingsley Gibson (Deputy Shire President)

Cr Donna Carman

Cr Donald Clarke

Cr Nathan Devenport

Cr Jan Lewis

Cr Jackie Ormsby

Cr Janine Phillips

STAFF:

David King (Chief Executive Officer)

Claire Thompson (Governance Coordinator)

Courtney Walsh (Communication & Engagement Officer)

APOLOGIES:ON LEAVE OF ABSENCE:

Cr Clare Campbell (approved June 2023 / Resolution No. 010623)

ABSENT:VISITORS:DECLARATIONS OF INTEREST:

Name	Item No	Interest	Nature

3. ANNOUNCEMENT BY THE PERSON PRESIDING**4. PUBLIC QUESTION TIME****4.1 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.

For a Special Meeting of Council, such as this, **they must however relate to the item(s) on the Agenda.**

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

Should you wish to address Council please note that the Presiding Person (the Shire President) may have to limit the time of individual speakers in order to allow sufficient time for all speakers present at the meeting to address Council. The rules of this process and the time allocated will be determined by the Presiding Person at the Meeting dependent upon the indicative number of speakers.

Questions from the Public

5. REPORTS OF OFFICERS

5.1 KWOORABUP NATURE SCHOOL LEASE

File Ref:	LEA.41
Applicant / Proponent:	Kwoorabup Nature School
Subject Land / Locality:	No.2 (Lot 952) Inlet Drive. Reserve 30277
Disclosure of Officer Interest:	Nil
Date:	16 June 2023
Author:	David King, Chief Executive Officer Claire Thompson, Governance Coordinator
Authorising Officer:	David King, Chief Executive Officer
Attachments:	5.1a – Extract from April 2023 Minutes 5.1b – Draft Lease 5.1c – Extended area survey 5.1d – Submissions

IN BRIEF

- Council to consider the submissions received on the draft new lease to the Kwoorabup Nature School.

RECOMMENDATION

That with respect to a new lease and lease area for the Kwoorabup Nature School, for a portion of Lot 952 on Deposited Plan 39348, Council:

1. NOTE the submissions received.
2. APPROVE the draft Lease in Attachment 5.1b subject to the following amendments:
 - a. Item 11.2(1)(b) of the Schedule, replace the words "[Insert Date]" with "1 July 2025".
 - b. Item 11.2(1)(e) of the Schedule, replace the word "two" with the word "five".
 - c. Replace Appendix 1 with the survey as per Attachment 5.1c.
 - d. Item 1 of the Schedule, replace the entire wording under the sub-heading "Premises" to read,

"The portion of the Land (comprising an area of 6,520sqm) and 'Public Shared Use Area' (comprising an area of 1,150sqm), as shown in Appendix 1 and referred to as

Current School Lease, Proposed School Lease and Current Shared Use Area, including all buildings, structures, alterations, additions and improvements on that part of the Land, or erected on that part of the Land during the term, excluding the School Buildings."

3. ADVISE the applicant that any development of the new lease area, shall be in accordance with a new adopted Concept Plan, which will be the subject of further consultation prior to it being considered by the Council.
4. REQUEST the Chief Executive Officer to seek Ministerial Consent, and if received, AUTHORISE the Chief Executive Officer and the Shire President to execute the final lease documentation.

LOCATION

1. The KNS occupy a portion of Lot 952 on Deposited Plan 39348, located at 2 Inlet Drive, Denmark.
2. The Denmark Machinery Restoration Group (DMRG), Denmark Mens Shed, and the Denmark Lions Club currently occupy leased areas on the reserve, as delineated in Figure 1. The expanded lease area for the school will include the Lions lease area.
3. The Bibbulmun Track and the Heritage Rail Trail also pass through the reserve and are popular with local bushwalkers and the like.

Figure 1 – Site Context



BACKGROUND

4. The KNS has leased a portion of Reserve 30277 since 2003.
5. At the meeting held 18 April 2023, Council resolved as follows (Resolution No. 060423). A copy of the report and resolution is attached. (See Attachment 5.1a).

That Council:

1. *ENDORSE the expanded lease areas for the Kwoorabup Nature School such that:*
 - a) *The lease areas and shared areas are in accordance with Attachment 9.3.1a, subject to the existing shed being relocated at the School's cost.*
 - b) *Development of the lease area shall be in accordance with a revised concept plan to be adopted by Council, following actions in part 3 and 4 of this resolution.*
2. *REQUEST the Chief Executive Officer to:*
 - a) *Obtain, at the Kwoorabup Natures School's cost, a commercial valuation for the proposed lease.*
 - b) *Draft a lease in accordance with (1) above and advertise for public comment for no less than 14 days.*
 - c) *Provide a report back to council to consider submissions and a draft lease.*
 - d) *Advise the Lions club of the implications to their existing lease.*
3. *REQUEST the Chief Executive Officer to engage key stakeholders in developing a revised concept plan that considers the following:*
 - a) *Enhancement of the key railway reserve aspects including, but not limited to, the restoration of the Ash Pit (including carriage) and the Turntable.*
 - b) *Minimisation of any fencing, especially around heritage features such as the Old Post Office building and the Stationmasters House.*
 - c) *Appropriate locations of the new infrastructure and buildings.*
 - d) *Installation of appropriate interpretative signage of heritage assets.*
4. *ADVERTISE a revised concept plan for public consultation and present back to Council, with any submissions received.*
5. *REQUEST the Chief Executive Officer to work with the Lions Club to facilitate solutions to replace their current lease.*
6. The intent of the resolution was to facilitate the lease for the school in a timely manner to meet funding deadlines.
7. A commercial valuation has been received. See the Financial Implications section of this report.
8. A draft lease was advertised on 9 June 2023 with submissions closing on Friday, 23 June 2023. See the Consultation section of this report.
9. The Denmark Lions Club have been formally advised that should the new lease be endorsed by the Council, they will need to vacate their current premises, being the former Station Masters House. Officers have informed the club that they will work with their members to facilitate an alternate location for the activities.

DISCUSSION / OFFICER COMMENTS

10. The KNS has advised that a new lease and extended lease area will enable them to expand to 160 students by 2027. The expansion will enable space for an additional four classrooms and a number of other infrastructure supports, such as ablutions and play spaces.

11. The 21 year term of the lease will enable them to apply for a grant to partially fund the building cost of any new classrooms.
12. Ministerial consent is still required, and the lease can commence from the date of that consent if the request is approved.

Municipal Heritage Implications

13. Item 10 of the Lease Schedule requires that any works or modifications to the Historical Relics at the site must be undertaken in liaison with the Denmark Historical Society and the Lessor. This is to ensure that the heritage values are enhanced and not compromised.
14. The current lease area includes a 'Public Shared Use Area'. This area contains three historical relics being, the Old Post Office, the Turntable and the Ash Pit. Item 11.1 of the lease requires the KNS to ensure that this area remains open and freely accessible for use by the public.
15. Consistent with the current lease, Item 11.1(1)(c) of the draft lease requires the KNS to, at its cost, erect clear signage noting that those areas are for public access.
16. Also consistent with the current lease, Item 11.2 of the draft lease requires the KNS to fund the agreed costs of construction/intinction of nature play areas, interpretive signage and refurbishment of the Historical Turntable and Ash Pit in the Public Shared Use Area.
17. Whilst this provision was included in the current lease, the works have not taken place. Item 11.2(1)(b) requires the Council to determine the timeframe for these works to be completed.

Other Amendments to the Lease

18. The following additional changes have been made from the current lease to the new draft lease:
 - a) Item 11.3 of the Schedule is an additional provision and has been included in response to Item 1(a) of the Council's April 2023 Resolution.
 - b) Lessee entity has been amended from 'Spirit of Play Community School' to 'Spirit of Play Community School Inc. t/as Kwoorabup Nature School'.
 - c) Definitions of 'car park' and 'common area works' have been removed.
 - d) A definition of 'Historical Relics' has been included and incorporates the Station Masters House.
 - e) 'Station Masters House' has been included in the definition of 'School Buildings'.
 - f) Clause 11.9(1), (2) and (2)(b), with respect to painting, includes the Station Masters House.
 - g) Clause 12.1(6), with respect to signs, includes a new part (b) that refers to the Station Masters House.

- h) Clause 23.1(c) [current lease], with respect to casual hire, has been removed so that the KNS do not need to seek prior written consent from the Shire for ad-hoc hire arrangements.
- i) Clause 24.3 [current lease], with respect to sub-letting to community groups, has been removed so that any sub-let proposal requires the Shire's consent.
- j) Clause 24.6 [current lease], with respect to mortgage or charge, now enables the Shire to consent upon request.
- k) The permitted use has been amended from 'School/Educational facility for children and uses reasonably ancillary thereto' to 'School/Educational facility for children, occasional community events and uses reasonably ancillary thereto'.
- l) Item 10.2 of the Schedule [current lease], reference to 'Common Area Works', with respect to funding of works and improvements, has been removed as this work has been completed.

Proposed Amendments following Consultation

- 19. In consideration of the Officer's recommendation in April, and the reasons for change that resulted in the Council Resolution (Res: 060423), officer's interpretation of the Council resolution is that the extended lease area was endorsed to facilitate the expediency of a lease. This was required to allow the KNS to apply for capital grant funding to build on the lease. As such, whilst the lease was to be advertised, the comments sought were intended to inform the particulars of that lease. For example, to manage aspects such as the relocation of the shed and development aspects of the lease.
- 20. The vast majority of the submissions that did not support the lease related to the consideration of the extended lease area and cited various concerns over this aspect. However, this aspect of the lease was considered in April, and whilst officers note the concerns, officers have not been directed to reconsider the lease expansion and, therefore, does not impact any recommended changes to the lease.
- 21. Officers note that whilst this report considers a series of minor amendments to the lease, the decision to proceed, or not, with a lease, still rests with the Council.
- 22. The KNS has indicated that, realistically, the timeframe for refurbishing the Turntable and the Ash Pit would be five years. Officers have agreed to put this forward in the recommendation to Council.

CONSULTATION AND EXTERNAL ADVICE

- 23. Legal assistance was obtained to draft the new lease.
- 24. Initial comments were sought from the other lessees of portions of the reserve; being the Denmark Men's Shed, the Denmark Machinery Restoration Group and the Denmark Lions Club. In addition, the Denmark Historical Society was asked for comment. Their comments were included as attachments to the April 2023 report. See Attachment 5.1a.
- 25. In addition, the Shire received 35 independent submissions from community members who had heard about the KNS's proposal. These submitters were advised that should the Council

agree to the lease area expansion and call for public comment, their submissions would be included in that process.

26. 97 Submissions were received regarding the draft lease and can be found in Attachment 5.1d. In summary:

- 46 submissions supported the lease
- 49 submissions did not support the lease
- 2 submissions were neutral on the proposition of the lease.
- 4 submissions requested that the Stationmasters House be relocated as a lease condition.
- 4 submissions requested the removal of the shared use area.

27. Officers do not recommend the inclusion of a provision to relocate the Station Masters House. This is because:

- The financial and practical implications of removal are unknown without further investigation. Delaying to investigate would conflict with the implied intent that the lease should be finalised to facilitate the grant funding opportunities in August.
- No consultation has been undertaken on a revised location. This unknown results in uncertainty about any proposal's environmental and planning implications.

28. Officers do not recommend the removal of the shared-use area. The majority of the concern was related to how the shared-use area was being maintained and used, specifically in relation to the heritage assets in the area. The lease provisions require the appropriate restoration of the heritage assets, maintenance and signage of the shared area that would respond to the concerns raised.

STATUTORY / LEGAL IMPLICATIONS

Local Government Act 1995 & Regulations

29. Section 3.58 – requires local governments to comply with disposal provisions, including advertising and calling for submissions.

30. Regulation 30(2)(b)(i) excludes disposals of land to a body, 'the objects of which are ... educational ...'.

Land Administration Act 1997

31. The Shire of Denmark has a Management Order for Reserve 30277 and the power to lease for up to 21 years. The designated purpose of the reserve is 'Historical Precinct, Recreation and Community Purposes'.

32. Section 18 – any use of Crown Land requires approval from the Minister.

33. An extension of the lease area and/or a variation to the term of a lease, would require a new lease, in accordance with Landgate Guidelines.

Town Planning Scheme No. 3

34. Town Planning Scheme No.3 designates the entire reserve as 'Parks and Recreation'.

35. Council is required to have 'due regard' to this designation, but this designation does not prevent Council from considering a school in this local scheme reservation.

STRATEGIC / POLICY IMPLICATIONS

Concept Plan

36. As per Part 3 of the April 2023, the amended Concept Plan will be subject of further consultation which will include an invitation to comment on the location of future infrastructure and buildings.

Municipal Heritage Inventory

37. The Council's adopted Municipal Heritage Inventory (MHI) includes the following Place Records which relate to the reserve;
- Railway Precinct (including the Bridge, Ashpit and Turntable);
 - Denmark River Railway Bridge;
 - Old Post Office (currently in the Spirit of Play lease area);
 - Station Master House (current Lions Lair); and
 - Old Railway Station (former Bowling Club on Reserve 20403).

FINANCIAL IMPLICATIONS

38. The KNS currently pay commercial rent for their existing leased premises. In 2022/23 the amount payable was \$17,930 (ex GST).
39. The school is exempt from paying rates [s 6.26(2)(f) of the Local Government Act 1995].
40. A new rental valuation for the entire new area of 6,520sqm has been determined at \$29,000 (ex GST).
41. The draft leases states that a market review will be required every five years and Consumer Price Index ('CPI') will be applied every other year.

OTHER IMPLICATIONS

Environmental

42. There are no known significant environmental implications relating to the report or officer recommendation. Any environmental considerations as a result of a future Concept Plan or Development Application will be considered at that time.

Economic

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

Social

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

RISK MANAGEMENT

45. Risk Table

Risk	Risk based on history and with existing controls			Proposed Treatment/Control
	Likelihood	Consequence	Risk Rating	
Reputational: There is a risk that whatever decision the Council make, it will likely attract media attention, giving that the proposal has already been reported on in the media, including the views of the school and the Lions, and independent submissions received to date are divided on the issue.	4	3	12 (High)	Accept Risk.

VOTING REQUIREMENTS

46. Simple majority.

OFFICER RECOMMENDATION	ITEM 5.1.1
<p>That with respect to a new lease and lease area for the Kwoorabup Nature School, for a portion of Lot 952 on Deposited Plan 39348, Council:</p> <ol style="list-style-type: none"> 1. NOTE the submissions received. 2. APPROVE the draft Lease in Attachment 5.1b subject to the following amendments: <ol style="list-style-type: none"> a. Clause 8.3 – include reference to the Station Masters House. b. Item 11.2(1)(b) of the Schedule, replace the words “[Insert Date]” with “1 July 2025”. c. Item 11.2(1)(e) of the Schedule, replace the word "two" with the word "five". d. Replace Appendix 1 with the survey as per Attachment 5.1c. e. Item 1 of the Schedule, replace the entire wording under the sub-heading "Premises" to read, <p style="margin-left: 40px;">"The portion of the Land (comprising an area of 6,520sqm) and 'Public Shared Use Area' (comprising an area of 1,150sqm), as shown in Appendix 1 and referred to as Current School Lease, Proposed School Lease and Current Shared Use Area, including all buildings, structures, alterations, additions and improvements on that part of the Land, or erected on that part of the Land during the term, excluding the School Buildings."</p> 3. ADVISE the applicant that any development of the new lease area, shall be in accordance with a new adopted Concept Plan, which will be the subject of further consultation prior to it being considered by the Council. 4. REQUEST the Chief Executive Officer to seek Ministerial Consent, and if received, AUTHORISE the Chief Executive Officer and the Shire President to execute the final lease documentation. 	

5.2 STRATEGIC COMMUNITY PLAN MAJOR REVIEW

File Ref:	ADMIN.32
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not Applicable
Disclosure of Officer Interest:	Nil
Date:	9 June 2023
Author:	Courtney Walsh, Communication and Engagement Officer
Authorising Officer:	David King, Chief Executive Officer
	5.2a – Draft Shire of Denmark Strategic Community Plan <i>Our Future 2033</i>
Attachments:	5.2b – Strategic Community Plan Engagement Report
	5.2c – MARKYT Community Scorecard Report
	5.2d – Public Comment Submissions
	5.2e – Direct Drop Mini-Questionnaire example

IN BRIEF

- Council is required to adopt a new Strategic Community Plan following a recent major review.

RECOMMENDATION

That Council, with respect to the Integrated Planning and Reporting Framework,

1. NOTE the community engagement feedback received during the Strategic Community Plan major review;
2. RECEIVE the Strategic Community Plan Engagement Report and MARKYT Community Scorecard Report;
3. ADOPT the Shire of Denmark Strategic Community Plan *Our Future 2033*; and
4. ENDORSE the vision, commitment, objectives, priorities and decision-making principles included within *Our Future 2033*.

BACKGROUND

1. The Strategic Community Plan is Council's principal strategic document, sitting above the other Integrated Planning and Reporting (IPR) Framework documents to ensure the Shire is working towards the vision and long-term goals of the community.
2. The Shire facilitated a major review of the existing Strategic Community Plan *Denmark 2027* over a period of more than six months, gathering more than 1700 community responses to feed into the new draft document, *Our Future 2033*, setting the organisation's direction for the decade ahead.
3. The last major review of the Shire of Denmark's Strategic Community Plan was conducted in 2017, during which time more than 1100 community responses were gathered to inform *Denmark 2027*, adopted by Council in December 2017.
4. A minor review of *Denmark 2027* was conducted in November 2019, with a total of 13 submissions received from the community during the engagement period.

5. This report concerns the 2022/2023 major review of the Strategic Community Plan, which re-engaged with our community to identify the vision and objectives for the decade ahead, informed by more than 1700 community responses.
6. The review was led by input from Councillors and community members who served on the Strategic Community Plan Working Group, guiding officers with identifying target audiences, ideas on engagement opportunities, suggestions on narrowing the focus of the strategy and promoting the review within their networks.

DISCUSSION / OFFICER COMMENTS

7. *Our Future 2033* reflects the key priorities, objectives and vision of the Shire of Denmark community, with a sharpened focus on the areas in need of most urgent attention as identified by the community.
8. With so many demands and expectations on local governments, this major review was an opportunity to reconsider the overall strategic direction of the Shire by re-focusing on the most critical issues as identified by the community in the engagement process.
9. Participation numbers from a large and diverse section of our community, (1700+ engagement points from a resident population of 6534) can give us confidence that the views expressed throughout the review process are an accurate representation of community views. Participation far exceeded the benchmark requirement of 500 engagement points.
10. While the Shire of Denmark delivers many services and programs and many specific topics and issues were raised or addressed by community members, six themes were raised with more regularity and urgency than the rest:

Service delivery:

- Local roads and storm water drainage
- Services and facilities for youth
- Environmental conservation and protection

Advocacy and partnerships:

- Economic development
- Housing availability and affordability

Organisational:

- Engagement and decision-making

11. These six priorities directly inform the vision, commitment, objectives and decision-making principles featured in *Our Future 2033*.
12. Officers believe these statements and priorities are an improvement on the those featured in the previous Strategic Community Plan, providing more clarity of direction and less ambiguity for officers and Council than the five pillars as listed in *Denmark 2027*.

13. In its role as the overarching strategic document for the Shire, officers believe it is preferable that *Our Future 2033* provides stronger direction than malleable options provided by generalised pillars which can contribute to confusion over the direction the Shire is working towards. With more clarity of direction, the other IPR Framework documents, key strategies and plans can be better leveraged to achieve outcomes identified as important by our community in the decade ahead.

CONSULTATION AND EXTERNAL ADVICE

14. Extensive community feedback was sought from the community to inform *Our Future 2033* in the period from August 2022 to June 2023.
15. Specific efforts were made to connect with key target audiences and demographics within in the Shire of Denmark who might not always feel heard or included by Council. (See attachment 5.2e – Mini Questionnaire example). Some of our target demographics included:
- People who live outside of our townsites
 - Rural residents
 - Residents of the western localities of the Shire of Denmark
 - Parents with young families
 - Youth
 - Seniors
 - People with lived experience of disability
 - First Nations Australians
 - People who have never engaged with a Shire of Denmark engagement before
16. Demographic data was difficult to capture at every engagement point due to the varied methods of engagement options provided, but data captured tells us that we did indeed capture community members from all target demographics.

Youth, Parents with Young Families, Seniors

17. Of the 254 community members who contributed to the Mini-Questionnaire online, Figure 1 shows a spread of age demographics.

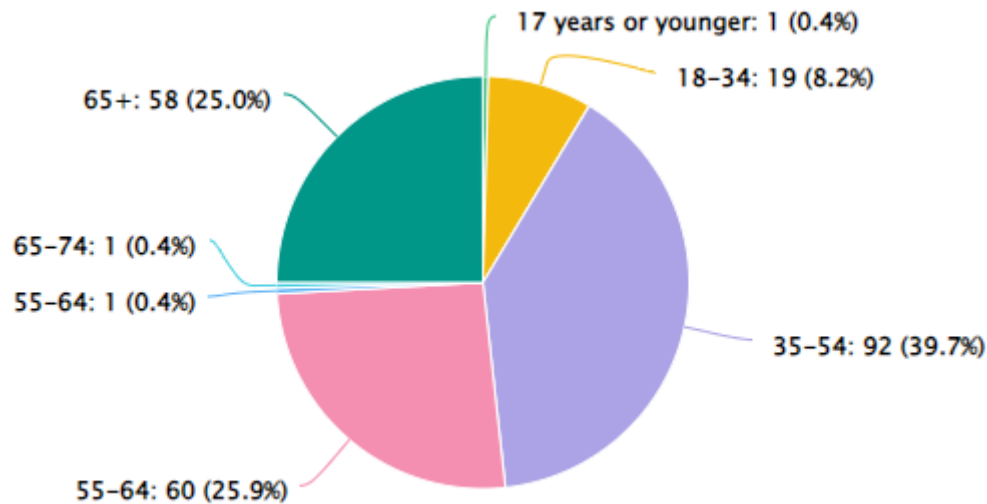


Figure 1. Which age group do you belong to?

- 18. The MARKYT Community Scorecard (see attachment 5.2c) demographic results showed 12% of respondents were aged between 18-34 years of age, 57% were aged 55+ and 50% of respondents said they had children living at home.
- 19. Children aged 12 and under were asked to share their vision for Denmark through their creativity. A total of 16 Kids Drawing Competition Entries were received.
- 20. Seniors in attendance at the 2022 Seniors Week event were given the chance to complete hard copy submissions of the Mini Questionnaire. Of the total 254 hard copy submissions, 43 were received at the event.

People with lived experience of disability and First Nations Australians

- 21. Of the 254 community members who contributed to the Mini-Questionnaire online, Figure 2 shows members of the First Nations and Disability communities were captured.

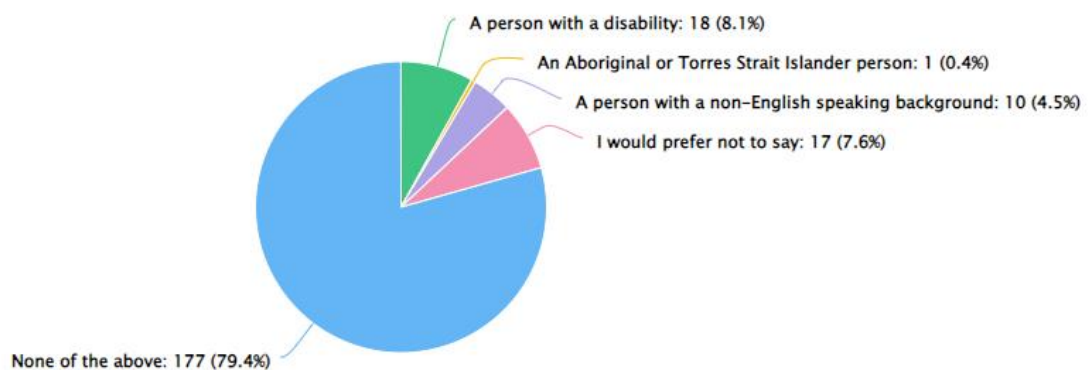


Figure 2: Do you, or anyone in your household identify as...

- 22. The MARKYT Community Scorecard (see attachment 5.2c) demographic results showed 13% of respondents identified as a person with a disability and 2% were First Nations Australians.

Residents of the western localities of the Shire of Denmark, rural residents and people who live outside of our townsites

23. The MARKYT Community Scorecard (see attachment 5.2c) demographic results showed 5% of respondents lived in Peaceful Bay and surrounds, 6% lived in Kordabup/Kentdale/Parryville, 8% lived in Scotsdale, 15% lived in Shadforth/William Bay and 10% lived in Hay.
24. 29% of all respondents to the Scorecard said they lived in a Farm/Rural location.
25. Of the 254 Mini-Questionnaire hardcopy responses, 39 came in from a collection box in Peaceful Bay or were sent in with distribution codes for Peaceful Bay, Nornalup and On-Property Fire Compliance drops.

People who have never engaged with a Shire of Denmark engagement before

26. Community members who wished to participate with the online engagement tools via *Your Denmark* were required to register to participate. This means we can see numbers of 'new registrations' (people who have not participated in an engagement before). Figure 3 shows that the number of new registrations for the Strategic Community Plan engagement was 134.

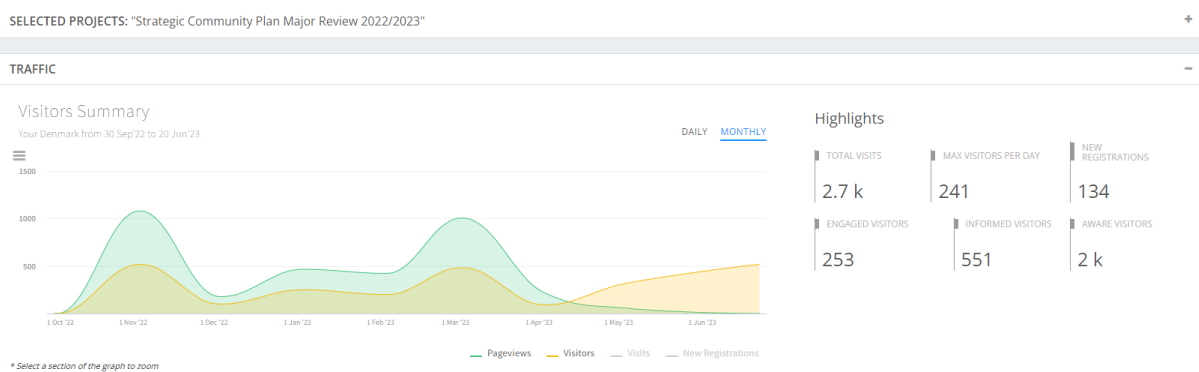


Figure 3. New registrations to Your Denmark for Strategic Community Plan Major Review 2022/2023 project page

Promotion

27. Promotions for the major review engagement utilised the following methods:
 - Direct mailouts to randomly selected ratepayers
 - Online via Your Denmark and principal website (www.yourdenmark.wa.gov.au/lets-talk and www.denmark.wa.gov.au/news)
 - Hardcopies available (Shire Admin, Denmark Recreation Centre, Denmark Public Library, Denmark Community Resource Centre, Peaceful Bay Caravan Park, Seniors Week function, Roller Disco, Children's Sporting Events at Denmark Recreation Centre)
 - Reply-paid hardcopies dropped at rural properties during Property Fire Compliance Inspections
 - Direct email communications

- SMS alerts
- eNewsletter promotions
- Social media promotions
- Media releases
- News coverage in local media (Denmark Bulletin, Denmark FM, Extra, Albany Advertiser)
- Paid advertising in local media (Denmark Bulletin, Denmark FM)
- Posters
- Word of mouth

Community Engagement Timeline

Date	Engagement	Community Participation
September 2021	Advertising commenced for Strategic Community Plan Working Group (SCPWG) members (4 vacancies)	NA
November 2021	SCPWG members appointed at November Ordinary Council Meeting. (The SCPWG subsequently met a total of seven times DEC 21, FEB 22, OCT 22, NOV 22, DEC 22, MAR 23 and MAY 23).	4
August – September 2022	MARKYT Community Scorecard (results available in attachment 5.2c)	1191
November 2022	Your Denmark project page launched (www.yourdenmark.wa.gov.au//lets-talk)	NA
November 2022 – March 2023	Mini-Questionnaire <ul style="list-style-type: none"> - Hard copy - Online 	459
March 2023	Community Workshops <ul style="list-style-type: none"> - Denmark - Nornalup 	52
March 2023	Photography Competition (aged 13+)	30

March 2023	Drawing Competition (aged 12 and under)	16
April 2023	Do-it-yourself (DIY) engagement kit	0
June 2023	Public Comment Period (submissions available in attachment 5.2d)	43
	Total number of community engagement responses: (results collated in attachment 5.2d)	1795

Identifying Our Community Priorities

- 28. During the engagement process, community members provided feedback that directly informed the identification of six key focus areas or priorities for the Shire of Denmark. This fed into the vision, commitment, objectives and decision-making principles laid out in *Our Future 2033*.
- 29. The Shire of Denmark delivers on a wide range of services and programs, but our community told us they want us to focus in on and prioritise some areas, while continuing to optimise and review others, as Figure 4 shows.

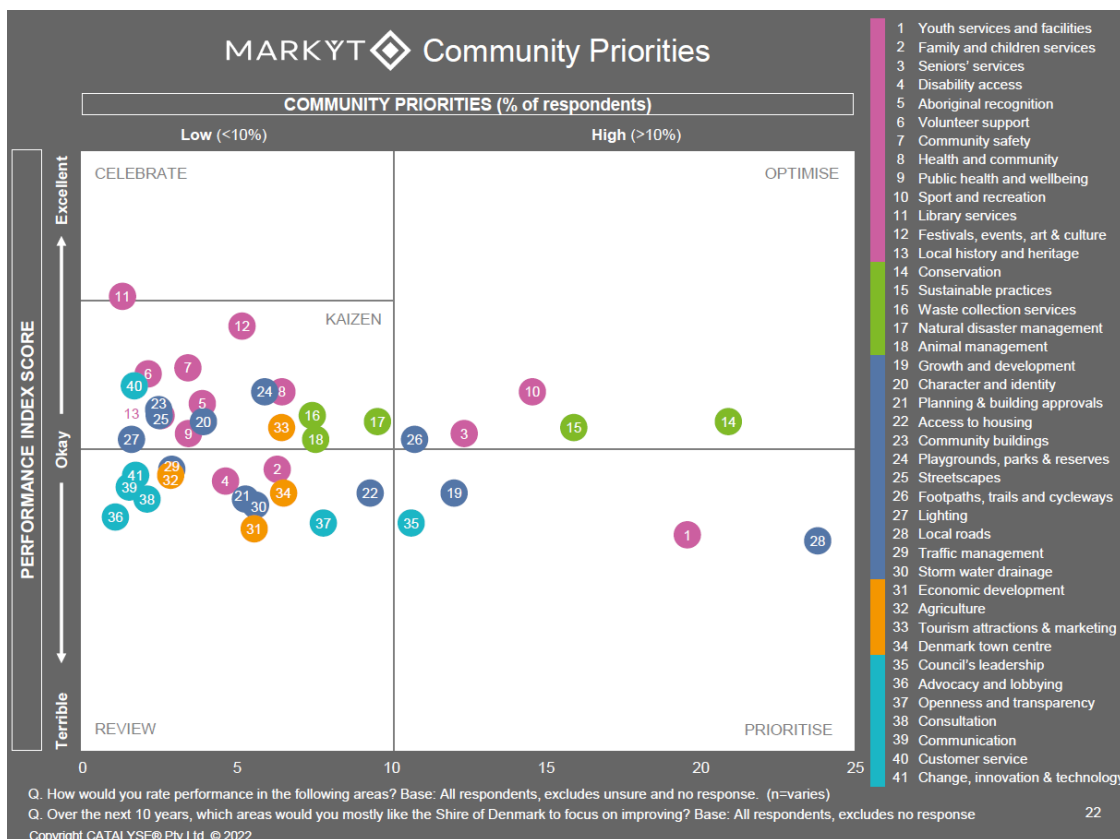


Figure 4. MARKYT Community Priorities 2022

- 30. The feedback in full is detailed in the attachments to this report.

Public Comment Period and Submissions

31. Following the completion of the draft Strategic Community Plan, *Our Future 2033* was made available to the public in June 2023.
32. During the Public Comment Period, a total of 43 submissions were received, via email and via the online submission form at www.yourdenmark.wa.gov.au/lets-talk. The submissions are collated in attachment 5.2d.
33. Many submissions addressed topics covered by the six community priority areas, particularly: housing, youth services, environmental concerns and roads.
34. Some submissions detailed specific ideas, better suited for consideration around the Corporate Business Plan review process.
35. Support for arts and seniors were also topics raised, as well as concerns around the strength of the strategy within the document.
36. In recognition of these concerns, the document has been amended to include strategic context and more information about what the Shire of Denmark delivers. Particular effort has been made to allay concerns that, for example, by not listing arts and seniors as community priorities, the Shire of Denmark will no longer support these areas. This is not the case. *Our Future 2033* identifies the areas that need to be prioritised by the Shire on the back of significant community feedback which said: it's time to focus on our Roads, Youth, Environment, Housing Availability and Affordability, Economic Development and improving Council Decision Making. This does not mean that the arts, seniors and other key deliverable areas will cease to receive support from the Shire, just that we recognise we need to change and improve our approach to the six community priority areas.
37. 11 of the 43 Public Comment submissions raised concerns about the Aquatic Facility listed for delivery beyond 2033, preferring the project to be brought forward.
38. It should be noted that all but one of the submissions referencing the Aquatic Facility project were received after the publication of a Letter to the Editor in the Denmark Bulletin and a subsequent social media post on a community chat board, calling for community members to directly raise the issue of the Aquatic Facility.
39. While all community comments are welcomed as part of the Public Comment process, the letter and social media post called for submissions on a single aspect of the Strategic Community Plan and impacted on the integrity of the Public Comment process, which was about providing feedback on the Strategic Community Plan as a whole and its alignment with community vision for the decade ahead, not about whether or not the Shire of Denmark should build a pool.
40. The community feedback received prior to the publication of the Letter to the Editor and social media post did include several mentions of an Aquatic Facility, and it would have been listed as a community priority if it had recurred with sufficient frequency. But the six topics: Roads, Youth, Environment, Housing Availability and Affordability, Economic Development and improving Council Decision Making, recurred the most frequently throughout the community feedback as the areas in need of the most attention.
41. Whilst it may be suggested Aquatic Facility represents an improvement for youth, most of the commentary that came in about youth was about needs for improvements in youth support services, organised activities, a new skatepark and a youth hub. Therefore, officers

derive that the responses for Youth improvements are not significantly associated to the need for an aquatic facility.

42. Officers will continue to progress discussions with Council about a separate consultation process with our community around the future of the Aquatic Facility project.

STATUTORY / LEGAL IMPLICATIONS

43. The Local Government Act 1995 and the Local Government (Administration) Regulations 1996 require each Local Government to adopt a Strategic Community Plan as part of a 'Plan for the Future'.
44. In accordance with Section 5.56(1) of the Local Government Act 1995, Local Governments must undertake full review of their Strategic Community Plan (SCP) every four years.
45. The requirements for the major review of a Strategic Community Plan are detailed within the Department of Local Government, Sport and Cultural Industries Integrated Planning and Reporting Framework and Advisory Standards.
46. In accordance with the regulations, a major review was due for completion within four years of the previous major review. This should have occurred in the 2021/2022 Financial Year.
47. The Strategic Community Plan Working Group was established in November 2021 and initial stages of commissioning the MARKYT Community Scorecard as a key aspect of the proposed community engagement for the major review were progressing with appropriate time allocated to deliver the completed review prior to June 2022.
48. Unfortunately, plans were interrupted with on-going Covid-19 restrictions in Western Australia in late 2021-early 2022, followed by the Bayview Rise Bushfire emergency which occurred in February 2022.
49. Covid-19 restrictions were set to make face-to-face gatherings for the purposes of community engagement difficult and the bushfire response and recovery effort required an urgent re-allocation of Shire resources to best serve the community in the days, weeks and months following the emergency, with relevant officers from Shire leadership, corporate planning and communications focused on other tasks.
50. As a result, the decision was taken to delay the community engagement for the major review, therefore triggering a non-compliance for delivery of a major review with the required four-year period.
51. *Our Future 2033* is tabled for Council consideration before the end of the 2022/2023 Financial Year, and if the officer recommendation is resolved, a secondary non-compliance will be avoided.

STRATEGIC / POLICY IMPLICATIONS

52. Should the new plan be adopted, it will replace the current Strategic Community Plan *Denmark 2027*.

FINANCIAL IMPLICATIONS

53. Nil

OTHER IMPLICATIONS**Environmental**

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

Economic

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

Social

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

RISK MANAGEMENT

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

VOTING REQUIREMENTS

58. Absolute majority.

OFFICER RECOMMENDATION

ITEM 5.2

That Council, with respect to the Integrated Planning and Reporting Framework,

1. NOTE the community engagement feedback received during the Strategic Community Plan major review;
2. RECEIVE the Strategic Community Plan Engagement Report and MARKYT Community Scorecard Report;
3. ADOPT the Shire of Denmark Strategic Community Plan *Our Future 2033*; and
4. ENDORSE the vision, commitment, objectives, priorities and decision-making principles included within *Our Future 2033*.

5.3 ACCEPT 2021/22 ANNUAL REPORT AND SCHEDULE ANNUAL ELECTORS MEETING

File Ref:	FIN.31
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not Applicable
Disclosure of Officer Interest:	Nil
Date:	5 June 2023
Author:	Courtney Walsh, Communication and Engagement Officer Claire Thompson, Governance Coordinator
Authorising Officer:	David King, Chief Executive Officer
Attachments:	5.3 – Draft Annual Report including Annual Financial Report

IN BRIEF

- Council is required to accept the Shire of Denmark 2021/22 Annual Report, including the Annual Financial Statements and Audit Report, and set a date for the Annual Electors Meeting.

RECOMMENDATIONS

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

1. ACCEPT the Annual Report, including the Annual Financial Report and Audit Report for the 2021/22 year; and
2. HOLD the Annual Electors meeting on Tuesday, 18 July 2023, in the Council Chambers, commencing at 6.00pm.

BACKGROUND

1. At the May 2023 meeting, Council accepted the 2021/2022 Annual Report and set a date for the Annual General Meeting of Electors, being 20 June 2023 at 6.00pm.
2. Since then, it has come to the Officers' attention that there was a software error, and the document presented to Council excluded essential information required under the Local Government (Administration) Regulations 1996.
3. At the meeting held on 20 June 2023, Council revoked the May 2023 resolution to enable the corrections and Council's reconsideration of the complete 2021/2022 Annual Report.
4. The date and time for the Annual Meeting of Electors was also revoked. Therefore, Council will need to set a new date and time.

DISCUSSION / OFFICER COMMENTS

5. Council is required to accept the Annual Report by 31 December following the financial year end; however, should the Auditor's Report not be made available in time to be accepted by 31 December, the Annual Report must be accepted no later than two months after receiving the Audit Report.
6. The Shire of Denmark received the Audit Report on 14 April 2023. In accordance with Section 5.54(2) of the Local Government Act 1995, the Annual Report must be accepted by 14 June 2023.

7. A copy of the Audit Report, including the 2021-22 Annual Financial Statements, has been forwarded to the Department of Local Government, Sport and Cultural Industries by the Office of Auditor General.
8. Comments on the financial position of the Shire of Denmark and operational and strategic activities are contained within the draft Annual Report for consideration.
9. The Annual Electors Meeting must be held within 56 days of accepting the Annual Report with appropriate notice of the meeting given, pursuant to Section 5.27 of the Local Government Act 1995.
10. The Officer recommends that the date for the Annual Electors meeting be set for 18 July 2023.

CONSULTATION AND EXTERNAL ADVICE

11. On 5 April 2023, Shire officers and the Chair of the Audit Advisory Committee, Kingsley Gibson, held an audit exit meeting with the Office of the Auditor General and Lincolns Albany via video conference to discuss the outcomes of the annual audit.
12. The Audit Report and Management Letter were the subject of an Audit Advisory Committee meeting that was held on 9 May 2023.
13. The Audit Advisory Committee recommended 'that Council adopt the 2021/2022 Annual Financial Statements including Auditors Report and Management Letter findings, noting that the management responses therein and endorsing the actions taken/proposed to be taken by the Chief Executive Officer'.
14. Council acknowledged this recommendation at the 16 May 2023 Council Meeting.

STATUTORY / LEGAL IMPLICATIONS

- Local Government Act 1995
 - a. Subdivision 4 Electors' Meetings
 - i. Section 5.27 (1) & (2)
 - ii. Section 5.29 (1)
 - b. Division 5 Annual Reports and Planning
 - i. Section 5.53 (1) & (2)
 - ii. Section 5.54 (1) & (2)
 - iii. Section 5.55
 - iv. Section 5.56 (1) & (2)
- Local Government (Financial Management) Regulations 1996
- Local Government (Administration) Regulations 1996

STRATEGIC / POLICY IMPLICATIONS

15. There are no policy implications.
16. The report and officer recommendation is 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.

- L.51 – To be high functioning, open, transparent, ethical and responsive.
- L5.4 – To be fiscally responsible.

17. There are no known significant governance considerations relating to the report or officer recommendation. The adoption of the Annual Report is a key activity for all Local Governments.

FINANCIAL IMPLICATIONS

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

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

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

VOTING REQUIREMENTS

Absolute majority.

OFFICER RECOMMENDATION	ITEM 5.3
That in relation to the 2021/22 Annual Report, Council;	
1. ACCEPT the Annual Report, including the Annual Financial Report and Audit Report for the 2021/22 year; and	
2. HOLD the Annual Electors meeting on Tuesday, 18 July 2023, in the Council Chambers, commencing at 6.00pm.	

1. ACCEPT the Annual Report, including the Annual Financial Report and Audit Report for the 2021/22 year; and
2. HOLD the Annual Electors meeting on Tuesday, 18 July 2023, in the Council Chambers, commencing at 6.00pm.

** Absolute majority required.*

6. MATTERS BEHIND CLOSED DOORS

7. CLOSURE OF MEETING