SHIRE OF DENMARK

Ordinary Council Meeting

MINUTES

24 FEBRUARY 2026

HELD IN COUNCIL CHAMBERS, 953 SOUTH COAST HIGHWAY, DENMARK, ON TUESDAY, 24 FEBRUARY 2026.

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DISCLAIMER

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CORRECTION TO MINUTES.
Pursuant to Council Resolution No. 040326
Cr Lewis' name has been removed from the vote recording where it appears in a Council Resolution.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

4.00pm - The Shire President, Cr Wiggins, declared the meeting open and acknowledged the Bibbulmun and Minang people as the traditional custodians of the land on which the meeting was being held. Cr Wiggins paid his respects to Elders past, present and emerging.

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

MEMBERS:
Cr Aaron Wiggins (Shire President)
Cr Nathan Devenport (Deputy Shire President)
Cr Clare Campbell
Cr Kingsley Gibson
Cr Jay Hockey
Cr Janine Phillips
Cr Alex Sleeman
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 (Resolution No. 020126)

3. DECLARATIONS OF INTEREST

Name	Item No	Interest	Nature
Janine Phillips	9.3.1	Impartiality	Ownership of a house at Peaceful Bay

4. ANNOUNCEMENTS BY THE PERSON PRESIDING

Nil

5. PUBLIC QUESTION TIME

5.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5.2 PUBLIC QUESTIONS

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

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

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

Questions from the Public

5.2.1 Steve Baines – Ranger Services

Mr Baines expressed some concerns regarding his recent interactions with the Shire in relation to the impoundment of his dog, and the time taken for him to be notified that the dog was in the Shire's Pound. Mr Baines outlined other exchanges he had had with Shire Staff with respect to owning animals.

The Chief Executive Officer advised that the dog was not registered or microchipped at the time of impoundment so the process to locate the owner had been delayed.

The Shire President suggested that Mr Baines work with the Shire's staff to discuss any concerns and follow the statutory appeals process if required.

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.

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

Nil.

6. APPLICATIONS FOR FUTURE LEAVE OF ABSENCE

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

6.1 CR YOUEL

COUNCIL RESOLUTION	ITEM 6.1
MOVED: CR DEVENPORT	SECONDED: CR CAMPBELL
That Cr Youel be GRANTED leave of absence from 15 April 2026 to 15 May 2026 inclusive.	

CARRIED: 9/0 Res: 010226

TOTAL VOTES FOR: 9
Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Sleeman, Cr Hockey~~, Cr Lewis~~ and Cr Phillips.

TOTAL VOTES AGAINST: 0

6.2 CR CAMPBELL

COUNCIL RESOLUTION ITEM 6.2
MOVED: CR HOCKEY SECONDED: CR YOUEL

That Cr Campbell be GRANTED leave of absence:
1. from 27 April 2026 to 1 May 2026 inclusive; and
2. from 11 January 2027 to 29 January 2027 inclusive.

CARRIED: 9/0 Res: 020226

TOTAL VOTES FOR: 9
Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Sleeman, Cr Hockey~~, Cr Lewis~~ and Cr Phillips.

TOTAL VOTES AGAINST: 0

6.3 CR DEVENPORT

COUNCIL RESOLUTION ITEM 6.3
MOVED: CR YOUEL SECONDED: CR SLEEMAN

That Cr Devenport be GRANTED leave of absence from 16 March 2026 to 24 March 2026 inclusive.

CARRIED: 9/0 Res: 030226

TOTAL VOTES FOR: 9
Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Sleeman, Cr Hockey~~, Cr Lewis~~ and Cr Phillips.

TOTAL VOTES AGAINST: 0

6.4 CR PHILLIPS

COUNCIL RESOLUTION ITEM 6.4
MOVED: CR SLEEMAN SECONDED: CR GIBSON

That Cr Phillips be GRANTED leave of absence from 23 March 2026 to 1 April 2026 inclusive.

CARRIED: 9/0 Res: 040226

TOTAL VOTES FOR: 9
Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Sleeman, Cr Hockey~~, Cr Lewis~~ and Cr Phillips.

TOTAL VOTES AGAINST: 0

7. CONFIRMATION OF MINUTES

7.1 ORDINARY COUNCIL MEETING – 27 JANUARY 2026

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 7.1
MOVED: CR HOCKEY	SECONDED: CR GIBSON
That the minutes of the Ordinary Meeting of Council held on the 27 January 2026 be CONFIRMED as a true and correct record of the proceedings.	
CARRIED: 9/0	Res: 050226
TOTAL VOTES FOR: 9 Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Sleeman, Cr Hockey~~,~~ ~~Cr Lewis~~ and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

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

Nil

9. REPORTS OF OFFICERS

9.1 DEVELOPMENT SERVICES

Nil

9.2 CORPORATE SERVICES

9.2.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31 DECEMBER 2025

File Ref:	FIN.66.2025/26
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	15 January 2026
Author:	Scott Sewell, Financial Accountant
Authorising Officer:	Kellie Jenkins, Executive Manager Corporate Services
Attachments:	9.2.1 – December 2025 Monthly Financial Report

EXECUTIVE SUMMARY

1. In accordance with the Local Government (Financial Management) Regulations 1996, local governments must prepare a monthly Statement of Financial Activity reporting financial performance against the adopted budget.

2. The Shire of Denmark has prepared its Statement of Financial Activity for the period ending 31 December 2025.

3. A monthly Investment Register is also provided to Council to ensure compliance with the Shire's Investment Policy.

VOTING REQUIREMENTS

4. Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.2.1
MOVED: CR YOUEL	SECONDED: CR SLEEMAN
That Council RECEIVE the Financial Activity Statements for the period ending 31 December 2025, incorporating the Statement of Financial Activity and other supporting documentation, as per Attachment 9.2.1.	
CARRIED: 9/0	Res: 060226
TOTAL VOTES FOR: 9 Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Sleeman, Cr Hockey~~,~~ ~~Cr Lewis~~ and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

LOCATION

5. Nil.

BACKGROUND

6. 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.

7. Council has endorsed a materiality threshold of 10% or $50,000 for reporting variances (Resolution 080725). Variances meeting or exceeding this threshold must be explained.

DISCUSSION / OFFICER COMMENTS

8. The Statement of Financial Activity for December 2025 shows a closing funding surplus of $7,957,312. The adopted budget anticipates a zero year end closing position. Key variances include:

    - Operating income exceeding budget by $231,016.
    - Operating expenses being under expended by $188,514

Details are provided in Note 1 – Major Variances

9. Summary of the financial position for December 2025 is provided in the table below:

	Adopted Annual Budget (as amended)	YTD Budget (a)	YTD Actual (b)	Var. $ (b)-(a)	Var. % (b)-(a)/(a
	$	$	$	$	%
Opening Funding Surplus	**663,707**	**663,707**	**659,358**	**-4,349**	**-1%**
Revenue					
Operating revenue	15,548,597	13,642,467	13,873,483	231,016	2%
Capital revenue, grants and contributions	11,357,320	3,096,024	3,195,461	99,437	3%
	26,905,917	**16,738,491**	**17,068,943**	**330,452**	
Expenditure					
Operating Expenditure	-20,261,015	-10,140,327	-9,951,813	188,514	2%
Capital Expenditure	-12,958,505	-4,082,098	-2,841,112	1,240,986	30%
	-33,219,520	**- 14,222,425**	**-12,792,925**	**1,429,500**	
Funding balance adjustments	5,649,894	2,873,928	3,021,936	148,008	5%
Closing Funding Surplus	**0**	**6,053,701**	**7,957,312**	**1,903,611**	**31.45%**

INVESTMENT REPORT

10. Pursuant to the Shire's Investment Policy, the monthly Investment Register outlines portfolio performance and counterparty exposure. The investment register provides details of interest income earned against budget, whilst confirming compliance of the portfolio with legislative and policy limits.

11. As at 31 December 2025, total cash holdings (including trust funds) were $14,462,033, comprising:

- Municipal Funds total $8,279,013
- Shire Trust Funds total $55,850
- Reserve Funds (restricted) invested, total $6,127,170
- Municipal Funds (unrestricted) invested, total $7,219,740

12. The Reserve Bank of Australia's (RBA) official cash rate is 3.60%, reduced from 3.85% on 12 August 2025. No further changes have occurred at the time of reporting.

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 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

Budget Variation Policy

19. Provides direction for budget amendments outside the formal budget review process.

20. Council endorsement is required for amendments involving additional purposes.

FINANCIAL IMPLICATIONS

21. The 2025/2026 Annual Budget guides financial practices.

22. Any financial impacts are detailed within this report.

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

26. A risk assessment has been undertaken per the Council's Risk Management Policy, and no risks have been identified in relation to the officer recommendation or the report.

9.2.2 PAYMENT OF ACCOUNTS FOR PERIOD ENDING 31 DECEMBER 2025

File Ref:	FIN.66.2025/26
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not Applicable
Disclosure of Officer Interest:	Nil
Date:	9 January 2026
Author:	Nikki Westerberg, Senior Finance Officer
Authorising Officer:	Kellie Jenkins, Executive Manager Corporate Services
Attachments:	9.2.2 – Payment of Accounts – December 2025

EXECUTIVE SUMMARY

1. To advise Council of payments made for the period 1 December to 31 December 2025.

VOTING REQUIREMENTS

2. Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION ITEM 9.2.2
MOVED: CR PHILLIPS SECONDED: CR DEVENPORT

That Council RECEIVE the payment of accounts totalling $1,775,805.70 for the month of December 2025, as per Attachment 9.2.2

CARRIED: 9/0 Res: 070226

TOTAL VOTES FOR: 9
Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Sleeman, Cr Hockey~~,~~ ~~Cr Lewis~~ and Cr Phillips.

TOTAL VOTES AGAINST: 0

LOCATION

3. Not applicable.

BACKGROUND

4. Nil.

DISCUSSION / OFFICER COMMENTS

5. Nil.

CONSULTATION AND EXTERNAL ADVICE

6. 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 and believes that no additional external/internal engagement or consultation is required.

STATUTORY / LEGAL IMPLICATIONS

Local Government (Financial Management) Regulations 1996

7. Regulation 13 – list of accounts to be prepared each month and presented to Council.

STRATEGIC / POLICY IMPLICATIONS

8. Nil.

FINANCIAL IMPLICATIONS

9. Nil.

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

13. A risk assessment has been undertaken per the Council's Risk Management Policy, and no risks have been identified in relation to the officer recommendation or the report.

9.3 GOVERNANCE

9.3.1 DRAFT PEACEFUL BAY WATER SUPPLY POLICY

File Ref:	ADMIN.2 and A3104
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Crown Land Reserve 24510 Lots on Deposited Plan 220017
Disclosure of Officer Interest:	Nil
Date:	11 February 2026
Author:	Claire Thompson, Governance Coordinator
Authorising Officer:	Rob Westerberg, Director Infrastructure & Assets
Attachments:	9.3.1a – Draft Policy 9.3.1b – Extract from Local Law 9.3.1c – Peaceful Bay Water Restrictions Information

EXECUTIVE SUMMARY

1. Over the last two to three years, the water level of the dam that supplies non-potable water to the leaseholds and the caravan park has become critically low during the summer months. The water supply is typically used as a non-potable supply into homes but also to irrigate lawns.

2. Although education and encouragement to limit irrigation use have been implemented, and a significant number of leaseholds are doing the right thing, without an effective compensation mechanism, there is ongoing disregard for the limited supply.

3. Council is asked to consider adopting a policy to facilitate the protection and management of the Peaceful Bay non-potable water supply in accordance with the recently adopted local law.

VOTING REQUIREMENTS

4. Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.3.1
MOVED: CR DEVENPORT	SECONDED: CR YOUEL
That Council ADOPT the Peaceful Bay Water Use Policy, as per Attachment 9.3.1a.	
CARRIED: 9/0	Res: 080226
TOTAL VOTES FOR: 9 Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Sleeman, Cr Hockey~~, Cr Lewis~~ and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

LOCATION

5. Crown Land Reserve 24510. Various lots on Deposited Plan 220017, Peaceful Bay

ABOVE: Aerial of leasehold area

ABOVE: Deposited Plan 220017

BACKGROUND

6. The sustainability of the non-potable water supply at Peaceful Bay has been a concern for a long time. In 2024, the level of the dam was critically low.

DISCUSSION / OFFICER COMMENTS

7. In an attempt to protect the water source, Officers encouraged water restrictions in place that aligned with the Water Corporation's *Water Agencies (Water use) By-laws 2010*.

8. This was communicated broadly, on more than one occasion, with the Peaceful Bay Leaseholders.

9. While most lessees have adhered to the restrictions, there are some that continue to ignore them. This is not only a concern for the management of the limited water supply, but it is also unfair to those who are doing the right thing and working with the Shire to protect the precious resource. Unfortunately, there has been no effective mechanism to manage compliance.

10. With the introduction of provisions into the recently adopted Public Places & Local Government Property Local Law 2026, Council can create a policy that will allow enforcement of restrictions.

CONSULTATION AND EXTERNAL ADVICE

11. Should the policy be adopted, all lessees on the reserve will be notified, together with any temporary or permanent water efficiency measures as determined by the CEO. This will include the Peaceful Bay Progress Association.

12. Attachment 9.3.1c is the current determination, which will be modified slightly to include any reference to an adopted policy and a possible penalty for non-compliance.

STATUTORY / LEGAL IMPLICATIONS

Local Government Act 1995

13. Section 2.7(2)(b) – one of the roles of Council is to determine the local government's policies.

Peaceful Bay Leasehold Lot Lease

14. The standard lease for all peaceful bay leasehold properties requires the tenant to comply with any official requirement.

Public Places & Local Government Property Local Law 2026

15. Part 5, Division 4 of the local law provides Council with a mechanism to establish a policy with respect to watering of gardens or lawns by reticulation or by sprinkler within the Peaceful Bay lease hold area.

16. The Local Law provides a deterrent for residents who may not comply with the policy. The modified penalty for non-compliance is $250. The maximum penalty for a court conviction is $10,000.

STRATEGIC / POLICY IMPLICATIONS

17. Council is asked to consider adopting a new policy.

Shire of Denmark Sustainability Strategy

18. Land and Nature: protect and enhance our natural systems that are vital to the sustainability of our local community.

    - 4.1 – implement responsible and sustainable practices through policy development and land-use planning.

19. Sustainable Water: A sustainable water approach seeks to manage the threat to the supply and quality of water resources for our community while also seeking to minimise usage.

    - 5.3 – support initiatives that promote waterwise use in the community.

FINANCIAL IMPLICATIONS

20. Nil

OTHER IMPLICATIONS

Environmental

21. There are significant environmental implications relating to protecting and preserving the finite water resource at Peaceful Bay. With respect to climate change and water supply for the Great Southern, the Water Corporation's website states:

    - Since the 1970s, the summertime maximum temperature has risen, and winter rainfall has fallen every decade. The trend is expected to continue.

    - Pressure is being placed on groundwater supply driven by reduced rainfall and growing demand due to population growth in coastal towns.

Economic

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

Social

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

RISK MANAGEMENT

24. A risk assessment has been undertaken per the Council's Risk Management Policy, and no risks have been identified in relation to the officer recommendation or the report.

9.3.2 DENMARK FM LTD – LEASE OF PORTION OF RESERVE 25985

File Ref:	A5624
Applicant / Proponent:	Denmark FM Ltd
Subject Land / Locality:	Part of Lot 1 on DP222379 Part of Crown Land Reserve 25985 34 Strickland Street, Denmark
Disclosure of Officer Interest:	Nil
Date:	10 February 2026
Author:	Claire Thompson, Governance Coordinator
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.3.2 – Property Management Policy

EXECUTIVE SUMMARY

1. There is currently an underutilised space located between the Denmark Library and the Denmark Civic Centre. It has been identified that improved use of this area would contribute positively to the vibrancy of Strickland Street and potentially enhance the vision for establishing an arts and cultural precinct at this site.

2. Denmark FM has submitted a written proposal to lease this space, seeking to enable the organisation's expansion. The proposal is supported by the Denmark Village Theatre (DVT), who currently use the area for storage.

3. Officers recommend leasing this site to Denmark FM. It is considered that Denmark FM represents the best and most suitable fit among Shire community organisations, supporting broader precinct goals.

VOTING REQUIREMENTS

4. Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION ITEM 9.3.2
MOVED: CR PHILLIPS SECONDED: CR YOUEL

That Council:

1. AGREE to lease Part of Lot 1 on Deposited Plan 222379, being 34 Strickland Street, Denmark to Denmark FM Ltd; and
2. REQUEST that the Chief Executive Officer draft a lease to be brought back to Council for approval that includes the following key elements:
    a) consideration to be $1.00 (ex GST) per annum;
    b) term being 10 year;
    c) inclusion of suitable conditions relating to potential redevelopment of the area.

CARRIED: 9/0 Res: 090226

TOTAL VOTES FOR: 9
Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Sleeman, Cr Hockey~~, Cr Lewis~~ and Cr Phillips.

TOTAL VOTES AGAINST: 0

LOCATION

5. Crown Land Reserve 25985 is managed by the Shire of Denmark for "Civic Purposes". Public buildings on the reserve are the Denmark Library and the Denmark Civic Centre.

6. The area under consideration is the space between the south, eastern wall of the Civic Centre and the entrance to the Denmark Library. See below.

ABOVE: General location of proposed leased area shown in red

BACKGROUND

7. At the Ordinary Council Meeting in January 2026, Council resolved to relocate the Library, which currently occupies a position on Reserve 25985, to a new site. Furthermore, Denmark Arts is to be moved into the existing Library space. This strategic shift is designed to foster the development of a prominent cultural and arts precinct in a highly visible and accessible part of town.

8. The relocation reflects the Council's vision to enhance community engagement with the arts and provide a central hub for cultural activities. By clustering these key facilities together, the area is set to become a focal point for creativity and local events, reinforcing Denmark's commitment to supporting and showcasing the arts within the community.

9. Along with the Civic Centre itself, the site also comprises a space between the south-eastern wall of the Civic Centre and the entrance to the Denmark Library, currently used by the Denmark Village Theatre (DVT) for storage space. There is no formal lease or licence in place; however, the Shire approved there use via a letter in 2015, and their continued use of the area since has been honoured.

10. Denmark FM have occupied a room within the Denmark Community Resource Centre operations leased premises, since their commencement in 2021. Citing space constraints, Denmark FM has approached the DVT to use this space. Subsequently, the DVT Committee have supported the proposed relocation of Denmark FM into the space, and should this be supported by Council, will vacate the premises.

11. Denmark FM have then approached the Shire to consider formalisation of this proposal.

DISCUSSION / OFFICER COMMENTS

Suitable Uses

12. A cultural and arts precinct is ideally suited for a variety of creative, educational, and community-focused uses. These could include art galleries to showcase local and regional artists, studios for visual artists, rehearsal and performance spaces for theatre groups and musicians, and workshops or classrooms for creative learning such as painting, ceramics, dance, or digital arts. Community radio stations, writers' collectives, and cultural heritage organisations can also thrive in such an environment, contributing to a vibrant mix of activities.

13. This report primarily considers the suitability of the proposal from Denmark FM.

Denmark FM Proposal

14. A well-designed arts precinct serves as a vibrant, collaborative hub where different creative organisations and activities can flourish side by side. The presence of Denmark Arts within the precinct is central to this vision, as their mission is to foster creativity, community engagement, and local culture through diverse arts programs and events. By relocating Denmark Arts into the existing Library space, the precinct not only gains an anchor institution dedicated to arts development but also strengthens opportunities for partnerships and shared programming with other creative groups.

15. Denmark FM have now grown to have 34 local volunteers and presenters, and relocating to a new site would provide the space needed for larger studios, office and production areas, and improved training facilities.

16. Denmark FM's inclusion in the precinct further enhances these synergies. As a community radio station, Denmark FM can act as a conduit for promoting local arts, broadcasting live events, and sharing stories from artists and community members. Their relocation into the precinct allows for closer collaboration with Denmark Arts and others, enabling joint events, cross-promotion of programs, and broader community outreach.

17. Denmark FM have indicated that there a couple of grant programs available to them and they intend to apply for the required funding to construct studio spaces designed to provide practical, long-term solutions to their growing organisation.

18. Provision of a new, larger operational space could have a positive impact to any external funding application.

Other Options

19. Officers have considered whether there are any other community groups that would benefit from this space and align with the precinct's future vision, particularly those that have previously indicated a need for a leased space. Based on the information available, officers are of the view that Denmark FM is the most suitable candidate for the location at this time.

20. While there is no statutory requirement for Council to seek alternative proposals, Council may choose to undertake an expression of interest process if it wishes to ascertain whether there are other community groups that might offer an increased suitability for the space.

Future Site Development

21. Noting that the site is currently earmarked for a Regional Precincts and Partnership Program funding application, officers are proposing that special terms be included in the lease to ensure any future development is not impeded by the lease agreement. With Council's acceptance of the lease, future development plans would be designed to incorporate Denmark FM's use into any ongoing or subsequent site plans.

CONSULTATION AND EXTERNAL ADVICE

22. Denmark Village Theatre have provided their support via the Minutes of their Committee.

STATUTORY / LEGAL IMPLICATIONS

Local Government Act 1995

23. Section 3.58 – local government can dispose of land, including to lease.

Local Government (Functions and General) Regulations 1996

24. Regulation 30 – provides an exemption from disposal provisions for land that is disposed of to a body, whether incorporated or not, the objects of which are charitable and the members are not entitled or permitted to receive any pecuniary profit.

STRATEGIC / POLICY IMPLICATIONS

Property Management Policy

25. The lease proposed is considered a "Community Lease" as the lessee offers a core service provided specifically to the Denmark community, they are a charitable organisation and not-for-profit. There is no local competition.

26. The standard term for a community lease is 10 years.

27. Rate waivers for community leases are considered at the time of approving a new lease and/or during the annual Budget adoption process.

Council Plan – Our Future 2035

28. One of the Pillars in the Council Plan is to "Create public spaces and services". One of the goals to achieve the pillar is to "… *enhance the Denmark town centre to create a more vibrant, activated and pedestrian-friendly environment*".

FINANCIAL IMPLICATIONS

29. Nil

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

33. A risk assessment has been undertaken per the Council's Risk Management Policy, and no risks have been identified in relation to the officer recommendation or the report.

9.3.3 POLICY REVIEW

File Ref:	ADMIN.2
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	10 February 2026
Author:	David King, Chief Executive Officer Angela Simpson, Corporate Planner and Policy Officer
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.3.3 – Policy Manual

EXECUTIVE SUMMARY

1. To align the Shire's policies with best practice governance, the Shire has been undergoing a comprehensive review of all its policies. To date, 75 policies have been reviewed or repealed, leaving 88 outstanding. This report considers the necessary actions for the remaining 88 policies to ensure the organisation's policy framework is robust, contemporary, and compliant with statutory requirements.

VOTING REQUIREMENTS

2. Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION ITEM 9.3.3
MOVED: CR GIBSON SECONDED: CR HOCKEY

That Council:
1. REPEAL policies as indicated in Table 1 of this report
2. REQUEST the Chief Executive Officer to Review Policies as indicated in Table 2 of this report within 12 months.

CARRIED: 9/0 Res: 100226

TOTAL VOTES FOR: 9
Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Sleeman, Cr Hockey~~, Cr Lewis~~ and Cr Phillips.

TOTAL VOTES AGAINST: 0

LOCATION

3. Nil

BACKGROUND

4. In 2025, a comprehensive review of Council policies commenced to ensure they remain current, relevant, and effective.

5. A number of existing policies have been identified as outdated, overly prescriptive, or no longer appropriate as formal Council policies.

6. To date, 42 policies have been repealed, and 32 policies have been updated.

7. Attachment 9.3.3 contains the remaining policies to be considered in the review.

DISCUSSION / OFFICER COMMENTS

8. A Council Policy should:

- Set the strategic direction and provide high-level guidance for the organisation.
- Establish a framework for decision-making, ensuring consistency and alignment with the Council's goals.
- Remain broad in scope, focusing on the "what" and "why" rather than the "how".
- Be designed to endure, not to address short-term issues. Most policies should have a default review period of five years.

9. A Council Policy should not:

- Address specific operational matters or short-term issues—these belong in procedures or work instructions.
- Include operational detail, as this limits flexibility and responsiveness in adapting work practices.
- Duplicate information contained in other official documents (e.g., Fees and Charges Schedule, Code of Conduct), which risks inconsistencies when one document changes. It is appropriate to reference but not duplicate other documents or regulations.
- Overreach into areas outside a local government's authority—policies must stay within statutory powers.
- Use subjective or ambiguous language, which can lead to inconsistent interpretation.
- State the obvious or universally accepted practices—if something is common sense or already covered by legislation or regulations, it does not need to be a policy.
- Target an individual's behaviour or a one-off incident—policies should aim to set broad organisational principles, not address isolated cases.
- Create exclusive commitments to a single organisation—such commitments should be managed through contracts, MOUs, or Council resolutions, not policy. Policies should apply broadly and equitably. Naming or committing to one organisation in a policy creates perceived or actual favouritism, undermining public trust. This principle becomes increasingly important as our community grows and diversifies, ensuring fairness, transparency, and equal opportunity for all stakeholders.
- Be written for a single asset or site. Asset-specific matters should be managed through operational documents. A policy should set broad principles that apply across the organisation such as the Asset Management Policy. Writing one for a single oval, hall, or park turns the policy into an operational document, which is not its purpose.

10. A policy should have the following elements:

- Purpose: Why the policy needs to exist,
- Scope: Who and what it applies to,
- Policy Statement: The actual rule or principle,
- Roles and responsibilities: Who is responsible for what, and,
- Compliance and Review: How it will be monitored or reviewed.

11. Table 1 provides a list of policies recommended for repeal.

TABLE 1 Policies for Repeal	
Existing Policy	**Comments and Recommendations**
P030102 – Pensioner / Senior Rebate Entitlement Calculation	This matter is already addressed in an internal work instruction for staff and, as such, does not need to be a Council policy. The current policy also references out-of-date practices. **Recommend repealing this policy**
P030103 – Amendment of Rate Book Errors	The Local Govt Act, Section 6.39(2) allows for a local government to amend the rate book for the preceding 5 years. This policy does not add any authority or guidance, so it is not required. An internal work instruction is the most appropriate tool. **Recommend repealing this policy**
P030201 – Reserve Fund Interest	The intent of this policy is reflected in Regulation 8 – Separate Bank Accounts (Local Government (Financial Management) Regs 1996 that says "Money related to a purpose… is to be banked in the account maintained for that purpose." The OAG Report 19:2019/20 – Control of Monies Held for Specific Purposes provides further instruction on what auditors expect to see. **Recommend repealing this policy**
P030202 – Denmark Co-operative Shareholding	With respect to Council's minor shareholding in "The Denmark Cooperative Company Limited," the decision not to participate in voting on matters affecting the Company out of respect for other businesses operating within the Shire is not required. Shareholders are not legally required to vote. Should there be a matter where the CEO believes that the Council should exercise a vote, then it would be brought to Council separately. **Recommend repealing this policy**
P030203 – Federal Government Financial Assistance Grants Program	This matter is not suited to a formal policy position, as it reflects an advocacy view relating solely to one specific funding stream. Retaining it as a policy provides no operational or strategic benefit to the organisation, nor does it influence service delivery, compliance obligations, or funding eligibility. Current annual financial reporting, prepared in accordance with accounting standards, does not permit the identification of individual grant sources. A more meaningful approach would be to communicate to the community the overall value of grant income in comparison to rates revenue, allowing a clearer understanding of the broader contribution of external funding.

	Recommend repealing this policy
P040105 – Reports to Council or Committee Meetings	The format of how a CEO instructs staff to prepare reports for the Council is an operational matter under the guidance of the CEO, not Council. **Recommend repealing this policy**
P040109 – Codes of Conduct and Required Plans	This document is operational. The publication of key current plans and strategies is reported in the Council Plan (Our Future 2035), which is reviewed every two years. **Recommend repealing this policy**
P040110 – Policy Manual	The organisation has moved away from maintaining a single consolidated Policy Manual. Individual policy documents are now used, as this structure is more suitable for digital management and significantly improves accessibility and version control on the web platform. As a result, a standalone "Policy Manual" policy is no longer required or relevant. **Recommend repealing this policy**
P040111 – Public Relations – Media Release.	This matter is governed by the Local Government Act 1995, which, in Part 2, Section 2.8, specifies that the Shire President is the authorised spokesperson for the local government. In addition, the Staff Code of Conduct requires employees not to disclose information, make public comments, or engage in communication activities about or on behalf of the Shire of Denmark—its Council Members, employees, or contractors—except when doing so as part of their official duties. These provisions ensure that external communication is properly managed and consistent with legislative and organisational requirements. **Recommend repealing this policy**
P040116 – Council Photographs	This instruction is currently listed in the Election Procedure for the Governance Coordinator. It is not required as a policy. **Recommend repealing this policy**
P040117 – Shire Crest	A policy on the use of the Shire crest is unnecessary, as this is an operational matter managed at the CEO's discretion, who already administers its use in line with established organisational practices. Appropriate use of the crest naturally occurs through existing relationship-based protocols, such as grant recipient recognition requirements and the Property Management Policy, where displaying the Shire's logo acknowledges the contribution made to community groups.

	These mechanisms already provide sufficient guidance, making a separate formal policy redundant. **Recommend repealing this policy**
P040120 – Use of Council Chambers.	While the room's title makes its primary purpose clear, a policy restricting its use is overly rigid and does not allow adaptation to changing circumstances, such as emergency management operations and staff meetings, even though it states that this can be done at the CEO's discretion. Council policies are intended to address strategic and governance matters, rather than operational or administrative detail. Decisions regarding the allocation and use of meeting rooms are properly characterised as an operational CEO management function. **Recommend repealing this policy**
P040122 – Civic Receptions – Approvals / Rejections of Requests	This is not a policy. The matter of managing requests for civic receptions is more appropriate as an Operational Procedure for the Governance Coordinator. **Recommend repealing this policy**
P040136 – Attendance by Instantaneous Communication	This policy can be repealed as the matter is now addressed through the Local Government Regulations. **Recommend repealing this policy**
P040204 – Enrolment of Non-resident owners and occupiers	This is no longer a process that is followed, as the time spent to undertake the task far outweighs the number of new electors captured. Prior to each election, public notice is provided, giving any new electors sufficient time to enrol to vote. **Recommend repealing this policy**
P040207 – Common Seal of the Shire of Denmark	The use of the common seal is covered in Local Government Act Section 9.49A and the Standing Orders. This is not required as a policy. **Recommend repealing this policy**
P040208 – Insurances – Professional Indemnity – Use of Disclaimers	This is not a policy. Use of disclaimers is an operational risk-management mechanism, not a Council-level principle. **Recommend repealing this policy**
P040209 – Conferences – Study Tours	Local Governments are required to have a relevant policy under Section 5.90A of the Local Government Act 1995 for attendance at events. This is now covered by the following Council Policies Attendance at Events Policy

	Continuous Professional Development Policy For the CEO and senior staff, this matter is addressed in their employment contracts and the CEO's responsibility to manage employees. **Recommend repealing this policy**
P040214 – Complaints Management Policy	The Shire of Denmark Customer Service Charter acknowledges our commitment to handling complaints received directly from customers. **Recommend repealing this policy**
P040221 – Fines and Infringements	This policy simply restates that Council will not permit any actions that contravene the Road Traffic Act. As local governments are already legally bound to comply with State legislation, a policy that merely reiterates existing statutory obligations offers no additional guidance or value. **Recommend repealing this policy**
P040227 – Debt Collection Policy	The Local Government Act 1995 already prescribes the processes for issuing notices, recovering rates, undertaking legal action, and enforcing debts, leaving no meaningful discretion for the Council to direct how debt collection is carried out. As operational matters fall under the CEO's responsibilities, maintaining a policy offers no governance benefit, risks duplicating or conflicting with legislation, and unnecessarily constrains administrative processes **Recommend repealing this policy**
P040232 – Municipal Budget Policies	The current Municipal Budget Policy is a compilation of accounting standards and disclosure notes, not a policy instrument. All the disclaimers, notes and treatments identified in this policy, are duplicated in the Annual Report as stipulated by the legislation and the Accounting Standards. **Recommend repealing this policy**
P050201 – Attending to Kangaroos	The fact that the Shire is not the lead agency for wildlife management weakens the case for a Council policy. The current policy is worded around what the Shire is not responsible for and how it will respond at the margins. This information is better communicated to the public through the website. **Recommend repealing this policy**

P050202 – Attending to Snakes	P050202 Attending to Snakes is actually doing four operational things: Acknowledging the Shire is not the responsible authority Authorising Rangers to provide a specific service Setting a user-pays charging regime Creating a concession framework These are service delivery and fee-setting mechanics, not strategic policy decisions. This should be a work instruction with web links for community access. **Recommend repealing this policy**
P050304 – Shark Hazard and Beach Whale Policy	This matter should be a work instruction for the relevant staff. A policy is not required to guide staff in undertaking this activity. **Recommend repealing this policy**
P070403 - Gas Guns and Acoustic Bird Scaring	Local governments have the delegated responsibility of administering the Environmental Protection (Noise) Regulations 1997 and retain the discretion to exercise the relevant powers under the Act. No policy is required to guide officers in undertaking this activity. The industry provides best-practice guides on the use of this technology. **Recommend repealing this policy**
P070405 - Fireworks Usage	This is a highly regulated, licensed activity under the Department of Local Government, Industry, Regulation and Safety. Local government is one of many agencies involved in the pre-approval process when a fireworks event permit is submitted to the department. The application spells out specific requirements set by DFES regarding conditions that must be met and must be signed off by the local DFES Fire Service Manager or CBFCO. The local government recommendation is signed off by the CEO. This is operational and does not require a policy. **Recommend repealing this policy**
P090101 – Designated Senior Staff Housing Policy	A designated Senior Staff Housing Policy is not required because the CEO holds responsibility for employing senior staff, including negotiating their total remuneration packages in line with budgets, within which any housing arrangements are determined at the time of engagement. The CEO contract is negotiated by Council and can consider housing arrangements.

	Creating a separate policy to govern senior staff housing adds unnecessary rigidity, as the use of Shire-owned houses may change over time. If a property becomes vacant, Council can simply make a resolution about any preferred course of action—whether to allocate it to staff, lease it on the private market, or dispose of it. Attempting to predetermine all possible scenarios in a policy intended to remain in place for several years is not practical. **Recommend repealing this policy**
P100505 – Tree Removal / Lopping	This policy addresses disputes between two private property owners over a tree that threatens life or property. The statutory authority to require action on dangerous trees is already clearly provided in the Local Government Act 1995 (WA), S3.25 and Schedule 3.1, Item 9, making a Council policy unnecessary. **Recommend repealing this policy**
P100515 – Wilson Inlet Sandbar Opening Protocol	The Water Corporation manages this activity; therefore, a local government policy is not required. **Recommend repealing this policy**
P100601 - Scheme Amendment Requests	The purpose of this policy is to provide developers with in-principal support for scheme amendments to avoid the high cost of development of a full scheme amendment document before knowing if it is supported by the Local Government. Where a proposed scheme amendment is a 'standard' amendment, this will align with the Local Planning Strategy and therefore already has in principle support from the Shire and Department. Where a proposed scheme amendment is a 'complex' amendment (one that does not align with the Local Planning Strategy), the preferred option would be to go through a Strategy amendment to test its validity in the first instance. If the amendment is accepted, it becomes a 'standard' amendment, and the above applies. Strategy amendments have a minor cost implication compared to a complex amendment with costs similar to the current SAR under policy. This ensures a holistic, robust process and ensures that the Local Planning Strategy remains aligned with the Local Planning Scheme without ad-hoc adjustments. If developers choose instead to go directly to a complex scheme amendment, they do so at their own cost risk. **Recommend repealing this policy**

P100602 – Consultation Privacy Policy	This is a work instruction for staff and as such, is not required as a policy. It is best suited as an Operational Standard. **Recommend repealing this policy**
P100610 - Peaceful Bay Leasehold - Legal Advice (demolitions and Inspections)	Officers are currently drafting a Local Planning Policy for Peaceful Bay. It is appropriate that some of the information from this policy is incorporated into that policy, especially the criteria that might guide officers in supporting or refusing applications for demolition of a leasehold property. It is not appropriate to record legal advice in a policy, as it can change over time. **Recommend repealing this policy**
P100705 – Memorial furniture and plaques – Operational Procedure updated in 2025 P100706 – Cemetery Income	P100705 – Memorial furniture and plaques are now an Operational Procedure updated in 2025, so this policy is not required **Recommend repealing this policy** P100706 – Cemetery Income. The reserve for Cemetery income no longer exists so this policy is not required **Recommend repealing this policy**
P110103 – Denmark Civic Centre Reserved bookings – Denmark Village Theatre	Denmark Village Theatre has not utilised this booking for several years. There is now an online booking system available to all users, so it is more appropriate that, should they wish to use the facility in the future, they book in advance through the public booking system. Council should avoid developing policies that create exclusive commitments to specific organisations or entities. **Recommend repealing this policy**
P110303 – Recreation Centre Refunds	A policy is not required as the terms and conditions for cancellation are set out in the application form and aligned with relevant consumer law regarding refunds. The cancellation fee is listed in the Fees and Charges Schedule. **Recommend repealing this policy**
P110307 – Fee Setting Policy for McLean Park and High School Oval and Recreation Facilities Usage	Pricing details are in the Fees and Charges Schedule. Reference to fees being 'generally CPI indexed' is managed within the LTFP. Reference to 'a reserve fund' is not accurate, as the purpose of reserve funds is referenced in the LTFP and does not apply to all these assets. It is not necessary to have a site-specific policy. **Recommend repealing this policy**

P110502 – Library Charges	Details related to fees are in the Fees and Charges Schedule. Staff determine whether a fee is charged for lost or damaged books, based on the item's age, general wear and tear, and replacement cost. A policy is not required. **Recommend repealing this policy**
P110701 – Functions in recognition of volunteers	Council supports this annual event through a budget commitment. No policy is required for the Council to continue making this commitment to recognising volunteers' efforts. **Recommend repealing this policy**
P110708 – Denmark Historical Society Annual Contribution	The contribution to support the Historical Society is listed in the annual budget approved by Council. A separate policy is not required to maintain this ongoing commitment. **Recommend repealing this policy**
P110709 – Recognition of People with Disability	This policy directs the Shire to prepare a DAIP. The requirement to have a DAIP does not need to be reiterated in a policy, as it is a requirement of the Disability Services Act 1993. The policy commits to funding an annual event in recognition of the International Day of People with Disabilities. This is contrary to the working group's recommendations in the current DAIP. **Recommend repealing this policy**
P110712 – Denmark Crafty Quilters – Triennial Exhibition.	This community group no longer wishes to book the Council Chambers, as they require use of both rooms, which is no longer feasible due to the tables and ICT equipment being unable to be easily moved. **Recommend repealing this policy**
P120102 – Roadside Memorials	This policy was last reviewed in 2004. A detailed Operational Standard was developed in 2025. This contains many of the elements of the policy which is operationally focussed. **Recommend repealing this policy**
P120103 – Road Program Seal Advancement	Given the high cost of road sealing to the ratepayer, sealing roads within the Shire should be determined purely on the basis of merit, with priority given to those roads that demonstrate the greatest need. This approach ensures that limited resources are allocated where they will deliver the most benefit to the community

	overall, rather than favouring projects based on partial community contributions or requests for early advancement. It is not appropriate to bring forward the sealing of any road if there are other roads with more pressing requirements, regardless of whether some funding is offered by specific groups or individuals. Council's decision-making must remain fair, transparent, and focused on achieving the best outcomes for the entire Shire, with each proposal assessed against the broader priorities and needs identified through asset management planning and technical evaluation. Road sealing should therefore be managed through a merit-based, prioritised process, rather than through ad hoc advancements or standing policies that could lead to inequitable outcomes. **Recommend repealing this policy**
P120602 - Private Jetties in Wilson Inlet and Denmark River	This policy attempts to address two matters. The first is a general position discouraging the construction of new private jetties abutting public land, and the second is a project-style set of instructions relating to the management of existing jetties. With respect to new jetties, officers note that the rate of new private jetty construction is low and does not warrant standing policy guidance. In relation to existing jetties, the second component of the policy is not policy in nature. It functions as a set of operational instructions intended to address a defined issue over a finite period. The Department of Transport undertake routine inspections for unlicenced jetties and therefore is not a required additional function of the Shire. **Recommend repealing this policy**
P130202 – Parry's Beach Management	The management arrangements with Parry's Beach Volunteer Management Group are currently managed through an MOU. The details of this brief policy are outlined in the MOU. This policy is not required. **Recommend repealing this policy**
P130205 – Geocache Friendly Council	This policy is not required. It was written to address a specific incident when a geocache location was disturbed during Shire operations in 2011. A policy should not be written to address a one-off operational issue or to support a single type of activity.

	Recommend repealing this policy
P130301 – Guidelines for Temporary Accommodation	This policy prescribes operational rules, not policy direction. The policy largely restates or operationalises requirements already found in the Building Act and Regulations, the Health Act 1911, the Caravan Parks and Camping Grounds Regulations 1997, and the Building Code of Australia. Because the Council has little or no discretion to depart from these laws, this is not a policy choice. It is a compliance guide for officers. Ultimately, it comes down to the CEO exercising discretion under the Caravan and Camping Regulations. **Recommend repealing this policy and creating a Fact Sheet for Building Services or an Operational Standard for staff.**
P130302 – Building Statistics	An updated Privacy Policy is scheduled for 2026, ahead of the implementation of the PRIS (Privacy and Responsible Information Sharing Act 2024). It will cover the provision of public information. P130302 addresses how staff respond to requests for building statistics and what information is released. That is fundamentally an operational and administrative matter, not a matter requiring Council-level policy direction. **Recommend repealing this policy**
P130303 - Compliance with Mobility Standards by Denmark CBD Buildings	This policy is no longer relevant. All commercial developments must meet the requirements of the National Construction Code and are approved by a private certifier, not the Local Government building surveyor. **Recommend repealing this policy**
P140101 – Private Works Policy	There are inconsistencies between this policy and the related policy on 'Tools and Equipment': one permits employees' private use of Shire equipment, while the other explicitly prohibits the use of minor plant and equipment for private purposes. Any private use of Shire equipment—beyond what is issued under an employment contract—constitutes a personal benefit and is inconsistent with contemporary public sector governance expectations and the requirements of the *Local Government Act*. For this reason, the Private Works Policy should be repealed. The component of the policy relating to the Shire undertaking private works is already captured within the Fees and Charges Schedule, which is the appropriate mechanism for authorising such activities. Best practice is that private works do not provide individual benefits funded by ratepayers. Accordingly,

	the recommendation is that private works be restricted to requests (excluding dry hire) from government departments or not-for-profit groups and be at the discretion of the Director of Infrastructure and Assets, provided the works do not detract from the Shire's normal works programming. **Recommend repealing the policy and specifying conditions in the Fees and Charges Schedule.**
P140401 – Council Tools and Equipment	The Code of Conduct (Section 3.22 – Use of Shire of Denmark Resources) provides clear guidance. **Recommend repealing this policy.**

12. Table 2 provides a list of policies recommended for retention or review

Table 2 - Policies for Review	
Existing Policy	**Comments and Recommendations**
P040118 – Public Question Time, Presentations, Deputations and Petitions	Under the local government reforms the Department is preparing a standardised meeting procedure. When this is completed, this policy can be repealed or reviewed. **Recommend review once the new Statewide standardised meeting procedures are released**
P040121 – Community Organisations – Purchase of Goods	The existing policy states that "under no circumstances is Council to become involved in the purchase of goods or assets on behalf of any group or organisation, unless those bodies are procuring fixed assets of a non-removable nature that become the property of Council." This issue is more appropriately and comprehensively addressed within the Purchasing Policy, which is scheduled for revision in 2026. Maintaining a standalone policy designed solely to prohibit a specific action is not good governance practice; such statements tend to become an ever-expanding list of prohibitions and do not support clear, principles-based decision-making. **Recommend review and incorporation into the updated Purchasing Policy as part of the scheduled review**
P040124 – Legal Representation Costs Indemnification	This policy needs to be reviewed in light of the organisations current insurance coverage. This policy was modelled on the Local Government Guideline on Legal Representation for Council Members and Employees (April 2006), which is still current. This policy was last reviewed in 2010. **Recommend reviewing this policy**

P040126 – Honorary Freeman of the Municipality	This policy was last reviewed in 2011. **Recommend Retaining this policy**
P040131 – Councillor Service and Farewell Policy	The Councillor Service & Farewell Policy is outdated and needs to be reviewed in line with Local Government (Administration) Regulations 34AC. **Recommend reviewing this policy**
P040132 – Privacy Statement	There is an updated Privacy Policy scheduled for 2026, ahead of the implementation of PRIS (Privacy and Responsible Information Sharing Act 2024) **Recommend retaining this policy until the new policy is adopted**
P040216 – Regional Price Preferencing Policy	Matters related to regional price preferencing are best addressed in an updated purchasing policy, which is scheduled for revision in 2026. **Recommend repealing this policy when the purchasing policy is adopted**
P040224 – Recognition of Service Policy	The current policy recognises employee service at defined milestones, including a certificate at 10 years, a $500 engraved memento at 20 years, an inscription on the Honour Board at 25 years, and a civic reception with a $1,000 memento at 30 years. It is proposed that this policy be replaced with an Operational Standard developed in consultation with staff, ensuring that tenure-based milestones are complemented by values-based recognition, with clarity around how and when recognition will occur. This approach would incorporate existing practices such as monthly staff recognition awards and ensure that all recognition activities comply with relevant ATO guidelines. **Recommend repealing this policy once an operational standard has been developed**
P040225 – Gratuity Payments Policy	Local Governments are required to have a policy governing gratuity payments for employees who have ceased employment, in accordance with Section 5.50 of the Local Government Act 1995. The current policy, last reviewed in 2008, is outdated and requires revision. It contains obsolete references and does not address how non-gift payments (cash or cash equivalents) should be administered. A contemporary approach must allow flexibility to reflect differing staff preferences regarding gratuity payments—not all employees will want formal functions, certificates, or gifts. Additionally, all forms of recognition must comply with relevant ATO guidelines. **Recommend reviewing this policy.**

P050110 – Hazard Reduction Burning on Private Property	Fire management is a high-risk and highly scrutinised area of Shire responsibility, spanning community safety, environmental protection, scientific perspectives, volunteer capacity, and the appropriate use of Shire resources. Given this complexity, it is essential that the Council provides clear leadership through a policy that guides staff and supports consistent, defensible decision-making. **Recommend a new, combined policy that incorporates matters currently identified in P050110, P050120, P100612**
P050120 – Prescribed Fire Plan Guidelines and Templates	Amalgamate into one policy P050110, P050120, P100612 **Recommend a new, combined policy**
P070404 – Principles supporting the Shire of Denmark activities on thoroughfares and trading in thoroughfares and public places, local law	The Local Law associated with this policy has been repealed and replaced with the Public Places and Local Government Property Local Law **Recommend reviewing this policy**
P100104 – Compulsory Waste Collection Services	Council should adopt one consolidated Waste Policy that focuses on the Council's broader position, objectives and principles for waste management. This policy focuses only on specifying geographic areas for compulsory collection and procedural thresholds (e.g., 50% opt-in for non-compulsory areas, at the Director's discretion). This information needs to be contained in a broader policy. **Recommend developing a new Waste Policy, and incorporating compulsory waste collection areas.**
P100513 – Irwin Inlet Sandbar Opening Protocol	The two existing protocols for opening sandbars can be combined into a single, unified document to ensure consistency and clarity. The Council's role is to set the overarching principles and decision-making framework that define when and why sandbar openings may occur, taking into account environmental, safety, and community considerations. Once these principles are established, the operational responsibility — including monitoring river levels, timing, on-the-ground actions, and liaison with relevant agencies — should rest appropriately with the CEO and be documented in an operational document. **Recommend developing a new Sandbar Opening Policy.**
P100514 – Parry Inlet Sandbar Opening Protocol	See above. **Recommend developing a new Sandbar Opening Policy.**
P100516 – Sustainable Events	A standalone plastics-reduction policy addresses only one component of the broader waste challenge. In contrast, a comprehensive Waste Policy should consider all current and

	emerging waste issues—such as e-waste, construction and demolition waste, FOGO, household problem wastes, textile disposal, and resource-recovery opportunities. A single, overarching policy not only supports long-term planning but also provides clear direction for staff, ensuring consistent decision-making and coordinated action across all waste-related activities. Amalgamate with P100104 into one new Waste Policy. **Recommend repealing this policy and developing a new Waste Policy.**
P100606 - Payment of Planning and Building Fees by NFP Community Organisations	The Council has set out several conditions that must be met for the 50% fee reduction under this policy. It is difficult to record all these conditions in the Fees and Charges Schedule. If Council still wants to provide this service to not-for-profit community organisations, it is appropriate to set out this direction in a policy. **Recommend reviewing this policy**
P100608 – Town Planning Scheme N3 – Colour Interpretations	This matter should be addressed through a Town Planning Policy, as it holds no statutory weight in the form of a Council Policy. In addition, the reference to excluding certain brand-name colours is inappropriate, as brand-specific requirements are not an effective mechanism for enforcing technical provisions. **Recommend repealing this policy and creating a Town Planning Policy**
P100612 - Bush Fire Assessments for Private Developments adjoining Council Plan	Amalgamate into one policy P050110, P050120, P100612 **Recommend a new, combined policy**
P100701 – Denominational signs P100702 – Shrubs and Trees P100703 – Private funerals P100704 – Plot & Niche compartments P100707 – Headstones	P100701 – Denominational signs P100702 – Shrubs and Trees P100703 – Private funerals P100704 – Plot & Niche compartments P100707 – Headstones **Recommend combining into one policy**
P110102 – Leasing of land and or buildings to community groups	The details of leasing arrangements for community groups are now covered by the Property Management Policy adopted in August 2024. This policy is out of date and needs to be reviewed to incorporate any required elements into the Property Management Policy. **Recommend reviewing this policy**

P110310 – Denmark – Nornalup Heritage Rail Trail	Requires updating to reflect the new Public Places and Local Government Property Local Law. **Recommend reviewing this Policy**
P110311 – Personal Training Sessions and For-Profit Fitness Activities in Reserves	The Local Law associated with this policy has been repealed and the details included in the new Public Places and Local Government Property Local Law) A review should be incorporated into a review of P070404 **Recommend reviewing this policy**
P110705 - Art Collection Management	It is appropriate for Council to maintain an Art Collection Policy if they wish; however, the current policy requires review. It is an operational procedure; it lacks purpose and strategic intent. The definition of art should be reviewed, as it is narrow. The revised policy should include clear principles for acquisition, display, lending, and deaccessioning, along with clearly defined roles and responsibilities. **Recommend reviewing this policy**
P110312 – Recreation Centre – School Holiday program Inclusion Fund	This policy now overlaps with supports that can be funded through the NDIS. Support workers assisting individuals to participate in recreation and community programs are commonly included in NDIS plans, with the level of support tailored to each person's assessed needs. Maintaining a separate Council policy may therefore create a risk of duplicate funding. Officers acknowledge that this program was originally established by Council as part of its commitment to implementing the former Disability Access and Inclusion Plan (DAIP). However, the current DAIP contains a broader range of measures that now demonstrate the Council's commitment to access and inclusion. **Consider review/repeal following consultation**
P110703 – RSL – Budget Allocation	The contribution to support the RSL is listed in the annual budget approved by Council, along with all the other contributions and community event commitments to community groups. A separate policy is not required for this ongoing commitment to one specific group. **Consider review/repeal following consultation**
P110706 – Aboriginal Heritage	This policy was last reviewed in 2011. The policy's main shortcomings are that it is largely symbolic and lacks clear, practical commitments to reconciliation or heritage protection. It expresses goodwill but provides no actionable steps, goals, or responsibilities, and it does not establish a structured process for consulting or partnering with Noongar people. Despite its title, it offers no mechanisms to protect Aboriginal

	cultural heritage, and its approach to cultural protocols is limited and conditional, thereby reducing their effectiveness. **Recommend updating the policy**
P110707 – Recognition of Local Centenarians	**Recommend Retaining this Policy**
P110711 – Woodturners of Denmark Annual Exhibition	A policy is not required if the Council wishes to arrange for a particular group to use the Council Chambers. The Council should avoid writing policies that make exclusive commitments. Recommend that this be managed through an MOU **Consider review/repeal following consultation**
P120101 – Street Trees	This policy hasn't been implemented for at least six years. Recommend reviewing during drafting of a new verge policy, that is aligned with the new Public Places & Local Government Property Local Law. **Recommend repealing when new verge policy is adopted.**
P130601 – Retail Trading Hours Exemption Order	This is not the Shire's jurisdiction and therefore does not constitute policy. However, there is merit in ensuring that this information is not lost. **Consider review/repeal**
P120104 - No Spray Register Policy	The policy in this form is unnecessary at the Council level because it simply describes an administrative process that allows property owners to request that the Shire avoid herbicide spraying near their property boundaries. **Recommend reviewing this policy**

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 and believes that no additional external/internal engagement or consultation is required.

STATUTORY / LEGAL IMPLICATIONS

Local Government Act 1995

14. Section 2.7(2)(b) – Council determine the local government's policies.

STRATEGIC / POLICY IMPLICATIONS

Policy Manual

15. This report considers the review of all remaining policies contained within the Policy Manual.

FINANCIAL IMPLICATIONS

16. Nil

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

20. A risk assessment has been undertaken per the Council's Risk Management Policy, and no risks have been identified in relation to the officer recommendation or the report.

9.3.4 CODE OF CONDUCT FOR COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES POLICY REVIEW

File Ref:	ADMIN.2
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	11 February 20262
Author:	Claire Thompson, Governance Coordinator
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.3.4a – Amended Code of Conduct 9.3.4b – Amended Behaviour Complaints Management Policy 9.3.4c – Behaviour Complaints Committee Charter 9.3.4d – Delegation 1.1.3

EXECUTIVE SUMMARY

1. Council is required to amend the Code of Conduct for Council Members, Committee Members and Candidates to align with the model code of conduct by the end of March 2026.

2. Changes in the regulations provide for the new role of the Local Government Inspector and clarify decision-making process and responsibilities for behaviour breach complaints.

VOTING REQUIREMENTS

3. Absolute majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION ITEM 9.3.4
MOVED: CR PHILLIPS SECONDED: CR YOUEL

That Council:
1. ADOPT the amended Code of Conduct for Council Members, Committee Members and Candidates, as per Attachment 9.3.4a; and
2. ADOPT the amended Code of Conduct Behaviour Complaints Management Policy, as per Attachment 9.3.4b; and
3. AMEND the Behaviour Complaints Committee Charter, as per Attachment 9.3.4c;
4. AMEND Delegation 1.1.3 – Behaviour Complaints Committee, as per Attachment 9.3.4d; and
5. AUTHORISE the Executive Manager Corporate Services and the Governance Coordinator to receive and withdraw complaints [r 11(3)].

CARRIED: 9/0 Res: 110226

TOTAL VOTES FOR: 9
Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Sleeman, Cr Hockey~~, Cr Lewis~~ and Cr Phillips.

TOTAL VOTES AGAINST: 0

LOCATION

4. Not applicable.

BACKGROUND

5. Council adopted the current policy in 2021 following the introduction of the *Local Government (Model Code of Conduct) Regulations*. These regulations replaced the repealed *Local Government (Rules of Conduct) Regulations 2007*.

6. As part of the State Government's reform of the Local Government Act 1995 a new independent Local Government Inspector role has been established.

7. The Local Government (Model Code of Conduct) Regulations and sections relating to conduct and complaints in the Local Government Act 1995 have been amended.

DISCUSSION / OFFICER COMMENTS

8. Relevant information, policies and procedures have been detailed within other sections of this report.

CONSULTATION AND EXTERNAL ADVICE

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

STATUTORY / LEGAL IMPLICATIONS

Local Government Act 1995

10. Section 5.103 – regulations must prescribe a model code of conduct for council members, committee members and candidates.

11. Section 5.104(2) – within 3 months after the day on which regulations amending the model code come into operation, local government must amend the adopted code of conduct to incorporate the amendments made to the model code.

12. Section 5.104(7) – CEO must publish an up-to-date version of the code of conduct on the Shire's website.

13. Section 5.105(3) – Regulations may set out circumstances where a behavioural complaint made to the local government must be referred to the Inspector. See Regulation 3A.

Local Government (Model Code of Conduct) Regulations 2021

14. The amended Shire of Denmark Code of Conduct for Council Members, Committee Members and Candidates reflect to the changes in the regulations that came into effect on 1 January 2026.

15. Regulation 3A – if the person who is the subject of a complaint has, on at least 2 previous occasions, been found under a local government's adopted code of conduct, to have committed, on or after 1 January 2026, a behavioural breach.

16. Regulations 12 and 13 – provides the process for how a local government must deal with a complaint. This function has been delegated to the Behaviour Complaints Committee.

17. Regulation 14B – the functions under clauses 12 and 13 must be performed by the Council unless, Council has by resolution carried by an absolute majority authorised a committee of the council comprising council members only to perform the function.

18. Regulation 11(3) – local government must authorise 1 or more persons to receive complaints and withdrawals of complaints. Currently the Governance Coordinator is the authorised person. It is recommended to extend the authorisation to include the Executive Manager Corporate Services.

Local Government (Local Government Inspector) Regulations 2025

19. The regulations came into effect on 1 January 2026 and detail the powers and functions of the inspector, monitors, inspectorate officers, authorised persons, prescribed offences and associated information.

STRATEGIC / POLICY IMPLICATIONS

Code of Conduct for Council Members, Committee Members and Candidates

20. The changes have been tracked and are in Attachment 9.3.4a.

Code of Conduct Behaviour Complaints Management Policy

21. The changes have been tracked and are in Attachment 9.3.4b.

Behaviour Complaints Committee Charter

22. The changes have been tracked and are in Attachment 9.3.4c.

Code of Conduct Behaviour Complaints Committee Delegation [1.1.3]

23. Council have already delegated authority under clauses 12 and 13 of the Regulations however, there are changes required as outlined in Attachment 9.3.4d.

FINANCIAL IMPLICATIONS

24. Nil

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

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

9.4 COMMUNITY SERVICES
Nil

9.5 INFRASTRUCTURE SERVICES

10. MATTERS BEHIND CLOSED DOORS
Nil

11. NEW BUSINESS OF AN URGENT NATURE
Nil

12. CLOSURE OF MEETING

4:31pm - The Shire President, Cr Wiggins, declared the meeting closed.

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

Signed: _____
David King –Chief Executive Officer

Date: _____

These minutes were confirmed at a meeting on the _____.

Signed: _____
(Presiding Person at the meeting at which the minutes were confirmed)