

SHIRE OF DENMARK

Ordinary Council Meeting

AGENDA

24 September 2024

TO BE HELD IN COUNCIL CHAMBERS, 953 SOUTH COAST
HIGHWAY, DENMARK, ON TUESDAY, 24 SEPTEMBER 2024,
COMMENCING AT 4.00PM.



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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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

MEMBERS:

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

STAFF:

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

ON APPROVED LEAVE(S) OF ABSENCE

ABSENT WITHOUT LEAVE

VISITORS

3. DECLARATIONS OF INTEREST

Name	Item No	Interest	Nature

4. ANNOUNCEMENTS BY THE PERSON PRESIDING

5. PUBLIC QUESTION TIME

5.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5.2 PUBLIC QUESTIONS

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

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

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

Questions from the Public

5.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

5.4 PRESENTATIONS, DEPUTATIONS & PETITIONS

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

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

Nil.

6. APPLICATIONS FOR FUTURE LEAVE OF ABSENCE

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

7. CONFIRMATION OF MINUTES

7.1 ORDINARY COUNCIL MEETING – 27 AUGUST 2024

OFFICER RECOMMENDATION	ITEM 7.1
That the minutes of the Ordinary Meeting of Council held on the 27 August 2024 be CONFIRMED as a true and correct record of the proceedings.	

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

Nil

9. REPORTS OF OFFICERS

9.1 DEVELOPMENT SERVICES

Nil

9.2 CORPORATE SERVICES

9.2.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31 AUGUST 2024

File Ref:	FIN.1
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	11 September 2024
Author:	Scott Sewell, Financial Accountant
Authorising Officer:	Kellie Jenkins, Executive Manager Corporate Services
Attachments:	9.2.1 – August 2024 Monthly Financial Report

IN BRIEF

- Under the Local Government Financial Management Regulations, a local government is to prepare monthly, a statement of financial activity that reports on the Shire’s financial performance in relation to its adopted budget.
- The Shire of Denmark’s Statement of Financial Activity for the period ending 31 August 2024 has been prepared and is attached.
- In addition, the Shire provides Council with a monthly investment register to ensure the investment portfolio complies with the Shire’s Investment Policy.
- To seek approval from Council to amend the 2024/2025 Budget to include the completion of capital works on fish cleaning station infrastructure commenced in the 2023/2024 financial year.

VOTING REQUIREMENTS

1. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.2.1
That Council RECEIVE the Financial Activity Statements for the period ending 31 August 2024, incorporating the Statement of Financial Activity and other supporting documentation, as per Attachment 9.2.1.	

2. Absolute majority.

OFFICER RECOMMENDATION	ITEM 9.2.1
That Council APPROVE a 2024/2025 budget amendment to include completion of capital works on fish cleaning station infrastructure as follows:	
a) Increase expenditure for other infrastructure capital works by \$20,000; and	
b) Increase transfer from Infrastructure Reserve by \$20,000.	

LOCATION

- 3. Nil.

BACKGROUND

- 4. To meet statutory reporting obligations, the Monthly Financial Report provides a snapshot of the Shire’s year-to-date financial performance. The report includes the following:
 - Statement of Financial Activity by Nature or Type;
 - Explanation of Material Variances;
 - Net Current Funding Position;
 - Receivables;
 - Capital Acquisitions;
 - Cash Backed Reserve Balances;
 - Loan Schedule;
 - Investment Register; and
 - Cash and Investments Summary.
- 5. Each year a local government is required to adopt a percentage or value to be used in the Statement of Financial Activity for reporting material variances. For 2024/2025 financial year, under Resolution 090724, Council adopted the monthly reporting variance of 10% or greater that requires an explanation or report, with a minimum dollar variance of \$10,000.
- 6. Pursuant to the Shire’s Investment Policy, an investment report and investment register are to be provided to Council monthly, detailing the investment portfolio in terms of performance and counterparty percentage exposure of total portfolio.

DISCUSSION / OFFICER COMMENTS

- 7. The Statement of Financial Activity for August 2024 shows a closing funding surplus of \$10,763,588. The adopted budget for the year ended 30 June 2025 is premised on a zero-year end closing funding position. Operating income exceeds the budget by \$7,584, and Operating expenses are \$806,225 below budget. The main factors contributing to these variances are detailed in Note 1 – Major Variances within the attachment.
- 8. Notably, depreciation expense for all asset classes has not been calculated for this reporting period. Depreciation expense will be applied for the 2024/2025 financial year once the annual audit of the financial accounts for the year ending 30 June 2024 is completed.
- 9. A summary of the financial position for August 2024 is detailed in the table below:

	Amended Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/ (a)
	\$	\$	\$	\$	%
Opening Funding Surplus / (Deficit)	1,201,040	1,201,040	1,199,252	-1,788	0%

Revenue					
Operating revenue	15,018,031	11,690,701	11,698,285	7,584	0%
Capital revenue, grants and contributions	8,040,336	681,000	687,176	6,176	1%
	23,058,367	12,371,701	12,385,462	13,761	
Expenditure					
Operating Expenditure	-19,185,881	-3,037,865	-2,231,640	806,225	27%
Capital Expenditure	-10,392,707	-655,640	-589,156	66,484	10%
	-29,578,588	- 3,693,505	-2,820,796	872,709	
Funding balance adjustments	5,319,181	904,282	-330	-904,612	-100%
Closing Funding Surplus / (Deficit)	0	10,783,518	10,763,588	-19,380	0.65%

OTHER INFORMATION

10. Operating Grants & Contributions Revenue is lower than budget, primarily due to the funding distribution from the WA (Western Australian) Local Government Grants Commission. Factors such as pre-release of funding, a prior year error in payment calculation, and changes to the distribution mechanism and formula are expected to reduce the Shire’s revenue from this source in the 2024/2025 financial year and beyond. Management is currently reviewing this matter, and it is anticipated that more information will be available to fully assess the impact by the mid-year budget review, which will be presented to Council in February 2025.

INVESTMENT REPORT

11. Pursuant to the Shire’s Investment Policy, an investment report and investment register are to be provided to Council monthly, detailing the investment portfolio in terms of performance and counterparty percentage exposure of total portfolio. The investment register provides details of investment income earned against budget, whilst confirming compliance of the portfolio with legislative and policy limits.
12. As at 31 August 2024, the total cash funds held, including trust funds, totals \$6,533,790.
13. Summary – Cash and Investments
- Municipal Funds total \$1,926,896
 - Shire Trust Funds total \$850
 - Reserve Funds (restricted) invested, total \$4,606,043
 - Municipal Funds (unrestricted) invested, total \$1,001,929.
14. The official Reserve Bank of Australia’s (RBA) cash rate is currently 4.35%, as set during the Reserve Bank Board meeting on 7 November 2023. No further adjustments to the cash rate have been made at the time of writing this report.

BUDGET AMENDMENT

15. For Council to approve a budget amendment to the 2024/2025 Budget to include the completion of capital works on the fish cleaning station infrastructure at Peaceful Bay that commenced in the 2023/2024 financial year.

16. The Shire's capital infrastructure works for the 2024/2025 budget omitted the necessary expenditure and funding to complete the fish cleaning facilities at Peaceful Bay. An officer recommendation has been included to amend the budget, reflecting the relevant budget impact to ensure the completion of these capital infrastructure works.

CONSULTATION AND EXTERNAL ADVICE

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

STATUTORY / LEGAL IMPLICATIONS

Local Government (Financial Management) Regulations 1996

18. Regulation 34 (1-5) outlines the requirements for financial activity statements.

The Local Government Act 1995

19. Section 6.8, Local government is not to incur expenditure from its municipal fund for additional purposes unless the expenditure is authorised in advance by Council resolution.

20. Section 6.14 outlines the power to invest for local governments.

The Trustees Act 1962

21. Part III Investments covers the investment powers and responsibilities of trustees.

The Local Government (Financial Management) Regulations 1996

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

STRATEGIC / POLICY IMPLICATIONS

23. Nil.

FINANCIAL IMPLICATIONS

24. The Shire's 2024/2025 Annual Budget provides a set of parameters that guides the Shire's financial practices.
25. Any financial implications or trends are detailed within the context of this report.

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

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

9.2.2 PAYMENT OF ACCOUNTS FOR THE PERIOD ENDING 31 AUGUST 2024

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	9 August 2024
Author:	Kelly Schroeter, Senior Finance Officer
Authorising Officer:	Kellie Jenkins, Executive Manager Corporate Services
Attachments:	9.2.2 – Payment of Accounts – August 2024

IN BRIEF

- To advise Council of payments made for the period 1 August to 31 August 2024.

VOTING REQUIREMENTS

- 1. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.2.2
That Council RECEIVE the payment of accounts totalling \$2,081,159.30 for the month of August 2024, as per Attachment 9.2.2.	

LOCATION

- 2. Not applicable.

BACKGROUND

- 3. Nil.

DISCUSSION / OFFICER COMMENTS

- 4. Nil.

CONSULTATION AND EXTERNAL ADVICE

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

STATUTORY / LEGAL IMPLICATIONS

Local Government (Financial Management) Regulations 1996

- 6. Regulation 13

STRATEGIC / POLICY IMPLICATIONS

- 7. Nil

FINANCIAL IMPLICATIONS

- 8. Nil.

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

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

9.3 GOVERNANCE

9.3.1 GREEN SKILLS AND DENMARK WALPOLE FOOTBALL CLUB RATE WAIVER

File Ref:	LEA.53, LEA.58, A6184 and A6147
Applicant / Proponent:	Not applicable
Subject Land / Locality:	1. Portion of 326 on Deposited Plan 403090 2. Portion of Lot 1087 on Deposited Plan 193666
Disclosure of Officer Interest:	Nil
Date:	13 August 2024
Author:	Claire Thompson, Governance Coordinator
Authorising Officer:	David King, Chief Executive Officer
Attachments:	Nil

IN BRIEF

- Council is asked to consider waiving the 2023/2024 rates for the Green Skills Inc. (Containers for Change) lease and the Denmark Walpole Football Club Inc. lease.

VOTING REQUIREMENTS

1. Absolute majority.

OFFICER RECOMMENDATION ITEM 9.3.1a

That Council WAIVE the 2023/24 rates for the Green Skills Inc. – Containers for Change lease area being \$1,573.00.

OFFICER RECOMMENDATION ITEM 9.3.1b

That Council WAIVE the 2023/24 rates for the Denmark Walpole Football Club Inc. lease area being \$1,137.09.

LOCATION

2. Green Skills Inc. lease a portion of Lot 326 on Deposited Plan 403090, 46 East River Road, Denmark for the purpose of managing the Containers for Change shed and operations.
3. Denmark Walpole Football Club Inc. lease a portion of Lot 1087 on Deposited Plan 193666, 63 Brazier Street, Denmark for the purpose of managing the McLean Oval Clubrooms.

BACKGROUND

4. Council granted Green Skills Inc. a lease in February 2023.
5. Council granted the Denmark Walpole Football Club a lease in July 2023.
6. In both reports, the officer recommendation omitted to include waiving the rates for the 2023/24 financial year, even though waiving rates had been a consistent approach Council had applied to all community group leases.
7. The lessees had an expectation that this approach would also apply to them also.

DISCUSSION / OFFICER COMMENTS

8. Nil

CONSULTATION AND EXTERNAL ADVICE

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

STATUTORY / LEGAL IMPLICATIONS

Local Government Act 1995

10. Section 6.47 – a local government may at any time resolve to waive a rate or service charge.

STRATEGIC / POLICY IMPLICATIONS

Property Management Policy

11. Adopted in August 2024, the policy identifies community group leases as being exempt from rates. While this request is for rates levied prior to the adoption of the policy, the policy aimed to formalise the Council’s historical practice of not charging rates on community group leases, which was consistent with the former policy *Leasing of Land and/or Buildings to Community Groups*.

FINANCIAL IMPLICATIONS

12. The 2023/24 rates for Green Skills Inc. (Containers for Change) lease area are \$1,573.00.
13. The 2023/24 rates for the Denmark Walpole Football Club Inc. lease area are \$1,137.09.

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

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

9.3.2 COUNCIL POLICY REVIEW

File Ref:	ADMIN.2
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	28 August 2024
Author:	Claire Thompson, Governance Coordinator
Authorising Officer:	David King, Chief Executive Officer
Attachments:	Nil

IN BRIEF

- A number of Council Policies have been reviewed by Shire Officers and changes recommended for Council's consideration.

VOTING REQUIREMENTS

1. Simple majority.

<p>OFFICER RECOMMENDATION</p> <p>That Council REPEAL the following policies for the reasons detailed in the Officer's Report:</p> <ol style="list-style-type: none"> 1. Donation of Funds to Emergency Services and Disaster Recovery 2. Provision of Youth Services 3. Sustainability & Collocation (Sport & Recreation Facilities) 4. Fundraising Events – Waiver of Recreation Centre Function Room & Kitchen Hire Fees 5. Denmark Market Days 6. Shire Admin Office and Library Opening House 7. Library Opening Hours 8. Recreation Centre Opening Hours 9. Clothing Allowance 10. Staff Training 11. Customer Service Charter 	<p>ITEM 9.3.2</p>
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LOCATION

2. Not applicable.

BACKGROUND

3. Since 2019, the Shire of Denmark has significantly improved its governance frameworks. This has included:
 - Implementation and ongoing development of the Integrated Planning and Reporting Framework,
 - Review of meeting frameworks.
 - Review of the delegations and authorisations.
4. The next item for review is Council Policy.

DISCUSSION / OFFICER COMMENTS

5. Over time, the list of Council policies has grown without regular review. To ensure appropriate and relevant policy, officers propose systematically reviewing Council Policies over the next 12 months. Consideration of the first tranche of Policies is presented for consideration.
6. Policy - means a concise statement of strategic objectives or principles that affect the local government's obligations or objectives.
7. Effective Policy minimises risk, guides subsequent decisions and actions and ensures that the Local Government's community is served openly, accountable, consistently and sustainably.
8. The Western Australian Local Government Association's *Introduction to Local Government Decision Making* paper describes Council policies as having 'a focus on the

strategic and statutory decision-making obligations of the Council as the governing body of the Local Government'. Policies may also be discretionary and may determine principles that guide the CEO. Policy decisions will generally impact the strategic, financial, operational resources and/or service delivery.

9. Care must be taken to ensure Council Policy does not cross over into the statutory functions of the CEO, for example, a matter relevant to the day-to-day management of the Local Government or to the supervision management and direction of the Local Government's employees.
10. Where a matter falls within the statutory functions of the CEO but still requires documentation to minimise risk and ensure consistency or sustainability, it should be detailed in an Administrative Policy. Administration Policies are an important component of a Local Government's internal governance, providing principles for controlling activity and making decisions relevant to the Chief Executive Officer under s.5.41 of the Local Government Act.
11. Where it would be unreasonable for a Policy to apply in a particular or unique circumstance, any decision requiring a deviation from policy should be referred to the policy's original decision maker. For a Council Policy, this decision would lie with the Council. For an Administrative Policy, this decision would lie with the CEO.
12. The existing policies, comments and recommendations are detailed in this report's Strategic / Policy Implications section.
13. A summary is provided in the table below.

Title	Officer Comment	Recommendation
DONATION OF FUNDS TO EMERGENCY SERVICES AND DISASTER RECOVERY	This policy's intent can be covered by the Community Contributions Policy and/or through budget processes. The Australia Day breakfast is no longer in its current form, so the Royal Flying Doctor Service donation is no longer relevant.	Repeal.
PROVISION OF YOUTH SERVICES	The Youth Centre (now known as McLean House) is no longer operating in the form that aligned with the purpose of this policy.	Repeal.
SUSTAINABILITY & COLLOCATION (SPORT & RECREATION FACILITIES)	The Property Management Policy deals with community organisations which have 'unique' assets. Should a community organisation seek any Council contribution towards the cost of a major	Repeal.

	development, any application should be considered on its merits and weighed against budget constraints and any competing priorities.	
FUNDRAISING EVENTS - WAIVER OF RECREATION CENTRE FUNCTION ROOM & KITCHEN HIRE FEES	Current practice is that all groups hire the recreation centre facilities, with no exceptions. The community group hire fees are already heavily subsidised by the Council.	Repeal.
DENMARK MARKET DAYS	The Denmark Arts no longer facilitate Denmark Market Days.	Repeal.
SHIRE ADMIN OFFICE AND LIBRARY OPENING HOURS AND	Determination of Shire of Denmark opening hours is operational and is a day-to-day management function of the CEO. This can be documented in an Administrative Policy.	Repeal.
LIBRARY OPENING HOURS	Determination of Shire of Denmark opening hours is operational and is a day-to-day management function of the CEO. This can be documented in an Administrative Policy.	Repeal.
RECREATION CENTRE OPENING HOURS	Determination of Recreation Centre opening hours is operational and is a day-to-day management function of the CEO. This can be documented in an Administrative Policy.	Repeal.
CLOTHING ALLOWANCE	The type and scope of any employee benefits and subsidies is operational and determined by the CEO, in accordance and within the scope of the Council's adopted budget.	Repeal.

	This can be documented in an Administrative Policy.	
STAFF TRAINING	The type and scope of any employee training is operational and determined by the CEO, in accordance and within the scope of the Council's adopted budget. This can be documented in an Administrative Policy.	Repeal.
CUSTOMER SERVICE CHARTER	Service levels, including the resource ability to adhere to defined commitments is operational and determined by the CEO. This can be documented in an Administrative Policy.	Repeal.

CONSULTATION AND EXTERNAL ADVICE

- 14. The Western Australian Local Government Association's *Introduction to Local Government Decision Making* paper has been referred to.
- 15. The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal and considered Council's Community Engagement Policy P040123 and the associated Framework and believes that no additional external/internal engagement or consultation is required.

STATUTORY / LEGAL IMPLICATIONS

Local Government Act 1995

- 16. Section 2.7 – Council is to determine the local government's policies.
- 17. Section 5.41(d) – CEO is responsible for managing the day-to-day operations of the local government.

STRATEGIC / POLICY IMPLICATIONS

- 18. Following are the policies, officer comments and recommendations for change.

P050303 Donation of Funds to Emergency Services and Disaster Recovery

In considering financial assistance to various emergency and disaster relief efforts and to accommodate funding for such unforeseen requests during a budget year the following budget provisions be made;

- Allowance for 1 x annual Local and State Emergency/Disaster - up to \$10,000; and
- Allowance for 1 x annual National Emergency/Disaster – up to \$5,000; and
- International Emergency/Disaster - Nil and the CEO be authorised to advise proponents of requests for international disaster relief that Council's Policy is to refer such requests to State & Federal Governments, whose jurisdiction includes international relations.

In addition to the above considerations, the Australia Day Breakfast will raise funds for the Royal Flying Doctor Service by requesting a voluntary donation from attendees. The donation is in recognition of the critical emergency service that it provides for rural and regional Western Australia, including the Denmark Community.

If the amount raised is less than the budgeted amount under GL1530292, the Shire will contribute the difference.

OFFICER COMMENT

This policy's intent can be covered by the Community Contributions Policy and/or through budget processes. The Australia Day breakfast is no longer in its current form, so the Royal Flying Doctor Service donation is no longer relevant. Repeal recommended.

P080301 Provision of Youth Services

Council provides facilities and services needed to support the community, including the youth, of Denmark and is committed to provide the resources to ensure that the Youth Centre has adequate equipment and is appropriately staffed to run youth focused events or activities and to continually strive for best practice.

Objectives

The activities at the Youth Centre are initiated and run, wherever possible, by young people enabling them to gain a strong sense of ownership and empowerment through proactive participation and management.

The Centre:

- *Provides opportunities to explore and develop youth focused programs and activities aimed at promoting positive mental and physical wellbeing.*
- *Provides an environment that is welcoming for young people.*
- *Acts as a conduit when appropriate, between young people, local police and community members.*
- *Provides support and guidance to young people by presenting a positive role model and mentorship.*
- *Assists in the creation of partnerships that encourage business and community participation options with young people in the Denmark community.*
- *Facilitates in the development of opportunities for young people to make a positive contribution to the Denmark community.*

OFFICER COMMENT

The Youth Centre (now known as McLean House) is no longer operating in the form that aligned with the purpose of this policy. Repeal recommended.

P110304 Sustainability & Collocation (Sport & Recreation Facilities)

Council will give priority support to facility development or redevelopment that shows capacity for collocating or the sharing of resources.

Applicants must be community based organisations and incorporated under the WA Association Incorporations Act 1997.

Council will require community based organisations seeking public funds of greater than \$10,000 for developing new or refurbishing current facilities to have a business plan appropriate to the size of their organisation.

Council will contribute to a maximum of one-third (1/3) only of major facility development / redevelopment with a project cost greater than \$50,000 to demonstrate the need for such development and their strategies to ensure that the development will be viable for a least the next 10 years or such period requested by Council.

OFFICER COMMENT

The Property Management Policy deals with community organisations which have 'unique' assets. Should a community organisation seek any Council contribution towards the cost of a major development, any application should be considered on its merits and weighed against budget constraints and any competing priorities. Repeal recommended.

P110302 Fund Raising Events - Waiver of Recreation Centre Function Room & Kitchen Hire Fees

Purpose

The purpose of the policy is to assist affiliated members (clubs, groups and associations) of the Denmark Recreation Centre Association with regard to the use of the Denmark Recreation Centre for fundraising events for the purpose of meeting Junior Sports Development objectives.

The policy allows one fundraising event - one day/night use of the Denmark Recreation Centre per year where venue hire is waived.

Conditions

- *Bookings must be made in liaison with the Recreation Centre Manager and must not conflict with a regular booking.*
- *Bookings must be made with no less than one month's notice.*
- *The event must comply with the Denmark Recreation Centre's conditions of hire, ie no activity as such that may cause excessive wear and tear to the Centre (bond and extra cleaning costs must be met).*
- *Use of the Centre cannot be accrued (only one event per year).*
- *The fundraising event must have a focus on a Junior Sports Development objective.*

OFFICER COMMENT

Current practice is that all groups hire the recreation centre facilities, with no exceptions. The community group hire fees are already heavily subsidised by the Council. Repeal recommended.

P130203 Denmark Market Days

Preamble

The Denmark Market Days are held 4-5 times annually on Berridge Park, a river foreshore reserve in the town centre, managed by Council.

The Markets aim to provide an outlet for regional craft, art and performing arts in a village atmosphere. Stalls are an important part of the Markets with handcrafts, clothing, produce and foods adding to the vibrant and festive nature of the event.

Generally, the Markets are held during the festive/vacation periods of the year, i.e. the second Saturday in December, the first and third Saturdays in January (provided the first Saturday is not New Year's Day) and Easter Saturday.

Management and Supervision

Denmark Arts is authorised to organise and manage the Market Days. Denmark Arts is responsible for the assessment and approval of all applications for stalls, displays and performances at the Markets, and determining the suitability of goods offered for sale at the Markets.

Denmark Arts may approve applications from outside the municipality/region where the type of goods does not compromise local goods and produce, or is determined to be of sufficient interest or benefit to the community. A maximum of 90 stalls are permitted.

Specific Council Approval

Council's Environmental Health Section will however continue to assess applications and grant approval for temporary food stalls before the Arts Council assigns a bay for the food stall.

Temporary food stalls will be required to comply with the prescribed requirements of the "National Standards for the Establishment and Operation of Temporary Food Stalls".

Further, all food offered for sale from these stalls must be pre-packed in hermetically sealed containers, or prepared and served from a stall that complies with the "National Standard".

General Surveillance

Council's Ranger and Environmental Health Officer will carry out routine surveillance and inspections at each Market Day to ensure compliance with stall approvals, Council policies, Acts, Regulations and general public safety and sanitation.

Market Hours and Road Closure

The advertised time for Market Days should be not earlier than 10.00am for commencement, and 4.30pm for conclusion.

Denmark Arts is responsible for the closure of Hollings Road between 9.00am and 10.30am before and 3.30pm and 4.30pm after each Market Day to facilitate the assembly and dismantling of stalls.

Stalls are to be on the grassed area only, and vehicles are to be removed prior to opening time and not permitted to return until 3.30pm.

OFFICER COMMENT

The Denmark Arts no longer facilitate Denmark Market Days. Any future market will be managed through the existing events application process. Repeal recommended.

P040202 Shire Administration Office & Library Opening Hours

The office of the Shire of Denmark is to be open to the public on normal working days as follows;

Monday to Friday 9.00am to 4.00pm

The Denmark Library is to be open to the public on normal working days as follows;

<i>Monday, Tuesday, Thursday & Friday</i>	<i>10.00am to 4.30pm</i>
<i>Wednesday</i>	<i>1.00pm to 7.00pm</i>
<i>Saturday</i>	<i>9.00am to 12.00pm</i>

The Shire Administration Office and Library are to be closed on Public Holidays that fall on normal working days. Nothing in this policy prevents the Chief Executive Officer to temporarily permit short term variations to hours on these normal working days should it be required for operational reasons, subject to prior and/or appropriate notice where practical."

OFFICER COMMENT

Determination of Shire of Denmark opening hours is operational and is a day-to-day management function of the CEO. This should be replaced with an Administrative Policy. Repeal recommended.

P110501 Library Opening Hours

The Library to be open during the following times (except where the day falls on a public holiday):-

Monday, Tuesday, Thursday and Friday - 10.00am to 4.30pm
Wednesday - 1.00pm to 7.00pm
Saturday - 9.00am to 12 noon

OFFICER COMMENT

As above. This should be replaced with an Administrative Policy. Repeal recommended.

P110301 RECREATION CENTRE OPENING HOURS

The Recreation Centre opening hours are varied and seasonal, therefore any change in program and/or opening times for the Centre shall be advertised in the Denmark Bulletin, on the Notice Board at the Denmark Recreation Centre and on Councils website.

OFFICER COMMENT

Determination of Recreation Centre opening hours is operational and is a day-to-day management function of the CEO. This should be replaced with an Administrative Policy. Repeal recommended.

P040206 Clothing Allowance

1. Council supports the wearing of acceptable dress as detailed in the Organisation Procedure OP040208.
2. Council provide all new participating inside staff (including Library staff) with a subsidy towards the initial purchase of work clothing (value \$400 ex GST).
3. Council provide an annual subsidy to all participating inside staff (including Library staff) for the purchase of work clothing (value \$250 ex GST).
4. Payment of the subsidy will occur in the first pay period of each financial year after formal adoption of the annual Municipal Budget.
5. This payment will be subject to normal taxation requirements as per Australian Taxation Office guidelines.

OFFICER COMMENT

The type and scope of any employee benefits and subsidies is operational and determined by the CEO, in accordance and within the scope of the Council's adopted budget. This should be replaced with an Administrative Policy. Repeal recommended.

P040210 Staff Training

Council has adopted the following as its policy on staff training:

1. *Council has a responsibility to organise its labour resources in the most efficient manner possible so as to maximise the services provided in an effective, economic and efficient manner.*
2. *Council's workforce is its most important resource necessary for the achievement of Council's objectives and the skills of the workforce are of the most fundamental significance.*
3. *a) Education (being the acquisition of general tertiary and professional skills and qualifications) is the responsibility of the individual employee. This does not preclude Council from assisting an employee (eg. study leave) but such assistance extended at the discretion of the Chief Executive Officer is not an employee right (refer Policy P040219).*

- b) *Training (being an extension and/or enhancement of skills and knowledge to enable employees to be more effective in their jobs and/or to provide for future progression) is the joint responsibility of Council and the employee.*
4. *The Chief Executive Officer is responsible for the management of the funds allocated for staff training in each department and any expenditure may, subject to provision being made in the budget, be endorsed by the Chief Executive Officer without reference to the Council.*
5. *Funds allocated by Council for staff training may be directed towards any "training expenditure" and without limiting the generality of this clause, may include:*
- a) *Cost of salaries, registration fees, travelling and accommodation involved in attending training courses and where appropriate seminars or conferences.*
- b) *The wages and overheads associated with the employment of training officers and similar appropriate persons for the provision of internal training courses and on the job side by side training.*
- c) *Purchase of videos, books and other appropriate training aids.*
- d) *Other appropriate training initiatives at the Chief Executive Officer's discretion.*
7. *As a general guide Council's preferences for staff training activities are:*
- a) *Utilisation of any local courses.*
- b) *Co-ordination with other local training exercises (eg. with local businesses and with government departments).*
- c) *In-house training activities.*

OFFICER COMMENT

The type and scope of any employee training is operational and determined by the CEO, in accordance and within the scope of the Council's adopted budget. This should be replaced with an Administrative Policy. Repeal recommended.

P040231 Customer Service Charter

Objective

To set minimum customer service standards to be met by all staff of the Denmark Shire Council.

Policy

All Denmark Shire Council employees are to use the Shire of Denmark Customer Service Charter as a guide to minimum customer service standards to ensure a consistent level and quality of service for its customers.

Responsibility for Implementation

The Chief Executive Officer and all designated Senior Officers are responsible for the implementation of this Policy.

CUSTOMER SERVICE CHARTER

Our Customer Service Charter states our commitment to you in providing quality services and gives you standards to measure our performance by and provides staff with clear standards to aim for.

OUR CUSTOMERS

- Residents, ratepayers, electors, members of the business community and community groups.*

- *Future generations who will be affected by today's planning decisions.*
- *Government departments and non-government agencies.*
- *Shire of Denmark staff, management and councillors.*
- *Visitors to the Shire.*
- *Contractors and suppliers.*

SERVICE STANDARDS YOU CAN EXPECT

Regardless of your method of enquiry, in person, by telephone, email or letter:

- *We will acknowledge your information request, including sending out any standard information packages, within two (2) working days.*
- *We will respond to your enquiry of general correspondence, including standard response letters, within seven (7) working days.*
- *If your enquiry is complex and will require greater research, we will acknowledge your request within seven (7) working days to advise you of our progress and an expected response date.*

In Person:

- *We will welcome you to our offices and other facilities in a professional, polite and attentive manner and identify ourselves by name.*
- *Staff will wear a name badge and uniform where issued.*
- *We will listen to your requests and discuss fully your requirements.*
- *We will endeavour to satisfy your request at the time of your visit.*
- *When enquiries of a technical nature are made at our offices, a technical officer will be called to the desk within five (5) minutes or, if officers are unavailable or located elsewhere or the enquiry is of a complex nature, a tentative appointment will be made. The technical officer will contact you to confirm the appointment time.*

On the Telephone:

- *We will answer your call within five (5) rings during opening hours at all Shire offices and facilities.*
- *We will introduce ourselves using at least first names.*
- *We will strive to take personal responsibility for your enquiry to reduce transferred calls.*
- *If we are not available to personally answer your call, we will provide an alternative contact and/or the facility to leave a message where the facility is available.*
- *We will return your telephone enquiry within one (1) working day.*

In writing:

- *We will write to you in clear, concise language that is easily understood.*

In dealing with your financial matters and accounts:

- *We will provide appropriate paperwork with all payments highlighting what the actual monies refer to.*
- *We will attend to financial enquiries at the time of the enquiry, and if this is not appropriate we will deal with it before the close of business on that same day, informing you of our finding.*
- *In order to pay your accounts on time we encourage EFT payments where practical and will provide you with a remittance advice via email or fax on the same day of the payment being made.*

- *By meeting your accepted trading terms.*

SERVICE DELIVERY

- *We will notify changes to operating hours or procedures on various public noticeboards, publications and our website.*
- *We will keep appointments and attend them on time.*

PRIVACY ACT AND CONFIDENTIALITY

Whilst not equally bound by the Privacy Act staff will deal with individual matters in accordance with our adopted Privacy Policy.

We will maintain appropriate confidentiality about dealings we have with you.

FREEDOM OF INFORMATION

The Freedom of Information Officer is required to deal with FOI requests in accordance with the Principles of Administration set out in Sections 4 of the Freedom of Information Act, /992. The FOI Officer will:

- *Assist customers to obtain access to documents*
- *Allow access to documents to be obtained promptly and at lowest reasonable cost.*
- *Assist customers to ensure that personal information contained in documents is accurate, complete, up-to-date and not misleading.*

HOW WILL WE ACHIEVE OUR COMMITMENT TO YOU?

- *By including in our staff selection criteria a requirement for a positive attitude toward customer service.*
- *By conducting customer service training programmes.*
- *By incorporating customer service improvements and team building strategies into our various strategic plans.*
- *By making the development of positive customer service attitudes part of the performance review program for all staff.*
- *By formally acknowledging staff who provide excellent customer service.*
- *By conducting regular market research to ensure we are meeting the needs of our customers, such as via a customer feedback survey available at our Shire offices.*
- *By progressively reviewing and improving forms, systems and procedures from a customer's perspective and ensuring that cultural differences are respected.*
- *By progressively improving access to our services for people with special needs.*
- *By improving access to Shire information by producing a regular newsletter to residents, a New Resident Welcome Kit available year-round, an Annual Report and an informative, current Website.*

HELPING US TO HELP YOU

You can help us to meet these commitments by:

- *Having a notepad and pen by the telephone when you phone the Shire.*
- *Providing accurate and complete details when telephoning us with any queries and requests.*
- *Telephoning to make an appointment if you have a complex enquiry, need to see a specific officer or need to discuss your enquiry with officers from more than one service area.*

- *If telephoning as a result of correspondence from the Shire, telephone directly to the officer nominated on the correspondence and quoting the reference number on the letter or your assessment number on your rates notice.*
- *Providing all information required for assessing planning and building applications.*

CUSTOMER SATISFACTION COUNTS

If there is something that you feel unhappy about please utilise our simple complaints resolution process.

This process involves senior officers and will ensure a thorough investigation of your complaint.

See a Customer Service officer for assistance in the process.

Please give us the opportunity to improve our service to you. Comments, suggestions and compliments all provide an effective means by which to assess the existing service you receive.

We will monitor our performance and publish the results in our Annual Report.

OFFICER COMMENT

Service levels, including the resource ability to adhere to defined commitments is operational and determined by the CEO. This should be replaced with an Administrative Policy. Repeal recommended.

FINANCIAL IMPLICATIONS

19. Nil

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

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

9.3.3 DENMARK ARTS SERVICE AGREEMENT

File Ref:	ORG.86
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	11 September 2024
Author:	David King, Chief Executive Officer
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.3.3 – Draft Service Agreement

IN BRIEF

- This report seeks to approve a three-year service agreement with Denmark Arts to deliver Arts services for the Denmark Community.

VOTING REQUIREMENTS

1. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.3.3
That Council APPROVE the Denmark Arts Service Agreement as per Attachment 9.3.3.	

LOCATION

2. Not applicable.

BACKGROUND

3. Historically, Denmark Arts has received financial assistance from the Shire, as determined by the annual budget process.
4. The recently adopted Community Contributions Policy outlines principles and guidelines to create a fair and transparent approach to allocating financial support within the community. This policy aims to replace historical ad-hoc funding arrangements with sustainable, long-term partnerships that provide certainty for community groups delivering essential services.
5. In accordance with the Community Contributions Policy, this report seeks to formalise a service agreement with Denmark Arts to provide arts services to the community.

DISCUSSION / OFFICER COMMENTS

Subsidy of Community Activities

6. Within the Shire, numerous community groups benefit from various forms of support and subsidies provided by the Shire. These subsidies help ensure that a wide range of activities and services can be offered to the community, enhancing residents' overall quality of life.
7. For instance, the McLean Oval is popular for sports and community events. However, the revenue generated from hiring the oval does not fully cover its life cycle costs, such

as maintenance and upgrades. To bridge this gap, the Shire uses other revenue sources to subsidise these costs. This approach ensures that the oval remains accessible and well-maintained for community use.

8. The Shire also supports the delivery of arts services. Like the subsidies for sports facilities, the Shire allocates funds to support arts programs and events. Part of this is the annual allocation to Denmark Arts. This means that the financial support for arts services is fundamentally the same as the subsidies provided for sports or other community activities. Both aim to foster a vibrant and diverse community by making various services and activities accessible to all residents.
9. In essence, whether it's sports, arts, or any other community activity, the Shire's subsidies are crucial in sustaining these services, ensuring they can continue to thrive and benefit the community. This holistic approach to funding demonstrates the Shire's commitment to supporting a wide range of community interests and needs.

Transparency in Cash Contributions

10. The Community Contributions Policy represents a significant advancement in the Shire's approach to supporting community groups and initiatives. By establishing clear, equitable, and transparent funding mechanisms, the policy ensures that financial support is strategically aligned with the Shire's Strategic Community Plan, sustainability goals, and community needs. The framework enhances community groups' capacity and promotes a collaborative, accountable, transparent, and sustainable approach to community development.
11. The framework requires establishing a service agreement for the contribution towards Denmark Arts and the services they provide. The 2024/25 municipal budget allocates \$65,000 for this purpose.

Challenges and Redirection for Denmark Arts:

12. Denmark Arts aims to diversify its programming and support various art disciplines to attract professionals and touring performances, transitioning into a multi-arts organisation. The goal is to sustain major projects while building capacity within the community. Historically, Denmark Arts has delivered successful annual festivals for 30 years, with two back-to-back festivals for 21 of those years. Recently, the organisation has shifted its focus to producing programs that attract and develop local creatives outside of festivals. However, the heavy load of delivering back-to-back festivals limits the ability to offer diverse programming and leads to staff burnout.
13. To address these challenges, Denmark Arts proposes a biennial festival calendar. Each year, one festival will be a three-day event, while the second festival will be a three-day skill development program. For example, in 2025, Brave New Works will continue as a festival, while the Denmark Festival of Voice will be transformed into a skill development camp with national and international professionals. In 2026, Festival of Voice will be a festival, while Brave New Works will be transformed into a professional development program. This approach aims to retain skilled workers in the region, reduce staff burnout, focus on quality over quantity, provide performers time to create new material, allow for better planning and grant writing, build the Denmark Festival of Voice into a larger winter event, and introduce diverse programming and new community events such as the REVIVE Sculpture Award and NAIDOC Week film festival.

Request for ongoing funding:

14. Denmark Arts has requested ongoing annual financial support of \$65,000 for programming that benefits the Denmark community. This financial support enhances external grant funding success rates. Denmark Arts proposes a broader supportive structure to make grant writing more achievable to seek additional financial support for Youth Week, Seniors' Week, school holiday programs, adult craft workshops, NAIDOC Week, and major projects. A three-year agreement between Denmark Arts and the Shire of Denmark is proposed from 1 July 2024 to 30 June 2027. Major projects include the Brave New Works Festival, Denmark Festival of Voice, and Revive Sculpture Award, while minor programming will be created annually based on community needs.
15. Initially, drafting the service agreement to fund specific activities was considered, as this would have been the simplest form and clear in the deliverables. However, following discussions with the Arts Director, it became evident that for Denmark Arts to leverage funding effectively, the service agreement would need to be general-purpose funding incorporating key deliverables.

Key Deliverables:

16. Major Projects

Denmark Arts will deliver major projects annually. These projects include Brave New Works Festival, Denmark Festival of Voice, and Revive Sculpture Award. These projects are significant events that require substantial planning, resources, and funding. They are designed to have a broad impact on the community and attract participation from a wide audience.

Deliverable	Outputs/Details
Brave New Works Festival (biennial)	Held in March, focuses on youth and elderly (65+) connections, with presentations at Blue Wren and Amaroo Lodge. Includes a fringe-style tent at Denmark Arts and the Civic Centre for larger works, youth training on budgets, career progression, and work experience. A national act will headline with a kids' show to engage young families. Benefits Denmark and Western Australian (WA) community.
Brave New Works Professional Development (biennial)	Held in March, one night of performances at Denmark Arts and skills development workshops. Funds 5-6 lead Denmark artists to attend the CircuitWest Showcase, WA's peak performing arts conference. Focuses on career progression and creating tour-ready performances. Benefits Denmark and WA community.
Festival of Voice (biennial)	Held June long weekend. Traditional three day/night festival. Benefits Denmark and WA community.
Festival of Voice Professional Development (biennial)	Held June long weekend. Two day singing and choir master camp with national/international

	mentors. Includes a Friday night community performance by schools/youth, followed by ticketed performances by headliner and local support acts at the Civic Centre. Benefits Denmark and WA community.
REVIVE Sculpture Award	Ten day outdoor exhibition with a \$2,000 acquisitive prize for weather-resistant works and a \$500 small sculpture award for indoor works (max 1m) held at the Shire Hall. Includes a \$250 People’s Choice award. Focuses on recycling and integrating reusable materials into art practice, enhancing the town’s vitality with new artwork. Benefits Denmark and WA community.

17. Minor Programming

Denmark Arts will create and deliver minor programs annually, directly responding to the needs of the Denmark community. These programs will be designed with flexibility to adapt to emerging community interests and needs. Minor programming must consider the following:

- Programs will be held in various locations across the Shire to ensure accessibility for all community members.
- Denmark Arts will design programs that cater to a wide range of age groups and abilities. This includes activities for children, youth, adults, and seniors, as well as programs that are accessible to individuals with disability.
- Denmark Arts will actively engage with community members to gather feedback and understand their needs. This will involve surveys, community meetings, and collaboration with local organizations to ensure the programs are relevant and impactful.
- The programming will include a diverse range of activities such as workshops, performances, exhibitions, and interactive events. Examples include:
 - o Youth Programs: Art and craft workshops, music and dance classes, and school holiday activities.
 - o Adult Programs: Craft workshops, skill development sessions, and cultural events.
 - o Seniors’ Programs: Social gatherings, creative workshops, and wellness activities.
 - o Special Events: Celebrations for NAIDOC Week, community art projects, and local festivals.

Detail in Key Deliverables

18. Including key deliverables in the service agreement is a significant improvement. Historically, Denmark Arts received untied annual cash payments without specific deliverables, limiting their ability to develop structure programs. Therefore, it's crucial that the initial key deliverables are broad to allow for the necessary flexibility and growth. Broad deliverables allow Denmark Arts to adapt and evolve their programs based on community needs and feedback, fostering innovation and creativity without being constrained by overly specific targets. This flexibility also allows the organisation to focus on building internal capacity, such as staff training, which is crucial for delivering high-quality programs in the future.
19. Additionally, broad deliverables encourage ongoing engagement with the community to understand their needs and preferences, ensuring that the programs developed are relevant and impactful. The proposed three-year term can serve as a learning phase where Denmark Arts can identify what works best and what needs improvement, allowing valuable data and insights to be collected.
20. After this initial term, the Shire and Denmark Arts will be in a better position to refine and tighten the deliverables, if required, based on experiences, satisfaction and the outcomes achieved.

Length of the Agreement Terms

21. Consideration has been given to the term length for the service agreement. Several factors have led to the officer's recommendation for a three-year agreement.
22. Providing Denmark Arts with a multi-year contract for services will improve their success. Such a contract ensures financial stability and predictability, allowing Denmark Arts to plan their finances confidently and avoid the uncertainties of short-term funding. This stability should enable Denmark Arts to develop long-term strategies and projects, leading to more impactful and sustainable programs. Additionally, multi-year contracts help secure matching funds from grants and other funding opportunities, amplifying the initial investment impact. As with the statements against the need for broad deliverables, a three-year term can serve as a learning phase where Denmark Arts can identify what works best and what needs improvement.

Contract Review

23. It is considered appropriate that Council are afforded the opportunity to annual review performance against deliverables. As part of the service agreement, Denmark Arts will be required to present on the deliverables on an annual basis.

CONSULTATION AND EXTERNAL ADVICE

24. Officers have been consulting with Denmark Arts regarding the draft terms to be included in a service agreement.
25. Denmark Arts presented to councillors at a Concept Forum on 16 July 2024. Additionally, officers facilitated an information session with councillors at a Concept Forum on 10 September 2024.

26. Councillors raised several concerns regarding the details in key deliverables, the length of the agreement, and the performance review, which officers have addressed in the discussion of the report.

STATUTORY / LEGAL IMPLICATIONS

27. Nil.

STRATEGIC / POLICY IMPLICATIONS

Our Future 2033

28. Our Future 2033 indicates support for the Great Southern Region – Arts, Culture and Heritage Strategy. This initiative aligns with this strategy as it aims to connect people, optimise investments and cultivate growth in the arts sector.

Community Contributions Policy

29. The proposal meets the objectives of the Community Contributions Policy.

FINANCIAL IMPLICATIONS

30. A service agreement with annual contribution of \$65,000 for 2024/25 will have no budget impact, as this amount has been allocated. Any increase or decrease from the \$65,000 allocation in 2024/25 will result in a corresponding deficit or surplus in the annual budget.
31. A three year service agreement will contractually commit Council to a three year program. Therefore, it is appropriate for Council approval.

OTHER IMPLICATIONS

Environmental

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

Economic

33. Arts programs can stimulate local economies by attracting visitors and supporting local businesses, contributing to the community's vibrancy and resilience.

Social

34. Arts services in a small community offer significant social benefits. They foster a sense of belonging and community pride, bringing people together through shared cultural experiences. These services also provide opportunities for creative expression and personal development, enhancing the overall well-being and quality of life for residents.

RISK MANAGEMENT

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

9.4 COMMUNITY SERVICES

Nil

9.5 INFRASTRUCTURE SERVICES

9.5.1 TURNER ROAD MOUNTAIN BIKE (MTB) TRAIL NETWORK CONCEPT PLAN

File Ref:	PROJ.ENG.63
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	No. 151 (Lot 429) Turner Road, Shadforth
Disclosure of Officer Interest:	Nil
Date:	12 August 2024
Author:	Laura Delbene, Sustainable Projects Officer
Authorising Officer:	Rob Westerberg, Director of Infrastructure & Assets
Attachments:	9.5.1a – Turner Road MTB Trails Network Draft Concept Plan -Version 2 9.5.1b – Trails Development Series 9.5.1c – Schedule of Submissions

IN BRIEF

- The Turner Road Mountain Bike (MTB) Trail Network proposes a locally significant trail system that will bring a mountain biking recreational asset to Denmark.
- The Turner Road site was identified as an alternative solution through the consultation phase of a proposal to develop trails on Mount Hallowell. Further community consultation for the Turner Road proposal has been undertaken and a draft Concept Plan prepared.
- A recommendation to adopt the Turner Road MTB Trail Network Concept Plan Version 2 including an amended lower carpark location, Stage 1 trail identification and delineation of the area/s that shall remain unobstructed for the operation of the Scotsdale/Shadforth Bushfire Brigade.

VOTING REQUIREMENTS

1. Simple majority.

<p>OFFICER RECOMMENDATION</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. ADOPT Turner Road MTB Trail Network Concept Plan Version 2. 2. REQUIRE that further development of the Turner Road MTB Trail Network continues to follow the Trails Development Series as per attachment 9.5.1b from Stage 6 through to Stage 8 inclusive. 3. AUTHORISE the Chief Executive Officer to identify, seek and apply for funding opportunities to progress the Turner Road MTB Trail Network Concept to design and construction. 	<p>ITEM 9.5.1</p>
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LOCATION

2. The MTB Trail Network is proposed on No. 151 (Lot 429) Turner Road, Shadforth. The site Reserve No. 13255 (Denmark Estate Lot 429) was vested to the Shire of Denmark as a 'Class C' Reserve under and by virtue of the provisions of Section 33(2) of the *Land Act 1933* for the designated purpose of 'Parkland and Recreation' on 15 February 1994.

3. The site is 42Ha in size and located approximately 5 km to the northeast of the Denmark CBD on the corner of Turner and Glenrowan Roads. All adjoining lands are privately owned and except for some pockets of remnant vegetation are predominantly cleared.
4. Access into the reserve is currently via the fire brigade driveway and there is a locked gate on a strategic fire access off Turner Road. All access from Glenrowan Road has been closed by way of earth bunding or large rocks and tracks are distinguishable but mostly overgrown.
5. The reserve has been used extensively for gravel extraction with observable disturbances across much of the reserve. Large pockets of the reserve have been rehabilitated by the Shire between 1991 – 2022.

BACKGROUND

6. The development of a Concept Plan for a MTB Trail Network at the Turner Road site was a direct result of community feedback following a former proposal to develop trails on Mount Hallowell within the Shire.
7. A total of 561 free text written submissions were received through the Mount Hallowell proposal consultation period. Of these, 175 submissions stated that an alternative site for mountain bike trails within the shire should be considered. In late 2022, Council resolved to consider Turner Road as a potential site (Council Resolution 061022).
8. Development of the Turner Road MTB Trail Network Draft Concept Plan ('The Draft Concept Plan') has been developed in alignment with the Trail Development Series (TDS) which is an eight (8) stage guide to ensure a high standard of planning and construction is maintained in all trail developments (attachment 9.5.1b).
9. The Shire was awarded funding through the Department of Local Government Sport & Cultural Industries (DLGSC) Trail Planning Grants Program to develop a Draft Concept Plan commencing at stage 3 through to stage 5 to undertake site assessments, corridor evaluations and the preparation of the draft concept plan.
10. Stages 1 and 2 were deemed to have been largely undertaken through the Mount Hallowell proposal and transferrable to the Turner Road proposal. Some elements of stage 1 & 2 have been reapplied to the Turner Road site including public consultation.

CONSULTATION AND EXTERNAL ADVICE

11. Consultation and engagement have been ongoing since Council resolved to pursue the Turner Road site. This included the establishment of a Project Control Group with representation from the DLGSC, the Denmark Mountain Bike Club and the Shire of Denmark.

Stakeholder Engagement

12. Whilst funding was allocated to commence a Draft Concept Plan at stage 3 of the TDS, a review of stage 1 & 2 resulted in a revised project framework and re-identification of key stakeholders relevant to the Turner Road proposal, including:
 - Department Local Government Sport & Cultural Industries
 - Scotsdale/Shadforth Fire Brigade

- Denmark Environment Centre
- South Coast Bush Care Services
- Denmark Mountain Bike Club
- Magic Dirt Trailworks
- Shire of Denmark – Former Revegetation Officer

13. A site visit was undertaken on 19 September 2023, with representatives from Denmark Environment Centre, Scotsdale/Shadforth Fire Brigade, Denmark Mountain Bike Club, Magic Dirt Trailworx and the Shire in attendance to understand and discuss stakeholder impacts before development of a broad draft concept could commence.

Public Consultation

14. A total of 40 letters were sent to landowners adjacent to the site and/or own a property immediately adjacent to one of the four potential road approaches to the site being Turner, Glenrowan, Redman and Walter Roads.

15. The letters were sent on 9 February 2024 to advise that feasibility studies, including flora and fauna studies, Aboriginal Heritage surveys, and meetings with environmental groups had begun, and a trail design company had been engaged to prepare a draft concept plan.

16. The letter also informed residents/owners that there would be further opportunity to review and comment on the draft concept plan and the Shire would advise in writing of this progress. An offer to contact the officer with any queries or concerns was also noted in the letter.

17. A follow up letter was sent on 17 June advising of the draft concept plan and public comment period.

18. The Draft Concept Plan was open to public comment for over 6 weeks and a project page 'Trails at Turner Road' was implemented on the 'Your Denmark' webpage, inviting comments and completion of a survey.

19. Thirteen (13) surveys were completed through the 'Your Denmark' consultation page. Eleven (11) responses were in support, two (2) objected to the proposal. The objections received through the survey were also received as a separate written submission, therefore it is considered that eleven (11) submissions in support are accounted for through the survey.

20. Five (5) written submissions were received (which includes the two (2) duplicated in the survey). Three (3) expressly objected to the proposal, one (1) supports the proposal but raised concerns and one (1) objected to development of multiple mountain bike trails within the shire (Mount Hallowell and Turner Road) but did not expressly object to the Turner Road proposal (see Schedule of Submissions – attachment 9.5.1c).

DISCUSSION / OFFICER COMMENTS

21. Following the 19 September site meeting overall support was noted from the environment groups and the brigade representative requested development around the fire shed area be avoided including utilising the access driveway.

22. The results of preliminary environmental studies (see 'Other Implications – Environmental' below for more detail) were considered along with the stakeholder comments and a broad draft concept plan was developed on this basis.
23. The broad draft plan noted two no-go zones in response to the identification of conservation significant flora being identified and an area that was predominantly wet. No development around the fire shed was proposed and access and parking were indicated from Glenrowan Road.
24. The shuttle route which would be used to transfer riders to the top of the hill was also proposed to enter and exit the site from Glenrowan Road and a strategic fire access track as its circulation route.
25. The Project Control Group reviewed the broad draft, noting that the brigade and environmental considerations had been taken into account and advised the trail designers to proceed to full Draft Concept Plan.
26. The Draft Concept Plan (Version 1) was released for public comment with the overall trail network depicted as one trail network and carparking/access proposed from Glenrowan Road.

Submissions to Draft Concept Plan Version 1 and Responses

Fire Brigade

27. The brigade raised concerns over the location of the Double Black Trail 14 as it crossed the power line track that is frequently used for training activities. It is likely that the double black trail will be one of the last trails developed on-site with the concept plan noting this as the lowest priority.
28. Should the double black trail be developed it is envisaged that a management plan and adequate signage could address the conflict to ensure safety i.e. signage could be implemented effectively closing the Double Black Trail during brigade training activities.

Flora & Fauna

29. It is likely that further environmental studies to those undertaken (see 'Other Implications – Environmental') will be required as part of the environmental approval process. Targeted fauna surveys have not been completed for each of the trail corridors, however good trail design would be necessary to mitigate the potential impact on flora and fauna.
30. Limited understorey would be impacted for the footprint of trails noting some of the trails would utilise already disturbed areas or existing tracks.
31. The largest disturbance would occur for the development of the carparking area. Version 2 of the Draft Concept Plan identifies an area that would require less clearing than that which was originally proposed from Glenrowan Road.

***Phytophthora Cinnamomi* (Dieback)**

32. The proposal will be subject to further environmental approvals. Management recommendations for dieback control were included in the Phytophthora Dieback Occurrence Survey undertaken on Turner Road in 2017. Management measures would

be further defined through detailed design and implemented as required during construction and ongoing. This may include operational hygiene (washdown stations), dieback signage and community awareness and education.

Management and Maintenance

33. Trail adoption by a predominant user group is an established management model for trails. It is envisaged the management and maintenance of the trail network will be established through a formal agreement between the Shire of Denmark and the Denmark Mountain Bike Club.
34. The agreement would cover standards for maintenance of trails and activities on-site. The Shire will remain the trail owner and will provide support and funding as required to ensure the asset is maintained to a high standard both in terms of safety and user experience ongoing. A suite of Corporate Plans such as the Long Term Financial Plan and Corporate Business Plan consider the ongoing maintenance and service delivery of Shire owned assets.

Amenity – visual & noise

35. The visual impact of Mountain bike trails is considered minimal. Due to the small footprint (an average trail is less than 1000mm wide) most of the trails would be largely undetectable from outside the reserve.
36. It is unlikely that general mountain biking activity will create a significant disturbance to the surrounding location being a non-motorised activity. It is anticipated that some noise would be made including from human voices, however this would not persist for long periods of time as the trails are ridden in short bursts.
37. The revised location of the carpark to within the reserve will serve to reduce noise and visual impact on the surrounding area.
38. In addition, a Development Approval (DA) will be required if the proposal progresses. Development assessments consider the amenity of the surrounding locale and impose conditions as appropriate.

Events

39. Events within the Shire are subject to approval. Event applications and management plans are assessed for impact and risk and consider factors such as traffic management, patron numbers, event times, noise, rubbish, public amenities etc.
40. Further approvals such as the Development Approval and Management Plan will establish greater control and approval requirements for the running of events on-site.

On-site facilities and staging of development

41. An amended concept plan (Version 2) is proposed which includes a stage 1 trail network plan. The stage 1 proposal would comprise of a portion of a green loop trail, a blue climb trail, two blue downhill trails and a black downhill trail. The survey helped inform which trails are most preferred and these have been considered in the stage 1 plan.
42. It is envisaged that the lower carpark, signage and the shuttle route would be developed as part of stage 1 works.

43. Additional funding will be required for the toilet facility, and due to the amount of trails/scale of development initially, toilet facilities are not likely to be implemented as part of stage 1. The site will be monitored for a demonstrated need for toilet facilities and addressed accordingly. There is the opportunity to share the existing septic system to provide a toilet facility external to the brigade toilet in future.
44. Clubrooms if developed in later stages, would be subject to further approvals in terms of final location, size and form. They would be required to be visually unobtrusive, sympathetic to the landscape and access and use would be defined within the Management Plan.
45. Patrons would be expected to remove their own rubbish and therefore a bin service is not proposed at this stage. Rubbish will be monitored as part of the ongoing management of the trail network. Mountain biking is generally a pursuit undertaken by nature and adventure lovers who are mindful of the environment.

Access/Traffic

46. Several comments were received concerning the access from Glenrowan Road from both a safety and visual amenity concern. The amended concept plan (Version 2) has been prepared in consideration of this that removes access from Glenrowan Road and locates the carpark and the shuttle route entirely within the Reserve. The lower carpark is now not anticipated to be visible from neighbouring properties.
47. Whilst access is now proposed to be shared with the brigade, any conflicting use/parking obstruction will be monitored and managed. Signage will be installed to clearly define the areas to remain unobstructed for the Brigade and a separate carpark is proposed to further delineate the area nominated for trail user parking. This has been discussed with the Brigade and any activity that hinders normal operation will be further addressed i.e. physical barriers, parking infringements.
48. Turner Road is earmarked for upgrade to a sealed standard in the 25/26 financial year further improving access safety in and out of the site and any increased traffic impacts as a result of the development will be further minimised.

Safety & Liability

49. Turner Road will be covered by the Shire's Public Liability Insurance, not dissimilar to other facilities where the Shire is the owner, but the asset is managed by others.
50. The Denmark Mountain Bike Club also has insurance in place that would cover its members participating in club related activity such as rides and trail maintenance. Insurance requirements would be clearly defined within a Management Plan.

Development of the Draft Concept Plan Version 2

51. The original Concept Plan released for public comment received a limited number of responses, however officers considered the responses and initiated the preparation of Draft Concept Plan Version 2.
52. The amended Version 2 removes access and parking from Glenrowan Road and ensures all circulation of a shuttle route is internal to the Reserve. It also includes a stage 1 trail

network map and annotates more clearly the areas that are to remain unobstructed for the Brigade activities.

STATUTORY / LEGAL IMPLICATIONS

53. There are no statutory obligations directly relating to the officer's recommendation as it relates to the adoption of a Concept Plan, however; if the project is to proceed, the following will need to be considered:

Environmental Protection Act 1986

54. Clearing of native vegetation is regulated under *Part V Division 2* of the *Environmental Protection Act 1986*. Clearing for MTB trails is not an exempt activity under the *Act* and a Clearing permit will be required for development of MTB trails on the site.

Planning & Development Act 2023

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

STRATEGIC / POLICY IMPLICATIONS

Strategic Community Plan

56. The Strategic Community Plan identifies mountain bike trails at Turner Road to be delivered in stages:
- 1) By 2028 Mountain Bike Trails – Stage 1: The development of a local trail network at Turner Road
 - 2) By 2033 Mountain Bike Trails – Stage 2: The development of a regionally significant trail network at Turner Road, including toilets, parking and other facilities.

Corporate Business Plan

57. Council has considered the development of a trail network at Turner Road through the Corporate Business Plan. The Plan commits to funding the Denmark MTB Club through to financial year 2027/2028, empowering the club to attract further external investment, thereby enabling the development of Turner Road MTB Park.

Great Southern Regional Trails Master Plan (GSRTMP)

58. Council endorsed the GSRTMP at the Ordinary Council meeting on 19 May 2020, (Resolution 090520). Endorsement of the plan represented an opportunity for the Shire of Denmark to position itself as a trail destination for a variety of outdoor pursuits. The plan aims to deliver five regional projects that would create a network for accessible cycle trail experiences in the Great Southern Region.

FINANCIAL IMPLICATIONS

59. Additional funding will be required to progress further stages of the Trails Development Series (stages 6-8) including detailed design, construction and ongoing maintenance of the trail network.

OTHER IMPLICATIONS

Environmental

60. An ecologist was engaged to undertake preliminary biological assessments and to provide advice on environmental limitations. The assessments were undertaken in the two following phases:
- Stage 1 - Preliminary Vegetation Assessment – A brief reconnaissance scale assessment was undertaken (August 2023) over the entire reserve (42 ha) to delineate vegetation condition, weed extent and for opportunistic flora survey.
 - Stage 2 – Targeted Flora and Cockatoo Assessment – A survey area included a 30 m wide corridor around proposed trail centrelines. Traverses of the survey area were undertaken in October 2023 to undertake a targeted flora survey and to record the presence of suitable DBH (diameter at breast height) trees for black cockatoo species.
61. Turner Road Reserve supports a mature eucalypt forest that is confirmed to contain at least two Priority-listed flora. These are noted as no-go zones on the concept and trail alignments and circulation/parking areas have avoided these areas.
62. Phytophthora Dieback Occurrence Survey was conducted on the Turner Road Reserve in 2017 with the report summarising that the disease is widespread across the reserve most likely a result of gravel extraction activities.

Economic

63. If the trail network is developed at Turner Road, it would form part of a regionally significant trail network as part of the Great Southern Regional Trails Masterplan which could result in increased visitation to the shire.

Social

64. An Aboriginal Heritage Survey Report (AHS) including a site visit with Wagyl Kaip Working Party Representatives (WKWPR) was undertaken in January 2024. WKWPR support the proposal and request that two monitors attend site to walk the trail corridors and ensure that no cultural heritage would be impacted.

RISK MANAGEMENT

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

10. MATTERS BEHIND CLOSED DOORS

Nil

11. NEW BUSINESS OF AN URGENT NATURE

Nil

12. CLOSURE OF MEETING