

SHIRE OF DENMARK

# Ordinary Council Meeting

# AGENDA

**27 FEBRUARY 2024**

TO BE HELD IN COUNCIL CHAMBERS, 953 SOUTH COAST HIGHWAY, DENMARK, ON TUESDAY, 27 FEBRUARY 2024, COMMENCING AT 4.00PM.



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

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

MEMBERS:

- Cr Kingsley Gibson (Shire President)
- Cr Jan Lewis (Deputy Shire President)
- Cr Clare Campbell
- Cr Donna Carman
- Cr Nathan Devenport
- Cr Janine Phillips
- Cr Aaron Wiggins
- Cr Dominic Youel

STAFF:

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

ON APPROVED LEAVE(S) OF ABSENCE

- Cr Jackie Ormsby (pursuant to Council Resolution No. 011223 / 12 December 2023)

ABSENT WITHOUT LEAVE

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**

**5.1.1 SHANE SMITH – RUBBISH IN THE HAY RIVER**

At the meeting held on 30 January 2024, Shane spoke as a local fisherman and stated that he was extremely saddened with the amount of rubbish that was accumulated along the banks of the Hay River. Shane said that it was the worst he had ever seen it and implored the Council to do something about it.

The Chief Executive officer took Shane’s comments on notice and has provided the following response in writing.

*It is acknowledged that the Shire of Denmark's side of the Hay River is used for recreational activities, especially through the peak tourist periods. The Shire will commit to additional signage to encourage responsible use of the area and will ensure regular patrols along the river through the peak tourist seasons.*

*The Shire will also reach out the City of Albany to encourage further enforcement of the illegal camping that occurs on the opposite side of the river.*

## **5.2 PUBLIC QUESTIONS**

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

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

In accordance with clauses 3.2 (2) & (3) of the Shire of Denmark Standing Orders Local Law, a second Public Question Time will be held, if required, and the meeting is not concluded prior, at approximately 6.00pm.

### Questions from the Public

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

Nil

## **5.4 PRESENTATIONS, DEPUTATIONS & PETITIONS**

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

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

Nil.

## **6. APPLICATIONS FOR FUTURE LEAVE OF ABSENCE**

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

**7. CONFIRMATION OF MINUTES**

**7.1 ORDINARY COUNCIL MEETING – 30 JANUARY 2024**

OFFICER RECOMMENDATION	ITEM 7.1
<p>That the minutes of the Ordinary Meeting of Council held on the 30 January 2024 be CONFIRMED as a true and correct record of the proceedings.</p>	

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

Nil

**9. REPORTS OF OFFICERS**

**9.1 DEVELOPMENT SERVICES**

Nil

**9.2 CORPORATE SERVICES**

**9.2.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31 JANUARY 2024**

<b>File Ref:</b>	FIN.1
<b>Applicant / Proponent:</b>	Not Applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	14 February 2024
<b>Author:</b>	Scott Sewell, Financial Accountant
<b>Authorising Officer:</b>	David King, Chief Executive Officer
<b>Attachments:</b>	9.2.1 – January 2024 Monthly Financial Report

**IN BRIEF**

- Under the Local Government Financial Management Regulations, a local government is to prepare, on a monthly basis, a statement of financial activity that reports on the Shire’s financial performance in relation to its adopted budget.
- The Shire of Denmark’s Statement of Financial Activity for the period ending 31 January 2024 has been prepared and is attached.
- In addition, the Shire provides Council with a monthly investment register to ensure the investment portfolio complies with the Shire’s Investment Policy.

**VOTING REQUIREMENTS**

1. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.2.1
<p>That Council RECEIVE the Financial Statements for the period ending 31 January 2023, incorporating the Statement of Financial Activity and other supporting documentation, as per Attachment 9.2.1.</p>	

**LOCATION**

2. Not applicable.

**BACKGROUND**

3. In order to fill statutory reporting obligations, the Monthly Financial Report prepared provides a snapshot of the Shire's year-to-date financial performance. The report provides:

- Statement of Financial Activity by Nature or Type;
- Statement of Financial Activity by Program;
- Explanation of Material Variances;
- Net Current Funding Position;
- Receivables;
- Capital Acquisitions;
- Cash Backed Reserve Balances;
- Loan Schedule;
- Investment Register;
- Cash and Investments Summary.

4. Each year a local government is required to adopt a percentage or value to be used in the Statement of Financial Activity for reporting material variances. Under Resolution 030823, Council adopted the monthly reporting variance for the 2023/2024 financial year of 10% or greater for each program area in the budget as a level that requires an explanation or report, with a minimum dollar variance of \$10,000.
5. Pursuant to the Shire's Investment Policy, an investment report and investment register are to be provided to Council on a monthly basis, detailing the investment portfolio in terms of performance and counterparty percentage exposure of total portfolio.

**DISCUSSION / OFFICER COMMENTS****Financial Statements**

6. The Statement of Financial Activity for January 2024 shows a closing funding surplus of \$6,521,545. The adopted budget for the year ended 30 June 2024 (as amended) is premised on a zero year end closing funding position. Operating expenditure is \$715,465 higher than the year-to-date budgeted amount. The main factors relating to this variance is the depreciation expense for infrastructure asset classes have calculated slightly higher than budget due to the revaluation of that asset class effective as at June 2023. There are also some variances in timing for undertaking contracted works when compared to the budget profile. (Refer to Materials & Contracts Expense).
7. A summary of the financial position for January 2024 is detailed in the table below:

	Amended Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)
	\$	\$	\$	\$	%
<b>Opening Funding Surplus / (Deficit)</b>	<b>1,882,014</b>	<b>1,882,014</b>	<b>1,883,689</b>	<b>1,675</b>	<b>0%</b>
<b>Revenue</b>					
Operating revenue	13,928,609	12,828,104	13,253,279	425,175	3%
Capital revenue, grants and contributions	7,810,453	1,069,763	1,083,248	13,485	1%
	<b>21,739,062</b>	<b>13,897,867</b>	<b>14,336,527</b>	<b>350,166</b>	
<b>Expenditure</b>					
Operating Expenditure	-17,590,191	-10,368,088	-11,083,553	-715,465	-7%
Capital Expenditure	-10,636,504	-3,417,341	-1,789,001	1,628,340	48%
	<b>-28,226,695</b>	<b>-13,785,429</b>	<b>-12,872,554</b>	<b>912,875</b>	
Funding balance adjustments	4,605,619	2,699,331	3,173,882	474,551	18%
<b>Closing Funding Surplus / (Deficit)</b>	<b>0</b>	<b>4,693,782</b>	<b>6,521,545</b>	<b>1,827,763</b>	<b>39%</b>

**Investment Report**

8. Pursuant to the Shire’s Investment Policy, an investment report and investment register are to be provided to Council on a monthly basis, detailing the investment portfolio in terms of performance and counterparty percentage exposure of total portfolio. The Investment Register is also to provide details of investment income earned against budget, whilst confirming compliance of the portfolio with legislative and policy limits.
9. As at 31 January 2024, total cash funds held (including trust funds) totals \$10,594,147 (Summary – Investment Register).
  - Municipal Funds total \$5,897,245
  - Shire Trust Funds total \$850
  - Reserve Funds (restricted) invested, total \$4,696,051
  - Municipal Funds (unrestricted) invested, total \$4,262,148
10. The official Reserve Bank of Australia’s (RBA) cash rate was lifted by 0.25% from 4.10% to 4.35% at the Reserve Bank Board meeting held on 7 November 2023. No further adjustments to the official cash rate have occurred at the time of writing this report.

**CONSULTATION AND EXTERNAL ADVICE**

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

**STATUTORY / LEGAL IMPLICATIONS**

**Local Government (Financial Management) Regulations 1996**

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

**The Local Government Act 1995**

- 13. Section 6.14.

**The Trustees Act 1962**

- 14. Part III Investments.

**The Local Government (Financial Management) Regulations 1996**

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

**STRATEGIC / POLICY IMPLICATIONS**

- 16. Nil

**FINANCIAL IMPLICATIONS**

- 17. The Shire’s 2023/2024 Annual Budget provides a set of parameters that guides the Shire’s financial practices.
- 18. Any financial implications or trends are detailed within the context of this report Policy change does not have an impact on the current budget.

**OTHER IMPLICATIONS**

**Environmental**

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

**Economic**

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

**Social**

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

**RISK MANAGEMENT**

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



**9.2.2 LIST OF PAYMENTS FOR THE PERIOD ENDING 31 JANUARY 2024**

<b>File Ref:</b>	FIN.1
<b>Applicant / Proponent:</b>	Not Applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	14 February 2024
<b>Author:</b>	Kelly Schroeter, Acting Assistant Accountant
<b>Authorising Officer:</b>	Scott Sewell, Accountant
<b>Attachments:</b>	9.2.2 – January 2024 Monthly List of Payments Summary

**IN BRIEF**

- The purpose of this report is to advise the Council of payments made during the period 1 January to 31 January 2024.

**VOTING REQUIREMENTS**

1. Simple majority.

<b>OFFICER RECOMMENDATION</b>	<b>ITEM 9.2.2</b>
<p>That Council RECEIVE the attached Schedule of Payments totalling \$1,451,947.55 for the month of January 2024, as per Attachment 9.2.2:</p> <ul style="list-style-type: none"> <li>• Electronic Funds Transfers EFT 37321 to EFT 37522 - \$775,040.02</li> <li>• Municipal Fund Cheque payments 60553 to 60555 – \$523.00</li> <li>• Internal Account Transfers (Payroll) - \$486,976.51</li> <li>• Direct Debit - \$6,429.45</li> <li>• Corporate Credit Card - \$5,824.91</li> <li>• Department of Transport Remittances - \$114,362.35</li> <li>• Loan Payments – \$62,791.31</li> </ul>	

**LOCATION**

2. Not applicable.

**BACKGROUND**

3. Nil.

**DISCUSSION / OFFICER COMMENTS**

4. Nil.

**CONSULTATION AND EXTERNAL ADVICE**

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

**STATUTORY / LEGAL IMPLICATIONS**

**Local Government (Financial Management) Regulations 1996**

- 6. Regulation 13

**STRATEGIC / POLICY IMPLICATIONS**

- 7. Nil

**FINANCIAL IMPLICATIONS**

- 8. Nil.

**OTHER IMPLICATIONS**

**Environmental**

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

**Economic**

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

**Social**

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

**RISK MANAGEMENT**

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

**9.2.3 ADOPTION OF 2023/2024 BUDGET REVIEW**

<b>File Ref:</b>	FIN.9
<b>Applicant / Proponent:</b>	Not Applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	14 February 2024
<b>Author:</b>	Scott Sewell, Financial Accountant
<b>Authorising Officer:</b>	David King, Chief Executive Officer
<b>Attachments:</b>	9.2.3a – 2023/2024 Statement of Budget Review 9.2.3b – 2023/2024 Detailed Budget Review

**IN BRIEF**

- To consider for adoption the Mid Year Budget Review as presented, in the attached Statement of Budget Review, for the period 1 July 2023 to 31 January 2024.

**VOTING REQUIREMENTS**

1. Absolute Majority.

**OFFICER RECOMMENDATION**

ITEM 9.2.3

That Council, ADOPT the 2023/2024 Budget Review, in accordance with regulation 33A of the Local Government (Financial Management) Regulations 1996, including the endorsement of proposed amendments to 2023/2024 Municipal Budget as detailed in the attached Statement of Budget Review.

**LOCATION**

2. Not applicable.

**BACKGROUND**

3. Council adopted its 2023/2024 Municipal Budget at a special meeting held on 1 August 2023 (Res: 030823). Regulation 33A of the Local Government (Financial Management) Regulations 1996 requires local governments to undertake a review their annual budget no earlier than 31 December and no later than the end of February in each year. Council is required to consider the results of this review on or before the 31 March in each year.
4. The Budget Review has been prepared to include information required by the Local Government Act 1995, Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards.
5. To determine the expected financial position as at 30 June 2024, the budget reviewed financial statements contain all actual revenue and expenditure totals at Nature & Type and Program level to 31 January 2024 (refer to pages 1 & 2 of Attachment 9.2.7a - 2023/2024 Statement of Budget Review).
6. The Budget Review is conducted by looking at projected gains and reductions in operating and capital revenue in addition to cost savings and overruns in operating and capital expenditure. The proposed adjustments to accounts or jobs and the recommended revised budget for those line items, including a brief explanation of the circumstances, are outlined in Attachment 9.2.7b - 2023/2024 Detailed Budget Review.
7. The Budget Review includes acknowledgment of the slightly adjusted surplus brought forward position as at 1 July 2023 as per the audited annual statements for the year ended 30 June 2023.
8. Further details surrounding the more significant items listed in the budget review are provided in this report.
9. 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. (Res: 030823) This figure is generally used in the monthly Statements of Financial Activity and the Budget Review.

**DISCUSSION / OFFICER COMMENTS**

10. The budget review has been prepared to include information required by the Local Government Act 1995, Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards.
11. This review is completed by looking at projected gains and reductions in operating revenue along with cost savings and overruns in operating expenditure. A review of the capital expenditure program and its funding sources has also been undertaken, although it should be noted that as some capital works projects have not yet commenced with tenders still to be awarded and work schedules to be confirmed; or are only partially completed it is neither practical nor prudent to amend budgets based on the current progress status with so many 'unknowns.' As such projects that fall into that category have not been amended as part of this review, however, if in the short term it is identified that further amendments to individual capital works project budgets are required then these will be brought to Council's attention through the monthly financial reporting process with officer recommendations to further amend the budget as appropriate.
12. The ability to complete capital works and some operational projects due to a lack of available contractors and services and increasing costs of materials and contracted suppliers is an ongoing concern for the Shire. There are also impacts from the State's skills shortage and a lack of local housing availability for employees that need to be considered.
13. Should Council accept the Officer's recommendation to amend the budget as per the attached summary, the overall net impact on the end-of-year position is nil. The original budget as adopted was based on the assumption of a balanced budget and a zero year-end surplus brought forward position as at 30 June 2024.
14. The Officer recommends that Council adopt the Budget Review as presented.

**CONSULTATION AND EXTERNAL ADVICE**

15. Internal consultation was undertaken with the Chief Executive Officer, Directors and Managers regarding the status of budget projects included within their area of responsibility.

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

16. Section 6.2 - Municipal Budget.

**Local Government (Financial Management) Regulations 1996 - Regulation 33A**

17. Between 1 January and the last day in February in each financial year a local government is to carry out a review of its annual budget for that year.
18. The review of an annual budget for a financial year must —
  - a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
  - b) consider the local government's financial position as at the date of the review; and

- c) review the outcomes for the end of that financial year that are forecast in the budget.

19. The review of the annual budget for a financial year must be submitted to the Council on or before 31 March in that financial year.
20. A council is to consider a review submitted to it and is to determine\* whether or not to adopt the review, any parts of the review or any recommendations made in the review.
21. Within 14 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

### **STRATEGIC / POLICY IMPLICATIONS**

22. Nil

### **FINANCIAL IMPLICATIONS**

23. The 2023-2024 Municipal Budget was adopted on the basis of a zero surplus at year-end.
24. Council has accepted the following formal Council Meeting amendments to the adopted 2023-2024 annual budget. These amendments have not altered the budgeted closing position estimate, as the adjustments were funded from Reserves or were cost neutral.
25. 19 September 2023 (Res: 180923) - AMEND the 2023/2024 annual budget to reflect the following:
- Increase capital expenditure by \$40,000 for a Western Power Network Upgrade to allow for the future installation of EV DC fast charging infrastructure (Job No. 50130) to be fully funded by a transfer from the Infrastructure Reserve.
  - 21 November 2023 (Res. 101123) - APPROVE the following amendments to the 2023/2024 adopted budget to increase the expenditure provision to account 1021004 (Job No. 53006 – CDS shed upgrade) by \$7,000 and increase the expenditure provision to account 1021154 (Job No. 53015 – Transfer Station Upgrade) by \$20,000 with the additional funding required of \$27,000 to be sourced from the Waste Services Reserve.
  - 21 November 2023 (Res. 241123) - APPROVE the following amendment to the 2023/2024 adopted budget in relation to funding additional capital expenditure required for the Ocean Beach – Sea Wall Adaptation Works.
  - A/c 1121154 (Job No. 60130) – increase capital expenditure by \$310,000 for infrastructure works at Ocean Beach Sea Wall.
  - A/c 1228443 – Income from storm damage recoup – increase income estimate by \$460,000.
  - A/c 9500019 – increase transfer to Infrastructure Reserve by \$150,000.
26. The Statement of Financial Activity Table below shows the following proposed amendments to the adopted Budget and maintains a closing position surplus of zero.

Statement of Financial Activity Table 1

	<b>Adopted Budget</b>	<b>Budget Amendment</b>	<b>Revised Budget</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
1. Operating Revenue	13,488,609	<b>945,625</b>	14,434,234
2. Operating Expenditure	(17,655,291)	<b>(1,241,300)</b>	(18,896,591)
3. Net Operating Surplus (Deficit)	( 4,166,682)	<b>(295,675)</b>	(4,462,357)
4. Capital Grants	4,509,786	<b>60,000</b>	4,569,786
5. Net Result	343,104	<b>(235,675)</b>	107,429
6. Depreciation	4,560,519	<b>838,000</b>	5,398,519
7. Adjustments to provisions	0	<b>0</b>	0
8. (Profit)/Loss on Sale of assets	45,100	<b>(30,200)</b>	14,900
9. Capital Expenditure	( 8,293,222)	<b>(565,000)</b>	(8,858,222)
10. Transfer to Reserves	(1,502,564)	<b>(178,000)</b>	( 1,680,564)
11. Transfer from Reserves	2,035,793	<b>107,000</b>	2,142,793
12. Proceeds from Disposal of Assets	720,500	<b>30,200</b>	750,700
13. Repayment of Debentures	(290,613)	<b>32,000</b>	(258,613)
14. Proceeds from S/S Loans	22,474	<b>0</b>	22,474
15. Proceeds from New Borrowings	500,000	<b>0</b>	500,000
16. Principal elements of finance leases	(23,105)	<b>0</b>	(23,105)
17. Opening Surplus(Deficit) July 1 B/Fwd	1,882,014	<b>1,675</b>	1,883,689
<b>Closing Surplus/(Deficit) June 30 C/Fwd</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Opening Surplus (Brought Forward) (Item #17 Table 1)**

27. The Budget for 2023-2024 financial year was adopted on the basis of a surplus brought forward of \$1,882,014. The 2022-2023 final audited annual financial statements confirm a closing surplus position of \$1,883,689. A minor variance of \$1,675.

**Operating Revenue (Item #1 Table 1)**

28. The total operating revenue estimate for 2023/2024 has increased by \$945,625. Of this \$460,000 relates to the previous budget amendment for the contribution received in relation to the flood damage storm event.

29. Details of significant items contributing to the remaining variance of \$485,925 (rounded) are listed in Attachment 9.2.7b and are discussed below.

30. General Purpose Funding – Revenue Gain \$107,000 (lines 8 - 12 Attachment 9.2.7b)

- Rates Penalties & Instalment Fees – revenue estimated to increase by \$14,300 to align to the income trend for these items.
- Interest on Investment Earnings – revenue estimated to increase by \$37,021 due to invested funds earning higher returns than the budgeted assumption.
- Annual Financial Assistance Grants - Increase to income by \$56,004 overall to align to confirmed residual funding amount for 2023-24 (majority of funding pre-released in June 2023 by the WALGGC.)

31. Governance – Revenue Gain \$11,000 (line 14 of Attachment 9.2.7b)

- Other Contributions & Reimbursements Income Governance – revenue has increased by \$11,000 due to additional reimbursements being received above the budget estimate.

32. Law, Order & Public Safety – Revenue Gain \$7,200 (line 17 Attachment 9.2.7b)

- Grant Income – Emergency Services – income for the ESL operating grant has increased by \$7,200 due to adjustments in the budgeted funding.

33. Community Amenities – Revenue Gain \$36,000 (lines 21–24 and 29 Attachment 9.2.7b)

- Domestic waste collection services – fees revenue is expected to increase by \$15,000.
- Container Deposit Scheme - an amount of \$6,000 in revenue has been allocated to this account to allow for funds received through the recycling waste collection service contracted through Cleanaway.
- Cemetery Fees & Charges – a \$15,000 increase has been made to the revenue assumption for this budget line item based on year to date trend.

34. Recreation and Culture – Revenue Gain \$23,600 (lines 35, 40, 42, 43, 45 and 47 - 48 Attachment 9.2.7b)

- Profit on Sale of Asset – Adjustment increase of \$7,000 to reflect the updated estimated sale price of Council plant & equipment asset.
- Golf Tournament Income – Adjustment of (\$6,400) to reduce revenue to align with actual amount received. This is offset by a similar reduction in expenses associated with hosting the event.
- Library – Other Grants Income – account for unbudgeted income received of \$7,000 for Children’s Book Week program and Technological and Digital Inclusion funding.
- Recreation Centre - revenue gains for increased attendances at Recreation Centre programs totalling \$16,000 that reflect actual trend.

35. Transport – Revenue Gain \$483,500 (lines 5, 50 & 58 Attachment 9.2.7b)

- The amount above includes the \$460,000 previous budget amendment for the contribution received in relation the flood damage storm event as referenced earlier in this report but excludes the capital grant funding for the EV charging infrastructure investment which is covered separately under item heading 24 – Capital Grants. Details of the remaining variance are as follows:
- Contribution to Transport Asset Infrastructure – Unbudgeted Revenue of \$10,000 has been received for an adjusted developer contribution project at Springdale Beach upgrade project. A further \$20,000 will be received in relation to funding for EV charging infrastructure upgrades.
- Vehicle Inspection Fees – budgeted revenue of \$6,500 from this source has been removed as the Shire is currently not able to provide this service.

36. Economic Services – Revenue Gain \$192,500 (lines 62 & 65 - 66 Attachment 9.2.7b)

- Building Licence Fees Income - increased activity in the Building Licences area has been experienced, and a \$7,500 increase in revenue is estimated.

- Sale of Lime Sand Income – due to higher demand in lime sales, it is anticipated that nearly 11,000 cubic metres of lime will be sold this year which will increase income from this source by \$189,000.
- Other Economic Services Income – the amount to be received for the lease of the Riverbend Lane property to the Steiner School has been adjusted by \$4,000 to align to the lease commencement date.

37. Other Property & Services – Revenue Gain \$84,500 (lines 76 & 78 Attachment 9.2.7b)

- Workers Compensation Reimbursement Income – Additional revenue of \$54,500 is expected due to current claims experience, this increased revenue is partly offset by additional expense for this activity.
- Recoverable Costs Reimbursement Income – the sale of excess gravel stock to MRWA has increased the expected revenue for this account which is offset by the allocation of the stock to the expense contra of this account.

**Operating Expenditure (Item #2 Table 1)**

38. The total operating expenditure estimate for 2023/2024 has been increased by \$1,241,300 from the adopted budget. Details of the items that have contributed to this variance (rounded) are listed in Attachment 9.2.7b (Detailed Statement of Budget Review) and are further explained below.

39. Governance – Reduced Expenditure \$ 6,300 (line 13 Attachment 9.2.7b)

- Loss on Sale of Asset Expense Administration (Non-Cash) – decrease in budget provision by \$6,300 to reflect adjustments to plant asset sale value outcome.

40. Law, Order & Public Safety – Additional Expenditure (\$ 19,700) (lines 15, 16 & 18 Attachment 9.2.7b)

- Fire and Emergency Control - adjustment increases to budget expenditure provisions by \$19,700 to cover costs relating to fire control and emergency management.

41. Health Inspection & Administration – Reduced Expenditure \$ 16,000 (line 19 of Attachment 9.2.7b)

- Salaries – budget adjustment decrease of \$16,000 to align with trend as casual employee resource not being utilised as much as anticipated.

42. Community Amenities – Reduced Expenditure \$ 49,200 (lines 20, 25 – 28 and 30 - 33 of Attachment 9.2.7b)

- Depreciation – budget adjustment decrease of \$18,000 of non-cash expense relating to depreciation of non-current assets after revaluation outcomes.
- Waste Disposal Fees – expenditure savings of \$15,000 expected to be achieved relating to this activity.
- Maintenance DWMRF – Additional costs of \$30,000 expected for site maintenance issues and processing costs of a greenwaste stockpile.
- Town Planning Salaries – Estimated reduction of cost allocation totalling \$50,000 to this area for 2023-24 after restructure to the Infrastructure Assets and Sustainable Development Directorate.



- Loss on Sale of Asset Expense Planning (Non-Cash) – decrease in budget provision by \$7,200 to reflect expected adjustments to plant asset sale value outcome.
- Cemetery Maintenance – Additional labour and overheads cost allocation required to service current needs of facility.
- Sustainability minor Expenses – Additional expense provision of \$5,000 allocated to cover costs incurred.
- Interest on Loan for Solar Energy Project – reduction of debt service interest cost estimate by \$10,000 as the loan for this project will not be drawn down until very late in the year.

43. Recreation & Culture – Additional Expenditure (\$ 171,500) (lines 34, 36 – 39, 41, 44, 46, Attachment 9.2.7b)

- Concept Design & Proposal Fees – budget adjustment increase of \$13,000 of expense to allow additional concept design & proposal options for future projects to be explored.
- Depreciation – budget adjustment increase of \$116,000 of non-cash expense relating to depreciation of non-current assets after revaluation outcomes.
- Peaceful Bay Reserve Maintenance Expense – increase of \$7,000 to expenditure to accommodate costs incurred at this facility.
- Our Clubs Expense – increase to expenditure provision of \$16,000 to continue the work being undertaken for this Grant Funded Community Program.
- Golf Tournament Expense – reduction to budget expenditure provision to align with costs incurred.
- Library Salaries Expense – increase to expenditure provision of \$8,000 to align with budget trend.
- Recreation Centre Expenses – increase to expenditure totalling \$17,000 to enable continued delivery of services and programmes to desired level.

44. Transport – Additional Expenditure (\$ 892,300) (refer to line 49, 51 – 54, 56 - 57 and 59 – 60 of Attachment 9.2.7b)

- Depreciation – budget adjustment increase of \$740,000 of non-cash expense relating to depreciation of non-current assets after revaluation outcomes.
- Loss on Sale of Asset Expense – Road Plant (Non-Cash) – decrease in budget provision by \$9,700 to reflect expected adjustments to plant asset sale value outcome.
- Bridge Maintenance Expense – there are a couple of road bridges that require significant maintenance investment quite urgently. An additional spend of \$155,000 has been estimated for this purpose. Local Government is expected to maintain bridges under its control to a standard regulated by Main Roads WA (MRWA). Ensuring this standard is met ensures that grant funded opportunities for bridge upgrades is reviewed favourably by MRWA and so will assist the shire in increasing the safety and value of its bridge infrastructure assets in the future.
- Concept Design & Proposal Fees – budget adjustment increase of \$12,000 of expense to allow additional concept design & proposal options for future projects to be explored.
- Vehicle Inspection Wage cost of \$5,000 have been removed as this service is currently not being performed.

45. Economic Services – Additional Expenditure (\$ 167,300) (refer to lines 61 and 63 - 64 of Attachment 9.2.7b)

- Peaceful Bay Water Supply Expenditure – due to storm damage the infrastructure providing the water supply to Peaceful Bay has failed. The initial repairs and investment in resolving the problems this has caused is now estimated to cost an additional \$57,500 from the usual nominal annual maintenance budget amount of \$5,000.
- Lime Quarry Expenses – due to increased sales demand the amount of lime extraction has increased from the initial estimate used for the budget. An expense adjustment of \$105,000 plus the associated royalties obligation has been allowed for this additional volume to be processed by the contractor in addition to some other maintenance requirements at the site.

46. Other Property & Services – Additional Expenditure (\$ 62,000) (refer lines 67 – 75 and 77 of Attachment 9.2.7b)

- Infrastructure Overheads Expenses - Adjustment in budget provision by \$10,000 to reflect costs movement expected based on trend.
- Plant Maintenance Expenses – increase in budget provision by \$17,000 to reflect costs incurred for fuel and plant maintenance based on trend.
- Other Expenses – additional costs associated with workers compensation claims experience and sale of gravel stock as referenced earlier in this report.

**Capital Grants (Item #4 Table 1)**

47. Capital grants have increased by \$60,000 which is comprised of a State Government grant for the EV Charging Infrastructure upgrades. (refer line 55 of Attachment 9.2.7b)

**Capital Expenditure (Item #9 Table 1)**

48. Capital expenditure has increased by \$565,000 overall to the adopted budget from \$8,293,222 to \$8,858,222. The previous budget amendments (adopted at September 2023 and November 2023 OCM) related to capital expenditure had adjusted spending to the various asset classes as follows:

- Buildings – increase \$7,000
- Other Infrastructure – increase \$370,000

49. An overall increase of \$565,000 in capital expenditure which includes the above adjustment, is summarised in the below table.

Capital Expenditure by Type -Table 2

<b>Expense Type</b>	<b>Budget Amount</b>	<b>Adjustment</b>	<b>Revised Budget</b>
Capital Works on Land & Buildings	\$2,215,000	\$7,000	\$2,222,000
Road Infrastructure Capital Works	\$2,970,122	\$0	\$2,970,122
Recreation Infrastructure Capital Works	\$1,660,000	\$332,000	\$1,992,000
Other Infrastructure Capital Works	\$40,000	\$190,000	\$230,000
Purchase Plant & Equipment	\$1,318,100	\$32,000	\$1,350,100
Purchase Furniture & Equipment	\$90,000	\$4,000	\$94,000
<b>Total</b>	<b>\$8,293,222</b>	<b>\$565,000</b>	<b>\$8,858,222</b>

50. Capital works on land and buildings have increased by \$7,000

- \$7,000 – Previously agreed Council budget amendment - (refer line 3 of Attachment 9.2.7b)

51. Capital works on road infrastructure expense will not change

52. Capital works on recreation infrastructure expense will increase by \$332,000

- \$310,000 – Previously agreed Council budget amendment - (refer line 6 of Attachment 9.2.7b)
- \$7,000 – Increase to cost provision to finalise the McLean Oval Water Re-use Project - (refer line 82 of Attachment 9.2.7b)
- \$15,000 – increase to cost provision to finalise the Prawn Rock Channel Redevelopment - (refer line 83 of Attachment 9.2.7b)

53. Capital works on other infrastructure expense will increase by \$190,000

- \$60,000 – Previously agreed Council budget amendment(s) - (refer line 4 & 7 of Attachment 9.2.7b)
- \$130,000 – new project to enhance provision of EV Charging Infrastructure within the Shire (Contributions and Grant funded for \$80,000 of this investment. – (refer line 85 of Attachment 9.2.7b)

54. Capital expense on plant and equipment purchase or replacement will increase by \$32,000

- \$32,000 Increase due to adjustments to acquisition cost of replacement of various items of plant and equipment - (refer lines 79, 81, 86, 88 and 89 of Attachment 9.2.7b)

**Proceeds From Borrowings (Item #15 Table 1)**

55. One new loan totalling \$500,000 was proposed for and included in the 2023-2024 adopted budget to fund capital acquisitions as follows:

- Loan 161 – Solar Energy Project Development - \$500,000

56. Loan 161 - the Solar Energy Project Development project is progressing but the loan to fund it is not likely to be called upon until very late in the financial year. As such only minimal debt service costs will be incurred for the year ended 30 June 2024.

**Repayment Of Debt Principal on Borrowings (Item #13 Table 1)**

57. The adopted budget provision for the repayment of principal for Loan 161 mentioned above for the new Solar Energy Project will be reduced – (refer to line 80 of Attachment 9.2.7b)

**Proceeds From Disposal of Assets (Item #14 Table 1)**

58. The adopted budget contained \$720,500 for the proceeds from the sale of assets as per the Plant Replacement Program. After reassessment of sale values for plant assets conducted as part of this review the amount now expected for proceeds from the sale of assets has increased by \$30,200 to \$750,700 – (refer to line 87 of Attachment 9.2.7b)

**OTHER IMPLICATIONS****Environmental**

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

**Economic**

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

**Social**

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

**RISK MANAGEMENT**

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

**9.3 INFRASTRUCTURE SERVICES**

**9.3.1 BERRIDGE PARK PRECINCT DEVELOPMENT**

<b>File Ref:</b>	PROJ.ENG.1. 2023 - 2025
<b>Applicant / Proponent:</b>	Not Applicable
<b>Subject Land / Locality:</b>	Berridge Park, Hollings Road, Denmark WA
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	5 February 2024
<b>Author:</b>	Damian Schwarzbach, Manager Sustainable Projects
<b>Authorising Officer:</b>	Rob Westerberg, Director of Infrastructure and Assets
<b>Attachments:</b>	9.3.1 – Berridge Park Precinct Final Concept Design Report

**IN BRIEF**

- The Berridge Park Precinct Development seeks to rectify current deficiencies in provision by improving public amenities, developing youth recreational opportunities, leveraging partnerships with youth service organisations, and developing clear linkages between Berridge Park, McLean Park and the Denmark CBD.
- The precinct will, therefore, extend the provision for active recreation within the area and form a community hub that complements existing sporting infrastructure whilst meeting current and future youth demands within the shire.
- A recommendation to adopt the Berridge Park Precinct Final Concept Design Report and apply for funding.

**VOTING REQUIREMENTS**

1. Simple majority.

<b>OFFICER RECOMMENDATION</b>	<b>ITEM 9.3.1</b>
<p>That Council:</p> <ol style="list-style-type: none"> <li>1. ADOPT the Berridge Park Final Concept Design Report, as per Attachment 9.3.1; and</li> <li>2. AUTHORISE the Chief Executive Officer to identify, seek and apply for funding opportunities to progress the Berridge Park concept to design and construction.</li> </ol>	

**LOCATION**

2. Berridge Park is located between Hollings Road and the Denmark River, adjacent to the South Coast Highway, which runs through the town centre.

**BACKGROUND**

3. The Berridge Park Precinct includes a playground, toilet block, timber jetty, car park, asphalt basketball court and unsealed turning zone for caravans. Most of these facilities

show wear and tear, outdated design, and not best practice functionality for the required activities.

4. Although the site is well maintained, the play space and associated infrastructure are outdated and show signs of age. The toilet block is in poor condition and often requires repair work. Areas around the northern end of the site and jetty are in good condition and popular with the community. The southern end of the site, further from the town centre, feels more like the back of house, and the infrastructure is in poor condition and shows significant signs of wear and vandalism.
5. A very short distance north of the site is the town's main street with numerous food outlets, shops, tourism, and community facilities, creating the opportunity to form a high-profile centralised community space.
6. Enhancement of both Berridge Park and McLean Park as a youth precinct is a priority for the Shire of Denmark, as identified in the 2019 Denmark Sports Master Plan recommendations (including a new skate facility, outdoor court, youth precinct development, additional youth facilities, and other associated developments), and as part of the vision by 2028 in the Draft "Our Future 2033 Shire of Denmark Strategic Community Plan" (and Corporate Business Plan).
7. A specialised youth recreation design and construction company (CONVIC) was engaged to undertake the initial community engagement and conceptual design phase.

The project has potential funding from multiple sources, detailed in the Financial Implications section of this report.

#### **DISCUSSION / OFFICER COMMENTS**

8. The initial community engagement and conceptual design phase for the proposed development highlighted key opportunities and constraints within the Berridge Park and McLean Park areas. They assessed the existing recreation infrastructure within the town.
9. Throughout the initial design phases, investigations found that the concentration of recreational development within Berridge Park would provide optimum social, economic, and cultural outcomes for the Denmark community and, as such, designs have been prepared with this focus.
10. The design directly responds to feedback received throughout the community consultation process.
11. The area of Berridge Park towards the South Coast Highway bridge received strong community support to remain as is. The community enjoy the grass and shade, which provides an amenity for quiet areas.
12. The proposed Denmark Youth Precinct development includes the following key features:
  - Demolition and removal of existing structures from the work site.
  - New Concrete Skate Park
  - New multi-use hard court - This includes supplying and installing a concrete path network within Berridge Park, refuge areas, and hard-court area.
  - Concrete repairs - Repairs to the existing McLean Park skatepark.

- Fabricated skate steel includes fabrication, supply, and installation of all steel skate elements, including coping, rails, and custom skate obstacles.
  - Play mulch and sand in play areas below the equipment.
  - Shade structures, two hard shelters and four shade sails.
  - Yarning circle, bush tucker garden, cultural interpretive signage, and Aboriginal art.
  - Drinking fountains, bins, signs, picnic tables and surrounding landscaping works.
  - Rubber' soft fall' to play areas.
  - Electrical works and lighting.
  - Play equipment includes a playground, play swale, climbing wall, and table tennis table.
  - New Toilet block (prefabricated supply and installation).
13. Supporting these active spaces will be a network of passive spaces that will ensure the precinct is safe, inviting, family-friendly and inclusive.
14. The Berridge Park Precinct Development seeks to rectify current youth and community provision deficiencies by improving public amenities, developing youth recreational opportunities, and developing clear linkages between Berridge Park, McLean Park and the Denmark CBD.
15. The new precinct will extend the provision for active recreation within the area and form a community hub that complements existing sporting infrastructure whilst meeting current and future youth demands within the shire.
16. The project will have several positive socio-economic and community outcomes, particularly associated with youth engagement, amenity provision, and enhanced participation in passive and active recreational activities (sports and leisure) for the wider community.
17. As a part of the ongoing design process for the development of the Berridge Park Precinct, the final concept design report will be presented to the Council for approval. Once endorsed by the Council, the final concept design report and associated material can be utilised to inform the community of project updates and allow them to see their comments and feedback culminated into a design resolution. This will complete the concept design phase and close out the loop of community consultation engagement.
18. Once funding has been approved, the design will go through further technical development in preparation for the project's construction phases.

#### **CONSULTATION AND EXTERNAL ADVICE**

19. Through extensive community consultation, the Shire of Denmark has identified a need for and formed partnerships with several organisations to provide youth and community infrastructure, connecting Berridge Park and the Denmark CBD.
20. Specific project needs and market viability have been established through extensive consultation processes, first in a broader community sense that informed initial recommendations for the Denmark Youth Precinct project and associated youth provision in the 2019 Shire of Denmark Sports Master Plan and the more recent Our Future 2033 Strategic Community Plan.

21. The community desires to fill a critical gap in youth provision and enhance Berridge Park and McLean Park, identified during these broader consultations, leading to more specific community engagement by CONVIC as part of the pre-design and design process.
22. Community consultation was a two-staged process with the community and key stakeholders in 2023. The consultation was very thorough and informative for the concept design process.
23. Standout ideas from the consultation centred around the following key themes:
  - The skatepark, play space and basketball court were the most popular inclusions.
  - Other popular inclusions included ping pong tables, a stage area, spectator seating, climbing, parkour, multi-use pathways and BBQs.
  - Many participants mentioned the need to upgrade the toilet.
  - Linking both sites was popular.
  - Nature material use and theming were very popular, especially in the play space and skate areas.
  - Provision for a broader demographic of all ages and encourage female participation in active spaces.
  - A flowy mix of street and transition with a 'surf style' influence was popular for the skate typography.
  - Embrace and enhance green spaces.
  - The inclusion of spectating and rest areas with supporting amenities was important.
  - Park and play to encourage natural themes, nature play and unprescribed play.
  - Shade is considered a vital inclusion, especially around the play space, with the potential to act as an additional gathering space.
24. The second consultation stage invited feedback on the draft concept design through two in-person local workshops and an online consultation survey inviting community members to share their feedback and ideas.
25. A total of 74 responses were received, and a near-even mix of genders - 34 Male & 40 Female.
26. The results identified a mix of users interested in the space's future, with local residents, parents, playground users and wheeled sports users being the most common responses.
27. Officers have consulted widely with relevant organisations, and this project is supported by:
  - Regional Development Australia Great Southern
  - Wagyl Kaip Southern Noongar Aboriginal Corporation
  - Department of Communities
  - Main Roads WA (Great Southern Regional Road Group)
  - City Of Albany
  - Youth Affairs Council of Western Australia
  - Palmerston
  - Headspace
  - Albany Youth Support Association
  - Denmark Arts Council



- Denmark Police Station
- Denmark Skate Club
- Denmark Mountain Bike Club
- Denmark Hotel
- Denmark Senior High School

### **STATUTORY / LEGAL IMPLICATIONS**

28. There are no known statutory or legal implications relating to the report or officer recommendation.

### **STRATEGIC / POLICY IMPLICATIONS**

29. In line with its Long-Term Financial Plan, Community Strategic Plan, and Corporate Business Plan, the Shire of Denmark considers the Berridge Park Precinct a priority infrastructure and community development project, particularly in addressing significant gaps in youth provision.

### **FINANCIAL IMPLICATIONS**

30. The Project Budget estimated by CONVIC as part of the design process is \$4,410,000. Whilst there is no immediate financial implication relating to the adoption of a concept plan, the allocation of funds (both external funding and own source) will need to be considered in the Long Term Financial Plan.

### **OTHER IMPLICATIONS**

#### **Environmental**

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

#### **Economic**

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

#### **Social**

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

### **RISK MANAGEMENT**

34. Risk Table

Risk	Risk based on history and with existing controls			Proposed Treatment/Control
	Likelihood	Consequence	Risk Rating	
<b>Reputational:</b> That by adopting a concept plan, there is an expectation that the project be delivered, and it can only be delivered if, and when, grant funds are obtained in the future.	Possible (3)	Moderate (3)	Moderate (9)	Continue to pursue funding opportunities.

**9.3.2 CONTRACT AWARD – PROJ.ENG.54.2021 OCEAN BEACH DEVELOPMENT PROJECT**

**File Ref:** PROJ.ENG.54.2021  
TEN.5.2024/24

**Applicant / Proponent:** Not applicable

**Subject Land / Locality:** Ocean Beach, Denmark WA

**Disclosure of Officer Interest:** Nil

**Date:** 14 February 2024

**Author:** Damian Schwarzbach, Manager Sustainable Projects

**Authorising Officer:** Rob Westerberg, Director of Infrastructure and Assets

**Attachments:** 9.3.2a – Tender Evaluation (**confidential**)  
9.3.2b – Detailed Project Budget (**confidential**)

**IN BRIEF**

- The Shire of Denmark has sought Tenders from suitably qualified and experienced Contractors to deliver the refurbishment of the existing Surf Club building, construction of new public amenities, kiosk and storage building plus associated landscaping and works.
- The submitted tenders have been evaluated by Shire Officers, a representative from the Denmark Surf Life Saving Club with supporting advice from the Lead Project Architect.
- A recommendation to award a contract to Smith Constructions WA for the Ocean Beach Development Project.

**VOTING REQUIREMENTS**

1. Simple majority.

**OFFICER RECOMMENDATION**

ITEM 9.3.2

That the Council:

1. DETERMINE that Smith Constructions WA are the preferred contractor for TEN.5.2023/24.
2. AUTHORISE the Chief Executive Officer to negotiate and award the contract for TEN.5.2023/24 with two separable portions being:
  - Separable Portion 1 - storage shed, amenities, kiosk, surf club ground floor, compliance items for surf club first floor and all civil works.
  - Separable Portion 2 – remained of tendered works.
3. NOTE the requirement to allocate additional funds to complete the public realm at Ocean Beach in the 2024/25 financial year.

**LOCATION**

2. The Denmark Surf Life Saving Club and existing amenities are in a portion of Reserve 24913, Lot 556 (#908) Ocean Beach Road, Ocean Beach, Denmark.

**BACKGROUND**

3. Ocean Beach is the main, popular beach with locals and is a key tourist node in the Shire of Denmark.
4. The site contains ageing infrastructure (Denmark Surf Life Saving Clubhouse, Patrol Building & Public Amenities) either requiring replacement or refurbishment.
5. The scope of work of this project is supported by the Ocean Beach Seawall project that will be commencing in February 2024.
6. This upgrade seeks to rectify the deficiencies in the Ocean Beach facilities and public realm by demolishing the front patrol building, refurbishing the current Surf Life Saving Club building to include patrol capabilities, demolition of current and construction of new public amenity building, construction of new storage building and public realm enhancements.
7. The project has funding from multiple sources detailed in the Financial Implications section of this report.
8. Officers engaged PTX Architects as the Lead Architect for the project and, together with PTX, developed the tender documentation, including civil & landscape specifications.
9. Multiple value management exercises have been completed to date in order to put to the market a viable tender.
10. Using the documentation developed, Officers released a tender for Stage 1 of the Ocean Beach Development Project. This tender closed on the 8 December 2023.
11. Officers have considered multiple options for the Ocean Beach precinct over many years during the planning stages of this project.

12. The 2018 CHRMAP assessed the options for the surf club and public realm area. The analysis commented that managed retreat (replacement of assets) and protect as the two most favourable options.
13. An option was developed for ‘managed retreat’. This consisted of relocating the building locations and constructing new buildings. This option was determined to be financially unviable, particularly without significant funding beyond that which we have available for this project currently.
14. ‘Managed retreat’ was also determined to have the potential to result in a significant loss of function and social benefit and is something that should be avoided.
15. Subsequently, the Council chose ‘protect’ as the path forward for the Ocean Beach Precinct, as evidenced by the recent award of the Ocean Beach Seawall project.
16. Council resolved to adopt the concept of renovation of the existing DSLSC building and as such commit to the ongoing protection of that asset and the surrounding public amenity.
17. Officers have pursued a project on the basis of the Council’s adoption of the renovation of the existing club house.

**DISCUSSION / OFFICER COMMENTS**

18. At the time of tender closing, three (3) submissions were received.
19. The submitted tenders were evaluated by Shire Officers, a representative from the Denmark Surf Life Saving Club with advice from the Lead Project Architect on the 19<sup>th</sup> December 2023, with clarifications sought and responded to by the preferred tenderer over the following days.
20. The conforming tenders were evaluated using a weighted methodology. This method allows the evaluation panel to apply scores to each criterion, which is then weighted to determine an overall point score for each submitted tender.
21. The criteria and weightings are provided below.

Criteria	% Weight
Relevant Experience	15%
Key Personnel Skills & Experience	10%
Tenderers Resources	10%
Demonstrated Understanding	20%
Corporate Social Responsibility	5%
Cost	40%

22. The following table summarises the tenderers and overall evaluation score:

Tender	Total Evaluation Score
Smith Constructions WA	375.33
Tenderer B	314.32
Tenderer C	224.52

23. The confidential attachment further outlines the evaluation process. Smith Constructions WA is the recommended contractor.

**CONSULTATION AND EXTERNAL ADVICE**

24. A request for tender was published in the West Australian on 8 November 2023, placed on the Shire’s website, and available on the Shire’s E-tendering portal.
25. There is expected to be significant interruption to the use and functionality of the Ocean Beach Precinct during the construction period. The Officers will be communicating broadly with the community on matters at Ocean Beach on a regular basis.

**STATUTORY / LEGAL IMPLICATIONS**

26. Regulation 11 of the Local Government (Functions and General) Regulations 1996 (Regulations) requires Council to publicly tender if the contract is, or is expected to be, more, or worth more, than \$250,000.00.
27. Regulation 18 of the Regulations outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
28. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council’s decision.

**STRATEGIC / POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

30. The project budget is \$3,675,000 over two financial years.
31. The current project budget is detailed below:

Source	Amount in 23/24 FY	Amount in 24/25 FY	Total Amount
Lotterywest	\$750,000	\$750,000	\$1,500,000
CSRFF	\$298,212	\$326,788	\$625,000
DSLSC	\$0	\$50,000	\$50,000
Local Road and Community Infrastructure Program (LRCI)	\$551,788	\$0	\$551,788
Council (Loan)	\$0	\$948,212	\$948,212
<b>TOTAL</b>	<b>\$1,600,000</b>	<b>\$2,075,000</b>	<b>\$3,675,000</b>

32. A detailed breakdown of the project budget is provided in Attachment 9.3.2b. This document contains figures provided in the recommended tenderer’s tender and is therefore to Councillors.

33. The Project is required to be finished by June 2025. This is required by the funding agreements behind the works.
34. Post-tender clarifications identified the need for further value management to deliver a public realm that is functional and in line with the community's expectations. The largest discrepancy between the pre-tender estimate and the tendered sum was in the amenities and kiosk building components.
35. Awarding the whole contract as tendered will not leave enough budget remaining to complete the public realm between the surf club and the sea wall. This is assuming that no further funding is acquired.
36. To ensure that the Council's funds are utilised in the public realm, all Council funds have been withdrawn from the surf club and storage components of the project and refocused on the kiosk, amenities and public realm. In doing this, officers have been able to identify approximately \$250,000 that can be reserved for the public realm.
37. To meet the community's expectations and deliver a minimalistic but functional and usable public realm, the Council will be required to provide additional funds in the 2024/25 financial year. Officers are estimating the additional funds required to complete a minimalistic public realm is \$300,000. This results in approximately \$550,000 reserved for public realm works.
38. The officer's recommendation is for the award of the contract in separable portions.
39. Separable Portion 1 is the storage shed, amenities, kiosk, surf club ground floor, compliance items for surf club first floor and all civil works.
40. Separable Portion 2 will be the non-compliance items of the first floor, being cladding, glazing and roof.
41. Should additional funding be acquired for the completion of the refurbishment of the surf club, Separable Portion 2 will be awarded to the contractor.
42. If Separable Portion 2 is not awarded to the contractor, then the items under Separable Portion 2 become asset renewal liabilities for the Council and must be programmed into the Long Term Financial Plan for renewal.

## **OTHER IMPLICATIONS**

### **Environmental**

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

### **Economic**

44. There will be impacts on local businesses throughout the construction period. The extent of the interruptions will be minimised as far as practicable.
45. A reduction in tourist's drawn to the region for the benefits of Ocean Beach is expected.

**Social**

46. There is expected to be a significant interruption to the use and functionality of the Ocean Beach Precinct. The Officers will be advising the community on matters at Ocean Beach on a regular basis.

**RISK MANAGEMENT**

47. Risk Table

Risk	Risk based on history and with existing controls			Proposed Treatment/Control
	Likelihood	Consequence	Risk Rating	
<b>Financial Impact:</b> That works go over budget due to variations from unforeseen works.	Likely (4)	Minor (2)	Moderate (5-9)	Thorough and detailed specification and design documents. Close management of contracted works.
<b>Reputational:</b> That works will interrupt access to Ocean Beach	Almost certain (5)	Minor (2)	High (10)	Consistent messaging through media platforms and engagement with those affected. Monthly progress meetings with Contractor

**9.3 GOVERNANCE**

PLEASE NOTE: The information in this report and/or associated attachment(s) may contain material that is confronting and distressing for some readers. If you require support, please contact Lifeline 13 11 14 anytime for confidential telephone crisis support.

**9.4.1 CHILD SAFE AWARENESS POLICY**

**File Ref:** ADMIN.2 and SER.19  
**Applicant / Proponent:** Not applicable  
**Subject Land / Locality:** Not applicable  
**Disclosure of Officer Interest:** Nil  
**Date:** 5 February 2024  
**Author:** Claire Thompson, Governance Coordinator  
**Authorising Officer:** David King, Chief Executive Officer  
**Attachments:** 9.4.1a – Extract from 16 June 2020 Council Minutes  
 9.4.1b – National Principles for Child Safe Organisations  
 9.4.1c – Draft Child Safe Awareness Policy

**IN BRIEF**

- Council is requested to adopt a Child Safe Awareness Policy.

## VOTING REQUIREMENTS

1. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.4.1
That Council ADOPT the Child Safe Awareness Policy, as per Attachment 9.4.1.	

## LOCATION

2. Not applicable.

## BACKGROUND

3. Council resolved to join the National Redress Scheme in June 2020. Attached is the report and resolution for background information (see Attachment 9.4.1a).
4. The resolution was as follows:

*“That with respect to the National Redress Scheme developed as a result of a recommendation from the Royal Commission into Institutional Responses to Child Sexual Abuse, Council;*

1. *Note the background information and the WA Government’s declaration to join the National Redress Scheme;*
2. *Note the key considerations and administrative arrangements for the Shire of Denmark to participate in the National Redress Scheme;*
3. *Endorse the Shire of Denmark’s participation in the National Redress Scheme as a State Government institution and include as part of the State Government’s amended declaration;*
4. *Note that a confidential & de-identified report will be provided to Council if a Redress application is received by the Shire of Denmark;*
5. *Delegates authority to the Chief Executive Officer to execute a standard service agreement with the State Government should a Redress application be received;*
6. *Request the Chief Executive Officer to;*
  - a) Review current practices and procedures throughout the organisation to ensure that appropriate records are kept and retained regarding any Shire function, service or facility which includes interactions with persons under the age of 18;*
  - b) Undertake introductory self-assessments, using the Department of Local Government, Sport & Cultural Industries’ self-assessment tool, for every service or function provided by the Shire of Denmark which includes any interactions with persons under the age of 18;*
  - c) Establish a draft Child Safety and Wellbeing Policy, for Council’s consideration, in consultation with stakeholders, which will include, but not limited to, the following aspects;*
    - (i) Address the 10 National Principles for Child Safe Organisations;*
    - (ii) Demonstrate the Shire of Denmark’s commitment to the safety and wellbeing of children and young people;*
    - (iii) Identify to leaders, staff and volunteers the actions required to keep children safe and well, and to promote and protect their rights;*
    - (iv) Clarify roles and responsibilities to recognising and responding to child harm or abuse.”*



5. The subject of this report seeks to implement part 6(c) of the resolution.

### **DISCUSSION / OFFICER COMMENTS**

6. The State Government have developed a Child Safe Awareness Policy Template which the Shire of Denmark's draft policy has been modelled from (see Attachment 9.4.1c).
7. The policy template was developed specifically for local governments in response to Recommendation 6.12 of the Royal Commission into Institutional response to Child Sexual Abuse. The recommendation is as follows:

#### **RECOMMENDATION 6.12**

With support from governments at the national, state and territory levels, local governments should designate child safety officer positions from existing staff profiles to carry out the following functions:

- a. Developing child safe messages in local government venues, grounds and facilities.
  - b. Assisting local institutions to access online child safe resources.
  - c. Providing child safety information and support to local institutions on a needs basis.
  - d. Supporting local institutions to work collaboratively with key services to ensure child safe approaches are culturally safe, disability aware and appropriate for children from diverse backgrounds.
8. Whilst part 6c(i) of the Council's Resolution requested that the policy address the 10 *National Principles for Child Safe Organisations* (see Attachment 9.4.1b), the template policy has been developed to specially address Principles 1, 3 and 10, as these relate specifically to the role of local governments in promoting child safe organisations.
  9. It is not mandatory for local governments to have a Child Safe Awareness Policy; however, the State Government strongly encourages it as part of the broader work to implement the *National Principles for Child Safe Organisations*. A policy demonstrates a local government's leadership and commitment towards building a child safe community.
  10. The focus of the policy is to acknowledge the role of local governments to support organisations to be child safe and deliver child safe messages.
  11. Child safe messages (templates) have been developed by the State Government for local governments, aimed at offering child safe information for organisations that use local government venues and facilities, and promoting child safe practices for community and contracted organisations to provide environments that keep children safe from harm.
  12. The intent of the policy is not to make local governments liable for the actions or behaviour of community or contracted organisations, but for local governments to take all reasonable steps to engage with persons who utilise local government facilities to operate in alignment with the policy's principles.
  13. The Chief Executive Officer will be required to determine which roles across the organisation will directly support the implementation of the policy.

**CONSULTATION AND EXTERNAL ADVICE**

14. The policy template was developed through an extensive consultation and co-design process led by the Department of Communities, in partnership with the Department of Local Government, Sport and Cultural Industries.
15. Statewide consultation and workshops were had with local governments and the WA Local Government Association. The draft was circulated to WA local governments, key stakeholders and the Office of the Commissioner for Children and Young People.
16. Given that the policy template has been developed out of extensive stakeholder, and broader, consultation, officers do not consider it necessary to engage in additional local consultation with respect to the Shire of Denmark's draft.
17. One of the policy's purposes is for the Shire to connect and support local community groups, organisations and stakeholders to child safe, culturally safe and inclusive resources.

**STATUTORY / LEGAL IMPLICATIONS**

18. Local Government Act 1995

Section 2.7(2)(b) – Council to determine the local government's policies.

**STRATEGIC / POLICY IMPLICATIONS**

19. Corporate Business Plan 2022 -2025
20. Governance – LEAD meaningful, respectful and proactive collaboration with the community.
21. Community Services – DELIVER services that foster a happy, healthy, vibrant and safe community.

**FINANCIAL IMPLICATIONS**

22. There are no significant financial implications.

**OTHER IMPLICATIONS****Environmental**

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

**Economic**

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

**Social**

25. "The active role local governments take in community development and community safety, particularly roles that impact on child safety, was recognised by the Royal Commission as making them well placed to support smaller organisations within their communities to create child safe environments", State Government, Frequently Asked Questions – Child Safe Awareness Policy template.

**RISK MANAGEMENT**

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

**9.4.2 MEETING FRAMEWORK POLICY**

<b>File Ref:</b>	ADMIN.2
<b>Applicant / Proponent:</b>	Not Applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	8 February 2024
<b>Author:</b>	David King, Chief Executive Officer Claire Thompson, Governance Coordinator
<b>Authorising Officer:</b>	David King, Chief Executive Officer
<b>Attachments:</b>	9.4.2a – Draft Meeting Framework Policy 9.4.2b – Department of Local Government Operational Guideline – Council Forums

**IN BRIEF**

- In local government, a policy void can exist between the legislative requirements of the Local Government Act 1995, meeting procedure local laws and contemporary decision-making. To fill this void, meeting framework policies are developed.
- This item proposes the adoption of a meeting framework policy.

**VOTING REQUIREMENTS**

1. Simple majority.

<p>OFFICER RECOMMENDATION</p> <p>That Council:</p> <ol style="list-style-type: none"> <li>1. ADOPT the Meeting Framework Policy, as per Attachment XXX.</li> <li>2. REPEAL the following Policies, noting that relevant sections of the policies have been incorporated into the Meeting Framework Policy: <ul style="list-style-type: none"> <li>• Ordinary Council Meeting Agenda Policy</li> <li>• Officer Recommendations to Council or Committee Meetings Policy</li> <li>• Locality Meetings Policy</li> <li>• Presiding Members of Council Committees or Working Groups Policy</li> <li>• Standing Orders Procedures Policy.</li> </ul> </li> </ol>	<p>ITEM 9.4.2</p>
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**LOCATION**

2. Not applicable.

**BACKGROUND**

3. The Shire of Denmark currently has a meeting framework that comprises:

- Concept Forums (2nd Tuesday of each month)
  - Strategic Briefings (3rd Tuesday of each month)
  - Council Meetings (3rd Tuesday of each month)
  - Committee Meetings (as required for specific purposes)
  - Locality Meetings (2 per year, in Peaceful Bay and alternating between the Nornalup and Tingle Dale localities)
4. Since commencing in September 2023, the Chief Executive Officer (CEO) has identified a number of issues relating to the current meeting framework. These include:
- The framework is 'unofficial' and not governed by policy.
  - There is a lack of clear differentiation between Concept Forums and Strategic Briefings.
  - Concept Forums running from 9 am to 4 pm are considered ineffective due to the requirement to maintain concentration for such extended periods.
  - Strategic Briefings starting at midday and running into the start of the Ordinary Council Meeting (sometimes finishing at 8 pm or later) are also a concern.
  - There's a lack of clarity or understanding about the types of topics to be discussed at these briefings and forums.
  - The Concept Forums and Strategic Briefings have limited procedural and behavioural controls, resulting in a lack of common understanding of acceptable conduct, and discussion limitations.
5. One of the key functions of the CEO, as defined by the Local Government Act 1995, is to ensure that advice and information are available to the Council so that informed decisions can be made. Therefore, the Council and the administration must work together to establish a robust governance (meeting) framework to ensure this occurs.

### **CONSULTATION**

6. The CEO prepared a discussion paper with regard to implementing a new meeting framework. The discussion paper was presented at a Strategic Briefing with input received from councillors in terms of what they would like to see within a meeting framework.

### **DISCUSSION / OFFICER COMMENTS**

7. In local government, a policy void can exist between the legislative requirements of the Local Government Act 1995, meeting procedure local laws and contemporary decision-making. To fill this void, meeting framework policies are developed. The Draft Policy provided in Attachment 9.4.2 seeks to provide a transparent, participatory and statutorily compliant meeting framework in which:
- Councillors are engaged in the development of strategy and policy from initiation to adoption;
  - Councillors are provided with accurate, relevant and timely information by the CEO to inform quality decision-making; and
  - Community members have access to information used to inform Council decisions.
8. The policy also seeks to incorporate the following existing Policies where relevant.
- Ordinary Council Meetings

- Locality (Ward) Meetings
- Presiding members of Council committees and working groups
- Standing Orders Procedures
- Officer recommendations to Council or Committee Meetings

9. The Draft Meeting Framework Policy proposes the following changes to the existing informal practice:

### **Ordinary Council Meetings**

10. In December 2023, Council determined that the Ordinary Council Meetings for 2024 will continue to commence at 4pm but would be held on the last Tuesday of every month, as opposed to previously being the third Tuesday of each month, to allow the previous months financial statement to be presented.
11. As a requirement under the Local Government (Administration) Regulations 1996 [r 12], Council are required to determine the Ordinary Council Meeting dates, times and locations each year and the CEO is required to publish the information.

### **Strategic Briefings**

Strategic Briefings will be replaced with an additional Concept Forum, if and when required, to better align with the Department of Local Government's Guidelines on informal meetings of councillors (see Attachment 9.4.2b).

### **Concept Forums**

12. The Policy seeks to address issues relating to accountability, openness, transparency and integrity.
13. The Draft Policy provides additional clarity for Concept Forums in which councillors can be actively involved and engaged in the development, review and performance measurement of the Shire's policy and strategy framework on an ongoing basis.

### **Dealing with Officer Recommendations**

14. The draft policy provides clarity in terms of how officer recommendations can be dealt with by councillors, including when a councillor wants to propose an alternate motion or an amendment to the recommendation

### **Additional Information not included in the Agenda**

15. Occasionally there are situations where councillors require information to help inform their decision, that it is not included in an officer's report. The draft policy seeks to provide a mechanism where additional information provided to councillors will also be provided to the public and published in the meeting minutes.
16. This also includes information that the CEO has become aware of, after the agenda has been published.

### **Locality Meetings Policy**

17. The draft policy incorporates this policy, last reviewed in December 2023, as it relates to meetings of councillors.

**Presiding Members of Council Committees & Working Groups Policy**

18. The draft policy incorporates this policy, last reviewed in November 2017, as it relates to meetings that include councillors as members.

**Officer Recommendations to Council or Committee Meetings**

19. The draft policy incorporates this policy, last reviewed in November 2011, as it relates to meetings of councillors.

**Standing Orders Procedures**

20. The draft policy incorporates part 1 of this policy, last reviewed in November 2019, as it relates to meetings of councillors.
21. Part 2 of the policy will be repealed as it is now a legislated requirement to record votes.

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

Section 2.7(2)(b) – Council is to determine the local government’s policies.

Section 5.21(4) – requires that the total votes cast for, the total votes cast against and the individual vote of each councillor be recording in the minutes.

Section 5.5 – the CEO is to provide each councillor an agenda at least 72 hours prior to the meeting.

**STRATEGIC / POLICY IMPLICATIONS****Our Future 2023**

22. This policy aligns with the community priority for engagement and decision making.

**Council Policies**

23. The follow policies have been incorporated into the draft Meeting Framework Policy and proposed to be repealed.
- Ordinary Council Meeting Agenda Policy
  - Standing Orders Procedures Policy
  - Locality Meetings Policy
  - Presiding members of Council Committees and Working Groups Policy
  - Standing Orders Procedures

**FINANCIAL IMPLICATIONS**

24. The recommendation does not have an impact on the current budget.

**OTHER IMPLICATIONS****Environmental**

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

**Economic**

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

**Social**

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

**RISK MANAGEMENT**

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

**9.4.3 SALE OF INDUSTRIAL AREA LOT 11, 8 MYCENA CRESCENT, HAY**

<b>File Ref:</b>	A5972
<b>Applicant / Proponent:</b>	R H Boddington and H M Jones as Trustees for the R & H Boddington Family Trust
<b>Subject Land / Locality:</b>	Lot 11 on Deposited Plan 413974, No. 11 Mycena Crescent, Hay
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	16 February 2024
<b>Author:</b>	Claire Thompson, Governance Coordinator
<b>Authorising Officer:</b>	David King, Chief Executive Officer
<b>Attachments:</b>	9.4.3 - Contract of Sale ( <b>confidential</b> )

**IN BRIEF**

- Council is asked to accept an offer to purchase a lot within the Industrial Area.

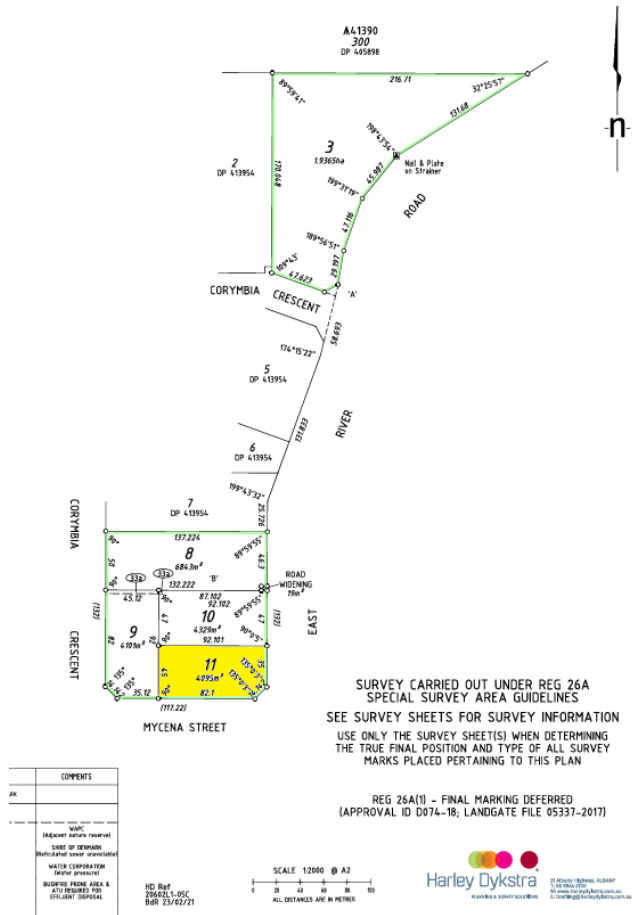
**VOTING REQUIREMENTS**

- 1. Simple majority.

<b>OFFICER RECOMMENDATION</b>	<b>ITEM 9.4.3</b>
That Council:	
1. APPROVE the sale of Lot 11 on Deposited Plan 413974 to Ruben H Boddington and Hannah M Jones as Trustees for the R & H Boddington Family Trust; and	
2. ENDORSE the net proceeds being placed into the Shire’s Infrastructure Reserve.	

**LOCATION**

- 2. Lot 11 on Deposited Plan 413974, 8 Mycena Crescent, Hay (highlighted yellow below).



**BACKGROUND**

3. In July 2022, Council resolved to list industrial area Lots 8, 9, 10 and 11 for sale and authorised the Chief Executive Officer to negotiate any prospective purchase, and authority to advertise the intention to dispose.
4. Council requested that any contract of sale be presented to Council for consideration.

**DISCUSSION / OFFICER COMMENTS**

5. The Shire has received an offer to purchase Lot 11 within the Industrial Area.
6. The Chief Executive Officer has advertised the offer to purchase for public comment, and no submissions were received.
7. A copy of the (confidential) Contract of Sale has been provided to councillors under separate cover.

**CONSULTATION AND EXTERNAL ADVICE**

8. At the close of advertising, no submissions regarding the sale were received.

**STATUTORY / LEGAL IMPLICATIONS**

**Local Government Act 1995**

9. Section 3.58 – local governments can dispose of property by private treaty following a period of advertising and the consideration of any submissions.



**STRATEGIC / POLICY IMPLICATIONS**

10. Nil

**FINANCIAL IMPLICATIONS**

11. Lot 11 was valued at \$240,000 (ex GST).

12. A negotiated offer of \$230,000 (ex GST) has been received. The negotiated offer was considered acceptable by the Chief Executive Officer, but subject to Council's endorsement, and advertised.

13. The price offered was considered acceptable because officers are aware that the price for other lots within Industrial Area, owned by Development WA, have recently been reduced due to the current market.

14. If the Council accept the offer, it is recommended that the funds be provisioned to the Infrastructure Reserve.

15. Council has the option to either accept the offer or put forward another counteroffer. If a counteroffer is determined, the proposed sale would need to be re-advertised.

**OTHER IMPLICATIONS****Environmental**

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

**Economic**

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

**Social**

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

**RISK MANAGEMENT**

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

**9.5 COMMUNITY SERVICES**

Nil

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

Nil

**11. CLOSURE OF MEETING**