

SHIRE OF DENMARK

Ordinary Council Meeting

AGENDA

28 JANUARY 2025

TO BE HELD IN COUNCIL CHAMBERS, 953 SOUTH COAST HIGHWAY, DENMARK, ON TUESDAY, 28 JANUARY 2025, COMMENCING AT 4.00PM.



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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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

MEMBERS:

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

STAFF:

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

ON APPROVED LEAVE(S) OF ABSENCE

ABSENT WITHOUT LEAVE

VISITORS

3. DECLARATIONS OF INTEREST

Name	Item No	Interest	Nature

4. ANNOUNCEMENTS BY THE PERSON PRESIDING

5. PUBLIC QUESTION TIME

5.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5.2 PUBLIC QUESTIONS

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

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

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

Questions from the Public

5.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

5.4 PRESENTATIONS, DEPUTATIONS & PETITIONS

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

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

Nil.

6. APPLICATIONS FOR FUTURE LEAVE OF ABSENCE

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

7. CONFIRMATION OF MINUTES

7.1 ORDINARY COUNCIL MEETING – 26 NOVEMBER 2024

OFFICER RECOMMENDATION

ITEM 7.1

That the minutes of the Ordinary Meeting of Council held on the 26 November 2024 be CONFIRMED as a true and correct record of the proceedings.

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

Nil

9. REPORTS OF OFFICERS

9.1 DEVELOPMENT SERVICES

Nil

9.2 CORPORATE SERVICES

9.2.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDED 30 NOVEMBER 2024

File Ref:	FIN.66.2024/25
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	13 December 2024
Author:	Scott Sewell, Financial Accountant
Authorising Officer:	Kellie Jenkins, Executive Manager Corporate Services
Attachments:	9.2.1 – November 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 30 November 2024 has been prepared and is attached.
- In addition, the Shire provides Council with a monthly investment register to ensure the investment portfolio complies with the Shire’s Investment Policy.

VOTING REQUIREMENTS

1. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.2.1
That Council RECEIVE the Financial Activity Statements for the period ending 30 November 2024, incorporating the Statement of Financial Activity and other supporting documentation, as per Attachment 9.2.1.	

LOCATION

2. Nil.

BACKGROUND

3. 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.
4. 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.
 5. 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

6. The Statement of Financial Activity for November 2024 shows a closing funding surplus of \$8,313,726. 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 \$6,215, and Operating expenses are \$250,751 higher than budget. The main factors contributing to these variances are detailed in Note 1 – Major Variances within the attachment.
7. A summary of the financial position for November 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	12,649,076	12,655,291	6,215	0%
Capital revenue, grants and contributions	8,077,336	1,132,015	2,159,429	1,027,414	91%
	23,095,367	13,781,091	14,814,720	1,093,629	
Expenditure					
Operating Expenditure	-19,185,881	-7,935,386	-8,186,137	-250,751	-3%
Capital Expenditure	-10,429,707	-2,022,739	-1,736,303	286,436	14%
	-29,615,588	-9,958,125	-9,922,439	35,686	
Funding balance adjustments	5,319,181	2,197,555	2,222,193	24,638	1%
Closing Funding Surplus	0	7,221,561	8,313,726	1,092,165	15.12%

OTHER INFORMATION

8. 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

9. 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.
10. As at 30 November 2024, total cash funds held (including trust funds) totals \$13,147,143.
11. Summary – Cash and Investments
 - Municipal Funds total \$8,484,242
 - Shire Trust Funds total \$850
 - Reserve Funds (restricted) invested, total \$4,662,050
 - Municipal Funds (unrestricted) invested, total \$6,714,741
12. The official Reserve Bank of Australia's (RBA) cash rate currently sits at 4.35% which was set at the Reserve Bank Board meeting held on 7 November 2023. No further adjustments to the official cash rate have occurred at the time of writing this report.

CONSULTATION AND EXTERNAL ADVICE

13. 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**

14. Regulation 34 (1-5) outlines the requirements for financial activity statements.
15. 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

16. 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.

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

The Trustees Act 1962

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

STRATEGIC / POLICY IMPLICATIONS

19. Nil.

FINANCIAL IMPLICATIONS

20. The Shire’s 2024/2025 Annual Budget provides a set of parameters that guides the Shire’s financial practices.

21. Any financial implications or trends are detailed within the context of this report.

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

25. 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 30 NOVEMBER 2024

File Ref:	FIN.66.2024/25
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	11 December 2024
Author:	Kelly Schroeter, Senior Finance Officer
Authorising Officer:	Kellie Jenkins, Executive Manager Corporate Services
Attachments:	9.2.2 – Payment of Accounts – November 2024

IN BRIEF

- To advise Council of payments made for the period 1 November to 30 November 2024.

VOTING REQUIREMENTS

1. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.2.2
<p>That Council RECEIVE the payment of accounts totalling \$1,522,389.03 for the month of November 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.

9.2.3 FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31 DECEMBER 2024

File Ref:	FIN.66.2024/25
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	14 January 2025
Author:	Scott Sewell, Financial Accountant
Authorising Officer:	Kellie Jenkins, Acting Chief Executive Officer
Attachments:	9.2.3 – December 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 December 2024 has been prepared and is attached.
- In addition, the Shire provides Council with a monthly investment register to ensure the investment portfolio complies with the Shire’s Investment Policy.

VOTING REQUIREMENTS

1. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.2.3
<p>That Council RECEIVE the Financial Activity Statements for the period ending 31 December 2024, incorporating the Statement of Financial Activity and other supporting documentation, as per Attachment 9.2.3.</p>	

LOCATION

2. Nil.

BACKGROUND

3. 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.
4. 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.
 5. 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

6. The Statement of Financial Activity for December 2024 shows a closing funding surplus of \$6,667,682. 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 \$90,199, and Operating expenses are \$315,951 higher than budget. The main factors contributing to these variances are detailed in Note 1 – Major Variances within the attachment.
7. A summary of the financial position for December 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	12,979,859	13,070,058	90,199	1%
Capital revenue, grants and contributions	8,077,336	1,132,015	2,159,429	1,027,414	91%
	23,095,367	14,111,874	15,229,487	1,117,613	
Expenditure					
Operating Expenditure	-19,185,881	-9,444,837	-9,760,788	-315,951	-3%
Capital Expenditure	-10,429,707	-2,976,863	-2,696,686	280,177	9%
	-29,615,588	- 12,421,700	-12,457,473	-35,773	
Funding balance adjustments	5,319,181	2,649,696	2,696,416	46,720	2%
Closing Funding Surplus / (Deficit)	0	5,540,910	6,667,682	1,126,772	20.34%

Other Information

8. 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

9. 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.
10. As at 31 December 2024, total cash funds held (including trust funds) totals \$11,963,733.
11. Summary – Cash and Investments.
 - Municipal Funds total \$7,300,833.
 - Shire Trust Funds total \$850.
 - Reserve Funds (restricted) invested, total \$4,662,050.
 - Municipal Funds (unrestricted) invested, total \$6,220,776.
12. The official Reserve Bank of Australia's (RBA) cash rate currently sits at 4.35% which was set at the Reserve Bank Board meeting held on 7 November 2023. No further adjustments to the official cash rate have occurred at the time of writing this report.

CONSULTATION AND EXTERNAL ADVICE

13. 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**

14. Regulation 34 (1-5) outlines the requirements for financial activity statements.
15. Regulation 19, 28 and 49; and The Australian Accounting Standards, sets out the statutory conditions under which Council funds may be invested.

The Local Government Act 1995

16. 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.

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

The Trustees Act 1962

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

STRATEGIC / POLICY IMPLICATIONS

19. Nil.

FINANCIAL IMPLICATIONS

20. The Shire’s 2024/2025 Annual Budget provides a set of parameters that guides the Shire’s financial practices.

21. Any financial implications or trends are detailed within the context of this report.

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

25. 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.

9.2.4 PAYMENT OF ACCOUNTS FOR THE PERIOD ENDING 31 DECEMBER 2024

File Ref:	FIN.66.2024/25
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	15 January 2025
Author:	Kelly Schroeter, Senior Finance Officer
Authorising Officer:	Kellie Jenkins, Executive Manager Corporate Services
Attachments:	9.2.4 – Payment of Accounts – December 2024

IN BRIEF

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

VOTING REQUIREMENTS

1. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.2.4
<p>That Council RECEIVE the payment of accounts totalling \$1,983,154.87 for the month of December 2024, as per Attachment 9.2.4.</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 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:	15 January 2025
Author:	Claire Thompson, Governance Coordinator
Authorising Officer:	Kellie Jenkins, Acting Chief Executive Officer
	9.3.1a – Submissions
Attachments:	9.3.1b – Draft Lease
	9.3.1c – 26 November 2024 Report

IN BRIEF

- To consider the submissions relating to the proposal to lease McLean House to Denmark Dance Company.

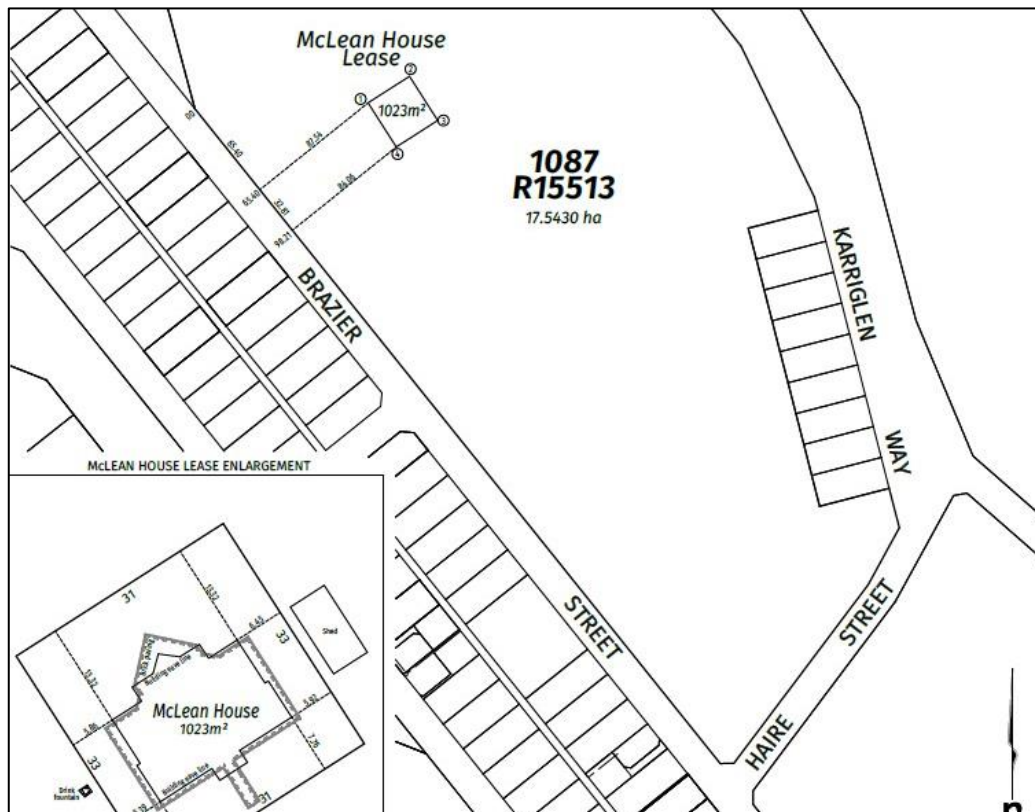
VOTING REQUIREMENTS

1. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.3.1
<p>That Council:</p> <ol style="list-style-type: none"> 1. NOTE the submissions received. 2. AGREE to enter into a commercial lease with the Denmark Dance Company, in accordance with Attachment 9.3.1b, for a term of five years, with two five-year further term options and a first-year annual rent of \$16,195 (ex GST), subject to: <ol style="list-style-type: none"> a) The Management Order being amended to include "commercial conditions"; and b) Ministerial Consent being obtained. 	

LOCATION

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



BACKGROUND

3. In November 2024, Council resolved to advertise its intention to lease McLean House (being a part of lot 1087 on Deposited Plan 219867) to Denmark Dance Company.
4. The report and resolution, extracted from the Council Minutes, can be found as Attachment 9.3.1c. This includes background on the facility, the Denmark Dance Company and the lease proposal.

DISCUSSION / OFFICER COMMENTS

5. At the close of advertising 92 submissions had been received, including 22 against the proposal.
6. As noted in the November 2024 Council report, the Denmark Bridge Club have expressed a continued desire to relocate back to McLean House. This desire was reflected in many of the submissions against the proposal.
7. Below is a summary of the common themes and points raised in the submissions regarding the lease of McLean House:

Support for Denmark Dance Company (DDC):

- Many submissions strongly support the proposal to lease McLean House to the Denmark Dance Company (DDC). They highlight the positive impact DDC has on the community, particularly for the youth, by providing space for creativity, connection, and growth.
- Supporters emphasize the benefits of having a secure and permanent venue for DDC, which would enhance the quality of their programs and provide a safe space for participants.

- The submissions also mention the professional and committed nature of DDC and its leaders, Jordine Raine and Dor Shira, who are praised for their dedication and positive influence on the community.
- Many submissions highlight the broader community benefits of leasing McLean House to DDC, including promoting physical fitness, mental health, and social well-being.
- The transformation of McLean House into a vibrant dance space and youth hub is seen as a way to strengthen Denmark's cultural and community fabric.

Concerns about Commercialisation:

- Some submissions express concerns about leasing McLean House to a commercial business, arguing that it should remain a community asset for not-for-profit groups.
- There is a fear that commercializing the space could undermine its value as a public asset and set a precedent that may negatively impact other community groups.

Bridge Club's Objections:

- The Denmark Bridge Club, and several of its members, raised objections to the proposal, emphasising their need for a suitable venue and the benefits they provide to the senior citizens of the town.
 - They argue that McLean House, being on Crown Land, should be available for community use and not leased to a for-profit business.
 - There were some objections to offering DDC a discounted rent with references to the previous agreement with the Bridge Club and the Council's hire fees schedule.
8. Overall, the submissions reflected strong community support for the Denmark Dance Company's proposal, with a focus on the positive impact it would have on the youth and the broader community, while also acknowledging the concerns and objections raised by the Bridge Club and other community members.
 9. Due to statements made in some of the submissions, there is a need to clarify that whilst the Denmark Bridge Club were required to pay a hire fee, they did invoice the Shire for any maintenance work that they did at the facility (through a formal Service Agreement). This offset any hire charge.
 10. After reviewing the submissions, Officers are recommending that Council proceed with the lease. See Attachment 9.3.1b.

CONSULTATION AND EXTERNAL ADVICE

11. The proposal was advertised from 3 December 2024 to 3 January 2025.
12. 92 submissions were received, including 22 against the proposal.
13. The submissions can be found in Attachment 9.3.1a.

STATUTORY / LEGAL IMPLICATIONS**Local Government Act 1995**

14. Section 3.58 – Permits Council to dispose of property, including to lease, and outlines the disposal process for non-exempt transactions.

Land Administration Act 1997

15. Section 18 – Ministerial Consent is required for any use associated with crown land reserves.
16. Section 41 – relates to management orders.

STRATEGIC / POLICY IMPLICATIONS**Property Management Policy**

17. The proposed lease is considered a commercial lease for the purposes of the Property Management Policy.
18. 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

19. At present, the Shire applies an overhead cost to the facility's management and allocates marginal maintenance costs annually.
20. 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.
21. Any reduction of management or renovation responsibility, as well as any revenue generation, will have a positive budget impact.
22. 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).
23. 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.
24. 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 (Commercial) Term Hours	1760
Total Holiday Weeks	12
Total Holiday Hours	672
Total DDC (Commercial) 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 DCC, which would benefit the Shire but has not been quantified.

- 25. As such, Council’s resolved at the November 2024 meeting to discount the market value by 28%, to \$16,195 (ex GST). The draft lease provides for a revaluation after 5 years that can be adjusted if commercial use differs from estimations.
- 26. The DCC would also be responsible for rates and utilities (where metered) under the standard conditions of a commercial lease.
- 27. Commercial conditions on the Management Order will require any income to go back into the reserve.

OTHER IMPLICATIONS

Environmental

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

Economic

- 29. 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

- 30. Without the lease the DDC are limited in their growth 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

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

9.4 COMMUNITY SERVICES
Nil

9.5 INFRASTRUCTURE SERVICES

9.5.1 ROADSIDE VEGETATION MAP SERIES & REPORT 2024

File Ref:	GRT.194
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Shire of Denmark roadsides
Disclosure of Officer Interest:	Nil
Date:	5 December 2024
Author:	Yvette Caruso, Sustainability Officer
Authorising Officer:	Rob Westerberg, Director Infrastructure & Assets
Attachments:	9.5.1a - Roadside Vegetation Survey Report 9.5.1b - Roadside Vegetation Map Series

IN BRIEF

- The Shire of Denmark has updated it’s Roadside Vegetation Conservation Values map series and associated report, last conducted in collaboration with the Roadside Conservation Committee (RCC) in 2011.
- The map series and report serves as valuable tools for on-ground management and planning, ensuring the protection, promotion, and improvement of high quality roadside vegetation and significant environmental values against future threats.

VOTING REQUIREMENTS

- 1. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.5.1
That Council ENDORSE the <i>Shire of Denmark Roadside Vegetation Map Series and Report (2024-2034)</i> , as per Attachments 9.5.1a and 9.5.1b.	

LOCATION

- 2. The Shire of Denmark has a total of 433 local roads, covering between 600-935km, including unsealed roads, tracks and easements.

3. The survey area covered up to 329km (658km both sides) of 87 Shire rural roadsides, comprising 1548 roadside mapping units (RMU's). This is compared to the RCC 2011 survey, which covered 119 roads totalling 387km.

BACKGROUND

4. The Shire of Denmark has undertaken a significant project to update its Roadside Vegetation Conservation Values map series and associated report, last conducted in collaboration with the Roadside Conservation Committee (RCC) in 2011. This project involved extensive on-ground mapping field data collection, covering up to 329 km (658 km both sides) of 87 Shire rural roadsides, comprising 1548 roadside mapping units (RMUs).
5. The data collected included detailed information on road attributes (e.g., name, number, length, intersections, endpoints, side of road, road width), vegetation type and structure, floristic abundance and diversity, vegetation condition, weed species location and density, significant values, surrounding land use, and a conservation value assigned to each RMU. This comprehensive mapping effort provides a valuable resource for on-ground management and planning, ensuring the protection, promotion, and improvement of high-quality roadside vegetation and significant environmental values against future threats.
6. The Shire of Denmark has a total of 433 local roads, covering between 600-935 km, including unsealed roads, tracks, and easements. The survey area covered up to 329 km (658 km both sides) of 87 Shire rural roadsides, compared to the RCC 2011 survey, which covered 119 roads totaling 387 km.
7. Conserving roadside remnant native vegetation is crucial for sustaining biodiversity, tourism and ecological values in our Shire.
8. The presence of native vegetation along transport corridors provides for remnant vegetation linkages, serving as habitat refuges in a fragmented landscape. They often contain habitats for threatened flora and fauna, provide wind corridors, and assist with stabilisation, erosion and salinity control. Additionally, they enhance the aesthetic appeal, which boosts local tourism.
9. Threats to native roadside vegetation include roadside clearing, chemical herbicide spraying, mechanical slashing, inappropriate fire regimes, competition from invasive weed species and Phytophthora dieback, and reduced genetic diversity.
10. Identification of existing remnant vegetation and areas of high conservation value through conduction of roadside vegetation mapping along transport corridors can enable ensuring protection of these significant linkages from various threats into the future.
11. The Shire engaged local consultant Southern Ecology to conduct the roadside vegetation mapping, deliver the report and associated maps and undertake community consultation throughout the project.
12. This project was co-funded by the WA Local Government Association (WALGA) Natural Resource Management program through a Local Biodiversity and Native Vegetation Management project grant.

13. The roads surveyed totalled up to 658km (both sides) of 87 Shire rural roadsides, comprising 1548 roadside mapping units (RMU's).
14. The project entailed on-ground spatial mapping of roadside vegetation across the majority of Shire vested roads within the Shire of Denmark to identify:
 - vegetation type and structure
 - bushland condition
 - presence of weed species
 - roadside remnant native vegetation extent
 - and conservation status of roadsides.
15. In determining conservation values of roadsides, the project was guided by the Roadside Conservation Committee (RCC) report undertaken in 2011 with conservation value ascribed in accordance with the RCC roadside conservation value scale classification of roadsides.
16. The information has been compiled into a report outlining methodology and an associated map series with data spatially captured to enable visual representation of roadside conservation value across the landscape.
17. The findings included:
 - Presence of 595 weed infestations and over 110 environmental weed species, with data on categories such as WONS, declared pests, and locally significant species.
 - Vegetation condition rating according Keighery scale: Excellent (30.8%), Very Good (18.5%), Degraded (23.2%), and Completely degraded (8.6%).
 - Identification and mapping of 22 vegetation types within 3 sub-categories.
 - Significant values identified, including 11 new populations of priority flora and 35 new mapped Threatened Ecological Communities (TECs).
 - Roadside conservation value.
18. Limitations include:
 - Only 87 roadsides were mapped due to time and resource constraints.
 - Comparative trends between 2011 and 2024 data are difficult due to the subjective nature of data collation and the small sample size over time.
 - Challenges in roadside data collection included defining roadside boundaries, identifying road cadastral boundaries in the field, road width variation, traffic safety, determining true right and left sides of the roads (from SLK=0), GIS data capture and representation (point, line or polygon data), and map scale (lose detail at landscape scale).
19. Recommendations include:
 - Utilise vegetation condition for management purposes instead of roadside conservation value (RCV) due to inconsistent grouping intervals and broad scale.

- Undertake further roadside conservation mapping studies on the remaining roads.

DISCUSSION / OFFICER COMMENTS

20. Spatial representation of bushland condition and conservation value in transport corridors helps identify high quality conservation roadside verges, areas requiring protection, and where to direct priority resources for revegetation and weed control activity.
21. The vegetation spatial data obtained from the roadside vegetation mapping project will be invaluable for developing a *Biodiversity Strategy* for the Shire, as specified in the *Draft Shire of Denmark Local Planning Strategy (2022)*. Identifying priority areas for vegetation corridor establishment with a landscape approach across the Shire will aid in preserving conservation values in future planning and strategic development decisions.

CONSULTATION AND EXTERNAL ADVICE

22. A collaborative approach was taken to ensure effective management of roadside areas and control of invasive weed species on our road verges. Key community engagement activities for the Roadside Vegetation Mapping Project included:
 - Providing project background and updates on the Your Denmark community engagement platform.
 - Issuing media release and promoting the project on Shire social media.
 - Conducting a community survey via an online Feedback Portal from June to December.
 - Conducting a community Information Forum on November 18th.
 - Making the Roadside Vegetation Mapping Report and Map Series available for review and comment.
 - Presentating the project at WALGA's Local Biodiversity Native Vegetation Management Program webinar on December 2nd 2024.
 - Presentating at WALGA's Roadside Vegetation Field workshops in York and Katanning in November and December 2024.
 - Presentating to the Sustainable Projects Working Group on December 5th 2024.

STATUTORY / LEGAL IMPLICATIONS

23. Shire staff are required to follow the *Shire of Denmark Code of Practice for Roadside Conservation and Road Maintenance*. This code, endorsed by Council in May 2012, stipulates protection, maintenance, and enhancement of native vegetation on roadsides as a key objective.

STRATEGIC / POLICY IMPLICATIONS

24. The Shire of Denmark is important as part of a region of high biodiversity. It recognises that our natural environment is highly valued and is committed to careful management to meet the needs of our community now and in the future.
25. In the *Community Strategic Plan Our Future 2033*, the community identified the protection of the natural environment as one of three top community priorities stating "*Our community wants us to safeguard the natural environment and ensure biodiversity is preserved.*"

26. The *Shire's Sustainability Strategy (2021-2031)* supports the premise of conservation of roadside native vegetation as a key objective under the Land and Nature Sustainability pillar is to "4.2 prioritise protection of natural bushland habitats and ecosystems...".
27. The Shire's *Code of Practice for Roadside Conservation and Road Maintenance (2012)* states that '...conservation values be determined for all roadsides within the Shire... [and] Strategic biodiversity corridors should be identified and protected where possible, for faunal and floral movement and habitat.' All Shire staff involved in road construction works and roadside management practices are to be instructed in the correct techniques for minimising disturbance to native roadside vegetation.

FINANCIAL IMPLICATIONS

28. Implementating the recommendations from the Roadside Vegetation Mapping Report. This includes further mapping of unmapped roadsides, and a continued annual budget consideration to maintain our natural value assets within road reserves.

OTHER IMPLICATIONS

Environmental

29. Subsequent to the Roadside Vegetation Mapping project, conducting an in-house workshop on Protection of Environmental Values for all Shire staff and contractors undertaking works on Shire tenure. The resultant report and spatial maps will be presented and promoted with the Shire's *Code of Practice for Roadside Conservation and Road Maintenance*. Key conservation issues, such as weed identification and dieback hygiene management protocols, will also be addressed.

Economic

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

Social

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

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.

9.5.2 KWOORABUP NATIVE TREE NURSERY – WILSON INLET CATCHMENT COMMITTEE

File Ref:	File A3088 and ORG.40
Applicant / Proponent:	Wilson Inlet Catchment Committee Inc. (WICC)
Subject Land / Locality:	Part Lot 1072, 921 South Coast Highway, Denmark. Crown Land Reserve 22886
Disclosure of Officer Interest:	Nil
Date:	13 January 2025
Author:	Robert Westerberg, Director Infrastructure and Assets Claire Thompson, Governance Coordinator
Authorising Officer:	Kellie Jenkins, Acting Chief Executive Officer
Attachments:	9.5.2a – Kwoorabup Native Tree Nursery Proposal 9.5.2b – Kwoorabup Native Tree Nursery Concept Plan

IN BRIEF

- The Wilson Inlet Catchment Committee (WICC) proposes development of a native tree nursery and seeks Council’s support for funding applications and a lease for a portion of Reserve 22886.

VOTING REQUIREMENTS

1. Simple majority.

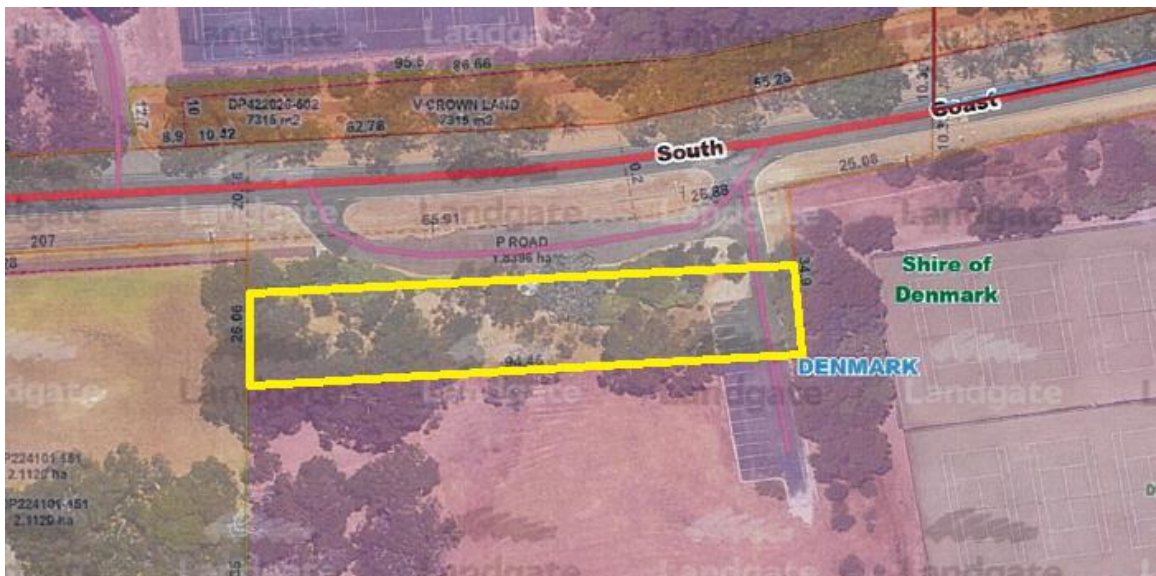
OFFICER RECOMMENDATION	ITEM 9.5.2
<p>That Council:</p> <ol style="list-style-type: none"> 1. ENDORSE the Wilson Inlet Catchment Committee Incorporated’s Kwoorabup Native Tree Nursery Proposal and Concept Plan, in principle, as per Attachments 9.5.2a and 9.5.2b. 2. AUTHORISE the Chief Executive Officer to APPLY to the Department of Lands, Planning and Heritage to: <ol style="list-style-type: none"> a) AMALGAMATE a portion of the Main Roads WA managed road reserve (adjacent to the subject site) into Reserve 22886; and b) AMEND the Management Order to include an additional purpose suitable to accommodate the proposal. 3. Subject to part 2, AUTHORISE the Chief Executive Officer to negotiate: <ol style="list-style-type: none"> a) a draft community lease with the Wilson Inlet Catchment Committee Inc. for Council’s consideration, for a period of 21 years; and b) a new community lease with the Denmark Country Club Inc, for Council’s consideration, for a period of 21 years. 	

LOCATION

2. Part of Lot 1072 on Deposited Plan 22886, 921 South Coast Highway, Denmark, being a portion of Crown Land Reserve 22886.



3. In addition, the applicant is seeking to incorporate a portion of an adjacent Main Roads WA managed road reserve, which is currently part of an information bay.



BACKGROUND

4. The Shire has previously provided space for some of WICC’s propagation and growing needs at the Shire’s Depot site however, the area can no longer accommodate the quantities of seedlings and facility expansion required by WICC for their ongoing revegetation projects.
5. In this regard, WICC are now seeking a new location.

DISCUSSION / OFFICER COMMENTS

6. WICC are pursuing the development of a native tree nursery, between the Shire Administration Building and the Denmark Country Club Tennis Courts. Attachments 9.5.2a and 9.5.2b outline the proposal and concept.
7. Main Roads WA and the Denmark Country Club have expressed initial support the lease boundary adjustments.

8. WICC is in discussions with various funding streams to secure the funding to build the nursery and are not seeking any financial contribution from the Shire.
9. The nursery would be capable of producing 300,000 seedlings. An agreed amount would be propagated and grown for Shire related revegetation projects, in exchange for a peppercorn lease, it is envisaged that this would be reflected into a condition of the lease. The rest would be used for WICC's revegetation projects, public sales, and commercial sales to entities such as the Water Corporation and Main Roads WA.
10. Income from nursery would fund staff salaries, maintenance, outgoings, education programs, ongoing improvements and infrastructure.
11. Should the project succeed, the Shire's Revegetation Officer would be able to spend less time on seed collection and seedling propagation, and instead, focus on improving forecasting and planning for Shire managed reserves, and expanded community education.
12. Shire Officers would have unimpeded access to the new nursery.
13. It is highly desirable for WICC and the Shire to continue propagating native trees using locally sourced seeds. Volunteers and the Southern Aboriginal Corporation's Moorditj Noongar and Yorgas Aboriginal Rangers would help source the seed under WICC's engagement.

CONSULTATION AND EXTERNAL ADVICE

14. Main Roads WA supports the boundary realignment associated with the parking bay, which would return a portion of land currently a public road under Main Roads WA control to Reserve 22886. An indication of the portion of land referred to is depicted under Location section of this report.
15. The Denmark Country Club have provided in principle support and also shared their indicative plans for future upgrades and infrastructure.
16. The Department of Planning, Lands and Heritage has provided in principle support to cede a portion of the road reserve into Reserve 22886.
17. The Reserve purpose is currently "Golf". To accommodate the proposal the Shire would need to request an additional use be added to the Management Order.

STATUTORY / LEGAL IMPLICATIONS

Local Government Act 1995

18. Section 3.58 – relates to disposal of property, including to lease.

Land Administration Act 1997

19. Section 18 – relates to consent to lease.
20. Section 41 – relates to reserve management orders.

STRATEGIC / POLICY IMPLICATIONS**Corporate Business Plan 2024 - 2028**

21. Council have supported the development of detailed concept plans for a new nursery with WICC through the current Corporate Business Plan.

Our Future 2033 – Shire of Denmark Strategic Community Plan

22. From the Strategic Community Plan:

“The Shire of Denmark delivers a wide range of services and programs for our community. This includes but is not limited to:

- 1) Revegetation joint initiatives
- 2) Revegetation
- 3) Nursery and seed bank operations
- 4) Community and school revegetation and nursery education
- 5) Volunteer revegetation activities”

Property Management Policy

23. WICC are seeking a community lease, as defined in the Council’s Property Management Policy.

FINANCIAL IMPLICATIONS

24. The Shire’s Revegetation Officer would remain with the Shire, and no changes to the salary budget are expected with this proposal.

OTHER IMPLICATIONS**Environmental**

25. Continued supply of locally source seeds (local provenance) will ensure the preservation of local native tree genetics and improve seedling success rates.

Economic

26. Collaboration with WICC, a not-for-profit organisation, will utilise their volunteer force to benefit the community.
27. An estimated 1.4 FTE jobs will be created, including positions for a Nursery Manager and an assistant.
28. WICC plans to offer apprenticeships to local students, allowing them to further their education while staying in Denmark.
29. There is currently no market competition for the type of nursery proposed by WICC. They have consulted with Great Southern Landscaping, Irrigation, and Nursery on Scotsdale Road, which focuses on fruit trees and exotic plants, and do not engage in large-scale native tree propagation. Additionally, a nursery in Albany focuses on blue gum seedlings for plantations, not native trees.

Social

30. WICC has approximately 140 registered volunteers, with approximately 80% of them being from Denmark.

RISK MANAGEMENT

31. 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