

SHIRE OF DENMARK

Ordinary Council Meeting

AGENDA

28 APRIL 2026

TO BE HELD IN COUNCIL CHAMBERS, 953 SOUTH COAST
HIGHWAY, DENMARK, ON TUESDAY, 28 APRIL 2026,
COMMENCING AT 4.00PM.



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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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

MEMBERS:

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

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

- Cr Dominic Youel
- Cr Clare Campbell

ABSENT WITHOUT LEAVE

VISITORS

3. DECLARATIONS OF INTEREST

Name	Item No	Interest	Nature

4. ANNOUNCEMENTS BY THE PERSON PRESIDING

5. PUBLIC QUESTION TIME

5.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5.2 PUBLIC QUESTIONS

In accordance with Section 5.24 of the Local Government Act 1995, Council conducts a public question time to enable members of the public to address Council or ask questions of Council. The procedure for public question time can be found

on the wall near the entrance to the Council Chambers or can be downloaded from our website at <http://www.denmark.wa.gov.au/council-meetings>.

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

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

Questions from the Public

5.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

5.4 PRESENTATIONS, DEPUTATIONS & PETITIONS

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

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

Nil.

6. APPLICATIONS FOR FUTURE LEAVE OF ABSENCE

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

7. CONFIRMATION OF MINUTES

7.1 ORDINARY COUNCIL MEETING – 31 MARCH 2026

OFFICER RECOMMENDATION	ITEM 7.1
That the minutes of the Ordinary Meeting of Council held on the 31 March 2026 be CONFIRMED as a true and correct record of the proceedings.	

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

Nil

9. REPORTS OF OFFICERS

9.1 DEVELOPMENT SERVICES

9.1.1 PROPOSED LOCAL PLANNING POLICY NO. 52 COLOUR APPLICATION AND DETERMINATION

File Ref:	PLN.70.I
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Shire of Denmark
Disclosure of Officer Interest:	Nil
Date:	13 April 2026
Author:	David King, Chief Executive Officer
Authorising Officer:	David King, Chief Executive Officer
	9.1.1a – Draft Local Planning Policy No. 52 – Colour application and Determination
Attachments:	9.1.1b – Draft Local Planning Policy No. 13 – Outbuildings and Water Tanks (tracked changes)
	9.1.1c – Colourbond Colour Brochure

EXECUTIVE SUMMARY

1. As part of an ongoing Policy review, it was identified that the Shire of Denmark's Council Policy on colour advice relating to the Local Planning Scheme required review and conversion into a Local Planning Policy.
2. This report seeks Council's approval to advertise a new Local Planning Policy to guide officers on applications relating to colour references in the Local Planning Scheme.

VOTING REQUIREMENTS

3. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.1.1
That Council, pursuant to Schedule 2, Part 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to:	
<ol style="list-style-type: none"> 1. ADOPT a draft Local Planning Policy No. 52 – Colour Application and Determinations (Attachment 9.1.1a). 2. ADOPT a draft modified Local Planning Policy No. 13 – Outbuildings and Water tanks (Attachment 9.1.1b). 3. PUBLISH notice of the Council’s decision to adopt these policies for a period of 21 days on the Shire’s website and in the Shire’s offices. 	

BACKGROUND

4. For Council to effectively guide colour determinations within the Planning Framework, it is essential that any guidance is formalised as a Local Planning Policy adopted under the Local Planning Scheme Regulations, rather than under the Local Government Act functions. This then provides statutory weight to any decisions made that might be challenged through the State Administrative Tribunal.

5. Additionally, as part of the policy review, the content requires revision to ensure that technical parameters are clearly defined, avoiding references to specific brand names. This approach provides clarity for applicants and maintains impartiality in the assessment process.

DISCUSSION / OFFICER COMMENTS

Colour Application and Determinations

6. The original Council Policy P100608 *Town Planning Scheme No.3 Colour Interpretations* was adopted in 2011 and revised in 2017.
7. The Policy’s intent is to provide guidance to officers where notations in the Local Planning Scheme reference specific colour requirements generally found, but not limited to, Special Residential and Special Rural Zones.

P100608 – Amended November 2017

TOWN PLANNING SCHEME NO. 3 – COLOUR INTERPRETATIONS

Objective
To clarify colour references contained within Town Planning Scheme no. 3 and various policy provisions subsequently providing direction to the community and Council Staff as to what colours are appropriate from a built form perspective.

Policy

- Any reference to “natural earth”, “subtle earth”, “natural hues” OR “sympathetic” colour – all colour tones are appropriate;
- Any reference to “vegetation” colour – all tones of green, brown, yellow, orange, shades of blue and red are appropriate;
- Any references to “earth brown” colour or “brown toning” – all tones of brown, including limestone and red/terracotta colours are appropriate; and
- Surfsmist is considered to be a white or “off-white” colour.

Responsible Officer
The Director Sustainable Development is the responsible officer for implementing this policy.

8. Officers propose the conversion of this to a Local Planning Policy provided as Attachment 9.1.1a
9. This document explains how to interpret and apply colour requirements in Shire of Denmark Local Planning Scheme No. 3, especially where provisions ban white/off-white finishes and require colours that blend with the natural landscape. It:
 - sets out where the policy applies (developments affected by scheme/zone/structure plan colour provisions)
 - states objectives (visual integration, avoid high contrast/reflectivity, consistent interpretation, performance-based assessment)
 - defines prohibited colours broadly (white/off-white includes near-white light neutrals, regardless of product name) and also treats Zinalume and galvanised steel as prohibited in that section
 - introduces Solar Absorptance (SA) thresholds (one range for prohibited/white-off-white contexts, another for acceptable “blend” outcomes)

- describes acceptable outcomes as muted/low-saturation, visually recessive colours that avoid vivid/fluorescent/dominant finishes
- provides assessment criteria (context, contrast, finish/reflectivity, SA compliance, and whether the built form is visually recessive)

Local Planning Policy No. 13 – Outbuildings and Water (LPP 13)

10. It is recommended that, should Local Planning Policy 52 (LPP 52) be adopted, all clauses within LPP 13 that specify colour schemes for outbuildings and water tanks be removed. This approach ensures a unified and consistent policy framework, with a single policy governing colour applications for the Local Planning Scheme. Consequently, officers have made a secondary recommendation to excise these provisions from this policy, thereby avoiding duplication and potential confusion. A tracked changes version of this policy is found at Attachment 9.1.1b
11. It is important to note that the provisions set out in LPP 13 are generally more stringent than those now proposed. In reviewing technical parameters, officers have determined that solar absorptance is the most effective metric for assessing colour performance in relation to visual integration and built form recessiveness. While solar reflectance values are sometimes used, they can be less reliable due to inconsistencies in measurement and the influence of gloss and surface finish. Therefore, the policy places greater emphasis on solar absorptance thresholds as the preferred standard.
12. In response to operational feedback from planning officers who regularly assess applications, the solar absorptance values have been relaxed slightly. This adjustment recognises that previous restrictions on water tanks and outbuildings were considered somewhat onerous in practice and could impede reasonable development outcomes. The revised approach balances technical rigour with practical application, ensuring that colour requirements maintain the intended visual outcomes without imposing unnecessary burdens on applicants.

CONSULTATION AND EXTERNAL ADVICE

13. No consultation has taken place prior to the preparation of this report.
14. In accordance with the requirements of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) public notices are required to advertise the amendment of a local planning policy should the Council adopt the officer recommendation of this report. This will include notices at the Shire offices and on the Shire website. Public comment will be invited for a period of 21 days, after which time submissions will be reviewed and a subsequent report prepared for the Council.

STATUTORY / LEGAL IMPLICATIONS

Planning and Development (Local Planning Schemes) Regulations – Schedule 2

15. Clause 4(1) provides that a local government may prepare and adopt local planning policies.
16. Clause 4(2) requires that a local planning policy must be in accordance with the objectives of the local planning scheme and consistent with:
 - the local planning scheme;

- any relevant local planning strategy; and
 - any planning policy applying to the local government district under section 26 of the Planning and Development Act 2005.
17. Clause 4(3) requires that, before a local planning policy is adopted, the local government must undertake consultation in respect of the policy in a manner determined by the local government.
 18. Clause 4(4) provides that, when determining an application for development approval, the local government or the Western Australian Planning Commission is to have due regard to any relevant local planning policy

STRATEGIC / POLICY IMPLICATIONS

P100608

19. Upon completion of the Local Planning Policy process, P100608 is proposed to be repealed.

FINANCIAL IMPLICATIONS

20. Nil.

OTHER IMPLICATIONS

Environmental

21. There are no known significant environmental implications associated with the officer's report.

Economic

22. There are no known significant economic implications associated with the officer's report.

Social

23. There are no known significant social implications associated with the officer's report.

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.

9.1.2 PROPOSED PARTIAL ROAD CLOSURE – MURPHY LANE, ONE WAY (FOLLOWING PUBLIC ADVERTISING)

File Ref:	PLN.107
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Murphy Lane, Denmark
Disclosure of Officer Interest:	Nil
Date:	13 April 2026
Author:	Craig Pursey, Manger Development Services
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.1.2a – Murphy Lane Partial Closure Plan 9.1.2b – Main Roads WA Submission

EXECUTIVE SUMMARY

1. Development approval has been issued for the relocation of the Little IGA to Lot 104 South Coast Highway, Denmark. A condition of approval requires the sealing of a portion of Murphy Lane that runs at the rear of Lot 104 through to Short Street.
2. Murphy Lane is approximately 5.0m wide and is narrow for two-way traffic. Council previously resolved to seek public submissions on the Shire’s intention to partially close Murphy Lane by restricting traffic direction to one-way west to east from South Coast Highway.
3. The proposal was publicly advertised for the statutory period and six (6) submissions were received.
4. This report presents the outcome of public advertising and seeks Council’s resolution to adopt the partial road closure to enable one-way traffic operation of Murphy Lane. If Council resolves to proceed, the subsequent approval process includes submission of signage and pavement marking documentation to Main Roads WA for assessment and approval.

VOTING REQUIREMENTS

5. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.1.2
<p>That Council, pursuant to clause 58 of the Land Administration Act 1997 and Regulation 9 of the Land Administration Regulations 1998, and having considered the submissions received during public advertising:</p> <ol style="list-style-type: none"> 1. RESOLVES to partially close Murphy Lane, Denmark, by restricting traffic direction to one-way west to east from South Coast Highway (entering at South Coast Highway and exiting at Short Street) generally in accordance with Attachment 9.1.2a; 	

2. NOTES the outcome of public advertising, being six (6) submissions received with no substantive objections;
3. REQUESTS the Chief Executive Officer to progress the partial road closure process in accordance with the Land Administration Act 1997, including completion of any required documentation and liaison with relevant agencies; and
4. NOTES that implementation of the one-way operation will be subject to a subsequent regulatory approval process with Main Roads WA for associated signage and pavement markings (Attachment 9.1.2b), and
5. REQUESTS the Chief Executive Officer to submit the required documentation to Main Roads WA and undertake any necessary civil works to accommodate safe operation.

LOCATION

6. Murphy Lane is a 5m wide laneway that runs between South Coast Highway and Short Street, Denmark. The western end where it meets South Coast Highway is bitumen sealed; the remainder is gravel.



Murphy Lane and surrounding land uses

BACKGROUND

7. Development approval has been issued for:
 - The conversion of the former Tyrepower building at Lot 104 South Coast Highway, Denmark to a supermarket (Little IGA relocation); and

- Development of a car park on Lot 103 South Coast Highway, Denmark (owned by the Catholic Church) to service the supermarket and the church.

This approval effectively initiated the current proposal to one-way Murphy Lane to improve local road safety consideration.

8. The approved car park has been designed to exit using Murphy Lane. A condition of approval to seal the laneway was applied accordingly.
9. Council considered the proposed one-way changes to Murphy Lane at their meeting of 27 January 2026 where it was resolved:

“That Council, pursuant to clause 58 of the Land Administration Act 1997 and Reg. 9 of the Land Administration Regulations 1998, REQUEST the Chief Executive Officer to provide public notice, seeking submissions for a period of no less than 35 days, of Council’s intention to partially close Murphy Lane, restricting traffic direction to one way west to east from South Coast Highway.”

DISCUSSION / OFFICER COMMENTS

10. Murphy Lane is proposed to be made one-way, entering at South Coast Highway and exiting at Short Street. A portion of Murphy Lane is to be sealed as part of the redevelopment of Lots 103 and 104 South Coast Highway.
11. Traffic assessment of Murphy Lane’s width and manoeuvring requirements indicates that while the lane is just wide enough for two-way movement in places, a one-way system improves safety and reduces potential conflict between vehicles. The car park has not been designed to accept traffic entering from Murphy Lane, providing an “exit only” arrangement for traffic management purposes.
12. The one-way format would allow for a 4m pavement with kerbing and landscaping, improving the laneway environment into the future. If retained as two-way, sealing would likely be required boundary-to-boundary to facilitate passing and reduce conflict.

CONSULTATION AND EXTERNAL ADVICE

13. Public notice of the Shire’s intention to partially close Murphy Lane and implement one-way traffic was provided for the statutory period of 35 days.
14. Submissions received:
 - Four (4) submissions from government agencies and service authorities – no objection.
 - One (1) submission from a landowner fronting South Coast Highway – supportive.
 - One (1) submission from a landowner fronting Mitchell Street with rear access to Murphy Lane – objection, citing concerns regarding increased traffic and the potential for broader commercial land uses rather than the proposed one-way change.
 - Main Roads WA has advised it has no preliminary objection to the proposal, and notes that if Council resolves to proceed a submission will be required for approval of signage

and pavement markings, supported by a traffic report and evidence of public consultation (Attachment 9.1.2b).

STATUTORY / LEGAL IMPLICATIONS

15. Section 58 of the Land Administration Act 1997 provides the process for closing a road which begins with advertising the proposal for at least 35 days. Public submissions received during the advertising period must be considered before Council makes a final decision.

STRATEGIC / POLICY IMPLICATIONS

Council Plan – Our Future 2035

16. Streetscapes and Traffic Management

Deliver designs and construction standards for future upgrades for eight laneways through a Laneways Plan.

FINANCIAL IMPLICATIONS

17. There are minor costs associated with advertising, installation of signage, line marking and survey which are estimated at approximately \$5,000. Costs associated with the sealing and any civil works are to be addressed through the approved development and associated works program.

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

20. Improved traffic operation and safety on the laneway is anticipated; one submission expressed concern about increased traffic in the vicinity, which is noted but this is a result of the existing Commercial zone being developed, rather than the proposal to one-way Murphy Lane.

RISK MANAGEMENT

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

9.1.3 STRUCTURE PLAN – LOT 621 HARLEQUIN STREET AND LOT 1 SOUTH COAST HIGHWAY, DENMARK

File Ref:	PLN.93
Applicant / Proponent:	Williams Consulting
Subject Land / Locality:	Lot 621 Harlequin Street and Lot 1 South Coast Highway, Denmark
Disclosure of Officer Interest:	Nil
Date:	17 March 2026
Author:	Cindy Simpson, Town Planner
Authorising Officer:	Craig Pursey, Manager Development Services
Attachments:	9.1.3a – Local Structure Plan 9.1.3b – Local Structure Plan Appendices 9.1.3c – Structure Plan: Lot 5, South Coast Highway 9.1.3d - EPA advice at Amendment Stage 9.1.3e – Schedule of Submissions

EXECUTIVE SUMMARY

1. Lot 621 Harlequin Street and Lot 1 South Coast Highway, Denmark (subject land) was rezoned from Rural to Urban Development under Amendment No. 146 of the Local Planning Scheme No. 3 in 2023.
2. The Shire has received an application for the Structure Plan to be assessed and advertised under the *Planning and Development (Local Planning Schemes) Regulations 2015*. The Structure Plan was advertised for a period of 42 days in accordance with the Regulations. This report discusses the outcomes of the assessment of the Structure Plan against State and Local Planning Framework and the response to submissions received.
3. It is recommended that Council advise the West Australian Planning Commission (WAPC) that approval of the Structure Plan is supported subject to modifications to improve environmental, community and infrastructure outcomes and address matters raised in submissions.

VOTING REQUIREMENTS

4. Simple majority.

OFFICER RECOMMENDATION

ITEM 9.1.3

That Council, in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2, Part 4, Clause 20*:

1. ADVISES the West Australian Planning Commission that approval of the Structure Plan is supported subject to the following modifications and in accordance with Figure 1 contained within the report:
 - a. Retain and protect the area of high-quality remnant vegetation along the southern boundary of the subject land within a Public Open Space for conservations purposes.
 - b. Identify large lots where trees are proposed to be protected within private lots and recommend that tree protection zones and building envelopes be identified at subdivision stage.
 - c. Consistent with WAPC's *State Planning Policy 2.9: Water*, establish a minimum setback of 30m to both sides of the creek line to protect, manage and conserve water quality, native vegetation, aquatic and riparian habitats, ecological linkages and associated biodiversity values.
 - d. Review the provision of public open spaces that demonstrably meet the design objectives of both the Shire's *Local Planning Policy 39: Public Open Space* and *Liveable Neighbourhoods* having regard for shape, function and edge treatment (i.e. no private or group housing sites abutting the POS).
 - e. Remove vehicle access via Zimmerman Street road reserve onto South Coast Highway, and instead provide access via the central point between Ross Court and Harpendene Rise.
 - f. Update the Bushfire Management Plan to consider the outcomes of modifications required to the Structure Plan, including the modifications required by DFES.
 - g. Identify stormwater infrastructure required to manage and treat stormwater from the proposed lots along South Coast Highway and Zimmerman Street road reserve.
 - h. Consistent with DPLH's *Strategic Engagement Framework* and the *Aboriginal Engagement Toolkit*, engagement with relevant Traditional Owners / Aboriginal representative bodies for the Denmark area, should be undertaken prior to final Structure Plan endorsement.
2. FORWARD its recommendation, with a copy of the Council report and Schedule of Submissions to the West Australian Planning Commission for determination.
3. ADVISES those who provided a submission of Council's resolution.

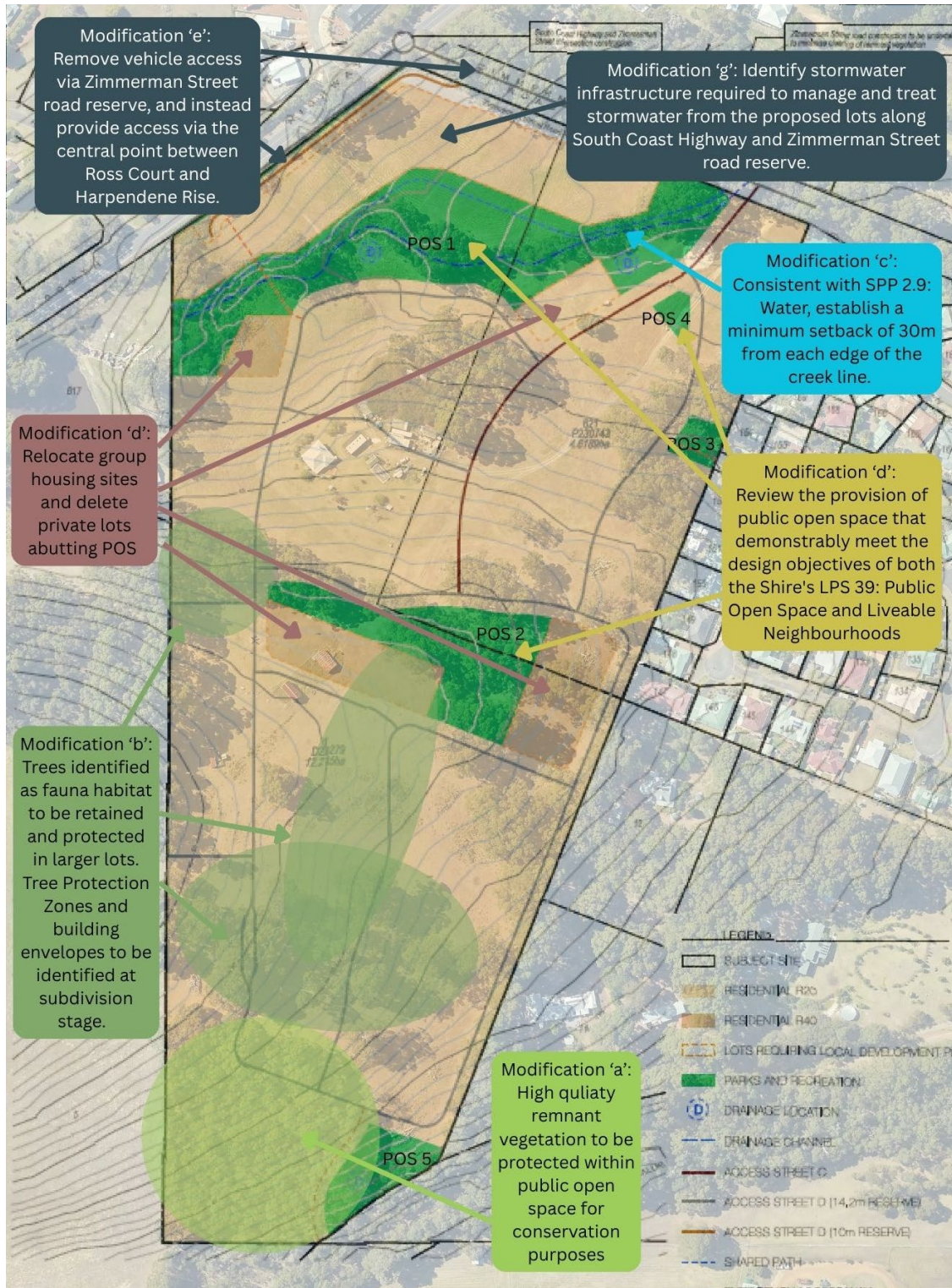


Figure 1: Map layout of proposed modifications to the Structure Plan

LOCATION

- The Local Structure Plan applies to Lot 621 Harlequin Street and Lot 1 South Coast Highway, Denmark (subject land) comprising 16.88ha. The subject land is bounded by South Coast Highway and Zimmerman Street road reserve to the north, the residential ‘Kemsley Estate’ and Residential R2 lots to the east, the Denmark to Nornalup rail trail to the south and to the west, residential zoned land (R20) which is undeveloped.

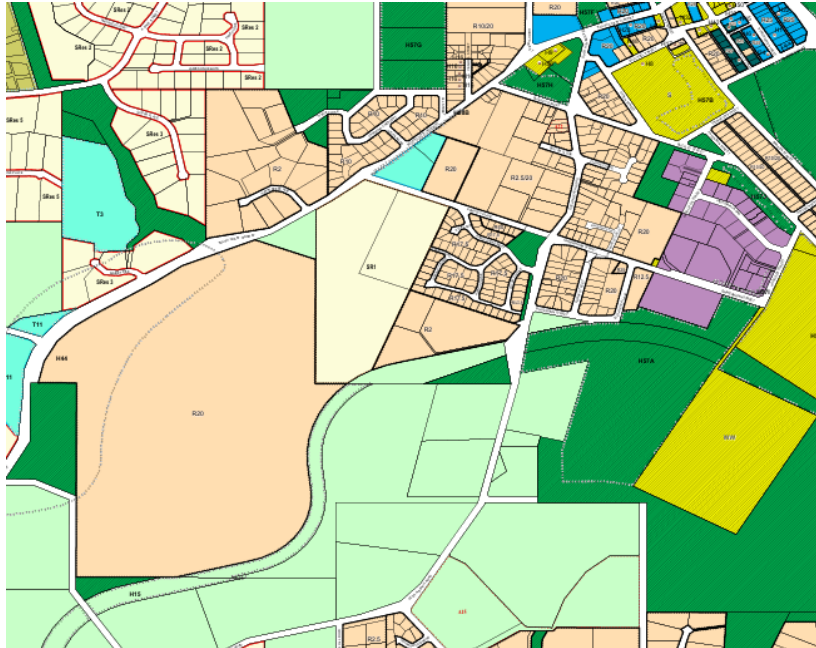


Figure 2: Zoning Map extract from LPS3

- The subject land is part of the western urban expansion front of Denmark, identified as DMK 45 (subject land) and DMK14 (Undeveloped residential zoned land) in the Shire’s Local Planning Strategy 2024.

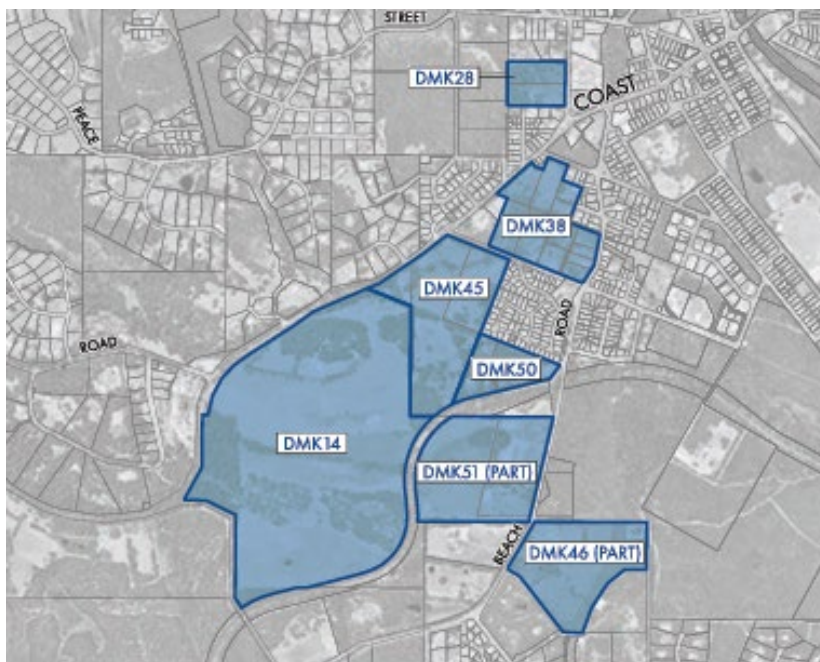


Figure 3: Local Planning Strategy – Extract of Urban Expansion Map

BACKGROUND

7. At its meeting of 16 August 2022, Council resolved to initiate Amendment 146 to the Local Planning Scheme No. 3 (LPS3) to rezone the subject land for residential development and to progress to public advertising.
8. At its meeting of 16 May 2023, Council resolved to support Amendment 146 to LPS3 with modifications and to advise the West Australian Planning Commission (WAPC) that it does not support the indicative Structure plan due to unacceptable environmental and landscape amenity outcomes and deficiencies identified within the supporting documents.
9. The Minister for Planning approved the amendment on 14 December 2023 which rezoned the subject land from Rural to Urban Development. The Urban Development Zone provisions under LPS3 require that a Structure Plan be prepared and approved, and that subdivision and development be accordance with the approved Structure Plan. Additional requirements apply to the preparation of the Structure Plan as per 'Appendix XIX– Additional Requirements that apply to Land in Scheme Area' of LPS3 as follows:
 - Provide for fully serviced residential development with reticulated sewer and underground power.
 - Ensure protection of view lines from South Coast Highway, the Denmark-Nornalup Rail Trail and adjacent established residential areas.
 - Incorporate measures for identification, retention and management of quality fauna habitat.
 - Retain areas containing significant environmental value, including consolidating areas of native vegetation and provide ecological linkages.
 - Identify mechanisms to ensure the protection of trees retained on private residential lots.

DISCUSSION / OFFICER COMMENTS**Structure Plan Details**

10. The purpose of the Structure Plan is to coordinate subdivision and development of the site in a contextually appropriate manner and facilitate the development of positive community outcomes.
11. The Structure Plan proposes the following:
 - Fully serviced development including reticulated sewer, potable water, underground power and telecommunications ;
 - a residential density code of R20 for standard residential lots and two group housing sites of R40;
 - The development will deliver an estimated lot yield of 144, dwelling yield of 160 and a population of 400;
 - Public open space is predominantly proposed along the unnamed creekline and foreshore reserve, along the central ridgeline and a small area of drainage to the south;

- Areas of remnant vegetation are proposed to be protected within public open space, through the provision of larger lots and within road reserves;
- The access and movement network includes a primary access to South Coast Highway, secondary access via Harlequin Street/ Ocean Beach Road, emergency access ways to meet bushfire planning requirements and a pedestrian and cycling link along the northern foreshore of the creekline integrating with existing networks;
- Stormwater will be managed on site through a network of swales and infiltration basins.

A copy of the Structure Plan documentation is found at Attachment 9.1.3a

12. It is proposed to develop the land in three stages. Stage 1 will be in the northern portion of the site accessed from Zimmerman Street and will provide a connection to Ocean Beach Road and include the public open space proposed along the creek line. Stage 2 of the development is proposed to extend south from stage one to the central ridge and include the public open space on the central ridgeline. The southern most extent of the site comprise the third and final stage of development and consideration is required with respect to the economically viable connection to wastewater.
13. The Structure Plan identifies the need for the preparation of Local Development Plans (LDP's) to be prepared for lots abutting public open space and addressing South Coast Highway and Zimmerman Street. The purpose of the LDP's is to address design considerations such as variation to building envelopes, minimum setbacks, setback variations, dwelling orientation and passive surveillance to POS as well as uniform fencing.

Protection of Remnant Vegetation and Black Cockatoo Nesting Trees

14. An Environmental Assessment was undertaken by PGV Environmental (August 2025). The study concludes that the site has been extensively cleared historically, with remnant vegetation of varying quality occurring in fragmented pockets as follows:
 - The highest-quality vegetation occurs in the southern portion, comprising Marri/Jarra/Karri Woodland, in 'good' to 'excellent' condition. It represents the most intact remnant vegetation on the site with good connectivity to vegetation outside of the site. It has also been assessed as 'good fauna habitat'.
 - Vegetation along the creekline is generally in 'good condition' including Karri, Marri, Taxandria and sedgelands, although this vegetation is narrow in extent and subject to weed invasion and historical disturbance.
 - The central ridgeline supports a larger area of Karri-dominated vegetation; however, while the tree canopy remains largely intact, the understorey is degraded, with a high presence of weeds and limited native regeneration.
 - Mature Karri and Marri trees has local ecological significance, providing foraging and potential breeding habitat for Black Cockatoos, with 305 significant/potential habitat trees identified on site and comprising approximately 5.8 hectares of Black Cockatoo foraging habitat

- A potential Boorna Gramma tree was identified along western boundary of the subject land. Gramma trees were cultivated, shaped and used by Aboriginal people for water storage and therefore have very high cultural significance.
 - The assessment recommends prioritising retention of vegetation in 'good' to 'excellent' condition, particularly within the creekline and southern areas.
15. Under Amendment 146 to LPS3, in which the subject land was rezoned to 'Urban Development', the Environmental Protection Authority (EPA) determined to not formally assess the Amendment but that the Amendment can meet environmental objectives. As part of their advice, they expected the following to be achieved as part of future structure planning:
- The identification, retention and management of quality fauna habitat;
 - Retain areas of significant environmental value including consolidated area of native vegetation (particularly vegetation in 'excellent' condition) and supporting vegetation (particularly foraging and potential breeding trees) for conservation significant fauna species; and
 - The provision of ecological linkage.

EPA recommended that avoidance and management measures be applied to minimize impact to environmental values within the amendment area in accordance with the EPA's 2021 *Guidance for planning and development: Protection of naturally vegetated areas in urban and peri-urban areas*.

A copy of the EPA advice is found at attachment 9.1.3d of this report.

16. The advice received from the EPA is also reflected in the Local Planning Scheme No. 3 provisions that apply to this site.
17. The Structure Plan proposes to retain the remnant vegetation and suitable/ potential cockatoo nesting trees as follows:
- Public open space containing the creek line;
 - Public open space containing the ridgeline, which comprise mature Karri and some Mari trees;

Provision of large lots in the southern portion of the subject land which will meet bushfire planning requirements and identification of suitable building envelopes.

- The Wave Court emergency access way public open space;
 - Provision of wider road reserves and strategic alignment of road layout design and the ability for the future carriageway to be constructed to avoid select trees;
 - A significant number of trees will be retained in future lots. It is proposed to enter into an agreement with the Shire of Denmark to place a Restrictive Covenant on Title protecting selected trees.
18. The mechanisms identified in the Structure Plan to retain and protect remnant vegetation is assessed as follows:

Public Open Space

19. The identification of public open space on the ridgeline, within which the mature Karri trees of medium to high value Black Cockatoo habitat is retained and protected, is supported. The trees also contribute significant landscape, visual and amenity value and enhance the recreational function and use of public open space for future residents. The shape and function of this public open space is assessed in more detail below.
20. The protection and retention of riparian vegetation within the creek line within public open space, is also supported, consistent with best-practice environmental outcomes and waterway protection objectives. The shape and function of this public open space is assessed in more detail below.
21. In general, the protection and integration of environmental and landscape features within public open space is supported.

Provision of Larger Lots

22. Larger lot sizes can support the retention of existing vegetation, and the use of building envelopes can help direct development away from significant trees. However, achieving meaningful tree retention on private lots requires careful subdivision-stage coordination to ensure the lot size and shape, proposed lot boundaries, mapped Tree Protection Zones and building envelopes are mutually consistent and enforceable.
23. The area to the south identified as good to excellent condition with high fauna habitat value, is proposed to be subdivided into larger lots. This approach will result in significant fragmentation of high-quality remnant vegetation due to clearing associated with dwelling construction, asset protection zones, Bushfire Attack Level (BAL) compliance and requirements under the Shire's annual Firebreak and Property Management Notice and is not supported.
24. This outcome is contrary to EPA advice and Local Planning Scheme No. 3 provisions, which seek to retain areas of significant environmental value in a consolidated and secure manner.
25. It is recommended that the Structure Plan be modified to comply with EPA's advice and LPS3 provisions, by retaining the area within public open space for conservation purposes.

Private Lots

26. A significant number of trees are proposed to be retained in future lots. The Structure Plan proposes that an agreement be entered into with the Shire of Denmark to apply Restrictive Covenant on Title protecting selected trees
27. The size of lots (R20) currently shown over areas of remnant vegetation which has been identified as Black Cockatoo/fauna habitat may not in all cases result in sufficient land area to accommodate both a building envelope and retention and protection of trees. It is recommended that the Structure Plan be modified to show larger lots where trees are proposed to be protected within private lots and that tree protection zones and building envelopes be identified at subdivision stage.

28. The proposed restrictive covenants on title as a statutory mechanism to protect the trees on private lots may not represent the most suitable or robust long-term protection mechanism due to monitoring and enforcement resources required by local government. Additional/alternative mechanisms may include the use of existing Scheme provisions requiring approval for tree removal and a local planning policy on tree retention.

Widened Road Reserves and Carriageways

29. Where the retention of trees is not viable within public open space or larger/private lots, retention within road reserves represents a critical opportunity to conserve environmental values within developed landscapes. The retention of established trees within road reserves provide immediate canopy cover, enhances visual amenity, and contribute to the landscape character in new developed areas.
30. The protection of trees during construction is critical for the long-term tree health and stability. The Engineering Infrastructure Report (Figure 5, Page 9) shows depths of cut of up to 2m and fill of up to 1m on all the proposed roads. Such cut and fill operations may result in complete removal of trees. It is recommended that Tree Protection Zones (TPSs) be identified at subdivision stage, and that all associated road construction methods are undertaken in a manner that avoids encroachment and protects the integrity of the TPSs.

Summary

31. The development of the subject land requires a balanced planning approach that recognises both environmental protection and the practical need for economically viable and orderly development. While the retention of remnant vegetation is a key objective, site constraints such as environmental features (creekline and pockets of remnant vegetation), topography, bushfire risk management, infrastructure and service requirements limit the capacity to retain all trees. Over-constraining development through strict environmental protection measures may undermine feasibility and shift long-term costs, safety risks and maintenance burdens to landowners and the local government.
32. A more defensible outcome is achieved by prioritising the retention of good to excellent quality vegetation and fauna habitat within public open space or environmental protection reserves, where long-term protection and management can be secured, while accepting strategic and justified vegetation loss where necessary. This approach aligns environmental protection objectives with development realities and supports sustainable outcomes that balance ecological integrity, community benefit and economic viability.

Protection of Creekline and Foreshore Reserve Management

A copy of the Environmental Assessment and Hydrological Flood Study is found at attachment 9.1.3b.

33. The northern portion of the site contains an unnamed creek that runs from west to east. The creek is part of a longer creekline estimated to be around 2.9km long discharging to Wilson Inlet. The creek is dammed immediately upstream on an adjoining property to

the west. Parts of the creek line are vegetated with native species in good condition offering Black Cockatoo habitat. Other parts are cleared/dominated by weeds and the remainder of the foreshore is completely degraded.

34. A foreshore assessment identified primary factors in determining a setback from the creek line i.e. preserving the existing vegetation, maintain the hydrological function and ensuring the 1% AEP (the 100 year floodplain) is within the foreshore reserve. In addition, the hydrological study determined where residential lots can be developed in relation to the creek line.
35. The foreshore reserve will be managed in accordance with the Foreshore Reserve Management Plan (PGV, Environmental, 2025) which proposes to retain the vegetation in the creekline, revegetate cleared areas as well as the area impacted by the 1% AEP to improve bank stability. The remainder of the reserve is proposed to be retained in its current condition to retain the rural character within the POS. The revegetation of the creek line is supported.
36. The proposed creekline setback, when considered against the relevant environmental and water management objectives, is not supported. In some locations, private lot boundaries are shown as close as 0.5 metres from the creek line. This separation is insufficient to establish a meaningful riparian/foreshore buffer capable of protecting waterway function and values. In particular, it provides little to no allowance to safeguard the creek from the impacts of future cut and fill and associated disturbance on private lots. It also limits opportunities for revegetation and ongoing management required to restore or maintain environmental values over time.
37. WAPC's State Planning Policy 2.9: Water requires that the width of the foreshore area or reserve from each edge of the waterway should be a minimum of 30m (unless otherwise determined by a biophysical assessment) and notes that foreshore widths of less than 30m are generally not considered to provide adequate protection for ecosystems. The Environmental Assessment Report determined that the foreshore area is completely clear and does not have biophysical factors that would require increasing the proposed foreshore reserve from that shown on the Structure Plan. The proposed width of the foreshore reserve is however, not supported.
38. In their submission on the Structure Plan, the Department of Water and Environmental Regulation (DWER), requested that the creek setback be clearly defined and increased.
39. Consistent with the requirements of SPP 2.9 and DWER submission, it is recommended that the Structure Plan be modified to establish a foreshore reserve of a minimum of 30m from each edge of the creek line to protect, manage and conserve water quality, native vegetation, aquatic and riparian habitats, ecological linkages and associated biodiversity values.

Protection of Aboriginal Heritage Values

40. Submissions received from residents and Wagyl Kaip Noongar Aboriginal Corporation (WKSAN) raise concern that Aboriginal heritage matters were not addressed and that Aboriginal consultation on the Structure Plan has not occurred.

41. The Structure Plan notes that a search of the Aboriginal Heritage Inquiry System was undertaken and that no registered Aboriginal Heritage Sites was recorded on the site. The Environment Assessment Report identified a 'gnamma tree' on the site.
42. The Structure Plan was referred to the Department of Planning, Lands and Heritage (DPLH) for their comments. In addition to its planning responsibilities, the DPLH also houses the Aboriginal heritage function, with responsibility for administering the Aboriginal Heritage Act 1972 and managing the identification, protection and assessment of Aboriginal cultural heritage across Western Australia. No comments were received from the Department during the consultation period in relation to Aboriginal heritage matters.
43. The DPLH's Strategic Engagement Framework (2025) establishes a clear expectation that engagement with Aboriginal people must occur where planning decisions affect land, water, cultural landscapes or heritage values. The Framework is supported by the Aboriginal Engagement Toolkit, which provides practical guidance to ensure engagement is culturally appropriate, relationship based and undertaken at a point where it can genuinely influence outcomes, not merely validate completed decisions.
44. The Strategic Engagement Framework highlights that Structure Plans establish the long-term land use pattern, including road alignments, public open space, drainage corridors and interfaces with waterways and bushland. These matters intersect directly with Aboriginal cultural values, even in areas where no registered Aboriginal heritage sites are currently mapped. Absence of known sites does not remove the need for engagement, as Aboriginal knowledge may identify cultural landscapes, pathways or values not captured in statutory registers.
45. Accordingly, finalising the Structure Plan without direct Aboriginal engagement would be inconsistent with the intent of State engagement guidance, which seeks to ensure Aboriginal perspectives are considered before key planning decisions are locked in.
46. Consistent DPLH's Strategic Engagement Framework and the Aboriginal Engagement Toolkit, engagement with relevant Traditional Owners / Aboriginal representative bodies for the Denmark area, should be undertaken prior to final Structure Plan endorsement, while changes to layout, public open space configuration and buffers remain feasible.

Assessment of Liveable Neighbourhoods: Public Open Space

For location of Public Open Space referencing refer to Figure 1 within the report (above).

47. Liveable Neighbourhoods is the West Australian Planning Commission's (WAPC's) primary policy for the design and assessment of structure plans and subdivisions of new urban residential areas on greenfield or infill sites. The POS proposed in the Structure Plan is assessed against relevant elements of Liveable Neighbourhoods and the Shire's Local Planning Policy 39 – Public Open Space. Both frameworks emphasise that POS should be well-located, functional and of a regular, usable shape, capable of supporting a range of recreational and social outcomes including informal play, walking, passive recreation and community gathering.

48. POS 1 (creekline POS) is irregular in shape, narrows in several locations and is proposed to accommodate stormwater functions, including detention/swale infrastructure. In the context of the limited creekline setback, foreshore reserve management requirements and the close proximity of residential lots to the waterway, the design outcome indicates that POS 1 has been configured primarily to meet minimum riparian and drainage requirements, with limited consideration of broader POS design objectives and community usability.
49. The extent to which drainage infrastructure (including detention basins/sumps) will reduce the area of usable parkland in POS 1, is not clearly demonstrated at the Structure Plan stage. This creates a reasonable perception that POS is being treated as secondary to drainage infrastructure, rather than being planned as a valued public place. While integrating stormwater management within POS can be supported where appropriately designed, this is only acceptable where recreational value, accessibility and safety are clearly retained and the drainage function does not dominate the public space.
50. POS 2 appears to have been primarily shaped around retention of vegetation, rather than being configured to deliver a coherent and functional recreation space.
51. Both POS 1 and POS 2 have a limited number of lots that front and actively address the open space, with many lots instead backing onto or side-addressing the POS. Combined with the irregular configuration, this produces a high edge-to-area ratio, meaning there is a disproportionate amount of boundary (often fencing interfaces) relative to the amount of usable POS. This weakens casual surveillance, reduces perceived safety and diminishes the everyday relationship between residents and the POS.
52. Liveable Neighbourhoods seeks active interfaces and surveillance outcomes through development that engages the public realm, POS being overlooked by surrounding dwellings, with lots oriented to provide passive surveillance and encourage community ownership and activation of the space.
53. POS 3 (Wave Court) appears to function primarily as an emergency accessway, while POS 5 is identified primarily for drainage infrastructure. In principle, there is no objection to small, purpose-specific pockets of POS, provided the broader POS network delivers high-quality, usable public space outcomes. In this case, POS 1 and POS 2 which comprise the main public open spaces, have not demonstrated that they achieve strong recreation, usability and surveillance outcomes, which reduces the acceptability of relying on additional POS areas that are largely functional in nature. POS 4 is effectively residual land and does not appear to provide a meaningful recreation or community function and is not supported.
54. Deferring the achievement of good POS outcomes to future Local Development Plans (LDPs) is not supported. LDPs can refine built form and interface treatments at the lot level, but they cannot rectify fundamental structure plan issues such as the location, width, shape and usability of POS. Quality POS is expected to be planned and secured through the structure plan and subdivision design.
55. The Structure Plan identifies that it meets the minimum 10% POS contribution requirement under the Liveable Neighbourhoods. However, the 10% standard is a minimum provision, and does not, on its own, demonstrate that the POS is of acceptable

quality and usability. Local governments may reasonably seek additional or improved POS outcomes where site and local circumstances warrant it.

56. Taken as a whole, the current POS network prioritises subdivision efficiency and servicing outcomes over community benefit. In its current form, the POS system cannot be considered an appropriate or equitable public open space contribution, as it does not clearly demonstrate usability, safety, high-quality interfaces or a coherent recreation function consistent with the Shire's and State policy intent. It is therefore recommended that the Structure Plan be modified to incorporate POS areas that demonstrably meet the design objectives of both the Shire's Local Planning Policy 39: Public Open Space and Liveable Neighbourhoods.

Bushfire Planning

57. A Bushfire Management Plan (BMP) has been prepared to meet State Planning Policy 3.7 and the Planning for Bushfire Guidelines (2024). The BMP is intended to ensure future residents can safely evacuate and that emergency services can access the area during a bushfire event.
58. Where required bushfire management measures are implemented (such as asset protection zones), most of the sites can achieve BAL-29. The BMP acknowledges that some areas of higher exposure (BAL-40 and BAL-FZ) may extend into parts of the proposed residential areas due to vegetation outside the site boundary and vegetation within the creekline/open space areas. To manage this, the BMP requires habitable building exclusion areas so that houses are not built in the higher-risk parts of lots. The plan indicates these exclusion areas would be secured through a Local Development Plan (LDP) at subdivision stage where needed.
59. For evacuation and emergency response, the BMP requires that residents have two ways in and out of the development (including during staged subdivision). The BMP proposes this is achieved through a combination of:
- upgrading/extending Zimmerman Street to connect to South Coast Highway, and
 - constructing internal public roads and three emergency access ways (EAWs) to provide secondary escape routes.
60. The BMP notes that EAWs must be built to the required standard, signposted, and that the Shire's agreement is required for Council to accept care, control and management of those EAWs.
61. The BMP also makes it clear that vegetation outcomes (particularly in POS and drainage areas) must be confirmed through a Landscape Management Plan at subdivision stage, to ensure future planting or regrowth does not unintentionally increase bushfire exposure across the site.
62. The BMP is based on the assumption that the vegetation load will be reduced on the Zimmerman Street road reserve should it serve as access onto South Coast Highway. This report however, does not support the use of the road reserve for access. This is in conjunction with other recommended modifications, such as retention and protection of the pocket of the high-quality remnant vegetation to the south of the subject land, and the implication thereof on bushfire planning should be considered. It is therefore

recommended that the BMP be updated to consider the modification required, including those required by DFES.

Infrastructure Arrangements: Road Infrastructure

The *Transport Impact Assessment and Engineering Infrastructure Report* is available under Attachment 9.1.3b.

Access to South Coast Highway

63. At the time of the amendment, Main Roads did not support access directly onto South Coast Highway and instead requested that access be provided via Harlequin Street to Ocean Beach Road. This option was not considered desirable, as it would result in increased traffic movements through the Kemsley Estate, reduced permeability for residents of the future development, an inability to meet secondary access requirements for bushfire planning, and additional traffic demands on the Ocean Beach Road/South Coast Highway intersection.
64. In response to Main Roads' objection, the applicant and landowners, in collaboration with the Shire, explored the option of utilising the Zimmerman Street road reserve to provide access onto South Coast Highway. The Structure Plan therefore proposes a boulevard arrangement comprising one carriageway designed to meander around existing trees where possible, and a second carriageway located on cleared land owned by the developer. The intent of this boulevard treatment is to minimise vegetation clearing.
65. During the public advertising of the Structure Plan, Main Roads raised significant concerns regarding the proposed access via the Zimmerman Road reserve, stating that it posed a significant risk to the future function of South Coast Highway. Subsequently, the Shire met with Main Roads, during which Main Roads verbally agreed in principle to a connection between Harpendene Rise and Ross Court, subject to appropriate intersection design and an internal road network that does not provide a direct throughfare to Ocean Beach Road.
66. Access via the Zimmerman Road reserve presents the following opportunities and constraints:

Opportunities:

- Utilisation of an existing road reserve;
- Availability of an existing road widening reserve on South Coast Highway to accommodate a slip lane; and
- Construction of the road will reduce the Bushfire Attack Level (BAL) rating and safety of resident living adjacent to the road.
- Potentially the retention of existing trees along boulevard would be an attractive entry statement into a new residential area for Denmark.

Constraints:

- Ongoing objection from Main Road to this intersection;
- The connection will create a throughfare to Ocean Beach Road via Harlequin Street.

- Road works required to construct the intersection at South Coast Highway (fill and batter) would be likely to result in a significant loss of mature trees at the intersection;
- The road would traverse the creek line which is an ecologically important riparian zone. Construction of the road will require an approximate 1.5 – 2m cut and resulted loss of mature trees;
- Perched groundwater and localised waterlogging which result in seasonally saturated ground , occur near the creekline; and
- Road vertical design must avoid lowering into flood-affected areas, potentially requiring elevated design.

67. The following opportunities and constraints have been identified at the access between Harpendene Rise and Ross Court (central access)

Opportunities:

- Supported in principle by Main Roads, subject to appropriate intersection design and the internal road network that avoids use as a direct shortcut through to Ocean Beach Road; and
- Protection of the mature trees in the Zimmerman Road reserve, providing an opportunity to create a dual-use path for pedestrians and cyclists connection to South Coast Highway. This approach would also reduce fuel loads and improve BAL rating, however this is time sensitive.

Constraints:

- While some road reserve is available on South Coast Highway (approximately 7.5m), use of this space for a slip lane (bulge) may be constrained by an upward slope to the north.

68. In summary, access via the Zimmerman Street road reserve is not supported, while it offers some initial advantages, the overall environmental impacts are significant and outweigh the benefits. Main Roads has also objected to this intersection due to unacceptable traffic network outcomes. The centrally located access is preferred as it avoids through traffic issues and better protects environmental and landscape values.

69. Notwithstanding this, the construction of a road that crosses the creekline within the Zimmerman Street road reserve will not be supported by the Shire due to ecological sensitivity of the creek's riparian zone, where disturbance would result in the loss of trees and degradation of hydrological and environmental functions, in addition to perched groundwater and locally waterlogged conditions in the vicinity of the creekline.

70. Having regard to the above considerations, it is recommended that the Structure Plan be modified to remove vehicle access via Zimmerman Street road reserve onto South Coast Highway, and instead provide access via the central point between Ross Court and Harpendene Rise.

71. There is an opportunity to consolidate access onto South Coast Highway in conjunction with the future development of Lot 5, South Coast Highway. Subject to acceptable access design and traffic outcomes, the central access could be closed at that time.

Impact on residential amenity of Kemsley Estate

72. Concerns regarding traffic flow through Kemsley Estate, via Harlequin Street has featured in many of the public submissions. Similarly, concern was raised that Kemsley Place Road may potentially serve as access and egress to the subject land, leading to a through route to Ocean Beach Road. Harlequin Street was created as part of the subdivision of Kemsley Estate being designed and constructed at that time to accommodate a road connection for future development, replacing the original Zimmermann Street alignment.
73. Concern regarding the potential opening of Wave Court to serve as access to the subject land also featured in submissions. Harlequin Street replaced access to the future development site and Wave Court now serves as an emergency access point only. No road construction is proposed.

Infrastructure Arrangement: Stormwater Management

The *Local Water Management Strategy* is available under Attachment 9.1.3b

74. The Local Water Management Plan (LWMP) outlines that stormwater management is primarily achieved using land-based drainage infrastructure, including detention and retention areas that are integrated within the subdivision layout. These measures are intended to attenuate peak flows, manage minor and major rainfall events, and maintain pre-development hydrological conditions as far as practicable.
75. The LWMP also incorporates water-sensitive urban design principles, with an emphasis on slowing, storing and treating stormwater before discharge. This includes the use of vegetated areas and public open space to accommodate water during rainfall events, while maintaining flood protection for developable areas.
76. Stormwater will be accommodated via four separate catchments, 3 drainage basins are proposed in the POS associated with the creek line and one drainage basin is proposed within a small POS on the southern boundary. Stormwater infrastructure in public open space is acceptable where the design of the POS in relation to the detention basins does not impinge on the recreational use of the parkland.
77. Stormwater infrastructure for the lots proposed along South Coast Highway and the Zimmerman Street road reserve has not been shown. Stormwater can increase peak flows, erosion, sediment and nutrient loads, and degrade riparian vegetation and habitat. It is recommended that the Structure Plan and associated technical documentation be updated to show how stormwater to the north of the creek line will be managed and treated.

Visual Impact – South Coast Highway Interface

The *Landscape Management Plan* is available under Attachment 9.1.3b

78. Under LPS 3 (Appendix XIX), additional requirements that must be addressed include the protection of view lines from South Coast Highway, the Denmark-Nornalup Rail Trail and adjacent established residential areas.

79. The Structure Plan and accompanying Landscape Management Plan identify that views from **South Coast Highway**, the **Denmark–Nornalup Rail Trail**, and **adjacent established residential areas** are largely screened or filtered by existing landform and vegetation.
80. From South Coast Highway, views of the site are generally partial and filtered through roadside vegetation, with the proposed layout and additional landscaping intended to avoid a continuous hard urban edge and maintain the rural, vegetated character of the highway corridor.
81. Views from the Denmark–Nornalup Rail Trail are minimal due to the sunken alignment of the trail, existing earthen bunding and retained mature vegetation, which together create a contained, canopied trail experience that significantly limits visual exposure to the development.
82. In relation to nearby residential areas, the Structure Plan proposes landscape buffers, retained vegetation and solid fencing where required to manage interface impacts and reduce overlooking or visual intrusion.
83. Overall, the visual impact of the development is expected to be **low**, provided the proposed landscaping and vegetation retention measures are implemented as detailed, ensuring the development integrates with the surrounding landscape and maintains the visual amenity of key public corridors and neighbouring residential properties.

Noise Mitigation

The *Noise Management Plan* is available under Attachment 9.1.3b

84. A Noise Mitigation Plan supporting the Structure Plan has been prepared which identifies appropriate noise mitigation measures for select lots adjacent to South Coast Highway.

CONSULTATION AND EXTERNAL ADVICE

85. The Structure Plan was advertised for a period of 42 days from 20 November 2025 to 16 January 2026 including:
 - And advertising notice in the Denmark Bulletin;
 - Referral of the Structure Plan to government agencies;
 - Referral to immediately adjacent landowners;
 - The Structure Plan documents being available on the Shire’s website for viewing and at the Shire Administration office.
86. During the consultation period, 26 submissions were received from the public and 9 from Government agencies.
87. The submissions received from the public generally acknowledge that there is a need for additional residential development to support Denmark’s growing population,
88. The following provides a summary of the matters/concerns raised by submissions received from the public:

- Vegetation clearing and environmental impacts: Concerns raised regarding the removal of Marri/Karri trees, fragmentation of ecological corridors and impacts on local fauna.
- Loss of Black Cockatoo habitat: Concerns raised regarding the impact on Black Cockatoo habitat due to loss of nesting trees and foraging habitat destruction which conflicts with local conservation efforts.
- Traffic, road network and access issues: Concerns raised regarding the impacts of new road connections on quiet streets, impact of 'emergency access' road to Wave Court, increased traffic noise and congestion, road alignment impacts on amenity and poor mitigation detail in traffic studies.
- Kemsley Place/Zimmerman Road through-road concerns: Concerns regarding potential risk of Kemsley Place becoming a through-road to Ocean Beach Road creating an unsafe four-way intersection, loss of cul-de-sac amenity, increased traffic around Hopson Reserve and loss of quiet residential character.
- Amenity, privacy and character impacts: Concerns raised regarding potential risk of overlooking from new dwellings (especially upslope), change from semi-rural to dense suburb, potential for Airbnb dominated neighbourhood and loss of views and quiet lifestyle.
- Density and urban form: Concerns raised regarding R20 density to high for Denmark with lot sizes too small, loss of Denmark's character and inadequate open space/play areas.
- Aboriginal heritage and consultation: Concerns regarding lack of detailed Aboriginal field survey and potential loss of Gnamma tree. The Wagyl Kaip Southern Noongar Aboriginal Corporation raise concern that no consultation occurred with them, that due diligence was not met and that the Aboriginal heritage protection was not addressed.
- Drainage, water, stormwater and erosion: Concerns regarding down-slope erosion affecting neighbouring rural-residential areas, impact on Karri forest hydrology, and impacts on downstream effects.
- Construction impacts (noise, dust, vibration): Concerns regarding dust drift during earthworks, noise impacts on the amenity of residents and vibration impacts on homes.

Submissions received and issues raised are discussed in this report and included in Attachment 9.1.3e.

STATUTORY / LEGAL IMPLICATIONS

89. The Shire of Denmark Local Planning Scheme No. 3 is an operative Local Planning Scheme under the Planning and Development Act 2005.
90. Under Schedule 2, Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:
 - A Structure Plan must be prepared in a manner and form prescribed the West Australian Planning Commission (Clause 16),
 - The Structure Plan must advertised for period of 42 days (Clause 18);

- The Local Government must prepare a report on the Structure Plan and provide it to the Commission with a recommendation whether the Structure Plan should be approved by the Commission, including a recommendation on any proposed modifications (Clause 20).

STRATEGIC / POLICY IMPLICATIONS

91. The following policies have been given due consideration in relation to the Structure Plan:

- State Planning Policy 2: Environment and Natural Resources Policy
- State Planning Policy 2.9: Water
- State Planning Policy 3: Urban Growth and Settlement
- State Planning Policy 3.7: Planning in Bushfire Prone Areas
- State Planning Policy 5.4: Road and Rail Noise
- State Planning Policy 7: Design of Built Environment
- Liveable Neighbourhoods (2009) and draft (2015)
- Local Planning Scheme Policy 39: Public open space
- Local Planning Strategy (2024)

FINANCIAL IMPLICATIONS

92. Fees associated with the Amendment have been paid as per Council's operative Fees and Charges Schedule.

OTHER IMPLICATIONS

Environmental

93. The assessment of the Structure Plan and proposed modifications considers a balanced outcome that retains and protects remnant vegetation and fauna habitat where possible.

Economic

94. An approved Structure Plan will facilitate residential development of R20 and R40 housing density. Residential development is an important contributor to Denmark's economy.

Social

95. The development of the land will contribute towards increased residential lot and housing supply.

RISK MANAGEMENT

96. 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.

9.1.4 PROPOSED ACQUISITION OF LOT 67 SCOTSDALE ROAD (PLAN 4832), AMALGAMATION WITH RESERVE 51411, AND WRITE-OFF OF OUTSTANDING RATES

File Ref:	A5504
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Lot 67 Scotsdale Road, Scotsdale – Plan 4832
Disclosure of Officer Interest:	Nil
Date:	13 April 2026
Author:	Craig Pursey, Manager Development Services & Kellie Jenkins, Executive Manager Corporate Services
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.1.4a – Acquisition Plan 9.1.4b – Correspondence from Perpetual Trustees 9.1.4c – Original Plan of subdivision

EXECUTIVE SUMMARY

1. Lot 67 Scotsdale Road is a narrow strip created as part of a 1927 subdivision and was intended to be ceded as a right of way, but it remained in private ownership due to an historical administrative oversight.
2. The land is not developable and functions in practice as part of the adjoining public reserve (Reserve 51411); acquisition and amalgamation will align tenure with its longstanding public use.
3. The original landowners are deceased and the land is managed by Perpetual Trustees on behalf of the estate.
4. Perpetual Trustees have provided written consent to the land being ceded to the Crown and have confirmed that no compensation is sought (Attachment 9.1.4b).
5. The Department of Planning, Lands and Heritage has advised the land may be acquired by the Crown under section 52(1) of the Land Administration Act 1997, with subsequent amalgamation into Reserve 51411.
6. Outstanding rates and interest have accrued on the assessment over time; given the land's intended ceding status and its practical use as reserve, it is recommended Council write off the accumulated rates and interest as part of resolving the tenure anomaly.

VOTING REQUIREMENTS

7. Simple majority.

OFFICER RECOMMENDATION

ITEM 9.1.4

That Council:

1. REQUESTS that the Minister for Lands acquire Lot 67 on Plan 4832 pursuant to section 52(1) of the Land Administration Act 1997 and Regulation 5 of the Land Administration Regulations 1998.
2. SUPPORTS the amalgamation of Lot 67 into Reserve 51411 following acquisition.
3. NOTES written consent from Perpetual Trustees and that no compensation is sought.
4. AUTHORISES the Chief Executive Officer to sign all required documentation.
5. WRITES OFF outstanding charges totaling \$10,940.15, comprising rates and associated fees and charges, in accordance with section 6.12 of the Local Government Act 1995.

LOCATION

8. Lot 67 is located at Scotsdale Road, Scotsdale, adjoining Reserve 51411 as shown on the attached acquisition plan at Attachment 9.1.4a.

BACKGROUND

9. The land was created in 1927 and intended to be ceded as a right of way but remained in private ownership, a copy of the original plan of subdivision is found at Attachment 9.1.4c. Over time the land became functionally part of the adjoining reserve.
10. Rates have historically been levied against the assessment; however, recovery action was not progressed due to the anomalous nature of the landholding and the long-standing understanding that the land was intended to be ceded as a right of way. Officers have made attempts over time to contact the owners regarding the outstanding rates. Now that the estate (via Perpetual Trustees) has confirmed written consent for the land to be ceded to the Crown and amalgamated with Reserve 51411, officers recommend that the outstanding rates and interest be written off to enable the tenure anomaly to be resolved in a fair and administratively efficient manner.

DISCUSSION / OFFICER COMMENTS

11. Acquisition and amalgamation of Lot 67 will correct an historical error and align the land's legal tenure with its long-established public use as part of Reserve 51411.
12. Given the land was intended to be ceded as a right of way and is not developable, it is considered appropriate that the accumulated rates and interest be written off as part of finalising the acquisition and amalgamation process.

CONSULTATION AND EXTERNAL ADVICE

13. Consultation has occurred with Perpetual Trustees and the Department of Planning, Lands and Heritage, consistent with the requirements of 52(1) of the Land Administration Act 1997 and Regulation 5 of the Land Administration Regulations 1998.

14. A copy of the information exchange between Shire officers and Perpetual Trustees is found at Attachment 9.1.4b.
15. No further engagement is required.

STATUTORY / LEGAL IMPLICATIONS

Land Administration Act 1997

16. Section 52(1) empowers the Minister for Lands to acquire land or an interest in land for any public work or public purpose. This includes acquisitions undertaken for State or local government projects.
17. The Minister's power is discretionary but must be exercised for a legitimate public purpose. Acquisition may occur by agreement or compulsory taking, subject to the procedural requirements of the Act.

Land Administration Regulations 1998

18. Regulation 5 prescribes the requirements for giving public notice under the Act. This includes the form, method, and minimum standards for publication. Compliance is mandatory and ensures transparency and procedural fairness in land dealings such as road closures, land disposal, or acquisition processes.

Local Government Act 1995

19. Section 6.12 authorises a local government to waive or write off money owed, including rates and service charges.
20. This power must be exercised by Council unless delegated.
21. Council has delegated authority to officers to write off amounts up to \$500. Amounts exceeding this threshold require Council approval.

STRATEGIC / POLICY IMPLICATIONS

22. There are no known strategic or policy implications relating to the report or officer recommendation.

FINANCIAL IMPLICATIONS

23. The Shire will meet the surveying and land administration costs required to complete the acquisition through the Department of Planning, Lands and Heritage. Ongoing maintenance will be managed as part of Reserve 51411.
24. The total outstanding amount proposed to be written off is \$10,940.15. This amount comprises \$9,247.12 in rates, \$512.03 in interest, \$44.00 in legal fees, \$99.00 in instalment fees, \$740.00 for the Emergency Services Levy, and \$298.00 in GRV facilities maintenance fees.

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. 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 CORPORATE SERVICES**9.2.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31 MARCH 2026**

File Ref:	FIN.66.2025/26
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	16 April 2026
Author:	Scott Sewell, Financial Accountant
Authorising Officer:	Kellie Jenkins, Executive Manager Corporate Services
Attachments:	9.2.1a – March 2026 Monthly Financial Report 9.2.1b– Extract from February 2025 Ordinary Council Meeting Minutes

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 March 2026.
3. A monthly Investment Register is also provided to Council to ensure compliance with the Shire's Investment Policy.
4. A 2025/2026 budget amendment is required to authorise a payment to the Denmark Riverside Club for resurfacing 'B' Green at the lawn bowls facility.

VOTING REQUIREMENTS

5. Simple majority.

OFFICER RECOMMENDATION

ITEM 9.2.1a

That Council RECEIVE the Financial Activity Statements for the period ending 31 March 2026, incorporating the Statement of Financial Activity and other supporting documentation, as per Attachment 9.2.1a.

6. Absolute majority.

OFFICER RECOMMENDATION

ITEM 9.2.1a

That Council APPROVE a 2025/2026 budget amendment as follows:

1. Increase materials and contracts expenditure by \$73,833; and
2. Increase transfer from Infrastructure Reserve by \$73,833

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 March 2026 shows a closing funding surplus of \$5,574,152. The adopted and amended budget anticipates a zero year end closing position. Key variances include:

- Operating income exceeding budget by \$122,165.
- Operating expenses under budget by \$359,872.

Details are provided in Note 1 – Explanation of Material Variances.

11. A summary of the financial position for March 2026 is detailed 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	659,358	659,358	659,358	0	0%
Revenue					
Operating revenue	15,896,253	14,986,956	15,109,121	122,165	1%
Capital revenue, grants and contributions	10,436,043	4,431,747	4,444,919	13,172	0%
	26,332,296	19,418,703	19,554,040	135,337	
Expenditure					
Operating Expenditure	-20,877,267	-15,216,700	-14,856,828	359,872	2%
Capital Expenditure	-12,014,281	-6,661,659	-4,275,602	2,386,057	36%
	-32,891,548	- 21,878,359	-19,132,430	2,745,929	
Funding balance adjustments	5,899,894	4,508,392	4,493,184	-15,208	0%
Closing Funding Surplus	0	2,708,094	5,574,152	2,866,058	105.83%

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 March 2026, total cash holdings (including trust funds) were \$14,027,413, comprising:
 - Municipal Funds total \$7,765,365
 - Shire Trust Funds total \$55,850
 - Reserve Funds (restricted) invested, total \$6,206,198
 - Municipal Funds (unrestricted) invested, total \$6,491,938
14. The Reserve Bank of Australia’s (RBA) official cash rate is 4.10% confirmed at a meeting held on 17 March 2026. No further changes have occurred at the time of writing this report.

BUDGET AMENDMENT

15. At its February 2025 Ordinary Council Meeting, Council resolved to support the Denmark Riverside Club’s application to the Department of Local Government, Sport and Cultural Industries’ Community Sporting and Recreation Facilities Fund (CSRFF) and agreed, in principle, to contribute one-sixth of the project cost towards the Club’s asset renewal projects.
16. At the time, the contribution was anticipated to occur in either 2025/2026 or 2026/2027, subject to the timing and outcome of the Club’s CSRFF application. Further

detail is provided in Attachment 9.2.1b (Extract from the February 2025 Ordinary Council Meeting Minutes).

17. The Denmark Riverside Club's application was successful, and the Club has submitted a claim to the Shire for payment of Council's contribution. Accordingly, a 2025/2026 budget amendment is required to authorise the payment as a contribution towards the cost of resurfacing 'B' Green, with the funding to be sourced from the Infrastructure Reserve.

CONSULTATION AND EXTERNAL ADVICE

18. 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

19. Regulation 34 (1-5) outlines the requirements for financial activity statements.
20. 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

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

The Trustees Act 1962

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

STRATEGIC / POLICY IMPLICATIONS

Budget Variation Policy

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

FINANCIAL IMPLICATIONS

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

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

- 31. 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.

9.2.2 PAYMENT OF ACCOUNTS FOR PERIOD ENDING 31 MARCH 2026

File Ref:	FIN.66.2025/26
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not Applicable
Disclosure of Officer Interest:	Nil
Date:	14 April 2026
Author:	Kelly Schroeter, Senior Finance Officer
Authorising Officer:	Kellie Jenkins, Executive Manager Corporate Services
Attachments:	9.2.2 – Payment of Accounts – March 2026

EXECUTIVE SUMMARY

- 1. To advise Council of payments made for the period 1 March to 31 March 2026.

VOTING REQUIREMENTS

- 2. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.2.2
That Council RECEIVE the payment of accounts totalling \$2,297,864.95 for the month of March 2026, as per Attachment 9.2.2.	

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 REPORT NAME – AMENDMENT TO SCHEDULE OF FEES AND CHARGES 2025/2026
- PROPOSED ELECTRIC VEHICLE CHARGING STATION TARIFF**

File Ref:	PROJ.ENG.19.21_22
Applicant / Proponent:	N/A
Subject Land / Locality:	No. 2 (Lot 228) Strickland Street Denmark (CRC Carpark)
Disclosure of Officer Interest:	Nil
Date:	07 April 2025
Author:	Laura Middleton, Manager Projects & Sustainability
Authorising Officer:	Clinton Lewis, Acting Director Assets & Infrastructure
Attachments:	9.2.3 – Schneider EV Link Pro Product Information

EXECUTIVE SUMMARY

1. Installation of a 150kW DC Charger is scheduled for completion in April/May. This report seeks to amend the 2025/2026 Schedule of Fees and Charges to include a tariff for public electric vehicle charging.

VOTING REQUIREMENTS

2. Absolute majority.

OFFICER RECOMMENDATION	ITEM 9.2.3
<p>That Council</p> <ol style="list-style-type: none"> 1. ADOPT an Energy Tariff at a rate of \$0.55 p/kWh between the hours of 9pm – 5pm (off peak) and \$0.65 p/kWh between the hours of 5pm – 9pm (peak) + \$1.00 per minute idle fee after a grace period of 10 mins after 100% charging state has been reached; 2. APPROVE the inclusion of an Electric Vehicle Charging Tariff – Strickland Street DC Charger to the 2025/26 Schedule of Fees and Charges; and 3. GIVE public notice of 7 days of when the Electric Vehicle Charging Tariff will come into effect. 	

LOCATION

3. The proposed DC Electric vehicle charger will be installed in the Community Resource Centre (CRC) carpark on the corner of North Street and Strickland Street, Denmark.

BACKGROUND

4. The progressive roll out by the State Government of fast charging infrastructure across the state included the provision of 150kW chargers in both Albany and Walpole. Due to the geographical distance between these two towns, the Shire of Denmark was overlooked for the State funded infrastructure.
5. The Shire responded to the need for EV charging in town and installed a dual 22kW AC charger at Berridge Park in early 2023, alleviating the absence altogether of charging provisions in town. The anticipated demand for faster charging was nonetheless

inevitable, and to accommodate this a Western Power supply upgrade to support the future installation of a DC Charger was necessary. The most appropriate location in both proximity to town and to avoid a costly transformer upgrade was CRC carpark.

6. The Shire furthermore sought funding through the WA Government Charge Up Round 2 program, and with additional support made available through the Denmark Sustainability Fund, procurement of a DC fast charger was enabled.

DISCUSSION / OFFICER COMMENTS

7. A Schneider Electric EV Link Pro 150kW dual port charger is earmarked for completion late April/May. Civil works have progressed to widen the eastern entry/exit carriageway of the car park including the creation of two (2) drive through charging lanes and one (1) through traffic lane.
8. The charger will be installed with Chargefox software, a widely used EV charging platform across Australia which requires the setup of an account via an app. A 'tap and go' credit card reader will also give users an alternative payment method.
9. A requirement of the Charge Up grant was to demonstrate how to make charging more attractive to drivers during the day (9am to 5pm) and/or overnight (9pm to 9am) to take advantage of an abundance of solar energy flowing through the grid during the day.
10. Three options were proposed in the application being:
 - Require users to pay a higher cents per kilowatt hour rate during the evening peak period.
 - Reducing the rate of charge, so that it is slower to charge the vehicle during the evening peak period (trickle charging).
 - Turning off or preventing access to the chargers during the evening peak period.
11. It was recommended that if the charger was to be available to visitors/general public, evening peak usage should be managed by setting a higher cents per kilowatt hour rate from 5pm to 9pm, rather than restricting charge or turning charging off altogether.
12. The tariffs proposed in the grant application (which were noted as being subject to Council adoption of fees & charges) were as follows:
 - \$0.60 per kWh during off-peak times, and;
 - \$0.80 per kWh during the 5pm to 9pm peak time.
13. The Shire is required to commit to a two-year subscription with the chosen software provider. Tariffs can be adjusted at any time through the software app (subject to Council approval). If the peak tariff is proposed to be removed within the two-year subscription period this may need further external approval in accordance with grant conditions.
14. A review of DC fast chargers in nearby regional towns reveals \$0.60 per kWh is a consistent rate of charge for 150kW DC chargers, including Albany, Walpole, Kojonup, Manjimup & Jerramungup. No peak tariff applies at these locations, however these chargers were funded through State Government WA EV Network roll out.

15. Based on the consistency of charging fees applicable in surrounding towns it is recommended to reduce the peak tariff to \$0.65 per kWh during the 5pm to 9pm peak time and maintain \$0.55 per kWh at all other times. This will allow EV drivers to charge at the similar rate offered in other towns, with only a marginal increase during the peak time in accordance with the requirements of the grant funding.
16. An idle fee of \$1.00 per minute is also proposed after a 10-minute grace period once charging is 100% complete. This will ensure drivers have enough time to get back to their vehicles from the town centre to disconnect and move on, thus discouraging the use of the charging lanes as convenient parking. This will be increasingly important once the capability of EV's allows for towing trailers/caravans.

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 Act 1995

18. Section 6.16 (3) – enables fees to be imposed during the financial year, by an absolute majority.
19. Section 6.19 – requires that public notice must be given before introducing the fee.

STRATEGIC / POLICY IMPLICATIONS

Council Plan: Our Future 2035

20. Council supports the transition to net zero emissions by 2050.
21. Installation of the EV charger supports the Western Australian State Government Electric Vehicle (EV) Strategy initiatives for the transition to low and zero-emission electric vehicles

FINANCIAL IMPLICATIONS

22. Council's current Budget has provision for the installation of DC EV charging infrastructure. This report seeks to apply a tariff to cover ongoing administrative and utility costs including annual software subscriptions to run the EV charger.

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. Risk Table

Risk	Risk based on history and with existing controls			Proposed Treatment/Control
	Likelihood	Consequence	Risk Rating	
Reputational Impacts: That the peak period tarriff discourages charging and drivers seek an alternative charging location.	2	1	1	Monitor social media and Plug Share app comments. Review the peak tariff if necessary.

9.3 GOVERNANCE

9.3.1 POLICY UPDATES – BUSHFIRE MITIGATION POLICIES

File Ref:	ADMIN.40
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not Applicable
Disclosure of Officer Interest:	Nil
Date:	15 April
Author:	Angela Simpson, Corporate Planning and Policy Officer
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.3.1a – Draft Policy 9.3.1b – P050110, P050120, P100612

EXECUTIVE SUMMARY

- 1. This report recommends drafting a new bushfire-related Council policy that sets out clear and consistent principles for the Shire to plan, prioritise, carry out, and report on bushfire mitigation work across its land.
- 2. Fire management is a high-risk and highly scrutinised area of Shire responsibility, spanning community safety, environmental protection, scientific perspectives, volunteer capacity, and the appropriate use of Shire resources. Given this complexity, it is

essential that the Council provides clear leadership through a policy that guides staff and supports consistent, defensible decision-making.

VOTING REQUIREMENTS

- 3. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.3.1
<p>That Council</p> <ol style="list-style-type: none"> 1. ADOPT the Bushfire Mitigation Policy as per Attachment 9.3.1a 2. RESCIND Policies: <ol style="list-style-type: none"> a) P050110 – Hazard Reduction Burning on Private Property; b) P050120 – Prescribed Fire Plan Guidelines and Templates; and c) P100612 – Bushfire Assessments for Private developments adjoining Council land 	

LOCATION

- 4. N/A

BACKGROUND

- 5. Officers review local government policies to ensure they remain relevant and effective. Many existing fire management-related policies have now been repealed, leaving just three in the Policy Manual. P050110 – Hazard Reduction Burning on Private Property; P050120 – Prescribed Fire Plan Guidelines and Templates; and P100612 – Bushfire Assessments for Private developments adjoining Council land.
- 6. The intent is to consolidate the objectives of these three policies into a single overarching bushfire mitigation policy that:
 - Sets the strategic direction and provide high-level guidance for the organisation.
 - Provides a framework for decision-making, ensuring consistency and alignment with the Council’s goals.

DISCUSSION / OFFICER COMMENTS

P050110 – Hazard Reduction Burning on Private Property

- 7. This policy states that Council supports local volunteer Bush Fire Brigades using Shire and Brigade equipment and vehicles to undertake hazard reduction burning on private property, provided the Shire directs them to do so.
- 8. It’s important for the Council to approve this activity because it provides staff with guidance on the use of Shire equipment on private land, which is necessary for insurance and safety. It also ensures Shire assets are used properly, that the rules are applied fairly to everyone, and that hazard-reduction burning activity aligns with the Shire’s overall approach to managing bushfire risk.

P050120 – Prescribed Fire Plan Guidelines and Templates

9. This existing policy states that the Council adopts the DFES Prescribed Fire Plan Guidelines and Templates for prescribed burns within the Shire of Denmark. The policy also states that the Council annually reports to BFAC and the community on prescribed burns during the preceding 12 months. This is now done as part of the wider Bushfire Mitigation Program.
10. This policy is important because it ensures that prescribed burning within the Shire of Denmark is planned, documented, and implemented using a consistent, evidence-based framework. By adopting the DFES Prescribed Fire Plan Guidelines and Templates, Council aligns its practices with state-level standards, thereby improving accountability for the planning and execution of burns.

P100602 – Bushfire Assessments for Private Developments Adjoining Council Land

11. The policy states that Council will not accept a bushfire assessment that places responsibility on Council to maintain strategic fire access routes or undertake fuel reduction works on its land in order for a private development to achieve a required Bushfire Attack Level (BAL).
12. This principle is important because it reinforces the message that the Shire's bushfire mitigation activities are prioritised across all Shire-managed land based on risk, not on the needs of individual private developments. The policy protects the Shire from taking on inappropriate responsibilities, ensures fairness, and upholds the integrity of the Bushfire Risk Management Plan.

Objective of the combined policy

13. The aim of the new combined policy is to set out clear and consistent principles for the Shire to plan, prioritise, carry out, and report on bushfire mitigation work across its land. All actions should be based on risk, follow recognised standards, be transparent to the community, and support the work of volunteer brigades. The policy also recognises that prescribed burning is only one tool, but often the most debated, so clear guidance and communication are essential.

Guiding principles for the combined policy

14. Risk-based and consistent decision-making—All mitigation and response activities will be prioritised according to the Council-endorsed Shire's Bushfire Risk Management Plan and BFAC advice, ensuring decisions are consistent and transparent, and not influenced by individual requests aimed at achieving personal benefits such as lower BAL ratings, reduced insurance costs, or addressing perceived threats that fall outside the Shire's risk-based priorities.
15. Alignment with standards and best practice—Council supports prescribed burning and mitigation planning to follow DFES Prescribed Fire Plan Guidelines and Templates, as well as relevant legislative requirements, to ensure safe, coordinated, and evidence-based implementation.
16. Transparent reporting and community engagement—Through the Bushfire Mitigation Program, Council supports prescribed burning activities and the importance of reporting

these activities to the community to maintain trust and understanding of bushfire risk management.

17. Support for volunteer brigades and safe training—Council supports local brigades in carrying out hazard-reduction burning on private property where appropriate, recognising the importance of providing safe training environments and responsible cost-recovery opportunities that enhance brigade capability.
18. Continuous improvement and evidence-based practice—The Shire will stay informed about the latest science, research, and best practice relating to prescribed burning and other mitigation methods, and officers will make recommendations to Council when updates to policy or practice are warranted.

CONSULTATION AND EXTERNAL ADVICE

19. In developing this Council report to amalgamate several bushfire-related policies, the following sources and stakeholders were consulted: Chief Bushfire Control Officers, Community Emergency Services Manager – Shire of Denmark, the Bushfire Risk Mitigation Coordinator and the Manager Community Services – Shire of Denmark.
20. This officer recommendation was endorsed by the Shire of Denmark Bushfire Advisory Committee at its meeting on 9 March 2026.

STATUTORY / LEGAL IMPLICATIONS

21. Nil.

STRATEGIC / POLICY IMPLICATIONS

22. The following Policies are to be amalgamated
 - P050110 – Hazard Reduction Burning on Private Property;
 - P050120 – Prescribed Fire Plan Guidelines and Templates; and
 - P100612 – Bushfire Assessments for Private developments adjoining Council land.

FINANCIAL IMPLICATIONS

23. Nil.

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

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

9.3.2 PROPOSED ROAD NAME – ‘HEIDE’ ROBERTSON

File Ref:	GOV.49
Applicant / Proponent:	Graeme Robertson and Williams Consulting
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	16 April 2026
Author:	Claire Thompson, Governance Coordinator
Authorising Officer:	David King, Chief Executive Officer
Attachments:	Nil

EXECUTIVE SUMMARY

1. Council is asked to consider endorsing the name ‘Heide’ as a road name in commemoration of the late Heide Robertson.

VOTING REQUIREMENTS

2. Simple majority.

<p>OFFICER RECOMMENDATION</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. APPROVE the name “Heide” in commemoration of Heide Robertson (dec.), for the reasons provided within the report and for use within the new subdivision on the western side of Kearsley Road; and 2. REFER the name to Landgate’s Geographic Names and Addressing Team for approval. 	<p>ITEM 9.3.2</p>
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LOCATION

3. While a broad endorsement of a name does not relate to a specific location, the applicants have indicated that, if approved by Council and Landgate, they would like to allocate the name to a road reserve within the new subdivision on the western side of Kearsley Road.

BACKGROUND

4. Nil.

DISCUSSION / OFFICER COMMENTS

5. The applicant has provided the following reasons for commemoration.

Heide and her husband have owned and managed multiple landholdings in Denmark since January 1961.

Heide resided in Denmark until her passing and was directly involved in the delivery of numerous residential, rural residential, rural, and town-centre developments within the Shire.

Of particular significance to the Denmark community, Heide and her husband were responsible for the construction of the Denmark Airfield, which was undertaken following a request from the Shire of Denmark in the 1990s.

The airfield was privately funded by them and subsequently provided free of charge to the Shire of Denmark. Since its construction, the Denmark Airfield has played a critical role in supporting emergency services, including the Royal Flying Doctor Service and aerial firefighting operations.

The above demonstrates Heide Robertson had a long-term and direct association with Denmark and through her involvement in the provision of essential community infrastructure, has made a significant and enduring contribution to the area

6. A person's involvement in development for commercial gain is not in itself sufficient grounds for commemoration however, the establishing and gifting of the Denmark Airfield is. See Landgate's comments below.

CONSULTATION AND EXTERNAL ADVICE

7. Preliminary advice from Landgate's Geographic Names and Addressing Team is that:
- their preference would be to use a person's surname however; they would consider a first name if the surname caused an issue for duplication or overuse; and
 - the construction of a facility [the Denmark Airfield] which provides ongoing support to emergency services, free of charge, would be sufficient grounds as evidence of community contribution that is "above and beyond" the usual.
8. Given that the proposal is for a new road, general public consultation is not required.

STATUTORY / LEGAL IMPLICATIONS

Land Administration Act 1997

9. Section 26(2)(c) – Minister may name, rename and cancel the name of any topographical feature, road or reserve.
10. Section 26A – requirement for local government to approve proposed names for roads and areas in new subdivision, for referral to the Minister.

Policies and Standards for Geographical Naming in Western Australia

11. Developed by the State Government (Landgate), the policies and standards detail the process and basis on which names for roads, places, administrative boundaries and topographical features can assigned.
12. Clause 1.4 states that, *“a commemorative name applied to a road should use the surname of a person posthumously; although it is preferable that only the surname is used, consideration may be given to using the first name”*.

STRATEGIC / POLICY IMPLICATIONS**Road Naming Policy**

13. If approved by Council, the name will be added to the Council’s Road Naming Policy for the developer’s future use.

FINANCIAL IMPLICATIONS

14. Nil

OTHER IMPLICATIONS**Environmental**

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

Economic

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

Social

17. Preserving geographic names strengthens a community’s sense of identity by marking where people come from and honouring those who contributed to the area during their lifetime.

RISK MANAGEMENT

18. 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 COMMUNITY SERVICES

Nil

9.5 INFRASTRUCTURE SERVICES

9.5.1 KOORYUNDERUP-MOUNT HALLOWELL MANAGEMENT PLAN

File Ref:	REM.39
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	13 April 2026
Author:	David King, Chief Executive Officer
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.5.1a – Draft Kooryunderup – Mount Hallowell Management Plan 2025-2035. 9.5.1b – DPLH Correspondence 9.5.1c – Extract from 2025 September OCM minutes

EXECUTIVE SUMMARY

1. Following Council’s endorsement of the Kooryunderup–Mount Hallowell Management Plan and its subsequent submission to the Department of Planning Lands and Heritage (DPLH), the DPLH have requested several modifications to the Plan. These requested changes are now presented to Council for consideration and further direction.

VOTING REQUIREMENTS

2. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.5.1
That Council:	
<ol style="list-style-type: none"> 1. ENDORSE the Kooryunderup–Mt Hallowell Management Plan 2025-2035 as per Attachment 9.5.1a: 2. REQUEST the Chief Executive Officer to forward the Plan to the Department of Planning Lands and Heritage for Ministerial Approval. 	

LOCATION

3. Kooryunderup–Mt Hallowell Reserve 46618.

BACKGROUND

4. Following extensive consultation, at the September 2025 Ordinary Council Meeting, Council resolved to endorse a draft management plan and submit the plan for Ministerial approval. The 2025 report contains additional background information relating to the development of the management plan. An extract of the minutes is provided as attachment 9.5.1c.

5. Under section 49 of the Land Administration Act 1997 (WA), the management body (Shire of Denmark) of a Class A reserve may submit, or may be required by the Minister to submit, a management plan for Ministerial approval. The Minister is not obliged to approve a plan as submitted and may withhold approval pending revisions. In practice, this enables the Minister to require changes to a management plan before approval is granted. Management and use of the reserve in reliance on the plan may only occur once the Minister has formally approved the plan or an approved variation.
6. Following submission to the Department of Planning Lands and Heritage (DPLH) the DPLH have requested a number of revisions to the management plan prior to further consideration for approval.
7. This report considers the requested changes and seeks endorsement of the revised draft plan.

DISCUSSION / OFFICER COMMENTS

General

8. Officers received correspondence from the DPLH requesting a number of clarifications and amendments to the management plan. The correspondence is provided as Attachment 9.5.1b
9. Whilst the majority of the requests were minor the dog access issues, raised by the Department of Biodiversity, Conservation and Attractions (DBCA), required additional clarification. As such, officers met with DPLH, Department of Water and Environmental Regulation (DWER) and DBCA representatives to discuss these comments specifically around due process clarification, consultation and the impact of Council's amendment to allow dogs on the Bibbulmun Track across the Reserve.
10. Officer's advised at that meeting that due process had been followed in accordance with the Local Government Act and noted that targeted consultation on this specific issue had occurred, revealing strongly held but evenly divided views.
11. Importantly, the DBCA representatives advised that there had been a misunderstanding regarding the interpretation of their comments, including that the initial comments had been on the 'unamended' management plan regarding dogs. As such, officers requested a revised statement from DBCA. DBCA provided the following comment.

"Dog Access on the Bibbulmun Track: The draft plan proposes allowing dogs on leash along the section of the Bibbulmun Track that traverses the reserve. We understand DBCA generally prohibits dogs on most sections of the track to protect wildlife and ecosystems. Parts of the Bibbulmun Track utilise existing tracks and trails that are available for dog walking, particularly close to towns and settlements. Noted that this proposal requires dogs to be on a lead which will minimise any potential impacts to wildlife. The trails that permit dogs off lead are close to the perimeter of the Reserve and in the more heavily disturbed area of the reserve"

12. Following further consultation with the DPLH the following modifications have been agreed by DPLH officers.

Requested Modifications and Response

Department of Planning Lands and Heritage	
Request	Response
<p>Monitoring Framework</p> <p>The monitoring framework does not establish clear timelines or review cycles for evaluating the success of key management actions, including weed control effectiveness, dog-compliance rates, and any impacts associated with cycling activity.</p> <p>Introducing defined intervals (e.g. annual or biennial review) would strengthen accountability and enable adaptive management.</p>	<p>New section 6.4 added.</p>
<p>Enforcement Strategy</p> <p>The enforcement approach for dog-on-lead requirements and cycling restrictions is insufficiently detailed. The plan would benefit from outlining enforcement responsibilities, methods (e.g. patrols, signage, community education), and escalation processes for non-compliance.</p>	<p>New section 6.3 added.</p>
<p>Visitor Impact Assessment</p> <p>The current discussion of visitor impacts is limited. A clearer methodology for assessing ecological impacts associated with increased visitation—including trampling, disturbance to fauna, trail widening, and erosion—should be incorporated. This may include periodic ecological surveys, trail-condition assessments, or visitor-use monitoring.</p>	<p>Visitor Impact Assessment – Action IR11 added.</p>
<p>Funding and Resourcing</p> <p>The plan does not identify the funding or resourcing required for implementation of key actions. Clarification of resource needs—whether through existing operational budgets, grant funding, or</p>	<p>Statement added on page 49, but is also represented by the action table, which identifies which actions require consideration through future planning.</p>

<p>partnerships—would assist in understanding feasibility and delivery over the life of the plan.</p>	
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<p>Department of Water and Environmental Regulation</p>	
<p>Request</p>	<p>Response</p>
<p>Although the draft Management Plan does not propose vegetation clearing, any future expansion of car parking or similar site works may trigger requirements under section 51C of the Environmental Protection Act 1986. The final plan should acknowledge that clearing can only occur under a valid permit or applicable exemption, including relevant fire-risk exemptions.</p>	<p>Additional notes have been added to the management actions where appropriate.</p>
<p>Noted an incident of illegal clearing within the Reserve in 2024. The plan should therefore include strengthened management measures, including:</p> <ul style="list-style-type: none"> • improved gate maintenance; • monitoring of unauthorised access points; and • installation of the proposed gate at the south-east corner behind Heather Road. 	<p>Additional gates are noted in the management actions F3 and F4</p>

<p>Department of Biodiversity Conservation and Attractions</p>	
<p>Request</p>	<p>Response</p>
<p>Noted that the last recorded significant bushfire in the reserve is believed to be in 1937, however the last managed fire in the reserve was in 40 years ago in 1985.</p> <p>Request that the document be updated to reflect this.</p>	<p>The plan is updated on pages 9 and 10 to reflect advice on fire history. Minor amendments made throughout where this was incorrectly referenced.</p>

Officer Changes

Amendment	Reason
Action F6 Amended – Removal of the text “Emphasis on the benchmark status of the Reserve as a ‘no planned burn area’ to adjacent landowners.”	There are some minor prescribed burns in accordance with the Shires Bushfire Risk Management Plan
Action F7 Removed – “Construct low fuel zone behind residences on Pember Way and Ravenhill Heights in Harrington Break.”	This is not possible and has previously already been through a consultation process with all relevant parties at Mitigation Working Group – the area is too steep and LFZ has no benefit and would not meet environmental exemptions.
Action IR10 – Added – “Installation of dog waste bags and bins at Shelia Hill and Lights Rd car parks, as well as other entry points in southeast portion of Reserve”	To improve dog management

CONSULTATION AND EXTERNAL ADVICE

13. Officers have consulted with the Department of Planning Lands and Heritage, the Department of Water and Environmental Regulation, and the Department of Biodiversity Conservation and Attractions in presenting the revised management plan.
14. The Department of Planning, Lands and Heritage have requested that the document, as Attachment 9.5.1a, be presented to Council for endorsement prior to consideration by the Minister for final approval.

STATUTORY / LEGAL IMPLICATIONS

Land Administration Act 1997

15. This Act governs the management of A Class Reserves, which are designated to protect areas of high conservation or community value. These Reserves are not intended for long-term commercial development but for public interest uses like conservation, recreation, heritage, and emergency services.
16. Through a Management Order governed by Section 46 of the Act, the Shire is the body responsible for the care, control, and management of Kooryunderup–Mt Hallowell Reserve 46618. Under Section 49 of the Act, this responsibility includes the requirement for an up-to-date Management Plan which appropriately addresses conservation and environmental concerns, heritage issues, and proposed development or land use strategies.

STRATEGIC / POLICY IMPLICATIONS**Council Plan (CP) and Long Term Financial Plan (LTFP)**

17. The adoption of the Management Plan will require reviews of the CP and LTFP (scheduled for review in 2025/26) to ensure that adequate funding is allocated to support implementation of the management actions into the future.

FINANCIAL IMPLICATIONS

18. The Management Plan outlines a number of actions (refer to Table 14 of document) with different priority levels (low / medium / high) and resourcing requirements (existing / planned / new). These management actions will incur costs for the Shire – both in terms of capital works and staffing.
19. In the short term, the costs associated with infrastructure upgrades, bushfire mitigation and staff time required for implementation may place pressure on the budget and workload capacity of staff, particularly in the absence of external funding.
20. To ensure financial sustainability, the LTFP will need to incorporate and prioritise adequate resourcing (infrastructure funding and staffing) to implement and deliver on the priority actions identified in the Management Plan.

OTHER IMPLICATIONS**Environmental**

21. The Management Plan has conservation as its primary goal and sets the framework for protecting environmental values into the future, including management practices for recreational activities, invasive weeds, ferals, dieback and climate change impacts.

Economic

22. Fire management / bushfire mitigation is one of the stated goals and a key priority covered in the Management Plan. The implementation of actions to protect assets / properties will need to be prioritised accordingly.

Social

23. The Management Plan recognises a variety of historical recreational uses that are highly valued by the community (including dog walking and biking) and allows for the continuation of these important social activities in a well-managed way while also protecting the environment.

RISK MANAGEMENT

24. Risk Table

Risk	Risk based on history and with existing controls			Proposed Treatment/Control
	Likelihood	Consequence	Risk Rating	
Financial Impact: That the costs of implementing priority actions under the Management Plan places undue pressure on the Shire budget and staff workload capacity	Possible	Moderate	Moderate	Appropriately stage implementation of management actions by planning ahead, reviewing / updating the CP and LTFP, and allocating required resources based on priority / available funds
Legal / Regulatory Compliance: That the Shire fails to meet its responsibilities for managing an A Class Reserve	Unlikely	Moderate	Moderate	Adoption of new Management Plan and adequate resourcing of priority actions
Reputational Impacts: That the Minister for Lands revokes the Shire’s Management Order because the Reserve doesn’t have an up-to-date Management Plan	Unlikely	Moderate	Moderate	Adoption of new Management Plan and adequate resourcing of priority actions
Reputational Impacts: That there is community backlash about how the Management Plan balances conservation with different recreational activities	Possible	Moderate	Moderate	Communication of the extensive community engagement and consultation that’s been undertaken, and how the Shire’s role and responsibility is to strike a balance between different management goals and user group needs

10. MATTERS BEHIND CLOSED DOORS

Nil

11. NEW BUSINESS OF AN URGENT NATURE

Nil

12. CLOSURE OF MEETING