

# Shire of Denmark

## Ordinary Council Meeting MINUTES

18 June 2019



HELD IN THE COUNCIL CHAMBERS, 953 SOUTH COAST HIGHWAY,  
DENMARK ON TUESDAY, 18 JUNE 2019.



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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 locally supported resilient, stable and innovative business community that embraces 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 and active community*

- B3.1 To have public spaces and infrastructure that are accessible and appropriate for our community
- B3.2 To have community assets that are flexible, adaptable and of high quality to meet the purpose and needs of multiple users
- B3.3 To have a planning framework that is visionary, supports connectivity and enables participation
- 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

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**1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

4.00pm – *The Shire President, Cr Gearon, declared the meeting open.*

*Cr Gearon acknowledged the land on which the meeting was being held and the traditional custodians of the land, the Bibbulman and Minang people.*

*Cr Gearon stated that she would also like to show her respect for elders past, present and emerging.*

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

MEMBERS:

- Cr Ceinwen Gearon (Shire President)
- Cr Peter Caron (Deputy Shire President)
- Cr Kingsley Gibson
- Cr Jan Lewis
- Cr Ian Osborne
- Cr Janine Phillips
- Cr Rob Whooley

STAFF:

- Mr Bill Parker (Chief Executive Officer)
- Mr Cary Green (Director Corporate and Community Services)
- Mr David King (Director Assets and Sustainable Development)
- Ms Claire Thompson (Executive Assistant & Governance Coordinator)
- Ms Laura Delbene (Town Planner)

APOLOGIES:

Nil

ON APPROVED LEAVE(S) OF ABSENCE:

- Cr Mark Allen (pursuant to Council Resolution No. 010419)
- Cr Roger Seeney (pursuant to Council Resolution No. 030219)

ABSENT:

Nil

VISITORS:

Members of the public in attendance at the commencement of the meeting: 28

DECLARATIONS OF INTEREST:

Name	Item No	Interest	Nature
Cr Gearon	8.1.3	Impartiality	The adjacent landowners are known to Cr Gearon.

**3. ANNOUNCEMENTS BY THE PERSON PRESIDING**

*The Shire President congratulated Denmark Arts and the organisers of the 2019 Festival of Voice. Cr Gearon noted that there had been a Noongar theme throughout the event which had been well done and well received. Cr Gearon also acknowledged the many volunteers who had also contributed to the event’s success.*

*The Shire President announced that local residents Dr Hector Faulkner and Mr Luc Longley had received awards for the 2019 Queen’s Birthday Honours List. Cr Gearon advised that*

*Dr Faulkner had received a Medal of the Order of Australia for service to medicine through a range of roles and Mr Longley had received a Member of the Order of Australia for significant service to basketball as a player, coach and administrator. The Shire President acknowledged that the awards were well deserved and congratulated both recipients.*

#### **4. PUBLIC QUESTION TIME**

##### **4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

##### **4.2 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 clause 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

##### **4.2.1 Mr Owen Stokes-Hughes – Baptist Church Development Application**

Mr Stokes-Hughes stated that the Development Application considered by Council at the May 2019 meeting had complied with requirements through every department. Mr Stokes-Hughes asked what had convinced Council to vote against if it had complied.

*The Shire President asked Cr Gibson to provide a brief summary of the reason for Council's decision.*

*Cr Gibson advised that the Council had concerns that the building was not just a place of worship but rather a community centre with consulting rooms and a 180 seat auditorium. Cr Gibson said that he believed Councillors were concerned about a facility of that size being situated in a residential area as it could have negative impacts on other residents in the area.*

*The Shire President added that Council Officers were working with the Denmark Baptist Church to see if a compromise could be achieved.*

##### **4.2.2 Mr Nathan Devenport – Item 8.2.2 (Monkey Rock Speed Run)**

Mr Devenport requested Council's support for this year's event given the success of last year.

*Cr Lewis referred to the Shire's Sustainable Events Policy and asked what Mr Devenport had done last year to comply with the policy's objectives.*

Mr Devenport said that they had served soup in recyclable cups and the organisers and participants were very conscious of protecting the environment.

**4.2.3 Mrs Bev McGuinness – Item 8.1.2 (Riverside Stage 2 – Recreational Power Boat & Foreshore Usage Study 2013-2017 - John Clark Memorial Band Stand and Boat Launching Facility)**

Mrs McGuinness spoke on behalf of the Denmark Historical Society in support of the retention of the Bandstand. Mrs McGuinness said that over 2,000 students had played at the venue over the years and the Council needed to understand the community's passion to retain important historical assets. Mrs McGuinness noted that Council had approved the demolition of the old Infant Health Clinic and were now looking to demolish the Bandstand, which was the oldest in the State. Mrs McGuinness questioned as to what guarantee would the community have that any replacement structure would appropriately acknowledge John Clark, the Bandstand and his family's history.

*The Shire President thanked Mrs McGuinness for her comments.*

**4.2.4 Mrs Delys Ravenhill – Item 8.1.2 (Riverside Stage 2 – Recreational Power Boat & Foreshore Usage Study 2013-2017 - John Clark Memorial Band Stand and Boat Launching Facility)**

Mrs Ravenhill stated that she was one of the original students to play in the Bandstand and remembered when John Clark had donated the money for instruments to be purchased. Mrs Ravenhill urged Council to retain the Bandstand given its history.

**4.2.5 Mr John Ricketts – Item 8.1.2 (Riverside Stage 2 – Recreational Power Boat & Foreshore Usage Study 2013-2017 - John Clark Memorial Band Stand and Boat Launching Facility)**

Mr Ricketts said that he had known John Clark and provided some information on his contributions and life in Denmark. Mr Ricketts said that he understood that the Bandstand had been neglected over many years but would like to see it kept in some way shape or form. Mr Ricketts said that he would like to see further community consultation so that a suitable compromise could be reached.

**4.2.6 Ms Yasmin Bartlett – Rates & Green Waste**

Ms Bartlett asked Council to consider people and families who might be struggling financially when they determine any rate increase for the 2019/20 financial year.

Ms Bartlett asked whether the Shire had burnt some green waste at the McIntosh Road refuse site recently because as a nearby resident, there had been a lot of smoke around her house.

*The Director Assets & Sustainable Development responded that the Shire had lit up a pile of green waste as currently it was the Shire's practice to do so. Mr King said that they were reviewing all current practices.*

Ms Bartlett said that she believed that the smoke was not healthy for people or the environment and noted that some local governments mulched the green waste and sold it as compost.

*Cr Phillips and Cr Lewis said that the Waste Management Advisory Committee agreed with Ms Bartlett and were undertaking a review to find better solutions.*

*Cr Caron said that the reason for the Shire's current practice was because a number of years ago there had been complaints from residents about the smoke from lots of separate green waste fires. Cr Caron said that the Shire had decided that it would be better to burn one or two green waste fires per year to minimise smoke impacts. Cr Caron said that it was important that any changes in practice were also financially viable.*

**4.2.7 Ms Beverley Ford – Item 8.3.1 (Community Consultation, Engagement and Communication) and Item 9.1 (Appointment of Members on Council Laing Park Dog Exercise Area Working Group)**

Ms Ford spoke on behalf of the Denmark Residents and Ratepayers Association, congratulating Council on the survey results and noting that she did believe it was a true reflection of the community's opinion.

Ms Ford referred to the Laing Park Dog Exercise Area and requested that the Council consider closing the Prawn Rock Channel Exercise Area, given the conflict between dogs and nesting birds and noting that there were other areas where people could exercise their dogs.

*The Shire President thanked Ms Ford for her comments regarding the survey results and acknowledged the efforts of the Corporate Planning Officer, Teiga Murray and the Director Corporate and Community Services, Cary Green with respect to facilitating the survey.*

**4.2.8 Ms Beverley Ford – Item 8.1.2 (Riverside Stage 2 – Recreational Power Boat & Foreshore Usage Study 2013-2017 - John Clark Memorial Band Stand and Boat Launching Facility)**

Ms Ford acknowledged that the Bandstand had been neglected but said that she would like to see it retained because it is an important piece of Denmark's history.

**4.2.9 Ms Julie Marsh – Communication with the Community**

Ms Marsh noted the information that had been provided at the meeting regarding the Bandstand and the Baptist Church development application. Ms Marsh suggested that perhaps the information should be communicated clearly to the community.

*The Shire President acknowledged Ms Marsh's suggestion noting that she was aware that community consultation was a common issue amongst many local governments and was not unique to Denmark.*

*Cr Lewis noted that the Officer Recommendation for Item 8.3.1 was to expand the Shire's resources in the communications area.*

**4.2.10 Mr Geoff Bowley – Item 8.1.2 (Riverside Stage 2 – Recreational Power Boat & Foreshore Usage Study 2013-2017 - John Clark Memorial Band Stand and Boat Launching Facility)**

Mr Bowley thanked Council for considering receipt of the Study and acknowledged the people who had been involved in its development. Mr Bowley said that he was aware that many of the projects within the Study would require prioritisation and funding. Mr Bowley said that by receiving the Study, it provided an opportunity for Council to address the Bandstand noting that he was personally disappointed that it had been allowed to get into such a condition.

**4.2.11 Mr Mike Travers – Civic Centre Toilets**

Mr Travers gave a presentation on the poor condition of the toilets at the Civic Centre, showing a number of pictures and requested that Council include funds in the 2019/20 to get them up to a good standard.

*The Shire President acknowledged the information that Mr Travers had provided noting that the Council had undertaken a review of the Shire's assets.*

*The Chief Executive Officer said that unfortunately the condition of the Civic Centre toilets was indicative of the condition of a number of other assets in the Shire. Mr*

*Parker said that the Asset Management Plan enables the Council to budget for and prioritise renewal projects.*

#### **4.2.12 Ms Karen Buck – Item 8.1.3 (Proposed Outbuilding Additions/Alterations – No. 69 (Lot 26) Panorama Road, Shadforth)**

Ms Buck, as the adjacent landowner to the proposed development, raised a number of objections including increased noise and impacts on visual amenity.

### **4.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

#### **4.3.1 CR WHOOLEY – BACKHOE PURCHASE**

The following Questions on Notice were received by the Chief Executive Officer in writing on the 4 June 2019 and therefore complies with the Shire of Denmark Standing Orders Local Law clause 3.10.

1. Did the purchase of the Case backhoe comply with Councils Purchasing Policy and/or Tender requirements?
2. If not, why not?
3. How will the Shire Administration make local prospective buyers aware of the potential sale of the existing backhoe?

*The Chief Executive Officer provides the following responses.*

1. *Yes. The purchase was made from a pre-qualified supplier under the WALGA Preferred Supplier Arrangements.*
2. *Not applicable.*
3. *Under the Local Government Act 1995, the Shire has two disposal options available;*
  - a. *public auction; or*
  - b. *public tender*

*Council has delegated authority to the Chief Executive Officer to dispose of property valued at an amount not exceeding \$50,000. In this instance, the Shire was aware of a closely associated person who was interested in acquiring the plant item. In an effort to be open and transparent, a decision was made to dispose of the item via a public auction rather than conduct an internal tender process.*

*Should Council want to sell plant items locally, it is suggested that the Delegations D040212 (Property – Acquisition and Disposal) and D040217 (Tenders for Providing Goods & Services) be amended so that the intent and knowledge does not reside with individual employees.*

#### **4.3.2 CR WHOOLEY – CONFIDENTIAL MATTERS**

The following Questions on Notice were received by the Chief Executive Officer in writing on the 4 June 2019 and therefore complies with the Shire of Denmark Standing Orders Local Law clause 3.10.

1. Is a confidential item determined simply by the author despite the potential transparency and accountability required for Council matters?
2. Does the Shire Administration think Council should adopt a Policy related to “Confidentiality of Information” as distinct from say the recent Privacy issue?

*The Chief Executive Officer will tabled the following response at the meeting.*

1. *Yes, the author will generally decide.*



2. *As an officer, I believe that between the Local Government Act 1995, Freedom of Information Act 1992 and the Shire's Code of Conduct that enough guidance exists for staff to accurately determine public versus confidential information.*

#### **4.3.3 CR WHOOLEY – FUTURE RESOURCES AND PLANNING**

The following Questions on Notice were received by the Chief Executive Officer in writing on the 4 June 2019 and therefore complies with the Shire of Denmark Standing Orders Local Law clause 3.10.

1. Can the CEO identify some of the specific software, which models and matches (as explained to Councillors) such raw data to staff numbers, individual capabilities, resources, priorities and overall team performance?

*The Chief Executive Officer provides the following response:*

*As part of the integrated planning framework it is a requirement to have an Asset Management Plan (AMP).*

*The essential aspects of the AMP is to:*

1. *Assess quality and quantity of Shire Asset data including confidence with inventory and condition rating*
2. *Determine desired service level. The ideal service level is to be replacing assets within 1 year past its intervention level. Noting that the intervention level should be set at to the tipping point whereby maintenance costs of the asset become prohibitive to retaining its functionality.*
3. *Calculate a predicted annual spend to achieve the desired service level. If the service level cannot be achieved immediately due to financial constraints, the proposed figures can be such that the service level is achieved within a set timeframe.*
4. *Annual spends should then be incorporated into the Long Term Financial Plan (LTFFP).*

*With detailed enough data, the software (Maloney Model) that calculates (3) above, can be specific about the expenditure required for components of the asset base. For example, the required annual spend required on buildings vs transport, or on a road pavement (gravel basecourse) vs the spend on the seal. Looking across the entire assets base including reserves, transport and building infrastructure, this data can be analysed by officers to manage the workforce in accordance with the needs of the infrastructure spend.*

*It is because of the complexities of community expectations/aspirations, infrastructure needs and building a workforce to suit, that the integrated planning framework needs to be exactly that, integrated. Thus, a result where the Community Strategic Plan, Corporate Business Plan, LTFFP, AMP, and Workforce Plan all align to form a roadmap for the future of the Shire of Denmark.*

#### **4.4 PRESENTATIONS, DEPUTATIONS & PETITIONS**

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

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

Nil.

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

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

**6. CONFIRMATION OF MINUTES**

**6.1 ORDINARY COUNCIL MEETING – 21 MAY 2019**

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 6.1
MOVED: CR GIBSON	SECONDED: CR CARON
That the minutes of the Ordinary Meeting of Council held on the 21 May 2019 be confirmed as a true and correct record of the proceedings.	
<b>AMENDMENT</b>	
MOVED: CR LEWIS	SECONDED: CR PHILLIPS
Add the following amendment;	
1. Page 28 – under Reasons for Change, replace the words “Council wanted to refuse the application” to <i>“Council’s decision was based on the scale of the development and its proposed usage not fitting with the residential nature of the neighbourhood. Council was further concerned that there would be unreasonable impacts on surrounding landowners”</i>	
CARRIED: 6/1	Res: 010619
<i>Pursuant to Council Policy P040134 all Councillors’ votes on the above resolution are recorded as follows;</i>	
<i>FOR: Cr Caron, Cr Gibson, Cr Gearon, Cr Phillips, Cr Lewis and Cr Osborne.</i>	
<i>AGAINST: Cr Whooley.</i>	
<b>AMENDED MOTION</b>	
That the minutes of the Ordinary Meeting of Council held on the 21 May 2019 be confirmed as a true and correct record of the proceedings, subject to the following amendment;	
1. Page 28 – under Reasons for Change, replace the words “Council wanted to refuse the application” to <i>“Council’s decision was based on the scale of the development and its proposed usage not fitting with the residential nature of the neighbourhood. Council was further concerned that there would be unreasonable impacts on surrounding landowners”</i> .	
CARRIED: 6/1	Res: 020619
<i>Pursuant to Council Policy P040134 all Councillors’ votes on the above resolution are recorded as follows;</i>	
<i>FOR: Cr Caron, Cr Gibson, Cr Gearon, Cr Phillips, Cr Lewis and Cr Osborne.</i>	
<i>AGAINST: Cr Whooley.</i>	

**6.2 STRATEGIC BRIEFING NOTES – 16 APRIL 2019**

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 6.2
MOVED: CR CARON	SECONDED: CR GIBSON
That the Notes from the Strategic Briefing held on 16 April 2019 be received.	
CARRIED UNANIMOUSLY: 7/0	Res: 030619

**6.3 STRATEGIC BRIEFING NOTES – 21 MAY 2019**

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 6.3
MOVED: CR GIBSON	SECONDED: CR PHILLIPS
That the Notes from the Strategic Briefing held on 21 May 2019 be received.	
CARRIED UNANIMOUSLY: 7/0	Res: 040619

**7. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**  
 Nil

**8. REPORTS OF OFFICERS**

**8.1 DIRECTOR ASSETS AND SUSTAINABLE DEVELOPMENT**

**8.1.1 USE OF GLYPHOSATE**

<b>File Ref:</b>	REM.3
<b>Applicant / Proponent:</b>	Not Applicable
<b>Subject Land / Locality:</b>	Not Applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	30 May 2019
<b>Author:</b>	David King, Director Assets and Sustainable Development
<b>Authorising Officer:</b>	David King, Director Assets and Sustainable Development
<b>Attachments:</b>	Nil

**Summary:**

This report is in response to the petition presented at the Ordinary Council meeting of 16<sup>th</sup> April 2019. It considers the current use of glyphosate in Shire controlled reserves and discusses opportunity’s and constraints around weed management.

The report also considers the current No Spray Register Policy and discusses the potential for an opt-in policy

**Background:**

On 18<sup>th</sup> August 2015, Council resolved to adopt the No Spray Register Policy. The No Spray Register Policy allows property owners and residents to apply to exempt their adjacent verge from the annual cycle of chemical herbicide spraying.

Through consultation with the community in generating the Community Strategic Plan, an action item was identified in the Corporate Business Plan to investigate and trial alternative weed removal options.

On 16<sup>th</sup> April 2019 a petition was presented to council urging Council to consider an ‘opt-in’ policy for verge spraying, and to use steam-based weed control techniques for public areas such as parks, playgrounds and lands adjacent to wetlands or waterways.

There have been a number of high-profile US court cases concerning litigations against chemical companies over the link to cancer through use of glyphosate use. A legal case has also been launched in Melbourne last month. This has prompted increased attention to glyphosate use in Australia which has generated mixed responses from potential plaintiffs and farmers that rely heavily on its use.

**Consultation:**

In accordance with P120104, an advertisement shall be placed in the Denmark Bulletin, Walpole Weekly, and Corporate Website and via social media no later than 31 July each year advising that applications are invited for road reserve frontages and for the frontage of Council land directly abutting a person’s land to be placed on the No Spray Register.

**Statutory Obligations:**

Nil

**Policy Implications:**

This item relates in part to P120104 No Spray Register Policy.

**Budget / Financial Implications:**

Organic Herbicide and glyphosate product estimated costings for Berridge Park, Kwoorabup Community Park and Norm Thornton Park for the first 12 months of application is found in the table below. Note that frequency of the organic herbicide will be revaluated on an annual basis and could potentially be reduced once the seed banks have reduced.

	<b>Glyphosate Produce (360g/l)</b>	<b>Organic Herbicide (525g/L Nonanoic Acid)</b>
Treatment Area (sq.m)	4750	4750
Dilution Rate per Litre Applied (L/L)	0.01	0.07
Application Rate (L/sq.m)	0.05	0.12
Concentrated product required (L)	2.375	39.9
Cost (\$/L)	\$6.75	\$13.50
Labour (\$/frequency)	\$350.00	\$350.00
Frequency of Application (pa)	4	12
<b>TOTAL Cost pa</b>	<b>\$1,464.13</b>	<b>\$10,663.80</b>

Table 1 – Annual Costings for Public Park Treatments

Organic Herbicide and glyphosate product costing for road verge treatment is provided below. It is expected that even with continued application the organic herbicide frequency could be reduced. However, in the unlikely event that a single annual application is required, costs are still excessive.

	<b>Glyphosate Produce (360g/l)</b>	<b>Organic Herbicide (525g/L Nonanoic Acid)</b>
Treatment Area (sq.m)	3600000	3600000
Dilution Rate per Litre Applied (L/L)	0.01	0.07
Application Rate (L/sq.m)	0.05	0.12
Concentrated product required (L)	1800	30240
Cost (\$/L)	\$6.75	\$13.50
Labour (\$/frequency)	\$50,000.00	\$50,000.00
Frequency of Application (pa)	1	4
<b>TOTAL Cost pa</b>	<b>\$62,150.00</b>	<b>\$1,832,960.00</b>

Table 2 – Preliminary Costings for Annual Road Verge Treatments

**Strategic & Corporate Plan Implications:**

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

Denmark 2027

N2.0 Our Natural Environment

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

N2.1 To preserve and protect the natural environment.

Corporate Business Plan

2.1.3 Investigate trial alternative weed removal options to reduce the need for glyphosate in public areas.

**Sustainability Implications:**

➤ **Governance:**

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

➤ **Environmental:**

There is much conjecture around the health risks of glyphosate use. However, it is not possible at this stage to attribute a clear and unambiguous explanation or quantification on its potentially harmful effects on humans.

It is certain, however, that the population and the environment must be better protected, especially through limitation of its use in highly populated public areas, where financially viable.

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
<b>Financial Impact</b> There is a risk of significant cost increases if Council restrict road verge spraying with glyphosate products	Almost Certain (5)	Major (4)	Extreme (20-25)	Not Meeting Community expectations	Control through continued use of glyphosate products on road verges unless adjacent residents use the No Spray Policy Provisions.
<b>Financial Impact</b> There is a risk of cost increases by restricting the use of glyphosate in high use public areas	Almost Certain (5)	Minor (2)	High (10-16)	Not Meeting Community expectations	Continue to investigate and trial alternative options and evaluate cost implications
<b>Environment</b> There is a risk that by continuing to use glyphosate in Shire	Possible (3)	Moderate (3)	Moderate (5-9)	Inadequate Natural Environ.Man	Continue to investigate and trial alternative options in public places and

controlled reserves contamination will occur that effect native plants sensitive areas and animals				agement Practices	environmentally sensitive areas. Appropriate use of glyphosate in line with manufactures recommendations
<b>Property</b> There is a risk that property is damaged is spraying in not contained	Possible (3)	Moderate (3)	Moderate (5-9)	Inadequate Natural Environ.Man agement Practices	Appropriate use of glyphosate in line with manufactures recommendations
<b>Service Interruption</b> There is a risk that using an Opt-in concept that road verges become unmanaged requiring significant resource to clear backlog	Likely (4)	Moderate (3)	High (10-16)	Inadequate Asset Management	Retain Opt-out Policy provision

**Comment/Conclusion:**

Glyphosate application in high use public areas

In 2018/19, parks and gardens officers have ceased glyphosate use in high use public areas, these include Berridge Park, Kwoorabup Community Park and Norm Thornton Park. Instead, an organic herbicide has been used. The organic herbicide has been successfully implemented throughout the year. However, it is a more expensive product and requires more frequent application than glyphosate. An estimated financial comparison of the two products is provided in the Financial section of this report.

In the Corporate Business Plan, \$10,000 in 2019/20 has been allocated for further trials in public areas. Subject to the inclusion in the adopted budget, Officers are proposing to use these funds to investigate and trial steam weeding to the extent that the budget allows.

On completion of this second trial, officers will be in a position to make a recommendation on which weed control solution, and to what extent, will be applied into future years.

Glyphosate application on road verges

Glysohate is the main product currently being used by the Shire in weed control on Road verges. Unless verges are on the No Spray register, or are a developed permissible verge treatment in accordance with the Shires local laws, verges are sprayed on an annual cycle around October, or as soon as practicable post winter rains.

The Shire has approximately 1200km of Road verge to maintain. Assuming a standard 3m width this equate to 360 Hectares of verge to manage.

Use of alternative products such as organic herbicide has been investigated. However, due to the management area, and significant additional product cost (both quantity and unit rate) these options are considered financially unviable. In addition, the frequency of application for organic herbicides is around four times that of glyphosate products, therefore effectively quadrupling the cost indicated and labour cost in application. Preliminary cost estimates are provided in the financial section of this report.

Preliminary investigations into steam weeding for Road verges has also been undertaken. Enquiry into the extent of other applications currently utilising steam weeding found that the closest application was steam weeding for orchards and vineyards. The associated plant and equipment historically available on the market for this application delivered 10L/min (water content) of stream which could feasibly achieve 2000sq.m per hour. This would equate to 1800hours of operation to cover a single pass of the managed area; effectively a year-round

operation. Based on an anecdotal wet hire rate of \$200/hr (\$360,000pa), this would be considered unviable from a financial standpoint.

However, technologies have recently become available that can deliver 30L/min (water content) resulting in a significant reduction in plant and labour hours to complete the same task. With this improving technology, it is foreseeable that the costs associated with this method could be palatable for Council and the ratepayer.

Whilst the above represents a promising solution to glyphosate, there is more investigation and risk management required before this can be seriously considered. Concerns include:

- Unproven effectiveness for Verges
- Need for a bespoke plant solution to suit the specific needs of verge treatment.
- Increased carbon footprint vs other sprayed methods due to increased plant usage.
- Water usage and logistics of refilling.

It is proposed that officers continue to look into this option with a view to providing a cost and risk analysis to Council in the future.

To the Officer's knowledge at the time of writing this report, glyphosate is the only product currently used in regional Councils to maintain large lengths of road verges.

#### No Spray Policy – opt in concept

The current No Spray Policy uses an 'opt-out' process whereby property occupiers have the opportunity to 'opt-out' which results in the adjacent road verge being omitted from annual weed control via glyphosate based products.

There are currently 96 properties on the No Spray Register comprising of 70 within Townsites and 26 in rural areas. This equates to approximately 3.5% of the total verge length managed by the Shire.

The application process provides the applicant opportunity to comment on the reasoning for their request. The majority of reasoning is related to environmental and health concerns. Typically in equal proportion.

In previous years, there has been a number of errors in application of the No Spray Register. This has resulted in instances where verges that are on the No Spray Register have been sprayed. Officers are seeking to reduce this human error in 2019/20 by implementing systems that will significantly reduce the risk of errors.

Using an Opt-in concept poses a significant risk to the Shire. Unless the owner of the adjacent land installs a permissible verge treatment in accordance with the Shire of Denmark Thoroughfares & Public Places Local Law, the responsibility for maintenance of the verge lies with the Shire of Denmark.

By using an opt-out concept, a contract between the applicant and the Shire transfers this responsibility to the applicant. This ensures that the Shire is protected to some degree in the event that the state of the verge becomes a hazard, or begins to damage infrastructure.

If the Opt-in concept was used, the Shire would be maintaining its verges at the discretion of the adjacent property occupier. This poses a significant risk, especially in rural areas, whereby widespread non response could result in a significant quantity of road verges being unmaintained.

It is therefore recommended that the current Opt-out concept is retained into the future.

The population and environment should be better protected through limitation of glyphosate use in the Shire of Denmark.

Given the moderate cost implications of using organic herbicide for use in high use public areas including Berridge Park, Norm Thornton Park and Kwoorabup Park. It is proposed that glyphosate-based products will no longer be used in these areas, and that officers continue to investigate and trial alternative options.

For Road verges at large, there is no current proposal to move away from the use of glyphosate until a financially viable alternative is found and/or the use of glyphosate is clearly determined to be the cause of health implications. However, officers will continue to investigate alternative and report back to Council on progress of this item. In the interim, residents will continue to have the option to 'opt-out' of verge spraying in accordance with the No Spray Register Policy.

**Voting Requirements:**

Simple majority.

<p><b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>                  MOVED: CR GIBSON</p> <p>That with respect to glyphosate use in Shire controlled reserves Council support the continued trial of alternative methods in high use public areas including Berridge Park, Norm Thornton Park and Kwoorabup Park.</p> <p>CARRIED UNANIMOUSLY: 7/0</p>	<p>ITEM 8.1.1 a)                  SECONDED: CR LEWIS</p> <p>Res: 050619</p>
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<p><b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>                  MOVED: CR PHILLIPS</p> <p>That with respect to the No Spray Policy Council continue to support the opt-out process as currently stands and note the current necessity for continued use of glyphosate in road verge treatments.</p> <p>CARRIED UNANIMOUSLY: 7/0</p>	<p>ITEM 8.1.1 b)                  SECONDED: CR CARON</p> <p>Res: 060619</p>
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<p><b>COUNCIL RESOLUTION</b>                  MOVED: CR LEWIS</p>	<p>ITEM 8.1.1 c)                  SECONDED: CR GIBSON</p>
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Cr Lewis requested that her words be recorded which were as follows;

*“The officer report for this Item responds to the petition presented at Council a few months ago and so doesn’t discuss the Shire’s relationship with Denmark Weed Action Group (DWAG) or our wider strategic approach to weed management in the Shire.*

*I have had some discussions with Officers and although we have a Weeds Strategy and Action Plan, it is dated 2005 to 2010 so needs updating to represent the current state of our reserves, to include roadside management and our practises on developed reserves such as Parks etc.*

*And this additional motion ensures we review our practices, including our ongoing relationship with DWAG in line with the community’s aspirations as expressed in DENMARK 2027.”*

<p>That with respect to the Shire of Denmark Weeds Strategy and Action Plan 2005 to 2010, Council request that Officers consider the review of the Weeds Strategy and Action Plan in the Corporate Business Planning review.</p> <p>CARRIED UNAMIOUSLY: 7/0</p>	<p>Res: 070619</p>
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## 8.1.2 RIVERSIDE STAGE 2 – RECREATIONAL POWER BOAT & FORESHORE USAGE STUDY 2013-2017 - JOHN CLARK MEMORIAL BAND STAND AND BOAT LAUNCHING FACILITY

<b>File Ref:</b>	A5589 & A3188 & ORG.78
<b>Applicant / Proponent:</b>	Not Applicable
<b>Subject Land / Locality:</b>	Reserve 20403, 3 Morgan St, Denmark Portion of Reserve 39066, 2 Bambrey St, Denmark
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	6 June 2019
<b>Author:</b>	David King, Director Assets and Sustainable Development
<b>Authorising Officer:</b>	Bill Parker, Chief Executive Officer 8.1.2 – Recreational Power Boat & Foreshore Usage Study 2013-2017
<b>Attachments:</b>	<i>(due to the size of this document, copies have not been printed for members of the public. A copy is available to peruse at the Shire Administration Office or electronically upon request)</i>

### Summary:

Over the past few years, the Shire of Denmark has received numerous requests to consider the Recreational Power Boat & Foreshore Usage Study that was completed in 2017. The Shire's response on each occasion was to delay the consideration of the study until the Integrated Planning and Reporting Framework had been completed.

The Study includes various recommendations in relation to proposed facilities, environmental, Aboriginal culture and historical outcomes.

In addition to receiving the report, this item seeks to act on one of the key recommendations from the Study and commence a public consultation process on the future of the John Clark Memorial Bandstand.

### Background:

In 2017, the Recreational Power Boat and Foreshore Usage Study was completed. The Study was funded by the Department of Transport's Recreational Boating Facilities Scheme and the Department of Regional Development's Royalties for Regions Program.

The scope was for a feasibility study into the development and management of public recreational boating facilities on the Denmark River bounded by the South Coast Highway and the entrance to the Wilson inlet.

The concept master plan, facility concept designs and project outcomes were developed with the following objectives:

- Establish new facilities and improve existing facilities within the defined study area to accommodate and encourage an increased demand by power boat and other water craft users.
- Integrate proposed and existing facilities in the defined study area into an overall master plan establishing and enforcing appropriate water uses in specific zones.
- Establish an improved understanding, awareness and restoration of the ecology and environment of the defined study area.
- Establish an improved understanding, awareness and protection of the Aboriginal cultural heritage of the defined study area.
- An improved understanding, awareness and protection of the historical cultural heritage of the defined study area.

The final report was received by the Project Team in 2017. Since this time, the Shire has

received numerous requests to consider the Study. The Shire has declined these requests to focus on implementing the Integrated Planning and Reporting Framework (IPRF) to gain a better understanding of the Shire's asset base and overall financial position. As the Study makes various recommendations on new facilities, it was seen as important to understand the condition of the Shire's existing asset base prior to endorsing a range of new facilities.

It is now deemed timely to consider the Study as the Shire is very close to finalising the IPRF and as a result has a good understanding of the condition of the Shire's assets, service levels and future renewal requirements.

Both the Recreational Power Boat and Foreshore Usage Study and the Shire's asset management planning process has highlighted the structural issues associated with the John Clark Memorial Bandstand. The structure has been deemed unsafe and is no longer accessible by the general public.

This item seeks to receive the Recreational Power Boat & Foreshore Usage Study with a view to guiding future development on Reserve 20403 (Riverside Club) and a portion of Reserve 39066 and seeks further community input prior to making a decision on the future of the John Clark Memorial Bandstand.

**Consultation:**

In terms of the Study, community engagement focused on Stage 2 of the Riverside Project with concept drawings contained in Appendix 1 of the attachment.

In 2014, consultation included the following groups/organisations:

- Council and Councillors
- Denmark Historical Society
- Denmark Boating and Angling Club
- Neighbours adjacent to the development site
- Corporate Bowls Club
- Local Schools
- Tha House
- Denmark Visitor Centre
- Environmental groups;
  - Wilson Inlet Catchment Committee; and
  - Green Skills, Denmark; and
  - Denmark Environment Centre
- Denmark Arts
- Kwoorabup Park Committee
- SWALSC
- Department of Aboriginal Affairs
- Caravan Park

In addition to the above, a survey was developed with input from the Riverside Club and inserted into 2,900 copies of the Denmark Bulletin. An online survey was also created to provide an opportunity for online input. Local residents were invited to drop in at any time between 9.00 am and 12 noon where they could view concept plans, fill out surveys and discuss ideas for Stage 2 with the architect and members of the Riverside Club.

Stories were provided and covered in three copies of the Denmark Bulletin and placed on the Shire of Denmark's website. Displays were also placed in the Library, Shire Administration Office and shops around town.

The full community engagement report associated with the study can be found in Appendix 4 of the Study. Given the consultation that has occurred to date, it is recommended that no further consultation is required for the Recreational Power Boat and Foreshore Usage Study.

In relation to the John Clark Memorial Bandstand, feedback on whether to retain or remove the structure was polarised, with the Study suggesting further specific consultation regarding its future. Given the current condition of the Bandstand and a need for a decision to be made on its future, the Officer recommends that further consultation be undertaken at this time.

On completion of the consultation process, a further report would be considered by Council.

**Statutory Obligations:**

The John Clark Memorial Bandstand, built in 1964, is listed on the Shire's Municipal Heritage Inventory as *considerable* significance.

**Policy Implications:**

Nil.

**Budget / Financial Implications:**

The Recreational Power Boat & Foreshore Usage Study makes a series of recommendations in relation to proposed facilities. Examples include;

1. A public Fleximat ramp
2. Vehicle turning circles
3. Floating pontoon
4. A new public shelter to replace the Bandstand
5. Upgrades in Berridge Park
6. A canoe launching point in Kwoorabup Community Park

Should Council receive the Study, the individual elements will be costed (updated) and considered in future Corporate Business Plans. It is important to note that any upgrades will compete for funding against other projects and initiatives. Any items that are considered renewal from an asset management perspective will be prioritised and completed as a part of future works programs.

More immediately and in preparation for the 2019/20 budget, an allocation will be required to address the structural issues at the John Clark Memorial Bandstand. An engineering report commissioned suggests that to reinstate the structure it would cost approximately \$100,000. This cost could be reduced if the Shire was to identify an alternative funding source.

If Council decided to remove the structure, the estimated cost would be \$15,000.

**Strategic & Corporate Plan Implications:**

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

**B3.0 Our Built Environment**

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

- B3.1 To have public spaces and infrastructure that are accessible and appropriate for our community
- B3.2 To have community assets that are flexible, adaptable and of high quality to meet the purpose and needs of multiple users
- B3.4 To manage assets in a consistent and sustainable manner.

**Sustainability Implications:**

➤ **Governance:**

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

➤ **Environmental:**

The Study makes a series of recommendations in relation to the Riparian Zone, revegetation and removal of derelict structures therefore improving environmental outcomes.

➤ **Economic:**

Improved facilities on the Denmark River will increase Denmark’s tourism offering, therefore enhancing economic outcomes.

➤ **Social:**

A number of outcomes within the Study are proposed to establish an improved understanding, awareness and protection of the history of the defined study area. Other improvements within the study, such as a floating pontoon, have potential to increase the social use of the area and the Denmark River.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
<b>Reputational Risk</b> That reputational damage is sustained by leaving the John Clark Memorial Bandstand in a state of disrepair with no future actions identified	Almost Certain (5)	Moderate (3)	High (10-16)	Damage to Physical Assets	Accept Officer Recommendation and proceed to consultation or resolve to replace or restore structure

**Comment/Conclusion:**

Given the consultation that has occurred to date, it is recommended that Council receive the Recreational Power Boat & Foreshore Usage Study without a further consultation process.

In terms of the John Clark Memorial Bandstand, it is recommended that a consultation process is undertaken with a separate item presented to Council at a later date.

**Voting Requirements:**

Simple majority.

5.25pm – The Shire President, Cr Gearon, left the room. The Deputy Shire President assumed the Chair as the Presiding Person.

5.27pm – The Shire President, Cr Gearon, returned to the room.

**OFFICER RECOMMENDATION**

**ITEM 8.1.2**

With respect to the Recreational Power Boat & Foreshore Usage Study 2013-2017 Council;

1. Receive the report to guide future development on Reserve 20403, 3 Morgan Road, Denmark and portion of Reserve 39066, 2 Bambrey Street, Denmark.
2. Endorse one of the key recommendations within the Study by initiating a formal public consultation process on the future John Clark Memorial Bandstand.

**COUNCIL RESOLUTION**

ITEM 8.1.2

MOVED: CR CARON

SECONDED: CR OSBORNE

With respect to the Recreational Power Boat & Foreshore Usage Study 2013-2017 Council;

1. Receive the report to guide future development on Reserve 20403, 3 Morgan Road, Denmark and portion of Reserve 39066, 2 Bambrey Road, Denmark.
2. Endorses the removal the John Clark Memorial Bandstand, following a consultation process with the Denmark Historical Society to determine if sections of the removed structure can be installed or used at the Denmark Historical Society museum, the Historical Railway Precinct, or other suitable location.

*Cr Caron asked for his words to be recorded which were as follows;*

*“It is with deep regret I propose removal of the John Clark bandstand. Recent inspections determined the bandstand is in a terrible state. It cannot be easily repaired – as many people seem to think – due to the very considerable damage that has occurred. This includes damage to the main roof beams, corrosion, and slumping of the concourse slab due to regular immersion from river level rise during winters.*

*I investigated the possibility of a community group being able make repairs. However, the bandstand is beyond restoration, and would need removal and replacement. The engineering report states that it would cost approximately \$100,000 to reinstate the structure, which we cannot afford.*

*Councillors, many community members will be angry and upset at the bandstand removal; there will a very negative reaction. As the Council delegate to Denmark Historical Society committee meetings, I have a good understanding of the value our community puts on its heritage assets. However, it would be wasteful to spend time and money looking at alternate options that are not be feasible. I do not want to raise community hopes that we could restore, only to dash those hopes down at a later date. It is already clear that removal of the structure is the only solution that does not unfairly burden the ratepayer.*

*I am also moving that the Shire consults with the Denmark Historical Society to determine if sections of the removed structure can be installed a suitable location so we do not lose this heritage asset completely. There may not be much that can be salvaged, but it is worth exploring. I also encourage the Shire to consult with the Denmark Historical Society to determine if any new buildings or structures could be appropriately named to honour John Clark.*

*Maintenance of some of our heritage buildings and structures has been historically underfunded. Now we have assessment management planning processes in place, future Councils should be able to make informed decisions on the upkeep of heritage assets.*

*I ask that Councillors support this motion.*

*With the president’s permission, I would like to read a short piece on John Clark from the Heritage Council of Western Australia’s website. I also request that the information is included in the minutes.*

*John Clark was born in Scotland in 1879. He came to Denmark in 1908 where he took up farming until the 1920’s. In 1927, after being granted a hotel license, he built the Denmark Hotel which he and his wife operated for a number of years. In 1940 he built Edinburgh Guest House. Mr Clark had played in a band as a child in Scotland. In his will he left £2,000 to the Shire of Denmark which then decided to allocate these funds to the Denmark P & C Association during the 1960’s to purchase instruments for a Silver Band (the John Clark Memorial Silver Band, the first school band in WA). He also donated £2,000 to the then Denmark Roads Board to build a bandstand on a small reserve opposite the Catholic Church (John lived in one of the houses on the other side of this park). The Shire Clerk FW Timothy discussed this matter with Council and was authorised to negotiate with the Perpetual Trustees as Executors of John Clark’s will and with his sons and daughters, to change the location of the proposed building as everyone agreed the*

*designated site was most unsuitable. The Trustees and family agreed to have the bandstand erected on the eastern side of the river so that the western side could be used as an auditorium.”*

*Cr Osborne requested for his words to be recorded which were as follows;*

*“As a former member of the John Clark Memorial Silver Band, and one who played in the official opening concert on 29 February 1964:*

- I recognize the place that the Bandstand occupies in the history of Denmark.*
- I also respect the fond memories that many people who have played in the Bandstand have.*
- Above all I acknowledge the bequest of John Clark, and I’m one of many, many Denmark people who have benefited from it. It may seem unremarkable today, but the opportunity to learn to play a musical instrument was a huge one for children who went to school in what was, at the time, a quite poor and very isolated country town.*

*Nonetheless, I support the amendment:*

- The condition of the Bandstand is such that it is not possible to repair. The only option is to replace it.*
- The condition is a result of many years of neglect since 1964. I have heard that a sum of money was made available in the Clark bequest to maintain the structure, which the School P and C then handed to the Education Department. We can point fingers, but that gets us nowhere.*
- Council has very many calls on ratepayer funds, we all know how far behind we are in maintenance of our total assets – roads, halls, bridges. I believe spending \$100,000 trying to repair this one, orphaned asset is not supportable.*
- Notwithstanding the fond memories I referred to earlier, the Bandstand was not an easy venue to use, much less enjoy. I remember a concert when the wind was so strong that all our music stands were blown over. We had to stop playing, stand them up and find the music sheets before we could continue. I remember a concert when it started to rain, increasingly heavily, until we had to leave the stage and go into the school buses parked behind which served as the “green room”. When we came back on stage, most of the audience had given up and gone home.*
- On occasions like this we heartily wished we could be in the Civic Centre, warm and dry, with an audience that could properly hear what we were playing.*
- There seems no current use possible. Two years ago, the Community Carols were held in the Bandstand, last year, when it was deemed unsafe to use, a stage was put up on the town side of the river. The Community Carols organizing committee met and resolved to not use the Bandstand again. So even if we did spend \$100,000 fixing it, it’s impossible to guarantee it will ever be used.*

*Adopting the Riverside Stage 2 report offers a pathway:*

- Opens up opportunity to apply for Federal and State funding, not possible without Council acceptance of the report.*
- For a multi-purpose structure (bicycle hub, indigenous culture and history, John Clark recognition) to be built.”*

**AMENDMENT**

MOVED: CR WHOOLEY

SECONDED: CR GIBSON

Add part 3 that reads, “Recognises the historical value of the structure to the community and will investigate means of replacing the structure with a similar design, in keeping with the Recreational Power Boat & Foreshore Usage Study 2013-2017.”

CARRIED: 5/2

Res: 080619

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

**FOR:** Cr Whooley, Cr Gibson, Cr Phillips, Cr Lewis and Cr Osborne.

**AGAINST:** Cr Caron and Cr Gearon.

**AMENDED MOTION**

With respect to the Recreational Power Boat & Foreshore Usage Study 2013-2017 Council;

1. Receive the report to guide future development on Reserve 20403, 3 Morgan Road, Denmark and portion of Reserve 39066, 2 Bambrey Road, Denmark.
2. Endorses the removal the John Clark Memorial Bandstand, following a consultation process with the Denmark Historical Society to determine if sections of the removed structure can be installed or used at the Denmark Historical Society museum, the Historical Railway Precinct, or other suitable location.
3. Recognises the historical value of the structure to the community and will investigate means of replacing the structure with a similar design, in keeping with the Recreational Power Boat & Foreshore Usage Study 2013-2017.

CARRIED: 4/3

Res: 090619

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

*FOR: Cr Caron, Cr Whooley, Cr Lewis and Cr Osborne.*

*AGAINST: Cr Phillips, Cr Gearon and Cr Gibson.*

**REASONS FOR CHANGE**

The Bandstand is beyond repair and the Shire cannot afford reinstatement. Public consultation would only instil false hope to the community that repair may be feasible. It is considered that there is no affordable option but to remove the structure, and consult with Denmark Historical Society to see if sections can be retained for installation at an appropriate location.

**8.1.3 PROPOSED OUTBUILDING ADDITIONS/ALTERATIONS – NO. 69 (LOT 26) PANORAMA ROAD, SHADFORTH**

<b>File Ref:</b>	A1603; DA 2019/33
<b>Applicant / Proponent:</b>	MCB Construction Pty Ltd
<b>Subject Land / Locality:</b>	No.69 (Lot 26) Panorama Road, Shadforth
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	29 May 2019
<b>Author:</b>	Laura Delbene, Town Planner
<b>Authorising Officer:</b>	David King, Director Assets & Sustainable Development
<b>Attachments:</b>	8.1.3a – Development Application Documentation 8.1.3b – Schedule of Submissions 8.1.3c – Applicant response to submission 8.1.3d – Site Photographs

**Summary:**

The applicant is seeking Development Approval for an Outbuilding Additions/Alterations at No. 69 (Lot 26) Panorama Road, Shadforth.

The proposal has been assessed having regard to the relevant Town Planning Scheme No. 3 (TPS No. 3) provisions of the “Special Rural (SP Rural 2)” zone and Local Planning Policy 13.4: Outbuildings (Policy 13.4). Variations to the criteria contained within Policy 13.4 are being sought for the cumulative floor area and height of the outbuilding.

Having regard to the issues raised in the submission, the applicant’s justification and assessment of the proposal, it is recommended that Development Approval be granted subject to appropriate conditions.

**Background:**Current Application

An application for Development Approval was lodged with Planning Services on 13 March 2019 for extension to an existing Outbuilding. Updated plans were submitted by the proponent on 21 May 2019 being the subject of this assessment -refer Attachment 8.1.3a. Although the existing outbuilding is fully compliant with Policy 13.4 the Shire holds no record of approval having been granted for the structure which was erected by the former landowner/s. On request, the current owners have supplied full plans and specifications for the existing shed so that it can be included in the application. In the event that development approval is granted a subsequent building permit will be required for the existing portion of the outbuilding.

**Consultation:**

The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal and considered Council's Community Engagement Policy P040123 and the associated Framework as well as the requirements of Town Planning Scheme No.3 and Schedule 2, Part 8, Clause 64 of *the Planning and Development (Local Planning Schemes) Regulations 2015* and undertook the following level of consultation:

External Consultation:

- Referral to three (3) adjoining landowners inviting comment in March 2019.
- The applicant.

Internal Consultation:

- Development Co-ordination Unit.

At the end of the advertising period, one (1) submission was received which is provided verbatim in the Schedule of Submissions - refer Attachment 8.1.3b. The landowner has provided a response to the submitter's comments, including updated plans in an attempt to address some of the concerns being raised (Attachment 8.1.3c). This information was conveyed back to the original submitter which has prompted further comments and reiteration of their objection as detailed in Attachment 8.1.3b.

**Statutory Obligations:**

Town Planning Scheme No.3 (TPS No. 3) specifies the pertinent planning provisions for the proposed development.

Clause 8.2.4 of TPS No. 3 states:

*A Town Planning Scheme Policy shall not bind the Council in respect of any application for planning consent but the Council shall take into account the provisions of the policy and the objectives which the policy was designed to achieve before making its decision.*

Should Council refuse this Development Application, or impose conditions on the development Approval that the applicant is aggrieved by, as per the provisions of the *Planning and Development Act 2005*, the applicant can apply to the State Administrative Tribunal for a Right of Review

**Policy Implications:**

Local Planning Policy No. 13.4: Outbuildings (Policy 13.4) is relevant to this application.

**Budget / Financial Implications:**

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



**Strategic & Corporate Plan Implications:**

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

Denmark 2027

*B3.0 Our Built Environment:*

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

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

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

*L5.0 Our Local Government:*

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

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

**Sustainability Implications:**

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
The applicant may lodge an application for review to the State Administrative Tribunal if the Council’s decision was to refuse the proposal.	Possible (3)	Minor (2)	Moderate (5-9)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation as the decision is based on sound planning grounds. If a decision is made to refuse the application, Council is to provide sound reasoning to support solid defence at the State Administrative tribunal should the applicant wish to pursue a Right of Review.

**Comment/Conclusion:**

As per Policy 13.4, the maximum cumulative area of outbuildings for a "Special Rural" zoned lot is 150m<sup>2</sup>; the proposal is for a 172m<sup>2</sup> outbuilding. Policy 13.4 also prescribes a maximum wall height of 3.5 metres and a maximum ridge height of 4.2 metres. The applicant is seeking a variance to this with a proposed wall height of the outbuilding addition being 4.2 metres and the ridge height 4.74 metres. The existing portion of the outbuilding is compliant with the policy requirements.

In accordance with Policy 13.4, applications for outbuildings that do not comply with the relevant criteria will be assessed on a case-by-case basis and may be granted Development Approval subject to the following matters being taken into consideration as part of the assessment process:

- *Demonstration that the larger size is required to satisfy specific domestic needs.*

The applicants have advised that the increase in floor area and height is required to store a boat, vehicles and a fire-fighting vehicle along with other equipment of a domestic nature ordinarily stored in a shed.

- *Comments received from the affected adjoining landowner's (if applicable).*

The proposal was referred to three (3) adjoining landowners, with one (1) submission of objection received. The primary concerns raised in the submission relate to:

- Loss of visual amenity from the adjoining property and the proximity of the outbuilding extension in relation to the boundary
- Removal of trees and screening vegetation
- The overall size and height of the outbuilding once the extension is added.
- The use of the outbuilding in relation to noise, pollution, vehicle numbers and movement and storage of fuel
- Stormwater disposal
- The colour of the outbuilding

From a Planning Services perspective the following comments are relevant to the proposal:

- The proposed outbuilding addition will be sited 24.3 metres at its closest from the boundary of the submitter's property, in compliance with the 20 metre minimum setback applicable under the Special Rural (2) zone.
- The outbuilding addition is intended to replace an existing freestanding carport in the same location that measures approximately 27m<sup>2</sup> and a lean-to measuring 12m<sup>2</sup> to provide enclosed storage for the landowner's personal property. In this regard the outbuilding addition will offer amenity benefits by consolidating existing buildings within the property and enabling the storage of items out of view.
- The established dwelling on the proponent's property is of a two storey construction, with significant tall trees evident in the backdrop. The height of the outbuilding addition is not incongruous with the scale of existing development nor is it sited so as to disrupt the skyline or significant view lines of neighbouring properties.
- Buildings on the submitter's property are largely screened behind established vegetation and a fence when viewed from the location of the outbuilding, with predominantly only the roof and gutter line visible. A review of Shire records indicates that the dwelling on the submitter's property was approved with a non-compliant setback of 12 metres at the time, whilst a second building of which no record of development approval exists, appears to be located approximately 6 metres from the boundary. Having regard to existing vegetation, a strategic fire access break and an established orchard all located within the applicant's property, there is sufficient separation between the proposed outbuilding addition and the submitter's dwelling so

as not to result in a significant adverse impact upon visual amenity (Attachment 8.1.3d).

- The removal of trees has been confirmed with Ranger Services to be in accordance with the Shire's Fire Management notice and the requirement to maintain asset protection zones. The concern around removal of large trees mostly relates to several large conifers which are a non-native species, therefore a clearing permit was not required. A site inspection confirmed that the applicant has begun replacing the vegetation with native species, noting it is not a requirement to replace non-native species where removed. The applicant also proposes to install landscaping to screen the outbuilding once completed.
- The applicant has confirmed that the additional size and height of the outbuilding is to accommodate a boat, vehicles and firefighting unit along with other equipment. A 172m<sup>2</sup> outbuilding is not considered excessive in size proposing an additional 22m<sup>2</sup> on top of the 150m<sup>2</sup> permitted under Policy 13.4. It is also not uncommon for a request for variance to the height to provide adequate clearance for items such as boats or caravans, noting that the overall height proposed exceeds the maximum height permissible under Policy 13.4 by 0.54m.
- Vehicular access to the proposed outbuilding addition is to be obtained from an existing gravel driveway adjacent to the existing outbuilding. This driveway is located well outside the minimum 20 metre boundary setback applicable to the Special Rural zone, being separated from the submitter's property by an existing orchard and gardens. There is considered no reasonable planning justification or statutory basis to warrant changes to the proposed access arrangements.
- Use of outbuildings on Special Rural lots are conditioned such that habitation of the outbuilding or use for commercial or industrial purposes is not permitted. Comments relating to the use of the outbuilding as a workshop, vehicle depot, the number of vehicles, vehicular movement and an escalation of noise or pollution are speculative and cannot be substantiated. Whilst it is acknowledged that the submitter may potentially have encountered issues in the past, no records of any previous complaints exist on Shire records and no similar concerns have been raised by other adjacent landowners.
- All activities on-site are otherwise required to comply with the *Environmental Protection (Noise) Regulations 1997*. Should the submitter experience issues with respect to noise then they are encouraged to liaise with the Shire's Health Services so that investigation can occur and attempts made to resolve a satisfactory outcome.
- In relation to the storage of fuels, this is not a relevant planning consideration, noting that there is no evidence that the scale of fuel to be stored on the property and the applicant has confirmed it would comprise a maximum of 20 litres each of petrol and diesel which would be no greater than that of an ordinary domestic scale. Use of the building for commercial purposes will also be prohibited under the development approval if granted. The onus remains on the landowner to ensure that any fuel storage is undertaken in accordance with the relevant legislation and guidelines pertaining to the storage of dangerous goods on private properties.
- In the event that development approval is granted a condition is recommended to require that all stormwater and drainage runoff from all roofed and impervious areas is contained on-site or connected to a legal point of discharge to the satisfaction of the Shire of Denmark Infrastructure Services. The applicant has indicated that stormwater will be diverted to existing rainwater tanks and any overflow shall be routed to an existing dam. The exact method of disposal and location of pipework is to be verified by Infrastructure Services through the Building Permit process.
- Although the proposed colour scheme 'deep ocean' may infer a coastal connotation this is a proprietor brand name associated with a 'dark blue' colour. The Special Rural Provisions that apply provide no guidance on colour requirements for the zone, simply stating that external materials shall be a colour and texture approve by Council. In this regard a general presumption against the use of reflective, white and off-white materials and colours has been applied by Council within Special Rural Zones. There has been no similar prohibition on the use of dark blue, noting that such darker colours

are generally accepted to blend better with the backdrop of vegetation than light cream/brown colours as evident on the existing outbuilding (refer site photos Attachment 8.1.3d).

On balance it is considered that the outbuilding with an overall size of 122m<sup>2</sup>, a wall height of 4.2 metres and ridge height of 4.747 metres is acceptable for the purpose of providing for the legitimate garaging, storage and other domestic needs of the landowner and will not detract from the visual amenity of the area or neighbouring properties and as such approval is recommended.

**Voting Requirements:**

Simple majority.

*Prior to consideration of Item 8.1.3, Cr Gearon declared that the adjacent landowners is known to her and as a consequence there may be a perception that her impartiality on this matter may be affected. Cr Gearon declared that she would consider this matter on its merits and vote accordingly.*

5.57pm – The Chief Executive Officer left the room.

5.58pm – The Chief Executive Officer returned to the room.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 8.1.3</b>
MOVED: CR CARON	SECONDED: CR OSBORNE
That with respect to the development application for an Outbuilding Additions/Alterations at No.69 (Lot 26) Panorama Road, Shadforth, Council:	
<ol style="list-style-type: none"> <li>1. Notes the submissions received.</li> <li>2. Grants Development Approval subject to the following:                     <ul style="list-style-type: none"> <li><u>Conditions</u> <ol style="list-style-type: none"> <li>a) The development shall be carried out and fully implemented in accordance with the stamped received plan(s) dated 21 May 2019.</li> <li>b) The approved outbuilding shall not be used for human habitation, commercial or industrial uses.</li> <li>c) The vehicle driveway/accessway shall be constructed and maintained to a minimum all-weather standard (eg. gravel, crushed rock) to facilitate access to the development by 2-wheel drive vehicles.</li> <li>d) All storm water and drainage runoff from all roofed and impervious areas is to be retained on-site or connected to a legal point of discharge to the satisfaction of the Shire of Denmark (Infrastructure Services). See advice note i.</li> </ol> </li> <li><u>Advice Notes</u> <ol style="list-style-type: none"> <li>i. In relation to Condition d), the owner is advised to contact the Shire's Infrastructure Services to confirm the requirements for stormwater disposal for the lot.</li> <li>ii. From a preliminary review of the information provided, the Shire's Principal Building Surveyor advises that:                             <ul style="list-style-type: none"> <li>• Structural details of the existing outbuilding will be required in conjunction with the building application for the outbuilding addition.</li> <li>• An application for a Demolition Licence is required to be submitted and approved by the Shire of Denmark (Building Services) prior to the demolition of the existing building/s on-site unless included as part of the Building Permit.</li> </ul> </li> <li>iii. It is the responsibility of the applicant to ensure that building setbacks correspond with the legal description of the land. This may necessitate re-</li> </ol> </li> </ul> </li> </ol>	

surveying and re-pegging the site. The Shire of Denmark will take no responsibility for incorrectly located buildings.

- iv. It is the responsibility of the developer to search the title of the property to ascertain the presence of any easements and/or restrictive covenants that may apply.

3. Advise the submitters of Council’s decision.

**AMENDMENT**

MOVED: CR GIBSON

SECONDED: CR LEWIS

Add part e) which states, *“that the applicant establish screening vegetation to the satisfaction of the Shire of Denmark and in keeping with the Fire Management Notice”*.

CARRIED: 6/1

Res: 100619

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

*FOR: Cr Gibson, Cr Lewis, Cr Osborne, Cr Whooley, Cr Phillips and Cr Gearon.*

*AGAINST: Cr Caron.*

**AMENDMENT**

MOVED: CR LEWIS

SECONDED: CR GEARON

Add part f) which states, *“roof and external building materials of the existing outbuilding are to match / complement the new outbuilding, noting that zinalume, white and off white colours are not permitted”*.

CARRIED: 4/3

Res: 110619

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

*FOR: Cr Lewis, Cr Whooley, Cr Phillips and Cr Gearon.*

*AGAINST: Cr Osborne, Cr Caron and Cr Gibson.*

**AMENDED MOTION**

That with respect to the development application for an Outbuilding Additions/Alterations at No.69 (Lot 26) Panorama Road, Shadforth, Council:

- 1. Notes the submissions received.
- 2. Grants Development Approval subject to the following:

Conditions

- a) The development shall be carried out and fully implemented in accordance with the stamped received plan(s) dated 21 May 2019.
- b) The approved outbuilding shall not be used for human habitation, commercial or industrial uses.
- c) The vehicle driveway/accessway shall be constructed and maintained to a minimum all-weather standard (eg. gravel, crushed rock) to facilitate access to the development by 2-wheel drive vehicles.
- d) All storm water and drainage runoff from all roofed and impervious areas is to be retained on-site or connected to a legal point of discharge to the satisfaction of the Shire of Denmark (Infrastructure Services). See advice note i.
- e) that the applicant establish screening vegetation to the satisfaction of the Shire of Denmark and in keeping with the Fire Management Notice.
- f) roof and external building materials of the existing outbuilding are to match / complement the new outbuilding, noting that zinalume, white and off white colours are not permitted.

Advice Notes

- i. In relation to Condition d), the owner is advised to contact the Shire’s Infrastructure Services to confirm the requirements for stormwater disposal for the lot.
- ii. From a preliminary review of the information provided, the Shire’s Principal Building Surveyor advises that:
  - Structural details of the existing outbuilding will be required in conjunction with the building application for the outbuilding addition.
  - An application for a Demolition Licence is required to be submitted and approved by the Shire of Denmark (Building Services) prior to the demolition of the existing building/s on-site unless included as part of the Building Permit.
- iii. It is the responsibility of the applicant to ensure that building setbacks correspond with the legal description of the land. This may necessitate re-surveying and re-pegging the site. The Shire of Denmark will take no responsibility for incorrectly located buildings.
- iv. It is the responsibility of the developer to search the title of the property to ascertain the presence of any easements and/or restrictive covenants that may apply.

3. Advise the submitters of Council’s decision.

CARRIED: 6/1

Res: 120619

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

*FOR: Cr Gibson, Cr Lewis, Cr Osborne, Cr Caron, Cr Phillips and Cr Gearon.  
AGAINST: Cr Whooley.*

**6.24pm - Public Question Time**

*The Shire President stated that the second public question time would commence & called for questions or comments from members of the public relating to any items remaining on the Agenda. There were no questions or comments.*

**8.2 DIRECTOR CORPORATE AND COMMUNITY SERVICES**

**8.2.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDING 30 APRIL 2019**

<b>File Ref:</b>	FIN.1
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	4 June 2019
<b>Author:</b>	Lee Sounness, Manager Corporate Services
<b>Authorising Officer:</b>	Cary Green, Director Corporate & Community
<b>Attachments:</b>	8.2.1 – April Monthly Financial Report

**Summary:**

The attached financial statements and supporting information for the period ending 30 April 2019 are presented for the consideration of Elected Members.

**Background:**

In order to prepare the attached financial statements, the following reconciliations and financial procedures have been completed and verified;

- Reconciliation of all bank accounts.
- Reconciliation of the Rates Book, including outstanding debtors and the raising of interim rates.
- Reconciliation of all assets and liabilities, including payroll, taxation and postal services.
- Reconciliation of the Sundry Debtors and Creditors Ledger.
- Reconciliation of the Stock Ledger.
- Completion of all Works Costing transactions, including allocation of costs from the Ledger to the various works chart of accounts.

**Consultation:**

Nil

**Statutory Obligations:**

It is a requirement of the Local Government Act 1995 that monthly and quarterly financial statements are presented to Council, in order to allow for proper control of the Shire's finances. In addition, Council is required by legislation to undertake a mid-year review of the Municipal Budget to ensure that income and expenditure is in keeping with budget forecasts. It should be noted that the budget is monitored by management on a monthly basis in addition to the requirement for a mid-year review. The attached statements are prepared in accordance with the requirements of the Local Government Act 1995 (s.5.25(1)) and the Local Government (Financial Management) Regulations 1996.

**Policy Implications:**

Policy P040222 - Material Variances in Budget and Actual Expenditure, relates

*For the purposes of Local Government (Financial Management) Regulation 34 regarding levels of variances for financial reporting, Council adopted a variance of 10% or greater of the annual budget for each program area in the budget, as a level that requires an explanation or report, with a minimum dollar variance of \$10,000.*

*The material variance is calculated by comparing budget estimates to the end of month actual amounts of expenditure, revenue and income to the end of the month to which the financial statement relates.*

*This same figure is also to be used in the Annual Budget Review to be undertaken after the first six months of the financial year to assess how the budget has progressed and to estimate the end of the financial year position.*

*A second tier reporting approach shall be a variance of 10% or greater of the annual budget estimates to the end of the month to which the report refers for each General Ledger/Job Account in the budget, as a level that requires an explanation, with a minimum dollar variance of \$10,000.*

**Budget / Financial Implications:**

There are no significant trends or issues to be reported.

**Strategic & Corporate Plan Implications:**

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

Denmark 2027

L5.4 To be fiscally responsible

Corporate Business Plan

Nil

**Sustainability Implications:**

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Not meeting Statutory Compliance	Rare (1)	Moderate (3)	Low (1-4)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation
Financial mismanagement and/or Budget overruns.	Rare (1)	Moderate (3)	Low (1-4)	Inadequate Financial, Accounting or Business Acumen	Control through robust systems with internal controls and appropriate reporting mechanisms

**Comment/Conclusion:**

As at 30 April 2019, total cash funds held totals \$11,580,935 (Note 4).

Shire Trust Funds total \$163,686

- \$161,023 of this is invested for 2 months with the National Aust. Bank, maturing 18 May 2019 at the quoted rate of 2.10%.

Reserve Funds (restricted) total \$9,424,440

- \$5,420,010 of this has been placed on investment for 31 days with the Western Australian Treasury Corporation at the quoted rate of 1.45%,
- \$4,004,430 has been invested with the National Aust. Bank in 2 term deposits, maturing at various dates at an average rate of 2.50%

Municipal Funds (unrestricted) total \$1,106,170

- \$606,170 is invested for 3 months with Westpac maturing 19 May 2019 at the quoted rate of 2.50%
- \$500,000 is invested for with the National Australia Bank maturing 25 May 2019 at the quoted rate of 1.75%



Key Financial Indicators at a Glance

The following comments and/or statements provide a brief summary of major financial/budget indicators and are included to assist in the interpretation and understanding of the attached Financial Statements:

- Taking into consideration the adopted Municipal Budget and any subsequent year to date budget amendments identified including the mid-year budget review (refer Note 5), the 30 June 2019 end of year position is estimated to be \$0 which is in line with budget projections (Statement of Financial Activity).
- Operating revenue and expenditure is generally in line with year to date budget predictions for 30 April 2019 (Statement of Financial Activity) except for building depreciation expense, which is yet to be applied this financial year.
- The Rates Collection percentage currently sits at 93.27%, is in keeping with historical collection rates (see Note 6)
- The 2018/2019 Capital Works Program is 62.37% complete utilising actual year to date figures and the total committed cost is 89.02% as at 30 April 2019 (see Note 12& 12a)
- Transfer of \$692,953 from reserve for the Denmark East Development project was made in March 2019 as budgeted. Other various transfers to and from Reserve Funds have not been made for 2018/2019 as they are generally undertaken in the latter half of the financial year, depending on the specific projects to which the transfers relate.
- Salaries and Wages expenditure is generally in line with year to date budget estimates (not reported specifically in Financial Statement).

Other Information

- Depreciation Expense

Depreciation of building assets has not been calculated for the reporting period as the revaluation of the building asset class has yet to be adopted.

**Voting Requirements:**

Simple majority.

6.25pm – Cr Phillips left the room.

6.26pm – The Town Planner left the room and did not return.

6.25pm – Cr Phillips returned to the room.

6.27pm – Cr Osborne left the room.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 8.2.1
MOVED: CR CARON	SECONDED: CR LEWIS
That with respect to Financial Statements for the period ending 30 April 2019, Council;	
1. Receive the Financial Reports, incorporating the Statement of Financial Activity and other supporting documentation.	
2. Endorse the Accounts for Payment for the month of May 2019 as listed.	
6.31pm – Cr Osborne returned to the room.	
CARRIED UNANIMOUSLY: 7/0	Res: 130619

## 8.2.2 MONKEY ROCK SPEED RUN

<b>File Ref:</b>	PBR.10 & A3011
<b>Applicant / Proponent:</b>	Denmark Mountain Bike Club
<b>Subject Land / Locality:</b>	Mount Hallowell Reserve No. 46618, No. 7560 Ocean Beach Road, Ocean Beach
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	27 May 2019
<b>Author:</b>	Damian Schwarzbach, Manager Recreation Services
<b>Authorising Officer:</b>	Cary Green, Director Corporate and Community Services
<b>Attachments:</b>	8.2.2 - UWA Monkey Rock Speed Run Monitoring Report

### Summary:

The Denmark Mountain Bike Club have lodged an application to conduct their second downhill speed event called the "Monkey Rock Speed Run" in the Mount Hallowell Reserve. This report recommends that Council approve the application and agree to authorise Officers to determine the approval and impose any conditions for future events.

### Background:

At the Ordinary meeting of Council on 17 July 2018, Resolution 080718 was carried unanimously;

*That with respect to the Denmark Mountain Bike Club Monkey Rock Speed Run 2018, Council approve the Denmark Mountain Bike Club application for the Monkey Rock Speed Run event within the Mount Hallowell nature reserve for the dates outlined in the proposal, subject to the following conditions;*

- 1. Appropriate waste collection bins are to be provided for use during the event.*
- 2. The proponent will be responsible for remediating any damage to the tracks and trails caused during the event.*
- 3. Granite outcrops can be sectioned off, where no vegetation exists, during the event.*
- 4. An appropriate bicycle and footwear clean down station is to be established with approval by the Shire's Sustainability Services.*
- 5. No hay to be brought onto the reserve. Weed-free straw is acceptable.*
- 6. The entirety of the event is to be located within the existing tracks and trails. This includes spectator management. There is to be no disturbance or clearing of vegetation.*

The Denmark Mountain Biking Club (DMBC) has 35 members and was formed in 2017. The DMBC are an incorporated, not-for-profit organisation.

The inaugural event was held on Sunday August 5, 2018 and is proposed to be held annually in Denmark. Riders started at the Monkey Rock Lookout before descending the granite outcrop to a firebreak and finished at the Lights Road car park.

The Club deemed the 2018 event a success, with 55 competitors (almost 75% residing outside the Shire of Denmark) and good spectator attendances. Participant and spectator feedback from the event was positive and supportive of continuing the unique event on an annual basis. The 2019 event is proposed to be held on 4<sup>th</sup> August and will be very similar to the format of the 2018.

Last year, the Shire of Denmark commissioned a report from UWA (Centre of Excellence in Natural Resource Management) to provide an understanding of the impact the Monkey Rock Speed Run would have on the Mt Hallowell Reserve. They reviewed both pre and post event evaluation of the event site.

The report findings indicated the event had minimal impact on the Monkey Rock area, with almost no evidence of impact from the bikes. The following recommendations were made in the report:

*“The DMBC appear to have minimised any impact from the Speed Run on the Monkey Rock area. The measures put in place and the course used for the event seem appropriate if the event is held again. Monitoring of future events should focus on the granite outcrop as this is the area with the greatest conservation value. Negative ecological impacts on the firebreak itself are not likely as the area is maintained for fire management and access purposes. Additionally, the organisers restricted bikes and spectators to well defined paths, and their potential impacts are far exceeded by natural processes such as erosion. It may still be worthwhile assessing trampling and tree-condition at the firebreak-woodland edge, particularly if the Speed Run grows and attracts a larger number of spectators. Dieback management is clearly a priority in the area, and the measures taken by the DMBC should be used again for future events.”*

### **Consultation:**

Upon receipt of the Denmark Mountain Bike Club’s request to conduct this event, the following consultation has taken place:

- Shire Officers have been presented with the event proposal and provided with the opportunity to provide feedback and recommendations.
- Recreation Services Officers have consulted with Great Southern Centre for Outdoor Recreation Excellence (GSCORE) and the Department of Local Government, Sport and Cultural Industries (DLGSC) on the risk associated with the event. The feedback received demonstrated that the event was endorsed by the peak body, meaning the event was covered by Mountain Biking Australia’s insurance policy. The Course Commissaire will decide on the safety of the course before allowing competition.

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. Should Council support the event additional consultation will occur with the following prior to the event;

- Denmark Environment Centre;
- Denmark Weed Action Group,
- Denmark Police,
- St John Ambulance,
- Denmark SES; and
- Adjoining landowners.

### **Statutory Obligations:**

Mt Hallowell Reserve is managed by the Shire of Denmark for the purpose of *conservation*.

Section 3.13 (g) (i) of the Shire of Denmark Property Local Law states that driving or riding on local government property requires a permit, unless exempt. Section 3.13 (2) states that the local government may exempt a person from requiring a permit. Delegation D050305 delegates the local government’s powers under the Property Local Law to some Council Officers.

The Denmark Mountain Bike Club and its members have been endorsed by Mountain Bike Australia, the peak governing body for the sport, and cover for public liability, professional indemnity and personal accident insurance are in place for the event.

### **Policy Implications:**

- Town Planning Policy No.1 Dieback

- Mt Hallowell Reserve Management Plan 2008
- Sustainable Events Policy

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

There are no known financial implications upon either the Council's current Budget or future Budgets.

#### **Strategic & Corporate Plan Implications:**

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

#### Denmark 2027

- N2.1 To preserve and protect the natural environment.
- B3.1 To have public spaces and infrastructure that are accessible and appropriate for our community.
- L5.2 To have meaningful, respectful and proactive collaboration with the community.

#### Corporate Business Plan

- B3.2.5 Support the development of a Great Southern Regional Trails Master Plan through a contribution to GSCORE
- B3.2.6 Construct a Mountain Bike Trail to provide recreation and economic development opportunities

#### **Sustainability Implications:**

##### ➤ **Governance:**

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

##### ➤ **Environmental:**

The report prepared by UWA on the inaugural event, provided the following findings;

- Granite – no evidence of any impact,
- Firebreak – there was almost no evidence of incisions from bike tyres. Erosion from run off was far more obvious than effects from either bikes or cars. No evidence of tree scarring from bikes. No evidence of trampling in the vegetation adjacent to the fire break.
- The course avoided or bridged gullies and incisions where mosses and lichens were most prevalent, following a similar path to that used by site-seers year round.

If the event increases in size the organisers will need to cater for increased foot traffic along the length of course to avoid any potential environmental impacts.

##### ➤ **Economic:**

Last year's event attracted 55 competitors and an estimated 100 spectators. The expectation is that this year's event will grow in popularity which may lead to an increase in economic activity for the Shire of Denmark in a traditionally slow time of the year for local businesses. Participant entrance fees will remain low encouraging participation from all interested parties and local community members.

##### ➤ **Social:**

A significant community event organised by a local community sporting club where community participation and viewing are encouraged contributes to increased social capital and community resilience.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Dieback is spread	Possible (3)	Major (4)	High (10-16)	Inadequate Natural Environ.Management Practices	Manage by an initial water scrub for the bikes, then hosing down with firefighting gear and lastly a boot cleaning station for spectators and riders
That there is impact on the vegetation	Possible (3)	Moderate (3)	Moderate (5-9)	Inadequate Natural Environ.Management Practices	Manage by using Marshalls at various points on the course to ensure spectators stay in the designated areas
Traffic Management Plan not sufficient	Possible (3)	Moderate (3)	Moderate (5-9)	Inadequate Organisation or Community Emergency Management	Submit TMP to Shire staff for approval and feedback
Facilities (ie toilets) provided not sufficient	Possible (3)	Minor (2)	Moderate (5-9)	Inadequate Supplier / Contract Management	Submit event plan to Shire staff for approval and feedback
Increased Mountain Biking in Mt Hallowell reserve post event	Likely (4)	Moderate (3)	High (10-16)	Inadequate Natural Environ.Management Practices	Information sessions during event, communication with Club members and Rangers to patrol

**Comment/Conclusion:**

The DMBC have requested access to the area prior to the 2019 event. This request is for the management of pedestrian traffic, course set-up and management of environmental controls as recommended in the UWA report. Emergency access will be clear throughout the event.

Car parking will be made available on private farm land on the other side of Lights Beach Road, approximately 100 metres from the event, as per the 2018 event. The applicant will be required to supply an approved traffic management plan which will be consider by the Shire prior to the event.

Rubbish bins will be onsite and provided by the DMBC. The Club will remove all rubbish at the end of the event. First Aid Officers, with assistance from a Registered Nurse, will be in attendance. Toilet facilities will be provided in the car park.

The 2019 Monkey Rock Speed Run is proposed to be conducted on 4 August 2019 and the Club is expecting 80 competitors.

The 2019 event is supported in principle by the Officer for the following reasons;

- The event is sanctioned by Mountain Bike Australia (MTBA) – the peak body for the sport in the country,
- The event has Public Liability, Professional Indemnity and Personal Accident insurance coverage,

- Willingness of the Club in working with Shire staff to address community concerns, develop risk management plans and communicate with individuals and groups with environmental concerns and recommendations,
- Participant, spectator and community feedback from the 2018 event,
- Extensive consultation undertaken in 2018 and subsequent follow-up in 2019 to date, and
- UWA report findings and subsequent recommendations for the 2019 event.

This provides the Officer with a level of confidence in the DMBC to plan, consult, co-ordinate and conduct the event. The Club’s demonstrated ability to mitigate, as much as is practicable, against any visible environmental impact is seen as a positive.

It is recommended that Shire Officers be authorised to grant approval for future “Monkey Rock Speed Run” events, by the Denmark Mountain Bike Club, under Delegation D050305 and subject to the following conditions:

- a. Growth of the event (participation numbers) is not significant from one year to the next,
- b. The course does not change from the approved 2018 event, and
- c. All conditions pertaining to 2019 event are implemented successfully and carried forward to any future approvals.
- d. In the event that any of the conditions are not satisfied Shire Officers will refer future applications back to Council for approval.

**Voting Requirements:**

Simple majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 8.2.2</b>
MOVED: CR CARON	SECONDED: CR GIBSON
That with respect to the Monkey Rock Speed Run, Council;	
1. Approve the 2019 Denmark Mountain Bike Club application for the Monkey Rock Speed Run event within the Mount Hallowell Nature Reserve, subject to the following conditions;	
a) Appropriate waste collection bins are to be provided for use during the event.	
b) The proponent will be responsible for remediating any damage to the tracks and trails caused during the event.	
c) Granite outcrops can be sectioned off, where no vegetation exists, during the event.	
d) An appropriate bicycle and footwear clean down station is to be established with approval by the Shire’s Sustainability Services.	
e) No hay to be brought onto the reserve. Weed-free straw is acceptable.	
f) The entirety of the event is to be located within the existing tracks and trails. This includes spectator management. There is to be no disturbance or clearing of vegetation.	
g) Measures are put in place to control any unsafe parking practices.	
h) Ensure there is adequate water supply for the dieback wash station.	
i) Develop an educational campaign for club members on correct usage of trails outside of this event.	
2. Authorise Shire Officers to grant approval for future “Monkey Rock Speed Run” events, by the Denmark Mountain Bike Club, under Delegation D050305 and subject to the following conditions:	
a) Growth of the event (participation numbers) is not significant from one year to the next,	
b) The course does not change from the approved 2018 event, and	
c) All conditions pertaining to 2019 event are implemented successfully and carried forward to any future approvals.	
d) In the event that any of the conditions are not satisfied Shire Officers will refer future applications back to Council for approval.	
3. Include a notation to this Resolution under Delegation D050305 for future reference.	
CARRIED UNANIMOUSLY: 7/0	Res: 140619

### 8.2.3 EAST RIVER ROAD BRIDGE PROJECT – REPAYMENT OF PROJECT FUNDING

<b>File Ref:</b>	FIN.1
<b>Applicant / Proponent:</b>	Not Applicable
<b>Subject Land / Locality:</b>	Not Applicable
<b>Disclosure of Officer Interest:</b>	Not Applicable
<b>Date:</b>	6 June 2019
<b>Author:</b>	Lee Sounness, Manager Corporate Services
<b>Authorising Officer:</b>	Cary Green, Director Corporate & Community
<b>Attachments:</b>	8.2.3 - Letter from Department of Primary Industries and Regional Development – East River Road Bridge Project

#### Summary:

In July 2018, Council resolved to inform the Department of Primary Industries and Regional Development that the Shire of Denmark declined to proceed with the Western Precinct due to the Shire's broader financial and asset management position.

In response to this decision, the Shire has received a request from the Department of Primary Industries and Regional Development to acquit the Western Precinct of the Denmark East Development Precinct Project and return the remaining funds held plus accrued interest by 30 June 2019.

#### Background:

In June 2016, the Shire of Denmark received \$4,291,000 in funding from Royalties for Regions (through Department of Primary Industries and Regional Development) for the Western Precinct of the Denmark East Development Precinct Project.

In July 2018, Council resolved;

*That in relation to the Denmark East Development Precinct Project (Western Precinct) Council;*

- 1. Receives the Denmark Traffic and Evacuation Management Study Final Report (attachment 8.4.1).*
- 2. Informs the Department of Primary Industries and Regional Development that the Shire of Denmark declines to proceed with the Western Precinct due to the Shire's broader financial and asset management position.*
- 3. Requests that the State Government delivers any required future additional crossing over the Denmark River, including any associated infrastructure.*
- 4. Authorise the President and CEO to enter into negotiations with the State Government in order to retain the Royalties for Regions funding earmarked for the Western Precinct of the Denmark East Development Project for use in an alternative project or projects within the Shire of Denmark, with Council's preference being for upgrades to infrastructure at Greens Pool.*

In response to this decision, the Shire President, Deputy Shire President and Chief Executive Officer met with the Minister for Regional Development to discuss Council's decision and more specifically request that the funding earmarked for the Western Precinct be reallocated to an alternative project or projects within the Shire of Denmark.

The Shire of Denmark was informed through the 2019/20 State Budget that the State Government allocated \$2.5 million in funding to the Department of Biodiversity Conservation and Attractions (DBCA) to deliver infrastructure works in the William Bay National Park. The Shire understands that DBCA will also contribute additional funding to undertake these infrastructure works.

To complete the process, the Shire of Denmark has received a request from the Department of Primary Industries and Regional Development to return the funding associated with the Western Precinct of the Denmark East Development Precinct Project.

There is currently \$4,129,029 in remaining funds and \$148,868.20 in accrued interest held in Reserve for this project. The Shire is required to acquit the project and return the funds by 30 June 2019.

**Consultation:**

The Officer has sought advice from Moore Stephens and WALGA in relation to the correct accounting and governance procedures to repay the project funds.

**Statutory Obligations:**

Local Government Act 1995 section 6.8

*6.8. Expenditure from municipal fund not included in annual budget*

*(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*

*(a) is incurred in a financial year before the adoption of the annual budget by the local government; or*

*(b) is authorised in advance by resolution\*; or*

*(c) is authorised in advance by the mayor or president in an emergency.*

*\* Absolute majority required.*

*(1a) In subsection (1) —*

*additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.*

Local Government (Financial Management) Regulations 1996

**Policy Implications:**

There are no policy implications.

**Budget / Financial Implications:**

The repayment of the remaining funds from Denmark East Development Reserve to the Department of Primary Industries and Regional Development has not been included in the 2018/2019 Annual Budget.

As Council is only the custodian of these funds for the purpose of the Denmark East Development Precinct Project, the return of these funds to the grantor has no overall impact on Council's financial position.

The reserve fund cash is defined as restricted until it is spent on the intended purpose for which it has been allocated and as such is excluded from financial performance ratios. Returning the funds to the grantor removes these funds from the restricted cash and also reduces the overall cash balance, hence no overall impact.

**Strategic & Corporate Plan Implications:**

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

Denmark 2027

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

L5.4 To be fiscally responsible



**Sustainability Implications:**

➤ **Governance:**

The Officer has sought advice from Moore Stephens and WALGA in relation to the correct treatment of this request from a governance perspective.

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council decides not to return the funding	Rare (1)	Moderate (3)	Low (1-4)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation

**Comment/Conclusion:**

As Council has previously resolved not to proceed with the Western Precinct of the Denmark East Development Precinct Project and there is no overall impact on the 2018/2019 budget, the Officer recommends Council approve the repayment of project funds held with the Western Australian Treasury Corporation (WATC) to Department of Primary Industries and Regional Development by an amendment to the 2018/2019 Annual Budget.

**Voting Requirements:**

Absolute majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 8.2.3</b>
<b>MOVED: CR WHOOLEY</b>	<b>SECONDED: CR GIBSON</b>
That with respect to the funding that the Shire of Denmark holds for the Western Precinct of the Denmark East Development Precinct Project and in accordance with section 6.8 of the Local Government Act 1995, Council amend the 2018/2019 Annual Budget to repay \$4,277,897 to the Department of Primary Industries and Regional Development.	
<b>CARRIED UNANIMOUSLY &amp; BY AN ABSOLUTE MAJORITY: 7/0</b>	<b>Res: 150619</b>

## 8.3 CHIEF EXECUTIVE OFFICER

### 8.3.1 COMMUNITY CONSULTATION, ENGAGEMENT AND COMMUNICATION

<b>File Ref:</b>	ADMIN.1.2018
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	7 June 2019
<b>Author:</b>	Bill Parker, Chief Executive Officer
<b>Authorising Officer:</b>	Bill Parker, Chief Executive Officer
<b>Attachments:</b>	Nil

#### Summary:

In undertaking the CEO's performance review in 2018, Council set a series of Key Performance Indicators. One of these indicators included an interim report to Council on options for continued development of communications with the community.

#### Background:

In 2017, Council adopted a new Strategic Community Plan, Denmark 2027. In developing this comprehensive document, the Shire sought the views of as many members of our community as possible, with each stage of the consultation process allowing for greater community input and increasing levels of public participation.

During the consultation process, the Shire of Denmark received consistent feedback in relation to satisfaction levels associated with community consultation, engagement and communication. In response, the Shire committed to reviewing the community consultation policy and framework. The Shire's Corporate Business Plan has scheduled for this task to occur in 2020/21.

In undertaking the CEO's performance review in 2018, Council set a series of Key Performance Indicators. One of these indicators included an interim report to Council on options for continued development of communications with the community.

This report addresses this request.

#### Consultation:

The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal and considered Council's Community Engagement Policy P040123 and the associated Framework and believes that no additional external/internal engagement or consultation is required.

#### Statutory Obligations:

There are no statutory implications that relate to this item.

#### Policy Implications:

The Shire of Denmark's Community Engagement Policy & Framework applies to this item. The framework states how the Shire will engage and communicate with our community. The content of this item seeks to complement the existing framework.

#### Budget / Financial Implications:

There are a range of financial implications depending on Council's appetite to increase the level of communication. These can be considered in preparing the 2019/20 budget.

**Strategic & Corporate Plan Implications:**

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

Denmark 2027

L5.0 Our Local Government

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

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

Corporate Business Plan

L5.2.1 Review and improve the communication and engagement framework to deliver better community outcomes, including community engagement training

**Sustainability Implications:**

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council do not support increased resourcing in engagement and communication and are unable to meet community expectations in this area	Possible (3)	Minor (2)	Moderate (5-9)	Not Meeting Community expectations	Accept Risk

**Comment/Conclusion:**

In 2018, the Shire undertook a Markyt Community Scorecard Survey. This survey tests 55 areas of the Shire’s business, with each question assessing the Shire’s performance against the Strategic Community Plan. Seven (7) of the questions asked relate to corporate communications.

1. The Shire has developed and communicated a clear vision for the area
2. Elected Members (the Councillors) have a good understanding of community needs
3. Staff have a good understanding of community needs
4. The Shire listens to and respects residents' views

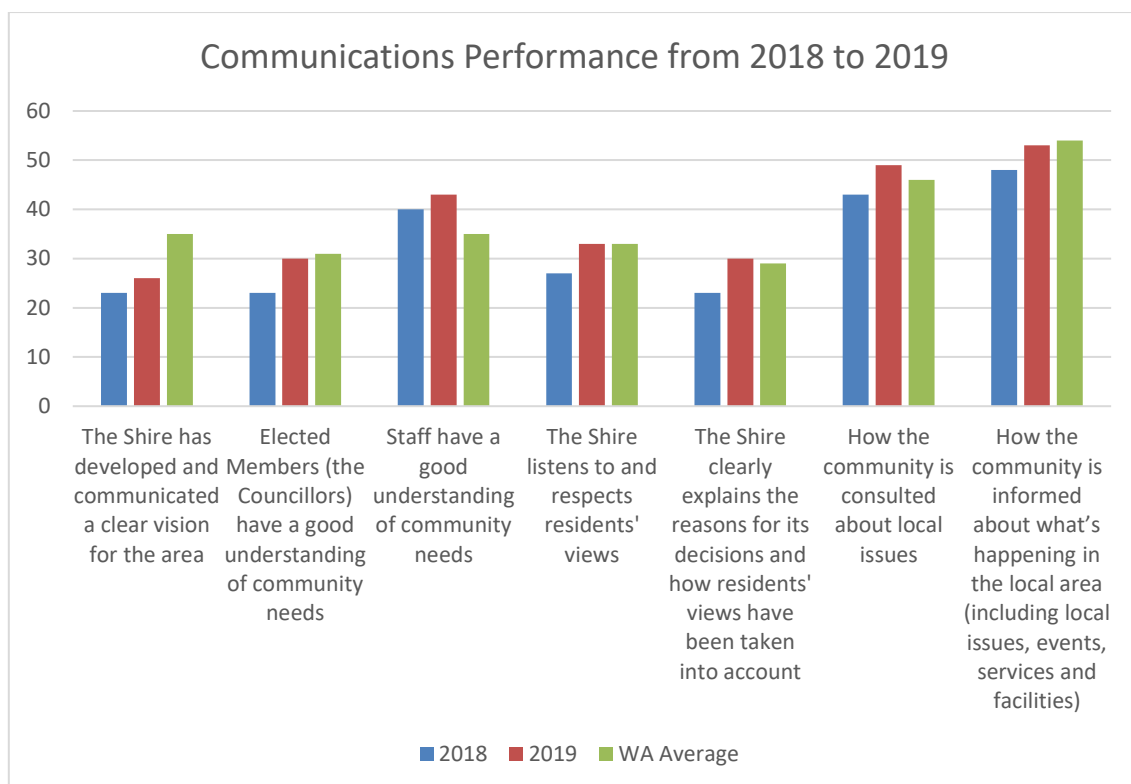
5. The Shire clearly explains the reasons for its decisions and how residents' views have been taken into account
6. How the community is consulted about local issues
7. How the community is informed about what's happening in the local area (including local issues, events, services and facilities)

In response to average results across these 7 areas in 2018, the Shire decided to trial a temporary part time communications position in the 2018/19 financial year. The position was 1 day per week and was essentially responsible for;

1. Preparing media releases; and
2. Producing social media content.

Under the trial, the Shire has increased the number of media releases and social media postings since August 2018. Since this date, the Shire has produced 26 media releases and 171 posts to social media. This is up 171% from the previous 6-month period.

In March 2019, the Shire of Denmark conducted the 2019 Markyt Community Scorecard. The same questions in relation to communications were asked with the results displayed below.



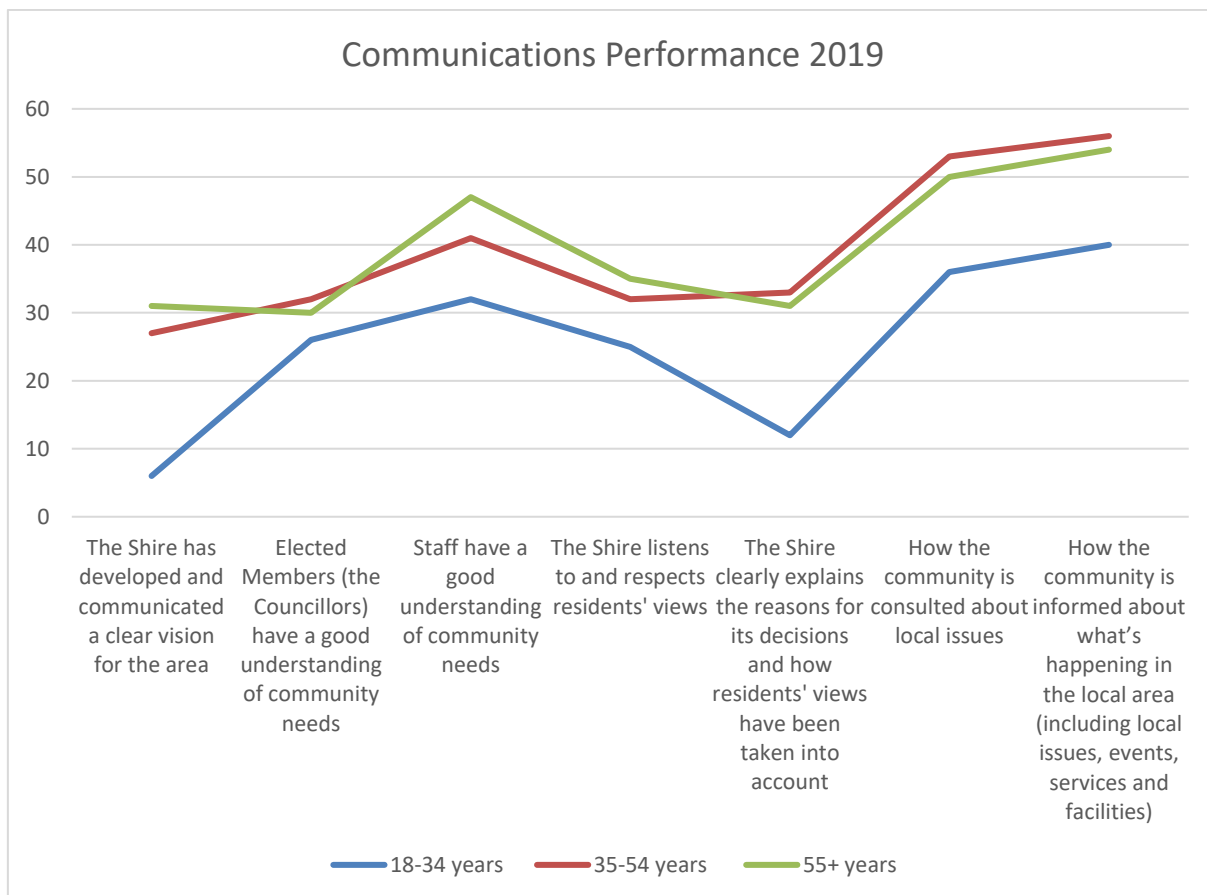
The results suggest that the Shire has improved its performance across the seven (7) communication areas. Operationally, it is clearly evident that the dedicated communications resource has contributed significantly to the Shire's improvement.

Although the Shire has improved in all areas, three (3) of the assessed areas are either below or equal to the WA Average. This suggests that there is still opportunity for improvement.

To continue the Shire's improvement, it is recommended that the Communications Officer role is increased from one (1) day per week to three (3) days per week. This increase would allow the officer to undertake a range of additional tasks and increase the levels of communication.

If acceptable to the elected group, one of the key areas that the position will focus on is the discrepancy of the results across different demographics. For example, 18-34 year olds are consistently less satisfied with the Shire’s performance when compared to community members who are aged between 35-54 years and 55+ years.

Additional resources in the communications area will allow the Shire to investigate these variances and explore other mediums to engage with more members of the community, ensuring greater reach with a focus on implementing cost effective engagement options.



It is envisaged that a permanent resource in corporate communications will;

1. Increase the range and content of social media platforms currently used e.g. Twitter, Instagram and Snapchat
2. Prepare and deliver a monthly newsletter
3. Assist with developing and implementing communication plans for major projects e.g. new local planning strategy and scheme
4. Assist with the Annual Report
5. Develop internal communication protocols
6. Developing a Social Media Strategy for all areas – Shire, Rec Centre, Library
7. Social Media Policy and procedures review and update

It is recommended that the additional resource is explored when preparing and considering the 2019/20 budget.

**Voting Requirements:**  
Simple majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 8.3.1</b>
<b>MOVED: CR LEWIS</b>	<b>SECONDED: CR PHILLIPS</b>
That in relation to the continuation of the Corporate Communications Officer Position, Council;	
1. Note the progress and improvement made in corporate communications over the last 12 months; and	
2. Consider making the position of Corporate Communications Officer permanent part time (0.6FTE) in preparing the 2019/20 budget.	
<b>CARRIED UNANIMOUSLY: 7/0</b>	<b>Res: 160619</b>

**8.3.2 2018/19 MARKYT COMMUNITY SCORECARD & P040130 BIENNIAL COMMUNITY NEEDS & CUSTOMER SATISFACTION SURVEY POLICY**

<b>File Ref:</b>	PBR.23
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	6 June 2019
<b>Author:</b>	Teiga Murray, Corporate Planning Officer
<b>Authorising Officer:</b>	Bill Parker, Chief Executive Officer
<b>Attachments:</b>	8.3.2a – MARKYT Community Scorecard 8.3.2b – P040130 Biennial Community Needs & Customer Satisfaction Survey

**Summary:**

The purpose of this report is to receive the results of the 2019 MARKYT Community Scorecard and amend policy P040130 Biennial Community Needs & Customer Satisfaction Survey to reflect an annual Community Satisfaction Survey.

In summary, the results of 2019 MARKYT Community Scorecard demonstrate significant improvement across the organisation, with community satisfaction increasing in 49 of 55 areas tested, remaining steady in four areas and small decreases in two areas.

**Background:**

In August 2018, Council received the results of the Shire’s first MARKYT Community Scorecard and endorsed the measures contained within the report as key performance indicators for the Strategic Community Plan, Denmark 2027, and Corporate Business Plan. Council also resolved to undertake a MARKYT Community Scorecard annually, allowing the Shire to benchmark our performance over time.

Catalyse Pty Ltd were selected as the preferred provider to deliver the Shire’s annual scorecard due to their competitive pricing and extensive experience providing community perception surveys for over 40 Local Governments across Western Australia. Catalyse also provide the opportunity for the Shire to benchmark the results of the scorecard against the results of other regional and metropolitan Councils, enabling access to industry benchmarks and industry high scores.

This change in approach has required an amendment to policy P040130 Biennial Community Needs & Customer Satisfaction Survey to reflect the annual Scorecard and has coincided with the development of a draft Privacy Statement that outlines the Shire’s use of third party providers that provide services on behalf of the Shire (such as Catalyse).

Changes to policy P040130 Biennial Community Needs & Customer Satisfaction Survey are presented within this report. The community consultation period regarding the draft Privacy

Statement has now closed and a report will be presented to Council for consideration at a subsequent meeting.

Over the past two years the Shire of Denmark has played a leading role in facilitating the Great Southern Peer Support Program, which aims to help members improve the content and performance of their IPR framework through regional collaboration and resource sharing.

Through the program, all eleven Local Governments in the Great Southern committed to undertake a MARKYT Community Scorecard in 2019 as a way to measure the performance against their own IPR frameworks, whilst also providing an opportunity to access regional reporting.

The additional level of regional analysis helps all Local Governments in the Great Southern better understand community trends, priorities and concerns that are common in the region and will facilitate greater collaboration with our neighbours. The analysis will also help support any future collective funding applications and grant opportunities that support regional actions and address areas of mutual significance.

Representatives from the Shire of Denmark will attend a workshop facilitated by Catalyse in June to determine regional opportunities and collective next steps for Local Governments in the Great Southern.

**Consultation:**

In March 2019, MARKYT Scorecard invitations were sent to 3,000 randomly selected households, with 1,000 invitations sent by mail and 2,000 by email. To ensure a statistically valid sample the Shire was seeking a minimum response of 94 completed surveys to reduce the sampling error to  $\pm 10\%$  at the 95% confidence interval. The Shire far exceeded this requirement with 434 community members submitting a response, reducing the sampling error to  $\pm 4.5\%$  at the 95% confidence interval.

The sample included 399 randomly selected respondents, 16 council-affiliated respondents and 19 respondents who opted in to take part through a council promotion or a referral from a community group, family or friend. An analysis of results showed significant variance between these groups and as such the main report presents responses from the random sample only. The final dataset was weighted by age and gender to match the ABS Census population profile.

**Statutory Obligations:**

Section 5.56 of the Local Government Act 1995, requires all local governments to plan for the future of the district. This is supported by Regulations that clearly articulate the requirements surrounding this section of the Act.

The Department of Local Government, Sport and Cultural Industries has developed a comprehensive Integrated Planning and Reporting Framework and Guidelines. The Guidelines express the importance of monitoring and reporting a Local Government's progress against the Strategic Community Plan and Corporate Business Plan. In addition to a comprehensive self-assessment that the Shire undertakes each year, the MARKYT Community Scorecard forms a key part of the Shire's monitoring and reporting process.

Reporting progress towards the Corporate Business Plan and the Strategic Community Plan is a vital link in community engagement. When done effectively, it not only contributes to the community's understanding of what the Shire is achieving for the community, but also to the understanding of the impact that the various IPR plans are making.

**Policy Implications:**

In accordance with Resolution 160818, the Officer has reviewed policy P040130 Biennial Community Needs & Customer Satisfaction Survey, to reflect the Shire’s approach to undertaking an annual MARKYT Community Scorecard.

The proposed changes in Attachment 8.3.2b reflect the annual nature of the survey to provide key performance indicators that measure progress against the Shire’s Strategic Community Plan and Corporate Business Plan. As articulated previously, this is a key requirement of the Integrated Planning and Reporting Framework.

The proposed changes also set a minimum target sample size to ensure that results of all future surveys remain statistically valid. Information regarding how respondents will be selected and measures to reduce waste and cost are also included in the proposed changes.

**Budget / Financial Implications:**

The cost for delivering the MARKYT Community Scorecard was \$9,000 plus postage. The Shire achieved a 10% regional discount as a result of partnering with the Great Southern Local Governments.

**Strategic & Corporate Plan Implications:**

The report and officer recommendation is consistent with Council’s adopted Strategic Community Plan Aspirations and Objectives and the Shire’s Corporate Business Plan as it provides key performance indicators for both components of the Integrated Planning and Reporting Frameworks, through supporting and monitoring the successful delivery of each strategic aspiration.

**Sustainability Implications:**

➤ **Governance:**

Reporting against the aspirations and objectives of the Strategic Community Plan is a key recommendation of the Integrated Planning and Reporting Framework and utilising an external provider to undertake this reporting ensures that the process is open and transparent and the results are professionally analysed and reported.

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council choose not to receive the results as Key Performance Indicators for the Strategic Community	Unlikely (2)	Minor (2)	Low (1-4)	Not Meeting Community expectations	Accept Risk



Plan and Corporate Business Plan					
That Council choose not to incorporate the feedback contained within the MARKYT Scorecard to inform the minor review of the Strategic Community Plan	Unlikely (2)	Minor (2)	Low (1-4)	Not Meeting Community expectations	Accept Risk
That Council choose not to update policy P040130 Biennial Community Needs & Customer Satisfaction Survey to reflect the current practice of undertaking a MARKYT Community Scorecard	Unlikely (2)	Minor (2)	Low (1-4)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Risk

**Comment/Conclusion:**

The results from the 2019 MARKYT Community Scorecard indicate that the community’s satisfaction levels have increased across most areas of the organisation over the last twelve months.

Regional benchmarking shows that within the Great Southern Region, the Shire of Denmark is leading in 8 areas, including:

1. Place to live
2. Place to visit
3. Sense of belonging
4. Community advocacy (the likelihood of recommending the Shire of Denmark as a place to live)
5. Customer service
6. Library and information services
7. Festivals, events, art and cultural activities
8. Footpaths, trails and cycleways

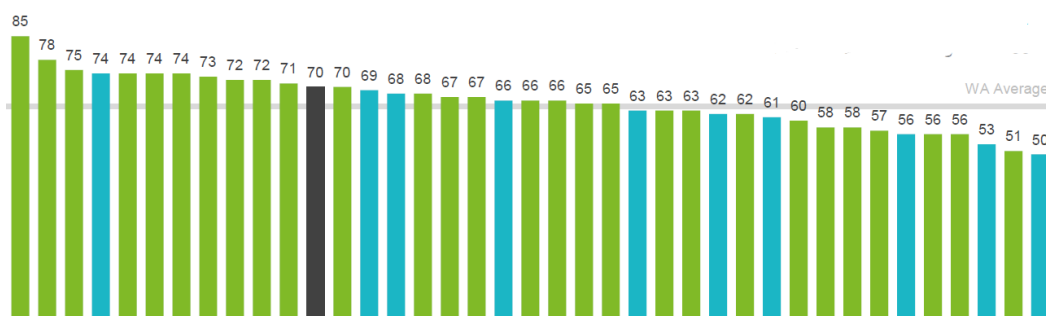
The Shire’s score as a place to visit is also the highest score across Western Australia, having improved from 83 to 87 over the last twelve months.

The Shire as a place to live is rated closely behind at 84, which is 9 index points above the MARKYT Industry Standard for WA and the highest score in the Great Southern.

The Shire’s overall performance index score (a combined measure of the Shire of Denmark as a ‘place to live’ and as a ‘governing organisation’) is 70 out of 100, 5 index points above the average for Western Australia and second in the Great Southern.

**Overall Performance Index Score**  
 average of ‘place to live’ and ‘governing organisation’

- Shire of Denmark
- Great Southern Region Councils
- Western Australian Councils



A summary of the results, listed below, demonstrates that overall, significant progress has been made across each strategic theme in Denmark 2027. Full details, including the question phrasing can be found in the MARKYT Scorecard report.

<b>Our Economy Measures</b>	<b>2018 Result</b>	<b>2019 Result</b>	<b>Trend</b>	<b>Movement</b>
Place to live	82	84		2
Place to visit	83	87		4
Economic development	37	42		5
Agricultural development	39	46		7
Tourism	51	56		5
Denmark Centre development	43	47		4
Goods and services	51	55		4
Education and training	48	56		8

<b>Our Natural Environment Measures</b>	<b>2018 Result</b>	<b>2019 Result</b>	<b>Trend</b>	<b>Movement</b>
Conservation and environment	54	57		3
Growth and development	43	49		6
Sustainable practices	49	53		4
Climate change	47	48		1
Waste reduction	53	53		0
Renewable energy	54	52		-2
Rivers and inlets	43	46		3
Beaches & coastline	51	58		7
Bushland & forests	55	55		0
Waste collection	56	58		2
Animal control	54	54		0

<b>Our Built Environment Measures</b>	<b>2018 Result</b>	<b>2019 Result</b>	<b>Trend</b>	<b>Movement</b>
Buildings, halls & toilets	61	62		1
Sport and recreation	61	64		3
Playgrounds, parks and reserves	63	68		5
Character and identity	59	62		3
Planning and building	39	46		7
Access to housing	54	57		3
Streetscapes	60	58		-2
Lighting	57	60		3
Roads	46	53		7
Traffic management	51	58		7
Footpaths, trails and cycleways	59	62		3
Storm water drainage	48	58		10

Our Community Measures	2018 Result	2019 Result	Trend	Movement
Food, health, noise and pollution	55	59		4
Natural disaster management	51	58		7
Families and children	54	56		2
Youth	38	41		3
Seniors	48	54		6
Disability access	43	49		6
Health and community services	57	61		4
Health and wellbeing	N/A	56	N/A	N/A
Safety and security	66	68		2
Library and information	74	79		5
Festivals, events, arts & culture	69	74		5
History and heritage	54	62		8
Aboriginal heritage	54	54		0

Our Local Government Measures	2018 Result	2019 Result	Trend	Movement
Governing organisation	48	55		7
Value for money	43	45		2
Council's leadership	42	51		9
Advocacy and lobbying	43	50		7
Working with regional partners	51	55		4
Transparency	38	46		8
Change, innovation & technology	45	51		6
Consultation	43	49		6
Informed	48	53		5
Website	54	59		5
Customer Service	68	72		4

The MARKYT Scorecard also provided an opportunity for community members to raise priorities, challenges and suggested actions. A number of suggestions were put forward to consider in relation to sport and recreation facilities and services, efforts to maintain and enhance local rivers and inlets, services and facilities for youth, building and maintaining local roads, economic development, facilities, services and care available for seniors, and conservation and environmental management. This information will support the legislated minor review of the Strategic Community Plan which is due to commence in 2019/20.

The Shire will continue to undertake a MARKYT Community Scorecard each year in conjunction with an internal staff culture survey to ensure we continue to be best placed to deliver on the community’s strategic vision. An engaged, supported and satisfied workforce is key to being able to deliver on community priorities. Satisfaction within the Shire workforce has increased over the last twelve months, with 96% of staff rating the organisation positively as a place to work. Employees at the Shire are also more likely to recommend the Shire as place to work than employees at other Local Governments in WA, with the Shire’s Net Promoter Score result scoring 24 points above the industry average.

**Voting Requirements:**  
Simple majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 8.3.2</b>
<b>MOVED: CR GIBSON</b>	<b>SECONDED: CR LEWIS</b>
That with respect to the 2019 MARKYT Community Scorecard, Council:	
<ol style="list-style-type: none"> <li>1. Receive the report and results contained therein;</li> <li>2. Utilise the community’s feedback contained within the 2019 Scorecard to inform Council’s minor review of the Strategic Community Plan due to commence in 2019/20; and</li> <li>3. Update existing policy P040130 Biennial Community Needs &amp; Customer Satisfaction Survey, as per Attachment 8.3.2b, to reflect the annual requirements of a Community Satisfaction Survey.</li> </ol>	
<b>CARRIED UNANIMOUSLY: 7/0</b>	<b>Res: 170619</b>

**9. COMMITTEE REPORTS AND RECOMMENDATIONS**

**9.1 APPOINTMENT OF COMMUNITY MEMBERS ON COUNCIL LAING PARK DOG EXERCISE AREA WORKING GROUP**

<b>File Ref:</b>	COMM.LPDEA
<b>Applicant / Proponent:</b>	Various
<b>Dog Concept Plan / Locality:</b>	Reserve 45377
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	04/06/19
<b>Author:</b>	Charmaine Shelley, Senior Ranger
<b>Authorising Officer:</b>	David King, Director Assets & Sustainable Development
<b>Attachments:</b>	9.1a – Applications – CONFIDENTIAL for Councillors 9.1b – Working Group Terms of Reference

**Summary:**

This report recommends that Council appoint three community members to the Laing Park Dog Exercise Area Working Group.

**Background:**

In March 2014, Council resolved to develop Laing Park into the Shire’s primary off-lead dog park (Resolution No. 140314);

“That with respect to the proposed Dog Park Strategy, Council;

1. Develop Laing Park, Lot 101 Ocean Beach Road as the primary developed dog park for the Shire.
2. Develop the unnamed cleared portion of Reserve 32279, Lot 1001 that is adjacent to Walters Park that is on Campbell Rd near the corner of Inlet Drive as a low key “off lead” exercise area.
3. Amend its Dog Local Laws in accordance with parts 1 and 2.
4. Ban dogs from the playing surfaces of the Mclean Park Oval complex.
5. Consider the allocation of \$3,000 in its 2014/2015 budget to engage an Architect to prepare a development plan for the Laing Park site to ensure that it is developed in a way that best utilises the site from a dog owners perspective while taking into account parking and access factors as well as the needs of adjoining property owners and trail users.
6. Plan for an allocation of \$20,000 per year in years 2-10 of the Forward Financial Plan to implement the Strategy.
7. Engage further with the community regarding dog access to the sandbar at Prawn Rock Channel, to further protect the habitat of migratory birds.”

Following the Ordinary Council Meeting held on 16 April 2019 (Resolution 130419), community member vacancies were advertised for the Working Group.

Advertising commenced on 25 April 2019 (Denmark Bulletin from 25 April 2019) with the closing date being 10 May 2019.

**Consultation:**

The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be affected by the proposal and considered Council's Community Engagement Policy P040123 and the associated Framework. The development of a Working Group will see the representation of some community members and other key stakeholders have input into the initial plan. It is envisaged that the draft Concept Plan would then be advertised for broader community consultation prior to adoption.

The Community Member positions were advertised in the Denmark Bulletin, Shire of Denmark Notice Boards, Website and Facebook page.

**Statutory Obligations:**

Nil

**Policy Implications:**

Policy P040235 - Presiding Members of Council Committees relates and reads as follows;

Objectives

- *To maximise the adherence of Council Committees and Working Groups to adopted policies and procedures;*
- *To maximise the likelihood of Council Committees and Working Groups having continuity of a Presiding Person for the duration of its term; and*
- *To maximise the efficiency and effectiveness of Committees and Working Groups by ensuring that the Chairperson has the appropriate training and support.*

Policy

*Wherever there is one or more Elected Members appointed to a Council Committee or Working Group, then it is Council Policy that the members of the Committee should elect one of those Elected Members to the role of Presiding Person.*

*A Presiding Person, and if required a Deputy, is to be elected using the same method as detailed in Section 5.12 of the Local Government Act 1995.*

*A deputy of a member of a Committee or Working Group may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause and a deputy of a member of a Committee or Working Group, while acting as a member, has all the functions of and all the protection given to a member (Section 5.11A of the Local Government Act 1995)."*

**Budget / Financial Implications:**

\$1,500 has been included in the 2018/2019 Budget for the development of a concept plan.

**Strategic & Corporate Plan Implications:**

The report and officer recommendation is consistent with Council's adopted Strategic Community Plan Aspirations and Objectives and the Corporate Business Plan Actions and Projects in the following specific ways, specifically in relation to the development of a comprehensive plan.

Denmark 2027

N2.0 Our Natural Environment

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

N2.1 To preserve and protect the natural environment.

**B3.0 Our Built Environment**

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

B3.1 To have public spaces and infrastructure that are accessible and appropriate for our community.

Corporate Business Plan

B3.1 To have public spaces and infrastructure that are accessible and appropriate for our community.

B3.1.12 Develop a Dog Park Concept Plan \$1,500.

**Sustainability Implications:**

➤ **Governance:**

A working group with broad membership from community and stakeholders assists with good governance by promoting proactive collaboration which contributes to well considered decision making.

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council choose not to appoint one or all of the Community members	Possible (3)	Insignificant (1)	Low (1-4)	Not Meeting Community expectations	Accept Risk
Working Group operate outside of its Terms of Reference	Unlikely (2)	Insignificant (1)	Low (1-4)	Ineffective People Management	Manage by TOR and Code of Conduct
Working Group disseminate information contrary to Council policies, processes or Terms of Reference	Unlikely (2)	Insignificant (1)	Low (1-4)	Ineffective People Management	Manage by TOR and Code of Conduct.

**Comment/Conclusion:**

Copies of the nominations are attached (refer Attachment 9.1a). Copies of the Committee Charter and Working Group Terms of References are attached. (refer to Attachment 9.1b).

Officers note that all three community members are considered to be good representatives and have the skills, experience, willingness and ability to contribute to the working group.

The Officer therefore recommends all three nominated community members to be accepted to the Laing Park Dog Exercise Area Working Group.

**Voting Requirements:**

Simple majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>		ITEM 9.1
MOVED: CR GIBSON		SECONDED: CR LEWIS
That with respect to the nominations received for Community Member vacancies on Laing Park Dog Exercise Area Working Group, Council appoint the following community members;		
a) Lyn Perry;		
b) Tanya Daley; and		
c) Alexandra Gibson.		
CARRIED UNANIMOUSLY: 7/0		Res: 180619

**10. MATTERS BEHIND CLOSED DOORS**

Nil

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

Nil

**12. CLOSURE OF MEETING**

6.48pm – There being no further business to discuss the Shire President, Cr Gearon, declared the meeting closed.

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

Signed: \_\_\_\_\_  
*Bill Parker – 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.)*