

SHIRE OF DENMARK

Ordinary Council Meeting

MINUTES

26 MARCH 2024

HELD IN COUNCIL CHAMBERS, 953 SOUTH COAST HIGHWAY,
DENMARK, ON TUESDAY, 26 MARCH 2024.



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DISCLAIMER

These minutes and resolutions are subject to confirmation by Council and therefore prior to relying on them, one should refer to the subsequent meeting of Council with respect to their accuracy.

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

4.00pm - *The 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 (Shire President)
Cr Jan Lewis (Deputy Shire President)
Cr Clare Campbell
Cr Donna Carman
Cr Nathan Devenport
Cr Jackie Ormsby
Cr Janine Phillips
Cr Aaron Wiggins
Cr Dominic Youel

STAFF:

David King (Chief Executive Officer)
Rob Westerberg (Director Infrastructure and Assets)
Kellie Jenkins (Executive Manager Corporate Services)
Claire Thompson (Governance Coordinator)

ON APPROVED LEAVE(S) OF ABSENCE

Nil

ABSENT WITHOUT LEAVE

Nil

VISITORS

Nil

3. DECLARATIONS OF INTEREST

Nil

4. ANNOUNCEMENTS BY THE PERSON PRESIDING

The Shire President stated that he had recently noticed quite a few trees around the Shire that were dying due to lack of water. Cr Gibson said that it was a clear indication that there was a still a significant risk of fire throughout the Shire.

5. PUBLIC QUESTION TIME

5.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

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 Adrian Baer - Item 9.4.2 (Housing Affordability Policy)

Adrian, Chair of the Denmark Community Foundation, referred to the policy and asked what the Council were intending to do in the short and long term to address the housing shortage.

The Shire President acknowledged that the Council's current advocacy efforts regarding the provision of additional housing stock had faced challenges. However, Cr Gibson emphasised that while our advocacy efforts have not yielded the desired results so far, they are likely to lead to positive outcomes in the future. Cr Gibson expressed optimism about the proposed new policy, which involves the Shire actively seeking partnerships with external agencies or government entities for essential worker housing.

5.2.2 Chris Urschitz– Item 9.2.4 (Unpaid Rates – Sale of Land)

Chris spoke as a landowner of property near to the land proposed to be sold. Chris said that he was pleased to see that the property would be changing ownership and noted that it could provide an opportunity for additional housing.

The Chief Executive Officer said that if the Council agreed, the property would be sold at auction within the next couple of months.

5.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

5.4 PRESENTATIONS, DEPUTATIONS & PETITIONS

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

6.1 CR CAMPBELL

COUNCIL RESOLUTION

MOVED: CR LEWIS SECONDED: CR DEVENPORT

That Cr Campbell be granted leave of absence from the 13 May 2024 to 22 May 2024, inclusive.

CARRIED: 9/0 Res: 010324

TOTAL VOTES FOR: 9
 Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Ormsby, Cr Carman, Cr Lewis and Cr Phillips.

TOTAL VOTES AGAINST: 0

7. CONFIRMATION OF MINUTES

7.1 ORDINARY COUNCIL MEETING – 27 FEBRUARY 2024

COUNCIL RESOLUTION & OFFICER RECOMMENDATION ITEM 7.1

MOVED: CR PHILLIPS SECONDED: CR CARMAN

That the minutes of the Ordinary Meeting of Council held on the 27 February 2024 be CONFIRMED as a true and correct record of the proceedings.

CARRIED: 9/0 Res: 020324

TOTAL VOTES FOR: 9
 Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Ormsby, Cr Carman, Cr Lewis and Cr Phillips.

TOTAL VOTES AGAINST: 0

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

Nil

9. REPORTS OF OFFICERS

9.1 DEVELOPMENT SERVICES

Nil

9.2 CORPORATE SERVICES

9.2.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDED 29 FEBRUARY 2024

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	13 March 2024
Author:	Scott Sewell, Financial Accountant
Authorising Officer:	Kellie Jenkins, Executive Manager Corporate Services
Attachments:	9.2.1 – February 2024 Monthly Financial Report

IN BRIEF

- Under the Local Government Financial Management Regulations, a local government is to prepare, on a monthly basis, a statement of financial activity that reports on the Shire’s financial performance in relation to its adopted budget.
- The Shire of Denmark’s Statement of Financial Activity for the period ending 29 February 2024 has been prepared and is attached.
- In addition, the Shire provides Council with a monthly investment register to ensure the investment portfolio complies with the Shire’s Investment Policy.

VOTING REQUIREMENTS

1. Simple Majority

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.2.1
MOVED: CR WIGGINS	SECONDED: CR CAMPBELL
That Council RECEIVE the Financial Statements for the period ending 29 February 2024, incorporating the Statement of Financial Activity and other supporting documentation, as per Attachment 9.2.1.	
CARRIED: 9/0	Res: 030324
TOTAL VOTES FOR: 9 Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Ormsby, Cr Carman, Cr Lewis and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

LOCATION

2. Nil

BACKGROUND

3. In order to fill statutory reporting obligations, the Monthly Financial Report prepared provides a snapshot of the Shire’s year-to-date financial performance. The report provides:
 - Statement of Financial Activity by Nature or Type;
 - Statement of Financial Activity by Program;

- Explanation of Material Variances;
 - Net Current Funding Position;
 - Receivables;
 - Capital Acquisitions;
 - Cash Backed Reserve Balances;
 - Loan Schedule;
 - Investment Register;
 - Cash and Investments Summary.
4. Each year a local government is required to adopt a percentage or value to be used in the Statement of Financial Activity for reporting material variances. Under Resolution 030823, Council adopted the monthly reporting variance for the 2023/2024 financial year of 10% or greater for each program area in the budget as a level that requires an explanation or report, with a minimum dollar variance of \$10,000.
 5. Pursuant to the Shire’s Investment Policy, an investment report and investment register are to be provided to Council on a monthly basis, detailing the investment portfolio in terms of performance and counterparty percentage exposure of total portfolio.

DISCUSSION / OFFICER COMMENTS

6. The Statement of Financial Activity for February 2024 shows a closing funding surplus of \$4,793,543. The adopted budget for the year ended 30 June 2024 (as amended) is premised on a zero year end closing funding position. Operating expenditure is \$53,377 lower than the year-to-date budgeted amount. The main factor relating to this variance is in the timing for undertaking contracted works when compared to the budget profile. (Refer to Materials & Contracts Expense).
7. A summary of the financial position for February 2024 is detailed in the table below:

	Amended Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)
	\$	\$	\$	\$	%
Opening Funding Surplus / (Deficit)	1,883,689	1,883,689	1,883,689	0	0%
Revenue					
Operating revenue	14,407,234	13,433,427	13,602,165	168,738	1%
Capital revenue, grants and contributions	7,970,853	1,076,063	1,088,848	12,785	1%
	22,378,087	14,509,490	14,691,012	350,166	
Expenditure					
Operating Expenditure	-18,854,691	-12,329,742	-12,276,365	53,377	0%
Capital Expenditure	-10,820,504	-4,879,927	-3,105,228	1,774,699	36%
	-29,675,195	- 17,209,669	-15,381,592	1,828,077	
Funding balance adjustments	5,413,419	3,627,564	3,600,434	-27,130	-1%
Closing Funding Surplus / (Deficit)	0	2,811,073	4,793,543	1,982,470	71%

OTHER INFORMATION

8. Nil

INVESTMENT REPORT

9. Pursuant to the Shire's Investment Policy, an investment report and investment register are to be provided to Council on a monthly basis, detailing the investment portfolio in terms of performance and counterparty percentage exposure of total portfolio. The Investment Register is also to provide details of investment income earned against budget, whilst confirming compliance of the portfolio with legislative and policy limits.
10. As at 29 February 2024, total cash funds held (including trust funds) totals \$9,507,244
- Municipal Funds total \$4,790,381
 - Shire Trust Funds total \$850
 - Reserve Funds (restricted) invested, total \$4,716,012
 - Municipal Funds (unrestricted) invested, total \$2,829,578
11. The official Reserve Bank of Australia's (RBA) cash rate currently sits at 4.35% which was set at the Reserve Bank Board meeting held on 7 November 2023. No further adjustments to the official cash rate have occurred at the time of writing this report.

CONSULTATION AND EXTERNAL ADVICE

12. 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 / LEGAL IMPLICATIONS

Local Government (Financial Management) Regulations 1996

13. Regulation 34 (1-5) of the Local Government (Financial Management) Regulations 1996, details the form and manner in which a local government is to prepare financial activity statements.

The Local Government Act 1995

14. Section 6.14.

The Trustees Act 1962

15. Part III Investments.

The Local Government (Financial Management) Regulations 1996

16. Reg. 19, 28 and 49; and The Australian Accounting Standards, sets out the statutory conditions under which Council funds may be invested.

STRATEGIC / POLICY IMPLICATIONS

17. Nil

FINANCIAL IMPLICATIONS

18. The Shire's 2023/2024 Annual Budget provides a set of parameters that guides the Shire's financial practices.

19. Any financial implications or trends are detailed within the context of this report.

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

23. 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.

9.2.2 PAYMENT OF ACCOUNTS FOR THE PERIOD ENDING 29 FEBRUARY 2024

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	14 March 2024
Author:	Kelly Schroeter, Senior Finance Officer
Authorising Officer:	Kellie Jenkins, Executive Manager Corporate Services
Attachments:	9.2.2 – Payment of Accounts - February 2024

IN BRIEF

- To advise Council of payments made for the period 1 February to 29 February 2024.

VOTING REQUIREMENTS

1. Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.2.2
MOVED: CR PHILLIPS	SECONDED: CR CARMAN
That Council RECEIVE the payment of accounts totalling \$1,776,866.49 for the month of February 2024, as per Attachment 9.2.2.	
CARRIED: 9/0	Res: 040324
TOTAL VOTES FOR: 9	
Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Ormsby, Cr Carman, Cr Lewis and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

LOCATION

2. Not applicable.

BACKGROUND

3. Nil.

DISCUSSION / OFFICER COMMENTS

4. Nil.

CONSULTATION AND EXTERNAL ADVICE

5. 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 / LEGAL IMPLICATIONS

Local Government (Financial Management) Regulations 1996

6. Regulation 13.

STRATEGIC / POLICY IMPLICATIONS

7. Nil

FINANCIAL IMPLICATIONS

8. Nil.

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

12. 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.

9.2.3 REVIEW OF FINANCIAL MANAGEMENT, RISK MANAGEMENT, LEGISLATIVE COMPLIANCE, AND INTERNAL CONTROLS

File Ref: FIN.8A
Applicant / Proponent: Not Applicable
Subject Land / Locality: Not applicable
Disclosure of Officer Interest: Nil
Date: 13 March 2024
Author: Kellie Jenkins, Executive Manager Corporate Services
Authorising Officer: Kellie Jenkins, Executive Manager Corporate Services
Attachments: 9.4.3a – Andrew Burchfield Consulting Regulation 17 and Section 5 Final Audit Report
 9.4.3b – Financial Management Review Progress Report

IN BRIEF

- For Council to receive the Regulation 17 and Regulation 5 review report completed in accordance with the Local Government (Audit) Regulations 1996 and Local Government (Financial Management) Regulations 1996.

VOTING REQUIREMENTS

1. Simple majority.

COUNCIL RESOLUTION & OFFICER & AUDIT ADVISORY COMMITTEE	ITEM 9.2.3
RECOMMENDATION	
MOVED: CR ORMSBY	SECONDED: CR YOUEL
In accordance with Regulation 17 of the Local Government (Audit) Regulations 1996 and Section 5 (2) (c) of the Local Government (Financial) Management Regulations 1996 the Council;	
<ol style="list-style-type: none"> 1. Receive the Andrew Burchfield Consulting Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls report, dated 7 June 2023; 2. Note the recommendations identified in the report and the actions proposed as Attachment 9.2.3a and 3. Note the Financial Management Review Progress Report as Attachment 9.2.3b. 	
CARRIED: 9/0	Res: 050324
TOTAL VOTES FOR: 9	
Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Ormsby, Cr Carman, Cr Lewis and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

LOCATION

2. Nil.

BACKGROUND

3. The Local Government (Financial Management) Regulations 1996 requires the Chief Executive Officer of a local government to undertake a review of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every three financial years) and report to the local government the results of that review.
4. The Local Government (Audit) Regulations 1996 requires the Chief Executive Office to review the appropriate and effectiveness of systems and procedures in relation to risk management, internal control, and legislative compliance not less than once every three financial years and report to the audit committee the results of that review.
5. The Regulation 17 and Regulation 5 reviews was undertaken by Andrew Burchfield Consulting for the period 1 July 2022 to 7 June 2023. The results of that review were reported to the Audit Advisory Committee at its meeting held on 13 June 2023.
6. The Audit Advisory Committee at its meeting held on 13 June 2023 requested Officers “provide a report, on a six-monthly basis, to the Audit Committee to enable the Committee to monitor the Shire’s progress in addressing the recommendations, pursuant to Regulation 16 (d) of the Local Government (Audit) Regulations 1996”.

DISCUSSION / OFFICER COMMENTS

7. The matters examined in the Regulation 17 and Regulation 5 reviews by Andrew Burchfield Consulting are detailed in Attachment 9.2.4a and where opportunities for improvement have been identified, they are reported in summary with associated mitigation action strategy and completion date.
8. The Audit Advisory Committee at its meeting held on 12 March 2024 received the Officer Financial Management Review Progress Report as Attachment 9.2.4b.

CONSULTATION AND EXTERNAL ADVICE

9. 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 / LEGAL IMPLICATIONS

10. Regulation 16 of Local Government (Audit) Regulations 1996 prescribe the functions of an Audit Committee which includes:

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

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

STRATEGIC / POLICY IMPLICATIONS

11. The report and officer recommendation are consistent with Council’s adopted Strategic Community Plan – Our Future 2023 Community Priority:

Organisational

Engagement and decision-making

We want the reasons for decisions to be explained and transparent.

FINANCIAL IMPLICATIONS

12. There are no known financial implications upon either the current Budget or Long-Term Financial Plan.

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

16. 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.

9.2.4 SALE OF LAND FOR RECOVERY OF UNPAID RATES

File Ref:	FIN.61
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	101 Boat Harbour Road, Parryville
Disclosure of Officer Interest:	Nil
Date:	1 February 2024
Author:	Judy Savic, Senior Rates Officer
Authorising Officer:	Kellie Jenkins, Executive Manager Corporate Services
Attachments:	Nil

IN BRIEF

- Council to consider the sale of a property, to recover unpaid rates and service charges in excess of three (3) years.

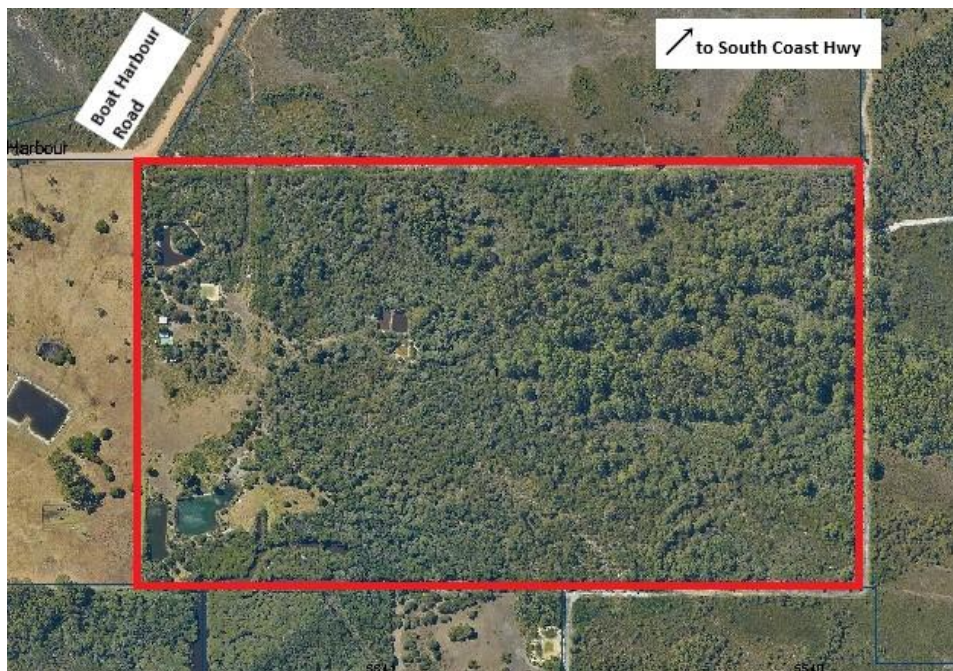
VOTING REQUIREMENTS

1. Absolute Majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.2.4
MOVED: CR CARMAN	SECONDED: CR WIGGINS
<p>That Council APPROVE the sale by auction of, Lot 1 on Diagram 93045, 101 Boat Harbour Road, Parryville, located within the Shire of Denmark Municipality, by exercising its power under the provisions of Section 6.64 and 6.68 of the Local Government Act 1995 to recover outstanding rates.</p>	
CARRIED BY AN ABSOLUTE MAJORITY: 9/0	Res: 060324
<p>TOTAL VOTES FOR: 9 Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Ormsby, Cr Carman, Cr Lewis and Cr Phillips.</p>	
<p>TOTAL VOTES AGAINST: 0</p>	

LOCATION

2. Lot 1 on Diagram 93045, 101 Boat Harbour Road, Parryville.



BACKGROUND

3. Rate Revenue is a primary source of revenue for all local governments. The rates imposed on properties contribute toward the upkeep and maintenance of the Shire’s essential services, such as roads and infrastructure, as well as enabling the provision of other services to its community, such as buildings, facilities, parks and recreational areas. This revenue also ensures that an appropriate level of administration services are provided to residents, ratepayers and visitors, and the cost of contributing to these services is shared equitably amongst all ratepayers.
4. From time to time, local governments will face a situation where a property owner does not pay the rates or service charges due and payable on that property for a number of years.

5. Under Section 6.64 of the Local Government Act 1995, a local government can exercise its power to lease, transfer or sell a parcel of land to recover rates and service charges that have been outstanding for more than three (3) years.
6. The property subject to this report sits within this category. All reasonable avenues for recovery have been exhausted, and rates, and additional fees incurred remain unpaid to the value of \$13,378.83, as at the date of this report.
7. Recovery actions have included written and verbal consultation, discussions and negotiations, including the opportunity for the landholder to apply for financial hardship and/or enter into payment arrangements to settle the outstanding debt.
8. After these arrangements failed, the Shire attempted to recover outstanding rates by debt collection action, including issuing final notices, demand notices, skip traces, and associated action by our nominated debt recovery agency.
9. A written notice was served to the last known postal address of the property owner, and to the property address, advising the Shire administration’s intention to refer the matter to Council, with a recommendation to sell the property to recover the outstanding balance.

DISCUSSION / OFFICER COMMENTS

10. It is proposed that the property referenced in the below table, be sold in accordance with Section 6.64 (1) (b) and Schedule 6.3 of the Local Government Act 1995, to recover outstanding rates and charges.
11. An overview of the actions taken to date is included in the below table.
12. Despite all efforts made to obtain payment on overdue charges, rates arrears and accruals, the property listed below, has more than three years owing and is subject to recovery procedures.

Property Address	Lot 1 on Diagram 93045, 101 Boat Harbour Road, Parryville															
Assessment	A2986															
Type and Zoning	32 RURAL / 43.0022 ha / No residential dwelling															
Financial History	LAST ZERO BALANCE 11/09/2017	LAST PAYMENT RECEIVED 21/03/2019	3 YEARS OUTSTANDING 04/10/2021	AMOUNT DUE AT 3 YEARS \$6,715.59												
	AMOUNT DUE AS AT 01/02/2024 \$13,382.55															
	<table border="1" style="margin: 10px auto;"> <caption>AMOUNT DUE AS AT 01/02/2024 Breakdown</caption> <thead> <tr> <th>Category</th> <th>Amount</th> </tr> </thead> <tbody> <tr> <td>RATES & SERVICE CHARGES</td> <td>\$10,568.84</td> </tr> <tr> <td>PAYMENTS</td> <td>-\$2,842.04</td> </tr> <tr> <td>INTEREST</td> <td>\$2,037.35</td> </tr> <tr> <td>LEGAL FEES</td> <td>\$3,618.40</td> </tr> <tr> <td>Total</td> <td>\$13,382.55</td> </tr> </tbody> </table>				Category	Amount	RATES & SERVICE CHARGES	\$10,568.84	PAYMENTS	-\$2,842.04	INTEREST	\$2,037.35	LEGAL FEES	\$3,618.40	Total	\$13,382.55
Category	Amount															
RATES & SERVICE CHARGES	\$10,568.84															
PAYMENTS	-\$2,842.04															
INTEREST	\$2,037.35															
LEGAL FEES	\$3,618.40															
Total	\$13,382.55															
Recovery Action to date	<ul style="list-style-type: none"> • 04/2018 - Final Notice Issued • 06/2018 - Demand letter Issued • 10/2018 - Final Notice Issued • 12/2019 - Attempted contact via possible lead • 03/2019 - Attempted contact using new details 															

	<ul style="list-style-type: none"> • 03/2019 - Rates paid in full less \$135.61 in interest and legal fees • 10/2019 - Final Notice Issued • 02/2019 - Demand Letter Issued • 10/2020 - Final Notice Issued • 01/2020 - Demand Letter Issued • 02/2020 – Claim issued and Summons Served • 10/2021 - Final Notice Issued • 01/2021 - Ratepayer contacted Cloud Payment Group with promise to pay • 02/2021 - Attempted to contact ratepayer, contact details no longer valid • 02/2021 - Title search completed (to confirm property is still in same name) • 03/2021 – Claim issued and Summons unsuccessful, proceeded to external skip trace • 07/2021 - Recommend sale in accordance with the Local Government Act 1995 • 08/2021 - New address via skip trace Summons still unsuccessful • 5,7,9/2022 - Mail return to sender, email and contact details no longer connecting • 10/2022 - Final Notice Issued • 10/2022 - Attempt to contact ratepayer • 11/2022 - Attempt to contact other possible sources for new contact details • 05/2023 - Notice of Intention to sell s6.64 [Form 4] was displayed on Shire Notice Boards and website for a minimum of 35 days • 05/2023 - Notice of Intention to sell s6.64 [Form 4] and Notice of possession of land [Form 2] were both issued and unsuccessful, resulting in advertisements in both local and statewide papers (owners are then given 3 months in which to pay and avoid sale of property) • 05/2023 - Dentons (Law Firm representing mortgagee in possession) request the Shire of Denmark sell the property, based on their declaration of no equity in the property and have requested a sale to proceed • 06/2023 Possession of Land [Form 3] attached to a conspicuous part of the land in order to take possession of the land • 07/2023 – Email received from unidentified party [with conflicting contact details], stating ownership and requesting financial information. As per instructions via Cloud Payment Group, identity authentication was requested by return email, with no further response received • 10/2023 - Final Notice Issued • 01/2024 - Demand Letter Issued • 02/2024 - Title Search Completed (to confirm property is still in same name) Current Memorial lodged by The Deputy Sherriff
<p>Recovery Action to be taken</p>	<ul style="list-style-type: none"> • Appoint a time no less than 3 months and no more than 12 months after service of the Notice of payment (Form 4) for the public

	<p>auction. A sale has to happen within 12 months of the date the land is offered for sale or proceedings lapse</p> <ul style="list-style-type: none"> • Issue a Statewide public notice • Register at Landgate, a Memorial of the Statewide public notice • Organise the auction • Attend the auction • If sold at auction, arrange settlement
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CONSULTATION AND EXTERNAL ADVICE

- 13. Cloud Payment Group (debt recovery agent) were consulted during this process and will be engaged for all debt recovery, advertising and pending auction functions.
- 14. Discussion with other local governments that have undertaken this process.

STATUTORY / LEGAL IMPLICATIONS

Local Government Act 1995.

- 15. Subdivision 6 – Actions against land where rates or service charges unpaid.

S6.64 - Actions to be taken;

- (1) If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and –
 - (a) from time to time lease the land; or
 - (b) sell the land; or**
 - (c) cause the land to be transferred to the Crown; or
 - (d) cause the land to be transferred to itself.
- (2) On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.
- (3) Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.

S6.68. Exercise of power to sell land

- (1) Subject to subsection (2), a local government is not to exercise its power under section 6.64(1)(b) (in this Subdivision and Schedule 6.3 referred to as the power of sale) in relation to any land unless, within the period of 3 years prior to the exercise of the power of sale, the local government has at least once attempted under section 6.56 to recover money due to it.
- (2) A local government is not required to attempt under section 6.56 to recover money due to it before exercising the power of sale where the local government –

(a) has a reasonable belief that the cost of the proceedings under that section will equal or exceed the value of the land; or

(b) having made reasonable efforts to locate the owner of the property is unable to do so.

(3A) A local government is to ensure that a decision to exercise a power of sale without having, within the period of 3 years prior to the exercise of the power of sale, attempted under section 6.56 to recover the money due to it and the reasons for the decision are recorded in the minutes of the meeting at which the decision was made.

(3) Schedule 6.3 has effect in relation to the exercise of the power of sale.

STRATEGIC / POLICY IMPLICATIONS

P040227 Debt Collection Policy

16. This policy aims to ensure that the Shire of Denmark practices good governance in matters relating to outstanding debt and that effective steps are taken for debt management.

17. This policy also aims to ensure that all debtors are treated fairly and consistently while recognising that Council has the responsibility to recover all outstanding debts and charges in a timely manner, to finance its operations and ensure effective cash flow.

P030104 Financial Hardship Policy

18. Council recognises that there could be cases of genuine financial hardship, where debtors (sundry and rates) will experience difficulty paying fees, rates and service charges as they fall due.

19. In the case of this property, options to apply for financial hardship and/or to enter into payment arrangements were offered unsuccessfully.

FINANCIAL IMPLICATIONS

20. A reduction of \$13,378.83 in the Rates Debtors balance sheet account.

21. Cost of advertising, auction settlement and debt collection fees. These costs can be absorbed within existing operating expenditure budgets as appropriate.

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

25. There is a legislative process that must be followed in order to comply with the proposed sale to ensure that the proposed action is legally enforceable.

9.3 INFRASTRUCTURE SERVICES

9.3.1 2050 CYCLING STRATEGY – GREAT SOUTHERN

File Ref: GOV.31
Applicant / Proponent: Not Applicable
Subject Land / Locality: Not applicable
Disclosure of Officer Interest: Nil
Date: 14 March 2024
Author: David King, Chief Executive Officer
Authorising Officer: David King, Chief Executive Officer
Attachments: 9.3.1 – Draft 2050 Cycling Strategy – Great Southern

IN BRIEF

- In conjunction with the Local Governments of the Great Southern the Department of Transport have developed a Great Southern Cycling Strategy.
- The Council is requested to endorse the Great Southern 2050 Cycling Strategy

VOTING REQUIREMENTS

1. Simple majority.

OFFICER RECOMMENDATION

ITEM 9.3.1

That Council ENDORSE the Great Southern 2050 Cycling Strategy as per Attachment 9.3.1.

COUNCIL RESOLUTION				ITEM 9.3.1
MOVED: CR GIBSON				SECONDED: CR LEWIS
That Council ENDORSE the Great Southern 2050 Cycling Strategy as per Attachment 9.3.1, with the following inclusions and amendments to the text and associated maps.				
Denmark – Short Term Projects				
D5	Mount Shadforth Road shared use path. Scotsdale Road/Redman Road trail	Feasibility and design	To support proposed development of MTB park at Turner Road	Transport
D16	Construct bridge across the Denmark River at East River Road	Construction	To provide a commuter link to the existing Shared use path on Scotsdale Road for	Transport/Local

			residential properties on East River Road. The link will also complete a loop trail either side of the Denmark River	
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Regional Priority Projects

R5	Construct a trail from Green Pools to the SCH	Construction	To relocate the Munda Biddi off the road	Denmark, Tourism WA, Munda Biddi Foundation, DBCA
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CARRIED: 9/0

Res: 070324

TOTAL VOTES FOR: 9

Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Ormsby, Cr Carman, Cr Lewis and Cr Phillips.

TOTAL VOTES AGAINST: 0

REASONS FOR CHANGE

To address remaining gaps in the strategy and provide a less-challenging route for those wishing to access the Turner Road site.

LOCATION

- The strategy applies to the Great Southern Region.

Figure 1 – Local Government Areas of the Great Southern



BACKGROUND

3. The Western Australia Bike Network (WABN) Plan 2014-2031 includes a key action to develop long term cycle strategies for Perth and Regional WA.
4. The Department of Transport (DoT) have identified the need for twelve long-term cycling strategies across WA, including eleven Regional 2050 Cycling Strategies (Attachment One).
5. These strategies create a shared long-term vision for cycling in the regions and guide delivery of safe and interconnected bicycle networks, along with associated facilities and travel behaviour change initiatives.
6. Each strategy is developed in partnership with local government and is informed by multiple phases of stakeholder and community consultation. Positioned as aspirational strategies to 2050, each strategy highlights opportunities to encourage bike riding for transport, recreation and tourism across the region and proposes networks for regional centres and their surrounding areas. Five-year action plans prioritise the delivery of strategic infrastructure and initiatives and guide funding through DoT's current Regional Bike Network (RBN) Grants Program (nb – the program has been suspended for 2024-25 financial year, with the future funding program to be determined) or its future iteration.
7. As aspirational plans, it is recognised that regional local governments with constrained funding may not have the capacity to deliver the complete final networks. Beyond guiding available RBN funding, these strategies are also demonstrably effective in driving additional investment by opening additional funding sources and enabling local government(s) to build more of the network and deliver more local travel behaviour change initiatives.
8. Development of these strategies is wholly funded by DoT but undertaken in partnership with relevant local governments.
9. Six regional strategies have been completed.

DISCUSSION / OFFICER COMMENTS

Development of the Great Southern 2050 Cycling Strategy

10. Development of the Great Southern 2050 Cycling Strategy began in mid 2022, with the City of Albany and the shires of Broomehill-Tambellup, Cranbrook, Denmark, Gnowangerup, Jerramungup, Katanning, Kent, Kojonup, Plantagenet and Woodanilling, working in partnership with DoT.
11. Internal working groups for each local government provided input and guided the development of the document. These working groups included diverse representatives across engineering, works, planning, community development, community safety, communications, sustainability, tourism, and economic development.
12. A scope of works was agreed, and DoT procured Outdoors Great Southern as the delivery contractor to assist on the project.
13. Stakeholder input was sought and received from government and non-government organisations, including (but not limited to) the Departments of Local Government, Sport and Cultural Industries (DLGSC), Planning, Lands and Heritage (DPLH), Biodiversity, Conservation and Attractions (DBCA), Main Roads Western Australia (MRWA), Department

of Water and Environmental Regulation (DWER) and Tourism WA, as well as the WA Local Government Association (WALGA), Great Southern Development Commission and WestCycle. Meetings were also held with the Great Southern Trails Master Plan, Noongar Advisory Group. Details of stakeholder consultation can be found in Section 1.4.6 of the Strategy.

14. Outdoors Great Southern visited all key centres across the region to undertake initial scoping in mid to late 2022. A comprehensive review of relevant government and non-government policies and strategies was undertaken, alongside reviews of existing cycling networks, data analysis, and stakeholder meetings to discuss and identify opportunities for cycling across the region.
15. Outputs from the scoping work culminated in the production of information sheets and preliminary 2050 network maps for the project, which were used in community consultation.
16. Information on the project was provided via the online My Say Transport engagement platform and in hard copy at drop-in sessions and Shire Administration Centres.
17. Feedback was gathered via direct comments, a survey, and interactive maps. Over 600 visits (including information downloaded) were made to the My Say Transport project page, with 140 people engaged online and completing the survey between late October and early December 2022. In addition, approximately 60 people attended a 'Community Bike Chat' as part of the 'Green Fair on the Square' in Albany in October 2022. See Appendix C of the Strategy for details.
18. The final strategy includes five central themes for cycling across the region, with key opportunities identified for each that highlight the potential for bike riding in and around the Great Southern region. Case studies are used to illustrate where similar outcomes have been achieved elsewhere. The themes include:
 - Connecting people to where they live, work, learn and play;
 - Improving safety for bike riders on roads;
 - Encouraging cycling for people of all ages, abilities and backgrounds;
 - Improving planning for cycling; and
 - Developing cycle tourism experiences.
19. The document is a shared aspirational vision for cycling across the region, with the action plan providing a guide for delivery, not an enforced set of actions. This long-term planning approach has now been endorsed by 32 metro LGAs (through the Perth and Peel Long-Term Strategy) and all LGAs with published regional strategies (including those in Warren-Blackwood, Leeuwin-Naturaliste, Bunbury-Wellington, Esperance, Geraldton and Pilbara). This endorsement has been given on the basis that DoT will continue to work with LGAs over time to maintain and where necessary modify the strategy.
20. The draft strategy is provided as attachment 9.3.1.

Local Denmark Specific Projects

Ref	Action	Project type	Objective/justification	Hierarchy
Short-term				
D1	South Coast Highway shared use path to Springdale Beach	Design	Critical link from new subdivision to High School and town centre; supported in Corporate Business Plan.	Secondary
D2	WOW Trail Stage 2	Construction	As per Great Southern Regional Trails Master Plan, to complete the extension of the WOW Trail to join the Ocean Beach shared use path.	Transport
D3	Mokare Walk trail upgrade to shared use path	Construction	To improve surface and address erosion; key link in town centre network.	Local
D4	Berridge park to Thornton Park link	Construction	As outlined in Corporate Business Plan, upgrade to existing trail.	Local
D5	Mount Shadforth Road shared use path	Feasibility and design	To support proposed development of MTB park at Turner Road.	Transport
D6	Bike parking facilities at public facilities and recreational spaces	Construction	To address limited bike parking facilities and bike congestion at the Denmark Recreation Centre, Denmark Library and supermarket.	Not applicable
D7	Trails and paths mapping to inform local Trail Plan	Planning	As outlined in the Corporate Business Plan and Shire Sustainable Tourism Strategy.	Not applicable
D8	Activation programs	Planning	Investigate funding for activation programs such as Bike to Work/Bike to School/Your Move programs	Not applicable

Regional Priority's relating to Denmark

Ref	Action	Project type	Objective/justification	Hierarchy	Partners
Short-term					
R3	Regional cycle tourism routes	Planning	Establish Project Working Group (PWG) to develop strategic plan for regional cycle tourism routes. The PWG will identify all proposed regional cycle tourism routes (rail trails, gravel routes, on-road and off-road trails), identify steps required to progress each route (including any infrastructure needs), and develop an action and implementation plan.	Transport	Albany, Broomehill-Tambellup, Cranbrook, Denmark, Gnowangerup, Jerramungup, Katanning, Kojonup, Kent, Plantagenet, Woodanilling, Main Roads, DBCA, Regional Tourism Organisation, Local Tourism Organisations,

					Visitor Centres
R4	Frankland River Bridge upgrade	Feasibility	Develop feasibility study to upgrade the Frankland River Bridge to ensure safe connectivity for pedestrians and cyclists from Nornalup village to the proposed new trail head west of the river. The bridge is an essential link in the new Valley of the Giants Trail Concept Plan, with trails due to open from 2023.	Secondary	Denmark, Manjimup, Great Southern Development Commission, South West Development Commission, Tourism WA, DBCA

Summary

- 21. Local government members of the project working group across the region have been working on the development of the Strategy, especially during consultation.
- 22. The Strategy is now being submitted to Council and DoT Executive for endorsement. Councils are invited to endorse the strategy as-is or provide in-principle support pending any requests for modifications.
- 23. Once endorsed the Strategy will be published on the DoT website. The document is maintained by DoT in partnership with all included local governments.
- 24. DoT seek this endorsement to demonstrate region-wide collaboration on a shared vision, which will assist in leveraging and prioritising future funding. Once a long-term strategy is in place, all current WABN grants, and its future iteration, will be linked to them.

CONSULTATION AND EXTERNAL ADVICE

- 25. 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.
- 26. Consultation that has been undertaken to date is detailed in the discussion section of this report.

STATUTORY / LEGAL IMPLICATIONS

- 27. Nil

STRATEGIC / POLICY IMPLICATIONS

- 28. The Shire of Denmark have a number of WABN funded or fundable projects in it's Corporate Business Plan. This strategy, if endorsed will inform future projects and provide the mechanism for external funding.

FINANCIAL IMPLICATIONS

- 29. Nil

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

33. 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.

9.4 GOVERNANCE

9.4.1 DRAFT FENCING LOCAL LAW

File Ref:	LEG.1
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Whole of Shire
Disclosure of Officer Interest:	Nil
Date:	28 February 2024
Author:	Niel Mitchell, Strettle Pty Ltd, Consultant
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.4.1 – Draft Fencing Local Law

IN BRIEF

- Consideration of a draft Fencing Local Law to commence the statutory processes for adoption.
- The purpose of this report –
 - to allow the presiding person to give notice to the meeting of the proposal to make a new local law, in accordance with the requirements of the *Local Government Act 1995*;
 - for Council to approve the proposed local law for public comment;
 - for Council to give notice of the purpose and effect of the proposed local law; and
 - to authorise the advertising of the proposed local law for public comment.

VOTING REQUIREMENTS

1. Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.4.1
MOVED: CR CARMAN	SECONDED: CR CAMPBELL
That Council:	
1. pursuant to section 3.12(3) and (3a) of the <i>Local Government Act 1995</i> , and all other legislation enabling it, GIVE local public notice of the intention to make a Fencing Local Law –	
Purpose – to prescribe sufficient fences, the standard for construction of fences and create offences for non-compliance,	
Effect – to establish the minimum requirements for fencing, provide for permitted and prohibited fencing, and create offences for non-compliance;	
2. in accordance with section 3.12(3) of the <i>Local Government Act 1995</i> , ADVISE the Minister for Local Government and Departments of the proposed local law.	
CARRIED: 9/0	Res: 080324
TOTAL VOTES FOR: 9	
Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Ormsby, Cr Carman, Cr Lewis and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

LOCATION

2. Whole of Shire of Denmark local government area.

BACKGROUND

3. The proposed local law repeals Local Laws Relating to Fencing of 2001 and as amended in 2008, replacing it with one aligned with the current planning scheme and requirements.

DISCUSSION / OFFICER COMMENTS

4. In making a new local law, Council must comply with the provisions of section 3.12 of the *Local Government Act 1995*, and any specific requirements of other legislation.
 - Purpose – to prescribe sufficient fences, the standard for construction of fences and create offences for non-compliance,
 - Effect – to establish the minimum requirements for fencing, provide for permitted and prohibited fencing, and create offences for non-compliance;
5. There are no specific requirements of other legislation since the *Dividing Fences Act 1961* has no head of power regarding local laws, although various aspects of fencing generally have application.
6. The procedure for making local laws requires Council to give local public notice, advising of its intention to make a local law, and invite submissions to be made on the proposed local law for a six-week period. At the closure of the submission period, Council is to consider all submissions before making a local law. Local public notice does not have a statutory

commencement criteria, however, for practical purposes, it is considered to commencement when the required notice is published on the Shire's website in accordance with the Regulations.

7. The proposed local law differs from the current local law in quite a number of matters, including the following –

- cl.1.5 – inclusion of various definitions, such as –
 - o authorised person, rather than Building Surveyor,
 - o electrified fence, and separated between stock and security purposes,
 - o land zonings as per current local planning scheme
 - o concepts such as adversely affected land and visually permeable
- cl.1.6 – clear statement that the local planning scheme takes precedence over the local law
 - o this includes planning policy made in accordance with the local planning scheme,
- cl.1.7 – clear statement that Building legislation also takes precedence over the local law
- cl.1.8 – inclusion of transitional provisions for existing compliance fences, with the exception of barbed wire in residential areas etc, as specified in cl.5.1(1),
- cl.5.1 to 5.4 – separation of dangerous or potentially dangerous materials, and differing provisions
- cl.6.1 to 6.5 – single process for all matters relating to licence,
- cl.6.6 – inclusion of prohibition against false declaration, and penalty that may be applied;
- cl.7.1 – inclusion of provisions for objection and review
- cl.8.1 – expanded provisions relating to notice of breach,
 - o note that entry onto land to carry out work now requires compliance with procedures within the Local Government Act, and not just authorisation under the local law,
- Schedules 1 to 3 –
 - o revised application to current zones,
 - o rather than construction of a brick, stone masonry etc fence being authorised under the local law when constructed in accordance with the specific requirements, such a fence now requires a building permit, consistent with the Building Act
- Schedule 4 – rather than a single flat penalty of \$100, the proposed local law sets a range of penalties, generally based on the impact of non-compliance –
 - o on public safety,
 - o on the amenity of the area,
 - o the severity of the non-compliance.

8. As required by the *Local Government Act 1995*, the next steps include:

- Local public notice inviting submissions;
- Minister for Local Government to be advised immediately after advertising for public comment; and
- Supporting documentation to be sent to the Minister.

9. Local public notice is to invite comment on the proposed local law, with submissions being open for a period not less than 6 weeks. Internal submissions may also be made at this time
10. The advertisements will be placed once Council has resolved its approval of the draft local law for public comment.
11. After the submission period is closed, Council is required to consider any submissions received. Minor amendments not affecting the intent of the provisions can be made, but if significant changes are needed, the proposal must be readvertised.
12. Once final adoption is resolved, the proposed local law is then published in the Government Gazette and comes into effect on the date specified. Local public notice and advice to the Minister of the adoption is also required.
13. The Gazetted copy and other documentation is then sent to the Parliamentary Joint Standing Committee on Delegated Legislation for review. The Committee may then disallow or require changes, even though having been Gazetted.

CONSULTATION AND EXTERNAL ADVICE

14. No community consultation has been undertaken or is required at this time, but is a statutory requirement of the next stage of the process.
15. The *Local Government Act 1995* requires a minimum 6 weeks public consultation period prior to final adoption. The notice of the review is required to be published in at least 4 places in accordance with the Administration Regulations r.3A.

STATUTORY / LEGAL IMPLICATIONS

Local Government Act 1995 –

- 3.12 – Procedure for making local laws
 - (2) Notice of purpose and effect of local law to be given by the person presiding
 - (3) Statewide public notice required, and copies to Minister/s immediately after notice given, minimum 6 weeks notice
 - (3a) Local public notice also required to be given
 - After notice period, all submissions to be considered, and local law may then be made by absolute majority
 - Publication in Government Gazette required
 - (7) Parliament to be advised within 10 working days of Gazettal
- s.3.13 – Significant changes require recommencement of proposal
- s.3.14 – Unless otherwise provided for, local laws come into effect 14 days after Gazettal
- s.3.15 – local public notice of the final adoption/making of a local law to be given

Interpretations Act 1984 –

- s.42(2) – after publication in the Government Gazette, Parliament may disallow within 14 sitting days of receipt.

STRATEGIC / POLICY IMPLICATIONS

16. The proposed policy is consistent with the following objectives of the Strategic Community Plan ‘Denmark 2033’:

Engagement and decision making - We want the reasons for decisions to be explained and transparent.

FINANCIAL IMPLICATIONS

17. The cost of public advertising can be accommodated within the current 2023/24 Budget.

18. The consultant has been engaged to review a number of the Council’s Local Laws, including the Fencing Local Law. The cost of these projects has been included in the 2023/24 Budget.

OTHER IMPLICATIONS

Environmental

19. Proposed clause 3.4 provides specific protection against obstruction of watercourses.

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.

9.4.2 HOUSING AFFORDABILITY POLICY

File Ref:	File ADMIN.2
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	26 March 2024
Author:	Angela Simpson, Corporate Planning and Policy Officer
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.4.2a – Existing Affordable Housing Policy 9.4.2b – Proposed Affordable Housing Policy

IN BRIEF

- On 19 April 2022, the Council endorsed an affordable housing policy focused on advocating for affordable housing (Res 090422)

- Since then, housing availability and affordability have worsened, making it challenging for both economic development and the provision of service-based industries.
- It is recommended that the Shire amend its policy position to open up potential future opportunities for affordable housing.

VOTING REQUIREMENTS

1. Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.4.2
MOVED: CR ORMSBY	SECONDED: CR YOUEL
That Council:	
<ol style="list-style-type: none"> 1. REPEAL the existing Affordable Housing Policy as per Attachment 9.4.2a; and 2. ADOPT the Affordable Housing Policy as per attachment 9.4.2b. 	
CARRIED: 9/0	Res: 090324
TOTAL VOTES FOR: 9	
Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Ormsby, Cr Carman, Cr Lewis and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

LOCATION

2. Not applicable

BACKGROUND

3. Housing affordability and availability are not situations created by the local government's past decisions, nor is it necessarily within the ability of the local government to significantly influence the outcome. Interest rates, inflation, State and Federal Government housing policies, immigration and building material and labour costs are all significant elements, none of which can be controlled by an LGA; however, the continued tight housing market across the country is forcing local governments to consider practical roles they can play in ensuring they have adequate housing. If the Shire of Denmark wishes to explore housing development opportunities for worker housing, an advocacy-only policy is no longer appropriate.

DISCUSSION / OFFICER COMMENTS

Current Situation

4. Denmark’s population is growing at a faster rate than the State: Denmark is growing steadily with a 25% increase in population over the past 10 years (45% over the past 15 years). This is faster than the growth rate of WA as a whole of 17.5% (34.8%).

Land tenure is changing

5. The population of permanently occupied homes has increased by more than 300. Some of this (110) has been converted back into permanent homes from housing formerly utilised as

holiday/Airbnb homes. Another 100+ have been created by the purchase of rental housing and conversion to owner-occupied (resulting in the displacement of many households). The balance has been new builds.

6. The outcome is we now have fewer houses for rent in Denmark than we did more than a decade ago (and, of course, more people to fit into them). This continuous decline is now critical.
7. Denmark's rental housing stock is at 20.49% of all housing stock (2021 census figures) and is significantly worse than the State and National positions. If it was at the WA average level of 27.34%, we would have an extra 162 rentals. If it was at the National average of 30.64%, we would have an extra 240 rentals.
8. In addition, according to data from Htag Analytics, the rental vacancy rate for the last quarter in Denmark stands at a mere 0.2%, compared to the state average of 0.8% (0.6% in Albany). This places Denmark among the top three worst-hit locations in Western Australia. Furthermore, land tenure changes have led to Denmark having fewer houses available for rent than we did more than a decade ago, despite having a significantly larger population to accommodate.
9. The position is critical and impacts the ability of workers to find appropriate (or any) accommodation for both seasonal employment to support our high tourism influx and more permanent employment. This is jeopardising current business success and not allowing the economic development of the aged care sector to continue as it should.

The private market is not responding

10. The private rental market is the fastest growing segment in Australia's property market, but not in Denmark.
11. Development of private land is possible, and plenty of serviced vacant land exists in Denmark. However, experience over the past decade leads the Shire to believe there are no providers with the financial capacity to deliver without close to 100% state funding on land and cap ex.

Essential workers can't afford to live here.

12. The Social Health Atlas reports that Denmark has the third highest level of Household Rental Stress in Western Australia (of all Local Government Areas including LGAs within Perth).
13. Hospitality and aged care workers award rates put them in a position of rental stress compared to Denmark's current rental values, and we are experiencing a loss of existing workers to other locations. For those looking to buy, Denmark has been identified as the most expensive LGA in WA outside of Perth to acquire a property, taking more than 70 years to pay off a home loan.
14. The "Years to Own" housing affordability metric represents the estimated duration required to fully own a property, factoring in variables such as current interest rates, median family income, and typical property prices in the area. A value exceeding 30 years indicates decreased affordability in the area. For comparison, the City of Albany has a Years to Own metric of 45 years.

15. A practical illustration in support of the data is Amaroo Aged Care Services who have purchased a block of un-serviced land in Denmark and had received a Federal Grant for the development of a 40+ residential aged care home, have this year advised the Shire that they have elected not to proceed with this development at this time, due in large part to the inability to house workers.

Current and Future Grant Opportunities

16. It is likely that ongoing funding from state and federal budgets will be available for housing projects. Currently, the National Housing Accord Facility (NHAF) present a potential funding opportunity for social and affordable housing projects. The funding is constrained by the provision that registered housing providers and local government are typically the only eligible applicants. Given the lack of housing providers in Denmark, the Shire stands as the primary, and potentially sole, applicant for this funding within the area. This situation is compounded by the historical context where Albany-based providers, who might also qualify, have traditionally not engaged in housing projects in Denmark. They have preferred to focus on Albany, attracted by its larger population and lower construction costs.
17. With future opportunities likely to have the same or similar, this pattern suggests that without the Shire of Denmark's application, the community might miss out on a critical chance to enhance its affordable housing stock.

Summary

18. The lack of affordable housing in Denmark threatens both liveability and economic prosperity. Intervention by the Shire of Denmark alone cannot significantly impact the current situation, and housing is not considered a core business. However, where opportunities present themselves to improve the situation, especially where housing supply for the Shires workforce can be secured, these should be explored. This requires a change in policy.

CONSULTATION AND EXTERNAL ADVICE

19. The Strategic Community Plan, adopted by the Council in 2023, sets out the following priorities identified through consultation. The community desired more low-cost residential housing for rent and purchase, more social housing, alternate housing options, and retirement options for seniors.
20. Officers have facilitated two informal discussions at concept forums in November and February to guide the development of a draft Policy position.

STATUTORY / LEGAL IMPLICATIONS

21. There are no known statutory or legal implications related to this report or officer recommendation.

STRATEGIC / POLICY IMPLICATIONS

22. The Shire is currently completing a review of the Local Planning Strategy and Scheme. Implementing any associated policy should be considered in the context of the draft Local Planning Strategy.

FINANCIAL IMPLICATIONS

23. Any investment in additional housing infrastructure has financial implications that must be considered as part of the Strategic Asset Management Plan (SAMP) and the Long Term Financial Plan (LTFP). At this stage, there is no plan for investment in additional worker housing in the LTFP. Any commitment to housing development may impact the viability or the timeline for other capital works projects. Depending on how a housing development project is funded, it may also affect the Shire's ability to attract grant funding for planned works from the same funding sources.
24. A key work housing project delivered in the Great Southern between 2015 – 2020 required partnering local governments to commit to providing land and a financial contribution towards the project, with the additional requirement to hold any constructed housing for a minimum period within its asset portfolio. Should a similar scheme be established in the future, it would have implications for the asset portfolio as it would add to the depreciation schedule.

OTHER IMPLICATIONS

Environmental

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

Economic

26. Additional affordable housing option will improve the economic prosperity of Denmark.

Social

27. The social impacts of the Housing Affordability policy adopted in April 2022 were acknowledged then. It was agreed that the policy did not address the issues of homelessness, crisis accommodation or supported housing. While these are all critical elements of social and well-being, they are currently the remit of state and federal governments.
28. Officers acknowledge the impacts of housing pressure on those seeking to relocate to Denmark, including those seeking employment at the Shire. Any additional worker housing resulting from this policy will contribute to easing the housing situation in Denmark and could be critical for meeting workforce needs.

RISK MANAGEMENT

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

9.4.3 COMPLIANCE AUDIT RETURN 2023

File Ref:	FIN.8.A
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	7 March 2024
Author:	Claire Thompson, Governance Coordinator
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.4.3 - Compliance Audit Return 2023

IN BRIEF

- Council is required to consider the recommendation of the Audit Advisory Committee and adopt the 2023 Compliance Audit Return.

VOTING REQUIREMENTS

1. Simple majority.

COUNCIL RESOLUTION & COMMITTEE & OFFICER RECOMMENDATION	ITEM 9.4.3
MOVED: CR CARMAN	SECONDED: CR DEVENPORT
That Council ADOPT the 2023 Compliance Audit Return, noting the one area of non-compliance, and submit a certified copy to the Director General of the Department of Local Government, Sport and Cultural Industries by 31 March 2024.	
CARRIED: 9/0	Res: 100324
TOTAL VOTES FOR: 9	
Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Ormsby, Cr Carman, Cr Lewis and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

LOCATION

2. Not applicable.

BACKGROUND

3. Each year a local government is required to conduct a compliance audit for the period 1 January to 31 December on a number of statutory compliance provisions contained within the Compliance Audit Return, provided by the Department of Local Government, Sport and Cultural Industries ('Department').
4. The Department retains the compliance returns for future reference.
5. The Audit Advisory Committee met on 12 March 2024 and have recommended that Council adopt the 2023 Compliance Audit Return.

DISCUSSION / OFFICER COMMENTS

6. The draft 2023 Compliance Audit Return is attached (see Attachment XXX).
7. There was one area of non-compliance relating to Integrated Planning and Reporting ('IPR'). Regulation 19DA(4) of the Local Government (Administration) Regulations requires a local government to review its corporate business plan annually. The Shire of Denmark's Corporate Business Plan has not been reviewed since its adoption in 2022, mainly due to executive staff changes and perhaps the anticipation of the State's statutory reforms relating to IPR.

CONSULTATION AND EXTERNAL ADVICE

8. Relevant Shire employees have been consulted.

STATUTORY / LEGAL IMPLICATIONS**Local Government Act 1995**

9. Section 7.13(1)(i) requires that an audit of compliance is to be carried out in a prescribed manner and in the form approved by the Minister.

Local Government (Audit) Regulations 1996

10. Regulation 13 sets out the statutory requirements for the prescribed form.
11. Regulation 14 requires the compliance audit return be reviewed by the Audit Advisory Committee that the committee must report the result to Council. The compliance audit return must be adopted by the Council [r 14(3)].
12. Regulation 15 requires that a certified copy of the compliance audit return is presented to the Director General of the Department by 31 March.

STRATEGIC / POLICY IMPLICATIONS

13. Nil

FINANCIAL IMPLICATIONS

14. Nil

OTHER IMPLICATIONS**Environmental**

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

Economic

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

Social

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

RISK MANAGEMENT

- 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.

9.4.4 PROPOSED NAME FOR FUTURE ROAD RESERVE WITHIN THE SHIRE OF DENMARK - COPEMAN

File Ref:	GOV.49
Applicant / Proponent:	D Stone
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	12 March 2024
Author:	Claire Thompson, Governance Coordinator
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.4.4 – Road Naming within the Shire of Denmark Policy

IN BRIEF

- The Shire has a request for Council to consider the name ‘Copeman’ as a commemorative name for future road naming, after the late Reg Copeman.

VOTING REQUIREMENTS

- Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.4.4
MOVED: CR YOUEL	SECONDED: CR CAMPBELL
That Council:	
<ol style="list-style-type: none"> ENDORSE the name ‘Copeman’, in recognition of the late Reginald Copeman; ADVERTISE the name seeking community comment for a period of 14 days; and Should there be no objection received, APPROVE the inclusion of the name in the Road Naming within the Shire of Denmark Policy. 	
CARRIED: 9/0	Res: 110324
TOTAL VOTES FOR: 9	
Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Ormsby, Cr Carman, Cr Lewis and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

LOCATION

- No preferred location for future naming has been suggested.

BACKGROUND

- Nil.

DISCUSSION / OFFICER COMMENTS

4. The following history has been provided by the applicant and was compiled by Kathryn Shapland.
5. REGINALD HUBERT COPEMAN (1931-2024)

“Born 13 April 1931 in Colchester, Essex, England.

Service History – Service Number 1157902

After trying to join the Royal Navy but being rejected due to colour blindness Reg joined the Boys Battery, Royal Artillery in 1947 and was based at Cambridge Barracks in Woolwich, where he stayed for 20 months.

He was with the 5th Regiment, Royal Horse Artillery based at Lark Hill in Salisbury in 1949-50.

He then volunteered to go to Hong Kong with the 23rd Field Artillery and stayed there for 18 months in 1950-51.

From there Reg volunteered for Korea and served with the 61st Light Regiment (Mortars) for 18 months in 1952-53. This ended his Far East Tour.

He returned to the UK on the troop ship SS Asturias II in 1953 and then had 3 months leave. Reg then volunteered for the SAS (Special Air Service) whilst with another field regiment and attended a selection course.

He embarked on the troop ship HMS Devonshire for Malaya in 1953 to undertake a jungle training course and returned to the UK in 1954/1955.

Reg served 8 years in the Army from 1956 based in Lark Hill. Servicemen were not permitted to leave the Army due to the Suez Crisis.

He again volunteered for the SAS and served in Malaya until 1959 after which he returned to the UK and was stationed at Malvern, Worcestershire with the SAS, and then Hereford when the regiment was transferred there in 1960.

He went on exchange to the US with the 7th Special Forces Group in 1960 where he was based at Fort Bragg in North Carolina. It was here that he was introduced to General Westmoreland.

Between 1961 and 1968 he served in Malaya, Aden, Germany and Norway. He was involved with static-line parachuting, doing both training and operational drops.

He was discharged/demobilised in 1968 at which point he had attained the rank of Warrant Officer Class 2 (WO2).

Post-Army employment

After leaving the Army, he began working for David Stirling (founder of the SAS). He was involved with training policemen (Watch Guards) in Zambia and Sierra Leone, Africa.

On 1st January 1973 he moved to Australia and after 16 days landed a job as a surveyor's assistant in Port Hedland with BHP. He joined their Survey Party at Newman as part of the Environmental Section of their Geology Department and worked there for 20 years, until offered redundancy in 1993 after which he retired.

Retirement

Reg travelled around Australia in his car after retiring for over two Years. He went to Merredin, Kalgoorlie, Norseman and along the coast to Adelaide, on to Sydney, Queensland and the NT then down the Sturt Highway to Alice Springs and across to Albany.

In the mid 1990's he bought a house in Denmark. Reg then became an active community member, being renowned for collecting rubbish from the sides of the roads in his hometown and surrounds.

He was awarded Denmark Citizen of the Year in 2008 and Denmark Senior Citizen of the Year in 2018."

6. Should the name be endorsed by Council, if it is chosen to be used in the future, final approval will need to be sought from Landgate's Geographic Name's Committee.

CONSULTATION AND EXTERNAL ADVICE

7. Section 1.8 of Landgate's *Policies and Standards for Geographical Naming in WA* states that any proposed new name, which could be considered to be of significance to the immediate or extended community, must include evidence of consultation with the community.
8. It is recommended that the proposed name of 'Copeman' be advertised and, should there be no objections received, it be added to the Council's Road Naming Policy.
9. Depending on when and where the name may be used in the future, further consultation could be required in accordance with Landgate's *Policies and Standards for Geographical Naming in WA*.

STATUTORY / LEGAL IMPLICATIONS

10. Section 26 and 26A of the Land Administration Act 1997 relates to the practice of officially naming features, localities and roads within Western Australia.
11. Landgate's *Policies and Standards for Geographical Naming in WA* supports the legislation and provides the process and principles which apply to all naming.

STRATEGIC / POLICY IMPLICATIONS

12. Road Naming within the Shire of Denmark Policy relates. See Attachment 9.4.4.

FINANCIAL IMPLICATIONS

13. The cost of advertising the proposed name can be accommodated within the Shire's 2023/24 administration's general advertising budget.

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

16. Using the names of local identities who have contributed significantly, or in a significant way to a community, provides an interesting insight into the history and culture of an area.

RISK MANAGEMENT

17. 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.

9.4.5 PARDELUP WORKING GROUP (DENMARK) – COUNCIL DELEGATE REQUEST

File Ref:	CR.2
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	15 March 2024
Author:	Claire Thompson, Governance Coordinator
Authorising Officer:	David King, Chief Executive Officer
Attachments:	Nil

IN BRIEF

- The Pardelup Prison Farm has requested a Councillor delegate to join the Denmark – Pardelup Working Group.

VOTING REQUIREMENTS

1. Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.4.5
MOVED: CR LEWIS	SECONDED: CR CARMAN
That Council APPOINT Cr Phillips as the Council Delegate on the Denmark – Pardelup Working Group.	
CARRIED: 9/0	Res: 120324
TOTAL VOTES FOR: 9 Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Ormsby, Cr Carman, Cr Lewis and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

LOCATION

2. Not applicable.

BACKGROUND

3. Up until the review of delegates, following the 2023 Local Government Election, Council had a delegate on the Walpole Work Camp.

DISCUSSION / OFFICER COMMENTS

4. The Denmark – Pardelup Working Group meets on a quarterly basis, where community work projects for government and not-for-profit organisations are nominated and discussed.
5. The Pardelup Prison Farm, Assistant Superintendent Operations advises that, “Councillors from the Shire of Plantagenet and Manjimup are part of the Plantagenet – Pardelup Community Liaison Group Committees, and this continues to be beneficial for the community, Pardelup Prison Farm and the Walpole Work Camp”.

CONSULTATION AND EXTERNAL ADVICE

6. 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 / LEGAL IMPLICATIONS

7. Nil

STRATEGIC / POLICY IMPLICATIONS

8. It is the view of officers that membership of this group would be beneficial to put forward community work projects for Denmark.

FINANCIAL IMPLICATIONS

9. Council Delegates are eligible to claim travel expenses associated with attending meetings.

OTHER IMPLICATIONS**Environmental**

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

Economic

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

Social

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

RISK MANAGEMENT

- 13. 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.

9.5 COMMUNITY SERVICES

Nil

10. MATTERS BEHIND CLOSED DOORS

Nil

11. NEW BUSINESS OF AN URGENT NATURE

Nil

12. CLOSURE OF MEETING

4.37pm – There being no further business to discuss the Shire President, Cr Gibson, declared the meeting closed.

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

Signed: _____
David King – 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)