

Shire of Denmark

Ordinary Council Meeting **AGENDA**

21 SEPTEMBER 2021



TO BE HELD IN COUNCIL CHAMBERS, 953 SOUTH COAST HIGHWAY, DENMARK ON TUESDAY, 21 SEPTEMBER 2021, 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 Roger Seeney
 Cr Kingsley Gibson
 Cr Ian Osborne
 Cr Jan Lewis
 Vacant

STAFF:

Mr David Schober (Chief Executive Officer)
 Mr David King (Director Assets & Sustainable Development)
 Mr Gina McPharlin (Director Corporate & Community Services)
 Ms Claire Thompson (Governance Coordinator)
 Ms Lisa Sanders (Executive Support Officer)

APOLOGIES

ON APPROVED LEAVE(S) OF ABSENCE

Cr Janine Phillips – Council Resolution 020821

ABSENT

VISITORS

3. DECLARATIONS OF INTEREST

Name	Item No	Interest	Nature

4. ANNOUNCEMENTS BY THE PERSON PRESIDING

5. PUBLIC QUESTION TIME

5.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5.2 PUBLIC QUESTIONS

In accordance with Section 5.24 of the Local Government Act 1995, Council conducts a public question time to enable members of the public to address Council or ask questions of Council. The procedure for public question time can be found on the wall near the entrance to the Council Chambers or can be downloaded from our website at <http://www.denmark.wa.gov.au/council-meetings>.

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

In accordance with 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

5.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

5.4 PRESENTATIONS, DEPUTATIONS & PETITIONS

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

6. APPLICATIONS FOR FUTURE LEAVE OF ABSENCE

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

7. CONFIRMATION OF MINUTES

7.1 ORDINARY COUNCIL MEETING – 17 AUGUST 2021

OFFICER RECOMMENDATION	ITEM 7.1
That the minutes of the Ordinary Meeting of Council held on the 17 AUGUST 2021 be CONFIRMED as a true and correct record of the proceedings.	

7.2 STRATEGIC BRIEFING NOTES – 17 AUGUST 2021

OFFICER RECOMMENDATION	ITEM 7.2
That the Notes from the Strategic Briefing Forum held on 17 AUGUST 2021 be RECEIVED.	

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

The following Notice of Motion (NOM) was received by the Chief Executive Officer in writing on the 31 August 2021 and therefore complies with the Shire of Denmark Standing Orders Local Law clause 3.9.

File Ref:	CR.3
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not Applicable
Disclosure of Officer Interest:	Nil
Date:	31 August 2021
Author:	Cr Jan Lewis – Scotsdale/Shadforth Ward
Attachments:	Nil

Councillor Comments/Conclusion:

The condition of our gravel roads is an ongoing issue for many in our community, particularly those who live out of town and rely on them daily.

Recent extreme weather events have exacerbated the poor condition of many of the roads in our Shire and we are therefore required to spend more time and funds on maintaining them to a safe and acceptable level. Finding windows of good weather and the capacity to deal with such widespread damage promptly is also challenging, resulting in many people having to navigate, in some cases, extremely poor road services. Driving on these roads can cause not only damage to vehicles but also safety issues as people try to avoid potholes and road verge subsidence etc.

As bank interest rates are currently very low, it seems logical to investigate the viability of bitumen sealing those roads that require the most maintenance, have high traffic counts and are on school bus routes. Other considerations may be proximity to tourist attractions, link roads, access/egress in bushfire situations etc.

Strategic Community Plan Implications

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

- B3.1 To have public spaces and infrastructure that are accessible and appropriate for our community;
- B3.2 To have community assets that are flexible, adaptable and of high quality to meet the purpose and needs of multiple users;
- B3.4 To manage assets in a consistent and sustainable manner
- L5.3 To be decisive and to make consistent and well-considered decisions
- L5.4 To be fiscally responsible

Sustainability Implications

This NOM is consistent with Council’s adopted Sustainability Strategy 2021-2031:

- ST7 Investigate and employ innovative technologies for pavement stabilisation, reinvigoration, seal design for construction and repair of roading.

<p>CR LEWIS’S NOTICE OF MOTION</p> <p>That Council REQUEST the Chief Executive Officer:</p> <ol style="list-style-type: none"> 1. Conduct a preliminary Cost-Benefit Analysis on the sealing of one or more gravel roads in the Shire of Denmark that: <ol style="list-style-type: none"> a. Have high traffic counts; and, b. Are on school bus routes; and, c. Officers believe have relevant factors to consider that may lead to a positive cost-benefit, e.g. tourist and/or freight routes, link roads, access/egress in bushfire situations etc; and, 2. Investigate innovative and environmentally sustainable options for road surfacing; and, 3. Factor into this analysis consideration of improved community satisfaction and environmental outcomes; and, 4. Present the results of this analysis to Council for consideration no later than March 2022 so that they may be considered in the 2022/3 budget deliberations. 	<p>ITEM 8.1</p>
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9. REPORTS OF OFFICERS

9.1 DIRECTOR ASSETS AND SUSTAINABLE DEVELOPMENT

9.1.1 PROPOSED PARTIAL ROAD CLOSURE – MACKAY LANE, ONE-WAY

File Ref:	R30442
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Mackay Lane
Disclosure of Officer Interest:	Nil
Date:	6 August 2021
Author:	Martin Buczak, Manager Technical Services
Authorising Officer:	David King, Director Assets and Sustainable Development
Attachments:	Attachment 9.1.1 - MacKay Lane Closure Plan

Summary:

Officers seek endorsement from Council for a partial closure of Mackay Lane, as depicted in Attachment 9.1.1. The purpose is to direct traffic flow one-way eastbound from Strickland Street looping around north-bound to North Street and install regulatory signage. If endorsed, officers will commence the consultation process with the public, required agencies and affected land owners.

Background:

Mackay Lane is located between Strickland Street and North Street within the Central Business District (CBD) of the Shire of Denmark. The current road reserve and seal widths are 5.0m and 5.0m respectively, compared with the Western Australia Planning Commission's (WAPC) liveable neighbourhoods guide which indicates that a 5.5m seal width is preferable for a two-way traffic.

Mackay Lane has inadequate traffic signage and requires improvements consistent with Main Roads signage policies. Present traffic signage includes two painted arrows pointing east on the bitumen and a small 'No Exit' sign, west-facing the Strickland Street entry, located against the wall of the building abutting the laneway on the south side. There is no traffic signage on the exit on North Street. Currently, traffic can traverse south along the laneway from North Street, which can be problematic if another car is coming via the Strickland Street entry point. There is a risk that a head-on collision is possible between vehicles or vehicles could damage existing infrastructure such as fencing.

The initial proposal seeks endorsement from Council for Mackay Lane to be correctly sign posted and marked, and one-way traffic to be directed to enter off Strickland Street (east bound and then turning northbound) and exit onto North Street.

Consultation:

The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal, considered Council's Community Engagement Policy P040123 and the associated Framework believing additional external consultation is required with the following:

External Consultation:

- Consultation with Main Road Western Australia (MRWA); and,
- Other Government Agencies that may be affected by the closure including Police, Fire Services, Ambulance Service, Water Corporation and Western Power; and,
- All adjoining residents and property owners likely to be affected by the proposed changes; and,
- To comply with the specific requirements of the Local Government Act on closure of thoroughfares, there will be a 35-day public submission period, advertised in the local newspaper.

Statutory Obligations:

Section 3.50 of the Local Government Act 1995, -

“3.50 Closing certain thoroughfares to vehicles

- (1) A local government may close any thoroughfare that it manages to the passage of vehicles, wholly or partial, for a period not exceeding 4 weeks.
 - (1a) A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partial closed to the passage of vehicles for a period of 4 weeks.
- (2) The order may limit the closure to vehicles of any class, to particular times, or to such other case or class of case as may be specified in the order and may contain exceptions.
- (3) Repealed.
- (4) Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare, the local government is to -
 - (a) Give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when and why it would be closed, and inviting submission from any person who wishes to make a submission; and
 - (b) Give written notice to each person who-
 - (i) Is prescribed for the purposes of this section; or
 - (ii) Owns land that is prescribed for the purposes of this section; and
 - (c) Allow a reasonable time for submissions to be made and consider any submissions made.
- (5) The local government is to send to the Commissioner of Main Roads appointed under the Main Roads Act 1930 a copy of the contents of the notice required by subsection (4)(a)
- (6) An order under this section has effect according to its terms, but may be revoked by the local government, or by the Minister, by order of which local public notice is given.
- (7) Deleted
- (8) if, under subsection (1), a thoroughfare is closed without giving local public notice, the local government is to give local public notice of the closure as soon as practicable after the thoroughfare is closed.
- (9) The requirement in subsection (8) ceases to apply if the thoroughfare is reopened.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

There are minor costs associated with the installation of signage and line marking which has been estimated at \$2,500 and will be sourced from the maintenance budget.

Strategic & Corporate Plan Implications:

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

Denmark 2027**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.

B3.2 To have community assets that are flexible, adaptable and of high quality to meet the purpose and needs of multiple users.

L5.0 Our Local Government

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

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

Corporate Business Plan

3.4.7 Maintain and improve road and pathway infrastructure (including dual use paths) to appropriate standards.

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)
PROPERTY Unresolved safety issues may result in vehicle accidents and existing infrastructure could be damaged	Possible (3)	Minor (2)	Moderate (5-9)	Damage to Physical Assets	Accept Officer Recommendation to increase signage and partially close Mackay Street to west bound traffic so that it becomes a one-way east bound road from Strickland Street and thence northbound through to North Street.

Comment/Conclusion:

The partial closure of McKay Lane, is a low-cost solution addressing an existing risk. Following the steps outlined in the officer recommendation, a submission will be put to Main Roads to formalise the one-way traffic flow.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION	ITEM 9.1.1
<p>That Council; with respect to Mackay Lane:</p> <ol style="list-style-type: none"> ENDORSE the partial closure of Mackay Lane restricting traffic direction to one-way eastbound from Strickland Street and thence northbound through to North Street; and, 	

2. GIVE public notice of the proposed partial closure in accordance with the Local Government Act 1995 (S3.50); and,
3. Should there be no objection to the proposal, AUTHORISE the Chief Executive Officer to proceed with:
 - a. The necessary minor signage, line marking works to affect the partial closure; and,
 - b. Enacting the administrative requirement pursuant to the Local Government Act S3.50.

9.1.2 SCHEME AMENDMENT 144 – AMENDING SPECIAL RURAL No. 10 PROVISIONS AND LOCAL STRUCTURE PLAN

File Ref:	TPS3/SA144
Applicant / Proponent:	Williams Consulting
Subject Land / Locality:	No. 111 (Lot 4) Lantzke Road, No. 109 (Lot 5) Lantzke Road, No. 61 (Lot 6) Lantzke Road, No. 39 (Lot 7) Lantzke Road and No. 117 (Lot 3) McLean Road, Scotsdale
Disclosure of Officer Interest:	None
Date:	2 September 2021
Author:	Craig Pursey, Manager Sustainable Development
Authorising Officer:	David Schober, Chief Executive Officer
Attachments:	Attachment 9.1.2a – Location Plan Attachment 9.1.2b – Extract of Scheme Amendment 144 Report including Local Structure Plan Attachment 9.1.2c – Schedule of Submissions Attachment 9.1.2d – Plan of issues and modifications

Summary:

Council initiated Scheme Amendment 144 and the associated Structure Plan in February 2019 (Res: 130219). The assessment process has now been completed and it is recommended that the Scheme Amendment and Structure Plan be adopted subject to modifications.

Background:

Site Characteristics

The site is located approximately 3.5km north of the Denmark townsite as shown in Attachment 9.1.2a.

The site consists of five existing lots that range in size between 4.4 – 15.4ha. Each lot is currently developed with a single house, with the balance of the lot being used for a combination of grazing, horticulture and remnant vegetation. Lot 5 Lantzke Road is developed with Jonathon Hook Ceramics (Gallery & Studio) and it is this property that was zoned in 2003 to allow for up to 900m² of gallery/restaurant to be developed over time.

The site is zoned 'Special Rural' and is identified as SR10 in Town Planning Scheme No.3 (the Scheme).

Application History

Council considered a Scheme Amendment Request (SAR), a preliminary step to ascertain the strategic merit and major issues for a scheme amendment prior to preparing full documentation at their meeting of 23rd November 2010. The SAR was supported at this meeting subject to future documentation addressing issues including (but not limited to) bushfire management, land capability assessment, proving up on-site water supply and exploring issues with potential upgrades to Lantzke and McLean Roads.

Scheme Amendment 144 & Lantzke Road Local Structure Plan

Council then considered full scheme amendment documentation and an associated amended structure plan at its meeting in February 2019 (Res: 130219) and resolved to:

- Retain the Special Rural zoning, but modify the provisions to facilitate the re-subdivision of the site from 5 lots to 10 rural residential lots. This was supported by a land capability assessment, geotechnical investigations and bushfire management plan; and
- Separately prepare a Local Structure Plan (previously called a Subdivision Guide Plan) to facilitate the proposed re-subdivision.

Council resolved to support (initiate) the scheme amendment and structure plan in February 2019 (Res 130219).

An extract of Scheme Amendment 144 Report including Local Structure Plan can be found at Attachment 9.1.2b. A full copy of all documentation has been made available for Councillors and members of the public are welcome to request an electronic copy.

Consultation:

In line with Council's resolution 130219 of February 2019, the documentation was referred to the Environmental Protection Authority (EPA) in accordance with Section 81 of the *Planning and Development Act 2005* on 21 October 2019.

The EPA considered the proposal and determined that the proposed scheme amendment should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* but provided advice relating to creek line protection and buffers to horticultural activity. This is summarised and addressed in the Schedule of Submissions at Attachment 9.1.2c.

Government agency and community referrals

Public advertising of Scheme Amendment No.144 and structure plan commenced on 11 December 2019 and closed on 14th February 2020 (being 62 days; statutory requirement is minimum 42 days). During the advertising period the following consultation took place:

- Advertising notice in the Denmark Bulletin;
- Referral of the Scheme Amendment documentation to various government departments inviting comment;
- Referral to 17 landowners generally within a 1km radius of the subject site inviting comment; and
- Scheme Amendment documentation was available for viewing at the Shire Administration Office and on the Shire's website.

At the close of the advertising period, a total of twelve (12) submissions were received – attached at Attachment 9.1.2c is the Schedule of Submissions – with most submissions received being entered into the schedule verbatim. Column 4 of the Schedule of Submissions represents Planning Services comments/response to the submissions with several modifications recommended arising from submissions.

Statutory Obligations:

- *Planning and Development Act 2005* – TPS No. 3 is an operative Local Planning Scheme under the Act;
- Planning and Development (Local Planning Scheme) Regulations 2015; in particular clause 50 that describes the process for consideration of submissions following public advertising and referral; and
- Town Planning Scheme No. 3 – the site is currently zoned 'Special Rural' with Special Provisions detailed under Appendix VI of the Scheme applicable.

Policy Implications:

The following policies have been given due consideration in relation to this proposal:

- State Planning Policy No. 2: Environment and Natural Resources Policy
- State Planning Policy No. 2.5: Rural Planning
- State Planning Policy No. 2.9: Water Resources
- State Planning Policy No. 3: Urban Growth and Settlement
- State Planning Policy 3.6: Development Contributions for Infrastructure
- State Planning Policy 3.7: Planning in Bushfire Prone Areas

- Town Planning Scheme Policy No. 29: Rural Settlement Strategy
- Government Sewerage Policy

Budget / Financial Implications:

Fees associated with the amendment have been paid as per Council's operative Fees and Charges Schedule.

Strategic & Corporate Plan Implications:

The site is designated 'Rural Smallholding' in the Local Planning Strategy (2011). The proposal is consistent with the Local Planning Strategy.

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 Strategic Community Plan 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

B3.0 Our Built Environment

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

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

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

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

The proposed changes to the planning framework will result in a consolidation of an existing zone, assisting in a small way to reduce urban sprawl. Restrictions on the construction of further dams will protect availability of water in the catchment.

➤ **Economic:**

Rural living and associated development are an important contributor to Denmark's economy.

➤ **Social:**

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

➤ **Risk:**

There is no risk to Council in determining this Structure Plan amendment proposal. If Council choose to recommend support, or refusal, this recommendation is forwarded to the WAPC for final determination and any appeal of their final decision lies with the WAPC.

Comment/Conclusion:

Council's role at this stage of the Scheme Amendment process is to assess submissions and make recommendations to the WAPC on whether to:

- “(a) to support the amendment without modification; or
- (b) to support the amendment with proposed modifications to address issues raised in the submissions; or
- (c) not to support the amendment.”

(cl.50 Planning and Development (Local Planning Scheme) Regulations 2015)

The major issues raised during the public consultation period included:

1. New owner of Lot 7 Lantzke Road not wishing to be rezoned;
2. The condition of Lantzke Road and the impact of increasing the number of lots accessing it regularly;
3. Potential impact of additional dams at the top of the catchment area;
4. The potential impact of the 900m² restaurant/gallery identified in the zone; and
5. Bushfire Management Plan (BMP) issues raised by DFES.

The issues listed above are addressed in some detail with recommendations in the Schedule of Submissions at Attachment 9.1.2c and summarised on the Issues and Modifications plan at Attachment 9.1.2d.

Lot 7 Lantzke Road

Lot 7 has new owners who have clearly indicated that they do not wish to be a part of the current proposal. It is Council and the WAPC's decision at this point in time as to whether they may be removed from the Scheme Amendment.

In this case, their removal is supported for the following reasons:

- Lot 7 would effectively be a buffer to rural land uses further north
- The structure plan as proposed for Lot 7 would require a battle-axe leg and an additional lot in a bushfire prone area
- The existing house on Lot 7 is well screened from proposed building envelopes on Lot 6 to the south

Lot 7 is recommended for removal from the structure plan.

Lantzke Road

Lantzke Road is a gravel road that has a moderate amount of traffic, that increases during the summer period. This road is also quite narrow in places with roadside vegetation being retained.

The Shire's road upgrading program does not prioritise the upgrading of Lantzke Road at this time based on the current traffic numbers and the condition of the road, when compared to other demands in the Shire of Denmark.

It is acknowledged that Lantzke Road's role in the wider road network may change as residential development at Kearsley Road and McLean Road develop immediately to the south.

Although there is some history to the construction standard of Lantzke Road, what is being assessed as part of this proposal is the impact of increasing the number of lots that will use Lantzke Road.

At the time of subdivision, a contribution toward the upgrading of this road to a suitable sealed standard would be considered fair and reasonable.

Additional Dams

Submissions received from a nearby landowner and the Department of Water and Environmental Regulation (DWER) recognise the lack of capacity in the immediate catchment to support the existing dams in this area.

It is proposed to prohibit additional dams in this zone on the following basis:

- Existing dams in this small valley already appear to be affecting the existing creek and landholdings further down the catchment
- The reduction in lot size to a more rural residential character (away from productive rural small holdings) means that the focus of the development will be rural living rather than hobby farming
- The smaller lots sizes and existing vegetation would prevent an additional dam being constructed that meets the usual setback requirements of the Scheme
- The existing orchard on proposed Lot 4 can access water in existing dams (as it always has) if it is secured through easement at the time of subdivision

900m² restaurant/gallery

The scheme provision that would allow Council to consider a gallery/restaurant (up to 900m²) was introduced to the Scheme in 2003 as part of Scheme Amendment No.85. This was in recognition of the request from Jonathon Hook (landowner) who identified the previous limitation of 250m² as impractical.

Lot 5 is currently developed with a large holiday home and a studio/gallery approximately 480m² in area.

Council has the option of removing the potential for a restaurant through this scheme amendment if they feel the land use is inappropriate. However, retaining the potential (as an 'SA' use in the Scheme) would allow for the existing tourist business (the gallery & studio) to expand and potentially increase it's viability. Any proposal for a restaurant would be referred for public comment, need to comply with Noise Regulations and is highly likely to attract a considerable road upgrade condition.

It is recommended that the structure plan be modified to clearly show that this provision applies to the existing gallery site only.

Bushfire Management Plan (BMP)

Department of Fire and Emergency Services (DFES) raised several issues with the methodology, format and content of the BMP lodged as a supporting document with the structure plan.

Whilst the document does require updating to serve as an appendix to the structure plan, there is enough information to inform the current proposal and gives officers the confidence to support the structure plan lot layout and access.

It is recommended that the BMP be updated to reflect the modified structure plan, require a contribution toward a centrally located 50KI tank at the time of subdivision and plot information updated to provide photos and comply with the latest version of AS3959.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION	ITEM 9.1.2
<p>That Council;</p> <ol style="list-style-type: none"> 1. In accordance with Regulation 50(2) of the Planning and Development (Local Planning Schemes) Regulations 2015; <ol style="list-style-type: none"> a) NOTES the submissions received in respect to Amendment No. 144 to the Shire of Denmark Town Planning Scheme No.3; and, b) ENDORSES the response to the submissions as contained at attachment 9.1.1c of this report; 2. In accordance with Regulation 50(3)(b) of the Planning and Development (Local Planning Schemes) Regulations 2015, SUPPORT Amendment No. 144 to the Shire of Denmark Town Planning Scheme No.3 with the following modifications: <ol style="list-style-type: none"> a) Modify point 9a) of the scheme amendment resolution to state: <i>Updating the existing Structure Plan (No. 93/7/1) and permit subdivision intensification of the site from five (5) to seven (7) lots at Lots 3-6 Lantzke Road, Denmark WA.</i> b) Inserting new clause xiii. to the Special Provisions as follows: <i>xiii. No further dams or soaks shall be constructed on any of the lots.</i> 3. In accordance with Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, DETERMINES that Amendment 144 is a standard amendment for the following reasons: <ol style="list-style-type: none"> a) It is an amendment that is consistent with a local planning strategy that has been endorsed by the Western Australian Planning Commission; 	

- b) It is an amendment that is considered will have minimal impact on land in the scheme area that is not the subject of the amendment;
 - c) It is an amendment that is considered will not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
 - d) Is not a complex or basic amendment.
4. AUTHORISES the Shire President and the Chief Executive Officer, in accordance with Section 9.49a of the *Local Government Act 1995*, to execute under Common Seal Amendment No. 144 to the Shire of Denmark Town Planning Scheme No.3.
 5. In accordance with the requirements of the Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2, Part 4, clause 20:
 - a) ENDORSE the proposed Structure Plan Amendment for Lots 4-7 Lantzke Road and Lot 3 McLean Road, Scotsdale and recommend the modifications to the Western Australian Planning Commission as listed in the Schedule of Submissions at 9.1.1c and shown on attachment 9.1.1d of this report;
 - b) FORWARD a copy of the structure plan amendment, Council report and schedule of submissions to the Western Australian Planning Commission for determination.
 6. ADVISES those who provided a submission of Council's resolution.

9.1.3 PROPOSED AMENDED ROCKFORD/HORSLEY ROAD STRUCTURE PLAN – FINAL APPROVAL

File Ref:	PLN.96
Applicant / Proponent:	Robert Spencer, Amaroo Care Services Inc
Subject Land / Locality:	Lot 366 Horsley Road, Denmark
Disclosure of Officer Interest:	None
Date:	2 September 2021
Author:	Craig Pursey, Manager Sustainable Development
Authorising Officer:	David Schober, Chief Executive Officer
Attachments:	Attachment 9.1.3a - Structure Plan Amendment document Attachment 9.1.3b - Applicant's response to submissions Attachment 9.1.3c - Schedule of Submissions Attachment 9.1.3d - Plan of required modifications

Summary:

Council is requested to endorse an amendment to the Rockford/Horsley Structure Plan, particularly as it applies to Lot 366 Horsley Road Denmark, subject to modifications and forward it to the Western Australian Planning Commission (WAPC) for final approval.

Background:

This Structure Plan amendment, Attachment 9.1.3a, applies largely to Lot 366 Horsley Road Denmark, and adjusts the first choice exit point onto Scotsdale Road.

Lot 366 is zoned "Residential R20" under the Shire of Denmark's Town Planning Scheme No.3 (the Scheme). The existing structure plan was endorsed by WAPC on 18 May 2012 to coordinate the development of five lots (50, 51, 365, 366 & 372) bounded by Horsley Road, Rockford Road, Scotsdale Road and McLean Road. Lot 366 is currently developed with a single house, and also has a large Moreton Bay Fig tree.

The intent of the structure plan amendment is to facilitate the construction of an Aged Care Facility on the western portion of Lot 366.

Previous Considerations

In November 2019 (Res: 061119) Council considered a request from the applicant to make a determination on whether a residential aged care facility was an acceptable 'Use Not Listed' in the Residential zone and resolved as follows:

"THAT Council,

1. Pursuant to clause 3.2.5 of the Shire of Denmark Town Planning Scheme No.3 determine that the proposed 'Residential aged care facility' proposed at Lot 366 (#68) Horsley Road, Denmark is consistent with the purpose and intent of the 'Residential' zone subject to the incidental and ancillary amenities and land-uses associated with and supporting the residential aged care being accessible for the use of residents only; and
2. Advise the applicant that it is inappropriate for the Council to provide advice on any future subdivision potential of Lot 366 (#68) Horsley Road, Denmark as it would be subject to an amended structure planning process and the decision-making lies with Western Australian Planning Commission (WAPC). The Shire of Denmark should not pre-empt any decision of the WAPC or the results of public advertising and assessment of the details of such a proposal."

Proposal

The applicant describes the proposed structure plan amendment as follows:

"The purpose of this amendment is to make provision for an aged care/retirement living site in the south west portion of Lot 366. A minor modification is also being made to accommodate a dam developed on Lot 365 and as a result, formalise the Lot 51 access option to Scotsdale Road that is noted on the existing Local Structure Plan (LSP).

A Retirement Living/Aged Care site is provided on the south west corner of the LSP on Lot 366. This has resulted in the relocation of the entry road to the shared northern boundary of Lot 366 & 372 and the truncation of three residential cells with a boundary access road to define the development site and separate the residential land uses.

Liaison has been ongoing with the owners of Lot 365 & Lot 372 & 51 who support the other changes that have been necessary to accommodate the modified access to Scotsdale Road.

The central public open space (POS) spine along the drainage line is retained as are the two areas in the south east and north west to protect significant trees. The only change is a minor one to the shape of the POS area north of the shared entry road. All other POS proposals of the existing LSP remain unchanged.

There is no significant impact on the movement network outlined on the LSP. The replacement Horsley Road site entry road has been relocated to the north to the boundary of Lot 366. This road provides direct access for the subdivision of Lot 366 and Lot 372.

The intersection point mirrors a previous iteration of the LSP and has been specifically accommodated in the planning of access road locations further up Horsley Road.

To ensure its continued functionality and amenity, the main east west Dual Use Path has been realigned to the new site entry road.

Drainage and flood routing arrangements are unchanged. Alignments are shown and remain utilising road reserves and the POS network to protect residential land.

Reticulated water and sewer connection arrangements remain unchanged."

The structure plan amendment documentation, Attachment 9.1.3a, was received on the 27th January 2021 and initiated under delegated authority. The process for assessing a structure plan is covered in the 'statutory obligations' part of this report.

Consultation:

The Officer considered the Council's Community Engagement Policy P040123 and the requirements of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) and undertook the following advertising:

- Advert in the Denmark Bulletin
- Notification to adjoining landowners and relevant agencies including DWER, DFES, DPIRD, Department of Health and DBCA
- Emailed notification to all Councillors
- Posting of the advertisement on the Shire's website

- A copy of the document being made available in the Shire offices.

Formal advertising closed on the 11th June 2021 with 17 submissions being received.

The applicant was invited to respond to the submissions received, their response is provided in full at Attachment 9.1.3b.

The submissions are reviewed in the attached Schedule of Submissions at Attachment 9.1.3c of this report.

Statutory Obligations:

An amendment to a Structure Plan is treated in the same manner as a new structure plan.

Schedule 2, Part 4, clauses 17 & 18 of the Regulations requires that upon acceptance of a structure plan, the WAPC is notified and the plan is advertised seeking public comment. The Shire complied with the requirements of these clauses in the assessment process for the current structure plan.

Schedule 2, Part 4, clauses 19 & 20 of the Regulations require that Council consider the submissions received during the advertising period and make a recommendation to the WAPC on how to proceed with the structure plan.

Policy Implications:

There are no policy implications.

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 and active community.

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

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 is no risk to Council in determining this Structure Plan amendment proposal.

If Council choose to recommend support or refusal, this recommendation is forwarded to the WAPC for final determination and any appeal of their final decision lies with the WAPC.

Comment/Conclusion:

Assessment Process

The proposal to accommodate an Aged Care Facility at Lot 366 provides some difficulties as to how to process the proposal fairly and transparently.

Council resolved in November 2019 (Res: 061119) that an Aged Care Facility was an appropriate land use in the Residential zone and with particular reference to Lot 366 Horsley Road. It was acknowledged at the time, that if an Aged Care Facility was to be considered on this site, then the Rockford/Horsley Road Structure Plan would need to be amended to accommodate the land use. However, deciding to amend the structure plan before the details of the eventual development are known can create a situation where the Council, and the community, feel that the subsequent development application is a 'fait accompli'.

The alternative is that the applicant is required to prepare detailed plans for the facility but then finds that Council, or the WAPC, are unwilling to amend the structure plan to accommodate it.

It needs to be clear that the current process is a proposal to amend the structure plan only. The structure plan is the guiding document that serves to coordinate development across multiple landholdings and highlight issues for addressing at subsequent subdivision and development stages of the development process.

In this case, whilst the concerns raised by submissions are largely development application issues which will be dealt with as part of a future application, they do serve to highlight specific issues for consideration in a future development application.

Importantly, as a 'Use Not Listed' any future development application will be advertised widely for public comment.

Issues

The major issues to address with the proposed structure plan amendment are detailed in the Schedule of Submissions at Attachment 9.1.3c, are explored below and summarised on a plan at Attachment 9.1.3d:

- New Road between Lot 366 & Lot 372

The introduction of the Aged Care Facility site to the structure plan area has necessitated a new road along the northern boundary of Lot 366. The current structure plan proposes that each landowner will contribute 50% of the road reserve area.

Sharing roads across boundaries commonly causes timing issues in structure plans when it comes time to subdivide or develop as it requires both landowners to agree to cede the road reserve and build the road at the same time.

To allow for the independent development of the road by Lot 366 it is recommended that at least 2/3 of the road reserve be placed within Lot 366.

This would have the bonus of shifting this road further south to make a safer intersection with the previously approved, amended structure plan at Lot 371 Horsley Road, located on the western side of Horsley Road.

- New Roads Accessing Rockford Road

There are a number of roads linking the structure plan area through to Rockford Road. The amendment results in a single additional road, located along the eastern boundary of the Aged Care Facility site. It is likely to have been provided as a public interface with the Aged Care Facility and to keep a permeable road pattern. It can be argued that more roads allow for traffic to dissipate throughout a subdivision area and reduce the impact at any one intersection. However, on balance the road is not required to provide access to residential

lots, does constitute an additional vehicular access point and isn't required for access to the proposed Aged Care Facility.

It is recommended that this be converted to a pedestrian access way to keep the future subdivision design permeable to pedestrians and cyclists whilst allowing for extension of services (drainage, water, sewer and power) if required and reduce potential impact upon existing roadside vegetation in Rockford Road.

- Retention of Trees

As noted by the applicant, it is not the intention to remove roadside vegetation. Previously considered subdivision approvals over Lot 366 highlighted the need to retain the roadside vegetation. An arborists report was undertaken as part of earlier subdivision considerations and some diseased and dying trees were permitted for removal but good quality vegetation was to be retained.

The Bushfire Management Plan appended to the amended structure plan states "*Hazards reduced in road reserve via service provision. Identified significant trees to be retained.*" This vegetation is not required to be removed for servicing or access to the site. In addition, the large trees in the road reserve would not trigger a higher 'Bushfire Attack Level' (BAL) consideration unless coupled with substantial low and mid-storey vegetation.

It is recommended that the amended Structure Plan be annotated with a statement; "*vegetation in the road reserve to be preserved wherever possible*".

It should be noted that there is always a caveat with this statement that weeds, diseased or dying trees may be removed.

It is acknowledged that the Moreton Bay Fig tree near the southwestern corner of Lot 366 is a large, old tree that offers amenity. Some submissions noted a social connection to the tree. On the other hand, the tree is not heritage listed, is non-native and located well within private property. There is potential to incorporate the tree into a future design but equally (given its size) it may hamper development.

The applicant has noted that they will make every effort to keep the tree as part their development. It is recommended that annotation be placed on the amended structure plan encouraging retention of the tree only as, on balance, requiring this may be overly restrictive.

- Drainage

Concerns were raised with the potential to overload already stretched drainage infrastructure on Rockford Road.

The existing structure plan shows that most drainage from future development will be directed back into a centrally located public open space (POS) area with drainage basins. The direction of drainage is shown by arrows in the proposed roads.

The proposed amendment makes no change to this arrangement, therefore drainage design from future residential development will be largely directed away from Rockford Road.

The future development of an Aged Care Facility will be a single development application that will need to show how it is addressing stormwater on site and accommodating overland flow paths in a storm event. It could be argued that it would have less impact upon the drainage in Rockford Road than if it was subdivided with multiple residential lots facing and draining to Rockford Road.

Given the topography, little water in a storm event would be directed to Rockford Road. However, it should be acknowledged that in a storm event, roads naturally act as the overflow route.

- Retaining walls and changes to natural topography

The applicant has confirmed that the indicative development plan provided with the BMP is not reflective of current thinking and was prepared to inform a preliminary bushfire and some early due diligence works.

The Shire will require that changes in levels, as part of the development application, will occur within the development and not all at the edges. It appears that this is also the applicant’s intention. It is worth noting the applicant bought a sloping property, intending to develop an Aged Care Facility that naturally requires flat to gently sloping land to achieve universal access.

It is recommended that an annotation be placed on the amended Structure Plan requiring retaining and changes in levels to be achieved generally through the use of cut and fill techniques and within the development and not at the perimeter of the site.

Conclusion

Support for the proposed Structure Plan amendment to the Rockford/Horsley Road Structure Plan is recommended subject to modifications including:

- Realignment of the entry road between Lots 366 and 372 to be largely within Lot 366;
- Annotate the Structure Plan highlighting the need to retain vegetation in the surrounding road reserves and that changes in level should be achieved through cut and fill and within the site rather than entirely at the perimeter;
- Encourage the retention of the Moreton Bay Fig in the SW corner of Lot 366; and
- Replacing ‘road one’ with a pedestrian access way.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION	ITEM 9.1.3
<p>That Council, in accordance with the requirements of the Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2, Part 4, clause 20:</p> <ol style="list-style-type: none"> 1. ENDORSE the proposed Amended Rockford/Horsley Road Structure Plan Structure Plan Amendment and recommend the modifications to the Western Australian Planning Commission as shown on Attachment 9.1.3d of this report; and, 2. FORWARD a copy of the structure plan amendment Council report and schedule of submissions, Attachment 9.1.3c, to the Western Australian Planning Commission for determination. 	

9.2 DIRECTOR CORPORATE AND COMMUNITY SERVICES

9.2.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31 JULY 2021

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	27 August 2021
Author:	Scott Sewell, Accountant
Authorising Officer:	Gina McPharlin, Director Corporate and Community Services
Attachments:	Attachment 9.2.1 – July 2021 Monthly Financial Report

Summary:

The attached financial statements and supporting information for the period ending 31 July 2021 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, Attachment 9.2.1, 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 since the budget adoption on 17th August 2021.

Strategic & Corporate Plan Implications:

The report and officer recommendation are consistent with Council's adopted Strategic Community 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

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:

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

➤ Risk:

Nil

Comment/Conclusion:

As at 31 July 2021, total cash funds held (excluding trust funds) totals \$7,137,942 (Note 1).

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

Reserve Funds (restricted) total \$4,653,687 (Note 5).

Municipal Funds (unrestricted) total \$2,484,255 (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 2022 end of year financial position is estimated to be balanced at zero. 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 in line with year to date budget predictions for the period ended 31 July 2021 (Statement of Financial Activity) except for items referenced in Note 3(a) which includes depreciation expense which is yet to be applied for the 2021/2022 financial year.
- The Rates Collection percentage for the year sits at 11.10% and is in keeping with historical collection performance statistics (see Note 4)
- The 2021/2022 Capital Works Program has only just commenced with 0.11% completed for the year to date with a total committed cost of 5.88% as at 31 July 2021 (see Note 10).
- Various transfers to and from General Reserve Funds have not been made for the 2021/2022 year as they are undertaken in the latter part of the financial year, depending on the specific projects to which the transfers relate.
- Salaries and Wages expenditure has been in line with budget estimates (not reported specifically in Financial Statement).

Other Information

- Budget Surplus Brought Forward – The adopted budget for 2021/2022 was built on an estimated brought forward surplus position from 2020/2021 of \$1,553,964.
- Depreciation Expense – Depreciation of all asset classes have not yet been calculated for the reporting period, depreciation expense will be applied once the annual audit of the financial accounts for the year ended 30 June 2021 have been completed.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 9.2.1

That Council; with respect to Financial Statements for the period ending 31 July 2021, RECEIVE the Financial Reports, incorporating the Statement of Financial Activity and other supporting documentation.

9.2.2 LIST OF PAYMENTS FOR THE PERIOD ENDING 31 JULY 2021

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	30 August 2021
Author:	Lee Sounness, Manager of Corporate Services
Authorising Officer:	Gina McPharlin, Director Corporate & Community Services
Attachments:	Attachment 9.2.2 – July Monthly List of Accounts Submitted Report

Summary:

The purpose of this report is to advise the Council of payments made during the period 1 July 2021 to 31 July 2021.

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 9.2.2
<p>That with respect to the attached Schedule of Payments, totalling \$1,874,974.00, for the month of July 2021, Council RECEIVE the following summary of accounts:</p> <ul style="list-style-type: none"> • Electronic Funds Transfers EFT30671 to EFT30896 - \$1,209,597.56; • Municipal Fund Cheque No's 60440 – 60446 - \$7,199.50; • Internal Account Transfers (Payroll) - \$517,743.49; and • Direct Debit - \$10,784.12; • Corporate Credit Card; \$3,302.71; • Department of Transport Remittances; \$109,844.20, and • Loan Payments: \$16,502.42. 	

9.2.3 INVESTMET REPORT FOR THE PERIOD ENDED JULY 2021

File Ref:	FIN.19
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	30 August 2021
Author:	Lee Sounness, Manager Corporate Services
Authorising Officer:	Gina McPharlin, Director Corporate & Community Services
Attachments:	Attachment 9.2.3 - July 2021 Investment Register

Summary

This report presents the Investment Register for the month ending 31 July 2021.

Background

This report is for Council to receive the Investment Register as at 31 July 2021.

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

Consultation

Nil.

Statutory Obligations

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

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

Policy Implications

All investments are made in accordance with Council Policy P040229 – Investments, which states that investments are to comply with the following 3 key criteria:

- a) Portfolio Credit Framework - limits the percentage of the portfolio exposed to any particular credit rating category (table a.)

Table a.

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

- b) Counterparty Credit Framework – limits single entity exposure by restricting investment in an individual counterparty/institution by their credit rating (table b.)

Table b.

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

- c) Term to Maturity Framework - limits investment based upon maturity of securities (table c.)

Table c.

Overall Portfolio Return to Maturity		
Portfolio % <1 year	Min 40%	Max 100%
Portfolio % >1 year	Min 0%	Max 60%
Portfolio % >3 year	Min 0%	Max 50%
Portfolio % >3 year < 5 year	Min 0%	Max 25%

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

Budget / Financial Implications

There are no significant trends or issues to be reported.

Strategic & Corporate Plan Implications

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

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

Denmark 2027

L5.4 To be fiscally responsible

Corporate Business Plan

Nil

Sustainability Implications

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

Nil.

Comment / Conclusion

The attached Investment Register summarises how funds are invested as per the Shires Investment Policy and reports on the Investment Portfolio balance as at 31 July 2021.

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

The total Reserve Funds invested as at 31 July 2021 totals \$4,653,687.

The total Municipal Funds Invested as at 31 July 2021 totals \$1,160,281.

The Reserve Bank of Australia (RBA) has not altered its cash rate for this month. The cash rate remains set at 0.10%.

Voting Requirements

Simple majority.

OFFICER RECOMMENDATION	ITEM 9.2.3
That Council RECEIVE the Investment Register (Attachment 9.2.3) for the period ended 31 July 2021.	

9.2.4 LONG TERM FINANCIAL PLAN 2021/22- 2030/31

File Ref:	ADMIN.13
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	2 September 2021
Author:	Gina McPharlin, Director Corporate and Community Services
Authorising Officer:	David Schober, Chief Executive Officer
Attachments:	Attachment 9.2.4 - Draft Long Term Financial Plan 2021/22 -2030/31

Summary:

The purpose of this report is for Council to consider the adoption of the 2021/22 – 2030/31 Long Term Financial Plan (LTFP), Attachment 9.2.4.

Background:

The Local Government Act 1995 and the Local Government (Administration) Regulations 1996 require each Local Government to ‘Plan for the Future’. The legislative requirements of the ‘Plan for the Future’ are underpinned by the Department of Local Government, Sport and Cultural Industries (DLGSCI) Advisory Standards and Guidelines, titled the Integrated Planning and Reporting Framework (IPR).

The IPR is a framework which articulates the community’s vision (outcomes and priorities), allocates resources to achieve the vision (balancing aspirations and affordability) and monitors and reports progress. The IPR framework consists of a “suite” of plans and informing strategies and at a minimum delivers an adopted Strategic Community Plan and Corporate Business Plan.

The interconnections between the Shire’s plans and strategies underpinning the Strategic Community Plan, Denmark 2027 are shown in Figure 1.

Figure1. Denmark 2027 – Plans and Strategic Interconnections



The core informing strategies in the IPR are the Long Term Financial Plan (LTFP), Asset Management Plan and Workforce Plan. These and other issue or area specific Council plans,

for example the Disability Access and Inclusion Plan, play a vital role in identifying and managing the resources needed to implement the Strategic Community Plan and Corporate Business Plan.

Long Term Financial Plan

The LTFP is a key element of the IPR Framework. The Shire's LTFP objective is to meet the aspirations of the Strategic Community Plan, Denmark 2027, through fiscal responsibility.

Broadly it guides the Shire's approach to building and maintaining infrastructure and delivering services to the community, while demonstrating the Shire's commitment to managing operations in a fiscally responsible and sustainable manner. The plan achieves its objective by projecting the Shire's financial position over a 10-year period using a set of realistic economic assumptions and guiding principles, whilst maintaining financial health.

A LTFP allows early identification of financial issues and their longer-term impacts, but any long-term financial plan needs to accommodate some level of uncertainty. Economic assumptions by their nature are dynamic and financial risks need to be both identified and managed. It's important to understand that it's impractical to manage all project risks over the plans 10-year timeframe and the level of forecasting uncertainty increases as the timeframe lengthens. It's imperative a review is conducted annually to adjust the plan as uncertainties firm up and to treat the LTFP as both rolling and iterative.

The first iteration of Denmark's LTFP 2019-2034 was adopted by Council in November 2019 (Res: 051119).

Consultation:

As part of the annual review of the adopted 2019 LTFP, management recommended the plan be rebuilt. The following factors were recognised in the 2021/22 -2030/31 LTFP rebuild:

- The direct impact the Covid-19 pandemic has had on the Shire's operations, revenue and financial projections;
- Managements need to have better control over the informing data to improve the accuracy of the modelling of the LTFP;
- Council's desire to better understand the mechanisms of the LTFP;
- The recommendations from a review of the principles and assumptions used in the adopted 2019 LTFP;
- The Shire's evolving understanding of the asset renewal requirements across all asset classes to meet acceptable levels of service and the financial implications of implementing the necessary maintenance, renewal and upgrade programs.

Officers have workshopped the rebuilding of the LTFP internally and with Councillors on the following dates:

- Workshop #1 – Nov 3, 2020
- Workshop #2 – Dec 8 2020
- Workshop #3 – May 28 2021
- Workshop #4 – June 1 2021
- Workshop #5 – Aug 31 2021

- Briefing – 20 April 2021
- Briefing - 11 May 2021

Statutory Obligations:

LOCAL GOVERNMENT ACT 199519

S5.56 - A local government is to 'plan for the future' and any plans must be made with any regulations about planning for the future.

LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS 1996

R19C - A local government is to ensure a strategic plan is made and adopted by Council. The making and reviewing the plan must consider the capacity of current and future

resources, strategic performance indicators and demographic trends. It also must cover a period of at least 10 years and be reviewed every 4 years.

R19D - Public notice of the adoption of a strategic community plan, or modifications of a strategic community plan must be given.

R19DA - A local government is to ensure a corporate business plan is made and adopted by Council. The plan sets out the priorities for dealing with the objectives and aspirations in the community strategic plan and develop and integrate matters relating to resources including asset management, workforce planning and long-term financial planning. The plan is to cover a period of at least 4 years and be reviewed annually.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

The 2021/22 2030/31 Long Term Financial Plan, Attachment 9.2.4, will provide the basis for items considered in future Corporate Business Plans and Annual Budgets.

Strategic & Corporate Plan Implications:

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

Sustainability Implications:

➤ **Governance:**

The Long Term Financial Plan provides strong strategic direction in the way the Shire is managed, directed and held accountable for achieving its goals.

➤ **Environmental:**

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

➤ **Economic:**

Sustainability Strategy Equity and Local Economy

2.1 Commit to supporting local economy through all Shire operations

➤ **Social:**

Sustainability Strategy Culture and Community

3.1 Build a skilled, confident, and knowledgeable workforce who can positively respond to the challenges of sustainability and climate change

➤ **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)
Compliance The Shire does not have a Long Term Financial Plan (LTFP)	Unlikely (2)	Moderate (3)	Low (1-4)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation

Comment/Conclusion:

The Long Term Financial Plan (LTFP) is underpinned by the following guiding principles. Guiding principles are a set of values set out by Council to establish the framework for the LTFP.

1. The LTFP is a key informing strategic document that aims to deliver the aspirations of *Denmark 2027*

2. The LTFP and the Corporate Business Plan are the guiding strategies to build the Annual Budget
3. Financial sustainability and accountability are delivered through an annual balanced budget
4. Reserve funds are maintained to achieve their purpose and intent
5. Revenue and expenditure are structured with the goal of achieving the future renewal of assets within a planned useful life
6. Debt funding may be used for capital works or the purchase of assets, but is not to be used to finance operating activities or recurrent expenditure
7. The LTFP will manage our asset base to meet community needs as identified in the Strategic Community Plan
8. Within the LTFP annual review, Council will be responsive to prevailing economic conditions and adjust capital project timeframes to support the local economy
9. Rating revenue levels are set in order to produce a balanced budget

The LTFP 2021/2022 - 2030/31 also sets out the major projects that the Shire wishes to undertake over the next ten years, including:

- Denmark Surf Club / Precinct;
- Nornalup Jetty / Various Footpaths;
- Mountain Bike Trail;
- Berridge Park Redevelopment (including Youth Precinct and Skatepark);
- Denmark High School Oval Facilities Upgrade;
- Shire of Denmark Administration Building;
- McLean Park Recreation Centre Upgrade;
- Waste Facility Upgrade;
- Civic Centre and Library Upgrade;
- Waste Facility Capping Works.

These projects respond to community needs and aspirations and have been identified through community engagement processes during the development of the Shire's Strategic Community Plan, *Denmark 2027*. A number of the projects also have a high renewal component and/or have a strong likelihood of attracting external funding.

The exact timing of the construction of these projects is dependent on receiving grants and contributions to undertake this work. Should the funding not be obtained, it is likely that some of the projects will not go ahead.

The LTFP will be reviewed annually to ensure it remains contemporary and reflects any relevant changes that have occurred during the preceding twelve months. The review will be timed to realign to the budget cycle in order for year 1 of the LTFP to form the Annual Budget and years 1 to 4 to resource the Corporate Business Plan.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 9.2.4

With respect to the Integrated Planning and Reporting Framework, Council ADOPT the Long Term Financial Plan (Attachment 9.2.4).

9.2.5 AMENDMENT TO SCHEDULE OF FEES AND CHARGES 2021/22

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	2 September 2021
Author:	Jodi Vitler, Assistant Accountant Lee Sounness, Manager Corporate Services
Authorising Officer:	Gina McPharlin, Director Corporate & Community Services
Attachments:	Attachment 9.2.5 – Amended Fees and Charges

Summary:

To make amendment to the adopted Schedule of Fees and Charges 2021/22, Attachment 9.2.5, in respect to Parry Beach Nature Park Camping Fees, Waste Facility Fees, Health Administration Fees and Recreation Centre Fees.

Background:

The Annual Budget was adopted by Council on the 17th August 2021, incorporating the 2021/22 Schedule of Fees and Charges. Upon review, financial and description errors were identified to the following listed fees:

- Parry Beach Nature Park Camping Fees (p.29)
- Denmark Waste Management & Refuse Facility (p.17)
- Denmark Recreation Centre (p.27)
- Inspections / Registrations / Licence Renewals (p.7)

Consultation:

Information was provided by officers in relation to fees and charges applicable to their department for this report.

Statutory Obligations:

Local Government Act 1995 s.6.16 & s.6.19

6.16. Imposition of fees and charges

(1) *A local government may impose* and recover a fee or charge for any goods or service it provides proposes to provide, other than a service for which a service charge is imposed.*

**Absolute majority required.*

(3) *Fees and charges are to be imposed when adopting the annual budget but may be –*
 (a) *imposed* during a financial year; and*
 (b) *amended* from time to time during a financial year.*

**Absolute majority required*

6.16. Imposition of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of

(a) Its intention to do so; and

(b) The date from which it is proposed the fees or charges will be imposed

Policy Implications:

Nil

Budget / Financial Implications:

Amending fees is estimated to impact the fees and charges income as follows:

- GL 1027323 Sanitation Site fee - minimal
- GL 1360103 Parry Beach Camping Charges - \$14,000
- GL 1160113 Income Gym - minimal

The impact on the annual budget will reviewed and adjusted during the Mid-Year Review.

Strategic & Corporate Plan Implications:

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

Denmark 2027

L5.4 *To be fiscally responsible*

Corporate Business Plan

Nil

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

Nil

Comment/Conclusion:

The Annual Budget was adopted by Council on the 17th August 2021 incorporating the 2021/22 Schedule of Fees and Charges. The officer recommends amending the respective fees and charges and/or description, as listed in the attachment to the report to accurately list the correct fee and to better reflect the fees intent.

Voting Requirements:

Absolute majority.

OFFICER RECOMMENDATION	ITEM 9.2.5
<p>That Council;</p> <ol style="list-style-type: none"> 1. APPROVE amendment to the Schedule of Fees and Charges, Attachment 9.2.5, in respect to Parry Beach Nature Park Camping Fees, Denmark Waste Facility Fees, Denmark Recreation Centre Fees and Health Administration Fees to accurately list the fee amount and to better reflect the fees intent; and, 2. GIVE public notice of 7 days of the intent to amend the previously adopted fees and charges. 	

9.2.6 COMMUNITY FINANCIAL ASSISTANCE PROGRAM APPLICATIONS 2021/2022

File Ref:	FIN.55.A.2021/22
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not Applicable
Disclosure of Officer Interest:	Nil
Date:	26 August 2021
Author:	Rosie Arnephie, Community Development Officer
Authorising Officer:	Gina McPharlin, Director Corporate and Community Services
Attachments:	Attach 9.2.6a - CONFIDENTIAL ATTACHMENT Attach 9.2.6b - CONFIDENTIAL ATTACHMENT

Summary:

Council is requested to endorse the Officer recommendation of the 2021/2022 Community Grant Program.

Background:

A review of Policy P040125 Community Financial Assistance Program was presented to Council in May 2021 (Res: 150521).

The purpose of the review was to align the Policy P040125 to the objectives of the Shire's recently adopted Sustainability Strategy, remove procedural information, consolidate the grant classifications, to improve the effectiveness of the administration of the fund for both Council and community and rename the program to Community Grant Program.

The Community Grant Program opened from 23 June to the 3 August 2021 inclusive. A comprehensive marketing strategy was undertaken to promote the program to the wider community.

A total of Nineteen (19) applications were received, with total funding requests of \$70,942.

One (1) application did not meet eligibility criteria due to the request to fund wages and salaries which is not supported through this program. One (1) application was withdrawn, as the request was for building maintenance to a Shire asset. This work was paid for from the Shire's Building Maintenance budget. The remaining eighteen (18) eligible applications were assessed and scored based on alignment to grant criteria and whether the applications were satisfactorily completed and relevant support documents were provided.

Further assessments were undertaken to shortlist the grant requests to fit within the allocated funding pool of \$25,000. A funding priority was to distribute funds broadly across the community to support a maximum number of community groups. As a result, shortlisting took into consideration the identified need of the club/group and their capacity to undertake the project if not awarded the full grant request. Accordingly, some applicants were awarded partial funding.

Consultation:

The Officer has considered the requirement for community consultation and/or engagement in accordance with the Council's Community Engagement Policy P040123 and the associated Framework. In accordance with the assessment criteria, a "Consult" level of engagement was required.

The following consultation was undertaken:

- Email correspondence was sent to the Shire's sporting/service clubs, community groups/organisations on 1 July 2021
- Newspaper advertisements in the Walpole Weekly and Denmark Bulletin on the 14 and 15 July 2021
- Social Media (Facebook) advertisements from 23 June to 1 August 2021
- Council website advertisement from 23 June to 3 August 2021
- E-newsletter promotion (Denmark Direct) 1 July 2021 Edition

Statutory Obligations:

There are no statutory obligations with respect to awarding the Community Grant Funding.

Policy Implications:

P040125 – Community Grant Program Policy.

Budget / Financial Implications:

An amount of \$25,000 has been allocated in the 2021/2022 Annual Budget for the purpose of this program.

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

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

Corporate Business Plan

C4.1.3 Support local community groups and sporting clubs through the Community Financial Assistance Grants

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

The Green Skills sustainability workshops focused on organic gardening, sustainability, environmental literacy and community participation in upcycling and eco art aligns strongly with the Sustainability Strategy and action plan.

➤ **Economic:**

The Community Grants program provides the opportunity for not-for-profit groups to extend their events when they use local grant funding to help attract additional event funding for their projects. This ensures that community focused and tourism-based events can be used to stimulate the local economy.

➤ **Social:**

The grants program allows many small local projects to be delivered that adds to the diversity of the local arts, culture and heritage scene in Denmark. Many of these organisations would not be able to attract the funding from out of region sources and so the local grant fund is critical to their delivery.

➤ **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 decide to not fund applications received for the Community Grant Program	Unlikely (2)	Minor (2)	Low (1-4)	Not Meeting Community expectations	Accept Officer Recommendation

Comment/Conclusion:

The Officer recommendation has taken into consideration the assessment criteria from the Community Grant Programme guidelines, categories of available funding and applied a scoring matrix to rank the applications.

The recommendation included allocating the full annual budget provision of \$25,000.

Officers assessment, rankings and commentary have been provided to Council under separate confidential cover.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION	ITEM 9.2.6
That Council; APPROVE the following Community Financial Assistance Program applications totalling \$25,000 for 2020/2021:	
Applicant	Agreed Funding Amount
Country Women’s Association Denmark (CWA) Purchase of equipment for 10 tables	\$ 2,000.00
Denmark Arts Council Giant puppet for the 'Bounce Back' project	\$ 499.00
Denmark Baroque Incorporated Summer Early Music Workshops 2022: Baroque concerts in the Great Southern	\$ 2,000.00
Denmark Bird Group Purchase of portable projector	\$ 1,200.00
Denmark Bridge Club Inc Purchase of new Bridge chairs	\$ 1,000.00
Denmark CRC - Zak Launay Bounce Back Project (Circus)	\$ 499.00
Denmark CRC/Movies with Meanings 2021/22 Festival of Movies with Meaning	\$ 2,150.00
Denmark Dragon Boat Club Occupational Health & Safety Project for new life jackets (PFD’s) and paddles	\$ 2,700.00
Denmark Machinery Restoration Group Inc Purchase of DMRG Forklift Safety Cage	\$ 935.00
Denmark Mountain Bike Club Inc Event WA Downhill State Series 2022 - Round 1	\$ 2,000.00
Denmark Surf Life Saving Club Advanced Lifesaving Skills Training Equipment	\$817.00
Denmark Yacht Club Purchase of boat trailer	\$ 2,200.00
Great Southern Classic Car Show Inc Great Southern Classic Car Show 2021	\$ 2,000.00
Green Skills Inc Green Skills Sustainability Program of Workshops	\$ 2,000.00

Kwoorabup Community Markets Committee Inc Kwoorabup Community Markets New Branding, Promotion & Infrastructure Project	\$ 1,000.00
Tingledale Tennis Club Urgent replacement of Tennis Court Fencing	\$ 2,000.00
Grand Total	\$ 25,000.00

9.3 CHIEF EXECUTIVE OFFICER

9.3.1 SUSTAINABLE TOURISM STRATEGY AND ACTION PLANS

File Ref:	PLN.55
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	11 August 2021
Authors:	Angela Simpson, Corporate Planner
Authorising Officer:	David Schober, Chief Executive Officer
Attachments:	Attachment 9.3.1a - Draft Sustainable Tourism Strategy Attachment 9.3.1b - Visitor Servicing Action Plan Attachment 9.3.1c - Leadership and Management Action Plan Attachment 9.3.1d - Comment Submissions and Responses Table Attachment 9.3.1e - Tourism Policy (P130201)

Summary:

This report seeks for Council to adopt the Sustainable Tourism Strategy, Attachment 9.3.1a, note the two associated Action Plans, Attachment 9.3.1b and Attachment 9.3.1c, and repeal Tourism Policy P130201, Attachment 9.3.1e.

The Shire of Denmark Sustainable Tourism Strategy 2021-2024, has been developed to guide Council, staff, business and the community on the most effective ways to support services and extend visitations to the Shire, explore new opportunities and emerging trends in tourism and guide in the future usage of the Denmark Visitors Centre.

Background:

The Amazing South Coast Tourism Inc. (ASCTI) divested itself of visitor servicing in Denmark and Plantagenet and proposed to close the Denmark Visitors Centre on 30 June 2020. This action was a catalyst for the Council to bring forward the development of a Tourism Strategy that was scheduled in the Corporate Business Plan. At its Ordinary Council Meeting on 20 October 2020, Council resolved to develop a Tourism Strategy (Res 041020) to guide future decisions regarding the Shire’s involvement in leading and funding tourism activity.

A request for quote (RFQ) to engage a consultant to lead the development of a Tourism Development Strategy was issued on the Shire’s website on 30 November 2020 with a closing date of 14 December 2020. In addition, the RFQ was advertised in the Denmark Bulletin on 26 November 2020.

Six quotes were received by the close date and after assessment, Great Southern Centre for Outdoor Recreation (GSCORE - now trading as Outdoors Great Southern) was engaged. It was agreed that the consultant would provide the following services as part of developing the strategy:

1. Identify what role Local Governments of similar profile to Denmark, play in supporting local tourism
2. Investigate how much similar Local Governments invest in tourism and provide recommendations on the level of future investment by the Shire of Denmark
3. Investigate and provide recommendations on future visitor servicing strategies, considering factors such as:

- changing trends in visitor bookings
 - changing trends in visitor behaviour and expectations
 - use of the Denmark Visitor Centre in supporting visitor experiences
 - stakeholder and partnership opportunities.
4. Investigate and report on community and industry expectations matched against the Shire's Strategic Community Plan aspirations, objectives and funding limitations
 5. Identify stakeholder and partnership opportunities that align with the recommendations on future visitor servicing strategies
 6. Investigate and provide recommendations on how the strategy links to the Amazing South Coast Tourism Incorporated, including reference to and supporting Regional and State tourism strategies
 7. Acknowledge, reference and identify opportunities previous proposals, presented to the Shire of Denmark from the not-for-profit sector, offer the strategy

Consultation:

The Consultant undertook extensive community and industry discussion including:

- consultation with industry stakeholders through three industry workshops, 20 interviews and 122 business surveys
- consultation with the community via three community workshops and 304 surveys
- consultation with Shire staff via two workshops
- consultation with Shire Councillors through a series of workshops and briefings
- additional consultation and invited feedback regarding draft priorities from regional and state government, industry, and political representatives
- 14 written submissions were received through the 45 days public consultation period on the draft Strategy (Attachment 9.3.1d)

Analysis from the *Your Denmark* page showed:

- 1500 page views
- 169 downloads of the Draft Sustainable Tourism Strategy, Attachment 9.3.1a
- 27 downloads of the Visitor Servicing Fact Sheet
- 15 downloads of the Visitor Servicing Report

Statutory Obligations:

There are no statutory obligations relating to the officer's report.

Policy Implications:

The Sustainable Tourism Strategy, Attachment 9.3.1a, is in keeping with the intent of the Tourism Policy (P130201), Attachment 9.3.1e, adopted in July 2008 (Res 220708).

With the recent adoption of the Sustainability Strategy and the strategy before Council in this report, the officer assesses that the Tourism Policy (P130201), Attachment 9.3.1e, would be rendered obsolete and it is therefore proposed that this policy be repealed.

Budget / Financial Implications:

The budget allocation for tourism-related activity in the 2021/22 financial year is \$95,000. Implementing actions from the Sustainable Tourism Strategy Action Plans would need to be in line with the available funding and would mean staging the implementation of some actions into future years to achieve appropriate and balanced resource management.

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:

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 Corporate Business Plan (2017-2021) a Tourism Development Strategy is listed as a key informing strategy to be developed.

Sustainability Implications:

➤ **Governance:**

The Economic Development portfolio, including tourism development, currently sits in the CEO/Governance team with no dedicated staff resources assigned to it.

The Leadership and Management Action Plan, if implemented as a framework in which Council takes the lead role in facilitating the Tourism industry may have resource implications that will need to be managed within future budgets and resourcing levels.

➤ **Environmental:**

Sustainability Strategy 3.2 - Commit to a culture of sustainability embedded into all Council activities led by the Shire Executive.

➤ **Economic:**

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

The adoption of the Sustainable Tourism Strategy, Attachment 9.3.1a, and the implementation of the associated action plans, in particular the Visitor Servicing Action Plan Attachment 9.3.1b and the Leadership and Management Action Plan Attachment 9.3.1c, will have resource implications that will need to be managed within the current budget and resource constraints.

➤ **Social:**

The majority of community and industry representatives who engaged in the survey expressed a strong desire for the presence of a visitor servicing centre to operate within the Shire. The presence of a bricks and mortar visitor servicing centre is seen as delivering an important social outcome, showing visitors that they are welcome and providing the local community with the opportunity to connect with visitors to share stories about the area's history, culture, environment and people. Adoption of this strategy is in line with community expectations.

➤ **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 adopt the Sustainable Tourism Strategy	Unlikely (2)	Minor (2)	Low (1-4)	Not Meeting Community expectations	Accept Risk

Comment/Conclusion:

The Sustainable Tourism Strategy 2021-2024 provides Council with direction on the most effective way to participate in supporting the local tourism industry. While it is recognised that this is only a four-year plan, in the current climate it provides a clear roadmap for Council on how it can lead, support and advocate within the tourism sector.

The officer recommends that the rollout of delivering on the Leadership and Management Action Plans, Attachment 9.3.1c, are considered in a staged manner for the initial outcomes of the Visitor Servicing Action Plan, Attachment 9.3.1b, to be realised and understood over the next twelve (12) months and so that resourcing activities for future actions can be managed in line with the annual budgeting process.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION	ITEM 9.3.1
<p>That Council;</p> <ol style="list-style-type: none"> 1. ADOPT the Shire of Denmark Sustainable Tourism Strategy Attachment 9.3.1a); and, 2. NOTE the associated Tourism Action Plans (Attachment 9.3.1b and Attachment 9.3.1c); and, 3. REPEAL Tourism Policy P130201 (Attachment 9.3.1e) 	

9.3.2 PROPOSAL FROM DENMARK CHAMBER OF COMMERCE TO OCCUPY THE DENMARK VISITOR CENTRE AND PROVIDE VISITOR SERVICING

File Ref:	A3186 & PLN.55
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	11 August 2021
Authors:	Angela Simpson, Corporate Planner
Authorising Officer:	David Schober, Chief Executive Officer
Attachments:	Nil

Summary:

This report recommends that Council grant the Denmark Chamber of Commerce (DCC) use of the Denmark Visitor Centre (DVC), along with an annual cash contribution, for the purposes of delivering tourism services through to June 2024.

Background:

On 23 November 2020, the Shire received a proposal from the Denmark Chamber of Commerce (DCC) titled “Temporary Emergency Visitor Service from the Denmark Visitor Centre”. In direct response to the expressed need of its membership, the DCC proposal was developed to support local businesses and the community regarding visitor servicing for the 2020/21 tourist season.

At the Special Council Meeting on 1 December 2020 Council resolved (Res: 021220) to execute a new lease to DCC for visitor servicing, based on the following conditions:

1. the term of the lease will be from 7 December 2020 to 30 April 2021; and
2. the general terms of the lease shall be consistent with the Shire of Denmark’s standard community group lease; and
3. an annual rent is payable of \$1.00 per annum; and
4. the requirement for the Lessee to adhere to a Service Agreement with the Shire.

Due to ongoing consultation occurring around the development of a Tourism Strategy, DCC agreed to extend this agreement on a month-by-month basis. This was confirmed at the OCM on 20 April 2021 (Res: 070421) where Council consented to DCC’s continuing use of the DVC, allocating funds to support and agreement to consider an allocation in the 21/22 annual budget.

Consultation:

During the wide-ranging consultation undertaken by the Consultant as part of the development of the Tourism Strategy, there was specific consultation conducted around visitor servicing and the use of the DVC venue, which provides insight into the views of the local tourism industry and community members.

The Consultant surveyed 122 local business operators to determine;

- their level of engagement with the DVC
- the importance of a visitor centre to their business
- their preferred visitor centre model and

- their views on the future use of the DVC building.

Similarly, 303 community members responded to a survey to provide their feedback on their involvement in tourism and attitude towards tourism, and the importance of a visitor centre.

This consultation was in addition to the extensive feedback received by the Shire, and subsequent community engagement, outlined in both the October 2020 Ordinary Council Meeting and 1 December 2020 Special Council Meetings.

Statutory Obligations:

The Shire of Denmark has a management order for Reserve 48198, for community purposes, with 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 an 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:

Waiving of the rates (provide 100% concession) for DCC is consistent with the current policy (P110102) for community groups who occupy Council buildings or land. The current rates levy on this property is \$5,882.30

Budget / Financial Implications:

- The tourism budget allocation for the 2021/22 financial year is \$95,000.
- Use of the DVC building, under a peppercorn lease arrangement, is accounted for the 2021/22 Annual Budget
- Cleaning of the DVC toilets during weekdays is accounted for in the 2021/22 Annual Budget
- The proposal from DCC is for a multi-year service agreement and as such has implications for future expenditure
- Consideration needs to be given to the future year costs of visitor servicing as expected by DCC and the community and the impact this has on the overall tourism budget, should Council wish to pursue the delivery of activities from the action plans, beyond visitor servicing

Strategic & Corporate Plan Implications:

The report and officer recommendations 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:

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.

(Draft) Sustainable Tourism Strategy

- 6.1 Ensure provision of face-to-face visitor servicing is cost-effective and returns benefit to visitors, tourism operators, and the local community.
- 6.2 Engage industry and community in transitioning to a sustainable model of visitor servicing, using multiple channels to distribute visitor information across the Shire.

Sustainability Implications:

➤ **Governance:**

In negotiating directly with the DCC on a three-year service agreement, officers have assessed the governance considerations, taking into account the extensive community engagement outlined, and determined it is appropriate given that:

- 1. DCC has successfully delivered tourism services since December 2020 and achieved strong engagement with volunteers to support ongoing service delivery.
- 2. a further round of procurement, such as a request for quote, would not add value at this time, as not-for-profit groups in the community have been canvassed during the tourism strategy consultation period.
- 3. at an industry Tourism Forum, conducted in August 2020, three possible proponents came forward and expressed an interest in delivering tourism services. One subsequently withdrew their offer (Denmark Tourism Inc), and another (Green Skills Denmark) through further discussion with the DCC, committed to partnering with DCC to support visitor servicing but expressed to the Consultant that DCC be the preferred lead agency for the service.
- 4. DCC presented to Councillors a three-year tourism proposal in a July 2021 briefing.

➤ **Environmental:**

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

➤ **Economic:**

The Shire’s regional tourism commitment has fallen away with the demise of the Amazing South Coast Tourism Inc. At this point it is unclear what the future economic impacts will be regarding the marketing of tourism in the region by Australia’s South West, the Regional Tourism Organisation.

➤ **Social:**

Sustainability Strategy 2021-2031

Culture and Community 3.7 Promote partnerships with not-for-profits to deliver Shire activities.

Culture and Community 3.8 Establish a community volunteering model that provides long-term support to community groups.

➤ **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: Should Council decide not support the DCC proposal and the Visitor Centre close.	Rare (1)	Moderate (3)	Low (1-4)	Not Meeting Community expectations	Accept Risk

Authorising Officer comment and correction for the public record regarding Green Skills Denmark

At the October 2020 Ordinary Council Meeting, Report 8.3.5 titled **Tourism Strategy, Proposal from Denmark Tourism Incorporated and Visitor Centre Sub-Leases** it was stated in Table 3 that Green Skills Denmark had “No previous tourism experience”.

The three tables within the report sought to provide Council with an assessment of advantages and disadvantages of each organisation in respect to making a decision in order to navigate a pathway forward.

The Authorising Officer accepts this assessment was incorrect and seeks to address, and correct for the public record, that Green Skills Denmark have significant experience in delivering tourism activity within the region. The Authorising Officer also accepts Green Skills Denmark provided such information to the Shire in consideration of the report. Officers apologise to Green Skills Denmark and retract this assessment.

Green Skills Denmark role in supporting tourism within the Shire of Denmark

Green Skills Denmark staff have indicated that partnership opportunities may exist moving forward with both the Shire and the Denmark Chamber of Commerce. Further investigation between all agencies is required, but Shire Officers recognise the importance of Green Skills Denmark in providing a holistic and sustainable tourism offering.

Comment/Conclusion:

The feedback received from the tourism industry during the development of the Tourism Strategy showed that 52% of respondents attributed 80% or more of their annual turnover to the sale of products and services to tourists. A large number used the services offered by the DVC including bookings (34%), brochure display (44%), and website listing (37%). While it may have attributed to only a small percentage of their overall sales (less than 10%), the majority of business respondents stated that it was important to very important for their business that a Visitor Centre operated in Denmark. Similarly, of the 303 community members surveyed, almost 80% stated that it was important to very important to have a Visitor Centre in Denmark.

As part of the feedback from the business sector during the consultation period, respondents identified the operation of a visitor centre, by a not-for-profit with paid or volunteer staff, as their preferred management model. During the consultation process, the Consultant met with not-for-profit groups and canvassed their interest in leading a visitor service in Denmark. Denmark Chamber of Commerce (DCC) expressed interest as did Green Skills Denmark who in their submission to Council, noted its *“commitment to partner with the DCC and the Shire of Denmark to develop the visitor centre as an inspiration hub and for Denmark as a whole as an ecotourism destination...”*. Green Skills Denmark expressed that they are supportive of the DCC leading a visitor servicing proposal. No other group or individual expressed interest to the Consultant in delivering a visitor servicing model.

Officers recognise the governance and due diligence provided by DCC in the operation of visitor servicing over the last eight months. DCC's strong membership base serves as an advocacy and reference point for the business community more broadly. DCC has also indicated their proposal aligns tourism activities to the objectives of the Sustainable Tourism Strategy.

Officers recommend supporting a tourism service provided by the DCC, which utilises the Denmark Visitor Centre premises for a three-year term, with the details to be outlined in a lease and service agreement drafted by the CEO.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION	ITEM 9.3.2
<p>That Council;</p> <ol style="list-style-type: none"> 1. COMMIT to a three-year service agreement for the Denmark Chamber of Commerce to operate from the Denmark Visitor Centre, located at 73 South Coast Highway Denmark; and, 2. ALLOCATE \$95,000, on a pro-rata basis, payable in monthly instalments, from account GL1327802, to support the Denmark Chamber of Commerce to deliver tourism services including face-to-face visitor servicing, through to 30 June 2022; and, 	

- 3. DRAFT a service agreement with key performance indicators and reporting requirements; and,
- 4. DRAFT a lease with the Denmark Chamber of Commerce including a rates waiver, yearly rental of \$1.00, and outline conditions for any sub-tenancy arrangements.

9.3.3 CORPORATE BUSINESS PLAN

File Ref:	ADMIN.13
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	18 August 2021
Author:	Angela Simpson, Corporate Planner
Authorising Officer:	David Schober, Chief Executive Officer
Attachments:	Attachment 9.3.3 - Draft Corporate Business Plan 2021-2024

Summary:

The purpose of this report is for Council to consider the adoption of the 2021-2024 Corporate Business Plan (CBP) (Attachment 9.3.3).

Background:

To fulfil the statutory obligations of section 5.56 of the Local Government Act 1995, the Local Government (Administration) Regulations 1996 require each Local Government to adopt a Strategic Community Plan and Corporate Business Plan as part of a ‘Plan for the Future’.

Denmark 2027 – Plans and Strategic Interconnections



The Strategic Community Plan *Denmark 2027* is Council’s principal strategic document that links community aspirations with the Council’s vision and long-term plan.

The Corporate Business Plan, Attachment 9.3.3, is the Shire’s four-year plan that provides direction on how the vision and long term plan will be activated. The Corporate Business plan identifies projects, initiatives and actions that the Shire will undertake over the next four years to improve operations whilst delivering key services and facilities, which support the community.

Consultation:

As part of the whole of organisation planning, staff have scrutinised projects within the Corporate Business Plan to ensure they are:

- prioritised as a strategic fit to the objectives of *Denmark 2027*
- linked to achieving outcomes in Council endorsed strategies and masterplans
- within budget as laid out in the Long Term Financial Plan.

The Shire's Corporate Business Plan is a document that seeks to activate, plan for and resource the aspirations of the community, which are outlined in the Strategic Community Plan *Denmark 2027*. As such, consultation and collaboration on the Corporate Business Plan has occurred within the organisation and with Council.

Statutory Obligations:

The requirements for the preparation of a Corporate Business Plan are detailed in the Local Government Act 1995.

Further guidance on the achievement of best practice standards is outlined within the Department of Local Government and Communities *Integrated Planning and Reporting Framework* and *Advisory Standards and website*.

Extract Local Government Act 1995

5.56. Planning for the future

- (1) *A local government is to plan for the future of the district.*
- (2) *A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

The Local Government Administration Regulations 1996 state:

19DA. Corporate business plans, requirements for (Act s. 5.56)

- (1) *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A corporate business plan for a district is to cover the period specified in the plan, which is to be at least four financial years.*
- (3) *A corporate business plan for a district is to —*
 - (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) *govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
 - (c) *develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) *A local government is to review the current corporate business plan for its district every year.*
- (5) *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*
- (6) *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine whether or not to adopt the plan or the modifications.*

- (7) *If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

Policy Implications:

There are no policy implications as the development of a Corporate Business Plan is a legislative requirement.

Budget / Financial Implications:

The first year of the Corporate Business Plan aligns with the activities and projects identified in the 2021/22 Annual Budget. Funding for projects and activities listed for future years is accounted for in the Long Term Financial Plan and will provide the basis for items considered in future Annual Budgets.

Strategic Implications:

The report and officer recommendation is consistent with the Local Government (Administration) Regulations 1996 and the Department of Local Government and Communities' Advisory Standard.

Sustainability Implications:

Sustainability Strategy 2021-2031

➤ **Governance:**

Beyond statutory obligations already outlined, the adoption and subsequent monitoring of the CBP will improve the organisation's control, management and reporting of projects and provide greater transparency on projects that are not completed or are deferred for operational reasons.

➤ **Environmental:**

There is a clear link between the activities in the CBP and the actions recommended in the Sustainability Action Plan 2021, which will be delivered across the organisation, ensuring the principles of the Sustainability Strategy are embedded in Shire activities.

➤ **Economic:**

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

➤ **Social:**

It is envisaged that the revised structure of the CBP will provide the public with a reader-friendly document that clearly outlines the activities and services planned for the Shire over the next four years.

➤ **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)
OPERATIONS That CBP activities are not delivered as scheduled in the CBP due to business interruption caused by Covid-19	Possible (3)	Moderate (3)	Moderate (5-9)	Business Disruption	Manage by revising CBP timelines
COMPLIANCE That Council choose not to adopt the Corporate	Rare (1)	Moderate (3)	Low (1-4)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation

Business Plan, resulting in non-compliance with the Local Government Act's 'Planning for the future' legislation.					
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Comment/Conclusion:

The Corporate Business Plan is reviewed each year as the organisation's financial position is further refined, ensuring that the Shire can capitalise on any new opportunities as they present. A number of the projects identified in the Corporate Business Plan are either solely or partially reliant on securing external funding, which the Shire will strongly advocate for over the life of the plan. Changing funding streams may result in delivery year changes for some projects.

Actions within the Corporate Business Plan will form key performance indicators for Shire of Denmark staff. The Shire's Executive and Management team meet monthly to track the progress of the Corporate Business Plan projects, ensuring that risks to delivery are minimised and opportunities to support delivery are maximised.

Voting Requirements:

Absolute majority.

OFFICER RECOMMENDATION	ITEM 9.3.3
That Council; ADOPT the Corporate Business Plan, as per Attachment 9.3.3, with effect from the current financial year through to June 2025.	

9.3.4 POLICY TO APPOINT TEMPORARY CEO AND ACTING CEO AND REPEAL OF DELEGATION D040206 (ACTING CHIEF EXECUTIVE OFFICER)

File Ref:	ADMIN.2
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	The Author reports directly to the position of Chief Executive Officer.
Date:	31 August 2021
Author:	Claire Thompson, Governance Coordinator
Authorising Officer:	David Schober, Chief Executive Officer
Attachments:	Attachment 9.3.4 – DRAFT Temporary Appointment of CEO policy

Summary:

Council is asked to adopt a new policy that deals with the appointment of a temporary or acting Chief Executive Officer (CEO) and repeal a delegation that provides the CEO authority to appoint an acting CEO.

Background:

The State Government's review of the Local Government Act 1995 resulted in Local Government (Administration) Amendment Regulations 2021 which came into effect in February 2021. The amendments have been incorporated into the Local Government Act 1995 and the Local Government (Administration) Regulations 1996.

The amendment requires all local governments to adopt a policy for the temporary employment of a person, or employee, to the position of CEO for a period of less than 12 months.

Consultation:

Guidelines provided by the Department of Local Government, Sport and Cultural Industries and the Western Australia Local Government Association.

Statutory Obligations:

LOCAL GOVERNMENT ACT 1995

S5.39 – Council is to employ a CEO.

S5.39(1a) – Employee may act in the position of CEO for less than 1 year without a written contract.

S5.39C – Council must adopt a policy that sets out the process to be followed by the local government in relation to;

- a) The employment of a person in the position of CEO for a term not exceeding 1 year; and
- b) The appointment of an employee to act in the position of CEO for a term not exceeding 1 year.

S5.39C(4) – The CEO must publish the policy on the Shire’s website.

S5.40 – Sets out the principles that must be followed by a Council with respect to its employees.

S5.41(a) – The CEO is responsible for causing Council decisions to be implemented.

S5.43(a) – Any power or duty that requires an absolute majority decision can not be delegated.

Policy Implications:

The following policy is recommended to be replaced with the new policy (as per Attachment 9.3.4).

POLICY P040106 – SENIOR EMPLOYEES & ACTING CHIEF EXECUTIVE OFFICER

Senior Employees

The following are designated senior employees for the purposes of S.5.37 of the Local Government Act 1995 -

- *Director Corporate and Community Services; and*
- *Director Assets & Sustainable Development.*

Acting CEO

For the purposes of Section 5.36 (2) of the Local Government Act 1995, the Council has determined that employees that are appointed in one of the above positions are suitably qualified to be appointed as Acting CEO by the CEO, from time to time, subject to the following conditions;

- 1. The employee is not Acting in the position;*
- 2. The term of appointment is no longer than 3 months consecutive;*
- 3. That the employee’s employment conditions are not varied other than the employee is entitled to a salary equivalent to that of the CEO during the Acting period.*

Delegation D040206 is also recommended to be repealed.

ACTING CHIEF EXECUTIVE OFFICER

The Chief Executive Officer is delegated authority to appoint a senior employee of Council in accordance with Policy P040106 to act in the capacity of Chief Executive Officer during scheduled absences of the Chief Executive Officer. During unscheduled absences of the Chief Executive Officer, the Director Corporate and Community Services is to act as Chief Executive Officer.

The appointment of a CEO can only be made by the Council and by an absolute majority. Any decisions of a local government that are to be made by an absolute majority are unable to be delegated (s5.43(a)).

WALGA have advised that if the Council have a policy that clearly nominates the positions that are suitably qualified to perform the role of CEO and the policy defines the methodology to be used, then the CEO is required to implement the Council's decision (s5.41(c)) and give effect to the policy.

Budget / Financial Implications:

Neither the new policy or the amended policy creates any change to the Council's current financial position.

An annual performance review for the CEO continues to be a requirement and is budgeted for under GL1420322 – General Consultancies.

Strategic & Corporate Plan Implications:

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

Denmark 2027

L5.0 Our Local Government

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

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

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

Corporate Business Plan

Nil

Sustainability Implications:

➤ **Governance:**

The policy Standards and the amendment to Policy P040106, if adopted by Council, will ensure that the Shire of Denmark is compliant with current legislative requirements.

➤ **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 recommendation is based on the information already provided within this report under background, statutory and policy implications.

The draft policy attached has been drafted using a template that the Western Australian Local Government Association (WALGA) made available to all local governments, with the incorporation of a Senior Employee designation section.

Voting Requirements:

Absolute majority.

OFFICER RECOMMENDATION	ITEM 9.3.4
<p>That Council:</p> <ol style="list-style-type: none"> 1. ADOPT the <i>Temporary Employment or Appointment of CEO and Designation of Senior Employees Policy</i> (as per Attachment 9.3.4); and 2. REPEAL Policy P040106 – Senior Employees & Acting Chief Executive Officers as follows; and 3. REPEAL Delegation D040206 – <i>Acting Chief Executive Officer</i>. 	

* *Absolute majority required.*

9.3.5 CEO RECRUITMENT, PERFORMANCE AND TERMINATION STANDARDS POLICY

File Ref:	ADMIN.2
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	The Author reports directly to the position of Chief Executive Officer.
Date:	30 August 2021
Author:	Claire Thompson, Governance Coordinator
Authorising Officer:	Gina McPharlin, Director Corporate & Community Services
Attachments:	Attachment 9.3.5 – DRAFT CEO Model Standards Policy

Summary:

Council is asked to adopt model standards (policy) for the recruitment, performance and termination of the position of Chief Executive Officer ('CEO').

Background:

The State Government's review of the Local Government Act 1995 resulted in Local Government (Administration) Amendment Regulations 2021 which came into effect in February 2021. The amendments have been incorporated into the Local Government Act 1995 and the Local Government (Administration) Regulations 1996.

The amendment requires all local governments to adopt a policy that sets the standards for the recruitment, performance review and termination of a CEO.

Consultation:

Guidelines provided by the Department of Local Government, Sport and Cultural Industries and the Western Australia Local Government Association.

Statutory Obligations:

LOCAL GOVERNMENT ACT 1995

S5.36 – Council is required to appoint a person who is suitably qualified as CEO.

S5.38 – Council is required to annually review the CEO's performance.

S5.39 – CEO must be employed under a written contract, for a maximum of five years, if the employment term is more than 12 months. Specifications required for a contract including that a CEO's remuneration must be in accordance with a determination by the Salaries and Allowances Tribunal.

S5.39A – Regulations must provide model standards for the recruitment, performance review and termination of a CEO.

S5.39B – Council must adopt standards to be observed that incorporate the model standards.

5.39B(4) – Council may include additional provisions in the adopted standards that are not in the model, as long as they are not inconsistent with the model.

5.39b(6) – CEO must publish the adopted standards on the Shire's website.

S5.40 – sets out principles affecting employment by local governments around fairness, discrimination etc. This section is referred to in the draft Standards at clause 9(4)(b).

LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS 1996

R18A – CEO and senior employee vacancies to be advertised and in a prescribed way.

R18FA – Schedule 2 of the Regulations sets out the model standards for CEO recruitment, performance and termination.

R18FB – local government must provide certification to the Department that the CEO standards for recruitment complied with the local government's adopted standards, within 14 of passing a resolution to appoint a CEO.

R18FC - local government must provide certification to the Department that the CEO standards for termination complied with the local government's adopted standards, within 14 of passing a resolution to terminate a CEO's employment.

Schedule 2 – sets out the model standards for the recruitment, performance and termination of a local government CEO.

Policy Implications:

Council is asked to adopt attached policy for Standards for CEO Recruitment, Performance and Termination (see Attachment 9.3.5).

Budget / Financial Implications:

The new policy does not change the Council's 2021/2022 Budget.

An annual performance review for the CEO continues to be a requirement and is budgeted for under GL1420322 – General Consultancies.

Strategic & Corporate Plan Implications:

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

Denmark 2027

L5.0 Our Local Government

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

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

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

Corporate Business Plan

Nil

Sustainability Implications:

➤ **Governance:**

The policy Standards and the amendment to Policy P040106, if adopted by Council, will ensure that the Shire of Denmark is compliant with current legislative requirements.

➤ **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 draft policy attached has been drafted using the best practice model that the Western Australian Local Government Association (WALGA) made available to all local governments. The model developed by WALGA is in accordance with Schedule 2 of the Local Government (Administration) Regulations 1996.

A policy of this nature is required by legislation, as detailed in the report above.

Voting Requirements:

Absolute majority.

OFFICER RECOMMENDATION	ITEM 9.3.5
That Council ADOPT the <i>Standards for CEO Recruitment, Performance and Termination Policy</i> (as per Attachment 9.3.5).	

* *Absolute majority required.*

9.3.6 DENMARK BRIDGE CLUB – SERVICE AGREEMENT

File Ref:	AGR.72
Applicant / Proponent:	Denmark Bridge Club Inc.
Subject Land / Locality:	McLean House, McLean Oval Precinct, 73 Brazier Street, Denmark Reserve No. 15513
Disclosure of Officer Interest:	Nil
Date:	1 September 2021
Author:	Claire Thompson, Governance Coordinator
Authorising Officer:	David Schober, Chief Executive Officer
Attachments:	Attachment 9.3.6a – Draft Service Agreement Attachment 9.3.6b – Conditions of Use

Summary:

Council is asked to consider entering into a service agreement, Attachment 9.3.6a, with the Denmark Bridge Club ('Club') to enable the Club to provide services in return for a concession on their hire fees for a recurring booking at McLean House.

Background:

The Denmark Bridge Club have been seeking a dedicated space for their activities for quite some time and in February 2021, the Club approached Councillors, at an informal Strategic Briefing, requesting use of McLean House.

Following their presentation, they entered into discussions with the Chief Executive Officer regarding use of the facility and requested that they pay a nominal fee in return for keeping the lawn and gardens neat and tidy and cleaning the premises.

Considering the potential use requirements for the broader community, Council Officers put forward a report to Council at the meeting held on 20 July 2021 and resolved as follows;

"That Council:

1. *AGREE to the Youth Centre building, formerly known as 'Tha House', be referred to as 'McLean House'.*
2. *REQUEST the Chief Executive Officer to develop a booking system for McLean House, including guidelines on appropriate use, booking and termination process should the Council decide the future use of the building for its own or alternate use."*

An Application Form, Conditions of Hire (Attachment 9.3.6b) and a booking system have since been developed.

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:

LOCAL GOVERNMENT ACT 1995

S6.12(1)(b) – Council can waive or grant concession in relation to any amount of money.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

The services that the Denmark Bridge are seeking to provide, pursuant to the Service Agreement, has been costed against the actual cost to the Shire for providing those required services.

CLEANING & MAINTENANCE COSTS (per annum and including GST)

Shire costs for cleaning.....	\$9,360
Shire costs for maintenance.....	\$7,020
Total.....	\$16,380

MCLEAN HOUSE HIRE FEE (per annum)

Half day hire fee (non-commercial)	\$120
x 3 days per week.....	= \$360
Total.....	\$18,720

The net result to the Shire’s Budget is a reduced hire fee and income of \$2,340.

The Shire should also recognise cost savings on cleaning and maintenance of McLean House.

The Shire would still be responsible for electricity, water and refuse. The Shire is responsible for the same services for the Civic Centre, Recreation Centre and its other hireable venues.

The venue will be able to be hired at the adopted fees for other commercial and non-commercial users.

Strategic & Corporate Plan Implications:

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

Denmark 2027

L5.0 Our Local Government

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

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

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

L5.4 To be fiscally responsible.

Corporate Business Plan

Nil

Sustainability Implications:

Sustainability Strategy 2021-2031

Health & Happiness

1.3 Prioritise investment in community initiatives to improve health, well-being and community connection.

➤ **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)
Reputational: That other community groups seek similar agreements and Council has no policy in place in order to establish a framework, or eligibility for such agreements.	Possible (3)	Minor (2)	Moderate (5-9)	Not Meeting Community expectations	Accept Risk

Comment/Conclusion:

The Denmark Men’s Shed previously had a similar arrangement with the Shire when they used McLean House (former Youth Centre) for their meetings. At the same time, the Denmark Men’s Shed members spent many volunteer hours assisting the Shire with upgrades to McLean Oval.

The Shire has an internal service agreement with the Peaceful Bay Progress Association (PBPA) that corresponds with the amount the Shire budgets annually in order for them to perform tasks on behalf of the Shire, including maintenance and cleaning.

The Denmark Lions Club have provided maintenance services at the Denmark Cemetery for many years and Council budget an amount accordingly each year. A broad agreement is in place which determines what they are responsible for in return for the annual financial allocation.

The actual commercial cost of the work that the PBPA and the Lions provide has always been a consideration and many times investigated by Shire Officers in order to justify the

expense. On each occasion, it has been determined that the cost of the services is far less than what it would be under a commercial contract, hence saving the Shire (and ratepayers) money.

Similarly, the services that the Denmark Bridge Club are seeking to provide has been costed against the actual cost to the Shire for providing those required services.

Voting Requirements:

Absolute majority.

OFFICER RECOMMENDATION

ITEM 9.3.6

That with respect to the Denmark Bridge Club Incorporated's use of McLean House, 73 Brazier Street, Denmark, Council;

1. AGREE to enter into a Service Agreement for the cleaning and maintenance of the premises (as per Attachment 9.3.6a) for a period of 12 months; and
2. CREATE a new Job No. that is linked to GL account number 1138122 in the 2021/22 Budget titled "McLean House Cleaning & Maintenance (pursuant to a Service Agreement between the Shire of Denmark and the Denmark Bridge Club Inc.).

* *Absolute majority required.*

10. COMMITTEE REPORTS AND RECOMMENDATIONS

Nil

11. MATTERS BEHIND CLOSED DOORS

12. NEW BUSINESS OF AN URGENT NATURE

Nil

13. CLOSURE OF MEETING