

Shire of Denmark

Ordinary Council Meeting

AGENDA

12 DECEMBER 2023



TO BE HELD IN COUNCIL CHAMBERS, 953 SOUTH COAST HIGHWAY, DENMARK, ON TUESDAY, 12 DECEMBER 2023, 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)
- Rob Westerberg (Director Infrastructure and
- Claire Thompson (Governance Coordinator)
- Kristie Buss (Executive Support Officer)

ON APPROVED LEAVE(S) OF ABSENCE

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

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 – 21 NOVEMBER 2023

OFFICER RECOMMENDATION	ITEM 7.1
That the minutes of the Ordinary Meeting of Council held on the 21 November 2023 be CONFIRMED as a true and correct record of the proceedings.	

7.2 STRATEGIC BRIEFING NOTES – 21 NOVEMBER 2023

OFFICER RECOMMENDATION	ITEM 7.2
That the notes of the Strategic Briefing held on the 21 November 2023 be RECEIVED.	

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 31 OCTOBER 2023

File Ref:	FIN.1
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	28 November 2023
Author:	Scott Sewell, Financial Accountant
Authorising Officer:	Jodi Masson, Acting Manager Corporate Services
Attachments:	9.2.1 – October 2023 Monthly Financial Report

IN BRIEF

- Under the Local Government Financial Management Regulations, a local government is to prepare, on a monthly basis, 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 31 October 2023 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 Reports for the period ending 31 October 2023, incorporating the Statement of Financial Activity and other supporting documentation, as per Attachment 9.2.1.	

LOCATION

2. Not applicable.

BACKGROUND

3. In order to fill statutory reporting obligations, the Monthly Financial Report prepared provides a snapshot of the Shire’s year-to-date financial performance. The report provides:
 - Statement of Financial Activity by Nature or Type;
 - Statement of Financial Activity by Program;
 - Explanation of Material Variances;
 - Net Current Funding Position;
 - Receivables;
 - Capital Acquisitions;
 - Cash Backed Reserve Balances;

- Loan Schedule;
 - Investment Register;
 - 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. Under Resolution 030823, Council adopted the monthly reporting variance for the 2023/2024 financial year of 10% or greater for each program area in the budget as a level 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 on a monthly basis, detailing the investment portfolio in terms of performance and counterparty percentage exposure of total portfolio.

DISCUSSION / OFFICER COMMENTS

Financial Statements

6. The Statement of Financial Activity for October 2023 shows a closing funding surplus of \$9,460,430. The adopted budget for the year ended 30 June 2024 (as amended) is premised on a zero year end closing funding position. Operating expenditure is \$344,082 higher than the year-to-date budgeted amount. The main factors relating to this variance is the depreciation expense for infrastructure asset classes have calculated slightly higher than budget due to the revaluation of that asset class effective as at June 2023. There are also some variances in timing for undertaking contracted works when compared to the budget profile. (Refer to Materials & Contracts Expense).
7. A summary of the financial position for October 2023 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)	1,882,014	1,882,014	1,883,689	1,675	0%
Revenue					
Operating revenue	13,928,609	11,797,911	11,942,261	144,350	1%
Capital revenue, grants and contributions	7,810,453	849,651	863,136	13,485	2%
	21,739,062	12,647,562	12,805,397	157,835	
Expenditure					
Operating Expenditure	-17,590,191	-5,744,937	-6,089,019	-344,082	-6%
Capital Expenditure	-10,636,504	-1,162,127	-882,971	279,156	24%
	-28,226,695	-6,907,064	-6,971,991	-64,927	
Funding balance adjustments	4,605,619	1,544,232	1,743,335	199,103	13%
Closing Funding Surplus / (Deficit)	0	9,166,743	9,460,430	293,687	3.20%

Investment Report

8. Pursuant to the Shire's Investment Policy, an investment report and investment register are to be provided to Council on a monthly basis, detailing the investment portfolio in terms of performance and counterparty percentage exposure of total portfolio. The Investment Register is also to provide details of investment income earned against budget, whilst confirming compliance of the portfolio with legislative and policy limits.
9. As at 31 October 2023, total cash funds held (including trust funds) totals \$11,572,927 (Summary – Investment Register).
 - Municipal Funds total \$6,919,362
 - Shire Trust Funds total \$850
 - Reserve Funds (restricted) invested, total \$4,652,715
 - Municipal Funds (unrestricted) invested, total \$5,654,212
10. The official Reserve Bank of Australia's (RBA) cash rate was lifted by 0.25% from 4.10% to 4.35% at the Reserve Bank Board meeting held on 7 November 2023. No further adjustments to the official cash rate have occurred at the time of writing this report.

CONSULTATION AND EXTERNAL ADVICE

11. 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

12. LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996

Regulation 34 (1-5) of the Local Government (Financial Management) Regulations 1996, details the form and manner in which a local government is to prepare financial activity statements.

13. THE LOCAL GOVERNMENT ACT 1995

Section 6.14.

14. THE TRUSTEES ACT 1962

Part III Investments.

15. THE LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996

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

STRATEGIC / POLICY IMPLICATIONS

16. Nil

FINANCIAL IMPLICATIONS

- 17. The Shire’s 2023/2024 Annual Budget provides a set of parameters that guides the Shire’s financial practices.
- 18. Any financial implications or trends are detailed within the context of this report Policy change does not have an impact on the current budget.

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

9.2.2 LIST OF PAYMENTS FOR THE PERIOD ENDING 31 OCTOBER 2023

File Ref:	FIN.1
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	28 November 2023
Author:	Lillian Nield, Finance Officer Creditors
Authorising Officer:	Jodi Masson, Acting Manager Corporate Services
Attachments:	9.2.2 – October 2023 Monthly List of Payments Summary

IN BRIEF

- The purpose of this report is to advise the Council of payments made during the period 1 October 2023 to 31 October 2023.

VOTING REQUIREMENTS

- 1. Simple majority.

OFFICER RECOMMENDATION

ITEM 9.2.2

That Council, with respect to the attached Schedule of Payments totalling \$1,602,955.66 for the month of October 2023, RECEIVE the following summary of accounts:

- Electronic Funds Transfers EFT 36627 to EFT 36806 - \$1,049,742.45
- Municipal Fund Cheque payments – \$1,023.92
- Internal Account Transfers (Payroll) - \$455,040.20
- Direct Debit - \$6,363.85
- Corporate Credit Card - \$4,527.14
- Department of Transport Remittances - \$86,258.10
- Loan Payments – Nil

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

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

Social

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

RISK MANAGEMENT

- 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 2022-2023 AUDIT, FINANCIAL AND ANNUAL REPORT, GENERAL MEETING OF ELECTORS

File Ref:	Fin.8
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	30 November 2023
Author:	Jodi Masson, Manager Corporate Services (Acting)
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.2.3 – Draft Annual Report including Audited Financial Report

IN BRIEF

- The purpose of this report is to accept the Shire of Denmark 2022-2023 Annual Report, including the Annual Financial Statements and Audit Report and to set a date for the Annual General Meeting of Electors.

VOTING REQUIREMENTS

- Absolute majority.

OFFICER RECOMMENDATION	ITEM 9.2.3
<p>That Council, with respect to the 2022-2023 Annual Report;</p> <ol style="list-style-type: none"> ACCEPT the Annual Financial Report and Auditor’s Report for the financial year 2022-2023; and ADOPT the annual Report including the Annual Financial Report and Auditor’s Report for the financial year 2022-2023; and SET the date for the Annual General Meeting of Electors for Tuesday, 30 January 2024 in the Council Chambers, commencing at 6.00pm. 	

** Absolute majority required.*

LOCATION

2. Not applicable.

BACKGROUND

3. Each year, as part of the Council's audit process, an independent audit is undertaken to assess the Annual Financial Report and the legitimacy and accuracy of the Shire's accounts. An Independent Audit Report is then issued by the Auditor. The Auditor, after completing the audit, is to forward a copy of the audit and/or management report to:
 - a) The President
 - b) The Chief Executive Officer
 - c) The Minister, via the Department of Local Government, Sport and Cultural Industries.
4. The Independent Audit Report must also be included in Council's Annual Report. Any issues arising from the Independent Audit Report are to be reviewed by management and, where applicable, action taken to resolve those issues.
5. The Shire has prepared its Annual Financial Report for the year ending 30 June 2023, in accordance with the Australian Accounting Standards and the specific requirements of the Local Government Act 1995 and associated Regulations.
6. The financial statements were provided to the Office of Auditor General's appointed auditor, Lincolns on 28 September 2023 and audit fieldwork was conducted from 16 October to 18 October 2023. The audit was conducted in a matter consistent with the 2023 Audit Plan.
7. The Annual Financial Report and Auditors Report have now been received from the Office of the Auditor General and are attached to this report. There was one (1) management finding applicable to the 2023 audit which relates to General Computer Controls. Management has been working with a consultant on the development of an ICT Strategic Plan which seeks to resolve the issues raised and is scheduled to be completed by February 2024. It is expected that a full report on this project will be presented to Council via the Audit Committee during March 2024.
8. A Local Government, in accordance with Section 5.54(2) of the Local Government Act 1995, is to prepare an Annual Report for each financial year. The Annual Report is a record of the Council's activities for the financial year and forms part of the accountability principles established for Local Government and is to be presented to an Annual General Meeting of Electors.
9. The Annual General Meeting of Electors must be held within 56 days of Council accepting the Annual Report with appropriate notice of the meeting to be given, pursuant to Section 5.27 of the Local Government Act 1995.

DISCUSSION / OFFICER COMMENTS**Audited Financial Report 2022-2023**

10. In accordance with the Local Government Act 1995 (Section 7.12a – Duties of local government with respect to audits, a local government must:

- a) examine an audit report received by the local government; and
 - b) determine if any matters raised by the audit report, require action to be taken by the local government; and
 - c) ensure that appropriate action is taken in respect of those matters.
11. The Annual Financial Report was audited by the Office of Auditor General and there was one (1) management letter finding as referenced above. The Auditor has issued an unqualified audit opinion and notes as follows:

“In my opinion the financial report of the Shire of Denmark:

- is based on proper accounts and records
 - presents fairly, in all material respects, the results of the operations of the Shire for the year ended 30 June 2023 and its financial position at the end of that period in accordance with the Local Government Act 1995 (the Act) and, to the extent that they are not inconsistent with the Act, the Australian Accounting Standards”
12. It is recommended that Council accept the 2022-2023 Annual Financial Report and Audit Report.

Annual Report 2022-2023

13. In accordance with section 5.53 (1&2) of the Local Government Act, the Shire is to prepare an annual report of each financial year that contains:
- a) a report from the mayor or president; and
 - b) a report from the CEO; and
 - c) the financial report for the financial year; and
 - d) such other information as may be prescribed.
14. Council is required to accept the Annual Report by 31 December following the financial year end. However, should the Auditor’s Report not be made available in time to be accepted by 31 December, the Annual Report must be accepted no later than two months after receiving the Audit Report.
15. The Audit Report was received by the Shire of Denmark on 29 November 2023, and in accordance with Section 5.54(2) of the Local Government Act 1995, is required to be accepted by Council prior to 31 December 2023.
16. It is recommended that Council accept the 2022-2023 Annual Report.

Annual General Meeting of Electors

17. Section 5.27 of the Local Government Act 1995 requires that the Annual General Meeting of Electors be held on a day and time selected by the local government, but not more than 56 days after the annual report is accepted. The Shire also needs to give 14 days’ public notice of the meeting.

18. In order to comply with its statutory obligations, following the adoption of the 2023 Annual Report, it is recommended that the Annual General Meeting of Electors be held on Tuesday 30 January 2024, commencing at 6.00pm in the Council Chambers.

CONSULTATION AND EXTERNAL ADVICE

19. Office of the Auditor General (OAG) Director Financial Audit - Subha Gunalan
20. Lincolns Audit Team

On Tuesday, 28 November 2023, the Shire President and Shire Officers met with the OAG and Lincolns via video conference to discuss audit findings and matters relating to finalising the audit of the financial statements of the Shire of Denmark for the financial year ended 30 June 2023.

STATUTORY / LEGAL IMPLICATIONS

21. LOCAL GOVERNMENT ACT 1995

Subdivision 4 Electors Meetings

- Section 5.27 (1) & (2)
- Section 5.29 (1)

Division 5 Annual Reports and Planning

- Section 5.53 (1) & (2)
- Section 5.54 (1) & (2)
- Section 5.55
- Section 5.56 (1) & (2)
- 7.12A. Duties of local government with respect to audits.

22. LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996

23. LOCAL GOVERNMENT (AUDIT) REGULATIONS 1996

Regulation 16

LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS 1996

STRATEGIC / POLICY IMPLICATIONS

24. Nil.

FINANCIAL IMPLICATIONS

25. There are no known financial implications on the Council's current Budget or Long-term Financial Plan.

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.

9.3 INFRASTRUCTURE AND ASSETS

9.4 GOVERNANCE

9.4.1 ORDINARY COUNCIL MEETING DATES FOR 2024 AND LOCALITY MEETING POLICY

File Ref:	CR.2
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	18 November 2023
Author:	Claire Thompson, Governance Coordinator
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.4.1 - 2024 Meeting and Agenda Publication Schedule

IN BRIEF

- Council is requested to set the date, times and location of the Ordinary Council Meetings to be held on 2024.
- This report also requests that Council review the *Ordinary Council Meeting Policy*, the *Locality (Kent/Nornalup Ward) Meetings Policy*, and repeal the *Annual Closures of some Services & Operations over December and January Policy*.

VOTING REQUIREMENTS

1. Simple majority.

<p>OFFICER RECOMMENDATION</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. HOLD the Ordinary Council Meetings for 2024 on the dates shown in Attachment 9.4.1; 2. DETERMINE that all of those meetings will commence at 4.00pm and be held in the Council Chambers, 953 South Coast Highway, Denmark. 3. AMEND the <i>Ordinary Council Meetings Policy</i> by: <ol style="list-style-type: none"> a) Removing reference to meeting day, frequency and time; and b) Changing the title to <i>Ordinary Council Meeting Agenda Publication</i>. 4. AMEND the <i>Locality (Kent/Nornalup Ward) Meetings Policy</i> title by deleting the reference to the Kent/Nornalup Ward, as the ward no longer exists; and 5. REPEAL the <i>Annual Closures of some Services & Operations over December and January Policy</i>. 6. REPEAL the <i>Meetings of Council and Committees – Distribution and Release of Minutes Policy</i>. 	<p>ITEM 9.4.1</p>
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LOCATION

2. Not applicable.

BACKGROUND

3. The 2023 meeting times, dates and locations were the third Tuesday of each month, commencing in February. Start time 4.00pm and held in the Council Chambers. This frequency and time has been consistent since 2018.
4. The two locality meetings for 2023 were held in Peaceful Bay and Nornalup.

DISCUSSION / OFFICER COMMENTS

5. Officers are recommending that the Ordinary Council meeting day, time and location remain the same as 2023, as it appears to be working well and retains consistency for members of the public.
6. PROPOSED MEETING SCHEDULE 2024 (see Attachment 9.4.1)
 - One (1) Ordinary Meeting per month.
 - Meetings held the last Tuesday of each month, commencing 30 January 2024.
 - Meetings commence at 4.00pm and are held in the Council Chambers, 953 South Coast Highway, Denmark.
7. The change from the third Tuesday of the month to the last Tuesday of each month stems from a recommendation in the Regulation 17 and Section 5 Audit undertaken in June 2023.

8. Finding number 9 identified that due to the meeting frequency and the publication timeframe, Council was reviewing financial statements that were up to 7 weeks old, and therefore “unable to reasonably discharge their oversight duties in a timely manner”.
9. December 2024 is recommended to be excluded given that the last Tuesday would be New Years Eve, 31 December.
10. Should Council decide to hold a meeting in December 2024, Shire Officers would recommend that it be held on a day that would allow sufficient time for Agenda preparation and Minutes publication.
11. With respect to related Council policies, the following amendments are recommended.
12. *Ordinary Council Meetings Policy* – remove reference to meeting days and cycle as this is determined each year by the Council, in accordance with legislation, and therefore not required to be a policy.
13. *Locality (Kent/Nornalup Ward) Meetings Policy* – suggest retention but remove the words “Kent/Nornalup Ward” from the heading.
14. *Annual Closures of some Services & Operations over December and January Policy* – suggest repeal as it is administrative. Opening / closing hours and local government employees are the responsibility of the Chief Executive Officer.
15. Meetings of Council and Committees – Distribution and Release of Minutes

It is recommended that this policy be repealed as it is superfluous to what is already a legislative requirement [s 5.22, s 5.25, s 5.94, 5.96 and s 5.96A of the Local Government Act 1995 and r 11 of the Local Government (Administration) Regulations 1996].

CONSULTATION AND EXTERNAL ADVICE

16. 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

17. LOCAL GOVERNMENT ACT 1995

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

Section 5.3 – Council must hold ordinary meetings not more than 3 months apart.

Section 5.4 – ordinary or special meetings can be called for by either the Shire President, at least one third of councillors or if so decided by the Council.

Section 5.5 – the Chief Executive Officer is to provide each councillor an agenda at least seventy-two (72) hours prior to the meeting.

Section 5.22 – Minutes of council and committee meetings, cause to be kept and confirmation.

Section 5.25 – Regulations about council and committee meetings.

Section 5.94 – public can inspect certain information, including agendas and minutes.

Section 5.96 – copies of information must be available upon request.

Section 5.96A – minutes and agendas must be published on the Shire’s website.

18. LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS 1996

Regulation 11 – contents of council or committee meetings.

Regulation 12 – Chief Executive Officer must publish the meeting details before the beginning of the year in which the meetings are to be held.

STRATEGIC / POLICY IMPLICATIONS

Ordinary Council Meetings Policy

19. The Council shall meet on the third Tuesday of each month the Ordinary Council meeting commencing at 4.00pm.

Agenda shall be published and distributed eleven (11) calendar days prior to the meeting.

Locality (Kent/Nornalup Ward) Meetings Policy

20. Council will host a meeting of citizens and community organisations at least once a year in Peaceful Bay and will alternate an additional meeting each year between the localities of Tingle Dale and Nornalup, and it will be widely advertised prior to the meetings.

Annual Closures of some Services & Operations over December and January Policy

21. That Council authorise the closure of all Shire of Denmark services and operations, with the exception of Emergency Services, Waste Services, Ranger Services and Cleaning Services, annually from the Christmas Day public holiday until normal working hours on the day following the New Year’s Day public holiday (inclusive), with employees required to use their leave entitlements and the closure being well publicised prior to this date.

Meetings of Council and Committees – Distribution and Release of Minutes

22. A copy of the minutes of all Council meetings, which include a Disclaimer relating to unconfirmed Minutes, are to be made available for perusal by members of the public at the Council Office and Council Library as soon as possible following each meeting but within the time limits prescribed by Local Government (Administration) Regulation No 13.
23. Any person may be provided with a photocopy of any page or pages of any Council meeting minutes, on payment of the current photocopying charges that apply. Such copies issued that have not been confirmed are to be stamped with the wording - “Subject to Confirmation”.
24. Copies of the minutes of all Council meetings, with a Disclaimer relating to unconfirmed Minutes are to be included on the Shire of Denmark’s website.

25. That the administration ensures that there is at least one copy of the current month’s agenda and minutes of each ordinary or special Council meeting available and retained for that month at the front counter and Library for reading by the public.

FINANCIAL IMPLICATIONS

26. The cost of advertising the meetings can be accommodated within the Council’s budget.
27. Each Ordinary Meeting is typically followed by an evening meal with refreshments which are accommodated within the Council’s budget.
28. Councillors are entitled to claim travel and childcare costs for attending council meetings, allowance for such is included in the Council’s budget.

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

32. 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.

9.4.2 ELECTED MEMBER ALLOWANCES AND EXPENSES POLICY

File Ref:	ADMIN.2
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	29 November 2023
Author:	David King, Chief Executive Officer
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.4.2 – Amended Elected Member Allowances and Expenses Policy

IN BRIEF

- An amendment to the Policy is required to adjust the practise of ICT hardware provision.

VOTING REQUIREMENTS

1. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.4.2
That Council adopt the Elected Member Allowances and Expenses Policy, as per Attachment 9.4.2.	

LOCATION

2. Not applicable.

BACKGROUND

3. In August 2022 Council updated the Elected Member Allowances and Expenses Policy as a result of the Shire’s financial management, risk management, legislative compliance and internal controls review.
4. Amendments are required to reflect a proposed change to the provision of ICT hardware.

DISCUSSION / OFFICER COMMENTS

5. The current ICT arrangements are as follows:
 - All councillors following their election will be issued with a computer device, cover and keyboard as determined most appropriate by the Manager of Corporate Services and the Shire's ICT Officer at the commencement of their initial term.
 - The device will remain the property of, and be insured by the Shire. All devices will be renewed four years after their date of purchase.
 - The Shire will purchase and install antivirus software and any other program considered necessary to assist councillors in performing their functions and duties.
 - The Shire's ICT department will provide maintenance and support for the device. All requests for assistance are to be directed to the Director of Corporate & Community Services in the first instance.
 - In the event of damage or loss, councillors are to mitigate against any further damage and notify the Shire as soon as possible. Councillors are to utilise their Shire-provided device for Shire purposes only.
 - Councillors may choose to keep their device at the end of their term.
 - If a councillor resigns mid-term, they must return their device to the Shire prior to retention, the device is to be provided to the Shire's ICT Officer to erase, update and remove Shire related information and management systems.

6. There are several issues with the current arrangements:
 - Councillors have wide-ranging preferences with regard to ICT equipment depending on their circumstance.
 - The Shire's ownership of ICT equipment creates challenges for the administration, especially regarding access to staff resources for ICT issues.
 - Additional controls are required to allow a device to become the property of the Councillor at the end of the term to ensure that the value does not exceed the gift threshold of \$100 per year of service (in conjunction with other gifts).

7. It is unrealistic to accommodate all varying ICT needs through a Shire ownership model. This would be administratively resource-intensive and add layers of complexity to device management.
8. It is proposed that the Policy is amended to require councillors to provide their own ICT hardware for council business.

CONSULTATION AND EXTERNAL ADVICE

9. 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

10. SALARIES AND ALLOWANCES ACT 1975 SECTION 7B

The Salaries and Tribunal has stated that it has considered a range of factors in determining minimum and maximum ICT allowances, including the use of information and communication technology (e.g. laptop computers, iPads).

The range is set at a minimum of \$500 and a maximum of \$3,500.

The allowance is ordinarily set through the budget process and should take into account the determinations of the Tribunal. If the Policy change is effective it would be appropriately to set the allowances to cover the cost of councillors providing their own ICT hardware for business purposes.

STRATEGIC / POLICY IMPLICATIONS

11. An amendment to the current policy is proposed.

FINANCIAL IMPLICATIONS

12. The Policy change does not have an impact on the current budget.

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

16. 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.

9.4.3 APPOINTMENT OF COUNCILLOR DELEGATES TO COMMITTEES AND EXTERNAL ORGANISATIONS

File Ref:	COMM.DSC,
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	28 November 2023
Author:	Claire Thompson, Governance Coordinator
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.4.3a - Accessibility Working Group Terms of Reference 9.4.3b - Bush Fire Advisory Committee Charter 9.4.3c - Sustainable Projects Working Group Terms of Reference 9.4.3d - Reference 9.4.3e - Denmark Bushfire Mitigation Working Group Terms of Reference 9.4.3f - Local Planning Strategy Working Group Terms of Reference 9.4.3g - Trails Advisory Group Terms of Reference

IN BRIEF

- Council needs to appoint delegates to the following committees, working groups and external organisations.
 - Accessibility Working Group
 - Bush Fire Advisory Committee
 - Sustainable Projects Working Group
 - Denmark Bushfire Mitigation Working Group
 - Local Planning Strategy Working Group
 - Trails Advisory Group
 - Various External Organisations

VOTING REQUIREMENTS

1. Simple majority.

RECOMMENDATIONS

OFFICER RECOMMENDATION ITEM 9.4.3a)

That Council:

1. DISBAND the Disability Services Advisory Committee;
2. ESTABLISH an Accessibility Working Group, with the Terms of Reference to be as per Attachment 9.4.3a;
3. APPOINT Cr Carman as a member; and
4. RETAIN all other members and representatives who were on the Disability Services Advisory Committee given that they are part way through existing projects and events.

OFFICER RECOMMENDATION ITEM 9.4.3b)

That with respect to the Bush Fire Advisory Committee, Council:

1. APPROVE the Charter, as per Attachment 9.4.3b; and
2. APPOINT Cr Gibson and Cr Campbell as members.

OFFICER RECOMMENDATION ITEM 9.4.3c)

That Council:

1. DISBAND the Sustainable Projects Committee;
2. ESTABLISH a Sustainable Projects Working Group, with the Terms of Reference to be as per Attachment 9.4.3c; and
3. APPOINT Cr _____, Cr _____, Cr _____ and Cr _____ as members.

OFFICER RECOMMENDATION ITEM 9.4.3d)

That with respect to Bushfire Mitigation Working Group, Council:

1. APPROVE the Terms of Reference, as per Attachment 9.4.3d; and
2. APPOINT Cr Carman, Cr Campbell and Cr Ormsby as members.

OFFICER RECOMMENDATION ITEM 9.4.3e)

That with respect to Local Planning Strategy Working Group, Council:

1. APPROVE the Terms of Reference, as per Attachment 9.4.3e; and
2. APPOINT Cr Gibson, Cr Lewis and Cr Carman as members.

OFFICER RECOMMENDATION ITEM 9.4.3f)

That with respect to Trails Advisory Group, Council:

1. APPROVE the Terms of Reference, as per Attachment 9.4.3f; and
2. APPOINT Cr Carman, Cr Devenport and Cr Lewis as members.

OFFICER RECOMMENDATION	ITEM 9.4.3g)
<p>That with respect to the following external organisations, Council APPOINT the following councillor delegates:</p> <ul style="list-style-type: none"> • Denmark Chamber of Commerce – Cr Gibson. • Denmark Arts – Cr Campbell. • Great Southern Recreation Advisory Group – Cr Devenport. • Wilson Inlet Catchment Committee – Cr _____. • Denmark Community Resource Centre – Cr Carman. • Denmark Historical Society – Cr Youel. • Nornalup Residents & Ratepayers Association – Cr Phillips and Cr Ormsby as proxy. • Peaceful Bay Progress Association – Cr Phillips and Cr Wiggins as proxy. 	

OFFICER RECOMMENDATION	ITEM 9.4.3h)
<p>That Council APPOINT Cr Youel as the proxy delegate to the Great Southern Regional Road Group.</p>	

OFFICER RECOMMENDATION	ITEM 9.4.3i)
<p>That Council REMOVE paragraph three within the <i>Presiding Members of Council Committees & Working Groups Policy</i> as is it a duplication of what is already legislated under s 5.13 of the Local Government Act 1995.</p>	

LOCATION

2. Not applicable.

BACKGROUND

3. Following the local government election, it is best practice to review council committees, working groups and consider council delegates external organisations.

DISCUSSION / OFFICER COMMENTS

Accessibility Working Group

4. Formerly the Disability Services Advisory Committee, the objectives and vision are still considered relevant, and it is recommended that it be established as a Working Group. This is to enable less formal discussion on matters and allow Shire Officers to contribute

more openly, rather than being required to adhere strictly to the Standing Orders Local Law meeting procedures.

5. The former Committee is proposed to be disbanded and replaced with an Accessibility Working Group, which also provides a more accurate indication of what the group is actually trying to achieve, which is accessibility and inclusion, rather than just a focus on disability per se.
6. The members are currently working through a major review of the Disability Access & Inclusion Plan, and the International Day of People with Disability Event to be held on 3 December 2023. For this reason, it is recommended that the current members and representatives carry forward to a new Accessibility Working Group.
7. Membership is in accordance with the Terms of Reference, see Attachment 9.4.3a, and includes 1 Councillor. Cr Donna Carman is the current Council member.

Bush Fire Advisory Committee

8. Whilst not statutorily required, this committee is established by section 67 of the Bush Fires Act 1954, and in accordance with the Charter, see Attachment 9.4.3b.
9. The committee is working well, and it is recommended that it be continued.
10. Membership comprises of 2 Councillors.

Sustainable Projects Working Group

11. Formerly the Sustainable Projects Committee, the objectives and vision are still considered relevant, and it is recommended that it be established as a Working Group. This is to enable less formal discussion on matters and allow Shire Officers to contribute more openly, rather than being required to adhere strictly to the Standing Orders Local Law meeting procedures, see Attachment 9.4.3c for Terms of Reference.
12. Membership comprises 4 Councillors.

Denmark Bushfire Mitigation Working Group

13. Established in 2019 with the membership and objectives details in the Terms of Reference, see Attachment 9.4.3d.
14. The objectives of the group are still relevant and timely. It is recommended that it be retained.

Local Planning Strategy Working Group

15. Established in 2019 with the membership and objectives details in the Terms of Reference, see Attachment 9.4.3f.
16. The draft Local Planning Strategy is in its final round of statutory consultation and will be brought to Council with any submissions in 2024. For this reason, it is recommended that the group be continued with the same membership and Councillors, being Cr Gibson and Cr Lewis.

Trails Advisory Group

17. Established in 2022 with the membership and objectives detailed in the Terms of Reference, see Attachment 9.4.3f.
18. The group has been working with stakeholders regarding trails on Mount Hallowell.
19. It is recommended that the group be continued.
20. Membership comprises 3 Councillors.

External Organisations

21. The following external organisations have requested a councillor delegate.
 - Denmark Chamber of Commerce
 - Denmark Arts
 - Great Southern Recreation Advisory Group
 - Wilson Inlet Catchment Committee
 - Denmark Community Resource Centre
 - Denmark Historical Society
 - Nornalup Residents & Ratepayers Association
 - Peaceful Bay Progress Association

Great Southern Regional Road Group (Proxy Delegate)

22. At the meeting held on 21 November 2023, Cr Wiggins was appointed as the Council's delegate to the Great Southern Regional Road Group. Upon advising Main Roads WA, they have requested that the Council also appoint a proxy delegate.

CONSULTATION AND EXTERNAL ADVICE

23. 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.
24. Councillors have discussed their representation preferences informally, and these are reflected in the Officer Recommendations.

STATUTORY / LEGAL IMPLICATIONS

25. LOCAL GOVERNMENT ACT 1995

Section 5.8 – local government may establish committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

Section 5.13 – details the role of deputy presiding members.

26. BUSH FIRES ACT 1954

Section 67 – local government may appoint such persons as it thinks fit as a bush fire advisory committee.

STRATEGIC / POLICY IMPLICATIONS

Presiding Members of Council Committees & Working Groups Policy

Objectives

- *To maximise the adherence of Council Committees and Working Groups to adopted policies and procedures;*
- *To maximise the likelihood of Council Committees and Working Groups having continuity of a Presiding Person for the duration of its term; and*
- *To maximise the efficiency and effectiveness of Committees and Working Groups by ensuring that the Presiding Person has the appropriate training and support.*

Policy

Wherever there is one or more Elected Members appointed to a Council Committee or Working Group, then it is Council Policy that the members of the Committee should elect one of those Elected Members to the role of Presiding Person.

A Presiding Person, and if required a Deputy, is to be elected using the same method as detailed in Section 5.12 of the Local Government Act 1995.

A deputy of a member of a Committee or Working Group may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause and a deputy of a member of a Committee or Working Group, while acting as a member, has all the functions of and all the protection given to a member (Section 5.11A of the Local Government Act 1995).

27. It is recommended that should Council wish to retain this policy, that paragraph three be removed as it is a duplication of what is already legislated under the Local Government Act 1995 [s 5.13], and therefore not required to be in policy.

Elected Member Allowances and Expenses Policy

28. Provides guidance as to the allowances and reimbursement entitlements that Councillors can claim with respect to undertaking their role, including attending meetings.

FINANCIAL IMPLICATIONS

29. Any costs incurred by councillors in attending meetings can be accommodated in the 2023/2024 Budget.

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

33. 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.

9.4.4 ELECTRIC SCOOTERS PERMIT REVIEW

File Ref:	LEG.12
Applicant / Proponent:	Beam Mobility Australia PTY Ltd
Subject Land / Locality:	Shire of Denmark
Disclosure of Officer Interest:	Nil
Date:	29 November 2023
Author:	David King, Chief Executive Officer
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.4.4a – Existing Permit 9.4.4b – Beam presentation (confidential)

IN BRIEF

- The 12 month trial for Beam Mobility Australia PTY Ltd (Beam Mobility) to provide electric scooters for hire within the Shire of Denmark will come to an end on 22 December 2023
- This report provides information on the past 11 months of the trial and recommends to renew the permit for a further 24 months.

VOTING REQUIREMENTS

1. Simple majority.

OFFICER RECOMMENDATION	ITEM 9.4.4
<p>That Council AUTHORISE the Chief Executive Officer to renew the permit for Beam Mobility to provide up to 80 e-scooters for hire within the Shire of Denmark Townsite for a period no greater than two (2) years.</p>	

LOCATION

2. The e-scooters are constrained to the Denmark Townsite.

BACKGROUND

3. Micromobility options, including e-scooters, have rapidly expanded within Australia and across the world. Several local governments in Western Australia have been trialling these programs.
4. The Shire was approached by Beam in November 2022 to participate in a 12 month e-scooter trial and Council authorised the trial that will conclude on 22 December 2023.
5. Without further approvals to operate Beam will have to remove the scooters from Denmark at the end of the trial.
6. Beam is based in Singapore and claims to be the largest provider of micromobility in the Asia Pacific Region. Beam currently operate in more than 20 locations within Australia.
7. Aside from Beam, there are other companies offering e-scooters, however they have not approached the Shire of Denmark. Similarly, officers have not gauged interest of other companies, given the relatively small market share available in Denmark.
8. The 12 month trial enables the Shire to understand and evaluate the impacts and benefits to the community on e-scooter hire in determining a future commitment.
9. The current permit and conditions is provided as attachment 9.4.4a.

DISCUSSION / OFFICER COMMENTS**12-Month Trial Key Metrics**

10. The following has been provided by Beam:
 - Beam launched in December 2022.
 - Since launch (up until November 2023), more than 23,500 kms have been travelled and more than 4 Tonnes of CO2 emissions avoided through replaced car rides.
 - Popular areas include: Strickland Street, Denmark Rivermouth, Denmark Hotel Bus Stop and the Ocean Beach Holiday Park.
 - Over the last year we have built an understanding of how riders utilise Beam in Denmark.
 - The most popular route is between Denmark Rivermouth Caravan Park and the Denmark Hotel Bus Stop.
 - The Ocean Beach and Campbell Rd parking spot sees the majority of its routes between the town centre.
 - The Ocean Beach Caravan Park parking spot sees almost all its routes to/from the town centre.
 - We see a very high level of scooter activity within the Denmark town centre area, where the majority of rides are occurring, showing high levels of usage to replace short car drives.
 - Average trip length is 2km - enabling residents and tourists to explore Denmark without a car.
11. Additional information provided to Council at the November Strategic briefing is provided as a confidential attachment 9.4.4b.

Benefits to the Shire

12. E-scooters offer a modern, convenient mode of transport and provide an alternative mobility choice to users. They are readily accepted, easy to use and are valued for being able to transport people to destinations quicker than walking.
13. E-scooters also appeal to the local tourist market, providing a quick and convenient option for tourists to explore a particular area. They will also provide linkages between strategic locations, where walking may otherwise be impractical, such as between caravan parks and the CBD, or where the steep topographical nature of the CBD creates a physical impediment.
14. The use of e-scooters may also contribute to less pollution and greenhouse gas emissions, which is a key consideration given the importance assigned to sustainability and climate action within the Shire of Denmark's Strategic Community Plan and Sustainability Strategy.
15. In addition, e-scooters particularly appeal to office workers because they do not require movement of the body and the user stands upright preventing perspiration and wrinkling of clothing. They are also useful if wearing skirts and dresses, which can be an issue on bicycles.

E-Scooter Program

16. Beam have implemented 'geo-fencing' before commencing their service. Geo-fencing refers to the use of GPS to create virtual designated areas to support a wider e-scooter program. These areas are shown on a map in the operator's mobile phone App.
17. Beam have co-design the e-scooter programs in consultation with the Shire. This consultation established:
 - Operating Areas – If riders try to leave the area, their e-scooter will lose power and stop.
 - Slow Zones – e-scooter speed will automatically be limited to a predetermined speed.
 - No Parking Zones – riders attempting to end their trip here will be unable to end their trip and instead be directed to the closest parking spot via the App.
 - No Ride Zones – e-scooters will temporarily stop working if they enter this area. Riders will be notified and can unlock their e-scooter to ride out of the area. If they remain in the area, the scooter will continue to lock.
 - Slow & No Parking Zones – combines both slow and no parking elements.
 - Parking Areas – either fixed parking areas or areas where riders are incentivised to leave scooters through reward credits.
18. The program was monitored on an ongoing basis with amendments to the parameters of the program to accommodate community concerns. This has included additional no parking zones in front of individual properties where scooters have been repeatedly left.

Hardware

19. Specifications of the e-scooters used by Beam are the Beam Saturn X, as per the company's website (www.ridebeam.com).

20. To ensure the safety of users, Beam must ensure all e-scooters are legal and safe to operate under Australian laws and regulations at all times. Faulty or damaged e-scooters must be disabled for use immediately.

Density Requirements

21. Beam have operated a fleet of up to 80 battery operated e-scooters within the Shire, on the basis of being the sole e-scooter operator. They have confirmed this number would be both acceptable and commercially viable going forward.

Safety

22. As the number of e-scooter services grow, the number of reported users sustaining injuries is increasing. There is limited information regarding the number of injuries, however anecdotal feedback from other local governments indicates an increase in hospital visits due to e-scooter incidents.
23. Beam have a number of measures in place to mitigate dangerous behaviour on e-scooters including:
- moving e-scooter deployment locations away from pubs and clubs during evening hours;
 - ability for general public to easily report dangerous use of e-scooters;
 - ability to detect dangerous driving (such as hard braking, fast turning jumps etc.)
 - through vehicle sensor technology, and fine or suspend unsafe drivers following a third strike.
24. A condition is imposed requiring Beam to notify and provide reports to the Shire on any known incidents and injuries resulting in hospitalisation or Paramedic attendance within 48 hours of Beam becoming aware of the incident.

Insurance

25. Beam are required to maintain public liability insurance of \$20,000,000.
26. A condition is also required for Beam to maintain personal accident insurance coverage for each trip that the customers (users) of the e-scooters undertake.
27. Beam also indemnify and release Council and the Minister for Lands from all liability arising from, or in connection with this activity, the conduct of their business and any of the Beam's Agents.

Helmets

28. Regulation 209A (2) of the Road Traffic Code 2000 states: A person shall not travel on a motorised scooter on a road or any path unless that person is wearing a protective helmet securely fastened on his or her head.
29. Regulation 244 (2) of the Road Traffic Code 2000 states: A person shall not drive a motor cycle unless — (a) that person is wearing securely on his or her head a protective helmet. There is no exemption from helmet legislation for e-scooter shared services.
30. Every Beam e-scooter will have a helmet attached. A condition of use requires the user to remove the helmet from the smart-lock system before the e-scooter will operate.

However, helmet use will ultimately be the responsibility of the individual as measures to ensure their use are not foolproof.

31. The risk of helmets being inappropriately disposed of, and therefore e-scooters being available for hire without helmets being provided is mitigated by the requirement for riders to re-attach the helmet to the lock prior to the trip ending, i.e. riders will still get charged if they do not have the helmet reattached to the lock.

Damage and Vandalism

32. E-scooter vandalism has been raised prior to e-scooter trials in other locations. Risks can include defacing e-scooters, leaving them in inappropriate locations, such as rubbish bins, water bodies and even in trees. Despite operators enabling other users to report cases of vandalism, along with Beam having the ability to ban people from their platform; damage and vandalism of e-scooters is considered a risk and could increase work for local police and Shire Rangers.
33. Despite such concerns, and the associated risks, damage and vandalism has not been immediately apparent and there have only been a few discrete instances where this has occurred. Beam has also advised that damage and vandalism in the Shire of Denmark has been less than they have experienced elsewhere. Beam have also implemented a number of measures to mitigate these issues, including no-ride zones around waterbodies to prevent e-scooters being thrown in the water.
34. In addition, e-scooters are all fitted with GPS tracking which enables local personnel to identify damaged or inappropriately located e-scooters for retrieval, repair (if necessary) and relocation back to parking areas. As a safeguard, e-scooters are immobilised in these instances (locked) and are temporarily rendered unusable. Operators may also be able to identify the person responsible for vandalism through a combination of GPS tracking and the mobile App.

Parking

35. Parking areas are able to be controlled by the operator through geo-fencing. For example, when a user arrives in a designated parking area, the GPS software triggers a response notifying the user via the App they are at an appropriate parking location. If users fail to park their e-scooter inside the designated parking area, a notification will be received alerting the user to park in the designated zone or be penalised.
36. The current program uses a combination of controlled parking areas in sensitive zones such as the CBD and key commuter shared paths, whilst retaining parking freedoms elsewhere. This has been effective to date and strikes the balance between usability and visual clutter control.
37. A condition is recommended requiring Beam to use all reasonable endeavours to ensure e-scooters that are not returned to approved parking areas are collected and redistributed to approved parking areas within 2 hours.

Compliance with permit conditions

38. The Shire has the ability to fine permit holders for any breaches of the conditions of a placed on a permit, should non-compliance become an issue. A permit is also able to be cancelled.

39. To ensure Beam operates in an appropriate manner throughout the duration of the trial, it is recommended that the Shire reserves the right to cancel the permit for any reason, including but not limited to:

- non-compliance with the Shire's Local Laws.
- non-compliance with the conditions of the permit.
- non-compliance with the e-scooter program.

CONSULTATION AND EXTERNAL ADVICE

40. 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

41. ACTIVITIES ON THOROUGHFARES AND TRADING IN THOROUGHFARES AND PUBLIC PLACES LOCAL LAW 2008

Shire Officers have delegated authority to issue a permit, or permits, under this local law to allow Beam to trade on local government property.

42. PROPERTY LOCAL LAW

43. The Property Local Law requires that a person must obtain a permit to 'drive or ride or take any vehicle on to local government property or park or stop any vehicle on local government property'.

44. If a person occupies local government property under a written agreement with the local government, a permit is not required.

45. Shire Officers have the required delegated authority to incorporate permission to occupy local government property in the final written agreement (or contract) with Beam.

46. The operation and use of e-scooters by Beam must comply with the Road Safety Commission's eRideables rules.

STRATEGIC / POLICY IMPLICATIONS

Sustainability Strategy (2021-31) and Sustainability Action Plan

47. The use of electronic transportation is supported and prioritised in the Shire of Denmark's Sustainability Strategy (2021-31) and Sustainability Action Plan.

FINANCIAL IMPLICATIONS

48. An annual permit fee of \$1,500 (exc GST) is to be charged in addition to an application fee of \$128 (including GST) for Trading in Thoroughfares and Public Places Activity fee, according to the Shire's 2023/24 Fees & Charges Schedule.

OTHER IMPLICATIONS

Environmental

49. The use of electronic transportation is supported and prioritised in the Shire of Denmark’s Sustainability Strategy (2021-31) and Sustainability Action Plan.

Economic

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

Social

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

RISK MANAGEMENT

Risk	Risk based on history and with existing controls			Proposed Treatment/Control
	Likelihood	Consequence	Risk Rating	
Health: Personal injury. E-scooters have the potential to cause injury to pedestrians and users	(3)	(3)	Moderate (9)	Accept. Beam are required to hold public liability and personal accident insurance. Beam also need to indemnify and release the Shire of Denmark from all liability relating to the trial.
Compliance: e-scooters may be parked in inappropriate locations (driveways, thoroughfares etc)	(5)	(1)	Moderate (5)	Accept. Beam are expected to program accordingly and e-scooters can be physically picked up and removed
Environment: e-scooters impact the public amenity (visual clutter)	(4)	(1)	Low (4)	Accept. Beam are required to pick up e-scooters not parked in designated locations.

10. NEW BUSINESS OF AN URGENT NATURE

Nil

11. CLOSURE OF MEETING