

SHIRE OF DENMARK

# Ordinary Council Meeting

# AGENDA

**30 September 2025**

TO BE HELD IN COUNCIL CHAMBERS, 953 SOUTH COAST  
HIGHWAY, DENMARK, ON TUESDAY, 30 SEPTEMBER 2025,  
COMMENCING AT 4.00PM.



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**1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS****2. RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE**MEMBERS:

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

STAFF:

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

ON APPROVED LEAVE(S) OF ABSENCE

Cr Donna Carman (Resolution No 130725)

ABSENT WITHOUT LEAVEVISITORS**3. DECLARATIONS OF INTEREST**

Name	Item No	Interest	Nature

**4. ANNOUNCEMENTS BY THE PERSON PRESIDING****5. PUBLIC QUESTION TIME****5.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**5.2 PUBLIC QUESTIONS**

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

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

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

Questions from the Public

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

Nil

**5.4 PRESENTATIONS, DEPUTATIONS & PETITIONS**

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

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

**5.4.1 LB PLANNING / TAKTICS 4 – PROPOSED SHOPPING CENTRE - ITEM 9.1.1**

Representatives from LB Planning and Taktics 4 will provide Council with information regarding proposed shopping centre - Item 9.1.1.

**5.4.2 DENMARK ENVIRONMENT CENTRE (DEC) - PRESENTATION - ITEM 9.3.1**

Representatives from Denmark Environment Centre (DEC) will give a 15 minute presentation related to prescribed burning.

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

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

**7. CONFIRMATION OF MINUTES**

**7.1 ORDINARY COUNCIL MEETING – 26 AUGUST 2025**

OFFICER RECOMMENDATION

ITEM 7.1

That the minutes of the Ordinary Meeting of Council held on the 26 August 2025 be CONFIRMED as a true and correct record of the proceedings.

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

Nil

## 9. REPORTS OF OFFICERS

### 9.1 DEVELOPMENT SERVICES

#### 9.1.1 PROPOSED SHOPPING CENTRE AT LOT 50 SOUTH COAST HIGHWAY, DENMARK

<b>File Ref:</b>	A457 (DA2025/37)
<b>Applicant / Proponent:</b>	LB Planning
<b>Subject Land / Locality:</b>	Lot 50 (#82-90) South Coast Highway, Denmark
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	18 September 2025
<b>Author:</b>	Craig Pursey, Manager Development Services
<b>Authorising Officer:</b>	David King, Chief Executive Officer
<b>Attachments:</b>	9.1.1a – Development Application report, plans and supporting technical documents
	9.1.1b – Schedule of Submissions
	9.1.1c – Local Planning Strategy 2024 extract
	9.1.1d – Traffic engineering assessment – additional information (Sept 2025)
	9.1.1e – Retail Development Peer Review
	9.1.1f – Taktics4 response to commercial issues

#### IN BRIEF

1. Council has received an application for a shopping centre at Lot 50 South Coast Highway, Denmark, comprising a supermarket, six specialty shops, plus a liquor store, and an ATM. The proposal is substantially similar to the previously approved development in 2017, with updated supporting documentation.
2. The Shire's Local Planning Strategy 2024 identifies Lot 50 as the preferred site for a future supermarket, subject to addressing potential impacts on the Town Centre through the inclusion of specialty stores, traffic, and pedestrian connectivity.
3. The application was advertised for 21 days, receiving 171 submissions. Key concerns raised include:
  - Impact on the commercial primacy of the Town Centre.
  - Traffic and access issues, particularly at Ocean Beach Road and Hardy Street.
  - Amenity impacts on nearby residential areas, including Amaroo Retirement Village.
4. In response, the applicant has:
  - Proposed a roundabout at Ocean Beach Road to address traffic concerns.
  - Committed to contributing to pedestrian and cycle linkages connecting the site to the Town Centre, Hamilton Reserve, and the Denmark Visitor Centre.
  - Provided acoustic and visual mitigation measures to reduce off-site impacts.

- Submitted a Net Benefit Test demonstrating long-term economic and social gains.
5. While the proposal may temporarily impact the Town Centre’s retail environment, demand for commercial floorspace is expected to grow significantly over the life of the Local Planning Strategy. Approval is recommended subject to conditions, including full developer funding of the roundabout and implementation of pedestrian infrastructure.
  6. Potential impacts upon the Town Centre in the short to medium term and recognition of the speed of growth in Denmark more generally, leads to recommendations to prioritise a planned placemaking project - the Enhancement and Activation Plan for the extent of Planning Area A – Denmark Town Centre and consider the South Coast Highway streetscape.

### VOTING REQUIREMENTS

7. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.1.1
That Council:	
<ol style="list-style-type: none"> <li>1. NOTE the submissions received at attachment 9.x.xb of this report.</li> <li>2. PRIORITISE the preparation of the <i>Enhancement and Activation Plan for the extent of Planning Area A – Denmark Town Centre</i> giving due consideration of bringing this project forward during the next consideration of the Council Plan: Our Future 2035.</li> <li>3. GRANT development approval to a proposed shopping centre at Lot 50 South Coast Highway, Denmark, subject to the following conditions:                             <ol style="list-style-type: none"> <li>a) Development shall be carried out and fully implemented in accordance with the details indicated on the stamped approved plans dated 30 March 2025, unless otherwise required or agreed in writing by the Shire of Denmark or modified by the conditions below.</li> <li>b) The land and buildings, the subject of this approval, shall be used for the purposes of the Shop only/or for any other purpose approved by the Shire of Denmark (Planning Services) in writing as being incidental to the predominant use of the land for its authorised purpose.</li> <li>c) Prior to the application for a building permit, a Sustainability Implementation Plan is to be prepared and implemented in consultation with the Shire of Denmark, detailing ecologically sustainable measures that can be incorporated into the development to the satisfaction of the Shire of Denmark. These should include, but not be limited to, consideration of water management, energy efficiency, transport and mobility, materials and construction, landscaping and biodiversity and waste management.</li> <li>d) Prior to the application for a building permit, engineering plans shall be submitted to and approved by the Shire of Denmark, detailing:                                     <ul style="list-style-type: none"> <li>• Crossovers and vehicle accessways</li> <li>• Updated car parking layout responding to roundabout access</li> </ul> </li> </ol> </li> </ol>	

- Internal and external footpaths (minimising stair use)
  - Hardy Street widening
  - Bicycle parking and associated infrastructure
- e) Prior to the application of a building permit, engineering plans providing details on the roundabout at Ocean Beach Road, intersection treatment upgrades/modifications, and associated infrastructure works being submitted to and approved by Main Roads WA.
- f) The South Coast Highway/Hardy Street intersection and Hardy Street/Mount Shadforth intersection being upgraded/modified, at the developer's expense, to the satisfaction of Main Roads WA and the Shire of Denmark as appropriate.
- g) Hardy Street being widened, at the developer's expense, to a minimum width of 7.0 metres between the South Coast Highway/Hardy Street intersection and the southern-most crossover to the site, to the satisfaction of the Shire of Denmark.
- h) Prior to occupation, the developer shall construct a roundabout at the intersection of South Coast Highway and Ocean Beach Road, to the satisfaction of Main Roads WA and the Shire of Denmark. The developer shall fund the full cost of the roundabout, including design, construction, and any associated land acquisition or vegetation clearing.
- i) Vehicle access to the site shall be via:
- i. Hardy Street (left-in/left-out only), and
  - ii. South Coast Highway via the new roundabout.
- j) Prior to occupancy of the development, such land required in association with the intersection treatment and road carriageway widening works is to be ceded to the Commissioner for Main Roads WA free of cost and without any payment of compensation.
- k) Existing infrastructure located within the Hardy Street and South Coast Highway road reserves shall be retained and protected during the construction period, with any damage to the infrastructure to be repaired by the developer at their expense to the satisfaction of the Shire of Denmark and/or Main Roads WA.
- l) Bicycle parking for a minimum of 12 bicycles is to be provided to the satisfaction of the Shire of Denmark.
- m) The vehicle crossovers to Hardy Street to be constructed, drained and sealed (concrete, asphalt or brick paved) to the satisfaction and specifications of the Shire of Denmark.
- n) Provision of a minimum 2.5 metre wide footpath (comprising brick paving and concrete, with brick paving being the predominant material (i.e. at least 50%)) to the specifications and satisfaction of the Shire of Denmark.
- o) A pedestrian and cycle linkage plan shall be prepared and implemented at the developer's expense, connecting Lot 50 to:
- i. Denmark Visitor Centre
  - ii. Hamilton Reserve
  - iii. Millar Street
  - iv. The existing concrete footpath in Hardy Street

- p) All vehicle parking, manoeuvring and circulation areas shall be suitably constructed, sealed (asphalt, concrete or brickpavers), drained, kerbed, marked, signed (where required) and thereafter maintained.
- q) No parking, display or storage of vehicles, equipment, materials or products associated with the approved land use shall occur within the adjoining road verge area(s) at any time.
- r) The installation of outdoor lighting shall be in accordance with the requirements of Australian Standard AS4282-1997: Control of the Obtrusive Effects of Outdoor Lighting.
- s) Prior to application for a building permit, a stormwater management plan is to be submitted to and approved by the Shire of Denmark, with such stormwater plan to be in accordance with water sensitive urban design principles (refer Advice Note 2).
- t) Prior to application for a building permit, a landscaping plan shall be submitted to and approved by the Shire of Denmark. The plan shall include:
  - i. Species, number, and location of proposed trees and shrubs (emphasis on native species)
  - ii. Verge vegetation retention and protection
  - iii. One tree per ten (10) car parking spaces
  - iv. A 6m wide landscape buffer along the northern boundary adjacent to Amaroo Retirement Village
  - v. Effective screening of the electrical substation at the western entry, or if not possible, the relocation of the substation.
  - vi. Reticulation, maintenance, and weed control measures
  - vii. Landscaping shall be completed prior to occupancy and maintained thereafter.
- u) All vegetation located in verge areas adjoining the site shall be retained and protected during the construction process to the specification and satisfaction of the Shire of Denmark
- v) Prior to occupancy of the development, all landscaping shall be carried out in accordance with the approved landscaping plan and thereafter shall be maintained as landscaping at all times.
- w) Prior to the application for a building permit, a separate site works plan is to be submitted, clearly showing all proposed retaining walls. Retaining greater than 1.0m high shall ideally be terraced, screened, painted or similar to reduce the visual impact from surrounding public spaces.
- x) Prior to application for a building permit, a site-specific noise report prepared by a suitably qualified acoustic consultant shall be submitted to and approved by the Shire of Denmark, with the recommendations of that report to be implemented to the satisfaction of the Shire of Denmark at all times. The report shall address any increase, or potential increase, in noise levels and the methods by which they can be attenuated so as not to increase the level of noise from the site to protect the amenity of the area. The report shall ensure that the loading/unloading arrangements, waste collection operations, and the refrigeration and air conditioning systems associated with the development are



taken into account. Refer to Advice Note (b) regarding comments about the noise assessment report lodged to date.

- y) Within three (3) months of occupancy of the supermarket, the developer shall provide, at their expense, a post-construction acoustic survey prepared by a suitably qualified acoustic consultant to the Shire of Denmark, to demonstrate that the assigned noise levels in the Environmental Protection (Noise) Regulations 1997 have been achieved.
- z) Delivery vehicles shall be limited to a maximum length of 14m and deliveries shall only occur between 7am and 10pm Monday-Saturday and 9am and 10pm on Sundays & Public Holidays.
- aa) The solid gates/doors to the loading dock are to be kept closed between the hours of 7pm and 7am daily unless a delivery vehicle is accessing or egressing the loading dock area.
- bb) All delivery vehicles must be located entirely on the site during loading and unloading of goods associated with the use of the site.
- cc) Rubbish enclosure areas adequate to service the development are to be constructed and provided in accordance with the Shire of Denmark Health Local Laws 1998 (as amended) – noting such areas are to have drainage sumps and hot & cold hose points.
- dd) Prior to the application for a Building Permit, a waste management plan shall be submitted to and approved by the Shire of Denmark (Environmental Health Services). The waste management plan shall be implemented at all times to the satisfaction of the Shire of Denmark (Environmental Health Services).
- ee) A Construction Management Plan shall be submitted to and approved by the Shire of Denmark as part of the Building Permit application, with such plan to address the following:
  - i. Access to and from the site.
  - ii. The delivery of materials and equipment to the site.
  - iii. The storage of materials and equipment on the site.
  - iv. The parking arrangements for contractors and sub-contractors.
  - v. Management of construction waste.
  - vi. Dust and sand mitigation measures.
  - vii. Construction times (if proposing different times to the relevant Regulations) and associated noise prevention measures.
  - viii. Other matters likely to impact on surrounding properties.
- ff) The provision of all services, including augmentation of existing services, necessary as a consequence of any proposed development shall be at the cost of the developer and at no cost to the Shire of Denmark.
- gg) The development is to be connected to a reticulated water supply provided by a licensed water provider.
- hh) The development shall be connected to sewer.
- ii) The existing colorbond fencing on the entire length of the northern property boundary to be retained unless the adjoining landowner agrees to the fence being removed (refer Advice Note 3). If a new fence is required, the design of any such fence shall be approved by the Shire of Denmark, with the pre-

development levels in the vicinity of such fence being retained such that the fence on both sides of the property is approximately 1.8 metres high.

- jj) No signage has been approved as part of this planning application – refer Advice Note (d).
- kk) As per Town Planning Scheme Policy No. 42: Public Art, the developer shall incorporate public art within the development or contribute financially to the Shire's Public Art Fund, with the value being determined on the basis of 0.5% of the value of the construction cost of development.
- ll) Should the developer seek to comply with this condition by incorporating public art within the development, prior to the issuance of a building permit, details of the proposed public artwork/s (having regard to Clause 6.3.1 of Town Planning Scheme Policy No. 42: Public Art) are to be submitted to and approved by the Shire of Denmark.

Or

Should the applicant/developer seek to comply with this condition via a financial contribution, such payment shall be made prior to the issuance of a building permit.

- mm) Immediately prior to the occupation of the development for its approved purpose, the developer shall notify the Shire of Denmark, in writing, of the effective completion of the approved development such that a Final Inspection can be carried out to determine compliance with the conditions contained on this Development Approval.
- nn) Prior to the application for a Building Permit, a schedule of materials and colours for roof and wall finishes shall be submitted to the Shire of Denmark (Planning Services) for approval.

**AND the following advice notes:**

- a) In regard to condition (h):
  - The Shire agrees that a portion of Hamilton Reserve (R46256) may be used to accommodate the roundabout and access to Lot 50, subject to minimising vegetation loss and approval by the Shire and relevant government agencies.
  - Main Roads and the Shire of Denmark encourage a roundabout design that does not necessitate the moving of existing infrastructure and is of a scale that responds to the low truck numbers and is in keeping with long-term plans for streetscape improvements to South Coast Highway.
- b) In relation to Condition (x), this approval does not imply acceptance and/or unconditional approval of the Noise Assessment Report (April 2017 as prepared by ND Engineering) accompanying this development application. I
- c) In relation to Condition (ii), evidence of such agreement from the adjoining landowner should be provided to the Shire of Denmark prior to any portion of the fence being removed.
- d) In relation to Condition (jj), consultation should occur with the Shire of Denmark regarding approval requirements for signs having regard to Town Planning Scheme No. 3 and Town Planning Scheme Policy No. 32: Signs.

- e) In relation to Condition (kk), it is considered that the forecourt area should be the focus of such public art given this area presents an opportunity to be a 'meeting point/focal point' within the development site.
- f) The proposed operations, during and after construction, are required to comply with the *Environmental Protection (Noise) Regulations 1997*.
- g) In regard to condition (c) Greenskills may be invited to comment on this plan and provide advice for consideration.
- h) It is the responsibility of the developer to ensure that building setbacks correspond with the legal description of the land. This may necessitate re-surveying and re-pegging the site. The Shire of Denmark will take no responsibility for incorrectly located buildings.
- i) It is the responsibility of the developer/owner to search the title of the property to ascertain the presence of any easements and/or restrictive covenants that may apply.
- j) The Shire's Principal Building Surveyor advises that the development must be certified by a private building surveyor contractor.

## LOCATION

- 8. Lot 50 (#82-90) South Coast Highway, Denmark (Lot 50) is an undeveloped, 9,986m<sup>2</sup> lot located on the corner of South Coast Highway and Hardy Street.
- 9. Lot 50 slopes consistently down from a high point adjacent to Hardy Street a low point 7m below at the eastern end of the property. There is a small area of remnant vegetation within the property, and the truck stop developed opposite the Ocean Beach Road intersection is half built within this property. A portion of what is locally known as 'car corner' is also located within Lot 50.
- 10. Surrounding land uses include low to medium density residential development, Amaroo Retirement Village, day care centre, service station, Denmark Visitors centre and Hamilton Reserve (R46256).
- 11. Lot 50 is zoned 'Commercial' by Town Planning Scheme No.3 (TPS 3), the site was previously approved for a shopping centre development, most recently in 2017.
- 12. Lot50 is approximately 400m uphill from the established town centre/main street environment that includes Strickland Street, and portions of South Coast Highway, Hollings Road and Mount Shadforth Road. This report refers to this area as the Town Centre.

Subject site in context showing zoning (Commercial zone in blue), proximity to town centre and key nearby land uses



## BACKGROUND

13. Lot 50 South Coast Highway, Denmark has been identified for a supermarket development since 2000. A summary of the zoning of Lot 50 and the history of consideration of supermarket proposals on this site is summarised below:
  - Part of Lot 50 was formerly Shire and Water Corp depots.
  - July 1999 – Lot 50 rezoned from 'Public Use' reserve to 'Commercial' zone via Scheme Amendment 24.
  - Feb 2000 – Shire sale of land to Denmark Co-operative
  - 2006 to 2008 – Shopping centre proposal in progress, Castelli Group and Denmark Co-operative work in partnership
  - Mar 2009 – Council refused proposal
  - Apr 2009 – State Administrative Tribunal appeal
  - Jan 2010 – Council approved amended proposal
  - Aug 2013 – Metcash purchase from Denmark Co-op
  - Nov 2013 – Development Assessment Panel (DAP) refused proposed shopping centre
  - Jan 2014 – State Administrative Tribunal appeal
  - Apr 2014 – DAP approved amended proposal
  - May 2014 - State Administrative appeal
  - Jun 2014 – DAP approved change to conditions
  - Oct 2017 – Renewed approval with amended plans
  - Oct 2019 - Approval for shopping centre development lapsed.

## APPLICATION OVERVIEW

### General

14. The application seeks fresh development approval for a shopping centre on a commercially zoned site (Lot 50, No. 82–90 South Coast Highway, Denmark), which was previously approved but lapsed in 2019.
15. The current application and the Shire's local planning framework are largely the same as when the shopping centre was last approved in 2017. This approval was assessed and determined over several years by the Council, Shire planning staff, Development Assessment Panel and State Administrative Tribunal. The assessments and conclusions of these previous approvals are accepted in this assessment.
16. This report concentrates on what has changed since this approval, being the submissions received during public advertising and the recommendations of the updated Local Planning Strategy 2024.
17. A full copy of the Development Application, including cover letter, plans and supporting technical documents, is found at Attachment 9.1.1a.
18. Key Components of the proposed Shopping Centre include:
  - Total Building Footprint: 3058 m<sup>2</sup>
  - Tenancies:
    - One supermarket (2050m<sup>2</sup> Net Lettable Area (NLA))
    - Six specialty shops (570m<sup>2</sup> NLA)
    - A Liquor Store (156m<sup>2</sup> NLA)
    - A proposed ATM
  - Parking:
    - 130 car parking bays (including disabled, motorbike, taxi, and trailer/caravan bays)
  - Access:
    - Vehicle access via Hardy Street and a left-in/left-out arrangement on South Coast Highway
    - Multiple pedestrian pathways connecting toward the town centre, Hamilton Reserve, and the Denmark Visitor Centre.
    - Delivery vehicles and loading dock accessed from Hardy Street.
  - Design & Built Form
    - Building steps down with the natural site contours to reduce fill and retaining walls.
    - Use of concrete tilt-up panels with soft colours and patterns
    - Colourbond roofing with pitched roofs and verandahs
    - Wave-like translucent canopy at the main entrance
  - Landscaping:
    - 6m buffer to Amaroo Retirement Village
    - Tree retention and soft landscaping to reduce visual impact

- Acoustic treatments and noise management plan for loading dock and mechanical equipment
- Sustainability features:
  - EV charging stations
  - Bicycle parking
  - Solar roof panels (to be considered)
- Public art planned in consultation with local artists
- Pedestrian & Connectivity Enhancements
  - Footpaths linking to South Coast Highway and Hardy Street
  - Potential new dual-use path to Millar Street
  - Possible pedestrian link through Hamilton Reserve and to the retirement village
  - Safe pedestrian access to the Denmark Visitor Centre

### **Supporting Reports (Attached to Application)**

19. Net Benefit Test: Seeks to demonstrate the economic and social benefits, including:
  - Retention of retail spending in Denmark.
  - Reduced travel to Albany.
  - Creation of 62 full-time equivalent jobs.
20. Traffic Assessment: Proposes that there are no adverse traffic impacts and adequate access for large vehicles.
21. Acoustic Report: Addresses noise concerns and includes a construction noise management plan.
22. Visual Renders: Show proposed development superimposed on site photos.
23. The development application report also provides considerable information seeking to address the Shire of Denmark planning framework and in particular the Local Planning Strategy 2024.

### **ADVERTISING & SUBMISSIONS**

24. The development application was advertised for 21 days (from the 16<sup>th</sup> May 2025 to the 6<sup>th</sup> June 2025) during which time 171 submissions were received. A Schedule of Submissions is found at Attachment 9.1.1b of this report, where all submissions are reproduced verbatim. The issues raised are summarised below:
  - Traffic and Road Safety Concerns
    - Increased congestion, particularly at the South Coast Highway and Ocean Beach Road intersection; concerns about Hardy Street becoming a major access route; safety risks for pedestrians and elderly residents.
    - Raised by: Over 100 submissions
  - Impact on Amaroo Retirement Village
    - Noise, light pollution, loss of amenity, safety concerns due to proximity of loading docks and increased traffic.

- Raised by: At least 40 submissions, including direct residents and Amaroo Care Services Inc.
  - Loss of Village Character / Town Centre Fragmentation
    - Fear that relocating the supermarket and adding specialty shops will split the town centre, reduce foot traffic in Strickland Street, and erode Denmark's village atmosphere.
    - Raised by: Over 80 submissions
  - Opposition to IGA / Lack of Competition
    - Concerns that the proposal does not introduce genuine competition; many residents indicated a preference for Coles, Woolworths, or Aldi due to pricing.
    - Raised by: Approximately 60 submissions
  - Impact on Small and Local Businesses
    - Risk of specialty shops in the new centre drawing business away from existing local retailers; potential closures and economic harm.
    - Raised by: Over 70 submissions
  - Noise and Environmental Impacts
    - Concerns about delivery truck noise, refrigeration units, and general disruption; impact on nearby bushland and Hamilton Reserve.
    - Raised by: Around 50 submissions
  - Parking and Accessibility
    - Insufficient ACROD bays, inadequate caravan/trailer parking, concerns about car park layout and traffic flow.
    - Raised by: Over 30 submissions
  - Lack of Housing and Workforce
    - Questions about where new employees will live, given Denmark's housing shortage; concern about staffing specialty shops.
    - Raised by: Around 20 submissions
  - Support for the Proposal
    - Some residents support the development for improved parking, accessibility, and potential economic growth.
    - Raised by: Approximately 30 submissions
25. Main Roads WA made a significant submission, particularly as they are the government agency that grants access to South Coast Highway. Concerns raised by Main Roads include:
- Suggest the minimum design vehicle 19m semi (as of right vehicle) be adopted. South Coast Highway (SCH) is currently RAV 4 rated, which allows a vehicle up to 27.5m long. The design vehicle used in the Traffic Assessment is a 14m long articulated vehicle.
  - The Traffic Assessment also makes reference to this section of SCH being 60km/h; SCH is 40km/h, not 60km/h.

- The proposed access from SCH is not supported. The proposed access and associated isolated widening (slip lane and left out) on SCH opposite the Denmark Visitor Centre access will most likely encourage higher speeds, create greater conflicts and undesirable vehicle movements (weaving) and therefore a greater crash risk. While the proposed access is consistent with the 2017 proposal, it is suggested that the proposed widening is no longer in keeping with the overall strategy to create a low-speed environment on SCH and Denmark Townsite.
- As you are aware, a previous in-principle agreement has been given for creating a new four-way roundabout at Ocean Beach Road intersection. It is considered that this treatment would provide excellent access to the development, better control of vehicle speeds, improve pedestrian access and enhance the streetscape. The Shire is encouraged to pursue this option with the developer as a condition of approval.
- The proposed widening of SCH at Hardy Street is not supported. Widening at this location may simply increase speed on this section of SCH. Creating the main access via the roundabout would most likely negate the need to widen the intersection. However, note that the adoption of the correct design vehicle may dictate whether widening of Hardy Street is required.

#### **APPLICATION OF THE LOCAL PLANNING STRATEGY 2024**

26. The final version of the Shire of Denmark Local Planning Strategy 2024 (the Strategy) was gazetted on the 13<sup>th</sup> of August 2025. The Strategy discusses commercial development generally and specifically acknowledges Lot 50 as a supermarket site.
27. A full extract of the Local Planning Strategy 2024 as it relates to commercial development and Lot 50 is found at Attachment 9.1.1c.
28. The Local Planning Strategy also now articulates a strong desire for ecologically sustainable development (Section 3.1.7). This is supported by a submission from Greenskills calling for “the proposal to be a shining example for how such developments can meet the aspirations of the community expressed in community strategies and plans.”
29. The significance of the Strategy recommendations was discussed with the applicant as part of pre-lodgement discussions. The application seeks to address the requirements of the Strategy, specifically providing detailed information on pedestrian links, traffic impacts, visual amenity and the entry to town, built form and a Net Benefit Test that discusses the potential impact of locating small specialty stores away from the town centre core area.
30. In summary, the following key areas are relevant.

#### **Strategic Importance of Lot 50**

31. Lot 50 is the only undeveloped, relatively unconstrained, and sufficiently sized commercial site near the Denmark Town Centre suitable for a major supermarket development.
32. Previous approvals for supermarket development on Lot 50 have lapsed, but the site remains strategically important for future commercial growth.



### Risks and Impacts

33. Fragmentation Risk: Lot 50 is approximately 400m uphill from Strickland Street, the heart of the Town Centre. Development here risks splitting commercial activity into two nodes, potentially harming the vibrancy and viability of the main street precinct.
34. Pedestrian Connectivity: Strong pedestrian links to Strickland Street are essential to mitigate this risk and encourage foot traffic between nodes.
35. Traffic Impacts: Development must address increased traffic flows, including the construction of a roundabout at the Ocean Beach Road intersection.
36. Visual Amenity: The site is a key western entrance to Denmark. Development must include design and screening to minimise visual impact.

### Planning Controls and Requirements

37. Any future development application for Lot 50 should address the following (extract from LPS):

*“e. Notwithstanding provision (d)(i), support a retail complex on Lot 50 D098777 (#82-90) South Coast Highway, and introduce planning controls within LPS4 to ensure future development considers the following matters:*

- i. The development of pedestrian linkages and connectivity to the surrounding area and the existing Town Centre, and provide for development that activates the public realm and fosters a pleasant pedestrian environment;*
- ii. Assessment of traffic impacts and provision for improvements to the road network, including the need for a roundabout at the intersection of South Coast Highway and Ocean Beach Road;*
- iii. Assessment of visual amenity and mitigation of impacts on the western entrance to Denmark Town Centre;*
- iv. Assessment of commercial and social impacts through a Needs Assessment and Net Benefit Test to inform an appropriate limitation on the number of small specialty tenancies, noting that it is expected that a significant number of small tenancies would impact the commercial primacy of the Town Centre main street environment.*
- v. Built form considerations including appropriate scale, function and context of the area in consideration of:*

- topography and important views*
- the local urban morphology (pattern of streets and blocks)*
- building proportions, scale and heights*
- intended future precinct character*
- scale and design of the public realm*

*f. Facilitate place-making initiatives to enhance the primacy, vibrancy and economic viability of the Town Centre’s main street shopping environment, in collaboration with the local community and businesses.”*

**MAJOR MATTERS TO BE CONSIDERED**

38. The submissions received and the recommendations of the Local Planning Strategy 2024 raise many common concerns and issues for addressing. These can be broadly summarised under the following headings:

- Access - Traffic, Pedestrian and Service Vehicles
- Impact on the Commercial Primacy of the Town Centre Main Street Environment.
- Built Form/Village Feel
- Potential off-site impacts
- Sustainability Measures

**Traffic Access**

39. Access to the proposed development for vehicles was to be from Hardy Street and a left in/left out arrangement onto South Coast Highway. This is the same arrangement approved in 2017 with the support of Main Roads WA. This results in significant road widenings of both South Coast Highway and Hardy Street and necessitates to moving of high voltage power line infrastructure.
40. Main Roads WA indicated in their latest submission that they no longer support this access arrangement as it will compromise the slow-speed environment that is sought by the Shire and Main Roads WA at the entry to town.
41. The Local Planning Strategy identifies the need to explore a roundabout at this intersection if a supermarket is proposed on Lot 50, and Main Roads WA have made it clear that a roundabout is a precondition for access approval. This is consistent with Shire planning in order to create a slow speed, attractive entry to town, starting at Hardy Street and extending through to Hollings Road.
42. To support this further, the development approval from 2017 has a specific condition that foreshadows a roundabout at this intersection by stating:
- “8. In the event that the future development and improvement of the South Coast Highway/Ocean Beach Road intersection provides alternative access to the development site, the left in-left out access onto South Coast Highway will be closed and an appropriate development contribution will be sought towards such intersection treatment by Main Roads WA.”
43. Many public submissions raised concern with the proposed access arrangement and for the potential to cause issues at the already busy intersection at Ocean Beach Road, and increase traffic to Hardy Street, currently a quiet residential environment.
44. These issues (along with a full copy of a redacted schedule of submissions) were presented to the applicant for consideration, seeking a response. The applicant has revised their Traffic Engineering Assessment and provided additional information, found in full at Attachment 9.1.1d.
45. As a result, access to the development is proposed to be altered as follows:
- Provide an entry roundabout at Ocean Beach Road and South Coast Highway.

- Change the entry from Hardy Street to be left in-left out only, thereby reducing traffic movements to the development from Hardy Street to residential traffic approaching from the north only.
46. The applicant's roundabout design is overly large and needs to be adjusted to miss the existing power poles. Main Roads WA and Shire staff provided feedback to the applicant that a more modest roundabout that minimises the impact on existing infrastructure and surrounding land uses would be more acceptable. There is general agreement between the applicant, Main Roads, and the Shire for this design, although final designs are still subject to more detailed Main Road approval processes.
47. The more modest, realigned roundabout would need to utilise a portion of Hamilton Reserve (R46256) if it is to avoid triggering major infrastructure realignment. This reserve is a C Class reserve for recreation under the management of the Shire of Denmark. Developing a road through a portion of this reserve is permissible; however, the amount of land use will need to be kept to a minimum to limit impact on existing vegetation.
48. This roundabout and access to the shopping centre will keep costs realistic and have less impact on the parking design and numbers.
49. Whilst the applicant has now agreed that a roundabout is the best access to the proposed development, who pays for this infrastructure may be contested.
50. Although the roundabout represents a key piece of infrastructure and will likely be necessary in the future as traffic volumes increase, there is a strong case for requiring the developer to cover the full cost of its construction at this point in time, for several reasons:
- Current and projected traffic volumes do not warrant an upgrade of this intersection within the timeframe of the Local Planning Strategy.
  - Main Roads WA will not permit access to Lot 50 for the development unless a roundabout is provided, placing the onus and timing squarely on the developer.
  - The need for a roundabout arises directly from the proposed development, making it an immediate requirement.
  - The cost of the previously approved access arrangements—such as road widenings and a left-in, left-out access point onto South Coast Highway—would have been considerably higher, given that these would require moving high voltage power lines. As mentioned above, the Shire, with support from Main Roads WA, is now open to a more modest roundabout design that fits within the existing gap between power poles, eliminating the need to relocate infrastructure. Consequently, the expense of constructing the new roundabout is almost certainly less than what would have been involved with the original access solution.
51. The Shire does not currently have any plans to construct a roundabout at this location, nor do existing or projected traffic volumes—absent the proposed supermarket—warrant such an upgrade within the next decade. The necessity for this infrastructure is directly linked to the development itself. While the Shire's contribution may be limited to providing a portion of land within Hamilton Reserve to facilitate access, this land allocation offers significant benefits to the developer, including improved parking capacity, a better aligned intersection and roundabout, and notably reduced

construction costs. Should the reserve not be utilised, substantial infrastructure relocation may become necessary.

### **Pedestrian Access**

52. The development application acknowledges that “safe and easy accessibility to the site for pedestrians/cyclists with strong connections to the main street are particularly important in the context of this proposal”. The proposal includes the following elements:
- A footpath connecting South Coast Highway to the main entry forecourt.
  - All abilities ramp from Hardy Street to the main forecourt.
  - Ramp and path connection from the public open space (POS) to the car park.
  - A 2.5m wide path edges the entire development along Hardy Street and South Coast Highway.
53. The application states the developer is willing to consider contributing to broader connectivity by:
- The proponent is willing to consider a fair and reasonable contribution to a dual-use path from the site to Millar Street (north side of South Coast Highway).
  - Open to exploring pedestrian linkages through Hamilton Reserve, potentially connecting to the adjoining retirement village.
  - Also willing to consider a safe pedestrian link to the Denmark Visitors Centre on the southern side of South Coast Highway.
  - Extend the sealed footpath down Hardy Street to complete the path network in this area.
54. Pedestrian access in and immediately around the proposed development is acceptable. It provides safe connectivity through the car park to the shopping centre and appropriate levels of infrastructure throughout.
55. The Local Planning Strategy highlights the need to connect a shopping centre to the Town Centre and the surrounding area. The proposed shopping centre brings the demand and need for the pedestrian links; it is recommended that they be provided entirely at the proponent’s expense and to the satisfaction of the Shire of Denmark.

### **Service Vehicles**

56. The proposal is for service trucks to access Lot 50 from Mount Shadforth Road and along Hardy Street to a service dock on the Hardy Street frontage. The ‘Traffic Engineering Assessment’ lodged with the application discussed the service vehicle access arrangement, the key elements are summarised as follows:
- Trucks (up to 13.5m long, articulated) will access the loading bay via Hardy Street.
  - Access route includes South Coast Highway → Strickland Street → Mount Shadforth Road → Hardy Street.
  - Vehicles will approach from the north, turn left into a designated loading zone, reverse into the bay, and exit left onto Hardy Street.
  - From Hardy Street, trucks can turn left or right onto South Coast Highway.
  - Swept path assessments confirm safe access for 14m long articulated vehicles, slightly longer than expected, ensuring conservative design.

- Kerb modifications may be considered to allow simultaneous truck exit and passenger vehicle entry.
  - Swept path diagrams demonstrate the feasibility and conservative nature of vehicle manoeuvrability.
  - Access arrangements are consistent with previously approved development plans.
57. Concerns raised by residents in Hardy Street focussed on increase in traffic, the introduction of heavy vehicles to a quiet residential street and the inadequate width of Hardy Street to handle trucks and more traffic.
58. Main Roads WA raised concern that the size of truck used in the applicant's assessment only modelled 14.5m trucks when the road is warranted for up to 19m.
59. A redacted copy of the schedule of submissions was provided to the applicant for a response, further information from the traffic engineer is provided at Attachment 9.1.1d.
60. The Traffic Engineers make the following relevant comments that appear to address many of the concerns raised:
- Larger delivery vehicles will access the site via Hardy Street, consistent with previous approvals.
  - This approach separates delivery traffic from general and pedestrian traffic, aligning with good practice.
  - A 14m long articulated vehicle was used for swept path analysis, which is longer than the expected maximum truck size (13.5m), making the assessment conservative.
  - A permit condition is expected to limit truck size to 14m.
  - Concerns about infrastructure damage on Mt Shadforth Road are addressed by proposed road widening and kerb modifications.
  - Noise and lighting concerns are outside the traffic consultant's scope, but mitigation measures (e.g., baffling, acoustic treatment, delivery time restrictions) are expected under EPA and Shire conditions.
61. It should also be considered that whilst Hardy Street is currently a relatively quiet residential road, deep sewerage is planned for this area, and the Local Planning Strategy earmarks it for medium density development. The majority of Denmark's developing residential areas are to the north of the townsite, it could be expected that this will cause an increase in the traffic numbers over time using Hardy Street.
62. Hardy Street is unlikely to remain a quiet residential environment, even without considering the shopping centre development.
63. As suggested by the applicant, a condition of approval should be included restricting the timing of deliveries and the size of trucks (to a maximum of 14m) servicing the shopping centre.

## **Impact on the Commercial Primacy of the Town Centre Main Street Environment**

### Consultants' Reports and Information

64. Many submissions raised concern about the impact of being located away from the Town Centre, potentially drawing business away from existing local retailers, reducing foot traffic in Strickland Street and causing economic and social harm to the fabric of town.
65. The Local Planning Strategy 2024 also recognises this issue by recommending consideration of an appropriate limitation on the number of tenancies within a future supermarket development at Lot 50, specifically stating:
- “Assessment of commercial and social impacts through a Needs Assessment and Net Benefit Test to inform an appropriate limitation on the number of small specialty tenancies, noting that it is expected that a significant number of small tenancies would impact the commercial primacy of the Town Centre main street environment.”
66. Consideration of this matter is a key decision point in the shopping centre application. As a result, external professional advice on this matter has been sought in preparing this assessment from three separate sources:
- The author of the Shire’s Commercial and Industrial Needs Assessment (that underpins the Local Planning Strategy).
  - The applicants retail planning professional.
  - Solve Property Group who peer reviewed the applicants retail advice.
67. The applicant has provided a ‘Net Benefit Test’ with the application, which concluded:
- Market Retention: The proposal will help retain more supermarket and convenience retail spending within Denmark, reducing leakage to Albany.
  - Economic Boost: All Denmark Town Centre retailers could benefit from increased convenience retail spending and economic opportunities.
  - Reinvestment in Town Centre: The development may allow the existing supermarket space to be repurposed for non-retail uses.
  - Modest Expansion: The proposal adds:
    - 850 sqm of new supermarket floor space
    - 500 sqm of additional convenience retail space
  - No Negative Regional Impact: It will not adversely affect retail centres in Albany or nearby towns.
  - Reduced Travel: Expected to reduce up to 155 person trips per day (≈57,000 annually) to Albany, saving:
    - 6.25 million km in vehicle travel per year
    - 57,000 hours of travel time annually
  - Community Benefits:
    - Greater local access to goods and services
    - Increased local spending as population and tourism grow
    - Creation of approximately 62 full-time equivalent jobs

- Policy Alignment: The proposal aligns with the WAPC Statement of Planning Policy 4.2 for out-of-centre developments.
68. A full copy of the Net Benefit test is included at Attachment 9.1.1a of this report.
69. A 'Net Benefit Test' is an assessment called up by State Planning Policy 4.2 – Activity Centres (SPP4.2) and is essentially a test of the impact of a new centre on the sustainability of an existing centre.
70. Given this specialist area of expertise, Solve Property Group was engaged to undertake a Peer Review of the initial Net Benefit Test. This peer review concluded:
- The report reviews a proposal to build a new shopping centre just 300m west of Denmark's main town centre.
  - The new centre would include:
    - A larger supermarket (moving SupalGA from the town centre)
    - Seven smaller retail shops
  - The proposal is considered an "out-of-centre" development, meaning it's not part of the existing town centre.
  - The original report (by Taktics4) used a trusted model to predict how the new centre would affect local shopping habits. This review agrees that the model is reliable.
  - However, the review found several problems with the original report:
    - It overestimates how much local spending stays in Denmark.
    - It doesn't properly measure the negative effects on the existing town centre.
    - It mislabels the new centre as part of the town centre, which is misleading.
    - It fails to calculate how much sales and foot traffic the town centre might lose.
  - If the new centre is built:
    - It could delay or prevent a major supermarket (like Coles or Woolworths) from coming to Denmark.
    - It might pull away up to 18.7% of retail space and spending from the town centre.
    - This level of impact is considered "high risk" and could weaken the town centre's role as the main shopping area.
71. A full copy of the Retail Development Peer Review is included at Attachment 9.1.1e of this report.
72. In response to the schedule of submissions and this peer review, the retail planning consultant, Taktics4, provided more information which is summarised as follows:
- SPP4.2 Not Suitable for Regional Contexts
  - Town Centre Integrity Maintained
    - The proposed development is adjacent to the town centre and closer than some existing businesses.
    - It enhances retail offerings without removing the town's central role as a social and commercial hub.
  - Supermarket Relocation = Net Community Gain

- The town gains a larger, more diverse supermarket—not losing one.
    - This supports local shopping and reduces reliance on regional centres like Albany.
  - Specialty Shops Impact Minimal
    - Six new specialty stores will not significantly affect the 45 existing retailers.
    - Most current shops are car-accessed and not dependent on proximity to the existing supermarket.
  - Strategic Redevelopment Opportunity
    - The proposal offers a rare chance to attract major retail investment.
    - Land fragmentation in the current town centre makes large-scale redevelopment difficult.
  - Risk of Decline Without Development
    - Blocking the proposal may lead to stagnation and gradual decline of the town centre.
    - Residents may increasingly shop in Albany, reducing local revenue and job opportunities.
  - Escape Spending Claims Unsubstantiated
    - No solid evidence supports claims that locals prefer shopping in Albany.
    - Denmark’s current supermarket has one of the highest turnovers per square metre in WA.
  - Conclusion
    - The proposed development is a strategic opportunity to enhance retail diversity, support local economic growth, and future-proof Denmark’s town centre. Concerns about competition and centre impact are outweighed by long-term community benefits.
73. A full copy of the Retail Development Peer Review is included at Attachment 9.1.1f of this report.
74. The Shire of Denmark planning framework acknowledges Lot 50 as a suitable site for a supermarket, being the closest site to the Town Centre of a size, in a single ownership, capable of being developed.
75. Lot 50 was rezoned to Commercial in 2000 specifically to accommodate a supermarket.
76. The issue under consideration is the number of specialty stores and the potential risk to the Town Centre of allowing too many specialty stores to locate in an ‘out of town’ location. This would have a potential ‘social’ impact by reducing the viability of existing businesses and reducing foot traffic and vibrancy of the Town Centre and is therefore a planning consideration.
77. The retail consultants do not agree as to the applicability of the state planning policy, the information that should be provided in the Net Benefit Test and the potential impact upon the retail environment in the Town Centre.



78. This table compares the approaches of two consultants—Taktics4 and Solve Property—regarding the impact of the proposed shopping centre at Lot 50 Hardy Street on the Denmark Town Centre.

<b>Assessment Criteria</b>	<b>Taktics4 – Net Benefit Test</b>	<b>Solve Property – Peer Review</b>
Classification of Proposal	Treated as part of Denmark Town Centre	Clearly identified as an out-of-centre development under SPP4.2
Modelling Approach	Retail Gravity Modelling to simulate consumer behaviour	Peer review of gravity model; calls for retail turnover impact analysis
Framing of Impact	Positive – retains spending currently escaping to Albany	Negative – risks undermining Denmark Town Centre’s role
Retail Turnover Impact	Not quantified	Required under SPP4.2 but missing from Taktics4 report
Employment Impact	Estimated 62 FTE jobs	Overestimated by ~100%; methodology questioned
Impact on Town Centre Floorspace	Additional 850 sqm supermarket and 500 sqm convenience retail	Loss of 1,200 sqm supermarket and up to 700 sqm specialty retail from Town Centre
SPP4.2 Compliance	Claims alignment with Net Benefit Test	Finds multiple non-compliances and missing mandatory elements
Risk Level to Town Centre	Minimal – benefits outweigh impacts	High – >10% impact on retail floorspace; long-term recovery required
Conclusion	Proposal supports vibrancy and local spending retention	Proposal likely to undermine Town Centre’s long-term viability

79. Further analysis received from the author of the Shire’s Commercial and Industrial Needs Assessment (that underpins the Local Planning Strategy) states that an additional 824 square metres of specialty retail and 2,030 square metres of supermarket space is proposed to be developed within the next five years. This would exceed the anticipated need for extra commercial space by 2031 by approximately 24 per cent, but it remains within the projected demand expected by 2036. The introduction of this extra 2,854 square metres is likely to result in some commercial vacancies in the town centre for a number of years, until population growth and consumer spending increase to match the supply. Given the current total commercial floorspace in the town centre is 17,920 square metres, this oversupply could lead to about 540 square metres of vacant space, equating to a vacancy rate of between 2 and 3 per cent over the coming years. This rate is generally regarded as acceptable within industry standards for commercial viability.

### Analysis of Potential Negative Impacts

80. A key risk associated with the proposed shopping centre is the creation of a second, potentially disconnected retail destination on the periphery of the existing Town Centre. This fragmentation may draw shoppers—particularly those seeking convenience—away from Main Street, undermining the established vibrancy and village character that have contributed to Denmark’s success as a regional centre. The possibility of visitors, including tourists, bypassing the Town Centre altogether in favour of the new facility threatens the commercial primacy of Main Street, contrary to the Local Planning Strategy’s recommendation for a central, consolidated retail core.
81. The Peer Review highlights a ‘high risk’ to the viability of existing retail establishments, with recovery from the anticipated impact potentially taking between 10 and 16 years. The introduction of a substantial retail floorspace outside the Town Centre could result in commercial vacancies, diminished foot traffic, and a loss of synergies between businesses that rely on proximity for mutual benefit. The proposal’s scale also exceeds the anticipated commercial demand by 2031, raising concerns about oversupply and the sustainability of existing businesses in the interim.

### Analysis of Potential Positive Impacts

82. Conversely, the proposal responds to evidence of population growth and increasing demand for retail and commercial space within Denmark. Recent analysis indicates that the town is expanding at a faster rate than previously projected, with a need for an additional 3,146 square metres of retail and office floorspace by 2041. The economic feasibility of a larger supermarket is contingent upon the inclusion of specialty stores, suggesting that a new shopping centre may be required to meet future needs and provide a wider range of services for the growing community.
83. Infrastructure improvements associated with the development, such as expanded parking and enhanced road networks, could benefit both the new centre and the existing Town Centre, facilitating greater accessibility for visitors and residents. Given current travel patterns, where locals frequently drive between different parts of town, the additional infrastructure may support continued engagement with Main Street businesses. Furthermore, the proposal offers the opportunity to redevelop the existing IGA building, potentially introducing further retail diversity within the Town Centre and mitigating some adverse effects of relocation.

### Vacancy and Floorspace Analysis

84. The proposed addition of 2,854 square metres of retail floorspace is forecast to result in a temporary oversupply, with commercial vacancies estimated at approximately 540 square metres—equating to a 2–3 per cent vacancy rate in the Town Centre over the coming years. This rate is generally considered acceptable within industry standards for commercial viability and is expected to be absorbed as population and consumer spending increase towards 2036. While the risk of short-term vacancies exists, the long-term outlook suggests that the market will adjust in line with demographic trends.

### Additional Considerations

85. Uncertainty remains regarding the future use of the existing IGA building, which could continue to contribute to retail floorspace in the Town Centre, potentially as another supermarket or alternative commercial use. Importantly, the Town Centre's attractiveness is not solely reliant on anchor tenants; a diverse mix of uses—including cafes, eateries, boutique shops, entertainment venues, and essential services—creates a commercial magnet for both locals and tourists. These uses are unlikely to be replicated within a shopping centre environment, ensuring Main Street retains a unique role in Denmark's commercial ecosystem.
86. The nature of the proposed shopping centre differs from that of Main Street, serving distinct functions and consumer segments. Strategic placemaking, as recommended by the Local Planning Strategy and Council Plan, will be critical in enhancing connectivity between the new development and the Town Centre. Investment in pedestrian linkages, vehicular access, and streetscape improvements—particularly along South Coast Highway—will be essential to maintaining the primacy, vibrancy, and economic viability of Main Street.

### Additional Analysis

87. The cumulative analysis indicates that the proposed shopping centre will alter the shape of Denmark's commercial landscape, presenting both risks and opportunities. While there is a genuine risk to the Town Centre's viability and vibrancy, particularly in the medium term, the evidence of strong population growth and projected demand for retail floorspace suggests that these impacts may be transient. The effectiveness of mitigation measures—such as coordinated infrastructure upgrades, accelerated placemaking projects, and ongoing support for Main Street businesses—will be pivotal in ensuring the Town Centre remains a desirable destination.

### Recommendations

88. Following a comprehensive assessment of the proposal and its broader implications, it is recommended that Council consider granting conditional approval for the new shopping centre development. Approval should be contingent upon the implementation of essential infrastructure upgrades, including improved pedestrian connections, construction of a roundabout, and expanded parking facilities.
89. However, the Shire should be mindful that ongoing monitoring of commercial vacancy rates, retail performance, and the vibrancy of the Town Centre will be necessary, allowing Council to regularly review and adapt mitigation strategies as circumstances evolve.
90. Should Council determine that the risks to Town Centre viability outweigh the projected benefits, rejection of the proposal may be justified. However, with robust mitigation, strategic planning, and ongoing support, it is possible to accommodate the new development while safeguarding the long-term vibrancy and economic health of Denmark's Town Centre.

### Placemaking

91. The Council Plan identifies a project to '*DELIVER an Enhancement and Activation Plan for the extent of Planning Area A – Denmark Town Centre*' in 2027/28. Planning Area A

includes the current Town Centre, the existing residential area to the west of town (around Price Street) and out to Lot 50 and the visitors centre. This is in line with a Local Planning Strategy that recommends a project that will:

“Facilitate place-making initiatives to enhance the primacy, vibrancy and economic viability of the Town Centre’s main street shopping environment, in collaboration with the local community and businesses”.

92. This plan is intended to be prepared in conjunction with local landowners, business and the broader community as a placemaking project to guide future development, coordinate public infrastructure and activate the town centre ensuring it remains a desirable destination.
93. Council should consider bringing this project forward through Council Planning if the development application is to be approved.

#### **Built Form & Potential off-site impacts**

94. As stated at the beginning of this report, the previous application was approved after a thorough review by multiple decision makers. The current application is very similar to that approved in 2017.
95. The design has several inconsistencies with the adopted local planning policies, particularly Local Planning Policy 26.1 Commercial Development on South Coast Highway (LPP26.1). As a policy is a ‘due regard’ document, these inconsistencies were assessed and approved at the time.
96. For example, LPP26.1 recommends development up to the front boundary with a verandah over a footpath and parking to the rear. In this instance, the visual impact of the proposed building when approaching from the west is best set back from the corner of Hardy Street and South Coast Highway due to a bend in the road bringing this corner into line of sight. If brought to the front of the property, Denmark would have a large building as the first thing people see when approaching the town.
97. The shopping centre is proposed to be set back and down from the street level, retaining vegetation on the corner of Hardy Street and the highway.
98. The proposed built form, including roof pitches, materials, colours, the layout of tenancies, parking and landscaping are all supported as consistent with previous approvals and the planning framework.
99. Concerns have been raised by residents of the adjacent development – Amaroo Retirement Village about the potential for noise pollution; these same concerns were raised in 2017.
100. The applicant and developer understand that the operation of the shopping centre is required to comply with the requirements of the Environmental Protection (Noise Regulations) 1997. An Acoustic Report has been prepared supporting the development application, which provides the following measures to address noise concerns:

- Loading Dock

- Install noise walls and roof insulation.
  - Limit truck operations to under 1 minute; shut down engines during unloading.
  - Prohibit radios and loud behaviour; train staff accordingly.
  - Complies with noise regulations during daytime hours only.
  - Mechanical Services
    - Use variable-speed fans only; avoid on/off controls.
    - Mount equipment below parapet height and at least 6m from edges.
    - Enclose plant deck with noise walls.
    - Conduct a follow-up acoustic assessment at building permit stage.
  - Refrigeration Equipment
    - Same controls as mechanical services.
    - Use low-noise, residential-grade units; rotary compressors only.
    - Enclose in acoustically treated plant rooms if indoors.
    - Follow-up acoustic report required.
  - Construction Phase
    - Builder must prepare a Noise Management Plan covering equipment, work hours, monitoring, and complaint procedures.
101. Previously applied conditions of approval included requirements for more detailed information, including the submission of a site-specific noise report, a post-construction acoustic report to demonstrate that the assigned noise levels in the Regulations have been achieved, restrictions on delivery times and management of the loading dock entry.
102. This report recommends applying the same conditions of approval to address this matter.
103. The 6m setback between the shopping centre and Amaroo is proposed for consolidated landscaping to soften the visual impact. This is supported, noting that the usual Scheme setback in the Commercial Zone is nil.

### **Sustainability measures**

104. The Local Planning Strategy has an emphasis on encouraging and seeking to require ecologically sustainable measures to be included in development and subdivision. The Strategy recommendations are largely about including these measures in the new Scheme and a revised planning framework.
105. This issue was raised with the applicant in pre-lodgement meetings, and the applicant makes the following comments to address this issue:
- “...sustainability elements such as EV charging stations, bicycle parking and use of solar roof panels will also be considered.”
106. Bicycle parking will be conditioned, EV-ready infrastructure is now a requirement of the National Construction Code (noting that EV-ready doesn’t mean chargers have to be installed).

107. Further discussions have been held with the applicant on this matter, and a willingness to entertain implementing further measures has been expressed. The state planning framework has no mandatory requirements in this area. The local planning framework will be updated to try to include requirements in the new Local Planning Scheme and policies; both requirements and incentives. However, there are no statutory requirements to provide these elements at this stage.
108. It is recommended that a condition be placed on any approval requiring the preparation and implementation of a Sustainability Implementation Plan in consultation with the Shire of Denmark prior to the issuing of a building permit. This should further explore ecologically sustainable measures to be included into the building and surrounds.

#### **CONSULTATION AND EXTERNAL ADVICE**

109. The development application was advertised for a period of 21 days, closing on 6 June 2025, during which time 171 submissions were received.
110. These submissions are reproduced verbatim in the attached Schedule of Submissions found at Attachment 9.1.1b.
111. Whilst an individual response has not been provided to each submission, they have been summarised and addressed in the report above.
112. In determining an application, Council is to have due regard for any public submissions received.

#### **STATUTORY / LEGAL IMPLICATIONS**

113. The following statutory documents apply to the assessment of the development application:

- Shire of Denmark Town Planning Scheme No.3
- Local Planning Policy 15 – Townscape
- Local Planning Policy 26.1 – Commercial Development on Suth Coast Highway
- Local Planning Policy 31 – Commercial Strategy
- Local Planning Policy 42 – Public Art
- Planning and Development (Local Planning Schemes) Regulations 2015
- State Planning Policy 4.2 – Activity centres.
- Shire of Denmark Local Planning Strategy 2024

#### Local Planning Framework Assessment

This abridged assessment acknowledges that the proposal is largely the same as when the shopping centre was last approved in 2017. This approval was assessed and determined over several years by the Council, Shire planning staff, Development Assessment Panel and State Administrative Tribunal.

**Zoning:** Commercial

**Land Use:** Shop ('P' - permitted)

Requirement	Proposal	Officer Comment
<b><i>Scheme Requirements</i></b>		
Setbacks Front NIL	Front – 24.75m	Complies

Side NIL REAR 6m	Side/Rear – 6m & 51m	
Max Plot Ratio 1:1	~30%	Complies
Landscaping – 10% of the site	~1,700m <sup>2</sup> , being 17%	Complies
Parking 1 bay per 40m <sup>2</sup> Gross Leasable Area – 77 bays required	130 bays	Complies. Bays 2.7m wide, Acrod parking numbers comply with NCC, trailer parking not required but 2 bays provided. Revised parking plan to be condition of approval
<b>Policies</b>		
LPP 15 – Townscape Policy – <i>applicable clauses</i>		
APPROACHES & TOWN ENTRIES: Discouraging bill posting or hoardings Retention of existing indigenous vegetation and Promoting tree planting on verges	Sign application to be lodged separately. Vegetation retained. Landscaping proposed	Complies
BUILDING GUIDELINES; Building to harmonise with the landscape and existing buildings. Development that is of a domestic scale will be actively encouraged. This includes historic methods of construction, materials, posted verandahs, the use of heritage colours and the enhancement of pedestrian amenities. Development proposals that enhance pedestrian movement and access and create a domestic scale in their design.	Buildings setback from boundaries, low in landscape, built elements kept as low as practical, verandahs fronting public and subtenancies address outside, pedestrian access considered internal and externally.	Complies.  A Shopping Centre is difficult to develop at a 'domestic scale', however, it is accepted that every effort has been made given the purpose of the building.  This matter was debated as part of previous considerations.
COLOUR: Council will support heritage colours and will require applicants to submit colour schemes prior to approval for developments	The building structure is proposed to be constructed with concrete tilt up panels to be treated with appropriate colours and patterns to soften its appearance and roofing will be non-reflective	Accepted
Controls on lighting, signage, parking and landscaping	Proposal complies with Scheme requirements	Complies
LPP 26 – Commercial Development on South Coast Highway – <i>applicable clauses</i>		
Amenity Guidance provided on acceptable architectural style, single storey profile,	Use of colourbond metaldeck roof including pitched roof to specialty shops and surrounding veranda.	Acceptable. Assessed in detail as part of 2014-2017 processes at DAP, SAT and Council.

open front facades, verandahs to road frontage and roof pitches between 20° and 40°.	Specialty stores use pitched roofs and verandah to present appropriately	
Further guidance on materials, colours, use of screen walls, storage areas, lighting and rubbish storage	The building structure is proposed to be constructed with concrete tilt up panels to be treated with appropriate colours and patterns to soften its appearance and roofing will be non-reflective	Condition for colour and materials schedule to be applied.
Carparking to be to rear of sites, large areas in front of development is inconsistent with remainder of CBD.	130 bays at street frontage proposed.	Not compliant, was major decision point in previous assessments. Good pedestrian connections, visual amenity considerations when approaching from the west all support proposed car parking and building locations.
Special attention to be provided to pedestrian and bicycle access	<p>The proposal includes the following elements:</p> <ul style="list-style-type: none"> <li>• A footpath connecting South Coast Highway to the main entry forecourt.</li> <li>• Disabled ramp from Hardy Street to the main forecourt.</li> <li>• Ramp and path connection from the public open space (POS) to the car park.</li> <li>• A 2.5m wide path edges the entire development along Hardy Street and South Coast Highway.</li> </ul> <p>Contribute toward exterior linkages back to Town Centre and surrounding and uses.</p>	Complies, addressed in body of report.
<b>LPP 42 – Public Art – <i>applicable clauses</i></b>		
0.5% of construction cost to be provided as public art either on site or to a public art fund.	Requirement acknowledged. Public Art in consultation with a local artist is also intended for the development, and will be determined at a future date following development approval	Complies, condition of approval to be applied.

114. Should Council refuse this Development Application or impose conditions on a Development Approval that the applicant is aggrieved by, as per the provisions of the *Planning and Development Act 2005*, the applicant can apply to the State Administrative Tribunal for a Right of Review.

### STRATEGIC / POLICY IMPLICATIONS

115. The following strategic documents apply:

- Shire of Denmark Local Planning Strategy 2024
- Council Plan: Our Future 2035



**FINANCIAL IMPLICATIONS**

- 116. There are no direct financial implications for the Shire arising from this development application at this stage. Any financial considerations relating to the Shire, including potential future contributions or costs, are not relevant to the current decision-making process, which is quasi-judicial in nature and must remain focused on planning matters rather than budgetary impacts.
- 117. Nonetheless, should the proposed development proceed, it is noted that there may be future requirements for works and associated costs depending on the ultimate outcome. These could involve infrastructure upgrades such as the construction of a roundabout at the Ocean Beach Road/South Coast Highway intersection, enhancements to pedestrian and cycle linkages between Lot 50 and key destinations, and possible streetscape upgrades along South Coast Highway to support a pedestrian-friendly environment.
- 118. The Council may also need to consider additional place-making initiatives and allocate resources for ongoing planning and compliance oversight, including monitoring of traffic and acoustic conditions and assessment of future tenancies. Any financial contributions or allocations for these works would be determined separately and are not to influence the outcome of this application.

**OTHER IMPLICATIONS**

**Environmental**

- 119. A greater focus on ecologically sustainable development outcomes is requested through conditions of approval.
- 120. Although Lot 50 is largely cleared, there is some remnant vegetation that will need to be cleared. Some clearing may be required on the eastern boundary of Lot 50 to facilitate a roundabout and entry road to the development.

**Economic**

- 121. There are potential economic impacts that have been considered in the body of this report.

**Social**

- 122. Discussed in the body of the report, potential social implications for the Town centre in the short to medium term with a drop in occupancy and corresponding activity in the Town Centre.

**RISK MANAGEMENT**

- 123. Risk Table

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

	Likelihood	Consequence	Risk Rating	
<b>Health:</b> That increased traffic and delivery vehicles near Amaroo Retirement Village pose safety risks to elderly residents and pedestrians.	Possible	Moderate	Medium	Limit truck size to 14m; restrict delivery times; install pedestrian infrastructure; implement acoustic and visual mitigation measures.
<b>Financial Impact:</b> That Council may incur unexpected costs for infrastructure upgrades or placemaking initiatives	Possible	Moderate	Medium	Require developer to fully fund roundabout and pedestrian links; consider land contribution from Hamilton Reserve; fast-track Town Centre Enhancement Plan.
<b>Compliance:</b> That the development fails to meet planning policy requirements or conditions of approval.	Possible	Major	High	Apply conditions requiring compliance acoustic regulations, and sustainability measures; monitor implementation
<b>Reputational:</b> That Council is perceived to have undermined the Town Centre or ignored community concerns.	Likely	Major	High	Transparently address submissions; implement placemaking initiatives; monitor Town Centre impacts; communicate benefits and mitigation strategies.
<b>Environment:</b> That development leads to vegetation loss or fails to meet sustainability expectations.	Possible	Moderate	Medium	Require Sustainability Implementation Plan; retain trees where possible; condition EV-ready infrastructure and bicycle parking.

## 9.2 CORPORATE SERVICES

### 9.2.1 PAYMENT OF ACCOUNTS FOR THE PERIOD ENDING 31 AUGUST 2025

<b>File Ref:</b>	FIN.66.2025/26
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	11 September 2025
<b>Author:</b>	Nikki Westerberg, Senior Finance Officer
<b>Authorising Officer:</b>	Kellie Jenkins, Executive Manager Corporate Services
<b>Attachments:</b>	9.2.1– Payment of Accounts – August 2025

#### IN BRIEF

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

#### VOTING REQUIREMENTS

2. Simple majority.

#### OFFICER RECOMMENDATION

ITEM 9.2.1

That Council RECEIVE the payment of accounts totalling \$2,072,016.46 for the month of August 2025, as per Attachment 9.2.1

#### 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 P040123 and the associated Framework and believes that no additional external/internal engagement or consultation is required.

#### STATUTORY / LEGAL IMPLICATIONS

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

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

## 9.2.2 FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31 AUGUST 2025

<b>File Ref:</b>	FIN.66.2025/26
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	18 September 2025
<b>Author:</b>	Scott Sewell, Financial Accountant
<b>Authorising Officer:</b>	Kellie Jenkins, Executive Manager Corporate Services
<b>Attachments:</b>	9.2.2 – August 2025 Monthly Financial Report

### IN BRIEF

1. In accordance with the Local Government Financial Management Regulations, local governments are required to prepare a monthly statement of financial activity that reports on the Shire's financial performance relative to its adopted budget.
2. The Shire of Denmark has prepared and attached its Statement of Financial Activity for the period ending 31 August 2025.
3. Additionally, the Shire provides Council with a monthly investment register to ensure the investment portfolio complies with the Shire's Investment Policy.

### VOTING REQUIREMENTS

4. Simple majority.

#### OFFICER RECOMMENDATION

ITEM 9.2.2

That Council RECEIVE the Financial Activity Statements for the period ending 31 August 2025, incorporating the Statement of Financial Activity and other supporting documentation, as per Attachment 9.2.2

### LOCATION

5. Nil.

### BACKGROUND

6. 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.
7. Each year, local governments are required to adopt a materiality threshold – either a percentage or a dollar value – for reporting variances in the Statement of Financial Activity. For the 2025/2026 financial year, under Resolution 080725, Council endorsed a threshold of variances of 10% or more, or \$50,000 or more. Any variance meeting or exceeding either of these thresholds must be accompanied by an explanation or report.
8. Pursuant to the Shire’s Investment Policy, an investment report and investment register are to be provided to Council monthly, detailing the investment portfolio in terms of performance and counterparty percentage exposure of total portfolio.

#### DISCUSSION / OFFICER COMMENTS

9. The Statement of Financial Activity for August 2025 shows a closing funding surplus of \$10,815,124. The adopted budget for the year ended 30 June 2026 is premised on a zero year end closing funding position. Overall, operating income exceeds the budget by \$61,650, while operating expenses are \$943,650 lower than budget. The primary factors contributing to these variances are detailed in Note 1 – Major Variances within the attachment.

A summary of the financial position for August 2025 is provided in the table below:

	Adopted Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)- (a)/(a)
	\$	\$	\$	\$	%
<b>Opening Funding Surplus</b>	<b>663,707</b>	<b>663,707</b>	<b>659,358</b>	<b>-4,349</b>	<b>-1%</b>
<b>Revenue</b>					
Operating revenue	15,548,597	12,499,729	12,561,379	61,650	0%
Capital revenue, grants and contributions	11,031,320	731,333	731,732	399	0%
	<b>26,579,917</b>	<b>13,231,062</b>	<b>13,293,111</b>	<b>62,049</b>	
<b>Expenditure</b>					
Operating Expenditure	-20,261,015	-3,179,387	-2,235,737	943,650	30%
Capital Expenditure	-12,632,504	-831,444	-935,058	-103,614	-12%
	<b>-32,893,519</b>	<b>- 4,010,831</b>	<b>-3,170,795</b>	<b>840,036</b>	
Funding balance adjustments	5,649,894	952,976	33,450	-919,526	-96%
<b>Closing Funding Surplus</b>	<b>0</b>	<b>10,836,914</b>	<b>10,815,124</b>	<b>-21,789</b>	<b>-0.2%</b>

#### OTHER INFORMATION

10. Depreciation expense for all asset classes has not been calculated for this reporting period. It will be applied for the 2025/2026 financial year after the annual audit of the financial accounts for the year ended 30 June 2025 is completed.

#### INVESTMENT REPORT

11. Pursuant to the Shire’s Investment Policy, an investment report and investment register are to be provided to Council monthly, detailing the investment portfolio in terms of

performance and counterparty percentage exposure of total portfolio. The investment register provides details of investment income earned against budget, whilst confirming compliance of the portfolio with legislative and policy limits.

12. As at 31 August 2025, total cash funds held (including trust funds) totals \$7,229,475.

13. Summary – Cash and Investments

- Municipal Funds total \$1,135,295
- Shire Trust Funds total \$850
- Reserve Funds (restricted) invested, total \$6,093,329
- Municipal Funds (unrestricted) invested, total \$0

14. The Reserve Bank of Australia's (RBA) official cash rate currently sits at 3.60% which was reduced by 0.25% from 3.85% at the Reserve Bank Board meeting held on 12 August 2025. No further adjustments to the official cash rate have occurred at the time of writing this report.

### **CONSULTATION AND EXTERNAL ADVICE**

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

### **STATUTORY / LEGAL IMPLICATIONS**

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

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

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

#### **The Local Government Act 1995**

18. 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.

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

#### **The Trustees Act 1962**

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

### **STRATEGIC / POLICY IMPLICATIONS**

21. Nil.

### **FINANCIAL IMPLICATIONS**

22. The Shire's 2025/2026 Annual Budget provides a set of parameters that guides the Shire's financial practices.

23. Any financial implications or trends are detailed within the context of this report.

**OTHER IMPLICATIONS****Environmental**

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

**Economic**

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

**Social**

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

**RISK MANAGEMENT**

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



9.3 GOVERNANCE

9.3.1 SPECIAL ELECTORS MEETING – 11 SEPTEMBER 2025

File Ref:	ELC.3
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	15 September 2025
Author:	David King, Chief Executive Officer
Authorising Officer:	David King, Chief Executive Officer
Attachments:	Nil

IN BRIEF

1. This report provides a summary of the outcomes from the Special Electors Meeting held on 11 September 2025, where five motions were carried. Officers have responded with recommendations, some supporting these motions, and others proposing alternative actions.

VOTING REQUIREMENTS

2. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.3.1a
That with respect to Motion 1 carried at the Special Electors Meeting on 11 September 2025, Council NOTE the motion but determines not to proceed with the request. As outlined in this report, section 132 of the <i>Conservation and Land Management Act 1984</i> is required to support effective and timely decision-making.	

OFFICER RECOMMENDATION	ITEM 9.3.1b
That with respect to Motion 2 carried at the Special Electors Meeting on 11 September 2025, Council ENDORSE the motion and requests that the Chief Executive Office, co-signed by the Shire President, write to the relevant ministers, the Premier and DBCA. The correspondence will seek improved community engagement by DBCA, specifically regarding communication, notifications, and information processes and practices related to its prescribed burn program.	

OFFICER RECOMMENDATION	ITEM 9.3.1c
That with respect to Motion 3 carried at the Special Electors Meeting on 11 September 2025, Council NOTE the motion, but determines instead to write to the relevant ministers and DBCA, advocating for the publication of assessment outcomes, adaptive management reports and new research findings from the Fire Management Plan – Fire Research Collaboration. This aims to address community concerns by providing clear and accessible evidence of biodiversity protection and management.	

OFFICER RECOMMENDATION

ITEM 9.3.1d

That with respect to Motion 4 carried at the Special Electors Meeting on 11 September 2025, Council ENDORSE the motion and requests that the Chief Executive Officer, co-signed by the Shire President, write to the relevant ministers, DBCA, and the Premier. The correspondence will advocate for fast response outcomes being included as eligible projects through the Mitigation Activity Fund Grants Program.

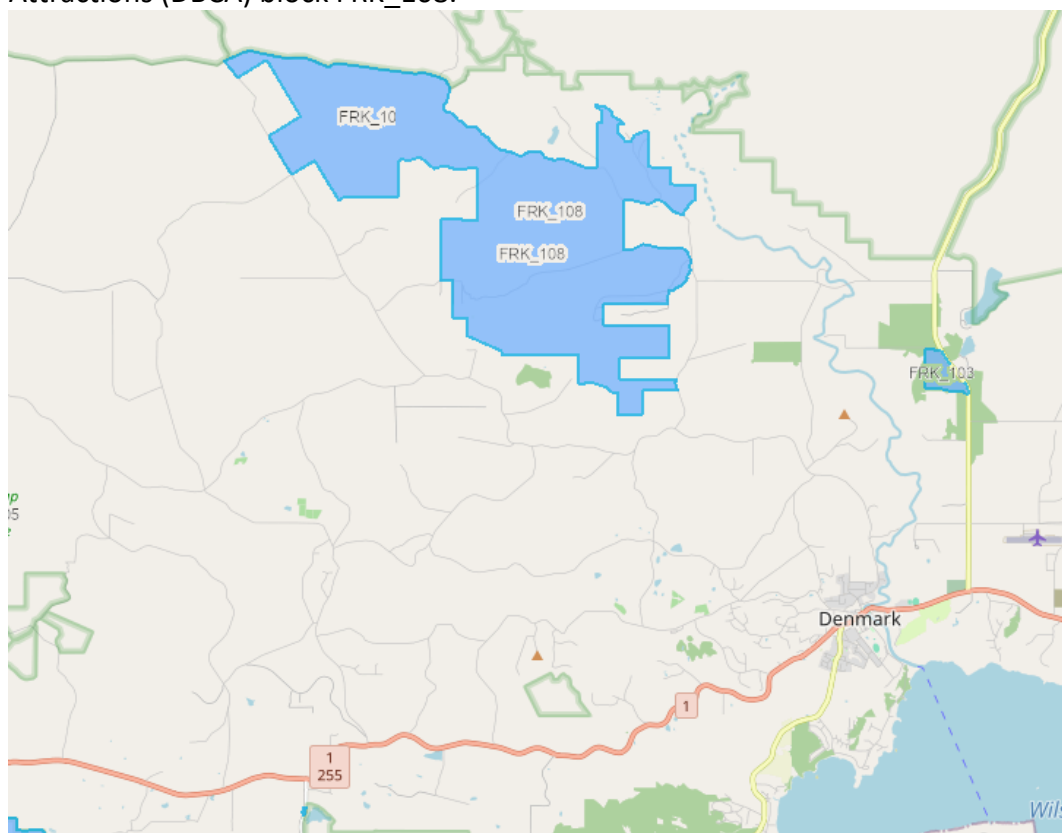
OFFICER RECOMMENDATION

ITEM 9.3.1e

That with respect to Motion 3 carried at the Special Electors Meeting on 11 September 2025, Council NOTE the motion but determines not to act on the request as DBCA's prescribed burning operations are governed by strict risk management protocols, with burns only conducted under suitable conditions and subject to rigorous multi-level approvals.

**LOCATION**

Part of this report relates to the Department of Biodiversity Conservation and Attractions (DBCA) block FRK\_108.



**BACKGROUND**

3. A formal request, signed by 340 individual Electors, was submitted to the Shire President on 4 August 2025, seeking the convening of a Special Meeting of Electors to address a range of concerns relating to prescribed burning activities and their impacts on the Denmark community. The specified purpose of the Special Electors Meeting was outlined as follows:
  - Ecological Exclusion Zones and Biodiversity Protection
  - Health and Wellbeing
  - Insurance and Accountability
4. 82 electors were in attendance.

**DISCUSSION / OFFICER COMMENTS****General**

5. This section addresses the officer comments in response to the motions raised by electors at the Special Electors Meeting held on 11 September 2025. The matters discussed, particularly regarding prescribed burning and related legislative concerns, fall primarily within the jurisdiction of the Department of Biodiversity, Conservation and Attractions (DBCA) and State Government, rather than the Local Government.
6. As such, Shire officers have not undertaken detailed research or a technical assessment of the merits or drawbacks associated with DBCA's prescribed burn program or the broader legislative framework governing these activities. Instead, officers have sought to respond to the motions constructively, with a focus on supporting the community's desire for improved transparency, communication, and safety measures in matters affecting local residents.
7. While officers acknowledge the significance of these issues for the Denmark community, officers recognise the limitations of the Shire's authority and resources in this policy area. Accordingly, officers recommend that Council focus its efforts on advocacy and partnership with State Government agencies to ensure that local concerns are heard and addressed wherever possible.
8. The report contains specific information around FRK\_108 as well as a narrative on DBCA practices. This information has been sourced directly from senior DBCA officers.

**Motion 1**

*We ask that the Denmark Shire write to DBCA and the relevant ministers on behalf of concerned residents of Denmark, requesting the revocation of Section 132 of the Conservation and Land Management Act 1984. This section releases DBCA from automatic liability in the event of unintended and unplanned consequences arising from DBCA-managed prescribed burns. We believe this exemption does not fulfil the government's duty of care to its citizens.*

9. Section 132 provides that officers, employees, and agents of DBCA (as well as the State) are not personally or civilly liable for actions taken in good faith under the *Conservation and Land Management Act 1984* or the *Wildlife Conservation Act 1950*.

10. This provision is not unique to this legislation; it is a standard legal mechanism used across many areas of public administration.
11. The purpose of this section is to:
  - Protect public officers from personal legal action when carrying out their duties responsibly and in accordance with the law.
  - Ensure the State is not exposed to unlimited liability for complex, science-based land management decisions that are made in the public interest.
  - Support effective and timely decision-making, particularly in high-risk areas such as bushfire mitigation and ecological conservation.
12. Section 132 only applies where actions are taken in good faith. It does not protect against negligence, misconduct, or unlawful behaviour.
13. While officers understand the community's concerns, Section 132 is a necessary and proportionate legal safeguard that enables DBCA to carry out its statutory responsibilities effectively and in the public interest. Immunity helps ensure that officers and the State can act decisively without being paralysed by fear of litigation. Its removal could have unintended consequences for bushfire preparedness and environmental management across Western Australia.
14. Whilst it is accepted that insurance is becoming expensive and sometimes unavailable, the Disaster Recovery Funding Arrangements Western Australia (DRFAWA) scheme can provide some reassurance. DRFAWA is a joint initiative between the State and Commonwealth Governments designed to provide financial assistance to individuals, businesses, and communities affected by declared natural disasters. Its primary intent is to support recovery efforts—not to replace insurance or compensate for all losses. The scheme is activated only for eligible disaster events and is administered by the Department of Fire and Emergency Services (DFES).
15. The DRFAWA provides financial assistance for demolition and rebuilding activities to restore homes to a safe, habitable, and secure condition. This assistance is intended for individuals whose homes have been destroyed or significantly damaged by an eligible disaster and who have no means of funding the demolition and rebuilding activities themselves.
16. To claim reimbursement, the state must demonstrate that the applicant is the homeowner, the damage was directly from the eligible disaster, the applicant intends to rebuild in the same location, and the costs relate to eligible demolition or rebuilding activities.

## **Motion 2**

*We ask that the Denmark Shire write to the relevant ministers, along with the Premier & DBCA, to request that DBCA engage with the community to review and significantly improve communication, notifications, and information processes and practices regarding their prescribed burn program. The growing community fear and anxiety, driven by DBCA's lack of transparency around when burns may occur, the risk of the burns escaping and the known adverse impacts of smoke on people's health is taking a physical and mental toll on residents — and their sense of safety at home.*

17. DBCA employs a comprehensive suite of communication strategies to ensure the community is informed about upcoming prescribed burns. In July 2025, a public meeting was convened for interested residents to discuss the Burn Options Program, with numerous stakeholder groups in attendance. To ensure transparency, the annual Burn Options Program is publicly accessible on the DBCA website, allowing all community members to view the information online.
18. Each year, DBCA sends letters to all properties located within 1 km of the burn boundary to advise residents of planned activities. If a burn is scheduled to occur during the Prohibited Burn Season, this notification radius is extended to 3 km to ensure broader communication. For the FRK\_108 Harewood prescribed burn, letters were distributed in spring 2024, and preparations are underway for the 2025 mailout, which is anticipated to reach residents within the next fortnight.
19. Prior to ignition, 'Burn Imminent' signs are placed at the corners of all prescribed burns to alert the public to the planned activities and encourage them to check with DBCA before entering affected areas. For burns adjacent to populated areas, Variable Message Boards may also be used to inform residents that visible fire and smoke are part of DBCA's controlled operations.
20. Where possible, DBCA gives at least 48 hours' notice to the Shire of Denmark Community Engagement Officer before conducting prescribed burns within the Shire. DBCA officers also engage directly with individual landholders who seek further information, ensuring their concerns and questions are addressed.
21. To keep the community informed, DBCA publishes daily updates on planned ignitions via the 'Today's Burns' section of its website and the Emergency WA platform. On burn days, notifications are sent to the Shire of Denmark Chief Bushfire Control Officer, the Shire office, and key stakeholders, including local Bushfire Brigade captains and the Community Emergency Services Manager (CESM).
22. While significant efforts are made to communicate prescribed burns with the community, the Officer acknowledges the concerns raised in Motion 2—particularly those discussed by speakers at the meeting. Several community members expressed heightened anxiety stemming from uncertainty about when burns would occur. This lack of clear and timely information has left many residents unable to adequately prepare in advance, and has even made it challenging for them to plan time away from home, such as weekend trips, due to the persistent worry about possible burns in their absence. The officer agrees that further improvements are warranted to ensure residents are better informed—especially regarding the precise timing of prescribed burns. Enhancements could include adopting communication methods employed by other agencies, such as timely SMS updates, to provide prompt and direct notifications to affected households.

### **Motion 3**

*We ask that the Denmark Shire write to the relevant ministers, DBCA, and the Premier. Given community concern, we request that the WA Government withdraw Harewood Block FRK\_108 from the burn options program until such time as it provides an independent pre-burn biodiversity assessment of FRK\_108. This assessment should include protected native flora and fauna species, ecological communities, and cultural*

*values, and must publicly demonstrate that the prescribed burn program is 'maintaining' biodiversity values in Harewood.*

23. The DBCA Forest Management Plan (FMP) specifies a decade-long scientific program to monitor the ecological and biodiversity outcomes of fire management, including prescribed burns. It also requires independent pre-burn assessments in sensitive areas and the publication of adaptive management reports.
24. The Fire Research Collaboration (FRC), running from 2024 to 2033, is a major research initiative under the Forest Management Plan aimed at understanding how different fire regimes affect biodiversity across DBCA-managed lands. Its scope includes studying the impacts of fire season, severity, frequency, and spatial patterns on various ecosystems and species, with a focus on forest, woodland, shrubland, wetland, and aquatic habitats. The outcomes will guide future land management by providing evidence-based insights into how fire can be used to protect vulnerable flora and fauna, refine prescribed burning practices, and adapt strategies to changing environmental conditions. This research will directly inform decisions on fire management to better conserve biodiversity over the life of the plan.
25. In accordance with the FMP, prior to undertaking any prescribed burn, a comprehensive range of pre-burn surveys is completed to ensure protection of ecological and cultural values. These begin with desktop assessments conducted by experienced conservation staff, using state and local DBCA datasets, as well as the Atlas of Living Australia and Birdlife Australia databases. The assessments focus on known populations of declared rare and priority flora and fauna, as well as threatened and priority ecological communities.
26. Based on the findings of these desktop surveys, targeted field investigations are then carried out. For the FRK\_108 Harewood block, no known populations of rare flora have been identified, though several populations of priority flora have been documented.
27. Rapid Quokka surveys using camera traps began in June 2025 and remain ongoing. Western Ringtail Possums have been monitored in Harewood forest for approximately four years, with the latest four-month deployment concluding in August 2025. Scat surveys for possums have targeted vegetation along the Denmark River and nearby creeks and will continue into spring. Field truthing of predicted peat areas has been conducted to inform fire management, with moisture levels to be assessed prior to ignition. Additional spring surveys will include cockatoo monitoring to assess feeding, roosting and nesting behaviours. Rare fish surveys at waterpoints were completed four years ago, and management protocols are in place to protect waterpoints containing rare species. Known blackberry and arum lily weed populations have been mapped and will be targeted for burning to facilitate post-burn weed control.
28. Post-burn monitoring is also planned, including fire severity mapping via remote sensing, assessment of representative peatlands, continued monitoring of Western Ringtail Possums through camera traps and spotlighting, and rapid Quokka surveys. Depending on the results from spring pre-burn surveys, post-burn assessments of cockatoo activity will also be completed, focusing on feeding, roosting and nesting behaviours.

29. Primarily, pre-burn surveys are conducted to establish a baseline for comparative assessment following the burn, and in the longer term, as some species require multiple post-burn monitoring checks spanning several years rather than just months. While the main purpose of these assessments is to enable effective monitoring of ecological changes over time, there are occasions when pre-burn monitoring may highlight the need to adjust the planned approach—such as altering the timing of the burn or excluding specific areas based on the presence of sensitive values. However, in most cases, both pre and post-burn assessments primarily serve the function of tracking ecological responses and ensuring that management objectives are being met.
30. Cultural values are carefully considered as part of the Burn Options Program, which has been presented to the Wagyl Kaip Southern Noongar Cooperative Management Committee. While there are no registered sites within the burn area, the Denmark River—a registered site—lies just outside the northeast boundary. DBCA recognises that additional cultural sites may exist within the conservation estate, known only to local Aboriginal people. General prescribed burning principles, such as introducing mild intensity fire and avoiding ignition on granite outcrops, help to protect cultural sites that are not formally registered or documented.
31. Additional regulatory and environmental safeguards are in place. A self-assessment for Matters of National Environmental Significance (MNES) is completed, and the Frankland District obtains lawful authority under Section 40 of the *Biodiversity Conservation Act 2016* to take or disturb fauna during prescribed burns and burn preparation activities. Where populations of Declared Rare flora are present and show no long-term decline from prescribed fire, an Authority To Take (ATT) is obtained. Alternatively, populations may be physically excluded from burns or protected during sensitive periods.
32. DBCA adheres to a series of Fire Management Information Notes that guide fire application in relevant ecological communities or populations. The most relevant to the Shire of Denmark are organic soils, tingle forest, granite outcrops, southern forest and shrubland mosaic, quokka, sunset frog, western ringtail possum, black cockatoo, and geophytes.
33. Regarding FRK\_108 Harewood specifically, the prescribed burn has been divided into eight cells. The two largest cells are likely to be ignited using both hand and aircraft methods, while the remaining six cells will be conducted as hand burns. FRK\_108 Harewood remains a key strategic prescribed burn, providing protection to nearby rural properties and the broader Denmark community from large-scale bushfires, particularly those driven by hotter northerly winds. Historically, FRK\_108 Harewood has been prescribed burnt three times since the late 1980s: in 1985/86 (southeast cell) and 1991/92 (northwest cell), in 2003/04, and most recently in 2014/15.
34. The Officer recommends that the Shire acknowledge the community's concerns regarding the Harewood Block FRK\_108 prescribed burn and support calls for enhanced transparency and independent assessment. The Officer notes that the DBCA's Forest Management Plan already mandates a robust scientific monitoring program and independent pre-burn biodiversity assessments for sensitive areas, with comprehensive surveys and adaptive management protocols. These measures, in combination with findings from the FRC project, are anticipated to continually improve the protection of ecological, cultural, and biodiversity values.

35. Given the block's strategic importance for bushfire risk management due to its proximity to rural residences, infrastructure, and farmland, the Officer does not recommend requesting its omission from the DBCA burn program. Instead, it is recommended that the Shire advocate for continued adherence to DBCA's established scientific and regulatory processes while also encouraging ongoing publication of assessment outcomes, adaptive management reports, and findings from the FRC.
36. This approach will help address community concerns by providing clear, accessible evidence of biodiversity protection and management, while recognising the strategic importance of the Harewood Block burn for community safety and bushfire risk mitigation.

#### **Motion 4**

*We ask that the Shire of Denmark write to the relevant ministers, DBCA, and the Premier, requesting that projects that deliver fast response initiatives be included as eligible projects through the Mitigation Activity Fund Grants Program.*

37. Officers agree that rapid response to bushfires is demonstrated to have a positive impact on overall suppression. Officers support the motion as put, recognising that swift intervention can significantly reduce the risk of uncontrolled fire spread and improve community safety outcomes. Incorporating fast response projects into funding programs aligns with best practice in bushfire management and supports the Shire's commitment to proactive risk mitigation.

#### **Motion 5**

*We ask that the Shire of Denmark write to the relevant ministers, DBCA, and the Premier, requesting that DBCA not conduct any prescribed burns during the Prohibited Period as defined in the Shire of Denmark's Fire Management Notice.*

38. Prescribed burning operations are strictly governed by environmental conditions to ensure both ecological protection and effective risk mitigation. Burns are only conducted when conditions are deemed suitable, which is determined through careful assessment of vegetation and leaf litter moisture levels. DBCA officers routinely monitor ground fuel loads, evaluate forecast weather conditions, assess soil moisture, and consider the season and vegetation type to ensure optimal outcomes. These factors, together with broader management objectives, guide the timing and execution of prescribed burns.
39. In the Frankland District, encompassing the Shire of Denmark, suitable windows for prescribed burning generally occur from October to January and again from March to May. The drying sequence of vegetation types is an important consideration: heathland areas become suitable for burning earliest in the season, followed by Jarrah forests, with Karri and Tingle forests requiring a longer period for fuels to dry adequately. The heavier fuels characteristic of southern Jarrah, Karri, and Tingle forests mean that suitable burning conditions often coincide with the Restricted and Prohibited Burning Periods.
40. Prior to any prescribed burn during these periods, DBCA applies for an exemption from the Fire and Emergency Services Commissioner. This exemption is only granted following the submission and approval of a detailed Prescribed Fire Plan, which



undergoes multi-level scrutiny. Approval conditions are set to ensure burns are conducted safely and with minimal impact on sensitive values.

41. It is important to note that, under the *Bushfires Act 1954*, these provisions are not binding on the Crown. As such, DBCA is not required to obtain standard burning permits during the Restricted or Prohibited Periods.
42. Given the approval conditions, legislative frameworks, and controls, officers do not recommend any action to advocate for a removal of these provisions.

#### **CONSULTATION AND EXTERNAL ADVICE**

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

#### **STATUTORY / LEGAL IMPLICATIONS**

##### **Local Government Act 1995**

44. Section 5.33 relates to the decisions from Electors' Meetings. Any decisions reached during an electors' meeting must be brought before the next scheduled council meeting for consideration. If this is not possible, the matter should be addressed at either the first available council meeting following the electors' meeting, or at a special meeting convened specifically for this purpose, whichever occurs sooner.
45. Where the council makes a decision in response to one from an electors' meeting, the council's reasons for that decision must be documented in the minutes of the council meeting.

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

46. Nil.

#### **FINANCIAL IMPLICATIONS**

47. Nil.

#### **OTHER IMPLICATIONS**

##### **Environmental**

48. Whilst there are community concerns regarding the ecological impacts of prescribed burns, officers are not in a position to assess or comment on this topic. The matter falls outside the current scope of the report and would require specialist environmental advice to address such considerations adequately.

##### **Economic**

49. This report acknowledges the economic impact bushfires can have on the community, including potential damage to property, infrastructure, and local business operations. It also makes note of federal funding programs that exist to reduce this impact in worst case scenarios, offering financial relief and support for recovery efforts in affected regions.

**Social**

50. With respect to Motion 2, the report acknowledges that prescribed burns and related activities may generate social impacts, particularly in terms of community concern and anxiety.

**RISK MANAGEMENT**

51. Whilst there is inherent risk in prescribed burning, this report considers BDCA policy and therefore finds no direct risk to the Shire in this regard. The primary risks are reputational, centred on meeting community expectations and maintaining strong relationships with the State Government. Adopting a measured and approach helps to manage these risks to acceptable levels, ensuring that both community trust and intergovernmental cooperation are preserved.

9.3.2 POLICY UPDATES – REPEALING COUNCIL BUSHFIRE-RELATED POLICIES

File Ref:	ADMIN.2
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	11 September 2025
Author:	Angela Simpson, Corporate Planning and Policy Officer
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.3.2 – Policies to be rescinded

IN BRIEF

1. This report recommends repealing nine bushfire-related policies that are outdated, operational in nature, or better suited to Standard Operating Procedures (SOPs) managed by the Shire of Denmark or the Department of Fire and Emergency Services (DFES). This recommendation was endorsed by the Shire of Denmark Bushfire Advisory Committee at its meeting on 8 September 2025.

VOTING REQUIREMENTS

2. Simple majority.

COMMITTEE RECOMMENDATION	ITEM 9.3.2
That Council REPEAL: <ol style="list-style-type: none"><li>1. P050109 – Red Flag Warning</li><li>2. P050105 – Brigade Unit Inspections</li><li>3. P050108 – Donkey Motored Pump</li><li>4. P050104 – Property Ownership Details</li><li>5. P050106 – Bushfire Vehicle Fuel Facilities</li><li>6. P050101 – Burning of Garden Refuse</li><li>7. P050102 – Camping and Cooking Fires</li><li>8. P050103 – Burning on Sundays</li><li>9. P050107 – Volunteer Bushfire Brigade Number and Advisory Committee Structure</li></ol>	

The following Officer Recommendation has been provided which excludes P050102 Camping and Cooking Fires Policy as this was repealed by Council in July 2025.

**OFFICER RECOMMENDATION**

**ITEM 9.3.2**

That Council REPEAL:

1. P050109 – Red Flag Warning
2. P050105 – Brigade Unit Inspections
3. P050108 – Donkey Motored Pump
4. P050104 – Property Ownership Details
5. P050106 – Bushfire Vehicle Fuel Facilities
6. P050101 – Burning of Garden Refuse
7. P050103 – Burning on Sundays
8. P050107 – Volunteer Bushfire Brigade Number and Advisory Committee Structure

**LOCATION**

3. Not applicable.

**BACKGROUND**

4. Officers review local government policies to ensure they remain relevant and effective. Many existing fire management-related policies are outdated, operational rather than strategic, or no longer meet the criteria for being formal Council policies.
5. A council policy should:
  - Set the strategic direction and provide high-level guidance for the organisation,
  - Provide a framework for decision-making, ensuring consistency and alignment with the Council's goals,
  - Typically, be broad in scope, focusing on the "what" and "why" of actions,
  - Be designed to be enduring and not frequently changed.
6. A policy should have the following elements:
  - Purpose: Why the policy needs to exist,
  - Scope: Who and what it applies to,
  - Policy Statement: The actual rule or principle,
  - Roles and responsibilities: Who is responsible for what, and,
  - Compliance and Review: How it will be monitored or reviewed.
7. The following policies were repealed by Council before 2025 and now form a suite of Standard Operating Procedures controlled by either DFES or under development in the Shire.
  - P050114 Bushfire Brigades – Vehicle & Harvest Movement Bans
  - P050115 Bushfire Brigades – Call Out
  - P050116 Bushfire Brigades – Drugs & Alcohol
  - P050117 Bushfire Brigades – Driving Guidelines
  - P050118 Bushfire Brigades – T Card

- P050119 Bushfire Brigades – First Situation Report
- P050121 Bushfire Brigades – Usage of Drip Torches
- P050112 Bushfire Brigades – Training Standards
- P050113 Bushfire Brigades – Personal Protective Equipment on Fire Grounds

8. This report recommends that a further nine (9) policies be repealed.

#### **DISCUSSION / OFFICER COMMENTS**

9. The officer recommends repealing several bushfire management-related policies as Council Policies and managing them as internal Operational Standards under the CEO's direction, or if they are operational and related to bushfire response, through the appropriate DFES Operational Standard. This recommendation is based on the need for flexibility, responsiveness, and operational specificity in bushfire management. By transitioning these policies to Operational Procedures, the Shire and DFES can ensure they are responsive to regulatory changes and tailored to specific needs.
10. Transitioning bushfire policies from under Council direction to bushfire management professionals or under the direction of the CEO reflects progress in developing robust internal procedures in this management area. Historically, the Shire of Denmark has prepared several local-level policies and procedures that guide the management and operations of the Bushfire Brigades under its control. The bushfire policies have been reviewed, and a number have been assessed as inadequate in several critical areas:
- The procedure outlined in the policy is obsolete or outdated and no longer relevant to current operational needs.
  - Procedural content embedded within Council policy overlaps with existing DFES procedures, which are issued by the lead agency for bushfire management in Western Australia. Given DFES's authority and expertise in this area, their procedures should take precedence and be followed to ensure consistency, compliance, and alignment with state-level emergency management practices.

#### **P050109 – Red Flag Warning**

11. This policy only refers the reader to the DFES operating procedure. If an organisation creates a policy that solely exists as a referring point to another agency's directive, it can send the implicit message that "any external guidance we intend to follow should be formalised in a policy". Such a precedent suggests that external directives require internal policy endorsement to be valid. This is not the case.
12. Referencing another agency's documentation through a policy risks misalignment, as agencies occasionally change their documentation recording systems. DFES no longer has SOP 68, as referred to in P050109. The current DFES SOP related to Red Flag Warnings is SOP 3.02.07.
13. All Shire of Denmark bushfire volunteers are directed to follow the DFES operating standards during bushfire operations.

#### **P050105 – Brigade Unit Inspections**

14. This policy's content is procedural in nature and, therefore, not appropriate for inclusion as a formal Council policy. It describes operational practices, specifically that Council

mechanics are responsible for servicing, repairing, and ensuring the annual roadworthiness of brigade self-propelled firefighting vehicles, with associated costs charged to the Emergency Services Levy (ESL) budget.

15. These activities are part of routine fleet management and require flexibility to respond to changing operational needs. Prescribing them in a policy would unnecessarily constrain decision-making. In practice, vehicles are serviced by external providers when appropriate, depending on availability, expertise, or urgency.
16. It is recommended that the requirement for vehicles to be roadworthy and operationally ready be addressed through a Shire of Denmark Standard Operating Procedure.

#### **P050108 – Donkey Motored Pump Fire Truck Procurement Policy**

17. The intent of this policy—to ensure that fire trucks procured by Council are appropriate for the conditions in which they will be used and aligned with the training and experience of volunteer operators—is commendable and well-founded.
18. However, prescribing a specific type of vehicle within a policy framework may inadvertently limit the flexibility needed to respond to evolving operational requirements, technological advancements, and local circumstances. A more effective approach would be to manage these decisions through a fleet management and procurement procedure, which can outline the decision-making criteria and allow for professional judgment and adaptability.
19. This would ensure that vehicle selection remains responsive to current needs while aligning with the overarching objective of safety, suitability, and volunteer capability.
20. It is recommended that the conditions for fleet procurement be addressed through a Shire of Denmark Standard Operating Procedure.

#### **P050104 – Property Ownership Details for Fire Control Officers**

21. The current policy states that the Council will make property ownership details available to Fire Control Officers (FCOs) for their respective brigade areas, if required. However, this is primarily an operational matter and does not meet the standard elements of a formal policy, such as a defined purpose, scope, responsibilities, and governance considerations.
22. Furthermore, as FCOs operate as part of the Shire's extended workforce through their role as bushfire volunteers, access to relevant property information is already inherent to their responsibilities. It is, therefore, unnecessary for the Council to formally approve or authorise this access through a policy. Instead, this practice is better managed through internal procedures that ensure appropriate use and data handling in line with privacy obligations.
23. It is recommended that the conditions for sharing property ownership information be addressed through a Shire of Denmark Standard Operating Procedure.

**P050106 – Bushfire Vehicle Fuel Facilities**

24. The Council has a policy stating that in an emergency, the Council permits the bushfire brigades to use fuel facilities at the Shire Depot for their bushfire vehicles and equipment, with costs set against the respective brigades' ESL budgets.
25. This matter is operational, not strategic. It is more appropriate in a procedure where the logistics of fuel access, authorisation, record-keeping and cost recovery can be detailed. Documenting this procedural matter outside of the policy also provides scope for variations that may need to occur in an emergency.
26. It is recommended that the conditions for fuel access during emergencies be addressed through a Shire of Denmark Standard Operating Procedure.

**P050101 – Burning of Garden Refuse**

27. Critical conditions relating to seasonal bushfire rules should not be buried within a general policy manual, as this can lead to confusion, oversight, or non-compliance. The Annual Fire Break and Property Management Notice is the primary and most visible tool for communicating fire-related requirements to the community. Embedding essential rules in a policy document risks them being overlooked, whereas including them in the annual notice ensures they are accessible, timely, and clearly understood by those who need to act on them.
28. It is recommended that this policy be repealed, and important information for the public should be noted in the Fire Break and Property Management Notice, which is endorsed by BFAC ahead of Council approval.

**P050103 – Burning on Sundays**

29. The policy states that the issuing of permits to burn on Sundays and public holidays is at the discretion of the Fire Control Officer. However, as a policy, it lacks sufficient detail and does not clarify how this discretion aligns with other relevant policies or regulatory frameworks. Notably, the Annual Fire Break and Property Management Notice does not address burning on Sundays. As a result, the current policy does not provide Fire Control Officers with the clarity or legal certainty needed to make informed decisions or ensure consistent and compliant practices.
30. It is recommended that this policy be repealed, and important information for the public should be noted in the Fire Break and Property Management Notice.

**P050107 - Volunteer Bushfire Brigade Number and Advisory Committee Structure**

31. The Shire already maintains the required register of brigades and their members, in accordance with the Bushfire Act and the Bush Fire Brigades Local Law. This record is held by DFES, who provide the information to the Shire, and the Shire provides any updates as required. The brigades are listed on the Shire's website together with the brigade areas.

**CONSULTATION AND EXTERNAL ADVICE**

32. In developing this Council report to repeal several bushfire-related policies, the following sources and stakeholders were consulted: DFES regional operational staff, DFES Operational Standards, Chief and Deputy Bushfire Control Officers, Community

Emergency Services Manager – Shire of Denmark, and the Manager Community Services – Shire of Denmark. This officer recommendation was endorsed by the Shire of Denmark Bushfire Advisory Committee at its meeting on 8 September 2025.

#### **STATUTORY / LEGAL IMPLICATIONS**

33. Nil.

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

34. The Policy changes are explained in the discussion section of this report.

#### **FINANCIAL IMPLICATIONS**

35. Nil.

#### **OTHER IMPLICATIONS**

##### **Environmental**

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

##### **Economic**

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

##### **Social**

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

#### **RISK MANAGEMENT**

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



### 9.3.3 POLICY UPDATES – COMMUNITY ENGAGEMENT

<b>File Ref:</b>	ADMIN.2
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	15 September 2025
<b>Author:</b>	Angela Simpson, Corporate Planning and Policy Officer
<b>Authorising Officer:</b>	David King, Chief Executive Officer
<b>Attachments:</b>	9.3.3a - Community Consultation Policy (P040123), Community Satisfaction Policy (P040130) and Social Media Policy (P040236) 9.3.3b - Community Engagement Policy 9.3.3c - Community Engagement Operational Standard

#### IN BRIEF

1. Council is asked to consider repealing policies relating to community consultation and adopting a new Community Engagement Policy.

#### VOTING REQUIREMENTS

2. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.3.3
<p>That Council:</p> <ol style="list-style-type: none"> <li>1. REPEAL: <ol style="list-style-type: none"> <li>a) the Community Satisfaction Survey Policy;</li> <li>b) the Social Media Policy; and</li> <li>c) the Community Consultation Policy.</li> </ol> </li> <li>2. ADOPT the new Community Engagement Policy; and</li> <li>3. NOTE the Community Engagement Operational Standard, as approved by the Chief Executive Officer.</li> </ol>	

#### LOCATION

3. Not applicable.

#### BACKGROUND

4. Officers are reviewing local government policies to ensure they remain relevant and effective. Many existing policies are outdated, operational in nature, or no longer meet the criteria for being formal Council policies.
5. A council policy should:
  - Set the strategic direction and high-level guidelines for the Shire Officers
  - Provide a framework for decision-making, ensuring consistency and alignment with the Council's goals
  - Typically, be broad in scope and less detailed, focusing on the "what" and "why" of actions

- Designed to be enduring and not frequently changed.

### **DISCUSSION / OFFICER COMMENTS**

6. The policies reviewed in this report contain elements of work procedures that are outdated. The policies are also strongly operational and, as such, would be more appropriately managed through an Operational Standard than a policy statement.
7. The Community Satisfaction Survey is currently conducted every two years, rather than annually as stated in the current policy. This change aligns with the development cycle of the Council Plan. A biennial survey informs updates to the 5-year activity schedule. Specific conditions outlined in the current policy no longer accurately reflect the practice we follow in managing the survey, including the minimum age for those who can participate in the survey. The Council's intention to continue with a biennial survey has been included in the draft Community Engagement Policy.
8. The current Social Media Policy, adopted in 2013, is operational in nature and should be rescinded and replaced with an Operational Standard. While it was useful at the time for guiding staff and Councillors on an emerging trend in local government communications, the fast-paced digital environment now requires a more agile approach. An Operational Standard, managed by the CEO, is better suited to:
  - Address day-to-day decisions, tone, branding, and risk management;
  - Be updated quickly in response to changing platforms and trends; and
  - Align with the CEO's responsibility for staff conduct and enforcement.
9. Communication by Council members, committee members, and local government candidates—including the use of social media—is governed by the Elected Member Code of Conduct. This document outlines the standards of behaviour expected in both official and public-facing communications. It provides guidance on ethical use, respectful engagement, confidentiality, and the appropriate representation of Council positions.
10. The Community Consultation Policy, last updated in 2015, has now undertaken a timely review. This review aims to refresh and expand the policy's guiding principles to reflect a broader approach to community engagement—one that emphasises collaboration and relationship-building, moving beyond traditional consultation, which primarily focuses on gathering feedback. The new policy is attached (Attachment 9.3.3).
11. In conjunction with this updated policy, an Operational Standard has been prepared for employees that outlines the process for undertaking an engagement activity in line with these guiding principles. See Attachment 9.3.3.

### **CONSULTATION AND EXTERNAL ADVICE**

12. The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal and believes that no additional external/internal engagement or consultation is required.
13. Key teams in the Shire involved in community engagement practice were consulted.

14. The Community Engagement Policy is based on the best practice principles established by the International Association for Public Participation (IAP2), the leading body for engagement practice in Australasia.

#### **STATUTORY / LEGAL IMPLICATIONS**

15. This supports compliance with the Integrated Planning and Reporting (IPR) Framework, ensuring that strategic reviews (e.g., the major review in 2027) are community-informed.

#### **Local Government Act 1995**

16. Section 2.7(2)(b) – Council to determine the local government’s policies.

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

17. The recent community survey (2025) identified consultation, advocacy, openness and transparency as areas where the community expects improvements. Updating the policy reinforces the Shire’s commitment to community-led governance, helping rebuild and maintain public trust

#### **FINANCIAL IMPLICATIONS**

18. Nil

#### **OTHER IMPLICATIONS**

##### **Environmental**

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

##### **Economic**

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

##### **Social**

21. There are no known significant negative social considerations relating to the report or officer recommendation.
22. Shifting the focus from consultation to engagement signals a deeper commitment to involving the community in decision-making. This approach often raises expectations for greater transparency and meaningful follow-through on community input. It also may necessitate skills development within the organisation, not just a change in policy language. Unlike one-off consultations, genuine engagement requires sustained relationship-building, which in turn demands time, effort, and dedicated resources.

#### **RISK MANAGEMENT**

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

9.4 COMMUNITY SERVICES

Nil

9.5 INFRASTRUCTURE SERVICES

9.5.1 KOORYUNDERUP–MT HALLOWELL MANAGEMENT PLAN 2025-2035

File Ref:	REM.39
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Kooryunderup–Mt Hallowell Reserve 46618
Disclosure of Officer Interest:	Nil
Date:	11 September 2025
Author:	Xavier Menagé, Sustainability Officer
Authorising Officer:	Rob Westerberg, Director Infrastructure & Assets
	9.5.1a – Kooryunderup–Mt Hallowell Management Plan 2025-2035
Attachments:	9.5.1b – Recommended Amendments
	9.5.1c – Summary of Community Survey 1
	9.5.1d – Summary of Community Survey 2

IN BRIEF

1. In accordance with the Scope of Works endorsed by Council on 29 October 2024, and following extensive community engagement and consultation, which included the development of a Draft Management Plan and final public review of that document (comprising input from Shire officers), the Kooryunderup–Mt Hallowell Management Plan 2025-2035 has been finalised and is now presented to Council for endorsement.

VOTING REQUIREMENTS

2. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.5.1
That Council:	
<ol style="list-style-type: none"><li>1. ENDORSE the Kooryunderup–Mt Hallowell Management Plan 2025-2035, subject to the following amendments:<ol style="list-style-type: none"><li>a) Amending Figures 6-11, consistent with Attachment 9.5.1b, to accept a one-way bike-only trail (north to south one-way direction) and retain a walk trail, with both trails on existing cleared alignment and connecting the upper and lower firebreaks; and</li><li>b) Adding or amending associated actions and text in accordance with (a).</li></ol></li><li>2. REQUEST the CEO to forward the amended Plan to the Department of Planning Lands and Heritage for Ministerial Approval.</li></ol>	

**LOCATION**

3. Kooryunderup–Mt Hallowell Reserve 46618 (refer to Figure 2 of attached Management Plan).

**BACKGROUND**

4. At the Ordinary Council Meeting on 29 October 2024, Council endorsed Aurora Environmental as the preferred independent environmental consultant to carry out an in-depth review and update of the existing Kooryunderup–Mt Hallowell Management Plan (2008). Council endorsed the project Scope of Works and Community Engagement Plan at the same meeting.
5. The Scope of work for this project was to:
  - Review and audit the 2008 plan's management actions
  - review the background information and undertake a literature review
  - map all existing tracks and trails across the Reserve
  - redefine the management goals consistent with the Reserve's purpose of 'Conservation and Recreation'
  - update management actions relevant to management goals, opportunities and constraints for both conservation and recreation.
6. As part of carrying out the agreed Scope of Works and Community Engagement Plan, there were requirements for community consultation to be conducted by the consultant and Shire throughout a staged process, including one-on-one stakeholder consultations and an initial community-wide survey, prior to Aurora preparing a Draft Management Plan.
7. The next phase of the project was to conduct a final public review of the Draft Management Plan, including a second community-wide survey, formal submissions and another opportunity for stakeholders to have face-to-face engagement with the independent consultant. Shire officers were also involved in providing comment as part of this final review.
8. A finalised Management Plan, which incorporates feedback received from the community and delivers on the requirements for managing an A Class Reserve, is now being presented to Council for endorsement with the incorporation of the recommended amendments.

**DISCUSSION / OFFICER COMMENTS**

9. The goals outlined in the Management Plan are comprehensive, have broad community support and provide a strong framework for appropriately managing the Reserve into the future. These goals and the associated management actions have been structured to cover the following key areas:
  - Conservation
  - Recreation and Infrastructure
  - Fire Management
  - Culture and Heritage
  - Community Engagement, Research and Education

- Land Use Planning and Compliance

### **Conservation**

10. The conservation goal is the foundation of the management plan, aiming to protect and enhance the reserve's rich biodiversity. This involves safeguarding native vegetation communities, rare and threatened plant and animal species, fungi, and the ecological processes that sustain them. Actions include weed and dieback control, habitat rehabilitation, and ongoing monitoring. Conservation is prioritised, recognising the reserve's natural values as its most significant asset.
11. Community consultation revealed overwhelming support for conservation as the highest priority for Kooryunderup – Mount Hallowell. Survey responses and stakeholder interviews consistently identified biodiversity protection as the most important management focus, with many respondents expressing pride in the reserve's ecological richness and concern for threatened species. The plan's strong emphasis on conservation directly reflects this sentiment, ensuring that all other uses do not compromise natural values.

### **Recreation and Infrastructure**

12. This goal seeks to provide opportunities for the community and visitors to enjoy the reserve through low-impact, passive recreation, while ensuring these activities do not compromise conservation values. Walking, hiking, running, birdwatching, and nature appreciation are encouraged, with infrastructure such as trails, signage, and car parks maintained to a high standard. Cycling is proposed to only be permitted on designated emergency access tracks, and unsanctioned mountain bike trails are identified to be closed and rehabilitated.
13. Consultation showed strong community support for passive recreation (such as walking, hiking, and birdwatching) while also revealing divided views on mountain biking and dog access. Many residents value the peace and natural experience the reserve offers, and there is broad support for infrastructure upgrades that enhance safety and enjoyment without increasing environmental impact. The plan supports low-key recreation, restricting high-impact activities, and upgrading signage and facilities.
14. The Management Plan proposes to introduce notable changes to the current use of Kooryunderup – Mount Hallowell, particularly regarding dog walking and biking. At present, dog walking is unrestricted throughout the reserve; under the draft proposal, a substantial area in the south-east (see Figure 8 and 9 in the management plan) will be retained as an off-leash zone, while dog access will be restricted in all other areas to protect sensitive habitats. For biking, the status quo allows riding across the south-east corner, including firebreaks and various informal narrow tracks. The new plan proposes to limit biking activity strictly to the designated firebreaks in the southeast, as outlined in Figures 10 and 11 of the Management Plan, with all other tracks to be closed and rehabilitated to reduce environmental impact.
15. Currently, rock climbing and abseiling are generally unrestricted throughout the reserve. Historically, school groups and outdoor education tour operators have utilised an area near Monkey Rock for these activities. However, these are not open-access pursuits; each event or group must obtain case-specific permission from the Shire CEO before proceeding. This arrangement is a formal recommendation of the Management Plan,

aiming to balance adventure recreation with the protection of sensitive habitats and cultural values. By requiring prior approval, the Shire can assess potential impacts on the environment and ensure that activities are conducted safely and respectfully, minimising risks to both the natural landscape and cultural heritage.

### **Fire Management**

16. Fire management is a critical component of the plan, given the reserve's long-unburnt status and proximity to residential areas. The goal is to protect both the ecological integrity of the reserve and the safety of neighbouring properties through best-practice fire prevention, preparedness, and rapid response. This includes maintaining and upgrading emergency access tracks, creating and managing low fuel zones, and ensuring up-to-date fire management plans and maps are available to emergency services.
17. Community feedback recognised fire as a significant risk, but also expressed a strong desire to avoid unnecessary fuel reduction burns that could harm old-growth vegetation and biodiversity. Many residents value the unique long-unburnt character of the reserve and support targeted, science-based fire management rather than broad-scale burning. The plan's focus on strategic firebreaks, emergency access, and public education aligns with this nuanced view - balancing safety with ecological preservation and responding to the community's call for careful, informed fire management.

### **Culture and Heritage**

18. This goal recognises Kooryunderup—Mount Hallowell as a place of deep cultural and heritage significance, especially for the Traditional Custodians. It commits to protecting and celebrating these values. The plan supports comprehensive cultural heritage surveys, integration of Indigenous knowledge, and respectful management of culturally significant sites and features. Interpretive signage and educational materials are proposed to be developed to share the area's cultural stories with visitors.
19. Stakeholder engagement and survey responses showed strong support for recognising and protecting the area's Aboriginal and European heritage. Many community members expressed interest in learning more about Noongar culture and supported the involvement of Traditional Custodians in management decisions. The plan's commitment to cultural surveys, interpretive signage, and respectful event management directly reflects these aspirations, ensuring that cultural values are not only protected but also shared and celebrated with the wider community.

### **Community Engagement, Research, and Education**

20. This goal focuses on fostering a strong sense of community stewardship and involvement in the reserve's management. The plan encourages ongoing engagement with local residents, community groups, and volunteers through citizen science projects, educational programs, and collaborative management activities. Partnerships with schools, universities, and conservation organisations are promoted to support research and monitoring.
21. Consultation revealed a highly engaged community, with many residents and local groups already actively involved in conservation, education, and advocacy for the reserve. There is strong support for citizen science, educational activities, and transparent communication about management decisions. The plan's emphasis on

community partnerships, research opportunities, and public education is a direct response to this enthusiasm, aiming to harness local knowledge and passion for the long-term benefit of Kooryunderup – Mount Hallowell.

**Proposed Amendments to the Draft Mount Hallowell Draft Management Plan 2025 – 2035.**

22. Officers recommend a deviation from the Management Plan to permit ongoing recreational use of the informal trails (walking and cycling) as shown in Attachment 9.5.1b. This recommendation is underpinned by several key factors that balance conservation priorities with community engagement and practical land management.
23. The trails in question have a longstanding history of walking and mountain bike use, with local youth, families and dog walkers utilising the trails for over 15 years. This sustained, community-driven activity has become an integral part of the Reserve's recreational landscape, reflecting both the preferences and needs of local residents.
24. While the primary value of the Reserve remains conservation, the opportunity for effective rehabilitation within this three-sided, residentially bounded area is significantly constrained without active buy-in from current users. Historical attempts to rehabilitate sections of the trail have faced notable challenges, with progress hampered by limited community support and ongoing use. Officers recognise that meaningful rehabilitation and reduction of illegal clearing is likely to succeed only if local users are engaged and supportive, particularly given the close proximity of residences and the established patterns of use.
25. To address the historical challenges associated with rehabilitation and the entrenched patterns of recreational use, officers recommend utilising the existing trail alignments to establish two separate trails running from north to south: one designated exclusively for mountain biking and the other for walking. This clear separation of user groups is expected to enhance safety for all reserve visitors, reducing the potential for collisions and conflicts between cyclists and pedestrians.
26. By formally recognising and maintaining these trails for both walking and mountain biking, the Shire creates an opportunity to partner with all users on rehabilitation efforts and provide education on conservation of the reserve. Officers propose combining targeted rehabilitation of unused or duplicate tracks with improvements to the designated mountain bike trail, leveraging local knowledge and enthusiasm to achieve better ecological outcomes alongside managed recreation.
27. It should be noted that this proposed amendment is best characterised as a conservation improvement to the status quo, as it increases the likelihood of successful rehabilitation of some areas. In addition, the plan as a whole will have the effect of amending existing Council resolutions (that accepted new trails outside the 'core'), to one that prohibits the construction of any new trails within the reserve.

**CONSULTATION AND EXTERNAL ADVICE**

28. The Management Plan has been prepared by an independent consultant (Aurora Environmental).



29. Extensive community engagement and consultation have been undertaken at each stage of developing the Management Plan, from inception to completion, as set out in the Community Engagement Plan previously endorsed by Council.
30. An initial phase of community consultation was conducted between 20 November 2024 and 17 January 2025. This included a survey being released on the 'Your Denmark' webpage seeking input from the community about their views for future management of the Reserve, conducting meetings and interviews, as well as receiving formal submissions. Overall, there were 216 surveys completed (refer to Attachment 9.5.1c), meetings and interviews conducted with 8 groups / organisations and 21 individuals, and 8 submissions received.
31. Following the initial round of community consultation, a Draft Management Plan was prepared and released for final public review and stakeholder input between 18 June and 18 July 2025. A survey was made available via the 'Your Denmark' webpage to seek community feedback on the document, and other forms of formal submissions were also received. In addition, community members and stakeholders had the opportunity to meet with the independent consultant from 12.00pm – 2.00pm on Wednesday 9 July to express their views in-person. As part of this second stage of consultation, 240 surveys were completed (refer to Attachment 9.5.1d), 21 formal (non-survey) submissions received, and 23 people attended the face-to-face feedback session with Aurora.
32. Implementing the Community Engagement Plan and ensuring that feedback received from both rounds of public consultation strongly informed the development of an updated Management Plan has maximised the potential for creating broad community support and acceptance.

## **STATUTORY / LEGAL IMPLICATIONS**

### **Land Administration Act 1997**

33. This Act governs the management of A Class Reserves, which are designated to protect areas of high conservation or community value. These Reserves are not intended for long-term commercial development but for public interest uses like conservation, recreation, heritage, and emergency services.
34. Under Section 42 of the Act, any changes to a Reserve's purpose, boundaries, or classification require public advertising, consultation, and tabling in both Houses of Parliament.
35. Through a Management Order governed by Section 46 of the Act, the Shire is the body responsible for the care, control, and management of Kooryunderup–Mt Hallowell Reserve 46618. Under Section 49 of the Act, this responsibility includes the requirement for an up-to-date Management Plan which appropriately addresses conservation and environmental concerns, heritage issues, and proposed development or land use strategies.
36. The Minister for Lands retains significant oversight powers over A Class Reserves under the Act, including Section 50(1) which provides the Minister with the authority to revoke or amend a Management Order – notably in cases of mismanagement or public interest.

37. The Management Plan developed in 2008 is out of date and no longer fit for purpose, which has been the catalyst and driver for developing a new Management Plan that adequately addresses the Shire's responsibilities and community expectations for looking after, protecting and enjoying this valuable local Reserve into the future.

### **STRATEGIC / POLICY IMPLICATIONS**

#### **Corporate Business Plan (CBP) and Long Term Financial Plan (LTFP)**

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

#### **Bushfire Risk Management Plan**

39. Similarly, the Bushfire Risk Management Plan (currently under review) will need to incorporate the recommended mitigation-related actions.

### **FINANCIAL IMPLICATIONS**

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

### **OTHER IMPLICATIONS**

#### **Environmental**

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

#### **Economic**

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

#### **Social**

45. The Management Plan recognises a variety of historical recreational uses that are highly valued by the community (including dog walking and biking), and allows for the

continuation of these important social activities in a well-managed way while also protecting the environment.

## RISK MANAGEMENT

### 46. Risk Table

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

9.5.2 BOAT HARBOUR RESERVE – TRIAL HEADLAND CLOSURE TO VEHICLES

File Ref:	A3004
Applicant / Proponent	Not applicable
Subject Land / Locality:	Boat Harbour Reserve Lot 7594 on P91575
Disclosure of Officer Interest:	Nil
Date:	30 September 2025
Author:	Rob Westerberg, Director of Infrastructure and Assets
Authorising Officer:	Rob Westerberg, Director of Infrastructure and Assets
Attachments:	9.5.2 – Boat Harbour Headland Closure to Vehicles

IN BRIEF

1. The Shire, in collaboration with the Parry Beach Volunteer Management Group (PBVMG), has implemented several actions from the Coastal Reserves Management Plan (CRMP), including consolidating four-wheel drive (4WD) tracks within the Boat Harbour Reserve. As part of these initiatives, informal closure of vehicle access to the southern granite headland was undertaken by the PBVMG.
2. Officers now recommend formalising this closure through a trial period, during which feedback and activity within the Reserve will be monitored. The outcomes of this trial will inform a recommendation to either permanently close the headland to vehicles or reopen it at the February Ordinary Council Meeting.

VOTING REQUIREMENTS

3. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.5.2
That Council: <ol style="list-style-type: none"><li>1. ENDORSE the formalisation of the trial exclusion of vehicles from the Boat Harbour headland, as depicted in the plan provided at Attachment 9.5.2; and</li><li>2. NOTE that officers will prepare a report for the February Ordinary Council Meeting to consider the feedback from community and outcome of the trial, with the intent to permanently address the headland and vehicular access.</li></ol>	

LOCATION

4. Boat Harbour Reserve (R7723) is located 30km to the west of Denmark and features a 200m wide natural harbour. It is bordered by the Quarrum and Owingup nature reserves, which are managed by the Department of Biodiversity, Conservation and Attractions (DBCA).

**BACKGROUND**

5. Boat Harbour Reserve is the smallest and least accessible coastal reserve managed by the Shire, with limited amenities and lower visitation due to seasonal track inaccessibility.
6. The CRMP identified several issues threatening the reserve's environmental integrity, specifically "Uncontrolled 4WD access on granite headlands and rocks, which disturbs the natural features and habitats".
7. In January 2025, the Shire and PBVMG undertook works to consolidate 4WD tracks, removing duplicate and unnecessary tracks. Pine bollards were installed to restrict vehicle access to the granite headland. Although some bollards were removed by community members soon after installation, several remain in place, effectively maintaining protection of the area.
8. During the 2024/25 financial year, improvements were made adjacent to the concrete ramp for beach access, including placing a 150 mm thick gravel surface. This reduced vehicle bogging, prevented further deterioration of the access route, and improved access to the toilet.

**DISCUSSION / OFFICER COMMENTS**

9. While the CRMP does not specifically require closure of the headland to vehicles, it does prioritise the rehabilitation and consolidation of tracks, noting that uncontrolled 4WD access is detrimental to natural features and habitats.
10. Any permanent closure would deviate from the CRMP and necessitate an update to the plan.
11. If Council supports the continued trial closure, a portion of the 2025/26 budget and in-kind support will be used to install a more robust vehicle barrier, likely using substantial limestone boulders to prevent unauthorised removal or access.
12. PBVMG has secured external funding through the Department of Transport's CoastWest Grants, enabling environmental improvements such as revegetation, dune protection, 4WD track consolidation, brushing, signage and civil works.
13. This funding, combined with volunteer and Shire support, will help implement key CRMP actions, including managing uncontrolled 4WD access on the granite outcrops.
14. Access to the first granite outcrop for parking and sightseeing will be maintained, as indicated in attachment 9.5.2.
15. It is recommended that the closure be formalised and the trial extended through the upcoming peak season. Shire officers will monitor reserve activity and gather community feedback, with a final report and recommendation to be presented to Council by February.

**CONSULTATION AND EXTERNAL ADVICE**

16. Community consultation occurred during the development of the CRMP, which included broad input on access and conservation priorities across the Shire's coastal reserves.
17. Further community input will be sought specifically regarding the trial closure, with feedback collected throughout the trial to inform the Council report at the February Ordinary Council Meeting. This report will summarise community sentiment and recommend either formalising the closure or reopen the headland to vehicles.

#### **STATUTORY / LEGAL IMPLICATIONS**

18. Clause 3.13(1)(g) of the Shire of Denmark's Local Government Property Local Law 2022 states that a person shall not, without a permit—unless they are a local government employee acting in the course of their duties or operating within an area specifically set aside for that purpose—drive, ride, or take any vehicle onto local government property.
19. While a formal determination under the same Local Law permits motorised vehicle access to the beach at Boat Harbour, there is no such determination for the headlands, meaning vehicle access is not currently formally authorised.
20. Should the trial closure become permanent, enforcement will require installation of clear and visible signage explicitly prohibiting vehicle access to the headland, thereby enabling compliance and enforcement under the Local Law.

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

21. If trial closure is successful, the CRMP will be amended to reflect the permanent exclusion of vehicles from the Boat Harbour headland. The amended plan will be presented to Council for adoption at the February Ordinary Council Meeting, ensuring alignment with community feedback and legal requirements.

#### **FINANCIAL IMPLICATIONS**

22. The Shire supported the PBVMG in a successful application to the Department of Transport's CoastWest Grants by committing a total of \$20,000 in cash and in-kind support for the project.
23. The financial breakdown of the project funding are as follows:
  - \$25,320 contributed by the PBVMG as in-kind volunteer labour.
  - \$17,990 awarded through the CoastWest Grants for the 2025/26 financial year.
  - \$20,000 committed by the Shire through ongoing operational budget in cash and in-kind support.
24. The Shire's cash and in-kind contribution to the project is being managed by Shire Officers and is directed toward project delivery, not as a financial contribution to PBVMG.

#### **OTHER IMPLICATIONS**

##### **Environmental**

25. Restricting vehicular access to the Boat Harbour reserve headland will significantly enhance environmental protection and preserve the natural landscape.

### Economic

26. There are no economic implications.

### Social

27. The headland has been closed to vehicles using pine bollards for about eight months, with no evidence of damage or attempts to remove them during this period.
28. However, some reserve users may be disappointed by the formal trial to close vehicular access.

### RISK MANAGEMENT

29. Risk Table

Risk	Risk based on history and with existing controls			Proposed Treatment/Control
	Likelihood	Consequence	Risk Rating	
<b>Reputational Impact:</b> That the community is not aware of the change to access and are upset by the decision to permanently change.	Possible	Moderate	Moderate	Appropriate advertising while providing avenues for the Shire to receive feedback from the community.
<b>Environmental Impact:</b> That the users of Boat Harbour reserve create other tracks with their vehicles to enable access to the headland.	Possible	Moderate	Moderate	Provide signage to explain the reasons behind the change and work with the PBVMG to quickly identify any new tracks in the reserve.

**10. MATTERS BEHIND CLOSED DOORS****10.1 CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE REVIEW 2025**

<b>File Ref:</b>	Personnel File
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	The Author is a direct employee of the CEO. The Authorising Officer is the subject of this report.
<b>Date:</b>	15 September 2025
<b>Author:</b>	Claire Thompson, Governance Coordinator
<b>Authorising Officer:</b>	David King, Chief Executive Officer
<b>Attachments:</b>	10.1a – Summary Report ( <b>confidential</b> ) 10.1b – Standards for CEO Recruitment, Performance and Termination Policy

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This item is confidential and has been provided to Councillors under separate cover.

**11. NEW BUSINESS OF AN URGENT NATURE**  
Nil**12. CLOSURE OF MEETING**