

SHIRE OF DENMARK

Ordinary Council Meeting

AGENDA

24 JUNE 2025

TO BE HELD IN COUNCIL CHAMBERS, 953 SOUTH COAST
HIGHWAY, DENMARK, ON TUESDAY, 24 JUNE 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 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)

ON APPROVED LEAVE(S) OF ABSENCE

Cr Janine Phillips (Resolution No. 010325)

ABSENT WITHOUT LEAVEVISITORS**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 – 27 MAY 2025

OFFICER RECOMMENDATION

ITEM 7.1

That the minutes of the Ordinary Meeting of Council held on the 27 May 2025 be CONFIRMED as a true and correct record of the proceedings.

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

Nil

9. REPORTS OF OFFICERS

9.1 DEVELOPMENT SERVICES

9.1.1 PROPOSED HOLIDAY ACCOMMODATION (CHALETS & CARETAKERS DWELLINGS) AT WENTWORTH ROAD/RICHARDSON ROAD, OCEAN BEACH

File Ref:	A3905, A5931 & A5932
Applicant / Proponent:	Williams Consulting
Subject Land / Locality:	<ul style="list-style-type: none"> • Lots 2617& 2618 Richardson Road, Ocean Beach • Lot 99 South Coast Highway, Ocean Beach • Lot 98 Wentworth Road, Ocean Beach • Lot 3468 Privett Road, William Bay (Raintree Estate)
Disclosure of Officer Interest:	Nil
Date:	13 June 2025
Author:	Craig Pursey, Manager Development Services
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.1.1a – DA2025/43 – Assessment Report 9.1.1b – DA2025/44 – Assessment Report 9.1.1c – DA2025/46 – Assessment Report 9.1.1d – DA2025/47 – Assessment Report 9.1.1e – DA2025/57 – Assessment Report 9.1.1f – DA2025/43 – Application 9.1.1g – DA2025/44 – Application 9.1.1h – DA2025/46 – Application 9.1.1i – DA2025/47 – Application 9.1.1j – DA2025/57 – Application 9.1.1.k – Bushfire Management Plan 9.1.1.l – Schedule of Submissions

IN BRIEF

- Council is asked to assess development applications for a series of chalets and caretakers' dwellings on five separate lots within a single landholding known as Raintree Estate.
- The chalets are proposed to operate as a coordinated holiday accommodation business with a single point of management located at proposed caretakers dwelling at Lot 98 Wentworth Road, Ocean Beach.
- The applications are presented to the Council rather than decided under delegation, as there are several relaxations to an adopted Local Planning Policy being sought.

VOTING REQUIREMENTS

1. Simple majority.

OFFICER RECOMMENDATION

ITEM 9.1.1a

That Council APPROVE DA2025/43 on Lot 99 (formerly Lot 304) South Coast Highway, Ocean Beach as per Attachment 9.1.1a.

OFFICER RECOMMENDATION

ITEM 9.1.1b

That Council APPROVE DA2025/44 on Lot 2618 Richardson Road, Ocean Beach as per Attachment 9.1.1b.

OFFICER RECOMMENDATION

ITEM 9.1.1c

That Council APPROVE DA2025/46 on Lot 98 (formerly Lot 305) Wentworth Road, Ocean Beach as per Attachment 9.1.1c.

OFFICER RECOMMENDATION

ITEM 9.1.1d

That Council APPROVE DA2025/47 on Lot 2617 Richardson Road, Ocean Beach as per Attachment 9.1.1d.

OFFICER RECOMMENDATION

ITEM 9.1.1e

That Council APPROVE DA2025/57 on Lot 3468 Privett Road, William Bay as per Attachment 9.1.1e.

LOCATION

2. The development application is to develop 13 chalets and caretakers' dwellings at a series of lots in a single ownership, collectively known as Raintree Estate. The lot details are:
 - Lots 2617& 2618 Richardson Road, Ocean Beach
 - Lot 99 South Coast Highway, Ocean Beach
 - Lot 98 Wentworth Road, Ocean Beach
 - Lot 3468 Privett Road, William Bay
3. Raintree Estate is ~12km west of the Denmark townsite via South Coast Highway, bordering the William Bay National Park. The combined site is roughly 366ha of undulating rural land with stands of good quality remnant vegetation, creek lines, dams and views to the coast. The agricultural property currently operates ventures including beef cattle, a truffle farm, CBD cannabis farm, and a tourism operation: the Dam (Distillery & Restaurant).

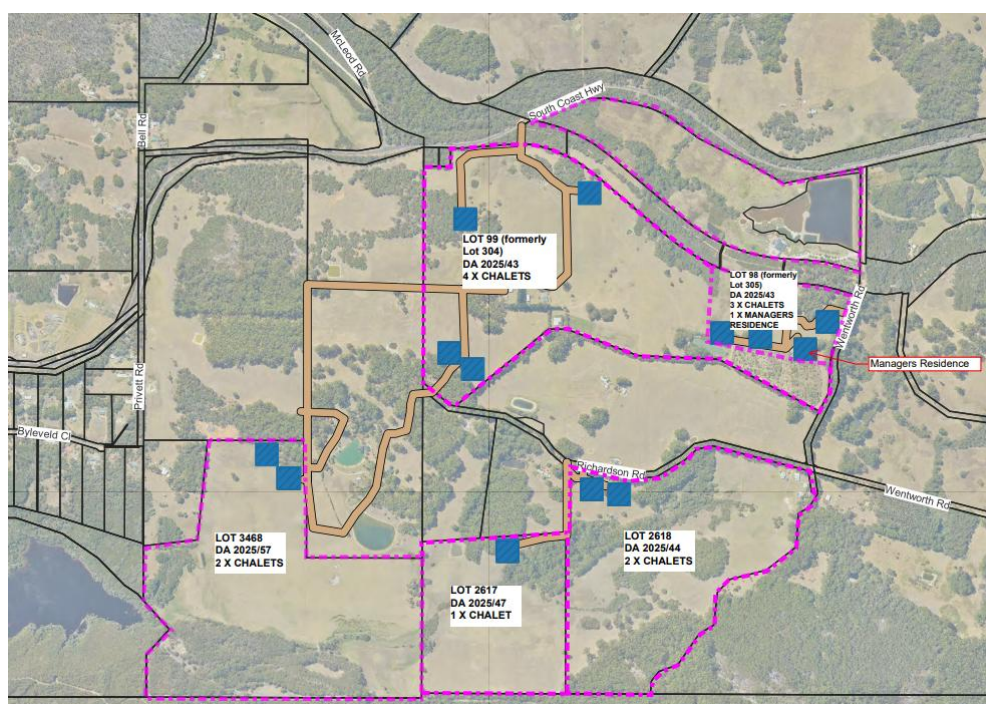
Site Plan, extracted from the application's Bushfire Management Plan



PROPOSAL

4. Five separate development applications, as shown below, were lodged seeking to establish a combination of chalets and caretakers' dwellings across five different lots in a single ownership (Raintree Estate). The chalets are proposed to operate as a single holiday accommodation destination, managed from a manager's residence on Lot 98, accessed from Wentworth Road.
5. The Full Development Applications can be found in Attachments 9.1.1f-j.

Plan Showing Development Applications



6. A single Bushfire Management Plan has been prepared to assess and support the proposed development that is provided as Attachment 9.1.1k.
7. Each application has a separate planning report prepared by the applicant, Williams Consulting. The planning reports describe the proposal as follows:

“The owner is collaborating with accommodation provider Heyscape to deliver this product. Heyscape’s mission is to unlock off-grid nature escapes for WA locals and visitors alike, allowing people to stay in picturesque premium locations across the state with everything they need and more. Heyscape manages similar holiday accommodation across the southwest, including Busselton, Avon Valley, Chittering, Serpentine, Denmark, Esperance and Yallingup

Heyscape identified a niche in the tourism market and has built a solid reputation for providing accommodation that emulates the natural aspect of camping but delivers an off-grid premium experience that remains accessible to everyone.

The Holiday Accommodation dwellings (aka ‘tiny house cabins’) have a usable floor space of 17sqm (approx.) plus an outdoor deck providing a defined outdoor living area. They will be available to visitors and tourists on a short-stay basis

The Caretaker's Dwelling has an internal usable floor area of 24 sqm (approx.) plus an outdoor deck. It will be occupied permanently by a caretaker responsible for cleaning and maintaining the Holiday Accommodation dwellings. The caretaker's dwelling will serve as an administration/entry point for visitors utilising the subject chalets and any other chalets constructed within the Raintree Estate.

All dwellings are provided with a bathroom, living area, kitchen and bedroom, and include a bathroom vanity, indoor shower, outdoor bath, kitchen sink and flushable toilet.”

DISCUSSION / OFFICER COMMENTS

General

8. The application(s) are broadly consistent with the requirements of the Town Planning Scheme and LPP7 (Second Dwellings/Additional Houses and Chalet Developments on Rural Zoned Lots). Attachments 9.1.1a-e provide an assessment and more details.
9. LPP7 has been in place since the early 1990’s. The policy has set expectations for the level of housing and tourist accommodation in the Rural zone since then. It was established (in part) to facilitate the development of chalets on Rural zoned land as a way for farmers to diversify income.
10. What has recently changed is the adoption of the Local Planning Strategy 2024, which seeks to clarify the appropriate scale of tourism land uses in the Rural zone and the issues that should be addressed. The relevant strategies and actions for rural tourism include:
 - “1. Support rural tourism as secondary, incidental land use only while preserving agricultural production and conservation as the primary uses of land with the Shire’s rural areas.”

11. The application responds to this consideration (& protection of visual landscape values) by seeking to locate chalets adjacent to areas of remnant vegetation but outside of cleared areas used for grazing and other farming practices.
12. The application has been referred to Council for a decision as it seeks several variations to the adopted Local Planning Policy 7 - Second Dwellings/Additional Houses and Chalet Developments on Rural Zoned Lots (LPP7). The body of this report does not detail the consistent elements and instead focuses on the elements that deviate from the Policy.

Central Management

13. LPP7 does not explicitly state that chalets on a property must be hosted and managed from a residence on site. However, this has been common practice; it is clearly implied in LPP7 by requiring a residence whenever chalets may be contemplated. In addition, best practice bushfire safety for developments with multiple chalets would have on-site management present.
14. In this case, the low density of the chalets spread across 356ha, the comprehensive bushfire management planning, and the highly transportable nature of the chalets (i.e. they can be easily removed at the end of the development's lifecycle) lead to a recommendation to support a single managers residence, rather than multiple caretakers across every individual lot. Effectively, the number of chalets proposed generally complies with the recommendations of LPP7, but it would seem overly complicated to require individual caretakers' residences on each lot when the farm effectively presents as a single landholding.
15. The main risk would appear to be if a single lot from the Raintree Estate was sold separately, leaving a chalet with no caretaker (i.e. becoming 'unhosted'). A condition requiring the removal of the chalet if the central management changes eliminates this risk.

Access

16. Access to the various chalets is from South Coast Highway, Wentworth Road and Richardson Road. LPP7 usually restricts the number of chalets on a gravel road to two chalets and a single house.
17. Lot 98 has a manager's residence and three chalets accessed from Wentworth Road, which is gravel. This would normally trigger the upgrading of Wentworth Road to a sealed standard or a reduction in the number of chalets.
18. In this case, as the chalets are transportable and effectively temporary in nature, it may be less important to require the sealing of Wentworth Road. However, both Wentworth Road and Richardson Road should be of a suitable standard and structurally sound to handle the extra tourism traffic that would otherwise not be present.
19. Conditions of approval to upgrade both Wentworth and Richardson Roads are recommended to ensure drainage, road formation, and gravel cover are adequate so as not to require excessive ongoing maintenance from the Shire of Denmark during the life of the project.

Bushfire

20. The applications provide a combined and comprehensive bushfire management plan (BMP) and Bushfire Emergency Plan from an appropriately accredited bushfire professional. The BMP details additional access tracks, provides strategic firefighting

water on each lot, identifies dams and an 'onsite safer place'. The BMP complies with the requirements of the Shire and state bushfire planning framework.

21. Each chalet location meets the BAL-29 minimum locational standard without necessitating clearing of remnant vegetation. The chalets are located close enough to bushland not to interfere with farming but far enough not to warrant clearing of trees. An extract of the BMP and the implementation table are found at Attachment 9.1.1k.

Easements for access

22. Both Lots 3468 and 2617 do not have direct frontage to a constructed road. Access is proposed through a neighbouring lot, which will need to be secured by an easement.

Water

23. LPP7 requires a 92,000l (92Kl) rainwater tank to service each chalet. 92Kl has been a standard water tank requirement to ensure a sustainable amount of water is available to development without regular trucking of water.
24. The footprint of the proposed chalets is small and capturing adequate water from the roof catchment alone will make it difficult to meet the requirements of the policy.
25. However, the water used by a 'tiny home' chalet remains similar to a 'standard chalet' with a kitchen, toilet and bathroom generating similar water demands.
26. Given the availability of good quality water across the Raintree Estate there may be alternate ways of providing the equivalent of 92Kl of water. It is recommended that as condition be applied requiring provision of 92,000l rainwater tank per chalet or an alternate, equivalent water supply to the satisfaction of the Chief Executive Officer.

Temporary Approval

27. It is proposed that the development approval (DA) be issued for a time-limited period of 10 years, aligning with the commercial arrangements established between the proponent and the chalet provider. This approach particularly addresses the relaxation of access and on-site management requirements and is reflected in the proposed approval conditions.
28. The decision to apply a 10-year limit is considered an appropriate treatment, given the modular and transportable design of the chalets. Their temporary construction allows for flexibility in land use while accommodating tourism demand within the area. By establishing a finite approval period, the arrangement balances the need for sustainable development with the capacity to revisit and reassess the impact and compliance of the chalets over time. This ensures that both the economic benefits and environmental considerations remain aligned with broader planning objectives.

CONSULTATION AND EXTERNAL ADVICE

29. The development applications were referred to all adjoining landowners and Main Roads WA for a period of 21 days closing on the 5 June 2025 during which time six submissions were received.
30. Main Roads raised no objection to using the existing driveway access to Lot 99 (formerly Lot 304) South Coast Highway, Ocean Beach, but recommended improving signage and surfaces.
31. The landowner lodged information supporting the application and highlighting past consultation, local, state and international support and the wider benefits of supporting further tourism development at Raintree Estate.

32. The remaining submissions raised concerns with access, hydrology, amenity, the adequacy of gravel roads, and wider concerns regarding the sustainability of providing additional tourist accommodation. The submissions are addressed individually in the attached Schedule of Submissions at 9.1.1c.

STATUTORY / LEGAL IMPLICATIONS

33. Town Planning Scheme No.3 (TPS3)
34. Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2 (Deemed Provisions) Clause 72 – Temporary development approval
- “The local government may impose conditions limiting the period of time for which development approval is granted.”

STRATEGIC / POLICY IMPLICATIONS

35. Local Planning Strategy 2024 – Rural Tourism
- “1. Support rural tourism as secondary, incidental land use only while preserving agricultural production and conservation as the primary uses of land with the Shire’s rural areas.”
36. Local Planning Policy No.7 - Second Dwellings/Additional Houses and Chalet Developments on Rural Zoned Lots

FINANCIAL IMPLICATIONS

37. Costs to upgrade Wentworth and Richardson Roads to a suitable standard for accepting additional tourist traffic should be borne by the developer.

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

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

9.2 CORPORATE SERVICES

9.2.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31 MAY 2025

File Ref:	FIN.66.2024/25
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	11 June 2025
Author:	Scott Sewell, Financial Accountant
Authorising Officer:	Kellie Jenkins, Executive Manager Corporate Services
Attachments:	9.2.1 – May 2025 Monthly Financial Report

IN BRIEF

- In accordance with the Local Government Financial Management Regulations, local governments are required to prepare a monthly statement of financial activity that reports on the Shire’s financial performance relative to its adopted budget.
- The Shire of Denmark has prepared and attached its Statement of Financial Activity for the period ending 31 May 2025.
- Additionally, the Shire provides the Council with a monthly investment register to ensure that 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 31 May 2025, 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. This report includes:
- 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 May 2025 shows a closing funding surplus of \$2,148,771. The adopted budget (as amended) for the year ended 30 June 2025 is premised on a zero year end closing funding position. Overall, operating income exceeds the budget by \$265,224, while operating expenses are \$148,513 lower than the budget. The primary factors contributing to these variances are detailed in Note 1 – Major Variances within the attachment.
7. A summary of the financial position for May 2025 is provided in the table below:

	Amended Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)- (a)/(a)
	\$	\$	\$	\$	%
Opening Funding Surplus	1,199,252	1,199,252	1,199,252	0	0%
<u>Revenue</u>					
Operating revenue	14,994,724	14,606,127	14,871,351	265,224	2%
Capital revenue, grants and contributions	9,221,836	5,521,703	4,506,587	-1,015,116	-18%
	24,216,560	20,127,830	19,377,938	-749,892	
<u>Expenditure</u>					
Operating Expenditure	-19,612,716	-17,635,663	-17,487,150	148,513	1%
Capital Expenditure	-11,232,777	-7,563,271	-6,108,360	1,454,911	19%
	-30,845,493	- 25,198,934	-23,595,511	1,603,423	
Funding balance adjustments	5,429,681	4,959,401	5,167,091	207,690	4%
Closing Funding Surplus	0	1,087,549	2,148,771	1,061,222	97.58%

Investment Report

8. 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.

9. As at 31 May 2025, total cash funds held (including trust funds) totals \$8,055,549.

10. Summary of Cash and Investments

- Municipal Funds total \$3,462,396
- Shire Trust Funds total \$850
- Reserve Funds (restricted) invested, total \$4,592,302
- Municipal Funds (unrestricted) invested, total \$2,794,565

11. The Reserve Bank of Australia's (RBA) official cash rate currently sits at 3.85% which was reduced by 0.25% from 4.10% at the Reserve Bank Board meeting held on 20 May 2025. No further adjustments to the official cash rate have occurred at the time of writing this report.

CONSULTATION AND EXTERNAL ADVICE

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

STATUTORY / LEGAL IMPLICATIONS

Local Government (Financial Management) Regulations 1996

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

15. 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.
16. Section 6.14 outlines the power to invest for local governments.

Trustees Act 1962

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

STRATEGIC / POLICY IMPLICATIONS

18. Nil.

FINANCIAL IMPLICATIONS

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

OTHER IMPLICATIONS

Environmental

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

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 Shire's Risk Management Governance Framework, and no risks have been identified in relation to the officer recommendation or the report.

9.2.2 PAYMENT OF ACCOUNTS FOR THE PERIOD ENDING 31 MAY 2025

File Ref:	FIN.66.2024/25
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	12 June 2025
Author:	Kelly Schroeter, Senior Finance Officer
Authorising Officer:	Kellie Jenkins, Executive Manager Corporate Services
Attachments:	9.2.2 – Payment of Accounts – May 2025

IN BRIEF

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

VOTING REQUIREMENTS

1. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.2.2
That Council RECEIVE the payment of accounts totalling \$3,159,247.43 for the month of May 2025, as per Attachment 9.2.2.	

LOCATION

2. Not applicable.

BACKGROUND

3. Nil.

DISCUSSION / OFFICER COMMENTS

4. Nil.

CONSULTATION AND EXTERNAL ADVICE

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

STATUTORY / LEGAL IMPLICATIONS**Local Government (Financial Management) Regulations 1996**

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

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 POLICY REVIEW – HUMAN RESOURCES POLICIES

File Ref:	ADMIN.2
Applicant / Proponent	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	4 June 2025
Author:	Angela Simpson, Corporate Policy Officer Claire Thompson, Governance Coordinator
Authorising Officer:	David King, Chief Executive Officer
Attachments:	Nil

IN BRIEF

- Council is asked to consider repealing a number of Council policies that Officers regard to be operational in nature or no longer required.

VOTING REQUIREMENTS

1. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.3.1
<p>That Council REPEAL the following Council Policies:</p> <ol style="list-style-type: none"> 1. P040234 – HR Management Policies 2. P040211 – Medical Examination 3. P040212 – Sexual Harassment 4. P040215 – Complaints/Grievance Procedure 5. P070401 – Smoke Free Policy 6. P070602 – Employee Health and Wellness Policy 7. P140302 – Workplace Health and Safety Policy Statement 	

LOCATION

2. Not applicable.

BACKGROUND

3. Officers review local government policies to ensure they remain relevant and effective. Many existing policies are outdated, operational rather than strategic, or no longer meet the criteria for being formal Council policies.
4. A Council policy should:
 - Set the strategic direction and high-level guidelines for the organisation/
 - Provide a framework for decision-making, ensuring consistency and alignment with the Council's goals.

- Typically, be broad in scope and less detailed, focusing on the "what" and "why" rather than the "how".
- Be designed to be enduring and not frequently changed.

DISCUSSION / OFFICER COMMENTS

5. The officers recommend repealing several human resource-related Council Policies and managing them as internal policies and procedures under the CEO's direction. This recommendation is based on the need for flexibility, responsiveness, and operational specificity in human resource management. By transitioning these policies to internal documents, the Shire can ensure they are responsive to regulatory and industry changes and tailored to the specific needs of the organisation.
6. This change underscores the legal obligations of the CEO and reflects progress in the development of robust internal human resource procedures and highlights the importance of separating the role of the Council of strategic oversight and budget allocation, from the operational management of employees.
7. Recommended policy changes are explained in the Policy section of this report.

CONSULTATION AND EXTERNAL ADVICE

8. In developing this Council report to rescind several employee-related policy documents, the following sources and stakeholders were consulted: the Western Australian Local Government Association (WALGA) human resources online information, Western Australian Workplace Health and Safety legislation and regulations, human resources personnel from the Shire of Denmark, and relevant Shire Officers.

STATUTORY / LEGAL IMPLICATIONS

Local Government Act 1995

9. Section 2.7(2)(b) – Council determine the local government's policies.
10. Section 5.41(2)(d) – the CEO is responsible for the employment, management, supervision, direction and dismissal of employees.

Work Health and Safety Act 2020

11. The legislation clarifies that the CEO, as the person operating a business, carries the ultimate legal responsibility with personal liability to oversee and endorse workplace health and safety matters and obligations. Council has an important governance role in ensuring that the CEO is fulfilling their WHS obligations.

STRATEGIC / POLICY IMPLICATIONS

P040234 – HR Management Policies

12. Human Resource ('HR') related information and guidelines are considered to be operational. HR policies also need to be dynamic and responsive to changes in legislation, workforce trends, and organisational needs, so it is more appropriate that the directive on how HR operational standards are managed, and which templates are used, is at the discretion of the CEO and delegated officers.

P040211 – Medical Examination

13. This document outlines procedures for ensuring new employees are medically fit for their roles, which is an operational matter rather than a strategic policy of Council. The CEO is responsible for determining the suitability of medical certificates and overseeing the employment process. The existing policy details the steps and criteria for a medical examination, specifying that the costs of medical examinations will be managed by the Council, including the selection of medical practitioners based on various criteria. It is considered more appropriate for these details to be handled by human resource professionals rather than elected officials.

P040212 – Sexual Harassment Policy

14. Sexual harassment will be incorporated into an internal operational standard including discrimination, harassment and bullying. This approach highlights the importance of creating a safe and respectful work environment and aligns with the employer's duty of care to protect employees from harm. Not having a separate policy for sexual harassment does not diminish its significance to the organisation.

P040215 Complaints/Grievance Procedure

15. A staff complaints procedure is best suited to be an internally managed process (as an Operational Standard) under the direction of the CEO rather than an Council policy. Complaint procedures involve documenting detailed steps and specific actions that are best managed by the CEO. A robust complaints procedure should also be developed and overseen by neutral parties such as human resource professionals.

P070401 – Smoke Free Policy

16. In Western Australia, local governments no longer require a specific smoke-free policy due to comprehensive state legislation and public health initiatives. The Tobacco Products Control Act 2006 and the Work Health and Safety Regulations 2022 already establish robust regulations against smoking in enclosed public places and workplaces. These laws ensure consistent and enforceable standards throughout the state, minimising the need for additional local policies.

P070602 – Shire of Denmark Employee Health and Wellness Policy

17. This policy enables Shire employees to participate in a health and wellness program. The policy encompasses detailed operational aspects such as membership types, subsidy percentages, and usage requirements. Officers deem that the CEO is best positioned to manage these specifics in collaboration with Shire's human resource professionals, who are responsible for the day-to-day management of employee welfare and workforce benefits. The Council's role is setting the financial allocation as part of the annual budget process.

P140302 – Workplace Health and Safety Policy Statement

18. With recent updates to the Western Australian Workplace Health and Safety legislation, this policy is being updated to reflect an Operational Standard. The updated Operational Standard will incorporate changes in the recent Workplace Health and Safety Act and Regulations and will now reference relevant Shire Operational Standards.

19. In line with the Workplace Health and Safety Act, the CEO, as the most senior officer, is classified as a 'person conducting a business or undertaking' and is required to exercise due diligence as part of their legal and managerial responsibilities. Due diligence includes being able to:
- acquire and keep up-to-date knowledge of work health and safety matters
 - understand the hazards and risks associated with the business operations
 - appropriate resources and processes in place to eliminate or minimise risks
 - have processes for handling workplace health and safety matters and obligations
20. It is therefore appropriate that the CEO is the responsible person signing off on workplace health and safety operational standards.

FINANCIAL IMPLICATIONS

21. The CEO will need to give consideration to any financial implications related to human resource operational standard and make relevant recommendation in Council's future draft budgets.

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 conducted according to the Shire's Risk Management Governance Framework, and no risks have been identified regarding the officer's recommendation or the report.

9.3.2 APPOINTMENT OF COMMITTEE PRESIDING PERSONS

File Ref:	COMM.BCC, COMM.ACC and COMM.BFAC
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	12 June 2025
Author:	Claire Thompson, Governance Coordinator
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.3.2 – Council Committees, Working Group Members & External Organisation Delegates List

IN BRIEF

- Council is required to appoint the Presiding Person for its committees.

VOTING REQUIREMENTS

1. Absolute majority.

OFFICER RECOMMENDATION	ITEM 9.3.2
<p>That Council APPOINT:</p> <ol style="list-style-type: none"> 1. Cr Clare Campbell as the Presiding Person of the Bush Fire Advisory Committee; 2. Cr Aaron Wiggins as the Presiding Person of the Audit Advisory Committee; and 3. Cr _____ as the Presiding Person of the Behaviour Complaints Committee. 	

LOCATION

2. Not applicable.

BACKGROUND

3. Prior to recent changes in legislation, council committee members were required to elect a presiding person among themselves, and the process was required to follow legislated process (ie. secret ballot for more than one nomination etc.).

DISCUSSION / OFFICER COMMENTS

4. Council have established three committees under the Local Government Act 1995 being:
 - Audit Advisory Committee
 - Behaviour Complaints Committee; and
 - Bush Fire Advisory Committee.
5. Apart from the Behaviour Complaints Committee (which is yet to meet), the other committees have already appointed a Presiding Person. Officers are recommending that the current Presiding Person be appointed by Council, as required now by legislation.

- 1 Attached is the *Council Committees, Working Group Members & External Organisation Delegates* list which lists the names of members of each Council committee.

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 P040123 and the associated Framework and believes that no additional external/internal engagement or consultation is required.

STATUTORY / LEGAL IMPLICATIONS

Local Government Act 1995

7. Section 5.12 – local government must appoint a member of a committee to be the presiding member of the committee. This only applies to committees that are established under the Local Government Act 1995.
8. Local governments have until the 1 July 2025 to comply with this requirement.

STRATEGIC / POLICY IMPLICATIONS

9. Nil

FINANCIAL IMPLICATIONS

10. Nil

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

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

9.4 COMMUNITY SERVICES

Nil

9.5 INFRASTRUCTURE SERVICES

Nil

10. MATTERS BEHIND CLOSED DOORS
Nil

11. NEW BUSINESS OF AN URGENT NATURE

12. CLOSURE OF MEETING