

SHIRE OF DENMARK

Ordinary Council Meeting

MINUTES

25 JUNE 2024

HELD IN COUNCIL CHAMBERS, 953 SOUTH COAST HIGHWAY,
DENMARK, ON TUESDAY, 25 JUNE 2024.



953 South Coast Highway, Denmark WA 6333

Correspondence to:

Post Office Box 183, DENMARK WA 6333

Phone: (08) 9848 0300 | Email: enquiries@denmark.wa.gov.au

Website: www.denmark.wa.gov.au | Facebook: shireofdenmark

Your Denmark: www.yourdenmark.wa.gov.au

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DISCLAIMER

These minutes and resolutions are subject to confirmation by Council and therefore prior to relying on them, one should refer to the subsequent meeting of Council with respect to their accuracy.

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

4.00pm – *The Shire President, Cr Gibson, 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 Gibson paid his respects to Elders past, present and emerging.*

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

MEMBERS:

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

STAFF:

David King (Chief Executive Officer)
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

Cr Jan Lewis (Deputy Shire President) (in accordance with Council Resolution No. 010124)
Cr Jackie Ormsby (in accordance with Council Resolution No. 010524)

ABSENT WITHOUT LEAVE

Nil

VISITORS

Nil

3. DECLARATIONS OF INTEREST

Nil

4. ANNOUNCEMENTS BY THE PERSON PRESIDING

The Shire President announced that on a personal note, he was delighted to have become a grandfather for the first time just two days ago.

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

5.2.1 Don Atkinson – Housing for Seniors

Don spoke as a resident of Denmark for 70 years and expressed concern about the general lack of housing options for people within the community that needed to downsize their homes, as they reached a certain age. Don stated that it was important for locals to be able to remain in Denmark in their later years and gave examples of people who have had to leave Denmark simply because there were no other options available.

Don urged the Council to liaise with government and care providers to ascertain what was needed and explore options that could be available, including funding opportunities and partnering with aged care providers.

The Shire President thanked Don for his comments and suggestions and stated that Councillors were aware that there were some gaps that needed addressing. Cr Gibson stated that the Council and Officers were already in discussions with outside stakeholders to find some possible solutions.

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 PHILLIPS

COUNCIL RESOLUTION	ITEM 6.1
MOVED: CR DEVENPORT	SECONDED: CR CARMAN
That Cr Phillips be granted leave of absence from 9 July 2024 to 30 August 2024, inclusive.	
CARRIED: 7/0	Res: 020624
TOTAL VOTES FOR: 7	
Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Carman and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

7. CONFIRMATION OF MINUTES

7.1 ORDINARY COUNCIL MEETING – 28 MAY 2024

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 7.1
MOVED: CR WIGGINS	SECONDED: CR CAMPBELL
That the minutes of the Ordinary Meeting of Council held on the 28 May 2024 be CONFIRMED as a true and correct record of the proceedings.	
CARRIED: 7/0	Res: 030624
TOTAL VOTES FOR: 7	
Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Carman and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

7.2 SPECIAL COUNCIL MEETING – 11 JUNE 2024

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 7.2
MOVED: CR DEVENPORT	SECONDED: CR WIGGINS
That the minutes of the Special Meeting of Council held on the 11 June 2024 be CONFIRMED as a true and correct record of the proceedings.	
CARRIED: 7/0	Res: 040624
TOTAL VOTES FOR: 7	
Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Carman and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

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 MAY 2024

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	13 June 2024
Author:	Scott Sewell, Financial Accountant
Authorising Officer:	Kellie Jenkins, Executive Manager Corporate Services
Attachments:	9.2.1 – May 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 May 2024 has been prepared and is attached.
- In addition, the Shire provides Council with a monthly investment register to ensure the investment portfolio complies with the Shire’s Investment Policy.

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.2.1
MOVED: CR WIGGINS	SECONDED: CR CARMAN
That Council RECEIVE the Financial Statements for the period ending 31 May 2024, incorporating the Statement of Financial Activity and other supporting documentation, as per Attachment 9.2.1.	
CARRIED: 7/0	Res: 050624
TOTAL VOTES FOR: 7	
Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Carman and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

LOCATION

1. Nil

BACKGROUND

2. 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;
- Statement of Financial Activity by Program;
- Explanation of Material Variances;
- Net Current Funding Position;
- Receivables;
- Capital Acquisitions;
- Cash Backed Reserve Balances;
- Loan Schedule;
- Investment Register; and
- Cash and Investments Summary.

3. 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 the 2023/2024 financial year, under Resolution 030823, Council adopted the monthly reporting variance of 10% or greater for each program area in the budget as a level that requires an explanation or report, with a minimum dollar variance of \$10,000.

4. 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

5. The Statement of Financial Activity for May 2024 shows a closing funding surplus of \$1,803,693. The adopted budget for the year ended 30 June 2024 (as amended) is premised on a zero year end closing funding position. Operating income is \$379,308 higher than the year-to-date budget. This increase is primarily attributed to additional revenue from fees & charges, including Recreation Centre activities, Parry Beach camping charges, Standpipe water fees, and lime sales. Operating expenditure is \$317,735 lower than the year-to-date budget. This reduction primarily results from cost savings due to vacant employee positions currently in the recruitment process. There have been adjustments in the expected timing for undertaking capital works. (Refer to Note 4 within the attachment for further details).

6. A summary of the financial position for May 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)	1,883,689	1,883,689	1,883,689	0	0%
<u>Revenue</u>					

Operating revenue	14,407,234	14,111,319	14,490,627	379,308	3%
Capital revenue, grants and contributions	7,970,853	2,842,396	2,853,405	11,009	0%
	22,378,087	16,953,715	17,344,032	390,317	
Expenditure					
Operating Expenditure	-18,854,691	-16,931,629	-16,613,894	317,735	2%
Capital Expenditure	-10,820,504	-6,772,225	-5,758,467	1,013,758	15%
	-29,675,195	-23,703,854	-22,372,361	1,331,493	
Funding balance adjustments	5,413,419	4,984,563	4,948,333	-36,230	-1%
Closing Funding Surplus / (Deficit)	0	118,112	1,803,693	1,685,581	

OTHER INFORMATION

- In the 2023/2024 financial year, several significant projects within the capital works program, including the Denmark Surf Club Precinct Redevelopment and the Solar Energy Project, will not be completed to meet budget expectation by 30 June 2024. Consequently, this will impact the budget allocation for the intended funding sources and therefore affect the year end closing position as initially defined in both the adopted budget and the mid-year budget review. Additionally, adjustments to operating revenue and expenditure trends since the adoption of the mid-year budget review will be considered. The outstanding costs associated with any incomplete capital projects and their relevant funding sources will be captured during the budget adoption process for the 2024/2025 financial year.

INVESTMENT REPORT

- 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.
- As at 31 May 2024, total cash funds held (including trust funds) totals \$6,581,849.
- Summary - Investment Register
 - Municipal Funds total \$2,226,334.
 - Shire Trust Funds total \$850
 - Reserve Funds (restricted) invested, total \$4,354,664.
 - Municipal Funds (unrestricted) invested, total \$1,051,113.
- The official Reserve Bank of Australia’s (RBA) cash rate currently sits at 4.35% which was set at the Reserve Bank Board meeting held on 7 November 2023. No further adjustments to the official cash rate have occurred at the time of writing this report.

CONSULTATION AND EXTERNAL ADVICE

12. 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**

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

The Local Government Act 1995

14. Section 6.14.

The Trustees Act 1962

15. Part III Investments.

The Local Government (Financial Management) Regulations 1996

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

STRATEGIC / POLICY IMPLICATIONS

17. Nil.

FINANCIAL IMPLICATIONS

18. The Shire's 2023/2024 Annual Budget provides a set of parameters that guides the Shire's financial practices.
19. Any financial implications or trends are detailed within the context of this report.

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.

9.2.2 PAYMENT OF ACCOUNTS FOR THE PERIOD ENDING 31 MAY 2024

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	13 May 2024
Author:	Kelly Schroeter, Senior Finance Officer
Authorising Officer:	Kellie Jenkins, Executive Manager Corporate Services
Attachments:	9.2.2 – Payment of Accounts - May 2024

IN BRIEF

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

VOTING REQUIREMENTS

- 1. Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.2.2
MOVED: CR PHILLIPS	SECONDED: CR CAMPBELL
That Council RECEIVE the payment of accounts totalling \$2,106,704.51 for the month of May 2024, as per Attachment 9.2.2.	
CARRIED: 7/0	Res: 060624
TOTAL VOTES FOR: 7	
Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Carman and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

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 PROPERTY MANAGEMENT POLICY

File Ref:	ADMIN.36
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	25 June 2024
Author:	Angela Simpson, Corporate Planning and Policy Officer
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.3.1 – Draft Property Management Policy

IN BRIEF

- This report aims for the Council to endorse a draft Shire of Denmark’s Property Management Policy for the purpose of wider consultation.

VOTING REQUIREMENTS

1. Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.3.1
MOVED: CR CARMAN	SECONDED: CR CAMPBELL
That Council:	
<ol style="list-style-type: none"> 1. ENDORSE the Draft Property Management Policy as presented in Attachment 9.3.1 for public advertising. 2. REQUEST the Chief Executive Officer to consider submissions and present a final Property Management Policy for Councils consideration. 	
AMENDMENT	
MOVED: CR WIGGINS	SECONDED: CR CARMAN
In part 1, after the word “advertising” add the words, “subject to the Chief Executive Officer amending the draft policy to:	
<ol style="list-style-type: none"> a) include the requirement for a public register being made available on the website of all leases, subleases, licences and MOUs.” 	
CARRIED: 7/0	Res: 070624
TOTAL VOTES FOR: 7	
Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Carman and Cr Phillips.	
TOTAL VOTES AGAINST: 0	
AMENDMENT	
MOVED: CR GIBSON	SECONDED: CR PHILLIPS
In Part 1, add part b) that states, “ensure consistency of terminology”.	
CARRIED: 7/0	Res: 080624
TOTAL VOTES FOR: 7	
Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Carman and Cr Phillips.	
TOTAL VOTES AGAINST: 0	
AMENDED MOTION	
That Council:	
<ol style="list-style-type: none"> 1. ENDORSE the Draft Property Management Policy as presented in Attachment 9.3.1 for public advertising, subject to the Chief Executive Officer amending the draft policy to: <ol style="list-style-type: none"> a) include the requirement for a public register being made available on the website of all leases, subleases, licences and MOUs; and b) ensure consistency of terminology. 2. REQUEST the Chief Executive Officer to consider submissions and present a final Property Management Policy for Councils consideration. 	

THE AMENDED MOTION BECAME THE SUBSTANTIVE MOTION WHICH WAS PUT AND
CARRIED: 7/0 Res: 090624

TOTAL VOTES FOR: 7

Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Carman and Cr Phillips.

TOTAL VOTES AGAINST: 0

REASONS FOR CHANGE

Council included a requirement that a public register of leases, subleases, licences and MOUs be published on the Shire's website so that the community could easily find and see who uses Shire owned property.

Council's addition to require the Chief Executive Officer to ensure consistency throughout the policy was primarily in relation to the variances between definitions initially listed and the terms used in the subsequent table in the policy.

BACKGROUND

2. The Draft Property Management Policy outlines the principles and guidelines proposed for governing the management of properties owned or controlled by the Shire of Denmark. A policy of this nature is important for ensuring efficient long-term service delivery and maximising community value.
3. The Shire seeks to establish consistent and equitable tenure arrangements, terms responsive to changing conditions, co-investment in maintaining assets and sharing arrangements that maximise the use of community facilities.

DISCUSSION / OFFICER COMMENTS

4. The Draft Property Management Policy establishes a comprehensive framework for managing Shire-owned properties, balancing commercial viability needs with community support. By defining clear terms and responsibilities for various property arrangements, the policy ensures the sustainable use of assets, promotes community engagement and aligns with Shire's strategic objectives.
5. The policy's emphasis on co-investment, shared use, and strategic holding ensures long-term financial and operational sustainability, making it a crucial component of the Shire's asset management strategy.

CONSULTATION AND EXTERNAL ADVICE

6. The policy development involved consultations with a cross section of community groups who hold leases with the Shire and who will be directly impacted by the policy, other stakeholder groups, and internal teams to ensure that the needs and expectations are adequately addressed. Feedback from these consultations has been instrumental in shaping an equitable, transparent, and sustainable policy.
7. If the Draft Policy is endorsed, officers will seek further comment from the community, leaseholders and stakeholder groups via the 'your Denmark' webpage and direct requests for feedback from all community groups.

STATUTORY / LEGAL IMPLICATIONS

8. The policy aligns with several statutory requirements, including:

Local Government Act 1995

9. Section 6.26 – relates to rates exemptions.
10. Part4, Division 2, Section 3.57 – 3.63 – relates to leasing.

Land Administration Act 1997

11. Section 18 – relates to subleasing.

STRATEGIC / POLICY IMPLICATIONS

12. The Draft Property Management Policy provides a structured framework for property arrangements, ensuring consistency and fairness in managing Shire-owned assets. It categorises leases and property arrangements, delineating responsibilities and terms for various types of agreements, including commercial leases, community leases, telecommunication leases, facility hire, licenses and MOUs.
13. Adopting a policy of this nature will not impact lease agreements currently in place until they reach their expiry date.

FINANCIAL IMPLICATIONS

14. Implementing the Property Management Policy will have positive budgetary implications, primarily in maintenance, repairs, and administrative oversight. The policy emphasises co-investment in maintaining assets and aims to ensure leaseholders clearly understand their property management responsibilities. It is worth noting that this is not a significant deviation from the existing situation. However, a lack of understanding of the current lease responsibilities exists and a policy will provide a greater understanding for leaseholders and greater transparency for the community on the financial expectations of leaseholders.
15. The long-term financial sustainability of the property portfolio is managed by pursuing commercial leases while subsidising community-focused property arrangements.
16. Where appropriate, the Shire will establish Service Agreement allocations within the annual budget to assist community groups in managing leased facilities, particularly community halls and community centres.

OTHER IMPLICATIONS**Environmental**

17. The policy encourages the efficient use of facilities and shared-use agreements, supporting environmental sustainability through reduced resource consumption and optimised use of existing infrastructure.

Economic

18. The policy promotes economic sustainability by outlining clear terms for commercial leases, ensuring revenue generation, and supporting community groups' financial planning for long-term asset maintenance.

Social

- 19. The policy enhances community well-being by providing affordable and accessible spaces for community groups, promoting social interaction, and supporting community activities.

RISK MANAGEMENT

- 20. The policy mitigates risks associated with property management by establishing clear responsibilities for maintenance and repairs, ensuring compliance with statutory requirements, and fostering proactive asset management.
- 21. 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 COMMUNITY CONTRIBUTIONS POLICY

File Ref:	ADMIN.35
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	25 June 2024
Author:	Angela Simpson, Corporate Planning and Policy Officer
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.3.2 – Draft Community Contributions Policy

IN BRIEF

- This report aims for the Council to endorse the draft Shire of Denmark’s Community Contributions policy for the purpose of wider consultation.

VOTING REQUIREMENTS

- 1. Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.3.2
MOVED: CR YOUEL	SECONDED: CR DEVENPORT
That Council:	
1. ENDORSE the Draft Community Contributions Policy as presented in Attachment 9.3.2 for public advertising.	
2. REQUEST the Chief Executive Officer to consider submissions and present a final Community Contributions for Councils consideration.	
AMENDMENT	
MOVED: CR CAMPBELL	SECONDED: CR PHILLIPS

In Part 1, after the word “advertising” add the words, “subject to the Chief Executive Officer amending the draft policy to;

- a) Include the requirement for Council to provide final approval for awarding community grants”.

LOST: 2/5

Res: 100624

TOTAL VOTES FOR: 2

Cr Campbell and Cr Phillips.

TOTAL VOTES AGAINST: 5

Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport and Cr Carman.

AMENDMENT

MOVED: CR WIGGINS

SECONDED: CR CARMAN

In Part 1, after the word “advertising” add the words, “subject to the Chief Executive Officer amending the draft policy to;

- a) Include the requirement for a public register being made available on the website of all community contributions”.

CARRIED: 7/0

Res: 110624

TOTAL VOTES FOR: 7

Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Carman and Cr Phillips.

TOTAL VOTES AGAINST: 0

AMENDMENT

MOVED: CR WIGGINS

SECONDED: CR CARMAN

In Part 1, add part b) that states, “amend the delegation protocol for discretionary service agreements by removing the monetary limit. Instead, require Council to approve all service agreements spanning multiple years, and authorise the CEO to approve all renewals or single year agreements that they align with the allocated budget”.

CARRIED: 7/0

Res: 120624

TOTAL VOTES FOR: 7

Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Carman and Cr Phillips.

TOTAL VOTES AGAINST: 0

AMENDED MOTION

That Council:

1. ENDORSE the Draft Community Contributions Policy as presented in Attachment 9.3.2 for public advertising, subject to the Chief Executive Officer amending the draft policy to:
 - a. Include the requirement for a public register being made available on the website of all community contributions; and
 - b. amend the delegation protocol for discretionary service agreements by removing the monetary limit. Instead, require Council to approve all service agreements spanning multiple years, and authorise the CEO to approve all renewals or single year agreements that they align with the allocated budget.
2. REQUEST the Chief Executive Officer to consider submissions and present a final Community Contributions for Councils consideration.

CARRIED: 7/0

Res: 120624

TOTAL VOTES FOR: 7

Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Carman and Cr Phillips.

TOTAL VOTES AGAINST: 0

REASONS FOR CHANGE

Council included a requirement that a public register of all contributions to the community be published on the Shire’s website so that the community could easily find and see who received financial assistance through the Shire.

Council wanted to retain oversight of any service agreements that committed the Council to financial allocations in future budgets.

LOCATION

2. Not Applicable

BACKGROUND

3. Officers have established a Draft Community Contributions Policy to create a fair and transparent approach to allocating financial support within the community. This policy seeks to replace historical ad-hoc funding arrangements with sustainable, long-term partnerships that provide certainty for community groups delivering essential services.
4. The policy framework is designed to ensure that financial contributions enhance community capacity, public safety, environmental sustainability, economic and social well-being, and regional collaboration while also addressing service gaps as outlined in the Council-endorsed strategies.

DISCUSSION / OFFICER COMMENTS

5. The Community Contributions Policy represents a significant advancement in the Shire of Denmark'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 sustainability goals and community needs. This proposed framework not only enhances the capacity of community groups

but also promotes a collaborative, accountable, and sustainable approach to community development.

CONSULTATION AND EXTERNAL ADVICE

6. Consultation, in the form of face-to-face meetings, with a cross-section community groups, stakeholders, and key partners has been conducted to ensure the policy reflects the community's needs and priorities. Feedback from these consultations has been instrumental in shaping the policy's objectives and implementation mechanisms, ensuring it aligns with the community's expectations and strategic goals.
7. If the Draft Policy is endorsed, officers will seek further comment from the community, leaseholders and stakeholder groups via the 'your Denmark' webpage and direct requests for feedback from all community groups.

STATUTORY / LEGAL IMPLICATIONS

8. The policy adheres to statutory requirements outlined in the Local Government Act 1995 (WA), particularly regarding rate exemptions for charitable organisations. This alignment ensures legal compliance and supports the Shire's commitment to fostering a supportive environment for nonprofit entities.

Local Government Act 1995

9. Section 6.26 – relates to rates exemptions.

STRATEGIC / POLICY IMPLICATIONS

10. Aligning the Community Contributions Policy with the Shire's Strategic Community Plan and Corporate Business Plan ensures financial support is directed towards initiatives that enhance community well-being, environmental sustainability, and economic development. This integration promotes cohesive and strategic use of resources across the Shire.
11. Making all community contributions part of the annual reporting process will also address the community's request for more transparency in the Shire's decision-making.

FINANCIAL IMPLICATIONS

12. The policy mitigates financial and operational risks by establishing clear guidelines and criteria for funding allocations. This structured approach reduces the likelihood of ad hoc and unaccountable spending and ensures that financial contributions are strategically targeted and managed.

OTHER IMPLICATIONS

Environmental

- 13. The policy supports the Shire's commitment to environmental stewardship by prioritising funding for projects that bolster environmental sustainability. This includes initiatives that align with the Sustainability Strategy and Action Plan, promoting long-term health and resilience for the community of Denmark.

Economic

- 14. Supporting community groups through structured financial contributions can stimulate local economic activity, encourage volunteerism, and enhance the overall economic resilience of community groups. It also leverages significant financial investments into the community, amplifying the impact of Shire funds.

Social

- 15. The policy aims to strengthen social well-being by funding initiatives that improve public safety, mental health, and community cohesion. It supports efforts to address social needs, enhance cultural vibrancy, and foster inclusive community development.

RISK MANAGEMENT

- 16. 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 EQUESTRIAN MANAGEMENT GROUP – MASTER PLAN

File Ref:	LEA.43 & A3189
Applicant / Proponent:	Denmark Equestrian Management Group Inc.
Subject Land / Locality:	Whole of Reserve 39067, being Lot 1004 on Deposited Plan 215923 (7 Beveridge Street, Denmark)
Disclosure of Officer Interest:	Nil
Date:	12 June 2024
Author:	Claire Thompson, Governance Coordinator
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.3.3 – Master Plan

IN BRIEF

- Council is asked to endorse a Master Plan that the Denmark Equestrian Management Group Inc. have created to guide future development of Crown Land Reserve 39067.

VOTING REQUIREMENTS

- 1. Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.3.3
MOVED: CR YOUEL	SECONDED: CR CAMPBELL
That Council;	
1. ENDORSE the Denmark Equestrian Grounds Master Plan, as per Attachment 9.3.3; and	
2. ADVISE the Denmark Equestrian Management Group Inc. that any trail development outside of their lease area will require prior approval from the Shire, and any other relevant agencies.	
CARRIED: 7/0	Res: 130624
TOTAL VOTES FOR: 7	
Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Carman and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

LOCATION

- Whole of Reserve 39067, being Lot 1004 on Deposited Plan 215923 (No. 7 Beveridge Street, Denmark).



Figure 1 - 7 Beveridge Street, Denmark (delineated in red above)

- The Shire has Management Order for Crown Land Reserve 39067, with power to lease for up to 21 years. The purpose of the Reserve is *Horse Racing Tracks and Recreation*.

BACKGROUND

4. In June 2022, Council granted a 21-year lease to the Denmark Equestrian Management Group Inc. (DEMG) for the whole of the reserve and provided in principle support for the development of a concept plan.
5. Resolution No. 190622 / 21 June 2022.

“That with respect to whole of Reserve 39067 being Lot 1004 on Deposited Plan 215923, Council:

1. AUTHORISE the Chief Executive Officer to offer a 21-year lease to the Denmark Equestrian Management Group Inc., as per Attachment 9.3.1, subject to obtaining Ministerial Approval in accordance with the Land Administration Act 1997; and
2. ADVISE the Denmark Equestrian Management Group Inc. that it supports the development of a draft concept plan for the reserve, in principle; and
3. REQUEST the Denmark Equestrian Management Group Inc. to present a draft concept plan to the Council for adoption should one be developed.”

DISCUSSION / OFFICER COMMENTS

6. The DEMG is an incorporated body made up of members from the Denmark Equestrian Club, Denmark Horsepower and the Denmark Pony Club.
7. The key elements of the Master Plan are:
 - New club house – incorporating solar panels, improved kitchen facilities (servery and canteen capability) and upgraded toilets, including a universally accessible toilet and changing place.
 - New undercover arena – currently they have no undercover areas to protect users from the weather.
 - Additional storage.
 - Undercover seated area/ pergola for spectators.
 - Improved water supply and arena surfaces.
 - Obstacle course to challenge riders, particularly those with disability.
 - Improved cross country course.
 - Improved safety for clients, members and visitors, including the delineation of a dedicated parking area.
 - Better facilities to increase income streams, use by external parties, encourage new membership and host events.
8. It is noted that the Master Plan includes a proposed trail plan, most of which are outside of the group’s lease area. Shire Officers have indicated verbally to the DEMG that any trail development would be subject to detailed assessment and approval processes.

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

10. Any works or development of the reserve by the DEMG will be subject to any statutory planning approval and/or building permit requirements and be authorised by the Shire as the land manager.

STRATEGIC / POLICY IMPLICATIONS

11. Officers are recommending that the Council, as the land manager, endorse the Master Plan (Attachment 9.3.3) to provide the DEMG, and any future external funding bodies, with confidence that their efforts and investment to develop the reserve are aligned with Council's aspirations for the area.
12. A Council endorsed Master Plan will also guide the Shire's administration when considering any future development applications associated with the reserve.
13. Officers are recommending endorsement rather than adoption to clearly indicate that the plan belongs to the DEMG and not the Shire.

FINANCIAL IMPLICATIONS

14. Nil

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

18. 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.

9.3.4 CORPORATE BUSINESS PLAN

File Ref:	ADMIN.35
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	25 June 2024
Author:	Angela Simpson, Corporate Planning and Policy Officer
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.3.4 – Draft Corporate Business Plan 2024-2028

IN BRIEF

- This report provides background information to support Council considering adopting the 2024-2028 Corporate Business Plan.

VOTING REQUIREMENTS

1. Absolute majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.3.4
MOVED: CR WIGGINS	SECONDED: CR PHILLIPS
That Council ADOPT the Corporate Business Plan (as per Attachment 9.3.4) for effect from July 2024 to June 2028.	
CARRIED BY AN ABSOLUTE MAJORITY: 7/0	Res: 140624
TOTAL VOTES FOR: 7	
Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Carman and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

LOCATION

2. Not applicable.

BACKGROUND

3. To fulfil the statutory obligations of section 5.56 of the Local Government Act 1995, the Local Government (Administration) Regulations 1996 require each Local Government to adopt a Strategic Community Plan and Corporate Business Plan as part of a ‘Plan for the Future’.
4. The Strategic Community Plan Our Future 2033 is the Council’s principal strategic document linking community aspirations with the Council's vision, objectives and long-term planning.
5. The Corporate Business Plan, Attachment 9.3.4, is the Shire’s four-year plan that provides direction on how the vision and long-term plan will be activated. The Corporate Business Plan identifies projects, initiatives and actions that the Shire will undertake over the next four years to improve operations whilst delivering key services and facilities, which support the community.

DISCUSSION / OFFICER COMMENTS

6. As part of the whole of organisation planning, staff have scrutinised projects within the Corporate Business Plan to ensure they are:
 - prioritised as a strategic fit to the objectives of Our Future 2033
 - linked to achieving outcomes in council-endorsed strategies and masterplans.
 - within budget as laid out in the Long-Term Financial Plan.
7. The Corporate Business Plan is reviewed each year as the organisation's financial position is further refined, ensuring that the Shire can capitalise on any new opportunities as they present. A number of the projects identified in the Corporate Business Plan are either solely or partially reliant on securing external funding, which the Shire will strongly advocate for over the life of the plan. Changing funding streams may result in delivery year changes for some projects.
8. Actions within the Corporate Business Plan will form key performance indicators for Shire of Denmark staff. The Shire's Executive and Management team meet regularly to track the progress of the Corporate Business Plan projects, ensuring that risks to delivery are minimised and opportunities to support delivery are maximised.

CONSULTATION AND EXTERNAL ADVICE

9. Extensive consultation was undertaken to develop Our Future 2023 which is the overarching document that supports the content of the Corporate Business Plan.
10. Officer have held three (3) informal briefings with Council at Concept Forum to shape the projects within the plan.

STATUTORY / LEGAL IMPLICATIONS

11. The requirements for preparing a Corporate Business Plan are detailed in the Local Government Act 1995.
12. Further guidance on the achievement of best practice standards is outlined within the Department of Local Government and Communities Integrated Planning and Reporting Framework and Advisory Standards and website.

Local Government Act 1995

13. Section 5.56 – relates to the requirement for planning for the district.

Local Government Administration Regulations 1996

14. Section 19DA – provide the specific requirements for the Corporate Business Plan.

STRATEGIC / POLICY IMPLICATIONS**Our Future 2033**

15. The Corporate Business Plan reflects the community priorities established in Our Future 2033.

Sustainability Strategy

16. Linking the Shire of Denmark Corporate Business Plan to the Shire of Denmark Sustainability Strategy is essential to ensure that the local government's operational and

strategic objectives are aligned with sustainable development principles. By integrating these plans, the Shire can more effectively promote environmental stewardship, economic resilience, and social well-being within the community. This alignment helps to ensure that all business activities, resource allocations, and policy decisions support long-term sustainability goals, fostering a cohesive approach to managing growth, reducing environmental impact, and enhancing the quality of life for residents.

FINANCIAL IMPLICATIONS

- 17. Funding for projects and activities listed in the Corporate Business Plan are accounted for in the Long-Term Financial Plan and will provide the basis for items considered in future Annual Budgets.

OTHER IMPLICATIONS

Environmental

- 18. The plan commits to preserving the natural beauty of Denmark, promoting sustainable practices, and implementing effective waste management strategies.

Economic

- 19. The plan supports the local economy improving operational efficiencies and investing in essential infrastructure like roads and drainage systems.

Social

- 20. The plan focuses on improving community infrastructure, such as parks and recreational facilities, and fostering cultural respect, particularly towards Aboriginal heritage.

RISK MANAGEMENT

- 21. 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.

9.3.5 DRAFT WASTE LOCAL LAW

File Ref:	LEG.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Shire of Denmark local government area
Disclosure of Officer Interest:	Nil
Date:	25 May 2024
Author:	Niel Mitchell, Strettle Pty Ltd (Consultant) Claire Thompson, Governance Coordinator
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.3.5 – Draft Waste Local Law

IN BRIEF

- Consideration of a draft Waste Local Law to re-commence the statutory processes for adoption
- The purpose of this report –

- to allow the presiding person to give notice to the meeting of the proposal to make a new local law, in accordance with the requirements of the *Local Government Act 1995*;
- for Council to approve the proposed local law for public comment;
- for Council to give notice of the purpose and effect of the proposed local law; and
- to authorise the advertising of the proposed local law for public comment.

VOTING REQUIREMENTS

1. Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.3.5
MOVED: CR WIGGINS	SECONDED: CR DEVENPORT
That Council;	
1. Pursuant to section 3.12(3) and (3a) of the <i>Local Government Act 1995</i> , and all other legislation enabling it, GIVE local public notice of the intention to make a Waste Local Law –	
Purpose – to regulate the collection, disposal and storage of waste and recyclable materials,	
Effect – to control the collection, disposal and storage of waste and recyclable materials for the benefit and health of the community and protection of the environment;	
2. In accordance with section 3.12(3) of the <i>Local Government Act 1995</i> , ADVISE the Minister for Local Government and Departments of the proposed local law.	
CARRIED: 7/0	Res: 150624
TOTAL VOTES FOR: 7	
Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Carman and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

LOCATION

2. Whole of Shire of Denmark local government area.

BACKGROUND

3. The development of the draft Waste Local Law commenced in November 2022, after discussion of the possibility for some years.
4. Previously initiated in May 2023, the Dept of Water and Environmental Regulation required multiple changes. Accordingly, due to the time elapsed, the process is required to be re-commenced.
5. The draft local law is based on the model developed by the WA Local Government Association and Dept of Water and Environmental Regulation. The local law will require Council to adopt a determination to govern a number of relevant matters.

DISCUSSION / OFFICER COMMENTS

6. In making a new local law, Council must comply with the provisions of section 3.12 of the *Local Government Act 1995*, and any specific requirements of other legislation.
 - Purpose – to regulate the collection, disposal and storage of waste and recyclable materials,
 - Effect – to control the collection, disposal and storage of waste and recyclable materials for the benefit and health of the community and protection of the environment;
7. The procedure for making local laws requires Council to give local public notice, advising of its intention to make a local law, the purpose and effect of the proposed local law, and invite submissions for a six-week period. At the closure of the submission period, Council is to consider all submissions before making a local law.
8. The proposed Waste Local Law requires the separate consent of the CEO of the Waste Authority (responsibility delegated to Department of Water and Environmental Regulation) prior to its adoption. Any changes resulting from submissions, must obtain further consent of the CEO of DWER.
9. As required by the Department of Water and Environmental Regulation (DWER), the draft is essentially identical to the WA Local Government Association (WALGA) model, regardless of how well it fits local circumstances. Following a video conference with DWER and WALGA representatives, it is clear that neither organisation is prepared to consider anything other than very minor variations to the model. Without DWER approval, the local law cannot be Gazetted and will not be approved by the Joint Standing Committee on Delegated Legislation.
10. The proposed Waste Local Law would also repeal a number of clauses of the Health Local Law 1998, which would be inconsistent or addressed under the new local law.
11. DWER will not consent to anything other than minor changes from the model text. One of the important ramifications of this is that the local law is not permitted to be altered to stipulate maximum volume and weight of general waste receptacle in draft clause 2.3(1)(a), but the text is required to be unchanged from the model. However, Council may make a determination of these matters in accordance with clause 1.6.
12. Clause 1.6(c) and (d) require that any determination is made annually, and that local public notice is also given annually in accordance with the Local Government Act and Regulations. The determination must also be recorded in a publicly accessible register.
13. The draft now presented to Council for approval to re-commence the statutory process has received informal approval by DWER officers for both the changes made and the sections of the Health Local Law to be repealed. Accordingly, it is considered that any further changes are unlikely to receive approval by DWER.
14. As required by the Local Government Act, the next steps include:
 - Local public notice inviting submissions;
 - Relevant ministers to be advised immediately after advertising for public comment –
 - Minister for Local Government

- Minister for the Environment (delegated to Director General, Department of Water and Environmental Regulation);
 - Supporting documentation to be sent to the Ministers
15. Local public notice is to invite comment on the proposed local law, with submissions being open for a period not less than 6 weeks. Internal submissions may also be made at this time.
 16. The advertisements will be placed once Council has resolved its approval of the draft for public comment.
 17. After the submission period is closed, Council is required to consider any submissions received. Minor amendments not affecting the intent of the provisions can be made, but if significant changes are needed, the proposal must be readvertised.
 18. Any amendments are required to be submitted for consent of the CEO of DWER.
 19. Formal consent from the CEO of the Dept of Water and Environmental Regulation is required before final adoption by Council.
 20. Once final adoption is resolved, the proposed local law is then published in the Government Gazette and comes into effect on the date specified. The Gazettal copy and other documentation is then sent to the Parliamentary Joint Standing Committee on Delegated Legislation for review. The Committee may then disallow or require changes, even though having been Gazetted.

CONSULTATION AND EXTERNAL ADVICE

21. No community consultation has been undertaken or is required at this time but is a statutory requirement of the next stage of the process.
22. Relevant Shire Officers, Department of Water and Environmental Regulation, and the WA Local Government Association were consulted and provided input into the development of the revised draft local law.
23. The Local Government Act requires a minimum 6-week public consultation period prior to final adoption. The notice of the review is required to be published on the Shire's website and in at least 3 additional places in accordance with the Administration Regulations r.3A.

STATUTORY / LEGAL IMPLICATIONS

Local Government Act 1995

24. Section 3.12 – Procedure for making local laws.
 - (2) Notice of purpose and effect of local law to be given by the person presiding.
 - (3) Statewide public notice required, and copies to Minister/s immediately after notice given, minimum 6 weeks' notice.
 - (3a) Local public notice also required to be given
After notice period, all submissions to be considered, and local law may then be made by absolute majority. Publication in Government Gazette required.
 - (7) Parliament to be advised within 10 working days of Gazettal.

25. Section 3.13 – Significant changes require recommencement of proposal.
26. Section 3.14 – Unless otherwise provided for, local laws come into effect 14 days after Gazettal.
27. s.3.15 – local public notice of the final adoption/making of a local law to be given.

Waste Avoidance and Resources Recovery Act 2007 –

28. Section 61 – local government may make local laws if departmental CEO consents.
29. Section 64(2) – list of purposes for which local laws may be made.

Interpretations Act 1984 –

30. Section 42(2) – after publication in the Government Gazette, Parliament may disallow within 14 sitting days of receipt.

STRATEGIC / POLICY IMPLICATIONS

31. Nil

FINANCIAL IMPLICATIONS

32. The cost of public advertising can be accommodated within the Council's existing budget.

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

36. 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.

9.3.6 PROPOSED FENCING LOCAL LAW – FINAL ADOPTION

File Ref:	LEG.1
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Shire of Denmark local government area
Disclosure of Officer Interest:	Nil
Date:	11 June 2024
Author:	Niel Mitchell, Strettle Pty Ltd, Consultant Claire Thompson, Governance Coordinator
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.3.6 – Proposed Fencing Local Law

IN BRIEF

- Consideration of the final adoption of a draft Fencing Local Law in accordance with the *Local Government Act 1995* section 3.12.

VOTING REQUIREMENTS

1. Absolute majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.3.6
MOVED: CR DEVENPORT	SECONDED: CR CAMPBELL
That Council:	
<ol style="list-style-type: none"> 1. MAKE the Fencing Local Law as per the attached draft (Attachment 9.3.6), incorporating the corrections needed; 2. AUTHORISE the President and CEO to sign and affix the Common Seal to the local law; 3. AUTHORISE the CEO to: <ol style="list-style-type: none"> a) publish the local law in the Government Gazette and provide copies of the local law to the Minister for Local Government; and b) forward a copy of the Gazetted local law, Explanatory Memoranda and associated documentation to the Parliamentary Joint Standing Committee on Delegated Legislation. 	
CARRIED BY AN ABSOLUTE MAJORITY: 7/0	Res: 160624
TOTAL VOTES FOR: 7	
Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Carman and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

LOCATION

2. Whole of Shire of Denmark local government area.

BACKGROUND

3. The development of the draft Fencing Local Law commenced in April 2023, after completion of a review of the local law in accordance with s 3.16 of the *Local Government Act 1995*.

4. The proposed Fencing Local Law was authorised for public comment at the March 2024 Ordinary Council Meeting.

DISCUSSION / OFFICER COMMENTS

5. In making a new local law, Council must comply with the provisions of section 3.12 of the *Local Government Act 1995*, and any specific requirements of other legislation.
 - Purpose – to prescribe sufficient fences, the standard for construction of fences and create offences for non-compliance,
 - Effect – to establish the minimum requirements for fencing, provide for permitted and prohibited fencing, and create offences for non-compliance;
6. There are no specific requirements of other legislation since the *Dividing Fences Act 1961* has no head of power regarding local laws, although various aspects of fencing generally have application.
7. Public notice of the proposed local law was given by four methods as required by Regulation 3A of the *Local Government Administration Regulations 1996*, with notices placed on the Shire’s website (mandatory), all official Shire notice boards, social media and local newspaper.
8. At the close of the statutory public comment period, no public submissions had been received.
9. The Department of Local Government, Sport and Cultural Industries also advised that they had no comment to make, other than noting the statutory compliance requirements.
10. The local law uses Australian Standards (Standard) only in the definitions and clause 5.3(3), noting “as amended from time to time”.
11. The Standard does have to be made available free of charge but is not required to be held at all times, only made available on request. Accordingly, obtaining the Standard as or when requested satisfies the requirement.
12. In order to comply with this requirement, it is suggested that the Local Laws page on the website include the following –

Australian Standards quoted in local laws

Australian Standards (AS or AS/NZS) are sometimes quoted in local laws to provide the basis for industry standards for the matter it relates to.

As noted in the local laws, these may be inspected at the Shire office, free of charge, during business hours.

Please note, these Standards are copyright to Standards Australia, and accordingly:

- *They are able to be discussed with the relevant employee in person or on the telephone; and*
- *They can be inspected free of charge at the Shire Office*
 - *If we don't hold a current copy of the relevant Standard, we will obtain it for you to view.*

Because the Standards are copyright, we will not:

- *Email quotes of text taken from the Standard; or*
- *Permit photocopying or photos to be taken on a mobile phone etc.*

Should you need a copy of the Standard please contact Standards Australia www.standards.org.au. See their contacts page for an online enquiry form or telephone 1800 035 822 (free call) or 02 9237 6000 or post to GPO Box 476, Sydney, NSW 2001.

13. A number of minor grammatical changes were made to the original text, none of which altered the intent of the provision amended nor placed additional obligations on the community. Accordingly, it is considered that the amendments are not of a significant nature that would require re-advertising.

14. Once formally adopted by Council, the

- local law is to be published in the Government Gazette;
- local public notice given of the adoption of the local law (separate to previous advertising of proposals);
- signed copies are to be sent to Minister for Local Government; and
- copy sent to the Parliamentary Joint Standing Committee on Delegated Legislation (JSCDL) together with other required documentation, within 10 days of publication in the Government Gazette, and completion of other statutory requirements.

15. Please note:

- disallowance of the local law may be made by Parliament, and could take some time depending on sitting days,
- if a provision is not considered to be critical, the JSCDL may require an undertaking from Council to make an amendment,
- the local law takes effect on the day stipulated in the local law, generally 14 days after publication in the Government Gazette.

CONSULTATION AND EXTERNAL ADVICE

16. Community consultation has been undertaken in accordance with the *Local Government (Administration) Regulations 1996*.

17. Relevant Shire Officers were consulted and provided into the development of the draft local law.

18. The Department of Local Government, Sport and Cultural Industries were advised of the proposed local law and provided no comment.

STATUTORY / LEGAL IMPLICATIONS

Local Government Act 1995

19. Section 3.12 – Procedure for making local laws

(2) Notice of purpose and effect of local law to be given by the person presiding.

(3) Statewide public notice required, and copies to Minister/s immediately after notice given, minimum 6 weeks notice.

(3a) Local public notice also required to be given

After notice period, all submissions to be considered, and local law may then be made by absolute majority. Publication in Government Gazette required.

(7) Parliament to be advised within 10 working days of Gazettal.

20. Section 3.13 – Significant changes require recommencement of proposal.

21. Section 3.14 – Unless otherwise provided for, local laws come into effect 14 days after Gazettal.

22. s.3.15 – local public notice of the final adoption/making of a local law to be given.

Interpretations Act 1984

23. Section 42(2) – after publication in the Government Gazette, Parliament may disallow within 14 sitting days of receipt.

STRATEGIC / POLICY IMPLICATIONS

24. Nil

FINANCIAL IMPLICATIONS

25. The cost of publication in the *Government Gazette* and of public advertising can be accommodated within the Council's existing budget.

OTHER IMPLICATIONS

Environmental

26. Proposed clause 3.4 provides specific protection against obstruction of watercourses.

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.

9.3.7 WEEDON HILL TELECOMMUNICATIONS TOWER LEASE & LICENCE

File Ref:	LEA.34
Applicant / Proponent:	I & S F Cenin
Subject Land / Locality:	Part of Lot 210 on Plan 20982 45 Payne Road, Denmark
Disclosure of Officer Interest:	Nil
Date:	13 June 2024
Author:	Claire Thompson, Governance Coordinator
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.3.7a – draft Lease 9.3.7b – draft Licence

IN BRIEF

- Council is requested to consider entering into a new lease with the owner of Lot 210 for the portion currently leased by the Shire and offering Denmark FM Ltd a new Licence Agreement, for a term to coincide with the new head lease expiry date.

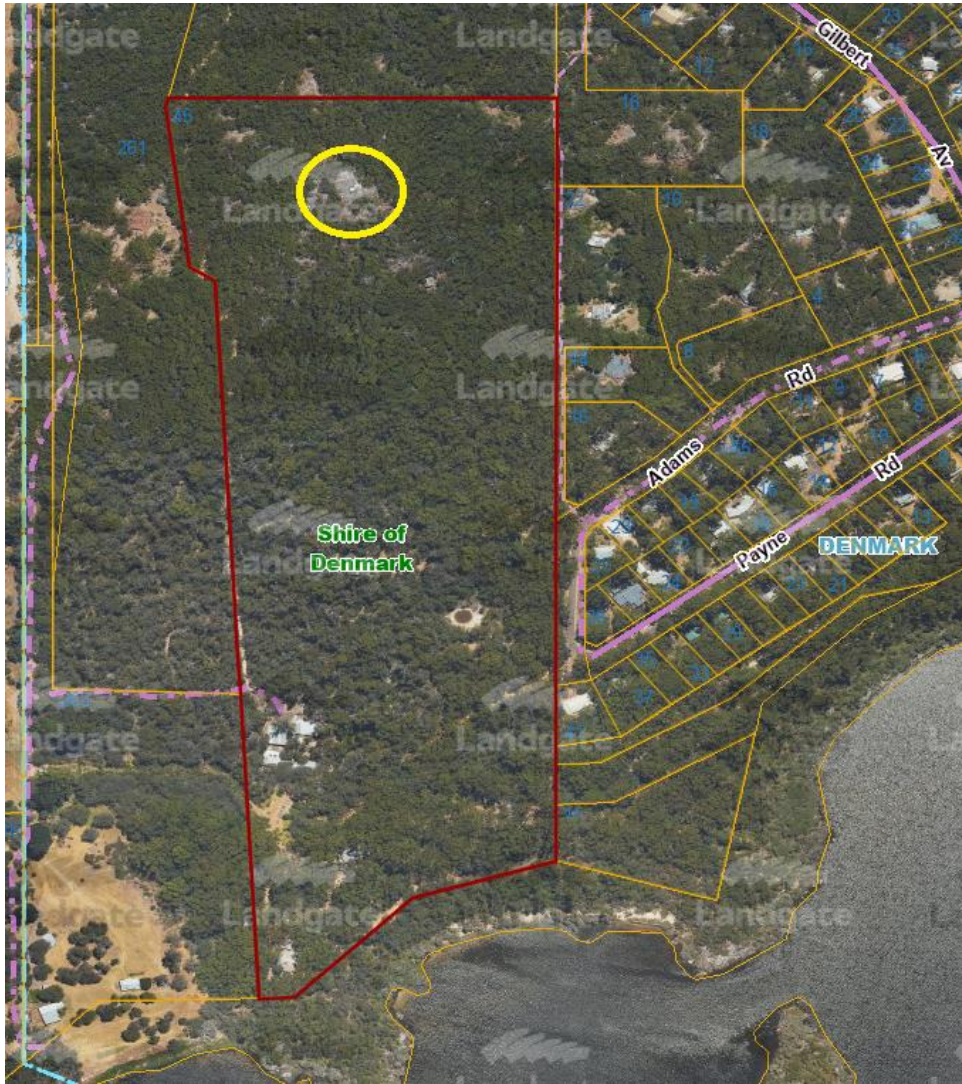
VOTING REQUIREMENTS

1. Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.3.7
MOVED: CR YOUEL	SECONDED: CR DEVENPORT
That Council:	
<ol style="list-style-type: none"> 1. AGREE to lease a part of Lot 210 on Plan 20982 for the purposes of retaining the telecommunications tower on Weedon Hill and in accordance with the draft lease in Attachment 9.3.7a; and 2. AGREE to grant a new licence to Denmark FM Ltd for the same ten-year term to enable them to continue to use the telecommunications tower to transmit the community radio station, as per Attachment 9.3.7b. 	
CARRIED: 7/0	Res: 170624
TOTAL VOTES FOR: 7	
Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Carman and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

LOCATION

2. Part of Lot 210 on Plan 20982, No. 45 Payne Road, Denmark.



Pictured Above – Lot 210 (delineated in red) and approximate lease area (circled in yellow).

BACKGROUND

3. The Shire commenced leasing the premises in July 2003 for the purposes of installing a transmission tower to transmit analogue television to the residents of Denmark.
4. It was later used for transmitting a SBS foreign language radio and in 2018 the Radiocommunication Apparatus Licence was not renewed with the Australian Communications and Media Authority (ACMA).
5. Upon request in 2022 Council granted a Licence to the Denmark Community Resource Centre to install radio transmission equipment on the tower to enable broadcast of Denmark FM. This licence expires on the same day as the head lease, being 29 June 2024.
6. In 2024, Denmark FM Ltd was established and took over the Licence Agreement from the Denmark Community Resource Centre.

DISCUSSION / OFFICER COMMENTS

7. Denmark FM Ltd still use the tower for their community radio transmission. In return, Denmark FM acknowledges the Shire’s support of the radio station.

8. Should Council decide not to enter into a new lease, there is a provision in the current lease that would require the Shire to remove all infrastructure and make good the site.
9. A new draft lease is attached (see Attachment 9.3.7a) and is based on the same terms as the current lease. The landlord has indicated that they are happy to enter into a new lease with the Shire and have had no objections with the Licence Agreement with Denmark FM Ltd.

CONSULTATION AND EXTERNAL ADVICE

10. 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

11. Nil

STRATEGIC / POLICY IMPLICATIONS

12. Nil

FINANCIAL IMPLICATIONS

13. The annual rent for 2023/24 was \$1,223.53 (ex GST). Each year the rent is adjusted in accordance with clause 3.3(c) of the lease, being last year's rent*current year's Shire rates/last year's rates. The increase from 2022/23 to 2023/24 was 18.047%.
14. Other costs associated with the lease are:

Insurance \$70.18 (2023/24)

Electricity \$1,238.99 (2023/24)

15. There is no fee associated with the Licence Agreement. This was agreed by the Council in 2022 as a way of providing support for the community radio station. In turn, the licensee is required to acknowledge the Shire's support. It is recommended that this arrangement be continued should Council grant a new licence.

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

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

9.4 COMMUNITY SERVICES

Nil

9.5 INFRASTRUCTURE SERVICES

9.5.1 COASTAL RESERVES MANAGEMENT PLAN 2024-2034 – FOR ADOPTION

File Ref:	GRT.183
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Shire of Denmark Coastal Reserves
Disclosure of Officer Interest:	Nil
Date:	18 th April 2024
Author:	Yvette Caruso, Sustainability Officer
Authorising Officer:	Robert Westerberg, Director of Infrastructure and Assets
Attachments:	9.5.1 Coastal Reserves Management Plan (2024-2034)

IN BRIEF

- The Shire of Denmark has updated its Coastal Reserves Management Plan (2024-2034) for its four Shire coastal reserves:
 - Ocean Beach Reserve 24913
 - Parry Beach Reserve 20928
 - Boat Harbour Reserve 7723
 - Peaceful Bay Reserve 24510
- The Coastal Reserves Management Plan (2024-2034) is a strategic management document that outlines priorities for monitoring, intervention and forward planning around environmental, social and cultural values on Shire coastal reserves in accord with community expectations and resource considerations.
- It incorporates coastal hazard assessments which monitor erosion and inundation that may impact on infrastructure and allows for strategic forward planning to mitigate and adapt into the future.

VOTING REQUIREMENTS

1. Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.5.1
MOVED: CR PHILLIPS	SECONDED: CR CAMPBELL
That the Council ADOPT the Shire of Denmark Coastal Reserves Management Plan (2024-2034) as per attachment 9.5.1.	
CARRIED: 7/0	Res: 180624
TOTAL VOTES FOR: 7 Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Carman and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

LOCATION

2. The Shire of Denmark has a coastline covering 84km along the south coast of Western Australia. The project area consists of the four coastal reserves vested in the Shire of Denmark situated along the south coast of Western Australia. These include:

- Ocean Beach – Reserve 24913 (488 ha) – A class reserve for the Purpose of ‘Parklands and Recreation’; (and adjacent Prawn Rock Channel Reserve 20578)
- Parry Beach – Reserve 20928 (262ha) – A class reserve for the Purpose of ‘Camping and Recreation’
- Boat Harbour – Reserve 7723 (103 ha) – C class reserve for the Purpose of ‘Recreation and Foreshore Protection’
- Peaceful Bay – Reserve 24510 (214 ha) – A class reserve for the Purpose of ‘Recreation, Camping Caravan Park and Holiday Cottages’



Figure 1: Coastal Reserves within the Shire of Denmark

BACKGROUND

3. The Shire was successful in a grant application in 2022 and the project was subsequently co-funded by the Department of Planning, Lands and Heritage (DPLH) through a Coastal Management Plan Assistance Program (CMPAP) grant.
4. The project entailed a review of the existing Shire of Denmark Coastal Reserves Management Strategy and Action Plan (2010-2020) and development of a revised updated Coastal Reserves Management Plan document (CRMP).
5. The Shire engaged a consultant, Land Insights in collaboration with Seashore Engineering, to deliver the CRMP review and associated community consultation which flows on from the Parry Beach Master Planning community consultation.

6. The CRMP provides prioritisation of recommendations for the Shire's coastal reserves in accordance with community expectations and resource constraints; and will guide long term planning and sustainable management of the Shire's coastal reserves with a particular focus on continued community access and environmental protection.
7. Undertaking a coastal hazard assessment (including assessment mapping) for the Parry Beach reserve (including Point Hillier Beach) was an important facet of the project to obtain a better understanding of coastal erosion and inundation impacts on future sustainable management planning options for the area. The revised CRMP also incorporates existing coastal hazard information for Ocean Beach and Peaceful Bay. This includes coastal erosion, inundation, and sea level rise data over short, medium and long-term timeframes.
8. Information gleaned from the coastal hazard assessments and associated planning recommendations into broader coastal reserve land use management planning have been incorporated into the CRMP to ensure a consistent and informed approach to long-term sustainable management of the Shire's coastal reserves into the future.

DISCUSSION / OFFICER COMMENTS

9. The Shire's coastal reserves are highly valued by the community and represent a significant asset for the Shire of Denmark, providing tourism and recreational activity nodes for residents and visitors, as well as conservation and cultural values. Three of the four coastal reserves are categorised as A class reserves affording them a higher level of protection due to their high conservation and/or high community value.
10. The primary values of the coastal reserves include (but are not limited to):
 - Socio-cultural values: recreational uses including swimming, walking/hiking, surfing, recreational fishing, nature-based camping, boating, four-wheel driving, dog exercising, horse-riding, birdwatching and surf club activities. Cultural heritage values include known indigenous heritage sites as well as early settler history.
 - Economic values: tourism value to the broader Shire; professional seasonal salmon fishing; surfing lessons; substantial revenue of the campground for the Shire.
 - Environmental values: natural values in the coastal reserves include significant natural features, estuarine environs, biodiversity, ecosystem integrity, coastal habitats and bird nesting sites. There is also an identified threatened ecological community (TEC) Coastal saltmarsh known to occur within two of the coastal reserves.
 - Infrastructure values: significant infrastructure exists at the coastal reserves comprising of surf club buildings and boatsheds, lookouts and access stairs, boat ramps, caretaker's cottage, BBQ Day use site, signage, car parks, campground areas, ablutions, walk and bike trails and sections of the internationally renowned Bibbulmun track.
11. The main threats to the coastal reserves include (but are not limited to):
 - increasing population and visitor pressures
 - increasing demands from conflicting multi-user visitors
 - impact of current land uses and land use conflicts
 - vehicle access and subsequent degradation
 - inappropriate fire management regimes

- invasive species, pathogens and introduced fauna and flora
- coastal hazards including coastal erosion and inundation
- impacts from climate change, rising sea levels and extreme weather events
- landform and stability
- natural vulnerability
- habitat destruction and fragmentation
- water pollution
- litter

Coastal Hazard Assessment

12. The Shire's southern coastline is extremely varied and consists of a mixture of rocky headlands, steep cliffs and bays. The coast is a dynamic environment with ongoing interactions between wind, water and land and is subject to climate change variability, decreasing rainfall, increase in mean sea level and extreme weather events.
13. Climate change impacts and increasing visitor pressures indicates a pressing need to factor in coastal erosion processes, and consideration of mitigation and adaptation strategies to ensure future continued accessibility, protection of infrastructure assets and long-term sustainable management in line with community expectations.
14. Two of the four coastal reserves in the Shire of Denmark are recognised as coastal erosion hotspots in the *Assessment of Coastal Erosion Hotspots in Western Australia Report (2019)* prepared by Seashore Engineering. Ocean Beach Reserve 24913 and Peaceful Bay Reserve 20928 are identified as meeting the typical characteristic criteria of a coastal erosion hotspot:
 - Proximity – infrastructure close to the existing shore, or landward of progressively and rapidly eroding coast
 - Instability – typically subject to progressive or episodic erosion
 - Community – highly valued by the community
15. The Ocean Beach and Peaceful Bay Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) was completed in June 2018. The CHRMAP identifies land that is potentially vulnerable to coastal erosion and inundation over a 100-year planning timeframe and provides adaptation responses for both short term and long-term planning horizons.
16. A *Coastal Hazard Assessment* was undertaken at Parry Beach by Seashore Engineering as sub-contractor for the project in July and presented as an *Inspection Report* to the Shire and Steering Committee in September. This has been further developed into a *Coastal Hazard Assessment Report (November 2023)*.
17. Coastal *Geotechnical Surveys* were also conducted in July 2023 with resultant Reports for Parry Beach and Peaceful Bay (Sept 2023) through a separate but concurrent collaborative project as a Department of Transport initiative.

CONSULTATION AND EXTERNAL ADVICE

18. A CRMP Steering group was established at the commencement of the project involving representatives from the co-funding body DPLH, Shire staff, and a nominated

community representative. The CRMP Steering group conducted regular meetings throughout the duration of the project and were consulted at each stage of development with subsequent advice incorporated throughout the development of the CRMP.

19. Multiple stakeholder groups are invested in the Shire's coastal reserves ranging from community organisations, state government agencies, and not for profit non-government organisations. The key stakeholder groups include (but are not limited to):

- CRMP Steering Group
- Shire of Denmark
- Green Skills
- Denmark Environment Centre
- South Coast Bushcare Services
- Parry Beach Voluntary Management Group
- Peaceful Bay Progress Association
- Denmark Bird Group
- Denmark Boating & Angling Club
- South Coast Surfing
- Wilson Inlet Catchment Committee
- Department of Biodiversity, Conservation & Attractions
- William Bay National Parks Association
- Bibbulmun Track Foundation
- DPLH - Indigenous Heritage South Coast Region

20. A communications engagement strategy was developed and implemented as part of the project which incorporated engagement and consultation with key targeted stakeholders and the broader community through the following mechanisms:

- ongoing liaisons with CRMP steering committee
- targeted engagement with key stakeholder groups – initial and intra-project
- community workshop(s)/forum
- broader community engagement through community survey
- public comment period – 6 weeks
- Q&A information drop-in session
- feedback sought through online portal and hard copy feedback form
- ongoing project updates through community engagement web-based platform
- ongoing availability to discuss project with Shire staff and consultant throughout project
- presentation to Sustainable Projects Working Group

21. The first community workshop was held on Wednesday 24 May at the Shire of Denmark administration office Reception Room. This initial workshop introduced the project to the community and explored values and key issues of each of the Shire's coastal reserves. Outcomes of the Community Consultation Workshop can be found under Key Documents on the *Your Denmark Coastal Protection* project page.

22. The community survey provided an opportunity for community members to identify the coastal assets that are most important to them. The survey was open for a period of 6 weeks which closed on Wednesday 31 May. There were 140 respondents to the survey - the *Community Survey Responses Report* can be found under Key Documents.
23. A community consultation outcomes report was provided and is available to the community on the Your Denmark webpage - summarising community input at the Community Workshop held in May.
24. The consultant Land Insights reviewed action status from the previous Coastal Reserves Management Plan as well as compiled management recommendations for each coastal reserve site – gleaned from community consultation feedback. These were presented as an Actions Audit & Status Internal Report and were reviewed in combination with draft management recommendations for each coastal reserve site with one-on-one targeted stakeholder engagement that was held on 21 and 22 September.
25. A Draft Coastal Reserves Management Plan was developed based on the preliminary consultation engagement, and reviewed by Shire staff, the Coastal Reserves Steering Committee, and Department of Planning, Lands & Heritage prior to being put out for Public Comment over a period of 6 weeks from 7 December to 31 January 2024. The Draft Plan can be found in Key Documents.
26. A Coastal Reserves Q&A drop-in information session was held over two days from 11 -12 December providing community members with the opportunity to drop-in, discuss and ask questions regarding the Draft Coastal Reserves Management Plan.
27. Feedback on the Draft Plan was sought through a Feedback Form available in both hard copy and through an online portal via the Your Denmark Coastal Protection community engagement page.
28. Feedback received over the Public Comment period is available in the Draft Coastal Reserves Management Plan Feedback Report (Feb 2024) available in Key Documents.
29. Ongoing project updates and associated documents are provided via the Your Denmark Coastal Protection community engagement web platform.

STATUTORY / LEGAL IMPLICATIONS

30. The review and update of the CRMP is aligned with the *State Planning Policy 2.6 State Coastal Planning Policy (SPP2.6) and associated Guidelines* through the development of a strategic plan guiding long-term management of the Shire's coastal reserves which are under increasing pressure from population growth, competing land use demands, and impacts from climate change and coastal hazards such as erosion and inundation. It also enables collaborative engagement with the community who are heavily invested in the long-term sustainable management of their coastal environs.
31. The coastal hazard assessment for Parry Beach was reviewed by the Coastal Engineers at the Department of Transport to ensure it meets the requirements of SPP2.6 Schedule 1.

STRATEGIC / POLICY IMPLICATIONS

Corporate Business Plan 2022-2025

- 32. Development of the CRMP for the Shire’s coastal reserves is supported in the Shire’s Corporate Business Plan 2022-2025 which identifies a key action to ‘deliver an updated Coastal Reserves Management Strategy and Action Plan for Shire coastal reserves, including Parry Beach coastal hazard mapping’.

Sustainability Strategy (2021-2031)

- 33. The Shire’s Sustainability Strategy (2021-2031) states “The Shire of Denmark is geographically located to experience many of the impacts mentioned in the State of the Climate Report (2020).” with a key principle to 4.1 “Implement responsible and sustainable practices through policy development and land-use planning.”

FINANCIAL IMPLICATIONS

- 34. Implementation of Coastal Reserves Management Plan recommended actions and revise over time with ongoing commitment from Council budget to maintain our natural and infrastructure assets within our coastal reserves.

OTHER IMPLICATIONS

Environmental Economic and Social

- 35. Adoption of the CRMP will ensure ongoing maintenance, protection and enhancement of the economic infrastructure, socio-cultural and environmental values in the Shire’s coastal reserves.

RISK MANAGEMENT

- 36. 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

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 11
MOVED: CR PHILLIPS	SECONDED: CR DEVENPORT
That, in accordance with clause 3.11 of the Shire of Denmark Standing Orders Local Law, Council ACCEPT an Item of New Business relating to the pending sale of a lease with the Shire of Denmark.	
CARRIED: 7/0	Res: 190624
TOTAL VOTES FOR: 7 Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Carman and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

11.1 FREIGHT LINES GROUP LEASE

File Ref:	LEA.10
Applicant / Proponent:	Freight Lines Group
Subject Land / Locality:	Portion of Lot 300 on Deposited Plan 46811 9 Denmark-Mount Barker Road, Denmark
Disclosure of Officer Interest:	Nil
Date:	20 June 2024
Author:	Claire Thompson, Governance Coordinator
Authorising Officer:	David King, Chief Executive Officer
Attachments:	11.1a - Draft Lease 11.1b - Extract from Council Minutes 28 May 2024

IN BRIEF

- De Campo Transport Pty Ltd have sold their lease to Freight Lines Group.
- Council is asked to consider entering into a new lease with the purchaser.

VOTING REQUIREMENTS

37. Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 11.1
MOVED: CR DEVENPORT	SECONDED: CR WIGGINS
That Council:	
<ol style="list-style-type: none"> 1. AGREE to enter into a five-year lease with Freight Lines Group, as per Attachment 11.1a; 2. ADVERTISE the intended disposal as per statutory requirements; and 3. AUTHORISE the Chief Executive Officer and the Shire President to execute the lease, should there be no adverse submissions received or third party interest in the property, noting that should this not be the case, the submissions and/or interest will be brought back to Council for consideration. 	
CARRIED: 7/0	Res: 200624
TOTAL VOTES FOR: 7	
Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Carman and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

LOCATION

38. Portion of Lot 300 on Deposited Plan 46811, corner of South Coast Highway and Denmark-Mount Barker Road, Denmark
39. The aerial photo below shows the lease area of 7,600m², delineated in red.



BACKGROUND

- 40. In May 2024, Council agreed to enter into a new five-year lease with the current lessee, De Campo Transport Pty Ltd (Resolution No. 100524).

DISCUSSION / OFFICER COMMENTS

- 41. De Campo Transport Pty Ltd have informed the Shire that they have sold the business (and lease) to Freight Lines Pty Ltd with settlement expected by the end of June 2024.
- 42. The terms of the new lease are identical to those approved by Council in May 2024.
- 43. Refer Attachment 11.1a for the draft lease.

CONSULTATION AND EXTERNAL ADVICE

- 44. Should Council agree to the new lease, the disposal will be advertised, calling for public submissions, in accordance with statutory requirements.

STATUTORY / LEGAL IMPLICATIONS

Local Government Act 1995

- 45. Section 3.58 – relates to disposal of property, including to lease.
- 46. Section 3.58(3) and (4) – details the requirements to dispose, including the requirement to give public notice.

STRATEGIC / POLICY IMPLICATIONS

- 47. With respect to the strategic use of the freehold land, refer to the May 2024 Council report in Attachment 11.1b.

FINANCIAL IMPLICATIONS

- 48. Based on the April 2024 independent market valuation, the annual rental income for 2024/2025 will be \$26,000 (ex GST).
- 49. 2023/2024 rates income was \$2,405.95.

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

- 53. 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.

12. CLOSURE OF MEETING

5.00pm – *The Shire President declared the meeting closed.*

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

Signed: _____
Kellie Jenkins – Acting 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)