

SHIRE OF DENMARK

# Ordinary Council Meeting

# AGENDA

**31 MARCH 2026**

TO BE HELD IN COUNCIL CHAMBERS, 953 SOUTH COAST  
HIGHWAY, DENMARK, ON TUESDAY, 31 MARCH 2026,  
COMMENCING AT 4.00PM.



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**1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

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

MEMBERS:

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

STAFF:

- David King (Chief Executive Officer)
- Kellie Jenkins (Executive Manager Corporate Services)
- Clinton Lewis (Acting Director Infrastructure & Assets)
- Claire Thompson (Governance Coordinator)
- Kristie Buss (Executive Support Officer)

ON APPROVED LEAVE(S) OF ABSENCE

- Cr Janine Phillips (Resolution No. 040226)

ABSENT WITHOUT LEAVE

VISITORS

**3. DECLARATIONS OF INTEREST**

Name	Item No	Interest	Nature

**4. ANNOUNCEMENTS BY THE PERSON PRESIDING**

**5. PUBLIC QUESTION TIME**

**5.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**5.2 PUBLIC QUESTIONS**

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

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

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

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

Questions from the Public

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

Nil

**5.4 PRESENTATIONS, DEPUTATIONS & PETITIONS**

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

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

Nil.

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

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

**7. CONFIRMATION OF MINUTES**

**7.1 ORDINARY COUNCIL MEETING – 24 FEBRUARY 2026**

OFFICER RECOMMENDATION	ITEM 7.1
That the minutes of the Ordinary Meeting of Council held on the 24 February 2026 be CONFIRMED as a true and correct record of the proceedings.	

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

Nil

**9. REPORTS OF OFFICERS**

**9.1 DEVELOPMENT SERVICES**

**9.1.1 LOCAL DEVELOPMENT PLAN – LOT 3 SOUTH COAST HIGHWAY, WILLIAM BAY**

**File Ref:** A541  
**Applicant / Proponent:** Noel and Paul Phillips  
**Subject Land / Locality:** Lot 3 (No. 2446) South Coast Highway, William Bay  
**Disclosure of Officer Interest:** Nil  
**Date:** 19 March 2026  
**Author:** Craig Pursey, Manager Development Services  
**Authorising Officer:** David King, Chief Executive Officer  
**Attachments:** 9.1.1a – Draft Local Development Plan  
 9.1.1b – Tourist Zone T14 zoning provisions  
 9.1.1c – Schedule of Submissions  
 9.1.1d – Streetscape photos from the landowner  
 9.1.1e – Schedule of Modifications

**EXECUTIVE SUMMARY**

1. Council is requested to consider the draft Local Development Plan (LDP) for Lot 3 (No. 2446) South Coast Highway to implement the existing Tourist zoning from Scheme Amendment 147; this report focuses on the LDP’s site-specific controls, not the rezoning decision.
2. The report recommends adopting the LDP subject to modifications, including buffers to rural land uses, access and landscape considerations.

**VOTING REQUIREMENTS**

3. Simple majority.

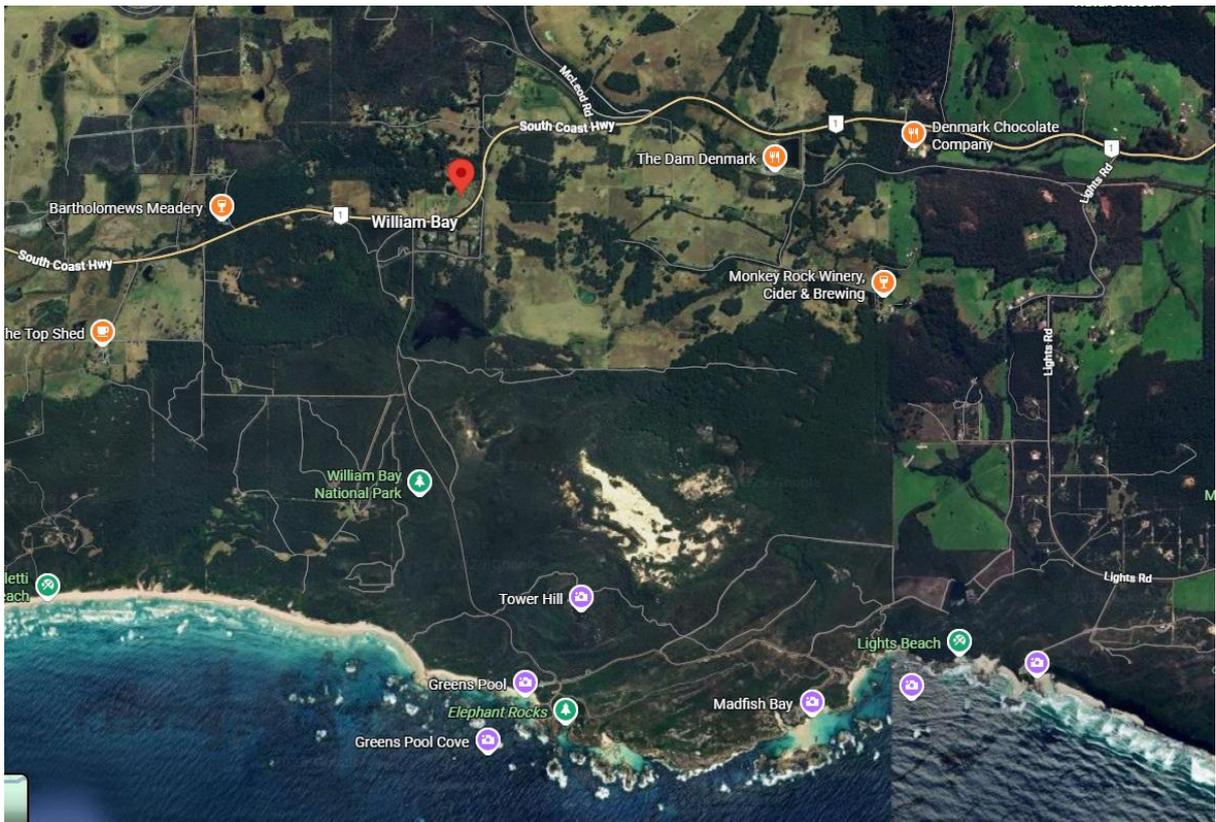
<p>OFFICER RECOMMENDATION</p> <p>That Council:</p> <ol style="list-style-type: none"> <li>1. In accordance with Schedule 2, Part 6, Clause 51 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, resolves to:                     <ol style="list-style-type: none"> <li>a) NOTE the submissions received in respect to the Local Development Plan for Lot 3 South Coast Highway, William Bay; and</li> <li>b) Endorses the response to the submissions at Attachment 9.x.xc of this report.</li> </ol> </li> <li>2. In accordance with Schedule 2, Part 6, Clause 52(1)(b) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, resolves to approve the Local Development Plan found at Attachment 9.1.1a of this report with modifications as detailed in Attachment 9.1.1e.</li> <li>3. Publish notice of the adoption of the Local Development Plan on the Shire’s website and in the Shire’s offices.</li> </ol>	<p>ITEM 9.1.1</p>
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**LOCATION**

4. The 2446 South Coast Highway Local Development Plan (LDP) applies to Lot 3 (No. 2446) South Coast Highway, William Bay.
5. Lot 3 is currently zoned ‘Tourist Zone (T14)’ in Town Planning Scheme No. 3 (TPS 3), which allows for a range of tourism-related land uses subject to compliance with a list of site-specific ‘conditions of use’, refer Attachment 9.1.1b for details.
6. Land to the east and west of the site is zoned ‘Rural’. Land to the north and south of the site is zoned ‘Rural Multiple Occupancy’ and ‘Special Rural’ respectively, with each accommodating rural residential land uses.

**BACKGROUND**

7. Lot 3 (No. 2446) South Coast Highway, William Bay (the subject site) is zoned Tourist under Town Planning Scheme No. 3 (TPS3) following Council’s consideration of Scheme Amendment No. 147, which introduced site-specific provisions in Appendix XIII to enable a tourism-led, land-use framework on the site subject to detailed planning controls. A key special provision requires that future development be consistent with an adopted Local Development Plan (LDP).



Lot 3 (No. 2446) South Coast Highway, William Bay marked with red tag – Google Maps 2026

8. Planning history (summary):
  - Council initiated Amendment 147 as a complex amendment in February 2021, referred it to the EPA and WAPC, and resolved to proceed to advertising following requested modifications.
  - EPA determined not to formally assess the amendment on 3 March 2023 and provided advice; WAPC consented to advertise on 24 May 2023.

- Public advertising occurred 29 June–30 August 2023 (late submissions accepted to 9 October 2023): 61 public submissions (45 object, 17 support) and 5 agency submissions; a further 107 supporting submissions were lodged by the proponent.
  - Council’s final adoption report (1 November 2023) recommended supporting the amendment with modifications and noted that an LDP would be required to guide development.
9. The Planning and Development (Local Planning Schemes) Regulations 2015 establish the purpose, preparation and decision-making framework for LDPs in Schedule 2 (Deemed provisions). An LDP sets site-specific development standards and design requirements to coordinate subdivision and development outcomes where scheme provisions alone are insufficient; Council may approve, require modifications or refuse an LDP having regard to the Regulations, State policy and the local planning framework.
10. Within the State planning framework, the WAPC’s guidance (including the WA Planning Manual) explains how local instruments—schemes, local planning policies and local development plans—implement strategic planning at the site scale. The Deemed provisions apply across all schemes, ensuring LDPs are prepared and assessed consistently with State policy.
11. The Shire’s Local Planning Framework (Local Planning Strategy and TPS3), as published by the Shire and DPLH/WAPC, provides the local strategic and statutory context for assessing the draft LDP. The Amendment 147 special provisions direct the preparation and implementation of an LDP for the site.

### **Proposal**

12. Key elements depicted in the draft LDP for the site include:
- A 50-bay caravan park and associated amenities within the Tourist zone footprint.
  - Internal access road network and a sealed 70-bay car park (including long-vehicle bays) to Shire requirements.
  - South Coast Highway right-turn pocket of approximately 150 m (noting separate MRWA approval is required for any works within the highway reserve).
  - All buildings and facilities to be single storey with controlled external colours/materials and buffers/setbacks to the highway and side boundaries.
  - Vegetation retention and supplementary landscape screening to maintain visual amenity, plus bushfire access parameters (e.g. clear 4 m trafficable width) consistent with the Bushfire Management Plan.
  - On-site potable water supply and wastewater treatment/disposal to Department of Health/agency requirements.
13. This report assesses the draft LDP in accordance with the Regulations and the Shire’s local planning framework, having particular regard to matters raised through the Amendment 147 process: vehicle access and road safety (South Coast Highway), amenity interfaces with adjoining rural and rural-living areas, visual landscape management, bushfire risk, wastewater and nutrient management, and environmental values.

### **DISCUSSION / OFFICER COMMENTS**

#### **Purpose and approach**

14. The Local Development Plan (LDP) is required by the Tourist zone provisions for this site and is the tool that turns Council's previous Scheme Amendment 147 decisions into clear, site-specific development controls. The LDP has been assessed against the Planning and Development (Local Planning Schemes) Regulations 2015, relevant State policies and the Shire's Local Planning Framework.

#### **Role of the LDP versus the Scheme Amendment**

15. The Local Development Plan (LDP) is not a forum to reopen the rezoning of Lot 3. Council made those strategic land use decisions when it adopted Scheme Amendment 147 and zoned the site Tourist, with special provisions that require an LDP before development can proceed.
16. The task now is to give practical effect to that zoning by setting clear, site-specific development standards—building height and materials, setbacks and landscape buffers, internal access and parking parameters—and by identifying matters that must be resolved at Development Application (DA) stage (e.g. potable water and wastewater to DoH/DWER satisfaction, and SPP 3.7 bushfire compliance).
17. On that basis, the discussion and recommendations in this report focus on whether the LDP's provisions faithfully implement the adopted zoning and special provisions and align with the local planning framework, rather than re-testing the merits of the rezoning.

#### **Access to and from South Coast Highway**

18. South Coast Highway is managed by Main Roads WA (MRWA). The updated Traffic Statement (Riley Consulting, 18/10/2022) confirms that the proposed access location meets sight-distance needs for a 90 km/h road and that MRWA has indicated in-principle support. In simple terms, the highway operates safely with the access as shown and no specific highway upgrades are required at the LDP stage. Since the traffic statement, the speed zone has been reduced to 80km/hr which further supports the traffic statement outcomes.
19. To avoid confusion and to respect MRWA's role as decision-maker, all references in the LDP to a 'passing lane' or a separate 'right-turn pocket' plan should be deleted. Replace these with a single note: 'Any works within South Coast Highway are subject to separate MRWA approval; this LDP does not approve or imply any highway works.'
20. Based on the Traffic Statement and the volumes discussed during Scheme Amendment 147, the development traffic is modest (order of a few hundred vehicles per day at full operation) and well within the capacity of the highway. Intersections are expected to operate with minimal delay.

#### **Visual landscape and amenity**

21. The Amendment 147 material included a visual assessment and before/after images. The LDP carries this forward by keeping buildings to one storey, controlling external colours, using setbacks, and requiring screen planting. Substantial planting has already occurred, and the site is not visible when approaching from the east. These measures should be retained and tied to a Landscape Plan, so screening is established and maintained over time.

22. The landowner has submitted a series of photos showing the effectiveness of works and planting undertaken so far to improve the appearance of the property when viewed from South Coast Highway; these are found at Attachment 9.1.1d.

#### **Parking (minor tidy-up)**

23. The LDP currently shows a fixed number of bays. This should be removed and replaced with a simple control that parking (including long-vehicle bays) will be confirmed at the development application stage to the Shire's satisfaction, based on the final land-use mix and staging.

#### **Cycling and walking to William Bay National Park**

24. Tourism development on Lot 3 may increase pedestrian and cycling movements to Greens Pool. The Munda Biddi cycling trail currently runs along Privett Road, potentially linking Lot 3 to William Bay National Park.
25. Options for future development on Lot 3 to safely link to the Munda Biddi trail should be explored as part of future development proposals.

#### **Western boundary rural interface**

26. To address the interface with adjoining grazing and farming, a minimum 20 m wide planted buffer is required along the western boundary. The buffer should be designed and maintained through the Landscape Plan using locally suitable species to help manage amenity, spray drift and trespass concerns.
27. Department of Health requirements for buffers between 'residential or sensitive land use' and farming activity recommend reasonably substantial buffers or a planted buffer. The relevant guidelines recommend 40m planted buffer. However, 20m of this is a cleared firebreak. In this instance, the Scheme requires a 20m setback for development in the zone. This should be fully planted out to the correct buffer standard, and a memorial should be placed on the Title of Lot 3 indicating that development on Lot 3 is in a rural setting and may be occasionally affected by odour and spray drift.

#### **Bushfire**

28. The LDP notes the need for 4m trafficable widths and emergency access in line with the Bushfire Management Plan (BMP) and Emergency Evacuation Plan (EEP). Final bushfire compliance (including any updated BMP/EEP) will be confirmed at the development application stage in accordance with State policy.

#### **Servicing (water and wastewater)**

29. Consistent with the Scheme Amendment 147 documentation, potable water and wastewater treatment/disposal are to be provided on-site to the satisfaction of the responsible agencies. Technical details, including a late-winter Site & Soil Evaluation, separation of trade and human wastewater, LWMS and Nutrient and Irrigation Management Plan, will be resolved at DA to DoH/DWER/DPIRD satisfaction.

## Conclusion

30. With the targeted changes listed below, the LDP will properly implement Council's earlier decisions, respond to the key issues raised through Amendment 147 (highway access and safety, visual landscape, rural interface, bushfire and servicing), and align with the Shire's planning framework. Adoption with modifications is supported.

## Recommended Modifications to the LDP

- Delete all references and drawings that depict or commit to specific highway works (including any 'passing lane' or separate 'right-turn pocket' plan). Insert a single note that any works within South Coast Highway require separate MRWA approval and are not approved or implied by the LDP.
- Delete the fixed number of parking bays and replace with a performance-based control: parking (including long-vehicle bays) to be confirmed at development application stage to the Shire's satisfaction having regard to the final land-use mix and staging.
- Require a minimum 20 m wide planted buffer along the western boundary, to be designed, planted and maintained through the Landscape Plan to the Shire's satisfaction.
- Retain single-storey built form, colour/material controls, setbacks and perimeter screening, and link these to the Landscape Plan to ensure screening is established and maintained (including for views from the eastern approach on South Coast Highway).
- Retain the bushfire access notes (including 4 m trafficable width) and confirm that updated BMP/EEP will be provided at development application stage to demonstrate compliance with State policy.
- Issues raised in public and agency submissions are addressed via the modifications in Attachment 9.x.xe (M1–M13). In particular: highway interface (M1–M2), parking (M3), rural interface/landscape (M4–M6), lighting (M7), servicing/water (M8–M9), bushfire (M10) and noise/road-noise (M11).

## CONSULTATION AND EXTERNAL ADVICE

31. In accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* this proposal for a Local Development Plan (LDP) was advertised for a period of 21 days from 18 September to 10 October 2025. This included letters to government agencies and nearby landowners and publication of notices on the Shire's website. Copies of the LDP were available for public viewing at Shire's offices and on the Shire's website.
32. Submissions received and issues raised are discussed in this report and included in Attachments 9.1.1c.
33. The key matters raised in submissions (MRWA highway interface, DoH/DWER servicing and public health prerequisites, and amenity/bushfire/landscape concerns) are incorporated in the recommended modifications (Attachment 9.1.1e).

## **STATUTORY / LEGAL IMPLICATIONS**

### **Planning and Development Act 2005**

34. Section 252 - The broader statutory mechanism for review, which provides that where (under a planning scheme) the grant of an approval is discretionary and the applicant is refused or gets conditions, the applicant may apply to SAT for a review

### **Planning and Development (Local Planning Schemes) Regulations 2015 (WA)**

35. Schedule 2 (Deemed Provisions) — Part 6
- cl. 48 — Preparation of an LDP: provides the preparation requirements/expectations for the plan.
  - cl. 49 — local government action on receipt of an LDP application: sets the initial procedural step once an LDP is lodged (how the local government must handle it at the start).
  - cl. 50 — Advertising of an LDP: establishes the public notice/advertising requirement for an LDP.
  - cl. 51 — consideration of submissions: requires the local government to consider submissions received through the advertising process.
  - cl. 52 — decision of local government: provides for the local government's determination of the LDP (decision point).
  - cl.54 – provides the proponent the right to review at the State Administrative Tribunal if the Local Government does not approve the LDP.

## **STRATEGIC / POLICY IMPLICATIONS**

### **Strategic Community Plan**

36. The proposed LDP is consistent with the community's Strategic Community Plan 'Our Future 2033', particularly with regard to achieving the Economic Development priorities identified. The proposal enables the development of new industry, supports business ideas and facilitates the establishment of tourism related to local primary industries. The proposal is considered to adequately safeguard against significant impacts on the natural environment and visual landscape values as is appropriate at this stage of the planning process.

### **Local Planning Strategy 2024**

37. The LDP is consistent with the LPS 2024 by operationalising the Strategy's directions for Tourism (assessment criteria in Figure 6), Visual Landscape, Environment/Water, and Bushfire, at the site scale for an already Tourist-zoned site.

### **State Planning Policies**

38. The following other relevant policies have been given due consideration and the proposed scheme amendment is considered to be consistent with the requirements of each:
- State Planning Policy 2.5: Rural Planning
  - State Planning Policy 2.9: Planning for Water
  - State Planning Policy 3.7: Bushfire

- State Planning Policy 5.4: Road and Rail Noise
- Planning for Tourism Position Statement
- Guidelines for Planning in Bushfire Prone Areas

### **FINANCIAL IMPLICATIONS**

39. Fees associated with the LDP have been paid as per Council's operative Fees and Charges Schedule.
40. Adoption of the LDP can be undertaken within existing staff resources and will not impact the adopted budget or the Long-Term Financial Plan.

### **OTHER IMPLICATIONS**

#### **Environmental**

41. The LDP incorporates provisions to address relevant environmental considerations, including those identified by the EPA, DWER and DoH. This will enable any outstanding concerns with the use of water and disposal of wastewater to be addressed at subsequent approval stages.

#### **Economic**

42. The proposed LDP demonstrates a high level of economic benefit and the development of the land uses that are enabled by this proposal are likely to create ongoing business and employment opportunities within the Denmark community.

#### **Social**

43. The proposed LDP enables land uses that are perceived by neighbouring landowners to result in a loss of amenity. Officers consider that the development of a range of rural land uses under the existing zoning could potentially be more disruptive, noting that the management of potential impacts will be required to maintain sensitive (residential and tourist accommodation) land uses within the property itself. The proposed LDP is therefore not considered to unduly result in a loss of amenity compared to the current zoning.

### **RISK MANAGEMENT**

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

**9.1.2 LOCAL DEVELOPMENT PLAN – LOT 349 & PART LOT 9000 KEARSLEY RD, DENMARK**

<b>File Ref:</b>	WAPC200549
<b>Applicant / Proponent:</b>	Williams Consulting on behalf of Sunland Pty Ltd
<b>Subject Land / Locality:</b>	Lot 349 & Part Lot 9000 Kearsley Road, Denmark
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	19 March 2026
<b>Author:</b>	Craig Pursey, Manager Development Services
<b>Authorising Officer:</b>	David King, Chief Executive Officer
<b>Attachments:</b>	9.1.2 – Draft Local Development Plan

**EXECUTIVE SUMMARY**

1. The Western Australian Planning Commission (WAPC) approved a 44-lot subdivision of Lot 349 & Part Lot 9000 Kearsley Road, Denmark on the 22 October 2024. Condition 16 of this approval required the preparation of a Local Development Plan (LDP) to address zoning, access, bushfire and vegetation protection issues arising from the differences between the adopted subdivision guide plan and the approved subdivision pattern.
2. This report recommends that Council adopt the LDP found at Attachment 9.1.2.

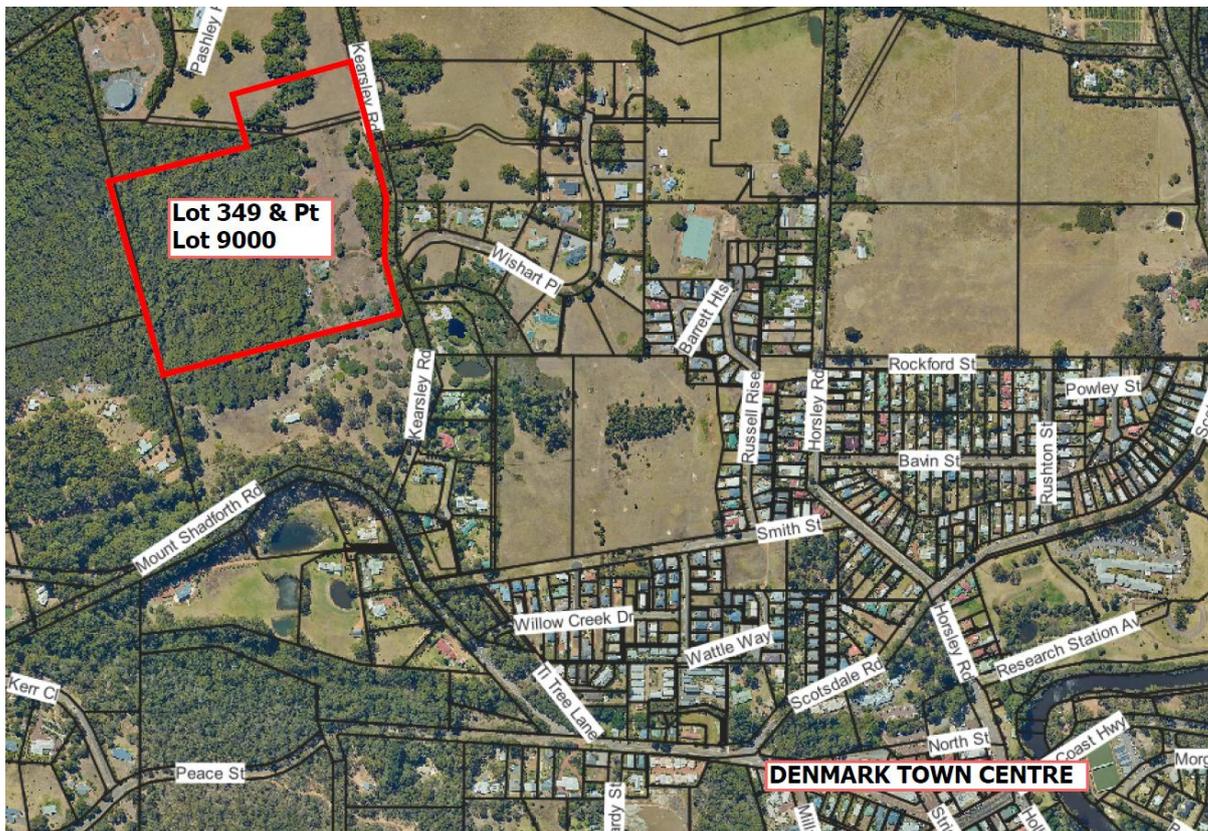
**VOTING REQUIREMENTS**

3. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.2.1
<p>That Council, pursuant to Schedule 2, Part 6, Clause 52(1) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, resolves to:</p> <ol style="list-style-type: none"> <li>2. ADOPT the Lot 349 and Lot 9000 Kearsley Road, Denmark Local Development Plan as presented in Attachment 9.1.2.</li> <li>3. Publish notice of the adoption of Local Development Plan on the Shire’s website and in the Shire’s offices.</li> </ol>	

**LOCATION**

4. Lot 349 and part Lot 9000 Kearsley Road, Denmark is a large landholding on the western side of Kearsley Road, approximately 1.4km to the northwest of the Denmark town centre.
5. The western two-thirds of the property is good quality native vegetation on a reasonably steep slope, connecting to a DBCA managed reserve at the rear. The front third of the property is reasonably clear but slopes quite steeply from north to south.
6. The property fronts Kearsley Road, currently a gravel road with good stands of karri trees along its length.
7. The site is zoned both Residential R10 and Special Residential Zone No.13, with development guided by site specific zoning controls and a Subdivision Guide Plan (SGP) adopted in 2011.



Subject site is edged in red.

**BACKGROUND**

8. The Western Australian Planning Commission (WAPC) approved a 44-lot subdivision for the site on 22nd October 2024.
9. The subdivision approved by the Western Australian Planning Commission (WAPC) significantly departed from the underlying zoning and original subdivision guide plan.
10. The subdivision significantly varied from the adopted SGP by:
  - Road alignments are significantly different (noting that external links to neighbouring lots are retained).
  - Residential-sized lots extend into the area zoned Special Residential.
  - Several approved lots had a split zoning of both Residential and Special Residential (meaning that two different sets of land use controls applied to future development).
11. The WAPC approved the subdivision but added Condition 16, requiring an LDP to address several issues arising from the SGP variation.
12. Condition 16 requires the LDP to address:

Requirement	Reason
13. a) Development to be located so as to minimise the amount	The Bushfire Management Plan for the subdivision assumes some clearing and management of the understorey to achieve lots

of clearing for bushfire protection purposes.	that are able to be developed in accordance with the planning for bushfire guidelines.  Retention of vegetation is a key consideration for development proposals in the Shire of Denmark.
14. b) Development to be setback from existing canopy of retained Karri trees along Kearsley Road.	Retaining the karri trees in the Kearsley Road reserve has been a key consideration since the zoning of the land in 2011.  The Fire Management Notice does not permit trees to overhang housing; it is important to locate housing so as to not put future pressure to clear the karri trees identified for protection.
c) Dual zoning on Lots	The approved subdivision created several lots that had both the Residential R10 and Special Residential zoning.  This would make future development assessment impractical.
d) Residential R10 development standards for those lots currently zoned Special Residential	The approved subdivision created several lots that were Residential R10 in size (~1,000m <sup>2</sup> ) in a portion of the site zoned Special Residential which has a minimum lot size of 2000m <sup>2</sup> .  The WAPC is not bound by the Shire’s Town Planning Scheme in approving the subdivision, but applying the Special Residential zoning provisions on a 1000m <sup>2</sup> lot creates setback, open space and streetscape issues.
e) No access onto Kearsley Road from Lots 7, 21, 22, 36 and 38	Retaining trees in the Kearsley Road reserve is a priority, limiting the number of driveways through this space assists in retaining vegetation.

**DISCUSSION / OFFICER COMMENTS**

15. A Local Development Plan is used to guide built-form outcomes and link lot design to future development. An LDP can modify or supplement development standards where allowed under the Planning and Development (Local Planning Schemes) Regulations 2015.
16. The draft LDP at Attachment 9.1.2:

- satisfies Condition 16 of the subdivision approval by applying the Residential R10 design standards, limiting access and providing building envelopes outside of karri canopy.
  - conforms with mandatory LDP format as described by the WAPC “Framework for Local Development Plans”.
  - complements the Shire’s existing local planning framework by clearly stating that the existing Scheme requirements continue to apply but are varied by the matters shown in the LDP.
  - is consistent with bushfire management requirements by referencing the bushfire management plan that applies to the subdivision and recognising that some of the existing remnant vegetation may need to be modified but that the trees are not required to be removed as part of fire management.
  - Reduces the front setback on the northern-most lots to increase their development potential due to the impact of the water main easement that widens the road reserve in front of these lots.
17. Essentially, the LDP amends the existing planning framework to address the disconnect between the zoning and the original subdivision guide plan and the approved subdivision. It responds to site constraints and sets new, clearly articulated standards for landowners and the local government.

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

18. Under the planning regulations, an LDP does not require advertising if it is unlikely to adversely affect owners or occupiers within or near the plan area.
19. The LDP was not advertised for public comment because it applies only to newly created lots on previously undeveloped land and does not alter the requirements for neighbouring properties.

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

##### **Planning and Development Act 2005**

20. Section 252 - The broader statutory mechanism for review, which provides that where (under a planning scheme) the grant of an approval is discretionary and the applicant is refused or gets conditions, the applicant may apply to SAT for a review.

##### **Planning and Development (Local Planning Schemes) Regulations 2015 (WA)**

21. Schedule 2 (Deemed Provisions) — Part 6
- cl. 48 — Preparation of an LDP: provides the preparation requirements/expectations for the plan.
  - cl. 49 — local government action on receipt of an LDP application: sets the initial procedural step once an LDP is lodged (how the local government must handle it at the start).
  - cl. 50 — Advertising of an LDP: establishes the public notice/advertising requirement for an LDP.
  - cl. 51 — consideration of submissions: requires the local government to consider submissions received through the advertising process.

- cl. 52 — decision of local government: provides for the local government’s determination of the LDP (decision point).
- cl.54 – provides the proponent the right to review at the State Administrative Tribunal if the Local Government does not approve the LDP.

### **STRATEGIC / POLICY IMPLICATIONS**

22. The LDP supports objectives in the Local Planning Strategy, supporting residential development that responds to site opportunities and constraints, including bushfire management and vegetation retention.

### **FINANCIAL IMPLICATIONS**

23. Adoption of the LDP can be undertaken within existing staff resources and will not impact the adopted budget or the Long-Term Financial Plan.

### **OTHER IMPLICATIONS**

#### **Environmental**

24. The LDP assists in protecting habitat trees and remnant vegetation. No significant environmental implications have been identified.

#### **Economic**

25. No significant economic implications have been identified.

#### **Social**

26. No significant social implications have been identified.

### **RISK MANAGEMENT**

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

**9.2 CORPORATE SERVICES**

**9.2.1 PAYMENT OF ACCOUNTS FOR PERIOD ENDING 31 JANUARY 2026**

<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>	10 February 2026
<b>Author:</b>	Kelly Schroeter, Senior Finance Officer
<b>Authorising Officer:</b>	Kellie Jenkins, Executive Manager Corporate Services
<b>Attachments:</b>	9.2.1 – Payment of Accounts – January 2026

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**EXECUTIVE SUMMARY**

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

**VOTING REQUIREMENTS**

2. Simple majority.

<b>OFFICER RECOMMENDATION</b>	<b>ITEM 9.2.1</b>
That Council RECEIVE the payment of accounts totalling \$1,596,069.23 for the month of January 2026, as per Attachment 9.2.1.	

**LOCATION**

3. Nil.

**BACKGROUND**

4. Nil.

**DISCUSSION / OFFICER COMMENTS**

5. Nil.

**CONSULTATION AND EXTERNAL ADVICE**

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

**STATUTORY / LEGAL IMPLICATIONS**

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

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

**STRATEGIC / POLICY IMPLICATIONS**

8. Nil.

**FINANCIAL IMPLICATIONS**

9. Nil.

**OTHER IMPLICATIONS****Environmental**

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

**Economic**

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

**Social**

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

**RISK MANAGEMENT**

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

**9.2.2 FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31 JANUARY 2026**

<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 March 2026
<b>Author:</b>	Scott Sewell, Financial Accountant
<b>Authorising Officer:</b>	Kellie Jenkins, Executive Manager Corporate Services
<b>Attachments:</b>	9.2.2 – January 2026 Monthly Financial Report

**EXECUTIVE SUMMARY**

1. In accordance with the Local Government (Financial Management) Regulations 1996, local governments must prepare a monthly Statement of Financial Activity reporting financial performance against the adopted budget.
2. The Shire of Denmark has prepared its Statement of Financial Activity for the period ending 31 January 2026.
3. A monthly Investment Register is also provided to Council to ensure compliance with the Shire’s Investment Policy.

**VOTING REQUIREMENTS**

4. Simple majority.

<b>OFFICER RECOMMENDATION</b>	<b>ITEM 9.2.2</b>
<p>That Council RECEIVE the Financial Activity Statements for the period ending 31 January 2026, incorporating the Statement of Financial Activity and other supporting documentation, as per Attachment 9.2.2.</p>	

**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. Council has endorsed a materiality threshold of 10% or \$50,000 for reporting variances (Resolution 080725). Variances meeting or exceeding this threshold must be explained.

**DISCUSSION / OFFICER COMMENTS**

8. The Statement of Financial Activity for January 2026 shows a closing funding surplus of \$7,161,883. The adopted budget anticipates a zero year end closing position. Key variances include:

- Operating income exceeding budget by \$288,930.
- Operating expenses being under expended by \$13,672

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

9. A summary of the financial position for January 2026 is detailed in the table below:

	Adopted Annual Budget (as amended)	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)
	\$	\$	\$	\$	%
<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	14,018,371	14,307,301	288,930	2%
Capital revenue, grants and contributions	11,637,320	3,196,024	3,295,461	99,437	3%
	<b>27,185,917</b>	<b>17,214,395</b>	<b>17,602,762</b>	<b>388,367</b>	
<b>Expenditure</b>					
Operating Expenditure	-20,541,015	-11,559,969	-11,546,297	13,672	0%
Capital Expenditure	-12,958,505	-5,074,848	-3,082,935	1,991,913	39%
	<b>-33,499,520</b>	<b>-16,634,817</b>	<b>-14,629,231</b>	<b>2,005,586</b>	
Funding balance adjustments	5,649,894	3,350,416	3,528,994	178,578	5%
<b>Closing Funding Surplus</b>	<b>0</b>	<b>4,593,701</b>	<b>7,161,883</b>	<b>2,568,182</b>	<b>55.91%</b>

**INVESTMENT REPORT**

10. Pursuant to the Shire’s Investment Policy, the monthly Investment Register outlines portfolio performance and counterparty exposure. The investment register provides details of interest income earned against budget, whilst confirming compliance of the portfolio with legislative and policy limits.

11. As at 31 January 2026, total cash holdings (including trust funds) were \$14,619,011, comprising:

- Municipal Funds total \$8,419,347
- Shire Trust Funds total \$55,850
- Reserve Funds (restricted) invested, total \$6,143,813
- Municipal Funds (unrestricted) invested, total \$6,715,071

12. The Reserve Bank of Australia's (RBA) has increased the official cash rate to 4.10%, effective 18 March 2026. This follows a previous increase from 3.60% to 3.85% on 3 February 2026.

### **CONSULTATION AND EXTERNAL ADVICE**

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

### **STATUTORY / LEGAL IMPLICATIONS**

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

14. Regulation 34 (1-5) outlines the requirements for financial activity statements.
15. 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**

16. 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.
17. Section 6.14 outlines the power to invest for local governments.

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

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

### **STRATEGIC / POLICY IMPLICATIONS**

#### **Budget Variation Policy**

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

### **FINANCIAL IMPLICATIONS**

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

### **OTHER IMPLICATIONS**

#### **Environmental**

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

#### **Economic**

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

**Social**

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

**RISK MANAGEMENT**

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

**9.2.3 BUDGET REVIEW FOR 2025/2026**

<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 March 2026
<b>Author:</b>	Kellie Jenkins, Executive Manager Corporate Services
<b>Authorising Officer:</b>	Kellie Jenkins, Executive Manager Corporate Services
<b>Attachments:</b>	9.2.3 – 2025/2026 Budget Review Report

**EXECUTIVE SUMMARY**

1. The 2025/2026 Budget Review has been completed in accordance with statutory requirements. Based on actual results to 31 January 2026, the Shire remains on track to deliver its planned services and operations responsibly for the remainder of the financial year.
2. Key amendments include updated operating forecasts reflecting confirmed grant income and service activity; revised capital works budgets to align with updated project scopes, funding arrangements and delivery timelines; removal of the planned Depot Redevelopment loan and associated 2025/2026 expenditure; and updated reserve transfers to ensure alignment with current project funding requirements.
3. Council is requested to consider and adopt the Budget Review and associated budget amendments.

**VOTING REQUIREMENTS**

4. Absolute majority.

OFFICER RECOMMENDATION	ITEM 9.2.3
That Council ADOPT the 2025/2026 Budget Review, as per Attachment 9.2.3	

**LOCATION**

5. Not applicable.

**BACKGROUND**

6. The Local Government (Financial Management) Regulations 1996 require all WA local governments to complete a budget review between 1 January and 31 March each year. This is a mid-year check to confirm the adopted budget is still achievable and reflects current conditions.
7. The 2025/2026 Annual Budget was adopted in July 2025. Since then, some assumptions have changed. This includes confirmed grant amounts that differ from early estimates, storm damage and related DRFAWA claims, updated workforce and project resourcing needs, and changes to capital project scopes, funding and approvals.
8. The review covers financial results to 31 January 2026. It also includes year-to-date budget changes and updated forecasts through to 30 June 2026.

**DISCUSSION / OFFICER COMMENTS**

9. The review updates the operating budget (day-to-day income and spending). Changes mainly reflect confirmed grants and contributions, updated fees and charges based on current activity, higher interest earnings, and updated workforce and workers compensation costs. It also reduces some consultancy budgets where work will be done in-house.
10. Changes to operating grants and contributions reflect: confirmed allocations (including Main Roads Western Australia direct grants); new program funding (including AWARE Program funding for the Bushfire Ready Preparedness Event); removal of funding where agreements have ended (including BRMC funding); and reimbursements/recoups (including DRFAWA storm compensation, insurance for Administration Building water damage, and workers compensation reimbursements that match current claims).
11. Fees and charges have been updated to match actual activity. This includes higher income from building licences, local law enforcement and Recreation Centre use; lower waste service income to match invoices raised; higher commercial waste collection income due to updated billing; and higher planning and engineering fees. Interest income is also higher due to better rates and stronger cash balances, along with higher penalty interest on rates that reflects actual collections.
12. Operating spending has increased in some areas due to higher materials and contract costs (including legal costs, waste facility maintenance, Administration Building repairs, parks and reserves and Recreation Centre maintenance). These increases are partly offset by lower consultancy costs and by delaying or reshaping some strategic work (including deferring the asset revaluation and removing the Sport & Recreation Facilities Master Plan project). Depreciation has increased due to new assets being recognised (non-cash). Finance costs have reduced because the Depot Redevelopment loan will not be drawn. Funding has also been reallocated between sustainability projects and the Community Financial Assistance Program to improve transparency and align with the Community Contributions Policy.
13. The review also updates the capital budget (major projects) to reflect confirmed funding, revised project scopes and updated delivery timeframes. Capital grants and contributions increase due to additional Main Roads WA funding, new State Government small-grant allocations, and contributions from the Arena Future Fuels

Program. Funding that was expected for the SLRIP Timber Bridge project has been removed because the grant application was not successful.

14. Capital spending has been updated to match current timing and funding needs. The planned borrowing for the Depot Redevelopment will not proceed in 2025/2026, so the related loan repayment budget has been removed. The review also confirms the Regional Precincts and Partnerships Program (RPPP) allocation endorsed earlier in the year no longer needs support from the Infrastructure Reserve, because the project is now fully funded within existing budgets. This allows a transfer back to the Reserve and strengthens the Shire's capacity to fund future capital works.
15. Key changes to the capital works program include: reducing the Depot Redevelopment budget because the project will not move to construction in 2025/2026; updating roads budgets to reflect expanded works on Mount Shadforth Road and Department of Water and Environmental Regulation (DWER) requirements for the Turner Road Bike Trail; removing the SLRIP Timber Bridge Replacement project; and reducing the Hopson Park Improvements budget following a refined scope.
16. Capital revenue changes match these updates. This includes removing the proceeds from the deferred Depot Redevelopment borrowing and updating transfers from reserves. Transfers increase to fund RPPP-related planning and design work endorsed at the January 2026 OCM, while transfers linked to the discontinued SLRIP Timber Bridge project are reduced.
17. Overall, the review keeps the capital program accurate and aligned with confirmed funding and realistic delivery timeframes.

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

18. Officers were consulted to confirm the status of projects and budget items within their areas of responsibility.

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

Local Government (Financial Management) Regulations 1996

19. Regulation 33A requires local governments to review their annual budget between 1 January and 31 March each year.

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

Budget Variation Policy

20. This review includes all officer-approved changes made under the Shire's Budget Variation Policy.

#### **FINANCIAL IMPLICATIONS**

21. More detailed financial information is provided in the attachment (the 2025/2026 Budget Review Report).

**OTHER IMPLICATIONS**

**Environmental**

- 22. No significant environmental impacts have been identified for this report or the officer recommendation.

**Economic**

- 23. No significant economic impacts have been identified for this report or the officer recommendation.

**Social**

- 24. No significant social impacts have been identified for this report or the officer recommendation.

**RISK MANAGEMENT**

- 25. A risk assessment was completed in line with the Council’s Risk Management Policy. No risks were identified in relation to this report or the officer recommendation.

**9.2.4 PAYMENT OF ACCOUNTS FOR PERIOD ENDING 28 FEBRUARY 2026**

<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 March 2026
<b>Author:</b>	Kelly Schroeter, Senior Finance Officer
<b>Authorising Officer:</b>	Kellie Jenkins, Executive Manager Corporate Services
<b>Attachments:</b>	9.2.4 – Payment of Accounts – February 2026

**EXECUTIVE SUMMARY**

- 1. To advise Council of payments made for the period 1 February to 28 February 2026.

**VOTING REQUIREMENTS**

- 2. Simple majority.

<b>OFFICER RECOMMENDATION</b>	<b>ITEM 9.2.4</b>
That Council RECEIVE the payment of accounts totalling \$1,641,823.09 for the month of February 2026, as per Attachment 9.2.4	

**LOCATION**

3. Nil.

**BACKGROUND**

4. Nil.

**DISCUSSION / OFFICER COMMENTS**

5. Nil.

**CONSULTATION AND EXTERNAL ADVICE**

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

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

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

**STRATEGIC / POLICY IMPLICATIONS**

8. Nil.

**FINANCIAL IMPLICATIONS**

9. Nil.

**OTHER IMPLICATIONS****Environmental**

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

**Economic**

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

**Social**

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

**RISK MANAGEMENT**

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

**9.2.5 FINANCIAL STATEMENTS FOR THE PERIOD ENDED 28 FEBRUARY 2026**

<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>	19 March 2026
<b>Author:</b>	Scott Sewell, Financial Accountant
<b>Authorising Officer:</b>	Kellie Jenkins, Executive Manager Corporate Services
<b>Attachments:</b>	9.2.5 – February 2026 Monthly Financial Report

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**EXECUTIVE SUMMARY**

1. In accordance with the Local Government Financial Management Regulations 1996, local governments must prepare a monthly Statement of Financial Activity reporting financial performance against the adopted budget.
2. The Shire of Denmark has prepared its Statement of Financial Activity for the period ending 28 February 2026.
3. A monthly Investment Register is also provided to Council to ensure compliance with the Shire’s Investment Policy.

**VOTING REQUIREMENTS**

4. Simple majority.

<b>OFFICER RECOMMENDATION</b>	<b>ITEM 9.2.5</b>
<p>That Council RECEIVE the Financial Activity Statements for the period ending 28 February 2026, incorporating the Statement of Financial Activity and other supporting documentation, as per Attachment 9.2.5.</p>	

**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. Council has endorsed a materiality threshold of 10% or \$50,000 for reporting variances (Resolution 080725). Variances meeting or exceeding this threshold must be explained.

**DISCUSSION / OFFICER COMMENTS**

8. The Statement of Financial Activity for February 2026 shows a closing funding surplus of \$6,372,250. The adopted budget anticipates a zero year end closing position. Key variances include:

- Operating income exceeding budget by \$355,911.
- Operating expenses exceeding budget by \$11,539

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

9. A summary of the financial position for February 2026 is detailed in the table below:

	Adopted Annual Budget (as amended)	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)
	\$	\$	\$	\$	%
<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	14,430,256	14,786,167	355,911	2%
Capital revenue, grants and contributions	11,637,320	3,539,024	3,651,271	112,247	3%
	<b>27,185,917</b>	<b>17,969,280</b>	<b>18,437,439</b>	<b>468,159</b>	
<b>Expenditure</b>					
Operating Expenditure	-20,541,015	-13,188,130	-13,199,669	-11,539	0%
Capital Expenditure	-12,958,505	-5,851,528	-3,520,294	2,331,234	40%
	<b>-33,499,520</b>	<b>-19,039,658</b>	<b>-16,719,963</b>	<b>2,319,695</b>	
Funding balance adjustments	5,649,894	3,841,904	3,995,416	153,512	4%
<b>Closing Funding Surplus</b>	<b>0</b>	<b>3,435,233</b>	<b>6,372,250</b>	<b>2,937,017</b>	<b>85.50%</b>

**Investment Report**

10. Pursuant to the Shire’s Investment Policy, the monthly Investment Register outlines portfolio performance and counterparty exposure. The investment register provides details of interest income earned against budget, whilst confirming compliance of the portfolio with legislative and policy limits.
11. As at 28 February 2026, total cash holdings (including trust funds) were \$14,494,273, comprising:
- Municipal Funds total \$8,294,609
  - Shire Trust Funds total \$55,850
  - Reserve Funds (restricted) invested, total \$6,143,813
  - Municipal Funds (unrestricted) invested, total \$6,576,527

12. The Reserve Bank of Australia's (RBA) has increased the official cash rate to 4.10%, effective 18 March 2026. This follows a previous increase from 3.60% to 3.85% on 3 February 2026.

### **CONSULTATION AND EXTERNAL ADVICE**

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

### **STATUTORY / LEGAL IMPLICATIONS**

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

14. Regulation 34 (1-5) outlines the requirements for financial activity statements.
15. 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**

16. 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.
17. Section 6.14 outlines the power to invest for local governments.

#### **Trustees Act 1962**

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

### **STRATEGIC / POLICY IMPLICATIONS**

#### **Budget Variation Policy**

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

### **FINANCIAL IMPLICATIONS**

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

### **OTHER IMPLICATIONS**

#### **Environmental**

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

#### **Economic**

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

**Social**

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

**RISK MANAGEMENT**

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

**9.3 GOVERNANCE**

**9.3.1 SERVICE RECOGNITION POLICY**

<b>File Ref:</b>	ADMIN.2
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	16 March 2026
<b>Author:</b>	David King, Chief Executive Officer
<b>Authorising Officer:</b>	David King, Chief Executive Officer
<b>Attachments:</b>	9.3.1 – Councillor Service and Recognition Policy

**EXECUTIVE SUMMARY**

- 1. To align the Shire’s policies with best practice governance, the Shire has been undergoing a comprehensive review of all its policies.
- 2. This item seeks to review and update the Councillor Service and Recognition Policy

**VOTING REQUIREMENTS**

- 3. Simple majority.

<b>OFFICER RECOMMENDATION</b>	<b>ITEM 9.3.1</b>
That Council ADOPT the Councillor Service and Recognition Policy as per Attachment 9.3.1.	

**LOCATION**

- 4. Nil.

**BACKGROUND**

- 5. In 2025, a comprehensive review of Council policies commenced to ensure they remain current, relevant, and effective.
- 6. A number of existing policies have been identified as outdated, overly prescriptive, or no longer appropriate as formal Council policies.
- 7. The current policy is as below and was last reviewed in 2008.

**P040131 COUNCLLOR SERVICE AND FAREWELL POLICY****Objective**

*To show appreciation to Councillors who have served the Council and the Community in a volunteer capacity.*

**Policy**

*Upon resignation of a Councillor midterm, and for a length of service not less than 2 years, an official presentation function shall be held to recognise the Councillor's service to the Council as part of an evening meal following a Council Meeting.*

*Upon retirement of office or failure to secure an additional term of office as a continuing Councillor, an official presentation and partners function shall be held to recognise the Councillor's service to the Council. The reception to include former Councillor(s) and their partner(s) as well as new Councillor(s) and their partner(s).*

*At either of the functions mentioned above a suitable gift shall be presented to the Councillor based on the following;*

- 1. 0-4 years of Service: Certificate of Service;*
- 2. 5-8 years of Service: Certificate of Service Plaque and a gift to the value of \$200;*
- 3. 9 + years of Service: Certificate of Service Plaque and a gift to the value of \$400 & a recommendation to WALGA of the issue of a meritorious service or similar award.*

*The CEO is to consult with the Shire President and Deputy Shire President to determine a suitable gift for a Councillors service.*

**DISCUSSION / OFFICER COMMENTS****Legislative Parameters**

8. Under s 5.100A of the Local Government Act 1995, a local government cannot give a gift to a council member unless it is given in prescribed circumstances and is below a prescribed amount. Regulation 34AC prescribes the retirement of a council member who has served at least one full 4-year term as a circumstance in which a gift may be given and prescribes the maximum value as \$100 per year of service to a maximum of \$1,000.

**Current Policy**

9. The current policy complies with the regulations regarding gift allocation for council members, ensuring adherence to prescribed circumstances and limits. Additionally, it provides guidance on the appropriate Civic Function to be held for retiring councillors, with P040112 – Civic Receptions specifically relating to this regarding the approval process.
10. It is recommended that the Policy be updated to reflect the regulation parameters.

**CONSULTATION AND EXTERNAL ADVICE**

11. Councillors provided guidance relating to the draft policy position at the February Concept Forum.
12. The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal and considered Council's Community Engagement Policy and believes that no additional external/internal engagement or consultation is required.

**STATUTORY / LEGAL IMPLICATIONS****Local Government Act 1995**

13. Section 2.7(2)(b) – Council determines the local government's policies.
14. Section 5.100A – limitation on the provision of gifts to council members.

**Local Government (Administration) Regulations 1996**

15. Regulation 34AC(1) prescribes the retirement of a council member who has served at least one full 4-year term as a circumstance in which a gift may be given.
16. Regulation 34AC(2) prescribes the limitations referred to in s 5.100A.

**STRATEGIC / POLICY IMPLICATIONS****Policy Manual**

17. This report considers the review of P040131 Council Service and Farewell Policy.

**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 social considerations relating to the report or officer recommendation.

**RISK MANAGEMENT**

22. 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.

**9.3.2 CIVIC EVENTS POLICY**

<b>File Ref:</b>	ADMIN.2
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	16 March 2026
<b>Author:</b>	David King, Chief Executive Officer
<b>Authorising Officer:</b>	David King, Chief Executive Officer
<b>Attachments:</b>	9.3.2 – Draft Civic Event Policy

**EXECUTIVE SUMMARY**

1. To align the Shire’s policies with best practice governance, the Shire has been undergoing a comprehensive review of all its policies.
2. This item seeks to review and update the Civic Events Policy.

**VOTING REQUIREMENTS**

3. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.3.2
That Council ADOPT the Civic Events Policy as per Attachment 9.3.2.	

**LOCATION**

4. Nil

**BACKGROUND**

5. In 2025, a comprehensive review of Council policies commenced to ensure they remain current, relevant, and effective.
6. A number of existing policies have been identified as outdated, overly prescriptive, or no longer appropriate as formal Council policies.
7. The current policy is as follows: no review data is recorded.

*P040112 CIVIC RECEPTIONS – APPROVALS / REJECTIONS OF REQUESTS*

1. *Any request for a civic reception is to be referred to the Shire President who may approve or reject the request provided that a specific or general budget authority exists.*
2. *Arrangements for civic receptions (format, invitation list, etc) are to be made by the Shire President and Chief Executive Officer without referral to Council*

**DISCUSSION / OFFICER COMMENTS****Civic Event**

8. A civic event is a formal gathering or occasion organised by a local government to mark significant achievements, commemorate important dates, or celebrate milestones that are of public or civic interest. These events are intended to serve the community and reflect the values, history, or accomplishments of the local area, rather than providing private or individual benefit.

**Legislative Parameters**

9. Whilst there are no regulations that directly relate to civic events or functions, expenditure should be reasonably defensible, and decision-making must be transparent and accountable, particularly where events intersect with gifts/hospitality.
10. Relating to civic events, this would mean a civic reception or event should serve a public or civic purpose (not a private or individual benefit) and align with adopted policies.

**Current Policy**

11. The current policy only provides an approval process but does not contain a policy position on when civic events should be held.
12. To ensure consistency and transparency, the policy should be expanded to provide this guidance to the Shire President in determining requests.
13. A draft Policy is provided as Attachment 9.3.2.

**CONSULTATION AND EXTERNAL ADVICE**

14. Councillors provided guidance relating to the draft policy position at the February Concept Forum.
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 and believes that no additional external/internal engagement or consultation is required.

**STATUTORY / LEGAL IMPLICATIONS****Local Government Act 1995**

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

**STRATEGIC / POLICY IMPLICATIONS****Policy Manual**

17. This report considers the review of P040112 Civic Receptions.

**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 social considerations relating to the report or officer recommendation.

**RISK MANAGEMENT**

22. 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 MEETING FRAMEWORK POLICY**

<b>File Ref:</b>	ADMIN.2
<b>Applicant / Proponent:</b>	Not Applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	18 March 2026
<b>Author:</b>	David King, Chief Executive Officer
<b>Authorising Officer:</b>	David King, Chief Executive Officer
<b>Attachments:</b>	9.3.3 – Draft Council Meeting Framework Policy

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**EXECUTIVE SUMMARY**

1. In light of recent amendments to the *Local Government Act 1995* (WA) regarding councillors’ roles and expectations, it is prudent to review current practices and adopt a meeting framework that complements those requirements and promotes good governance.
2. The draft Meeting Framework Policy (Attachment 9.3.3) provides for a formalised enduring framework that covers meetings and engagements outside the statutory framework, including:
  - Concept forums
  - Locality Meeting
  - Working Groups
  - Representation on Regional Committees or Organisations
  - Representation in Local Groups or Committees
3. Locality Meetings: These meetings are proposed to continue as part of Council’s engagement practices, with their importance further reinforced. Locality meetings remain a vital avenue for councillors to connect with community concerns and priorities.

4. Working Groups: All working groups will be coordinated by Shire officers, ensuring consistent administration and oversight. Councillors will receive standing invitations to participate, maintaining their involvement and input while clarifying operational responsibility.
5. Representation on Regional Committees or Organisations: Councillor representation within regional bodies will remain unchanged, supporting ongoing collaboration and advocacy at the broader regional level.
6. Representation in Local Groups or Committees: The approach to councillor participation in local groups and committees is proposed to be revised. These changes aim to clarify the roles and expectations of councillors, ensuring their involvement aligns with statutory obligations and community needs.
7. Overall, the draft policy sets out a structured framework to guide councillor involvement and engagement across various forums, promoting transparency, consistency, and alignment with legislative requirements.

**VOTING REQUIREMENTS**

8. Simple majority.

OFFICER RECOMMENDATION ITEM 9.3.3a)

That Council adopt the Meeting Framework Policy as per Attachment 9.3.3.

OFFICER RECOMMENDATION ITEM 9.3.3b)

That Council appoint \_\_\_\_\_ to represent the Shire of Denmark on the Denmark Pardelup Prison Working Group.

**LOCATION**

9. Not applicable

**BACKGROUND**

10. Recent amendments to the *Local Government Act 1995* (WA) clarify and expand aspects of the councillor role, including (among other things) expectations about representation, communication with the community about Council decisions, and maintaining good working relationships. It is therefore prudent to review current practices and set a framework complementary to those expectations.
11. This report seeks to provide justification for proposed amendments to the Meeting Framework Policy in line with these changes.

**DISCUSSION / OFFICER COMMENTS**

12. Councillors play a critical role in representing the community and contributing to informed decision-making. While Ordinary Council Meetings and Concept Forums remain the primary forums for deliberation, councillors may also participate in other

meetings that support governance, regional collaboration, and community engagement. Officers have provided a proposed framework for making the decision regarding ongoing membership. This includes:

- Committees of Council
- Locality meetings
- Working Groups
- Representation on Regional Committees or Organisations
- Representation in Local Groups or Committees

### **Committees of Council**

13. Statutory committees are established under legislation to provide advice to Council. Their recommendations are advisory and require formal Council endorsement.
14. Officers recommend applying the following principles when considering the establishment of a Committee of Council:
  - Created where required by legislation – Legislative requirement due to risk and importance, eg audit committee.
  - Council committees have to be run in accordance with the Standing Orders Local Law. Committees are formal and, therefore, resource-intensive for the administration. In addition, by their nature as advisory to Council, they lengthen the decision-making process.
15. Where a matter requires strategic direction or conceptual formulation, these should be dealt with in Concept Forums or Ordinary Council Meetings.
16. Council has appointed members to relevant committees, and so there are no recommendations regarding appointments required.

### **Locality Meetings**

17. Historically, one Ordinary Council Meeting was held each year at a satellite townsite in the western part of the Shire. While this approach aimed to improve engagement with residents in outlying areas, it proved problematic due to logistical challenges and the complexities of hosting full council meetings outside the main office. Recognising these issues, the Council introduced Locality Meetings as a more practical alternative.
18. Locality Meetings are in place to bring councillors directly into isolated communities, providing a valuable forum for residents and ratepayers to share their insights and feedback. These meetings not only foster a sense of inclusion and direct communication but also allow councillors to gain a firsthand understanding of community concerns and priorities. They also directly assist in fulfilling councillors' statutory role in explaining past decisions of Council and improve the ability to make decisions in the interests of the whole community.
19. Council host meetings at least once a year in Peaceful Bay, with an additional meeting each year alternating between the localities of Tingle Dale and Nornalup. To ensure broad participation, meetings are widely advertised. This approach makes community engagement more accessible and effective, reinforcing Council's commitment to representing all corners of the Shire.

20. These meetings are directly complementary to proposed Act provisions that require councillors to take a broader view of their district and think beyond parochial tendencies.

### **Working Groups**

21. Historically, working groups have been informal meetings involving councillors, staff and sometimes community members to progress a defined piece of work. Depending on their purpose, working groups may focus on (a) operational delivery and implementation, or (b) early option development and problem-definition that informs future Council consideration. Unlike statutory committees, these groups are informal and not required to adhere to meeting procedures under the Standing Orders Local Law.
22. Current Council Working Groups:
  - Accessibility Working Group
  - Denmark Bushfire Mitigation Working Group
  - Sustainable Projects Working Group
  - Trails Advisory Group

### Legislative Context

23. The *Local Government Act 1995* (WA) establishes a separation between the role of Council (governance and decision-making) and the role of the CEO and staff (administration). In general, councillors should avoid directing or managing staff or becoming involved in day-to-day operational decisions, except where the Act, Council decision, or a lawful delegation expressly provides for a councillor's role.
24. Councillors are also prohibited from involvement in administration under the Rules of Conduct, contained in the *Council Member, Committee Member and Candidate Code of Conduct*.
25. This restriction exists for sound governance reasons: operational management is the responsibility of administration, while councillors focus on strategic direction and policy.

### Issues

26. It is important to recognise that, without clear boundaries and consistent processes, non-statutory forums can create system risks for governance and the organisation. If roles, authority and expectations are not clearly defined (including how councillors engage with staff and how information flows back to Council), the separation between governance and administration can become blurred. This can lead to confusion, inconsistent messaging, and strained relationships between councillors and officers and among councillors. It may also contribute to workplace health and safety (WHS) risks, including heightened stress, conflict and reduced morale. A clear meeting framework helps reduce these risks by setting shared expectations.
27. In addition, section 2.10(1)(d) of the Local Government Act is a new provision that requires councillors to maintain 'good working relationships with other councillors, the mayor or president and the CEO'. With the introduction of this sub-section, councillors must now pay attention to whether they are enhancing or damaging good working relationships.

### Proposal

28. Officers recommend that operational delivery working groups (i.e., groups progressing implementation of adopted plans and projects) be established and coordinated at an administrative level under the direction of the CEO. This supports consistent resourcing, records and accountability. To avoid any actual or perceived authority to direct staff, these groups should be chaired/facilitated by an officer.
29. Where a matter requires strategic direction, concept development or option testing, this should be progressed through Concept Forums and/or Councillor workshops/briefings, and then brought to an Ordinary Council Meeting for decision as required. Time-limited councillor reference groups may be used to support this work where their purpose, scope, record-keeping and reporting pathway are clearly defined, and they do not direct staff.
30. The draft Policy defines Working Groups as a regularly scheduled meeting convened to progress defined outcomes (including deliverables contained within the Council Plan), and to develop information, options and recommendations for Council's consideration.
31. Current and future identified Working Groups that will meet the definition of the draft policy are:
  - Accessibility Working Group
  - Denmark Bushfire Mitigation Working Group
  - McLean Park Working Group (future)

### **Representation on Regional Committees or Organisations**

32. Regional committees are formed by external organisations seeking councillor representation and typically provide formal voting rights.
33. Officers recommend applying the following principles when considering representation on regional committees or groups:
34. Ensure the Shire's interests are represented in regional decision-making. It is important to be represented at these types of meetings to ensure the Shire's interests are represented, but also to take away learning and foster relationships and collaboration across jurisdictions.
35. For example, an appointment to the Pardelup Prison Working Group is recommended.

### **Representation in Local Groups or Committees**

36. This section deals with formal interactions between individual councillors and community groups. Officers have provided guidance below.
37. This has historically involved formal representation with local community groups to support interaction and communication, and provide a conduit to Council. It is worth noting that in 2010 Council appointed formal representation to 42 community groups, and this has been reduced over the years. There are currently a large number of community groups operating in the district (approximately 120), which makes it impractical and unsustainable to maintain a formal Council representative for every group.

### Current Situation

38. The current external organisations that have had a Council delegate are outlined below:

- Denmark Historical Society
- Nornalup Residents & Ratepayers Association
- Denmark Community Resource Centre
- Peaceful Bay Progress Association
- Wilson Inlet Catchment Committee
- Denmark Arts; and
- Denmark Chamber of Commerce

### Proposal

39. Councillors are encouraged to attend meetings of community groups where they feel it would be beneficial to gain further insight into specific local issues, particularly those involving sections of the community they may not ordinarily engage with.

40. Attendance provides an opportunity to share information about Council decisions and the rationale behind them, fostering transparency and supporting informed dialogue. The experience also enhances councillors' understanding of community perspectives, which informs their decision-making in line with statutory requirements.

41. In many cases, a standing appointment is not necessary and may cut across the broader principle that all councillors have a responsibility to understand, and make decisions on behalf of, the whole district (including people who work in, or visit, the district).

42. Importantly, councillors do not require a formal Council appointment to attend community group meetings; they may do so in their individual capacity as elected representatives. Formal appointment may be justified where it is required by legislation, where the body expects an authorised voting delegate, or where Council has a material funding, asset, or reputational stake that warrants an accountable representative.

43. Where councillors attend informally, good practice is to (a) clearly distinguish when they are speaking as an individual versus conveying a Council decision or perceived view, and (b) provide a brief report-back (for example, key themes and any suggested next steps) through an appropriate internal channel so the whole Council has visibility.

### Consideration of existing representation

44. When considering the appropriateness of formal council appointments to external organisations, it is important that there is a clear rationale for each appointment, aligning with Council's broader policies and strategic objectives.

45. For the Denmark Historical Society there is no voting delegate and no material funding.

46. With respect to the Nornalup Residents & Ratepayers Association and the Peaceful Bay Progress Association, biannual locality meetings already serve as an effective channel for community engagement and information sharing, as outlined in this report. Therefore, formal appointments are not strictly necessary, although councillors should feel free to attend these meetings when invited to enhance their understanding of local issues and foster community relationships.

47. The Wilson Inlet Catchment Committee (WICC) presents limited direct value in terms of council representation, as much of the collaborative work is operational and best managed through existing working relationships with officers. The current arrangement, which already fosters productive outcomes, indicates that a formal councillor appointment may not be required.
48. For the Denmark Community Resource Centre there is no voting delegate and no material funding.
49. For Denmark Arts and the Denmark Chamber of Commerce, as these groups receive material funding through service agreements, officers consider that a formal representative can be considered. However, existing service agreements and the requirement for annual presentations to councillors provides a structured and accountable framework for engagement and as such, officers have not recommended a formal appointment.

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

50. A broad discussion on this matter was held at the December 2025 Concept Forum.

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

51. **Meeting procedures:** The conduct of Council and committee meetings is also governed by Council's meeting procedures (for example, a Standing Orders Local Law where adopted) and any applicable regulations. The proposed Meeting Framework Policy is intended to complement (and not override) those statutory meeting requirements.

#### **Local Government Act**

##### Overview of recent changes

52. A number of the 2024 legislative changes have great potential to influence the culture of local government councils for the better.

##### A broader view of representation

53. Under section 2.10(1)(a) of the Local Government Act 1995 (WA), it is no longer enough to represent the interests of electors, ratepayers and residents.
54. A councillor must now take 'account of the interests of other persons who work in, or visit, the district'.
55. The provision requires councillors to take a broader view of their district and think beyond parochial tendencies.
56. This could be as simple (or as complex) as engaging in debate about whether the latest project takes enough account of those who only work in the district, or who are visiting it.
57. Councillors now have a basis to resist the call to consider only those who elected them, when exercising their vote in council.

### How Councillors Interact with their communities

58. Section 2.10(1)(c) has been amended to be more specific than its predecessor. It now reads, 'A councillor – facilitates communication with the community about council decisions'. The key difference is the words, 'about council decisions'.
59. This removes the previous ambiguity, which seemed to encourage some councillors to interpret 'facilitate communication between the community and the council' broadly.
60. The new wording seeks to answer the question about what the 'communication' councillors facilitate ought to be about. The answer limits it to being 'about council decisions'.
61. A reasonable and good faith interpretation is that section 2.10(1)(c) is directed to facilitating community understanding of Council decisions—what was decided, why, and what happens next. This does not prevent councillors from holding or expressing personal views, but when communicating externally, councillors should clearly distinguish between (a) the Council's adopted position/decision and rationale, and (b) their individual opinion (including whether they supported the decision), so that personal commentary is not presented as a Council position.
62. On the other hand, communicating about a council decision would be a more objective exercise, involving:
  - referring to strategic documents that were relevant to the council decision;
  - explaining the practical outcome of the council decision;
  - describing the timings for consultation on a project; and/or
  - summarising the strategic importance of the council decision.

### **STRATEGIC / POLICY IMPLICATIONS**

63. This report proposes changes to the Meeting Framework Policy.

### **FINANCIAL IMPLICATIONS**

64. Nil

### **OTHER IMPLICATIONS**

#### **Environmental**

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

#### **Economic**

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

#### **Social**

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

**RISK MANAGEMENT**

68. A risk assessment has been undertaken in accordance with the Council’s Risk Management Policy. Key risks relevant to this report include role ambiguity between governance and administration, inconsistent public messaging, and relationship/WHS impacts arising from unclear expectations in non-statutory forums. The proposed Meeting Framework Policy is intended to mitigate these risks through clearer role definitions, consistent coordination, and improved transparency and reporting pathways.

**9.3.4 WALGA SECTOR CONSULTATION – ELECTORAL REFORMS**

<b>File Ref:</b>	GOV.32
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	19 March 2026
<b>Author:</b>	Claire Thompson, Governance Coordinator
<b>Authorising Officer:</b>	David King, Chief Executive Officer
<b>Attachments:</b>	9.3.4 – Electoral Reform Discussion Paper (draft)

**EXECUTIVE SUMMARY**

1. WALGA is seeking endorsed responses from local governments regarding the State Government’s electoral reforms in relating to specifically:
- Full spill elections ever 4 years; and
  - Compulsory voting at Local Government elections.

**VOTING REQUIREMENTS**

2. Simple majority.

<b>OFFICER RECOMMENDATION</b>	<b>ITEM 9.3.4</b>
<p>That Council advise WALGA that it SUPPORTS:</p> <ol style="list-style-type: none"> <li>1. Biennial elections with half of Council offices elected every two years for four-year terms;</li> <li>2. Voluntary voting for local government elections, regardless of whether the election cycle remains biennial or changes to every four years.</li> </ol>	

**LOCATION**

3. Not applicable.

**BACKGROUND**

4. As part of the reforms of the Local Government Act 1995, the State Government have indicated that alternative options relating to election cycles and voting are being considered.
5. The Western Australian Local Government Association ('WALGA') is undertaking early consultation with the local government sector to inform a submission to the State Government's anticipated electoral reform proposals. A copy of the draft Discussion Paper is attached (see Attachment 9.3.4).
6. In October 2024, Council considered some advocacy positions, including supporting four-year terms with a two-year spill, and voluntary voting. WALGA is seeking the current Council's view.

## **DISCUSSION / OFFICER COMMENTS**

### **Election Frequency**

7. Current Situation: WA holds biennial elections with half of Council offices elected every two years for four-year terms. Other Australian jurisdictions hold full spill elections every four years.
8. Considerations: Factors include voter participation, continuity, mentorship, stable Council mandates, candidate recruitment, administrative requirements, extraordinary vacancies, and transitional arrangements.
9. Re-election Rates: Data from other jurisdictions shows that 47–57% of Council Members are re-elected after full spill elections.
10. Costs: Full spill elections may reduce the number of elections but increase costs due to more vacancies and higher administrative requirements.

### **Compulsory or Voluntary Voting**

11. Current Situation: Voting is voluntary in WA and South Australia, while other jurisdictions have compulsory voting.
12. Considerations: Factors include voter participation, democratic legitimacy, voter engagement, administrative requirements, and application to owner/occupier rolls.
13. Participation Rates: Compulsory voting generally results in higher participation rates. For example, Tasmania saw a significant increase in participation after implementing compulsory voting in 2022 (refer to Discussion Paper).
14. Costs: Compulsory voting may increase election costs due to higher participation rates, reply-paid charges, and staffing needs. However, in-person elections may become more cost-effective at higher participation rates.

## **CONSULTATION AND EXTERNAL ADVICE**

15. Councillors informally discussed the potential reforms at a Concept Forum held 17 March 2026.

**STATUTORY / LEGAL IMPLICATIONS**

16. Nil

**STRATEGIC / POLICY IMPLICATIONS**

17. Nil

**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 social considerations relating to the report or officer recommendation.

**RISK MANAGEMENT**

22. 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.

**9.3.5 INITIATE REVIEW OF VARIOUS LOCAL LAWS**

<b>File Ref:</b>	LEG.1
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	19 March 2026
<b>Author:</b>	Claire Thompson, Governance Coordinator
<b>Authorising Officer:</b>	David King, Chief Executive Officer
<b>Attachments:</b>	Nil

**EXECUTIVE SUMMARY**

1. Council is asked to commence a review of the following Local Laws:
  - Bushfire Brigades
  - Denmark Cemetery
  - Dogs
  - Extractive Industries
  - Parking and Parking Facilities

- Standing Orders
- Health

**VOTING REQUIREMENTS**

2. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.3.2
<p>That Council INITIATE a review of the following Local Laws, in accordance with the requirements in the Local Government Act 1995:</p> <ol style="list-style-type: none"> <li>1. Bushfire Brigades</li> <li>2. Denmark Cemetery</li> <li>3. Dogs</li> <li>4. Extractive Industries</li> <li>5. Parking and Parking Facilities</li> <li>6. Standing Orders</li> <li>7. Health</li> </ol>	

**LOCATION**

3. Not applicable.

**BACKGROUND**

4. All of the Local Laws were last reviewed in 2008.

**DISCUSSION / OFFICER COMMENTS**

5. Prior to changes in 2024, local government local laws were required to be reviewed every 8 years. It is now every 15 years.
6. Any local laws not reviewed within the 15 year timeframe will automatically be repealed [s 3.16(5)]. Given that the last review of these local laws was in 2008, if they are not reviewed by the end of December 2026, they will automatically be repealed.
7. It is noted that as part of the State Government’s Local Government Act review, regulations for standardised meetings are being drafted. The Department have advised that there is no timeframe for finalisation at this time. The finalised regulations will apply uniformly across the sector and will override any inconsistent provisions in the Standing Orders Local Law. As there is no timeframe, it is recommended that Council progress with a review.
8. The Public Health Act 2016 has been implemented in stages since it’s commencement. Stage 5 includes a shift for local government enforcement agencies from the *Health (Miscellaneous Provisions) Act 1911* framework to the Public Health Act 2016. This will include a change to local government local laws.
9. Officers have been unable to obtain a timeframe for Stage 5 implementation and therefore are recommending to progress with a review of the Health Local Law.

**CONSULTATION AND EXTERNAL ADVICE**

10. Public notice of the review, and calling for comments, will be for a period of not less than 6 weeks.

**STATUTORY / LEGAL IMPLICATIONS****Local Government Act 1995**

11. Section 3.16 – details the process for reviewing local laws, including giving public notice that the Council intends to review a local law.
12. Section 3.16(3) – following the public notice period, officers will consider any submissions and prepare a report for Council's consideration.

**STRATEGIC / POLICY IMPLICATIONS**

13. Nil

**FINANCIAL IMPLICATIONS**

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

**OTHER IMPLICATIONS****Environmental**

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

**Economic**

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

**Social**

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

**RISK MANAGEMENT**

18. 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.

**9.3.6 PUBLIC OPEN SPACE RATIONALISATION**

<b>File Ref:</b>	A5366 and A2917
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Lot 1070, No.10 Zimmerman Street – Reserve 43931 and Lot 500 No.38 Research Station Avenue – Reserve 41456
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	16 March 2026
<b>Author:</b>	David King, Chief Executive Officer
<b>Authorising Officer:</b>	David King, Chief Executive Officer
<b>Attachments:</b>	Nil

**EXECUTIVE SUMMARY**

1. The Local Planning Strategy (LPS) has identified several land parcels that warrant consideration for rationalisation. This report specifically reviews Nockolds Park and a portion of Kwoorabup Nature Park, outlining the proposed next steps.
2. It is recommended that Nockolds Park be divested to facilitate future residential development. Additionally, it is proposed that an expression of interest process be undertaken to ascertain potential options for part of Kwoorabup Nature Park.

**VOTING REQUIREMENTS**

3. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.3.6a)
<p>That with respect to Lot 1070 on Deposited Plan 192373, No. 10 Zimmerman Street, Council:</p> <ol style="list-style-type: none"> <li>1. REQUEST the Chief Executive Officer undertake consultation with the nearby residents and the Nockolds family regarding the potential freehold sale of this land parcel.</li> <li>2. REQUEST the Chief Executive Officer commence discussion with the Department of Planning, Lands and Heritage regarding agreeable conditions of sale.</li> <li>3. REPORT back to Council with a final recommendation to proceed, or not, with the rationalisation of the land parcel.</li> </ol>	

**OFFICER RECOMMENDATION**

ITEM 9.3.6b)

That with respect to Lot 500 on Deposited Plan 54271, No. 5 Research Station Avenue, Council:

1. REQUEST that the Chief Executive Officer proceed with an Expression of Interest process for lease or divestment.
2. REQUIRE that the Chief Executive Officer present expressions of interest back to Council for consideration.
3. REQUEST that the Chief Executive Officer write to adjacent landowners advising of the expression of interest, outlining that further comment will be sought, subject to any future in principle support of lease or divestment.

**LOCATION**

4. Nockolds Park – Currently reserved for Recreation.



Portion Kwoorabup Park – Currently reserved for Park and Recreation.



### BACKGROUND

5. The Shire has a large and diverse portfolio of public open space (POS), much of which was created through historic subdivision patterns rather than contemporary planning standards. As a result, some reserves are small, poorly located, difficult to maintain, or provide limited recreational or environmental value.
6. The Local Planning Strategy (Strategy) recognises that simply retaining all existing POS is neither financially sustainable nor consistent with best-practice open space planning. Instead, a more strategic and purposeful approach is required to ensure that public open space contributes meaningfully to community wellbeing, environmental outcomes and long-term asset management.
7. The Strategy reviewed existing reserves and determined whether they should be:
  - Retained and enhanced where they provide clear recreational, ecological or community benefit;
  - Repurposed or consolidated to improve function, usability or connectivity; or
  - Divested or exchanged where land has low strategic value and can be better utilised for alternative community or planning outcomes.

8. Figure 11 (shown below) in the Strategy provides the endorsed list for rationalisation.

POS Site	Land Parcel / Tenure	Characteristics	Reasons for Rationalisation	Alternative Use of Site
<b>Nockolds Park (P1)</b>	Lot 1070 (#10) Zimmerman Street – Reserve 43931	754m <sup>2</sup> ; Local recreational park; Grassed site with small playground	Too small for intended use (preferred minimum 4000m <sup>2</sup> ); Poor location, passive surveillance and design; Existing assets in poor condition; Adjacent to larger, more attractive POS	Residential and pedestrian access way
<b>Fyfe Park (P2)</b>	Lot 65 (#19) Brazier Street – Reserve 22518	1012m <sup>2</sup> ; Local recreational park; Grassed, partly treed (parkland cleared)	Too small for intended use (preferred minimum 4000m <sup>2</sup> ); No existing POS infrastructure; Located close to two larger, more attractive POS sites	Residential, truncation for road reserve
<b>Portions of Lake View Dairy Park &amp; Nellie Saw Reserve (P3)</b>	Lots 1107 & 1108 Russell Rise; Lot 1054 Horsley Road – Reserves 46543 & 33093	Lot 1107: 934m <sup>2</sup> ; Lot 1108: 1652m <sup>2</sup> ; Lot 1054: 3035m <sup>2</sup> ; Local recreational parks; Grassed sites, limited trees, drainage basin	No existing recreational infrastructure; Slope of Lot 1107; Excessive management costs for current functionality	Residential, drainage
<b>Portions of Kwoorabup Community Park (P4)</b>	Lots 500 & 502 (#38) Research Station Avenue – Reserve 41456	7.0052 ha; Neighbourhood nature/recreational park; Grassed and treed areas including Denmark River foreshore	Limited recreational infrastructure; Slope and drainage constraints; Excessive management costs for functional level	Residential or community purpose
<b>Randall Park (P5)</b>	Lot 780 (#2) Millar Street – Reserve 22558	780m <sup>2</sup> ; Local recreational park; Grassed site partly treed	Location not suitable for recreation; No POS infrastructure; Historic items not associated with site	Town Centre utility
<b>Portion of Harry &amp; Fred Tysoe Park (P6)</b>	Lot 1050 Tysoe Close (PIN 1065658 only) – Portion of Reserve 42724 south of Tysoe Close	4685m <sup>2</sup> ; Local recreational park; Grassed site partly treed	No POS infrastructure; Poor accessibility; Steep slope	Residential

9. During 2024 and 2025, the Shire held discussions with the Department of Communities concerning the land parcels listed above, prompted by local housing challenges and in

line with council's affordable housing policy. As a result, the Department identified P2 Fyfe Park, P3 View Dairy Park, and Nellie Saw Reserve as suitable sites for housing, with Fyfe Park proceeding via a land swap for the reserve opposite (formerly part of McLean Park Reserve). The transfers of these sites have now been completed.

10. This report now focuses on P1 Nockolds and P4 Kwoobup Community Park, with particular attention to Research Station Avenue Reserve.

## **DISCUSSION / OFFICER COMMENTS**

### **P1 - Nockolds Park (Reserve 43931)**

11. The Local Planning Strategy identifies Nockolds Park (P1) as a reserve suitable for rationalisation. As outlined in the Strategy table within this report, the site is a small local park (approximately 754m<sup>2</sup>) with limited recreational value, poor passive surveillance and assets in poor condition, and it is located near larger and more attractive public open space areas. The table also identifies the most suitable alternative use as residential (and/or a pedestrian access way).
12. To progress the reserve to be used for residential purposes, the Shire needs to liaise with the Department of Planning, Lands and Heritage to agree on an appropriate disposal process and any conditions attached to the disposal, noting the current reservation/tenure of the land.
13. Should Council resolve to proceed with divestment, it is recommended that any funds generated from the proceeds of sale be directed (subject to Council's budgeting processes) to priority public open space upgrades consistent with the Local Planning Strategy recommendations—specifically improvements to the local footpath network and enhancement works at Hopson Park.
14. Notwithstanding the above, it would be prudent for the Shire to write to residents within approximately 50–100 metres of the reserve to explain the rationale for the proposed divestment and invite comment prior to Council making a final decision.

### **P4 - Portions of Kwoorabup Community Park**

15. This has been identified by the Local Planning Strategy (LPS) for rationalisation due to limited recreational infrastructure, as well as slope and drainage constraints that reduce its usability. In addition, it should be noted that there are significant amounts of open space immediately adjacent to the subject site, further enhancing its appeal for a range of potential uses and ensuring ongoing access to public recreation areas for local residents.
16. This parcel of land was previously assessed by the Department of Communities as part of their broader investigation into sites suitable for affordable and community housing. While the Department ultimately identified Fyfe Park (now resolved via land swap) and future locations at portions of Lake View Dairy Park and Nellie Saw Reserve (P3) as preferred options, the subject site remains of considerable interest. Over the last 12 months, the administration has received enquiries from community housing providers (December 2025) and health services (July 2025), with additional potential for aged care housing providers.

17. Community housing providers have noted the site's proximity to the town centre and local amenities, making it ideal for residents seeking access to shops, public transport, and employment opportunities. Health services have recognised the benefits of the location's closeness to the hospital, which would support clients requiring frequent medical care or support services. Similarly, aged care housing providers have expressed interest, given the site's accessibility and its suitability for older residents wishing to remain connected to community facilities and health infrastructure.
18. In summary, there are multiple strong options for the future use of this land, each supported by its strategic location and alignment with community needs. It is recommended that Council proceed with a formal expression of interest process to ensure the most appropriate and beneficial outcome for the community.
19. The expression of interest would be sought broadly, inviting proposals from any interested parties. Consideration would be given to a range of tenure arrangements, including both freehold purchase and lease options, allowing for flexibility in how the land may be utilised to benefit the community. This open approach ensures that Council can assess a diverse array of offers and select the option that delivers the most advantageous outcome in line with the area's needs and strategic objectives.

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

##### **P1 - Nockolds Park (Reserve 43931)**

20. As part of the recommended process, it is proposed that initial consultation be undertaken regarding the potential divestment of these land parcels. This will involve writing to residents living within approximately 50–100 metres of the site to invite feedback on the proposal. The consultation will emphasise that any proceeds from divestment are intended to be reinvested into upgrades for public open spaces and local parks, ensuring that community benefits are realised through improved amenities and infrastructure.
21. In addition, special consideration will be given to the Nockolds family. Officers will engage with the family to determine if there are any sentimental or historical connections to the location, and to discuss alternative park naming options that would continue to commemorate the Nockolds name. This ensures that local heritage and community values are respected throughout the process.

**P4 - Portions of Kwoorabup Community Park**

22. At this stage, subject to Councils support, it would be appropriate to write to adjacent landowners, advising them of the expression of interest process. This correspondence will serve as an information update only as no meaningful comment can be provided until Council has determined a preferred use for the land. Landowners will be assured that, should Council indicate any future in principle support for a particular proposal, further consultation will take place to invite comment before a final decision is made.

**STATUTORY / LEGAL IMPLICATIONS****Land Administration Act**

23. Section 50 – prescribes that a management body can agree to have the management order revoked. This would be the first step, requiring Ministerial approval, if land parcels are identified for divestment.
24. Section 46 – prescribes the mechanism for the Shire to lease land.
25. Section 51 – prescribes the mechanism for the reserve purpose to be changed. This will be required if a proposed use does not match the reserve purpose and requires Ministerial approval.

**STRATEGIC / POLICY IMPLICATIONS****Local Planning Strategy**

26. This report deals directly with actions from the Local Planning Strategy.

**FINANCIAL IMPLICATIONS**

27. There are no financial implications directly associated with this report. Subsequent decision-making on these portions of land will have a positive financial impact, and these will be discussed at the appropriate time.

**OTHER IMPLICATIONS****Environmental**

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

**Economic**

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

**Social**

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

**RISK MANAGEMENT**

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

**9.4 COMMUNITY SERVICES**

Nil

**9.5 INFRASTRUCTURE SERVICES**

Nil

**10. MATTERS BEHIND CLOSED DOORS**

OFFICER RECOMMENDATION ITEM 10

That Council close the meeting to members of the public, in accordance with s 5.23(4)(b) of the Local Government Act 1995, to allow discussion on Item 10.1 which deals with information relating to the personal affairs of individuals.

**10.1 AUDIT COMMITTEE – APPOINTMENT OF INDEPENDENT PERSONS & AMENDED CHARTER**

**File Ref:** COMM.AAC  
**Applicant / Proponent:** Various  
**Subject Land / Locality:** Not applicable  
**Disclosure of Officer Interest:** Nil  
**Date:** 11 March 2026  
**Author:** Claire Thompson, Governance Coordinator  
**Authorising Officer:** Kellie Jenkins, Executive Manager Corporate Services  
**Attachments:** 10.1a – Expressions of Interest (**confidential**)  
 10.1b – WALGA’s Expression of Interest Invitation  
 10.1c – Amended Committee Charter

**EXECUTIVE SUMMARY**

1. Council is required to appoint two independent persons to the Audit, Risk & Improvement Committee (‘committee’), and of those persons, appoint one as the Presiding Person and one as the Deputy Presiding Person.
2. Council is also required to amend the committee’s Charter to reflect changes in legislation.

**VOTING REQUIREMENTS**

3. Absolute majority.

OFFICER RECOMMENDATION ITEM 10.1a)

That Council APPOINT:

1. \_\_\_\_\_ as an independent person on the Audit, Risk & Improvement Committee and the Presiding Person; and
2. \_\_\_\_\_ as an independent person on the Audit, Risk & Improvement Committee and the Deputy Presiding Person.

4. Simple majority.

<b>OFFICER RECOMMENDATION</b>	<b>ITEM 10.1b)</b>
That Council ADOPT the Audit, Risk & Improvement Committee Charter as per Attachment 10.1c.	

**LOCATION**

5. Not applicable.

**BACKGROUND**

6. In November 2025, Council authorised the Chief Executive Officer to seek expressions of interest from independent persons from the WALGA Pool of Independent Presiding Members.

**DISCUSSION / OFFICER COMMENTS**

7. Five expressions of interest were received. A copy of the profiles is in confidential Attachment 10.1a.
8. The Western Australian Local Government Association ('WALGA') have advised that they have not evaluated or verified any of the information provided in the applications and does not endorse any candidate(s).
9. The following factors could be considered when deciding upon an independent committee member for the Shire of Denmark (based on the WALGA Expressions of Interest publication):
  - Experience working with government and/or institutional governing bodies responsible for diverse and complex legislative functions.
  - Knowledge and/or experience in working in or with local government.
  - Experience in presiding a local government council or committee meetings and/or meetings conducted in accordance with formal rules for conduct, participation and voting.
  - Leadership, facilitation and communication skills, in complex compliance environments.
10. The Deputy Presiding Person will only attend a committee meeting if the Presiding Person is unavailable.
11. The draft amended committee charter is consistent with the changes in the Regulations.

**CONSULTATION AND EXTERNAL ADVICE**

12. To establish the WALGA Pool of Independent Presiding Members, the information contained in Attachment 10.1b was provided to persons when inviting submissions.

**STATUTORY / LEGAL IMPLICATIONS****Local Government Act 1995**

13. Section 5.10 – Council is to appoint committee members.
14. Section 5.11(2) – s 5.11 provides for committee membership tenure. S 5.11(2) would apply to an independent person. The tenure for this type of membership is until:
  - (a) The term of the person’s appointment as a committee member expires; or
  - (b) The local government removes the person from the office of committee member of the office of committee member otherwise becomes vacant; or
  - (c) The committee is disbanded; or
  - (d) The next ordinary elections day.
15. Section 5.12 – Council must appoint a member of a committee to be the presiding person and a member to be the deputy presiding person.
16. Section 7.1A – neither the presiding member or the deputy presiding member of the Audit, Risk & Improvement Committee can be a council member or a council member of another local government.

**Local Government (Audit) Regulations 1996**

17. Regulation 16 – sets out the functions of audit, risk and improvement committees. These have been set out in the amended Charter in Attachment 10.1c.

**STRATEGIC / POLICY IMPLICATIONS**

18. Nil

**FINANCIAL IMPLICATIONS**

19. In January 2026, Council determined that independent committee would be entitled to a \$450 attendance fee per meeting.
20. Child care and travel costs incurred because of their attendance will also be eligible for reimbursement.

**OTHER IMPLICATIONS****Environmental**

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

**Economic**

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

**Social**

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

**RISK MANAGEMENT**

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

**OFFICER RECOMMENDATION**

That Council RESUME the meeting in public.

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

Nil

**12. CLOSURE OF MEETING**