

Shire of Denmark

Ordinary Council Meeting MINUTES 18 OCTOBER 2022



HELD IN COUNCIL CHAMBERS, 953 SOUTH COAST HIGHWAY,
DENMARK, ON TUESDAY, 18 OCTOBER 2022.



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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

DISCLAIMER

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

4.00pm – The Shire President, Cr Gearon, declared the meeting open and acknowledged the Bibbulmun and Minang people as the traditional custodians of the land on which the meeting was being held. Cr Gearon paid her respects to Elders past, present and emerging.

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

MEMBERS:

Cr Ceinwen Gearon (Shire President)
 Cr Kingsley Gibson (Deputy Shire President)
 Cr Clare Campbell
 Cr Donna Carman
 Cr Donald Clarke
 Cr Nathan Devenport
 Cr Jan Lewis
 Cr Jackie Ormsby
 Cr Janine Phillips

STAFF:

David Schober (Chief Executive Officer)
 David King (Deputy Chief Executive Officer)
 Gina McPharlin (Director Corporate & Community Services)
 Claire Thompson (Governance Coordinator)

APOLOGIES

Nil

ON APPROVED LEAVE(S) OF ABSENCE

Nil

ABSENT

Nil

VISITORS

Nil

3. DECLARATIONS OF INTEREST

Name	Item No	Interest	Nature
Cr Devenport	9.1.1	Financial	I own a bike shop.
Cr Phillips	9.3.1	Financial	Affected resident living at Peaceful Bay full time.
Cr Carman	9.1.1	Impartiality	Denmark Environment Centre past occasional engagement as members, some work South Coast Bushcare Services. Mt Hallowell Project Officer.

4. ANNOUNCEMENTS BY THE PERSON PRESIDING

The Shire President acknowledged the work of Vivienne Robertson who was the former Artistic Director for Denmark Arts. Cr Gearon expressed her gratitude of the role that Vivienne had played in building relationships with Indigenous people within the community, and wished her well with her new project "Reclaim the Void".

Rates Incentive Prize Presentations

The Shire's Rates Officer announced and presented the winners of the 2022/2023 Rates Incentive Prizes who were as follows:

First Prize of \$1000.00 (Denmark Dollars)

- J Gibellini, D Pandal and S Lilly

Two Second Prizes of \$500.00 (Denmark Dollars)

- J Dooley
- Roydon Nominees Pty Ltd

Three Third Prizes of \$250.00 (Denmark Dollars)

- J Davey
- M Morgan, S Morgan and A Needs-Smith
- E Jersky and S Jersky
- P Marshall

5. PUBLIC QUESTION TIME

5.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the meeting held on 20 September 2022, Peter Kerr asked the following questions that were taken on notice. The responses have been provided to Peter in writing and are copied below.

- “1. Will Council request the CEO to introduce a 1, 3 and 12 month Concession Period pass at a concession rate of 50% of the adult rate, provided the concession holder is a bona fide resident of the Denmark Shire?

Response:

Council has not requested, and is unlikely into the future to request, the CEO to introduce a concession period pass. Concessional rates are already in place within Council's Schedule of Fees and Charges for the 2022/23 financial year.

1. Will Council request the CEO to replace all Concession Fees with a flat fee of \$5.00 per visit, and 50% of the corresponding adult price for 1, 3 or 12 month memberships, provided the concession holder is a bona fide resident of the Denmark Shire?

Response:

Council has not requested, and is unlikely into the future to request, the CEO to introduce a flat fee per visit of \$5.00, or 50% concession on adult memberships. Concessional rates are already in place within Council's Schedule of Fees and Charges for the 2022/23 financial year.

2. Will Council then accept that the participants of the Physiotherapy Rehabilitation Circuit, who require a doctor's referral before joining that circuit, should be afforded the same if not more protection as the Living Legend group and therefore be afforded exclusive access.

Response:

The Living Longer Living Stronger program is conducted by the Shire of Denmark. The program is not “exclusive” in the 2022/23 financial year and casual users may use the facility during these times.

The Physiotherapy Rehabilitation Circuit is a commercial enterprise. As such the Shire has an obligation to treat all commercial transactions in an open, transparent and consistent manner. All commercial operators should receive the same access to publicly funded assets and services.

3. Will the Council now request the CEO to make the Monday, Wednesday and Friday 8.00 – 9.00am time slots available for exclusive hire by a physiotherapy rehabilitation circuit operator.

Response:

Council has not requested, and is unlikely into the future to request, the CEO to introduce Monday, Wednesday and Friday 8.00 – 9.00am times for exclusive hire by a physiotherapy rehabilitation circuit operator on the basis of the previous response.

4. Will the Council now request the CEO to give Ms Melanie Rees first right of refusal to run the physiotherapy rehabilitation circuit with participants paying gymnasium fees directly to the Recreation Centre as gymnasium members at the rate of \$5 per session or \$300 per annum?

Response:

Council understands that officers have tried to resolve the issues raised with the commercial operator for more than two years. Council has not, and is unlikely into the future, requested that the CEO provide Ms Rees with a first right of refusal, on the basis of fairness to all commercial operators using the facility.

5. Will Council please consider yet again re-establishing a Seniors Advisory Committee? If not, please explain why not?

Response:

Councillors and officers will consider this request. The CEO has arranged a briefing for Councillors from the Community Services team on the matter in November 2022.

6. Will Council please explain how it intends to conduct a meaningful review of this policy without the assistance of a Seniors Advisory Committee or some other representative body.

Response:

Council review Council Policies as required and reviews are conducted in a number of varying ways, in consideration of the content of the policy, relevant stakeholders and broader public interest.

Council believes it has reviewed this issue formally, and thoroughly, through a resolution of Council."

5.2 PUBLIC QUESTIONS

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

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

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

Questions from the Public

5.2.1 Courtenay Lockyer – Parking at Denmark Primary School

Courtenay spoke on behalf of the Denmark Primary School P & C about the need for more parking around the school. Courtenay said that she believes that there was a plan done around five years ago and asked how the school could get some actual works happening.

The Deputy CEO advised that officers were aware of the issues and the plan, and that a budget allocation would need to be made in order to construct the bays.

5.2.2 Peter Kerr – Denmark Shire Gymnasium

Peter presented the Council with written questions relating to the commercial use of the gymnasium and the Chief Executive Officer's previous response.

1. Please clarify your response regarding whether the Living Longer program has exclusive use of the gymnasium.
2. Will the Council accept that the participants of a physiotherapy rehabilitation circuit group should be afforded exclusive use as well? The question is about two identical groups of people both requiring guided exercise.
3. Why does the Council discriminate against pensioners who are unable to afford a lump sum annual membership? The pensioner concession rate per visit is more than the rate per visit if the pensioner had paid an annual membership fee.

The Shire President took the questions on notice and advised that they would be responded to in writing.

The Shire President also advised Peter that the Shire had, on a number of occasions, provided lengthy, detailed responses regarding the same issue. Cr Gearon suggested that it was unlikely that Peter would achieve the outcome he desired as no Councillor had sought to review the Council's decision on the matter.

5.2.3 Dora Adeline – Item 9.1.1 (Mount Hallowell Mountain Bike Trails Concept Plan)

Dora, on behalf of the Albany Mountain Bike Club, stated the benefits and popularity of mountain biking in the region. Dora said that mountain biking showcases the natural environment and the Denmark trails would complement the trail development work being done in Albany. Dora said that having a broad network of trails within the great southern region would be a good way to attract national events and competitions to the area.

5.2.4 Flynn Devenport – Item 9.1.1 (Mount Hallowell Mountain Bike Trails Concept Plan)

Flynn thanked the Council for considering the construction of trails at Mount Hallowell and said that he believed it to be a really good location. Flynn said that kids want to be active and the trails were a good way to get them outdoors.

5.2.5 Jane Devenport – Item 9.1.1 (Mount Hallowell Mountain Bike Trails Concept Plan)

Jane expressed her support for the trail proposal at Mount Hallowell because the site was inclusive and accessible for kids.

5.2.6 Mark Parre – Item 9.1.1 (Mount Hallowell Mountain Bike Trails Concept Plan)

Mark offered his support for mountain biking and the health benefits of the activity. Mark expressed concern however with the trail network proposed for Mount Hallowell particularly where trails were to be made through thick pristine habitat that was currently untouched. Mark said that opening up the area would introduce feral hunting activity which would be detrimental to the native wildlife.

Mark said that as the Shire's Revegetation Officer he was aware of many other alternative locations, including Turner Road, and asked the Council to consider the environment when making their decision.

5.2.7 Bart Lebbing – Item 9.1.1 (Mount Hallowell Mountain Bike Trails Concept Plan)

Bart, on behalf of the Denmark Environment Centre, congratulated the officers on the report and said that the issue was about where the best location for the mountain bike trails is. Bart offered his support for the officer recommendation.

5.2.8 Mark Allen – Item 9.1.1 (Mount Hallowell Mountain Bike Trails Concept Plan)

Mark spoke about the popularity of mountain biking in Denmark and urged Council to progress the development of formal trails. Mark said that there were already many informal trails throughout Mount Hallowell and they just needed to be formalised and managed properly.

5.2.9 Jai Drummond – Item 9.1.1 (Mount Hallowell Mountain Bike Trails Concept Plan)

Jai said that as a current young mountain bike champion, he believed that Mount Hallowell was a world class location for mountain biking.

5.2.10 Steve Madaffari – Item 9.1.1 (Mount Hallowell Mountain Bike Trails Concept Plan)

Steve asked why the trail development would take so long at Turner Road.

The Deputy CEO advised that it would be the environmental approvals that would take more time at Mount Hallowell than Turner Road.

5.2.11 Anette Schoombee – Item 9.1.1 (Mount Hallowell Mountain Bike Trails Concept Plan)

Anette expressed her concerns about the preservation of Mount Hallowell and said that she did not believe the Council were leaving themselves open to any other alternative locations.

Anette urged Council to support the officer's recommendation.

5.2.12 Jake Drummond – Item 9.1.1 (Mount Hallowell Mountain Bike Trails Concept Plan)

Jake advised that he was currently the State champion for endurance mountain biking and 2nd in the State for downhill. Jake said that it was important for kids to be provided areas for outdoor activities instead of staying indoors and gaming. Jake stated that the Turner Road alternative was not ideal as it was steep and gravelly.

5.2.13 Brad Drummond – Item 9.1.1 (Mount Hallowell Mountain Bike Trails Concept Plan)

Brad, President of the Denmark Mountain Bike Club, advised that they would still like to keep the Mount Hallowell proposal on the table as they believed that the staged approach to development would mitigate any environmental or community concerns.

Brad said that Turner Road would be good for more advanced trails and the McLean Park trails could be good for the young or beginners.

5.2.14 Colin Ross – Item 9.1.1 (Mount Hallowell Mountain Bike Trails Concept Plan)

Colin said that he had raised his kids in the Lights Beach area near Mount Hallowell and there weren't a lot areas or activities for kids in that area. Colin said that he would like to see the proposed trails at Mount Hallowell proceed and that the area be developed formerly for the kids.

5.2.15 Johannes Schoombee – Item 9.1.1 (Mount Hallowell Mountain Bike Trails Concept Plan)

Johannes referred to correspondence he had received from the Department of Planning, Lands and Heritage and in particular the Mount Hallowell Management Plan. Johannes stated that the plan would need to be reviewed and modified if the mountain bike trails proposal was to be progressed. Johannes advised that as the plan had been developed at the request of the Environmental Protection Authority (EPA), the EPA would need to assess the concept plan which could take considerable time.

5.2.16 Catherine Spaggiari – Item 9.1.1 (Mount Hallowell Mountain Bike Trails Concept Plan)

Catherine said that she strongly supported mountain biking but just not at Mount Hallowell. Catherine stated that Turner Road could be suitable for events and the unsanctioned trails at the bottom of Mount Hallowell could be formalised so that they could be used by young people.

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.

6.1 CR ORMSBY

COUNCIL RESOLUTION

ITEM 6.1

MOVED: CR GEARON

SECONDED: CR GIBSON

That Cr Ormsby be granted leave of absence for the 15 November 2022 Ordinary Council meeting.

CARRIED: 8/0

Res: 011022

6.2 CR GIBSON

COUNCIL RESOLUTION

ITEM 6.2

MOVED: CR CLARKE

SECONDED: CR GIBSON

That Cr Gibson be granted leave of absence from the 21 December 2022 to the 12 January 2023.

CARRIED: 8/0

Res: 021022

5.19pm – Cr Campbell left the room.

7. CONFIRMATION OF MINUTES

7.1 ORDINARY COUNCIL MEETING – 20 SEPTEMBER 2022

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 7.1
MOVED: CR CLARKE	SECONDED: CR GIBSON
That the minutes of the Ordinary Meeting of Council held on the 20 September 2022 be CONFIRMED as a true and correct record of the proceedings.	
CARRIED: 8/0	Res: 031022

7.2 STRATEGIC BRIEFING NOTES – 20 SEPTEMBER 2022

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 7.2
MOVED: CR GIBSON	SECONDED: CR CLARKE
That the Notes from the Strategic Briefing Forum held on 20 September 2022 be RECEIVED.	
CARRIED: 8/0	Res: 041022

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

Nil

5.21pm – Cr Campbell returned to the room.

The Shire President announced that Item 9.3.3 would be considered at this point of the meeting.

9.3.3 ULURU STATEMENT FROM THE HEART ACKNOWLEDGEMENT

File Ref:	PBR.5
Applicant / Proponent:	Shire of Denmark
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	5 October 2022
Author:	David Schober, Chief Executive Officer Courtney Walsh, Communications and Engagement Officer
Authorising Officer:	David Schober, Chief Executive Officer
Attachments:	9.3.3 – Uluru Statement from the Heart

Summary:

To consider formal acknowledgment of the *Uluru Statement from the Heart* and provide guidance to the Chief Executive Officer regarding community engagement.

Background:

The role of local government is to facilitate and deliver a wide range of services that enhance quality of life for our local community. A critical part of this role is the leadership and advocacy that local government can provide to enable the development of our community's capacity, resilience and cohesion. The Shire considers this role to be an organisation-wide responsibility.

The Shire also seeks to design and deliver its functions in accordance with the community's values. These values were expressed to the Shire through the extensive consultation process that formed the Strategic Community Plan *Denmark 2027*, and is reflected in terms such as *inclusive, cohesive, collaborative, ethical and respectful* that are included in the Plan.

Reflecting these values, the Strategic Community Plan identifies an action "*to recognise and respect our local heritage and Aboriginal history*".

The Shire of Denmark acknowledges the Bibbulmun and Minang people of the Noongar nation as the traditional custodians of the lands and waters within the Shire of Denmark. For tens of thousands of years, Noongar people have cared for this Country and continue to do so. The Shire respectfully acknowledges Bibbulmun and Minang Elders past, present and emerging, and extends those respects to all First Nations people living, working or visiting in our Shire.

Through land management, the Shire of Denmark also appreciates and acknowledges Indigenous priorities and issues on a day-to-day basis. Examples of this include acknowledgement of the interests of traditional custodians through Aboriginal Heritage legislation and liaison with First Nations peoples on new projects and many community services and programs.

Council has determined, as a key organisational priority, that the Shire will commence an organisation-wide Reconciliation Program. As part of this effort to build relationships and take meaningful steps towards reconciliation, the Shire is also eager to ensure a culturally-safe workplace for its current and future employees.

The *Uluru Statement from the Heart* is an invitation from First Nations peoples to all Australians to work together on a process of re-shaping relationships.

By acknowledging the *Uluru Statement from the Heart*, Council would publicly establish an intent to work with First Nations peoples within our region to advance reconciliation. This will provide direction to the Shire for the delivery of a program of community dialogue that will be based around the Statement and provide the opportunity for community members to learn and to express their views respectfully.

Consultation:

The Corporate Business Plan 2022-2025, endorsed by Council in September 2022 (Resolution 130922), details a Reconciliation Program commencing in 2022. The intent is to deliver a roadmap for the organisation that demonstrates building strong relationships and delivering a range of programs in collaboration with local Indigenous stakeholders, leading to a Reconciliation Action Plan.

By acknowledging the *Uluru Statement from the Heart*, and providing direction for Shire Officers, this report outlines the commencement of community engagement as part of the Respectful Relationships program.

Statutory Obligations:

Nil

Policy Implications:

Nil

Budget / Financial Implications:

The 2022/23 Annual Budget provides \$40,000 for the purposes of a Reconciliation Program under the program Strategic Planning & General Consultancies (Account 1420322).

The following costs are associated with this report and officer recommendation.

- a. Acknowledgement of *Uluru Statement from the Heart*
\$250 for printing and sundry administration costs.
- b. Community engagement
\$3,000 to \$5,000 for the purposes of engagement, administrative costs, consultation and miscellaneous expenses.

Officer time has not been factored into the above-listed costs as this is accounted for in the Corporate Business Plan and Annual Budget.

It is noted that further work beyond the scope identified in this report will follow and be allocated against the provision of \$40,000 within the Strategic Planning & General Consultancies (Account 1420322) within the 2022/23 budget.

Strategic & Corporate Plan Implications:

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

Denmark 2027**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.

C4.4 To recognise and respect our local heritage and Aboriginal history.

C4.3 To create a community that nurtures and integrates natural, cultural and historical values.

L5.0 Our Local Government

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

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

Corporate Business Plan**Governance Project – Reconciliation Program (Organisation Wide):**

Deliver a four-year roadmap for the organisation that demonstrates building strong relationships and delivering a range of programs in collaboration with local Indigenous communities, leading to a Reconciliation Action Plan.

Sustainability Implications:**➤ Sustainability Strategy:****03 Culture and Community**

3.4 Work collaboratively with the Indigenous population and develop best practice Indigenous engagement and recognition strategies.

➤ Governance:

There are no known significant governance implications.

➤ Environmental:

There are no known significant environmental implications.

➤ Economic:

There are no known significant economic implications relating to the report or officer recommendation, however it is noted that future budgets will need to reflect an ongoing commitment to the Respectful Relationships program as identified in the Corporate Business Plan.

➤ Social:

The recognition of Indigenous Australians means different things to different people. It is understood that community conversations may lead to differing views and that the Shire should support the community as a whole by enabling respectful community conversation and engagement.

Officers believe there is significant social benefit in providing a safe and honest dialogue with all community members, irrespective of personal values and beliefs.

➤ **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 the Shire does not meet community expectations.	Possible (3)	Insignificant (1)	Low (1-4)	Inadequate Change Management	Manage by an educational campaign to encourage respectful community conversation.

Comment/Conclusion:

The *Uluru Statement from the Heart* is an invitation issued to all Australians. It calls for all Australians, no matter their background, to walk-together “in a movement of the Australian people for a better future”.

The Statement calls for structural change to current systems of authority and decision making, rather than surface changes to existing systems. It is a path forward for justice and self-determination for First Nations Peoples in this country.

While the determination of whether a referendum is undertaken with the Australian public is a matter for the Federal government, community development sits within the purview of Local Government. Officers believe building community awareness and understanding of the *Uluru Statement from the Heart* is a task that sits within the scope of the Community Services and Governance teams of the Shire of Denmark.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.3.3
MOVED: CR GEARON	SECONDED: CR GIBSON
That Council:	
1. ACKNOWLEDGE the <i>Uluru Statement from the Heart</i> as an address to the Australian people, inviting the nation to create a better future;	
2. REQUEST the Chief Executive Officer to display a plain text copy of the <i>Uluru Statement from the Heart</i> in the following locations:	
a. Shire Administrative Building Foyer	
b. Library	
c. Denmark Recreation Centre	
3. REQUEST the Chief Executive Officer to offer a community engagement program regarding the <i>Uluru Statement from the Heart</i> and its intent.	
CARRIED: 9/0	Res: 051022

9. REPORTS OF OFFICERS

9.1 DIRECTOR ASSETS AND SUSTAINABLE DEVELOPMENT

Cr Devenport declared a financial interest on the basis that he owns a bike shop.

5.27pm - Cr Devenport left the room and did not participate in discussion or vote on the matter.

Cr Carman declared that she has had past engagement with the Denmark Environment Centre as a member, some work for the South Coast Bushcare Services and a Mount Hallowell Project, and as a consequence there may be a perception that her impartiality on this matter may be affected.

9.1.1 MOUNT HALLOWELL MOUNTAIN BIKE TRAILS CONCEPT PLAN

File Ref:	PROJ.ENG.55.20/21
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Reserve 46618
Disclosure of Officer Interest:	Nil
Date:	10 August 2022
Author:	David King, Deputy Chief Executive Officer
Authorising Officer:	David Schober, Chief Executive Officer
Attachments:	9.1.1 - Mount Hallowell Trails Network Concept Plan

Summary:

This report summarises the submissions, discusses the common issues raised about the Mount Hallowell Mountain Bike Trails Concept Plan, and recommends that the Council seek alternative solutions to the provision of mountain biking within the Shire of Denmark.

Background:

Traditional Owners

The author would like to acknowledge the Bibbulmun and Minang people of the Noongar nation, who are the traditional owners of the land considered as part of this report.

Further discussion on archaeological, ethnographical and associated consultation is considered in this report's environmental and social sections.

Reserve Details

Mount Hallowell, Reserve 46618, is an A Class reserve with a total area of 532ha.

Mount Hallowell reserve was created as a Class A reserve by the Minister pursuant to Section 41 of the Land Administration Act (the Act) on 9 May 2002 for the purpose of Conservation and Recreation.

The Class A classification is used to protect areas of high conservation and/or high community value.

By Management Order dated 13 May 2002 pursuant to Section 46(1) of the Act, the Minister placed the reserve in the care, control and management of the Shire to be managed in accordance with the Mount Hallowell Management Plan.

In 1995, the Mount Hallowell Management Plan (1995) was approved by the Minister.

Mount Hallowell Reserve Management Plan (MHRMP) was updated in 2008 and adopted by Council on 22 July 2008. Early in October 2022, officers sought advice from the

Department of Planning, Lands and Heritage (DPLH) as to the status of this plan with regard to Ministerial approval. No formal written response has been received at the time of publishing.

Mount Hallowell Reserve Management Plan (2008)

The MHRMP was commissioned by the Shire of Denmark, funded by South Coast Natural Resource Management and written by Green Skills.

The purpose is to guide activities that assist with the following management goals:

1. Conservation – to maintain integrity and conservation values
2. Recreation – recreational amenities to be provided on existing walk trails within the reserve
3. Protection from Fire – Fire Management Plan to protect the reserve from uncontrolled fires.

Further considerations of the MHRMP are contained in the discussion sections Environmental, Social and Economic sections of this report.

Great Southern Recreational Trails Master Plan

The Great Southern Regional Trails Master Plan (GSRTMP) is a strategic document that identifies trail infrastructure development across the Great Southern region over 10 years (2020 – 2029).

The GSRTMP was developed in 2019 by Outdoors Great Southern (OGS), previously known as Great Southern Centre for Outdoor Recreation Excellence (GSCORE). It was developed on behalf of all 11 local governments in the Great Southern region, the Department of Local Government, Sport and Recreation (DLGSC), the Department of Biodiversity, Conservation and Attractions (DBCA), and the Great Southern Development Commission (GSDC).

The Western Australian Strategic Trails Blueprint 2017-2021 produced by the State Government was utilised as a guiding document. The Blueprint aims to guide future investment and planning into consistent, sustainable trail development. This document recommends developing regional trail master plans as important tools for all levels of government.

Council endorsed the GSRTMP at the Ordinary Council meeting on 19 May 2020, Resolution 090520.

The objectives of the GSRTMP are to:

- Adopt a strategic, coordinated approach to trail planning, management and maintenance, and prioritise and target investment.
- Develop, upgrade and maintain a network of high-quality trails and facilities.
- Encourage strong local community and visitor participation in recreational trail activities through effective promotion and marketing of the region's trails.
- Capitalise on the opportunities a well-designed trails network presents for health, environment, culture, economic and social benefits.

The trail projects are separated into regional and local priorities.

A Regional Priority Project is defined as being integral to the Great Southern's vision to become a world-class trail destination. A Local Priority Project provides a "value-added experience" to the resident and visitor and could be in the form of a trail linkage or enhancement to an existing trail.

The priorities were identified through a multi-tiered assessment process to determine their ranking. These tiers looked at, destination significance, opportunity and deliverability, as well as market potential.

There are currently no existing public snorkel, paddle, sanctioned cross-country or downhill mountain bike trails in the Shire of Denmark.

In identifying suitable sites for a potential mountain bike trail network, GSCORE investigated numerous locations. The Shire of Denmark's main priority was to provide safe access for all participants to any potential trail network. Safe access means participants can ride to the site on a dedicated pathway and not depend on a car for transport.

Mount Hallowell Reserve was identified through the GSCORE process as one of five mountain bike projects for the Great Southern region. The strategy is that the five regional projects could create a network for accessible cycle trail experiences. Located close to the Denmark town site and in an existing high visitation area, the Mount Hallowell project could cater for all users from beginner to advanced through a small, locally significant trail network of cross-country trails providing a range of flow and technical courses in a forest setting. The Mount Hallowell trail network may also include existing walking trails and the potential for inclusive pathways.

The initial proposal in the GSRTMP excluded the core conservation zone of the Mount Hallowell reserve from trail proposals.

The following points are cited in the GSRTMP as additional rationale for the site selection of Mount Hallowell:

- The Bibbulmun Track passes over Mount Hallowell, and there is an opportunity to provide additional signage and wayfinding to improve access to the Mount Hallowell lookout.
- Sheila Hill is well-used and would benefit from improved signage and wayfinding.
- There is existing use of informal walking/cycling routes and firebreaks. The plan recommends that this informal network is rationalised to improve environmental outcomes and that additional wayfinding is developed.
- Unsanctioned mountain bike trails exist at Mount Hallowell, reflecting growing demand for mountain bike (MTB) trails. Mount Hallowell has high potential as a node in a network of regional MTB trails due to its elevation, soil type, visual amenity (landscape), proximity to services, access via the existing Ocean Beach cycle trail, and proximity to residential areas and accommodation. A network of sanctioned MTB trails would address the issues of unsanctioned trail construction and provide new economic opportunities.

Trail Development Process

The Trail Development Process (TDP) was developed by the Department of Biodiversity, Conservation and Attractions (DBCA) and the Department of Local Government, Sport & Cultural Industries (DLGSC).

The process is outlined in Figure 1. The Shire of Denmark has completed stages 1-4 of this process.

Figure 1 – Eight stage trail development process

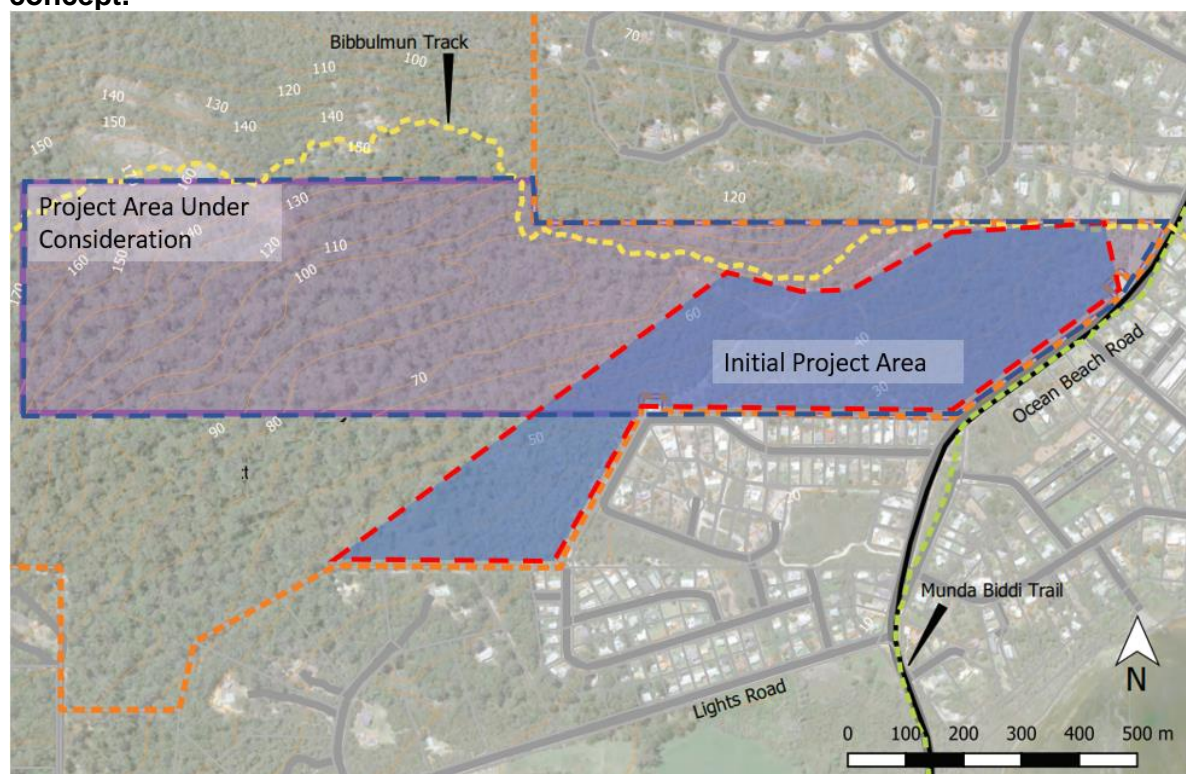
Stage	Outcome	
1. Trail Proposal	A trail development proposal is either supported in principle by the land manager/owner, or not supported (due to environmental, social, cultural or other constraints). The purpose of a proposal could be to identify potential suitable areas for consideration.	Desktop
2. Framework	A project outline developed by the steering group (stakeholders), including: project objectives, project management model, stakeholders, roles, target market, requirements, execution, and ongoing management model.	
3. Site Assessment	Broad-scale study of the area and identification of opportunities, constraints and characteristics such as soil types, vegetation etc.	
4. Concept Planning	Identification of opportunities and conceptual trail plan, including broad trail corridors and infrastructure requirements.	
5. Corridor Evaluation	Detailed assessment of trail corridors for use in determining the final trail alignment.	Field
6. Detailed Design	Detailed trail design and alignments physically flagged in the field. Includes detail on the trail classifications, technical trail features (TTFs), construction methods and specifications.	
7. Construction	Trail constructed in line with the Detailed Design.	
8. Management	Management plan implemented detailing maintenance and monitoring requirements.	

Expansion of project area

Between stages three (3) and four (4) of the TDP, the project area increased from 23ha to 68ha. The increase was on the advice of the trail designer that the original project area was insufficient to construct effective short-loop cross-country trails.

The expanded areas are shown in Figure 2.

Figure 2 – Original project area and the area for consideration in the proposed concept.



Consultation:

Consultation for MTB trails on Mount Hallowell has been ongoing since December 2019. This comprises of:

1. The consultation as part of the GSRTMP from December 2019 to January 2020.
2. Secondary site-specific consultation from July 2020 – October 2020.
3. Establishment of a Project Control Group (PGC) to engage key stakeholders in developing the third round of consultation material.
4. Third round site-specific consultation from December 2021 – August 2022.

1. GSRTMP

Three significant rounds of community consultation were undertaken as part of the development of the GSRTMP.

Round One

- Workshops with community members, stakeholders and trail users. This stage was used to identify aspirations and gain local knowledge of existing routes.

Round Two

- Targeted workshops with the community to discuss the opportunities and challenges presented. This was designed to assist GSCORE in formulating trail proposal recommendations.

Round Three

- The Draft Plan was circulated for a whole community response. This comprised a four-week community and stakeholder review, and comment period, undertaken by GSCORE from 16 December 2019 to 19 January 2020.

Key Stakeholder meeting**Attendees:**

- Traditional Owners
- Denmark Ratepayers and Residents Association
- Mount Hallowell residents/Friends of Mount Hallowell Reserve
- Department of Biodiversity, Conservation and Attractions
- Department of Local Government, Sport and Cultural Industries
- South Coast Alliance
- Amazing South Coast Tourism Incorporated
- Denmark MTB Club
- Denmark Chamber of Commerce
- Denmark Environment Centre
- Green Skills

Values workshop

As part of the community consultation process for the GSRTMP, GSCORE facilitated a Community Values workshop in Denmark to discuss the proposed trail developments for the Mount Hallowell Reserve. The workshop took place at the Denmark Recreation Centre on 18 December 2019 with support from the Shire of Denmark.

Once Mount Hallowell was identified as a proposed site for a trail network, consultation with the broader community on the proposal began.

The Mount Hallowell Community Values Workshop revealed a range of perspectives on the proposed development of new trails within the Mount Hallowell Reserve. Although some community members preferred that Mount Hallowell Reserve remains protected from any future recreation use, a majority were supportive of trail development if it:

- does not negatively impact the environment;

- does not compromise community social values;
- provides genuine opportunities for jobs creation and business growth; and
- does not place an ongoing financial burden on ratepayers.

2. Second Round Community Consultation July 2020 – October 2020

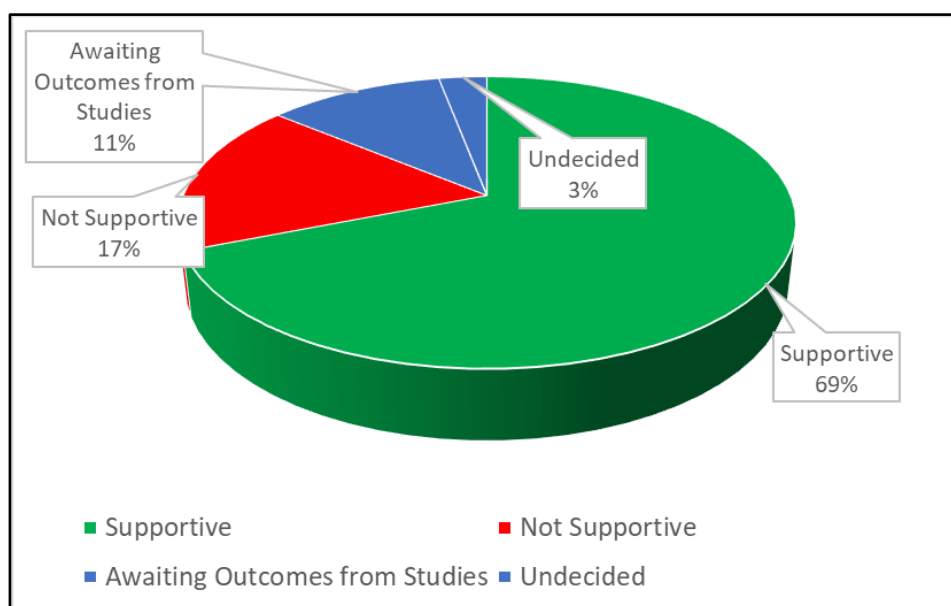
The Concept Plan was placed on the *Your Denmark* consultation page utilised by the Shire.

This online engagement tool enabled the Shire of Denmark to provide information, explanations and frequently asked questions to provide an understanding for the community to vote through a poll tool. Figure 3 provides the outcomes from the poll. It should be noted that there was a spike in the positive responses during the poll which may have been as a result of people, or stakeholder groups, seeking to influence the outcome.

Summary

- 1,105 people visited the Your Denmark Talking Trails page.
- 334 informed participants visited a page and downloaded a document.
- 229 engaged participants voted.

Figure 3 - Graph of responses for - How supportive are you of a mountain bike trail in the identified area at Mount Hallowell?



After this second stage of community consultation, officers were requested to proceed to the next stage and develop a Trails Concept Plan for consideration. GSCORE chaired a Project Control Group to develop the Concept Plan in December 2020. Three Chillies Design was appointed as the successful consultant to develop the Concept Plan.

Project Control Group membership comprised of:

- GSCORE Executive Director and Project Officer
- Shire of Denmark Manager Recreation and Youth Services
- Three Chillies Design Managing Director and Design and Office Manager
- Denmark Running Club representative
- Denmark MTB Club President

At this stage, the project area increased from 23ha to 68ha. The increase was on the advice of the trail designer as the original project area was insufficient to construct effective short-loop cross-country trails. The expanded areas are shown in Figure 2.

Three Chillies Design completed the Concept Plan in June 2021. The concept plan was presented to Council at a briefing session, and Officers were requested to commence the third stage of community consultation to gauge feedback on the project.

3. Establishment of an expanded Project Control Group

The "Mount Hallowell Trail Network Project Control Group" (PCG) was established to develop the third round of consultation material.

Members of the PCG included:

- Outdoors Great Southern Program Manager Trails – Chair
- Shire of Denmark Manager
- Noongar Representative
- Denmark Environment Centre
- Denmark Mountain Bike Club
- Denmark Running Club
- Ocean Beach Fire Shed
- Denmark Residents & Ratepayers Association
- Denmark Chamber of Commerce
- Youth representatives x 2
- Bibbulmun Track Foundation
- South Coast Bush Care Services

The PCG met three times; being 9/12/21, 23/03/22 and 24/05/22.

The Consultation Plan was developed by the PCG and is provided in Table 1 below.

Table 1 – Consultation Plan

Stakeholder Group	Level of Engagement	Why
Residents	Involve	Key stakeholders whose concerns need to be well understood to inform design. Direct mail out inviting participants to a Town Hall type meeting/Q&A session.
Wider Community	Consult	Concerns and aspirations need to be considered in high regard. Utilise "Your Denmark" online medium. Notice boards and hard stands at Council venues.
Traditional Owners	Collaborate	May be required to provide approvals. Will have a direct impact on final designs.
Shire of Denmark Staff - other	Involve	Concerns and aspirations need to be considered in high regard.
Shire of Denmark Staff with operational relevance	Collaborate	Major Stakeholders and will require two-way input into the design as there will be an ongoing responsibility for maintenance and renewal.
Denmark Environment Centre	Involve	Concerns and aspirations need to be considered in high regard.
Denmark Mountain Bike Club	Involve	Concerns and aspirations need to be considered in high regard.
Ocean Beach Fire Brigade	Involve	Key Community Group.
Youth	Involve	Major users involved in ensuring the design meets the needs.
South Coast Bush Care	Involve	Concerns and aspirations need to be considered in high regard.
Disability Services Committee	Involve	Concerns and aspirations need to be considered in high regard.

4. Third Round Community Consultation December 2021 – August 2022

The community consultation was open from June – August 2022. The consultation was facilitated by the engagement platform developed by Bang the Table under the heading "Talking Trails".

As part of the community consultation, a drop-in information session was held at the Shire Administration Building with the Manager of Sustainable Projects and Outdoors Great Southern CEO in attendance on Wednesday, 22 June 2022, from 9 am – 4 pm. Denmark Environment Centre representatives also had a stall and two (2) representatives in attendance.

Twenty-three (23) residents attended the day.

Major points raised:

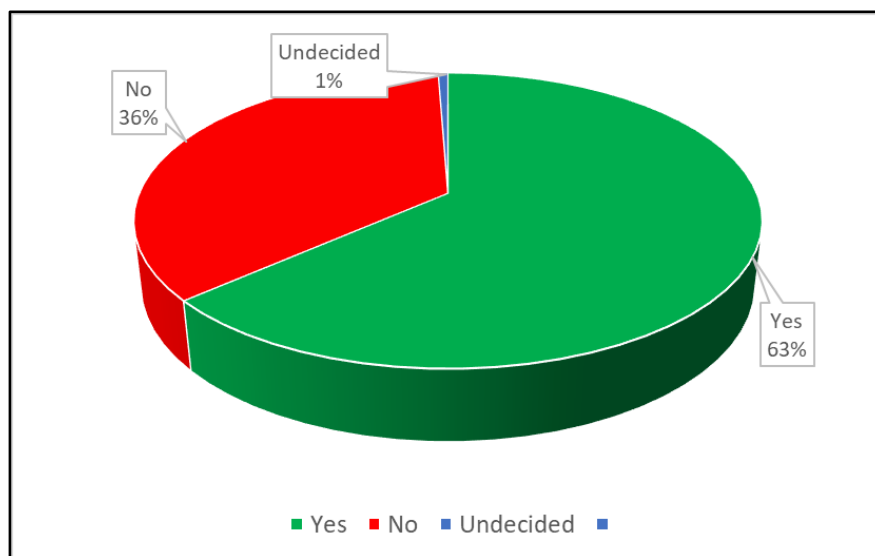
- excessive parking on Heather Road
- unauthorised vehicles accessing the fire access road on the south side to Heather Road
- conservation/Environmental concerns
- skills Park should not be in reserve
- explore alternate sites
- Noongar cultural consultation
- concern over safety – emergency vehicle access

The "Talking Trails" page included a Poll for a simplistic show of support or otherwise. The results are provided in Figure 4. Additional to the poll, community members could also provide submissions either through the online medium, via email, or in hard copy to the Shire. The results of this are provided in Figures 5,6, and 7.

Summary of the Poll

- 594 visitors to the site.
- 345 responses to the poll.

Figure 4 – Poll response - Do you support a new trail network in the Mount Hallowell Reserve?

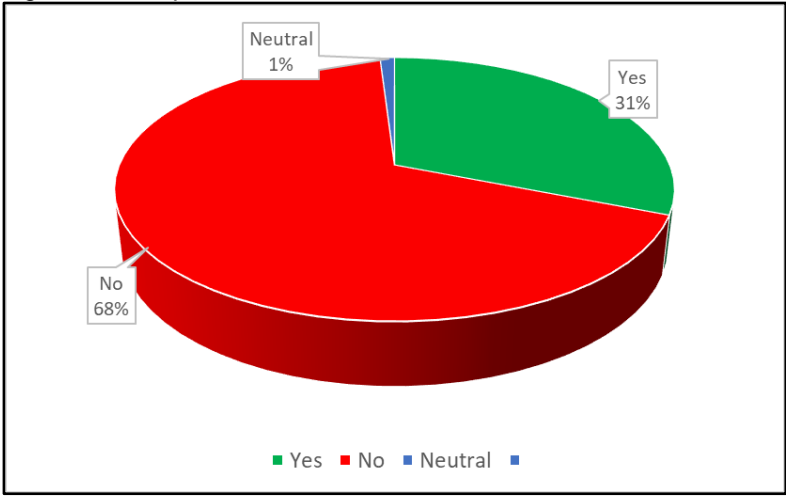


Summary of free text submissions

- 561 Submissions via e-mail, hard copy or the online platform.

Each submission was categorised as supportive (Yes), not supportive (No) or neutral and has been provided in Figure 5 as a representation of the written feedback sentiment.

Figure 5 – Graph of free text sentiment for round three consultation.



Officers evaluated the 561 written submissions and collated the information on the reasoning for the support, neutrality or opposition. Figure 6 shows a graphical representation of the negative responses. In collating the information, if a submission noted numerous reasons then each reason was counted individually.

Figure 7 shows the graphical representation of the positive responses in the same manner as Figure 6.

Figure 6 – Free text submissions - Reasons for not supporting the proposal.

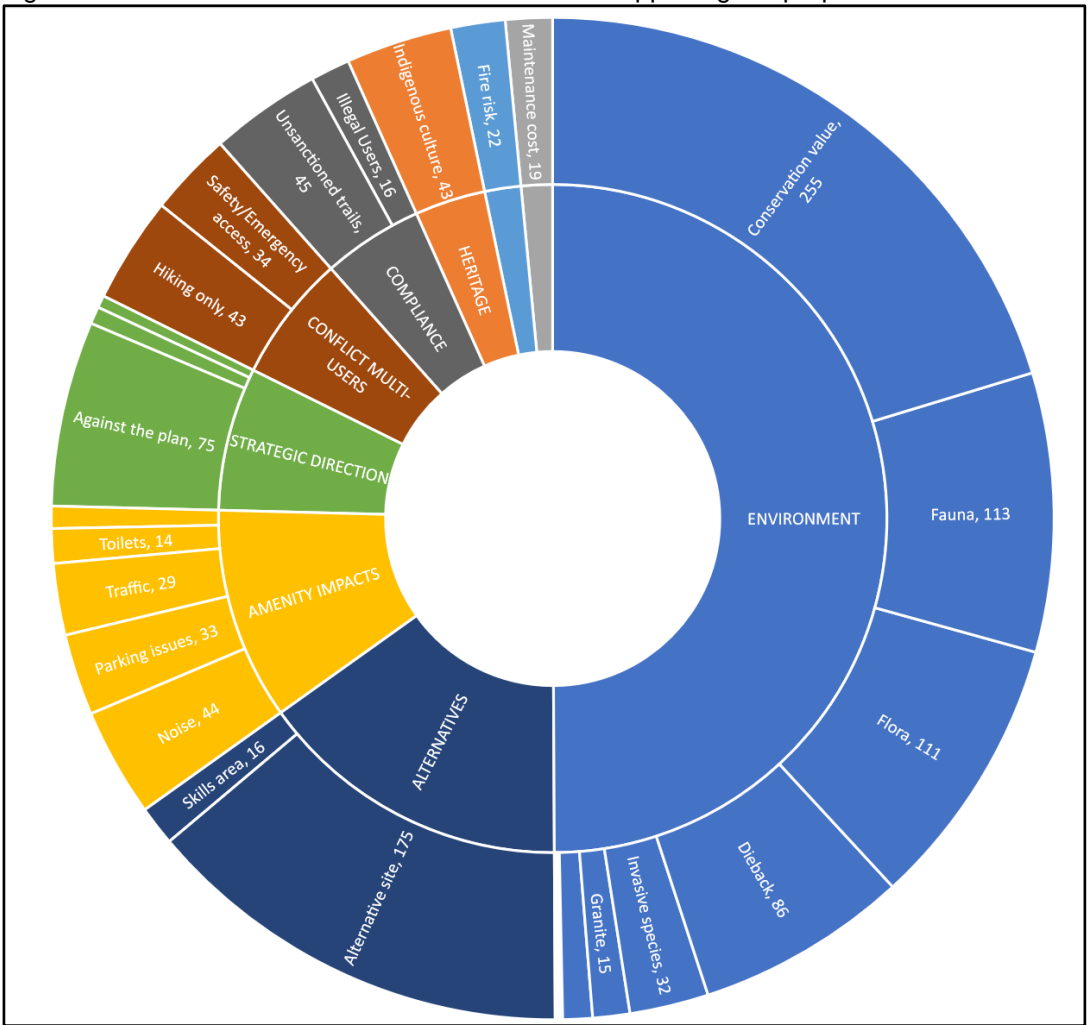
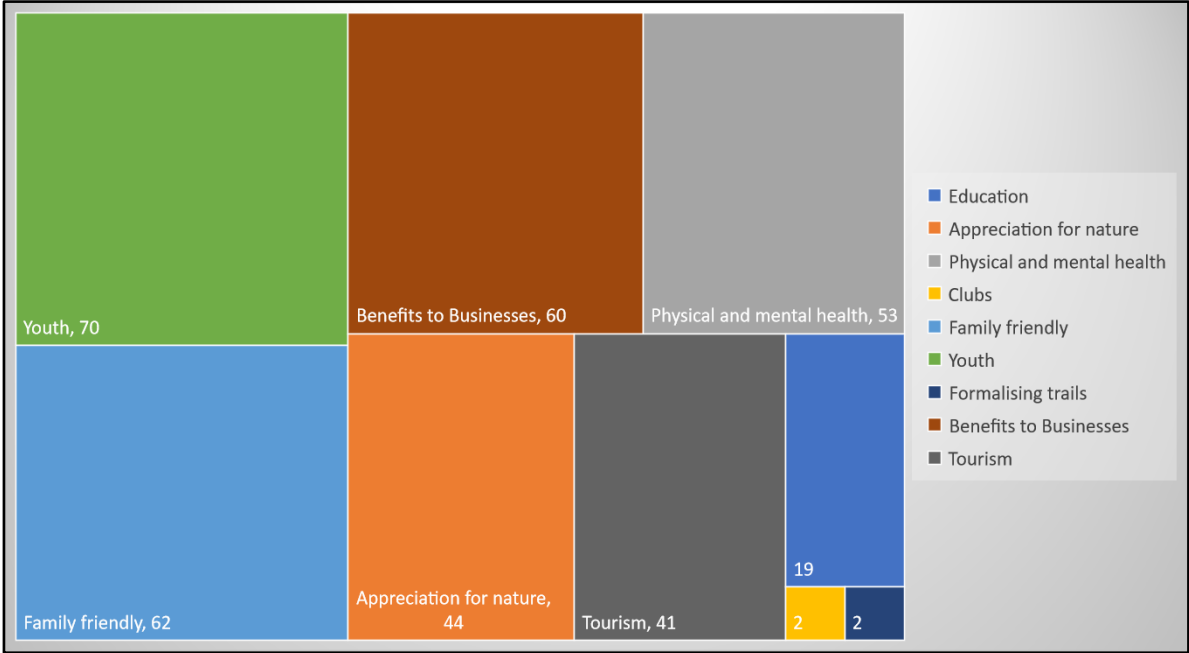


Figure 7 – Graph of free text submission received and the reasons for supporting the proposal.



Discussion

In making a recommendation on this project, officers have carefully considered the feedback provided by the community. Over the course of the consultation, a significant number of responses have been received, demonstrating a high level of community interest.

Throughout the consultation process, a number of concerning incidences occurred that should be considered in evaluating the data.

Firstly, during the third round, most recent poll (results shown in Figure 4), the data was compromised by someone submitting numerous responses, and the poll was closed early. After interrogating the data, officers have removed the compromised data. Figure 3 shows the un-tampered data before the closure of the poll. 63.5% of respondents indicated their support for the project.

Secondly, on 27 July 2022, officers became aware of a multiple-page brochure forwarded to the Shire from a recipient. The brochure contained negative publicity about the project. It is unknown how many properties this correspondence was delivered to, but it is understood that the distribution was significant. The free text submissions portal was not closed as a result.

The data suggests that this correspondence has impacted the data collated as part of the free text submission portal. It can be seen from Figure 5 that the free text submission analysis indicates that 68% of respondents were unsupportive of the project. The same simple analysis for the 300 submissions before the brochure distribution shows that 59% were unsupportive of the project. This suggests that the brochure distribution did have a material effect on the responses received.

In summary, this project has a high level of community interest with a wide range of viewpoints expressed. Based on the above, it can be inferred that the objections to the current proposal outweighs support by a small margin. The rationale appears to be primarily due to the project's environmental impacts. However, several aspects were cited, and a detailed breakdown of concerns can be seen in Figure 6.

It is worth noting that the opposition to this project appears to have occurred due to the increased project area instigated between the second and third rounds of consultation.

Statutory Obligations:

There are no statutory obligations directly relating to the officer's recommendation. However, if the project is to proceed, the following will need to be considered.

Planning and Development Act

If this proposal proceeds to construction, a Development Application (DA) would need to be lodged with the Shire.

Land Administration Act

Mount Hallowell Reserve was created as a Class A reserve by the Minister pursuant to Section 41 of the Land Administration Act (the Act) on 9 May 2002 for the purpose of Conservation and Recreation. As mountain biking is a recreational activity, officers do not consider it necessary to change the classification or reserve purpose.

Mount Hallowell Reserve Management Plan (MHRMP) was updated in 2008 and adopted by Council on 22 July 2008. Officers have sought advice from the Department of Planning, Lands and Heritage (DPLH) as to the status of this plan with regard to Ministerial approval. No response has been received at the time of writing.

The MHRMP provides the Shire with a plan with which it must manage the reserve. The current management plan does not include the provision of mountain bike trails within the reserve. This concern was also raised through the round 3 community consultation, with 75 responses referencing this (Figure 6).

The MHRMP states:

1.2.2 Recreation

Recreational amenities are to be provided for the public on existing walk trails in the reserve whilst maintaining the conservation values of the reserve.

2.2.1 Preservation of the Reserve

The reserve is a conservation priority area for the maintenance of the flora, fungi and fauna and all ecological processes pertaining to the natural environment. Maintaining old growth Karri and other Eucalypts in which Baudin's Cockatoo can breed is a priority for their continued presence in the reserve. It is recognised that the reserve is a significant scientific reference site. Its nomination for the Register of the National Estate was intended to ensure that this is officially recognised.

2.3 RECREATION

It is necessary to manage recreational access to ensure it does not degrade conservation values of the reserve. The Mount Hallowell Reserve is a significant recreational destination, in part due to the development of the Bibbulmun Track which traverses the reserve. This increased activity brings with it greater environmental disturbance, which has a significant impact on the biodiversity in the reserve. The introduction of Dieback, feral animals and weeds, and accidental fire ignitions all become more likely as pedestrian access increases.

Monitoring of, and controlling access to, fragile areas such as granite outcrops which harbour specific and restricted vegetation habitats such as moss beds is particularly important.

The MHRMP generally opposes the creation of new trails, especially within the core area. As such, it does not consider the construction of mountain bike trails and would need to be revised to include mountain bike trails. A revised management plan must consider conservation, environmental and heritage issues and be approved by the Minister (or delegate).

Environmental Protection Act

If the project was to proceed to Stage 6 (Detailed Design), the proposal may be considered a 'significant proposal' under the Environmental Protection Act (EP Act). Section 37B(1) defines a 'significant proposal' as a proposal likely, if implemented, to have a significant effect on the environment.

The EP Act stipulates several considerations for projects that may significantly affect the environment. In this instance, the project would require the Shire to apply to the Department of Water and Environmental Regulation (DWER) for a permit to clear native vegetation. On receipt of an application, DWER, the decision maker under Section 38(4), would assess the project against any requirements under the EP Act and the necessity for a referral to the Environmental Protection Agency (EPA).

The Shire would also require a Development Application (DA) for this proposal to proceed to construction. Through the DA process, the Shire would refer the proposal to DWER for their comments. If DWER considered it a 'significant proposal', then the Shire, as the decision maker under Section 38(4) of the EP Act, would refer the proposal to the EPA.

An EPA referral process, if triggered, would likely incur additional costs and the time taken can be extensive depending on a number of factors.

Policy Implications:

Nil

Budget / Financial Implications:

Capital Cost

There are no direct impacts on the Shires 2022/23 budget. However, if the project is to proceed, there are delivery costs as indicated in Table 2.

The Concept Plan pricing estimates are based on June 2021 figures (16 months old). The total cost as of June 2021 (minus amenities) was \$620,585.

Table 2 provides an officer estimation for October 2022.

Table 2 – Costs estimates

ITEM	JUNE 2021	OCTOBER 2022 (+30%)	DIFFERENCE
Additional Environmental Studies	-	60,000	+60,000
Trail Construction	620,585	806,760	+186,175
Car park	-	75,000	+75,000
Toilet	-	150,000	+150,000
Total	620,585	1,091,760	+471,175

If Council decides to proceed with this project, grant funding would need to be sourced to fund the project, and it would need to be included in the updated Long Term Financial Plan.

Operational costs of Management/Maintenance

There will be an ongoing cost for the management and maintenance of the proposed trails if established. Initial estimates place this between \$5,000 to \$10,000 per annum.

One mode of management could be a volunteering agreement. An agreement could be developed following a discussion between a land manager (Council) and trail user group/club about options for volunteer maintenance of trails or partnerships. This could be a partnership involving the Shire and the Denmark Mountain Bike Club utilising volunteers from the club to provide a maintenance. Buy-in of this nature creates a sense of ownership around the site which could prevent unsanctioned of unsanctioned trail development.

Strategic & Corporate Plan Implications:

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

Denmark 2027

N2.0 Our Natural Environment

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

N2.2 To promote and encourage responsible development

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.

Corporate Business Plan

Deliver project management services for infrastructure projects in progress.

Sustainability Implications:

➤ **Governance:**

There are no governance implications associated with this report.

➤ **Environmental:**

Archaeological Aboriginal Heritage Surveys

Deep Woods Surveys prepared the Aboriginal Heritage Study (AHS) report of Ocean Beach Recreational precinct and Mount Hallowell Mountain Bike Trail Network in January 2021.

The report identified one isolated quartz flake on the (eastern) perimeter track at Mount Hallowell. Given the highly disturbed nature of the track, it is unlikely that the artefact is in, or close to, its original location. Most likely, it has been transported to the sites as part of the fill bought in to maintain the track.

If the project were to continue, then monitors would be engaged by the Shire to view the construction works and ensure if any items of significance are disturbed. If found, works would be halted and further research conducted.

Granite outcrops are culturally significant to Aboriginal people. The proposed trail network could be realigned through detailed design to avoid any impacted granite outcrops, therefore protecting these culturally sensitive areas.

Flora Studies

Bio Diverse Solutions prepared the Reconnaissance Flora and Vegetation Survey report in October 2020. The survey area was the original site proposal of approximately 24ha.

One priority flora species was identified within the survey area, *Banksia Serra*. Five (5) individual plants of *Banksia Serra* were identified during the survey, located within the central northern portion of the *Eucalyptus marginata* / *Corymbia calophylla* open forest. Given the availability of suitable habitat, this species is likely also to be found outside the survey area. No other threatened or priority species were identified.

Fauna Studies

Bio Diverse Solutions prepared the Vertebrate Fauna Assessment of Mount Hallowell Reserve in October 2020. The survey area was the original site proposal of approximately 24ha.

The report concluded there are two confirmed birds that are threatened or are priority fauna, that use Mount Hallowell. In addition, one potential bird and two potential mammal species that are threatened, or are priority fauna, may use the proposed Mount Hallowell Reserve project area.

Any planned work in the reserve, such as any development of recreational trails, should avoid removing any large trees (unless for public safety reasons). If any large marri or karri trees are to be removed or lopped, then further focussed assessments should be carried out to ascertain the presence of cockatoo breeding hollows and whether it is a cockatoo feeding tree.

Proposed trails should avoid the Osprey nest to minimise disturbance to the birds during breeding. A distance of at least 50m is recommended.

Trail establishment should utilise existing tracks, where possible, to minimise habitat disturbance to Quokka and Western Ringtail Possums. Where new tracks are proposed, surveys along the alignment should be carried out to assess potential impacts on threatened and priority fauna.

Dieback studies

Great Southern Bio Logic prepared the Phytophthora Dieback Occurrence Survey in the Mount Hallowell Reserve in January 2021. The survey area was the original site proposal of approximately 24ha.

The survey was performed using the Broad Area survey method, which involves the assessment of linear disease occurrence along accessible tracks and other linear infrastructure, with an estimation of disease occurrence using topography, high-risk disease vectors and other influences.

Evidence of dieback across the survey area is limited due to a lack of dieback indicator species within the Karri forest vegetation, which occurs across most of the survey area. In the vegetation surrounding the residential areas, there is a higher density of susceptible species and visible disease expression through deaths of *B. grandis*, *X. platyphylla*, and *P. umbrosa*.

All vegetation immediately adjoining existing residential areas has been classified as dieback infested. The infested area extending upslope covers areas with visible disease expression and/or historic positive sample recoveries.

The second area of infested vegetation is situated along the Bibbulmun track to the west of the current assessment area. This vegetation is largely uninterpretable, meaning there is a lack of species affected by dieback. Limited disease expression was sampled during a previous survey performed in 2014 and provided two positive recoveries of *Phytophthora cinnamomic*. All remaining vegetation within the current assessment area is unclassified, according to the DBCA Broad Area survey methodology (DBCA 2015).

The Consultant anticipates dieback will likely occur along the Bibbulmun Track section between the two infested areas. The vegetation to the north of the Bibbulmun Track is also considered likely to contain dieback as this area is situated downslope of the Bibbulmun Track, and there is active disease expression in interpretable regions just beyond the current assessment area boundary.

The areas where dieback is considered likely to occur have been classified as unprotectable. An unprotectable area is defined as a disease-free area that is likely to become infested within a given time.

A comprehensive transect survey will be required before proposed soil disturbance activities. The comprehensive transect survey will likely accurately map the active disease edge where it occurs in interpretable vegetation. After a detailed assessment, all currently unclassified vegetation will likely be classified as uninterpretable.

Unsanctioned Trails

The Shire of Denmark has been dealing with unsanctioned mountain bike trails at Mount Hollowell for several years. Figure 8 shows the extent of the existing unsanctioned trails. Unsanctioned trails could be due to the lack of sanctioned mountain bike trails in the Shire and the growing popularity of the activity.

Illegal and hastily built unsanctioned trails are more damaging than trails created by professional trail development companies. Best practice design considers hydrology, erosion and other environmental factors when building trail systems.

There is a perception that the existing unsanctioned trails in Mount Hollowell represent trail development. This is not the case. Professional trail building companies design and construct the trails to minimise vegetation loss, erosion impacts and disruption to wildlife. Unsanctioned trails threaten vegetation and wildlife and increase erosion impacts. The proposed Mount Hollowell Trail project seeks to close the unsanctioned trails and rehabilitate them.

There is a high likelihood of continued unsanctioned trail construction in the Mount Hollowell Reserve if the provision of a formal trail network is not progressed. Unfortunately, there is evidence that unsanctioned trail construction is not uncommon, even where a formal network exists. In the author's opinion, working closely with the Mountain Bike Club to educate the community, it is thought that the risk can be mitigated to a large extent. Any unsanctioned trail construction will require a significant compliance effort to control.

Figure 8 - Map of Unsanctioned Mountain Bike Jumps within the Mount Hollowell reserve from January 2020.



Discussion

There is mixed community sentiment toward the project, and the environmental impact is one of the most significant factors that concerns our community. It should be noted that the surveys discussed in this section apply only to the original 24ha consideration shown in Figure 2. Evaluation of more detailed surveys covering the revised area shown in Figure 2 would be required before progressing to detailed design.

For any trail development, there will be impacts on the environment. It will require the removal of the ground-level cover, at least. The proposed design is for a 900mm trail width – which would require a clearing area of 1.5 metres during construction. The 300mm edges on both sides would then be rehabilitated and grow back over time. Sound design principles can minimise disturbance and effectively avoid threatened flora and fauna identified in the current studies.

Appropriate design can mitigate the immediate negative environmental impacts on threatened flora and fauna. However, a number of submissions voiced concern that the proposed new trail development, through undisturbed vegetation, could create access opportunities for predators that currently do not venture into these areas leading to fauna species encountering threats to their habitat.

The Mount Hallowell Trails Concept Plan incorrectly identified the core area as excluded from the trail development proposal. The core is the area that has limited intrusion from introduced species and limited environmental disturbance leading to a high biodiversity value. The increased project area to allow for trail development encroaches into the identified core area of Mount Hallowell. In 2004, the Mount Hallowell Survey and Research Project indicated that the reserve's core (less 190ha) is diminishing. The current proposal could further reduce this area.

➤ **Economic:**

The trail proposal at Mount Hallowell identifies the local community as the primary focus. As a stand-alone area, this network does not have regional or state significance. The target users would be the leisure market, including families, youth, and beginner adult riders seeking well-marked and accessible trails. Low to medium skill levels are required with some degree of challenge and difficulty.

The proposal would form part of a regional mountain bike trail network that provides varying levels of experiences for visitors. A regional network would result in visitation to the Great Southern area for an extended stay to experience the different mountain bike trail experiences of which the Mount Hallowell Trail Network would be a part.

Economic benefits for the community would result from increased tourism and spending in our local economy (e.g. spending on bike hire, shuttle services and local food and beverage outlets).

➤ **Social:**

Aboriginal Heritage

Deep Woods Surveys prepared the Aboriginal Heritage Study (AHS) report of Ocean Beach Recreational Precinct and Mount Hallowell Mountain Bike Trail Network in January 2021.

To select spokespeople for the AHS, the Consultant contacted Senior Heritage Officers at the Department for Planning, Lands and Heritage (DPLH). DPLH confirmed that Denmark is within the Wagyl Kaip Native Title claim. The eight Working Group representatives are all local Menang People and members of the larger Wagyl Kaip group.

At the initial site meeting, the Menang People Working Group (MPWG) did not support the proposal. The MPWG felt they did not have enough information on the threat of dieback

infestation and spread to be controlled and managed. They requested that GSCORE continue engaging with the MPWG and provide them with additional information; this occurred in February 2022.

An environmental consultant from Great Southern Bio Logic, who is a dieback expert, addressed the MPWG representatives and provided information on his area survey on Mount Hallowell. This meeting was solely to address the concerns and answer any questions related to dieback. The core area was not discussed; only the survey area outlined in the dieback report.

The MPWG representatives asked questions and voiced their concerns. The consultant answered all the questions addressing the MPWG representative's concerns. At the conclusion of the meeting, the MPWG representatives all agreed to support the construction of a trail network on the eastern slope of Mount Hallowell.

The MPWG representatives requested that Shire of Denmark & Outdoor Great Southern continue to consult and involve them in the ongoing plans & construction of the developments on Mount Hallowell.

If the project were to continue, then monitors would be engaged by the Shire to view the construction works and ensure if any items of significance are disturbed, then works would be halted and further research conducted.

Nearby residents

The Shire of Denmark, in partnership with Outdoors Great Southern, held an open day for nearby residents to discuss their concerns. These are outlined below:

1. Mountain Bike Riders – the proposed trail network is predominately away from residential areas. The proposed dual-use trail to access the mountain bike trail network does pass near residential properties, but this is currently already utilised by walkers. The noise impact from mountain bike riders is acknowledged, but advice received from trail building companies is that it will be minimal.
2. Cars driving along access tracks – if the proposal was to proceed, then existing vehicular access tracks may require access restrictions for general traffic. The concept plan does not allow vehicles to access further up Mount Hallowell. The concept plan identifies parking adjacent to the Ocean Beach Fire Shed with access to the trail network by riding or walking on shared-use trails.
3. Parking – Concern about users parking along Heather Road and the impact on residents. The existing parking restrictions in this area would continue. There would be no allowance or acceptance of illegal parking. Illegal parking would fall under the current enforcement of Shire Rangers. Education and signage could be provided to inform visitors. The provision of parking adjacent to the Ocean Beach Fire Shed, and the proximity of tourist accommodation, residential areas and a dual-use access path from town can assist in mitigating the impact of illegal parking. The available space at the Ocean Beach Fire Shed can accommodate amenities (toilets) and a car park.

Figure 9: Proposed Ocean Beach Fire Station Carpark Site



4. Proposed skills area – Nearby residents raised concerns about the proposed skills area. The concern centred around a place that would encourage extended stay or "hanging around". The concept within the proposal however intended riders to visit and use the trails and then leave; it is not an all-day use area. At the time the concept plan was developed, the Shire had no plans for a skill or pump track area. However, in the 2022/23 financial year Council allocated funds to construct a 'pump track' at McLean Oval for this purpose. Officers now believe a skills area in Mount Hallowell is redundant. Officers recognise the impact a skills area could have on residents, which could encourage long periods of stay and may lead to occurrences of anti-social behaviour.
5. Access for emergency services – The existing access vehicular tracks would remain and provide entry to the area for emergency service vehicles. The current situation would not change.

Youth services provision

Community feedback highlights a lack of youth service provision outside of the traditional sporting club environment. The Shire recognises that mountain bike trail provision could be an important avenue for young people to be involved in healthy pursuits, either individually, in a group, or as part of a Club.

If youth is considered an essential target audience, the issue of accessibility is important. Youth accessibility is one of the key reasons behind the identification of Mount Hallowell as the potential site for trail development by Outdoors Great Southern.

Safety

The community consultation process yielded comments about safety. A number of respondents cited conflict between riders and walkers could lead to potential injuries.

To manage conflict between mountain bike riders and walkers, the concept creates a walking trail network in the southeast corner of the reserve with a dual-use perimeter trail, allowing mountain bike riders to access the trail network. The dual-use trail will be 2.5 metres wide and utilise the existing fire roads. It could be designed to be an open, good viewing trail with no features for mountain bike riders and there could be good sightlines for walkers and cyclists to allow for passive passing options to reduce conflict and the chance of injuries.

➤ **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)
Proceeding with Mountain Bike Trails on Mount Hallowell					
Reputation Community dissatisfied with the decision to progress with trail development	Almost Certain (5)	Moderate (3)	High (10-16)	Not Meeting Community expectations	Accept Risk
Environmental: There is a risk that even with the construction of sanctioned trails the proliferation of unsanctioned trails will continue	Possible (3)	Minor (2)	Moderate (5-9)	Inadequate Natural Environ.Man agement Practices	Manage by working with the DMTBC to take ownership of the trail network and educate local the community
Environmental: There is a risk construction of trails will damage the environment	Likely (4)	Minor (2)	Moderate (5-9)	Inadequate Natural Environ.Man agement Practices	Manage by following the 8 stage trail development process
Not to proceed with Mountain Bike Trails on Mount Hallowell					
Reputation Community dissatisfied with the decision not to progress with trail development	Almost Certain (5)	Moderate (3)	High (10-16)	Not Meeting Community expectations	Accept Risk
Environmental Proliferation of unsanctioned trails	Almost Certain (5)	Minor (2)	High (10-16)	Inadequate Natural Environ.Man agement Practices	Manage by investment into additional enforcement and remediation

Comment/Conclusion:

Existing Mountain Bike Trails

Figure 10 is an extract from the GSRTMP and details the different types of mountain bike trails. The Mount Hallowell proposal is a hybrid of 'stacked loop' and 'trail finger' cross country networks catering for a wide range of skill levels with a family focus. This type of trail is not currently available in the Shire of Denmark.

There are two off-road cycling trails – the WOW Trail and the Denmark-Nornalup Heritage Rail Trail; both considered to be touring-type trails.

The recent Valley of the Giants (VOG) trail development will provide up to 80kms of MTB trails. This is currently not open but is expected to be operational in 2024. The VOG development differentiates from the Mount Hallowell proposal as it will offer longer adventure-style experiences from half to full to multiple days and would be categorised as a touring trail. This will be a regionally significant network on its own.

There is at least one downhill-type trail in the Shire of Denmark (Lapko Road) that has development approval and caters for advanced enthusiasts. However, this development is on private land and not available for general public use.

Figure 10 – Types of Mountain Bike Trails

TYPES OF MOUNTAIN BIKE TRAILS	
Cross Country (XC)	<p>Primarily single-track orientated with a combination of climbing and descending trails and natural trail features of varying technicality.</p> <p>Cross Country trails appeal to the majority market and can cater for timed competitive events.</p> <p>Typically, bikes are lightweight with shorter travel dual suspension or no rear suspension.</p>
All Mountain (AM)	<p>Similar to Cross Country and primarily single-track orientated, with greater emphasis on technical descents, with non-technical climbs.</p> <p>All Mountain trails can cater for timed Enduro competitive events. Bikes are typically light-medium weight with medium-travel dual suspension.</p>
Downhill (DH)	<p>Purely descent only trails with emphasis on speed and technical challenge. These trails can cater for timed Downhill competitive racing.</p> <p>Downhill trails appeal to the more experienced market and typically require uplift to the trailhead via chairlift or vehicle shuttle.</p> <p>Bikes are designed for descending and are typically long-travel dual suspension and built for strength over weight.</p>
Freeride (FR)	<p>Typically, descent focused trails with emphasis solely on technical challenge.</p> <p>Trails feature both built and natural terrain technical features with a focus on drops and jumps.</p> <p>Appeals to the more experienced market and caters for competitions judging manoeuvres and skills only. Bikes are typically medium to long-travel dual suspension and are built for strength.</p>
Park (PK)	<p>Built feature environment with emphasis on manoeuvres, skills and progression.</p> <p>Appeals to wide market including youth and can cater for competitions judging aerial manoeuvres. Can include Jump and Pump Tracks and Skills Park.</p> <p>Typically, dirt surfaced but can include hardened surfaces. Bikes are typically built for strength, with short travel suspension.</p>
Touring (TR)	<p>Typically, long distance riding on reasonably uniform surface conditions and lower grades.</p> <p>Touring trails are dual direction linear trails or long distance circuits with a focus on reaching a destination. Touring trails can include rail trails, access/fire roads and single track. While there is a limited market for long distance mountain biking, touring trails can be ridden in sections making them accessible to all.</p> <p>If carrying panniers bikes are usually robust with limited suspension, however, for short sections or day trips most mountain bikes are suitable.</p>

Alternate sites for MTB trail development

A common comment through the consultation process (175 responses shown in Figure 6) was that Mountain Bike trails should be constructed on an alternative site. During the creation of the GSRTMP, a number of sites were considered, and Mount Hallowell was determined as the most appropriate. Unfortunately, there are limited sites that the Shire have management control over that meet user expectations. However, officers have since reviewed the other options, which are presented below.

Two alternatives are considered, Turner Road and Mclean Park.

Turner Road

Turner Road site is shown in Figure 11, with discussion points tabulated in Table 3.

Figure 11 - Map of Reserve R13255 (Turner Rd Site)

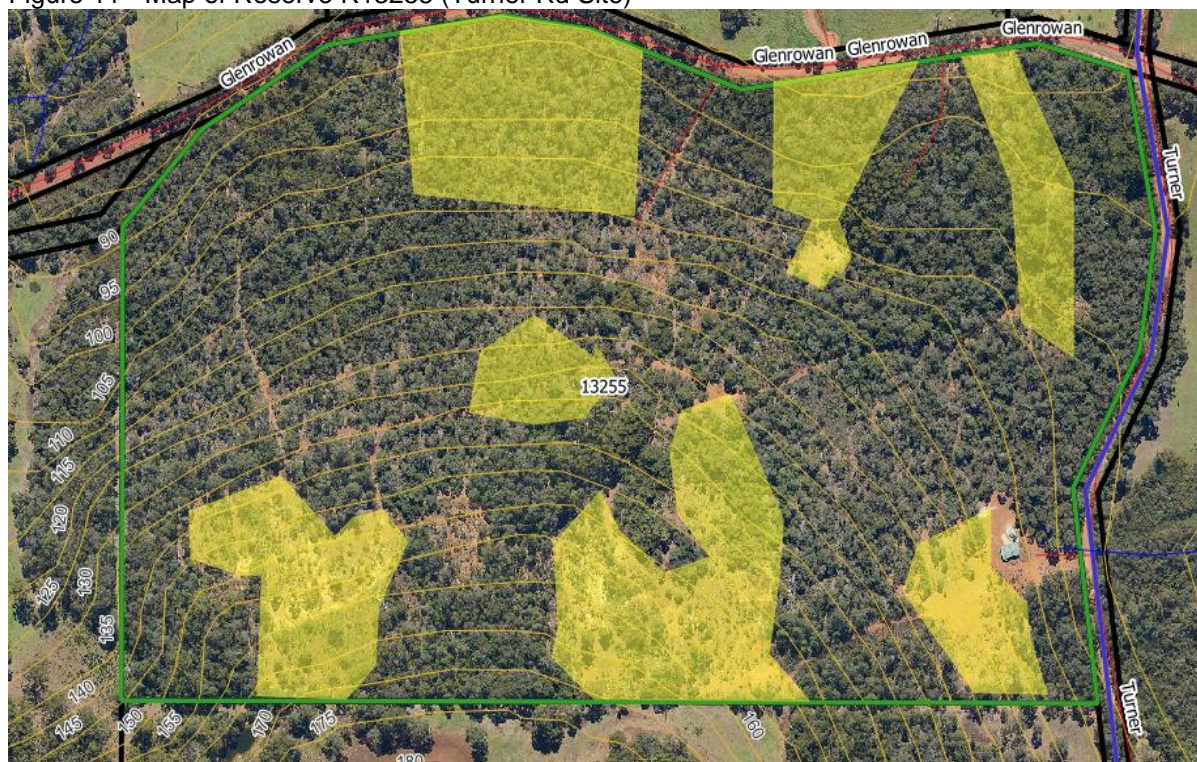


Table 3 – Discussion points on Turner Road Site

Consideration	Comment
Reserve suitability	The current reserve purpose and restrictions could accommodate a mountain bike development.
Site Area	The Reserve area is a total of 41ha.
Site suitability for desired trails	<p>Shire Officers have consulted with Outdoors Great Southern and trail building companies to determine the suitability of this proposed site from a trail development perspective.</p> <p>The advice received is that it would better suit downhill mountain biking than the cross country/family-friendly type of trails proposed for Mount Hallowell. However, the topography would allow for 'stacked loop' and 'trail finger' cross-country networks with a combination of climbing and descending routes with natural trail features of varying technicality.</p>
Environmental	<p>The Turner Rd reserve is a gravel extraction pit, with the Shire of Denmark revegetating sections of the reserve from 1991 up until 2017.</p> <p>Revegetation activities have included seed collection and propagation, planting, weed control and ongoing monitoring. The shaded areas represent the revegetation sites.</p> <p>Revegetation of the site has been problematic due to poor management practices reducing topsoil depth and introducing weed species.</p> <p>The construction of trails in this reserve is not considered to impose a significant detrimental environmental impact.</p>
Parking	Parking can be facilitated on site

Accessibility	<p>It is approximately 5 km from the town centre with potential areas for parking. This is subject to requirements of the Scotsdale/Shadforth Fire Brigade.</p> <p>No suitable path exists for the provision of a safe ride-in ride-out option for youth, and cycling on the existing gravel road network is not considered a safe route by officers.</p>
Infrastructure requirements	<p>Approximately 2km of path would be required to align the site to the town in order to make the site accessible for youth.</p> <p>Turner road is an unsealed road currently subject to significant traffic, causing issues with service levels. Advice to property owners in the area has indicated that any additional development to private property will require the upgrade of Turner Road to a sealed standard. Increasing the traffic on Turner Road as a result of trails would increase the pressure on the road and bring forward an upgrade requirement.</p> <p>The construction of a toilet would need to be considered as part of any development.</p>
Development State and timeframes	<p>Council would need to consider the eight-stage trail development process, which could commence from Stage three.</p> <p>Given the reserve status and environmental considerations, the approval process would be significantly less onerous and much more straight forward than Mount Hallowell.</p>

McLean Park

McLean Park site is shown in Figure 12, with discussion points tabulated in Table 4.

Figure 12 – McLean Park Site



Table 4 – Discussion points on McLean Park Site

Consideration	Comment
Reserve suitability	The current reserve purpose and restrictions are not problematic.
Site Area	The usable area is around 5ha.
Site suitability for desired trails	Not suitable for a cross-country trail network. This site would only be suitable for a Park Type trail network (See Figure 9). There are a number of existing trails in the area, and any development would need to accommodate walk trails.
Environmental	This site does not hold the environmental value of Mount Hallowell. The northwest part of the site is weed infested and historically was used as a waste disposal site. The remainder of the site does have reasonable quality vegetation and serves an important function as a pocket of vegetation within the Town area. There are several informal trails constructed through this reserve, and it is considered that formalising these, or adding new single-track type trails would not significantly impact the environmental value.
Parking	There is adequate parking already provided.
Accessibility	The site is very accessible as it is located in the Denmark Townsite.
Infrastructure requirements	Toilets and parking are already provided.
Development State and timeframes	A pump track has already been started, which is considered a <i>Park</i> type of trail development. With appropriate funding, additional park-type trails and features could begin without the requirement for additional approvals.

Conclusion

This report contains a discussion of several key points. These are tabulated below.

Table 5 – Summary of discussion

Subject	Report Section	Comments
Community Feedback	Consultation	This project has a high level of community interest with strong views both for and against the concept. Whilst there is significant community concern over the environment, there is also high-level community support for what this project could deliver. It is worth noting that the significant objections to this project occurred after the project area was extended into the core area of Mount Hallowell.
Land administration approvals	Statutory Obligations	To proceed at Mount Hallowell, there will be a requirement for Council to progress an amendment to the current management plan to include the provision of Mountain Biking. A revised management plan must consider conservation, environmental and heritage

		issues and be approved by the Minister (or delegate)
Environmental approvals	Statutory Obligation	<p>A clearing permit would be required through DWER.</p> <p>An EPA referral may be required through the clearing permit or Development Application processes.</p>
Aboriginal Heritage	Environmental Social	<p>A Wagyl Kaip Working Group was established at the early stages of project development and has been consulted throughout.</p> <p>The major concerns from the group have been resolved on the original 24ha site. However, this would need to be revisited for the 68ha area proposed.</p> <p>If the project were to continue, then Aboriginal monitors would be engaged by the Shire to supervise the construction works and ensure no artifacts, or sites of significance, are disturbed.</p>
Neighbourhood impacts	Social	Neighbourhood impacts and concerns over illegal or unwanted parking, vehicle noise and antisocial behaviour can be mitigated with appropriate infrastructure and controls.
Environmental impacts	Environmental	<p>Studies suggest that good design could mitigate the impact on threatened flora and fauna.</p> <p>However, the proposal impacts the 'core' area of the reserve, which can impact the core's biodiversity.</p> <p>Additional studies on the environmental impacts of the increased scope would be required if the project was to proceed.</p>
Youth benefits	Social	Mount Hallowell provides an accessible site for youth. Youth accessibility is one of the key reasons behind the identification of Mount Hallowell as the potential site for trail development by Outdoors Great Southern.
Safety concerns	Social	Trails can be designed to improve user safety and manage user group conflict.
Ongoing maintenance	Budget/Financial	<p>Officers estimate between \$5,000 to \$10,000 per annum is required.</p> <p>The maintenance burden could be reduced by agreements with the Mountain Bike Club and volunteer support as occurs at other locations around the Shire.</p>
Alternative sites	Comment/Conclusion	Turner Road site could accommodate the regional and wider local needs but a ride-in

		ride-out function would need to be considered. McLean Park site developed into a Park style trail could accommodate the ride-in youth need.
Existing Trails	Comment/Conclusion	There are no other trails planned or existing that cater to the stacked loop and trail finger cross-country experience that this proposal would offer.

There is currently no provision of stacked loop, trail finger, cross-country, or family-friendly mountain bike trails within the Shire of Denmark township. Significant feedback has identified that provision of trails is important to our community and as such, there has been a large body of work completed and investment into developing a solution.

From a recreational viewpoint, the proposed project area provides the best opportunities for mountain bike trail development within the Shire. The site is easily accessible from the town centre, Ocean Beach, and existing recreation sites and infrastructure. There is a growing demand for good quality, single-track mountain bike trails from within the resident base, as evidenced by the establishment of the Denmark Mountain Bike Club. A mountain bike trail network will allow for continued growth and participation in mountain bike activities for the community, including recreational riders and local schools.

The proposed project area provides an opportunity to address local recreational demand for mountain bike trails (evidenced by increasing unsanctioned trail construction in the reserve). It also supports the aspirations outlined in the GSRTMP to establish a network of mountain bike trails which, when marketed under one brand, could attract trail users to the region for recreational cycling.

The Ocean Beach dual-use path (walking and cycling) runs from the Denmark town centre to Ocean Beach and provides an excellent connector to the proposed trail network. Parking with access to toilets, cafes, and other services is available in the town centre and at Ocean Beach. A significant number of properties are located within a 3km radius of the proposed trail network, providing a good opportunity for visitors to "ride in/ride out" without the need for additional car parking.

From an environmental viewpoint, there are significant concerns around the Mount Hallowell site. Whilst the majority of these concerns are discussed and could be mitigated to some extent, it is accepted that there will be some level of impact on the Mount Hallowell Reserve and native flora and fauna.

The WA MTB Management Guideline document states that cross-country-type trails are incompatible with Nature Reserves. Technically, Mount Hallowell is not a Nature Reserve, as explicitly described in the guidelines as it does not fall under the tenure of DBCA and is not a Nature Reserve in accordance with the Land Administration Act. However, Mount Hallowell is a Class-A reserve protected for its high conservation value. It could be considered akin to a Nature Reserve described in the guidelines and therefore incompatible with cross-country type trails.

On balance, officers consider the benefits of the development could outweigh the environmental concerns through environmentally sensitive design and management practices. If no other site is suitable, then the development should proceed with appropriate environmental controls. However, officers believe that the community benefit can be met with a combination of alternative developments such as the Turner Road site, McLean Park and the VOG trails.

Local/Youth - This need requires the ride-in ride-out requirement that can be used after school or at weekends. The location should be within a safe riding distance to the Denmark town centre.

The cross-country trail of Mount Hallowell would suit this purpose. However, this could be suitably catered for with a Park type of development within the town centre. The ideal location for this is McLean Park, shown in Figure 12. This would be primarily a jump, pump track and skills park, but there is scope for some short single track though the reserve down to Annie Harrison Park. Construction has already begun on a pump track that could be readily expanded upon.

There is currently a Corporate Business Plan project that looks at the redevelopment of Berridge Park. It is proposed that the concept development for this project includes consideration of a Park type of development in this area.

Local/Regional - This need can be a drive-in drive-out solution that provides a family experience catering from beginner to advanced riding levels. The facility should be a stacked loop or finger trails cross country type trail.

Turner Road site (Figure 11) is most suitable for this need from a topographical consideration.

A desktop assessment of flora, fauna, and Aboriginal heritage does not flag any major concerns with progressing development of trails on this site.

It is noted that there will be a need for infrastructure and a requirement to re-visit the trail planning process. As such, there is a concern that revisiting the eight-stage process would result in this alternative option taking more time than might be expected at the Mount Hallowell site given the work completed to date. However, as detailed in this report, the level of additional consultant studies and statutory approvals required for the Mount Hallowell project will at least equal, and more likely exceed that required for the Turner Road site. As a result, it is probable that the Turner Road site could be developed in a shorter timeframe than Mount Hallowell.

Potential Next Steps if Council Proceed with Mount Hallowell

If Council resolves to proceed to Stage 5 of the trail development process for Mount Hallowell, the following steps will need to occur:

1. A Detailed assessment of trail corridors for use in determining the final trail alignment.
2. Initiate a focussed flora & fauna survey along the alignment to assess possible impacts on threatened and priority fauna should be carried out
3. Initiate a Dieback Transect survey. The comprehensive transect survey is likely to accurately map the active disease edge where it occurs in interpretable vegetation.
4. Engage with the Heritage Working Group on the expanded scope.
5. Ministerial or Departmental approval of a reviewed Mount Hallowell Management Plan.

Potential Next Steps if Council Proceed with Turner Road and McLean Park

If Council resolves not to proceed with planning for Mountain Bike Trails on Mount Hallowell, it is recommended that the following actions are progressed:

1. Incorporate a Park style trail development into the Berridge park concept planning process and consider expansion through to McLean Oval to create a connected precinct.
2. Consideration of planning phases 3-6 in the Corporate Business Plan for the Turner Road site.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 9.1.1

That Council:

1. DETERMINE not to progress stages five (5) to eight (8) of the Mount Hallowell Mountain Bike Trails.
2. REQUEST the Chief Executive Officer to:
 - a) Consider future development of Mountain Bike Trails on Reserve R13255 (Turner Rd Site) within the Corporate Business Plan and Long Term Financial Plan.
 - b) Incorporate a *Park* type trail network as part of the Berridge park concept planning process allocated in the 2022/23 budget with consideration for expansion through to McLean Oval to create a connected precinct.

COUNCIL RESOLUTION

ITEM 9.1.1a

MOVED: CR GIBSON

SECONDED: CR LEWIS

5.43pm – Cr Gearon left the room. The Deputy Shire President, Cr Gibson assumed the chair as the presiding person.

5.44pm – Cr Gearon returned and resumed the chair.

1. REQUEST the Chief Executive Officer to form a Trails Working Group to provide high-order advice on trails development within the Shire of Denmark in line with councils' priorities; with a terms of reference to be provided for Council's consideration at the December 2022 ordinary Council meeting;
2. REQUEST the CEO, as first-priority actions, to:
 - a. develop a project plan for Council's consideration with respect to the development of Mountain Bike Trails on Reserve R13255 (Turner Rd site) and report to Council by March 2023 on the Shire's capacity to incorporate into the 2023/24 Corporate Business and Long-Term Financial Plans.
 - b. select the major, or most used, trails which support walking, cycling and other modes of transport, in consultation with key stakeholder groups, to create a trail network map and / or suitable electronic equivalent to promote trail use.
 - c. identify and provide cost estimates for the installation of signage of major trails for Council's consideration in the 2023/24 Annual Budget and Corporate Business Plan.
 - d. develop cost estimates for a trail network map, and / or suitable electronic equivalent, for production and distribution, for Council's consideration in the 2023/24 Annual Budget and Corporate Business Plan.
 - e. incorporate a *Park* type trail network, as part of the Berridge Park concept planning process, allocated in the 2022/23 budget with consideration for expansion through to McLean Oval and other nearby reserves to create a connected precinct.
 - f. build collaborations with trail user-groups and interested members of the public to maintain and improve said trails including, where appropriate and possible, to allow for mountain-bike specific features on or adjacent to those trails which create interest and engagement for the cycling community but particularly for youth and families.

CARRIED: 8/0

Res: 061022

REASONS FOR CHANGE

Council wanted to broaden the level of activity designed to support mountain biking and trail use, beyond the scope of the officer recommendation.

COUNCIL RESOLUTION

ITEM 9.1.1b

MOVED: CR GIBSON

SECONDED: CR GEARON

That with respect to trail development within the Shire of Denmark, Council REQUEST the Chief Executive Officer as a second-priority action to:

Continue the 8-stage process at Mt Hallowell to progress trails development in the project area identified in attachment 9.1.1, excluding that area which includes “the core”. Such development should include at least one ‘green’ mountain-bike trail and shall be subject to the following:

- a. an updated Mt Hallowell Management Plan, endorsed by Council;
- b. completion of flora and fauna studies of the subject site, including dieback assessment;
- c. obtaining the relevant licences and permits;
- d. Indigenous cultural survey; and
- e. lodgement of a development application.

CARRIED: 8/0

Res: 071022

REASONS FOR CHANGE

Council had a willingness to develop trails on Mount Hallowell as a positive proposition unencumbered by other actions.

COUNCIL RESOLUTION

ITEM 9.1.1c

MOVED: CR GIBSON

SECONDED: CR GEARON

That with respect to trail development within the Shire of Denmark, Council REQUEST the Chief Executive Officer, as a third-priority action to:

Continue the 8-stage process over the remainder of the project area identified for trails (as per attachment 9.1.1) at Mt Hallowell, broadly in accordance with the concept plan attached to this agenda, but with consideration of having no ‘green’ trails and one-less ‘blue’ trail within ‘the core’. Such development shall be subject to the following:

- a. an updated Mt Hallowell Management Plan, endorsed by Council;
- b. completion of flora and fauna studies of the subject site, including dieback assessment;
- c. obtaining the relevant licences and permits;
- d. Indigenous cultural survey; and
- e. lodgement of a development application.

LOST: 6/2

Res: 081022

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

FOR: Cr Gibson and Cr Gearon.

AGAINST: Cr Campbell, Cr Clarke, Cr Phillips, Cr Ormsby, Cr Carman and Cr Lewis.

7.05pm – The Shire President adjourned the meeting for a short recess.

7.15pm – The Shire President resumed the meeting with all Councillors and Officers that were present prior to the adjournment, with the exception of Cr Phillips who did not return for the remainder of the meeting.

9.1.2 PROPOSED REVOCATION OF LOCAL PLANNING POLICY NO. 10 (PARKLAND CLEARING OUTSIDE BUILDING ENVELOPES) AND LOCAL PLANNING POLICY NO. 36 (BUILDING DESIGN FOR FIRE SAFETY IN SPECIFIED AREAS)

File Ref:	PLN.70
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Specified areas within the Residential, Special Residential, Special Rural & Landscape Protection Zones
Disclosure of Officer Interest:	Nil
Date:	18 October 2022
Author:	Will Hosken, Planning Officer
Authorising Officer:	David King, Director Assets and Sustainable Development
Attachments:	9.1.2a – Local Planning Policy No. 10: Parkland Clearing Outside Building Envelopes 9.1.2b – Local Planning Policy No. 36: Building Design for Fire Safety in Specified Areas

Summary:

This report requests the Council revoke two local planning policies:

- *Local Planning Policy No. 10: Parkland Clearing Outside Building Envelopes* (LPP 10).
- *Local Planning Policy No. 36: Building Design for Fire Safety in Specified Areas* (LPP 36).

LPP 10 and LPP 36 has been superseded by the development of a state-wide, comprehensive framework for considering bushfire risk at each stage of the planning process. Revocation of these policies will remove duplication and confusion between the applicable standards relating to bushfire risk mitigation.

Background:

LPP 10

On 23 June 1998 Council adopted LPP 10 with the aim of “ensuring that potential fire hazards are reduced within areas utilising building envelopes to control flammable material within 50 metres of buildings” within specified areas. The areas specified in the policy included a number of low density Residential and Special Rural subdivisions.

The intent of the policy is to specify the accepted amount of clearing that the Shire would support (upon application) outside of a building envelope for the purpose of managing fuel loads to mitigate bushfire risk.

LPP 36

On 27 July 2004 the Council adopted LPP 36 with the aim “to ensure houses built in specified areas which are heavily vegetated are constructed to a standard that will assist in a safety sense in instances of bushfire”.

The principal purpose of LPP 36 was to empower the Shire to require the preparation of a ‘fire management plan’ where a subdivision or development application was made. This plan was required to address a range of relevant matters, including:

- Access and escape routes
- Fire mitigation through strategic firebreaks, reserve management and low fuel areas around dwellings
- Fire fighting equipment and facilities to be provided (or financial contribution in lieu of)

- Appropriate siting of development and building standards

LPP 36 identifies 'specified areas' where the policy applies, including high risk Residential and Special Residential zoned areas, all Special Rural zoned areas at the time (excluding one), and one Landscape Protection zoned area.

State Framework

Prior to 2004 the planning framework (in its entirety) provided substantially less direction on how bushfire risk was to be considered and addressed through land use planning. The *Planning for Bush Fire Protection* guidelines prepared in 2001 by the State was the principal reference document at the time, as referenced in LPP 36.

Development had historically been allowed to occur in circumstances that posed a significant risk of loss of life and property in the event of a bushfire. Reviews and inquiries following significant bushfire events have informed the progressive development of standards aimed at reducing these risks by restricting where and how vulnerable land use and development may occur. These standards have also included requirements that ensure the people and resources of our community services are preserved while allowing for an efficient and effective emergency response.

The current state planning framework includes the following documents providing direction for how bushfire risk is to be addressed:

- *State Planning Policy 3.7 – Planning in Bushfire Prone Areas* (SPP 3.7)
- *Guidelines for Planning in Bushfire Prone Areas* version 1.4 (Guidelines)
- *Position Statement: Planning in Bushfire Prone Areas – Demonstrating Element 1: Location and Element 2: Siting and Design*
- Map of Bushfire Prone Areas
- Schedule 2, Part 10A of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) which outlined deemed provisions forming part of all planning schemes

The state planning framework provides a consistent and comprehensive approach to addressing bushfire risk, and continues to be revised and updated to improve practice. This considers how to identify appropriate locations for future development through a local planning strategy, appropriate access routes and siting of development through structure plans and subdivision, and site development and construction standards applied through the development application and building permit processes.

The state planning framework provides a process for determining the appropriate extent of fuel (vegetation) management necessary to minimise bushfire risk relative to construction standard. New development within a bushfire prone area (as designated by the State) is required to assess and mitigate bushfire risks in accordance with policy requirements.

Policy Inconsistencies

LPP 10 allows for parkland clearing up to 50m from a dwelling and specifies standards for the retention of trees and undergrowth that are inconsistent with the standard prescribed in the Shire's *Firebreak and Fuel Management Notice*.

Having been developed prior to the current state planning framework, LPP 10 does not reflect the need for an assessment process to occur to determine appropriate fuel management relative to vegetation type, slope and other relevant factors.

LPP 36 is inconsistent with the state planning framework from a process/ procedural perspective, and as the state framework prevails to the extent of any inconsistency LPP 36

is now unused in planning assessment. LPP 36 has ably served its purpose during the period preceding the development of the current state planning framework, but now no adds no benefit and potentially creates confusion.

Officers do not consider that revoking of either policy will unduly prejudice any landowner. Landowners will be able to continue to maintain clearing that was completed in accordance with LPP 10. Any new development or clearing that is proposed will be required to seek approval in accordance with the current planning framework – neither policy will have effect given the need for site specific assessment.

Consultation:

No consultation has taken place prior to the preparation of this report.

In accordance with the requirements of the Regulations public notices are required to advertise the revocation of each local planning policy should the Council adopt the officer recommendation of this report. This will include notices at the Shire offices and on the Shire website. It is not considered necessary to exercise the option to publish a notice in the local newspaper for this particular policy change, given both policies are no longer applicable in practice.

Extensive consultation has taken place through the progressive development of the state planning framework addressing bushfire risk.

Statutory Obligations:

The preparation, amending and revoking of a local planning policy must occur in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, including public consultation.

The Shire is required to publish notice of the revocation of a local planning policy in accordance with Schedule 2, Part 12, Clause 87.

Policy Implications:

There are no policy implications in practice given that LPP 10 and LPP 36 have been superseded by more recent changes to the state planning framework.

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

N2.0 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.

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

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

Building Planning & Health

- Deliver a review of the entire local planning framework (22/23 – 24/25)

Sustainability Implications:

Sustainability Strategy 2021-2031

- 4.1 Implement responsible and sustainable practices through policy development and land-use planning.

The clearing of remnant vegetation to manage bushfire risks should be undertaken in accordance with an appropriately qualified assessment, as provided for by the state planning framework. Removing policy standards that allow for the clearing of remnant vegetation without this assessment occurring is an improvement in practice, and may result in the retention of remnant vegetation in some instances.

➤ **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:**

An assessment of evident risks has been undertaken in accordance with the Shire's risk management framework and no risks identified in relation to the officer recommendation of this report.

Comment/Conclusion:

This report proposes the revocation of *Local Planning Policy No. 10: Parkland Clearing Outside Building Envelopes* and *Local Planning Policy No. 36: Building Design for Fire Safety in Specified Areas* in order to remove duplication of local planning policy provisions with the state planning framework.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION		ITEM 9.1.2
MOVED: CR GIBSON		SECONDED: CR CARMAN
That Council, pursuant to Schedule 2, Part 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> , resolves to:		
1. REVOKE <i>Local Planning Policy No. 10: Parkland Clearing Outside Building Envelopes</i> .		
2. REVOKE <i>Local Planning Policy No. 36: Building Design for Fire Safety in Specified Areas</i> .		
3. Publish notice of the Council's decision to revoke <i>Local Planning Policy No. 10: Parkland Clearing Outside Building Envelopes</i> and <i>Local Planning Policy No. 36: Building Design for Fire Safety in Specified Areas</i> on the Shire's website and in the Shire's offices for a period of no less than 21 days.		
CARRIED: 8/0		Res: 091022

9.2 DIRECTOR CORPORATE AND COMMUNITY SERVICES

9.2.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31 AUGUST 2022

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	2 October 2022
Author:	Lee Sounness, Acting Director Corporate & Community Services
Authorising Officer:	Lee Sounness, Acting Director Corporate & Community Services
Attachments:	9.2.1 – August 2022 Monthly Financial Report

Summary:

The monthly financial statement report is a standard financial reporting item prepared in accordance with the provisions of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996.

Council is to consider the financial results for the period ending 31 August 2022.

Background:

In accordance with Financial Management Regulation 34, the Shire is to prepare a monthly Statement of Financial Activity reporting on the sources and applications of funds, as set out in the annual budget under Financial Management Regulation (1) (d), for that month with the following details:

- a) annual budget estimates;
- b) budget estimates to the end of the month to which the statement relates;
- c) actual amounts of expenditure, revenue, and income to the end of the month to which the statement relates;
- d) material variances between the comparable amounts referred to in (b) and (c); and
- e) net current assets at the end of the month to which the statement relates.

Consultation:

Nil

Statutory Obligations:

LOCAL GOVERNMENT ACT 1995 S6.8 (1)(b) – a Local Government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by resolution.

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATION 34

Regulation (1) – the Shire is to prepare a monthly Statement of Financial Activity reporting on the sources and applications of funds, as set out in the annual budget.

Regulation (1)(d) the monthly Statement of Financial Activity includes material variances between budget estimates and actual expenditure, revenue, and income.

Regulation 34(5) - Council adopted a material variance threshold of 10% or a minimum of \$10,000, whichever is greater. (Res: 230821)

Policy Implications:

Policy P040222 - Material Variances in Budget and Actual Expenditure - An explanation or report is required for levels of variances for financial reporting exceeding 10% (minimum dollar variance of \$10,000) of the annual budget estimates to the end of the month to which the report refers for each program or General/Ledger Job Account.

Budget / Financial Implications:

There are no significant trends or issues to be reported since the budget adoption on 2nd August 2022. Some minor variances to year-to-date budgets are disclosed in Note 3(a) of the financial statements including those relating to timing of the works program due to seasonal issues.

Strategic & Corporate Plan Implications:

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

Denmark 2027

L5.4 To be fiscally responsible

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 commentary contained in the body of this report is in line with Financial Management Regulation 34(2)(b) that requires commentary on material variances to the Statement of Financial Activity at the nature/type, program, or business unit level.

The Statement of Financial Activity for the period ended 31 August 2022 shows a year-to-date actual closing net current funding position of \$10,210,244 (surplus) compared to the year-to-date budget of \$10,004,485, a year-to-date variance of \$205,757.

The adopted budget for 2022/2023 was built on an estimated brought forward surplus position from 2021/2022 of \$2,192,772. The current draft financial statements for the year ended 30 June 2022 (pre audit) show a closing net current funding position (surplus) of \$2,246,844, a variance increase of \$54,072 to budget. The variation to the estimated closing financial position was the result of the finalisation of year-end accruals and adjustments to various restricted grants, and, after audit verification will be accounted for as part of the mid-year review expected to be presented to Council for adoption in February 2023.

Statement of Financial Activity (by Nature and Type)

Actual operating revenue is \$30,442 higher than the year-to-date budgeted amount.

Actual operating expenditure is \$676,085 less than the year-to-date budgeted amount. The main factors for this variance is the depreciation expense for all asset classes have not been calculated for this reporting period. Depreciation expense will be applied once the annual audit of the financial accounts for the year ended 30 June 2022 has been completed.

There are some variances in timing for the undertaking of contracted works when compared to the budget profile. (refer to Materials and Contracts Expense).

\$287,843 capital expenditure has been incurred to the end of August 2022, which is reasonably in line with the year to date budget estimate. This represents 2.66% of the annual budgeted capital works and is usual for this early stage of the financial year.

Outstanding Debtors (Note 4)

As at 31 August 2022, outstanding sundry debtors totalled \$619,416 compared to \$321,058 at the same time last year. The variance year on year mainly relates to Peaceful Bay lease charges which were raised as debtors in August this year but were not raised until October last year due to the later adoption of the budget. These charges amount to \$435,736 (GST inclusive) for 2022 less any amounts received to the end of August 2022.

The rates collection percentage for the year to date sits at 15.81% (see Note 4), compared to 1.69% at the same time last year. This variance in collection percentages relates to the later timeline in the adoption of the 2021/2022 budget and the adjusted due dates for the rates revenue raised.

Reserves

The movement in cash backed reserve funds represents interest earned on reserve funds and transfers to and from reserves as adopted in the budget. The more significant transfers are normally performed towards the end of the financial year to coincide with the completion of the capital works program to which most transfers relate.

Cash Management

As at 31 August 2022, total cash funds held (excluding trust funds) totals \$6,524,016 (Note 1).

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

Reserve Funds (restricted) total \$4,808,834 (Note 5).

Municipal Funds (unrestricted) total \$1,715,182 (Note 2).

Emergency Maintenance Expenditure - Coastal Infrastructure

Due to unforeseen erosion to section of Prawn Rock Channel within the vicinity of the footpath, boardwalk and pontoon bridge, emergency maintenance expenditure of up to \$100,000 is required to provide foot path and road infrastructure. All expenditure related to the emergency repairs of prawn rock will be costed to Job No.11042 – Coastal Infrastructure Maintenance, which has a 2022/23 budget of \$26,000. At the 2022/23 mid year budget review, officers will request amendment to this account, with the additional budget expenditure to be funded by operational savings identified during the review or by applicable reserve funds.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION

ITEM 9.2.1

MOVED: CR GEARON

SECONDED: CR CLARKE

That Council RECEIVE the Financial Reports, incorporating the Statement of Financial Activity and other supporting documentation, for the period ending 31 August 2022.

CARRIED: 8/0

Res: 101022

9.2.2 LIST OF PAYMENTS FOR THE PERIOD ENDING 31 AUGUST 2022

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	04 October 2022
Author:	Jodi Masson, Acting Manager of Corporate Services
Authorising Officer:	Lee Sounness, Acting Director Corporate & Community Services
Attachments:	9.2.2 – August 2022 Monthly List of Payments Summary

Summary:

The purpose of this report is to advise the Council of payments made during the period 1 August 2022 to 31 August 2022.

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.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.2.2
MOVED: CR GEARON	SECONDED: CR GIBSON
That with respect to the attached Schedule of Payments, totalling \$1,564,091.59, for the month of August 2022, Council RECEIVE the following summary of accounts:	
<ul style="list-style-type: none"> • Electronic Funds Transfers EFT33533 to EFT33683 - \$983,232.18; • Municipal Fund Cheque No's 60500 – 60502 - \$7,822.60; • Internal Account Transfers (Payroll) - \$453,982.79; and • Direct Debit - \$7,630.04; • Corporate Credit Card; \$877.53; • Department of Transport Remittances; \$93,973.50, and • Loan Payments: \$16,572.95 	
CARRIED: 8/0	Res: 111022

9.2.3 INVESTMENT REPORT FOR THE PERIOD ENDED 31 AUGUST 2022

File Ref:	FIN.19
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	1 October 2022
Author:	Lee Sounness, Acting Director Corporate & Community Services
Authorising Officer:	Lee Sounness, Acting Director Corporate & Community Services
Attachments:	9.2.3 - August 2022 Investment Register

Summary:

This report presents the Investment Register for the period ending 31 August 2022.

Background:

This report is for Council to receive the Investment Register for the period ending 31 August 2022.

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	25%	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 Plan Objectives and Goals and the Corporate Business Plan Actions and Projects in the following specific ways:

Denmark 2027

L5.4 To be fiscally responsible

Corporate Business Plan

Nil

Sustainability Implications:**➤ Governance:**

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

➤ Environmental:

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

➤ Economic:

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

➤ Social:

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

➤ Risk:

Nil.

Comment / Conclusion:

The attached Investment Register summarises how funds are invested as per the Shires Investment Policy and reports on the Investment Portfolio balance as at 31 August 2022.

The Investment Portfolio did not comply with the criteria of Investment Policy P040229 at the end of August 2022. The portfolio balance mix meets the requirement of no single institution holding more than 50% of the total funds invested, however, the Shire had 26.81% of total funds invested with an A-2 rated financial institution, which is above the 25% maximum limit prescribed. This non-compliance has been rectified in the Investment Register for the month of September

The total Reserve Funds invested as at 31 August 2022 totals \$4,808,568.

The total Municipal Funds Invested as at 31 August 2022 totals \$0.

The Reserve Bank of Australia (RBA) has altered its cash rate for this month. The cash rate is now set at 1.85%.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION

ITEM 9.2.3

MOVED: CR CAMPBELL

SECONDED: CR GIBSON

That Council RECEIVE the Investment Register (attachment 9.2.3) for the period ended 31 August 2022.

CARRIED: 8/0

Res: 121022

9.3 CHIEF EXECUTIVE OFFICER

Cr Phillips had declared a financial interest in Item 9.3.1 as she was an affected resident living at Peaceful Bay full time. Cr Phillips had already left the meeting.

9.3.1 PEACEFUL BAY FULL TIME OCCUPANCY APPROVALS

File Ref:	A3104, A1970, A1897, A1830, A1854, A1858, A1844, A1823, A1957, A1931, A2439, A2442, A2446, A2456, A2433, A2428, A1875, A1945, A2448
Applicant / Proponent:	Various
Subject Land / Locality:	Reserve No. 24510, Peaceful Bay
Disclosure of Officer Interest:	Nil
Date:	4 October 2022
Author:	Robert Ohle, Principal Environmental Health Officer Claire Thompson, Governance Coordinator
Authorising Officer:	David Schober, Chief Executive Officer
Attachments:	9.3.1 - Peaceful Bay Full Time Occupancy Policy

Summary:

This report requests that Council consider renewal of the fulltime, non-transferable occupancy approvals at Peaceful Bay for a further 5 year term to June 2027.

Background:

Council holds the management order for Reserve 24510, for the purposes of "Recreation, Camping, Caravan Park and Holiday Cottages", with power to lease for a period of up to 21 years, and currently administers 203 leasehold lots in the Peaceful Bay leasehold area. These lots are leased for holiday accommodation purposes and the lease stipulates that specific Council approval is required for these properties to be used for full time occupancy.

Consultation:

The officer has discussed the proposed renewals with the President of the Peaceful Bay Progress Association Inc. who advised that he welcomed the proposal for Council to renew the further term given the benefits of having permanent residents at Peaceful Bay, particular with respect to fire mitigation, general public safety and community participation.

Statutory Obligations:

Inspections or evidence is collected with due consideration of the Building Code of Australia, the Public Health Act 2016 and the AS/NZS: 3000 Electrical Installations.

The Peaceful Bay Heritage Precinct Conservation Plan includes the following reference:
"Policy 50 The use of the place should remain as holiday or residential use. Home occupations should be permitted in accordance with the Shire of Denmark Town Planning Scheme.

At the present time the precinct is used for holiday accommodation. There appear to be a number of permanent residents. The number of permanent residents is likely to increase. This is a compatible use although care has to be taken that it does not change those elements of the precinct that are significant. There also appear to be a number of home occupations in the precinct. Home occupations are also considered to be a compatible use as they are required to be in accordance with the Shire of Denmark Town Planning Scheme."

Item in the Peaceful Bay holiday accommodation leases reads;

Permitted Use

Holiday cottage which shall not be occupied for any single consecutive period of THREE (3) months or combined period or several short term periods which in total are greater

than SIX (6) months in any one Rental Year, without the prior written consent of the Lessor.

Policy Implications:

The Peaceful Bay Full Time Occupancy Approvals Policy relates (see Attachment 9.3.1).

In December 2021, a delegation providing authority to the CEO to consider applications was removed because it is not technically classed as a delegation. A review by the Western Australian Local Government Association, recommended that it be a policy, which it was already.

The policy attached has been reviewed and includes some recommended re-wording, that does not change the intent of the policy.

Reference to full time occupancies being limited to 40 (or 20%) of the 203 leaseholds has been included. This was in the previous “delegation” and officers believe it is a critical condition that Council should retain.

Budget Implications:

Application fees for full time occupancy are currently \$285 which includes an inspection prior to approval consideration.

Strategic & Corporate Plan Implications:

The report and officer recommendation is consistent with Council’s adopted Strategic Plan Objectives and Goals in the following specific ways:

Strategic Community Plan**N2.0 Our Natural Environment**

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

N2.1 To preserve and protect the natural environment.

B3.0 Our Built Environment

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

B3.4 To manage assets in a consistent and sustainable manner.

L5.0 Our Local Government

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

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

Sustainability Implications:**➤ Governance:**

The policy provides the administration and the leaseholders with clear, consistent guidance on the parameters around full time occupancy at Peaceful Bay. A review is required every five (5) years which gives the Council opportunity to re-consider its position and whether the current conditions remain effective.

➤ Environmental:

The Shire’s Principal Environmental Health Officer regularly monitors water quality at Peaceful Bay and considers that the number of full time occupants, being 40, to still be acceptable.

➤ Economic:

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

➤ **Social:**

Permanent occupants at Peaceful Bay help to create a sense of community and “neighbourhood” watch.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not renew the full time occupancies at Peaceful Bay.	Unlikely (2)	Minor (2)	Low (1-4)	Not Meeting Community expectations	Accept Officer Recommendation

Comment/Conclusion:

Currently there are eighteen (18) full time occupancy approvals, being 9% of the total number of leases at Peaceful Bay.

All proposed premises have been inspected, or evidence has been received by the Principal Environmental Health Officer (PEHO), to ensure that they are in a fit state of repair and suitable for full time habitation for the number of persons proposed. Each dwelling requires compliant hard wired smoke alarms, dual earth leakage circuit breakers (RCDs) and their septic tanks systems to be functional. The Officer has recommended that Council approve the renewal of all 18 approved full time occupancy.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION

ITEM 9.3.1

MOVED: CR DEVENPORT

SECONDED: CR ORMSBY

That with respect to the fulltime occupancy at Peaceful Bay, Council;

1. GRANTS renewal to the following Peaceful Bay Leaseholders for full time occupancy for a further period of five years;
 1. James and Lorraine McNamara, No.16 (Lot 163) East Avenue
 2. Frank and Helen James, No. 25 (Lot 90) East Avenue
 3. Lyle Clark, No. 29 (Lot 23) First Avenue
 4. Elwyne Lee Edwards, No. 12 (Lot 47) First Avenue
 5. Alan Reeves, No. 39 (Lot 51) Second Avenue
 6. John and Gail, Myers, No. 14 (Lot 37) Second Avenue
 7. Muff Parker, No. 32 (Lot 16) Second Avenue
 8. Bob and Kate Eddington, No. 47 (Lot 150) Fourth Avenue
 9. Greg Hale, No. 42 (Lot 124) Fourth Avenue
 10. Darelle Herkner, No. 11 (Lot 184) Fifth Avenue
 11. Jo Walker, No. 17 (Lot 187) Fifth Avenue
 12. Janine Phillips, No. 25 (Lot 191) Fifth Avenue
 13. Tony Armstrong, No. 45 (Lot 201) Fifth Avenue
 14. Michelle Burkett, No. 18 (Lot 178) Fifth Avenue
 15. Roxanne Hawkes, No. 5 (Lot 68) Second Avenue
 16. Robert Addison, No. 32 (Lot 173) Fifth Avenue
 17. Nevionne and Rick Cuttriss, No. 23 Lot (138) Fourth Avenue
 18. Brian Goodwin and Kimiora McCarthy No. 29 (Lot 193) Fifth Avenue
2. AMEND the Peaceful Bay Full Time Occupancy Approvals Policy as shown in Attachment 9.3.1.

CARRIED: 8/0

Res: 131022

9.3.2 LOCAL GOVERNMENT ACT REFORM – WARDS AND REPRESENTATION

File Ref:	ELC.5
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	5 October 2022
Author:	Claire Thompson, Governance Coordinator
Authorising Officer:	David Schober, Chief Executive Officer
Attachments:	Nil

Summary:

Council is required to determine whether to undertake a voluntary Ward & Representation Review by February 2023 or wait for the outcome of a proposed Bill to parliament, which would result in the automatic abolishment of wards for the Shire of Denmark.

Background:

In July this year, the Minister for Local Government announced a final package of local government reforms. These included:

- The introduction of preferential voting;
- Directly elected Mayors and Presidents for band 1 and 2 local governments;
- Councillor numbers based on population; and
- Removal of wards for band 3 and 4 local governments.

The Minister has now advised that the Bill to amend the Local Government Act 1995 accordingly, is being drafted and is likely to be introduced to Parliament in early 2023.

A recent letter from the Minister has provided the Shire of Denmark with the option of voluntary or default action, requesting a response by the 28 October 2022.

Consultation:

A ward and representation review requires consultation in accordance with Schedule 2.2 of the Local Government Act 1995.

Statutory Obligations:**LOCAL GOVERNMENT ACT 1995**

Section 2.10(a) – A councillor's role is to 'represent the interests of electors, ratepayers and residents of the district'.

Schedule 2.2 details the process that a local government must follow when undertaking a ward and representation review.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

A ward and representation review project has not been included in the 2022/23 Budget.

Should Council wish to undertake a voluntary review prior to February 2023 it may need to be outsourced due to the competing priorities that staff have already. An external review is estimated at approximately \$5,000 (ex GST) however, quotes have not been sourced at the time of writing this report.

The cost of an external review could be accommodated within the Shire's consultancy budget line and any undue financial implications could be considered during the mid-year budget review.

Strategic & Corporate Plan Implications:

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

L5.0 Our Local Government

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

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

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

L5.5 To embrace change, apply technological advancement and pursue regional partnerships that drive business efficiency.

Sustainability Implications:

➤ **Sustainability Strategy:**

There are no known significant implications with respect to the Shire's Sustainability Strategy.

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Financial: That should Council choose to undertake a voluntary review it would require financial resources that have not been budgeted for.	Unlikely (2)	Insignificant (1)	Low (1-4)	Inadequate Financial, Accounting or Business Acumen	Accept Risk

Comment/Conclusion:

Of the proposed reforms, apart from the introduction of preferential voting that will affect every local government in Western Australia, the only impact on the Shire of Denmark will be the abolishment of wards.

The Minister has provided Council with the option of undertaking a voluntary review, commencing immediately to conclude in February 2023, or choosing the default pathway.

If the amendment goes through Parliament the effect will be that all band 3 and 4 local governments will have no wards, effectively immediately. The Shire of Denmark is a band 3 local government.

The default pathway is to do nothing at this stage and wait until the Bill goes through the Parliament.

If Council were to undertake a voluntary review and the community view was to retain wards, the effect of the amendment would overturn any such recommendation anyway.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.3.2
MOVED: CR GEARON	SECONDED: CR CARMAN
That Council INFORM the Minister for Local Government that the Shire of Denmark's preference is the default pathway.	
CARRIED: 8/0	Res: 141022

9.3.3 ULURU STATEMENT FROM THE HEART ACKNOWLEDGEMENT

File Ref:	PBR.5
Applicant / Proponent:	Shire of Denmark
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	5 October 2022
Author:	David Schober, Chief Executive Officer Courtney Walsh, Communications and Engagement Officer
Authorising Officer:	David Schober, Chief Executive Officer
Attachments:	9.3.3 – Uluru Statement from the Heart

This item was considered earlier in the meeting. Refer to page 11.

10. COMMITTEE REPORTS AND RECOMMENDATIONS

10.1 SUSTAINABLE PROJECTS COMMITTEE MINUTES 02 AUGUST 2022 & RECOMMENDATIONS

File Ref:	COMM.SPC
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	5 October 2022
Author:	Damian Schwarzbach, Manager Sustainable Projects
Authorising Officer:	David King, Deputy Chief Executive Officer
Attachments:	10.1a - Sustainable Projects Committee Minutes 02 August 2022 10.1b - Sustainable Projects Committee Charter

Summary:

Council is requested to receive Minutes from the Sustainable Projects Committee (SPC) meeting held on 2 August 2022 and consider a recommendation from the SPC.

Background:

The SPC held a meeting on 2 August 2022.

Consultation:

Nil

Statutory Obligations:

Section 5.22 of the Local Government Act 1995 requires that the Presiding Person of a Council Committee is to cause minutes to be kept of the meeting's proceedings.

Minutes of Council Committee meetings are not required under legislation to be presented to Council however, the Chief Executive Officer has determined that, in order to improve transparency and ensure that Councillors are aware of their various Committees' activities, all Advisory Committee minutes will be presented to Council to be received.

Council Committees are generally established to advise, and make recommendations to, Council.

Policy Implications:

Nil

Budget / Financial Implications:

Nil

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.

Sustainability Implications:**➤ Governance:**

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

➤ Environmental:

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

➤ Economic:

There are no known significant environmental 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:

It is recommended that the Minutes from 2 August 2022 be received by Council. A copy of the minutes is provided as Attachment 10.1a.

At the meeting, it was recommended to amend the Committee Charter as below. A copy of the current Charter is attached (see Attachment 10.1b).

COMMITTEE RECOMMENDATION – 2 August 2022

"That with respect to the Sustainable Projects Committee, Council:

1. AMEND the Committee Charter by:

- a) REPLACING 5.0 VISION statement with "The Committee will assist the Shire of Denmark in achieving the key principles and objectives contained within the Sustainability Strategy."*
- b) AMENDING 9.2 COMMITTEE MEETINGS to "Meetings shall be held bi-monthly, or as required, and can be called by the Presiding Person and/or the Secretary."*
- c) REMOVING reference to the Sustainability Pillars under 10.0 Strategic Alignment.*

Officers support the recommendation for the following reasons:

- 1. The vision statement and strategic alignment better reflect the SPC's overall aim. This amendment seeks to incorporate all aspects of the Sustainability Strategy rather than a narrowed scope as defined currently.
- 2. The change manages the impacts on organisational resources.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 10.1a)
MOVED: CR LEWIS	SECONDED: CR CAMPBELL
That Council RECEIVE the Committee Minutes for the meeting held on 2 August 2022.	
CARRIED: 8/0	Res: 151022

COUNCIL RESOLUTION & COMMITTEE & OFFICER RECOMMENDATION	ITEM 10.1b)
MOVED: CR LEWIS	SECONDED: CR GIBSON
That with respect to the Sustainable Projects Committee, Council AMEND the Committee Charter by:	
1. REPLACING 5.0 VISION statement with "The Committee will assist the Shire of Denmark in achieving the key principles and objectives contained within the Sustainability Strategy."	
2. AMENDING 9.2 COMMITTEE MEETINGS to "Meetings shall be held bi-monthly, or as required, and can be called by the Presiding Person and/or the Secretary."	
3. REMOVING reference to the Sustainability Pillars under 10.0 Strategic Alignment.	
CARRIED: 8/0	Res: 161022

11. MATTERS BEHIND CLOSED DOORS

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 11
MOVED: CR GEARON	SECONDED: CR GIBSON
That Council move behind closed doors to consider Item 11.1 in accordance with section 5.23(2)(e) of the Local Government Act 1995.	
CARRIED: 8/0	Res: 171022

11.1 TEN.1-2022/23 – OCEAN BEACH LIME QUARRY ON RESERVE 46273 – EXTRACTION, CRUSHING AND SCREENING OF LIMESTONE MATERIAL FOR THE PRODUCTION OF AGRICULTURAL LIME

File Ref: TEN.1-2022/23
Applicant / Proponent: Shire of Denmark
Subject Land / Locality: Ocean Beach Lime Quarry
Disclosure of Officer Interest: Nil
Date: 4 October 2022
Author: David King, Deputy Chief Executive Officer
Authorising Officer: David Schober, Chief Executive Officer
Attachments: 11.1 - Mine Staging Plan 2021 – 2025 (confidential)

This item is confidential to Councillors and has been provided to them under separate cover.

<p>COUNCIL RESOLUTION & OFFICER RECOMMENDATION</p> <p>MOVED: CR GIBSON</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. ACCEPT the tender from <i>Nexgen Crushing and Screening</i> for TEN.1-2022/23 for Separable Portions 1, 2. SET the fee and charge for Lime Sand to be \$39/T ex GST for the 2022/23 financial year. 3. REQUEST that the Chief Executive Officer amend the budget at the mid year review to reflect updated forecasts. <p>CARRIED: 8/0</p>	<p>ITEM 11.1</p> <p>SECONDED: CR GEARON</p> <p>Res: 181022</p>
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The Shire President noted that there were no members of the public waiting to return to the room and therefore did not see the need to formally come out from behind closed doors.

12. NEW BUSINESS OF AN URGENT NATURE

Nil

13. CLOSURE OF MEETING

7.44pm - There being no further business to discuss the Shire President declared the meeting closed.

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

Signed: _____
David Schober – Chief Executive Officer

Date: _____

These minutes were confirmed at a meeting on the _____.

Signed: _____
(Presiding Person at the meeting at which the minutes were confirmed.)