

SHIRE OF DENMARK

Ordinary Council Meeting

AGENDA

25 MARCH 2025

TO BE HELD IN COUNCIL CHAMBERS, 953 SOUTH COAST
HIGHWAY, DENMARK, ON TUESDAY, 25 MARCH 2025,
COMMENCING AT 4.00PM.



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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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

MEMBERS:

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

STAFF:

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

ON APPROVED LEAVE(S) OF ABSENCE

Nil

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>.

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

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 – 25 FEBRUARY 2025

OFFICER RECOMMENDATION

ITEM 7.1

That the minutes of the Ordinary Meeting of Council held on the 25 February 2025 be CONFIRMED as a true and correct record of the proceedings.

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

Nil

9. REPORTS OF OFFICERS

9.1 DEVELOPMENT SERVICES

Nil

9.2 CORPORATE SERVICES

9.2.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDED 28 FEBRUARY 2025

File Ref:	FIN.66.2024/25
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	12 March 2025
Author:	Scott Sewell, Financial Accountant
Authorising Officer:	Kellie Jenkins, Executive Manager Corporate Services
Attachments:	9.2.1 – February 2025 Monthly Financial Report

IN BRIEF

- Under the Local Government Financial Management Regulations, a local government is to prepare monthly, a statement of financial activity that reports on the Shire’s financial performance in relation to its adopted budget.
- The Shire of Denmark’s Statement of Financial Activity for the period ending 28 February 2025 has been prepared and is attached.
- In addition, the Shire provides Council with a monthly investment register to ensure the investment portfolio complies with the Shire’s Investment Policy.

VOTING REQUIREMENTS

1. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.2.1
That Council RECEIVE the Financial Activity Statements for the period ending 28 February 2025, incorporating the Statement of Financial Activity and other supporting documentation, as per Attachment 9.2.1.	

LOCATION

2. Nil.

BACKGROUND

3. 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.
4. Each year a local government is required to adopt a percentage or value to be used in the Statement of Financial Activity for reporting material variances. For 2024/2025 financial year, under Resolution 090724, Council adopted the monthly reporting variance of 10% or greater that requires an explanation or report, with a minimum dollar variance of \$10,000.
 5. Pursuant to the Shire’s Investment Policy, an investment report and investment register are to be provided to Council monthly, detailing the investment portfolio in terms of performance and counterparty percentage exposure of total portfolio.

DISCUSSION / OFFICER COMMENTS

6. The Statement of Financial Activity for February 2025 shows a closing funding surplus of \$5,286,673. The adopted budget (as amended) for the year ended 30 June 2025 is premised on a zero-year end closing funding position. Operating income exceeds the budget by \$74,326 overall, and Operating expenses are \$201,014 higher than budget. The main factors contributing to these variances are detailed in Note 1 – Major Variances within the attachment.
7. A summary of the financial position for February 2025 is detailed in the table below:

	Amended Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)
	\$	\$	\$	\$	%
Opening Funding Surplus / (Deficit)	1,199,252	1,199,252	1,199,252	0	0%
Revenue					
Operating revenue	14,994,724	13,805,306	13,879,632	74,326	1%
Capital revenue, grants and contributions	9,221,836	2,310,806	2,449,688	138,882	6%
	24,216,560	16,116,112	16,329,321	213,209	
Expenditure					
Operating Expenditure	-19,612,716	-12,701,892	-12,500,878	201,014	2%
Capital Expenditure	-11,232,777	-4,141,785	-3,331,946	809,839	20%
	-30,845,493	-16,843,677	-15,832,824	1,010,853	
Funding balance adjustments	5,429,681	3,580,978	3,590,924	9,946	0%
Closing Funding Surplus	0	4,052,665	5,286,673	1,234,008	30.45%

Investment Report

8. Pursuant to the Shire's Investment Policy, an investment report and investment register are to be provided to Council monthly, detailing the investment portfolio in terms of performance and counterparty percentage exposure of total portfolio. The investment register provides details of investment income earned against budget, whilst confirming compliance of the portfolio with legislative and policy limits.
9. As at 28 February 2025, total cash funds held (including trust funds) totals \$10,379,382.
10. Summary – Cash and Investments
 - Municipal Funds total \$5,716,482
 - Shire Trust Funds total \$850
 - Reserve Funds (restricted) invested, total \$4,662,050
 - Municipal Funds (unrestricted) invested, total \$4,798,204
11. The official Reserve Bank of Australia's (RBA) cash rate is currently 4.10%, following a reduction of 0.25% from 4.35% at the Reserve Bank Board meeting on 18 February 2025. This was the first adjustment to interest rates since 7 November 2023. No further adjustments to the official cash rate have been made as of the time of writing this report.

Other Information

12. The Riverbend Lane Footbridge project is expected to stay under budget for the rest of the financial year, with \$1,900 already spent on a survey.
13. Several quotes have been obtained for building the bridge component.
14. The cost of building the Eastern abutment remains unknown without a detailed design. Officers need to complete this design to estimate the costs, but due to expected expenses, a new procurement process will be required, which won't occur in the 2025/26 financial year.
15. Consequently, there will be a significant under expenditure on this project for 2025/26, and it will need to be reconsideration in the 2026/27 budget.
16. Next year, Officers will seek funding from the Western Australian Bicycle Network (WABN) Grants Program, which matches local government spending dollar-for-dollar, up to 50 per cent of the total project cost.

CONSULTATION AND EXTERNAL ADVICE

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

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

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

20. Section 6.8 relates to a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by Council resolution.
21. Section 6.14 outlines the power to invest for local governments.

The Trustees Act 1962

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

STRATEGIC / POLICY IMPLICATIONS

23. Nil.

FINANCIAL IMPLICATIONS

24. The Shire's 2024/2025 Annual Budget provides a set of parameters that guides the Shire's financial practices.
25. Any financial implications or trends are detailed within the context of this report.

OTHER IMPLICATIONS**Environmental**

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

Economic

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

Social

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

RISK MANAGEMENT

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

9.2.2 PAYMENT OF ACCOUNTS FOR THE PERIOD ENDING 28 FEBRUARY 2025

File Ref:	FIN.66.2024/25
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	11 March 2025
Author:	Nikki Westerberg, Acting Senior Finance Officer
Authorising Officer:	Kellie Jenkins, Executive Manager Corporate Services
Attachments:	9.2.2 – Payment of Accounts – February 2025

IN BRIEF

- To advise Council of payments made for the period 1 February to 28 February 2025.

VOTING REQUIREMENTS

1. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.2.2
That Council RECEIVE the payment of accounts totalling \$1,706,156.64 for the month of February 2025, as per Attachment 9.2.2.	

LOCATION

2. Not applicable.

BACKGROUND

3. Nil.

DISCUSSION / OFFICER COMMENTS

4. Nil.

CONSULTATION AND EXTERNAL ADVICE

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

STATUTORY / LEGAL IMPLICATIONS

Local Government (Financial Management) Regulations 1996

6. Regulation 13.

STRATEGIC / POLICY IMPLICATIONS

7. Nil

FINANCIAL IMPLICATIONS

8. Nil.

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

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

9.2.3 RATING EQUITY POLICY

File Ref:	RTS.11
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Shire wide
Disclosure of Officer Interest:	Nil
Date:	4 March 2025
Author:	Noni Entwisle, Finance Coordinator
Authorising Officer:	Kellie Jenkins, Executive Manager Corporate Services
Attachments:	9.2.3 – Rating Equity Policy

IN BRIEF

- This report seeks to amend the Rating Equity Policy to align with recent changes in the State Government’s Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regulations) regarding Short-Term Rental Accommodation (STRA), which introduced “hosted” & “un-hosted” accommodation.

VOTING REQUIREMENTS

1. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.2.3
That Council ADOPT the Rating Equity Policy as per Attachment 9.2.3.	

LOCATION

2. The Policy will apply to all properties in the Local Government district.

BACKGROUND

3. The Shire of Denmark (Shire) imposes differential rates based on the purpose for which land is zoned under the Town Planning Scheme (TPS) or for which the land is held or used.
4. Council adopted a Rate Equity Policy (resolution 060724) in July 2024.
5. In September 2024, the State Government finalised amendments to the Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regulations), introducing new planning requirements for Short-Term Rental Accommodation (STRA) properties across Western Australia.
6. STRA can be either hosted, where the host resides on the property, or un-hosted, where guests have exclusive use of an entire dwelling.
7. Hosted STRA is exempt from requiring planning approval within Western Australia. Regional Local governments, have the flexibility to determine planning approval for un-hosted STRA.
8. Shire of Denmark requires Planning Approval under the Town Planning Scheme (TPS) to operate as an un-hosted STRA.

DISCUSSION / OFFICER COMMENTS

9. The Rating Equity Policy outlines the application of valuation methods and differential rating categories. While the policy's differential rating categories remain unchanged, they are aligned with the hosted and un-hosted STRA for Holiday rating purposes.
10. Changes to the LPS Regulations around STRA registrations, require small Bed & Breakfasts and ancillary dwellings to register. However, under the Shire of Denmark Town Planning Scheme, these do not require planning approval. Therefore, no changes are required to the Rating Policy for Hosted STRA.
11. The rating category name for Gross Rental Valuation Basis has been changed from "Non-Rural Improved" to "Improved" to eliminate confusion among homeowners who have a rural or special rural local scheme zone.

CONSULTATION AND EXTERNAL ADVICE

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

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

13. Section 6.28 establishes the valuation basis.

STRATEGIC / POLICY IMPLICATIONS

Rating Equity Policy

- 14. Other than the alteration described in the discussion section, there are no material alterations.

FINANCIAL IMPLICATIONS

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

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

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

9.3 GOVERNANCE

9.3.1 PROPOSED PUBLIC PLACES & LOCAL GOVERNMENT PROPERTY LOCAL LAW - COMMENCEMENT

File Ref:	LEG.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	12 March 2025
Author:	Niel Mitchell, Consultant Claire Thompson, Governance Coordinator
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.3.1 – Proposed Public Places & Local Government Property Local Law

IN BRIEF

- Consideration of a Proposed Public Places & Local Government Property Local Law to commence the statutory processes for adoption

- The purpose of this report –
 - to allow the presiding person to give notice to the meeting of the proposal to make a new local law, in accordance with the requirements of the *Local Government Act 1995*;
 - for Council to approve the proposed local law for public comment;
 - for Council to give notice of the purpose and effect of the proposed local law; and
 - to authorise the advertising of the proposed local law for public comment.

VOTING REQUIREMENTS

1. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.3.1
<p>That Council:</p> <ol style="list-style-type: none"> 1. GIVE local public notice of the intention to make a Public Places & Local Government Property Local Law, pursuant to section 3.12(3) and (3a) of the <i>Local Government Act 1995</i>, and all other legislation enabling it, noting the following purpose and effect. <p style="margin-left: 40px;">Purpose – to make provisions for the management of public places, thoroughfares and all local government property.</p> <p style="margin-left: 40px;">Effect – to repeal existing local laws, establish necessary controls for public places, thoroughfares and local government property, provide for permitted and prohibited use and activities, and create offences for non-compliance.</p> 2. in accordance with section 3.12(3) of the Local Government Act 1995, ADVISE the Minister for Local Government and Departments of the proposed local law. 	

LOCATION

2. Whole of Shire.

BACKGROUND

3. The proposed local law arises from a local laws review in 2022, and repeals five local laws – three very old and two from 2001, replacing them with one aligned with requirements.
4. The proposed local law applies to the whole of the district, however, the operation and effect of is then limited to townsites or land with specific zoning in various Parts, Division or clauses, eg: clause 5.8.
5. It applies to land, reserves, leased land, property such as buildings, bridges etc of the local government whether on land owned, vested or leased or not, and provides powers to hire or lease property.

DISCUSSION / OFFICER COMMENTS

6. In making a new local law, Council must comply with the provisions of section 3.12 of the *Local Government Act 1995*, and any specific requirements of other legislation.

Purpose – to make provisions for the management of public places, thoroughfares and all local government property,

Effect – to repeal existing local laws, establish necessary controls for public places, thoroughfares and local government property, provide for permitted and prohibited use and activities, and create offences for non-compliance;

7. Titles and positions referenced –

- (a) “the local government” – depending on the context, may mean the organisation, so that where a matter is administrative (a form, notice to the administration, etc) no delegation is required. However, where a decision is required, consistent with Dept of Local Government Guidelines, it should be read as being the highest possible decision making level, which is the Council. In line with the Guidelines these decisions may be delegated to the CEO unless specified.

There are important legislative and administrative differences between appointment as an authorised person and delegation of power.

With few exceptions, Council may only make a delegation of power to a committee or an employee, whereas appointment as an authorised person can be made to any suitable individual. If not an employee, and authorised person does have a few limitations under the Act.

A delegation of power does not mean that the individual is able to act as and authorised person, and vice versa.

- (b) “by resolution” – limits the decision to Council at a meeting, and cannot be delegated to the CEO, since it requires a resolution. This is consistent with the Department’s interpretation of the term “Council” to mean the elected members in session, and is not to be interpreted as being able to be delegated to CEO, nor to mean administratively.
- (c) Council, CEO or other specific position – the function, role or power cannot be delegated, or removed from that position or role, nor over-ridden.
- (d) Authorised person / delegation – an authorised person’s function and actions are defined by the local law and is able to act within previously defined parameters. A delegation relates to decision a person who has been given the power to make a decision rather than the Council.
8. Use of policy to specify standards and activities. In accordance with the Local Government Act s.2.7, policies are to be set by Council, not the CEO, who may still issue executive instructions. Care needs to be exercised since policy should be seen as

instructions by Council to employees on what they may approve, or when to act. Policy should not be used as a direct control of the public, unless the necessary processes are undertaken.

9. Comment on the major provisions of the proposed local law –

clause 1.6 Terms used – the defined terms are critical to understanding the operation of the local law. These include –

- authorised person;
- community notice, not local public notice;
- restricted local government property;
- set fee – defined only once but used in a number of places. If there is not fee listed in the Schedule of Fees and Charges adopted, the property or place can still be used with approval, but no fee can be charge;
- trading.

clause 1.8 – the origin of the power to hire reserves, buildings, lease reserves etc.

Part 2 Determinations – provides an avenue for Council to make decisions that have the effect of a local law. Following the same principle that a local law is made subject to the Act, a determination is made subject to the local law. The determination has the effect of the local law and can be enforced under the local law.

Terminology used in any determination is critical. Use of the word “Council” prevents delegation or it simply being an admin matter.

The Joint Standing Committee on Delegated Legislation (‘JSCDL’) will not accept any changes to the wording of this Part.

Any current determinations will need to be reviewed under the new local law.

clause 4.2 - restricts trespass, on property or land owned or vested in the local government but hired or leased to another person eg: a residence rented to an employee, tennis courts on a recreation ground etc. It included property and land leased or hired by the local government.

clause 4.6 gives the authority to an authorised person to require an individual to leave land or buildings, and to then subsequently ban them for a period, eg recreation centre, skate park, swimming pool etc.

clause 4.7 – unless a special purpose or emergency vehicle, or with the approval of an authorised person.

clause 4.8 – while (1) is standard, particularly for grounds also in use at the time by other people.

Subclause (2) was created to address circumstances where aerial fire fighting operations have to be suspended due to someone flying a drone in the path of the aircraft, as has occurred in other local government areas on several occasions in recent times.

clauses 5.7 to 5.11 – current local laws have no provisions relating specifically to airports. The clauses are based on those used by local government such as City of Greater Geraldton, Shire of Jerramungup etc.

clause 5.12 to 5.14 – the provisions apply to non-potable water at Peaceful Bay and have not been tested by Department of Local Government or the JSCDL. However, a number of Wheatbelt local government do control and charge for water drawn from bores on reserves for which they have vesting.

Parts 7 and 8 – the power to control and manage road reserves rests in the Land Administration Act s.55. The power to control and manage verges extends to the balance of Part 7 and to Part 8, particularly.

clauses 7.8 to 7.12 – applying only to townsites, the minimum requirements for permitted verge treatments without further application and approval are stipulated, as are prohibited treatments. Treatments more than those listed in the local law can be listed in a policy or other administrative document, detailing the circumstances in which approval may be given.

clause 7.15 is not common, but it has been accepted by Department of Local Government ('DLG') and JSCDL.

clause 8.8 and 8.9 – apply only to special environmental areas as decided by Council.

clauses 8.10 and 8.11 – are also subject to environmental legislation and regulations.

clauses 8.12 to 8.14 – are subject to both environmental and bush fire legislation and regulation.

clause 8.15(a) – while there is an exemption in environmental protection regulations for limited clearing for a fence line, no permission for clearing of a fire break on a road reserve has been found.

Part 9 – most clauses appear in one or the other of the current local laws, but have been updated. Several clauses have been shifted so as to apply to all public places, not just local government property.

Part 10 – these provisions provide discretion for an authorised person to apply a range of requirements and conditions previously detailed in the local law. The power to control comes about, not because of the policy or document, but in the conditions applied by the authorised person on approval.

Part 11 – allows for temporary signs and trade displays that are not permanent fixtures requiring planning approval. Where a person wishes to exceed the minimum provisions, application can be made for approval.

Part 13 – has been developed to all provisions of the local law where a licence, permit, approval etc is needed. Not all matters will need to be addressed in ever request for a licence, but the authorised person may use discretion as appropriate.

clause 13.7 – provision for false or misleading statement is not usual in local laws, but has been accepted by both DLG and JSCDL.

clauses 13.9 to 13.25 deal with a range of matters – power to place conditions, provisions for transfer, variation, suspension, cancellation etc.

clauses 13.16 to 13.19 – deal with suspension of a licence, and generally requires notice of proposed suspension being given. However, clause 13.16(4) suspension may be immediate in the cases of public health or safety.

clause 13.20 – generally requires that notice of intended cancellation be given, except in clause 13.20(1)(e) where there is a risk to public health or safety.

Part 14 – as for Part 13, it is intended that all written notices as defined in clause 1.6 be consistent throughout the local law, wherever required.

clause 16.2 - recent Local Government Act amendments permit a general penalty of up to \$10,000, with daily penalty remaining at \$500 per day. These amounts may only be applied by a Court and cannot be imposed at Council's discretion.

Schedule 1 – the recent Act amendments also permitted an increase of modified penalties (infringements) to 20% of the general penalty that is listed in the local law. Penalties are suggested on the basis of whether the offender is likely to be an individual or a business, health and safety risk or impact to the community or environment etc.

10. The procedure for making local laws requires Council to give local public notice, advising of its intention to make a local law, and invite submissions to be made on the proposed local law for a six-week period. At the closure of the submission period, Council is to consider all submissions before making a local law. Local public notice does not have a statutory commencement criteria, however, for practical purposes, it is considered to commencement when the required notice is published on the Shire's website in accordance with the Regulations.
11. As required by the Local Government Act, the next steps include:
 - Local public notice inviting submissions;

- Minister for Local Government to be advised immediately after advertising for public comment; and
 - Supporting documentation to be sent to the Minister.
12. Local public notice is to invite comment on the proposed local law, with submissions being open for a period not less than 6 weeks. Internal submissions may also be made at this time.
 13. The advertisements will be placed once Council has resolved its approval of the draft local law for public comment.
 14. After the submission period is closed, Council is required to consider any submissions received. Minor amendments not affecting the intent of the provisions can be made, but if significant changes are needed, the proposal must be readvertised.
 15. Once final adoption is resolved, the proposed local law is then published in the Government Gazette and comes into effect on the date specified. Local public notice and advice to the Minister of the adoption is also required.
 16. The Gazetted copy and other documentation is then sent to the Parliamentary Joint Standing Committee on Delegated Legislation for review. The Committee may then disallow or require changes, even though having been Gazetted.

CONSULTATION AND EXTERNAL ADVICE

17. Community consultation is a statutory requirement of the next stage of the process.
18. The Local Government Act requires a minimum 6 weeks public consultation period prior to final adoption. The notice of the review is required to be published in at least 4 places in accordance with the Administration Regulations r.3A.

STATUTORY / LEGAL IMPLICATIONS

Local Government Act 1995

19. Section 3.12 – Procedure for making local laws
 - (2) - Notice of purpose and effect of local law to be given by the person presiding.
 - (3)(a) - give local public notice and invite submissions.
 - (3)(b) – give notice to the Department of Local Government CEO and any other relevant Department.
 - (3)(a) Local public notice also required to be given.
 - (4) After notice period, all submissions to be considered, and local law may then be made by an absolute majority.
20. Section 3.13 – Significant changes require recommencement of proposal.

STRATEGIC / POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

- 21. The cost of local public notice can be accommodated in Council’s current budget.

OTHER IMPLICATIONS

Environmental

- 22. There environmental protections inherent in the provisions, especially regarding:
 - Part 7 – Activities in thoroughfares.
 - Part 8 – Conservation in public places.

Economic

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

Social

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

RISK MANAGEMENT

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

9.3.2 REVOKATION OF MANAGEMENT ORDER – RESERVE NO. 22518

File Ref:	A3085
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Reserve 22518, Lot 65 on DP222379 19 Brazier Street, Denmark (Fyfe Park)
Disclosure of Officer Interest:	Nil
Date:	12 March 2025
Author:	David King, Chief Executive Officer
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.3.2a – Reserve Plan 9.3.2b – Reserve Zoning Name 9.3.2c – Reserve Management Report

IN BRIEF

- This report discusses revoking the current management orders for Reserve 22518 (Fyfe Park) and recommends that it be transferred to the Department of Communities for social housing.

VOTING REQUIREMENTS

- 1. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.3.2
<p>That Council:</p> <ol style="list-style-type: none"> 1. AGREE to the revocation of the management order for Reserve 22518 in order for the reserve to be divested to the Department of Communities. 2. REQUEST the Chief Executive Officer to commence a formal renaming of Lot 943 Barnett Street. 	

LOCATION

Address	Lot 65 (#19) Brazier Street
Reserve	22518
Lot Size	1012sq.m
Zoning	Residential R20

BACKGROUND

2. The Housing Affordability Policy, endorsed by the Council on 26 March 2024, aims to address the growing challenges of housing availability and affordability within the Shire of Denmark. The population of Denmark has seen a rapid increase, with a 25% growth over the past decade, surpassing the state growth rate of 17.5%. This growth has led to a critical shortage of rental housing, with the current rental stock at 20.49% of all housing, significantly lower than the state and national averages.
3. Social housing plays a pivotal role within the broader housing continuum, serving as an essential safety net for individuals and families who are unable to afford private rental housing or home ownership. By providing stable and affordable accommodation, social housing supports the most vulnerable members of society, ensuring they have access to safe and secure living conditions. This, in turn, contributes to the overall health, well-being, and productivity of the community.
4. In the context of Denmark, where rental stress is significantly higher than the state average, social housing becomes even more critical. It helps to alleviate some of the pressures on the private rental market, providing an alternative for those who might otherwise face homelessness or severe financial hardship. Moreover, social housing facilitates economic development by ensuring that essential workers, who are vital for the service-based industries, have access to affordable housing options. This not only enhances their quality of life but also ensures the sustainability and growth of the local economy.
5. Social housing is not merely a temporary solution; it is a vital component of a robust and inclusive housing policy. It provides long-term benefits by fostering diverse and resilient communities, reducing social inequalities, and promoting social cohesion. The Shire of Denmark's commitment to exploring opportunities for social housing development is a step in the right direction, reflecting the community's priority for more low-cost residential housing options.

6. As such, and in line with Council Policy, officers have been working with the Department of Communities on potential locations for social housing.

DISCUSSION / OFFICER COMMENTS

Review of Suitable Locations

7. The Shire officers have been actively working with the State Government, strongly advocating for intervention to address the acute shortage of affordable housing. To assist the Department of Communities, officers undertook a comprehensive review of all Crown and private land holdings that may be suitable for social housing development. Among the potential sites identified, Reserve 22518 named Fyfe Park, emerged as the most suitable option to meet the needs of the Department of Communities.
8. Several factors were crucial in selecting locations for social housing. These include proximity to employment opportunities, ensuring that residents can access jobs without significant travel burdens, which is essential for those who may not own private vehicles; and access to community services and support networks, which can provide vital assistance to individuals and families in need.

Reserve 22518 (Fyfe Park)

9. Planning and management order information is provided in Attachments 93.2a, 9.3.2b and 9.3.2c.
10. Fyfe Park's suitability is attributed to several important factors. Firstly, its close proximity to the town and essential services ensures that residents can easily access amenities such as schools, healthcare facilities, public transportation, and shopping centres. This is crucial for social housing, where accessibility to services can significantly enhance the quality of life for residents.
11. Secondly, Fyfe Park is already connected to essential utilities, including sewerage, which simplifies the development process and reduces costs. The availability of these utilities ensures that the housing can be built to modern standards, providing residents with reliable and efficient infrastructure.
12. Additionally, the flat terrain of Fyfe Park is ideal for construction, reducing the complexity and expense associated with building on more challenging landscapes. This makes it feasible to develop the site quickly and efficiently, meeting the urgent demand for affordable housing.
13. Furthermore, the park's zoning is appropriate for residential use, which means that the development aligns with existing land use regulations and policies. This minimises the need for rezoning or other legislative changes, streamlining the approval process and facilitating timely progress.

Department of Communities Proposal

14. The Department of Communities is aware of the high demand for housing in Denmark and the limited opportunities available. They intend to progress the assessment of these sites and commence the design process as soon as possible after acquisition. However, the timeframe for actual construction will depend on available funding and priorities at that time. While a definite timeframe cannot be provided at this stage, it is expected

that construction would commence in 2026/27 at the earliest, but more likely in 2027/28.

15. Regarding the density of housing the department has advised that it would be premature to provide a definitive number of dwellings, as this depends on several factors that require further exploration and approval. However, the current understanding is that this lot is likely to be rezoned to R40-R60 and that a maximum number of dwellings will be sought.
16. The department has advised that the purpose of this site development will be for social housing. However, due to the restricted size, it is the department's intent and preference for this to house seniors.

Reallocation of Fyfe Park Naming

17. The name Fyfe has its origins to Thomas James Fyfe, a pioneer family and town blacksmith. The name Fyfe Park was attributed to Reserve 22518 in 2012. At that time, the Shire underwent a process of naming a number of reserves around the Shire of Denmark. The records do not show a particular interest in Reserve 22518 with respect to the name 'Fyfe', rather it was a random selection at the time.
18. Nevertheless, officers consider it appropriate to reallocate the name to another reserve.
19. As part of the discussion with the Department of Lands, a process is underway to divest the management of Lot 943 Barnett Street, which is currently under the management order to Retirees WA. The intent is for this Crown land to be vested to the Shire of Denmark for the purposes of recreation. Once this process is complete, officers propose to undertake a process to rename this portion to Fyfe Park.



CONSULTATION AND EXTERNAL ADVICE

20. The Shire has been working closely with the Department of Communities to ensure that any proposal meets their requirements.

- 21. The Chief Executive Officer has discussed the proposal with the two park's direct neighbours and, at the time of publication of the agenda, had not received any negative feedback.
- 22. There is no statutory requirement for additional consultation on this matter.

STATUTORY / LEGAL IMPLICATIONS

Land Administration Act 1997

- 23. Section 50 prescribes that when a management body agrees that its management should be revoked, the Minister may revoke that management order by order.

STRATEGIC / POLICY IMPLICATIONS

Local Planning Strategy

- 24. The proposal is consistent with the Local Planning Strategy that Shire has identified the need to rationalise selected Public Open Space (POS) and that the highest and best use of this land is residential housing.

Extract from Local Planning Strategy:

POS Site	Land Parcel/ Tenure	Characteristics	Reasons for Rationalisation	Alternative Use of Site	Reinvestment To
Nockolds Park (P1)	Lot 1070 (#10) Zimmerman Street Reserve 43931	<ul style="list-style-type: none"> • 754m² • Local recreational park • Grassed site with small playground 	<ul style="list-style-type: none"> • Too small for intended use – preferred minimum size of 4000m² for local level POS • Poor location, passive surveillance and design • Existing assets in poor condition • Located adjacent to larger, attractive POS that is used instead of this park 	Residential and pedestrian access way	Improved footpath network and enhancement of Hopson Park.
Fyfe Park (P2)	Lot 65 (#19) Brazier Street Reserve 22518	<ul style="list-style-type: none"> • 1012m² • Local recreational park • Grassed, partly treed (parkland cleared) 	<ul style="list-style-type: none"> • Too small for intended use – preferred minimum size of 4000m² for local level POS • No existing POS infrastructure • Located close to two larger and more attractive POS sites 	Residential, truncation for road reserve	Disposal or land exchange with adjacent Lot 943 (#21) Barnett Street to provide for improvements to McLean Park.

Housing Affordability Policy

- 25. The proposal aligns with the Shires Housing Affordability Policy, which emphasises advocacy, partnerships, and collaboration with the government to identify underutilised land for affordable housing development.

FINANCIAL IMPLICATIONS

- 26. There are no significant financial implications related to this report and its recommendations.

OTHER IMPLICATIONS

Environmental

27. The development of the site will necessitate some vegetation clearing. While there are a number of peppermint trees on the site, the majority of the vegetation is not native.

Economic

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

Social

29. The social considerations have been covered in the background section of this report.

RISK MANAGEMENT

30. Risk Table

Risk	Risk based on history and with existing controls			Proposed Treatment/Control
	Likelihood	Consequence	Risk Rating	
Reputational: That the community do not accept that the POS should be relinquished for the purpose of social housing	Moderate (3)	Moderate (3)	Moderate (9)	Accept risk on the notion that the proposed use is better overall for the community.

9.3.3 DRAFT ELECTION SIGNS POLICY

File Ref: ADMIN.2
Applicant / Proponent: Not applicable
Subject Land / Locality: Not applicable
Disclosure of Officer Interest: Nil
Date: 13 March 2025
Author: Claire Thompson, Governance Coordinator
Authorising Officer: David King, Chief Executive Officer
Attachments: 9.3.3a – WALGA’s Political Signage Guideline
 9.3.3b – Draft Election Sign Policy

IN BRIEF

- Council is asked to consider replacing the existing Council Policy relating to election signs.

VOTING REQUIREMENTS

1. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.3.3
<p>That Council:</p> <ol style="list-style-type: none"> 1. REPEAL Council Policy P040112 – Political/Election Campaign Signs; 2. ADOPT the draft Election Sign Policy, as per Attachment 9.3.3b; and 3. ADVERTISE the draft policy for public awareness. 	

LOCATION

2. Shire of Denmark local government area.

BACKGROUND

3. The recent State Government Election highlighted the need to review Council’s policy regarding election signs.

DISCUSSION / OFFICER COMMENTS

4. The WALGA Political Signage Guideline provides information regarding the implied Constitutional freedom of political communication (see Attachment 9.3.3a). It also states that any conditions imposed on election signs cannot be more onerous than provisions relating to other comparable signs.
5. Currently the Shire’s Activities on Thoroughfares & Trading in Thoroughfares & Public Places Local Law requires that a permit be obtained for election signs and details a number of conditions that must be placed on any approved permit.
6. The draft policy would allow a person to place election signage on some Shire land during the election period without a permit, subject to a number of conditions. This would essentially be a “licence” or “permit” issued through a Council Policy under the Local Law (both current and proposed).
7. As detailed in WALGA’s Guideline, there has been a number of cases relating to the implied freedom of political communication and election signs. It is the view of Officers that there is also a risk that the current Council Policy, that prohibits all election signs on Shire land, could breach this freedom should it ever be tested.

CONSULTATION AND EXTERNAL ADVICE

8. Given the upcoming Federal and Local Government elections, it is recommended that public notice be given regarding any amendments to the Council’s Election Signs Policy.

STATUTORY / LEGAL IMPLICATIONS

Local Government Act 1995

9. Section 2.7(2)(b) – one of Council’s roles is determine the local government’s policies.

Planning and Development (Local Planning Schemes) Regulations 2015

10. Schedule 2, Part 7, clause 61(1) contains deemed provisions relating to developments for which development approval is not required.

“9. The temporary erection or installation of an advertisement.

Conditions

- (a) The advertisement is erected or installed in connection with an election, referendum or other poll conducted under the Commonwealth Electoral Act 1918 (Commonwealth), the Referendum (Machinery Provisions) Act 1984 (Commonwealth), the Electoral Act 1907, the Local Government Act 1995 or the Referendums Act 1983.*
- (b) The primary purpose of the advertisement is for political communication in relation to the election, referendum or poll.*
- (c) The advertisement is not erected or installed until the writ or writs have been issued or, for an election, referendum or poll under the Local Government Act 1995, until the 36th day before the day on which the election, referendum or poll is to be held.*
- (d) The advertisement is removed no later than 48 hours after the election, referendum or poll is conducted.*
- (e) The advertisement is not erected or installed within 1.5 m of any part of a crossover or street truncation.”*

Activities on Thoroughfares & Trading in Thoroughfares & Public Places Local Law

11. Part 3 – relates to advertising signs on thoroughfares.
12. Part 3, Division 3, clause 3.5 imposes conditions on any permit issued for the erection of an election sign.

Draft Property and Public Places Local Law

13. The draft Local Law (the subject of Item 9.3.1 on this Agenda) treats election signs the same as any other temporary sign and does not place specific conditions on election signage.
14. Under the proposed local law, it will be an offence not to comply with clause 11.3(1)(a) which states that a temporary sign must be compliant with any relevant Planning Policy or other policy.

STRATEGIC / POLICY IMPLICATIONS

Council Policy P040112 – Political/Election Campaign Signs

15. The current policy, in its entirety, states, “Council not allow the erection of roadside political/election campaign signs on Shire controlled land”.

FINANCIAL IMPLICATIONS

16. The cost of advertising can be accommodated within the Council’s current budget.

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

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

9.3.4 COMPLIANCE AUDIT RETURN 2024

File Ref:	FIN.8.A
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	12 March 2025
Author:	Claire Thompson, Governance Coordinator
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.3.4 - Compliance Audit Return 2024

IN BRIEF

- Council is required to review the 2024 Compliance Audit Return and consider the recommendation of the Audit Advisory Committee.

VOTING REQUIREMENTS

1. Simple majority.

COMMITTEE & OFFICER RECOMMENDATION	ITEM 9.3.4
That Council ADOPT the 2024 Compliance Audit Return, and submit a certified copy to the Director General of the Department of Local Government, Sport and Cultural Industries by 31 March 2025.	

LOCATION

2. Not applicable.

BACKGROUND

3. Each year a local government is required to conduct a compliance audit for the period 1 January to 31 December on a number of statutory compliance provisions contained within the Compliance Audit Return, provided by the Department of Local Government, Sport and Cultural Industries ('Department').
4. The Department retains the compliance returns for future reference.
5. The Audit Advisory Committee met on the 11 March 2025 and make the following recommendation to Council.

"That the Audit Advisory Committee REPORTS to Council that there were no areas of non-compliance identified for 2024 and RECOMMENDS that Council ADOPT the 2024 Compliance Audit Return, and submit a certified copy to the Director General of the Department of Local Government, Sport and Cultural Industries by 31 March 2025."

DISCUSSION / OFFICER COMMENTS

6. The draft 2024 Compliance Audit Return is attached (see Attachment 9.4.4).
7. There were no areas of non-compliance identified.

CONSULTATION AND EXTERNAL ADVICE

8. Relevant Shire employees have been consulted.

STATUTORY / LEGAL IMPLICATIONS**Local Government (Audit) Regulations 1996**

9. Regulation 14(1)—(2) - a local government to carry out a compliance audit each year in a form approved by the Minister.
10. Regulation 14(3A) – the audit committee to review the compliance audit and report to Council the results of that review.
11. Regulation 14(3) – that the compliance audit return be presented to and adopted by Council.
12. Regulation 15 – a certified copy of the compliance audit return to be given to the Departmental CEO by the 31 March.

STRATEGIC / POLICY IMPLICATIONS

13. Nil

FINANCIAL IMPLICATIONS

14. Nil

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

17. 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.

9.4 COMMUNITY SERVICES

Nil

9.5 INFRASTRUCTURE SERVICES

9.5.1 PROPOSED PARTIAL ROAD CLOSURE – MITCHELL STREET, ONE WAY

File Ref:	R30027
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Mitchell Street, Denmark
Disclosure of Officer Interest:	Nil
Date:	7 March 2025
Author:	Clinton Lewis, Manager Technical Services
Authorising Officer:	Robert Westerberg, Director Infrastructure and Assets
Attachments:	9.5.1a – Mitchell Street proposed line marking design 9.5.1b – Mitchell Street partial closure plan

IN BRIEF

- Officers are seeking approval for the permanent partial closure of Mitchell Street, to direct the traffic flow one-way, moving from Price Street to Strickland Street.

VOTING REQUIREMENTS

1. Simple majority.

OFFICER RECOMMENDATION

ITEM 9.5.1

That Council:

1. APPROVE the partial closure of Mitchell Street, restricting traffic flow direction to one-way, moving from west to east, from Price Street to Strickland Street.
2. GIVE local public notice of the partial closure, and written notice to each person as detailed in Regulations; and
3. Should there be no substantive objection to the proposal, AUTHORISE the Chief Executive Officer to proceed with the necessary minor works and administrative procedures to affect the partial closure.

LOCATION

2. Mitchell Street – between Strickland Street and Price Street, Denmark.

BACKGROUND

3. Mitchell Street, between Strickland Street and Price Street, is in the Central Business District (CBD) of Denmark. It is a narrow, two-way street with marked parallel parking bays on the north side with informal parallel parking on the south side.
4. The current road reserve and seal widths are 20m and 8.5m respectively. The trafficable lane, excluding the parking bay widths, is 6.0m, which meets the minimum width requirement under the Liveable Neighbourhoods guide by the Western Australia Planning Commission (WAPC). However, informal parking on the south side renders the trafficable lane impassable, raising safety concerns.
5. The Shire of Denmark has received written and verbal complaints from the public regarding vehicles parked along the verge of Mitchell Street causing congestion and problems associated with turning movements for delivery trucks and other road users.

DISCUSSION / OFFICER COMMENTS

6. Currently, there are eight formal parking bays on Mitchell Street. The transition to one-way with the 30 degree bays will result in 12 formal parking bays.
7. An ACROD bay adjacent to the Plain Tree Precinct was considered; however, the grades of Mitchell Street will not allow for the construction of a fully compliant ACROD bay without significant earthworks and retaining, resulting in a reduction in the number of bays that can be created under the proposed layout.
8. The Shire will focus on improving other existing ACROD bays in the CBD.
9. Ad-hoc and uncontrolled parking on Mitchell Street is causing hazards to pedestrians and road users and there have been numerous reports of vehicles meeting on Mitchell Street and having to reverse back out into traffic onto the primary roads. By installing a one-way measure, safe parking could be enabled down one side of the street.
10. The initial proposal seeks Council approval to make Mitchell Street one-way eastbound from Price Street. This includes installing regulatory signage and line marking, as well as

formalizing 30-degree parking bays on the south side of the street, adjacent to the Plain Tree Precinct.

11. The partial closure of Mitchell Street will be a cost effective and long-term solution to traffic conflicts within the immediate area. It will also provide for an additional 4 formal parking bays.

CONSULTATION AND EXTERNAL ADVICE

12. Legislation and Regulations require consultation with affected persons, including:
 - 1) Main Road Western Australia (MRWA).
 - 2) Other Government Agencies that may be affected by the closure including Police, Fire, Ambulance, Water Corporation and Western Power.
 - 3) All adjoining properties.
13. Consultation must allow a reasonable period for submissions on the proposals and the submissions must be considered prior to proceeding with the proposal.

STATUTORY / LEGAL IMPLICATIONS

Local Government Act 1995

14. Section 3.50 – relates to the closing of thoroughfares to vehicles.

Local Government (Functions and General) Regulations 1996

15. Regulation 4 – details prescribed persons for the purposes of Section 3.50.

STRATEGIC / POLICY IMPLICATIONS

16. The CEO is delegated authority to perform local government functions under s 3.50 of the Local Government Act 1995 (refer Delegation No. 1.2.7) however, given the location of the proposed partial road closure and expected high level of public interest, Officers opted to have the matter considered formally by the Council.

FINANCIAL IMPLICATIONS

17. There are minor costs associated with the advertising, installation of signage and line marking which it has been estimated to cost \$4,000. This will be sourced from the maintenance budget.

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

- 21. Risk Table

Risk	Risk based on history and with existing controls			Proposed Treatment/Control
	Likelihood	Consequence	Risk Rating	
Reputational: That by making the street one way unexpected congestion may be created elsewhere	Possible (3)	Moderate (3)	Moderate (9)	Past partial road closures have been successful. Passively monitor post implementation and improve where necessary.

9 MATTERS BEHIND CLOSED DOORS

Nil

10 NEW BUSINESS OF AN URGENT NATURE

11 CLOSURE OF MEETING