SHIRE OF DENMARK

Ordinary Council Meeting

AGENDA

29 September 2026

TO BE HELD IN THE COUNCIL CHAMBERS, 953 SOUTH COAST HIGHWAY, DENMARK, ON TUESDAY 29 SEPTEMBER 2026, COMMENCING AT 4.00PM.

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2 RECORD OF ATTENDANCE

MEMBERS

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

STAFF

Kellie Jenkins (Acting Chief Executive Officer)
Rob Westerberg (Director Infrastructure & Assets)
Claire Thompson (Governance Coordinator)
Kristie Buss (Executive Support Officer)

ON APPROVED LEAVE OF ABSENCE

Cr Nathan Devenport

ABSENT WITHOUT LEAVE

VISITORS

3 DECLARATION OF INTEREST

Name	Item No.	Interest Type	Nature

4 ANNOUNCEMENTS BY THE PRESIDING PERSON

5 PUBLIC QUESTION TIME

5.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5.2 PUBLIC QUESTIONS

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

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

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

Questions from the Public

5.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

5.4 PRESENTATIONS, DEPUATIONS & PETITIONS

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

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

6 APPLICATIONS FOR FUTURE LEAVE OF ABSENCE

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

7 CONFIRMATION OF MINUTES

7.1 ORDINARY MEETING – 25 AUGUST 2026

OFFICER RECOMMENDATION	ITEM 7.1
That the Minutes of the Ordinary Meeting of Council held on 25 August 2026 be CONFIRMED as the true and correct record of the proceedings.	

8 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

8.1 NOTICE OF MOTION – RETENTION OF KARRI TREES ALONG TURNER ROAD

File Reference	File
Date	14 September 2026
Author	Cr Jan Lewis, Councillor
Attachments	8.1 – Turner Road Tree Images

CR LEWIS' MOTION ITEM 8.1

That Council:

1. REQUESTS officers to prepare a revised Turner Road upgrade design that retains the five mature Karri trees identified as Trees 594, 368, 365, 358 and 344, recognising their exceptional environmental, habitat, heritage and tourism value.
2. DIRECTS that the revised design incorporate appropriate safety and traffic-management treatments, which may include advisory speed zones, signage, pavement markings, lay-bys, narrowed carriageway sections, or priority one-way controls, as determined by officers in consultation with Main Roads WA.
3. NOTES that Main Roads WA's Treatment Resource Guide (2021) identifies speed limit reduction, speed management devices, hazard markers, local area traffic management and passing opportunities as accepted safety treatments on constrained rural roads, and that these tools are directly applicable to Turner Road's forest context.
4. NOTES that Main Roads WA's Speed Zoning Policy and Application Guidelines (2022) require speed zoning to consider road form, limiting features and environmental context, and that mature Karri trees adjacent to the carriageway constitute legitimate limiting features that can support lower advisory speeds or localised slow-speed zones.
5. NOTES that Main Roads WA's environmental design guidance recognises the importance of remnant native vegetation and requires road designs to balance safety with environmental and community values, and that Turner Road's mature Karri trees fall within this category.
6. REQUESTS officers to engage with Main Roads WA to confirm acceptable speed-management options that maintain safe vehicle movement while retaining the identified trees.
7. REQUESTS that the revised design be presented to Council for consideration, including an assessment of environmental, habitat, tourism and community impacts.

COUNCILLOR COMMENT

Executive Summary

(1) Five mature Karri trees along Turner Road — including Tree 358, with a DBH of 1.368 m and an estimated age of 180–240 years — are proposed for removal under the current 6-metre seal design. These trees are significant environmental assets, providing

habitat for threatened species and forming part of the iconic forest character of this important tourist and local connector route.

(2) Turner Road is currently a narrow gravel forest corridor where drivers already travel slowly and negotiate narrow sections using informal pull-ins. This existing behaviour demonstrates that low-speed negotiation is normal and safe on this route.

(3) Main Roads WA (MRWA) policy supports the use of localised slow-speed treatments — including priority one-way sections, advisory speed zones, hazard markers, local area traffic management, and passing opportunities — on constrained rural roads. These tools provide officers with multiple safe, feasible options to retain the five trees while maintaining safe vehicle movement.

(4) This report outlines the environmental significance of the trees, the tourism and community value of the forest corridor, and the MRWA-supported engineering treatments available to officers.

Environmental, Heritage & Habitat Significance

<u>Age & Heritage</u>

(5) Tree 358 (DBH 1.368 m, height ~41 m) is estimated at 180–240 years old, meaning it likely germinated between 1780 and 1845. It is:

- Older than the town of Denmark
- Older than any building in the Shire
- A remnant of original Karri forest
- Irreplaceable within any meaningful human timeframe

<u>Habitat Value</u>

(6) Large Karri hollows only form after 150–200 years.

(7) These hollows support:

- Baudin’s cockatoo (threatened)
- Red-tailed black cockatoo
- Masked owl
- Brush-tailed possum
- Microbats

(8) Removing these trees would eliminate critical breeding habitat in a region already under pressure.

Current Road Context

(9) Turner Road is:

- A narrow gravel road

- Already functioning with low speeds
- Used safely with informal pull-ins
- A scenic forest corridor linking Scotsdale Road and Mt Shadforth Road
- A route used by tourists, cyclists, walkers, and residents

(10) Drivers already behave as if the road is a slow-speed forest route, not a high-speed connector.

(11) This supports the feasibility of formalised slow-speed treatments.

Main Roads WA Policy Support

(12) To ensure councillors have confidence in the feasibility of tree retention, this section cites actual MRWA documents.

<u>MRWA Treatment Resource Guide (2021)</u>

(13) This guide identifies the following as accepted safety treatments on constrained rural roads:

- Speed limit reduction
- Speed management devices
- Hazard markers
- Local area traffic management
- Passing opportunities

(14) These are exactly the tools required to retain trees while managing safety.

Application to Turner Road:

(15) Priority one-way sections, advisory speeds, hazard markers, and formalised passing bays are all MRWA-recognised treatments.

<u>MRWA Speed Zoning Policy & Application Guidelines (2022)</u>

(16) These guidelines require speed zoning to consider:

- Road form
- Limiting features
- Environmental context

(17) Mature Karri trees adjacent to the carriageway are legitimate limiting features that justify lower advisory speeds or localised slow-speed zones.

Application to Turner Road:

(18) Localised slow-speed zones around the five trees are consistent with MRWA policy.

<u>MRWA Environmental Design Guidance</u>

(19) MRWA’s revegetation and landscaping guidance states that:

(20) Roads must balance safety with environmental and community values, and remnant native vegetation is an important part of the road environment.

Application to Turner Road:

(21) The five mature Karri trees are significant environmental assets that MRWA policy expects to be considered in design.

Feasible Engineering Solutions (Non-Prescriptive)

(22) These options give officers flexibility while demonstrating that tree retention is practical and MRWA-supported.

A. Priority One-Way Sections (Give-Way Control)

- One direction yields
- Speeds drop to 20–40 km/h
- Works well for isolated trees
- Minimal earthworks
- Predictable and safe
- Ideal for Trees 594, 368, 365, 358 and 344

(23) This is the most effective treatment for retaining trees close to the carriageway.

B. Advisory Speed Zones (40–50 km/h)

(24) Supported by MRWA’s Speed Zoning Guidelines.

- Yellow advisory signs
- Reinforces slow-speed behaviour
- Works even with two-way flow
- Suitable where sight distance is good

C. Road Markings & Signage

(25) Supported by MRWA’s Treatment Resource Guide.

- “SLOW — TREE AHEAD”
- “GIVE WAY TO ONCOMING VEHICLES”
- Centreline removal to visually narrow the road
- Reflective bollards at tree pinch points

D. Lay-bys / Passing Bays

(26) Supported as “passing opportunities” in MRWA’s Treatment Resource Guide.

- Formalised versions of existing pull-ins
- Allow safe passing without widening the entire road
- Useful where sight distance is limited

E. Localised Narrowing (5.2–5.5 m)

- Short narrowing around each tree
- Maintains two-way flow
- Strong visual cue
- Low cost
- Common in forest corridors

Why Retaining These Five Trees Is Reasonable

- Officers already accept multiple design concessions to reduce clearing.
- Retaining five trees is a moderate, compromise-based request.
- It preserves the most significant habitat and heritage trees.
- It maintains the iconic forest character of Turner Road.
- It avoids community backlash associated with removing century-old trees.
- It aligns with MRWA-supported treatments.
- It allows officers flexibility to choose the safest solution for each tree.

OFFICER COMMENT

Executive Summary

(1) Officers recommend retaining the current Issued For Construction (IFC) design for the Turner Road upgrade. The current design is not a standard rural road outcome; it is the result of seven design iterations undertaken specifically to minimise tree loss while still providing a road that officers consider safe, fundable and professionally supportable. Those iterations have reduced the number of affected trees from approximately 409 to 32, saving 377 trees, or around 92 per cent of the initial impact.

(2) Council is therefore not being asked to choose between a full-standard road and tree retention. Substantial concessions have already been incorporated into the IFC design, including reduced seal width, reduced shoulders, reduced clear zones, steeper batters, constrained formation width and closer roadside hazard separation. Officers consider that these departures represent the practical limit of what can be supported while maintaining an acceptable residual road-user risk.

(3) The Notice of Motion would move beyond those concessions by retaining five additional mature Karri trees in locations that would create localised single-lane operating widths for two-way traffic. At those points, opposing vehicles would not be able to pass simultaneously and safely within the formed carriageway. That would

increase the likelihood of a driver slowing, stopping, giving way, moving closer to the road edge or leaving the seal, while mature fixed roadside hazards remain close to the travelled path and in some cases directly within a perceived travel path.

(4) Officers acknowledge that MRWA guidance allows road authorities to use treatment approaches where roadside hazards cannot be fully eliminated. However, those treatments are already required to manage the design concessions incorporated into the current IFC design. Officers do not consider that the same treatment framework can be relied on to support additional narrow points around mature trees, because the combined likelihood and consequence of a tree strike would not be reduced to an acceptable level.

(5) Reliance on speed-based treatments does not resolve that concern. Even if a lower-speed treatment were available, the risk would remain dependent on driver recognition, judgement and response in a rural, unlit road environment with moderate approach speeds, constrained recovery space and high-severity fixed roadside hazards. If MRWA retains the default regulatory speed limit, as preliminary advice suggests is likely, the residual risk would increase further because higher speeds materially increase both the likelihood of a road-departure event and the severity of impact.

(6) The environmental value of the five trees is recognised. That value has already materially shaped the project design, as demonstrated by the reduction from 409 affected trees to 32. However, the environmental framework does not require tree retention at any cost. Tree loss associated with a legitimate public road upgrade can be addressed through the State's environmental approvals and offset framework. In contrast, the residual safety risk created by deliberately introducing additional single-lane operating points beside mature trees would remain with the Shire.

(7) The Notice of Motion also does not resolve the construction, funding and approval risks associated with a material design change. Construction close to the nominated trees may still damage root systems and result in tree decline or failure, meaning the Shire could accept a less safe road outcome without securing the long-term retention of the trees. A revised design may also require confirmation from MRWA and the Regional Road Group that the varied scope remains eligible for funding and approval.

(8) For these reasons, officers consider the current IFC design represents the appropriate balance between road safety, environmental protection, community values, constructability, funding certainty and professional risk management. Retaining the current design is therefore recommended.

Design Iteration History — 409 Trees to 32

(9) Officers engaged a local arborist to undertake an assessment of trees within the project corridor and surrounding area, including trees that may not be directly affected by the proposed road works. The resulting arboricultural report assessed 597 individual trees and documented attributes such as species, diameter, height, health, condition, retention value and other relevant characteristics.

(10) Officers wish to record, the scale of effort already invested in minimising tree loss on this project. The following table documents every major design iteration and the associated tree impact count.

No.	Iteration	Trees Affected	Key Change and Rationale
1	Initial concept — full-standard 6m sealed road, unrestricted alignment	**~409**	Baseline assessment using Austroads standard cross-section, preferred shoulder widths, standard clear zones and standard batter slopes. No vegetation constraint applied. Established the maximum impact figure.
2	Horizontal realignment — routing around major tree clusters	**~310**	Design alignment shifted laterally at multiple locations to avoid the densest stands of retained vegetation. Approximately 99 trees removed from the impact count without compromising road geometry. First iteration to sacrifice design efficiency for environmental outcome.
3	Carriageway width reduction — 7 m seal reduced to 6 m seal	**~215**	Seal width reduced below the preferred width for a road of this classification and traffic volume. The narrower carriageway reduced clearing width and is the single largest contributor to tree saving in the program. Accepted as a necessary design departure.
4	Shoulder width reduction — 1.5 m to 0.5 m unsealed shoulders	**~140**	Unsealed shoulder width reduced from Austroads-preferred 1.5 m to 0.5 m. Reduced vehicle recovery space and increased roadside risk exposure. Removed approximately 75 trees from impact count.
5	Batter slope steepening and formation footprint minimisation	**~95**	Cut and fill batter slopes steepened beyond standard grades at individual tree locations. Further constrained the roadside safety envelope. Approximately 45 additional trees retained.
6	Tree-by-tree micro-adjustment — consultant review of each remaining impact	**~60**	Detailed review with design consultant of every remaining impacted tree. All practicable horizontal, vertical, and cross-sectional adjustments incorporated. Officers reached the limits of what geometry and drainage requirements permit.
7	IFC Design — current issued design	**32**	Culmination of all iterations. 32 trees over approximately 1.9 km. Officers' assessment: irreducible minimum consistent with a safe, fundable rural road. Design already incorporates multiple departures from Austroads and MRWA standards.

(11) The reduction from 409 to 32 trees — a saving of 377 trees, or 92 per cent of the initial impact — is the product of seven design stages. Each stage required officers to accept greater departures from road design standards. Council should understand that each additional tree saved came at a cost to the safety standard of the road.

Design Concessions in the Current IFC Design

(12) The IFC design is not a standard rural road. It already incorporates nine specific departures from Austroads and MRWA guidance, documented by officers and reproduced below. Each departure was accepted by officers specifically to minimise vegetation impact. There are no further concessions available that officers can professionally endorse.

Design Element	Departure	Technical Consequence	Reference
Horizontal Geometry	Key principle of alignment consistency	Reduced drivers’ ability to anticipate direction changes, lane tracking errors and higher roadside hazard exposure.	Austroads Part 3
Shoulder Width	Reduced to 0.5 m unsealed (standard 1.5 m preferred)	Reduced vehicle recovery space; compromised drainage performance and cyclist accommodation.	Austroads Part 3
Carriageway Recovery Area	Reduced beyond edge of seal	Drivers who inadvertently leave the carriageway have less distance to recover before encountering roadside hazards, including retained trees.	Austroads Part 6
Clear Zone to Trees	Retained trees closer to travelled way than preferred	Mature trees are fixed roadside hazards. The current design cannot achieve preferred lateral offsets. This is an accepted but undesirable departure.	Austroads Part 6; MRWA Supplement Part 6
Batter Slopes	Steepened beyond standard grades	Steeper batters create more challenging recovery conditions for errant vehicles and increase the likelihood of rollover in a departure event.	Austroads Part 6; MRWA Supplement Part 6
Formation Width	Minimised to limit vegetation impacts	Restricts the roadside safety envelope below standard. Less room for service infrastructure and future maintenance.	Austroads Part 3

Design Element	Departure	Technical Consequence	Reference
Roadside Hazard Separation	Reduced offset between carriageway and retained vegetation	Increases risk exposure. Drivers may drift towards centreline for comfort, affecting operating speeds and increasing head-on risk.	Austroads Part 6; MRWA Supplement Part 6
Cross-Section Consistency	Consistent cross-section across 1.92 km corridor	Sharper horizontal formations create speed variability. Advisory signage must be installed at multiple locations, creating signage clutter contrary to Austroads design principles.	Austroads Design Principles
Pinch Point Risk (if further narrowed)	Any future narrowing creates substandard sections	Localised narrow sections create inconsistent driver expectations and may affect MRWA's assessment of an appropriate operating speed for the corridor.	Austroads Safe System Guidance
Speed Environment Integrity	Consistent standard maintained in IFC	Introducing further constraints would likely prompt MRWA to re-assess the operating speed environment — potentially finding no safe advisory speed exists for the modified corridor.	MRWA Speed Zoning Guidelines

MRWA Policy Analysis

(13) The Notice of Motion cites three MRWA policy documents as evidence that tree retention at the five nominated locations is feasible and policy-supported. Officers are familiar with each document. The following provide additional detail and information for consideration.

<u>MRWA Treatment Resource Guide (2021)</u>

(14) The Notice of Motion characterises the MRWA Treatment Resource Guide as identifying speed management, hazard markers, local area traffic management, and passing opportunities as 'accepted safety treatments' that are 'directly applicable to Turner Road.' This characterisation, while technically accurate in a narrow sense, misrepresents the purpose and hierarchy of the Guide.

(15) The Treatment Resource Guide is a remedial risk management framework. It exists to provide road authorities with options for managing risk on existing roads where the physical constraints of the corridor make hazard elimination impracticable — typically because the road already exists and reconstruction is not feasible or affordable. The Guide's own hierarchy of treatment is clear: it follows the Safe System approach, which prioritises, in order:

- Elimination of the hazard (highest preference);
- Engineering controls that reduce severity of impact if contact occurs;
- Operational controls such as speed management and signage (lowest preference).

(16) Speed management, hazard markers, passing opportunities and traffic management treatments are legitimate controls within the Guide. However, they sit below hazard elimination in the control hierarchy and are generally relied upon where the physical or practical constraints of the road corridor mean that a hazard cannot reasonably be removed. The issue for Council is therefore not whether these treatments exist, but whether they reduce the residual risk of the proposed narrow points to a level the Shire is prepared to accept.

Application to Turner Road:

(17) Turner Road is still in the design phase, so Council is not being asked to retrospectively manage an unavoidable hazard on an existing road. It is being asked to decide whether to deliberately retain narrow points around retained trees, after the design has already incorporated a range of standard relaxations to minimise clearing.

(18) Officers will already need to rely on the Guide's treatment approaches to mitigate the road-user risk created by the design concessions that have been incorporated into the current IFC design. In officers' assessment, that approach is sufficient to manage the residual risk associated with the current design because the concessions have been applied as part of a consistent corridor design and remain within the limits that officers can professionally support.

(19) The Notice of Motion would go further by introducing additional localised points where the available sealed width would effectively operate as a single lane for two-way traffic. At those locations, opposing vehicles would not be able to pass simultaneously and safely within the formed carriageway. This would require one driver to slow, stop, give way or move closer to the road edge, while mature fixed roadside hazards remain close to the travelled path.

(20) This changes the risk profile. It increases the likelihood that a minor steering error, evasive manoeuvre, loss of traction or passing conflict results in a vehicle leaving the seal and reaching a tree before the driver can recover. It also increases the consequence of that event, because a mature Karri tree is a rigid fixed hazard and the impact outcome is likely to be severe even at relatively modest speeds. On that basis, officers do not consider that the Guide's treatment approach would reduce the combined likelihood and consequence of a tree strike to an acceptable level for the additional narrow points proposed in the Notice of Motion.

<u>MRWA Speed Zoning Policy and Application Guidelines (2022)</u>

(21) The Notice of Motion references the MRWA Speed Zoning Policy and Application Guidelines (2022) as support for the proposition that mature Karri trees adjacent to the carriageway constitute 'legitimate limiting features that can support lower advisory

speeds or localised slow-speed zones.' Officers do not dispute that the guidelines contemplate this scenario. However, the assessment does not consider how MRWA may assess the presence of mature Karri trees in conjunction with single lane sections of road.

MRWA Sets Speed Zones:

(22) The power to set speed limits on public roads in Western Australia is vested in the Commissioner of Main Roads, not in local government. The Shire of Denmark can request a speed zone review and can make submissions on appropriate speeds, but MRWA conducts its own independent assessment and is not obligated to endorse any speed that the Shire nominates. The Guidelines make clear that MRWA will assess:

- The physical characteristics of the road, including lane width, shoulder width, alignment, and sight distance;
- The roadside hazard environment, including the proximity of fixed objects such as trees;
- The operating speed environment — that is, the speed at which road users naturally and safely travel on the road given its form; and
- The consistency of the speed environment across the corridor.

(23) The Guidelines place the burden on the road authority to demonstrate that the proposed speed environment is safe and credible having regard to the physical form of the road. The relevant circumstances include a rural, unlit road environment, a moderate approach-speed context, fixed roadside hazards close to the travelled path, reduced clear zones, limited recovery space, and locations where the available sealed width would effectively operate as a single lane for two-way traffic with a fix hazard (mature tree) limiting an evasive manoeuvre in a head to head on the narrow points.

(24) Where no safe speed environment can be established, the default max speed of 110km/hr and the requirement to drive to conditions applies.

(25) Even if a lower speed environment could be supported, the risk would remain dependent on driver recognition, judgement and response. A driver would need to recognise the constrained section, correctly interpret the presence or likely approach of an opposing vehicle, adjust speed and position in time, and avoid moving too close to the road edge or roadside hazard. Those controls reduce risk only if road users perceive and respond to them as intended; they do not physically prevent a vehicle from entering the constrained section or striking a tree.

Officer Assessment — Speed Zoning Guidelines:

(26) Officers' assessment is that the proposed narrow points create an unacceptable residual risk even if a lower-speed treatment were available.

(27) That risk would increase further if MRWA retains the default regulatory speed limit, as preliminary advice suggests is likely. Higher operating speeds materially increase both the likelihood of a road-departure event and the severity of the impact if a vehicle strikes a mature tree. This relationship is not linear: crash energy increases with the

square of speed, and established speed-risk models show that increases in average speed are associated with disproportionately larger increases in serious and fatal crash risk. In that context, reliance on a default speed environment would substantially increase the residual risk exposure.

<u>MRWA Environmental Policy</u>

(28) The Notice of Motion references MRWA's environmental design guidance as requiring roads to 'balance safety with environmental and community values,' and notes that 'remnant native vegetation is an important part of the road environment.' Officers agree entirely with this statement of principle.

(29) The seven iterations of design described in this report are the product of applying this balance. The design — with 32 trees removed from an initial 409 — is the output of a balancing exercise.

(30) MRWA's environmental guidance does not require all trees to be removed, nor does it require roads to be made unsafe for environmental reasons. It requires a balance between safety, environment, community value, constructability and function. Officers consider that balance has already been struck in the IFC design: substantial design concessions have been made to retain trees, while still maintaining a risk profile that can be supported through engineering and operational controls. The Notice of Motion would shift that balance further toward tree retention by accepting additional roadside hazards and placing greater reliance on non-regulatory controls. Officers do not consider that further shift to be professionally supportable.

(31) Officers note that the environmental regulatory framework does not expect tree removal to be avoided at all costs. The Department of Water and Environmental Regulation (DWER) administers a native vegetation offset framework under the Environmental Protection Act 1986, which provides for the clearing of native vegetation where that clearing is associated with a legitimate public purpose and is offset by equivalent or greater environmental gain elsewhere. The 32 trees in the IFC design will be subject to offset requirements. Officers anticipate the offset obligations to be substantial — for mature Karri trees of the age and habitat value described in the NoM, offset ratios of 3:1 to 10:1 are not uncommon, meaning the Shire's offset planting program may run to several hundred trees or more. The environmental cost of the removal is being addressed through this mechanism — which is the instrument the State has provided for this purpose.

<u>MRWA Supplement to Austroads Part 6 — Clear Zones and Fixed Hazards</u>

(32) The Notice of Motion does not reference the MRWA Supplement to Austroads Guide to Road Design Part 6, but this document is directly relevant to the officers' assessment.

(33) The supplement specifies:

- Clear zone widths for rural roads of Turner Road's classification are measured from the edge of the carriageway and depend on operating speed, traffic volume, and grade. For a 6 m sealed road operating at speeds in the range of 60–80 km/h, the required clear zone is typically 4–6 m.

- Where clear zone requirements cannot be met, the Supplement directs that the roadside hazard should be treated, shielded, or removed — not that it should be managed through speed reduction alone.
- The Supplement is explicit that speed reduction is an appropriate treatment only where the hazard cannot be removed or shielded. It is not a primary mitigation — it is a residual measure.

(34) Officers acknowledge that the current IFC design already retains a number of trees within the standard clear zone and accept that speed-zone changes, advisory signage and other operational treatments will be appropriate to manage the residual risk created by those existing design concessions.

(35) The issue raised by the Notice of Motion is therefore not simply that trees would remain within the clear zone. That outcome is already present in the current design and is proposed to be managed through a combination of engineering and operational controls. The Notice of Motion would go further by retaining trees immediately adjacent to localised sections where the formed carriageway would effectively operate as a single lane for two-way traffic. Potentially without a regulatory speed control as indicated within this report.

Additional Matters

<u>Project Funding and Scope</u>

(36) The Turner Road upgrade has received funding subject to the approved project scope. A material change to the design — incorporating five pinch points, revised speed environments, traffic management infrastructure, and passing bays — would likely constitute a scope variation requiring:

- Re-assessment by the Great Southern Regional Road Group (or Technical Working Group) of whether the varied design remains eligible for funding under the approved Road Strategy Document;
- A revised cost estimate, which may exceed the approved funding envelope; and
- Potentially, amended environmental approvals.

(37) Written confirmation from the Regional Road Group that it will support a material scope variation has not been received. While officers don't feel that there will be reason for MRWA to withdraw funding should Council resolve to preserve the additional 5 trees, written confirmation will need to be sought from MRWA.

9 REPORTS OF OFFICERS

9.1 DRAFT LEASE – OCEAN BEACH KIOSK – GIN LAO

File Reference	LEA.63
Applicant	Gin Lao
Disclosure of Officer Interest	Nil
Date	15 September 2026
Author	Claire Thompson, Governance Coordinator
Authorising Officer	David King, Chief Executive Officer
Attachments	9.1 – Draft Lease

EXECUTIVE SUMMARY

(1) A draft commercial lease between the Shire of Denmark and Gin Lao is presented to Council for consideration following a disposal advertising period.

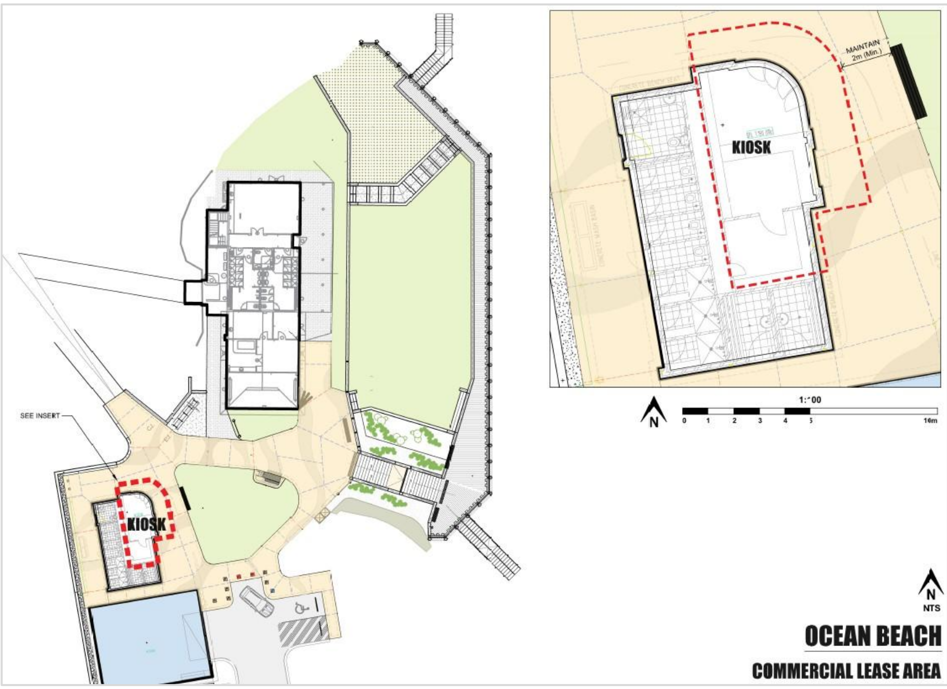
VOTING REQUIREMENTS

(2) Simple Majority

OFFICER RECOMMENDATION	ITEM 9.1
That Council APPROVE the draft lease as per Attachment 9.1, subject to the Chief Executive Officer obtaining Ministerial Consent.	

LOCATION

(3) Part of Reserve 24913, Lot 556 on Deposited Plan 71707.



BACKGROUND

(4) At the meeting held on 28 July 2026, Council consented to advertising a proposed lease to Haikam Sihapayaxay t/as Gin Lao by private treaty, with the following parameters.

Term	Duration	Rent
1	0-2 years	$1
2	+3 year option	100% of market value determined by independent valuation at the commencement of this term.
3	+3 year option	100% of market value determined by independent valuation at the commencement of this term.

(5) Council also resolved that the Chief Executive Officer include provisions in the draft lease specifying the nature and timing of any upgrades to the facility to be undertaken by the tenant.

DISCUSSION / OFFICER COMMENTS

(6) Following consultation with Shire officers, the Tenant has agreed to complete the following installations and improvements within three months of the lease commencement date, at the Tenant's cost and to the satisfaction of the Shire. These include:

- install a stainless steel bench with an integrated sink in the storeroom, including connection of the required plumbing services through the adjoining wall;
- install hygienic wall cladding behind the stainless steel bench in the storeroom and above the splashback area within the kiosk;
- replace the existing sensor-operated storeroom light with a manually operated on/off switch;
- supply and install a flyscreen to the storeroom door; and
- supply and install a suitable insect control device within the kiosk area.

(7) The above commitments have been included as a special condition in the draft lease.

(8) Given that there were no submissions or alternative expressions of interest received, Officers are recommending that Council approve the draft lease.

CONSULTATION AND EXTERNAL ADVICE

(9) Although the proposal was exempt from the statutory disposal advertising requirements because it had previously been offered by public tender without attracting any submissions, the proposed disposal was nevertheless advertised in the manner prescribed for a private treaty disposal. This additional process was undertaken to support transparency, particularly given the proposed concessional rent.

(10) The proposed lease was advertised for three weeks on the Shire’s Facebook page, Website and Notice Boards (Library and Administration Office), as well as in the Denmark Bulletin and the Albany Advertiser.

(11) There we no public comments or submissions received.

STATUTORY / LEGAL IMPLICATIONS

Local Government Act 1995

(12) Section 3.58 of the Local Government Act 1995 applies to the disposal of local government property, including by lease. Where a disposition is not made by public auction or public tender, section 3.58(3) enables disposal by private treaty provided local public notice is given, the required details are advertised, submissions are invited for at least two weeks, and any submissions are considered before the disposition is finalised.

Land Administration Act 1997

(13) Section 18 – transactions involving Crown land require prior approval from the Minister for Lands, including to lease.

STRATEGIC / POLICY IMPLICATIONS

Property Management Policy

(14) The Shire’s Property Management Policy, adopted by Council in August 2024, applies to commercial, community and other property arrangements. The policy defines a commercial lease as an arrangement where the tenancy is held to generate income from ongoing activities, and establishes a framework intended to support consistent and equitable tenure arrangements, long-term asset sustainability and appropriate commercial return.

(15) As the proposed kiosk operation is a commercial lease, the proposed initial lease terms do not fully align with the policy expectation that commercial leases provide a commercial return. The proposed nominal rent for the initial term is therefore a deliberate departure from the ordinary commercial lease position.

(16) This departure is considered justified as the kiosk has remained vacant despite being advertised, and market feedback has identified the uncertainty of trade, seasonal demand, weather dependency, limited facilities and tenant-funded fit-out costs as significant barriers to securing an operator.

(17) The rent structure is intended to support activation of the asset during the establishment phase, rather than permanently remove the kiosk from the commercial lease framework. The medium-term objective is that, if the business becomes established and demonstrates sustainable trade, the lease will progressively move toward greater compliance with the policy through a return to independently assessed market rent over subsequent terms.

FINANCIAL IMPLICATIONS

(18) There are no significant financial implications associated with this report noting that a commercial market rental valuation of $9,000 per annum (ex GST) was determined on 4 September 2025.

(19) The annual rent for the first 2 years will be $1.00 (ex GST) and it will be independently revalued prior to any further term.

(20) Any further term exercised will attract a rent equivalent to 100% of the commercial market valuation.

(21) As with all commercial tenancy leases, Council Rates will be levied following a Landgate valuation.

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

(25) 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 COMPLIANCE AUDIT RETURN 2025

File Reference	FIN.8
Applicant	Not applicable
Disclosure of Officer Interest	Nil
Date	15 September 2026
Author	Claire Thompson, Governance Coordinator
Authorising Officer	David King, Chief Executive Officer
Attachments	9.2 – Compliance Audit Return

EXECUTIVE SUMMARY

(1) The Audit, Risk and Improvement Committee (ARIC) has reviewed the 2025 Compliance Audit Return (CAR) and is required to report to Council the results of the review.

VOTING REQUIREMENTS

(2) Simple Majority

COMMITTEE RECOMMENDATION ITEM 9.2

That Council ADOPT the 2025 Compliance Audit Return for the period 1 January 2025 to 31 December 2025 noting that:

1. there were two areas of non-compliance relating to local law reviews and information contained within the tenders register; and
2. it is satisfied with the actions taken, in progress and proposed, as stated within the Officer Report.

LOCATION

(3) Not applicable.

BACKGROUND

(4) Each year a local government is required to review their compliance with key legislative requirements under the Local Government Act 1995 and associated regulations.

(5) The annual compliance period is 1 January to 31 December.

(6) This year's CAR is required to be submitted to the Local Government Inspector by 30 September 2026.

(7) At the 25 August 2026 meeting, the Audit, Risk & Improvement Committee resolved as follows:

"That following review of the 2025 Compliance Audit Return for the period 1 January 2025 to 31 December 2025, the Audit, Risk & Improvement Committee:

1. *REPORT that there were two areas of non-compliance relating to local law reviews and information contained within the tenders register;*
2. *ADVISE Council that the Committee is satisfied with the actions taken and actions proposed to be taken, as stated within the Officer Report;*
3. *RECOMMEND that Council adopt the 2025 Compliance Audit Return."*

DISCUSSION / OFFICER COMMENTS

(8) Two areas of non-compliance have been identified. Below are the details and any progress, actions completed or proposed.

Review of Local Laws (s 3.16)

(9) Schedule 9.3 relates to transitional provisions relating to the Local Government Amendment Act 2024. Clause 65 refers to the pre-amendment requirement of section 3.16 that local laws must be reviewed every 8 years.

(10) The Shire of Denmark has 8 local laws that have not been reviewed in the previous 8 years.

(11) The Pest Plants Local Law review commenced in 2025, with submissions being collated and anticipated to be presented to Council in August 2026 for advertising.

(12) Council initiated a review of the remaining 7 in March 2026. It was anticipated that a report with submissions would also be presented to Council in August 2026.

(13) ACTION: a review of the 8 local laws is in progress and will be completed by the 7 December 2026.

Tenders Register

(14) Regulation 17 of the Local Government (Functions and General) Regulations 1996 requires certain information to be recorded in a local government's Tender Register, and that the register be published online.

(15) While the register is now on the Shire's website in the correct format, not all information, dating back to 2020/2021 financial year, has been recorded. This is largely because the tender process for individual tenders can vary depending on which organisational team or officer is responsible.

(16) ACTION: the tender advertising and registration process has been transferred to the Shire's Governance Team to ensure future consistency and compliance.

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 7.13(ae)(i) – local government required to carry out an audit of compliance with such statutory requirements as are prescribed.

Local Government (Audit) Regulations 1996

(19) Regulation 13 – prescribes the statutory requirements of the CAR. These are the legislative provisions to which the local government must review the compliance of.

(20) Regulation 14(1) – local government must carry out a compliance audit of the local government's compliance with the statutory requirements prescribed by regulation 13, for the period 1 January to 31 December each year.

(21) Regulation 14(2)—(4) – Chief Executive Officer must provide a copy of the completed CAR to the ARIC which must review and report to Council the results of that review. The ARIC must make any recommendations that the committee considers appropriate in relation to the CAR.

(22) Regulation 15 – Adopted and signed CAR must be given to the Local Government Inspector.

STRATEGIC / POLICY IMPLICATIONS

(23) Nil

FINANCIAL IMPLICATIONS

(24) Nil

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.

9.3 REVIEW OF FINANCIAL MANAGEMENT, RISK MANAGEMENT, LEGISLATIVE COMPLIANCE AND INTERNAL CONTROLS

File Reference	FIN.8
Applicant	Not applicable
Disclosure of Officer Interest	Nil
Date	3 September 2026
Author	Kellie Jenkins, Executive Manager Corporate Services
Authorising Officer	Kellie Jenkins, Executive Manager Corporate Services
Attachments	9.3a – Regulation 17 Review Report 9.3b – Financial Management Review Report

EXECUTIVE SUMMARY

(1) This report presents the outcomes of the Shire of Denmark's 2026 Regulation 17 Review and Financial Management Review, both undertaken independently by Lincolns. The reviews provide assurance over the Shire's governance, risk, compliance, internal control and financial management systems and processes.

(2) The Regulation 17 Review concluded that the Shire has appropriate and generally effective systems for risk management, internal control and legislative compliance, with no systemic control failures identified. One medium-risk governance enhancement was identified relating to formalising fraud and corruption controls, with other recommendations focused on governance maturity and improved oversight.

(3) The Financial Management Review concluded that the Shire's financial management systems and processes generally operate effectively and support the management of public funds in all material respects. No high-risk matters were identified. One medium-risk matter relating to contract management oversight and three low-risk matters relating to cash handling, rate-exempt properties and purchase order timing were identified.

(4) At its meeting on 25 August 2026, the Audit, Risk and Improvement Committee resolved to recommend that Council receive both review reports and note their findings, recommendations and management comments.

VOTING REQUIREMENTS

(5) Simple Majority

OFFICER AND AUDIT, RISK AND IMPROVEMENT COMMITTEE RECOMMENDATION — ITEM 9.3

That Council:

1. RECEIVE the Regulation 17 Review Report of the systems and processes established by management in relation to risk management, internal control and legislative compliance, as required under the Local Government (Audit) Regulations 1996;
2. NOTE the findings and recommendations identified and management comments contained in the Regulation 17 Review Report;

3. RECEIVE the Financial Management Review Report prepared by Lincolns in accordance with Regulation 5(2)(c) of the Local Government (Financial Management) Regulations 1996; and
4. NOTE the findings, recommendations and management comments contained in the Financial Management Review Report, including the proposed actions to strengthen contract management oversight, cash handling documentation, rate-exempt property records and purchase order controls.

LOCATION

(6) Not applicable.

BACKGROUND

(7) Regulation 17 of the Local Government (Audit) Regulations 1996 requires the Chief Executive Officer to review the appropriateness and effectiveness of a local government's systems and procedures in relation to risk management, internal control and legislative compliance at least once every three financial years. The Chief Executive Officer must report the results to the Audit, Risk and Improvement Committee, which reviews the report and recommends to Council any actions it considers appropriate.

(8) Regulation 5(2)(c) of the Local Government (Financial Management) Regulations 1996 requires the Chief Executive Officer to ensure that reviews of the appropriateness and effectiveness of the local government's financial management systems and procedures are undertaken at least once every three financial years.

(9) Lincolns was appointed as an independent reviewer for both reviews. The reviews were conducted in accordance with the relevant assurance standard (ASAE 3000). The final reports set out the matters identified, recommended improvements and management's response to each matter.

(10) At its meeting on 25 August 2026, the Audit, Risk and Improvement Committee considered both review reports and supported the recommendations.

DISCUSSION / OFFICER COMMENTS

(11) The Regulation 17 Review assessed systems and processes for risk management, internal control and legislative compliance. It found that the Shire's core governance frameworks are in place and functioning, and that external and statutory assurance mechanisms are active and effective. No systemic control failures were identified.

(12) The Regulation 17 Review identified one medium-risk governance enhancement relating to development of a consolidated Fraud Control Framework. It also recommended clearer recognition of enterprise-level ICT, cyber security and business continuity risks in the Risk Management Register, periodic review of cyber insurance coverage, consideration of targeted assurance activities, periodic risk reporting, and reinstatement of the Public Interest Disclosure procedure on the Shire's website.

(13) Management supports a staged and proportionate implementation approach that builds on existing controls and reflects the Shire’s available staffing and financial capacity.

(14) The Financial Management Review assessed key systems and processes including procurement, contract management, accounts payable, cash handling, payroll, general ledger controls, rates and revenue, investments, asset management, budgeting and financial reporting. The review concluded that the Shire’s financial management systems and processes generally support the effective management of public funds in all material respects.

(15) The Financial Management Review identified no high-risk matters. The medium-risk matter relates to organisation-wide contract management oversight. The three low-risk matters relate to cash handling documentation and independent review, supporting records and periodic review of rate-exempt properties, and purchase orders raised after the invoice date in a small number of instances.

(16) Management comments support practical and proportionate improvements. Progress against agreed actions will be monitored through the Shire’s governance processes and reported to the Audit, Risk and Improvement Committee where appropriate.

CONSULTATION AND EXTERNAL ADVICE

(17) Both reviews were undertaken independently by Lincolns, with input from management and relevant Shire officers and review of supporting financial and governance documentation. The reports, findings and management comments were considered by the Audit, Risk and Improvement Committee before presentation to Council. No further consultation is required for Council to receive and note the reports.

STATUTORY / LEGAL IMPLICATIONS

Local Government Act 1995

(18) Section 7.1A establishes the requirement for local governments to have an Audit, Risk and Improvement Committee.

(19) Section 7.13 provides for regulations concerning audits, audit committee functions and reviews of prescribed systems and procedures.

Local Government (Audit) Regulations 1996

(20) Regulation 16 requires the Audit, Risk and Improvement Committee to review a report given to it by the Chief Executive Officer under Regulation 17 and report to Council the results of that review.

(21) Regulation 17 requires the Chief Executive Officer to review the appropriateness and effectiveness of the local government’s systems and procedures in relation to risk management, internal control and legislative compliance and report the results to the Audit, Risk and Improvement Committee.

Local Government (Financial Management) Regulations 1996

(22) Regulation 5(2)(c) requires the Chief Executive Officer to ensure that reviews of the appropriateness and effectiveness of the local government's financial management systems and procedures are undertaken regularly and at least once every three financial years.

STRATEGIC / POLICY IMPLICATIONS

(23) The reviews support the Shire's commitment to sound governance, accountability, risk management, legislative compliance, effective financial management and continuous improvement. Implementation of the recommendations will strengthen governance visibility, control documentation and oversight.

FINANCIAL IMPLICATIONS

(24) There are no immediate financial implications arising from Council receiving and noting the reports. Most recommendations can be progressed through existing administrative and governance processes. Any future actions requiring additional expenditure will be considered through the normal budget process.

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) The reviews are key governance and assurance activities. Receiving and noting the reports supports Council's oversight of the Shire's financial management, risk management, internal control and legislative compliance systems. Implementing agreed actions will strengthen fraud and corruption controls, contract management oversight, risk visibility, financial control documentation and governance transparency.

9.4 DENMARK CITIZEN OF THE YEAR AWARDS POLICY REVIEW

File Reference	ADMIN.2
Applicant	Not applicable
Disclosure of Officer Interest	Nil
Date	25 August 2026
Author	Andy Percy, Community Development Officer Renee Wiggins, Manager – Community Services
Authorising Officer	David King, Chief Executive Officer
Attachments	9.4a – Amended Denmark Citizen of the Year Policy 9.4b – Sportsperson of the Year Policy

EXECUTIVE SUMMARY

(1) A review of the Denmark Citizen of the Year Awards and Sportsperson of the Year Awards Policy recommends broadening eligibility for Community Awards to recognise outstanding contributions made through both volunteer and paid roles, with recognition based on community impact rather than employment status.

(2) The review also recommends repealing the Sportsperson of the Year Awards Policy and incorporating sporting achievements into the core Denmark Citizen of the Year Awards categories alongside contributions from all other sectors. This approach aligns with regional practice and supports a more inclusive and equitable recognition framework.

(3) A simplified awards structure is proposed comprising Community Citizen of the Year, Young Community Citizen of the Year, Senior Community Citizen of the Year, and Community Group/Event of the Year. The proposed changes will ensure the awards framework remains contemporary, inclusive, and reflective of the diverse contributions that strengthen the Denmark community.

VOTING REQUIREMENTS

(4) Simple Majority

OFFICER RECOMMENDATION — ITEM 9.4

That Council:

1. AMENDS the Citizen of the Year Policy as per Attachment 9.4a; and
2. REPEALS the Sportsperson of the Year Policy provided as Attachment 9.4b.

LOCATION

(5) Not applicable.

BACKGROUND

(6) The Denmark Citizen of the Year Awards have been held alongside the Sportsperson of the Year Awards and presented at the Volunteer Appreciation Event, previously held

annually in May. The event, whilst broadly positive, capped attendance numbers due to budget constraints and facility size. Over the previous four years, numbers varied from 70 to a maximum of 120.

(7) Community feedback suggested that nominees were not always able celebrate their nomination in front of friends and family because of the event capacity cap.

(8) Receiving the Denmark Citizen of the Year Award in front of a smaller crowd could also be viewed as diminishing its importance.

(9) This year, officers will seek to deliver the Denmark Citizen of the Year Awards as part of the annual end-of-year Christmas celebration, maximising community celebration. The current awards framework includes seven awards:

- Community Citizen categories (Youth, Senior and Open);
- Community Group recognition;
- Junior and Senior Sportsperson of the Year awards; and
- Recognition for Service to Sport.

(10) Officers undertook a review of awards frameworks across neighbouring Great Southern local governments to assess current practice and identify opportunities for improvement.

DISCUSSION / OFFICER COMMENTS

Award Categories

(11) A review of community awards programs across Albany, Plantagenet, Katanning, Esperance, and Ravensthorpe identified a consistent approach centred on broad Community Citizen of the Year recognition programs. These programs generally recognise contributions across a wide range of fields including sport, arts and culture, environmental stewardship, volunteering, and community service.

(12) The review identified that most local governments in the region do not include standalone Sportsperson of the Year awards. Instead, sporting achievement is recognised as one form of community contribution alongside many others.

(13) The existing structure creates an imbalance by providing additional dedicated recognition for sporting contributions without equivalent dedicated recognition pathways for contributions in areas such as arts and culture, environmental leadership, and community wellbeing.

(14) Officers propose a revised framework comprising:

- Community Citizen of the Year
- Young Community Citizen of the Year
- Senior Community Citizen of the Year, and
- Community Group/Event of the Year.

(15) Under this model all community contributions, including sporting achievements, would remain eligible for recognition through the core awards categories.

(16) It is to be noted that the Sporting Awards plaque located in the Recreation Centre that has been engraved annually since 1993 with winners, will no longer be updated, but will still be displayed.

Eligibility

(17) The review also identified an emerging trend towards contribution-based recognition models that celebrate leadership, inclusion, cultural contribution, environmental stewardship, and community impact.

(18) Currently, the Policy recognises voluntary contributions but does not clearly address contributions made through paid employment.

(19) Officers recommend that the Community Awards be open to all citizens whose achievements or contributions have delivered an outstanding benefit to the community, irrespective of whether that contribution was made in a voluntary capacity or through paid employment.

(20) This would enable Councillors to assess each nominee on the merit and community impact of their contribution, rather than on their employment status or the number of hours volunteered.

CONSULTATION AND EXTERNAL ADVICE

(21) 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

(22) Local Government Act 1995

(23) Section 2.7 – one of Council’s governing roles is to determine the local government’s policies.

STRATEGIC / POLICY IMPLICATIONS

(24) The report recommends a change to the policies associated with the award framework as outlined.

FINANCIAL IMPLICATIONS

Nil.

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) The proposed framework is intended to improve inclusivity and equitable recognition of community contribution across all sectors of community life.

(28) The revised model aims to ensure contributions in sport, arts, culture, environment, volunteering, and community development are recognised through a consistent and accessible framework.

RISK MANAGEMENT

(29) Risk Table

Risk	Risk based on history and with existing controls			Proposed Treatment/Control
	Likelihood	Consequence	Risk Rating	
Reputational Impacts: That Community perceives sporting achievements are receiving reduced recognition	Possible	Minor	Low	Implement clear communication that sporting achievements remain eligible and valued under the revised awards framework.

9.5 REPORT NAME – RISK MANAGEMENT POLICY

File Reference	ADMIN.2
Applicant	Not applicable
Disclosure of Officer Interest	Nil
Date	11 September 2026
Author	Kellie Jenkins, Executive Manager Corporate Services
Authorising Officer	Kellie Jenkins, Executive Manager Corporate Services
Attachments	9.5 – Risk Management Policy

EXECUTIVE SUMMARY

(1) The Shire's Risk Management Policy has been reviewed following the commencement of a Work Health and Safety Officer and its practical application in operational risk assessments.

(2) The proposed amendments:

- simplify and clarify the control rating framework;
- update the Human Impacts consequence descriptors to use recognised workplace injury classifications; and
- reorder the policy tables to reflect the sequence in which officers assess consequences, likelihood, risk ratings and the effectiveness of existing controls.
- clarify that a reportable risk is an Extreme rated risk or a risk that does not have the control rating required.

(3) The amendments are intended to improve the clarity and consistent application of the Policy. They do not alter the Shire's overall risk appetite, likelihood criteria, or risk-rating thresholds.

(4) Council is requested to adopt the amended Risk Management Policy.

VOTING REQUIREMENTS

(5) Simple Majority

OFFICER RECOMMENDATION	ITEM 9.5
That Council ADOPT the amended Risk Management Policy, as per Attachment 9.5.	

LOCATION

(6) Nil

BACKGROUND

(7) The Shire of Denmark adopted its Risk Management Policy on 28 April 2025 (Resolution 050425). The Policy is aligned with AS/NZS ISO 31000:2018 Risk Management Guidelines and establishes the organisation-wide framework for identifying, analysing, evaluating, and treating risk.

(8) The amended Policy sets out four key tables that quantify the Shire's risk appetite:

• Table 1 – Risk Management Consequences;

• Table 2 – Risk Management Likelihood;

• Table 3 – Risk Rating Matrix; and

• Table 4 – Risk Control Ratings.

(9) Following use of the Policy in operational risk assessments, amendments were identified to improve the clarity and practical application of the control-rating framework, Human Impacts consequence criteria, assessment table order and reportable-risk provisions.

(10) Table 1 – Human Impacts: The existing consequence descriptors use time-based restricted working day classifications rather than recognised injury categories used in work health and safety and insurance frameworks.

(11) Table 4 – Control Ratings: The existing rating labels may be counterintuitive because 'High' is assigned to the strongest control level (Level 1), while 'Very Low' is assigned to the weakest control level (Level 4). This is inconsistent with common risk management terminology.

DISCUSSION / OFFICER COMMENTS

(12) The proposed amendments improve the clarity, structure and practical application of the Risk Management Policy. They revise the control-rating framework and Human Impacts consequence criteria, reorder the assessment tables and amend the definition of a reportable risk.

Control rating framework

(13) The existing Policy contains four numbered control levels using the ratings High, Moderate, Low and Very Low. These terms may be confused with the separate risk-rating scale because a High control rating currently represents strong controls, while a Very Low control rating represents weak or inadequate controls.

(14) The amended Policy replaces the four numbered control levels with three control ratings:

- Effective, where controls are acceptable for identified high, moderate and low risk rating.
- Adequate, where controls are acceptable for identified moderate and low risk ratings but require frequent monitoring to manage occasional minor weaknesses; and

- Weak, where controls are absent or ineffective and the rating is only compatible with an identified low risk rating.

(15) The change removes potentially counterintuitive terminology and provides a clearer indication of the management response required. It also consolidates the two existing categories relating to inadequate controls into a single weak control rating.

(16) The changes to the control-rating framework are summarised below.

Previous framework	Amended framework	Reason for change
Four numbered control levels using High, Moderate, Low and Very Low	Three control ratings using Effective, Adequate and Weak	Simplifies the framework and avoids confusion with the separate risk-rating matrix
High represented the strongest control level, while Very Low represented the weakest	Each rating directly describes the effectiveness of the controls	Makes the terminology more intuitive and easier to apply
Two categories addressed different levels of inadequate controls	Consolidated into a single weak rating	Removes overlap and provides a clear escalation point

(17) The revised framework does not change how likelihood and consequence are used to determine the overall risk rating. It provides a clearer method for assessing whether existing controls are effective or if attention is required.

Human Impacts consequence criteria

(18) The Human Impacts criteria currently use a combination of injury descriptions and time-based restricted work periods. The amended criteria replace these descriptions with recognised workplace injury classifications.

(19) The revised classifications are:

- First Aid Injury;
- Restricted Work Injury;
- Medical Treatment Injury;
- Lost Time Injury; and
- fatality, permanent disability or multiple serious injuries requiring significant intervention.

(20) A note has also been included to clarify that Human Impacts include physical and psychosocial injury, harm or illness.

(21) The proposed amendments are summarised below.

Consequence level	Amended classification	Reason for change
Insignificant	First Aid Injury	Identifies a short-term, low-level injury requiring no more than first aid
Minor	Restricted Work Injury	Identifies an injury resulting in temporary restriction or modification of duties
Moderate	Medical Treatment Injury	Identifies an injury requiring treatment beyond first aid, with limited or no lost time
Major	Lost Time Injury, reportable incident, work-related illness or injury requiring extended recovery	Identifies more serious injuries and incidents requiring an extended response
Extreme	Fatality, permanent disability or multiple serious injuries	Retains the highest consequence level while clarifying its application

(22) The revised descriptors provide clearer classifications for assessing physical and psychosocial harm and support more consistent application when undertaking operational risk assessments and reviewing the corporate risk register.

Order of the assessment tables

(23) The four tables have been reordered to reflect the sequence in which officers undertake a risk assessment.

(24) Under the amended Policy, officers will:

1. assess the potential consequences of the risk;
2. determine the likelihood of the risk occurring;
3. use the risk-rating matrix to determine the overall risk rating; and
4. assess the effectiveness of the existing controls.

(25) The revised table order is:

- Table 1: Risk Management Consequences;
- Table 2: Risk Management Likelihood;
- Table 3: Risk Rating Matrix; and
- Table 4: Risk Control Ratings.

(26) Reordering the tables does not alter the assessment criteria. It provides a more logical sequence and makes the Policy easier for officers to follow and apply.

Reportable risks

(27) The reportable-risk definition has been amended. An Extreme-rated risk remains reportable; however, the second criterion now applies where a risk does not have the control rating required by Table 4 – Risk Control Ratings. This links the reporting threshold directly to the amended control-rating framework and provides clearer criteria for determining when a risk must be reported.

Effect of the amendments

(28) The proposed amendments update the terminology, classification and presentation of the risk-assessment framework and amend the second reportable risk criterion so it is linked directly to the control rating required by Table 4 – Risk Control Ratings. They do not change:

- the Shire's overall risk appetite;
- the likelihood criteria;
- the risk-rating matrix or thresholds;
- the remaining consequence categories; or
- the requirement to identify and manage risks through the Shire's risk-management processes.

(29) The amendments are expected to reduce the potential for inconsistent interpretation by providing clearer control-rating terminology, recognised Human Impacts classifications and a more logical assessment sequence.

CONSULTATION AND EXTERNAL ADVICE

(30) The Officer has considered the requirement for consultation and engagement with persons or organisations that may be unduly affected by the proposal, having regard to Council's Community Engagement Policy. As the amendments are administrative and technical in nature, no external engagement is considered necessary. Relevant staff will be briefed and provided with updated guidance before the next risk register review.

STATUTORY / LEGAL IMPLICATIONS

Local Government Act 1995

(31) Section 2.7(2)(b) provides that the council is to determine the local government's policies.

Local Government (Administration) Regulations 1996

(32) The Local Government (Administration) Regulations 1996 support the administrative framework within which Council makes and reviews policies relevant to governance and risk management.

Work Health and Safety Act 2020 (WA)

(33) The amended Table 1 Human Impacts criteria align the Policy's consequence classifications with recognised workplace injury categories and support the Shire's work health and safety obligations as a person conducting a business or undertaking (PCBU).

AS/NZS ISO 31000:2018 Risk Management Guidelines

(34) The Shire's Risk Management Policy is aligned with AS/NZS ISO 31000:2018. The proposed amendments support this alignment by using clearer control-rating and consequence terminology.

STRATEGIC / POLICY IMPLICATIONS

Risk Management Policy

(35) The amendments are consistent with the Policy's stated objective of achieving best practice risk management aligned with AS/NZS ISO 31000:2018.

FINANCIAL IMPLICATIONS

(36) There are no financial implications associated with the adoption of the amended Risk Management Policy. The amendments are administrative in nature and do not require additional budget allocation.

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

(40) A risk assessment has been undertaken per the Council's Risk Management Policy. The primary risks associated with this recommendation are set out in the below risk table:

Risk	Risk based on history and with existing controls			Proposed Treatment/Control
	Likelihood	Consequence	Risk Rating	
Human Impacts: That Shire staff are uncertain how to apply the revised rating categories, leading to inconsistent risk assessments.	Unlikely (2)	Minor (2)	Low (4)	Staff briefing and updated guidance notes to accompany the amended policy prior to next risk register review
Reputational Impacts: That Council is perceived as not aligning with best practice risk governance standards.	Rare (1)	Minor (2)	Low (2)	Adoption of amended policy demonstrably improves alignment with AS/NZS ISO 31000:2018 and WHS frameworks

(41) Overall, the risk profile associated with adopting the amended Policy is considered low. The amendments are expected to reduce the risk of inconsistent application by improving clarity and alignment with established standards.

9.6 REPORT NAME – INVESTMENT POLICY

File Reference	ADMIN.2
Applicant	Not applicable
Disclosure of Officer Interest	Nil
Date	7 September 2026
Author	Kellie Jenkins, Executive Manager Corporate Services
Authorising Officer	Kellie Jenkins, Executive Manager Corporate Services
Attachment	9.6 – Investment Policy

EXECUTIVE SUMMARY

(1) The Shire's Investment Policy has been reviewed following a minor finding raised during the interim audit for the year ending 30 June 2026. The audit identified an inconsistency between the annual review requirement in the body of the Policy and the "as required" review frequency recorded in the document control section.

(2) The proposed amendments clarify the review cycle and update the Policy's legislative references, terminology, responsibilities and investment controls. The changes are intended to ensure the Policy is clear, current and capable of consistent administration while retaining capital preservation, liquidity and legislative compliance as the primary investment objectives.

VOTING REQUIREMENTS

(3) Simple Majority

OFFICER RECOMMENDATION	ITEM 9.6
That Council ADOPT the amended Investment Policy, as per Attachment 9.6.	

LOCATION

(4) Nil.

BACKGROUND

(5) In 2025, the Shire commenced a comprehensive review of Council policies to ensure they remain current, relevant and effective. The Investment Policy was last reviewed by Council on 20 September 2022.

(6) During the 2026 interim audit, the auditor noted that the body of the Policy requires annual review, while the document control section records the review frequency as "as required". The auditor considered that this inconsistency creates ambiguity and may contribute to the Policy not being reviewed in a timely manner. The finding was rated minor, and the Shire agreed to review and update the Policy so that the review requirements are clearly defined and consistent.

DISCUSSION / OFFICER COMMENTS

(7) The review confirmed that the inconsistency should be resolved by removing the annual review requirement from the body of the Policy, while retaining “as required” as the review frequency in the document control section. A review will also be undertaken whenever relevant legislation, regulations or the Shire’s risk settings materially change. This approach addresses the audit recommendation and establishes a clear and practical review requirement.

(8) An annual review requirement is not prescribed by legislation and can result in unnecessary administrative reviews where no legislative, regulatory or operational changes have occurred. An "as required" review cycle, supported by monitoring of legislative and governance changes, provides a more practical and risk-based approach while ensuring the policy remains current.

(9) In addition to resolving the inconsistent review requirements identified by the audit, the broader review updates legislative references and terminology, clarifies authorised investments, responsibilities and administrative controls, and improves the Policy’s overall consistency.

(10) The amended Policy continues to prioritise the preservation of capital and liquidity ahead of investment return. It retains portfolio and counterparty limits, prohibits speculative investments and borrowing for investment purposes, and requires monthly reporting to Council. The preference for investing with non-fossil fuel lending institutions is also retained, where consistent with legislative requirements, risk limits, liquidity needs and value for money.

CONSULTATION AND EXTERNAL ADVICE

(11) The proposed amendments respond to the interim audit finding and recommendation. Relevant officers have reviewed the Policy from governance and financial management perspectives. Community consultation is not considered necessary because the Policy governs the internal investment of surplus Shire funds and does not alter service levels or directly affect an identifiable section of the community.

STATUTORY IMPLICATIONS

Local Government Act 1995

(12) Section 2.71(2)(b) – Council determines the local government’s policies.

(13) Section 6.14 provides the power for a local government to invest money held in the municipal fund or trust fund that is not required for immediate use, subject to prescribed restrictions.

(14) Section 5.42 enables Council to delegate powers and duties to the Chief Executive Officer, while section 5.44 enables the Chief Executive Officer to delegate powers and duties to employees, subject to legislative limitations and the Shire’s adopted delegation arrangements.

Local Government (Financial Management) Regulations 1996

(15) Regulation 19 requires a local government to establish and document internal control procedures over investments. Regulation 19C prescribes restrictions on the institutions, products, currency and maximum terms available to local governments when investing funds.

STRATEGIC / POLICY IMPLICATIONS

(16) The review supports sound financial management, accountable decision-making and effective governance. Adoption of a clear and current Investment Policy will assist administration to manage public funds prudently and consistently.

FINANCIAL IMPLICATIONS

(17) There are no direct budget implications arising from adoption of the amended Policy. The Policy provides the framework for investing surplus funds and managing investment risk. Investment returns will continue to vary according to available funds, market interest rates, liquidity requirements and the Policy's risk limits.

OTHER IMPLICATIONS

Environmental

(18) The Policy retains a preference for non-fossil fuel lending institutions where this can be achieved consistently with legislative requirements, capital preservation, liquidity, risk limits and value for money.

Economic

(19) Prudent investment of surplus funds supports the security of Shire funds and may generate interest revenue within the adopted risk framework.

Social

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

RISK MANAGEMENT

(21) A risk assessment has been undertaken in accordance with Council's Risk Management Policy. The principal risk is legal and regulatory non-compliance arising from unclear, inconsistent or outdated policy requirements. The proposed amendments reduce this risk by clarifying permitted investments, controls, responsibilities and review requirements.

(22) Risk Table

Risk	Risk based on history and with existing controls	Proposed Treatment/Control

	Likelihood	Consequence	Risk Rating	
Legal / Regulatory Compliance: inconsistent policy requirements may lead to non-compliance or weak governance.	Unlikely (2)	Minor (2)	Low (4)	Adopt the amended policy, set an as required review cycle and monitor legislative changes.

9.7 FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31 AUGUST 2026

File Reference	FIN.66.2026/27
Applicant	Not applicable
Disclosure of Officer Interest	Nil
Date	16 September 2026
Author	Scott Sewell, Financial Accountant
Authorising Officer	Kellie Jenkins, Executive Manager Corporate Services
Attachments	9.7 – August 2026 Monthly Financial Report

EXECUTIVE SUMMARY

(1) The Shire's Investment Policy has been reviewed following a minor finding raised during the interim audit for the year ending 30 June 2026. The audit identified an inconsistency between the annual review requirement in the body of the Policy and the "as required" review frequency recorded in the document control section.

(2) 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.

(3) The Shire of Denmark has prepared its Statement of Financial Activity for the period ending 31 August 2026.

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

VOTING REQUIREMENTS

(5) Simple Majority

OFFICER RECOMMENDATION	ITEM 9.7
That Council RECEIVE the Financial Activity Statements for the period ending 31 August 2026, incorporating the Statement of Financial Activity and other supporting documentation, as per Attachment 9.7.	

LOCATION

(6) Nil.

BACKGROUND

(7) 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.

(8) Council has endorsed a materiality threshold of greater than 10% or $50,000 for reporting variances (Resolution 030826). Variances meeting or exceeding this threshold must be explained.

DISCUSSION / OFFICER COMMENTS

(9) The Statement of Financial Activity for August 2026 reports a closing funding surplus of $12,832,819, compared with a balanced year-end position in the adopted budget. The primary year-to-date variances are:

a. Operating expenditure, which is $969,901 below budget;

b. Capital revenue, grants and contributions, which is $132,500 above budget;

c. Capital expenditure, which is $302.007 below budget.

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

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

	Adopted Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. $ (b)-(a)	Var. % (b)-(a)/(a)
	$	$	$	$	%
Opening Funding Surplus	**1,883,267**	**1,883,267**	**1,804,225**	**-79,042**	**-4%**
Revenue					
Operating revenue	16,501,156	13,384,098	13,386,122	2,024	0%
Capital revenue, grants and contributions	14,420,040	385,363	517,863	132,500	34%
	30,921,196	**13,769,461**	**13,903,985**	**134,524**	
Expenditure					
Operating Expenditure	-21,395,542	-3,419,336	-2,449,435	969,901	28%
Capital Expenditure	-17,297,727	-728,982	-426,975	302,007	41%

	-38,693,269	**-4,148,318**	**-2,876,409**	**1,271,909**	
Funding balance adjustments	5,888,806	1,001,454	1,018	-1,000,436	-100%
Closing Funding Surplus	**0**	**12,505,864**	**12,832,819**	**326,955**	**2.61%**

OTHER INFORMATION

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

INVESTMENT REPORT

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

(14) As at 31 August 2026, total cash holdings, including trust funds, were $9,849,427. This comprised:

- Municipal Funds totalling $3,422,045;
- Shire Trust Funds totalling $55,850;
- Restricted Reserve Funds invested totalling $6,371,532; and
- Unrestricted Municipal Funds invested totalling $2,372,551.

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

CONSULTATION AND EXTERNAL ADVICE

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

STATUTORY / LEGAL IMPLICATIONS

Local Government Act 1995

(17) 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.

(18) Section 6.14 outlines the power to invest for local governments.

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 Trustees Act 1962

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

STRATEGIC / POLICY IMPLICATIONS

Investment Policy

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

FINANCIAL IMPLICATIONS

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

(24) Financial impacts are addressed in this report.

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

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

9.8 PAYMENT OF ACCOUNTS FOR PERIOD ENDING 31 AUGUST 2026

File Reference	FIN.66.2026/27
Applicant	Not applicable
Disclosure of Officer Interest	Nil
Date	14 September 2026
Author	Nikki Westerberg, Senior Finance Officer
Authorising Officer	Kellie Jenkins, Executive Manager Corporate Services
Attachments	9.8 – Payment of Accounts – August 2026

EXECUTIVE SUMMARY

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

VOTING REQUIREMENTS

(2) Simple Majority

OFFICER RECOMMENDATION ITEM 9.8

That Council RECEIVE the payment of accounts totalling $1,668,416.05 for the month of August 2026, as per Attachment 9.8.

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.

9.9 REVIEW OF DOG AREAS POLICY

File Reference	ADMIN.2
Applicant	Not applicable
Disclosure of Officer Interest	The Author and Authorising Officer both own dogs
Date	16 September 2026
Author	Claire Thompson, Governance Coordinator
Authorising Officer	David King, Chief Executive Officer
Attachments	9.9a – Dog Areas Policy 9.9b – Amended Dog Areas Policy

EXECUTIVE SUMMARY

(1) The Dog Areas Policy has been reviewed for Council's consideration.

(2) The changes are mostly to provide consistency, clarification and the addition of the dog areas depicted in the Kooryunderup / Mt Hallowell Management Plan.

(3) An additional rural leashing area is recommended at Prawn Rock Channel, being the pathway around the island, as shown in Figure 1.

(4) It is also recommended that Berridge Park and Norm Thornton Park be made on lead dog areas. Playgrounds, skateparks and the like will still be prohibited areas.

VOTING REQUIREMENTS

(5) Absolute Majority.

OFFICER RECOMMENDATION	ITEM 9.9
That Council ADOPT the amended Dog Policy as per Attachment 9.9b.	

LOCATION

(6) Various locations within the Shire of Denmark local government area.

BACKGROUND

(7) The Policy was last reviewed in 2024 and required that the next review be completed prior to October 2026.

DISCUSSION / OFFICER COMMENTS

(8) The Kooryunderup / Mt Hallowell Management Plan 2025 – 2035 was adopted by Council in October 2025 and included some limited permitted access for dogs. The Plan was approved by the Minister in June 2026.

(9) These maps have been included in the draft policy.

Key Changes

Recommended Change	Reason
Remove reference to Equal Opportunity Act and Environmental Protection Act	They do not relate to this policy.
Remove Berridge Park as a prohibited area	Despite best efforts and appropriate signage, Shire Officers are aware that the public often take their dogs into Berridge Park on a leash. Berridge Park also provides a link between the north and south sections of the Mokare Walk Trail which is an on-lead dog area. On review, officers do not consider that there are any negative consequences of allowing dogs on lead in the grasses areas, and on paths within Berridge Park. The prohibition area still includes the playgrounds, skate park etc. and if events are run in the reserve dog prohibitions can be managed through the event approvals process.
Remove Norm Thornton Park as a prohibited area	As with Berridge Park, Norm Thornton Park provides a between the Kwoorabup Trail, the town centre and Berridge Park. Kwoorabup Park and the trail are both on-lead dog areas.
Remove Ocean Beach Road (R20578)	This reference is confusing and Figure 1 does not depict any prohibited dog area along Ocean Beach Road.
Remove Ocean Beach Road Reserve	This reference is confusing for the reasons stated above.
Clarified the prohibited area at Ocean Beach, to be up to 200 metres from the Denmark Surf Life Saving Club.	This was historically the defined area however, in 2024 when the maps were redrawn the 200m definition was removed and there is no distance delineated on the map.

Added Kooryunderup / Mount Hallowell Reserve – with reference to additional maps (Figures 5 and 6), in prohibited and rural leashing area sections.	This addition is consistent with the adopted Kooryunderup / Mount Hallowell Reserve Management Plan.
Amended preamble to Dog Exercise Area	To align with s 32 of the Dog Act 1976 which requires dogs in exercise areas to be held, tethered or supervised by a competent person.
Added the location of Laing Park.	No location previously provided.
Added name of Reserve 32279 and adjusted table.	To include name and include location in the correct column.
Amended “ParryVille” to “Parry Beach Campground”	More accurately reflects the intent. Parryville is a locality and the policy is only referring to the campground and car park area.
Corrected “Parrys Road” to “Parry Road”	This is the correct name of the road.
Amended “Ocean Beach” to “Prawn Rock Channel”.	This aligns with Figure 1.
Added additional leasing area around Prawn Rock Channel (island).	See new Figure 1. This creates an additional on-lead exercise area for dogs and their owners, particularly when water is inundating the off leash area to the east.

CONSULTATION AND EXTERNAL ADVICE

Should Council proceed with specifying the areas in the draft amended Policy, public notice will be provided for a period of not less than 28 days prior to the policy amendments coming into effect.

STATUTORY / LEGAL IMPLICATIONS

Local Government Act 1995

(10) Section 2.7 – one of the Council’s roles is to determine the local government’s policies.

Dog Act 1976

(11) Section 31(1) – A dog in a public place must be held by a person who is capable of controlling the dog or securely tethered for a temporary purpose.

(12) Section 31(2B) – local government may specify a public place, that is in its care, control or management, to be a place where dogs are prohibited either at all times, or at specified times. S 31(2A) exempts requirements under s 31(1) if this provision applies.

(13) Section 31(3A) - local government may specify a public place, that is in its care, control or management, to be a dog exercise area.

(14) Section 31(3B) - local government may specify a public place, that is in its care, control or management, to be a rural leashing area.

(15) Section 31(2) exempts requirements of s 31(1), if s 31(3A) (exercise area) applies or if s 31(3B) (rural leashing area) does not apply outside of a townsite.

(16) Section 31(3C) – local government required to give 28 days public notice of intention to specify prohibited places or times, exercise areas and/or rural leashing areas.

(17) Section 31(5) – local government must specify such dog exercise areas as are, in the opinion of the local government, sufficient in number, and suitable, for the exercising of dogs in the district.

(18) Section 32 – requires a dog in an exercise area or a rural area to be held, tethered or supervised by a competent person.

STRATEGIC / POLICY IMPLICATIONS

(19) See Attachment 9.9a for the current Dog Areas Policy.

(20) See Attachment 9.9b for the proposed amended Dogs Areas Policy.

FINANCIAL IMPLICATIONS

(21) The cost required to provide public notice can be accommodated within Council's adopted Budget.

(22) Should Council agree to extend the on lead area at Prawn Rock Channel, new signage will need to be purchased and installed. There are currently two signs and Shire Rangers would recommend an addition two.

(23) Signs at Berridge Park and Norm Thornton Park would require updating and additional signs will need to be installed at Kooryunderup / Mt Hallowell.

(24) The cost of the above signs can be accommodated within the Council's adopted Budget.

OTHER IMPLICATIONS

Environmental

(25) Clearly designating where dogs may be exercised off leash, must be leashed or are prohibited can reduce environmental disturbance by directing higher-intensity dog activity away from sensitive coastal, wetland, reserve and bushland areas. Dog-prohibited and leashing areas can help limit uncontrolled access to wildlife habitat, disturbance or pursuit of fauna, trampling of vegetation, erosion associated with movement away from established paths, and contamination from dog waste. Off-leash

areas concentrate recreational activity in places assessed as more suitable for that use, although these locations may require appropriate signage, waste facilities, monitoring and maintenance to manage cumulative impacts. The proposed restrictions applying to natural-reserve tracks, Ocean Beach, Peaceful Bay, Lights Beach and the Wilson Inlet area therefore provide a precautionary framework for balancing dog exercise with the protection of environmentally and culturally sensitive places.

Economic

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

Social

(27) Providing a balanced network of off-leash dog exercise areas, dog-prohibited areas and rural leashing areas supports the shared and equitable use of public spaces. Off-leash areas provide opportunities for dogs to exercise and socialise, while also encouraging recreation, social interaction and community connection among dog owners. Conversely, prohibiting dogs from public buildings, playgrounds, sporting surfaces and other identified locations helps protect children and other community members who may be vulnerable to, uncomfortable around, or adversely affected by dogs. Leashing requirements in townsites, natural reserves, campgrounds and other rural locations provide an additional level of control where dogs may encounter pedestrians, cyclists, campers or other animals. Collectively, these arrangements balance the interests of dog owners with public safety, accessibility and the ability of the broader community to enjoy public places with reduced risk of unwanted dog interactions. They also give practical effect to section 31 of the Dog Act 1976, which permits local governments to specify dog-prohibited places, dog exercise areas and rural leashing areas.

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.

10 MATTERS BEHIND CLOSED DOORS

11 NEW BUSINESS OF AN URGENT NATURE

12 CLOSURE OF MEETING