

SHIRE OF DENMARK

# Ordinary Council Meeting

# MINUTES

**27 MAY 2025**

HELD IN COUNCIL CHAMBERS, 953 SOUTH COAST HIGHWAY,  
DENMARK, ON TUESDAY, 27 MAY 2025.



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## 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

*The Shire President, Cr Gibson, 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 Gibson paid his respects to Elders past, present and emerging.*

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

### MEMBERS:

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

### STAFF:

David King (Chief Executive Officer)  
Rob Westerberg (Director Infrastructure & Assets)  
Claire Thompson (Governance Coordinator)

### ON APPROVED LEAVE(S) OF ABSENCE

Nil

### ABSENT WITHOUT LEAVE

Nil

### VISITORS

Nil

## 3. DECLARATIONS OF INTEREST

Nil

## 4. ANNOUNCEMENTS BY THE PERSON PRESIDING

### ***Annual Audit***

*The Shire President announced that the Shire had received best practice recognition from the Office of the Auditor General for its exemplary audits in the past two years.*

### ***Community Survey***

*Cr Gibson was pleased to advise that the recent results from the community survey had shown that the Shire was one of the top six regional local governments in Western Australia, in relation to a number of different areas.*

**Shane Smith**

*Cr Gibson referred to the recent passing of local resident Shane Smith (aka Shovel), a local fisherman who had often expressed his deep passion and care for the Wilson Inlet and the environment. Cr Gibson stated that his passing had been quite sudden and that he would be missed by many.*

**5. PUBLIC QUESTION TIME****5.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**5.2 PUBLIC QUESTIONS**

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

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

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

**Questions from the Public****5.2.1 Steve Birkbeck – Local Farmer Welfare**

Steve referred to a recent film screening attended by many local farmers who had talked about how many recent local events had negatively impacted their industry, and mental health. Those events included the Bayview Bushfire, the 2023 drought, drop in beef prices, sheep export ban and withdrawal of contract abattoir services. Steve wanted councillors to be aware that many farmers were feeling isolated, unheard and undervalued.

*The Shire President thanked Steve for raising the issue with Council and raising awareness among the community and decision makers.*

**5.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil

**5.4 PRESENTATIONS, DEPUTATIONS & PETITIONS**

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

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

#### **5.4.1 South Coast Bush Care Services**

Representatives from the South Coast Bush Care Services provided an overview of their activities on reserves over the past 40 years and highlighted the positive impact it has had on weed control throughout the Denmark district. They noted the high level of support they had received from the Shire, acknowledging their appreciation and the importance of ongoing financial support from Council.

### **6. APPLICATIONS FOR FUTURE LEAVE OF ABSENCE**

Nil.

### **7. CONFIRMATION OF MINUTES**

#### **7.1 ORDINARY COUNCIL MEETING – 29 APRIL 2025**

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 7.1</b>
MOVED: CR ORMSBY	SECONDED: CR CARMAN
That the minutes of the Ordinary Meeting of Council held on the 29 April 2025 be CONFIRMED as a true and correct record of the proceedings.	
CARRIED: 9/0	Res: 010525
TOTAL VOTES FOR: 9 Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Ormsby, Cr Carman, 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 30 APRIL 2025

File Ref:	FIN.66.2024/25
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	13 May 2025
Author:	Scott Sewell, Financial Accountant
Authorising Officer:	Kellie Jenkins, Executive Manager Corporate Services
Attachments:	9.2.1 – April 2025 Monthly Financial Report

IN BRIEF

- Under the Local Government Financial Management Regulations, a local government is to prepare monthly, a statement of financial activity that reports on the Shire’s financial performance in relation to its adopted budget.
- The Shire of Denmark’s Statement of Financial Activity for the period ending 30 April 2025 has been prepared and is attached.
- In addition, the Shire provides Council with a monthly investment register to ensure the investment portfolio complies with the Shire’s Investment Policy.

VOTING REQUIREMENTS

1. Simple majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 9.2.1</b>
<b>MOVED: CR CARMAN</b>	<b>SECONDED: CR YOUEL</b>
That Council RECEIVE the Financial Activity Statements for the period ending 30 April 2025, incorporating the Statement of Financial Activity and other supporting documentation, as per Attachment 9.2.1.	
<b>CARRIED: 9/0</b>	<b>Res: 020525</b>
<b>TOTAL VOTES FOR: 9</b> Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Ormsby, Cr Carman, Cr Lewis and Cr Phillips.	
<b>TOTAL VOTES AGAINST: 0</b>	

LOCATION

2. Nil.

BACKGROUND

3. To meet statutory reporting obligations, the Monthly Financial Report provides a snapshot of the Shire’s year-to-date financial performance. The report includes the following:

- Statement of Financial Activity by Nature or Type;
  - Explanation of Material Variances;
  - Net Current Funding Position;
  - Receivables;
  - Capital Acquisitions;
  - Cash Backed Reserve Balances;
  - Loan Schedule;
  - Investment Register; and
  - Cash and Investments Summary.
4. Each year a local government is required to adopt a percentage or value to be used in the Statement of Financial Activity for reporting material variances. For 2024/2025 financial year, under Resolution 090724, Council adopted the monthly reporting variance of 10% or greater that requires an explanation or report, with a minimum dollar variance of \$10,000.
5. Pursuant to the Shire's Investment Policy, an investment report and investment register are to be provided to Council monthly, detailing the investment portfolio in terms of performance and counterparty percentage exposure of total portfolio.

#### DISCUSSION / OFFICER COMMENTS

6. The Statement of Financial Activity for April 2025 shows a closing funding surplus of \$3,689,608. The adopted budget (as amended) for the year ended 30 June 2025 is premised on a zero-year end closing funding position. Operating income exceeds the budget by \$215,798 overall, and Operating expenses are \$249,615 lower than budget. The main factors contributing to these variances are detailed in Note 1 – Major Variances within the attachment.
7. A summary of the financial position for April 2025 is detailed in the table below:

	Amended Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)
	\$	\$	\$	\$	%
<b>Opening Funding Surplus</b>	<b>1,199,252</b>	<b>1,199,252</b>	<b>1,199,252</b>	<b>0</b>	<b>0%</b>
<b><u>Revenue</u></b>					
Operating revenue	14,994,724	14,333,554	14,549,352	215,798	2%
Capital revenue, grants and contributions	9,221,836	4,146,156	4,298,001	151,844	4%
	<b>24,216,560</b>	<b>18,479,710</b>	<b>18,847,353</b>	<b>367,643</b>	
<b><u>Expenditure</u></b>					
Operating Expenditure	-19,612,716	-16,104,743	-15,855,128	249,615	2%
Capital Expenditure	-11,232,777	-6,473,645	-5,050,075	1,423,570	22%
	<b>-30,845,493</b>	<b>- 22,578,388</b>	<b>-20,905,203</b>	<b>1,673,185</b>	
Funding balance adjustments	5,429,681	4,521,260	4,548,206	26,946	1%
<b>Closing Funding Surplus</b>	<b>0</b>	<b>1,621,834</b>	<b>3,689,608</b>	<b>2,067,774</b>	<b>127.50%</b>



**Investment Report**

8. Pursuant to the Shire's Investment Policy, an investment report and investment register are to be provided to Council monthly, detailing the investment portfolio in terms of performance and counterparty percentage exposure of total portfolio. The investment register provides details of investment income earned against budget, whilst confirming compliance of the portfolio with legislative and policy limits.
9. As at 30 April 2025, total cash funds held (including trust funds) totals \$9,989,286.
10. Summary – Cash and Investments
  - Municipal Funds total \$5,261,346
  - Shire Trust Funds total \$850
  - Reserve Funds (restricted) invested, total \$4,727,089
  - Municipal Funds (unrestricted) invested, total \$4,066,804
11. The Reserve Bank of Australia's (RBA) official cash rate currently sits at 4.10% which was reduced by 0.25% from 4.35% at the Reserve Bank Board meeting held on 18 February 2025. No further adjustments to the official cash rate have occurred at the time of writing this report.

**CONSULTATION AND EXTERNAL ADVICE**

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

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

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

**The Local Government Act 1995**

15. Section 6.8 relates to a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by Council resolution.
16. Section 6.14 outlines the power to invest for local governments.

**The Trustees Act 1962**

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

**STRATEGIC / POLICY IMPLICATIONS**

18. Nil.

## FINANCIAL IMPLICATIONS

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

## OTHER IMPLICATIONS

### Environmental

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

### Economic

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

### Social

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

## RISK MANAGEMENT

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

### 9.2.2 PAYMENT OF ACCOUNTS FOR THE PERIOD ENDING 30 APRIL 2025

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

## IN BRIEF

- To advise Council of payments made for the period 1 April to 30 April 2025.

## VOTING REQUIREMENTS

1. Simple majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 9.2.2</b>
MOVED: CR WIGGINS	SECONDED: CR CAMPBELL
That Council RECEIVE the payment of accounts totalling \$1,532,088.46 for the month of April 2025, as per Attachment 9.2.2.	
CARRIED: 9/0	Res: 030525
TOTAL VOTES FOR: 9	
Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Ormsby, Cr Carman, Cr Lewis and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

#### LOCATION

2. Not applicable.

#### BACKGROUND

3. Nil.

#### DISCUSSION / OFFICER COMMENTS

4. Nil.

#### CONSULTATION AND EXTERNAL ADVICE

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

#### STATUTORY / LEGAL IMPLICATIONS

##### Local Government (Financial Management) Regulations 1996

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

#### STRATEGIC / POLICY IMPLICATIONS

7. Nil.

#### FINANCIAL IMPLICATIONS

8. Nil.

#### OTHER IMPLICATIONS

##### Environmental

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

### Economic

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

### Social

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

### RISK MANAGEMENT

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

### 9.2.3 2025/2026 DIFFERENTIAL RATES AND MINIMUM PAYMENT

<b>File Ref:</b>	FIN.1
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	27 May 2025
<b>Author:</b>	Kellie Jenkins, Executive Manager Corporate Services
<b>Authorising Officer:</b>	Kellie Jenkins, Executive Manager Corporate Services
<b>Attachments:</b>	9.2.3 – Rating Proposal – Statement of Objects and Reasons

### IN BRIEF

- For Council to endorse proposed differential general rates and the minimum payment for the 2025/2026 financial year for the purposes of giving public notice.

### VOTING REQUIREMENTS

1. Simple majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>		<b>ITEM 9.2.3</b>
MOVED: CR PHILLIPS		SECONDED: CR CARMAN
That Council approves the following differential rates and minimum payment for advertising in accordance with Section 6.36 of the Local Government Act 1995:		
Differential Rate Category	Proposed 2025/2026 Rate in Dollar (\$)	Proposed 2025/2026 Minimum Payment (\$)
<b>Gross Rental Value (GRV)</b>		
Improved	0.081219	1,512
Holiday Purposes	0.158377	1,815
Vacant	0.161626	1,480
<b>Unimproved Value (UV)</b>		
Rural	0.003885	1,738
Rural - Additional Use Holiday	0.005051	2,258
Rural - Additional Use Commercial	0.006605	3,301

CARRIED: 9/0

Res: 040525

TOTAL VOTES FOR: 9

Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Ormsby, Cr Carman,  
Cr Lewis and Cr Phillips.

TOTAL VOTES AGAINST: 0

*Cr Phillips and Cr Carman wished to publically thank and acknowledge the Executive Manager Corporate Services and her team for their work and for making the information easy to understand and presentable.*

## LOCATION

2. Nil

## BACKGROUND

3. The Shire of Denmark (Shire) imposes differential rates based on the purpose for which the land is held or used. Prior to imposing differential general rates when Council adopts its 2025/2026 budget, in accordance with section 6.36 of the Local Government Act 1995, the Shire is required to give local public notice of its intention to do so.
4. The differential general rates and minimum payment for the 2024/2025 financial year were as follows:

Differential Rate Category	Proposed 2024/2025 Rate in Dollar (\$)	Proposed 2024/2025 Minimum Payment (\$)
<b>Gross Rental Value (GRV)</b>		
Non-Rural Improved	0.118117	1,443
Holiday Purposes	0.230328	1,732
Vacant	0.235484	1,412
<b>Unimproved Value (UV)</b>		
Rural	0.004042	1,658
Rural - Additional Use Holiday	0.005255	2,155
Rural - Additional Use Commercial	0.006871	3,150

## DISCUSSION / OFFICER COMMENTS

5. To ensure the Shire's budget remains responsive to inflationary pressures and adequately addresses community needs, rates are proposed to increase by 2% above the annual Consumer Price Index (CPI) in addition to property growth for the 2025/2026 period. The 2.8% CPI increase will maintain the current level of services and infrastructure. The additional 2% is allocated for the renewal, maintenance, and upgrade of existing assets. This investment will sustain the community's infrastructure, protect our community's wellbeing, and enhance community pride.
6. The proposal to increase rates by 2% above the CPI, in addition to property growth, will result in an increased rate revenue of 5.3% for the 2025/2026 financial year.

### Growth of Rateable Properties

7. The number of rateable properties has increased during 2024/2025 due to developments and subdivisions of land by individual landowners across the Shire. The following table shows that growth in rateable properties for five years.

Year	No. of Properties	Property Increase	Increase
2024/2025	4207	28	0.67%
2023/2024	4179	12	0.29%
2022/2023	4167	29	0.70%
2021/2022	4138	23	0.56%
2020/2021	4115	10	0.24%

### Revaluation

8. The basis of valuation is either Gross Rental Value (GRV) or Unimproved Value (UV). GRV is used for non-rural properties, representing the estimated annual rent a property could earn. UV is used for rural properties, referring to the site's value.
9. The Valuation of Land Act 1978 empowers the Valuer General (Landgate) to conduct general valuations on a GRV basis within Western Australia at intervals deemed necessary (every 3 to 6 years) and UV properties annually. Values are determined relative to sales and rentals as of 1 August of the preceding year.
10. Landgate completed the GRV valuation of all properties in the Shire of Denmark as of 1 August 2024. The valuations will come into force on 1 July 2025. The GRV revaluation impact will be effective for the 2025/2026 financial year, resulting in an overall valuation average increase of 53.89%.
11. The 2024 revaluation of UV properties, effective from 1 July 2025, resulted in an overall valuation average increase of 5.55%.
12. Changes in property values are considered when determining the differential rates for the budget. The significant increase in valuation change justifies discounting the rate in the dollar for differential rate properties to achieve the required rate revenue. The following table shows the discounting rate in the dollar.

Differential Rate Category	2024/2025 Rate in Dollar (\$)	Proposed 2025/2026 Rate in Dollar (\$)	Change (%)
<b>Gross Rental Value (GRV)</b>			
Improved	0.118117	0.081219	- 31
Holiday Purposes	0.230328	0.158377	- 31
Vacant	0.235484	0.161626	- 31
<b>Unimproved Value (UV)</b>			
Rural	0.004042	0.003885	- 4
Rural - Additional Use Holiday	0.005255	0.005051	- 4
Rural - Additional Use Commercial	0.006871	0.006605	- 4

13. The proposed rate in the dollar and minimum payment for 2025/2026 financial year are detailed in the table below.

Differential Rate Category	Proposed 2025/2026 Rate in Dollar (\$)	Proposed 2025/2026 Minimum Payment (\$)
<b>Gross Rental Value (GRV)</b>		
Improved	0.081219	1,512
Holiday Purposes	0.158377	1,815
Vacant	0.161626	1,480
<b>Unimproved Value (UV)</b>		
Rural	0.003885	1,738
Rural - Additional Use Holiday	0.005051	2,258
Rural - Additional Use Commercial	0.006605	3,301

### Rating Proposal

14. The Rating Proposal for 2025/2026, includes the statement of objects and reasons for the proposed differential rates and minimum payments. The objects and reasons provide a brief explanation of the key differences between rate categories, as per Attachment 9.2.3.

### CONSULTATION AND EXTERNAL ADVICE

15. Local public notice, no earlier than 1 May 2025, which details each rate in the dollar and minimum payment and make available the Objects and Reasons for the differential taking categories.

### STATUTORY / LEGAL IMPLICATIONS

#### Local Government Act 1995

16. Section 6.36 – Local government to give notice of certain rates.

Section 6.36 (1) states:

“Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.”

The Act prescribes the information to be included in the public notice and requires a local government to consider any submissions received before imposing the proposed rates.

### STRATEGIC / POLICY IMPLICATIONS

#### Rating Equity Policy

17. The report and officer recommendation align with Council’s adopted Rating Equity Policy, as per resolution 050325 dated 25 March 2025.

### FINANCIAL IMPLICATIONS

#### Long Term Financial Plan

18. The 2024-2033 Long Term Financial Plan (LTFP) was endorsed by Council on 30 April 2024, as per resolution 070424. The revenue from rates is structured to consider both the consumer price index (CPI) and the funding gap for asset renewal. The rate revenue for 2025/2026 will increase 4.8%, plus the growth that has occurred. Although the rate

revenue is less than the LTFP forecast of 6.5%, it adheres to the economic principles of CPI plus asset renewal plus growth. The rate revenue, along with economic indices, will be reflected as part of the 2025 LTFP to maintain financial responsibility in future years.

## **OTHER IMPLICATIONS**

### **Environmental**

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

### **Economic**

20. The Australian Bureau of Statistics reported the Consumer Price Index (CPI) for Perth rose by 0.9% in the March 2025 quarter, bringing the annual inflation rate to 2.8%. This increase is consistent with the overall trend in CPI for Australia, which rose 0.9% in the March 2025 quarter and 2.4% annually. The consistent rise in inflation has influenced the cost of living and the availability of goods and services, placing pressure on local economic resources. Both communities and local governments are contending with the financial challenges posed by these fiscal conditions.

### **Social**

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

## **RISK MANAGEMENT**

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

## **9.3 GOVERNANCE**

### **9.3.1 LOCAL GOVERNMENT ORDINARY ELECTION 2025**

<b>File Ref:</b>	ELC.1.2025
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	14 February 2025
<b>Author:</b>	Claire Thompson, Governance Coordinator
<b>Authorising Officer:</b>	David King, Chief Executive Officer
<b>Attachments:</b>	Nil

## **IN BRIEF**

- Council is asked to declare on who will facilitate, and method of, the 2025 Local Government Election for the Shire of Denmark.

## **VOTING REQUIREMENTS**

1. Absolute majority.



<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 9.3.1</b>
<b>MOVED: CR WIGGINS</b>	<b>SECONDED: CR CAMPBELL</b>
That Council:	
<ol style="list-style-type: none"> <li>1. DECLARE, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2025 ordinary election, together with any other elections or polls which may be required; and</li> <li>2. DECIDE, in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the election will be as a Postal election.</li> </ol>	
CARRIED BY AN ABSOLUTE MAJORITY: 9/0	Res: 050525
TOTAL VOTES FOR: 9	
Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Ormsby, Cr Carman, Cr Lewis and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

#### LOCATION

2. Not applicable.

#### BACKGROUND

3. Nil.

#### DISCUSSION / OFFICER COMMENTS

4. Council has the option to:
  - Conduct the election as an in person or postal election.
  - Retain the CEO as the returning officer or appoint, another person or the Electoral Commissioner.
5. Council's previous elections have been by postal vote and conducted by the Electoral Commissioner. It is the experience of Shire officers that the elections have run smoothly, reduces pressure on existing staff resources and provides a level of objectivity to the entire process and outcome.

#### CONSULTATION AND EXTERNAL ADVICE

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

#### STATUTORY / LEGAL IMPLICATIONS

##### Local Government Act 1995

7. Section 4.20(1) – CEO to be returning officer for an election unless other arrangements are made.

8. Section 4.20(4) – local government may appoint the Electoral Commissioner to be responsible for the conduct of an election.
9. Section 4.61(2) – local government may decide to conduct the election as a postal election. The alternative is an in person election.

#### **STRATEGIC / POLICY IMPLICATIONS**

10. Nil

#### **FINANCIAL IMPLICATIONS**

11. The cost estimate for the WA Electoral Commission to conduct a postal election for the 2025 Local Government Election is \$40,840 (es GST).
12. Should Council agree with the officer recommendation, provision will need to be included in the draft 2025/26 budget.

#### **OTHER IMPLICATIONS**

##### **Environmental**

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

##### **Economic**

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

##### **Social**

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

#### **RISK MANAGEMENT**

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

### **9.3.2 INITIATE REVIEW OF PEST PLANTS LOCAL LAW**

<b>File Ref:</b>	LEG.1
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	15 May 2025
<b>Author:</b>	Claire Thompson, Governance Coordinator
<b>Authorising Officer:</b>	David King, Chief Executive Officer
<b>Attachments:</b>	9.3.2 - Local Laws Relating to Pest Plants

#### **IN BRIEF**

- Council is asked to commence a review of the Shire of Denmark Local Laws relating to Pest Plants.

## VOTING REQUIREMENTS

1. Simple majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 9.3.2</b>
<b>MOVED: CR YOUEL</b>	<b>SECONDED: CR ORMSBY</b>
That Council COMMENCE a review of the Shire of Denmark Local Laws relating to Pest Plants, in accordance with the requirements in the Local Government Act 1995.	
<b>CARRIED: 9/0</b>	<b>Res: 060525</b>
<b>TOTAL VOTES FOR: 9</b> Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Ormsby, Cr Carman, Cr Lewis and Cr Phillips.	
<b>TOTAL VOTES AGAINST: 0</b>	

## LOCATION

2. Not applicable.

## BACKGROUND

3. The Shire of Denmark Local Laws Relating to Pest Plants commenced in 1997 and was reviewed in 2008.
4. In December 2013, Council resolved to conduct another review however, Officer's cannot find any evidence that the results of any proposed consultation were presented back to Council.

## DISCUSSION / OFFICER COMMENTS

5. Regardless of whether any public submissions are received the local law will need to be amended to change the head of power from the Agriculture and Related Resources Protection Act 1976 to the Biodiversity and Agriculture Management Act 2007, and incorporate the changes suggested in the adopted *Shire of Denmark Bushland Reserves Weed Strategy 2024-2034*.
6. Initial cross refencing with the Department of Regional Development and Primary Industries' Declared Plants has identified at least one duplication, which means that the local law schedule will need to be amended to remove the duplication with the State's list.

## CONSULTATION AND EXTERNAL ADVICE

7. Section 3.16(2) of the Local Government Act 1995 details the process of giving notice of a local law review, for a period of not less than 6 weeks.
8. The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal and considered Council's Community Engagement Policy P040123 and the associated Framework and believes that no additional external/internal engagement or consultation is required.

**STATUTORY / LEGAL IMPLICATIONS****Biodiversity & Agriculture Management Act 2007**

## 9. Section 193 – Local Government may make local laws

## (1) In this section —

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

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

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

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

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

**Local Government Act 1995**

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

## 11. In accordance with recent changes to the Act, reviews need to be done within a period of 15 years, previously 8. If a local law is not reviewed within this timeframe it is repealed [s 3.16(5)]. The changes commenced in December 2024 and local governments have until 7 December 2026 to review any local laws that haven't been reviewed within 8 years.

**STRATEGIC / POLICY IMPLICATIONS**12. In July 2024 Council adopted the *Shire of Denmark Bushland Reserves Weed Strategy 2024-2034* which recommended some additions to the current local law's First Schedule of pest plants. These will be included in the review.**FINANCIAL IMPLICATIONS**

## 13. The cost of advertising the review can be accommodated within Council's existing budget.

**OTHER IMPLICATIONS****Environmental**

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

**Economic**

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

**Social**

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

**RISK MANAGEMENT**

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

**9.4 COMMUNITY SERVICES**

Nil

**9.5 INFRASTRUCTURE SERVICES**

Nil

**10. MATTERS BEHIND CLOSED DOORS**

Nil

**11. NEW BUSINESS OF AN URGENT NATURE**

Nil

**12. CLOSURE OF MEETING**

*4.51pm – The Shire President, Cr Gibson, 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)*