

SHIRE OF DENMARK

Ordinary Council Meeting

AGENDA

27 August 2024

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



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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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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

MEMBERS:

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

STAFF:

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

ON APPROVED LEAVE(S) OF ABSENCE

- Cr Jan Lewis (Deputy Shire President) (in accordance with Council Resolution No. 010124)
- Cr Nathan Devenport (in accordance with Council Resolution No. 020624)

ABSENT WITHOUT LEAVE

VISITORS

3. DECLARATIONS OF INTEREST

Name	Item No	Interest	Nature

4. ANNOUNCEMENTS BY THE PERSON PRESIDING

5. PUBLIC QUESTION TIME

5.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5.2 PUBLIC QUESTIONS

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

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

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

Questions from the Public

5.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

5.4 PRESENTATIONS, DEPUTATIONS & PETITIONS

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

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

5.4.1 DENMARK ENVIRONMENT CENTRE – PRESCRIBED BURNING PROGRAM

A representative from the Denmark Environment Centre will present information on Department of Biodiversity, Conservations and Attractions’ prescribed burning 2023/2024 program and the proposed program for the 2024/2025 season.

6. APPLICATIONS FOR FUTURE LEAVE OF ABSENCE

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

7. CONFIRMATION OF MINUTES

7.1 ORDINARY COUNCIL MEETING – 30 JULY 2024

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

7.2 SPECIAL MEETING – 13 AUGUST 2024

OFFICER RECOMMENDATION	ITEM 7.2
That the minutes of the Special Meeting of Council held on the 13 August 2024 be CONFIRMED as a true and correct record of the proceedings.	

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

Nil

9. REPORTS OF OFFICERS

9.1 DEVELOPMENT SERVICES

9.1.1 PROPOSED ACCESS CHANGES – DENMARK AIRFIELD

File Ref:	A5413
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Denmark Airfield, Reserve 41390
Disclosure of Officer Interest:	Nil
Date:	7 August 2024
Author:	Craig Pursey, Manager Development Services
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.1.1a – Denmark Airfield Strategy extract 9.1.1b – Plan of proposed access to Denmark Airfield 9.1.1c - Schedule of Submissions

IN BRIEF

- There are ongoing issues with the use of Paxillus Way and Macartney End as both road reserve and taxiway within the Denmark Airfield.
- Council considered a potential solution at its meeting in July 2023 where it was resolved to advertise the proposed closure of Paxillus Way and Macartney End and amalgamate them with the surrounding airfield reserve.
- Discussions with the Department of Planning Lands and Heritage (DPLH) raised issues with this approach; this report proposes to continue with the road closures but also identify a separate, dedicated access for residential traffic to the northern side of the airfield.

VOTING REQUIREMENTS

1. Simple majority.

OFFICER RECOMMENDATION

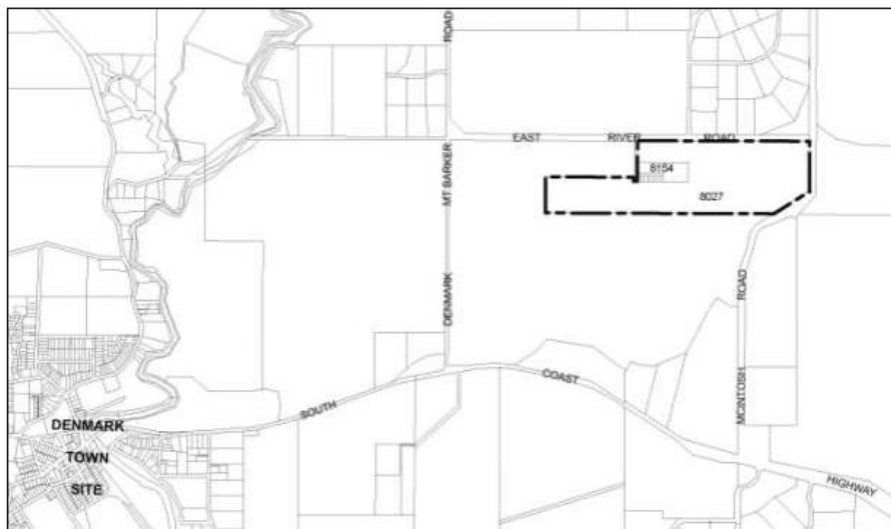
ITEM 9.1.1

That Council,

1. Pursuant to clause 58 of the Land Administration Act 1997, REQUEST the Minister for Lands permanently close Paxillus Way and Macartney End, Hay and amalgamate these road reserves with Reserve 41390.
2. REQUEST the Minister for Lands to dedicate a Right of Way along the northern boundary of Lots 211 to 219 Paxillus Way, as shown at attachment 9.1.1b.

LOCATION

2. The Denmark Airfield is approximately 5km northeast of the Denmark town centre, accessed from East River Road.



Location

BACKGROUND

3. Reserve 41390 contains the Denmark Airstrip, associated taxiways, the terminal building, communal water tank and public car parking. It is categorised by CASA as an Aeroplane Landing Area (ALA).
4. In December 2010 Council adopted a Land Use Strategy and local planning policy to guide the development of the airfield and significantly, facilitate an ‘airpark’ or ‘fly-in estate’. An extract of the Land use Strategy is at Attachment 9.1.1a of this report.
5. Also, in 2010, the WAPC granted subdivision approval to subdivide Lot 8154 Paxillus Way, Hay into 10 lots (Lots 210 to 219); the Airfield Strategy identifies these lots for ‘hangar accommodation’. That is, a hangar and residence on the same property with a requirement that no house is to be approved without an associated hangar.
6. Before approving the subdivision, the Great Southern police advised the WAPC that they did not support using Paxillus Way for aircraft, as this would contravene the Road Traffic Act and probably other federal legislation.

7. Despite this advice but following research into Airparks elsewhere in the country and independent advice from the Civil Aviation Safety Authority (CASA), the WAPC approved the subdivision.
8. The issue of aircraft not being able to use a public road and the potential for conflict between vehicles and aircraft has been noted in the past, and the following measures were taken to address this issue:
 - Access is restricted via a gate with a code effectively making Paxillus Way ‘airside’ in the management of the airfield;
 - Signage installed warns vehicles to always give way to aircraft and sets a speed limit; and
 - Landowners advised that they need to tow their aircraft to the airfield taxiway.
9. This approach effectively places Paxillus Way ‘airside’ and manages this space both as an aircraft taxiway and for vehicles accessing the properties located on the ‘airside’ of the airfield.
10. Officers at the time believed that these measures were adequate to address any issues arising with the status of Paxillus Way as a public road. The airfield appears to operate well with these management arrangements in place.



Gates with access code to Paxillus Way

Warning Sign

11. What has become apparent over time is the status of Paxillus Way as a public road prevents aircraft legally using this to access to taxiway. On reflection, the management measures put in place to address this are not suitable as follows:
 - Legislation requires that a public road remain accessible to the public. A permanent gate with a coded entry pad does not meet this requirement.
 - An aircraft is an oversized load and cannot be towed on a road without a Main Roads WA permit issued each time it is towed.
 - Signage is appropriate, but speed limit restrictions on a public road are not possible without the separate approval of Main Roads WA.
12. Lots on Paxillus Way are being placed on the market and staff are receiving enquiries. Now that the limitations on using Paxillus Way are understood, access issues need to be rectified.

13. Council considered this issue at their meeting of 18 July 2023 where it was resolved to seek public comment on a proposal to close Paxillus Way and Macartney End and amalgamate these road reserves with Reserve 41390, effectively formally converting these roads to taxiways in the airfield reserve.

DISCUSSION / OFFICER COMMENTS

14. The road closure proposal was advertised for 35 days with four (4) submissions being received, three of which proposed an alternative access arrangement.
15. Discussions with the Department for Planning Lands and Heritage (DPLH) during the advertising period raised concerns with the proposed road closure effectively denying 'legal road frontage' to the lots within the Airfield.
16. Staff argued that there are many instances of green title lots not having "direct frontage to a constructed public road", these are often accessed through reserves.
17. There was also continuing concern from the police that mixing aircraft and residential traffic was not a sustainable safe situation in the long term, particularly as residences are going to be built on Lots 210 to 219. That is, as houses are built, these landowners will have visitors and trades increasingly using Paxillus Way, increasing potential for vehicle-aircraft conflict.
18. A compromise solution was discussed with the DPLH (as suggested in the submissions received):
 - Proceed with closing the road reserves and amalgamating them with the airfield reserve to effectively convert the roads to aircraft taxiways and formalise what area is considered 'airside' and not freely accessible to the public.
 - Dedicate a new Right of Way (ROW) along the northern boundary of Lots 210 to 219 Paxillus Way using an existing fire break, to provide dedicated access for future residences.
 - Accept that the lots on the southern side of Paxillus Way have no residential component and that it is common practice in an airfield that some vehicular traffic will use the same space, but that it will be limited to owners and users of the hangars and have a semblance of control.

This proposal is shown at attachment 9.1.1b of this report.

19. If this approach is to be supported, then two issues will need addressing moving forward:

Construction standard of the new Right of Way

20. The existing fire break is approximately 4m wide and is trafficable all year round, albeit over natural ground and leaf litter.
21. Ideally a 6m wide gravel road with constructed drainage to Shire of Denmark standards would be constructed to allow for two way traffic; current estimates are to cost ~\$227,000.

22. Alternatively, a lesser standard access to an all-weather trafficable standard firebreak may adequately serve the residential lots. Given the strategic nature of this access way as a fire break, funding may be available to construct this.
23. Lastly, should a landowner wish to build a house before the accessway can be constructed to an acceptable standard, then the landowner would have to upgrade the access to the satisfaction of the Shire.

Integrity of perimeter fence

24. The Denmark airfield is surrounded by a kangaroo proof fence. The integrity of this fence needs to be maintained at all times.
25. The fence along the northern boundary would be compromised by residential development accessed from a new accessway. Even if gates were required to access the residential lots, a residential landowner can not be counted upon to ensure that these are always closed when not actively used.
26. Ideally a new fence is located along the boundary with Paxillus Way. This would cost ~\$30,000.
27. If not, then each landowner will have to construct an acceptable standard fence along their entire boundary at the time of developing a house.

CONSULTATION AND EXTERNAL ADVICE

28. The road closure proposal was advertised for 35 days in accordance with the requirements of the Land Administration Act and Regulations during which time four (4) submissions were received; three from landowners within the Airfield development and one from the Aviation Safety and Quality Manager of the Police Air Wing Branch.
29. These submissions, and subsequent discussions with the DPLH, resulted in the alternative access arrangements proposed in this report.
30. The matters raised in the submissions are addressed in a Schedule of Submissions found at attachment 9.1.1c.

STATUTORY / LEGAL IMPLICATIONS

31. Section 58 of the Land Administration Act 1997 provides the process for closing a road which begins with advertising the proposal for 35 days before bringing the matter back to Council and then to the Minister for Lands for final consideration.
32. The Shire of Denmark Local Planning Policy 25.1 Denmark Airfield and Airpark and associated Airfield Land Use Strategy guide the development of the Denmark Airfield.

STRATEGIC / POLICY IMPLICATIONS

Our Future 2023

33. The report and officer recommendation aligns with the Strategic Community Plan 'Our Future 2033' in supporting the ongoing development and economic opportunities that an Airpark and functional airfield bring.

Local Planning Strategy

- 34. The proposal is consistent with and seeks to apply the recommendations of the adopted Denmark Airfield Land Use Strategy.

FINANCIAL IMPLICATIONS

- 35. There may be some survey costs associated with actioning a road closure which are able to be contained within the current budget structure.
- 36. Costs to construct the new ROW and move the airfield perimeter fence are discussed in the body of this report. Funding opportunities may be available.

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

- 40. 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 JULY 2024

File Ref:	FIN.1
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	14 August 2024
Author:	Scott Sewell, Financial Accountant
Authorising Officer:	Kellie Jenkins, Executive Manager Corporate Services
Attachments:	9.2.1 – July 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 July 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 for the sale of plant assets and Bush Fire Brigade capital acquisitions and grant funding.

VOTING REQUIREMENTS

1. Simple majority.

OFFICER RECOMMENDATION ITEM 9.2.1a

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

2. Absolute Majority

OFFICER RECOMMENDATION ITEM 9.2.1b

That Council APPROVE a 2024/2025 budget amendment to account for the sale of assets as follows:

- Increase proceeds from disposal of assets by \$136,400.
- Increase profit on asset disposal (road plant) by \$45,400.
- Decrease Transfer from Plant Replacement Reserve by \$136,400.

3. Absolute Majority

OFFICER RECOMMENDATION ITEM 9.2.1c

That Council APPROVE a 2024/2025 budget amendment for Bush Fire Brigade capital acquisition and grant funding as follows:

- Decrease expenditure for Purchase Land & Buildings – Brigades by \$300,000.
- Decrease Capital Grant – BFB Buildings by \$300,000.
- Increase Capital Grant – BFB Vehicles by \$776,200.
- Increase expenditure for Purchase Plant – Brigades by \$776,200.
- Increase Capital Grant – BFB Buildings by \$6,350.
- Increase expenditure for Purchase Land & Buildings – Brigades by \$6,350.
- Increase Capital Grant – BFB buildings by \$25,000.
- Increase expenditure for Purchase Furniture & Equipment – Brigades by \$25,000.

LOCATION

4. Nil.

BACKGROUND

5. 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.
6. 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.
7. 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

8. The Statement of Financial Activity for July 2024 shows a closing funding surplus of \$10,954,789. 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 \$67,509, and Operating expenses are \$432,804 below budget. Capital income exceeds the budget by \$56,670. The main factors contributing to these variances are detailed in Note 1 – Major Variances within the attachment.
9. Notably, depreciation expense for all asset classes has not been calculated for this reporting period. Depreciation expense will be applied for the 2024/2025 financial year once the annual audit of the financial accounts for the year ending 30 June 2024 is completed.
10. A summary of the financial position for July 2024 is detailed in the table below:

	Adopted 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	1,166,552	-34,488	-3%
<u>Revenue</u>					
Operating revenue	15,018,031	10,900,429	10,967,938	67,509	1%

Capital revenue, grants and contributions	7,487,386	270,000	326,670	56,670	21%
	22,505,417	11,170,429	11,294,608	124,179	
Expenditure					
Operating Expenditure	-19,185,881	-1,696,930	-1,264,126	432,804	26%
Capital Expenditure	-9,885,157	-242,100	-248,480	-6,380	-3%
	-29,071,038	-1,939,030	-1,512,606	426,424	
Funding balance adjustments	5,364,581	452,141	6,234	-445,907	-99%
Closing Funding Surplus / (Deficit)	0	10,884,580	10,954,789	70,209	0.65%

OTHER INFORMATION

11. Capital Revenue is \$56,670 higher than budget mostly due to higher sales values from the disposal of plant assets, including two trucks. Additionally, several plant items that were intended for auction prior to 30 June 2024, were not disposed as planned. To reflect these changes, an officer's recommendation to amend the budget has been included in this report.

INVESTMENT REPORT

12. 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.

13. As at 31 July 2024, total cash funds held (including trust funds) totals \$5,949,229.

14. Summary – Cash and Investments

- Municipal Funds total \$1,342,335
- Shire Trust Funds total \$850
- Reserve Funds (restricted) invested, total \$4,606,043
- Municipal Funds (unrestricted) invested, total \$500,000

15. 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

16. For Council to approve a budget amendment to the 2024/2025 Budget to include the sale of plant assets.

17. The Shire’s Plant Replacement Program, part of the 2024/2025 adopted budget, omitted several plant items scheduled for disposal during the 2024/2025 financial year. These items, including a tip truck, grader, depot tractor, and an all-terrain vehicle were intended to be disposed of by auction before 30 June 2024, but this did not occur as planned. An officer recommendation is included in this report to amend the budget to include the sale of these vehicles, reflecting the relevant budget impact.

18. For Council to approve a budget amendment to the 2024/2025 Budget to include Bush Fire Brigade (BFB) capital acquisition and grant funding.
19. The Shire has recently been notified of the capital grant allocations from the Department of Fire and Emergency Services (DFES) Local Government Grants Scheme for the 2024/2025 financial year. This notification confirmed that the DFES Fire Shed Upgrade was not approved. However, funding has been approved for the following:
 20. Two items of plant for the Kordabup/Owingup BFB
 21. Personal Protective Clothing (PPC) Lockers for brigades generally
 22. A 25,000 litre water tank at the Mount Lindesay facility.
23. An officer recommendation to amend the budget to align with the approved capital expenditure and funding as outlined by DFES is included in this report.

CONSULTATION AND EXTERNAL ADVICE

24. 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

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

The Local Government Act 1995

26. 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.
27. Section 6.14 outlines the power to invest for local governments.

The Trustees Act 1962

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

The Local Government (Financial Management) Regulations 1996

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

STRATEGIC / POLICY IMPLICATIONS

30. Nil.

FINANCIAL IMPLICATIONS

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

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.

9.2.2 PAYMENT OF ACCOUNTS FOR THE PERIOD ENDING 31 JULY 2024

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

IN BRIEF

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

VOTING REQUIREMENTS

1. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.2.2
<p>That Council RECEIVE the payment of accounts totalling \$1,903,095.71 for the month of July 2024, as per Attachment 9.2.2.</p>	

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 HERITAGE CONCEPT PLAN AND PROPOSED DENMARK LIONS CLUB LEASE AREA

File Ref:	A3140
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Reserve 30277, 2 Inlet Drive, Denmark
Disclosure of Officer Interest:	Nil
Date:	18 June 2024
Author:	David King, Chief Executive Officer
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.3.1a – Proposed Heritage Concept Plan 9.3.1b – Existing Heritage Concept Plan (2019) 9.3.1c – KNS proposed concept Plan (2023) 9.3.1d - Submissions

IN BRIEF

- This report seeks to adopt a revised Denmark Historic Railway Precinct Concept Plan for Reserve 30277.
- Council is asked to consider approving a lease area for the Denmark Lions Club.

VOTING REQUIREMENTS

1. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.3.1
<p>That Council:</p> <ol style="list-style-type: none"> 1. ADOPT the revised Denmark Historic Railway Precinct Concept Plan as per Attachment 9.3.1a with the following alteration: <ol style="list-style-type: none"> a) Relocation of the chicken coop to an area outside the shared green space. 2. AGREE to lease an area depicted on the plan to the Denmark Lions Club; 3. REQUEST the Chief Executive Officer to negotiate a draft lease with the Denmark Lions Club for Council’s consideration. 	

LOCATION

2. Reserve 30277, 2 Inlet Drive, Denmark.

BACKGROUND

3. The relevant recent Council decisions regarding concept planning for this reserve are detailed below, noting that the Spirit of Play Community School is also referred to as the Kwoorabup Nature School:

Meeting Date	Title	Brief Description of decision
24 June 2008	Lease – Wilgie View Learning Centre (Spirit of Play)	Council approved a new school lease for a period of five (5) years resulted in a new expiration date of 2013.
25 September 2012	Spirit of Play – Request to Lease Portion of Reserve 30277	Council approved an extension to the lease area to incorporate an approved additional storage building, existing septic tanks and adequate area for sufficient soft fall sand under the swing set
27 May 2014	Denmark Railway Station No. 3 Reserve - Heritage Precinct Concept Plan	Council adopted the Denmark Historic Railway Precinct Concept Plan
22 March 2016	Proposed Temporary Classroom for Spirit of Play Community School, including extension of lease area	Council approved the addition of a temporary classroom and an extension of the lease area
18 July 2017	Spirit of Play Community School – Request for Lease term extension	Council granted permission for the school to continue occupying the Leased Premises as a monthly tenant until 21 December 2019
February 2019	Denmark Heritage Railway Precinct – Amendment to Concept Plan and Spirit of Play Community School Lease	Council agreed to allow the school to extend their lease area, grant the school a new 15 year lease and amend the Denmark Historical Railway Station Precinct Concept Plan ('Concept Plan') to include reference to the school's lease area on the reserve.
18 April 2023	Kwoorabup Nature School Proposal ('KNS')	Endorsement of an expanded lease area and request for the Chief Executive Officer to undertake a process to revise the Concept Plan

15 August 2023	Special Electors Meeting Decisions	Council considered the motions passed at the Special Electors Meeting that raised concerns over the April 2023 decision. Minor amendments to the proposed expanded lease were required as a result.
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4. At the April 2023 Ordinary Council Meeting, Council resolved the following:

“That Council:

1. *ENDORSE the expanded lease areas for the Kwoorabup Nature School such that:*
 - a) *The lease areas and shared areas are in accordance with Attachment 9.3.1a, subject to the existing shed being relocated at the School’s cost.*
 - b) *Development of the lease area shall be in accordance with a revised concept plan to be adopted by Council, following actions in part 3 and 4 of this resolution.*
2. *REQUEST the Chief Executive Officer to:*
 - a) *Obtain, at the Kwoorabup Natures School’s cost, a commercial valuation for the proposed lease.*
 - b) *Draft a lease in accordance with (1) above and advertise for public comment for no less than 14 days.*
 - c) *Provide a report back to council to consider submissions and a draft lease.*
 - d) *Advise the Lions club of the implications to their existing lease.*
3. *REQUEST the Chief Executive Officer to engage key stakeholders in developing a revised concept plan that considers the following:*
 - e) *Enhancement of the key railway reserve aspects including, but not limited to, the restoration of the Ash Pit (including carriage) and the Turntable.*
 - f) *Minimisation of any fencing, especially around heritage features such as the Old Post Office building and the Stationmasters House.*
 - g) *Appropriate locations of the new infrastructure and buildings.*
 - h) *Installation of appropriate interpretative signage of heritage assets.*
4. *ADVERTISE a revised concept plan for public consultation and present back to Council, with any submissions received.*
5. *REQUEST the Chief Executive Officer to work with the Lions Club to facilitate solutions to replace their current lease.”*

5. Officers have completed all parts of this recommendation and present a revised draft Concept Plan for consideration.

DISCUSSION / OFFICER COMMENTS

6. The proposed Concept Plan is provided as Attachment 9.3.1a. The process that has been followed is reflective of an update to the Concept Plan to accommodate the requirement of Council. As a large number of elements are already in place in

accordance with the existing Concept Plan starting from scratch was not necessary. The following key points are provided.

7. The Denmark Lions Club have formally requested a new lease area that align with the area shown on the draft plan.

Building Location (within KNS lease area)

8. The stakeholder group emphasised the importance of preserving the green open space within the Reserve. They expressed a strong desire for the KNS School buildings to be strategically placed in a manner that avoids compromising these valuable green areas. The preservation of open spaces is crucial for maintaining the aesthetic appeal of the precinct.
9. In addition to preserving green spaces, the stakeholders were particularly concerned about the placement of the KNS School buildings in relation to the Heritage Rail Trail. They wanted to ensure that the buildings do not 'box in' the trail, which could create a sense of confinement for the general public. Instead, the goal is to maintain a sense of openness and freedom along the trail, allowing users to experience the heritage precinct without feeling enclosed by structures. This approach aims to enhance the overall user experience, making the trail a more inviting and pleasant space for walking, cycling, and other recreational activities.
10. While there were concerns raised in submissions regarding the presentation of the buildings to Inlet Drive, these can be effectively managed through appropriate setbacks and planning controls. By implementing these measures, it is possible to ensure that the buildings are aesthetically sympathetic and do not detract from the overall visual appeal of the area. Appropriate planning and design will help integrate the buildings seamlessly into the landscape, maintaining the balance between built structures and natural spaces.

Shed Relocation and Proposed Lions Lease

11. The Lions expressed their desire for a new lease area to continue their operations from the site in the future. The stakeholder group was supportive of this proposal, recognising the importance of the Lions' activities within the community. The new lease will be land-only, as the Lion's will own any infrastructure, and will involve relocating the shed to an appropriate location.
12. The KNS lease requires the KNS to relocate the shed "at full cost" to a "location within the Reserve". It is the officers interpretation of the lease and the Council's intent that the KNS should cover the costs of the physical relocation of the shed itself, including fixtures and fitting, and the connection of equivalent electrical services, ensuring that the same level of services within the shed is consistent with what is in place for the shed in its current location.
13. As the Council resolution nor the lease require that additional services or improvements outside the shed footprint be paid for by the KNS, these costs do not have to be met by the KNS.
14. In support of this determination is that the original draft concept plan (presented to Council at the April 2023 meeting) had the shed proposed to be located in an already

accessible area, and it would be unreasonable to place any greater expectation on the KNS beyond those assumptions.

15. The alternative would be to reconsider the location of the shed consistent with what was presented the April 2023 meeting; relocation to an area that already has servicing and suitable access. However, this would be inconsistent with the proposed plan presented for consideration.
16. The new proposed lease area represent the only feasible location on the Reserve. It is currently vegetated but consists of mature weeds. South Coast Bushcare Services, who manage weed control in the Reserve, have been consulted and are supportive of the removal of these weeds. This will help prepare the site for the relocation of the shed and ensure that the area is suitable for the Lions' use. By addressing these concerns and planning carefully, the relocation can be managed smoothly, maintaining the functionality and accessibility of the site for the Lions and the broader community.

Shared Use Area

17. Several stakeholders have expressed a preference for the removal of the shared use area from the KNS lease. This decision ultimately lies with KNS, as the shared use area is stipulated within the lease agreement. The shared use provision grants KNS a secure breakout space for teaching purposes. However, this space is not essential for the school's compliance with open area standards. Consequently, the school has indicated that this area could be omitted from the lease when the Old Post Office is returned to community use following construction of their new building.
18. The inclusion of the shared space within the lease does not significantly impact its primary purpose, as the area must remain accessible to the public. Despite this, there is a perception that the area feels private due to the school's presence and the lack of direct access along the original rail line. The Concept Plan addresses these concerns by proposing the removal of a small tree to enhance the desired walking path through the site. Additionally, it emphasises that the area should highlight the European heritage value of the precinct.

CONSULTATION AND EXTERNAL ADVICE

19. A working group was convened with the following stakeholders with a view to development of a revised concept plan. The working group was comprised of:
 - Lions Club (x2)
 - Denmark Machinery Restoration Group (x2)
 - Mens Shed (x2)
 - KNS (x2)
 - Denmark Historical Society (x2)
 - Shire of Denmark Officers (x2)
20. A number of workshops were held on, 8 March 2024, 5 April 2024 and 21 May 2024, to develop a concept plan.
21. On request, officers have also held a number of informal conversations with stakeholders in relation to specific issues or concerns.

22. In accordance with part 4 of the April resolution, officers advertised the revised concept plan from 10 July 2024 to 26 July 2024 with five (5) submissions received. The submissions are attached in Attachment 9.3.1d. Officer response to the submission is summaries below.

General

23. The majority of concerns raised by the submission are addressed in the discussion section of this report. It is noted that there are some objections to the extent of the KNS lease area. However, as this area is under an existing formal lease agreement a change is outside the scope of the concept plan.
24. Another concern raised was the future potential for the KNS to expand in the future. A precinct concept plan is essentially a strategic framework designed to guide the future development of a specific area. While it doesn't guarantee that all proposed developments will occur exactly as outlined, its primary purpose is to provide a vision and direction for future growth and changes. This helps ensure that any developments align with broader goals and community needs, even though specific outcomes can't be assured. Where any significant deviation from the plan is proposed, community consultation should occur.

Detail and Accuracy of the Concept Plan

25. Submissions were received that expressed concerns about the details of the concept plan.
26. It's important to note that a concept plan is intended to provide a broad overview of the vision and key elements. At this stage, the focus is on outlining the general direction and goals of the project rather than delving into specific details. Detailed planning and addressing finer points will occur in subsequent stages once the concept has been refined and approved. Where key elements were incorrect, such as the DMS lease area these have been amended.

DMS Concept Plan

27. The DMS have been consulted throughout the process. However, the DMS have raised additional conceptual elements to their lease though the final community submission. As such they have not been assessed by the Stakeholder group or advertised more widely to the community. Initial concerns from officers relate to the extent of clearing required. If these are to be considered they would need to go through a new process and appropriate revision of the concept plan in the future.

Parking Provision and Hardcourts outside the lease area

28. Concerns were raised around the car parking and hard court area that fall outside the lease boundary. Any areas that are not confined by the lease agreement are for public use. As with any other private development in the Townsite, provision of parking may be by providing it onsite (usually private use), a cash payment in lieu, or construction of bays within a Shire managed land to the satisfaction of the Shire. The concept plan is consistent with this.
29. Any areas or infrastructure outside the lease, including parking are for public use.

STATUTORY / LEGAL IMPLICATIONS**Land Administration Act**

30. Section 18 – refers to requirement for Ministerial consent if the Shire wishes to enter into a lease (Lions) on Crown Land.

STRATEGIC / POLICY IMPLICATIONS**Heritage Precinct Concept Plan (2019)**

31. This report makes recommendations to amend this adopted plan.

Municipal Heritage Inventory

32. The Shire's Municipal Heritage Inventory includes the following place records which relate to the reserve.

- Railway Precinct (including the Bridge, Ashpit and Turntable)
- Denmark Rivier Railway Bridge
- Old Post Office
- Station Master House
- Old Railway Station

FINANCIAL IMPLICATIONS

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

OTHER IMPLICATIONS**Environmental**

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

Economic

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

Social

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

RISK MANAGEMENT

37. 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 PROPERTY MANAGEMENT POLICY

File Ref:	ADMIN.36
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	25 July 2024
Author:	David King, Chief Executive Officer
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.3.2a – Draft Property Management Policy 9.3.2b – Schedule of submissions

IN BRIEF

- This report aims for the Council to adopt a property management policy.

VOTING REQUIREMENTS

1. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.3.2
That Council ADOPT the Property Management Policy as presented in Attachment 9.3.2a.	

BACKGROUND

2. The proposed 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 proposed 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.
5. The policy's emphasis on co-investment, shared use, and strategic holding ensures long-term financial and operational sustainability, making it a key strategy of the Shire’s asset management strategy.

CONSULTATION AND EXTERNAL ADVICE

6. The policy development involved consultation with 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. Following Council's endorsement to advertise, officers sought further comment from the leaseholders, members of the public and stakeholder groups via the 'Your Denmark' webpage and direct requests for feedback from all community groups.
8. The advertised draft incorporated the changes requested by Council as below:
 - Ensure consistency of terminology.
 - Include the requirement for a public register being made available on the website of all leases, subleases, licences and MOUs.
9. Two (2) formal submission were received. These are provided in Attachment 9.3.2b with officer comments. Only one minor change to the Policy is incorporated into the proposed policy that clarifies that Fire Sheds are not covered by the policy.
10. Attachment 9.3.2a includes the:
 - changes requested by Council and the amendment noted above.
 - Reshaping of comments and requirements around 'shared use', including the minimum requirements for a Management Plan.
 - Clarification that any rate waiver is considered and determined by the Council annually.
 - The addition that any new sublease needs to be determined by the Council and the CEO authorised to renew a sublease.

STATUTORY / LEGAL IMPLICATIONS

Local Government Act 1995

11. Section 2.7 – Council to determine the local government's policies.

STRATEGIC / POLICY IMPLICATIONS

12. The proposed 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 implication, primarily in maintenance, repairs, and administrative oversight. The policy 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 does exist 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 the Council allocate funds in the annual budget towards to assist with running costs and maintenance of community halls and community centres, the Shire will establish Service Agreement to clearly stipulate expenditure expectations.

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 and/or renewal.

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, repairs and renewal. It also assists to ensure compliance with statutory requirements, and fostering of 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.

9.3.3 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:	David King, Chief Executive Officer
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.3.3a – P040125 Community Grants Policy 9.3.3b - Draft Community Contributions Policy 9.3.3b – Schedule of submissions

IN BRIEF

- This report aims for the Council to adopt the proposed Community Contributions Policy.

VOTING REQUIREMENTS

1. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.3.3
<p>That Council:</p> <ol style="list-style-type: none"> 1. REPEAL Policy P040125 – Community Grants Policy; and 2. ADOPT the Community Contributions Policy as per Attachment 9.3.3b. 	

BACKGROUND

2. The draft Community Contributions Policy outlines the principles and guidelines 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.
3. The policy framework is designed to ensure that financial contributions enhance community capacity, public safety, environmental sustainability, economic development, social well-being and regional collaboration, while also addressing any service gaps or delivery of outcomes outlined in the Council endorsed strategies.

DISCUSSION / OFFICER COMMENTS

4. The draft Community Contributions Policy represents a significant advancement in the Shire’s approach to supporting community groups and initiatives. By establishing clear, equitable, and transparent funding mechanisms, the policy ensures that financial support is strategically aligned with the Shire's Strategic Community Plan, sustainability goals and community needs. The framework not only enhances the capacity of community groups but also promotes a collaborative, accountable, transparent and sustainable approach to community development.

5. Officers have reframed the wording under part 3 (Rate Waivers) to provide greater clarity, and removed the definition of 'Rates Exemption'. An additional internal review identified that rates exemptions don't specifically relate to community contributions captured by this policy, as exemptions are broader and are provided for in State legislation.

CONSULTATION AND EXTERNAL ADVICE

6. Consultation, in the form of face-to-face meetings, with a cross-section of community groups, stakeholders, and key partners was conducted to ensure that the policy reflects the community's needs, priorities and expectations. Feedback from these consultations has been instrumental in shaping the policy.
7. Following Council's endorsement to advertise, officers sought further comment from the community, stakeholder groups and direct requests for feedback from all community groups.
8. The advertised draft incorporated the changes requested by Council as below:
 - Include the requirement for a public register being made available on the website of all community contributions.
 - Require Council to approve all service agreements spanning multiple years and authorise the CEO to approve all renewals or single year agreements that align with the allocated budget.
9. One (1) formal submission was received. This is provided in Attachment 9.3.3c with officer comments. No changes are proposed.
10. Attachment 9.3.3b includes the changes requested by Council.

STATUTORY / LEGAL IMPLICATIONS

Local Government Act 1995

11. Section 2.7 – Council to determine the local government's policies.

STRATEGIC / POLICY IMPLICATIONS

12. 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.
13. Making all community contributions part of the annual reporting process will also address the community's request for more transparency in the Council's decision-making.

FINANCIAL IMPLICATIONS

14. The policy establishes 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

15. 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

16. 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

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

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 DRAFT HIGH SCHOOL OVAL LICENCE AGREEMENT

File Ref:	ARG.12
Applicant / Proponent:	Department of Education
Subject Land / Locality:	Lot 501 on Deposited Plan 422026 (956 South Coast Highway, Denmark)
Disclosure of Officer Interest:	Nil
Date:	12 August 2024
Author:	Claire Thompson, Governance Coordinator
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.3.4a – draft 2024 Licence

IN BRIEF

- The Department of Education are seeking an updated Licence Agreement for the shared use of the grassed oval.

VOTING REQUIREMENTS

1. Simple majority.

OFFICER RECOMMENDATION

ITEM 9.3.4

That Council AGREE to enter into a new Licence Agreement with the Minister for Education to ensure continued community use of the High School Oval, in accordance with the draft Licence Agreement terms in Attachment 9.3.4.

LOCATION

2. Grassed oval on part of Lot 501 on Deposited Plan 422026, 956 South Coast Highway, Denmark.

BACKGROUND

3. When the Denmark Senior High School was constructed, the Shire entered into negotiations with the Department of Education to discuss community use of school facilities including a full size oval and surrounding carpark.
4. In September 1998, Council agreed to contribute to the oval construction on the proviso that it would be available for community use.
5. The Shire constructed the oval, contributing (mostly) works and materials to the value of \$133,333.
6. The Department of Education contributed \$206,667 towards the build.
7. In 2000, the Minister granted to the Shire a licence to use the facility. The licence expired in 2021. Since that time, Shire Officers have been working with the Department of Education to secure a new draft agreement.

DISCUSSION / OFFICER COMMENTS

8. Attached is the draft Licence Agreement (see Attachment 9.3.4).
9. The changes from the 2000 Agreement are:
 - Value of public liability insurance requirement has increased from \$10,000,000 to \$20,000,000. This is consistent with general practice for these types of contracts.
 - Cost sharing to be varied from \$33% Shire / 66% Minister to 50% for both parties. The Department has requested the change for the following reasons:
 - Capital contribution was 24 years and should no longer be a consideration.
 - The school can only use the oval during school hours only (recess, lunch and selected physical recreation times), which is less than 50% of the total usage of the oval.
 - The Shire (community) can use the oval:
 - During the school term: 5 days a week prior to 8.00am and after 4.00pm.
 - During school holidays: 7 days a week.
 - Entire year: every weekend.

- Management Committee
 - Membership no longer includes an Elected Member.
 - New Management Committee Rules that detail functions and methods of operation of the committee.
 - Requirement to meet annually and report to the Minister and the Shire of the operations of the facility during the preceding calendar year.
10. The oval is currently well used by sporting organisations including the Denmark Senior Soccer Club, the Denmark Junior Soccer Club, the Denmark Cricket Club, the Denmark Hockey Club and the Denmark Walpole Junior Football Club.

CONSULTATION AND EXTERNAL ADVICE

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

STATUTORY / LEGAL IMPLICATIONS

12. Nil

STRATEGIC / POLICY IMPLICATIONS

Long Term Financial Plan

13. 2029-2030 – includes a project to upgrade the High School Oval facilities and playing capacity. The agreement does not preclude potential development which would require consent from the Minister for Education. If any future development occurs, then the agreement should be reviewed.

Shire of Denmark Sport and Recreation Plan 2019

14. The plan identifies the importance of having a second playing oval in Denmark, particularly given the steady population growth. It also recommends that the Shire should continue to liaise with the Department of Education to secure continued community use of the facility (p 58).

FINANCIAL IMPLICATIONS

15. On average, the cost to maintain the oval per year is approximately \$30,000.
16. Shared maintenance costs include the oval, reticulation and bore, electricity and upgrades.
17. Over the past few financial years, the Shire has been doing extra work to slowly improve the playing area including improvements to drainage, top dressing and upgrades to reticulation and water supply.
18. The Shire manages bookings and charges user fees. The income for the 2023/2024 financial year was approximately \$500.

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

21. The High School Oval is used by many local sporting organisations.

RISK MANAGEMENT

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

9.4 COMMUNITY SERVICES

9.4.1 FIREBREAK AND FUEL MANAGEMENT NOTICE 2024/2025

File Ref:	FIRE.25
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Shire wide
Disclosure of Officer Interest:	Nil
Date:	05 August 2024
Author:	Renee Wiggins, Manager Community Services
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.4.1a – Bush Fire Advisory Committee Minutes 9.4.1b – Previous Firebreak and Fuel Management Notice 2023/2024 9.4.1c - Proposed Firebreak and Fuel Management Notice 2024/2025

IN BRIEF

- This report seeks to endorse the changes in the Firebreak and Fuel Management Notice 2024/2025.

VOTING REQUIREMENTS

1. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.4.1
That Council ENDORSE the Firebreak and Fuel Management Notice 2024/2025, as per Attachment 9.4.1c.	

LOCATION

2. Owners and occupiers of land within the Shire of Denmark.

BACKGROUND

3. The Firebreak and Fuel Management Notice (FFMN) directs residents to maintain their properties to a minimum standard. Ongoing improvements seek to create a more engaging FFMN to improve compliance and remove confusion.
4. All landowners in the district are required to comply with the FFMN, and where non-compliance is determined, a fine is issued.
5. The Shire has adopted a practice of zero tolerance with regard to fire compliance. Years of education and warnings without consequence have resulted in ongoing non-compliance. There is a community expectation that the Shire needs to manage community safety by issuing infringements to deter future non-compliance.
6. Sixty-five infringements were issued in 2023/24 for non-compliant properties across the Shire. Six infringements were issued for illegal burning during the prohibited period.
7. Whilst the FFMN can be determined by the Chief Executive Officer (CEO), a number of changes are proposed that will impact the community, and therefore, officers seek endorsement by Council.

DISCUSSION

8. A number of changes to the FFMN are proposed for 2024/2025. Significant changes include:
 - No longer any exemptions to the Prohibited Burning Period.
 - Asset Protection Zone (APZ) amendments set the minimum standard for property maintenance.
 - Simplified to be more user-friendly.
9. The 2023/2024 and proposed 2024/25 FFMNs are provided in Attachment 9.4.1b and 9.4.1c respectively.

No longer any exemptions to the Prohibited Burning Period.

10. Currently, lighting outdoor fires for the purpose of camping or cooking is not permitted during the Prohibited or Restricted Period, except for the following exemption when the Fire Danger Rating is moderate or below.
11. Within 20m of a permanent residence (must be a building approved by the Shire and not temporary accommodation, caravan or temporary shed). There must be a 3m radius clear of combustible material, and it must be contained within one of the options below:

- A purpose-built structure of brick or rocks and mortar.
 - A purpose-built steel container recognisable as a properly constructed barbeque.
 - A fire pit structure, suitable for a campfire or cooking fire, that has a maximum diameter of 1m and a minimum depth of 30cm.
12. Communicating the rules during the prohibited is difficult because of the exemptions in place. Visitors reasonably assume they can light a fire when they see neighbouring properties doing so. Prohibited should mean prohibited for ease of communication and understanding. Furthermore, Local Governments need to alter their current methods to adapt to drier conditions and an increasingly warmer climate.
 13. In addition, the Department of Biodiversity Conservation and Attractions (DBCA) have indicated that they would benefit from a removal of the exemptions. Specifically, it is important to allow the DBCA spotter plane to be able to report smoke more effectively so that if it saw smoke, it could safely assume it was an illegal fire or a bushfire.
 14. Specific consideration was given to the exemptions to the prohibited burning period by the Bush Fire Advisory Committee (BFAC).
 15. BFAC received a request from Bush Fire Ready Groups and a Bush Fire Brigade Captain to consider removing exemptions to the Prohibited Burning Period.
 16. A number of BFAC members felt removing the exemptions was unfairly taking away a local resident's right to have a fire safely on their property. That enjoying a fire over the festive season would negatively impact them and their experience at that time of the year. Some BFAC members felt they had always been allowed to have their fires, and no significant incidents had occurred.
 17. However, the overriding arguments of increased safety and improved communication resulted in BFAC voting 10-6 in favour of removing exemptions.

Alteration to the APZ

18. The APZ prescribed in the FFMN is a requirement for landowners, and works are exempt from requiring clearing approvals for vegetation removal.
19. Given this, it is important that the APZ reflects a minimum standard and not best practice. If the FFMN prescribed a best practice approach in line with the Western Australian Planning Commission's *Guidelines for Planning in Bushfire Prone Areas*, this would effectively prescribe the requirement of significant and possibly unnecessary clearing across the Shire.
20. For example, if the 5m separation between canopies was prescribed across the district, numerous properties would have to remove multiple significant trees. In most circumstances, the benefits of a fire management perspective do not outweigh the environmental impacts.
21. The FFMN aims to balance community safety and environmental impacts, and the APZ alterations reflect this.

22. Residents are encouraged to meet best practice standards. However, works in excess of the FFMN requirement require more scrutiny regarding the environmental impact and can be considered on a case-by-case basis.
23. Further best practice fire safety education is promoted to our community through Council's support of Bush Fire Ready Groups.

Simplification

24. Simplifying the Notice ensures compliance requirements are clearly outlined. Further educational information previously in the Notice can be shared via alternate means.

CONSULTATION AND EXTERNAL ADVICE

25. Officers sought input from the Bush Fire Advisory Committee when creating the FFMN for 2024/2025. The minutes can be found in Attachment 9.4.1a

STATUTORY / LEGAL IMPLICATIONS

Bush Fires Act 1995

26. Section 33 prescribes that the FFMN is a direction of the Local Government.

STRATEGIC / POLICY IMPLICATIONS

27. Nil

FINANCIAL IMPLICATIONS

28. Nil

OTHER IMPLICATIONS

Environmental

29. The FFMN aims to balance community safety and environmental impacts and the alterations to the APZ reflect this.

Economic

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

Social

31. Exemptions during the Prohibited Burning Period allow community members to sit around a fire pit and enjoy a social evening in front of a fire. Over Christmas, Campground managers can obtain permits to allow campers to have a fire when camping. These proposed changes will cause disappointment within the community, businesses and tourists. Equally, some community members will be relieved that no fires are permitted during the Prohibited Burning Period and will feel a sense of relief with clearer messaging. The community may feel confident that when they see smoke, they can promptly call 000 to report it as an emergency. The community may feel more confident that tourists will no longer assume they can have a fire because a neighbour (with an exemption) is having a fire.

RISK MANAGEMENT

32. 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

Nil

10. MATTERS BEHIND CLOSED DOORS

Nil

11. NEW BUSINESS OF AN URGENT NATURE

Nil

12. CLOSURE OF MEETING