

SHIRE OF DENMARK

Ordinary Council Meeting

AGENDA

26 NOVEMBER 2024

TO BE HELD IN COUNCIL CHAMBERS, 953 SOUTH COAST HIGHWAY, DENMARK, ON TUESDAY, 26 NOVEMBER 2024, COMMENCING AT 4.00PM.



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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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

MEMBERS:

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

STAFF:

- David King (Chief Executive Officer)
- 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 Jackie Ormsby (pursuant to Council Resolution No. 011024)

ABSENT WITHOUT LEAVE

VISITORS

3. DECLARATIONS OF INTEREST

Name	Item No	Interest	Nature

4. ANNOUNCEMENTS BY THE PERSON PRESIDING

4.1 Announcement of Rates Incentive Prizes

The Senior Finance Officer will announce the winners of the Shire's Rates Incentive Program.

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 – 29 OCTOBER 2024

OFFICER RECOMMENDATION	ITEM 7.1
That the minutes of the Ordinary Meeting of Council held on the 29 October 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

9.1.1 CAMPING APPROVALS FOR TINY HOMES ON WHEELS POLICY

File Ref: PLN.105
Applicant / Proponent: Not Applicable
Subject Land / Locality: Not applicable
Disclosure of Officer Interest: Nil
Date: 8 November 2024
Author: Emmet Blackwell, Strategic Town Planner
Authorising Officer: David King, Chief Executive Officer
Attachments: 9.1.1a – Draft Policy - Camping Approvals for Tiny Homes on Wheels Policy
 9.1.1b – Draft Information Sheet - Tiny Homes on Wheels

IN BRIEF

- Council is requested to adopt the proposed policy and related new fees concerning camping approvals for Tiny Homes on Wheels.

VOTING REQUIREMENTS

1. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.1.1
<p>That Council:</p> <ol style="list-style-type: none"> 1. ADOPT the Camping Approvals for Tiny Homes on Wheels Policy as presented in Attachment 9.1.1a. 2. ADOPT and ADVERTISE a new application fee of \$135, a permit fee of \$400, and a permit renewal fee of \$200 for proposals to camp utilising a Tiny Home on Wheels for up to 24 months. 	

BACKGROUND

2. Tiny Homes on Wheels (THOW) are generally designed and constructed to:
 - Look like conventional small houses;
 - Meet the requirements of the National Construction Codes (NCC) that apply to buildings, as well as

- Being engineered to be towed safely on the road as per National Vehicle Design Standards.
3. Compared to a typical caravan, THOWs sacrifice being lightweight and aerodynamic for regular travel to maximise comfort, longevity, and aesthetic appeal.
 4. THOWs provide an affordable, flexible, and low-impact housing alternative. The Shire is seeing a growing demand for THOWs locally, particularly in response to the current housing crisis and rising cost of living. Recent data places Denmark among the top three worst-hit locations in Western Australia in terms of rental stress and rental availability.
 5. On wheels, the ownership of a THOW is not tied to a property title. Breaking the nexus between house and land is key to affordability for many people who cannot access a conventional fixed dwelling to either rent or purchase. In the current housing crisis, a moveable tiny house can be a secure, dignified, and comfortable dwelling option compared to sleeping rough in a car, tent, or caravan.
 6. Community consultation and public enquiries received by Shire staff over the last 4 years indicate a significant and growing level of demand and interest in THOWs as an affordable housing option in both rural and suburban areas of the Shire.
 7. On 1 September 2024, the Department of Local Government, Sport and Cultural Industries introduced amendments to the Caravan Park and Camping Grounds Regulations 1997, enabling local governments to grant a single approval to camp on private land outside of an approved Caravan Park or Camping ground for up to 24 months, replacing the previous 3-month limit.
 8. The amended regulations also enable an applicant to apply for a renewal of the camping approval upon expiry of the 24-month timeframe, as well as the inclusion of provisions that empower the local government to revoke an approval if a condition on the permit has been breached.
 9. In practice, a THOW designed, constructed, positioned and fixed in place on a lot in a manner that complies with the National Construction Code (NCC), and planning requirements, can currently receive a development approval and building permit to enable their use the same as any other small format dwelling. However, any building or planning approvals granted for a THOW remain attached to the land, not the THOW. Therefore, if the owner intends to relocate the THOW to a different property, new approvals are required for each new location, creating a significant financial and administrative barrier given the complexity and cost of getting a building license approved for a THOW, requiring bespoke performance solutions certified externally by a willing private building surveyor.
 10. THOWs also commonly face several other challenges in complying with NCC requirements, particularly for designs including sleeping lofts, due to headroom clearance requirements, stair gradients, footing and tethering standards, and energy efficiency ratings (NatHERS).
 11. If a THOW does not meet every aspect of the NCC, or the owner prefers not to seek a building permit in favour of increased flexibility, the THOW may instead be considered

as a 'caravan', as defined and regulated under the Caravan Parks and Camping Grounds Act 1995 and Regulations 1997.

12. The proposed Camping Approvals for Tiny Homes on Wheels Policy (Attachment 9.1.1a) outlines the circumstances where the Shire may approve the use of a THOW for camping on private land outside of an approved caravan park or camping ground for up to 24 consecutive months under clauses 11 to 15 of the Caravan Park and Camping Grounds Regulations 1997.

DISCUSSION / OFFICER COMMENTS

13. The policy establishes a comprehensive framework for assessing and determining applications for the use of a THOW for camping. These policy requirements have been written to ensure that any THOW granted camping approval is designed, constructed, and located in a manner that safeguards health, safety, amenities, and the natural environment.
14. A THOW is defined by the policy as a structure designed for human habitation on a wheeled base. However, buses, camper vans, camper trailers, tents, shipping containers, and other temporary structures related to camping are not considered THOWs and are not intended to be approved under the policy.
15. Although THOW applications under the policy are technically applications to camp, THOWs are residential in nature. Therefore, the planning framework is intended to be applied to their assessment.
16. A THOW's design, materials and construction must be generally compliant with the NCC, ensuring that domestic grade materials are used and that the THOW has the character of a conventional dwelling.
17. Adequate services must be provided to the THOW, including potable water, electricity and connection to sewer or an appropriate effluent disposal system.
18. The policy also requires the design and proposed location of a THOW to comply with the zone's setback requirements, minimise any potential impacts on the streetscape or visual landscape amenity, and be positioned in an area rated BAL-29 or lower with respect to bushfire risk.
19. THOWs approved under the policy will be limited to one per lot and are not to be rented out for short-term rental accommodation. Additionally, each lot is restricted to either a THOW or Ancillary Dwelling approved, but not both.
20. Applications for the use of a THOW under a camping approval will be required to submit plans and sufficient detail to demonstrate compliance with the above requirements. An updated THOW information sheet (Attachment 9.1.1b) and an application form will give applicants an overview of the key requirements and information required to be submitted with an application.
21. The assessment of applications by Shire staff will include a referral process to enable input from planning, building and health officers. If the information provided by an application is insufficient, officers shall request the applicant to provide further

information address the policy provisions outlined above, or other matters to be considered, as listed under clause 4.17 of the draft policy.

22. Approval permits will include a set of conditions, which may include requirements relating to limits on the number of occupants, services and infrastructure, health and safety, environmental protection, visual screening, landscaping, and any other relevant consideration.
23. The policy only allows a THOW to be approved for camping if a single dwelling already exists on the lot, except for within the Rural zone. This requirement is intended to ensure equity concerning property rates paid to the Shire by landowners. If a THOW was placed on a vacant lot in most zones, where rates are calculated based on gross rental value (GRV), the lot would still be subject to rates based on vacant land, as without a building license, the valuation process does not consider a THOW to be a dwelling. However, rates for land within the Rural zone are instead calculated based on the land's unimproved value (UV), removing any concerns regarding the equity of rating between vacant and developed sites.
24. This report also recommends the adoption of the following new fees, which are recommended for the processing of THOW applications under the proposed policy.
 - Application fee of \$135;
 - Permit fee of \$400 (valid for 24 months); and
 - Permit renewal fee of \$200.
25. The proposed fee structure is the same as the current fees for temporary accommodation permits, with the permit timeframe adjusted to align with the amended regulations.

CONSULTATION AND EXTERNAL ADVICE

26. Officers have considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposed new policy and fees, and believe that no additional external/internal engagement or consultation is required.
27. Formal feedback received during the numerous phases of community consultation related to the Shire's draft Local Planning Strategy over the past four years, including online forms and surveys, has consistently indicated strong community support for a change in rules and regulations governing the use THOWs within the Shire. An increasing number of customer enquiries regarding the use of THOWs as an affordable housing solution in recent years also indicate a growing desire from the local community to utilise THOWs.
28. Discussions and advocacy concerning the proposed policy approach have also occurred in recent years with many relevant organisations and stakeholders, including the Australian Tiny Home Association, the West Australian Local Government Association, the Department of Planning Lands and Heritage, Ministers and our local member of parliament, and several other regional local governments who are also looking to implement similar policies. The Shire's proposed policy approach, enabled by the

recently amended Caravan Park and Camping Grounds Regulations 1997, has received widespread support.

STATUTORY / LEGAL IMPLICATIONS

Caravan Park and Camping Grounds Act 1995

29. Section 5(1) – defines 'camp', 'caravan' and 'vehicle'.

Caravan Park and Camping Grounds Regulations 1997

30. Regulation 11A – relates to a local government's ability to approve camping for up to a 24 month period.
31. Regulation 12 – restricts the total number of caravans on a lot.
32. Regulation 13 – requires land approved for camping to be safe, healthy and have access to services.
33. Regulation 14 – requires a caravan or camp to be maintained in a condition that is not a hazard to safety and health.
34. Regulation 15 – relates to the mobility and condition of caravans.

Local Government Act 1995

35. Section 6.16(3) – enables fees to be imposed during the financial year, by an absolute majority.
36. Section 6.19 – requires that public notice must be given before introducing the fee.

STRATEGIC / POLICY IMPLICATIONS

Our Future 2033

37. The Shire's Strategic Community Plan contains a strong theme of enabling housing diversity, availability and affordability, including specific support for tiny homes.

Housing Affordability Policy

38. Council have expressed their commitment to advocate for affordable housing in Denmark.

Draft Local Planning Strategy

39. Sections 3.1.4.4 'Affordability and Availability' and 3.1.4.5 'Housing Forms' acknowledge the current housing crisis in Denmark and nationwide, and express support for more innovative, efficient and diverse forms of housing to be encouraged, including specific support for the use of THOWs as a form of semi-permanent dwelling.

FINANCIAL IMPLICATIONS

40. The proposed policy and related fees will enable the Shire to receive applications for THOWs which in the past have often not sought approval. Subsequently, it is expected that by providing a new fit-for-purpose approval pathway for THOWs, the new policy will reduce the resources devoted to compliance work and inquiries regarding THOWs.

OTHER IMPLICATIONS

Environmental

- 41. The policy provisions provide an assessment framework that will ensure the protection of the natural environment. In particular, the requirement for a THOW to be located in an area rated BAL-29 or less, implies that THOWs may only be approved in areas that are already clear of vegetation.

Economic

- 42. Supporting the use of THOWs within the Shire will increase access to affordable housing options, which is particularly important during the current cost of living and housing crisis.

Social

- 43. Enabling an increase in the Shire's affordable housing supply in the form of THOWs will increase the options available to local community members who are homeless, sleeping rough, or living in insecure or unsafe accommodation.

RISK MANAGEMENT

- 44. 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 CORPORATE SERVICES

9.2.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31 OCTOBER 2024

File Ref:	FIN.66.2024/25
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	13 November 2024
Author:	Scott Sewell, Financial Accountant
Authorising Officer:	Kellie Jenkins, Executive Manager Corporate Services
Attachments:	9.2.1 – October 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 of Denmark's (Shire) financial performance in relation to its adopted budget.
- The Shire's Statement of Financial Activity for the period ending 31 October 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 increase the purchase price for a Ride on Mower.

VOTING REQUIREMENTS

1. Simple majority.

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

2. Absolute majority.

OFFICER RECOMMENDATION	ITEM 9.2.1b
<p>That Council APPROVE a 2024/2025 budget amendment to increase the purchase price for a Ride on Mower as follows:</p> <ul style="list-style-type: none"> a) Increase expenditure for Plant and Equipment capital expenditure by \$17,000; and b) Increase transfer from Plant Reserve by \$17,000. 	

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 October 2024 shows a closing funding surplus of \$9,719,698. 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 \$109,368, and Operating expenses are \$278,254 higher than budget. The main factors contributing to these variances are detailed in Note 1 – Major Variances within the attachment.
8. A summary of the financial position for October 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	12,312,236	12,421,604	109,368	1%
Capital revenue, grants and contributions	8,060,336	1,126,570	2,148,984	1,022,414	91%
	23,078,367	13,438,806	14,570,587	1,131,781	
Expenditure					
Operating Expenditure	-19,185,881	-6,432,183	-6,710,437	-278,254	-4%
Capital Expenditure	-10,412,707	-1,380,548	-1,102,972	277,576	20%
	-29,598,588	-7,812,731	-7,813,409	-678	
Funding balance adjustments	5,319,181	1,740,414	1,763,267	22,853	1%
Closing Funding Surplus	0	8,567,529	9,719,698	1,152,169	13.45%

Other Information

9. Operating Grants & Contributions Revenue is lower than budget, primarily due to the funding distribution from the Western Australian (WA) 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

10. 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.
11. As at 31 October 2024, total cash funds held (including trust funds) totals \$12,613,036.

12. Summary – Cash and Investments

- Municipal Funds total \$7,950,136
- Shire Trust Funds total \$850
- Reserve Funds (restricted) invested, total \$4,662,050
- Municipal Funds (unrestricted) invested, total \$6,703,723

13. 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.

Budget Amendment

14. For Council to approve a budget amendment to the 2024/2025 Budget, increasing the purchase price for a ride on mower.

15. The current budget for the Plant Replacement Program includes the purchase of a new ride on mower to meet operational needs. The budget allocation for this acquisition is set at a maximum of \$53,000. However, quotations obtained from qualified suppliers have exceeded this budget. Therefore, an officer recommendation has been included to amend the budget, reflecting the budget impact to ensure the purchase of the ride on mower.

CONSULTATION AND EXTERNAL ADVICE

16. 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

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

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

Local Government Act 1995

19. Section 6.8 relates to a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by Council resolution.

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

Trustees Act 1962

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

STRATEGIC / POLICY IMPLICATIONS

22. Nil.

FINANCIAL IMPLICATIONS

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

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

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

9.2.2 PAYMENT OF ACCOUNTS FOR THE PERIOD ENDING 31 OCTOBER 2024

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	12 November 2024
Author:	Kelly Schroeter, Senior Finance Officer
Authorising Officer:	Kellie Jenkins, Executive Manager Corporate Services
Attachments:	9.2.2 – Payment of Accounts – October 2024

IN BRIEF

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

VOTING REQUIREMENTS

- 1. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.2.2
That Council RECEIVE the payment of accounts totalling \$1,890,139.21 for the month of October 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 BERRIDGE PARK DESIGN GUIDELINES

File Ref:	PROJ.ENG.1.2023 - 2025
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Shire of Denmark
Disclosure of Officer Interest:	Nil
Date:	14 November 2024
Author:	David King, Chief Executive Officer
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.3.1a – Berridge Park Design Guidelines 9.3.1b – Adopted Concept Plan 9.3.1c – February 2024 Agenda Item

IN BRIEF

- The Berridge Park Precinct Development seeks to rectify current deficiencies in provision by improving public amenities, developing youth recreational opportunities, leveraging partnerships with youth service organisations, and developing clear linkages between Berridge Park, McLean Park and the Denmark CBD.
- The precinct will, therefore, extend the provision for active recreation within the area and form a community hub that complements existing sporting infrastructure whilst meeting current and future youth demands within the Shire.
- The Berridge Park Precinct Final Concept was approved in February 2024.
- This report seeks Councils endorsement of the Design Guidelines for the Project.

VOTING REQUIREMENTS

1. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.3.1
That Council ENDORSE the Berridge Park Design Guidelines as per Attachment 9.3.1a.	

LOCATION

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

BACKGROUND

3. The Berridge Park Precinct includes a playground, toilet block, timber jetty, car park, asphalt basketball court and unsealed turning zone for caravans. Most of these facilities show wear and tear, outdated design, and not best practice functionality for the required activities.
4. The Berridge Park Concept Plan was adopted in February 2024 (Attachment 9.3.1b) with the requirement for the "Chief Executive Officer to present Council with a set of design guidelines that outline essential principles and considerations for creating a functional,

accessible, and aesthetically pleasing space, ensuring the detail design will meet community needs, environmental sustainability, and safety standards" A copy of the report is provided in attachment 9.3.1c for reference and background information.

5. This report seeks endorsement of the guidelines

DISCUSSION / OFFICER COMMENTS

6. Design guidelines serve as a comprehensive framework to guide the development of Berridge Park, ensuring that every element—from playgrounds and multi-use courts to art installations and landscaping—meets high standards for functionality, accessibility, sustainability, and aesthetic appeal. Guidelines should:
 - Ensure a cohesive, harmonious design reflecting the community's identity and values.
 - Address the diverse needs of all park users, including children, athletes, families, and individuals with disabilities.
 - Promote environmental sustainability and resilience in park design and maintenance practices.
 - Facilitate community engagement by incorporating local culture, art, and heritage into the park's design.
7. The design guidelines will form part of the consultant briefing for detailed design.

CONSULTATION AND EXTERNAL ADVICE

8. Item 9.3.1 from the February 2024 Ordinary Council Meeting provides the background on consultation before adopting the Concept Plan.
9. At the concept forum on 16 April 2024, officers provided an overview of the process for developing the guidelines.
10. The design guidelines were workshopped internally and presented at the concept forum on 12 November 2024.
11. The draft design guidelines include additional community input and involvement in specific aspects of the project.

STATUTORY / LEGAL IMPLICATIONS

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

STRATEGIC / POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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. There are no known significant risk to be considered relating to the report or officer recommendation.

9.3.2 DENMARK DANCE COMPANY LEASE

File Ref:	LEA.61
Applicant / Proponent:	Denmark Dance Company
Subject Land / Locality:	Part of Lot 1087 on Deposited Plan 219867
Disclosure of Officer Interest:	Nil
Date:	13 November 2024
Author:	David King, Chief Executive Officer Claire Thompson, Governance Coordinator
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.3.2a – Draft Lease 9.3.2b – Valuation (confidential)

IN BRIEF

- Council is asked to consider leasing McLean House, located at the McLean Oval Precinct, on Brazier Street, to Denmark Dance Company.

VOTING REQUIREMENTS

- 1. Simple majority.

OFFICER RECOMMENDATION

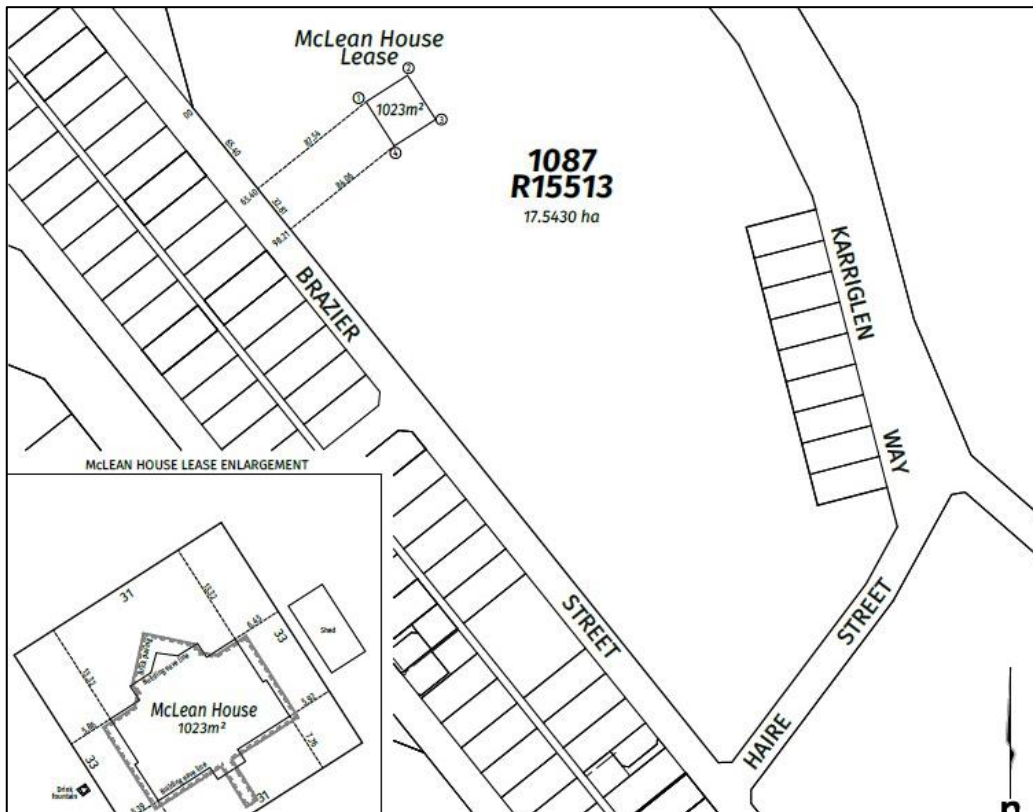
ITEM 9.3.2

That Council:

1. ADVERTISE its intention to lease a portion of Lot 1087 on Deposited Plan 219867 to the Denmark Dance Company for a term of five years, with two five-year further term options and a first-year annual rent of \$16,195 (ex GST), as per the lease conditions in Attachment 9.3.2a, subject to:
 - a) The Management Order being amended to include "commercial conditions"; and
 - b) Ministerial Consent being obtained.
2. AUTHORISE the Chief Executive Officer and Shire President to sign the lease should no adverse submissions be received.

LOCATION

2. Part of Lot 1087 on Deposited Plan 219867, on Crown Land Reserve 15513.



BACKGROUND

3. McLean House, originally built as a youth house, initially operated under a traditional 'drop-in centre' model, which ultimately failed. The traditional model of a drop-in youth centre, which primarily provided a safe space for young people to socialise and engage in recreational activities, has faced several challenges in recent years. These centres often struggle with engaging youth meaningfully, as simply offering a space without structured activities can lead to boredom, disengagement and antisocial behaviour. Additionally, they tend to offer limited services, focusing mainly on recreation rather than addressing broader needs such as mental health, education, and employment support. Resource constraints often limit the ability of traditional centres to provide diverse and high-quality programs and have the appropriate supervision. This was the Shire's previous experience running the youth centre.

4. Over the last few years, community groups such as the Mens Shed and the Bridge Club have also used Mclean House. The Bridge Club, in particular, have expressed a continued desire to relocate back to the Mclean House. The Bridge Club cites the Mclean House as an ideal site for a number of reasons, and it previously enjoyed essentially exclusive use of the facility. However, officers have prioritised the pursuit of youth-focused activation and present this opportunity for Council's consideration in the first instance.
5. Most recently, the Shire has indicated a desire to revitalise McLean House and return it to a youth focus. Supporting this purpose, the Shire's initial youth survey for the use of McLean House indicated a desire for Mclean House to be used for youth activity.

DISCUSSION / OFFICER COMMENTS

McLean House

6. With the Shire's limited resources to invest, a community-driven activation of McLean House is required to ensure that it is well used. Officers have been working towards activating McLean House for this purpose. Although this process has taken longer than hoped, resources are allocated in the budget for the necessary renovations, and the Shire booking system is now operational but has had limited take-up.

Denmark Dance Company

7. There is an opportunity for Denmark Dance Company (DDC) to activate Mclean House, which has a significant focus on youth dance.
8. In Western Australia, the arts sector often operates on a commercial basis, unlike community sports which are typically supported by volunteers and local government staff. Engaging with commercial operators can provide a more sustainable model for arts programs, as it reduces reliance on Shire staff and community volunteers, who may have high turnover rates or limited availability.
9. Commercial operators in the arts can offer professional management, consistent programming, and potentially higher-quality services due to their expertise and resources. This approach can help ensure the continuity and sustainability of arts initiatives, making them more resilient.
10. DDC has rapidly become pivotal in Denmark's dance and movement scene. DDC's mission aligns with the Shire of Denmark's Strategic Community Plan, focusing on supporting youth and the elderly. Through a variety of educational and performance-focused programs, DDC aims to enhance the well-being of all age groups, from toddlers to older adults.
11. DDC is seeking a dedicated facility to enhance its community-focused programs. The desired space is approximately 150-175 sqm, ideally located within or near the town centre of Denmark. The facility should include a kitchenette, toilet facilities, and the possibility for wooden sprung or 'tarkett' dance flooring and mounted wall mirrors. A dedicated space would significantly enrich Denmark's cultural and social fabric, strengthening community health, connection, and creativity.
12. DDC has shown significant growth, increasing from 27 students in December 2023 to 130 in Term 3, 2024. With a dedicated space, DDC projects further growth, anticipating

200+ students by 2025 and potentially 300-400 by 2027. This expansion is particularly likely in popular classes and programs, which currently have waitlists. However, operating across multiple rented halls, without security of tenure, complicates scheduling and limits program offerings. A permanent location would address these operational inefficiencies and better serve the community's needs.

Challenges with finding a permanent location

13. Finding a suitable permanent location for Denmark Dance Company (DDC) presents several challenges.
14. Private recreational uses, such as dance studios, are often relegated to industrial areas due to lower land costs. However, these locations are not ideal for community-focused activities. Industrial areas lack the accessibility and visibility that commercial areas near town centres provide, which are crucial for attracting participants and fostering community engagement.
15. There is a limited supply of properties that meet the specific requirements for a dance studio, such as adequate space (150-175 sqm), amenities like a kitchenette and toilet facilities, and the potential for installing wooden sprung or 'tarkett' dance flooring and mounted wall mirrors. This scarcity makes it challenging to find a location that can accommodate DDC's needs.
16. As a startup business, DDC faces significant financial challenges in securing a permanent location. Raising the necessary capital for leasing or purchasing a suitable property is difficult, especially given the high costs of commercial real estate near the town centre. This financial barrier limits DDC's ability to establish a dedicated facility that can support its growth and community programs.

Proposed Lease

17. The Denmark Dance Company (DDC) has expressed interest in utilising McLean House. This presents an opportunity to provide DDC with a suitable space that aligns with the objective of youth activation, as they offer youth classes Monday to Friday after school. The location is ideal, with synergies with the Scout Club and other youth activities in the area. By leasing the space to DDC, the Shire will achieve its goal of activating the house for youth purposes while obtaining a commercial return.
18. Engaging with a commercial operator like DDC brings a win-win situation: the Shire gets a return for DDC to deliver the service, ensuring long-term sustainability and community engagement. This model provides a steady revenue stream and guarantees that the facility is utilised effectively, meeting various community's needs without overburdening Shire resources.
19. Furthermore, the strategic location of McLean House, in proximity to the Scout Club and other youth-focused activities, enhances its potential as a hub for youth engagement. The synergy between these organisations can foster a vibrant community atmosphere, encouraging more youth participation and collaboration.
20. It is proposed that community-based use be embedded into the lease agreement, as discussed in the financial section of the report. This can contribute to confidence that the facility will continue to serve a broader purpose beyond just commercial interests.

21. DDC aims to negotiate a 15-year lease, ensuring long-term benefits for the company and the local community. A lease of this length would be required to recover the necessary renovation costs that DDC would have to bear.

Future Service Agreement

22. DDC has also expressed interest in the delivery of other youth-based services outside of their commercial dance offering. The owners of DDC are very passionate in this sector. The specifics around this at this stage are unknown. However, the Youth Strategy that is expected to be presented to Council early in 2025 will provide more guidance on what youth would like to see happen.
23. Depending on the outcomes of the Youth Strategy, there is a potential future partnership with DDC to use the facility to deliver on aspects of the Strategy. This could form a future service agreement and could be a positive step in addressing youth needs in Denmark.

CONSULTATION AND EXTERNAL ADVICE

24. Should Council agree to a lease, it is a statutory requirement that the intention first be advertised for public comment for a minimum of 21 days.
25. It is recommended that if no adverse submissions are received, the Council authorise the Chief Executive Officer to execute the final lease.

STATUTORY / LEGAL IMPLICATIONS

Local Government Act 1995

26. Section 3.58 – Permits Council to dispose of property, including to lease, and outlines the disposal process for non-exempt transactions.
27. The minimum period of notice for submissions is 14 days.

Land Administration Act 1997

28. Section 18 – Ministerial Consent is required for any use associated with crown land reserves.

STRATEGIC / POLICY IMPLICATIONS

Property Management Policy

29. The proposed lease is considered a commercial lease for the purposes of the Property Management Policy.
30. Under a commercial lease, the lessee is responsible for a range of costs, such as utilities and rates. The standard term is 21 years.

FINANCIAL IMPLICATIONS

31. At present, the Shire applies an overhead cost to the facility's management and allocates marginal maintenance costs annually.
32. Additionally, a budget of \$25,000 has been allocated for minor renovations to the facility this financial year. However, if the lease is signed, this allocation will not be

necessary, as the DDC plans to undertake substantial renovations and improvements valued at over \$30,000. This matter will be reviewed during the mid-year budget review if the lease is executed.

- 33. Any reduction of management or renovation responsibility, as well as any revenue generation, will have a positive budget impact.
- 34. A market rent valuation was completed in September 2024, and the annual market rent under a standard commercial lease was determined to be \$22,500 (ex GST).
- 35. Officers have included conditions in the draft lease that require the Denmark Dance Company to manage the facility for community use outside of the time used for core dance activity business.
- 36. For 'core' hours of 9am to 5pm during school term, this is estimated to be all day Sunday and one morning of the week. For School holidays, this is expected to be 50% of the core hours.

This is calculated to be:

Total Term Weeks	40
Total Term Hours	2240
Total DDC (Commerical) Term Hours	1760
Total Holiday Weeks	12
Total Holiday Hours	672
Total DDC (Commerical) Holiday Hours	336
Total Hours	2912
Total DDC (Commercial Hours)	2096
%	72%

Based on 8 hours a day, 7 days a week.

In addition, but not included in the calculation, are times that may be available out of hours. Further, the responsibility of management of community use will fall to the DDC, which would benefit the Shire but has not been quantified.

- 37. As such, officers reasonably value the proposition to be 72% of the regular commercial valuation, which is \$16,195. The draft lease provides for a revaluation after 5 years that can be adjusted if commercial use differs from estimations.
- 38. Special Condition 11.2 in the draft lease notes that this discount will apply to each market rent valuation.
- 39. The DDC would also be responsible for rates and utilities (where metered) under the standard conditions of a commercial lease.
- 40. Commercial conditions on the Management Order will require any income to go back into the reserve.

OTHER IMPLICATIONS

Environmental

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

Economic

- 42. The DDC, if supported to grow, brings economic benefits. It creates jobs for dancers, instructors, and support staff. DDC also attracts funding and grants that all go into the local economy. By offering classes and workshops, it fosters community engagement and skill development, making the town more attractive to residents and businesses. These factors contribute to a stronger local economy and a more vibrant community.

Social

- 43. Without the lease the DDC are limited in their growth an opportunity. The DDC fosters community engagement by offering classes and workshops, which help build a sense of belonging and cohesion among residents. DDC's performances and events provide cultural enrichment, enhancing the town's cultural identity and pride. Additionally, the company promotes mental and physical well-being through dance, offering an outlet for creative expression and stress relief. By involving local youth, DDC helps develop their skills and confidence, contributing to a more vibrant and dynamic community. These social impacts highlight how DDC can enhance the quality of life in a small regional town.

RISK MANAGEMENT

- 44. Risk Table

Risk	Risk based on history and with existing controls			Proposed Treatment/Control
	Likelihood	Consequence	Risk Rating	
Reputational: That the community oppose the commercial component of the lease.	3	2	6	Media release to inform and promote the positive impacts that this will have on our community.

9.3.3 REVIEW OF DELEGATIONS 2024

File Ref:	ADMIN.9
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	14 November 2024
Author:	Claire Thompson, Governance Coordinator
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.3.3 – Delegations Register

IN BRIEF

- Council is required to review its delegations annually.

VOTING REQUIREMENTS

1. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.3.3
That Council APPROVE the delegations contained in the Delegations Register (Attachment 9.3.3).	

LOCATION

2. Not applicable.

BACKGROUND

3. The last review of delegations was in November 2023.

DISCUSSION / OFFICER COMMENTS

4. Attachment 9.3.3 is the register of current delegations, all of which are recommended to be retained.
5. It is recommended that conditions a. and d. be removed from Delegation 1.2.19 (Payments from the Municipal or Trust Funds).
6. The reason is that for every overspend Officers are required to get Council to approve a Budget Amendment. The overspends could be addressed more efficiently as part of the Mid-Year budget review, during which underspends are also considered. Condition d. is a duplication of the reporting requirements that are prescribed by Regulation 13 Local Government (Financial Management) Regulations 1996.

CONSULTATION AND EXTERNAL ADVICE

7. 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**

8. Section 5.42 – Council may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Local Government Act 1995, and sections 214(2), (3) or (5) of the Planning and Development Act 2005. A delegation can be general or contain restrictions or conditions.
9. Section 5.43 – specifies some powers and duties that cannot be delegated. None of the recommended delegations fall into any of these categories.
10. Section 5.46(2) – delegations must be reviewed at least once every financial year.

STRATEGIC / POLICY IMPLICATIONS

11. Nil

FINANCIAL IMPLICATIONS

12. Nil

OTHER IMPLICATIONS**Environmental**

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

Economic

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

Social

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

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.

9.3.4 2025 ORDINARY COUNCIL MEETING SCHEDULE

File Ref:	CR.2
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	15 November 2024
Author:	Claire Thompson, Governance Coordinator
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.3.4a – Meeting Schedule 2025 9.3.4b – Meeting Framework Policy

IN BRIEF

- Council is required to set the meeting dates, times and locations for Ordinary Meetings to be held in 2025.

VOTING REQUIREMENTS

1. Simple majority.

<p>OFFICER RECOMMENDATION</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. HOLD the Ordinary Meetings for 2025 on the dates shown in Attachment 9.3.4; 2. DETERMINE that all of those meetings will commence at 4.00pm and be held in the Council Chambers, 953 South Coast Highway, Denmark; and 3. HOLD the locality meetings in Peaceful Bay and Nornalup. 	<p>ITEM 9.3.4</p>
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LOCATION

2. Not applicable.

BACKGROUND

3. The 2024 meeting times, dates and locations were the last Tuesday of each month, commencing in January. Start time 4.00pm and held in the Council Chambers.
4. The two locality meetings for 2024 were held in Peaceful Bay and Tingledale.

DISCUSSION / OFFICER COMMENTS

5. Officers are recommending that the Ordinary Council meeting day, time and location remain the same as 2024, as it appears to be working well and retains consistency for members of the public.
6. Proposed Meeting Schedule 2025 (see Attachment 9.3.4a).
 - One (1) Ordinary Meeting per month.
 - Meetings held the last Tuesday of each month, commencing 28 January 2025.

- Meetings start at 4.00pm and are all held in the Council Chambers.
7. December 2025 is recommended to be excluded, as it has been in 2024, given that the last Tuesday would be 30 December, the day before New Year's Eve, when the Shire Administration Office is shutdown.
 8. As there will be a local government election held in October 2025, there is a mandatory caretaker period that begins at the close of nominations and closes after the election.
 9. Council is still able to meet however, there are some restrictions on what a local government may do during this period. These are set out in section 3.73 of the Local Government Act 1995.

CONSULTATION AND EXTERNAL ADVICE

10. It is a statutory requirement that Ordinary Council meeting details be published on the Shire's website.

STATUTORY / LEGAL IMPLICATIONS

Local Government Act 1995

11. Section 5.3 – Council must hold ordinary meetings not more than 3 months apart.
12. Section 5.4 – ordinary or special meetings can be called for either by the Shire President, at least one third of councillors or if so decided by the Council.
13. Section 1.4A – defines the caretaker period.
14. Section 3.73 – details the restrictions of what Council can do during a caretaker period.

Local Government (Administration) Regulations 1996

15. Regulation 12 – CEO must publish ordinary meeting details before the beginning of the year in which the meetings are to be held.

STRATEGIC / POLICY IMPLICATIONS

Meeting Framework Policy

16. The policy is attached (Attachment 9.3.4b) and states that ordinary council meetings will be held on the last Tuesday of each month, commencing at 4.00pm in the Council Chambers. Should Council change the meeting time, frequency or location for 2025, this policy will need to be amended to reflect the change.
17. The policy also states that Council will host a locality meeting of citizens and community organisations at least once a year in Peaceful Bay, and an additional meeting each year alternating between Tingle Dale and Nornalup.
18. The 2024 additional locality meeting was held in Tingle Dale.

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.

9.4 COMMUNITY SERVICES

9.4.1 LOCAL EMERGENCY MANAGEMENT COMMITTEE CHARTER AMENDMENT

File Ref:	COMM.LEMC
Applicant / Proponent:	Local Emergency Management Committee
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	1 October 2024
Author:	Karis Aplin, Acting Manager Community Services
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.4.1 – Local Emergency Management Committee Charter, as amended.

IN BRIEF

- This report presents a revised Local Emergency Management Committee Charter to align with the State Emergency Management Procedure.

VOTING REQUIREMENTS

- 1. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.4.1
That Council ADOPT the amended Local Emergency Management Committee Charter (as per Attachment 9.4.1)	

LOCATION

2. Not applicable.

DISCUSSION / OFFICER COMMENTS

3. The Local Emergency Management Committee Charter was adopted by Council on 21 November 2023. The current charter is inconsistent with the State Emergency Management Procedure for allocating a Deputy Chair.
4. The current charter allocates the Deputy Chair to be an elected member.
5. At the LEMC Meeting held on 9 September 2024, the committee recommended that Council correct the charter to align with the State Emergency Management Procedures, which require the Local Emergency Coordinator to be the Deputy Chair.
6. The Local Emergency Coordinator is the Officer in Charge within the Shire of Denmark for Western Australia Police (WAPOL).

CONSULTATION AND EXTERNAL ADVICE

7. 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**Emergency Management Act 2005**

8. Under section 36(a) of the Emergency Management Act 2005, all local governments within Western Australia are required to ensure that effective local emergency management arrangements are prepared and maintained for their districts.

STRATEGIC / POLICY IMPLICATIONS

9. There are no known significant strategic or policy implications relating to the report or officer recommendation.

FINANCIAL IMPLICATIONS

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

OTHER IMPLICATIONS**Environmental**

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

Economic

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

Social

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

RISK MANAGEMENT

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

9.5 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:	31 October 2024
Author:	Laura Delbene, A/Manager Sustainable Projects
Authorising Officer:	Rob Westerberg, Director of Infrastructure & Assets
Attachments:	9.5.1a – Draft Turner Road MTB Trails Network Concept Plan 9.5.1b – Schedule of Submissions 9.5.1c – Stage 2 Access and Parking Plan 9.5.1d – Scotsdale Shadforth Brigade supplementary submission.

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 has been prepared for consideration.

VOTING REQUIREMENTS

1. Simple majority.

OFFICER RECOMMENDATION

ITEM 9.5.1

That Council:

1. ADOPT the Draft Turner Road MTB Trail Network Concept Plan (*Concept Plan*) as per Attachment 9.5.1a.
2. APPROVE the progression of Stage 1 development in accordance with the *Concept Plan*.
3. REQUIRE the Chief Executive Officer to undertake a management review of Stage 1, including stakeholder consultations, and present it back to Council Prior to construction of Stage 2.
4. 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.

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.

BACKGROUND

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. Access from Glenrowan Road has been closed by way of earth bunding or large rocks and tracks, which are distinguishable but mostly overgrown.
5. The reserve has been used extensively for gravel extraction, with observable disturbances occurring across much of it. The Shire rehabilitated large pockets of the reserve between 1991 and 2022.
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 (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.

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 through to stage 5 to undertake site assessments, corridor evaluations and the preparation of the draft concept plan.
10. The concept plan was presented to Council at the September Ordinary Council meeting. The following resolution was made.

"That Council defer item 9.5.1 and request the Chief Executive Officer to include the item in the agenda for the Ordinary Council Meeting on the 26 November 2024, including options for access and the car park location."

CONSULTATION AND EXTERNAL ADVICE

Project Control Group

11. Consultation and engagement have been ongoing since Council resolved to pursue the Turner Road site. This included establishing 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 – 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 the development of a broad draft concept could commence.
14. A subsequent site meeting was held on Friday, 4 October. Representatives from the Bushfire Brigade and the Shire were in attendance. The purpose of the meeting was to discuss alternative access and car parking, as presented in this report's discussion section.
15. 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: Turner, Glenrowan, Redman and Walter Roads.
16. 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.

17. The letter also informed residents/owners that there would be further opportunities to review and comment on the draft concept plan, and the Shire would advise them in writing of this progress. An offer to contact the officer with any queries or concerns was also noted in the letter.
18. A follow-up letter was sent on 17 June advising residents/owners of the draft concept plan and public comment period.
19. After the September Ordinary Council meeting, the Chief Executive Officer met with a number of landowners to discuss their concerns.

Wider Public Consultation

20. 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 completing a survey.
21. Thirteen (13) surveys were completed through the Your Denmark consultation page. Eleven (11) responses were supported, and 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.
22. Five (5) written submissions were received (which includes the two (2) duplicated in the survey). Three (3) expressly objected to the proposal, one (1) supported the proposal but raised concerns and one (1) objected to the 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 9.5.1b).

Summary of concerns

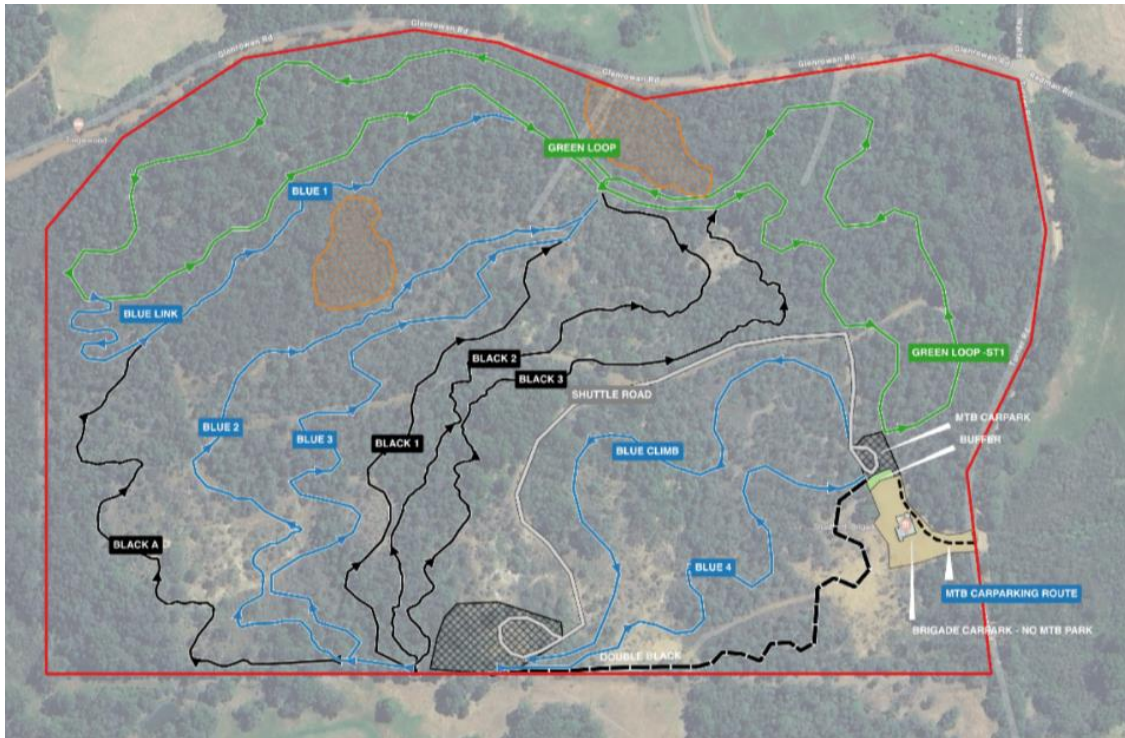
23. The main concerns raised were:
 - Environmental concerns relating to flora, fauna and dieback
 - Access and Conflict with Bush Fire Brigade Activities
 - How Events would be managed and to what extent they would occur
 - Public liability relating to insufficient management/maintenance
 - Amenity relating to noise, parking control and traffic.
24. These are addressed in the discussion section of this report.

DISCUSSION / OFFICER COMMENTS

Concept Plan

25. Figure 1 shows the final concept plan with approximately 9km of trail. The trail network would be considered locally significant and cater to local needs at this size. However, it is not at the size or scale of regionally significant networks such as Nannup, Pemberton or Collie. For context, regionally significant examples and trail lengths:
 - Nannup Tank 7 &8 circa 30m
 - Pemberton MTB Park, circa 30km
 - The Pines Margret River, circa 26km
 - Collie – Mt Lennard and Wellington – circa 45km

26. Figure 1 – Extract from Attachment 9.5.1a – Final concept plan



Stage 1

27. Due to limited funding, the project had been staged with stage 1 scope, as shown in Figure 2. Stage 1 includes the following elements (refer to Attachment 9.5.1a for details on classifications):

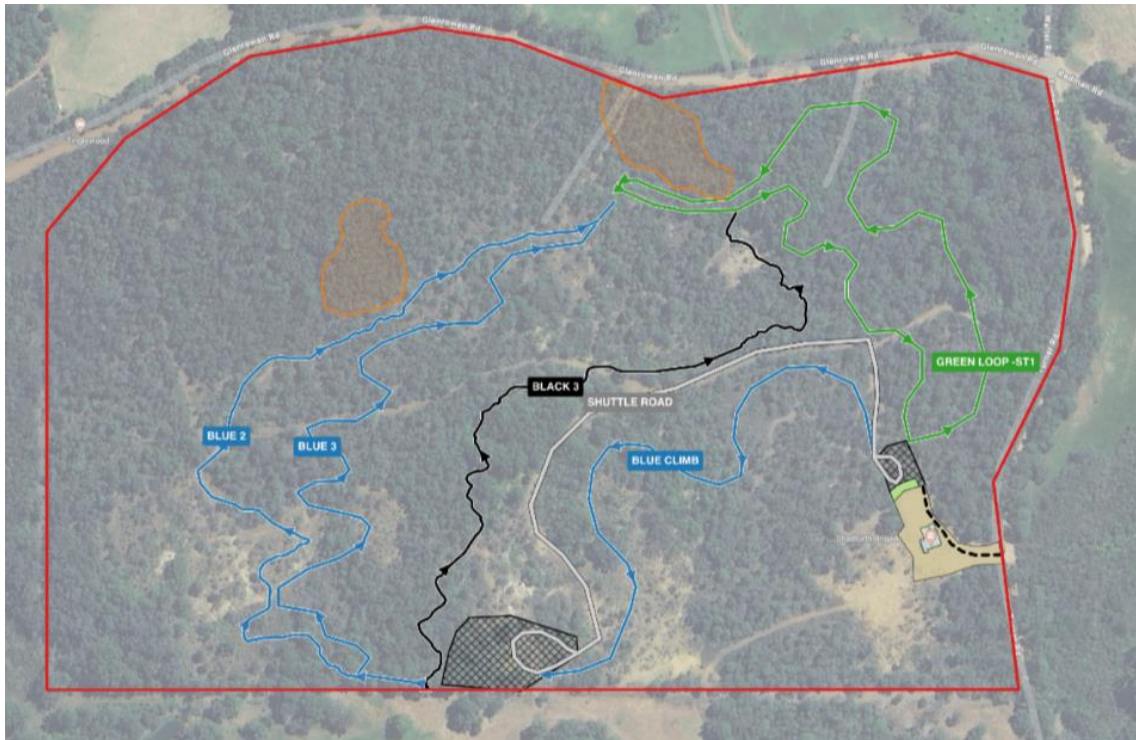
- One black classified decent trail
- Two blue classified decent trails
- One blue classified climbing trail
- One green classified loop trail
- Minor works to the shuttle access track to enable the DMTBC permitted use.
- Preliminary Car Park and Access

28. The total trail length of Stage 1 is 4163m, with half going into beginner, link and climbing trails, which provide the foundation for Stage 2 trails. Given the total length of trails, this Stage 1 facility would be considered minimal. As such, toilets, extensive car parking, waste collection services and separate access are not regarded as necessary.

29. At Stage 1, it is proposed that the shuttle road is not open for general public use. This is because significant work is required to ensure that this can operate safely without on-site management. In addition, using a shuttle road would be the primary noise producer, and a careful approach is required so that the impacts can be understood before unimpeded use. It is proposed that once Stage 1 is complete, the DMTBC will be permitted access for specific, approved local club activities and for maintenance purposes.

30. Council funding allocated in the 2024/25 budget and expected commitments from the DMTBC would likely see the construction of a car park, access, one climb trail and one decent trail. Further allocation of funding included in the Corporate Business Plan would likely see the completion of Stage 1 through 2025/26.

31. Figure 2 – Extract from Attachment 9.5.1a – Stage 1



Stage 2

32. Stage 2 includes the following elements:

- Remaining trail network (4672m descending Blue and Black and Double Black trails)
- Upgrades to the shuttle access track for public use
- Toilets
- Clubrooms
- Improved Car Park and Access

33. At the complete build, this trail network will be considered locally significant. Through a review of how Stage 1 operates, there is an opportunity to understand on- and off-site impacts, which can inform the scope and scale of toilets, clubrooms, shuttle roads, car parks, and alternative access.

Site Access and Car Parking

34. Several comments were received concerning the access from Glenrowan Road from both a safety and visual amenity concern. The proposed concept plan has been prepared in consideration of this, which excludes access from Glenrowan Road and locates the car park and the shuttle route entirely within the reserve. The lower carpark is now not anticipated to be visible from neighbouring properties.

35. Turner Road is earmarked for upgrade to a sealed standard in the 25/26 financial year, further supporting access from Turner Road.

36. The Brigade have expressed that they support the creation of the MTB activity on Lot 429 and believes there is an option for both Brigade and MTB activities to be conducted in a safe and effective manner. However, they have requested that the access and

parking for the MTB Trial Network remain separate from their training and circulation areas (see Attachment (9.5.1d)

37. The Brigade has noted that the Stage 1 proposal to share the access creates potential safety hazards, risks delaying emergency response times, and could unnecessarily restrict the Brigade's emergency service activities.
38. It is considered that there is an adequate line of sight and width on the driveway access track that would allow entering patrons to see a fire appliance and be reasonably able to pull to one side if an appliance was leaving the shed for emergency response. The slope and bends in the driveway are not conducive to allowing any vehicles to travel at excessive speeds. The pinch point at the top of the driveway will be widened to allow MTB carpark access to be delineated.
39. As requested by Council at the September OCM, alternative access from Turner Road has been investigated.
40. Officers have undertaken a cost comparison for both the current proposal and an alternative proposal to construct access via the strategic break and the creation of a carpark adjacent to the strategic access. This option is shown in Figure 3.
41. Figure 3 – Extract from Attachment 9.5.1c - Stage 2 access



42. The current proposal's access and parking development is estimated at approximately \$50,000. The development of an alternative option to utilise the strategic firebreak is estimated at \$85,000.
43. The primary difference in cost is due to the extent of vegetation clearing required for the alternative carpark and access leg, including passing bays at blind spots and the necessary drainage treatment to the low and wet section of the track.

44. Given the small scale of Stage 1 development and the limited associated impacts, officers prefer a cost-effective car park option. This approach provides an upfront cost advantage of \$35,000, enabling some trail development in the 2023/24 financial year.
45. It is recommended that Stage 1 of the MTB Trail development utilises the shared access to the lower carpark as noted in the Draft Concept Plan.
46. The Stage 2 option is to separate trail access from Brigade access by using the firebreak if required. Under the Stage 2 alternative proposal, MTB Trail carpark access would be established via a strategic firebreak, and the carpark would be expanded as necessary when further trail development is undertaken. A review of the operations and use of Stage 1 will better inform the necessity and extent of future car park development for Stage 2.

Brigade Training Area

47. Concerns have been noted over the location of the double black trail (Trail 10 as detailed in Attachment 9.5.1a) as it crosses the power line track frequently used for brigade training activities. The double black trail can effectively be closed when the Brigade is undertaking training activities. Appropriate signage advising trail users of the brigade activity and trail closure can be implemented. The management agreement will document the process for closing the double black trail for brigade training purposes or closure of any other trail for reasons such as trail maintenance.

Flora & Fauna

48. The results of preliminary environmental studies (see 'Other Implications – Environmental' below for more details) were considered along with the stakeholder comments, and a broad draft concept plan was developed on this basis. The broad draft plan noted two no-go zones in response to the identification of conservation significant flora and an area that was predominantly wet.
49. Further environmental studies to those undertaken (see 'Other Implications – Environmental') will be required as part of the environmental approval process. A consultant has been engaged to conduct a spring flora and fauna survey that will be necessary to support an application for a clearing permit. An application will be lodged for a clearing permit subject to the adoption of the concept plan. All supporting documents submitted to the Department of Water and Environmental Regulation (DWER) will be reviewed and become public documents as part of their application process.

Dieback (Phytophthora Cinnamomi)

50. 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 on an ongoing basis. This may include operational hygiene (washdown stations), dieback signage and community awareness and education.

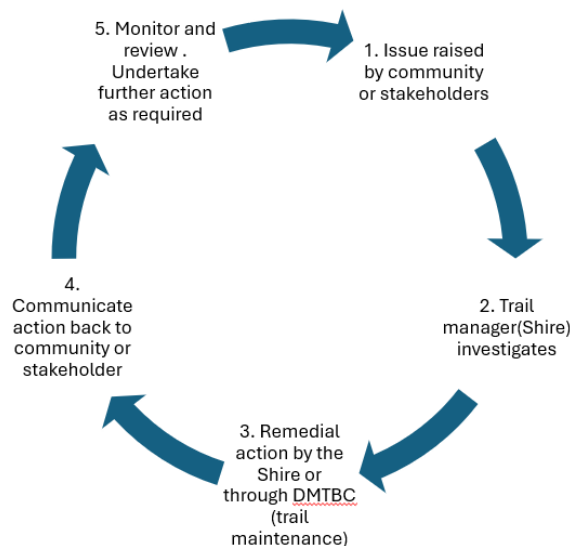
Events

- 51. Events within the Shire are subject to approval. Event applications and management plans are assessed for impact and risk, and factors such as traffic management, patron numbers, event times, noise, rubbish, public amenities, etc. are considered.

Management and Maintenance

- 52. The Shire of Denmark will remain the land manager and authority over the site. Issues or feedback will be directed to the Shire for action and management.
- 53. Trail maintenance by a predominant user group is an established model for trails. It is envisaged the maintenance of the trail network will be established through a formal agreement between the Shire of Denmark and the DMTBC. In return, the DMTBC will be permitted, to use the site for club activities free of charge. For example, a club shuttle day.
- 54. The agreement would cover standards for the maintenance of trails. The Shire, as the manager will provide support and funding as required to ensure the asset is maintained to a high standard in terms of safety and user experience.
- 55. The Trails Management plan will include details of the communication feedback loop so that if issues arise, there is a clear understanding of the process to report, investigate, action and follow up – see attachment Figure 4. The fire brigade and adjoining landowners will be advised of the communication channels. In addition, there will be signage on-site that alerts trail users how to report an issue. The Shire's 'Report it' function on the website provides another publicly accessible reporting tool.

- 56. Figure 4 – Feedback loop



Amenity – visual & noise

- 57. The visual impact of mountain bike trails is considered minimal due to the small footprint (an average trail is less than 1000mm wide), and most of the trails would be largely undetectable from outside the reserve.

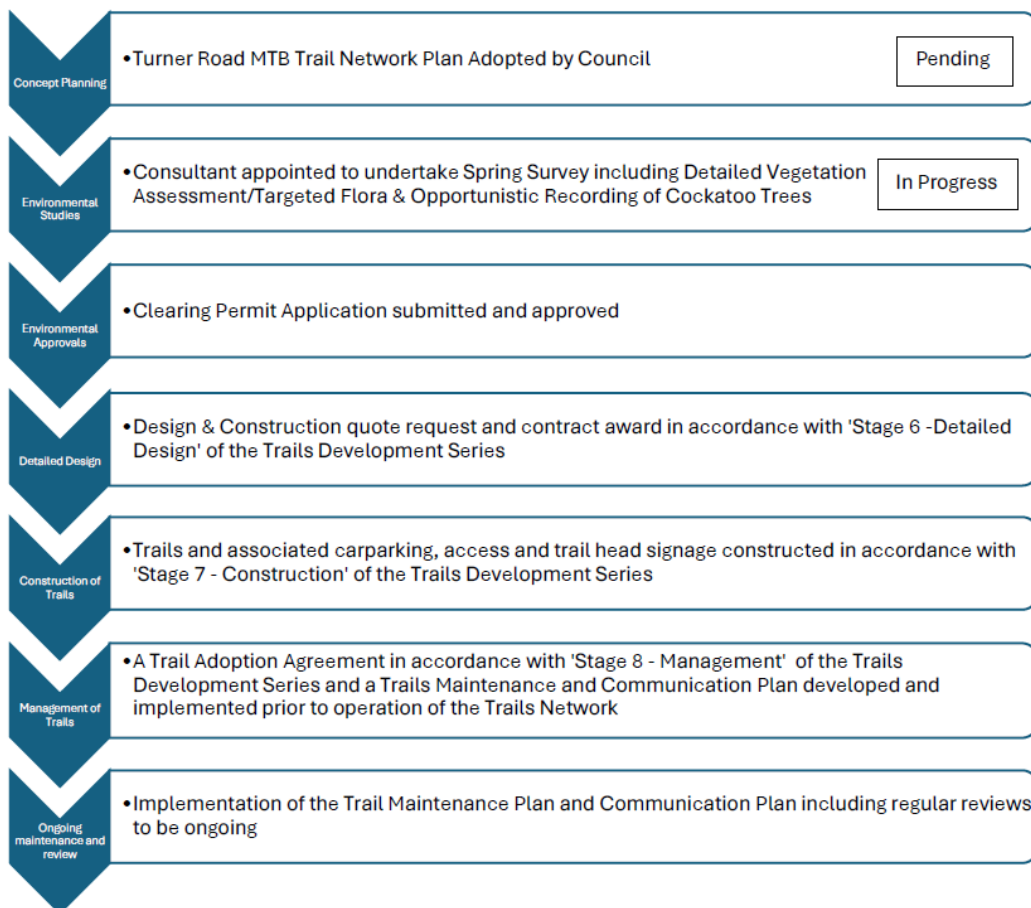
- 58. It is unlikely that general mountain biking activity will significantly disturb the surrounding location as a non-motorised activity. It is anticipated that some noise would be made, including from human voices. However, this would not persist for long periods of time as the trails are ridden in short bursts.
- 59. The location of the car park within the reserve will serve to reduce noise and visual impact on the surrounding area.
- 60. 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. Any future development considered to impact amenities, i.e., clubrooms, will undergo further adjoining landowner consultation as part of the development application process as required.

Safety & Liability

- 61. Turner Road will be covered by the Shire's Public Liability Insurance, which is not dissimilar to other facilities where the Shire is the owner, but the asset is managed by others.
- 62. The DMTBC also has insurance that covers its members who participate in club-related activities such as rides and trail maintenance. Insurance requirements would be clearly defined within a Management Plan.

Project Progress and Next Steps

- 63. Figure 5 (below) shows the project's progress and next steps.



STATUTORY / LEGAL IMPLICATIONS**Environmental Protection Act 1986.**

64. 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

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

STRATEGIC / POLICY IMPLICATIONS**Strategic Community Plan**

66. The Strategic Community Plan identifies mountain bike trails at Turner Road to be delivered.

Corporate Business Plan

67. 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)

68. 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

69. 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**

70. 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.

71. Spring surveys will be undertaken on the Stage 1 development as necessary to support the application for a clearing permit.
72. 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.
73. 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

74. 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

75. 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

76. 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

12. CLOSURE OF MEETING