

SHIRE OF DENMARK

Ordinary Council Meeting

MINUTES

25 November 2025

HELD IN COUNCIL CHAMBERS, 953 SOUTH COAST HIGHWAY,
DENMARK, ON TUESDAY, 25 NOVEMBER 2025.



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DISCLAIMER

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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

2. RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCEMEMBERS:

Cr Aaron Wiggins (Shire President)
 Cr Nathan Devenport (Deputy Shire President)
 Cr Clare Campbell
 Cr Kingsley Gibson
 Cr Jay Hockey
 Cr Jan Lewis
 Cr Janine Phillips
 Cr Alex Sleeman
 Cr Dominic Youel

STAFF:

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

ON APPROVED LEAVE(S) OF ABSENCE

Nil

ABSENT WITHOUT LEAVE

Nil

3. DECLARATIONS OF INTEREST

Name	Item No	Interest	Nature
Cr Youel	9.2.1b	Financial	Owning a business/ commercial property adjacent to proposed Strickland Street works.
Cr Sleeman	9.2.1b	Financial	I am purchasing a business in the area.
Cr Devenport	9.2.1b	Financial	Business owner on South Coast Highway.
Cr Hockey	9.3.2	Impartiality	Paying member and parent of a paying member. My daughter participates in Nippers and I assist as a parent helper.
Cr Sleeman	9.3.2	Impartiality	Active member of the Club but not on the Club Committee.
Cr Wiggins	9.3.2	Impartiality	Member of the Denmark Surf Life Saving Club.
David King	9.3.2	Impartiality	Member of the Denmark Surf Life Saving Club.
Cr Wiggins	9.4.1	Impartiality	Wife authored report.
Cr Wiggins	9.4.2	Impartiality	Wife is the author.

4. ANNOUNCEMENTS BY THE PERSON PRESIDING

4.1 ANNOUNCEMENT OF RATES INCENTIVE PRIZES

The winners of the Shire's Rates Incentive Program were announced.

5. PUBLIC QUESTION TIME

5.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5.2 PUBLIC QUESTIONS

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

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

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

Questions from the Public

5.2.1 Serena Kirby – Containers for Change

Serena spoke about the significant amount of money that local people had received through the scheme in the previous two years and advised that approximately 40% of containers don't go through the Denmark facility. Serena suggested that it could be because of the limited time that the facility is open and the location being out of the way for many residents. Serena suggested that the Shire could assist with making it more accessible for people.

Serena asked the following questions:

1. Would the Shire support a Drop & Go container in town?
2. Would the Shire agree to making the bags available at the Shire Administration Building and the Denmark Library?
3. Would the Shire assist with raising awareness of the benefits the scheme brings to Denmark's economy.

The Chief Executive Officer advised that he would be happy to meet with Green Skills to discuss how the Shire could assist.

5.2.2 Jason Balhorn – Containers for Change

Green Skills' Operations Manager expressed his appreciation to the Shire for assisting them with taking over the Denmark facility. Jason thanked Serena for her commitment and passion to increase the use of Containers for Change and raise local awareness.

Jason spoke about a number of community organisations that regularly participated in the program and advised that they also had a list of community groups, schools and sporting clubs at the facility so that people could allocate their containers to those groups.

5.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

5.4 PRESENTATIONS, DEPUTATIONS & PETITIONS

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

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

Nil.

6. APPLICATIONS FOR FUTURE LEAVE OF ABSENCE

6.1 CR WIGGINS

COUNCIL RESOLUTION	ITEM 6.1
MOVED: CR DEVENPORT	SECONDED: CR YOUEL
That Cr Wiggins be GRANTED leave of absence from 22 December 2025 to 10 January 2026 inclusive.	
CARRIED: 9/0	Res: 011125
TOTAL VOTES FOR: 9	
Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Sleeman, Cr Hockey, Cr Lewis and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

7. CONFIRMATION OF MINUTES

7.1 ORDINARY COUNCIL MEETING – 28 OCTOBER 2025

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 7.1
MOVED: CR PHILLIPS	SECONDED: CR YOUEL
That the minutes of the Ordinary Meeting of Council held on the 28 October 2025 be CONFIRMED as a true and correct record of the proceedings.	

CARRIED: 9/0

Res: 021125

TOTAL VOTES FOR: 9

Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Sleeman, Cr Hockey,
Cr Lewis and Cr Phillips.

TOTAL VOTES AGAINST: 0

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

Nil

9. REPORTS OF OFFICERS**9.1 DEVELOPMENT SERVICES**

Nil

9.2 CORPORATE SERVICES**9.2.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31 OCTOBER 2025**

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

EXECUTIVE SUMMARY

1. In accordance with the Local Government (Financial Management) Regulations 1996, local governments must prepare a monthly Statement of Financial Activity reporting financial performance against the adopted budget.
2. The Shire of Denmark has prepared its Statement of Financial Activity for the period ending 31 October 2025.
3. A monthly Investment Register is also provided to Council to ensure compliance with the Shire's Investment Policy.
4. This report seeks Council approval to amend the 2025/2026 Budget to accommodate consultant works for a Regional Precincts and Partnerships Program (RPPP) application.

VOTING REQUIREMENTS

5. Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.2.1
MOVED: CR GIBSON	SECONDED: CR CAMPBELL
That Council RECEIVE the Financial Activity Statements for the period ending 31 October 2025, incorporating the Statement of Financial Activity and other supporting documentation, as per Attachment 9.2.1	
CARRIED: 9/0	Res: 031125
TOTAL VOTES FOR: 9 Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Sleeman, Cr Hockey, Cr Lewis and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

Cr Youel declared a financial interest in the following recommendation on the basis that he owns a business / commercial property adjacent to proposed Strickland Street works.

Cr Sleeman declared a financial interest in the following recommendation on the basis that he is purchasing a business in the area.

Cr Devenport declared a financial interest in the following recommendation on the basis that he is a business owner on South Coast Highway.

4.31pm - Councillors Youel, Sleeman and Devenport left the room and did not participate in discussion or vote on the matter.

6. Absolute majority.

OFFICER RECOMMENDATION	ITEM 9.2.1
That Council APPROVE a 2025/2026 budget amendment as follows:	
1. Increase material and contracts expenditure by \$120,000; and	
2. Increase transfer from Infrastructure Reserve by \$120,000.	

COUNCIL RESOLUTION	ITEM 9.2.1
MOVED: CR GIBSON	SECONDED: CR PHILLIPS
That Council REQUEST the Chief Executive Officer to develop a scope of works for the Regional Precincts and Partnerships Program application for Council's consideration and to inform any budget allocation.	
CARRIED: 6/0	Res: 041125
TOTAL VOTES FOR: 6 Cr Campbell, Cr Wiggins, Cr Gibson, Cr Hockey, Cr Lewis and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

REASONS FOR CHANGE

Council wanted to review a scope of works before committing more funding towards the application.

LOCATION

7. Nil.

BACKGROUND

8. 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.
9. Council has endorsed a materiality threshold of 10% or \$50,000 for reporting variances (Resolution 080725). Variances meeting or exceeding this threshold must be explained.

DISCUSSION / OFFICER COMMENTS

10. The Statement of Financial Activity for October 2025 shows a closing funding surplus of \$8,557,398. The adopted budget anticipates a zero year end closing position. Key variances include:
- Operating income exceeding budget by \$116,525
 - Operating expenses exceeding budget by \$71,127

Details are provided in Note 1 – Major Variances.

11. Summary of Financial Position for October 2025 is provided in the table below:

	Adopted Annual Budget (as amended)	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)- (a)/(a)
	\$	\$	\$	\$	%
Opening Funding Surplus	663,707	663,707	659,358	-4,349	-1%
<u>Revenue</u>					
Operating revenue	15,548,597	13,129,019	13,245,544	116,525	1%
Capital revenue, grants and contributions	11,357,320	1,376,095	1,475,217	99,122	7%
	26,905,917	14,505,114	14,720,761	215,647	
<u>Expenditure</u>					
Operating Expenditure	-20,261,015	-6,878,130	-6,949,257	-71,127	-1%
Capital Expenditure	-12,958,505	-2,426,399	-1,882,836	543,563	22%
	-33,219,520	-9,304,529	-8,832,092	472,437	
Funding balance adjustments	5,649,894	1,920,952	2,009,371	88,419	5%
Closing Funding Surplus	0	7,785,244	8,557,398	772,154	9.92%

INVESTMENT REPORT

12. Pursuant to the Shire's Investment Policy, the monthly Investment Register outlines portfolio performance and counterparty exposure. The investment register provides details of interest income earned against budget, whilst confirming compliance of the portfolio with legislative and policy limits.
13. As at 31 October 2025, total cash holdings (including trust funds) were \$12,784,764, comprising:
 - Municipal Funds total \$6,601,743
 - Shire Trust Funds total \$55,850
 - Reserve Funds (restricted) invested, total \$6,127,170
 - Municipal Funds (unrestricted) invested, total \$5,500,000
14. The Reserve Bank of Australia's (RBA) official cash rate is 3.60%, reduced from 3.85% on 12 August 2025. No further changes have occurred at the time of reporting.

BUDGET AMENDMENT

15. Council is requested to approve a budget amendment of \$120,000 to fund consultant works required for a Regional Precincts and Partnerships Program (RPPP) application. This includes concept planning, business case development, costings, and partnership documentation to support proposed upgrades to Strickland Street, South Coast Highway, and associated infrastructure. The amendment will enable timely preparation ahead of the program's reopening in May 2026 and leverages potential private investment aligned with town centre revitalisation.
16. The amendment will be expensed to infrastructure concept planning and design, supplementing the existing \$20,000 allocation to provide a total of \$140,000. Funds will be drawn from the infrastructure reserve under the purpose of infrastructure upgrade. If the RPPP application is successful, this initiative will transition into a major capital works project in future budgets.

CONSULTATION AND EXTERNAL ADVICE

17. 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

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.

Local Government Act 1995

20. 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.

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

Trustees Act 1962

22. Part III Investments covers the investment powers and responsibilities of trustees.
23. The Local Government (Financial Management) Regulations 1996
24. Regulation 19, 28 and 49; and The Australian Accounting Standards, sets out the statutory conditions under which Council funds may be invested. Insert

STRATEGIC / POLICY IMPLICATIONS

Budget Variation Policy

25. Provides direction for budget amendments outside the formal budget review process.
26. Council endorsement is required for amendments involving additional purposes.

FINANCIAL IMPLICATIONS

27. The 2025/2026 Annual Budget guides financial practices.
28. Any financial impacts are detailed within this report.

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

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

4.37pm – Councillors Devenport, Sleeman and Youel returned to the room.

9.2.2 PAYMENT OF ACCOUNTS FOR PERIOD ENDING 31 OCTOBER 2025

File Ref:	FIN.66.2025/26
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not Applicable
Disclosure of Officer Interest:	Nil
Date:	10 November 2025
Author:	Nikki Westerberg, Senior Finance Officer
Authorising Officer:	Kellie Jenkins, Executive Manager Corporate Services
Attachments:	9.2.2 – Payment of Accounts – October 2025

EXECUTIVE SUMMARY

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

VOTING REQUIREMENTS

2. Simple majority.

OFFICER RECOMMENDATION

ITEM 9.2.2

That Council RECEIVE the payment of accounts totalling \$2,275,104.84 for the month of October 2025, as per Attachment 9.2.2.

Since the publication of the Agenda, Officers have identified a calculation error with the payment of accounts total for the month of October 2025. To rectify this, a corrected attachment will be provided in the Minutes and below is an amended officer recommendation.

COUNCIL RESOLUTION & AMENDED OFFICER RECOMMENDATION

ITEM 9.2.2

MOVED: CR PHILLIPS

SECONDED: CR DEVENPORT

That Council RECEIVE the payment of accounts totalling \$2,273,638.24 for the month of October 2025, noting that the "TOTAL" on page 1 of Attachment 9.2.2 will be corrected to \$2,273,638.24 for the Minutes.

CARRIED: 9/0

Res: 051125

TOTAL VOTES FOR: 9

Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Sleeman, Cr Hockey, Cr Lewis and Cr Phillips.

TOTAL VOTES AGAINST: 0

LOCATION

3. Not applicable.

BACKGROUND

4. Nil.

DISCUSSION / OFFICER COMMENTS

5. Nil.

CONSULTATION AND EXTERNAL ADVICE

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

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

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

STRATEGIC / POLICY IMPLICATIONS

8. Nil.

FINANCIAL IMPLICATIONS

9. Nil.

OTHER IMPLICATIONS**Environmental**

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

Economic

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

Social

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

RISK MANAGEMENT

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

9.2.3 RATES EXEMPTION APPLICATION – ADVANCE HOUSING LIMITED

File Ref:	A1559, A4070, A2525, A2521
Applicant / Proponent:	Advance Housing Limited 76 Brazier Street, Denmark 3/15 Scotsdale Road, Denmark
Subject Land / Locality:	39 Paterson Street, Denmark 53A/53B Paterson Street, Denmark
Disclosure of Officer Interest:	Nil
Date:	13 November 2025
Author:	Kellie Jenkins, Executive Manager Corporate Services
Authorising Officer:	Kellie Jenkins, Executive Manager Corporate Services
Attachments:	9.2.3a – Rates Exemption Application - CONFIDENTIAL 9.2.3b – Community Housing Agreement – CONFIDENTIAL

EXECUTIVE SUMMARY

1. Advance Housing Limited (AHL) seeks exemption from local government rates for four properties in Denmark, under Section 6.26(2)(g) of the Local Government Act 1995. These properties are used exclusively for charitable purposes, providing affordable and specialist disability housing to vulnerable community members, including people with disabilities, low-income households, youth, seniors, and those at risk of homelessness.
2. AHL is a registered charity and Public Benevolent Institution, holding not-for-profit status with the Australian Tax Office and Tier 2 Community Housing Provider status with the WA State Government. The organisation operates these properties under the Community Housing Program and Community Disability Housing Program, in partnership with the Department of Communities and the Housing Authority.
3. Council is asked to determine that the subject properties be classified as non-rateable, consistent with legislative requirements and established precedents. Approval of this exemption will result in refunds for rates levied in the 2025/26 financial year, totalling \$10,854,11.
4. While the exemption supports Council's commitment to housing affordability and social inclusion, it also necessitates consideration of alternative revenue sources or expenditure savings to offset the financial impact.

VOTING REQUIREMENTS

5. Absolute majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.2.3
MOVED: CR GIBSON	SECONDED: CR YOUEL
That Council:	
1. DETERMINE the following properties as non-rateable under Section 6.26(g) of the Local Government Act 1995 with such exemption to be effective from 1 July 2025:	
a. A1559 - 76 Brazier Street, Denmark	
b. A4070 - 3/15 Scotsdale Road, Denmark	
c. A2525 - 39 Paterson Street, Denmark	
d. A2521 - 53A/53B Paterson Street, Denmark	
2. NOTE, that by amending the rate record, a refund is applicable in accordance with Section 6.40(3) of the Local Government Act 1995, as follow:	
a. A1559 - 76 Brazier Street, Denmark - \$1,626.00	
b. A4070 - 3/15 Scotsdale Road, Denmark - \$1,689.36	
c. A2525 - 39 Paterson Street, Denmark - \$3,991.10	
d. A2521 - 53A/53B Paterson Street, Denmark - \$3,547.65	
CARRIED BY AN ABSOLUTE MAJORITY: 9/0	Res: 061125
TOTAL VOTES FOR: 9	
Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Sleeman, Cr Hockey, Cr Lewis and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

LOCATION

6. A1559 – 76 (Lot 878) Brazier Street, Denmark: Owned by The State Housing Commission.
7. A4070 – 3/15 (Lot 3) Scotsdale Road, Denmark: Owned by Housing Authority.
8. A2525 – 39 (Lot 904) Paterson Street, Denmark: Owned by Housing Authority.
9. A2521 – 53A/53B (Lot 897) Paterson Street, Denmark: Owned by Housing Authority.

BACKGROUND

10. Advance Housing Limited (AHL), previously Great Southern Community Housing Association (GSCHA), submitted a rate exemption application on 11 December 2024. The application seeks exemption for four properties used under the Community Housing Program and Community Disability Housing Program. These programs are operated by AHL on behalf of the Department of Communities and serve vulnerable populations including people with disabilities and those experiencing housing stress.

Relevant Precedents

11. In 2010, with respect to 15 (Lot 3) Scotsdale Road, Council approved the application from GSCHA, for an exemption from rating under the provisions of section 6.26 (g) of the Local Government Act 1996 with such an exemption to be effective from 1 July 2010, Resolution 210410.
12. In 2012 AHL was granted a rate exemption for 14 (Lot 8) Wattle Way, Denmark as the property is currently used exclusively for charitable purpose, the property meets the exception listed in section 6.26(2)(g) of the Local Government Act 1995.

DISCUSSION / OFFICER COMMENTS

13. To qualify for a charitable land use exemption under Section 6.26(2)(g), the following criteria must be met:
 - Use – The land must be currently used or being developed for use.
 - Charitable Purpose – The use must serve a charitable objective.
 - Exclusivity – The land must be used exclusively for that charitable purpose.
14. AHL provides housing to the Denmark community's most vulnerable people from a wide variety of backgrounds including people on very low, or low income, people with disability or mental health support needs, youth, seniors, and people experiencing or at risk of experiencing domestic violence.
15. AHL's registration and charitable status includes:
 - Being a Registered Charity with The Australian Charities and Not for Profits Commission (ACNC)
 - Being a Public Benevolent Institution and holding not for profit status with the Australian Tax Office (ATO)
 - Holding Tier 2 Community Housing Provider status with the WA State Government
 - Being a National Disability Insurance Scheme (NDIS) registered provider of Specialist Disability Accommodation (SDA)
16. AHL's constitution outlines objectives such as alleviating poverty, providing secure housing, supporting tenant wellbeing, collaborating with government and community organisations, and promoting awareness of affordable housing options.
17. The Community Housing Agreement with the Housing Authority confirms the properties' use for affordable and disability housing.

CONSULTATION AND EXTERNAL ADVICE

18. Officers engaged directly with Advance Housing Limited to obtain the community housing lease agreement, ensuring all relevant documentation was reviewed.
19. In accordance with Council's Community Engagement Policy, the Officer assessed whether further consultation or engagement was necessary with individuals or organisations potentially impacted by the proposal. Based on this assessment, it was determined that no additional internal or external consultation is required at this stage.

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

20. Section 6.26(2)(g) – excludes land used exclusively for charitable purposes.
21. Section 6.39 (2)(b) – allows amendment to the rate record for the 5 years preceding the current financial year.
22. Section 6.40(3) - prescribes actions following amendment of the rate record.

STRATEGIC / POLICY IMPLICATIONS

Housing Affordability Policy

23. Council is committed to advocating for affordable housing in Denmark. This application aligns with strategic objectives to support vulnerable populations and comply with statutory obligations and community expectations

FINANCIAL IMPLICATIONS

24. In the 2025/26 financial year, the rates levied amounted to \$10,854.11. Approval of the exemption will require officers to identify either additional revenue sources or savings in expenditure for the 2025/26 financial year.

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

28. Risk Table

Risk	Risk based on history and with existing controls			Proposed Treatment/Control
	Likelihood	Consequence	Risk Rating	
Financial Impact: Reduced rate revenue may continue, especially where community housing developments are growing.	Possible	Minor	Moderate (6)	Advocate for state compensation mechanisms. Review budget allocations and service levels.
Asset / Property Impacts: Reduced revenue may delay maintenance or upgrades to assets.	Possible	Insignificant	Low (3)	Prioritise essential asset maintenance and explore alternative funding.

Reputational Impacts: Ratepayers may perceive unfairness or reduced services due to exemptions.	Possible	Minor	Moderate (6)	Transparent communication with community.
Social Impacts: Supports vulnerable populations but may strain services if not offset financially.	Possible	Minor	Moderate (6)	Collaborate with housing providers for shared service delivery and monitor community feedback.

9.2.4 CHANGE OF METHOD OF VALUATION – NO. 55 NUMBAT GROVE, PARRYVILLE

File Ref:	A2968
Applicant / Proponent:	S and J Hipper, Owner
Subject Land / Locality:	No. 55 (Lot 121) Numbat Grove, Parryville
Disclosure of Officer Interest:	Nil
Date:	13 November 2025
Author:	Judy Savic, Senior Rates Officer
Authorising Officer:	Kellie Jenkins, Executive Manager Corporate Services
Attachments:	Nil

EXECUTIVE SUMMARY

1. Council is requested to support an application to the Minister for Local Government to change the method of valuation for No. 55 (Lot 121) Numbat Grove, Parryville, from Gross Rental Value (GRV) to Unimproved Value (UV).
2. This change is recommended because the property's predominant use is for rural purposes, in line with statutory requirements and Council policy.

VOTING REQUIREMENTS

3. Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.2.4
MOVED: CR LEWIS	SECONDED: CR YOUEL
That Council SUPPORT the request to the Minister for Local Government for a change of the method of valuation from GRV to UV for the basis of rating, for No 55 (Lot 121) Numbat Grove, Parryville.	
CARRIED: 9/0	Res: 071125
TOTAL VOTES FOR: 9 Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Sleeman, Cr Hockey, Cr Lewis and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

LOCATION

4. 55 (Lot 121) Numbat Grove, Parryville.

BACKGROUND

5. The owners submitted the required Land Use Declaration Form on 9 April 2025, confirming the property's predominant rural use.

DISCUSSION / OFFICER COMMENTS**Why Change the Valuation Method**

6. The property's main use is rural, so UV is the appropriate valuation method under the Local Government Act and Council's Rating Equity Policy.
7. The previous GRV method was applied in 2007 under a now-defunct policy that included properties under 20 hectares.
8. It is the responsibility of the local government to review the land use and apply to the Minister for a valuation method change when warranted.
9. The application meets statutory and policy requirements. Council's support will ensure consistency and fairness in rating rural land parcels.

Process for Changing the Valuation

10. If Council supports the recommendation:
 - The Ministers office will obtain technical descriptions of the property from Landgate.
 - The Minister will publish the determination in the government gazette.
 - The Shire will notify the owner and request a new valuation from Landgate before implementing the change of method valuation.

CONSULTATION AND EXTERNAL ADVICE

11. Officers from the Department of Local Government, Industry Regulation and Safety (LGIRS) and Landgate were consulted and provided professional input.

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

12. Section 6.28(2) (a) if land is used predominantly for rural purposes, rates must be based on UV.
13. Section 6.28(2) (b) if land is used predominantly for non-rural purposes, rates must be based on GRV.
14. Applying UV for rural properties and GRV for non-rural properties ensures rates reflect actual land use, in accordance with legislation.

STRATEGIC / POLICY IMPLICATIONS

Rating Equity Policy

15. GRV is applied to land used predominantly for non-rural purposes.
16. UV is applied to land used predominantly for rural purposes.
17. This policy ensures fair and consistent rating across all properties

FINANCIAL IMPLICATIONS

18. The current 2025/26 GRV Valuation for 55 Numbat Grove is \$41,600, resulting in rates of \$3.378.71.
19. The notional UV valuation from Landgate is \$249,000, resulting in rates of \$1,738.
20. Changing from GRV to UV will reduce rates income for this property by \$1,640.71 for 2025/26 financial year.
21. The Shire incurs no significant expense in seeking a Minister determination. All State Government charges are recovered from the applicant.

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. Risk Table

Risk	Risk based on history and with existing controls			Proposed Treatment/Control
	Likelihood	Consequence	Risk Rating	
Financial Impact: Decrease in rates income for the Shire due to valuation change.	Possible	Insignificant	Low (2)	Conduct financial modelling and update

				Long Term Financial Plan (LTFP).
Legal / Regulatory Compliance: Non-compliance with Ministerial determination or procedural errors.	Possible	Moderate	Moderate (9)	Adhere to Operational Guidelines and Gazette notices.
Reputational Impacts: Perception of unfairness or lack of transparency in rate changes.	Possible	Minor	Moderate (6)	Transparent reporting and community engagement.

9.3 GOVERNANCE

9.3.1 DELEGATES, COMMITTEES, WORKING GROUPS AND EXTERNAL ORGANISATIONS

File Ref:	ADMIN.12, COMM.LEMC, GOV.21.A, ORG.94, GOV.71, GOV.32 and COMM.BCC
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	6 November 2025
Author:	Claire Thompson, Governance Coordinator
Authorising Officer:	David King, Chief Executive Officer
	9.3.1a. Audit Risk & Improvement Committee Charter
	9.3.1b. Behaviour Complaints Committee Charter
	9.3.1c. Bush Fire Advisory Committee Charter
	9.3.1d. Local Emergency Management Committee Charter
Attachments:	9.3.1e. Regional Development Assessment Panel Information
	9.3.1f. Great Southern Regional Road Group
	9.3.1g. WALGA Zone
	9.3.1h. Code of Conduct Elected Members, Committee Members and Candidates

EXECUTIVE SUMMARY

1. Council needs to appoint delegates to statutory committees, consider continuing working groups and/or representation and nominate delegates to essential external groups or panels.

VOTING REQUIREMENTS

2. Simple majority or Absolute majority, as shown below each recommendation.

SUSPENSION OF STANDING ORDERS

MOVED: CR WIGGINS

SECONDED: CR LEWIS

That Standing Orders be suspended to enable free discussion and the drafting in of representatives in the Officer Recommendations.

CARRIED: 9/0

Res: 081125

TOTAL VOTES FOR: 9

Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Sleeman, Cr Hockey, Cr Lewis and Cr Phillips.

TOTAL VOTES AGAINST: 0

RESUMPTION OF STANDING ORDERS

MOVED: CR WIGGINS

SECONDED: CR CAMPBELL

That Standing Orders be resumed.

CARRIED: 9/0

Res: 091125

TOTAL VOTES FOR: 9

Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Sleeman, Cr Hockey, Cr Lewis and Cr Phillips.

TOTAL VOTES AGAINST: 0

COUNCIL RESOLUTION

MOVED: CR GIBSON

SECONDED: CR CAMPBELL

That the Officer Recommendations 9.3.1a) to 9.3.1j) be carried en bloc.

CARRIED: 9/0

Res: 101125

TOTAL VOTES FOR: 9

Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Sleeman, Cr Hockey, Cr Lewis and Cr Phillips.

TOTAL VOTES AGAINST: 0

COUNCIL RESOLUTION & OFFICER RECOMMENDATION

ITEM 9.3.1 a)

That with respect to the Audit Risk & Improvement Committee, Council:

1. APPROVE the Charter, as per Attachment 9.3.1a; and
2. APPOINT Cr Devenport, Cr Gibson, Cr Sleeman, Cr Hockey and Cr Youel as members; and
3. AUTHORISE the Chief Executive Officer to expressions of interest from two Independent Persons from the WALGA Pool of Independent Presiding Members and make a recommendation to Council for appointment.

CARRIED BY AN ABSOLUTE MAJORITY AND EN BLOC BY RESOLUTION NO. 101125

Absolute majority required

COUNCIL RESOLUTION & OFFICER RECOMMENDATION

ITEM 9.3.1b)

That with respect to the Behaviour Complaints Committee, Council:

1. APPROVE the Charter, as per Attachment 9.3.1b;
2. APPOINT Cr Lewis, Cr Devenport, Cr Phillips, Cr Youel and Cr Gibson as members; and
3. APPOINT Cr Lewis as the Presiding Person.

CARRIED BY AN ABSOLUTE MAJORITY AND EN BLOC BY RESOLUTION NO. 101125

Absolute majority required

COUNCIL RESOLUTION & OFFICER RECOMMENDATION

ITEM 9.3.1 c)

That with respect to the Bush Fire Advisory Committee, Council:

1. APPROVE the Charter, as per Attachment 9.3.1c;
2. APPOINT Cr Wiggins and Cr Campbell as members; and
3. APPOINT Cr Wiggins as the Presiding Person.

CARRIED BY AN ABSOLUTE MAJORITY AND EN BLOC BY RESOLUTION NO. 101125

Absolute majority required

COUNCIL RESOLUTION & OFFICER RECOMMENDATION

ITEM 9.3.1 d)

That with respect to the Local Emergency Management Committee, Council:

1. APPROVE the Charter, as per Attachment 9.3.1 d, subject to the inclusion of an additional Council representative;
2. APPOINT Shire President, Cr Wiggins, Cr Hockey and Cr Campbell as members; and
3. NOTE that the:
 - a) Shire President is to be the Presiding Person; and
 - b) Local Emergency Coordinator is to be the Deputy Presiding Person.

CARRIED BY AN ABSOLUTE MAJORITY AND EN BLOC BY RESOLUTION NO. 101125

Simple majority required

COUNCIL RESOLUTION & OFFICER RECOMMENDATION

ITEM 9.3.1 e)

That with respect to the Regional Development Assessment Panel, Council APPOINT:

1. Cr Devenport as a member;
2. Cr Gibson as a member;
3. Cr Youel as an alternate member; and
4. Cr Sleeman as an alternate member.

CARRIED BY AN ABSOLUTE MAJORITY AND EN BLOC BY RESOLUTION NO. 101125

Simple majority required

COUNCIL RESOLUTION & OFFICER RECOMMENDATION **ITEM 9.3.1 f)**

That with respect to the Great Southern Regional Road Group, Council APPOINT:

1. Cr Hockey as a member; and
2. Cr Wiggins as a deputy member.

CARRIED BY AN ABSOLUTE MAJORITY AND EN BLOC BY RESOLUTION NO. 101125

Simple majority required

OFFICER RECOMMENDATION **ITEM 9.3.1 g)**

That with respect to the Western Australian Local Government Association's Great Southern Zone Council APPOINT:

Cr Phillips as a member;
Cr Wiggins as a member;
Cr Devenport as a proxy member; and
Cr Lewis as a proxy member.

CARRIED BY AN ABSOLUTE MAJORITY AND EN BLOC BY RESOLUTION NO. 101125

Simple majority required

COUNCIL RESOLUTION & OFFICER RECOMMENDATION **ITEM 9.3.1 h)**

That Council NOMINATE Cr Phillips to apply to be a local government representative on the Great Southern Development Commission Board.

CARRIED BY AN ABSOLUTE MAJORITY AND EN BLOC BY RESOLUTION NO. 101125

Simple majority required

COUNCIL RESOLUTION & OFFICER RECOMMENDATION **ITEM 9.3.1 i)**

That Council APPOINT Cr Campbell as the Council's Delegate to Denmark Arts.

CARRIED BY AN ABSOLUTE MAJORITY AND EN BLOC BY RESOLUTION NO. 101125

Simple majority required

COUNCIL RESOLUTION & OFFICER RECOMMENDATION **ITEM 9.3.1 j)**

That Council APPOINT Cr Wiggins as the Council's Delegate to the Denmark Chamber of Commerce.

CARRIED BY AN ABSOLUTE MAJORITY AND EN BLOC BY RESOLUTION NO. 101125

Simple majority required

At the meeting held on 28 October 2025, Cr Phillips was nominated as the Council's additional representative on the South Coast Alliance Executive Committee. Cr Phillips has since resigned from the position and Cr Lewis has expressed her interest.

Below is a recommendation for Council's consideration.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.3.1 q)
MOVED: CR WIGGINS	SECONDED: CR HOCKEY
That Council NOMINATE Cr Lewis as the additional Elected Member representative for the South Coast Alliance Inc. Executive Committee.	
CARRIED: 9/0	Res: 111125
TOTAL VOTES FOR: 9 Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Sleeman, Cr Hockey, Cr Lewis and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

Simple majority required

COUNCIL RESOLUTION (DEFERRAL)	ITEM 9.3.1 r)
MOVED: CR PHILLIPS	SECONDED: CR LEWIS
That Council DEFER consideration of Officer Recommendations 9.3.1k) – p) to discuss the framework for the representation of councillors on local groups, and the establishment of Council working groups, at a future Concept Forum.	
CARRIED: 8/1	Res: 121125
TOTAL VOTES FOR: 8 Cr Campbell, Cr Wiggins, Cr Gibson, Cr Devenport, Cr Sleeman, Cr Hockey, Cr Lewis and Cr Phillips.	
TOTAL VOTES AGAINST: 1 Cr Youel.	

OFFICER RECOMMENDATION	ITEM 9.3.1 k)
That Council:	
1. AGREE to transfer the Accessibility Working Group from a formal Council established Working Group to an operational and administrative group;	
2. NOTE that an officer from the Executive Team will be a member; and	
3. NOTE that the Disability Access & Inclusion Plan is reviewed and adopted by Council every five years.	

Absolute majority required

OFFICER RECOMMENDATION	ITEM 9.3.1 l)
That Council:	
1. AGREE to transfer the Denmark Bushfire Mitigation Working Group from a formal Council established Working Group to an operational group;	
2. NOTE that an officer from the Executive Team will be a member;	
3. NOTE that the Bush Fire Mitigation Plan is reviewed and adopted by Council; and	
4. NOTE that Councillors will be briefed on the mitigation progress at stages throughout the year or as requested.	

Simple majority required

OFFICER RECOMMENDATION

ITEM 9.3.1 m)

That Council DISCONTINUE the Sustainable Projects Working Group noting that there is no formal community representation, the most recent discussions were around project updates, and the broad objectives and aspirations of the Sustainability Strategy are now incorporated into the new Council plan that is reviewed by Council biennially.

Simple majority required

OFFICER RECOMMENDATION

ITEM 9.3.1 n)

That Council DISCONTINUE the Trails Advisory Working Group as it has only met twice since its establishment in 2022, noting that it can be re-established in the future should it be required or desired.

Simple majority required

OFFICER RECOMMENDATION

ITEM 9.3.1 o)

That with respect to the Great Southern Sport and Recreation Group Council:

1. DISCONTINUE with providing a Council delegate noting that an Officer of the Executive Team will attend; and
2. NOTE that regional sport and recreational strategies will be presented to Council for endorsement, as they are development or reviewed.

Simple majority required

OFFICER RECOMMENDATION

ITEM 9.3.1 p)

That Council REQUEST the Chief Executive Officer to review the *Meeting Framework Policy* to incorporate the elements in the Framework Discussion in this report.

Simple majority required

LOCATION

3. Some of the meetings of external organisations are held outside of the Denmark local government district.

BACKGROUND

4. Following the October 2025 local government election, Council has an opportunity to consider the relevance, requirement for, function and purpose of its internal committees and working groups. It is also an opportunity to consider providing members/delegates to external organisations.
5. Any relevant background information related to specific committees, working groups and external organisations is provided in the discussion section of this report.

DISCUSSION / OFFICER COMMENTS

Framework Discussion

6. Councillors play a critical role in representing the community and contributing to informed decision-making. While Ordinary Council Meetings and Concept Forums remain the primary forums for deliberation, councillors may also participate in other meetings that support governance, regional collaboration, and community engagement. Officers

have provided a proposed framework for making the decision regarding ongoing membership. This includes:

- Committees of Council
- Representation on Regional Committees or Organisations
- Representation in Local Groups or Committees
- Council Working Groups

Committees of Council

7. Statutory committees are established under legislation to provide advice to Council. Their recommendations are advisory and require formal Council endorsement.
8. Officers recommend applying the following principles when considering the establishment of a Committee of Council:
 - Created where required by legislation – Legislative requirement due to risk and importance, eg finance and audit committee.
 - Used for high-risk issues only - Council committees have to be run in accordance with the Standing Orders Local Law. Committees are formal and, therefore, resource-intensive for the administration. In addition, by their nature as advisory to Council, they lengthen the decision-making process.
9. Where a matter requires strategic direction or conceptual formulation, these should be dealt with in Concept Forums or Ordinary Council Meetings.

Audit Risk & Improvement Committee

10. Referred to currently in the Local Government Act 1995 and associated Regulations as an *audit committee*. As changes to the legislation are imminent, officers have decided to introduce the changes now rather than refer it back to council once the legislation has gone through.
11. The main changes to the committee in the proposed legislation amendments are:
 - a) Change of name from *audit committee* to *audit risk & improvement committee*.
 - b) The requirement for an independent person to be a member, and for that member to be the presiding member.
 - c) The requirement for an additional independent person to be the deputy of the presiding member.
12. See Attachment 9.3.1a for the Charter.
13. In anticipation of the changes, the Western Australian Local Government Association (WALGA) have established a Pool of Independent Presiding Members for Local Government Audit, Risk and Improvement Committees. On behalf of the local

government sector, WALGA went through a robust process of calling for nominations of experienced professionals with expertise in risk and financial management.

14. It is recommended that the CEO be authorised to seek expressions of interest from two independent members for the Shire of Denmark's Audit Risk & Improvement Committee and bring a report back to Council to consider their appointment to the Committee.

Behaviour Complaints Committee

15. Established by Council to deal with behaviour complaints made under Division 3 of the Code of Conduct for Council Members, Committee Members and Candidates. A copy of the Charter is attached (Attachment 9.3.1b).
16. The Committee has delegated authority as outlined in Part 9 of the Charter, is required to be open to the public and hold a public question time. Notwithstanding that, the nature of any items to be dealt with would result in the matters being deliberated behind closed doors.
17. Membership comprises 5 councillors. To date, the Committee has never met.

Bush Fire Advisory Committee

18. Whilst not statutorily required, this Committee is established under the *Bush Fires Act 1954* and the Charter is in accordance with that Act and the *Local Government Act 1995*. (see Attachment 9.3.1c for Charter)
19. The Committee went through a reform in April 2025, which appears to be working well, and it is recommended that it be continued.
20. The Committee meet at least quarterly each year.
21. Section 67(2) of the *Bush Fires Act 1954* requires that the committee shall include a councillor as a member and that that member must be the [chairman] Presiding Person.

Local Emergency Management Committee

22. This committee is required to be established under the *Emergency Services Act 2005*. See Attachment 9.3.1d for the Charter. The Shire President is to be appointed as a member and also the Presiding Person (referred to as the Chairman in the Act).
23. The committee meets at least quarterly each year.

Representation on Regional Committees or Organisations

24. Regional committees are formed by external organisations seeking councillor representation and typically provide formal voting rights.
25. Officers recommend applying the following principles when considering representation on regional committees or groups:
 - Ensure the Shire's interests are represented in regional decision-making. It is important to be represented at these types of meetings to ensure the Shire's interests are represented, but also to take away learning and foster relationships and collaboration across jurisdictions.

Development Assessment Panel – Regional (DAP)

26. DAPs are established by legislation and are intended to enhance planning expertise in decision-making by improving the balance between technical advice and local knowledge. See Attachment 9.3.1e for a map showing the Regional DAP area and some Frequently Asked Questions.
27. Applicants of development applications valued over \$2m can opt in to have their application determined by a DAP.
28. Some members may be eligible for payment, including local government councillors.
29. Local governments are required to nominate two “primary” members and two “alternate” members. The nominations are then approved by the Minister and will be valid for a term ending 26 January 2028.
30. Members are required to complete training.

Great Southern Regional Road Group

31. Regional Road Groups are comprised of local government elected representatives, supported by a sub-group or technical committee comprised of local government staff. Administrative support is provided by Main Roads WA.
32. RRGs provide input into how the State Government’s contribution to local roads is spent. See Attachment 9.3.1f for the RRG Member Induction Pack that includes the Group’s Terms of Reference.
33. Councillors are requested to provide a delegate and a deputy delegate.

Western Australian Local Government Association (WALGA) Great Southern Zone

34. WALGA Zones raise and develop advocacy positions on regional issues affecting local governments, progress local government initiatives, identify relevant issues for action by WALGA and provide direction and feedback to their State Councillor.
35. See Attachment 9.3.1g for the *Elected Member Prospectus – Becoming a Zone Delegate or State Councillor*.
36. Member local governments are asked to provide two councillors as members and two councillors as proxy members.
37. Meetings are held generally five times a year, the locations are rotated between member local governments, and the length of meetings is generally 2 – 4 hours.

Great Southern Development Commission (GSDC) Board

38. The GSDC is calling for local governments in the Great Southern to nominate a councillor to become a member of the GSDC Board.
39. The GSDC’s role is to help grow the Great Southern community, develop and take advantage of the benefits of the region, including lifestyle, economy and natural landscape.

40. Council is not required to nominate a councillor; however, if a councillor would like to nominate, Council must nominate that councillor via a formal resolution.
41. A successful candidate is then appointed by the Minister.
42. Board Members may be entitled to remuneration and allowances as the Minister determines from time to time.

Great Southern Sport and Recreation Group (GSSRG)

43. Focusses on collaboration and regional coordination in sport and recreation. GSSRG plays a vital role in fostering partnerships, sharing best practices, and supporting regional initiatives across all local governments in the Great Southern.
44. Each local government can have a minimum of one representative (one officer and/or one elected member). In the past, Denmark's representation has been a Shire Manager and a Council delegate.
45. As the majority of meeting discussions are focussed on regional and/or local recreation and sport infrastructure, it is recommended that the only Shire of Denmark representative be the Director of Infrastructure & Assets, with the regional strategies presented to Council for endorsement, as they are developed or reviewed.

Representation in Local Groups or Committees

46. Formal representation at the local level of community groups to ensure council interaction and support.
47. Officers recommend applying the following principles when considering representation on local committees or groups:
 - Formal representation where Council supports a group under a discretionary service agreement - Councillor representation is appropriate where Council allocates ratepayer funds for a specific purpose under the community contributions policy. Representation provides oversight and accountability for funded initiatives, ensuring alignment with community expectations and responsible use of public resources.
 - Optional representation as required - Councillors should be encouraged to seek an invitation to any group meeting they feel they need to have a better understanding of. It is important to note that individual councillors can approach community organisations or groups in their individual capacity. They do not need to be formally appointed by Council; however, in these cases, the councillor is representing themselves, not the Council, in a formal capacity. Facilitating communication with the community about Council decisions is also one statutory element of the councillor role.
48. Of the current external organisations that have had a Council delegate in the past, it is recommended that the following delegate roles be discontinued, given the principles provided in this report. As noted above, there is nothing preventing a councillor from familiarising themselves with the functions and objectives of any community organisation, in their individual role. There is also nothing preventing any community

organisation, resident or ratepayer from contacting individual councillors or the Shire's administration office.

- a) Denmark Historical Society – no discretionary service agreement.
- b) Nornalup Residents & Ratepayers Association – no discretionary agreement, and the Shire hosts two western locality meetings each year.
- c) Peaceful Bay Progress Association – no discretionary agreement, and the Shire hosts two western locality meetings each year.
- d) Wilson Inlet Catchment Committee – no discretionary agreement.
- e) Denmark Pardelup Working Group – it is recommended that the Shire's conduit with this organisation be the Director of Infrastructure & Assets given that more often any works involving the Pardelup work crew falls under this Directorate.

49. Organisations with discretionary service agreements (defined in the Council's *Community Contribution Policy* as where the Shire has determined to step in and provide a service to the community beyond the essential functions of local government) and which it is recommended that Council appoint a delegate to are:

- a) Denmark Arts; and
- b) Denmark Chamber of Commerce

Council Working Groups

50. Historically, working Groups are typically informal meetings involving councillors, staff, and sometimes community members, generally to discuss operational matters. Unlike statutory committees or forums, these groups are not prescribed under the Local Government Act 1995 or associated regulations.

51. Legislative Context:

- The Local Government Act 1995 and Regulations prohibit councillors from involvement in operational (administration) matters unless specifically authorised by the Council or the Chief Executive Officer (CEO).
- This restriction exists for sound governance reasons: operational management is the responsibility of administration, while councillors focus on strategic direction and policy.

52. Issues:

- Councillor involvement in day-to-day operations can create significant risks, including:
 - a) Staff Direction Conflicts: Councillors may inadvertently influence staff priorities, creating tension with established management processes and competing organisational requirements.

- b) Governance Breach: Direct operational involvement undermines the separation of powers between governance and administration and is a breach of the *Code of Conduct for Council Members, Committee Members and Candidates*
 - c) Workplace Stress: Staff may experience pressure or confusion when receiving informal direction from councillors, leading to conflict and reduced efficiency.
53. Officers recommend that working groups, where required, be formed at an administrative level under the direction of the CEO.
54. Where a matter requires strategic direction or conceptual formulation, these should be dealt with in Concept Forums or Ordinary Council Meetings.

Accessibility Working Group

55. This working group plays a pivotal role in supporting the local government and Council to advocate and make recommendations for accessibility and inclusion with respect to the Shire of Denmark's functions and services. It also oversees the implementation of Shire's Disability Access and Inclusion Plan, a plan that the Shire is statutorily required to have and report on annually to the Minister.
56. Currently, there is a provision for a councillor on the working group; however, officers are recommending that, as the group's advocacy and support is generally operational, the Director of Infrastructure and Assets sit as a member of that committee. The Director can then bring any matters to Council for consideration or, informally via a Concept Forum, should councillor input be required.

Denmark Bushfire Mitigation Working Group

57. It is proposed that this working group become an internal operational group of stakeholders rather than a formal group established by Council with Council representatives. It is the view of officers that it would be more beneficial to instead brief all Councillors via a Concept Forum, as required or upon request.
58. It is noted that the Bushfire Risk Mitigation Plan, which details the Shire's priority areas for mitigation, is formally endorsed by Council.

Sustainable Projects Working Group

59. This group is tasked with assisting in achieving the key principles and objectives contained within the Shire's Sustainability Strategy. Although there were occasionally presentations from invested stakeholders, there is no formal community representation and primarily discussions were around project updates.
60. The Working Group was established to assist with implementing the Shire's Sustainability Strategy, but has not now met for 12 months. The broad objectives and aspirations of the Sustainability Strategy are now incorporated into the new Council Plan, which is reviewed by Council biennially.
61. It is recommended that this group be discontinued.

Trails Advisory Group

62. This group was established in December 2022.

63. The mission of the group is:

The TAG's work and focus will be derived from Council's endorsed Corporate Business Plan, and reference the Shire's Sustainability Strategy, Environment Policy, Tourism Strategy and relevant Management Plans.

TAG's objectives shall strive to make the Shire of Denmark a place that values trails and the physical connection to our natural environment, whilst promoting conservation, protection and rehabilitation of the landscape.

TAG will achieve this in the following distinct ways:

- a) Empower key stakeholders, and the broader Denmark community, to engage with the Shire to develop trails and supporting infrastructure, and*
- b) Identify, advocate and prioritise funding opportunities to develop, renew and maintain trails in the region; and*
- c) Promote conservation and community groups to work collaboratively on Shire trail related projects to benefit the wider community.*

64. The Terms of Reference for the group is:

- a) Ongoing high-level review of the Shire's trail network.*
- b) Seek out and receive advice, that contributes to future projects and will help guide well informed recommendations to Council.*
- c) Recommend to Council priorities and new initiatives, with consideration to the Corporate Business Plan, and reference the Long Term Financial and Asset Management Plans accordingly.*

65. The group has never met. It is recommended that the group be discontinued at this time.

CONSULTATION AND EXTERNAL ADVICE

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

STATUTORY / LEGAL IMPLICATIONS

Local Government Act 1995

67. Section 2.7 – role of council, including respecting the separation of council's role and the CEO's role.

68. Section 2.10 – role of a councillor includes facilitating communication with the community.
69. Section 5.8 – local government can establish committees of 3 or more persons to assist the council.
70. Section 5.10 – committee members must be appointed by council.
71. Section 5.12 – presiding persons of council committees must be appointed by council.
72. 5.100(3) – a committee member who attends a meeting of prescribed type at the request of the council is entitled to be paid an attendance fee [see Reg 34ACA(1)].
73. 5.100(4) – committee members who are not a councillor or an employee are entitled to be paid an attendance fee and the reimbursement of prescribed expenses [see Reg 34ACA(2)].

Local Government (Administration) Regulations 1996

74. Regulation 34ACA(1) – a council committee meeting where the committee member is not a member is a prescribed meeting type.
75. Regulation 34ACA(2) – kinds of expenses eligible for reimbursement include child care and travel costs.

Bush Fires Act 1954

76. Section 67(1) – local government may appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising council on certain matters. These matters are listed in the Charter.
77. Section 67(2) – a committee established under s 67(1) shall include a member of the council of the local government.
78. Section 67(3) – local government shall make rules for the guidance of the committee. See Charter.

Planning & Development (Development Assessment Panels) Regulations 2011

79. Regulations 26(3) and 28 – local governments to nominate two (2) delegates as members and two (2) delegates as alternate members on the joint Development Assessment Panel.

Regional Development Commissions Regulations 1994

80. Regulation 12 – board member nominations will be sought from local governments.

STRATEGIC / POLICY IMPLICATIONS

81. *Code of Conduct for Council Members, Committee Members and Candidates* relates to the prohibition of councillors to be involved in administrative matters (with the exception of undertaking a task with the approval of the Council or the Chief Executive Officer). The Code also talks to relationships with employees. See Attachment 9.3.1h).

82. The *Community Contributions Policy* relates to definitions of discretionary and core function agreements.
83. Councillors are entitled to claim reimbursement for expenses incurred in attending meetings as a Council representative in accordance with the Council's *Elected Member Allowances and Expenses Policy*.

FINANCIAL IMPLICATIONS

84. Given the qualifications and/or experience required to be an independent member of the Audit Risk & Improvement Committee, Council have included an attendance fee in the 2025/26 Budget. The fee payable will be in accordance with the Salaries and Allowances Tribunal's *Local Government Chief Executive Officers and Elected Council Members Determination*, the current determination is up to \$450.

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

88. 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.

Cr Hockey declared that he is a paying member, parent of a paying member and his daughter participates in Nippers. He also assists as a parent helper. As a consequence there may be a perception that his impartiality on this matter may be affected.

Cr Sleeman declared that he is active member of the Denmark Surf Life Saving Club, but not on the Club Committee, and as a consequence there may be a perception that his impartiality on this matter may be affected.

Cr Wiggins declared that he is a member of the Denmark Surf Life Saving Club and as a consequence there may be a perception that his impartiality on this matter may be affected.

The Chief Executive Officer declared that he is a member of the Denmark Surf Life Saving Club and as a consequence there may be a perception that his impartiality on this matter may be affected.

9.3.2 LEASE – DENMARK SURF LIFE SAVING CLUB

File Ref:	LEA.44
Applicant / Proponent:	Denmark Surf Life Saving Club Inc.
Subject Land / Locality:	Part of Lot 556 on Deposited Plan 71707 Crown Land Reserve 24913
Disclosure of Officer Interest:	The Authorising Officer is a member of the Denmark Surf Life Saving Club Inc.
Date:	28 October 2025
Author:	Claire Thompson, Governance Coordinator
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.3.2a – Draft Lease 9.3.2b – Property Management Policy

EXECUTIVE SUMMARY

1. Council is asked to approve a lease of a portion of Crown Land Reserve to the Denmark Surf Life Saving Club Inc.

VOTING REQUIREMENTS

2. Simple majority.

OFFICER RECOMMENDATION

ITEM 9.3.2a)

That Council APPROVE the lease between the Shire of Denmark and the Denmark Surf Life Saving Club Incorporated for a portion of Crown Land Reserve 24913, Lot 556 on Deposited Plan 71707, as presented in Attachment 9.3.2a, subject to Ministerial Consent.

Following publication of the Agenda, the Denmark Surf Life Saving Club has requested that they be permitted to hold fundraising activities during any period when the Kiosk is closed.

The Chief Executive Officer has no concerns with the requested amendment that enables the club more flexibility in fundraising activities that will not interfere with any future kiosk operation. The following Amended Officer Recommendation is provided for consideration.

COUNCIL RESOLUTION & AMENDED OFFICER RECOMMENDATION

ITEM 9.3.2a)

MOVED: CR WIGGINS

SECONDED: DEVENPORT

That Council APPROVE the lease between the Shire of Denmark and the Denmark Surf Life Saving Club Incorporated for a portion of Crown Land Reserve 24913, Lot 556 on Deposited Plan 71707, as presented in Attachment 9.3.2a, subject to:

1. Ministerial Consent; and
2. Inclusion of a special condition permitting fundraising activities during any period when the kiosk is closed.

AMENDMENT

MOVED: CR LEWIS

SECONDED: CR PHILLIPS

Add a part 3 that states, “amending clause 5.2(h) of the lease to read Erect any permanent fencing on the lease boundary”.

CARRIED: 8/1

Res: 131125

TOTAL VOTES FOR: 9

Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Hockey, Cr Lewis and Cr Phillips.

TOTAL VOTES AGAINST: 1

Cr Sleeman.

AMENDED MOTION

That Council APPROVE the lease between the Shire of Denmark and the Denmark Surf Life Saving Club Incorporated for a portion of Crown Land Reserve 24913, Lot 556 on Deposited Plan 71707, as presented in Attachment 9.3.2a, subject to:

1. Ministerial Consent;
2. Inclusion of a special condition permitting fundraising activities during any period when the kiosk is closed; and
3. Amending clause 5.2(h) of the lease to read Erect any permanent fencing on the lease boundary”.

CARRIED: 9/0

Res: 141125

TOTAL VOTES FOR: 9

Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Sleeman, Cr Hockey, Cr Lewis and Cr Phillips.

TOTAL VOTES AGAINST: 0

3. Absolute majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION

ITEM 9.3.2b)

MOVED: CR GIBSON

SECONDED: CR LEWIS

That Council in accordance with section 6.47 of the Local Government Act 1995, GRANT a 100% rates concession for the 2025/26 financial year.

CARRIED: 9/0

Res: 151125

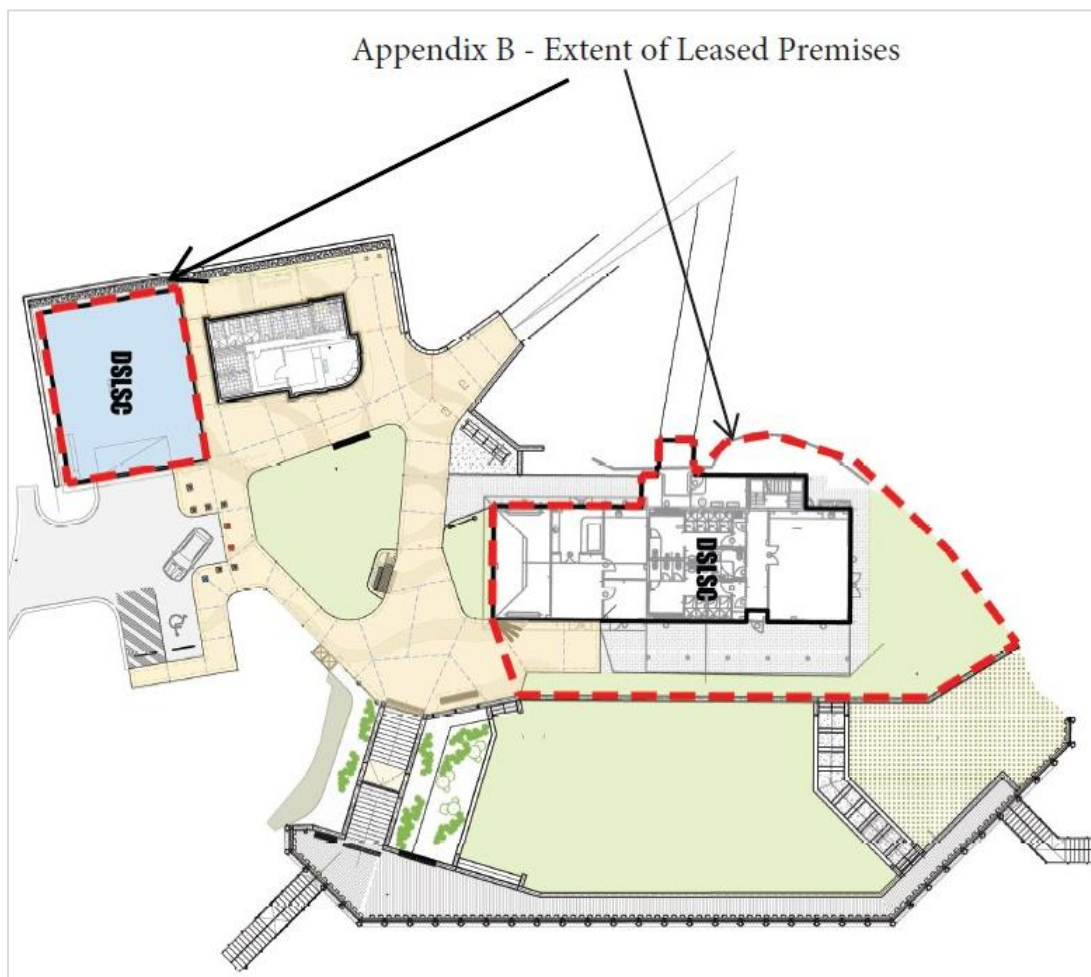
TOTAL VOTES FOR: 9

Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Sleeman, Cr Hockey, Cr Lewis and Cr Phillips.

TOTAL VOTES AGAINST: 0

LOCATION

4. Part of Lot 556 on Deposited Plan 71707, on Crown Land Reserve 24913, being a total area of 770m².



ABOVE: Lease area delineated by a red dashed line

BACKGROUND

5. The first lease (found) to the Surf Club at Ocean Beach commenced in 1989.
6. Prior to the Ocean Beach redevelopment the Denmark Surf Club had a current lease for the Surf Club building and surrounds. The lease was due to expire in 2031.
7. The redevelopment of the Surf Club has concluded, and it is recommended that the current lease be surrendered and a new 10 year lease be offered.

DISCUSSION / OFFICER COMMENTS

8. A draft lease is attached (see Attachment 9.3.2a). The building will remain the property of the Shire, with the lessee responsible for maintenance and repairs.

Key Terms – Lease Extents

9. The proposal and its key terms are consistent with the Property Management Policy.
10. One matter not dealt with under the Policy is the determination of the lease area, as this is specific to each individual lease.
11. In considering the proposed lease area for the Denmark Surf Life Saving Club, it is important to note that the arrangement includes not only the building itself but also a small area outside the immediate building footprint. This additional area will be under

the care and control of the lessee, allowing the club to effectively manage activities directly related to surf lifesaving, such as lay-down zones for equipment, training sessions, and operational readiness during patrols. This approach is consistent with standard practice for surf life saving clubs across Australia, where a designated area adjoining the club building is often included in leases to enable operational control and ensure the safety and efficiency of surf life saving activities.

12. Arguments in favour of including this small external area in the lease centre around the operational needs of the club. Having a dedicated space adjacent to the building allows for the secure storage and quick deployment of essential equipment, facilitates training and educational activities, and provides a safe buffer zone for surf lifesaving operations. It also supports the club in fulfilling its core mission to protect and educate beachgoers, as activities such as first aid training and rescue drills can be conducted without interference or risk to the public.
13. On the other hand, concerns may be raised regarding the allocation of public land for exclusive use by the club, particularly if it is perceived to limit broader community access or create an impression of exclusivity. However, the proposed lease area has been carefully delineated to ensure there is no impact on public access to the beach or primary public recreation spaces. The club's use of the area is specifically for surf lifesaving purposes and does not encroach upon the rights of the general public to enjoy the beach environment.
14. To further address concerns about the area appearing exclusive or club-oriented, the draft lease includes a specific clause that prohibits the erection of a fence or any similar barrier on the lease boundary. This provision is intended to maintain the open and welcoming character of the site, preventing the area from taking on a private or segregated appearance and ensuring the club remains integrated within the broader community context. By not allowing boundary fencing, the lease supports a sense of shared space and inclusivity, rather than creating a perception of separation or privilege.
15. Overall, the inclusion of a small external area within the lease is a balanced and practical measure that reflects common practice among surf lifesaving clubs, supports the operational requirements of the club, and maintains public access and amenity.

CONSULTATION AND EXTERNAL ADVICE

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

STATUTORY / LEGAL IMPLICATIONS

Local Government Act 1995

17. Section 3.58 – local government can dispose of property, including to lease.
18. Section 6.47 – local government may waive a rate or service charge.

Local Government (Functions and General) Regulations 1996

19. Regulation 30(2)(b) – a disposition (including leasing) of land is exempt from section 3.58 disposal provisions if the land is disposed of to a body:
- i. the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
 - ii. the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions.

Land Administration Act 1997

20. Section 18 – Ministerial consent required for dealing with interests in Crown land.
21. Section 46 – Minister may place the care, control and management of Crown land with a person. The Shire has Management Order for Crown land Reserve 24913 with the power to lease for a term no exceeding 21 years.

STRATEGIC / POLICY IMPLICATIONS**Property Management Policy**

22. A copy of the policy is attached (see Attachment 9.3.2b). The draft lease is a community lease as defined in the policy and contains the standard terms of lease plus some special conditions.
23. The special conditions relating to fundraising activities involving food and beverage has been included to minimise any perceived competition with the commercial Kiosk, located adjacent to the leased premises.
24. In accordance with the policy, the draft lease is for a 10 year term.
25. Clause 1.5 of the Property Management Policy states that Council will consider rate waivers to support community groups, such as the Denmark Surf Life Saving Club to deliver services and undertake maintenance of the infrastructure throughout the term of the lease.

FINANCIAL IMPLICATIONS

26. The 2025/26 Budget includes a 100% rate waiver for the Denmark Surf Club, based on the valuation of the building prior to the redevelopment.
27. The redeveloped building and ancillary building will need to be revalued in due course which will determine the future rates. It is unknown whether this revaluation will take place before the 2026/27 financial year.
28. Officers recommend waiving the rates for the 2025/26 financial year and future rate waivers will need to be considered at the time budgets are adopted.

OTHER IMPLICATIONS**Environmental**

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

Economic

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

Social

31. The Denmark Surf Life Saving Club provide an important emergency service for the Denmark residents and visitors to Denmark. They also provide valuable sporting and educational opportunities to the community, particularly local youth.

RISK MANAGEMENT

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

9.3.3 2026 ORDINARY COUNCIL MEETING SCHEDULE

File Ref:	CR.2
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	17 October 2025
Author:	Claire Thompson, Governance Coordinator
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.3.3a – Meeting Schedule 2026 9.3.3b - Meeting Framework Policy

EXECUTIVE SUMMARY

1. Council is required to set the meeting dates, times and locations for Ordinary Meetings to be held in 2026.

VOTING REQUIREMENTS

2. Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.3.3
MOVED: CR LEWIS	SECONDED: CR PHILLIPS
That Council:	
1. HOLD the Ordinary Meetings for 2026 on the dates shown in Attachment 9.3.3a;	
2. DETERMINE that all of those meetings will commence at 4.00pm and be held in the Council Chambers, 953 South Coast Highway, Denmark;	
3. HOLD the locality meetings in Peaceful Bay and Tingleddale; and	
4. AMEND the Meeting Framework Policy, as per Attachment 9.3.3b.	
AMENDMENT	
MOVED: CR DEVENPORT	SECONDED: CR SLEEMAN
In Part 4, after the words, “Attachment 9.3.3b”, add the words, “and including reference in clause 3.5 that Concept Forums will be scheduled between 12.30pm and 4.30pm”.	

LOST: 4/5	Res: 161125
TOTAL VOTES FOR: 4	
Cr Wiggins, Cr Youel, Cr Devenport and Cr Sleeman	
TOTAL VOTES AGAINST: 5	
Cr Campbell, Cr Gibson, Cr Phillips, Cr Lewis and Cr Hockey.	
THE ORIGINAL MOTION WAS THEN PUT AND CARRIED: 9/0	Res: 171125
TOTAL VOTES FOR: 9	
Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Sleeman, Cr Hockey, Cr Lewis and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

LOCATION

3. Not applicable.

BACKGROUND

4. The 2025 meeting times, dates and locations were the last Tuesday of each month, commencing in January. Start time 4.00pm and held in the Council Chambers.
5. The two locality meetings for 2025 were held in Peaceful Bay and Nornalup.

DISCUSSION / OFFICER COMMENTS

6. Officers are recommending that the Ordinary Council meeting day, time and location remain the same as 2026, as it appears to be working well and retains consistency for members of the public.
7. Proposed Meeting Schedule 2026 (see Attachment 9.3.3a).
 - One (1) Ordinary Meeting per month.
 - Meetings held the last Tuesday of each month, commencing 27 January 2026.
 - Meetings start at 4.00pm and are all held in the Council Chambers.
8. December 2026 is recommended to be excluded, as it has been in 2025, given that the last Tuesday would be 29 December, the day before New Year's Eve, when the Shire Administration Office is closed.

CONSULTATION AND EXTERNAL ADVICE

9. It is a statutory requirement that Ordinary Council meeting details be published on the Shire's website.

STATUTORY / LEGAL IMPLICATIONS

Local Government Act 1995

10. Section 5.3 – Council must hold ordinary meetings not more than 3 months apart.
11. Section 5.4 – ordinary or special meetings can be called either by the Shire President, at least one third of councillors or if so, decided by the Council.

Local Government (Administration) Regulations 1996

12. Regulation 12 – CEO must publish ordinary meeting details before the beginning of the year in which the meetings are to be held.

STRATEGIC / POLICY IMPLICATIONS**Meeting Framework Policy**

13. The policy states that ordinary council meetings will be held on the last Tuesday of each month, commencing at 4.00pm in the Council Chambers. Should Council change the meeting time, frequency or location for 2026, this policy will need to be amended to reflect the change.
14. The policy also states that Council will host a locality meeting of citizens and community organisations at least once a year in Peaceful Bay, and an additional meeting each year alternating between Tingle Dale and Nornalup.
15. The 2025 additional locality meeting was held in Nornalup.
16. Officers are proposing a small amendment to the policy to include the words, *“Information and documentation provided to Councillors for the purpose of these forums should be treated as confidential”*, under the Concept Forum section. See Attachment 9.3.3b.

FINANCIAL IMPLICATIONS

17. Nil

OTHER IMPLICATIONS**Environmental**

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

Economic

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

Social

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

RISK MANAGEMENT

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

5.59pm - Public Question Time

The Shire President stated that the second public question time would commence & called for questions from members of the public.

1. Serena Kirby – Item 9.3.5 – Council Delegates

Serena asked why Council was no longer providing a delegate to the Denmark Community Resource Centre.

The Chief Executive Officer responded that the decision to provide a delegate or not to the Denmark Community Resource Centre had been deferred and would be brought back to Council for determination at a future Council meeting.

9.3.4 PUBLIC PLACES & LOCAL GOVERNMENT PROPERTY LOCAL LAW – ADOPTION

File Ref:	LEG.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	7 November 2025
Author:	Claire Thompson, Governance Coordinator Niel Mitchell, Consultant
Authorising Officer:	David King, Chief Executive Officer
	9.3.4a – Summary of Departmental response
	9.3.4b – Proposed Public Places & Local Government Property Local Law
Attachments:	9.3.4c – Determinations Schedule
	9.3.4d – Bird Sanctuary Designated Area Map
	9.3.4e – Current Local Law Delegations
	9.3.4f – Draft new Local Law Delegations

EXECUTIVE SUMMARY

1. Consideration of final adoption of the proposed Public Places & Local Government Property Local Law in accordance with the Local Government Act 1995 [s.3.12].
2. The purpose of this report –
 - a) to allow the presiding person to give notice to the meeting of the proposal to make a new local law, in accordance with the requirements of the *Local Government Act 1995*;
 - b) to resolve the adoption of the proposed local law; and
 - c) to authorise the statutory processes necessary to finalise the adoption of the Local Law.

VOTING REQUIREMENTS

3. Absolute majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION

ITEM 9.3.4 a)

MOVED: CR GIBSON

SECONDED: CR HOCKEY

That Council:

1. Pursuant to section 3.12(4, (5) and (6) of the *Local Government Act 1995*, and all other legislation enabling it, RESOLVES to make a Public Places & Local Government Property Local Law –
 - Purpose – to make provisions for the management of public places, thoroughfares and all local government property,
 - Effect – to repeal existing local laws, establish necessary controls for public places, thoroughfares and local government property, provide for permitted and prohibited use and activities, and create offences for non-compliance;
2. AUTHORISE the Shire President and CEO to sign and affix the Common Seal to the Local Law;
3. AUTHORISE –
 - a) the publication of the Local Law in the Government Gazette and giving of public notice;
 - b) provision of the Local Law to the Department of Local Government, Industry Regulation and Safety; and
 - c) forward a copy of the Gazetted Local Law, an Explanatory Memoranda and associated documentation to the Parliamentary Joint Standing Committee on Delegated Legislation for review.

CARRIED BY AN ABSOLUTE MAJORITY: 9/0

Res: 181125

TOTAL VOTES FOR: 9

Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Sleeman, Cr Hockey, Cr Lewis and Cr Phillips.

TOTAL VOTES AGAINST: 0

4. Should Council agree to adopt the draft Public Places & Local Government Property Local Law, it is recommended that the process of re-making required designations be commenced and changes to delegations be made. Below are two additional Officer Recommendations for those purposes.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION

ITEM 9.3.4b)

MOVED: CR GIBSON

SECONDED: CR LEWIS

That following the date that the Public Places & Local Government Property Local Law comes into effect, being 14 days after the date it is published in the *Government Gazette*, Council:

1. ADVERTISE its intention to make the following determinations:
 - a) Determination 1 – Vehicles on Beaches and Boat Launching
 - Purpose – to provide certain beaches within the local government district that a person can drive or ride a vehicle.
 - Effect – to clearly identify which beaches a person is permitted to drive or ride a vehicle on.
 - b) Determination 2 – Bird Sanctuary
 - Purpose – to provide a designated area for the protection and preservation of bird species.

Effect – restrict access to a specified area to provide a safe environment where bird species can rest, net, feed and breed.

CARRIED BY AN ABSOLUTE MAJORITY: 9/0

Res: 191125

TOTAL VOTES FOR: 9

Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Sleeman, Cr Hockey, Cr Lewis and Cr Phillips.

TOTAL VOTES AGAINST: 0

COUNCIL RESOLUTION & OFFICER RECOMMENDATION

ITEM 9.3.4 c)

MOVED: CR GIBSON

SECONDED: CR CAMPBELL

That following the date that the Public Places & Local Government Property Local Law comes into effect, being 14 days after the date it is published in the *Government Gazette*, Council

1. REPEAL:

- a) Delegation 1.4.1 – Activities in Thoroughfares & Trading in Thoroughfares & Public Places Local Law; and
- b) Delegation 1.4.2 – Local Government Property Local Law.

2. APPROVE the delegations to the CEO, as per Attachment 9.3.4f).

CARRIED BY AN ABSOLUTE MAJORITY: 9/0

Res: 201125

TOTAL VOTES FOR: 9

Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Sleeman, Cr Hockey, Cr Lewis and Cr Phillips.

TOTAL VOTES AGAINST: 0

LOCATION

- 5. Whole of Shire of Denmark local government district.

BACKGROUND

- 6. The proposed local law arises from a local law review in 2022, and repeals five local laws – three very old and two from 2001, replacing them with one aligned with requirements.
- 7. The proposed local law applies to the whole of the district, however, the operation and effect is then limited to townsites or land with specific zoning in various Parts, Division or clauses, eg: clause 5.8.
- 8. It applies to land, reserves, leased land, property such as buildings, bridges etc of the local government whether on land owned, vested or leased or not, and provides powers to hire or lease property.

DISCUSSION / OFFICER COMMENTS

- 9. In making a new local law, Council must comply with the provisions of section 3.12 of the *Local Government Act 1995*, and any specific requirements of other legislation.

Purpose – to make provisions for the management of public places, thoroughfares and all local government property,

Effect – to repeal existing local laws, establish necessary controls for public places, thoroughfares and local government property, provide for permitted and prohibited use and activities, and create offences for non-compliance;

10. Local public notice was given by four methods as required by the *Local Government (Administration) Regulations 1996* [r.3A], inviting comment on the proposed local law.
11. Local public notice was given –
 - On the Shire’s website on 31 March 2025 (mandatory)
 - Shire notice boards and social media on 31 March 2025
 - In Denmark Bulletin on 3 April 2025 and Walpole Weekly on 2 April 2025
12. At the close of the public comment period, one submission was received. The submission related to the use of leased premises, and was later withdrawn, on the basis that -
 - the proposed law clause 1.8 provides the authority for the local government to hire or enter agreements for property; and
 - the lease agreement has a clause stating non-interference by the local government.
13. Neither of these provisions interfere with legislative requirements or statutory duties of the local government.
14. In accordance with statutory requirements, the Department of Local Government, Sport and Cultural Industries (now Department of Local Government, Industry Regulation and Safety (DLGIRS)) was advised on 31 March 2025. A reply was received on 6 November 2025.
15. The DLGIRS response is summarised in Attachment 9.3.4b.
16. No changes are considered to be significant, as they do not alter the intention, effect or operation of the proposed local law.
17. Should significant amendments be made at the time of final adoption, the statutory public comment period must be recommenced.
18. As required by the Local Government Act, the next steps include:
 - the local law is to be published in the Government Gazette,
 - local public notice given of adoption of the local laws (separate to previous advertising of proposals),
 - signed copies are to be sent to relevant Department CEOs, and
 - copies sent to the Parliamentary Joint Standing Committee on Delegated Legislation (JSCDL) together with other required documentation, within 10 days of publication in the Government Gazette.
19. Please note –
 - disallowance of the local law may be made by Parliament, and could take some time depending on sitting days;
 - if a provision is not considered to be critical, the JSCDL may require an undertaking from Council to make an amendment;

- the local law takes effect on the day stipulated in the local law, generally 14 days after publication in the Government Gazette.
20. The JSCDL reviews the local law, its effects and may recommend to Parliament that it be amended and request an undertaking, or that it be disallowed. The JSCDL will not review the local law until after it has been formally adopted, Gazetted etc.

Determinations

21. The Local Law provides a mechanism for the Council to make a determination to
- a) set aside specified local government property for the pursuit of all or any of the activities referred to in clause 2.7;
 - b) prohibit a person from pursuing all or any of the activities referred to in clause 2.8;
 - c) as to matters in clauses 2.7(2) and 2.8(2); and
 - d) as to any matter ancillary or necessary to give effect to a determination.
22. There have been four Determinations made under the current Property Local Law (see Attachment 9.3.4c). The procedure for making a determination is detailed in clause 2.2 of the draft Local Law and includes giving notice of intention to make a determination and calling for submissions.
23. To guide making a Determination Council need to consider whether they prefer the activity or use determined, to be one which should be difficult to change and should include a statutory public consultation period.
24. There is nothing preventing Council from adopting a policy position on a prohibited or permitted activity or use, for example driving on beaches, and the CEO implement that position by erecting signs. A sign serves as a “permit” under the local law. A policy is much easier and quicker to modify if and when required. A policy can also include a requirement for it to be advertised for public comment before final adoption consideration.

Determination 1 – Camping

25. Clause 9.5 of the draft local law prohibits camping in a public place without a licence and does not apply to a caravan park or camping ground operated by the local government. This clause adequately covers the intent of this determination and therefore it is recommended that it is no longer required.

Determination 2 – Motorised Vehicles

26. Clause 4.7 prohibits vehicles on local government property unless authorised by a licence, a determination, being driven by an authorised person or is clearly designated as a road, access way or car park.
27. Clause 2.7(b) and (e) enables Council to make a determination to set aside area(s) on which a person may take, ride or drive a vehicle, or a particular class of vehicle, or launch a boat.

28. Much of the current determination is covered in clause 4.7 of the draft local law. Given the high level of public interest, it is recommended that the determination be re-made with alternative wording that takes into account the provisions in the draft local law.

Draft Determination - Vehicles on Beaches and Boat Launching

Vehicles are permitted on the following beaches:

- a) Parry Beach (Reserve 20928)
- b) Boat Harbour (Reserve 7723)
- c) Peaceful Bay (Reserve 24510)
- d) Part of Ocean Beach (Reserve 24913) being that part denoted as Ocean Beach Boat Ramp for the purpose of launching a boat only.

Ocean Beach Boat Ramp is defined as the over beach area located directly seaward side of the rock revetment.

The following conditions apply:

- a) Pedestrians have right of way;
- b) Parking of vehicles is not permitted on Ocean Beach; and
- c) Vehicles are not to be driven in a reckless or dangerous manner.

Launching of a boat is permitted at the Ocean Beach Boat Ramp.

Determination 3 – Sale of Beer, Wine or Spirits

29. Clause 3.2 of the draft local law replaces this Determination.

Determination 4 – Bird Sanctuary

30. The current Bird Sanctuary requires more information other than just a map. It is recommended that the determination be re-made with alternative wording.

Draft Determination – Bird Sanctuary

Bird sanctuary means the Designated Area set aside for the protection and preservation of birds and their natural habitats. Its primary purpose is to provide a safe environment where birds can rest, nest, feed, and breed without threats such as hunting, habitat destruction, or excessive human disturbance.

Designated Area is as defined in the Bird Sanctuary Map (Appendix 1) (See Attachment 9.3.4d).

Council supports the installation of a permanent fence across the island, on the boundary of the Designated Area and/or the installation of a temporary, seasonal fence across exposed sand flats to delineate the southern boundary of the Designated Area.

31. Should Council adopt the draft local law, officers have provided an additional recommendation to commence the procedure for making determinations.

Delegations

32. Delegations relating to the two local laws to be repealed will also need to be repealed, should Council adopt the draft *Public Places & Local Government Property Local Law*.
33. It is recommended that delegations relating to the new local law be endorsed to enable administrative efficiency. Attached is a draft delegation for Council's consideration (see Attachment 9.3.4f) and an additional Officer Recommendation has been provided.

CONSULTATION AND EXTERNAL ADVICE

34. The *Local Government Act 1995* requires a minimum 6 weeks public consultation period prior to final adoption. The notice of the review was published as required in at least 4 places in accordance with the Administration Regulations [r.3A].
35. The Department of Local Government was also notified as required by the Act.

STATUTORY / LEGAL IMPLICATIONS

Local Government Act 1995

36. Section 3.12 – Procedure for making local laws
- (4) After notice period, all submissions to be considered, and local law may then be made by absolute majority
 - (5) publication of the local law in the Government Gazette and copy provided to relevant government departments
 - (6) local public notice requirements of final adoption, and publication of the local law on the Shire's website.
37. Section 3.13 – Significant changes require recommencement of proposal.

STRATEGIC / POLICY IMPLICATIONS

38. The *Principles Supporting the Shire of Denmark Activities on Thoroughfares & Trading in Thoroughfares & Public Places Local Law Policy* is currently being reviewed.
39. Other policies that reference any of the repealed local laws will also be reviewed.

FINANCIAL IMPLICATIONS

40. Cost of publication on the Government Gazette and local public notice can be accommodated in the 2025/26 Budget.

OTHER IMPLICATIONS

Environmental

41. There are no known significant environmental implications relating to the report or officer recommendation.
42. There are environmental protections inherent in the provisions, especially:
- Part 7 – Activities in thoroughfares
 - Part 8 – Conservation in public places

Economic

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

Social

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

RISK MANAGEMENT

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

9.3.5 REVIEW OF DELEGATIONS 2025

File Ref:	ADMIN.9
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	12 November 2025
Author:	Claire Thompson, Governance Coordinator
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.3.5a – Draft Delegations
	9.3.5b – Community Contributions Policy
	9.3.5c – Additional Information

EXECUTIVE SUMMARY

1. This report presents the updated Delegations Register for Council approval. The review process, conducted in line with statutory requirements, has identified several key changes intended to enhance clarity and operational efficiency.
2. Updated Delegation Authorities: Specific delegations have been revised to reflect current legislative amendments and organisational restructuring since the last review in November 2024.
3. Council is requested to approve the revised Delegations Register as detailed in Attachment 9.3.5a, ensuring the document reflects current best practice and supports effective governance.

VOTING REQUIREMENTS

4. Absolute majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.3.5
MOVED: CR GIBSON	SECONDED: CR HOCKEY
That Council APPROVE the delegations contained within the Delegations Register, as per Attachment 9.3.5a.	
AMENDMENT	

MOVED CR LEWIS	SECONDED: CR PHILLIPS
That after the words “Attachment 9.3.5a’, add the words, “subject to the tender threshold in Delegation 1.2.16, being set to \$750,000”.	
LOST: 2/7	Res: 211125
TOTAL VOTES FOR: 2 Cr Lewis and Cr Phillips.	
TOTAL VOTES AGAINST: 7 Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Sleeman and Cr Hockey.	
THE ORIGINAL MOTION WAS THEN PUT AND CARRIED BY AN ABSOLUTE MAJORITY: 7/2	
TOTAL VOTES FOR: 7 Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Sleeman and Cr Hockey.	
TOTAL VOTES AGAINST: 2 Cr Lewis and Cr Phillips.	

LOCATION

- Not applicable.

BACKGROUND

- The last Council review of delegations was in November 2024.

DISCUSSION / OFFICER COMMENTS

- Attachment 9.3.5a is the register of delegations, all of which are recommended to be retained, with a couple of amendments.
- The register contains all delegations, including those from other agencies or from statutes or regulations directly to the CEO or other officers. For example, Delegation No. 10.1.1, where there is an Instrument of Delegation of powers under the *Environmental Protection Act 1986* directly to the Shire’s CEO.
- Council is only permitted to change delegations that are from Council directly to the CEO, this does not include any sub-delegations.

Recommended Amendments

Delegation No.	Delegation Title	Recommended Change
1.1.1	Audit Advisory Committee	1. Amend to reflect new name of Committee to Audit Risk & Improvement Committee.

		<p>REASON: Changes in the <i>Local Government Act 1995</i> to the name of this Committee are imminent.</p> <p>2. Update the name of the Department of Local Government.</p> <p>REASON: The State Government has reshuffled departments.</p>
1.2.20	Grant Discounts, Waive or Write Off Debts	<p>3. Replace the words <i>“rates or service charge for”</i> with <i>“debt for any”</i>.</p> <p>REASON: Currently the power to write off debts only applies to rates or service charges. This could result in Council being asked to write off other kinds of debts (under \$500) such as small amounts of interest.</p> <p>4. Include an additional condition that states: <i>“A concession or waiver may only be granted in accordance with local government policy”</i>.</p> <p>REASON: To align with the Council’s Community Contribution Policy (adopted in August 2024), which is aimed at providing a transparent and equitable approach to financial contributions and replace historical ad-hoc arrangements.</p> <p>The Shire often receives requests for ad hoc financial assistance from individuals or organisations. This additional condition would provide appropriate guidance to the CEO and the community that financial contributions need to align with the overarching principles of the Community Contributions Policy (eg. through the grant program), or in accordance with a formal Council Policy position.</p>
1.2.16	Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options	<p>1. Recommending increasing the value of tender that this delegation applies to from \$750,000 to \$1,500,000.</p> <p>REASON: Timely delivery of budgeted road works during a single financial year can be challenging given the small construction window. The increased new threshold</p>

		would capture most, if not all, road work projects and would improve efficiency for the delivery of the works.
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CONSULTATION AND EXTERNAL ADVICE

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

STATUTORY / LEGAL IMPLICATIONS

Local Government Act 1995

11. Section 5.42 – Council may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Local Government Act 1995, and sections 214(2), (3) or (5) of the Planning and Development Act 2005. A delegation can be general or contain restrictions or conditions.
12. Section 5.43 – specifies some powers and duties that cannot be delegated. None of the recommended delegations fall into any of these categories.
13. Section 5.46(2) – delegations must be reviewed at least once every financial year.

STRATEGIC / POLICY IMPLICATIONS

14. The Community Contributions Policy objectives relates to the recommended amendment to Delegation 1.2.20 (see Attachment 9.3.5b).

FINANCIAL IMPLICATIONS

15. Nil

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

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

9.3.6 CO-OPERATION HOUSING PROPOSAL

File Ref:	PROJ.PLN.2
Applicant / Proponent:	Co-operation Housing
Subject Land / Locality:	Lot 152, 7 Beveridge Road, Denmark
Disclosure of Officer Interest:	Nil
Date:	13 November 2025
Author:	David King, Chief Executive Officer
Authorising Officer:	David King, Chief Executive Officer
Attachments:	Nil

EXECUTIVE SUMMARY

1. This report outlines a proposed partnership between the Council and Co-operation Housing, a not-for-profit and registered community housing provider, for the development of Lot 152, 7 Beveridge Road, Denmark. The initiative aims to address the urgent need for affordable and essential worker housing within the community.
2. In considering the future of the site, two primary options emerge. Option 1 is to leave the land vacant until such time as deep sewer infrastructure is extended to the area, enabling enforcement of the appropriate residential density code and preserving the site's long-term strategic value. This approach would ensure the land is not prematurely developed in a way that could limit its capacity for higher-density, community-focused outcomes once essential infrastructure is in place.
3. Option 2 involves pursuing partial development through the Significant Development Pathway provision. However, this pathway must be structured so that the Shire retains ownership of the land, thereby preventing unwanted development scenarios and maintaining control over future outcomes. Importantly, without further effort to seek alternative parties interested in delivering a comparable model, the current co-operative housing proposal stands as the only immediate opportunity to advance Option 2. It also represents the sole avenue at present to attract State Housing Fund investment to Denmark, supporting the delivery of affordable and diverse housing types in line with strategic planning objectives.
4. The proposal is at a stage where formal council support is required to progress the initiative and to make an application for currently open funding opportunities through the State Government.

VOTING REQUIREMENTS

5. Simple majority.

6.28pm – Cr Lewis left the room.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION

ITEM 9.3.6

MOVED: CR GIBSON

SECONDED: CR YOUEL

6.29pm – Cr Lewis returned to the room.

That Council AUTHORISES the Chief Executive Officer to auspice a joint application to the State Housing Fund with Co-operation Housing for the development of affordable and essential worker housing at Lot 152, 7 Beveridge Road, Denmark.

CARRIED: 8/1

Res: 231125

TOTAL VOTES FOR: 8

Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, , Cr Hockey, Cr Lewis and Cr Phillips.

TOTAL VOTES AGAINST: 1

Cr Sleeman.

LOCATION

6. Lot 152, 7 Beveridge Road, Denmark.



BACKGROUND

7. Councillors have previously been presented (at a previous concept forum) with an opportunity to address the pressing need for affordable and essential worker housing in the community.
8. This particular opportunity arises through a proposed partnership with Co-operation Housing, a not-for-profit and registered community housing provider, to develop Lot 152, 7 Beveridge Road, Denmark.
9. The subject site, comprising 20,184 m² and zoned Residential (R5/15), is located approximately 800 metres east of the Denmark town centre. A recent Site & Soil Evaluation (SSE) has confirmed the site's suitability for grouped housing development, provided that the recommended land application area for wastewater is adopted. This, in conjunction with a newly released funding round, provides a decision point to proceed or not.

DISCUSSION / OFFICER COMMENTS

Co-Operation Housing

10. Co-operation Housing is a Not-for-profit organisation and a Western Australian specialist provider of co-operative housing. Since its establishment in 2010, it has enabled member co-operatives to deliver affordable, sustainable, and community-led housing. Notably, Co-operation Housing has successfully delivered projects such as the Kyloring Housing Co-operative in Witchcliffe, where it secured substantial State Government funding and delivered new dwellings for low-income households. The organisation operates under a delegated management model, ensuring ongoing tenancy and property management in accordance with the Residential Tenancies Act.
11. For note, any surpluses generated by NfPs must be reinvested into the same community-focused causes, rather than distributed to private individuals or shareholders. This structure ensures that all profits are channelled back into providing affordable housing and related community services, thereby maximising the broader social good. Governments are generally more supportive of NfP projects for this very reason, recognising that their activities deliver ongoing public benefit and align with policy objectives to improve community outcomes.

Development Proposal Outline

Overview

12. The proposed development, as supported by the SSE, involves the construction of up to 20 dwellings. These homes would be clustered on one end of the property, leaving the remainder as open space and for a single, consolidated land application area for wastewater. The land would be leased from the Shire, with the development constructed and managed by Co-operation Housing, ensuring long-term affordable and community housing outcomes for Denmark. The project is intended to be approved through the State's Significant Development Pathway, which allows for streamlined assessment of significant projects, including those requiring variations to the local planning scheme and R-Codes. This is required as although the design will achieve the required density across the whole site, it will be condensed into a smaller developed footprint (against typical R-Code provisions), with a single, appropriately sized irrigation field for wastewater disposal, as supported by the SSE.

Built Form and Tenancy

13. Co-operative housing models are inherently flexible in both their built form and tenancy arrangements. This flexibility allows for a range of housing types and occupancy options to be considered, ensuring that the development can respond to the evolving needs of the community. Importantly, Co-operation Housing has a strong track record of working collaboratively with local councils and communities to shape the final design and management of their projects. This means that Council and community stakeholders would have meaningful opportunities to provide input into the configuration of dwellings, tenancy mix, and shared spaces, ensuring the development aligns with local priorities and expectations.
14. From an officer's perspective, it is recommended that the predominant emphasis should be on delivering medium-density, essential worker housing, which directly addresses widely recognised gaps in the Shire's housing continuum. This approach seeks to provide

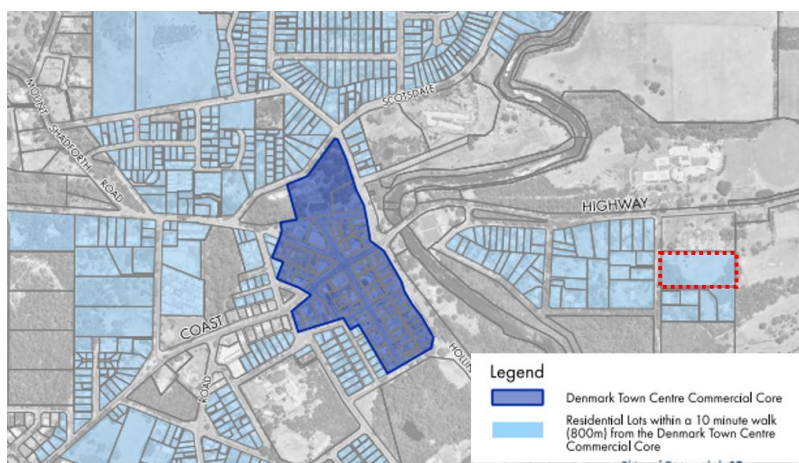
affordable rental opportunities for key workers who are vital to the functioning of the local economy and services.

15. Ultimately, the final outcomes for the site could be determined through further consultation and negotiation with Council.
16. Control of tenancy within the co-operative housing model also encompasses clear provisions regarding eligibility for reduced rent, ensuring that priority is given to essential workers and other target groups identified in the development's objectives. Eligibility criteria would be transparently communicated, and regular reviews will be conducted to confirm ongoing qualification. In cases where a tenant becomes ineligible for reduced rent, the management framework can include measures such as transitional rental arrangements or a requirement to pay market rates, particularly if long-term tenancy is a key desirable outcome for the individual or the community. These mechanisms provide stability and foster a sense of security for residents, supporting the overall goal of maintaining a sustainable, community-focused housing environment.

Strategic Land Use Planning

17. To support sustainable growth, the Local Planning Strategy (LPS) seeks to ensure and future-proof appropriate levels of residential density, especially within the 800m walkable catchment of the town centre. This is because higher density in proximity to essential services and amenities encourages active transport, reduces reliance on private vehicles, and fosters a vibrant, inclusive community where housing is more accessible for a diverse range of residents.
18. Residential areas with existing servicing infrastructure, adequate POS and within a walkable catchment to the Denmark Town Centre are acknowledged as the most suitable locations for increased residential density. This will enable the development of additional dwellings in well-served locations and encourage more sustainable transport options.

Extract from LPS depicting walkabout catchment.



19. The proposed development aligns with the strategic land use planning objectives outlined in the Local Planning Strategy (LPS) by aiming to deliver higher residential density within the walkable catchment of the Denmark Town Centre. This location is considered ideal for increased density due to its proximity to essential services, existing infrastructure, high school, TAFE, and potential for sustainable transport options. However, an important challenge is that the site is currently unsewered. Under normal

circumstances, achieving the required residential density would not be possible until infill sewer infrastructure is provided, and at present, Water Corporation has no planned timeline for sewer extension to this area.

20. Given this constraint, the opportunity presented by this proposal is significant because the project is eligible for approval through the State's Significant Development Pathway, and therefore, it is uniquely positioned to proceed ahead of traditional infrastructure upgrades. The Significant Development Pathway in Western Australia is a streamlined approval process for major projects. It allows certain large or complex developments worth more than \$5million in regional areas to bypass standard local planning processes and be assessed directly by the Western Australian Planning Commission (WAPC). This pathway enables the development to achieve the desired density on a portion of the site in the near term, by allowing for alternative wastewater solutions as supported by the SSE, rather than waiting for the provision of infill sewer. In this way, the proposal not only meets but advances the land use requirements of the LPS by delivering much-needed housing sooner and in a manner consistent with strategic planning goals.
21. It is important to note that this same rationale applies when considering the potential sale or the use of proceeds from the sale of this freehold land. Noting that if the Shire ever sold the land, it would relinquish control of what is developed, and given its current zoning and residential density (which cannot be amended until infill sewer infrastructure is in place), a private developer would likely subdivide the land into the maximum permissible number of lots, potentially around nine. This approach would significantly undermine the site's future strategic value and compromise its alignment with the objectives set out in the Local Planning Strategy (LPS).
22. Such piecemeal subdivision would not only limit opportunities for higher-density development in line with the LPS but also restrict the ability to deliver more innovative or community-focused housing outcomes once sewer becomes available. For these reasons, whatever the outcome from this proposal, officers strongly recommend that the Shire retain control of this lot over the medium to long term. This will ensure the land's development potential is preserved and can be realised in accordance with broader strategic planning goals, rather than being prematurely constrained by immediate market pressures or short-term financial gains.

Funding Application Process and Shire's Role

23. A critical aspect of this proposal is the opportunity to apply for capital contributions from the State Housing Fund.
24. The \$25 million State Housing Fund in Western Australia is designed to boost housing and land supply in regional areas by addressing financial and infrastructure barriers that often stall projects. Grants of up to \$5 million per project are available for developments that can deliver housing quickly once funding is provided. Eligible applicants include local governments, developers, and community housing providers, with priority given to projects supporting key workers, seniors, and essential services. Applications close on 19 December 2025.
25. The State Housing Fund requires the applicant to have security of the land to be developed. Due to the tight timelines associated with the current funding round, there is insufficient time to undertake a full land disposal process (advertising) prior to the

application deadline in mid-December. As a result, Council's in-principle support is sought to enable the CEO to auspice a joint application with Co-operation Housing. Should the application be successful, the particulars of lease negotiation and disposal provisions would be finalised and brought back to Council for approval. This approach allows the Shire to meet the funding eligibility and timeline requirements while retaining control over the final terms of any land lease or disposal.

Key Lease Terms

26. Prior to an advertised disposal proposal, key lease terms would need to be agreed upon. This section outlines a number of parameters that would be considered through this process.
27. Key lease terms for negotiation would include a minimum lease term of 50 years (in line with typical building asset life), providing security for investment and eligibility for government funding. Rent would be negotiated in line with a developed ratable value of the land to ensure that the Shire receives income regardless of the ratable status of the organisation.
28. With regard to rent, it is proposed that the Shire seek a return commensurate with the developed ratable value of the land, or potentially higher, to reflect the unique circumstances of this arrangement. This approach is particularly important given the likelihood that the development, being undertaken by a not-for-profit (NfP) organisation, may be exempt from paying rates. In such a scenario, the Shire would not receive the usual income stream generated by local government rates, making a well-structured rental agreement essential to ensure an appropriate financial return is still achieved for the community. The rent would therefore be negotiated to deliver a fair and competitive return, taking into account both the opportunity cost of the land and the broader community benefits of the project.
29. Special conditions are proposed within the lease to ensure the irrigation field portion of the site is relinquished as part of the arrangement, thereby allowing for its future alternative use or development. Additionally, a requirement will be included for the lessee to connect to deep sewer infrastructure should the sewer headworks ever be extended to the lease boundary, ensuring the site's ongoing compliance with planning and environmental standards and supporting future higher-density development opportunities.

STRATEGIC/POLICY IMPLICATIONS

CONSULTATION AND EXTERNAL ADVICE

30. 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 at this stage.

STATUTORY / LEGAL IMPLICATIONS

Local Government Act 1995

31. Section 3.58 governs how local governments dispose of property (excluding money). Disposal includes selling, leasing, or otherwise transferring property. The Act requires

disposal to occur either by public auction, public tender, or local public notice. For the method of public notice, the notice must describe the property, outline the proposed disposition, invite submissions for at least two weeks, and include details such as the parties involved, the consideration (price), and a recent market valuation. Certain exemptions apply, such as dispositions under the Land Administration Act or those covered by other regulations.

STRATEGIC / POLICY IMPLICATIONS

Housing Affordability Policy

32. This proposal demonstrates strong alignment with the Shire of Denmark's Housing Affordability Policy in several key respects. Firstly, by seeking to deliver higher-density residential development within a walkable catchment of the Denmark Town Centre, the project directly supports the policy's objective to increase the diversity of housing options and improve the liveability of the community. The approach encourages innovative solutions to current infrastructure constraints—namely, the lack of infill sewer—by leveraging the Significant Development Pathway, thereby enabling the earlier provision of much-needed housing and responding to the identified need for affordable and diverse housing types.
33. Additionally, the proposal's structure (retaining Shire control of the site and pursuing a long-term lease arrangement) reflects the policy's commitments to strategic investment in worker and affordable housing and to prioritising long-term community outcomes over short-term financial returns.
34. The focus on partnership, particularly with Co-operation Housing and other stakeholders, is consistent with the policy's emphasis on advocacy and collaboration to facilitate affordable housing development. Furthermore, the intention to apply for capital contributions from the State Housing Fund and to negotiate a lease that delivers both security and financial return aligns with the policy's requirements for risk mitigation, investment return, and alignment with the broader Local Planning Strategy and Strategic Community Plan objectives.

FINANCIAL IMPLICATIONS

35. There are no financial implications associated with the proposal at this stage, noting that negotiations on rental income would occur at a later date.

OTHER IMPLICATIONS

Environmental

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

Economic

37. Affordable housing generates notable economic benefits, particularly in tourist destinations where the local workforce is vital to the hospitality and service sectors. By enabling workers to live locally, businesses can attract and retain staff, ensuring reliable service delivery during peak seasons. Furthermore, with an ageing population and increasing demand for aged care nurses, affordable housing supports the recruitment and retention of essential care staff by reducing commute times and living costs. This not

only helps sustain the local economy but also addresses critical workforce shortages, ensuring that both tourism and aged care industries remain robust and responsive to community needs.

Social

38. Affordable housing delivers significant positive social impacts by fostering inclusive and diverse communities, reducing homelessness, and supporting the wellbeing of individuals and families. Access to affordable housing enables more people to live closer to their workplaces, schools, and support services, which encourages social cohesion and improves quality of life. Additionally, secure and affordable accommodation can reduce financial stress, enhance social stability, and create opportunities for community engagement and participation.

RISK MANAGEMENT

39. It is important to note that this approach carries some risk. If the funding application is successful but Council and the proponent cannot ultimately agree on the final disposal or lease terms, the project may not proceed. This scenario could result in reputational damage to the Shire, as expectations within the State Government and the local community will have been raised by the funding application. Officers will seek to mitigate this risk by ensuring that all negotiations are transparent and that Council retains the right to approve final terms.
40. Risk Table

Risk	Risk based on history and with existing controls			Proposed Treatment/Control
	Likelihood	Consequence	Risk Rating	
Reputational Impacts: The funding is successful, and the project does not proceed due to a lack of agreement on disposal terms.	3	3	Moderate (9)	Ongoing discussions around lease expectations.

9.4 COMMUNITY SERVICES

Cr Wiggins declared that wife authored the report and as a consequence there may be a perception that his impartiality on this matter may be affected.

9.4.1 BUSH FIRE RISK MANAGEMENT PLAN

File Ref:	PLN.106
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	12 November 2025
Author:	Renee Wiggins, Manager Community Services
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.4.1 – Bush Fire Risk Management Plan

EXECUTIVE SUMMARY

1. This report seeks Council endorsement of the Shire of Denmark’s Bushfire Risk Management Plan (BRMP) 2025–2027, which outlines a strategic, cross-tenure approach to reducing bushfire risk across the Shire. The Plan has been endorsed by the Office of Bushfire Risk Management and developed in collaboration with key stakeholders and the community. Maintaining a current plan is essential for the Shire of Denmark to remain eligible for state government funding through the Mitigation Activity Fund.

VOTING REQUIREMENTS

2. Simple majority

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.4.1
MOVED: CR HOCKEY	SECONDED: CR YOUEL
That Council ENDORSES the Shire of Denmark Bushfire Risk Management Plan 2025–2027 as per attachment 9.4.1a.	
AMENDMENT	
MOVED: CR CAMPBELL	SECONDED: CR LEWIS
That after the words “Attachment 9.4.1a”, add the words, “subject to the inclusion of an additional paragraph in an appropriate place in the report, that reads as follows:	
Future Directions – Emerging Technologies	
During the life of this BRMP, the Shire will explore emerging technologies that may enhance bushfire detection, monitoring and response, and will work with BFAC, LEMC and the Mitigation Working Group to assess their suitability and readiness for future adoption. Proactive consideration of these tools will help ensure the Shire is ready to take advantage of funding or partnership opportunities and can strengthen community safety as new technologies become viable.	
CARRIED: 8/1	Res: 241125
TOTAL VOTES FOR: 8 Cr Campbell, Cr Youel, Cr Gibson, Cr Devenport, Cr Sleeman, Cr Hockey, Cr Lewis and Cr Phillips.	
TOTAL VOTES AGAINST: 1 Cr Wiggins.	

AMENDED MOTION

That Council ENDORSES the Shire of Denmark Bushfire Risk Management Plan 2025–2027 as per attachment 9.4.1a, subject to the inclusion of an additional paragraph in an appropriate place in the report, that reads as follows:

Future Directions – Emerging Technologies

During the life of this BRMP, the Shire will explore emerging technologies that may enhance bushfire detection, monitoring and response, and will work with BFAC, LEMC and the Mitigation Working Group to assess their suitability and readiness for future adoption. Proactive consideration of these tools will help ensure the Shire is ready to take advantage of funding or partnership opportunities and can strengthen community safety as new technologies become viable

CARRIED: 9/0

Res: 251125

TOTAL VOTES FOR: 9

Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Sleeman, Cr Hockey, Cr Lewis and Cr Phillips.

TOTAL VOTES AGAINST: 0

LOCATION

3. The BRMP applies across the municipality and across all tenures.

BACKGROUND

4. The Shire of Denmark is highly vulnerable to bushfires, with over 70% of its land vegetated and many residents living in high-risk areas. The Bushfire Risk Management Plan (BRMP) provides a coordinated, risk-based framework to identify, assess, and treat bushfire risks across public and private land. It builds on the Shire’s 2019 BRMP and incorporates lessons from recent events, including the 2022 Bay View Rise Bushfire.

DISCUSSION / OFFICER COMMENTS

5. The BRMP and the supporting Bushfire Risk Management System identify over 1,000 assets, with 65% rated as very high or extreme risk. It categorises assets into human settlement, economic, environmental, and cultural groups, and outlines treatment strategies including mechanical works, prescribed burning, education, and community preparedness.
6. The Plan also addresses cascading risks such as housing shortages, service disruptions, and mental health impacts. It integrates with the Shire’s Local Emergency Management Arrangements and aligns with the Council Plan – Our Future 2035.
7. Implementation will be supported by the Mitigation Activity Fund (MAF), local brigades, and inter-agency collaboration. The Plan includes a communications strategy and stakeholder engagement framework to ensure transparency and shared responsibility.

CONSULTATION AND EXTERNAL ADVICE

8. The BRMP was developed through extensive consultation with stakeholders and community members. The Plan outlines in 2.3 *Table 2*, a full list of stakeholders involved in the 2025 BRMP review.

STATUTORY / LEGAL IMPLICATIONS

Bush Fires Act 1954

9. Section 33, which details that local government may require occupiers of land to clear and maintain fire breaks and comply with specific fire prevention measures, and Section 36, which allows local governments to expend money in connection with the control and extinguishment of bush fires.

Environmental Protection Act 1986

10. Provides the legal framework for environmental protection in WA, including how bushfire mitigation activities interact with environmental regulations.

2023 Guidelines for Preparing a Bushfire Risk Management Plan

11. The 2023 Guidelines for Preparing a Bushfire Risk Management Plan (OBRM) provide an overview of the process for local governments to follow in developing a BRM Plan.

ISO 31000:2018 Risk Management Standard

12. The report references ISO 31000:2018 Risk Management Standard. In the context of the Shire of Denmark's Bushfire Risk Management Plan, ISO 31000 provides the foundation for assessing bushfire risk, determining acceptable thresholds, and implementing mitigation strategies in a transparent and accountable manner.

STRATEGIC / POLICY IMPLICATIONS

13. The Bushfire Risk Management Plan (BRMP) is closely aligned with the Shire's Council Plan – Our Future 2035, reinforcing key priorities such as enhancing community safety and resilience, promoting environmental stewardship, supporting climate adaptation, advancing inclusive emergency planning, and encouraging sustainable land use and development. Together, these objectives ensure a balanced approach to bushfire risk reduction that is responsive to both current needs and long-term goals for the Shire.

FINANCIAL IMPLICATIONS

14. Implementation of the Bushfire Risk Management Plan 2025–2027 will be supported through existing operational budgets and external funding, primarily via the Department of Fire and Emergency Services' Mitigation Activity Fund (MAF). The Shire has secured funding for a three-year treatment schedule, with additional works subject to annual budget consideration.

OTHER IMPLICATIONS

Environmental

15. Adoption of the Bushfire Risk Management Plan 2025–2027 has important environmental implications, as it guides mitigation activities that interact with native vegetation, biodiversity, and sensitive ecosystems. The Plan ensures that all

treatments—particularly those involving clearing or prescribed burning—are assessed for environmental impact and comply with the Environmental Protection Act 1986. It promotes ecologically sensitive practices, including consultation with DBCA and local environmental groups, and incorporates measures to protect threatened species, manage dieback risk, and preserve cultural heritage sites. By balancing fire risk reduction with environmental stewardship, the Plan supports long-term sustainability across the Shire.

Economic

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

Social

17. Adopting the Bushfire Risk Management Plan 2025–2027 will enhance community safety and resilience by reducing the risk of bushfire impacts on homes, services, and vulnerable populations. The Plan supports inclusive preparedness initiatives, such as Bushfire Ready and the Book a Ranger program, and addresses cascading risks like housing displacement and mental health impacts. It fosters shared responsibility and strengthens social cohesion through education, engagement, and collaboration with local groups.

RISK MANAGEMENT

18. In accordance with the Council’s Risk Management Policy, a risk assessment has been conducted, identifying a financial risk should the Council choose not to endorse the officer’s recommendation—potentially resulting in ineligibility for Mitigation Activity Funding.
19. Risk Table

Risk	Risk based on history and with existing controls			Proposed Treatment/Control
	Likelihood	Consequence	Risk Rating	
Financial Impact: Without a current, Council-endorsed Bushfire Risk Management Plan (BRMP), the Shire may become ineligible for future Mitigation Activity Funding and funding for the Mitigation Bushfire Coordinator	5	4	20 (Extreme)	The Shire maintains a BRMP

9.4.2 YOUTH ACTION PLAN

Cr Wiggins declared that wife authored the report and as a consequence there may be a perception that his impartiality on this matter may be affected.

File Ref:	PLN.103
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	5 November 2025
Author:	Renee Wiggins, Community Services Manager
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.4.2 – Youth Action Plan 2025-2029

EXECUTIVE SUMMARY

1. This report seeks Council endorsement of the Shire of Denmark Youth Action Plan 2025–2029, a strategic framework developed through extensive community consultation to guide youth-focused initiatives over the next five years.

VOTING REQUIREMENTS

2. Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.4.2
MOVED: CR DEVENPORT	SECONDED: CR YOUEL
That Council ENDORSES the Shire of Denmark Youth Action Plan 2025–2029 as per Attachment 9.4.2.	
CARRIED: 9/0	Res: 261125
TOTAL VOTES FOR: 9 Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Sleeman, Cr Hockey, Cr Lewis and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

LOCATION

3. Nil

BACKGROUND

4. The Shire of Denmark has developed its first Youth Action Plan to address the needs, aspirations, and challenges of young people aged 12–25. The Plan was informed by consultation with over 200 young people, parents, caregivers, and service providers, and aligns with the Shire’s strategic commitment to inclusion, wellbeing, and community engagement.

DISCUSSION / OFFICER COMMENTS

5. Key findings from the consultation include:
 - A lack of safe, inclusive indoor spaces for young people.
 - Limited access to low-cost activities, transport, and vocational opportunities.
 - A desire for better communication and youth involvement in decision-making.

6. The Plan outlines three focus areas, including Places and Activities – enhancing youth spaces, events, and creative opportunities; Wellbeing and Belonging – improving access to health services, inclusion, and employment; and Communication and Engagement – strengthening youth voice, leadership, and outreach.
7. Actions are mapped across five years and include partnerships, advocacy, infrastructure upgrades, and program delivery.

CONSULTATION AND EXTERNAL ADVICE

8. The development of the Youth Action Plan 2025–2029 was underpinned by a comprehensive and inclusive community consultation process conducted between June and October 2024. The Shire of Denmark engaged a broad cross-section of the community to ensure the Plan reflects the diverse needs and aspirations of young people aged 12–25.
9. Consultation activities included:
 - Engagement of six peer researchers aged 15–25 to assist with youth outreach.
 - A print and online survey completed by 126 young people.
 - Three youth workshops held with Denmark Senior High School and the WA College of Agriculture.
 - A drop-in session at the Denmark Community Resource Centre (CRC).
 - An online survey for parents, caregivers, and community members.
 - A postcard campaign inviting community members to share ideas.
 - Ten interviews with local organisations and service providers.
 - A workshop with Shire staff and a solution-focused roundtable with stakeholders and Elected Members.
10. Participation highlights:
 - A total of 211 young people contributed to the consultation.
 - Respondents included young people from diverse backgrounds, including:
 - 15% identifying as neurodivergent
 - 10% with mental health challenges
 - 10% identifying as LGBTIQ+
 - 6% identifying as Aboriginal and/or Torres Strait Islander
 - 6% living with a disability
 - 60% of respondents were aged 12–17; 40% were aged 18–25.
11. Promotion of the consultation was delivered via:
 - The Shire’s website and social media channels.
 - Direct engagement with schools and youth organisations.
 - Posters and flyers distributed throughout Denmark.

12. External advice and input were sought from:

- Local schools and education providers.
- Health and well-being services.
- Youth organisations and advocacy groups.
- Community clubs and volunteer networks.
- Shire staff and elected representatives.

13. This extensive engagement ensured the Plan was shaped by the lived experiences of young people and informed by the expertise of those who support them. The consultation revealed key themes around inclusion, access, wellbeing, and the desire for greater youth voice in local decision-making.

STATUTORY / LEGAL IMPLICATIONS

14. Nil

STRATEGIC / POLICY IMPLICATIONS

Council Plan: Our Future 2035

15. The Youth Action Plan 2025–2029 aligns strongly with the Shire of Denmark’s Council Plan: Our Future 2035. Key areas of alignment include:

- **Community Wellbeing and Inclusion:** The Council Plan prioritises inclusive services for youth and seniors, with a focus on mental health, recreation, and community connection. The Youth Action Plan delivers on this by funding youth outreach programs, promoting inclusive spaces, and supporting diverse needs including neurodivergence, disability, and LGBTIQ+ identities.
- **Infrastructure and Activation:** The Council Plan outlines major upgrades to Berridge Park, the Recreation Centre, and the Library, with youth-friendly design elements. The Youth Action Plan complements this by embedding youth-focused features in these redevelopments and activating them through programs and events.
- **Environmental Sustainability:** A commitment to net zero emissions by 2050 and environmental stewardship is central to the Council Plan. The Youth Action Plan supports this through youth-led environmental volunteering, sustainability workshops, and nature-based engagement.
- **Governance and Engagement:** The Council Plan emphasises transparency, consultation, and youth voice in decision-making. The Youth Action Plan delivers targeted communication strategies, youth advisory opportunities, and co-design processes to ensure young people are meaningfully involved.

16. Together, these strategic alignments ensure that the Youth Action Plan is not only responsive to community needs but also embedded within the Shire’s broader vision for a connected, inclusive, and sustainable future.

FINANCIAL IMPLICATIONS

17. Funding to deliver on the plan is captured in the Council Plan but is subject to annual budget adoption.

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

20. The Youth Action Plan will strengthen social inclusion and community connection by improving access to safe spaces, events, and services for young people. It supports diverse needs and encourages youth participation, volunteering, and leadership—helping young people feel valued and engaged in local life.

RISK MANAGEMENT

21. 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 INFRASTRUCTURE SERVICES

Nil

10. MATTERS BEHIND CLOSED DOORS

Nil

11. NEW BUSINESS OF AN URGENT NATURE

Nil

12. CLOSURE OF MEETING

7.02pm – The Shire President, Cr Wiggins, declared the meeting closed.

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

Signed: _____
David King – Chief Executive Officer

Date: _____

These minutes were confirmed at a meeting on the _____.

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