SHIRE OF DENMARK

Ordinary Council Meeting

MINUTES

27 October 2026

HELD IN THE COUNCIL CHAMBERS

953 SOUTH COAST HIGHWAY, DENMARK,

ON TUESDAY 27 OCTOBER 2026.

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS 2
2 RECORD OF ATTENDANCE 3
3 DECLARATION OF INTEREST 3
4 ANNOUNCEMENTS BY THE PRESIDING PERSON 3
5 PUBLIC QUESTION TIME 4
5.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE 4
5.2 PUBLIC QUESTIONS 4
5.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN 4
5.4 PRESENTATIONS, DEPUATIONS & PETITIONS 4
6 APPLICATIONS FOR FUTURE LEAVE OF ABSENCE 4
7 CONFIRMATION OF MINUTES 5
7.1 ORDINARY MEETING – 29 SEPTEMBER 2026 5
8 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN 5
9 REPORTS OF OFFICERS 5
9.1 DRAFT PUBLIC PLACES AND LOCAL GOVERNMENT PROPERTY AMENDMENT LOCAL LAW 2026 5
9.2 SOUTH COAST ALLIANCE INC. 2026 MEMBER NOMINATION 9
9.3 DRAFT SHIRE OF DENMARK DOGS LOCAL LAW 12
9.4 DENMARK CEMETERY (RESERVE 11655) LOCAL LAW 17
9.5 EXTRACTIVE INDUSTRIES LOCAL LAW REVIEW 21
9.6 PAYMENT OF ACCOUNTS FOR PERIOD ENDING 30 SEPTEMBER 2026 24
9.7 FINANCIAL STATEMENTS FOR THE PERIOD ENDED 30 SEPTEMBER 2026 26
10 MATTERS BEHIND CLOSED DOORS 31
10.1 CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE REVIEW 2026 31
11 NEW BUSINESS OF AN URGENT NATURE 32
12 CLOSURE OF MEETING 32

DISCLAIMER

These minutes and resolutions are subject to confirmation by Council and therefore prior to relying on them, one should refer to the subsequent meeting of Council with respect to their accuracy.

No responsibility whatsoever is implied or accepted by the Shire of Denmark for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff.

The Shire of Denmark disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a license, any statement or limitation or approval made by a member or officer of the Shire of Denmark during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Denmark. The Shire of Denmark warns that anyone who has an application lodged with the Shire of Denmark must obtain and should only rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of Denmark in respect of the application.

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

4.02pm – *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

MEMBERS

Cr Aaron Wiggins (Shire President)
Cr Clare Campbell (Deputy Shire President)
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)
Kristie Buss (Executive Support Officer)

ON APPROVED LEAVE OF ABSENCE

ABSENT WITHOUT LEAVE

Cr Nathan Devenport
Cr Kingsley Gibson

VISITORS

3 DECLARATION OF INTEREST

Name	Item No.	Interest Type	Nature
David King	10.1	Impartiality	Directly relates to the CEOs employment conditions
Rob Westerberg	10.1	Impartiality	Directly relates to the CEOs employment conditions
Kellie Jenkins	10.1	Impartiality	Directly relates to the CEOs employment conditions

4 ANNOUNCEMENTS BY THE PRESIDING PERSON

Nil

5 PUBLIC QUESTION TIME

5.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5.2 PUBLIC QUESTIONS

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

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

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

Questions from the Public

Nil

5.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

5.4 PRESENTATIONS, DEPUATIONS & PETITIONS

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

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

Nil

6 APPLICATIONS FOR FUTURE LEAVE OF ABSENCE

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

Nil

7 CONFIRMATION OF MINUTES

7.1 ORDINARY MEETING – 29 SEPTEMBER 2026

OFFICER RECOMMENDATION	ITEM 7.1
MOVED: CR LEWIS	SECONDED: CR CAMPBELL
That the Minutes of the Ordinary Meeting of Council held on 29 September 2026 be CONFIRMED as the true and correct record of the proceedings.	
CARRIED: 7/0	Res: 011026
TOTAL VOTES FOR: 7 Cr Campbell, Cr Hockey, Cr Lewis, Cr Sleeman, Cr Phillips, Cr Wiggins and Cr Youel TOTAL VOTES AGAINST: 0	

8 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

9 REPORTS OF OFFICERS

9.1 DRAFT PUBLIC PLACES AND LOCAL GOVERNMENT PROPERTY AMENDMENT LOCAL LAW 2026

File Reference	LEG.1
Applicant	Not applicable
Disclosure of Officer Interest	Nil
Date	21 September 2026
Author	Claire Thompson, Governance Coordinator
Authorising Officer	David King, Chief Executive Officer
Attachments	9.1a – Schedule of Submissions 9.1b – Public Places and Local Government Property Amendment Local Law 2026

EXECUTIVE SUMMARY

(1) An Amendment Local Law has been drafted to facilitate corrections and changes to the Public Places and Local Government Property Local Law 2026 ('Local Law').

(2) The corrections are as required by the Joint Standing Committee on Delegated Legislation ('JSCDL') and to change the language, where applicable, to gender neutral.

(3) Council is required to consider the submissions received before deciding whether to make the Amendment Local Law.

VOTING REQUIREMENTS

(4) Absolute Majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION ITEM 9.1
MOVED: CR YOUEL SECONDED: CR SLEEMAN

That Council:

1. NOTES the submissions received, as contained in attachment 9.1a.
2. NOTES that the proposed amendments are insignificant and do not alter the intent of the Amendment Local Law that was advertised for public comment.
3. RESOLVES TO MAKE, under section 3.12 of the Local Government Act 1995, the Public Places and Local Government Property Amendment Local Law 2026, as contained in Attachment 9.1b

   Purpose – to amend the Public Places and Local Government Property Local Law 2026.

   Effect – to incorporate changes that the Joint Standing Committee on Delegated Legislation require to be made and modify language, where appropriate, to be gender-neutral.

4. AUTHORISES the Shire President and Chief Executive Officer to sign and affix the Common Seal to the Local Law;

5. REQUESTS the Chief Executive Officer to:
   (a) publish the Local Law in the Government Gazette;
   (b) provide a copy 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: 7/0 Res: 021026
TOTAL VOTES FOR: 7
Cr Campbell, Cr Hockey, Cr Lewis, Cr Sleeman, Cr Phillips, Cr Wiggins and Cr Youel
TOTAL VOTES AGAINST: 0

LOCATION

(5) Not applicable.

BACKGROUND

(6) The Local Law was gazetted on 6 January 2026.

(7) The JSCDL requested changes to five clauses, and Council resolved to make those changes within two years (26 May 2026, Resolution No. 140526).

(8) In addition, Council resolved to incorporate, where appropriate, gender-neutral language in the amendment to the local law.

(9) In July 2026, Council agreed to advertise the draft Amendment Local Law for comment.

DISCUSSION / OFFICER COMMENTS

(10) The corrections and changes requested by the JSCDL and Council have been incorporated into the Public Places and Local Government Property Amendment Local Law 2026.

(11) At the close of advertising, one public submission had been received, and the Department of Local Government, Industry Regulation and Safety provided comments.

(12) Shire officers have incorporated all suggested changes and consider that the changes are not significantly different from those proposed in the advertised draft.

(13) See Attachment 9.1a for the submissions and officer comments.

CONSULTATION AND EXTERNAL ADVICE

(14) In accordance with statutory provisions, the draft Amendment Local Law was advertised for a period of six weeks, and a copy of the draft was sent to the Department of Local Government, Industry Regulation and Safety for comment.

(15) Council must consider submissions prior to agreeing to make the local law.

(16) Should Council make the local law, it will be published in the Government Gazette and come into operation 14 days after the date of publication.

STATUTORY / LEGAL IMPLICATIONS

Local Government Act 1995

(17) Section 1.7 – details requirements of giving local public notice.

(18) Section 3.5 – local government may make local laws.

(19) Section 3.12 – sets out the procedure for making local laws, including giving local public notice, providing a copy to the department, considering submissions and publishing the local law in the Government Gazette.

Local Government (Functions and General) Regulations 1996

(20) Regulation 3 – manner of giving notice of purpose and effect.

STRATEGIC / POLICY IMPLICATIONS

(21) Nil

FINANCIAL IMPLICATIONS

(22) The cost of advertising the Amendment Local Law can be accommodated within the Council's existing Budget.

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

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

9.2 SOUTH COAST ALLIANCE INC. 2026 MEMBER NOMINATION

File Reference	ORG.94
Applicant	Not applicable
Disclosure of Officer Interest	Nil
Date	22 September 2026
Author	Claire Thompson, Governance Coordinator
Authorising Officer	David King, Chief Executive Officer
Attachments	9.2 – SCA Membership Policy

EXECUTIVE SUMMARY

(1) Council needs to nominate an additional Elected Member to represent the Shire of Denmark on the South Coast Alliance Inc. (SCA) Executive Committee in 2027.

VOTING REQUIREMENTS

(2) Simple Majority

SUSPENSION OF STANDING ORDERS ITEM 9.2
MOVED: CR WIGGINS SECONDED: CR HOCKEY

That Standing Orders be suspended to allow free discussion on Item 10.8.

CARRIED: 7/0 Res: 031026
TOTAL VOTES FOR: 7
Cr Campbell, Cr Hockey, Cr Lewis, Cr Sleeman, Cr Phillips, Cr Wiggins and Cr Youel
TOTAL VOTES AGAINST: 0

RESUMPTION OF STANDING ORDERS ITEM 9.2
MOVED: CR WIGGINS SECONDED: CR HOCKEY

That Standing Orders be resumed.

CARRIED: 7/0 Res: 041026
TOTAL VOTES FOR: 7
Cr Campbell, Cr Hockey, Cr Lewis, Cr Sleeman, Cr Phillips, Cr Wiggins and Cr Youel
TOTAL VOTES AGAINST: 0

COUNCIL RESOLUTION & OFFICER RECOMMENDATION ITEM 9.2
MOVED: CR PHILLIPS SECONDED: CR CAMPBELL

That Council NOMINATE CR LEWIS as the additional Elected Member representative for the South Coast Alliance Inc. Executive Committee.

CARRIED: 7/0 Res: 051026
TOTAL VOTES FOR: 7
Cr Campbell, Cr Hockey, Cr Lewis, Cr Sleeman, Cr Phillips, Cr Wiggins and Cr Youel
TOTAL VOTES AGAINST: 0

LOCATION

(3) Not applicable.

BACKGROUND

(4) The South Coast Alliance ('SCA') is an incorporated body of elected members from the City of Albany and the Shire's of Denmark, Plantagenet and Jerramungup.

(5) SCA was initially established to further shared tourism and economic development initiatives however, its focus more recently has been climate change, housing and provision of State Government services such as power and water.

(6) In 2026 there were discussions about winding up the association and it was agreed that the SCA could support a shared project with the balance of funds in its account prior to winding up. The shared project agreed to is a multi-species abattoir project in Mt Barker, being coordinated by the Shire of Plantagenet.

(7) In March 2026, the SCA Committee agreed to allocate up to $20,000 towards the project. To date, just under $4,000 (including GST) has been spent.

(8) It is expected that once the funds have been acquitted, the SCA will be wound up in the new year.

DISCUSSION / OFFICER COMMENTS

(9) The SCA members are all elected members from the four local governments.

(10) The SCA Executive Committee has 12 ordinary members, four (4) of whom hold the offices of Chair, Deputy Chair, Secretary and Treasurer.

(11) Each local government is permitted to have three (3) members on the Executive Committee. In accordance with the Membership Policy (see Attachment 9.2), the Shire President and the Deputy Shire President are automatically on the Committee.

(12) Cr Jan Lewis was the additional member in 2026.

(13) An elected member who is nominated by the Council will be required to formally lodge their application with the SCA pursuant to the Rules of Association. The nomination must be received by the SCA Secretary at lease 28 days prior to the Annual General Meeting, which is scheduled for 11 December 2026.

CONSULTATION AND EXTERNAL ADVICE

(14) 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

(15) The Rules of Association require that an Annual General Meeting is held to appoint the committee members and office bearers for the ensuing 12 months.

STRATEGIC / POLICY IMPLICATIONS

(16) The SCA Membership Policy relates.

FINANCIAL IMPLICATIONS

(17) Costs associated with hosting meetings and meeting attendance can be accommodated within the Council's adopted 2026/2027 Budget.

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

9.3 DRAFT SHIRE OF DENMARK DOGS LOCAL LAW

File Reference	LEG.1
Applicant	Not applicable
Disclosure of Officer Interest	Nil
Date	29 September 2026
Author	Claire Thompson, Governance Coordinator
Authorising Officer	David King, Chief Executive Officer
Attachments	9.3a – Dogs Local Law 2001 9.3b – draft Dogs Local Law 2026

EXECUTIVE SUMMARY

(1) Council is requested to endorse a draft new Dogs Local Law for the purpose of advertising.

VOTING REQUIREMENTS

(2) Absolute Majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION | ITEM 9.3
MOVED: CR SLEEMAN | SECONDED: CR HOCKEY

That Council:

1. NOTES the submissions received in response to the local public notice of the review, as contained in the consultation section of this report.
2. DETERMINES, under section 3.16(4) of the Local Government Act 1995, that the Shire of Denmark Dogs Local Law 2001 should be repealed and replaced by a new local law.
3. PROPOSES TO MAKE, under section 3.12 of the Local Government Act 1995, the Shire of Denmark Dogs Local Law 2026, as contained in Attachment 9.3b.

   Purpose – To make provisions about the impounding of dogs, to control the number of dogs that can be kept on premises and the manner of keeping those dogs and kennel establishments.

   Effect – To extend the control over dogs which exist under the Dog Act 1976.
4. REQUESTS the Chief Executive Officer to:
   (a) give local public notice of the proposed local law in accordance with sections 1.7 and 3.12(3) of the Local Government Act 1995;
   (b) make a copy of the proposed local law available for public inspection;
   (c) invite submissions on the proposed local law for a period of not less than six weeks after the local public notice is given; and
   (d) provide a copy of the proposed local law and the local public notice to the Department of Local Government, Industry Regulation and Safety.

CARRIED: 7/0 | Res: 061026

TOTAL VOTES FOR: 7
Cr Campbell, Cr Hockey, Cr Lewis, Cr Sleeman, Cr Phillips, Cr Wiggins and Cr Youel
TOTAL VOTES AGAINST: 0

LOCATION

(3) Not applicable.

BACKGROUND

(4) The Shire's current local law was gazetted in 2001 and reviewed, with no change, in 2008.

(5) Section 3.16 of the Local Government Act 1995 requires each local government to review its local laws at least once every 15 years to determine whether they should remain unchanged, be amended or be repealed

(6) A review of the local law was initiated by Council and subsequently advertised for a period of six weeks. One submission was received.

(7) This report considers whether to keep, amend or repeal the existing Dog Local Law.

DISCUSSION / OFFICER COMMENTS

(8) The Shire of Denmark Dogs Local Law was made in 2001 and was last reviewed in 2008. The current statutory review has identified that parts of the local law are outdated, including provisions relating to dog exercise areas and dog-prohibited areas that ceased to have effect following amendments to the Dog Act 1976 and the commencement of the Dog Regulations 2013. These areas are now designated by Council resolution under section 31 of the Dog Act 1976 and are managed through the Shire's Dog Areas Policy.

(9) The review also identified an opportunity to align the local law with the current model local law, update legislative references and definitions, use gender-neutral language and clarify requirements relating to the number and keeping of dogs and kennel establishments.

(10) Given the extent of the changes required, repealing the existing local law and replacing it with a new Dogs Local Law is clearer and more practical than amending the outdated provisions individually. The proposed new local law will provide a contemporary and legally consistent framework for dog management while retaining the Shire's existing limit of two dogs per property unless approval is granted to keep additional dogs.

(11) The model local law has been used as the draft Shire of Denmark Dogs Local Law 2026 with the following provision amendments:

- Change the language to be gender-neutral.
- Retain the limit of 2 dogs per property. The model local law prescribes 2 dogs within a townsite and 4 dogs outside of a townsite.

- Amended definition of *dangerous dog* to refer to the definition in the Dog Act 1976, to include declared, restricted breeds and commercial security dogs. The model local law only referred to declared dangerous dogs.

CONSULTATION AND EXTERNAL ADVICE

(12) A review of the local law was initiated by Council and subsequently advertised for a period of six weeks. One submission was received.

Summary of Submission

We submit that the number of permitted dogs be altered to provide for the wide-ranging property sizes across the Shire. It seems onerous that the Ranger must attend an 800 square metre block to ensure that the property owner is able to properly care for any number of dogs above 2, and the same requirement is required for a block of many acres. We propose the following table be adopted to reduce the Shire's workload.

NUMBER OF DOGS	LOCATION
2 dogs	Within Denmark townsite
4 dogs	Any property outside of townsite

Officer Comment

The model local law permits four dogs to be kept as of right on premises outside a townsite. However, property size and location alone do not establish that four dogs can be kept without affecting neighbouring properties, livestock, wildlife or the surrounding environment. Properties outside the townsite including rural and rural-residential and special-residential properties vary considerably in size, fencing, proximity to neighbours and capacity to securely contain dogs. In Denmark, there are many cases where properties are comparable to townsite locations.

Retaining a limit of two dogs throughout the district does not prevent owners from keeping additional dogs. Section 26(3) of the Dog Act 1976 allows the Shire to approve up to six dogs where an assessment demonstrates that the dogs can be appropriately contained and managed and are unlikely to cause nuisance or adversely affect the amenity of the area. This provides a proportionate and site-specific approval pathway without requiring applicants to obtain approval for a kennel establishment.

The current approach provides a consistent starting point across the district while allowing flexibility where individual circumstances support additional dogs. It also enables the Shire to consider matters such as fencing, property size, the number and type of dogs, previous complaints, impacts on neighbours, livestock and wildlife, and to impose appropriate conditions. As the Shire receives relatively few applications and the application process is not considered onerous, increasing the number of dogs permitted as of right would provide limited administrative benefit while removing the Shire's opportunity to assess potential impacts before additional dogs are kept.

STATUTORY / LEGAL IMPLICATIONS

Dog Act 1976

(13) Section 49 – local government may make local laws for the purposes of the Dog Act 1976, in accordance with the Local Government Act 1995 and for the purposes permitted by s 51.

(14) Section 51 – permitted purposes:

- Registration of dogs
- Specifying areas where it is an offence to leave dog excrement.
- Specifying areas of a premises that must be fenced in a manner to confine a dog.
- Establishment and maintenance of dog management facilities and other services and facilities necessary or expedient for the purposes of the Dog Act.
- Destruction of dogs.
- Kennel establishments.

Local Government Act 1995

(15) Part 3, Division 2 – Local Government may make local laws.

(16) Section 3.9 – The Governor may cause to be prepared and published in the Gazette model local laws the provisions of which a local law made under the Act may adopt by reference, with or without modifications.

(17) Section 3.12(2) – presiding person at Council meeting is to give notice of the purpose and effect of the proposed local law.

(18) Section 3.12(3)(a) – public notice is to be given for a for not less than 6 weeks, inviting for submissions.

(19) Section 3.12(3)(b) – copy is to be given to the Department once public notice is given.

(20) Section 3.12(4) – Local government is to consider any submissions.

(21) Section 3.13 – if after considering submissions, the local government decides to significantly vary that which was advertised, the process must commence again.

STRATEGIC / POLICY IMPLICATIONS

Dog Areas Policy

(22) This policy was adopted in November 2014 and was last reviewed in September 2026.

FINANCIAL IMPLICATIONS

(23) The cost of advertising the draft local law can be accommodated within the Council's current adopted Budget.

OTHER IMPLICATIONS

Environmental

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

Economic

(25) Some environmental considerations are the reduced contamination of dog faeces in public places, less disturbance and predation caused by roaming dogs and better kennel controls.

Social

(26) The Dogs Local Law helps improve community safety, provides greater clarity about responsible dog ownership, encourages dog owners to pick up their dogs excrement from public places and better manages the establishment of kennels.

RISK MANAGEMENT

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

9.4 DENMARK CEMETERY (RESERVE 11655) LOCAL LAW

File Reference	LEG.1
Applicant	Not applicable
Disclosure of Officer Interest	Nil
Date	15 October 2026
Author	Claire Thompson, Governance Coordinator
Authorising Officer	David King, Chief Executive Officer
Attachments	9.4 – Cemetery Local Law 2001

EXECUTIVE SUMMARY

(1) Council is requested to note that there were no public submissions relating to the initiated review of the Denmark Cemetery (Reserve 11655) Local Law and agree to amend it for the purposes stated in the recommendation.

VOTING REQUIREMENTS

(2) Absolute Majority

COUNCIL RESOLUTION & OFFICER RECOMMENDATION ITEM 9.4
MOVED: CR YOUEL SECONDED: CR LEWIS

That Council:

1. NOTES that there were no submissions received in response to the local public notice of the review of the Denmark Cemetery (Reserve 11655) Local Law.
2. DETERMINES, pursuant to section 3.16 of the Local Government Act 1995, that the Shire of Denmark Cemetery (Reserve 11655) Law be amended.
3. REQUESTS the Chief Executive Officer to draft an amendment local law for Council's consideration to, where appropriate:
   (a) incorporate Council's existing Cemetery related policies;
   (b) align it with the Cemetery Model Local Law;
   (c) incorporate elements relating to new memorialisation, interment and burial options;
   (d) ensure gender neutral language is used throughout; and
   (e) consider whether dogs should continue to be prohibited entirely and ensure that the local law aligns with the Dog Areas Policy.

CARRIED: 7/0 Res: 071026

TOTAL VOTES FOR: 7
Cr Campbell, Cr Hockey, Cr Lewis, Cr Sleeman, Cr Phillips, Cr Wiggins and Cr Youel
TOTAL VOTES AGAINST: 0

LOCATION

(3) Not applicable.

BACKGROUND

(4) Section 3.16 of the Local Government Act 1995 requires each local government to review its local laws at least once every 15 years to determine whether they should remain unchanged, be amended or be repealed

(5) Council initiated a review of the Cemetery Local Law in March 2026. The review was advertised in accordance with statutory requirements.

DISCUSSION / OFFICER COMMENTS

(6) Having given public notice and considered the outcome of consultation, including that no submissions were received, Council must now complete the review by determining whether the local law should remain unchanged, be amended or be repealed.

(7) Officers recommend amending the local law because several Cemetery requirements are currently spread across separate Council policies, while other provisions no longer fully reflect the model local law, memorialisation, burial and interment options, or the Shire's Dog Areas Policy. Bringing these matters together will provide a clearer, more consistent and up-to-date framework for managing the Denmark Cemetery.

(8) Once the above review has been completed internally, a draft Amendment Local Law will be presented to Council for the purpose of advertising.

CONSULTATION AND EXTERNAL ADVICE

(9) Following a six-week consultation period, there were no submissions received

STATUTORY / LEGAL IMPLICATIONS

Cemeteries Act 1986

(10) Section 54(1) – a local government may make local laws in accordance with subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995 for the purposes specified in section 55.

(11) Section 55 – local laws that are necessary or convenient for the purposes of the Act may be made for the following purposes:

(a) prescribing types of memorials permitted in different areas of a cemetery; and

(b) prescribing the location, dimensions and preparation of graves; and

(c) prescribing specifications and materials for memorials; and

(d) prescribing specifications and materials for coffins for burials and cremations; and

(e) prescribing methods for the disposal of ashes of cremated bodies in a cemetery; and

(f) prescribing requirements for the burial and covering of coffins; and

(g) for the protection of memorials and the land and property of a Board; and

(h) regulating the grant of rights of burial; and

(i) regulating the maintenance of areas for burials and empowering a Board to enter into an agreement with the holder of a right of burial for the maintenance of an area at the expense of such holder; and

(j) regulating, subject to the provisions of the Cremation Act 1929, the operation of any crematorium used by a Board; and

(k) convening and regulating meetings of a Board; and

(l) for the conduct of funerals, including the conduct of funerals by a Board; and

(m) prescribing the procedures of a Board with respect to applications for and issue of licences, permits and permissions; and

(n) regulating the entry to and use of vehicles in a cemetery; and

(o) regulating the manner of payment and the receipt of fees and charges; and

(p) providing that contravention of a local law or by-law constitutes an offence and providing for penalties not exceeding a fine of $500 and if the offence is a continuing one to a further fine not exceeding $20 for every day or part of a day during which the offence has continued; and

(q) prescribing offences for the purposes of sections 63 and 64 by setting out the offences or by reference to the provisions contravention of which constitutes the offences and in respect of each such offence prescribing the modified penalty, or different modified penalties according to the circumstances by which the offence is attended, applicable if the offence is dealt with under those sections, but so that no such modified penalty exceeds $50; and

(r) generally, for the doing of all such acts and things as are or may be necessary or convenient for the effective administration of a cemetery.

Local Government Act 1995

(12) Section 3.12 – sets out the process of reviewing a Local Law.

(13) Section 3.16 – requires a local government to periodically review its local laws.

(14) Section 3.16(4) – following the consideration of any submissions (of which there were none), Council must determine whether the local law should be repealed, amended or remain unchanged.

STRATEGIC / POLICY IMPLICATIONS

Cemetery Policies

(15) The following policies need to be reviewed to consider whether they should be incorporated into the local law, amended or repealed.

<u>Denominational Signs - Denmark Cemetery</u>

Denominational signs are not permitted.

Shrubs and Trees - Denmark Cemetery

Council allow relatives to plant specified unmarked trees in specified areas in remembrance.

Privately Conducted Funerals & Plot/Niche Reserve Holders

Council adopt the following standards for privately conducted funerals at the Denmark Cemetery;

1. The vehicle to carry the coffin be of suitable type and large enough to entirely contain coffin.
2. The coffin be of sturdy construction and if roughly made, to be draped with a plain cloth.
3. The funeral ceremony be conducted in a respectful manner so as not to give offence to other cemetery visitors or the public.

Plot & Niche Compartment Reserve Holders

Every 5 years Council will write to plot and niche compartment reserve holders to ascertain their ongoing intentions.

Relaxation of Headstone Only Policy at the Denmark Cemetery

That Clause 7.1 of the Shire of Denmark Cemetery Local Law titled Headstone Only Allowed on Grave, be relaxed for the current 'old' section of the Denmark Cemetery.

Dog Areas Policy

(16) Council's Dog Areas Policy currently does not mention the Cemetery Reserve however clause 8.1 of the Cemetery Local Law currently prohibits animals, with the exception of assistance dogs.

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

9.5 EXTRACTIVE INDUSTRIES LOCAL LAW REVIEW

File Reference	LEG.1
Applicant	Not applicable
Disclosure of Officer Interest	Nil
Date	15 October 2026
Author	Claire Thompson, Governance Coordinator
Authorising Officer	David King, Chief Executive Officer
Attachments	9.5 – Extractive Industries Law 2001

EXECUTIVE SUMMARY

(1) Council is requested to note that there were no public submissions relating to the initiated review of the Extractive Industries Local Law and agree to amend it for the purposes stated in the recommendation.

VOTING REQUIREMENTS

(2) Absolute Majority

COUNCIL RESOLUTION & OFFICER RECOMMENDATION ITEM 9.5
MOVED: CR YOUEL SECONDED: CR WIGGINS

That Council:

1. NOTES that there were no submissions received in response to the local public notice of the review of the Extractive Industries Local Law 2001.
2. DETERMINES, pursuant to section 3.16 of the Local Government Act 1995, that the Extractive Industries Local Law 2001 be amended.
3. REQUESTS the Chief Executive Officer to draft an amendment local law for Council's consideration to, where appropriate:
   (a) Correct typographical and grammatical errors;
   (b) Ensure gender neutral language is used throughout; and
   (c) align it with the Extractive Industries Model Local Law;

CARRIED: 7/0 Res: 081026
TOTAL VOTES FOR: 7
Cr Campbell, Cr Hockey, Cr Lewis, Cr Sleeman, Cr Phillips, Cr Wiggins and Cr Youel
TOTAL VOTES AGAINST: 0

LOCATION

(3) Not applicable.

BACKGROUND

(4) Section 3.16 of the Local Government Act 1995 requires each local government to review its local laws at least once every 15 years to determine whether they should remain unchanged, be amended or be repealed

(5) Council initiated a review of the Extractive Industries Local Law in March 2026. The review was advertised in accordance with statutory requirements.

DISCUSSION / OFFICER COMMENTS

(6) Having given public notice, considered any submissions (of which there were none), Council is deemed to comply with the required view if it resolves to repeal, amend or not vary to the Local Law.

(7) Officers compared the Shire of Denmark's Extractive Industries Local Law with the WALGA Model Local Law and identified typographical and grammatical errors and outdated references.

(8) Officers recommend amending the local law to correct the identified errors and align it with the current model local law.

(9) Once the above review has been completed internally, a draft Amendment Local Law will be presented to Council for the purpose of advertising.

CONSULTATION AND EXTERNAL ADVICE

(10) Following a six week consultation period, there were no submissions received.

STATUTORY / LEGAL IMPLICATIONS

Local Government Act 1995

(11) Section 3.12 – sets out the process of reviewing a Local Law.

(12) Section 3.16 – requires a local government to periodically review its local laws.

(13) Section 3.16(4) – following the consideration of any submissions (of which there were none), Council must determine whether the local law should be repealed, amended or remain unchanged.

STRATEGIC / POLICY IMPLICATIONS

Town Planning Policy No. 34 – Extractive Industry

(14) This policy guides applications as to the requirements for extractive industry approvals under the Town Planning Scheme No. 3 and the Extractive Industries Local Law.

(15) If the local law becomes amended, Shire Officers will need to consider any implications to this policy.

FINANCIAL IMPLICATIONS

(16) Nil

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

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

9.6 PAYMENT OF ACCOUNTS FOR PERIOD ENDING 30 SEPTEMBER 2026

File Reference	FIN.66.2026/27
Applicant	Not Applicable
Disclosure of Officer Interest	Nil
Date	13 October 2026
Author	Kelly Schroeter, Senior Finance Officer
Authorising Officer	Kellie Jenkins, Executive Manager Corporate Services
Attachments	9.6 – Payment of Accounts – September 2026

EXECUTIVE SUMMARY

(1) To advise Council of payments for the period 1 September to 30 September 2026.

VOTING REQUIREMENTS

(2) Simple Majority

COUNCIL RESOLUTION & OFFICER RECOMMENDATION ITEM 9.6
MOVED: CR PHILLIPS SECONDED: CR YOUEL

That Council RECEIVE the payment of accounts totalling $2,015,563.46 for the month of September 2026, as per Attachment 9.6.

CARRIED: 7/0 Res: 091026
TOTAL VOTES FOR: 7
Cr Campbell, Cr Hockey, Cr Lewis, Cr Sleeman, Cr Phillips, Cr Wiggins and Cr Youel
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.

9.7 FINANCIAL STATEMENTS FOR THE PERIOD ENDED 30 SEPTEMBER 2026

File Reference	FIN.66.2026/27
Applicant	Not Applicable
Disclosure of Officer Interest	Nil
Date	14 October 2026
Author	Scott Sewell, Financial Accountant
Authorising Officer	Kellie Jenkins, Executive Manager Corporate Services
Attachments	9.7 – September 2026 Monthly Financial Report

EXECUTIVE SUMMARY

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

(2) The Shire of Denmark has prepared its Statement of Financial Activity for the period ending 30 September 2026.

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

(4) A $40,000 budget amendment is proposed to establish the Footpath Renewal capital project for contracted renewal works on the Offer Street footpath, funded by a transfer from the Infrastructure Reserve.

VOTING REQUIREMENTS

(5) Simple Majority

COUNCIL RESOLUTION & OFFICER RECOMMENDATION ITEM 9.7a
MOVED: CR HOCKEY SECONDED: CR YOUEL

That Council RECEIVE the Financial Activity Statements for the period ending 30 September 2026, incorporating the Statement of Financial Activity and other supporting documentation, as per Attachment 9.7.

CARRIED: 7/0 Res: 101026

TOTAL VOTES FOR: 7
Cr Campbell, Cr Hockey, Cr Lewis, Cr Sleeman, Cr Phillips, Cr Wiggins and Cr Youel
TOTAL VOTES AGAINST: 0

(6) Absolute Majority

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.7b
MOVED: CAMPBELL	SECONDED: HOCKEY
That Council APPROVE a 2026/2027 budget amendment as follows: 1. Increase capital expenditure for Roads Infrastructure – footpath renewal by $40,000; and 2. Increase transfer from Infrastructure Reserve by $40,000.	
CARRIED: 7/0	Res: 111026
TOTAL VOTES FOR: 7 Cr Campbell, Cr Hockey, Cr Lewis, Cr Sleeman, Cr Phillips, Cr Wiggins and Cr Youel TOTAL VOTES AGAINST: 0	

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

DISCUSSION / OFFICER COMMENTS

(10) The Statement of Financial Activity for September 2026 reports a closing funding surplus of $10,960,847, compared with a balanced year-end position in the adopted budget. The primary year-to-date variances are:

a. Operating expenditure, which is $1,332,670 below budget;

b. Capital revenue, grants and contributions, which is $145,142 over budget;

c. Capital expenditure, which is $431,988 below budget.

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

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

	Adopted Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. $ (b)-(a)	Var. % (b)-(a)/(a)
	$	$	$	$	%
Opening Funding Surplus	**1,883,267**	**1,883,267**	**1,804,225**	**-79,042**	**-4%**
Revenue					
Operating revenue	16,501,156	13,601,204	13,660,217	59,013	0%
Capital revenue, grants and contributions	14,420,040	423,863	569,005	145,142	34%
	30,921,196	**14,025,067**	**14,229,222**	**204,155**	
Expenditure					
Operating Expenditure	-21,395,542	-5,488,245	-4,155,575	1,332,670	24%
Capital Expenditure	-17,297,727	-1350,031	-918,043	431,988	32%
	-38,693,269	**-6,838,276**	**-5,073,618**	**1,764,658**	
Funding balance adjustments	5,888,806	1,502,181	1,018	-1,501,163	-100%
Closing Funding Surplus	**0**	**10,572,239**	**10,960,847**	**388,608**	**3.68%**

OTHER INFORMATION

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

BUDGET AMENDMENT

(14) A budget amendment of $40,000 is requested to establish a new capital project, “Footpath Renewal”, for contracted renewal works on the Offer Street footpath. The expenditure is proposed to be funded from the Infrastructure Reserve.

(15) The works are required to be undertaken during the summer school holidays, between 4 January and 29 January 2027, to minimise disruption and avoid construction during the school term. As this timeframe precedes the budget review, which is normally undertaken in January and adopted by Council in March, approval of the budget amendment is required now to enable the contracted works to be completed within the available holiday period.

INVESTMENT REPORT

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

(17) As at 30 September 2026, total cash holdings, including trust funds, were $11,457,240. This comprised:

- Municipal Funds totalling $4,953,754;
- Shire Trust Funds totalling $55,850;
- Restricted Reserve Funds invested totalling $6,447,636; and
- Unrestricted Municipal Funds invested totalling $2,375,565.

(18) The Reserve Bank of Australia's official cash rate is currently 4.60%. On 29 September 2026, the Monetary Policy Board increased the rate by 0.25 basis points from 4.35% to 4.60%, noting that inflation remains elevated and that it will continue to access economic conditions and the impact of previous rate increases.

CONSULTATION AND EXTERNAL ADVICE

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

STATUTORY / LEGAL IMPLICATIONS

Local Government Act 1995

(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.

Local Government (Financial Management) Regulations 1996

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

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

The Trustees Act 1962

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

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.

Investment Policy

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

FINANCIAL IMPLICATIONS

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

(29) Financial impacts are addressed in this report.

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

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

10 MATTERS BEHIND CLOSED DOORS

10.1 CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE REVIEW 2026

File Reference	Personnel File
Applicant	Not applicable
Disclosure of Officer Interest	The Author declares an impartiality interest as they are a direct report to the CEO. The CEO declares a direct financial interest as it relates directly to the CEOs employment conditions.
Date	15 October 2026
Author	Claire Thompson, Governance Coordinator
Authorising Officer	David King, Chief Executive Officer
Attachments	10.1a – Summary Report (confidential) 10.1b – Standard for CEO Recruitment, Performance and Termination Policy

This report and attachment 10.1a have been provided to Councillors under separate confidential cover.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION ITEM 10.1
MOVED: CR WIGGINS SECONDED: CR YOUEL

That in accordance with section 5.23(2)(b) of the Local Government Act 1995 Council move behind closed doors to deal with confidential Item 10.1, as it relates to the performance review of the Chief Executive Officer.

CARRIED: 7/0 Res: 121026

TOTAL VOTES FOR: 7
Cr Campbell, Cr Hockey, Cr Lewis, Cr Sleeman, Cr Phillips, Cr Wiggins and Cr Youel
TOTAL VOTES AGAINST: 0

4.27pm – Kellie Jenkins, Kristie Buss and Robert Westerberg left the meeting and did not return.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION ITEM 10.1.
MOVED: CR LEWIS SECONDED: CR CAMPBELL

That Council:
1. NOTES the appraisal of Mr David King, Chief Executive Officer, has been completed for the period 1 September 2025 to 31 August 2026.
2. ENDORSES the findings of the confidential Summary Report.
3. APPROVES the matters requiring special attention for the 2026/2027 review period, as summarised in Part 4 of the Summary Report.
4. APPROVES the salary increase as detailed within the Summary Report.

CARRIED: 7/0 Res: 131026
TOTAL VOTES FOR: 7
Cr Campbell, Cr Hockey, Cr Lewis, Cr Sleeman, Cr Phillips, Cr Wiggins and Cr Youel
TOTAL VOTES AGAINST: 0

COUNCIL RESOLUTION ITEM 10.1
MOVED: CR WIGGINS SECONDED: CR CAMPBELL

That the meeting resume in public.

CARRIED: 7/0 Res: 141026
TOTAL VOTES FOR: 7
Cr Campbell, Cr Hockey, Cr Lewis, Cr Sleeman, Cr Phillips, Cr Wiggins and Cr Youel
TOTAL VOTES AGAINST: 0

11 NEW BUSINESS OF AN URGENT NATURE

Nil

12 CLOSURE OF MEETING

4.31pm – The Shire President, Cr Wiggins, declared the meeting closed.

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

Signed: _____
David King
Chief Executive Officer

These minutes were confirmed at the meeting on the _____

Signed: _____
by the Presiding Person at the meeting at which the minutes were confirmed.