SHIRE OF DENMARK

Ordinary Council Meeting

AGENDA

25 August 2026

TO BE HELD IN THE COUNCIL CHAMBERS,

953 SOUTH COAST HIGHWAY, DENMARK,

ON TUESDAY 25 AUGUST 2026, COMMENCING AT 4.00PM.

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2 RECORD OF ATTENDANCE

MEMBERS

Cr Aaron Wiggins (Shire President)
Cr Clare Campbell (Deputy Shire President)
Cr Nathan Davenport
Cr Kingsley Gibson
Cr Jay Hockey
Cr Jan Lewis
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)

ON APPROVED LEAVE OF ABSENCE

Cr Janine Phillips

ABSENT WITHOUT LEAVE

VISITORS

3 DECLARATION OF INTEREST

Name	Item No.	Interest Type	Nature

4 ANNOUNCEMENTS BY THE PRESIDING PERSON

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, DEPUATIONS & 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 http://www.denmark.wa.gov.au/council-meetings. Shire's website at

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

5.4.1 VOLUNTEER FIRE CONTROL OFFICERS

Volunteer Fire Control Officers will address Council with respect to camping and cooking fires.

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 MEETING – 28 JULY 2026

OFFICER RECOMMENDATION	ITEM 7.1
That the Minutes of the Ordinary Meeting of Council held on 28 July 2026 be CONFIRMED as the true and correct record of the proceedings.	

7.2 SPECIAL MEETING – 11 AUGUST 2026

OFFICER RECOMMENDATION	ITEM 7.2
That the Minutes of the Special Meeting of Council held on 11 August 2026 be CONFIRMED as the true and correct record of the proceedings.	

8 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

8.1 NOTICE OF MOTION – CR GIBSON – FUNDING FOR CLIMATE CHANGE IMPACTS

The following Notice of Motion was received by the Chief Executive Officer in writing on the 13 August 2026 and therefore complies with the Shire of Denmark Standing Orders Local Law clause 3.9.

Background

In June 2026, the Australian Local Government Association (ALGA) National General Assembly unanimously adopted a motion recognising that local governments are facing rapidly increasing costs associated with climate change. The motion noted that these costs arise from disaster recovery following storms, floods and bushfires, as well as from investments required to build community resilience to risks such as heatwaves and sea-level rise. ALGA argued that these increasing costs are placing an unsustainable financial burden on local governments and their communities. The motion called on the Federal Government to establish a Parliamentary Inquiry into the adequacy of the National Adaptation Plan, with a particular focus on whether sufficient funding is available to local governments to undertake the adaptation and resilience measures increasingly expected of them. The motion further sought the identification of long-term revenue sources to fund climate adaptation and resilience measures, including consideration of taxes or levies on coal, oil and gas industries, and proposed the creation of a National Climate Compensation Fund that would provide a dedicated funding stream to local governments.

The proposed motion supports the broad objective of the ALGA motion, namely securing additional and sustainable funding for local government to address the growing impacts of climate change. The costs associated with climate adaptation, resilience and emissions reduction are increasing across the local government sector and are placing increasing pressure on local government finances. The Shire is experiencing these impacts directly through ongoing coastal erosion management, increasing infrastructure resilience requirements and the progressive decarbonisation of Council operations.

Support for the ALGA position is consistent with WALGA's Climate Change Advocacy Position, which calls for local governments to receive the funding, guidance and practical support required to respond to increasing climate-related risks and legislative obligations. The Shire's primary interest is ensuring that adequate resources are available to local governments to meet these challenges and that the costs are not borne solely by local communities and ratepayers.

Officer Comment

This motion is supported and consistent with the Shire's Council Plan and WALGA's policy positions.

OFFICER RECOMMENDATION ITEM 8.1

That Council:

1. ENDORSES the position adopted at the Australian Local Government Association (ALGA) AGM, calling on the Federal Government to provide additional funding to local government to address the impacts of climate change.
2. NOTES that this position aligns with:
   a) The WA Local Government Association (WALGA) position on climate change; and
   b) The Shire of Denmark's adopted position on climate change, as reflected in its Sustainability Strategy and current Council Plan.
3. NOTES that the Shire of Denmark faces significant and ongoing costs in addressing the impacts of climate change, including but not limited to coastal erosion and the costs of decarbonising Council operations.
4. AUTHORISES the Shire of Denmark's delegated representatives to the WALGA Conference to support the ALGA motion, whether or not it retains specific reference to funding being sourced through a levy on fossil fuel companies.

9 REPORTS OF OFFICERS

9.1 2026 FIRE MANAGEMENT NOTICE – CAMPING AND COOKING FIRES

File Reference	File
Applicant	Not Applicable
Disclosure of Officer Interest	Nil
Date	12 August 2026
Author	David King, Chief Executive Officer
Authorising Officer	David King, Chief Executive Officer
Attachments	9.1a – Extract from 28 July Ordinary Council Meeting Minutes 9.1b – Legal Advice (Confidential) 9.1c – Draft FMN 2026/2027 9.1d – Alternate Camping and Cooking Fires Part to the FMN

EXECUTIVE SUMMARY

(1) This report responds to Council's July 2026 request for further consideration of whether the Shire should retain the current full section 25(1a) prohibition on outdoor camping and cooking fires during the prohibited burning period, or amend the Fire Management Notice to exempt purpose-built barbecues, pizza ovens and smokers. The report considers the Shire's notice history, the existing statutory controls, Fire Danger Rating limitations, social considerations, weather outlook, Bayview Rise bushfire context, 000 callout data, communication issues, ignition risk, BFAC advice and alignment with the Shire's Bushfire Risk Management Plan.

(2) Retaining the current prohibition provides the clearest, lowest-risk and most readily enforceable position. Since 2024/25 the Shire has used section 25(1a) in its simplest form to prohibit outdoor camping and cooking fires during the prohibited burning period, including solid-fuel barbecues, wood-fired pizza ovens and smokers. This creates a simple behavioural standard: during the prohibited burning period, outdoor solid-fuel camping and cooking fires are not permitted. It also supports consistent public messaging, including the Shire's recent campaign encouraging the community to call 000 if they see smoke.

(3) The principal benefit of amending the current policy would be that some residents could use solid-fuel barbecues, pizza ovens and smokers for an additional period each year. For analysis purposes, this is estimated at approximately 30 days, depending on seasonal conditions and Fire Danger Ratings. This would provide a genuine social benefit for those households, particularly where outdoor cooking is part of family gatherings, entertaining, cultural practice or the enjoyment of rural residential living.

(4) Although no single issue identified in this report is decisive on its own, the cumulative effect of the issues strongly supports retaining the current prohibition. The question is whether Council can be satisfied that any exemption could be clearly defined, communicated, monitored and enforced during the 2026/27 prohibited burning period without creating unacceptable uncertainty.

(5) Officers do not consider that threshold has been met. The Shire's bushfire risk profile, localised weather and fuel conditions, difficulty defining exempt appliances, communication risks, volunteer impact, smoke-reporting ambiguity, observation-based behaviour and enforcement challenges together create a level of uncertainty that is not justified by the limited additional period of use. A particular concern is that lawful smoke from an exempt appliance may affect community behaviour in ways that are difficult to control. Research on social norms and observational behaviour suggests that most non-compliance does not arise from people deliberately choosing to break clear rules; rather, people are more likely to act incorrectly when they observe similar conduct in their environment and infer that it is normal, accepted or permitted. In this context, visible smoke from a lawful exempt appliance may operate as a cue for others, leading residents or visitors to conclude that outdoor solid-fuel fire use is generally permitted during the prohibited burning period. For these reasons, the clearer and more defensible position is to retain the current prohibition for the prohibited burning period.

(6) Whilst officers recommend to retain the status quo, If Council wishes to consider exemptions in future, the proper process is to consider the change in control through a revised BRMP together with a comprehensive plan for implementation.

VOTING REQUIREMENTS

(7) Although not expressly required by the Local Government Act, officers recommended that Council go behind closed door to enable debate on the confidential legal advice relating to this matter. Whist this is a recommendation by officers, it is optional, and Council may elect otherwise.

(8) Simple Majority

OFFICER RECOMMENDATION
That Council MOVE behind closed doors, in accordance with s 5.23(4)(a) of the Local Government Act 1995, to discuss legal advice over which the local government holds legal professional privilege.

OFFICER RECOMMENDATION	ITEM 9.1
That Council ENDORSE the 2026/2027 Firebreak and Property Management Notice as per Attachment 9.1c.	

LOCATION

(9) The Fire Management Notice applies across the Shire of Denmark.

BACKGROUND

July 2026 Ordinary Council Resolution

(10) This matter was discussed at the Ordinary Council Meeting held on 28 July 2026. The unconfirmed minutes of that meeting are included as Attachment 10.1a. Following Council's recommendation to provide in-principle support for exempting purpose-built barbecues, pizza ovens and smokers from a notice issued under section 25(1a) of the Bush Fires Act 1954, this report considers the consultation requested by Council and provides supplementary information regarding this specific section of the notice.

(11) Replacement pages that reflect the in Principle Support of the Draft FMN are provided as attachment 9.1d. Councillors may move and amendment or alternat motion to include this is they wish to provide final endorsement of the in principle support provided in July.

Shires History of Issuing Section 25 (1a) Notice

(12) Prior to 2024, the Shire's annual firebreak and fuel hazard reduction notice did not materially rely on the additional prohibition-making power available under section 25(1a) of the *Bush Fires Act 1954* to prohibit campfires and cooking fires. In practical terms, the notice largely defaulted to the existing framework within the Act, meaning that campfires and cooking fires were generally managed under the normal statutory conditions and seasonal restrictions that otherwise applied. The gazetted notices did, from time to time, include some additional local provisions or conditions that sat above the base requirements of the Act, and these provisions varied over time; however, the 2023 position was not an express or comprehensive use of section 25(1a) to prohibit camping and cooking fires in the manner now being considered.

3438 GOVERNMENT GAZETTE, WA 10 October 2023

CAMP AND COOKING FIRES

The lighting of outdoor fires for the purpose of camping or cooking is **not permitted during the Prohibited OR Restricted Burning Period,** except for the following exemption when the Fire Danger Rating is **MODERATE OR BELOW.**

Within 20m of a permanent residence (must be a building approved by the Shire and NOT temporary accommodation, caravan, or temporary shed). There must be a 3m radius clear of combustible material and it must be contained within one of the options below—

- A purpose-built structure of brick or rocks and mortar.
- A purpose-built steel container recognisable as a properly constructed barbecue.
- A fire pit structure, suitable for a campfire or cooking fire, that has a maximum diameter of 1m and a minimum depth of 30cm

(13) From the 2024/25 firebreak and fuel hazard reduction notice onwards, the Shire has used section 25(1a) of the Bush Fires Act 1954 in its simplest form to prohibit outdoor camping and cooking fires during the prohibited burning period. This approach applied

a clear seasonal prohibition rather than relying solely on the general conditions otherwise available under the Act. The prohibition captures solid-fuel cooking appliances and activities, including wood-fired pizza ovens, smokers and solid-fuel barbecues, where these involved an outdoor fire for cooking purposes during the prohibited period.

DISCUSSION / OFFICER COMMENTS

General

(14) The Shire of Denmark has a significant bushfire risk profile, reflecting its extensive forest and heathland coverage, dispersed settlement pattern and the number of community, economic, environmental and cultural assets exposed to bushfire. The Shire's endorsed Bushfire Risk Management Plan and supporting Bushfire Risk Management System provide the authoritative assessment of this risk, including asset-level ratings and treatment priorities. The report therefore relies on the Shire's documented risk profile rather than any unsupported statewide ranking or comparative claim.

Existing Controls

(15) The Bush Fires Act 1954 ordinarily permits camping and cooking fires in the open air during restricted and prohibited burning times, but only where the controls in section 25(1a) are met. The fire must not be lit within 3 metres of a log or stump, and a 3-metre radius around it must be cleared of bush and other inflammable material. If the fire danger forecast is High, Extreme or Catastrophic, the fire is prohibited unless prior written approval is obtained from the local government.

(16) During the prohibited burning period, section 25(1a) allows a local government to impose a stricter district-wide prohibition on fires in the open air for camping or cooking. Where such a prohibition applies, satisfying the standard clearance requirements does not make the fire lawful. Limited provision may remain for fires in locations specified in the notice or under separate written local government approval.

(17) A Total Fire Ban imposes the strongest general restriction. Section 22B prohibits lighting, maintaining or using a fire in the open air and expressly prohibits appliances consuming solid fuel, including campfires, fire pits, wood or charcoal barbecues, wood-fired pizza ovens and solid-fuel smokers. Limited exceptions exist for qualifying gas appliances, prescribed commercial catering activities meeting detailed regulatory conditions, or activities covered by a Ministerial exemption.

(18) Camping or cooking fires may (are currently) also be prohibited across Shire Reserves by provisions in the Local Laws, even where the general requirements of the Act would otherwise be satisfied.

(19) There is a valid argument that the Act provides a risk-based framework and that it may not be necessary in every district, or in every season, for a local government to go further by imposing an additional prohibition under section 25(1a). That argument should be acknowledged. The existence of ordinary statutory controls means that

Council is not choosing between regulation and no regulation; rather, it is deciding whether the baseline controls in the Act are sufficient for the Shire of Denmark's local circumstances during the prohibited burning period. Council should consider to what extent the local circumstances discussed in this report impact that determination.

Fire Danger Ratings and Localised Conditions

(20) An issue with relying only on the base provisions of the Bush Fires Act is that Fire Danger Ratings are published for fire weather districts, rather than for every local government district, locality or individual area of vegetation. Fire Danger Ratings indicate how dangerous a fire would be if one started and are based on forecast weather and fuel conditions, including temperature, humidity, wind, rainfall and fuel state. They are important public safety tools, but they are necessarily broad-area forecasts and do not always reflect the most hazardous conditions present within every part of a district.

(21) This is particularly relevant to the Shire of Denmark because local fire behaviour can vary materially across the district. The Shire sits in a transition area between wetter, forested south-west landscapes and more open or drier vegetation systems to the east and north-east. Coastal, forest, heath, rural-residential and agricultural areas may therefore experience different fuel loads, curing, exposure to wind and moisture conditions on the same day. A district-wide Fire Danger Rating may be Moderate, while parts of the Shire, or particular vegetation types within it, may present fire behaviour more consistent with High or above conditions.

(22) Accordingly, under the base Act provisions there are days during the prohibited burning period when a camping or cooking fire is lawful because the published district Fire Danger Rating is Moderate, even though localised conditions in the Shire, or in parts of the Shire, are materially more hazardous. A section 25(1a) prohibition reduces that uncertainty by applying a clear local control across the prohibited period, rather than relying on broad-area Fire Danger Ratings to manage activities that may occur in more hazardous local fuel and weather conditions.

Social Considerations

(23) Camping and cooking fires have social and cultural value for many residents. Wood-fired barbecues, pizza ovens, smokers and campfires may be associated with outdoor entertaining, family gatherings, traditional cooking practices and the enjoyment of rural lifestyles. A complete prohibition can therefore be perceived as restricting activities that many people regard as normal, responsible and important to their use of their homes. This may be particularly significant where a purpose-built appliance is permanently installed and has been used without incident.

(24) The social benefit is not limited to convenience. Solid-fuel cooking may support family celebrations, neighbourhood gatherings, cultural food traditions, home-based hospitality, visitor experiences, low-cost recreation, and the use of outdoor living areas

during summer evenings. For some residents, a fixed barbecue, pizza oven or smoker forms part of the amenity of the property and the lifestyle associated with rural and semi-rural living. These activities can contribute to social connection, informal community life and the enjoyment of private property, particularly where the appliance is well established and has previously been used responsibly.

(25) The availability of gas and electric alternatives reduces, but does not remove, the social impact of prohibiting solid-fuel fires. Most cooking functions can now be undertaken using gas or electricity, including barbecuing, pizza cooking, grilling, roasting and some forms of smoking. In addition, many solid-fuel appliances can be adapted or retrofitted with electric elements or equivalent electric cooking components, allowing the appliance, outdoor setting and social use to continue without burning wood, charcoal, briquettes or pellets during the prohibited period. These alternatives generally allow outdoor cooking to continue without the same flame, ember, smoke and hot-ash risks associated with solid fuel. From this perspective, a prohibition on solid-fuel fires does not prevent outdoor cooking itself, but limits the fuel source and cooking method during the highest-risk part of the year.

(26) However, gas and electric appliances are not socially or functionally identical to solid-fuel appliances. Some people value the flavour, heat characteristics, cooking process, atmosphere and social experience associated with wood or charcoal. Consequently, describing gas and electric appliances as complete substitutes may understate the effect of the restriction on some households.

(27) Allowing specified solid-fuel appliances may be perceived as a more proportionate approach because it distinguishes purpose-built cooking equipment from open campfires. It may improve community acceptance of the broader fire restrictions and reduce frustration among people who consider that contained appliances present a lower risk. Conversely, a qualified rule may create perceptions of unfairness where one appliance is allowed and another visually similar appliance is prohibited.

(28) Council must also consider the wider community's expectation of safety. A decision to allow solid-fuel fires transfers some residual risk to neighbours and the broader community, including people who receive no direct benefit from the activity. Visible smoke may cause concern, generate emergency reports or lead others to assume that fires are generally permitted. The social benefit enjoyed by individual appliance users must therefore be weighed against community confidence, the burden placed on neighbours and emergency responders, and the potentially widespread consequences of an escaped fire.

Weather Outlook

(29) The weather outlook demonstrates a reasonably consistent meteorological signal of elevated seasonal concern: rainfall has been materially deficient, soil moisture is below normal, and the outlook favours warmer and drier conditions.

Recent Rainfall – 100mm below average

Rainfall Deficit – 'very much below average'

Soil Moisture – ‘below’ to ‘very below’

Chance of Exceeding the median rainfall for August to October – 20-25%

Chance of Exceeding the median max temp for August to October – 80%+

(30) DFES metrological advice provides that these factors are likely to increase fire behaviour as summer approaches. However, the information should be treated as seasonal planning evidence rather than as a standalone basis for changing policy or determining the operational capacity to suppress a fire. Nevertheless, Council should be aware that a relaxation in policy is likely to precede increase fire behaviour from the average.

Legal Advice

(31) Provided confidentially as Attachment 9.1b.

Bayview Rise Report

(32) Officers were asked about the Bayview Rise report before the matter was considered at the July Ordinary Council meeting. As such the following information is provided.

(33) The February 2022 Bayview Rise bushfire demonstrates the potentially severe consequences of an ignition during adverse summer conditions in the Shire of Denmark. The fire commenced on a Very High fire danger day, with conditions becoming Severe and then Extreme over the following two days. Despite the early deployment of local brigades, Shire machinery and aerial support, the fire escalated to a Level 3 incident, burnt approximately 2,087 hectares, destroyed four homes and required a multi-agency response involving 816 personnel and 10 aircraft. The incident therefore highlights that rapid response and substantial firefighting resources may not prevent significant damage once a fire escapes under adverse conditions.

(34) The Bayview Rise Bushfire Report confirms that the fire commenced on private property but does not identify the specific ignition source or establish that it arose from camping or cooking activity. The report records that Police and the Shire were investigating whether the fire had been lit at a prohibited time and that criminal responsibility would depend on the circumstances and intentionality. However, it does not record the outcome of that investigation or explain whether, or why, prosecution action was not taken. Accordingly, no conclusion regarding the cause of the fire or absence of prosecution should be drawn from the report.

(35) Accordingly, the incident is relevant to Council’s consideration of the potential consequences of an escaped fire and the practical limitations of suppression, but it does not provide evidence that camping or cooking fires caused the incident or, by itself, determine whether those activities should be prohibited or permitted subject to conditions.

000 Callouts

(36) The concern raised is that, if Council permits any class of outdoor solid-fuel cooking fire during the prohibited period, the Shire may no longer be able to communicate a

simple “if you see smoke, call 000” message, and that this may result in additional good-intent false 000 callouts requiring an initial response from volunteer Fire Control Officers and brigades.

(37) The 000 call incident data shown in the figure titled “000 call Incident by Financial Year for the Shire of Denmark” does not clearly support that conclusion. The data shows that “False Call – Good Intent” incidents were recorded as 25 in 2023/24, 28 in 2024/25 and 19 in 2025/26. As the Shire’s section 25(1a) prohibition was actioned from August 2024, the available data does not demonstrate a consistent reduction in good-intent false calls following the introduction of the total prohibition.

(38) However, the data must also be interpreted in the context of the Shire’s public messaging over the last two years encouraging the community to call 000 if they see smoke, which may increase good-intent reporting especially if relaxations from the last two years are implemented.

000 call Incident by Financial Year for the Shire of Denmark

Incident Type	2022/2023	2023/2024	2024/2025	2025/2026
Called Off - No Attendance	4	11	13	3
False Alarm - System Initiated	6	4	3	3
False Call - Good Intent	12	25	28	19
Fire - Bushfire (lge)	2	6	4	5
Fire - Bushfire (sml)	10	6	13	3
Fire - Other/Rubbish/Vehicle	5	2	9	7
Fire - Structure	3	2	0	2
General Service Calls	0	0	0	1
Hazardous Situation	2	0	2	1
Natural Hazard	4	2	0	2
Rescue & Medical	3	3	6	4
Road Crash & Rescue	8	8	5	8
Search	7	0	7	2

High and Above data

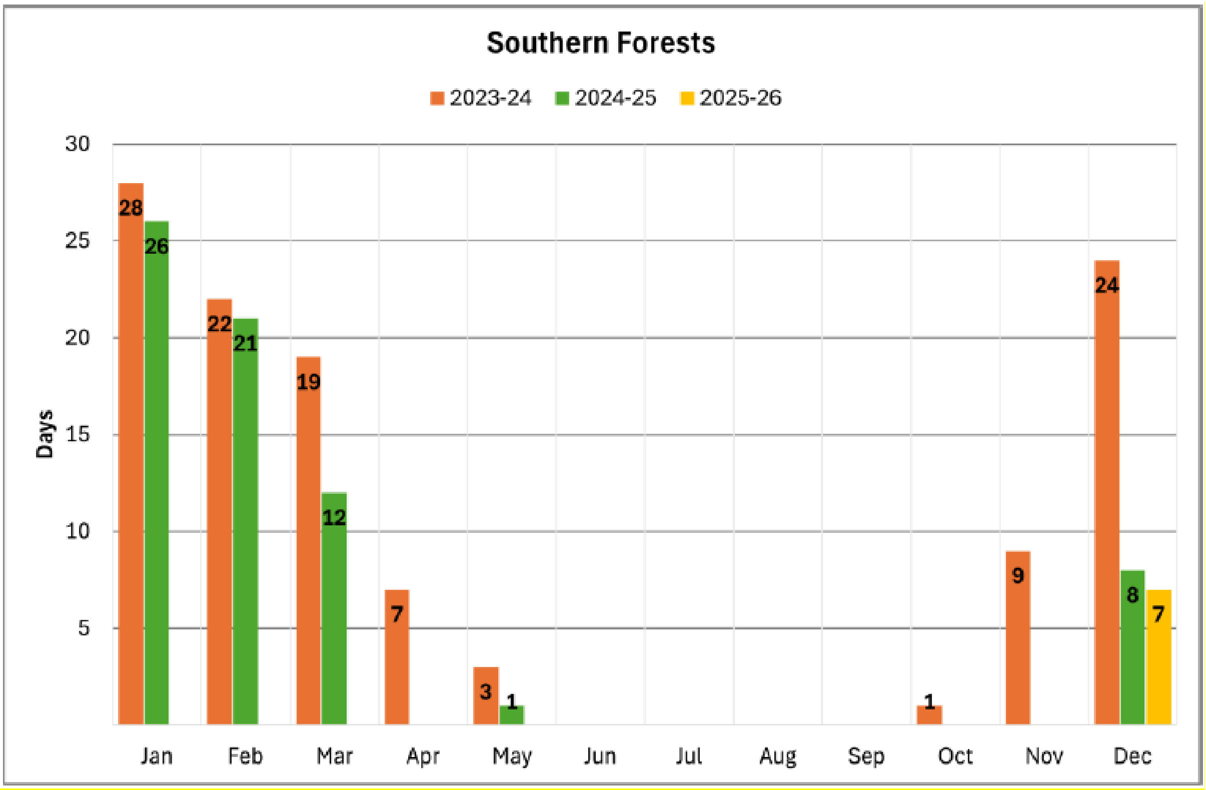
(39) The high-and-above Fire Danger Rating data included in this report shows 2023/24 and 2024/25 prohibited burning periods, and partial figures for 2025/26.

(40) The Shire is moving into the Southern Forests fire weather district from this month, and the available data shows a substantially higher total of 77 High or above days across the prohibited burning period.

(41) On that basis, the additional prohibition issued under section 25(1a) would prohibit camping and cooking fires for approximately 30 additional days over and above the base Act provisions, because the base Act would already prohibit those fires on High, Extreme or Catastrophic days. This illustrates that the practical effect of the section 25(1a) notice is not to prohibit the activity for the whole period beyond what the Act

would otherwise do, but to extend the prohibition to the remaining Moderate days within the prohibited burning period.

Figure showing data for Denmark's FDR district for days that are high and above.



Communications

Current Communications and Impact

(42) The principal advantage of retaining a complete prohibition on camping and cooking fires during the prohibited burning period is clarity. The message that no outdoor camping or cooking fires are permitted is short, readily understood and capable of being communicated consistently across notices, signage, social media, accommodation providers and emergency services. It also maintains continuity with the position applied over the previous two fire seasons and reduces the need for residents, visitors and enforcement officers to interpret appliance types, fuels, construction standards or intended uses.

(43) The Shire's current public message during the prohibited burning period is simple: if you see smoke, call 000. The basis for that message is that smoke from an outdoor fire is either unlawful or may indicate a fire that is out of control, so there is no need for the community to interpret whether the fire is permitted. This supports earlier reporting and more effective emergency response because there is no ambiguity. That message can only be maintained where outdoor fires are entirely prohibited; once exemptions are introduced, smoke may be lawful, and the community must make a judgement about whether to report it that could effect response times to a serious incident.

(44) A consistent rule is also easier for the community to understand and follow. A simple prohibition creates a clear behavioural standard: during the prohibited burning period, outdoor camping and cooking fires are not permitted. Once exemptions are

introduced, the public message becomes more conditional and therefore more difficult to retain, repeat and apply.

(45) If Council supports any change to the current approach, it would therefore require a deliberate communications strategy that reinforces the prohibition first, then explains the limited exemptions. The communications should avoid presenting the change as a general relaxation and should instead make clear that outdoor fires remain prohibited unless the appliance and conditions fall squarely within the approved exemption or permit system.

Defining Exempt Fires

(46) Allowing specified appliances, such as purpose-built barbecues, pizza ovens and smokers, may be viewed as a more proportionate approach because these appliances can present a different risk profile from an open campfire. However, it creates substantial communication and compliance complexity. Terms such as “purpose-built”, “enclosed”, “barbecue”, “pizza oven” and “smoker” cover a wide range of designs and are open to differing interpretations. Confusion may also arise about fuel types, whether an appliance is being used for cooking or heating, and whether the allowance continues during a Total Fire Ban or another overriding restriction.

(47) While pizza ovens and smokers are relatively easy for the community and officers to understand and manage, the term “purpose-built barbecue” is much more difficult to define and apply in practice. A fixed masonry pizza oven or manufactured smoker generally has an identifiable purpose, construction and method of use. By contrast, a “purpose-built barbecue” could be interpreted to include a wide range of appliances and structures, including brick or steel plate barbecues, portable solid-fuel grills, open charcoal trays, fire bowls with cooking plates, converted drums, camp ovens, hibachi-style cookers or fire pits fitted with a grill. In many cases it would be difficult, if not impossible, to clearly articulate what is permitted and what is prohibited in a way that is readily understood by residents, visitors, accommodation providers and responding officers.

(48) One potential remedy would be to draft a narrow and detailed definition of an exempt appliance, including requirements about construction, enclosure, fuel type, spark arrestors, clearances, supervision, ash disposal and whether the appliance is fixed or portable. However, that remedy creates its own problem. The more detailed the definition becomes, the harder it is to communicate clearly and the less likely it is that residents, visitors, accommodation providers and responding officers will understand and apply it consistently. A technically precise exemption may assist enforcement after an incident, but it is much less useful as a practical public message during the prohibited burning period. In effect, a highly detailed exemption may reduce legal ambiguity while increasing community confusion, which may reduce compliance in any case.

(49) Ultimately, the practical distinction between a prohibited fire pit and an exempt purpose-built barbecue may depend only on whether a grill plate or cooking surface

has been placed over the fire, making the exemption hard to communicate and harder to enforce. This uncertainty risks making the exemption largely obsolete, because any definition broad enough to capture genuine solid-fuel barbecues may also capture appliances that function in substance as open fires, while any definition narrow enough to avoid that problem may be too complex for effective public communication.

(50) The only practical way to ensure an appliance is safe in its particular location is through a permit system, where the Shire can inspect the appliance, consider the site, and impose conditions. This keeps the public message simple and enforceable: during the prohibited period, a permit is required. Council can endorse a detailed policy for which officers apply in this instance.

Ignition Risk - Normalisation and Observational Understanding

(51) Any relaxation of the current blanket prohibition would allow more solid-fuel fires to operate during the prohibited burning period. All other factors being equal, this would increase exposure to ignition sources and create additional opportunities for accidental fire escape. Purpose-built barbecues, pizza ovens and smokers are generally more contained than open campfires, but they are not risk-free. Appliances vary considerably in their design, degree of enclosure and ability to contain sparks and embers. Ignition may result from an open appliance front or chimney, radiant heat, windborne embers, excessive or inappropriate fuel, poor maintenance, inadequate clearances, reduced supervision, or the unsafe disposal of hot ash.

(52) With excellent controls (permit system for example) this can managed. However, ignition from permitted sources is not the overriding concern.

(53) A main concern is not that most people will deliberately do the wrong thing once a prohibition is relaxed. The behavioural risk is more subtle. Peer reviewed research on social norms and observational behaviour suggests that only a relatively small proportion of people are likely to knowingly disregard a clear rule simply because they choose to do so. A much greater risk arises where people observe conduct in the environment that appears similar to the prohibited behaviour and then infer that the behaviour is normal, accepted or permitted. In this context, in can be inferred from the research, that visible smoke from a lawful exempt appliance can become a behavioural cue for others. Residents or visitors who see smoke may not understand that it is linked to a narrow exemption for a particular appliance or property, and may instead conclude that outdoor solid-fuel fire use is generally allowed during the prohibited period.

(54) A complete prohibition provides the clearest and most precautionary approach to ignition risk from outdoor camping and cooking fires, mainly because it prevents the risk of unmanaged fires lit through observational behaviours. A qualified prohibition would involve Council accepting this risk.

CONSULTATION AND EXTERNAL ADVICE

Bushfire Advisory Committee

Purpose and Context

(55) The meeting was convened to provide BFAC's technical advice following Council's request to consider whether purpose-built barbecues, pizza ovens and smokers should be excluded from restrictions applying during the prohibited burning period. The discussion focused on bushfire risk, operational impacts, communication, compliance and whether any alternative regulatory model could be safely developed.

(56) BFAC includes Councillor representatives and has provided an ongoing forum for Councillor input into Fire Management Notice matters over a number of years. It was noted during the 11 August 2026 meeting that many of the matters raised, including the treatment of campfires, cooking fires, appliance exemptions, public communication and operational impacts, had been considered by BFAC on several occasions over the previous three years with Councillor representation and input.

Executive Summary

(57) BFAC expressed a strong overall view that the Fire Management Notice should not be changed for the 2026/27 season. Members considered that allowing additional solid-fuel cooking appliances would increase ignition and smoke-reporting risks, add to volunteer workload, complicate public messaging and create significant compliance and resourcing challenges. Although a future permit-based model was discussed, the meeting considered that this would require a dedicated project involving technical standards, legal review, inspections, administration, education and adequate resourcing.

Summary of Discussion

(58) Council referral and consultation process:

(59) The Council motions were outlined, and it was explained that BFAC had been asked to advise on the risks and implications of the proposed exemptions. Members expressed concern about the limited timeframe and noted that the current Fire Management Notice had already been developed through substantial technical and volunteer input. The committee considered that a significant policy change required a more deliberate process than was available before the coming fire season.

(60) Bushfire and ignition risk:

(61) Members consistently stated that increasing the number of solid-fuel appliances in use would increase the number of ignition sources and therefore increase the likelihood of escaped fire. The discussion referred to Denmark’s fuel loads, geography, seasonal visitor population and the potentially severe consequences of a single escaped fire. Previous local fire incidents, including Bayview Rise, were raised as examples of the consequences that can arise even where fire use is believed to be controlled.

(62) Volunteer workload and operational impacts:

(63) BFAC expressed a strong view that the social benefit of allowing some members of the community to use outdoor solid-fuel appliances during the prohibited period is traded against a direct social detriment for volunteer firefighters and their families. Additional lawful smoke sources are likely to generate further smoke reports and good-intent false callouts, requiring volunteers to leave work, family commitments, recreation and other personal activities to attend fires that may ultimately be lawful or low-risk. The committee considered that this impact should not be understated: any relaxation for the convenience or enjoyment of some residents would shift part of the burden onto volunteers, who already carry a significant community responsibility during the fire season.

(64) As a result, BFAC Fire Control Officer representatives were also clear that their role should not become one of attending 000 callouts to determine whether a reported fire is lawful. Under the current prohibition, a report of smoke or fire during the prohibited period is more likely to indicate either an unlawful fire or a fire requiring control, which supports volunteer FCOs responding as first responders. If exemptions are introduced, that position becomes less clear. BFAC indicated that the Standard Operating Procedure would likely need to change so that Shire-employed FCOs, including the Chief Bush Fire Control Officer, CESM and Rangers, undertake the initial assessment of whether a fire is lawful, with volunteer FCOs or brigades only called where the fire requires control or suppression. BFAC noted that this would have resourcing, response-time and operational implications for the Shire.

(65) Public communication and visitor behaviour:

(66) Members regarded the current prohibition as comparatively straightforward to communicate and enforce. Concern was expressed that exemptions based on appliance type, construction or operating conditions would create grey areas and be difficult for residents, visitors and tourists to understand. The meeting considered that ambiguous rules could be misinterpreted or exploited, particularly in high-risk locations, and could weaken the clarity of the message that smoke during the prohibited period should be reported.

(67) Compliance and enforcement:

(68) The discussion identified practical difficulties in defining a “purpose-built” appliance and distinguishing compliant equipment from improvised arrangements. Any exemption would require clear statutory authority, objective technical criteria, inspection arrangements and sufficient authorised staff. Members considered that the Shire would need additional compliance capacity and that reliance on brigade volunteers would be inappropriate and unsafe.

(69) Insurance, economic and community impacts:

(70) Members raised broader consequences associated with a perceived reduction in fire mitigation, including possible insurance impacts, effects on property owners, tenants and businesses, and the anxiety caused by smoke sightings and emergency alerts. The

discussion also acknowledged the potential social and economic disruption arising from a major bushfire.

(71) Alternative cooking options:

(72) The committee noted that gas and electric cooking appliances provide alternatives during prohibited periods and can meet many of the same social and recreational needs without introducing the same solid-fuel ember and smoke issues. This reduced the perceived need for an immediate relaxation of the existing controls.

(73) Potential permit system:

(74) The meeting explored whether an individual permit system could be developed if Council wished to consider exemptions in future. Possible controls discussed included appliance registration, inspection, enclosed combustion chambers, spark arrestors, minimum clearances, on-site water, restricted operating conditions, permit fees, geographic limitations and notification or registration of use. Members considered that such a system would be complex, resource-intensive and unsuitable for implementation within the current timeframe.

FCO Submissions

(75) It was requested that Individual FCO submissions to the BFAC meeting were circulated to all councillors.

Committee Position and Recommendation

(76) The meeting reached a clear overall position that no change should be made to the Fire Management Notice for the 2026/27 season. If Council wishes to examine exemptions in future, BFAC considered that the matter should be progressed as a formal project over a longer period, with detailed technical, legal, operational, resourcing and communication work undertaken before any new model is considered.

STATUTORY / LEGAL IMPLICATIONS

Bushfire Act 1954

(77) Legal advice on the matter is provided as a confidential Attachment 9.1b

STRATEGIC / POLICY IMPLICATIONS

Bushfire Risk Management Plan

(78) The 2025 Bushfire Risk Management Plan provides context for Council’s decision because it identifies the Shire’s underlying risk profile, existing controls, local ignition history and accepted approach to risk reduction. It does not directly assess the proposed relaxation for solid-fuel cooking appliances, so the report should distinguish between what the BRMP expressly states and the policy implications drawn from it.

(79) The Plan records 1,035 assets in the Bushfire Risk Management System as at 13 June 2025. Of these, 43% were assessed as extreme risk and a further 22% as very high risk, meaning 65% of identified assets were within the two highest risk categories. Human

settlement represented the largest area of exposure, including 393 human-settlement assets assessed as extreme risk and 122 assessed as very high risk. The Plan therefore supports a precautionary approach to activities that introduce additional ignition sources, particularly during the period of highest seasonal risk.

(80) The BRMP also provides locally relevant ignition data. It records 75 bushfires within the Shire between 2020/21 and 2024/25, including four incidents attributed specifically to campfires, bonfires or outdoor cooking. A further four incidents were recorded separately as “other open flames or fire”. The data confirms that recreational and outdoor fire use has resulted in local bushfire incidents, although it does not identify the appliance involved, whether the fire was lawful when lit, whether prescribed precautions were followed, or whether it occurred during the restricted or prohibited burning period. It therefore establishes the reality of the ignition pathway but cannot quantify the additional risk associated specifically with compliant pizza ovens, smokers or solid-fuel barbecues.

(81) The BRMP identifies the Firebreak and Property Management Notice, restricted and prohibited burning periods, compliance inspections, community education, Total Fire Bans and enforcement responses to illegal campfires as existing bushfire controls. It states that the Shire’s approach combines direct mitigation, enforcement of personal asset protection, education and support for community preparedness. The current prohibition on camping and cooking fires therefore forms part of a broader group of controls intended to reduce both the likelihood and consequences of bushfire.

(82) The Plan’s risk-acceptance framework is also relevant. It accepts a medium level of risk for central Denmark and a high level for other residential areas, including rural-residential areas. However, the higher level of residential risk is accepted only where efforts are made to reduce vulnerability through education and bushfire awareness, compliance with the Firebreak and Property Management Notice, multiple access routes and additional tourism controls. This indicates that the accepted risk level is conditional upon the continued effectiveness of the identified controls. A relaxation affecting camping and cooking fires should therefore be assessed as a change to the existing control environment, rather than considered in isolation.

(83) The BRMP gives particular attention to tourism because peak visitation occurs during the summer bushfire-risk period. It identifies visitors as vulnerable because they may be unfamiliar with local fire restrictions, geography, communications and emergency procedures. The Plan states that strict fire-safety measures include prohibiting campfires and cooking fires at short-stay accommodation and camping areas during restricted and prohibited burning periods. Extending an allowance to visitor accommodation would be difficult to reconcile with the visitor-risk control presently described in the BRMP unless that change is separately assessed and justified. However, that control remains in place though Development Approval conditions for short stay accommodation that are a standard condition applied consistently.

(84) The proposed relaxation would permit additional solid-fuel ignition sources during a period in which the BRMP currently records outdoor cooking fires as prohibited.

Purpose-built ovens, barbecues and smokers may present a lower individual risk than open campfires where they provide improved containment and are appropriately operated. However, the residual risk is not eliminated, and the BRMP does not contain an appliance-specific assessment demonstrating that the increased risk would remain within the Shire’s adopted acceptance criteria.

(85) If Council wishes to consider a qualified prohibition in future, it should be treated as a change to an existing bushfire risk control rather than a simple amendment to the Fire Management Notice. The preferable pathway would be to assess and document the proposed change through the BRMP or an associated risk treatment process, including the rationale for the change, applicable safeguards, residual risk, monitoring arrangements and review requirements. This would allow the risk to be considered within the Shire’s adopted bushfire risk framework and, where possible, quantified before any future exemption is implemented.

FINANCIAL IMPLICATIONS

(86) Nil

OTHER IMPLICATIONS

Environmental

(87) There are no known significant environmental implications relating to the report or officer recommendation.

Economic

(88) There are no known significant economic implications relating to the report or officer recommendation.

Social

(89) Social considerations have been made in the discussion section of this report.

RISK MANAGEMENT

(90) This report is fundamentally concerned with the management of bushfire risk. Any policy change that relaxes the current prohibition would alter the Shire’s existing risk-control environment by permitting additional solid-fuel ignition sources during the prohibited burning period. If Council wishes to progress such a change in future, it should be implemented through a formal review of the Bushfire Risk Management Plan so that the changed control, residual risk, mitigation measures and monitoring requirements can be properly identified and quantified. This would allow Council to assess the proposal within the Shire’s adopted risk framework, rather than treating the exemption as an isolated amendment to the Fire Management Notice.

(91) Several risks considered in this report are indirect and difficult to quantify from the available incident data. They are nevertheless relevant to Council’s risk assessment because they affect the clarity of the control, community behaviour, smoke-reporting

behaviour, volunteer response arrangements and the Shire's ability to manage residual bushfire risk. In that context, the absence of precise incident data should not be treated as evidence that the risk is immaterial, but it does mean that the assessment should be framed as a precautionary risk-management judgement rather than a quantified prediction.

(92) There is also a reputational and relationship risk associated with making changes that affect bushfire response without the support of the Shire's volunteer bushfire network. The Shire's Bush Fire Advisory Committee represents local brigades and provides an important mechanism for consulting on matters relating to Fire Control Officer duties, bushfire risk and bushfire management. Where Council makes a decision that differs from BFAC's recommendation, clear reasons should be recorded and communicated back to the Committee. This will help maintain trust, demonstrate that volunteer input has been properly considered, and reduce the risk of relationship damage between the Shire and its volunteer bushfire response network.

9.2 TRADING IN PUBLIC PLACES POLICY

File Reference	ADMIN.2
Applicant	Not Applicable
Disclosure of Officer Interest	Nil
Date	25 August 2026
Author	Angela Simpson, Corporate Planning and Policy Officer
Authorising Officer	David King, Chief Executive Officer
Attachments	9.2 – Trading in Public Places Policy

EXECUTIVE SUMMARY

(1) The purpose of this report is to seek Council's endorsement of the draft Trading in Public Places Policy for the purpose of community consultation prior to final adoption.

(2) The proposed policy supports implementation of the Shire of Denmark Public Places and Local Government Property Local Law and establishes a contemporary framework for managing trading activities on public land. The policy aims to reduce unnecessary administrative burden, provide a more equitable and transparent licensing system, and create opportunities for local businesses while ensuring public spaces remain accessible, safe, and appropriately managed. The draft policy introduces a risk-based approach to licensing, distinguishing between fixed, occasional, and low-impact trading activities.

VOTING REQUIREMENTS

(3) Simple Majority

OFFICER RECOMMENDATION ITEM 9.2

That Council:

1. ENDORSE the draft Trading in Public Places Policy, attached as Attachment 9.2, for the purpose of public advertising and community consultation for a period of not less than 28 days.
2. REQEUST the Chief Executive Officer to present the submission back to Council with any recommended amendments prior to final adoption of the policy.

LOCATION

(4) The policy applies to public land and designated trading locations throughout the Shire of Denmark, including but not limited to Ocean Beach, Prawn Rock Channel, Berridge Park, Lights Beach, Parry Beach, Settlers Park Nornalup and other approved locations identified within the policy.

BACKGROUND

(5) Council has adopted the Public Places and Local Government Property Local Law 2026 to provide a contemporary framework for the management of activities occurring on

public land. The draft Trading in Public Places Policy has been developed to support implementation of the Local Law and provide greater clarity regarding commercial trading activities within public places.

(6) Trading in public places generally covers commercial or business activity carried out on public land or within public places, where a person or business uses that public space to sell goods, provide services, or occupy an area for a commercial purpose. In the Shire context, it is intended to capture activities such as food vans and mobile vendors, market-style trading, hire or tourism operators, mobile service businesses, and other traders operating from parks, beaches, reserves, car parks, road reserves or other local government land.

(7) It can also extend beyond traditional “selling goods” examples. For instance, personal training or fitness classes conducted in public reserves may be captured where the trainer is using public land to conduct a business activity, particularly if the activity involves regular occupation of a place, equipment, paying clients, or impacts on public access. Similarly, alfresco dining in a road reserve or footpath area is a trading/public place use because a private business is occupying part of the public realm for commercial dining purposes. The policy is not just about food vans; it is about managing private commercial use of public space so that access, safety, amenity, fairness, insurance, infrastructure impacts, environmental issues and local business impacts can be assessed consistently.

(8) Historically, applications to trade on public land have been assessed on a case-by-case basis, resulting in varying levels of regulation and uncertainty regarding the suitability of locations and trading activities.

(9) The draft policy establishes a framework for the regulation of Fixed Trading, Occasional Trading, Low Impact Trading and Alfresco Dining activities. It introduces a proportionate, risk-based assessment process that reflects the scale and impact of the proposed activity.

(10) The policy identifies designated trading locations and outlines clear application pathways, assessment criteria and licensing arrangements, providing greater certainty for traders, Council officers and the community.

(11) Targeted consultation with existing and prospective traders was undertaken during policy development, with two survey responses received. Feedback from respondents has informed consideration of the operational arrangements proposed within the draft policy.

DISCUSSION / OFFICER COMMENTS

(12) The proposed policy seeks to balance three key objectives:

- Supporting economic activity and entrepreneurship;
- Protecting public amenity and community access; and
- Ensuring fair and transparent allocation of public trading opportunities.

(13) The policy supports the intent of the Public Places and Local Government Property Local Law by establishing a consistent framework for trading in public places while reducing unnecessary administrative requirements for lower-risk activities. Activities considered low risk are subject to streamlined assessment and licensing processes, reducing red tape for applicants and staff administration.

(14) The policy also introduces a more equitable approach to the allocation of fixed trading locations through biennial Expression of Interest processes and transparent assessment criteria. This approach provides opportunities for existing and new operators while recognising compliance history and business performance.

(15) An issue raised during consultation relates to the future management of trading at Ocean Beach. One respondent specifically noted that the Ocean Beach trading site is currently contentious due to Council's efforts to lease the kiosk facility and suggested further discussion with interested stakeholders before final decisions are made.

(16) Officers acknowledge that Ocean Beach presents unique considerations. Council has invested significantly in the construction and establishment of the Ocean Beach kiosk facility and has an interest in ensuring the long-term viability and activation of that asset. At the same time, Council seeks to maintain opportunities for public place trading that contribute to the visitor experience and broader activation of coastal precincts.

(17) The draft policy proposes Ocean Beach as a fixed trading location limited to non-food trading activities, and the same for Prawn Rock Channel. This approach was developed to minimise potential conflict with future kiosk operations while continuing to provide opportunities for commercial activity within the coastal precinct.

(18) Public advertising of the draft policy is proposed to provide boarder community input prior to final adoption.

CONSULTATION AND EXTERNAL ADVICE

(19) A survey of businesses, promoted through the Chamber of Commerce was undertaken to provide early feedback into the policy development.

(20) Whilst the survey responses received were constructive and generally supportive of the proposed policy, the limited response rate is not sufficient to conclude that the views captured are representative of the wider community. Public consultation is therefore recommended to validate the proposed policy direction.

(21) It is proposed that the draft policy is advertised for at least 28 days and also formally notify any businesses or individuals that have received a permit or licence to trade in the last 24 months.

STATUTORY / LEGAL IMPLICATIONS

Public Places and Local Government Property Local Law 2026.

(22) Clauses 3.1(1)(f) and 9.2(1)(c) require a licence to undertake trading activities on local government property and in public places. The draft Trading in Public Places Policy provides the administrative framework for assessing and managing such applications.

(23) Clause 13.10 specifically enables Council to adopt a policy containing conditions under which licence applications may be approved. The proposed Trading in Public Places Policy has been prepared pursuant to this provision and is intended to support consistent and transparent decision-making for trading activities within public places.

(24) Clause 13.4 further requires authorised persons to have regard to relevant local government policies when determining licence applications. The adoption of this policy will therefore provide guidance for the assessment and management of trading licences under the Local Law.

STRATEGIC / POLICY IMPLICATIONS

Trading in Public Places Policy

(25) The proposed Policy provides Council with a consistent framework for managing trading activities on public land. It supports the activation of public spaces while ensuring an appropriate balance between environmental, social and economic outcomes.

(26) Should Council adopt the Policy, Policy P070404 – *Principles Supporting the Shire of Denmark Activities on Thoroughfares and Trading in Thoroughfares and Public Places* may be repealed, as its intent and provisions are incorporated within the proposed Policy. The same applies to Local Planning Policy 17.1 – *Alfresco Dining and Trading in Public Places*.

Strategic Community Plan

(27) The policy supports strategic objectives relating to economic development, tourism, local business growth, place activation and effective governance.

FINANCIAL IMPLICATIONS

(28) There are no immediate financial implications arising from the recommendation to undertake community consultation.

(29) The policy establishes a framework for application and licence fees to be adopted through Council's annual Fees and Charges Schedule.

(30) Community consultation will assist Council in determining the most appropriate management model for trading opportunities within coastal precincts and ensure that Council's investment in the Ocean Beach kiosk facility is appropriately considered when establishing future trading arrangements.

OTHER IMPLICATIONS

Environmental

(31) The draft policy contains provisions requiring trading activities to minimise environmental impacts, appropriately manage waste and avoid adverse impacts on environmentally sensitive public land.

Economic

(32) The policy is expected to support local economic activity by creating transparent opportunities for businesses to access public trading locations and by reducing administrative barriers associated with low-risk trading activities.

(33) Stakeholder feedback indicated that additional food and beverage options can enhance the visitor experience and support broader economic activity within the town and tourism sector.

Social

(34) Public place trading can contribute to activation of public spaces, increased community interaction and improved visitor experiences.

(35) Consultation feedback indicated that respondents viewed public place trading positively and believed it contributes to community vibrancy and activation

RISK MANAGEMENT

Risk	Risk based on history and with existing controls			Proposed Treatment/Control
	Likelihood	Consequence	Risk Rating	
Financial Impact: Potential reduction in attractiveness or value of the Ocean Beach kiosk lease if competing food trading opportunities are permitted nearby.	1	3	Low	Restrict permitted fixed trading activity at Ocean Beach and Prawn Rock Channel to non-food business.
Reputational Impacts: Perception that trading opportunities are allocated unfairly or without consultation.	2	2	Low	Publicly advertise the draft policy and invite broad community feedback prior to adoption.
Local Commercial / Economic Impacts: Oversupply of traders leading to reduced viability of existing businesses or traders.	1	2	Low	Utilise designated trading locations, licence limits and EOI processes to manage trader numbers.

(36) Officers consider the identified risks can be adequately managed through implementation of the proposed consultation process and subsequent refinement of the policy prior to final adoption.

9.3 FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31 JULY 2026

File Reference	FIN.66.2026/27
Applicant	Not Applicable
Disclosure of Officer Interest	Nil
Date	12 August 2026
Author	Scott Sewell, Financial Accountant
Authorising Officer	Kellie Jenkins, Executive Manager Corporate Services
Attachments	9.3 – July 2026 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 July 2026.

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

VOTING REQUIREMENTS

(4) Simple Majority

OFFICER RECOMMENDATION	ITEM 9.3
That Council RECEIVE the Financial Activity Statements for the period ending 31 July 2026, incorporating the Statement of Financial Activity and other supporting documentation, as per Attachment 9.3.	

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 greater than 10% or $50,000 for reporting variances (Resolution 030826). Variances meeting or exceeding this threshold must be explained.

DISCUSSION / OFFICER COMMENTS

(8) The Statement of Financial Activity for July 2026 reports a closing funding surplus of $648,420, compared with a balanced year-end position in the adopted budget. The primary year-to-date variance is operating expenditure, which is $546,260 below budget.

(9) Further details are provided in Note 1 of the Statement of Financial Activity, Explanation of Material Variances.

(10) A summary of the financial position for July 2026 is provided in the table below:

	Adopted Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. $ (b)-(a)	Var. % (b)-(a)/(a)
	$	$	$	$	%
Opening Funding Surplus	**1,883,267**	**1,883,267**	**1,884,166**	**899**	**0%**
Revenue					
Operating revenue	16,501,156	329,288	339,516	10,228	3%
Capital revenue, grants and contributions	14,420,040	0	500	500	0%
	30,921,196	**329,288**	**340,016**	**10,728**	
Expenditure					
Operating Expenditure	-21,395,542	-1,821,452	-1,275,193	546,260	30%
Capital Expenditure	-17,297,727	-302,998	-302,546	452	0%
	-38,693,269	**-2,124,450**	**-1,577,739**	**546,711**	
Funding balance adjustments	5,888,806	500,727	1,977	-498,750	-100%
Closing Funding Surplus	**0**	**588,832**	**648,420**	**59,588**	**10.12%**

OTHER INFORMATION

(11) Depreciation for all asset classes has not yet been calculated for this reporting period. It will be recognised for the 2026/2027 financial year once the audit of the financial statements for the year ended 30 June 2026 is complete.

INVESTMENT REPORT

(12) In accordance with the Shire's Investment Policy, the monthly Investment Register reports on portfolio performance, counterparty exposure, and investment income earned against budget. It also confirms whether the portfolio complies with relevant legislative and policy limits.

(13) As at 31 July 2026, total cash holdings, including trust funds, were $10,364,225. This comprised:

- Municipal Funds totalling $3,936,842;
- Shire Trust Funds totalling $55,850;
- Restricted Reserve Funds invested totalling $6,371,532; and
- Unrestricted Municipal Funds invested totalling $3,072,180.

(14) The Reserve Bank of Australia's official cash rate remains at 4.35%. At its meeting on 11 August 2026, the Monetary Policy Board left the rate unchanged, noting that inflation remains too high and that it will continue to monitor the effects of previous interest rate increases earlier this year.

CONSULTATION AND EXTERNAL ADVICE

(15) The officer has considered whether consultation or engagement is required under Council's Community Engagement Policy and determined that no additional internal or external consultation is necessary for this matter.

STATUTORY / LEGAL IMPLICATIONS

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.

Local Government (Financial Management) Regulations 1996

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

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

The Trustees Act 1962

(20) Part III Investments covers the investment powers and responsibilities of trustees.

STRATEGIC / POLICY IMPLICATIONS

Investment Policy

(21) A monthly report will be provided to Council on the investment portfolio. The report will include portfolio performance, counterparty exposure as a percentage of the total portfolio, investment maturity dates, investment income earned against the year-to-date budget, and confirmation that investments comply with legislative and Policy limits.

FINANCIAL IMPLICATIONS

(22) The 2026/2027 Annual Budget provides the framework for the Shire's financial management.

(23) Financial impacts are addressed in this report.

OTHER IMPLICATIONS

Environmental

(24) There are no known significant environmental implications arising from the report or officer recommendation.

Economic

(25) There are no known significant economic implications arising from the report or officer recommendation.

Social

(26) There are no known significant social implications arising from the report or officer recommendation.

RISK MANAGEMENT

(27) A risk assessment has been undertaken in accordance with Council's Risk Management Policy. No material risks have been identified in relation to the report or officer recommendation.

9.4 PAYMENT OF ACCOUNTS FOR PERIOD ENDING 31 JULY 2026

File Reference	FIN.66.2026/27
Applicant	Not Applicable
Disclosure of Officer Interest	Nil
Date	12 August 2026
Author	Kelly Schroeter, Senior Finance Officer
Authorising Officer	Kellie Jenkins, Executive Manager Corporate Services
Attachments	9.4 - Payment of Accounts – July 2026

EXECUTIVE SUMMARY

(1) To advise Council of payments for the period 1 July to 31 July 2026.

VOTING REQUIREMENTS

(2) Simple Majority

OFFICER RECOMMENDATION ITEM 9.4

That Council RECEIVE the payment of accounts totalling $2,140,025.76 for the month of July 2026, as per Attachment 9.4.

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.

9.5 DRAFT PEST PLANTS LOCAL LAW

File Reference	LEG.1
Applicant	Not applicable
Disclosure of Officer Interest	Nil
Date	5 August 2026
Author	Claire Thompson, Governance Coordinator
Authorising Officer	David King, Chief Executive Officer
Attachments	9.5a – 1997 Local Law relating to Pest Plants 9.5b – 2026 Pest Plants Local Law (draft)

EXECUTIVE SUMMARY

(1) Council is asked to advertise the draft Pest Plants Local Law 2026 for public comment.

VOTING REQUIREMENTS

(2) Simple Majority

OFFICER RECOMMENDATION ITEM 9.5

That Council:

1. ADVERTISE the draft Pest Plants Local Law as provided in Attachment 9.5 for public comment for a period of not less than six (6) weeks, with the following purpose and effect.

   Purpose – To provide the Shire of Denmark the ability to issue notices to landowners requiring them to destroy, eradicate or otherwise control listed pest plants from their land within the local government district.

   Effect – to protect the district's natural environment, land values and mitigate the spread of noxious weeds and pest plants across reserves and private land within the local government district.

2. GIVE a copy of the proposed local law to the Department of Local Government, Industry Regulation and Safety, Department of Primary Industries and Regional and the Department of Biodiversity, Conservation and Attractions, in accordance with s 3.12(3)(b) of the Local Government Act 1995.

3. REQUEST specific comments from the South Coast Bush Care Services and the Denmark Environment Centre.

LOCATION

(3) Shire of Denmark local government area.

BACKGROUND

(4) The Shire of Denmark Local Laws Relating to Pest Plants commenced in 1997 and was last reviewed in 2008.

(5) In December 2013, Council resolved to conduct another review however, Officer's cannot find any evidence that the results of any proposed consultation were presented back to Council.

(6) In May 2025, Council initiated a review of the Local Law and called for public submissions.

DISCUSSION / OFFICER COMMENTS

(7) The South Coast Bushcare Services provided a submission suggesting the following additions which have been reviewed by Shire Officers.

- *asparagus aethiopicus* (ground asparagus or basket fern)
  - *Also recommended to be added by the Bushland Reserves Weed Strategy and is a weed of national significance (WoNS). Weeds Australia describe it as being regarded one of the worst weeds in Australia because of its invasiveness, potential for spread, and economic and environmental impacts. Shire Officers advise that it is a substantial issue in Denmark and that the Shire spends significant resources on controlling it. Officers support adding it to the schedule.*
- *asparagus declinatus* (bridal veil)
  - *Is a WoNS. It is described as one of the worst weeds in Australia because of its invasiveness, potential for spread, and economic and environmental impacts. Shire Officers advise that it is a substantial issue in Denmark and that the Shire spends significant resources on controlling it. Officers support adding it to the schedule.*
- *asparagus scandens* (asparagus fern / climbing asparagus)
  - *Also recommended to be added by the Bushland Reserves Weed Strategy and is a WoNS. It is described as one of the worst weeds in Australia because of its invasiveness, potential for spread, and economic and environmental impacts. Shire Officers advise that it is a substantial issue in Denmark and that the Shire spends significant resources on controlling it. Officers support adding it to the schedule.*
- *dodonea viscosa* (hop bush)
  - *Shire Officers advise that hop bush hasn't been a particular priority however it is present in the Shire reserves. Its status as a weed in Western Australia is mixed – native in parts and naturalised in others. SCBCS states that it is prolific seeder with wind blown seed, invades bushland and especially road verges. Shire Officers are concerned that because it is native in some parts of Western Australia, a clearing permit*

may well be required to remove it. At this point in time, Officers don't support adding this plant to the schedule.

- *genista monspessulana* (montpellier or cape broom)
  - *Is a WoNS and described as one of the worst weeds in Australia because of its invasiveness, potential for spread, and economic and environmental impacts. It grows quickly, produces large amounts of long-lived seed and can tolerate diverse environmental conditions. Officers support adding this plant to the schedule.*
- *homolanthus novoguineensis* (bleeding heart)
  - *Also recommended to be added by the Bushland Reserves Weed Strategy. SCBCS state that it is a small tree that creates dense thickets. It is a prolific seeder with long-lived soil stored seed which is spread by birds. Officers state that this is a very problematic weed in several Shire reserves and support adding it to the schedule.*
- *melaleuca armillaris* (bracelet honey myrtle)
  - *Is alien to Western Australia but native to South Australia, Victoria and Tasmania. SCBCS state that this plant has been observed to seed out prolifically, especially on road verges as an escapee from landscape plantings. It blends in with native species, making it hard to identify until it is in flower. Officers are concerned that because it is difficult to distinguish this species from other paperbark species, there is a risk that landowners could eradicate native plants instead. For this reason, it is not recommended to add it to the schedule.*
- *pandorea pandorana* (wonga wonga vine)
  - *Also recommended to be added by the Bushland Reserves Weed Strategy. SCBCS state that it is a vigorous fast growing climber capable of smothering tall Karri trees. Prolific seeder with wind blown seed. Officers support adding it to the schedule.*
- *acacia melanoxylon* (tasmanian blackwood)
  - *SCBCS state that it is a tall tree, seeds prolifically, coppices from trunk when cut, and also suckers from root systems. Serious invader of bushland, especially road verges. Shire Officers advise that it is quickly becoming a significant problem on Shire reserves and private property. The Shire already spends resources on the control of this plant and recommend adding it to the schedule.*

Other Amendments

(8) The head of power to establish a pest plant local law changed in 2007 when the *Biodiversity and Agriculture Management Act 2007* repealed the *Agriculture and Related Resources Protection Act 1976*. The draft new local law reflects this change.

(9) The draft local law includes the addition of four pest plants as recommended by the *Shire of Denmark Bushland Reserves Weed Strategy 2024-2034*, which were also recommended by the SCBCS and discussed above.

(10) *Myrsphyllum asparagoides* (bridal creeper) is a “Declared Plant” on the Department of Regional Development and Primary Industries’ WA Organism List (WAOL) so it has been removed from the schedule.

CONSULTATION AND EXTERNAL ADVICE

(11) At the close of the advertising period, one submission was received.

(12) Should Council approve the draft Pest Plants Local Law, it will be advertised in accordance with statutory requirements for a period of no less than six weeks.

(13) The draft and any submissions will be brought back to Council for consideration.

STATUTORY / LEGAL IMPLICATIONS

Biodiversity & Agriculture Management act 2007

(14) Section 193 – Local government may make local laws

(1) In this section —

pest plant means a plant that is prescribed by local laws made by a local government under subsection (2)(a) as a pest plant in that district.

(2) Subject to and in accordance with the Local Government Act 1995 a local government may, in respect of its district, make local laws for any of the following purposes —

(a) prescribing as a pest plant in that district any plant (other than a declared pest for that area) that, in its opinion, is likely to adversely affect the environment of the district, the value of property in the district or the health, comfort or convenience of the inhabitants of the district;

(b) requiring the owner or occupier of land (other than an owner of land referred to in section 8(1)(d)) within the district to control pest plants on and in relation to that land in a manner and within a time specified in a notice given by the local government and given to the owner or occupier of the land;

(c) if the owner or occupier does not comply with the notice given by the local government, for authorising the local government without payment of compensation to control the pest plants at the expense of the owner or occupier to whom the notice was given, and to recover in a court of competent jurisdiction from the owner or occupier the amount of the expense.

(15) Section 6 – “Declared pest” means a prohibited organism or an organism for which a declaration under section 22(2) is in force.

(16) Section 22(1) – a “prohibited organism” is a declared pest for the whole of WA.

(17) Section 22(2) – the Minister may declare that any other organism is a declared pest for an area.

Local Government Act 1995

(18) Part 3, Division 2 of the Act sets out the power and process with respect to making, amending and reviewing a local law.

(19) Section 3.16 – a local government must carry out a review of local laws to determine whether it considers that the local law should be repealed, amended or remain unchanged.

(20) In accordance with recent changes to the Act, local law reviews need to be completed within a period of 15 years, it was previously 8 years. If a local law is not reviewed within this timeframe it is repealed [s 3.16(5)]. Local governments have until 7 December 2026 to review any local laws that haven't been reviewed within 8 years.

STRATEGIC / POLICY IMPLICATIONS

Bushland Reserves Weeds Strategy 2024-2034

(21) The Shire of Denmark *Bushland Reserves Weeds Strategy 2024-2034* identified the following four pest plants to be added to the Pest Plants Local Law schedule. This recommendation was agreed to by Council in July 2024 and the plants have been included in the draft local law Schedule.

- wonga vine..........................*Pandorea pandorana*
- bleeding heart ....*Homolanthus novo-guineensis*
- garden/basket asparagus....*Asparagus aethiopicus*
- asparagus fern ....*Asparagus scandens*

Western Australian Organism List (WAOL)

(22) The WAOL is a database maintained by the Department and contains information on declared pests, the control and keeping categories under the *Biosecurity and Agriculture Management Act 2007*.

Australian Weeds Strategy (AWS)

(23) The AWS lists 32 Weeds of National Significance (WoNS) in recognition of the weeds' current and future weed threat to Australia, requiring coordinated and strategic management along with shared stakeholder investment to develop and implement best practice to prevent, eradicate, contain and/or minimise its impacts.

(24) All WoNS have their individual national strategic management plans. The scope includes developing awareness and establishing strategic, coordinated control programs to limit introduction and future spread.

A Weed Plan for Western Australia (October 2001)

(25) The State's weed plan advocates for a coordinated approach involving all levels of government, industry, community and individual landowners. A Pest Plants local law to target local weeds and education of landowners aligns with the State's plan.

FINANCIAL IMPLICATIONS

(26) The cost of advertising can be accommodated within the existing Council Budget.

OTHER IMPLICATIONS

Environmental

A local law relating to pest plants provides significant environmental benefits by helping to protect native ecosystems, biodiversity, and the long-term health of the natural landscape. Pest plants can outcompete indigenous vegetation, degrade habitat, reduce food sources for native wildlife, increase erosion, and alter natural water and fire regimes.

By establishing clear obligations for landowners and occupiers to identify, control, and prevent the spread of declared pest plants, a local law supports coordinated action across the community. This helps preserve environmental values, protects remnant bushland and waterways, enhances the resilience of native species, and reduces the risk of costly and widespread infestations that can have lasting impacts on the Shire's natural environment.

Economic

(27) There are no known significant economic implications relating to the report or officer recommendation.

Social

(28) There are no known significant social considerations relating to the report or officer recommendation.

RISK MANAGEMENT

(29) 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.

10 MATTERS BEHIND CLOSED DOORS

11 NEW BUSINESS OF AN URGENT NATURE

12 CLOSURE OF MEETING