

Shire of Denmark

Ordinary Council Meeting **AGENDA**

20 October 2020



TO BE HELD IN THE COUNCIL CHAMBERS, 953 SOUTH COAST HIGHWAY, DENMARK ON TUESDAY, 20 OCTOBER 2020, COMMENCING AT 4.00PM.



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Strategic Community Plan (snapshot)

E1.0

Our Economy

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

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

N2.0

Our Natural Environment

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

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

B3.0

Our Built Environment

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

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

C4.0

Our Community

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

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

L5.0

Our Local Government

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

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

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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

MEMBERS:

Cr Ceinwen Gearon (Shire President)
 Cr Mark Allen (Deputy Shire President)
 Cr Geoff Bowley
 Cr Kingsley Gibson
 Cr Jan Lewis
 Cr Ian Osborne
 Cr Roger Seeney
 Cr Steve Jones

STAFF:

Mr David Schober (Acting Chief Executive Officer)
 Mr David King (Director Assets & Sustainable Development)
 Mr Lee Sounness (Acting Director Corporate & Community Services)
 Ms Claire Thompson (Governance Coordinator)

APOLOGIES:

ON APPROVED LEAVE(S) OF ABSENCE:

Cr Janine Phillips (pursuant to Council Resolution NO. 040720)

ABSENT:

VISITORS:

DECLARATIONS OF INTEREST:

Name	Item No	Interest	Nature

3. ANNOUNCEMENTS BY THE PERSON PRESIDING

3.1 RATES PRIZE INCENTIVE WINNERS

This year, to encourage Ratepayers to pay their rates in full by 23 September, the Shire offered Denmark Dollars as prize incentives. The seven winners have now been drawn and will be announced by the Shire President and Rates Officer, Judy Savic.

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

4.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

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 – 15 SEPTEMBER 2020

OFFICER RECOMMENDATION	ITEM 6.1
That the minutes of the Ordinary Meeting of Council held on the 15 September 2020 be CONFIRMED as a true and correct record of the proceedings.	

6.2 STRATEGIC BRIEFING NOTES – 15 SEPTEMBER 2020

OFFICER RECOMMENDATION	ITEM 6.2
That the Notes from the Strategic Briefing Forum held on the 15 September 2020 be RECEIVED.	

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 CONTRACT AWARD – TEN.1.20/21 LIGHTS BEACH UPGRADE PROJECT

File Ref:	TEN.1.20/21
Applicant / Proponent:	N/A
Subject Land / Locality:	Light Beach Car Park (Reserve 24913)
Disclosure of Officer Interest:	Nil
Date:	6 th October 2020
Author:	David King, Director Assets and Sustainable Development
Authorising Officer:	David Schober, Chief Executive Officer Acting
Attachments:	A confidential briefing note has been distributed under separate cover in accordance with section 5.23 of the Local Government Act 1995(2)(iii), being a matter that if disclosed, would reveal information about the commercial affairs of a person other than the Local Government.

Summary:

The Shire of Denmark has sought Tenders from suitable Contractors for the provision of Civil works associated with the Lights Beach Upgrade Project.

Council approval is sought to appoint a preferred contractor to complete the civil component of the Lights Beach redevelopment.

Background:

Lights Beach is a key tourist node in the Shire of Denmark. It is a popular spot for fishing, surfing, yoga and a number of other recreational activities. It is a designated off leash area and also intersects the Munda Bidji cycle trail and Bibbulmun Track walk trail which are nationally recognised.

The site contains some minimal and outdated infrastructure. Its toilet facilities are aging, basic and provide no access for less abled persons. The carpark is sealed in part, but is not engineered to a contemporary safety standard. Anecdotally this has resulted in a number of minor crashes due to the poor circulation spaces. Access to the beach is steep with little to no provision for the less abled. Improved access to the site, via a recent sealed road, has resulted in increased visitor numbers which exacerbates the deficiencies. In addition, service level failure, with regards to parking numbers in peak season, is increasing. This is leading to poor experiences for visitors and in turn does not serve to enhance the towns tourism image or support its primary source of income.

The upgrade seeks to rectify the deficiencies by increasing the sealed parking area which will result in formalising vehicle circulation and parking, plus improved, all access, waterwise toilet facilities, beach access, lookouts and signage.

An item to Council was presented to the Ordinary Council Meeting of 18 August 2020 to request CEO delegation to award this contract. The officer recommendation to amend the delegation was lost (Res: 140820) and therefore this consideration is before Council.

Consultation:

A request for tender was published in the West Australian on 9 September 2020, the Albany Advertiser on 10 September 2020, and in the Denmark Bulletin on 3 September 2020.

Statutory Obligations:

Regulation 11 of the Local Government (Functions and General) Regulations 1996 (Regulations) requires Council to publicly tender if the contract is, or is expected to be more, or worth more than \$250,000.00.

Regulation 18 of the Regulations outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.

Regulation 19 of the Regulations requires Council to advise each tenderer in writing, the result of Council's decision.

Policy Implications:

P040220 Purchasing Policy and P040216 Regional Price Preference Policy are applicable to this item.

Budget / Financial Implications:

A breakdown of the project budget is included in the confidential briefing note associated with this report.

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

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.

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)
Financial That works go over budget due to variations as a result of latent conditions	Likely (4)	Minor (2)	Moderate (5-9)	Inadequate Procurement, Disposal, Tender Practice	Accept Risk

Comment/Conclusion:

At the closing date seven (7) submissions were received. Of the seven:

- one (1) was deemed as non-conforming
- one (1) was an alternate tender submitted with a conforming tender
- five (5) were deemed as conforming tenders

The five (5) conforming tenders were evaluated using a weighted attributed methodology. This method scores the evaluation criteria and weights the importance to determine an overall point score for each tender.

The evaluation panel consisted of three (3) Shire officers including a Director. The purpose of the Panel was to assess and score each tender, and undertake any communication with tenderers that may be necessary to clarify submissions. To ensure that the assessment of the tenders is undertaken fairly, in a way that can be measured and documented, the Panel assessed each tender according to a pre-determined weighting schedule.

The criteria and weightings are show below.

Criteria	% Weight
Relevant Experience	25%
Tenderers Resources	25%
Cost	50%

The qualitative criteria of ‘relevant experience’ and ‘tenderers resources’ were scored on the following scale:

Score	Description
0	Inadequate or non appropriate offer, many deficiencies, does not meet criterion (did not submit any documentation to support claims)
1	Between 0 and 2
2	Marginal offer, some deficiencies, partly meets criterion
3	Between 2 and 4
4	Fair offer, few deficiencies, almost meets criterion
5	Between 4 and 6
6	Good offer, no deficiencies, meets criterion
7	Between 6 and 8
8	Very good offer, exceeds criterion
9	Between 8 and 10
10	Outstanding offer, greatly exceeds criterion

The Cost score was electronically scored after application of the Council price preference policy to the tendered sums.

Individual scores are then multiplied by the weighting for total score out of 1000.

The quality of the submission was generally high. However, it can be seen from the Table below that Nigel Palmer Earthmoving provided the most competitive price. This was supported by considerable evidence of previous experience of similar works (William Bay) and demonstrated a minimal requirement for sub-contract works.

The following table summarises the tenderers and overall evaluation score:

Tenderer	Cost Score	Relative Experience	Tenderer's resources	Total Score
Nigel Palmer Earthmoving	312.19	225	175	712.19
Tenderer B	298.82	125	150	573.82
Tenderer C	298.41	125	125	548.41
Tenderer D	225.75	150	150	525.75
Tenderer E	114.83	200	200	514.83

The evaluation panel unanimously agreed that Nigel Palmer Earthmoving be recommended as the preferred contractor.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION	ITEM 8.1.1
That Council ACCEPT the tender from Nigel Palmer Earthmoving for TEN.1.20/21 Lights Beach Upgrade Project.	

8.2 DIRECTOR CORPORATE AND COMMUNITY SERVICES

8.2.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31 AUGUST 2020

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	23 September, 2020
Author:	Scott Sewell, Accountant
Authorising Officer:	Lee Sounness, Acting Director Corporate & Community Services
Attachments:	8.2.1 – August 2020 Monthly Financial Report

Summary:

The attached financial statements and supporting information for the period ending 31 August 2020 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 Rate Book, including outstanding debtors and the raising of interim rates.
- Reconciliation of all assets and liabilities, including payroll, taxation and other 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 from the budget adoption on 4th August 2020.

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:**

Nil

Comment/Conclusion:

As at 31 August 2020, total cash funds held (excluding trust funds) totals \$7,500,422 (Note 1).

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

Reserve Funds (restricted) total \$4,220,593 (Note 5).

Municipal Funds (unrestricted) total \$3,279,829 (Note 2).

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, the 30 June 2021 end of year financial position is estimated to be \$200,000 surplus. At this early stage of the financial year there are no known circumstances to suggest that the actual closing position will differ significantly from the amount calculated in the adopted budget. (Statement of Financial Activity).
- Operating revenue and expenditure is generally in line with year to date budget predictions for the period ended 31 August 2020 (Statement of Financial Activity) except for items referenced in Note 3(a) which includes depreciation expense which is yet to be applied for the 2020/2021 financial year.
- The Rates collection percentage currently sits at 17.67% and is in keeping with historical collection performance statistics (see Note 4)
- The 2020/2021 Capital Works Program has only just commenced with 1.55% completed for the year to date with a total committed cost of 6.74% as at 31 August 2020 (see Note 10).
- Most transfers to and from general Reserve Funds have not been made for the 2020/2021 year as they are generally undertaken in the latter part of the financial year, depending on the specific projects to which the transfers relate. One transfer of \$156,292 has been made from the Demark East Development Reserve to recoup municipal fund expenditure previously incurred.
- Salaries and Wages expenditure is generally in line with year to date budget estimates (not reported specifically in the Financial Statement).

Other Information

- Depreciation Expense – Depreciation of all asset classes have not yet been calculated for the reporting period. Depreciation expenses will be applied once the annual audit of financial figures for the year ended 30 June 2020 have been confirmed.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 8.2.1

That with respect to Financial Statements for the period ending 31 August 2020, Council receive the Financial Reports, incorporating the Statement of Financial Activity and other supporting documentation.

8.2.2 LIST OF PAYMENTS FOR THE PERIOD ENDING 30 SEPTEMBER 2020

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	1 October 2020
Author:	Scott Sewell, Accountant
Authorising Officer:	Lee Sounness, Acting Director Corporate & Community Services
Attachments:	8.2.2 – September Monthly List of Accounts Submitted Report

Summary:

The purpose of this report is to advise the Council of payments made during the period 1 September 2020 to 30 September 2020.

Background:

Nil

Consultation:

Consultation was not required for this report.

Statutory Obligations:

Local Government (Financial Management) Regulation 13 relates:

Policy Implications:

Delegation Number D040201 relates.

Budget / Financial Implications:

There are no known significant trends or issues to be reported.

Strategic & Corporate Plan Implications:

Implement a financial strategy to ensure the Shire of Denmark's financial sustainability.

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

Denmark 2027

L5.4 To be fiscally responsible

Corporate Business Plan

Nil

Sustainability Implications:**➤ Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

Nil

Comment/Conclusion:

Nil

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION	ITEM 8.2.2
<p>That with respect to the attached Schedule of Payments, totalling \$1,265,529.98 for the month of September 2020, Council RECEIVE the following summary of accounts:</p> <ul style="list-style-type: none"> • Electronic Funds Transfers EFT28444 to EFT28633 - \$775,865.77; • Municipal Fund Cheque No's 60388 – 60393 - \$6,797.81; • Internal Account Transfers (Payroll) - \$375,131.93; and • Direct Debit - \$10,083.86; • Corporate Credit Card; \$2,085.91; • Department of Transport Remittances; \$95,564.70, and • Loan Payments: \$0 	

8.2.3 INVESTMENT REPORT FOR THE PERIOD ENDED 30 SEPTEMBER 2020

File Ref:	FIN.19
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	2 October 2020
Author:	Scott Sewell, Accountant
Authorising Officer:	Lee Sounness, Acting Director Corporate & Community Services
Attachments:	8.2.3 September 2020 Investment Register

Summary

This report presents the Investment Register for the month ending 30 September 2020.

Background

This report is for Council to receive the Investment Register as at 30 September 2020.

Council's Investment of Funds Policy sets the criteria for making authorised investments of surplus funds after assessing credit risk and diversification limits to maximise earnings and ensure the security of the Shire's funds.

Consultation

Nil.

Statutory Obligations

The *Local Government Act 1995 – Section 6.14, the Trustees Act 1962 – Part III Investments, the Local Government (Financial Management) Regulations 1996 - Reg. 19, 28 and 49, and the Australian Accounting Standards*, sets out the statutory conditions under which funds may be invested.

Regulation 34 of the *Local Government (Financial Management) Regulations* requires a monthly report on the Shires Investment Portfolio to be provided to Council.

Policy Implications

All investments are made in accordance with Council Policy P040229 – Investments, which states that in relation to Counterparty Credit Framework that no more than 50% of the total investment portfolio should be held with any one institution.

To control the credit quality over the entire portfolio, the following credit framework limits the percentage of the portfolio exposed to any particular credit rating category.

A. S&P Long Term Rating	B. S&P Short Term Rating	C. Direct Investment Maximum %	D. Managed Funds Maximum %
AAA	A-1+	100%	100%
AA	A-1	60%	80%
A	A-2	40%	80%

Exposure to an individual counterparty/institution will be restricted by their credit rating so that single entity exposure is limited, as detailed in the table below.

A. S&P Long Term Rating	B. S&P Short Term Rating	C. Direct Investment Maximum %	D. Managed Funds Maximum %
AAA	A1+	50%	50%
AA	A-1	35%	45%
A	A-2	20%	40%

If any of the Council's investments are downgraded such that they no longer fall within the investment policy, they will be divested as soon as practicable.

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

Budget / Financial Implications

There are no significant trends or issues to be reported.

Strategic & Corporate Plan Implications

Implement a financial strategy to ensure the Shire of Denmark’s financial sustainability.

The report and officer recommendation are consistent with Council’s adopted Strategic 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:**

Nil.

Comment / Conclusion

The attached Investment Report tables summarise how funds are invested as per the Shires Investment Policy and reports on the Investment Portfolio balance as at 30 September 2020.

At the end of September 2020 Council had a total of \$8,974,787 invested with four banking institutions to ensure an appropriate portfolio balance mix with no single institution holding more than 50% of the total funds invested which is in accordance with the requirements outlined in Council policy P040229.

The total Reserve Funds invested as at 30 September 2020 totals \$4,224,787.

The total Municipal Funds Invested as at 30 September 2020 total \$4,750,000.

The Reserve Bank of Australia has not altered its cash rate for this month. The cash rate remains set at 0.25%.

Voting Requirements

Simple majority.

OFFICER RECOMMENDATION	ITEM 8.2.3
That Council RECEIVE the Investment Register (attachment 8.2.3) for the period ended 30 September 2020.	

8.2.4 NEW DELEGATION TO APPROVE FIRE HAZARD ABATEMENT WORK ON PRIVATE PROPERTY AND AMENDMENT TO POLICY P050110 (HAZARD REDUCTION BURNING ON PRIVATE PROPERTY PROCEDURE)

File Ref:	ADMIN.9
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Shire of Denmark
Disclosure of Officer Interest:	Nil
Date:	9 October 2020
Author:	Lee Shelley, Strategic Planning Officer Claire Thompson, Governance Coordinator
Authorising Officer:	Lee Sounness, Director Corporate and Community Services
Attachments:	8.2.4 - Policy P050110 - Hazard Reduction Burning on Private Property

Summary:

Council are requested to provide the Chief Executive Officer delegation to authorise Fire Hazard Abatement Work on Private Property and amend Policy P050110 (Hazard Reduction Burning on Private Property Procedure).

Background:

Policy P050110 Hazard Reduction Burning on Private Property Procedure currently gives Council's support for Volunteer Bush Fire Brigades to undertake hazard reduction works on private property.

Prior to the policy being presented to Council in 2013, legal advice was obtained. The advice suggested that in order for applications to be approved or rejected administratively (and expediently), the Council should delegate its function under section 33(4) and 33(6) of the Bush Fires Act 1954. The delegation was never provided and therefore each request is, legally, required to be referred to the Council for a formal resolution.

Consultation:

Consultation with Shire Officers and legal advice.

Statutory Obligations:

Section 33(4) and 33(6) of the Bush Fires Act 1954 allows local governments the authority to enter upon private land to carry out works for removal or abatement of a fire danger and the amount of expense may be recovered by the owner or occupier of the land by the local government in a court.

Section 33(4) relates to when an owner or occupier fails or neglects to comply with a notice and provides the local government authority to act on the owner/occupier behalf to carry out the works required.

Section 33(6) is when an owner or occupier requests the local government to carry out the works required.

Section 33(5) states that the costs and expenses incurred under works carried out pursuant to section 33(4) "shall be ascertained and fixed by the local government and a certificate signed by the mayor or president of the local government". The certificate can be used as evidence in court.

Section 48 of the Bush Fires Act states that a local government may, in writing, delegate to its Chief Executive Officer the performance of any of its functions.

Budget / Financial Implications:

Costs associated with any works carried out by the local government on private property, either to enforce compliance or at the request of an owner/occupier, are fully recoverable from the owner/occupier.

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

N2.0 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, active and safe community

B3.4 To manage assets in a consistent manner

Sustainability Implications:

➤ **Governance:**

Continuing the current practice of Officers signing off on private property works request without appropriate delegation is a non-compliance issue for the Shire of Denmark.

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not delegate its function to the CEO to approve requests or enter land to carry out requisitions of a notice issued to an owner or occupier. As a result, each request would be referred to Council for a decision.	Rare (1)	Moderate (3)	Low (1-4)	Not Meeting Community expectations	Accept Officer Recommendation

Comment/Conclusion:

The legal advice obtained in 2013 provided the following opinions and recommendations.

1. Bush Fire Brigades do not have expressed authority under the Bush Fires Act 1954 to “perform fire hazard abatement work at the request of an owner or occupier of private land, and with an agreement for the owner/occupier to make a payment for the expense of the work”.
2. Fire Brigades need to be issued with a “direction” by the Shire to carry out work on private land under s33(4) and s33(6).
3. The Shire should deal with the arrangements for payment of the expense and are entitled to recover the cost from the owner / occupier.
4. Local governments should provide delegation to the Chief Executive Officer to approve (or reject) fire abatement work on private property.

Most of Policy P050110 (Attachment 8.2.4) details the process of an owner/occupier requesting a hazard reduction burn. The officer is recommending the procedure detail be removed and treated as an internal operational document. There is however, reference to Council giving their support for brigades to use Brigade equipment and vehicles to carry out hazard reduction work on private property.

While any work carried out would be at the direction / request of the local government, it is recommended that the principle and reasoning for the support to use the equipment (for financial gain) should remain stated in Council Policy to provide clear authority for them to do so.

An amended policy could read as follows;

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

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

A draft delegation of Council’s function under s33(4) & (6) could read as follows;

DRAFT DELEGATION

The Chief Executive Officer is delegated the local governments powers and functions under section 33(4) and section 33(6) of the Bush Fires Act 1954. The expenses incurred for such work is to be recovered from the owner or occupier of the subject private land.

CONDITIONS

1. *Appropriate action and investigation need to be made prior to performing hazard reduction work on private property including;*
 - a. *Completion of a Request Form if work is requested by an owner / occupier;*
 - b. *Completion of a Prescription Guidelines Form detailing (but not limited to);*
 - i. *Identification of special circumstances and risks;*
 - ii. *Formulation of special conditions;*
 - iii. *Identification of a responsible bush fire control officer or authorised brigade officer; and*
 - iv. *The costs of the works to be performed and paid by the owner / occupier.*
2. *The cost of any works to be undertaken pursuant to section 33(4) must be ascertained and fixed, prior to any work commencing, and agreed to by the owner/occupier on a certificate signed by the Shire President.*

3. *A direction must be given to provide authority to a third party to carry out any works for the removal or abatement of a fire danger on private property, including hazard reduction burning.*
4. *The payment for cost of the works shall be arranged with the owner / occupier by the Shire and paid to the third party who performs the work.*

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION	ITEM 8.2.4
<p>That with respect to a local government carrying out works for the purpose of removing or abating fire hazards on private property, Council;</p>	
<p>1. DELEGATE its powers and functions under sections 33(4) and 33(6) of the Bush Fires Act 1954 to read as follows;</p> <p style="padding-left: 40px;"><i>The Chief Executive Officer is delegated the local governments powers and functions under section 33(4) and section 33(6) of the Bush Fires Act 1954. The expenses incurred for such work is to be recovered from the owner or occupier of the subject private land.</i></p>	
<p>CONDITIONS</p>	
<ol style="list-style-type: none"> 1. <i>Appropriate action and investigation need to be made prior to performing hazard reduction work on private property including;</i> <ol style="list-style-type: none"> a. <i>Completion of a Request Form if work is requested by an owner / occupier;</i> b. <i>Completion of a Prescription Guidelines Form detailing (but not limited to);</i> <ol style="list-style-type: none"> i. <i>Identification of special circumstances and risks;</i> ii. <i>Formulation of special conditions;</i> iii. <i>Identification of a responsible bush fire control officer or authorised brigade officer; and</i> iv. <i>The costs of the works to be performed.</i> 2. <i>The cost of any works to be undertaken pursuant to section 33(4) must be ascertained and fixed, prior to any work commencing, and agreed to by the owner/occupier on a certificate signed by the Shire President.</i> 3. <i>A direction must be given to provide authority to a third party to carry out any works for the removal or abatement of a fire danger on private property, including hazard reduction burning.</i> 4. <i>The payment for cost of the works shall be arranged with the owner / occupier by the Shire and paid to the third party who performs the work.</i> 	
<p>2. AMEND Policy P050110 to read as follows;</p> <p style="padding-left: 40px;"><i>Council supports local Volunteer Bush Fire Brigades that use Shire & Brigade equipment and vehicles to undertake hazard reduction burning of private property, if directed by the Shire to do so.</i></p> <p style="padding-left: 40px;"><i>Council acknowledges that these activities offer an effective means of providing both a safe and low risk training environment and also the opportunity of charging for the services performed to assist the Brigade fund facilities and activities, not otherwise funded through the Emergency Services Levy (ESL), as an additional means of attracting and retaining volunteer members.</i></p>	

8.3 CHIEF EXECUTIVE OFFICER

8.3.1 2020 WARD & REPRESENTATION REVIEW

File Ref:	ELC.1 & CR.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	5 October 2020
Author:	Sue Mearns, Executive Support Officer
Authorising Officer:	David Schober, Acting Chief Executive Officer
Attachments:	8.3.1a – Ward Review Discussion Paper 8.3.1b – Schedule of Submissions Received – Redacted 8.3.1c – Briefing Note Ward & Representation Review 2020

Summary:

At the Ordinary Council Meeting held 21 July 2020, Council resolved that this item be deferred to the October 2020 Ordinary Council Meeting to provide Councillors an opportunity to give due consideration to submissions and obtain additional information.

Councillors requested information on the Ward structures of other Western Australian Local Government organisations in addition to the advantages/disadvantages relating to keeping the current Ward structure or going to a ‘no Ward’ structure. This information can be found in attachment 8.3.1c – Briefing Note Ward and Representation Review 2020.

Council is now asked to consider the submissions received in relation to the Ward and Representation Review and determine its position prior to making a submission to the Local Government Advisory Board.

Background:

At the meeting held on the 17 March 2020, Council resolved as follows (Resolution No. 140320);

“That Council authorise the Chief Executive Officer to commence a review of the Shire of Denmark’s Wards & Representation”.

The Shire of Denmark last undertook a Ward and Elected Member Representation Review in April 2013. The review outcome and subsequent Council resolution was as follows:

“That with respect to the 2013 Ward and Elected Member Representation Review Council;

1. *Notes the six (6) submissions received and the officer comments with respect to those and;*
2. *Notes the previous Minister for Local Government’s directive of 5 February 2009 in relation to Councillor numbers being voluntarily reduced to between 6 and 9 and;*
3. *Notes that there is a likelihood of increased Governance costs associated with Councillors allowances moving to being regulated by the Salaries and Allowances Tribunal with effect from 1 July 2013 and;*
4. *Submits to the Local Government Advisory Board, proposing that;*
 - a) *There be no change to its current 3 Ward structure and;*
 - b) *That there not be a complete spill of elected member positions but that its number of elected representatives be reduced to 9 by reducing one Councillor from each Ward with effect from the 2013 Local Government Elections.”*

As the last review was completed in April 2013, the Shire of Denmark is now required to undertake another Ward Review in advance of the 2021 Ordinary Local Government Elections.

The Shire provided public notice and a Discussion Paper of the Ward and Representation Review in accordance with recommendation 8.3.1 of the 17 March 2020 Council resolution.

The Discussion Paper included three examples of possible options for change to the Ward and Representation system, as well as a fourth option of no change, for the public to consider when providing comments on the Ward and Representation Review.

These options are set out in the following table:

Option 1	TOWNSITE GAZETTED BOUNDARY
	If it was determined that the Ward boundary should mirror the gazetted Denmark Townsite boundary for Town Ward then the option of increasing the number of Town Ward Councillors from three (3), to five (5) Councillors should be considered. This would require a reduction in Elected Members in the Scotsdale/Shadforth Ward from four (4) to two (2). This measure would then ensure an acceptable Councillor/Elector ratio of within 10%.
Option 2	SPLIT TOWN WARD
	A second option to be considered could be to create four (4) Wards and 'split' the Townsite boundary area into two (2) Wards. One retaining the name of 'Town Ward' and the second being named, for example, "Ocean Beach Ward". Option 2 would involve decreasing the number of Councillors in the Scotsdale/Shadforth Ward by two (2), and creating two (2) Councillors for the new "Ocean Beach Ward".
Option 3	NO WARD STRUCTURE
	Implement a 'no Ward' structure with nine (9) Elected Members.
Option 4	RETAIN CURRENT STRUCTURE
	Retain the current Wards & Representation with nine (9) Elected Members and three (3) Wards.

Consultation:

The Shire provided public notice and a Discussion Paper of the Ward and Representation Review in the following ways:

- Press advertisements in the Denmark Bulletin (x2) and the Albany Advertiser;
- Public notice on the Shire's Website, Facebook page and Community noticeboard/s; and
- Email notices to Sporting Clubs and local Community Groups, including Residents & Ratepayer Associations.

Interested parties were asked to review the Discussion Paper (Attachment 8.3.1a), and had six weeks to provide comments by 12 June 2020. At the request of the Denmark Residents and Ratepayers Association, a meeting with Council officers was held on 21 May 2020 to seek clarification and ask questions relating to the Discussion Paper.

Thirty four (34) submissions were received and can be found at Attachment 8.3.1b.

Statutory Obligations:

The Local Government Act 1995, Schedule 2.2 requires a Local Government that has a Ward system, to carry out reviews of its Ward boundaries and the number of offices of councillor for each Ward "from time to time so that not more than eight (8) years elapse between successive reviews."

It must be noted that any decision with respect to the Ward and Representation Review must be by an absolute majority.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

The Shire had allocated \$5,000 towards this review in its 2019/20 budget.

Due to the uncertainty during the COVID-19 pandemic, the functions associated with completing the Ward and Representation Review were undertaken by a Shire Officer. This significantly reduced the total amount spent on the review to approximately \$1,500 (advertising, wages etc) and provided a project for staff to undertake at a time when “normal duties” were not all able to be assumed.

A reduction in the number of Councillors would result in cost saving with respect to Elected Member sitting fees and allowances. The number of Elected Members was not mentioned in any of the submissions received and therefore the Author has not recommended a change in this regard.

Strategic & Corporate Plan Implications:

The report and officer recommendation is 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

L5.0 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.

Corporate Business Plan

L.5.2.10 - Undertake a Ward and Representation Review to ensure balanced representation.

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 the Shire of Denmark breach Schedule 2.2 of the Local Government Act 1995 if no review is undertaken within eight years of previous review	Rare (1)	Insignificant (1)	Low (1-4)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation

Comment/Conclusion:

Thirty four (34) community submissions have been received and were reviewed by Shire Officers. Some commentary for each submission is detailed in Attachment (8.3.1b) however, each option can be summarised as follows:

Option	Synopsis	Responses Received - Preferences
1	Mirror the gazetted Denmark Townsite boundary for Town Ward subsequently increasing the number of Town Ward Councillors from three (3), to five (5) by reducing Elected Members in the Scotsdale/Shadforth Ward from four (4) to two (2).	One person responded that their preference was for Option 1. It should be noted that the responder also considered Options 2 and 4 to be acceptable and was strongly opposed to Option 3.
2	Create four (4) Wards and 'split' the Townsite boundary area into two (2) Wards.	Five submissions were received in support of this Option.
3	Implement a 'no Ward' structure with nine Elected Members.	Eight submissions were received in support of this Option. The Officer comments that there was a submission received from an Association which included comments from a number of members stating their preference was for a 'No Ward' system. However, as the individual amount of responses could not be quantified (from the Associations' submission), it could only be recorded as one submission.
4	Retain the current Wards & Representation with nine (9) Elected Members and three (3) Wards.	Twenty two submissions were received in support of Option 4.

The numbers in the above table clearly indicate that the majority of submitters prefer Option 4, this being to retain the current system of three (3) Wards and with nine (9) Elected Members.

Given that the ratio of Elected Members per Elector complies with Schedule 2.2 of the Local Government Act 1995 (refer to detail in attached Discussion Paper), the Officer has recommended that no changes to the Shire’s current Ward and Representation are required.

Voting Requirements:

Absolute majority.

OFFICER RECOMMENDATION	ITEM 8.3.1
<p>That with respect to the 2020 Ward and Elected Member Representation Review Council;</p> <ol style="list-style-type: none"> 1. NOTES the 34 submissions received; and 2. Pursuant to clauses 8 and 9 of Schedule 2.2 of the <i>Local Government Act 1995</i>, ADVISE the Local Government Advisory Board (LGAB) that: <ol style="list-style-type: none"> (a) The Shire has undertaken a review of its Ward and Representation in accordance with clause 6(1) of Schedule 2.2 of the <i>Local Government Act 1995</i>; and (b) The Shire proposes that no changes to Wards or Representation are necessary. 	

**Absolute Majority is required*

8.3.2 LEASE OF PORTION OF LOT 300 ON DEPOSITED PLAN 46811, 832 SOUTH COAST HIGHWAY, DENMARK

File Ref:	A5561 & LEA.52
Applicant / Proponent:	Denmark Concrete Pty Ltd
Subject Land / Locality:	Portion of Lot 300, 832 South Coast Highway, Denmark
Disclosure of Officer Interest:	The Author’s partner is an employee of Denmark Concrete
Date:	14 September 2020
Author:	Claire Thompson, Governance Coordinator
Authorising Officer:	David Schober, Acting Chief Executive Officer
Attachments:	8.3.2 – Draft Lease (CONFIDENTIAL TO COUNCILLORS)

Summary:

Council are asked to endorse the draft lease attached between the Shire of Denmark and Denmark Concrete Pty Ltd for a portion of Lot 300 on Deposited Plan 46811, 832 South Coast Highway, Denmark.

Background:

At its meeting held on 19 May 2020, Council resolved as follows;

“That with respect to Lot 300, 832 South Coast Highway, Denmark, Council;

1. *Advertise, for 14 days, its intention to lease a portion to Denmark Concrete Pty Ltd for the market value as determined by an independent valuation dated 7 May 2020;*
2. *Consider any submissions received following the close of the advertising period;*
3. *Permit Denmark Concrete Pty Ltd to continue its operations at the site for a monthly rental of \$2,254.32, subject to proof of appropriate insurances being provided to the Shire, until such time that Council has considered any submissions and made a decision on whether to enter into a lease with the proponent.”*

Consultation:

Council’s intention to lease was advertised in the Denmark Bulletin, the Albany Advertiser and the Shire’s website. There were no submissions received.

Statutory Obligations:

LOCAL GOVERNMENT ACT 1995

Section 3.58 relates to the disposal of property, which includes leasing.

Section 3.58 (3) allows Council to dispose of property providing it gives two weeks local public notice describing the property concerned, details of the proposed disposition, inviting submissions and giving consideration to any submissions received.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

An independent valuation for the Denmark Concrete site was completed on 5 May 2020 and the annual market rent for the site would be \$22,680 (excluding GST).

Since Council's decision in May, Denmark Concrete have continued their operations at the site and paid the monthly rent and any applicable outgoings.

The cost of preparing the draft lease was \$900.00 (ex GST) and the cost of obtaining a market valuation was \$1,100.00 (ex GST). The Lessee has agreed to reimburse the Shire for 50% of this expenditure.

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

E1.0 Our Economy

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

E1.1 To have a stable and locally supported business community that embraces innovation, creativity, resourcefulness and originality.

E1.3 To have diverse education and employment opportunities.

L5.0 Our Local Government

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

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

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

Corporate Business Plan

Nil

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

The lease reflects Council's support for local businesses supporting jobs and boosting the local economy.

➤ **Social:**

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

➤ **Risk:**

There are no known significant risks relating to the report or officer recommendation. The purpose of a formal lease is to protect the interests of the Shire and the Lessee with the aim of mitigating any potential risks associated with their occupancy of the site.

Comment/Conclusion:

A draft commercial lease has been negotiated between Officers and Denmark Concrete Pty Ltd. A copy of the draft document is attached and is confidential to Councillors.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION	ITEM 8.1.1
<p>That Council;</p> <ol style="list-style-type: none"> 1. ENDORSE the attached draft lease; and 2. AUTHORISE the Chief Executive Officer and the Shire President to execute the document. 	

8.3.3 DENMARK SURF LIFE SAVING CLUB INC. – NEW LEASE AREA

File Ref:	LEA.44.A
Applicant / Proponent:	Denmark Surf Life Saving Club Inc.
Subject Land / Locality:	Portion of Reserve 24913, Lot 556 on Deposited Plan 71707, Ocean Beach
Disclosure of Officer Interest:	Nil
Date:	5 October 2020
Author:	Claire Thompson, Governance Coordinator David King, Director Assets & Sustainable Development
Authorising Officer:	David Schober, Acting Chief Executive Officer
Attachments:	8.3.3a – Current Leased Premises 8.3.3b – Proposed new lease area 8.3.3c – Draft Lease

Summary:

The Denmark Surf Life Saving Club Inc. (DSLSC) have requested a new lease area at Ocean Beach to enable them to construct a temporary shed to be used for excess storage requirements.

Background:

The DSLSC have an existing lease with the Shire of Denmark for a portion of Reserve 24913, with an expiry date of December 2031. A map showing the location of their current leased premises is attached (see Attachment 8.3.3a).

The Club has grown significantly over the past few years and membership has increased from around 200 to over 400 members. As a result, their equipment requirements have grown and they currently have to store some equipment, including two surf boats, offsite. The off-site areas are not undercover causing the equipment to deteriorate quicker than it should. In addition, a significant amount of new equipment will be coming to the Club from SLSWA in preparation for the coming season. This includes rescue boards, nipper boards and training boards. The Club is also likely to purchase several racing skis for competition and training. The Club describe their current facility as ‘packed to the rafters’ with existing equipment and having no more opportunity to expand or increase storage under the current lease.

To resolve the issues the club proposes to erect a temporary 12mx10mx4m lockable storage shed in the location identified in Attachment 8.3.3b.

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:

The Shire of Denmark has management order for Reserve 24913 for "recreation and public recreation" purposes. The Order provides the Shire power to lease for up to 21 years.

Local Government Act 1995

- Section 3.58 enables a local government to dispose of property (includes leasing).
- Section 6.47 allows a local government to grant a concession or waive a rate or service charge. (Absolute majority required for waiver).

Local Government (Functions & General) Regulations 1996

- Regulation 30 (b) provides exemption from disposal provisions if the land is disposed to a body;
 - ...
 - (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
 - (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;

Land Administration Act 1997

- Section 18 requires that Ministerial Approval is required to lease crown land.

Policy Implications:

Shire Officers have delegated authority to approve applications for minor building structures on Council land as the land owner/manager (Delegation D130311).

Budget / Financial Implications:

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

Strategic & Corporate Plan Implications:

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

Denmark 2027

B3.0 Our Built Environment

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

L5.0 Our Local Government

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

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

Corporate Business Plan

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:**

An additional storage area at Ocean Beach will allow the DSLSC to effectively continue their operations and activities at Ocean Beach until such time as the area is developed and a new, larger surf club is available.

The DSLSC members provide a role training people to be life savers and in protecting public safety at Ocean Beach.

➤ **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)
Reputational: That Council decline to provide a new lease area.	Unlikely (2)	Minor (2)	Low (1-4)	Not Meeting Community expectations	Accept Risk
Reputational: That the minor reduction in car parking bays is deemed problematic by beachgoers.	Unlikely (2)	Minor (2)	Low (1-4)	Not Meeting Community expectations	Accept Risk

Comment/Conclusion:

The new Surf Club building has been planned for a number of years. In its current concept form, it is designed to cater for the existing and growing needs of the Club. However, the project is currently only part funded, and as best would not be commissioned until the 2022/23 season. Even so, to realise the new building in 24 months requires successful funding applications in the 2020/21 financial year to meet the budget gap.

Officers have considered the proposal and have met on site with Club members to discuss the problem and identify any other potential short-term solutions. After a looking at a number of options it was determined that the Clubs proposal was the preferred solution.

One of the main concerns was that the proposed shed location is part of an overflow carpark and provides all abilities car parking bays. However, the area (and subsequent shed) will be positioned to minimise the reduction of car bays to 3-4.

The gravel area to the south is also used for disability access. It is recommended that any new lease be conditioned to ensure that this access is not compromised.

Notwithstanding that the existing lease expires in 2031, it is recommended that the new lease be for a shorter term of five (5) years given the temporary nature of the requirement. The

request is to erect a temporary shed to provide temporary storage solutions until such time that a new building has been constructed.

Should Council agree to provide a new lease area, a copy of a draft lease is attached for Council's consideration.

Planning Consent and a Building Permit for the shed would be subject to approval by the Shire of Denmark.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION	ITEM 8.3.3
<p>That with respect to the Denmark Surf Life Saving Club's request to lease an additional area, Council;</p> <ol style="list-style-type: none"> 1. GRANT a new lease area of approximately 200m2 in the location depicted on Attachment 8.3.3b; 2. AUTHORISE the Chief Executive Officer to have the area professionally surveyed to reduce any ambiguity about the area leased; 3. APPROVE the draft lease as per Attachment 8.3.3c; and 4. GRANT a 100% concession of rates payable by the Club for the new lease area, pursuant to s6.47 of the Local Government Act 1995. 	

8.3.4 CHIEF EXECUTIVE OFFICER RECRUITMENT SELECTION PANEL

File Ref:	PER.19
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	The Author is a direct report to the position of Chief Executive Officer
Date:	14 October 2020
Author:	Claire Thompson, Governance Coordinator
Authorising Person:	Shire President, Cr Ceinwen Gearon
Attachments:	Nil

Summary:

Council are asked to consider adding an additional member to the CEO Recruitment Selection Panel.

Background:

At the Special Council Meeting held on 3 March 2020 Council determined the CEO Recruitment process. This included the establishment of a Selection Panel consisting of the Shire President and two Councillors, Cr Lewis and Cr Jones.

Consultation:

Councillors informally discussed the construct of the panel at the forum held on 13 October 2020.

Statutory Obligations:

Regulation 18C requires a local government to *“approve a process to be used for the selection and appointment of a CEO”*. A Selection Panel was established by the Council as part of the selection and appointment process in March 2020.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

There are no budget / financial implications.

Strategic & Corporate Plan Implications:

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

Denmark 2027

L5.0 Our Local Government

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

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:**

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

Comment/Conclusion:

At the forum held on 13 October 2020, Councillors informally discussed the construct of the panel noting that Cr Jones was on a leave of absence. It was suggested that Council could consider adding an additional member, increasing the total membership from three to four. By increasing the membership, should there be a temporary absence of a Councillor, the panel would still have three members in order to convene a meeting.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION	ITEM
<p>That with respect to the CEO Recruitment Selection Panel, Council appoint _____ as an additional member, so that in the event of any temporary absence, or unavailability of a panel member, there is an increased probability of having at least three panel members in attendance, rather than two.</p>	

8.3.5 TOURISM STRATEGY, PROPOSAL FROM DENMARK TOURISM INCORPORATED and VISITOR CENTRE SUB-LEASES

File Ref:	A3186 & PLN.55
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	12 October 2020
Authors:	David Schober, Acting CEO Claire Thompson, Governance Coordinator
Authorising Officer:	David Schober, Acting CEO
Attachments:	8.3.5a – Service Level Agreement 8.3.5b – Areas occupied by sub-lessees 8.3.5c – Standard Community Group lease 8.3.5d – Dark Side Chocolates sub-lease

Summary:

This report recommends that Council commit to the development of a Tourism Strategy and that the newly formed Denmark Tourism Incorporated (DTI) be provided with financial and in-kind support for the remainder of the 2020/21 financial year, which includes the lease of the Denmark Visitor Centre (DVC). Additionally, this report recommends formally advising sub-lessees of the DVC of the requirement to enter into a new agreement with the Shire of Denmark.

Background:

The Amazing South Coast Tourism Inc. divested itself of visitor servicing in Denmark effective 31 July 2020.

On Tuesday 8 September 2020 Councillors received presentations from Greenskills, Denmark Chamber of Commerce and the newly formed DTI. Each presentation offered different opportunities for consideration regarding visitor servicing and support for tourism.

Following the emergence of the DTI and Greenskills proposals, Denmark Chamber of Commerce (DCC) have withdrawn their proposal. DCC note that this is in keeping with their organisational values of supporting businesses, rather than competing.

A summary position of each presentation is provided in the comment section of this report:

Consultation:

Community Information Session – 12 August 2020

The Shire of Denmark, Amazing South Coast Tourism Inc. and the Denmark Chamber of Commerce held a community information session outlining each agency's respective positions as well as answering questions from the floor. Forty-eight (48) people were in attendance.

Council Briefing (informal)

- Denmark Chamber of Commerce presented three times
- Greenskills presented once
- Denmark Tourism Incorporated presented once and answered further questions relating to their proposal following the briefing

Correspondence

There were approximately twenty-five (25) correspondents who provided feedback to the Shire. Most correspondents advocated for the re-opening of the Denmark Visitor Centre.

Social Media

Numerous posts, press releases and information were posted by the Shire, businesses or the community. Most participants advocated for the Visitor Centre to re-open.

Sub-lessees

Both sub-lessees have been advised in meetings with Acting CEO and staff. Dark Side Chocolates have received fortnightly briefings for the past three (3) months.

Statutory Obligations:

The Shire of Denmark has management order for Reserve 48198 for community purposes. The Order provides the Shire power to lease for up to 21 years.

Local Government Act 1995

- Section 3.58 enables a local government to dispose of property (includes leasing).
- Section 6.47 allows a local government to grant a concession or waive a rate or service charge. (Absolute majority required for waiver).

Local Government (Functions & General) Regulations 1996

- Regulation 30 (b) provides exemption from disposal provisions if the land is disposed to a body;
 - ...
 - (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
 - (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;

Land Administration Act 1997

- Section 18 requires that Ministerial Approval is required to lease crown land.

Policy Implications:

The Shire does not have a Tourism Strategy or policy position.

Budget / Financial Implications:

Tourism budget allocation is \$95,000 for the 2020/21 financial year. The Officer has recommended that \$45,000 be allocated to the development of a draft Tourism Strategy and the balance allocated to Denmark Tourism Inc.

In addition, the Shire has committed \$10,000 to the Amazing South Coast Tourism Incorporated for the 2020/21 financial year to support destination marketing activity. This is from a budget allocation of \$50,000 for the purposes of supporting the South Coast Alliance Inc.

Should Council offer and Dark Side Chocolates accept the 90-day notice to vacate the premises, the monthly rent during this time would be paid to the Shire, generating additional revenue of approximately \$1,800 (ex GST), based on their current rental of \$600 per month.

The DVC maintenance budget does not currently have sufficient funds allocated to it to accommodate the additional expenditure required to service the toilets. Council could note the required over expenditure, estimated as \$8,000, at this time and a formal budget amendment recommendation will be presented to Council as part of the mid-year budget review to either source funding from other revenue gains / cost savings or utilise funds from the current adopted surplus position for the year ended 30 June 2021 of \$200,000.

The Officer has also recommended that the Council waive the rates (provide 100% concession) for Denmark Tourism Inc. This is consistent with the current practice for community groups who occupy Council buildings or land. The rates would be generated following the execution of a lease and a valuation. It is therefore unknown at this point in time what the value of the concession would be.

Strategic & Corporate Plan Implications:

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

Strategic Community Plan

E1.2 To be a vibrant and unique tourist destination, that celebrates our natural and historical assets

Corporate Business Plan

Within the economic development component of the Corporate Business Plan a Tourism Development Strategy is listed. This refers to the partnership with the South Coast Alliance Inc. member local governments and the ASCTI. Currently the Shire of Denmark does not have a Tourism Strategy and had previously deferred this responsibility to the ASCTI.

Given the recent changes to the nature of the relationship with the ASCTI, the development of a Tourism Strategy is now acknowledged as a high priority and the responsibility has fallen back onto the Shire to create a strategy specific to Denmark.

Workforce Plan

Tourism currently sits in the CEO/Governance team with no dedicated staff resources assigned to it.

Sustainability Implications:

➤ **Governance:**

The aim of this report is to address a level of community (and industry) expectation relating to continued face-to-face visitor servicing, particularly over the next six months when tourist / visitor numbers are typically at their peak. The short-term nature of any lease or agreement provides some time for the Shire to develop a comprehensive Tourism Strategy to guide future decision making around tourism, including visitor servicing and use of the Visitor Centre building and land.

➤ **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 other than that listed under budget / financial implications.

➤ **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)
Reputational: Decide not to support the development of a tourism strategy	Rare (1)	Minor (2)	Low (1-4)	Not Meeting Community expectations	Accept Risk
Reputational: Decide not support DTI proposal (perception Shire does not support tourism)	Rare (1)	Moderate (3)	Low (1-4)	Not Meeting Community expectations	Accept Officer Recommendation

Comment/Conclusion:

SUMMARY OF PROPOSALS PRESENTED INFORMALLY TO COUNCILLORS

Greenskills Inc.

A well-established not for profit entity with a proven track record in developing new opportunities, utilising strong and well supported volunteer networks to achieve outcomes aligned with their Charter.

Part 1. Open the Visitor Centre from mid-September 2020 to 31 January 2021, while developing an Interpretive Centre.

Utilising existing staff and volunteer networks, Greenskills propose to open the centre for the September/October School Holidays when increased visitation to Denmark is expected.

Part 2. Operate and manage an Interpretive Centre, including the Denmark Visitor Centre.

An extension of Greenskills existing operations through the development of additional paid staff and a dedicated volunteer program. The development of an interpretive centre, aligned with the organisations Charter, provides a key difference to other proposals.

Denmark Tourism Incorporated (DTI)

DTI have formed a not for profit entity which consists of community members, tourism related business owners and operators in order to re-open and manage the Denmark Visitor Centre.

DTI's main objective is to open and manage the Denmark Visitor Centre as soon as practicable in order to support the tourism industry.

DTI propose to recreate a similar model to that previously used to operate the centre prior to its transition to the Amazing South Coast. One point of difference to that of the previous model is a shift from a Board that contains a mix of independent and tourism representative members, to one that largely consists of tourism owners and operators and a limited number of community representatives.

The proposed use of volunteers is another change from the previous DTI model, although it is noted that DTI in its early years did promote and operate with a volunteer supported service model.

Denmark Chamber of Commerce and Industry (DCC)

DCC noted the interests of DTI and Greenskills and later withdrew their proposal on the basis of supporting business, rather than competing.

Table 1. Summary operating position of each proposal

	DCC	DTI	Greenskills
Cash funding request	withdrawn	\$95,000	\$90,000
In-kind funding request		\$65,000	\$65,000
Total funding request		\$160,000	\$155,000
Operate DVC	No	Yes	Yes
Manage bookings	No	Yes	Not determined
Business training	Yes	No, or limited	No
Membership based	Yes	Yes	No or limited

It is noted all three (3) groups have expressed the desire to work collaboratively, where possible. Potential partnership opportunities could exist, but conversely it is equally important to note that potential points of conflict also exist between the three models. Such conflicts may include:

- a. Competition for membership
- b. Venue use, and
- c. Differing organisational cultures and objectives.

Both DTI and Greenskills propose to offer an attraction at the Visitor Centre to increase both the experience and viability of the operations.

Table 2. Denmark Tourism Incorporated – Advantages and disadvantages

Advantages	Disadvantages
Visitor Centre open	Reliance on Shire funding
Potential booking management	Venue unable to be re-purposed
Industry ‘buy in’	Stakeholder engagement not yet developed
No cultural shift required	Conflicts of interests exist
Community sentiment would largely support	Model is industry, rather than community focused
Volunteer engagement to reduce costs	Reliant on undeveloped funding sources
Development of tourism attraction	Model unproven, use of volunteers with paid management.

Table 3. Greenskills Denmark – Advantages and disadvantages

Advantages	Disadvantages
Interpretive and Visitor Centre open	Reliance on Shire funding
Potential booking management	Venue unable to be re-purposed
Community and Industry ‘buy in’	Organisational values may limit collaboration
No cultural shift required	Time required to develop operations
Community sentiment would embrace and fits with Greenskills charter	Possibly reliant on undeveloped funding sources
Volunteer engagement to reduce costs	Require Board approval
Conflict of interests more easily managed	May detract from core business
Development of tourism attraction	No previous tourism experience

LEASE AND SUB-LEASES OF THE DENMARK VISITOR CENTRE

Currently the Amazing South Coast Tourism Incorporated (ASCTI) have a lease with the Shire of Denmark for use of the Denmark Visitor Centre (DVC). The ASCTI will be relinquishing the lease of the DVC, as they withdrew from visitor servicing in Denmark as of 31 July 2020.

The ASCTI inherited two sub-leases when the lease was transferred to them from the former Denmark Tourism Inc. Relinquishment of the lease renders the two sub-leases invalid.

Sub-Lease 1 – Denmark Woodturners Inc.

The Denmark Woodturners are a not for profit volunteer group who were granted a licence to operate from an adjacent building to the DVC in 2007. The purpose of their occupation was “demonstrating its activities and providing displays for visitors to the building”.

It is recommended that Council enter into a lease with the Denmark Woodturners Inc. to allow them to remain at the site until 30 June 2021 at a peppercorn rate. This aligns with the lease period recommended for the Denmark Tourism Inc.

Dark Side Chocolates

Dark Side Chocolates is a commercial entity which currently pay a monthly lease fee to the ASCTI. The business commenced operating at the site in December 2014. The sub-lease was to expire on 1 December 2021.

As noted in the consultation section of this report, the CEO has been in regular contact with the proprietor of Dark Side Chocolates and has indicated on a number of occasions that it was unclear what the withdrawal of the ASCTI would mean for the business' continued occupation at the site.

It is a difficult position for the Shire to be in. On one point, it would be reasonable to expect that the Shire would support local business, this would mean allowing the business to continue its expected occupation to the end of November 2021.

On another point, it could also be reasonable to expect that the Shire does not provide an unfair advantage to any local businesses over other similar local businesses.

Should the Council agree to enter into a short-term lease for the DVC to re-open, it is fair to say that this could create a significant increase in foot traffic in close proximity to Dark Side Chocolates; a situation with likely benefit created by the Shire and not afforded to other similar local retailers.

For the above reason, the officer has recommended that Dark Side Chocolates be provided with reasonable notice to vacate the premises and transition to a new location. A copy of their sub-lease is attached (refer Attachment 8.3.5d). The Officer has recommended that their short-term occupancy, to provide them time to relocate, be based on the sub-lease with some amendments, including the requirement for the Shire to receive their monthly rent.

TOURISM STRATEGY

Given the Shire of Denmark is a tier (3) three local government, with limited resources, the decision to vest a Tourism Strategy to a regional partnership, through the Alliance framework, was a sound policy position at the time. The position has yielded \$1 million in funding over a four-year period to support destination marketing activity. Tourism WA data indicates this approach has increased the number and length of bed nights in Denmark and the Great Southern.

To achieve this outcome required packaging visitor servicing and destination marketing together for both the Shire's of Plantagenet and Denmark. This has created some challenges for both the industry and the local governments involved.

The decision by the ASCTI to divest itself of the Denmark Visitor Centre has placed the Shire in a very difficult position. The Shire does not have a Tourism Strategy to guide officers and Council in making decisions relating to the future of tourism. As a result, making decisions for the longer term carries significant risk. On this basis the development of a Tourism Strategy is considered a high priority.

It is expected that a draft Tourism Strategy would be able to provide information for Council's consideration regarding;

- Vision and goals for tourism in Denmark.
- Partnership opportunities between all levels of government and industry.
- Reference to Tourism WA's Strategy for Tourism in WA.
- Strategic outcomes required to achieve Denmark's vision and goals.
- Impacts and opportunities of tourism on the Shire's operations.
- Event opportunities relating to tourism.
- Future use of the Denmark Visitor Centre.
- Community, not-for-profit and industry investment opportunity in tourism.

CONCLUSION

The development of a considered and consultative Tourism Strategy, engaging stakeholders and the community, will take approximately twelve (12) months to deliver. If Councillors accept that a Tourism Strategy is the highest priority, and an appropriate way forward to guide Council, then during the interim period Council have a number of options available to consider. While there could be many more possible options, using a collaborative approach, broadly speaking the main options for consideration are as follows:

- a) Not accept any proposal to re-open the visitor centre and provide face-to-face visitor servicing.
- b) Accept the Denmark Tourism Incorporated model.
- c) Accept the Greenskills model.
- d) Accept a joint party agreed model.

It is noted by the author that DTI have forwarded a Memorandum of Understanding to the Shire between DTI and Greenskills for the operation of the Denmark Visitors Centre.

a) Not accepting any proposal

This option would be reasonable on the basis that the Shire does not have a Tourism Strategy. To expend public monies on a proposal not referenced by the Shire's financial or planning documents would be a departure from current practice.

If a decision to close the Visitor Centre is made, without public consultation and engagement, it would be reasonable to assume that the Shire would receive strong community feedback and thus create a public relations issue requiring management and resources. On this basis the author considers this risk too significant and does not support this approach.

b) Accept the Denmark Tourism Inc. (DTI) model.

This option would address some key issues, particularly around the operations of a Visitor Centre. Given the group have a level of energy, tourism experience and are offering volunteer investment into the operations, it is worthy of consideration.

The initial proposal by DTI posed a number of key questions. These were provided to DTI for response. Those responses were received and provided to Councillors on 14 September 2020. The author suggests this option be ranked as option 1, with a number of conditions attached (as listed in the draft Service Agreement attached as Attachment 8.3.5a).

c) Accept the Greenskills Inc. model.

The Greenskills offer is unique, in that it largely removes the conflict of interest with tourism operators. It also, by its nature, lends itself to working collaboratively with other interests. The track record and credibility of Greenskills is clearly an advantage, along with the possible development of an Interpretive Centre.

Merging the culture of Greenskills with other commercial interests is identified as a challenge, and similarly the organisations level of tourism related experience may be an issue. The development of an Interpretive Centre requires a long-term commitment of the Visitor Centre, which is identified as a risk without a Tourism Strategy. For these reasons the proposal is ranked as option 3 for consideration, even though it provides a very attractive opportunity into the longer term.

d) Accept a joint party agreed model.

There exists an opportunity to create a derivative of any of the models and proposals considered to date. A collaborative approach, if it could be achieved, would serve to meet a number of identified needs and perhaps increase the operational capacity if shared across multiple agencies.

The key challenge with any hybrid/collaborative model is the merger of cultures and objectives which may not always be aligned. Some elements may also create competition between entities, which ultimately could lead to division. Considered collaboration also takes time and resources. For these reasons this option is ranked option 2 for consideration in the short-term. It is acknowledged that DTI and Greenskills have continued to work collaboratively following the withdrawal of the DCC's model and it is understood an MOU has been developed between both parties.

Ranking of proposals:

1. Denmark Tourism Incorporated
2. Hybrid model (Denmark Tourism Incorporated and Greenskills)
3. Greenskills
4. Not accepting any proposal

If Denmark Tourism Incorporated's proposal is accepted by Council, a lease/service level agreement will be required regarding the use of the Denmark Visitor Centre. It is recommended that the lease be for a short term (eg. 30 June 2021) which will allow for the completion of a Tourism Strategy. The strategy will help inform Council's future direction in relation to tourism, including use of the Visitor Centre building and land.

The author considers that the development of a Tourism Strategy is the highest priority and suggests an allocation of \$45,000 be applied. Given the low levels of staff expertise in tourism, and the current workforce capacity with an extensive capital works program, it is suggested a specialist consultant be engaged. The timeframe to complete the Tourism Strategy should be prior to 31 March 2021 in order to inform the 2021/22 budget process and guide any further lease term that might be considered for Denmark Tourism Inc. and the Denmark Woodturners.

If Council accept that a Tourism Strategy is the highest order priority, then during its development (the remainder of this 2020/21 financial year) there exists an opportunity

requiring further consideration. On this basis the author offers that the Denmark Tourism Incorporated model offers the most appropriate opportunity.

Whilst the Denmark Chamber of Commerce model has been withdrawn, this should not preclude the DCC from any future consideration once a Tourism Strategy has been developed.

Voting Requirements:

Simple majority.

Absolute majority required for Item 8.3.5 e)

OFFICER RECOMMENDATION	ITEM 8.3.5 a)
<p>That Council;</p> <ol style="list-style-type: none"> 1. ALLOCATE \$45,000 from account GL1327802 for the purpose of preparing a draft Tourism Strategy for Council’s consideration, and 2. AUTHORISE the Acting CEO to; <ol style="list-style-type: none"> a) seek quotes from suitably qualified consultants to complete a draft Tourism Strategy; and b) consider the quote proposals received and engage the most appropriate and cost-effective consultant. 	

OFFICER RECOMMENDATION	ITEM 8.3.5 b)
<p>That Council;</p> <ol style="list-style-type: none"> 1. AUTHORISE the CEO to; <ol style="list-style-type: none"> a) Issue the Amazing South Coast Tourism Inc. a Notice of Termination of the lease and request that they handover management of the Visitor Centre website (www.denmark.com.au) to the Shire of Denmark; b) Execute a new lease to Denmark Tourism Inc., subject to Ministerial Approval, for the occupation of the Denmark Visitor Centre for the purpose of visitor servicing, based on the following conditions; <ol style="list-style-type: none"> i. the term of the lease will be from 1 November 2020 to 30 June 2021; and ii. the general terms of the lease shall be consistent with the Shire of Denmark’s standard community group lease; and iii. an annual rent of \$1.00 per annum; and iv. the requirement for the Lessee to adhere to a Service Agreement (as per Attachment 8.3.5a). 3. ALLOCATE \$50,000 from account GL1327802 for the purpose of supporting Denmark Tourism Incorporated (DTI) to deliver visitor servicing from 1 November 2020 through to 30 June 2021 as per the Service Agreement. 4. APPROVE additional expenditure of \$8,000 the purpose of cleaning the Denmark Visitor Centre toilets each weekday for the length of the lease term, noting that the over-expenditure will be included in the mid-year budget review. 	

OFFICER RECOMMENDATION	ITEM 8.3.5 c)
<p>That with respect to the sub-lessee, Dark Side Chocolates, Council;</p> <ol style="list-style-type: none"> 1. NOTE that the sub-lease has ceased with the termination of the head lease with the Amazing South Coast Tourism Incorporated; and 2. ADVISE the owner that it is only prepared to allow the business to continue to occupy their lease area for a period of 90 days due to; <ol style="list-style-type: none"> a) the uncertain future use of the building; b) the short-term nature of the lease to Denmark Tourism Inc.; and c) concerns around public perception of the Shire providing a commercial advantage to one business over another. 3. AUTHORISE the 90 day occupancy on the following conditions; <ol style="list-style-type: none"> a) From 1 November 2020 to 1 February 2021 (inclusive); b) The terms of occupancy remain the same as the current sub-lease (refer Attachment 8.3.5d) with the following amendments; <ol style="list-style-type: none"> i. The Lessor becomes the Shire of Denmark; ii. The Sub-Lessee becomes the Lessee wherever it appears in the document; iii. The Sub-Lease becomes the Lease wherever it appears in the document; iv. Remove clause 1.1 (b); v. Amend clause 3.1 (a) to include the words “to the Lessor” after the word “specified”; vi. Remove clause 3.3 (b), (c) and (h); vii. Remove clause 4.4 (i) and (j); viii. Remove clause 6 (b); ix. Amend Item 3 of the Schedule to reflect the current monthly rent of \$600 (plus GST) and remove reference to the “Tenant Guide”; x. Amend and Item 5 of the Schedule to reflect the new term of lease; and xi. Remove Item 8 from the Schedule. 	

OFFICER RECOMMENDATION	ITEM 8.3.5 d)
<p>That with respect to the Denmark Woodturners Incorporated, Council:</p> <ol style="list-style-type: none"> 1. NOTE that their sub-lease with the Amazing South Coast Incorporated has ceased with the termination of the head lease between the Amazing South Coast Tourism Incorporated and Shire of Denmark, and 2. AUTHORISE the Chief Executive Officer to negotiate a new lease for the remainder of the 2020/2021 financial year, based on the Shire’s standard community group lease, for the area shown in Attachment 8.3.5c; 3. APPROVE that the annual rent be \$1.00; and 4. AUTHORISE the Shire President and the Chief Executive Officer to execute the lease, subject to obtaining Ministerial Approval. 	

OFFICER RECOMMENDATION	ITEM 8.3.5 e)
<p>That with respect to the leases for Denmark Tourism Inc. and Denmark Woodturners Inc., Council GRANT a 100% concession of the rates payable for 2020/2021 financial year, pursuant to section 6.47 of the Local Government Act 1995.</p>	

* Absolute majority required

9. COMMITTEE REPORTS AND RECOMMENDATIONS

Nil

10. MATTERS BEHIND CLOSED DOORS

OFFICER RECOMMENDATION	ITEM 10
<p>That the meeting move behind closed doors for the following reason;</p> <p>1. Pursuant to Section 5.23 (2) (b) of the Local Government Act 1995, for the consideration of Item 10.1 to allow the successful applicant's name to remain confidential to Council until the official announcement at the Denmark Senior High School Graduation Ceremony.</p>	

10.1 2020 LEADERSHIP AWARD

File Ref:	PBR.1
Applicant / Proponent:	Various
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	NIL
Date:	October 2020
Author:	Claudia Simpson, Community Development Officer
Authorising Officer:	Lee Sounness, Director Corporate and Community Services (Acting)
Attachments:	10.1a - List of previous recipients 10.1b - Application (Confidential)

Summary:

Council is requested to consider the attached application for the Shire of Denmark 2020 Year 12 Leadership Award.

Background:

The Shire of Denmark Leadership Award was established in March 2011.

The aim of the award is to support a Year 12 student, currently attending Denmark Senior High School, to assist with the cost of participating in an activity or program which focuses on skill development and fostering leadership skills.

A list of previous recipients is attached at Attachment 10.1a.

Consultation:

The Officer has considered the requirement for consultation and/or engagement and considered Council's Community Engagement Policy P040123 and the associated framework and believes that no additional external/internal engagement or consultation is required.

The award was marketed and promoted as follows;

- Advertisement in the local newspapers Denmark Bulletin and Walpole Weekly
- Media release
- Included in Denmark Senior High School August newsletter
- Emailed to parents / guardians of all Y12 students at Denmark Senior High School
- Promotion on Shire of Denmark Notice Boards
- Promotion on Shire of Denmark website & Facebook Page
- Promotion on dedicated 4Youth Facebook Page and Instagram
- Email to Councillors & employees
- Liaison with the Denmark Senior High School Year 12 Coordinator

Statutory Obligations:

There are no statutory obligations.

Policy Implications:

Council Policy P080202 relates and reads as follows;

Shire of Denmark Leadership Award - Objective

To provide an annual sponsorship for a Year 12 student, currently attending the Denmark High School, to assist with the cost of participating in an activity or program which focuses on;

- *Skill development;*
- *Leadership;*
- *Self-growth and development (self-discovery);*
- *Problem solving;*
- *Confidence building;*
- *Strengthening personal motivation;*
- *Initiative; and/or*
- *Team work & communication.*

The selected activity or program could include;

- *A registered leadership program;*
- *A personal endeavour.*

Guidelines

- a) *The applicant must be a Year 12 student currently attending the Denmark High School;*
- b) *The Sponsorship will be awarded based on citizenship, community involvement and leadership;*
- c) *The successful applicant will be required to complete the selected program or activity within 12 months of being awarded this Sponsorship;*
- d) *The Sponsorship amount will be \$1,000 and will be paid to the successful applicant;*
- e) *The CEO and/or the Shire President address the Seniors School students at the commencement of the advertising of the program (generally in September) to promote the award and the principles of leadership;*
- f) *The Sponsorship be widely promoted in local papers, notice boards and Council's website to both potential nominees and their parents or guardians;*
- g) *The successful applicant will be required to acquit the Sponsorship, within a reasonable timeframe of completion, by providing a written report to Council on their activity or program and presenting that report to Council;*
- h) *A Sponsorship will not be awarded if there are no suitable applicants;*
- i) *The decision of Council and/or the delegated Committee shall be final;*
- j) *The closing date for applications will be determined each year by the CEO to allow sufficient time for determination of the winner by Council at presentation at the relevant school's graduation ceremony.*

Budget / Financial Implications:

Council's 2020/21 Budget includes an amount of \$1,000 for the 2020 Leadership Award (GL1610822).

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

E1.0 Our Economy

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

E1.3 To have diverse education and employment opportunities.

C4.0 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.

Corporate Business Plan

1.1.1 Advocate for the provision and promotion of services and facilities that meet the needs of the community.

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:**

The Y12 Leadership Award is an important method for Council to recognise the achievements and leadership qualities of our local youth. The award encourages the development of youth by supporting personal growth and community involvement.

➤ **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 no application is suitable and therefore the 2020 Leadership Award is not awarded	Rare (1)	Insignificant (1)	Low (1-4)	Not Meeting Community expectations	Accept Risk

Comment/Conclusion:

Despite wide promotion throughout the school and community only one application was received. It is noted however, that the application meets all the requirements of the award and is of a high standard.

Over the past two years application numbers for the Y12 Leadership Awards have been good with eight applications received in 2018 and seven in 2019.

Low application numbers this year could be a reflection of current COVID-19 restrictions, which impose bans on interstate and international travel thus greatly reducing opportunities for youth to attend development programs.

One application has been received for the 2020 Leadership Award. The application meets all the award requirements and has been forwarded to Councillors under separate confidential cover at Attachment 10.1b.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 10.1

That with respect to the 2020 Shire of Denmark Leadership Award, Council;

1. Select _____ as the successful applicant at the Denmark Senior High School's graduation ceremony in 2020; and
2. Keep the name of the recipient of the award confidential until the official announcement by the Shire President or delegate at the Denmark High School Graduation at a date to be confirmed.

11. NEW BUSINESS OF AN URGENT NATURE

12. CLOSURE OF MEETING