

Shire of Denmark

Ordinary Council Meeting

AGENDA

20 DECEMBER 2022



TO BE HELD IN COUNCIL CHAMBERS, 953 SOUTH COAST HIGHWAY, DENMARK, ON TUESDAY, 20 DECEMBER 2022, COMMENCING AT 4.00PM.



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Strategic Community Plan (snapshot)

E1.0

Our Economy

We are an attractive location to live, invest, study, visit and work

- E1.1 To have a stable and locally supported business community that embraces innovation, creativity, resourcefulness and originality
- E1.2 To be a vibrant and unique tourist destination, that celebrates our natural and historical assets
- E1.3 To have diverse education and employment opportunities
- E1.4 To recognise the importance of agriculture in our local economy and protect prime agricultural land

N2.0

Our Natural Environment

Our natural environment is highly valued and carefully managed to meet the needs of our community, now and in the future

- N2.1 To preserve and protect the natural environment
- N2.2 To promote and encourage responsible development
- N2.3 To reduce human impact on natural resources, reduce waste and utilise renewable energy
- N2.4 To acknowledge and adapt to climate change

B3.0

Our Built Environment

We have a functional built environment that reflects our rural and village character and supports a connected, creative, active and safe community

- B3.1 To have public spaces and infrastructure that are accessible and appropriate for our community
- B3.2 To have community assets that are flexible, adaptable and of high quality to meet the purpose and needs of multiple users
- B3.3 To have a planning framework that is visionary, supports connectivity and enables participation
- B3.4 To manage assets in a consistent and sustainable manner
- B3.5 To have diverse and affordable housing, building and accommodation options

C4.0

Our Community

We live in a happy, healthy, diverse and safe community with services that support a vibrant lifestyle and foster community spirit

- C4.1 To have services that foster a happy, healthy, vibrant and safe community
- C4.2 To have services that are inclusive, promote cohesiveness and reflect our creative nature
- C4.3 To create a community that nurtures and integrates natural, cultural and historical values
- C4.4 To recognise and respect our local heritage and Aboriginal history

L5.0

Our Local Government

The Shire of Denmark is recognised as a transparent, well governed and effectively managed Local Government

- L5.1 To be high functioning, open, transparent, ethical and responsive
- L5.2 To have meaningful, respectful and proactive collaboration with the community
- L5.3 To be decisive and to make consistent and well considered decisions
- L5.4 To be fiscally responsible
- L5.5 To embrace change, apply technological advancement and pursue regional partnerships that drive business efficiency
- L5.6 To seek two-way communication that is open and effective

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

MEMBERS:

Cr Ceinwen Gearon (Shire President)
 Cr Kingsley Gibson (Deputy Shire President)
 Cr Clare Campbell
 Cr Donna Carman
 Cr Donald Clarke
 Cr Nathan Devenport
 Cr Jan Lewis
 Cr Jackie Ormsby
 Cr Janine Phillips

STAFF:

David Schober (Chief Executive Officer)
 David King (Deputy Chief Executive Officer)
 Gina McPharlin (Director Corporate & Community Services)
 Claire Thompson (Governance Coordinator)

APOLOGIES

ON APPROVED LEAVE(S) OF ABSENCE

ABSENT

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

At the meeting held on 15 November 2022, Peter Kerr asked the following question that was taken on notice. The response has been provided to Peter in writing and is copied below.

- 1. Peter asked whether the roller door that separates the gymnasium area would remain open so that the entire area would be available to all paying members 365 days and nights of the year.

Response:

Denmark Recreation Centre management have advised that the roller door mostly remains open. There is however a flexible approach applied and

occasionally users will request staff to close the roller door to create a more private space.

Any users of the gymnasium who might be impacted by any decision to close the roller door are encouraged to speak with Recreation Centre staff.

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 – 15 NOVEMBER 2022

OFFICER RECOMMENDATION	ITEM 7.1
That the minutes of the Ordinary Meeting of Council held on the 15 November 2022 be CONFIRMED as a true and correct record of the proceedings.	

7.2 STRATEGIC BRIEFING NOTES – 15 NOVEMBER 2022

OFFICER RECOMMENDATION	ITEM 7.2
That the Notes from the Strategic Briefing held on 15 November 2022 be RECEIVED.	

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

9. REPORTS OF OFFICERS

9.1 DIRECTOR ASSETS AND SUSTAINABLE DEVELOPMENT

9.1.1 PROPOSED AMENDMENT NO. 153 TO TOWN PLANNING SCHEME NO. 3

File Ref:	TPS3/SA153
Applicant / Proponent:	Not applicable
Subject Land / Locality:	All Zones
Disclosure of Officer Interest:	Nil
Date:	20 November 2022
Author:	Will Hosken, A/ Senior Town Planner
Authorising Officer:	David King, Deputy Chief Executive Officer
Attachments:	9.1.1a – Amendment No. 153 Report 9.1.1b – Amendment No. 153 Schedule of Submissions

Summary:

This report requests Council adopt proposed Amendment No. 153 to Town Planning Scheme No. 3 (TPS3) for the purpose of introducing a new definition of ‘Brewery’ and to expand the current definition of ‘Microbrewery’.

Background:

On 21 June 2022 the Council adopted proposed Amendment 153 as a ‘basic’ amendment to Town Planning Scheme No. 3 (TPS3).

The purpose of Amendment 153 is to make minor amendments to the existing definitions of ‘Brewery’ and ‘Microbrewery’ in TPS3, providing flexibility to consider the production of beer, cider and spirits in circumstances where currently only the production of beer is permitted. Development and land use is considered equivalent from a land use planning perspective.

Amendment 153 was initiated in response to the receipt of a development application at Lot 83 (No. 427) Mount Shadforth Road, Shadforth which proposed to develop a distillery on a site where ‘Microbrewery’ is a permitted land use.

Further background and details of the proposed Amendment are included in the report to Council on 21 June 2022 and the Scheme Amendment Report included at Attachment 9.1.1a.

Amendment Classification

Shire officers had recommended that the Council adopt Amendment 153 as a ‘basic’ amendment on the basis that it met the following criteria outlined in the *Planning and Development (Local Planning Schemes) Regulations 2015* (Part 5, Division 1, Clause 34):

- (b) an amendment to the scheme so that it is consistent with the model provisions in Schedule 1 or with another provision of the local planning scheme;

- (d) an amendment to the scheme so that it is consistent with any other Act that applies to the scheme or the scheme area;

This was considered appropriate as the Amendment improves alignment with the model definitions provided in the Regulations (by retaining reference to limiting premises size) while reflecting the intent of a 'basic' amendment to be an administrative change with little or no effective land use outcome.

The Department of Planning, Lands & Heritage subsequently directed the Shire to change the classification of Amendment 153 to a 'standard' amendment, reasoning that the proposed definitions would need to be made entirely consistent with the model definitions to be considered a 'basic' amendment. The Regulations currently contain a definition of 'Brewery' but not 'Microbrewery'.

In order to conform to the Department's expectations for a 'basic' amendment the definition of 'Microbrewery' would need to be removed from TPS3 entirely. This would be replaced in effect by the 'Brewery' definition, which would necessitate further changes to the Appendices of the TPS3 and reconsideration of how the Shire manages premises size in each of the various circumstances where a 'Microbrewery' can currently be considered.

For this reason, Shire officers have progressed Amendment 153 as adopted by the Council, in accordance with the procedural requirements for a 'standard' amendment.

Amendment 153 was therefore referred to the Environmental Protection Authority, who determined not to assess the proposal.

Amendment 153 was then publicly advertised for a period of 42 days, in accordance with the Regulations, closing on 10 November 2022.

Consultation:

Public advertising of Amendment 153 was undertaken in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* for a 'standard' amendment.

One submission was received by the Shire during public advertising prior to the preparation of this report on 18 November 2022. This submission was in support of the Amendment and was made by the proponent of a related development application at Lot 83 (No. 427) Mount Shadforth Road. Details are provided in the Schedule of Submissions at Attachment 9.1.1b.

It is noted that public consultation has also been undertaken with regard to proposed development on Lot 83 (No. 427) Mount Shadforth Road and will be addressed separately as part of the assessment of this development application.

Statutory Obligations:

An amendment to Town Planning Scheme No. 3 must be prepared in the manner and form prescribed by the WA Planning Commission and the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Proposed Amendment 153 has been progressed as a 'standard' amendment in accordance with the direction of the WA Planning Commission, provided via the Department of Planning, Lands & Heritage.

Upon final adoption by the Council the Amendment will be forwarded to the WA Planning Commission to request the endorsement of the Minister.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

There are no known financial implications upon either the Council's current Budget or Long Term Financial Plan.

Strategic & Corporate Plan Implications:

The report and officer recommendation is consistent with Council's adopted Strategic Community Plan Aspirations and Objectives and the Corporate Business Plan Actions and Projects in the following specific ways:

Denmark 2027

E1.0 Our Economy

We are an attractive location to live, invest, study, visit and work.

E1.1 To have a stable and locally supported business community that embraces innovation, creativity, resourcefulness and originality.

N2.0 Our Built Environment

We have a functional built environment that reflects our rural and village character and supports a connected, creative, active and safe community.

B3.3 To have a planning framework that is visionary, supports connectivity and enables participation.

Corporate Business Plan

B3.3.1 Undertake a review of the Local Planning Scheme to activate the community vision and guide future land use and development.

Sustainability Implications:*Sustainability Strategy 2021-2031*

4.1 Implement responsible and sustainable practices through policy development and land-use planning.

Providing clarity and consistency in the local planning framework enables opportunities for businesses to provide income and employment for the Shire's residents within the local area.

➤ Governance:

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

➤ Environmental:

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:

An assessment of evident risks has been undertaken in accordance with the Shire's risk management framework and no risks identified in relation to the officer recommendation of this report.

Comment/Conclusion:

Final adoption of proposed Amendment No. 153 to Town Planning Scheme No. 3 is recommended in order to improve consistency with the Regulations, provide the opportunity for the Shire to assess the proposed development of Lot 83, and provide flexibility for the development of like businesses in appropriate circumstances.

Voting Requirements:

Simple majority.

<p>OFFICER RECOMMENDATION</p> <p>That Council;</p> <ol style="list-style-type: none"> 1. In accordance with Regulation 50(2) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>; <ol style="list-style-type: none"> a) NOTES the submissions received in respect to Amendment No. 153 to the Shire of Denmark Town Planning Scheme No.3; and, b) ENDORSES the response to the submissions as contained at Attachment 9.1.1b of this report. 2. In accordance with Regulation 50(3)(b) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, SUPPORT without modification Amendment No. 153 to the Shire of Denmark Town Planning Scheme No.3 as detailed in attachment 9.1.1a. 3. AUTHORISES the Shire President and the Chief Executive Officer, in accordance with Section 9.49a of the <i>Local Government Act 1995</i>, to execute under Common Seal Amendment No. 153 to the Shire of Denmark Town Planning Scheme No.3. 4. ADVISES those who provided a submission of the Council’s resolution. 	<p>ITEM 9.1.1</p>
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9.1.2 PROPOSED REVISIONS TO LOCAL PLANNING POLICY NO. 49: ANCILLARY DWELLINGS

File Ref:	PLN.70
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Shire wide (excluding General Industry Zone)
Disclosure of Officer Interest:	Nil
Date:	24 November 2022
Author:	Will Hosken, Planning Officer
Authorising Officer:	David King, Director Assets and Sustainable Development
Attachments:	9.1.2a – Current Local Planning Policy No. 49: Ancillary Dwellings 9.1.2b – Draft modified Local Planning Policy No. 49: Ancillary Dwellings & Detached Habitable Rooms

Summary:

This report requests the Council adopt a draft revised *Local Planning Policy No. 49: Ancillary Dwellings* (LPP 49) for public consultation.

The purpose of LPP 49 is to provide guidance for how the Shire will assess proposals for ancillary dwellings, particularly within zones where the Residential Design Codes (R-Codes) do not apply. LPP 49 has been in operation for almost a year and officers recommend a number of minor changes to the Policy to improve its application.

Officers also recommend the introduction of guidance for ‘detached habitable rooms’, which includes studios, offices, personal gyms, workshops, games rooms and similar indoor spaces that are sometimes built separately from the primary residence.

Background:

On 16 November 2021 the Council adopted LPP 49 with the following aims:

- Promote the development of Ancillary Dwellings as a type of small-format housing that contributes to housing diversity.
- Preserve the amenity of all areas from inappropriate development.
- Identify development standards that the Shire will apply to proposals for an Ancillary Dwelling where the R-Codes do not apply.
- Identify development standards that demonstrate the distinction between what the Shire considers to be an Ancillary Dwelling and a Grouped Dwelling.

Further background is provided in the report to Council on this date (Item 9.1.2).

Since being adopted, LPP 49 has been supporting the assessment of proposals for ancillary dwellings by the Shire's planning staff. The Shire has received 20 applications since the policy was first advertised, noting that development of an ancillary dwelling may also now occur within the Residential Zone without approval if compliant with the deemed to comply provisions of the Residential Design Codes.

Proposed Policy Modifications – Ancillary Dwellings

Shire staff have identified a number of potential additions to the policy to provide a greater level of guidance for landowners, designers and builders. Minor modifications to the policy are proposed as follows:

- *Identifying maximum acceptable amounts of outdoor living areas and store rooms to avoid manipulation of the floor area limits for ancillary dwellings.*

The maximum allowable floor area (plot ratio area) for an ancillary dwelling is 70m² in accordance with the R-Codes. The Shire has received proposals for ancillary dwellings with additional spaces that are not calculated as part of this floorspace limit including substantial store rooms, fully enclosed double garages and oversized outdoor living areas that are comparable in size to the internal floor area.

This has resulted in some ancillary dwellings that have a comparable footprint to the primary residence, testing the extent to which an ancillary dwelling is truly 'ancillary'. Additional guidance will provide clarity and improve development outcomes, while allowing for design flexibility for how permitted floorspace is used.

- *Providing guidance for the development of an ancillary dwelling that is proposed to be built in front of a primary residence.*

On some sites the most logical position for an ancillary dwelling is in front of an existing residence. This is not well accommodated through the R-Codes.

Additional policy provisions are proposed to allow for this to occur on lots in all zones subject to appropriate consideration of setbacks, streetscape presentation, passive surveillance and aesthetics.

- *Specifying a standard for on-site potable water supply.*

Where an ancillary dwelling is proposed to be supported by an on-site potable water source the Shire will require the installation of water storage of a minimum 92,000 litres. This will be in addition to any water supply servicing the existing primary residence.

Officers considered the merit of a reduced amount of water supply for ancillary dwellings given that they are limited in size and would ordinarily have fewer occupants; however, this was not considered appropriate on the basis of:

- Consistency of interpretation of Clause 5.6 of Town Planning Scheme No. 3.

- An additional dwelling potentially increasing the need for water supply to service fire-fighting needs.
- Changing climatic conditions potentially increasing the need for on-site water storage from the current standard.

While the Shire could potentially consider a relaxation of this requirement, the majority of ancillary dwellings proposals have been from within areas serviced by a reticulated water supply. This is expected to continue and is considered an appropriate outcome given the direction adopted in the Draft Local Planning Strategy 2022.

Officers consider that LPP 49 has otherwise been relatively effective at promoting and providing guidance for the development of ancillary dwellings, and other changes are limited to improvements to wording only.

Proposed Policy Modifications – Detached Habitable Rooms

The Shire regularly receives proposals for the development of ‘detached habitable rooms’, which the proposed revisions to LPP 49 define as follows:

A detached habitable room is a studio, office, personal gym, workshop, games room or similar indoor space that is classed as habitable under the Building Code of Australia and constructed physically separate from the primary residence on a property.

Detached habitable rooms have been considered as a form of development ancillary to an existing residence, but there is currently no policy guidance for their development other than the boundary setbacks and other standard provisions of the R-Codes. It is recommended that guidance is introduced to provide distinction between detached habitable rooms and ancillary dwellings, and to introduce appropriate limits for the development of detached habitable rooms.

The proposed policy provisions seek to provide distinction between ancillary dwellings and detached habitable rooms on the basis of their use:

- An ancillary dwelling may be used for overnight accommodation and may contain a bathroom, kitchen and/ laundry.
- A detached habitable room may not be used for overnight accommodation and must be dependent on the services provided by the primary residence.

The proposed policy additions will formalise and provide clarity for this form of development, offering greater certainty for both landowners and neighbours.

The proposed policy provisions will enable the development of detached habitable rooms while providing design flexibility for how permitted floorspace can be used. Most design standards proposed are consistent with provisions for ancillary dwellings. The policy is also sensitive to over-development given the potential cumulative floor space of ancillary dwellings, detached habitable rooms and outbuildings in addition to an existing residence.

Consultation:

No consultation has taken place prior to the preparation of this report.

In accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) public notices are required to advertise the amendment of a local planning policy should the Council adopt the officer recommendation of this report. This will include notices at the Shire offices and on the Shire website, and it is considered appropriate to exercise the option to publish a notice in the local newspaper for the proposed policy changes.

Public comment will be invited for a period of 30 days, after which time submissions will be reviewed and a subsequent report prepared for the Council.

Statutory Obligations:

The preparation, amending and rescinding of a local planning policy must occur in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, including public consultation.

The Shire is required to publish notice of the amendment of a local planning policy in accordance with Schedule 2, Part 12, Clause 87. This includes a minimum public comment period of 21 days.

As the proposed revised policy includes development standards that supplement the Residential Design Codes the Council is required to seek the consent of the WA Planning Commission prior to its enactment.

Policy Implications:

This report proposes changes to *Local Planning Policy 49: Ancillary Dwellings* to improve clarity in the assessment of ancillary dwellings and formalise opportunities for landowners to develop detached habitable rooms. The proposed policy will be utilised as part of the assessment of development applications, including under existing delegations.

Budget / Financial Implications:

There are no known financial implications upon either the Council's current Budget or Long Term Financial Plan.

Strategic & Corporate Plan Implications:

The report and officer recommendation is consistent with Council's adopted Strategic Community Plan Aspirations and Objectives and the Corporate Business Plan Actions and Projects in the following specific ways:

Denmark 2027

B3.0 Our Built Environment

We have a functional built environment that reflects our rural and village character and supports a connected, creative, active and safe community.

B3.3 To have a planning framework that is visionary, supports connectivity and enables participation.

L5.0 Our Local Government

The Shire of Denmark is recognised as a transparent, well governed and effectively managed Local Government.

L5.3 To be decisive and to make consistent and well considered decisions.

Corporate Business Plan

Building Planning & Health

- Deliver a review of the entire local planning framework (22/23 – 24/25)

Sustainability Implications:

Sustainability Strategy 2021-2031

4.1 Implement responsible and sustainable practices through policy development and land-use planning.

Supporting the development of ancillary dwellings and the consolidation of development within established residential areas is consistent with the Draft Local Planning Strategy 2022 and the Sustainability Strategy.

➤ **Governance:**

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

➤ **Environmental:**

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:**

An assessment of evident risks has been undertaken in accordance with the Shire's risk management framework and no risks identified in relation to the officer recommendation of this report.

Comment/Conclusion:

This report proposes amendments to *Local Planning Policy No. 49: Ancillary Dwellings* to improve guidance for the development of ancillary dwellings and formalise opportunities for the development of detached habitable rooms.

The proposed modified policy will be titled *Local Planning Policy No. 49: Ancillary Dwellings & Detached Habitable Rooms*.

The outcome of this report will be publication of the draft modified policy for public comment for a period of 30 days, following which a report will be presented to the Council.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 9.1.2

That Council, pursuant to Schedule 2, Part 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:

1. ADOPT a draft modified *Local Planning Policy No. 49: Ancillary Dwellings & Detached Habitable Rooms* for the purpose of public consultation.
2. PUBLISH notice of the Council's decision to adopt a draft modified *Local Planning Policy No. 49: Ancillary Dwellings & Detached Habitable Rooms* for a period of 30 days on the Shire's website, in the Shire's offices and in a local newspaper.

9.1.3 PROPOSED LOCAL PLANNING POLICY NO. 50: BUILDING ENVELOPES

File Ref:	PLN.70
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Special Rural Zone, selected land within the Special Residential, Landscape Protection and Tourist zones, and selected Additional Use sites
Disclosure of Officer Interest:	Nil
Date:	15 November 2022
Author:	Will Hosken, Planning Officer
Authorising Officer:	David King, Director Assets and Sustainable Development
Attachments:	9.1.3a – Proposed Local Planning Policy No. 50: Building Envelopes

Summary:

This report requests the Council adopt a proposed draft *Local Planning Policy No. 50: Building Envelopes* (LPP 50) for public consultation.

The purpose of draft LPP 50 is to provide guidance for the designation and modification of building envelopes on land that contains significant remnant vegetation, visual landscape values or other physical or cultural features.

Adoption of this draft policy to enable public consultation is recommended.

Background:

A 'building envelope' is defined in Town Planning Scheme No. 3 (TPS 3) as "...an area of land within a lot marked on a plan approved by the Council within which all buildings, effluent disposal facilities and any other development such as rain water tanks, retaining walls, stone walls or any other form of revetment to retain building structures on the lot must be contained."

TPS 3 also refers to 'development envelopes' and 'development areas' that are considered to have effectively the same meaning and purpose.

The Scheme provides for the designation of building envelopes for all lots within the Special Rural Zone, and where deemed necessary within the Special Residential, Landscape Protection and Tourist zones and selected Additional Use sites. Building envelopes are most commonly designated on subdivision guide plans, but in some instances have also been included on structure plans or lot titles.

Building envelopes are designated where there is a need to limit the extent of development further than the lot boundary setbacks that are standard for the zoning that applies to the land. Building envelopes are a useful tool for reducing the impact of development on remnant vegetation, visual landscape values, and other physical or cultural characteristics of the land. Building envelopes also provide guidance for landowners and neighbours on where development might be expected to occur.

TPS 3 variously provides guidance on how building envelopes are to be considered, including reference to the vegetation preservation, maintenance of amenity, and limitations to what may occur outside of a building envelope. Notwithstanding, Shire officers have prepared draft LPP 50 to provide clear and consolidated guidance for how the provisions of TPS 3 will be applied in practice. The proposed policy provisions will provide clarity for landowners when designing their proposed development and detail how the Shire will assess development applications.

Consultation:

No consultation has taken place prior to the preparation of this report. Proposed LPP 50 does not disadvantage any landowner with or without a building envelope currently

designated, as development requirements are not increased and all existing designations remain in place.

In accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) public notices are required to advertise the preparation of a local planning policy should the Council adopt the officer recommendation of this report. This will include notices at the Shire offices and on the Shire website, and it is considered appropriate to exercise the option to publish a notice in the local newspaper for this proposed new policy.

Public comment will be invited for a period of 30 days, after which time submissions will be reviewed and a subsequent report prepared for the Council.

Statutory Obligations:

The preparation, amending and rescinding of a local planning policy must occur in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, including public consultation.

In addition, the Shire is required to publish notice of the preparation of a local planning policy in accordance with Schedule 2, Part 12, Clause 87 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This includes a minimum public comment period of 21 days.

Policy Implications:

This report proposes the adoption of a new draft policy *Local Planning Policy 50: Building Envelopes* to improve clarity for the designation and assessment of proposals to modify building envelopes. The proposed policy will be utilised as part of the assessment of development applications, including under existing delegations.

Budget / Financial Implications:

There are no known financial implications upon either the Council's current Budget or Long Term Financial Plan.

Strategic & Corporate Plan Implications:

The report and officer recommendation is consistent with Council's adopted Strategic Community Plan Aspirations and Objectives and the Corporate Business Plan Actions and Projects in the following specific ways:

Denmark 2027

N2.0 Our Natural Environment

Our natural environment is highly valued and carefully managed to meet the needs of our community, now and in the future.

N2.1 To preserve and protect the natural environment.

N2.2 To promote and encourage responsible development.

B3.0 Our Built Environment

We have a functional built environment that reflects our rural and village character and supports a connected, creative, active and safe community.

B3.3 To have a planning framework that is visionary, supports connectivity and enables participation.

L5.0 Our Local Government

The Shire of Denmark is recognised as a transparent, well governed and effectively managed Local Government.

L5.3 To be decisive and to make consistent and well considered decisions.

Corporate Business Plan
Building Planning & Health

- Deliver a review of the entire local planning framework (22/23 – 24/25)

Sustainability Implications:

Sustainability Strategy 2021-2031

4.1 Implement responsible and sustainable practices through policy development and land-use planning.

➤ **Governance:**

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

➤ **Environmental:**

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:**

An assessment of evident risks has been undertaken in accordance with the Shire’s risk management framework and no risks identified in relation to the officer recommendation of this report.

Comment/Conclusion:

This report proposes the adoption of a draft *Local Planning Policy No. 50: Building Envelopes* for public consultation.

The outcome of this report will be publication of the draft policy for public comment for a period of 30 days, following which a report will be presented to the Council.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION	ITEM 9.1.3
<p>That Council, pursuant to Schedule 2, Part 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, resolves to:</p> <ol style="list-style-type: none"> 1. ADOPT draft <i>Local Planning Policy No. 50: Building Envelopes</i> for the purpose of public consultation. 2. PUBLISH notice of the Council’s decision to adopt draft <i>Local Planning Policy No. 50: Building Envelopes</i> for a period of 30 days on the Shire’s website, in the Shire’s offices and in a local newspaper. 	

9.2 DIRECTOR CORPORATE AND COMMUNITY SERVICES

9.2.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31 OCTOBER 2022 AND BUDGET AMENDMENTS

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	23 November 2022
Author:	Lee Sounness, Manager Corporate Services
Authorising Officer:	Gina McPharlin, Director Corporate & Community Services
Attachments:	9.2.1a – October 2022 Monthly Financial Report 9.2.1b – October 2022 Investment Register

Summary:

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 2022 has been prepared and is attached.

Council is requested to approve proposed budget amendments to:

- Defer the budgeted replacement of the Ammann Multi Tyred Roller (Asset - ROLLER2) (\$130,000) until the 2023/24 financial year and reallocate the funds to increase the budgeted replacement of the Nissan UD 320 Truck (Asset-TRUCK18) to \$270,000.
- Allocate \$45,000 to the Plant Replacement Capital Expense budget to purchase a vehicle for the Bushfire Risk Management Program officer.

Background:

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:

1. Statement of Financial Activity by Nature or Type;
2. Statement of Financial Activity by Program;
3. Explanation of Material Variances;
4. Net Current Funding Position;
5. Receivables;
6. Capital Acquisitions;
7. Cash Backed Reserve Balances;
8. Loan Schedule.

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. The monthly reporting variance for the 2022/2023 financial year is 10% or greater for each program area in the budget, with a minimum dollar variance of \$10,000 (Resolution 030822).

Pursuant to the Shire's Investment Policy, an investment report and investment register (Attachment 9.2.2) are to be provided to Council on a monthly basis, detailing the investment portfolio in terms of performance and counterparty percentage exposure of the total portfolio.

Consultation:

Nil

Statutory Obligations:

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.

The Local Government Act 1995 – Section 6.14;

The Trustees Act 1962 – Part III Investments;

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.

Policy Implications:

Policy P040222 - Material Variances in Budget and Actual Expenditure

Policy P040229 - Investment Policy, which states that investments are to comply with the following three (3) key criteria:

- a) Portfolio Credit Framework - limits the percentage of the portfolio exposed to any particular credit rating category;
- b) Counterparty Credit Framework – limits single entity exposure by restricting investment in an individual counterparty/institution by their credit rating; and
- c) Term to Maturity Framework - limits investment based upon the maturity of securities.

Budget / Financial Implications:

The Shire's 2022/2023 Annual Budget provides a set of parameters that guides the Shire's financial practices. This report includes recommendations to amend the budget as follows:

Remove the replacement of Ammann Multi Tyred Roller (Asset – ROLLER2) from the Plant Replacement schedule and increase the purchase price budget for the replacement of the Nissan UD 320 Tip Truck (Asset – TRUCK18) from \$140,000 to \$270,000, resulting in an overall increase in transfer from plant reserve of \$30,000, a reduction in budget income from disposal of assets of \$30,000 and a reduction in non-cash income for Profit on Sale of Asset A/c 1230493 of \$4,500

Include additional capital expenditure of \$45,000 to A/c 1511054 to purchase a vehicle for the Bushfire Risk Management Program officer role, with the amount to be recouped as a transfer from the Plant Replacement Reserve.

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

Strategic & Corporate Plan Implications:

Implement a financial strategy to ensure the Shire of Denmark's financial sustainability.

The report and officer recommendation are consistent with Council's adopted Strategic Community Plan Aspirations and Objectives and the Corporate Business Plan Actions and Projects in the following specific ways:

Denmark 2027

L5.4 To be fiscally responsible

Sustainability Implications:**➤ Governance:**

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

➤ Environmental:

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:**

Nil

Comment:

The Statement of Financial Activity for October 2022 shows a year-to-date closing funding surplus of \$9,252,890 compared to the year-to-date budget surplus of \$8,466,691, a variance of \$786,199.

The first six (6) months of any financial year have a large surplus because over 75% of the total revenue has been recognised (from raising rates and fees and charges); however, most of the Shire's expenditure occurs evenly over the 12 months. This results in a timing variance, and the actual surplus reduces as the financial year progresses.

A summary of the financial position for October 2022 is detailed in the table below:

Table 1. Shire of Denmark Summary of Financial Position as at 31 October 2022

	Adopted Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)
	\$	\$	\$	\$	%
Opening Funding Surplus / (Deficit)	2,192,772	2,192,772	2,246,844	54,072	2%
<u>Revenue</u>					
Operating revenue	13,411,131	10,614,668	10,752,259	137,591	1%
Capital revenue, grants and contributions	8,831,605	533,099	553,654	20,555	1%
	22,242,736	11,147,767	11,305,913	158,146	
<u>Expenditure</u>					
Operating Expenditure	-16,349,642	-5,260,029	-4,033,763	1,226,266	-23%
Capital Expenditure	-11,540,161	-776,218	-687,242	88,976	-11%
	-27,889,803	-6,036,247	-4,721,005	1,315,242	
Funding balance adjustments	3,454,295	1,162,399	421,138	-741,261	-64%
Closing Funding Surplus / (Deficit)	0	8,466,691	9,252,890	786,199	9%

Investment Report (Investment Register - Attachment 9.2.2)

Under the Shire's Investment Policy, an investment report and register are to be provided to Council monthly, detailing the investment portfolio in terms of performance and counterparty percentage exposure of the total portfolio. The Investment Register also provides details of investment income earned against budget whilst confirming compliance of the portfolio with legislative and policy limits.

As at 31 October 2022, total cash funds held (including trust funds) totals \$11,537,243 (Summary – Investment Register).

- Municipal Funds total \$6,706,114
- Shire Trust Funds total \$850
- Reserve Funds (restricted) invested, total \$4,830,279
- Municipal Funds (unrestricted) invested, total \$5,000,000

The official Reserve Bank of Australia's (RBA) cash rate increased during the month of October by 0.25% from 2.35% to 2.60%. Increases are expected in the coming months, further increasing the cash rate.

Capital Expenditure – Plant Replacement Program

1) The adopted 2022/23 Annual Budget includes \$1,423,750 of capital expenditure allocated towards the Shire Plant Replacement Program. It allocates an amount of \$140,000 for the replacement of the Nissan UD 320 Truck (TRUCK18) utilised by the Works Depot department. (See Table 2. Excerpt of Plant Replacement Program 2022/23)

Quotes received from three (3) suppliers through the WALGA Preferred Suppliers procurement service indicate replacement costs for similar specification trucks vary in price between \$266,600 and \$310,000.

Procurement of the lowest quoted replacement truck of \$266,600 would currently result in an over-expenditure of \$126,600 to acquire that plant item, with that amount needing to be funded through an increased transfer from the cash-backed Plant Replacement Reserve fund. Thereby, reducing the closing funds available in that Reserve at year-end.

Table 2. Excerpt of Plant Replacement Program 2022/23

Plant Description/ Program	Asset No.	Purchase Price \$	Sale Trade Price \$	Asset Value \$	Depr. \$	WDV \$	(Profit) or Loss \$
Transport							
Ammann Multi Tyred Roller	ROLLER2	130,000	30,000	80,000	54,500	25,500	(4,500)
Kubota M8540 Tractor - Yard	TRACTOR 5	85,000	15,000	33,000	26,000	7,000	(8,000)
Nissan UD 320 Tip Truck - Water	TRUCK18	140,000	10,000	54,320	46,320	8,000	(2,000)
4 Wheel Tipper Truck (c/fwd 21/22)	TRUCK26	174,000	30,000	58,000	43,000	15,000	(15,000)
Single Cab 4 x 4 Utility - Road Mtce Crew (c/fwd 21/22)	UTE23	38,250	8,500	25,200	19,200	6,000	(2,500)
Single Cab 4 x 2 Tray Top Utility - Workshop (c/fwd 21/22)	UTE25	35,000	10,000	35,658	29,658	6,000	(4,000)
Sub Total		602,250	103,500	286,178	218,678	67,500	(36,000)
Grand Totals		1,423,750	171,500	547,023	410,423	136,600	(34,900)

Officers have looked at various options to amend the 2022/2023 Plant Replacement Program to fund the increased cost of procuring a replacement truck, and these are presented as follows:

Option 1: Increase the total Plant Replacement Program capital expenditure budget from \$1,423,750 to \$1,550,350 and fund this increased expense by transfer of an additional \$126,600 from the Plant Replacement Reserve.

Option 2: Defer the budgeted replacement of the Ammann Multi Tyred Roller (ROLLER2) until 2023/24 and utilise the budget allocation of \$130,000 to increase the replacement truck budget to \$270,000.

The associated adjustments relating to the ROLLER2 sale proceeds and Plant Reserve fund transfers related to the deferment of the ROLLER2 replacement would also require an amendment within the adopted budget.

Officers recommend Option 2, and a recommendation to facilitate this has been included as part of this report.

- 2) The adopted 2022/23 Annual Budget included a provision to lease a vehicle for the Bushfire Risk Management Program (BRMP) officer. The BRMP officer position is funded by a joint service agreement between the Department of Fire and Emergency Services (DFES), the Shire of Denmark and the Shire of Plantagenet. This funding includes the operating costs of providing a suitable motor vehicle.

Due to supply issues, the leasing company has revised the leased vehicle delivery date to February 2023 from October 2022. In the interim, a vehicle has been rented for the officer to ensure delivery of the Mitigation Activity Fund program.

Officers recommend that Council approve the purchase of a new vehicle (estimated at \$45,000), funded from the Plant Replacement Reserve and cancel the lease order to minimise the costs associated with extending the BRMP officer's rental vehicle.

At this stage, no adjustment to the operating expense budget for this service is considered necessary, as the depreciation component of any lease payment will be replaced with a depreciation allowance for the Council owned asset.

Emergency Maintenance Expenditure - Coastal Infrastructure

Due to unforeseen erosion of a section of Prawn Rock Channel within the vicinity of the footpath, boardwalk and pontoon bridge, emergency maintenance expenditure of up to \$100,000 is forecast to mitigate this issue.

All expenditures related to the emergency repairs of Prawn Rock Channel will be costed to Job No.11042 – Coastal Infrastructure Maintenance, which has a 2022/23 budget of \$26,000.

At the 2022/23 mid-year budget review, officers will request an amendment to this account, with the additional budget expenditure to be funded by operational savings identified during the review or by applicable reserve funds.

Voting Requirements:

Absolute majority.

OFFICER RECOMMENDATION	ITEM 9.2.1
<p>That Council;</p> <ol style="list-style-type: none"> 1. RECEIVE the Financial Statements for the period ending 31 October 2022, RECEIVE the Financial Reports, incorporating the Statement of Financial Activity and other supporting documentation. 2. APPROVE the following amendments to the 2022/2023 adopted budget to remove replacement of Ammann Multi Tyred Roller (Asset – ROLLER2) and increase the value for the replacement of the Nissan UD 320 tip Truck (Asset - TRUCK18) by making the following <ol style="list-style-type: none"> a) A/c 1230493 – reduce non cash operating income for profit on sale of asset by \$4,500; b) A/c 1231055 – reduce proceeds from sale of assets by \$30,000; and c) A/c 9502021 – increase transfer from Plant Reserve by \$30,000. 3. APPROVE the following amendment to the 2022/2023 adopted budget in relation to the capital purchase of a vehicle for the Bushfire Risk Management Program Officer: <ol style="list-style-type: none"> a) A/c 1511054 – increase capital expenditure for purchase Plant and Equipment – Fire by \$45,000; and b) A/c 9502021 – increase transfer from Plant Reserve by \$45,000 	

** Absolute majority required.*

9.2.2 LIST OF PAYMENTS FOR THE PERIOD ENDING 31 OCTOBER 2022

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	2 December 2022
Author:	Lee Sounness, Manager of Corporate Services
Authorising Officer:	Gina McPharlin, Director Corporate & Community Services
Attachments:	9.2.2 – October 2022 Monthly List of Payments Summary

Summary:

The purpose of this report is to advise the Council of payments made during the period 1 October 2022 to 31 October 2022.

Background:

Nil

Consultation:

Consultation was not required for this report.

Statutory Obligations:

Local Government (Financial Management) Regulation 13 relates:

Policy Implications:

Delegation Number D040201 relates:

Budget / Financial Implications:

There are no known significant trends or issues to be reported.

Strategic & Corporate Plan Implications:

Implement a financial strategy to ensure the Shire of Denmark’s financial sustainability.

The report and officer recommendation is consistent with Council’s adopted Strategic Community Plan Aspirations and Objectives and the Corporate Business Plan Actions and Projects in the following specific ways:

Denmark 2027

L5.4 *To be fiscally responsible*

Corporate Business Plan

Nil

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

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:**

Nil

Comment/Conclusion:

Nil

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION	ITEM 9.2.2
<p>That with respect to the attached Schedule of Payments, totalling \$1,460,529.10, for the month of October 2022, Council RECEIVE the following summary of accounts:</p> <ul style="list-style-type: none"> • Electronic Funds Transfers EFT33921 to EFT34089 - \$938,284.48; • Municipal Fund Cheque No’s 60507 – 60509 - \$9,709.30; • Internal Account Transfers (Payroll) - \$431,839.01; and • Direct Debit - \$3,611.23; • Corporate Credit Card; \$2,438.18; • Department of Transport Remittances; \$74,646.90, and • Loan Payments: \$Nil. 	

9.2.3 WRITE OFF – OUTSTANDING SUNDRY DEBTORS

File Ref:	FIN 32
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not Applicable
Disclosure of Officer Interest:	Nil
Date:	23 November 2022
Author:	Scott Sewell, Accountant
Authorising Officer:	Gina McPharlin, Director Corporate & Community Services
Attachments:	Nil

Summary:

This report requests that Council approve the write-off of unpaid sundry debtor invoices totalling \$13,158.28 (GST inclusive).

Background:

Council's Debt Collection Policy (P040227) recognises that Council is responsible for recovering all outstanding debts and charges in a timely manner to finance its operations and ensure effective cash flow.

A debt may be written off where all necessary measures have been taken to locate and contact the debtor and where costs associated with continued action to recover the debt will outweigh the net value of the debt if recovered. This practice ensures that the Shire does not overstate receivables.

Under delegation (1.2.20 Grant Discounts, Waive or Write Off Debts), the Chief Executive Officer (CEO) has the authority to write off rates or service charges for individual debt up to \$500 to a total maximum value of \$500, as adopted in the Council's annual budget under GL1422502. Where amounts exceed these limits, they should be brought to the attention of the Council for consideration to be written off.

Consultation:

Cloud Payment Group (Debt Collection Service Agency).

Statutory Obligations:

Local Government Act 1995 Section 6.12 - a Local Government may, by way of an absolute majority resolution, "write off any amount of money which is owed to the Local Government".

Policy Implications:

Policy P040227 – Debt Collection Policy

Budget / Financial Implications:

The officer's recommendation results in a \$13,158.28 reduction in the Accounts Receivable balance, which forms part of the net current funding position brought forward as of 1 July 2022.

If approved, a budget adjustment will be made as part of the Mid-Year Budget Review (February 2023) to increase the expense account 1422502 – Debt Write-off from \$500.00 to \$13,158.28.

Strategic & Corporate Plan Implications:

Implement a financial strategy to ensure the Shire of Denmark's financial sustainability.

The report and officer recommendation are consistent with Council's adopted Strategic Community Plan Aspirations and Objectives and the Corporate Business Plan actions and projects in the following specific ways:

Denmark 2027

L5.4 To be fiscally responsible

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

Nil.

Comment:

Officers have reviewed the Shire's Sundry Debtors' records to establish if any outstanding amounts are unrecoverable.

As a result of this review, the following unpaid invoices (GST inclusive, where applicable) are requested to be written off:

Debtor	Inv No	Amount (\$)	Date	Description
37259	23299	296.60	20/11/19	Private Works – Plant Hire
39979	23484	1,345.00	5/2/20	Private Works - Reinstatement
Rate Rebate	Various	11,280.02	Various	Rejected Rate Rebate Claims to 30/6/2022
ESL Rebate	Various	236.66	Various	Rejected ESL* Rebate Claims to 30/6/2022

*ESL – Emergency Services Levy

The recommendation for the write-offs listed in the table above are based on the following:

Debtor 37259 – Invoice 23299

- Invoices 23270 (\$556.60) and 23299 (\$300) were issued on 22 October 2019 and 20 November 2019, respectively, for the wet and dry hire of Council plant.
- Following debt collection action, the debtor entered into an agreement with the Shire to pay the debt in instalments.
- The debtor paid a total amount of \$560 between July and December 2021, after which payments ceased leaving an amount owing of \$296.60 on invoice number 23299.
- Attempts to recoup the balance have failed to locate the debtor, and the debt collection agency has advised that, in their view, the debt is now uneconomical to recover.

Debtor 39979 – Invoice 23484

- Invoice 23484 (\$1,345) was raised on 5 February 2020 to recoup costs relating to vandalism damage caused to McLean Oval.
- The debtor has denied responsibility for the event, and the amount is considered unrecoverable without admission or a conviction.

Debtor – Pensioner Rate and ESL Rebate Variance

- The state government, via the Office of State Revenue Office (OSR), reimburses a local government the discount applicable for eligible (depending on the concession card held and other qualification criteria) pensioner and senior rates.
- For various reasons, a discounted rates and service charges claim or part claim for reimbursement may be rejected by OSR. Administratively, these items are either corrected and resubmitted or deemed invalid and re-invoiced to the property owner for payment.
- The Shire has several outstanding (declined) pensioner rates, and ESL rebate claims that officers consider not efficient nor economically viable to continue recovery action. These claims total \$11,516.68 (pensioner rate rebates - \$11,280.02 and ESL rebates - \$236.66).

The above outstanding Pensioner Rate and ESL Rebate rebates relate to prior years. Officers have improved administrative procedures to ensure that pensioner rate rebate claims are submitted more timely and consider it unlikely that declined rebates will accumulate in the future.

Voting Requirements:

Absolute majority pursuant to section 6.12 of the Local Government Act 1995.

OFFICER RECOMMENDATION				ITEM 9.2.3
That Council APPROVE the write-off the following outstanding Sundry Debtor amounts:				
Debtor	Inv. No	Amount (\$)	Date	Description
37259	23299	296.60	20/11/19	Private Works – Plant Hire
39979	23484	1,345.00	5/2/20	Private Works - Reinstatement
Rate Rebate	Various	11,280.02	Various	Rejected Rate Rebate Claims to 30/6/2022
ESL Rebate	Various	236.66	Various	Rejected ESL Rebate Claims to 30/6/2022

**Absolute Majority required.*

9.2.4 CHANGE OF METHOD OF VALUATION – SPLIT RATING OF RURAL PROPERTIES WITH NON-RURAL USES

File Ref:	A219, A5836, A784, A1047, A1598, A1883, A32, A348, A3918, A5264, A57, A1721, A408, A494, A5732, A2612, A391 and A483
Applicant / Proponent:	Various. See attachment 9.2.4a.
Subject Land / Locality:	Various. See attachment 9.2.4a.
Disclosure of Officer Interest:	Nil
Date:	29 November 2022
Author:	Lee Sounness, Manager of Corporate Services
Authorising Officer:	Gina McPharlin, Director of Corporate & Community Services
Attachments:	9.2.4a – Summary of Applications 9.2.4b – Schedule of Submissions and Objections

Summary:

The purpose of this report is for Council to consider changing the method of valuation of eighteen Rural UV (Unimproved Value) rateable properties that contain distinct non-rural commercial uses on separately identifiable portions of the rural properties.

Background:

The Shire of Denmark commenced a review of its rating structure in November 2019. Rating Review – Stage 1 was undertaken in 2019/20 to simplify the Shire of Denmark's rating model and to align to the fundamental rating principles of the Local Government Act 1995 (s6.33) of:

- a. Objectivity;
- b. Fairness and Equity;
- c. Consistency;
- d. Transparency and;
- e. Administrative Efficiency

In June 2020, Council adopted a differential rating structure with amended categories, reducing the number of rating categories from 14 to 4:

Gross Rental Valuations (GRV)

1. Non-Rural Improved
2. Holiday Purposes
3. Vacant

Unimproved Valuations (UV)

4. Rural

The adoption of the revised rating structure adopted in June 2020 mostly met the objectives of Council, but some inequity in the rating of rural properties with multiple non-rural uses within the district still existed.

Rating Review - Stage 2 commenced in October 2020, with the principal objective to provide a clear understanding of the administration, cost and time to apply split rating methods across rural properties utilised for non-rural purposes.

To address these rating inequities of rural properties, Council in May 2021, endorsed an amendment of the differential rating model that included two (2) additional UV rating categories to capture rural properties that have non-rural use(s). These two (new rating categories came into effect for the 2021/22 Municipal Budget:

Gross Rental Valuations (GRV)

1. Non-Rural Improved
2. Holiday Purposes
3. Vacant

Unimproved Valuations (UV)

4. Rural
5. *Rural Additional Use – Holiday Purposes (new)*
6. *Rural Additional Use – Commercial (new)*

A further recommendation to apply split rating on rural rated properties containing distinctly non-rural uses was not endorsed at the May 2021 OCM.

At the June 2021 OCM, Council endorsed *the application of split and spot rating (as appropriate) on UV-rated properties containing distinctly non-rural uses which fall into the 'Rural Additional Use – Commercial' rating category.* The application of split rating to these rural properties is the purpose of Rating Review - Stage 3.

To assess and apply split rating valuations to Rural properties with non-rural uses the following information and processes apply:

Rating Review Stage 3: Change of Method of Valuation - Implementation of Split Rating

Split Rating – where a local government identifies that a rateable property contains distinctly rural and non-rural uses on separately identifiable portions of the property, it may consider

applying different methods of valuation to those distinct portions. This is referred to as "split valuations".

According to DLGSC, "Split valuations should only be considered as an option where the predominant use of a property cannot be determined objectively and fairly or where it is appropriate to do so for reasons of rating fairness."

There are several steps in the process of changing the method of valuation of land for rating purposes. The process is outlined under Section 6.28 of the Local Government Act 1995 and by following DLGSC Operational Guidelines - Changing Methods of Valuation of Land.

Each step is important in achieving a successful outcome:

Step 1: Identifying land use changes that may affect predominant use.

New developments and changes to land use can alter the predominant use of land and thereby the method of valuation that is used to rate it.

Step 2: Reviewing predominant use.

The Act does not define the term "land" for the purpose of predominant use. Where a local government identifies new/existing developments or land uses, it can decide whether to review the predominant use of the affected land only or a larger or smaller area of land. This can be done by implementing split valuations across the one property.

Step 3: Consulting affected parties.

Step 4: Changing the method of valuation by application:

- a. Decision by Council from Ordinary Council Meeting report and consideration of ratepayer's consultation;
- b. Applications forwarded to the DLGSC for assessment and then submission to the Minister for consideration;
- c. Ministerial Approval - Minister determines the applications to be approved / not approved;
- d. Interim valuation by Landgate and rates notice issuing - approved valuations apply from the next financial year once approved by the Minister.
- e. Property owners receive two rate notices annually. UV for the rural property and GRV for the identified portion of the property with non-rural uses

Consultation:

External

Department of Local Government, Sport and Cultural Industries (DLGSC):

- Rating Policy for Valuation of Land (Section 6.28)
- Rating Policy for Differential Rates (Section 6.33)
- Local Government Guidelines - Changing Methods of Valuation of Land
- DLGSC officers provided verbal advice

Landgate:

- Provided verbal advice.
- Interim GRV land valuations

Community Consultation:

- October 2020 - Rating Structure Review: Stage 2 Information Letter and Land Use Declaration Form. The applicant was asked to complete a Land Use Declaration Form to help make a determination of which basis of valuation should apply.
- July 2021 – Rating Structure Review: Stage 2 Update
- April 2022 – Rating Structure Review: Stage 3 Changing Methods of Valuation: Split Rating – Advice of Indicative Rates Payable and Request for Comment. The

applicant was asked to complete a Land Use Declaration Form to help make a determination of which basis of valuation should apply.

- July 2022 – Notice of Intention: Shire of Denmark Rating Strategy 2022/23, including Statement of Objects and Reasons
- December 2022 – Advice of report to Council and consideration of objections and submissions

Internal

Briefing sessions with Councillors.

Statutory Obligations:

VALUATION OF LAND ACT 1978

The Minister for Local Government has the responsibility for determining the method of valuation of land to be used by the Valuer General. Where the Minister changes the basis of valuation from UV to GRV, Council may resolve to apply the change of valuation immediately or phase in any changes in valuation in accordance with Schedule 6.1 of the Local Government Act (1995).

LOCAL GOVERNMENT ACT 1995

Schedule 6.1 (1) & (2)

Section 6.28 (1) & (2)

Section 6.31

Section 6.33 (1), (2), (3) & (4)

Section 6.36

Policy Implications:

P030105 - Rating Equity Policy

The Shire of Denmark Council Policy P030101 reads as follows:

In implementing suitable rating systems and procedures, Council seeks to observe the principles of objectivity, fairness and equity, consistency, transparency, and administrative efficiency.

To enable split rating and changing the method of valuation of properties, the Rating Equity Policy contains the following:

Split Rating:

The Local Government Act 1995 permits the Shire of Denmark to "split rate" non-rural uses on unimproved value land and effectively isolate that activity from the remainder of the property and rate that activity on a separate land parcel; one land parcel reflecting the rural use and the other land parcel reflecting the non-rural use/s.

Rating Category Definition:

Rural - Additional Use Commercial: a property is determined to be held or used for Rural Additional Use Commercial Purposes where the method of valuation used for the property for the purposes of rating is the Unimproved Value (UV) of the property and where the property is operating approved non-rural commercial activities. Where there is approved commercial activities or holiday accommodation over a quantity of four then this Rural Additional Use category will apply.

Budget / Financial Implications:

A change in the method of valuation will impact the Shire's future rate revenues dependent upon the Gross Rental Valuations provided by the Valuer General's office of the subject lands. Amendments to the rate records are an estimate based on the notional valuation

provided by Landgate of the GRV valuation of the portion of the property. The Shire has the option to phase in these GRV valuations on the rural properties.

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

Strategic & Corporate Plan Implications:

Implement a financial strategy to ensure the Shire of Denmark's financial sustainability.

The report and officer recommendation are consistent with Council's adopted Strategic Community Plan Aspirations and Objectives and the Corporate Business Plan Actions and Projects in the following specific ways:

Denmark 2027

L5.4 To be fiscally responsible

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

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:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That the Minister for Local Government does not approve a request for a change of method of valuation.	Possible (3)	Minor (2)	Moderate (5-9)	Providing Inaccurate Advice / Information	Accept Risk
That the owner of the subject land objects to Council not approving an amendment to the rate record and appeals the process	Likely (4)	Moderate (3)	High (10-16)	Not Meeting Community expectations	Manage by considering objection in accordance with Local Government Act 1995

Comment/Conclusion:

Local Governments must ensure that the rating principles of the Local Government Act (1995) are correctly applied to rateable land within their districts. Due to the increasing complexity of rating, the use of differential rating continues to decrease across the sector.

The Shire of Denmark is currently in Stage 3 of reviewing its differential rating structure, with the objective to make it less complex and more equitable to all ratepayers.

The Shire of Denmark is currently in Stage 3 of reviewing its differential rating structure, with the objective of making it less complex and more equitable to all ratepayers.

Stage 3 of the rating review seeks to apply to the Department of Local Government, Sport and Cultural Industries (DLGSC) to change the method of valuation of rural rateable properties that contain distinctly rural and non-rural purposes on separately identifiable portions of the property.

Of the 4,138 properties rated in the Shire of Denmark, twenty-one properties are currently rated as Rural Additional Use – Commercial (UV) under the Shire rating structure. (See Table 1 below.)

Of these twenty-one properties, eighteen are included in this application to DLGSC to split rate and change their method of valuation. Of the other three (3), one (1) property is under reassessment, and two (2) properties require further consultation before an application is made.

Table 1: Rating Category: Rural Additional Use – Commercial (UV) (Annual Budget 2022/23)

	Prop. No.	Rate in \$ / Minimum \$	Rateable Value \$	Budgeted Rate Revenue \$
General Rates				
Rural Additional Use – Commercial (UV)	16	.007668	10,232,000	78,459
Minimum Payments				
Rural Additional Use – Commercial (UV)	5	2,832	1,721,000	14,160
TOTAL	21		\$11,953,000	92,619

Applications made to the DLGSC to change the method of valuation must include the following:

- The reason and need for the application: to split rate the rural property
- Description and detail of the land
- Assessment of the predominate use of the property
- Similar purpose land – what proportion of the land is being used for non-rural uses.
- The future impact on rate assessment
- Consideration of phasing in of valuations
- Consultation undertaken, including the Council's response to any submissions.
- An effective date – specification of the date that the Shire would like the Minister to approve as the date from which the change is to take effect.
- Officers report to Council and extract of Council's minutes relevant to applications.

Assessment of the Predominate Use of the Properties subject to the Application

Properties currently rated Rural Additional Use – Commercial have been determined by officers to be operating approved non-rural commercial activities on their Rural UV property as per the rating definition prescribed in Shire Policy P030105 - Rating Equity Policy.

As part of this application process, predominate use was further established through:

- Land Use Declaration Forms completed by property owners
- Statutory Approvals - confirmation of land and building development approvals
- Online property inspections

Future Financial Impact on Rate Assessments

Where changes in valuations are made, which result in significant increases in rate assessments on properties, local governments are urged to consider phasing in the valuations. Section 6.31 of the Act provides that valuations can be phased in where a

determination is made by the Minister under section 6.28 of the Act to change the method of valuing land from UV to GRV.

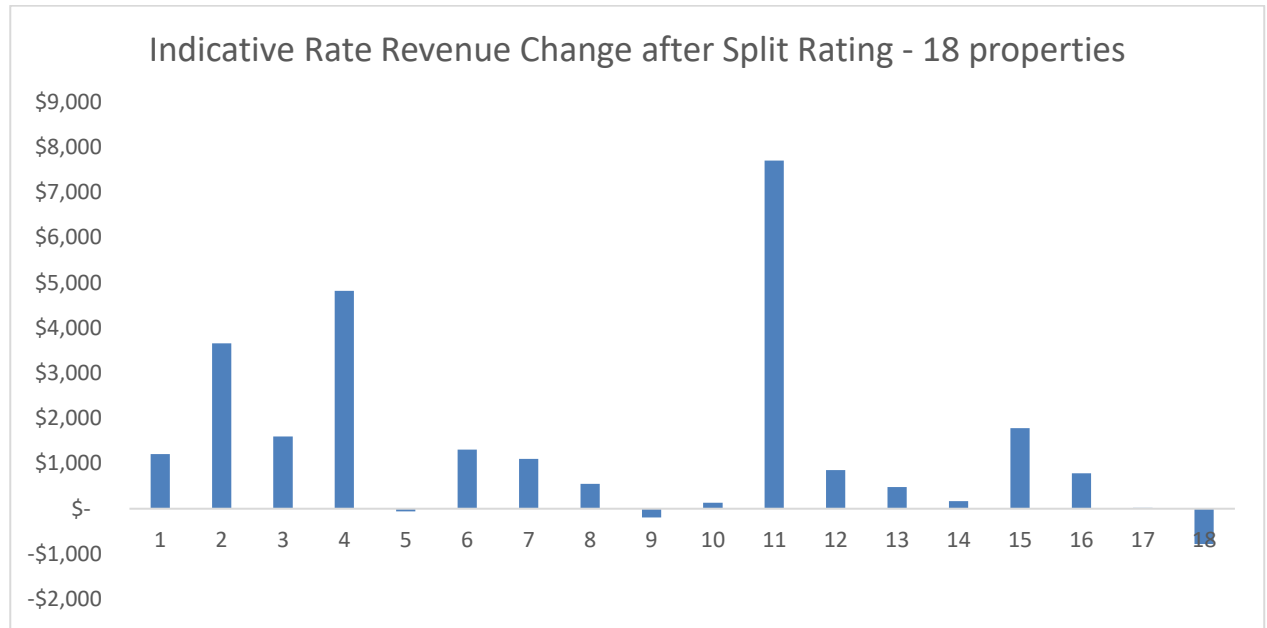
The Shire's total budgeted rate revenue for 2022/23 is \$7,635,814. It is indicated in Table 2 below that if the Minister approves the Shire's application to change the method of valuation and split rate 18 properties, annual rate revenue would increase by \$25,139 (0.3%).

Table 2: Summary of the change to total rates of property owners who are split rated - Change in the Method of Valuation

Application	Current Rating		Split Rating				Change \$	Change %
	Current 2022 UV Valuation	Current 2022 UV Rates \$	Rate Notice 1 - UV		Rate Notice 2 - GRV			
			Indicative UV Rates \$	Interim Landate GRV Valuation	Indicative GRV Rates \$	Indicative Total Rates \$		
#1	561,000	4,302	2,531	28,080	2,983	5,513	1,212	28%
#2	349,000	2,832	1,574	35,620	4,919	6,493	3,661	129%
#3	772,000	5,920	3,482	37,960	4,032	7,515	1,595	27%
#4	432,000	3,313	1,949	58,240	6,186	8,135	4,823	146%
#5	430,000	3,297	1,940	10,400	1,298	3,238	- 60	-2%
#6	654,000	5,015	2,950	31,720	3,369	6,320	1,305	26%
#7	335,000	2,832	1,511	22,820	2,424	3,935	1,103	39%
#8	543,000	4,164	2,449	21,320	2,265	4,714	550	13%
#9	472,000	3,619	2,129	11,960	1,298	3,427	- 192	-5%
#10	430,000	3,297	1,940	14,040	1,491	3,431	134	4%
#11	711,000	5,452	3,207	72,020	9,945	13,153	7,701	141%
#12	571,000	4,378	2,576	25,000	2,656	5,231	853	19%
#13	478,000	3,665	2,156	18,720	1,988	4,145	479	13%
#14	596,000	4,570	2,689	14,820	2,046	4,735	165	4%
#15	337,000	2,832	1,520	29,120	3,093	4,613	1,781	63%
#16	355,000	2,832	1,601	18,980	2,016	3,618	786	28%
#17	345,000	2,832	1,556	8,580	1,298	2,854	22	1%
#18	658,000	5,046	2,968	9,620	1,298	4,266	- 779	-15%
TOTAL	9,029,000	70,198	40,730	469,020	54,607	95,337	25,139	

Modelling also indicates that nine (9) of the eighteen properties would receive an increase to rates of over 20%, and these properties should be considered for phasing in their change in valuations. Table 3 illustrates that indicative change to rates across the eighteen properties, varying from an approximate \$8,000 increase to an approximate \$1,000 decrease.

Table 3: Indicative Rate Revenue Change Summary of the change to total rates of property owners who are split rated - Change in the Method of Valuation



Consultation With Affected Parties

Local governments must consult with the property owners to achieve a common understanding and ideally, reach an agreement on the improvements subject to the proposal. Submissions to the DLGSC require evidence that the proponent has been informed of the estimated gross rental valuation and any copies of objections or comments the proponent has submitted in response.

A table summarising the required consultation undertaken by the Shire for applications is outlined in Attachment 9.2.4b. As part of this consultation process, property owners subject to the application to change their method of valuation were informed by letter in May 2022 of their estimated gross rental valuation and rates under a new split rating structure.

Consultation with affected property owners also included an invitation to comment and/or lodge an objection to Council on the proposed changes to the method of valuation and split rating of their property. Submissions received by the Shire from affected property owners are tabled in Attachment 9.2.4a.

Conclusion

Based on the information required to be provided through application, and by applying Council Policy P030101 Rating Equity Policy and subject to consideration of submissions/objections by affected landowners, it is recommended that Council consider changing the method of valuation of eighteen Rural UV (Unimproved Value) rateable properties that contain distinct non-rural commercial uses on separately identifiable portions of the rural properties through application to the Minister.

In determining Council's request, the Minister for Local Government will:

- obtain technical descriptions from Landgate;
- advertise the ministerial determination in the Government Gazette; and,
- write to the Shire of Denmark and Landgate, with a copy of the gazettal notice.

Following and subject to the Minister's determination, the Shire of Denmark will inform the owner of the gazettal notice and seek a new valuation from Landgate before implementing the change of method of valuation. The effective date of the new method of valuation for the affected land area outlined will be the date of gazettal or such date as given by the Minister.

This report to Council, including all attachments, reflects the information and will form the basis of any request required by the Minister for Local Government.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION	ITEM 9.2.4
<p>That Council;</p> <ol style="list-style-type: none"> 1. CONSIDERS the submissions by affected property owners subject to the application by the Shire to change their method of valuation; and 2. REQUESTS the Minister for Local Government to approve to change of method of valuation and split rate eighteen properties summarised in Attachment 9.2.4a for the basis of rating, with effect from 1 July 2023. 	

9.3 CHIEF EXECUTIVE OFFICER

9.3.1 ORDINARY COUNCIL MEETING DATES FOR 2023

File Ref:	CR.2
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	1 December 2022
Author:	Claire Thompson, Governance Coordinator
Authorising Officer:	David Schober, Chief Executive Officer
Attachments:	9.3.1 - 2023 Meeting and Agenda Publication Schedule

Summary:

This report recommends that Council set its Ordinary Meeting schedule for 2023.

Background:

At the Council meeting held on 21 December 2021, with respect to meeting times, location and frequency for 2022, Council resolved as follows:

That with respect to the Ordinary Meetings of Council to be held in 2022, Council;

1. *RETAIN a 4.00pm commencement time for all Ordinary Council meetings in 2022; and*
2. *ENDORSE the proposed dates as shown in the Officer Report, with the first meeting commencing on Tuesday, 15 February 2022; and,*
3. *Pursuant to Policy P040103, HOST two Locality (Kent/Nornalup) Ward Meetings for the interest of residents, ratepayers and community organisations at the Peaceful Bay Community Hall and the Tingledale Community Hall. 2022 Locality Meeting is to be scheduled for Nornalup Hall, times and dates to be determined by the Chief Executive Officer, in conjunction with the Shire President, the Peaceful Bay Progress Association and Tingledale Hall Committee, and widely advertise those times & dates prior to the meetings; and*
4. *ADVERTISE the dates, times and locations in part 2 and 3 in the Denmark Bulletin, the Walpole Weekly, on Council’s website, on Council’s Notice Boards and on the Shire’s Facebook page.*

Consultation:

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

Statutory Obligations:

The following legislation relates to Council meeting dates.

LOCAL GOVERNMENT ACT 1995

5.3. Ordinary and special council meetings

- 1) *A council is to hold ordinary meetings and may hold special meetings.*
- 2) *Ordinary meetings are to be held not more than 3 months apart.*
- 3) *If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.*

5.4. Calling council meetings

An ordinary or a special meeting of a council is to be held —

- a) *if called for by either —*
 - i. *the mayor or president; or*
 - ii. *at least 1/3 of the councillors, in a notice to the CEO setting out the date and purpose of the proposed meeting; or*
- b) *if so decided by the council.*

Section 12 (1) of the LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS 1996 relates to a local government's requirement to give local public notice of the dates, and the time and place at which the ordinary council meetings are to be held in the next twelve (12) months.

Pursuant to section 5.5 of the Local Government Act 1995, Convening council meetings, the Chief Executive Officer is to provide each Councillor an Agenda at least seventy-two (72) hours prior to the meeting.

Policy Implications:

Current Policies P040101, P040103 and P040238 relate and read as follows.

P040101: ORDINARY COUNCIL MEETINGS

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

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

P040103: LOCALITY (KENT/NORNALUP WARD) MEETINGS

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 Tingledale and Nornalup and it will be widely advertised prior to the meetings.

P040238: ANNUAL CLOSURES OF SOME SERVICES & OPERATIONS OVER DECEMBER & JANUARY

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 holiday until normal working hours on the day following the New Year public holiday inclusive, with employees required to use their leave entitlements and the closure being well publicised prior to this date.

ELECTED MEMBER EXPENSES REIMBURSEMENT POLICY

This policy sets out the expenses that Councillors can claim due to their attendance at Council meetings or Council related activities, such as locality meetings.

Budget / Financial Implications:

The cost of advertising the Council and Locality meeting dates can be accommodated within Council's existing general administration advertising budget (account number 1420152).

Each ordinary meeting of the Council typically involves two (2) meals and refreshments for Councilors (dinner after the meeting and lunch depending upon the start time of the Strategic Briefing for that day). These costs are accommodated under Council's Budget. In addition, Councilors are entitled to claim travel and child care costs for attending Council meetings, allowance for such is included in Council's Budget.

Strategic & Corporate Plan Implications:

The report and officer recommendation is consistent with Council's adopted Strategic Community Plan Aspirations and Objectives and the Corporate Business Plan Actions and Projects in the following specific ways:

Denmark 2027

L5.0 Our Local Government

The Shire of Denmark is recognised as a transparent, well governed and effectively managed Local Government.

Sustainability Implications:

➤ **Sustainability:**

Nil

➤ **Governance:**

Frequency of meetings provides for continuity of decision making and impacts turnaround times on applications and the like, some of which are governed by other legislated timeframes.

Providing a meeting "pattern" such as meetings on the third Tuesday of each month makes it easier for the community to become familiar with when the Council meets.

➤ **Environmental:**

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:**

Nil

Comment/Conclusion:

The proposed meeting schedule for 2023 is based on the Council's current meeting frequency being on the third (3) Tuesday of every month.

Council is at liberty to amend the meeting days, times and frequency for the next 12 months, noting that pursuant to Regulations, Council is required to provide public notice of its meeting schedule for the ensuing 12 months.

PROPOSED MEETING SCHEDULE 2023

- Commencing 21 February 2023.
- One (1) ordinary Council meeting per month.
- Held on the third (3) Tuesday of each month.
- Eleven (11) ordinary Council meetings per year.

DATE	LOCATION
21 February 2023	Council Chambers, 953 South Coast Highway, Denmark
21 March 2023	Council Chambers, 953 South Coast Highway, Denmark
18 April 2023	Council Chambers, 953 South Coast Highway, Denmark
16 May 2023	Council Chambers, 953 South Coast Highway, Denmark
20 June 2023	Council Chambers, 953 South Coast Highway, Denmark
18 July 2023	Council Chambers, 953 South Coast Highway, Denmark
15 August 2023	Council Chambers, 953 South Coast Highway, Denmark
19 September 2023	Council Chambers, 953 South Coast Highway, Denmark
17 October 2023	Council Chambers, 953 South Coast Highway, Denmark
21 November 2023	Council Chambers, 953 South Coast Highway, Denmark
19 December 2023	Council Chambers, 953 South Coast Highway, Denmark

Pursuant to Council Policy P040238, the Shire Office will be closed from 23 December 2022 and re-opening on 3 January 2023.

During the December / January Christmas and New Year’s holiday period, typically many employees take periods of leave to take advantage of the additional forced shutdown days and Public Holidays. For this reason, there is a risk that there may not be staff available to write reports and/or prepare documentation for a January 2023 Ordinary Council meeting. This notwithstanding, should the Council decide to commence the 2023 meeting schedule in January, Shire Officers would endeavour to accommodate this preference.

For the reasons above, the Officer recommends that, as per the 2019, 2020, 2021 and 2022 schedule, next year’s meetings commence in February 2023.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION	ITEM 9.3.1
<p>That with respect to the Ordinary Meetings of Council to be held in 2023, Council;</p> <ol style="list-style-type: none"> 1. RETAIN a 4.00pm commencement time for all Ordinary Council Meetings; and 2. ENDORSE the proposed dates as shown in the Officer Report, with the first meeting commencing on Tuesday, 21 February 2023; and, 3. Pursuant to Policy P040103, HOST two Locality (Kent/Nornalup) Ward Meetings for the interest of residents, ratepayers and community organisations at the Peaceful Bay Community Hall and the Nornalup Community Hall, the times and dates to be determined by the Chief Executive Officer, in conjunction with the Shire President, the Peaceful Bay Progress Association and the Nornalup Residents & Ratepayers Association, and widely advertise those times & dates prior to the meetings; and 4. ADVERTISE the dates, times and locations in part 2 and 3 in the Denmark Bulletin, the Walpole Weekly, on Council’s website, on Council’s Notice Boards and on the Shire’s Facebook page. 	

9.3.2 RESPONSE REGARDING A REQUEST FOR THE STATE GOVERNMENT TO REVIEW THE CURRENT PRESCRIBED BURN POLICY AND PRACTICES

File Ref:	
Applicant / Proponent:	Shire of Denmark
Subject Land / Locality:	Shire of Denmark
Disclosure of Officer Interest:	Nil
Date:	23 November 2022
Author:	David Schober, Chief Executive Officer
Authorising Officer:	David Schober, Chief Executive Officer
Attachments:	9.3.2a - Shire of Denmark request to the Premier 9.3.2b - Response from Emergency Services Minister

Summary:

This report responds to a Council resolution (July 2022 Res. 060722) requesting the Chief Executive Officer write to the Premier, relevant WA State Government Ministers and the Member for Warren-Blackwood and report back to Council with any responses received.

Background:

At the Ordinary Council Meeting of July 2022 Council resolved to request that the Chief Executive Officer:

1. Write to the Premier: Hon Mark McGowan MLA, the Minister for Environment; Climate Action: Hon Reece Whitby MLA, the Deputy Premier; Minister for State Development, Jobs and Trade; Tourism; Commerce; Science: Hon Roger Cook MLA, the Minister for Emergency Services; Innovation and ICT; Medical Research; Volunteering: Hon Stephen Dawson ML, the Minister for Regional Development; Agriculture and Food; Hydrogen Industry: Hon Alannah MacTiernan ML, the Minister for Water; Forestry; Youth: Hon Dave Kelly BA MLA, the Minister for Health; Mental Health: Hon Amber Jade Sanderson BA MLA, Chair, Standing Committee on Environment and Public Affairs: Hon. Peter Foster MLC, and the Member for Warren-Blackwood: Jane Kelsbie MLA advising that Council respectfully request:

a) a public review of the State's prescribed burn policy and practices to ensure both are effective in protecting lives, property and the environment, and are aligned with current science and community sentiment, and that any such review provide for a 90 day consultation period to receive submissions, and

b) that the State Government recognise that climate change is creating challenges in managing the increased risk of bushfires regionally and consider providing local governments with additional resources for early detection and rapid suppression.

2. Report back to Council by October 2022, with any responses that have been received as at that date.

On 15 August, the Chief Executive Officer (CEO) wrote the Premier, relevant Ministers and Member for Warren-Blackwood (Attachment 9.3.2a).

On 8 September 2022, the Shire received a response from the Honourable Stephen Dawson, Minister for Emergency Services; Innovation and ICT; Medical Research; Volunteering; Deputy Leader of the Government in the Legislative Council (Attachment 9.3.2.b).

Consultation:

Following the Council resolution, and on receiving a response from the Minister, officers have held numerous discussions with both Department of Fire and Emergency Services (DFES), Shire of Denmark Chief Bush Fire Control Officer and the Department of Biodiversity Conservations and Attractions (DBCA).

Additionally, the Shire is aware that the Denmark Environment Centre were provided with an opportunity to present to the WA Standing Committee on Environment and Public Affairs.

Officers have delayed presenting this report to Council (from October 2022) to allow the State Government and WA Standing Committee on Environment and Public Affairs to release further information. It is now unclear when this information will be released.

Statutory Obligations:

Nil.

Policy Implications:

Nil.

Budget / Financial Implications:

Nil.

Strategic & Corporate Plan Implications:

The report and officer recommendation are consistent with Council's adopted Strategic Community Plan Aspirations and Objectives and the Corporate Business Plan Actions and Projects in the following specific ways:

E2.0 Our Natural Environment

Our natural environment is highly valued and carefully managed to meet the needs of our community, now and in the future

N2.1 To preserve and protect the natural environment

N2.4 To acknowledge and adapt to climate change

Corporate Business Plan

Nil.

Sustainability Implications:

➤ **Sustainability Strategy:**

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

➤ **Governance:**

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

➤ **Environmental:**

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 implications relating to the report or officer recommendation.

➤ **Risk:**

Nil.

Comment/Conclusion:

Officers note the key points offered by the Honourable Stephen Dawson, Minister for Emergency Services; Innovation and ICT; Medical Research; Volunteering; Deputy Leader of the Government in the Legislative Council in responding to Council, being;

- *Western Australia is a highly fire-prone environment, with over 95 per cent of the State being designated as bush fire prone.*
- *The State's approach to managing the threat of bushfire comprises a range of activities and capability across the spectrum of prevention, preparedness, response and recovery.*
- *Responsibility for addressing bushfire risk is shared throughout the community with governments, organisations and individuals all contributing. Effective bushfire prevention requires fuel to be reduced at both localised and landscape scales.*
- *Small scale fuel management may be achieved by several means, including planned burning, mowing, mulching, slashing or herbicides. When fuels are to be managed at a landscape scale, however, planned burning is the only financially and environmentally sustainable method available.*
- *When appropriately targeted and scaled, investment in fuel reduction has been shown to be repaid many fold in reduced environmental impact, bushfire response and recovery costs. Planned burning has also been demonstrated to reduce greenhouse gas emissions compared to a bushfire driven fire regime, contribute to positive ecological outcomes and provide the ideal training ground for bushfire emergency responders.*
- *The McGowan Government remains committed to the use of planned burning as the primary means of reducing combustible fuel at the landscape scale, and therefore reduce the risk of bushfire to our communities and the environment.*
- *The State support the continual improvement of planned burning policies and practices, and note the Standing Committee on Environment and Public Affairs is holding hearings into Petition No.029 - Independent Review of DBCA Prescribed Burning Practices in August 2022.*
- *The Minister considers it would be pre-emptive to launch an additional public review of the State's planned burning policy and practices while this Standing Committee process is ongoing*
- *The State Government will however, consider any advice that may result from the Standing Committee*
- *The Minister commends the Shire of Denmark for their participation in the Department of Fire and Emergency Services (DFES) Bushfire Risk Management (BRM) Planning Program Local-level mitigation activities undertaken through this Program complement bushfire prevention activities at the landscape scale - both of which are critical for effective bushfire prevention*
- *The Minister is advised that the Shire has undertaken 161 mitigation activities through the Program, supported by \$1,332,900 in Mitigation Activity Fund Grants Program funding, the provision of a DFES-funded Bushfire Risk Planning Coordinator, and recently, a co-funded Bushfire Risk Management Coordinator.*
- *The Minister congratulates the Shire on these efforts, and encourage the Shire's continued participation in the Program to ensure that community-level bushfire risks are systematically addressed, prioritised and mitigated - reducing bushfire fuels, and improving fire response by providing safer access, egress and areas for firefighters to work. He acknowledges Council's passion for rapid bushfire detection and response, and agrees that these are important elements of an*

effective bushfire management strategy, when combined with a sustained and enhanced focus on bushfire prevention, preparedness and recovery

- *The McGowan Government is committed to the continual improvement of our emergency management arrangements in Western Australia.*

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION	ITEM 9.3.2
<p>That Council NOTE the response received by the Honourable Stephen Dawson, Minister for Emergency Services; Innovation and ICT; Medical Research; Volunteering; Deputy Leader of the Government in the Legislative Council, and forward to</p> <ol style="list-style-type: none"> 1. the Bush Fire Advisory Committee (BFAC) of Council; and 2. the Local Emergency Management Committee (LEMC) of Council 	

9.3.3 TRAILS ADVISORY GROUP AND TERMS OF REFERENCE

File Ref:	CR.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	1 December 2022
Author:	David King, Deputy CEO and David Schober CEO
Authorising Officer:	David Schober, Chief Executive Officer
Attachments:	9.3.3 - Draft Trails Advisory Group Terms of Reference

Summary:

This report recommends that the Council establish a Trails Advisory Group (TAG) and adopt the attached Terms of Reference (attachment 9.3.3.a).

Background:

On 18 October 2022 Council resolved (Resolution No. 061022) to:

“REQUEST the Chief Executive Officer to form a Trails Working Group to provide high-order advice on trails development within the Shire of Denmark in line with councils’ priorities; with a terms of reference to be provided for Council’s consideration at the December 2022 ordinary Council meeting.”

Consultation:

It is recommended that the Trails Advisory Group includes the following key stakeholders for consultation and engagement as required:

- Denmark Arts
- Denmark Bush Carers
- Denmark Chamber of Commerce
- Denmark Dog Club
- Denmark Riverside Club
- Denmark Environment Centre
- Denmark Equestrian Management Group
- Denmark Historical Society
- Denmark Little Athletics
- Denmark Mountain Bike Club
- Denmark Running Club
- Freecycle Denmark

- Green Skills – Denmark
- Kwoorabup Barefoot Walking Group

In addition, there are a number of businesses that supply equipment, build trail networks or conduct nature based tourism or fitness activities utilising trails that would provide advice and feedback relevant to the Advisory Group.

Statutory Obligations:

Nil

Policy Implications:

Policy P040235 – Presiding Members of Council Committees and Working Groups relates.

Budget / Financial Implications:

There are no financial implications in establishing a Working Group or Advisory Groups however, there will be resourcing costs and there could be costs associated with consultation and engagement. It is envisaged that these can be accommodated within the Shire's existing budget.

Strategic & Corporate Plan Implications:

The report and officer recommendation are consistent with Council's adopted Strategic Community Plan Aspirations and Objectives and the Corporate Business Plan Actions and Projects in the following specific ways:

Denmark 2027

L5.0 Our Local Government

The Shire of Denmark is recognised as a transparent, well-governed and effectively managed Local Government.

Corporate Business Plan

Trails and Paths Mapping

Partner with Trails WA to ensure that all local trails are featured on the Trails WA app – Scheduled for 2023/24.

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

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:**

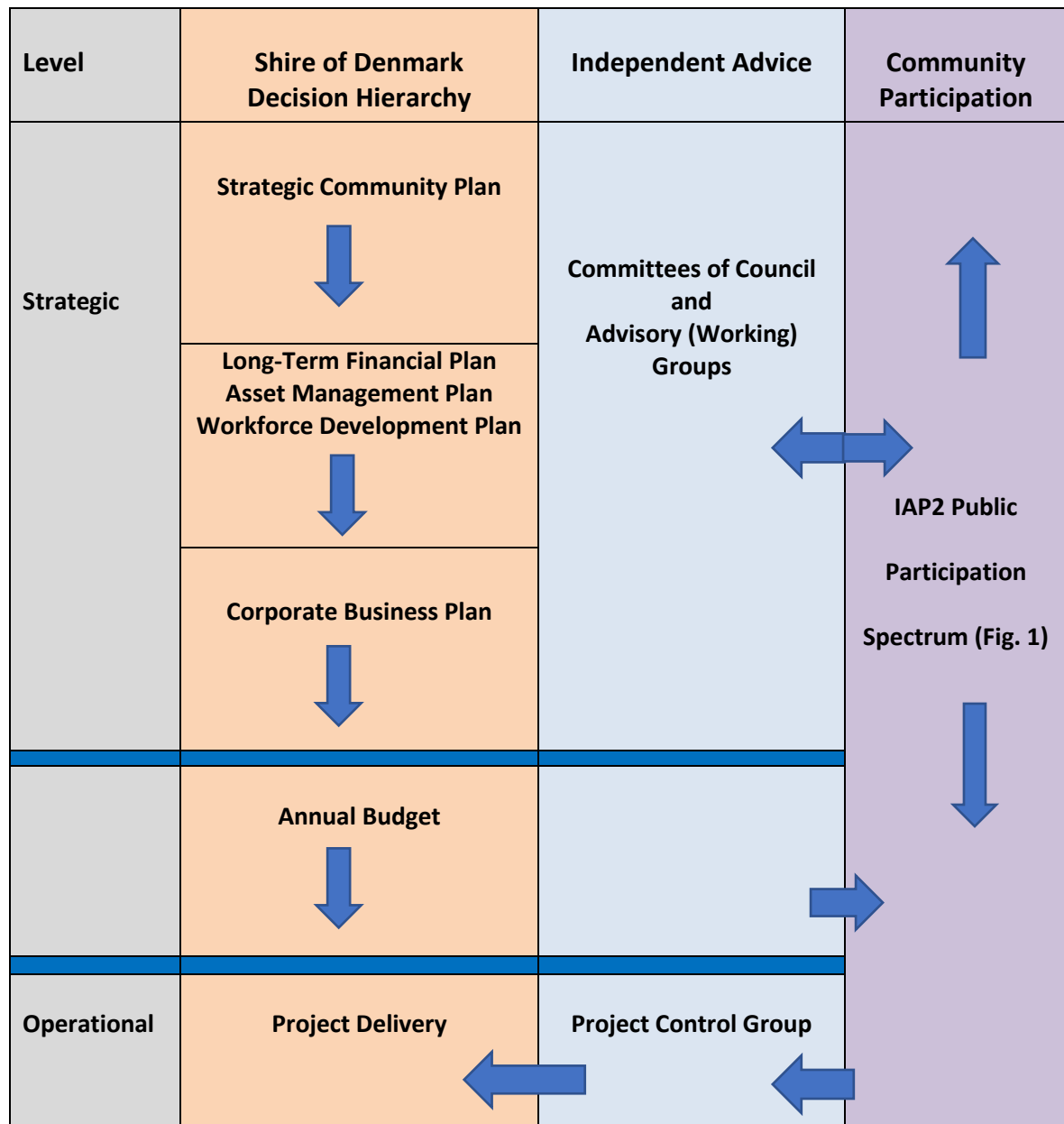
Nil

Comment

Given that the Council resolution is to "provide high-order advice" it is recommended to name the body an "advisory group" and avoid the term "working group". The term working group can often be perceived as a group tasked with planning and delivering projects.

Typically, projects are delivered through a Project Control Group as identified within Table 1. following.

Table 1 – Shire of Denmark Community Participation Framework



The intent of the Trails Advisory Group to consult widely with all stakeholders who have an interest in trails. The list of stakeholders identified should not be considered as exhaustive, rather a preliminary list for the Advisory Group to engage and develop a considered and collaborative approach to a trail strategy, prioritisation, funding and management.

Depending upon the nature, extent and resources required of any outcomes identified the Trails Advisory Group will utilize the IAP2 Spectrum of Public Participation framework to inform the level of engagement with stakeholders.

Table 2 – IAP2 Spectrum of Public Participation

IAP2 Spectrum of Public Participation



IAP2's Spectrum of Public Participation was designed to assist with the selection of the level of participation that defines the public's role in any public participation process. The Spectrum is used internationally, and it is found in public participation plans around the world.

INCREASING IMPACT ON THE DECISION					
	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

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Conclusion:

Officers recommend forming a Trails Advisory Group in order to provide high order/expert advice on the development of trails, within the Shire of Denmark.

The intent in forming a Trails Advisory Group is to:

1. consult with stakeholders to receive specialist and expert advice on trail development within the Shire;
2. partner with Trails WA to ensure that all major local trails are featured on the Trails WA App;
3. prioritise the trails for development in order to inform the Corporate Business Plan; and
4. empower and support, where practicable, community and sporting organisations who benefit from trail development.

It is recommended that trails for the purposes of motor bike riding are excluded from the terms of reference. Officers note:

- a. the new motorsport complex currently under construction in the City of Albany will provide a designated area for motorsports; and
- b. no suitable sites have been identified within the draft Local Planning Strategy.

Officers recommend that three (3) Councillors form the Advisory Group and invite key stakeholders to participate according to the skills, expertise and resources available.

Officers considered the merit of having external agencies and other stakeholders as core members of the Advisory Group. Given the diversity of trails, which can include walking, running, riding, bridal, aquatic and others, Officers believe that including additional members on the Advisory Group would be inefficient and could lead to meetings where agenda items may not be relevant to the Terms of Reference and/or the group's objectives.

As such, and given the strategic role of this Advisory Group, it is recommended to include Councillors only. Collaboration and partnerships between the Shire, key stakeholders and external agencies will be achieved through targeted invitations.

As with all Council Committee and Working Groups, the Trails Advisory Group’s Terms of Reference will be reviewed following the next Local Government Election in October 2023.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION	ITEM 9.3.3
<p>That Council;</p> <ol style="list-style-type: none"> 1. ESTABLISH a Trails Advisory Group, according to the Terms of Reference contained in attachment 9.3.1; and 2. APPOINT the following Councillors as members of the Trails Advisory Group; Cr _____, Cr _____ and Cr _____ 	

9.3.4 DISPOSAL OF LOT 1 RIVERBEND LANE

File Ref:	A322
Applicant / Proponent:	Nil
Subject Land / Locality:	No. 23 (Lot 1) Riverbend Lane, Scotsdale
Disclosure of Officer Interest:	Nil
Date:	3 December 2022
Author:	David King, Deputy Chief Executive Officer
Authorising Officer:	David Schober, Chief Executive Officer
Attachments:	9.3.4 – September 2022 Acumentis Valuation

Summary:

Council is asked to authorise the Chief Executive Officer (CEO) to enter into a contract of sale for Lot 1 Riverbend Lane with Cultura Incorporated to facilitate the expansion of the Golden Hill Steiner School.

Background:

In 2014 a funding request via Royalties for Regions for the Denmark East Development Precinct project (total project value of \$14,317,433) encompassed:

1. Development of the industrial area off McIntosh Road;
2. The planning and subsequent construction of a bridge over the Denmark River; and
3. Access road(s) from Scotsdale Road through to the industrial area.

In December 2015, the Shire was advised that the funding request for \$7,626,000 was successful.

In 2016, to accommodate a second bridge crossing (as part of point two (2) above), Council purchased No. 23 (Lot 1) Riverbend Lane, Scotsdale.

Council purchased the property in 2016 for \$795,000.

The 2011 Local Planning Strategy (LPS) identifies the potential need for an additional bridge over the Denmark River to provide alternative access in an emergency. In 2017/2018, detailed investigations were undertaken, which concluded that current access (via South Coast Highway and alternatively via Churchill Road) was sufficient for the foreseeable future. While acknowledging that it is relevant to reassess this potential need periodically, the draft 2022 LPS endorsed by Council in September 2022 notes that:

- Based on anticipated traffic and freight volumes, an additional bridge is unlikely to be required during the life of this Strategy.

- It is, therefore, not appropriate to identify the location for the purposes of a future bridge at this time.
- As a means of supplementing the regional road network, the State should lead any potential future investigations into a new bridge.
- Further improvements to the existing road network may provide more cost-effective outcomes in the short to medium term.

Based on the above, the land parcel is not deemed strategically important and, therefore, suitable for sale.

The Golden Hill Steiner School is located at Lot 110 Scotsdale Road, adjacent to Lot 1 Riverbend Lane. Golden Hill Steiner School made a submission to the Shire stating its objective to grow the school and offer a secondary schooling option (years 7 to 12), in addition to the primary school (kindy to year 6) currently in operation. The school requires access to the adjoining land, Lot 1 Riverbend Lane, to achieve this growth objective. This is the basis for the Shire to consider its sale.

At the Council meeting held on 15 November 2022 Council resolved as follows:

That with respect to No. 23 (Lot 1) Riverbend Lane, Council AUTHORISE the Chief Executive Officer to advertise any intention to dispose, in accordance with s 3.58 of the Local Government Act 1995 subject to the conditions of negotiation contained within this report, subject to the minimum sale price being increased by \$62,500.

The CEO has negotiated a sale price of \$900,000 to Cultura Incorporated and has provided public notice of the proposed sale.

Consultation:

Council have met the obligations under s 3.58 of the Act that required public notice for a minimum of 2 weeks.

Statutory Obligations:

LOCAL GOVERNMENT ACT 1995

Section 3.58 – A local government can dispose of property (including land) by public auction, public tender or by giving local public notice of its intention to dispose of the property to a particular party or parties.

Council must consider any submission prior to disposal of property. No submissions have been received.

Policy Implications:

Nil

Budget / Financial Implications:

The disposal of the property is not included in the 2022/2023 annual budget nor the Shire of Denmark's Long Term Financial Plan.

The Shire has recently had its land and building portfolio valued for accounting purposes. The value of the combined land and building at Lot 1 Riverbend Lane is recorded as \$846,000.

The attached September 2022 market valuation valued the land at \$900,000 (see Attachment 9.3.4).

Officers do not consider it necessary to amend the budget as the settlement will likely be in the following financial year.

The Long Term Financial Plan will be updated to include any agreed contract of sale.

Strategic & Corporate Plan Implications:

The report and officer recommendation are consistent with Council's adopted Strategic Community Plan Aspirations and Objectives in the following specific ways:

Denmark 2027

E1.0 Our Economy

We are an attractive location to live, invest, study, visit and work.

E1.3 To have diverse education and employment opportunities.

L5.0 Our Local Government

The Shire of Denmark is recognised as a transparent, well governed and effectively managed Local Government.

L5.3 To be decisive and to make consistent and well considered decisions.

L5.4 To be fiscally responsible.

Sustainability Implications:

➤ **Sustainability:**

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

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

Although not quantified, additional jobs will be created in both the construction of the new school and additional employment in the school's operations.

➤ **Social:**

Golden Hill Steiner School has made a submission to the Shire regarding the potential to offer secondary education by expanding its campus into adjoining Lot 1. Having a range of schooling options will improve educational outcomes for the community and the social benefits that accompany it.

➤ **Risk:**

Nil

Comment/Conclusion:

Planning Considerations

No. 1 (Lot 23) Riverbend Lane, Scotsdale is currently zoned "Special Rural (SR15)" in accordance with Town Planning Scheme No. 3 and is designated 'Rural Residential' in the Local Planning Strategy (LPS) (2011). As per the approved subdivision guide plan for the site, it could potentially be subdivided into three (3) lots subject to Western Australian Planning Commission (WAPC) approval. The 5.9636ha property is located immediately to the south of the Golden Hill Steiner School and has road frontage to Scotsdale Road and Riverbend Lane. A residence is located on the property, with physical access to that house from Riverbend Lane.

The Golden Hill Steiner School currently operates from 222 Scotsdale Road, within the SR15 zoning. There is an additional use for 'educational establishment', listed as A12 in the Town Planning Scheme, that allows the land use. However, this additional use does not apply to Lot 23 Riverbend Lane.

For the school to expand their current development to include a portion of Lot 23, a scheme amendment to expand the additional use site across all or part of Lot 23 will be required to enable a Development Application to be considered.

For this to occur and given the moratorium of standard and complex scheme amendments, it is proposed that the Structure Plan (previously called a Subdivision Guide Plan) amendment is completed that will enable a basic amendment to the scheme. It is proposed that the Golden Hill Steiner School progress the planning works to achieve this outcome and that the sale becomes conditional on the WAPC approval of the required structure plan and scheme amendments.

For scheme and structure plan amendments, the duties and powers relating to the Planning and Development Act 2005 and Planning and Development (Local Planning Schemes) Regulations 2015 cannot be delegated to the Chief Executive Officer. Therefore, required scheme and structure plan amendments will be presented back to Council for their consideration at a later date.

Golden Hill Steiner School

The social and economic value of the school expansion is noted in this report's relevant sections, and officers consider the school expansion a positive outcome for the community. The draft LPS also supports the school expansion, as no other sites were identified for education. As such, officers consider the school's submission to purchase reason enough to consider the sale irrespective of its omission from the municipal budget and Long Term Financial Plan. It should be noted that the Golden Hill Steiner School are not the proposed purchaser in this instance and that the proposed transaction is with Cultura Incorporated

Cultura Incorporated

Cultura is a not-for-profit, incorporated body whose board is comprised of founding members of Golden Hill Steiner School. Their purpose is to fund Anthroposophical initiatives in Denmark, of which the school is one. (Anthroposophy is the philosophy upon which a Steiner education is based.) Cultura remains at-arms-length from the school and its operations as a philanthropic support. It is proposed that Cultura will purchase the lot with a view to transferring ownership to the Golden Hill Steiner School once the lots have been subdivided and appropriate scheme and structure plan provisions are in place for the school to operate.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION	ITEM 9.3.4
<p>That with respect to No. 23 (Lot 1) Riverbend Lane, Council:</p> <ol style="list-style-type: none"> 1. AUTHORISE the Chief Executive Officer to enter into a contract to dispose (sell) the property to Cultura Incorporated for \$900,000 (ex GST) subject to the following conditions prior to settlement: <ol style="list-style-type: none"> a) Western Australian Planning Commission approves a revised structure plan providing a minimum of 2,500sq.m of the lot allocated for educational purposes. b) The Minister for Planning approves a Scheme Amendment providing a minimum of 2,500sq.m of the lot allocated for educational purposes. c) Cultura Incorporated to draft and cover all costs for planning documents required for a) and b). 2. REQUEST the Chief Executive officer to include the sale in the revised Long Term Financial Plan and draft 2023/24 Municipal Budget. 	

9.3.5 12 MONTH TRIAL OF ELECTRIC SCOOTERS

File Ref:	LEG.12
Applicant / Proponent:	Beam Mobility Australia Pty Ltd
Subject Land / Locality:	Shire of Denmark
Disclosure of Officer Interest:	Nil
Date:	3 December 2022
Author:	David Schober, Chief Executive Officer
Authorising Officer:	David Schober, Chief Executive Officer
Attachments:	9.3.5 – WALGA Electric Scooter Shared Service Discussion Paper

Summary:

This report recommends that Council endorse a 12 month e-scooter program with Beam Mobility Pty Ltd (Beam) to operate a 12 month commercial trial to make publicly available the hire of electric scooters (e-scooters) within the local government district of the Shire of Denmark (Shire).

Background:

Micromobility options, including e-scooters, have rapidly expanded within Australia and across the world. Several local governments in Western Australia are trialling these programs, including the City of Albany, City of Stirling, City of Perth, City of Rockingham, City of Bunbury, the Shire of Esperance and the City of Greater Geraldton.

The Shire has been approached by Beam to participate in a 12 month e-scooter trial. Beam provided a demonstration of their e-scooters to Councillors and Officers in November 2022. The opportunity to participate in a 12 month trial enables the Shire to understand and evaluate the impacts and benefits to the community on e-scooter hire ahead of any longer term commitments.

Before the deployment of any e-scooters within the Shire, Beam has agreed to deliver a safety and education workshop, in partnership with the Shire.

It is proposed that Shire officers will have the ability to amend the e-scooter program throughout the trial period, such as the number of deployed e-scooters, the locations e-scooters can operate, permitted speeds and parking locations.

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.

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.

Operations

Beam would deploy e-scooters and make them available for hire within a predetermined area, developed in consultation with Shire Officers.

Micro-mobility companies use Global Positioning Systems (GPS) and Global System for Mobile Communication (GSM) technology, referred to as “geofencing”, to delineate virtual boundaries and manage the behaviour of the e-scooters. i.e. operational area, speed limits and parking/docking areas.

Users of e-scooters, locate, register, pay, unlock and lock e-scooters through a mobile phone application (App). At the end of the journey, users do not need to physically lock the device with a conventional chain or return it to a designated station or rack. E-scooters are designed to be dockless, meaning the user can choose where to end their journey.

Beam personnel would remotely monitor the battery life of the e-scooters. Throughout the day, local Beam personnel will be responsible for relocating misplaced e-scooters, swapping batteries and retrieving damaged e-scooters for repairs. The daily operations cycle of e-scooters can be summarised as follows:

- e-scooters are made available for riding at parking points. Once the e-scooters reach a low charge, a GPS signal automatically flags the e-scooter for charging.
- throughout the day, e-scooters with a low battery will have their battery swapped by a local Beam personnel, with e-scooters also being cleaned and maintained, where necessary.
- Beam personnel will redeploy e-scooters to designated locations to optimise availability and use.
- It is likely Beam's operations in the Shire will initially be serviced by Beam personnel based in Albany with local staff servicing Denmark at a later stage in the trial.

Consultation:

Councillors and officers received a presentation by Beam and were able to test the e-scooters on Tuesday, 15 November 2022.

This report recommends that prior to the e-scooter trial commencing, Beam be required to deliver a safety and education workshop, in partnership with Shire staff. The workshop should:

- i. provide an on-ground community training session on safe e-scooter use;
- ii. capture community feedback on the e-scooter program.

Statutory Obligations:

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.

PROPERTY LOCAL LAW

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'.

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

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

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

LOCAL GOVERNMENT ACT 1995

Section 6.16 – local government may impose a fee.

Policy Implications:

Nil.

Budget / Financial Implications:

The proposed trial of e-scooters is without cost to the Shire. The e-scooter program is funded by Beam who will charge a \$1.00 unlock fee and \$0.49 per e-scooter, per minute hired.

All maintenance and servicing costs are the responsibility of Beam.

There will be an amount of officer time required to implement the trial. The amount of time required is unknown and this report, and recommendation, seeks to minimise the impact on Shire staff through a well defined public engagement process and complaint management framework.

It is the intention of officers to quantify the amount of staff resources required to manage this trail, in order to advise Council ahead of any longer-term decision on e-scooter operations in the Shire.

The 2022/23 Fees & Charges Schedule includes a Trading in Thoroughfares and Public Places Activity permit application fee of \$128 (including GST).

The 2022/23 Fees & Charges Schedule includes a Trading in Public Places annual permit fee of \$446.00. Beam have requested up to 30 stations which would result in an annual fee of \$13,380 (including GST).

Officers are recommending that the Council adopt a new fee of \$1,500 (plus GST) for up to 30 stations, for this particular activity to ensure that e-scooter programs, such as Beam's, are financially viable. Officers are aware that the City of Albany charged an annual fee of \$2,500.

Strategic & Corporate Plan Implications:

The report and officer recommendation are consistent with Council's adopted Strategic Community Plan Aspirations and Objectives and the Corporate Business Plan Actions and Projects in the following specific ways:

E1.0 Our Economy

We are an attractive location to live, invest, study, visit and work.

- E1.2 To be a vibrant and unique tourist destination, that celebrates our natural and historical assets.

L5.0 Our Local Government

The Shire of Denmark is recognised as a transparent, well governed and effectively managed Local Government

- L5.5 To embrace change, apply technological advancement and pursue regional partnerships that drive business efficiency

Corporate Business Plan

Nil.

Sustainability Implications:

➤ **Sustainability Strategy:**

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

Pillar 7 Sustainable Travel & Transport

Sustainable or Green Transport aims to limit the reliance on diminishing natural resources that leave a high carbon footprint.

➤ **Governance:**

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

➤ **Environmental:**

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:**

The trial of e-scooters is expected to enhance tourism experiences in the Shire. The public education and awareness campaign will include businesses, such as Caravan Parks, retail traders and tourism operators, to add value and seek industry feedback.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
People Personal injury. E-scooters have the potential to cause injury to pedestrians and users	Possible (3)	Moderate (3)	Moderate (5-9)	Inadequate Employee, Visitor or Public Safety & Security	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.
Reputational e-scooters impact the public amenity (visual clutter)	Likely (4)	Insignificant (1)	Low (1-4)	Not Meeting Community expectations	Accept. Beam are required to pick up e-scooters not parked in designated locations.
Compliance e-scooters may be parked in inappropriate locations (driveways, thoroughfares etc)	Almost Certain (5)	Insignificant (1)	Moderate (5-9)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept. Beam are expected to program accordingly and e-scooters can be physically picked up and removed
Financial Rangers and other Shire staff are required to manage compliance and public safety	Likely (4)	Minor (2)	Moderate (5-9)	Ineffective People Management	Accept. Require Beam to address through operational model.

Comment/Conclusion:

A 12-month trial is being proposed to enable both Beam and the Shire to evaluate operations before deciding on any longer-term commitment.

At this point in time only one company has put forward a proposal for a 12 month commercial trial. If the 12-month trial is a success, Council can revisit the number of operators permitted within the Shire and make any necessary adjustments, as required.

Beam have advised they have the ability to deploy e-scooters and commence operations in the Shire within 3 weeks of the date of approval.

Benefits to the Shire

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.

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.

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.

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

Beam have the capability to implement '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.

Beam have offered to co-design the e-scooter programs in consultation with the Shire. This consultation will involve working collaboratively to establish:

- 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.

It is suggested that the CEO will approve the final program, taking into account WA Police, business and community feedback received.

The agreed e-scooter program will be monitored on an ongoing basis with amendments to the parameters of the program (such as those referenced above) required to be made within 2 hours (120 minutes) following any request by the Shire. However, it is recommended that modifications required due to health and safety concerns occur within 30 minutes of the Shire's initial request. This will allow responsiveness to both opportunities that are identified during the period, including one-off changes for festivals and events, as well as enabling community concerns to be resolved quickly, should they arise.

Hardware

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

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

Beam have requested 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.

Speed

Within Western Australia, the speed of e-scooters is governed under Road Safety Commission's eRideables rules, which established the following speed limits:

- Footpaths: 10km/h or less
- Bicycle paths and shared paths: 25km/h or less
- Local roads with a speed limit of 50km/h or less: 25km/h or less
- E-scooters not permitted on roads with a speed limit exceeding 50km/h.

Operators must ensure e-scooters are not able to exceed 25km/h, with the ability to set a lower limit for designated areas.

In addition to the requirements of the eRideables rules, Beam have advised they are willing to work with the Shire to establish additional speed limits in key areas, however a balanced approach is required to identify speed limits that are both safe and practical.

Speed limits will be established within the e-scooter program, developed in consultation with the Shire. Given the aged profile of the population within the Shire, additional consideration will be given to the implementation of additional 'Slow Zones' in areas where there is a high mix of users.

Age limit of e-scooter user

Users must be at least 16 years of age to ride an e-scooter under the eRideables rules.

Beam's terms and conditions clearly state that e-scooters cannot be hired by persons under the age of 16. This is also a policy which local Beam personnel will actively manage when completing operational activities in the field and through Beam's rider education and enforcement program.

Safety

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.

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;
- they are trialling cognitive tests to ensure intoxicated people are unable to ride e-scooters (effectiveness unknown);
- ability for general public to easily report dangerous use of e-scooters;
- rider training and coaching initiatives (at the request of the Shire)
- 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.

Where e-scooters are allowed to operate is an important consideration i.e. on footpaths, shared paths, on-road cycle lanes, local roads, shared spaces, and the CBD area. As more people choose e-scooters as a preferred mode of transport, there may be increased risks to pedestrians. The Shire will need to work with Beam to identify conditions for an e-scooter shared service e.g. prohibition of use in particular areas/places (exclusion zones).

A condition is recommended 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

Beam will be required to maintain public liability insurance. This sum is recommended to be Twenty Million Dollars (\$20,000,000).

A condition is also proposed that requires Beam to maintain personal accident insurance coverage for each trip that the customers (users) of the e-scooters undertake. Beam have confirmed that they have the above-mentioned insurances.

Officers will also require that Beam 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

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.*

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.

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.

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

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.

Despite such concerns, and the associated risks, damage and vandalism are not immediately apparent in the City of Albany and other local government's trialling e-scooter programs. Despite vandalism being the primary issue during earlier trials, operators such as Beam have now implemented a number of measures to mitigate these issues, including no-ride zones around waterbodies to prevent e-scooters being thrown in the water.

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.

In order to mitigate e-scooter vandalism and visual clutter, a condition is recommended requiring Beam to monitor the locations of all e-scooters at all times to avoid nuisance, clutter or congestion.

It is also recommended that Beam permits Shire staff to easily move or relocate e-scooters that are deemed to be in inappropriate locations without the need to contact Beam. In addition to dangerously located e-scooters, this condition would also allow relocation for works and maintenance of Shire assets.

Parking

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.

A key consideration for the Shire is whether to limit e-scooter parking to a number of specified docking areas, or allow more freedom for e-scooters to be docked at any location (excluding roads, carparks and private property) within the operating area.

Although allowing parking at any location would provide much more flexibility for the user, this may also increase the potential for clutter and the docking of e-scooters at inappropriate locations such as the middle of parks or across car parking bays. A number of local governments have advised of issues with e-scooters being left across paths, however Beam offers a discounted fee for the next ride if e-scooters are returned to designated parking areas as an incentive.

The City of Rockingham resolved to allow fixed docking locations only, with trips unable to be ended outside of specified locations. This approach may discourage the use of e-scooters for purposes other than tourism and recreation; however, it would minimise clutter and instances of e-scooters being placed in inappropriate locations.

Beam are requesting that the designated parking areas not be fixed to allow them to move a station if it appears to not be a good location for any reason. It is recommended that any change in station location needs to be approved by the Shire. The Shire can re-evaluate this condition should an e-scooter program continue following the trial.

The Shire may request that Beam provide, maintain and install signage, decals or similar identifiers to clearly indicate approved e-scooter parking areas. Following conclusion of the trial, these should be removed at full cost of Beam, unless otherwise agreed to in writing by the Chief Executive Officer.

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.

Data

The Shire will request access to a centralised data point (dashboard) from Beam. This will include information on:

- trip origin and destination
- rider frequency
- total rides
- total hours riding
- kilometres travelled

- Co2 emissions avoided
- average ride minuted
- average ride distance.

In addition to this dashboard access, it is recommended that the Shire request a monthly report from Beam summarising trip data, customer feedback, complaints and statistics on incidents and accidents. This will help the Shire interpret the dashboard data and identify any issues that need immediate addressing. It will also serve to inform decision-making regarding any long-term licensing of future e-scooter programs.

Public Advertising

Beam have advised of a willingness to co-design e-scooter programs with the Shire to ensure the program aligns with community needs.

The requirement to deliver a community safety and education workshop is recommended as a condition of planning consent. The session shall be attended and developed by Beam, in consultation with the Shire staff.

Community safety and education sessions will capture community feedback about the program. It is recommended that Shire staff attend, with particular emphasis on working to ensure community feedback is accurately captured. The workshop will also provide on-ground community education and training on safe e-scooter use.

Notice of a safety and education workshop is challenging in the lead up to Christmas and officers are working to develop a potential media release to announce the e-scooter trial and workshop to enable the trial to commence as soon as practicable.

WA Police (Denmark)

Police have advised they have no comment to make on any potential e-scooter program area given their role would be to enforce the law relating to the use of the scooters, not the areas they operate.

Police indicated that as long as there is compliance with the law they have little to offer on where e-scooters are to be used.

Police also noted the trial period, and the ability to address any issues with the program during this period.

The onus will be on the operators to ensure all e-scooters are legal and safe to operate and unable to exceed the maximum speed limits prescribed under the Western Australian laws and regulations.

Compliance with permit conditions

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.

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.

Permit costs

Despite there being no direct costs, the administration of the e-scooter program is expected to require staff to spend time on the scheme through attendance at safety and education workshops, advising on geofencing, reviewing reports and responding to public enquiries.

In order to help re-coup some of the indirect cost of the e-scooter program to the Shire, an annual permit fee of \$1,500 (exc GST) is proposed 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 2022/23 Fees & Charges Schedule.

Voting Requirements:

9.3.5a – Simple majority.

9.3.5b – Absolute majority.

<p>OFFICER RECOMMENDATION</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. AUTHORISES the Chief Executive Officer to negotiate and enter into an agreement with Beam Mobility to provide up to 80 electric scooters for hire within the Shire of Denmark Townsite as a 12 month trial. 2. REQUIRES that prior to deployment of e-scooters, Beam Mobility must: <ol style="list-style-type: none"> a) Provide a complaints handling procedure that: <ol style="list-style-type: none"> i. identifies how complaints and queries will be responded to; ii. identifies appropriate communication channels for complaints and queries and how this information will be made available to the public; iii. identifies measures to limit complaints being directed to the Shire of Denmark where the Shire is not the responsible authority; and iv. Provides directions for re-directing complaints to the Beam Mobility, where appropriate. v. Deliver an education workshop, in partnership with the Shire of Denmark. The education session shall provide an on-ground community training session on safe e-scooter use and capture community feedback. b) Submit an e-scooter program (the operational area) to the Chief Executive Officer for approval and ensure that the program includes: <ol style="list-style-type: none"> i. operating areas ii. slow zones iii. parking and no parking zones iv. no ride zones v. confirmation that the e-scooters can only operate on public land c) Agree that the e-scooter program will be maintained, and updated, if required at any time, upon mutual agreement with the Chief Executive Officer. d) Coordinate half yearly community training and education sessions, in collaboration with the Shire of Denmark. e) Provide a copy of the e-scooter program to the Denmark Police. f) Lodge a Trading in Thoroughfares and Public Places Activity permit application fee of \$128 (including GST) detailing each initial designated e-scooter parking station. 3. REQUESTS that the permit to operate under the Shire of Denmark’s Activities on Thoroughfares & Trading in Thoroughfares & Public Places Local Law and the Shire of Denmark’s Property Local Law include the following conditions: <ol style="list-style-type: none"> a) Following the expiry of agreement, all e-scooters and associated infrastructure shall be removed from public roads and any other public lands, unless otherwise agreed to in writing by the Chief Executive Officer. b) No more than 80 hireable e-scooters are to be operational within the Shire of Denmark at any one time, unless otherwise approved between Beam and the Chief Executive Officer. c) Users of e-scooters must be provided with terms and conditions of use which promote responsible and legal use, public safety and good behaviour. Systems must be put into place that penalise a user for non-compliance with the terms and conditions. 	<p>ITEM 9.3.5a</p>
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- d) The geofencing must be maintained to ensure operations are consistent with the e-scooter program at all times.
- e) Adherence to any directives from the Shire of Denmark to amend the e-scooter program parameters, such as associated geofences. General modifications shall occur within 2 hours (120 minutes) of the initial request of the Shire of Denmark, during business hours. Modifications required due to health and safety concerns shall occur within 30 minutes of the initial request by the Shire of Denmark, during business hours.
- f) There shall be no availability for Beam Mobility to claim for compensation or damages as a result of any disruption to business or loss incurred due to any event, market, parade, thoroughfare works or amendments to the e-scooter program.
- g) Systems must be in place to incentivise good e-scooter parking behaviour, penalise non-compliance and promptly ensure that they are reparked and/or relocated. Good parking behaviour means parked in an upright position and not leaning or resting on other street furniture, buildings or infrastructure, are promptly reparked and/or relocated.
- h) The locations of all e-scooters shall be monitored at all times to avoid nuisance, clutter or congestion.
- i) Unused e-scooters left in no-parking areas are to be collected and redistributed to approved parking areas indicated within the e-scooter program.
- j) Driveways, walkways and carparks shall not be obstructed.
- k) A rider incentive scheme may be employed to encourage return of e-scooters to designated parking areas.
- l) A minimum 1800mm clearway for pedestrians is to be maintained on public walkways and thoroughfares, unobstructed by parked e-scooters at all times. Shire of Denmark officers must be provided with the authority and ability to easily move or relocate e-scooters that are deemed to be in inappropriate locations at any time.
- m) The Shire of Denmark reserves the right to cancel the permit without compensation for reasons including, but not limited to non-compliance with:
 - i. Shire of Denmark Local Laws;
 - ii. the conditions of the permit;
 - iii. State or Federal legislation, regulation or rules; or
 - iv. the approved e-scooter program.
- n) All e-scooters are to be legal and safe to operate under Australian laws and regulations. Any faulty or damaged scooters must be disabled when reported.
- o) E-scooters must not be able to exceed the maximum speed limits prescribed under Western Australian laws and regulations.
- p) A public liability insurance policy of a minimum of \$20,000,000 is to be maintained at all times.
- q) Adequate personal accident insurance coverage for each trip that the users (customers) of the e-scooters undertake shall be maintained at all times.
- r) Indemnify and release Council and the Minister for Lands from all liability arising from, or in connection with, the permitted activity under the permit including:
 - i. any claim made by any person for injury, direct and indirect loss or damage arising in any manner;
 - ii. any direct or indirect loss or damage to any property belonging to Beam Mobility or other persons located in the vicinity of the operational area caused by Beam Mobility or its agents; and
 - iii. any direct and indirect loss, damage, injury or illness of any type sustained by any
 - iv. person in relation to or as a result of the permitted activity.
- s) Make good any damage caused, and/or reimburse the Shire for any maintenance/repair costs that are caused by, or in connection with, the permitted activity.

- t) Grant the Shire of Denmark access to data through a custom dashboard, or equivalent reporting methodology. The data shall include key metrics as agreed between Beam Mobility and the Chief Executive Officer.
- u) Provide a monthly report on the operational statistics. The report must be provided electronically by the 15th day of every month and provide statistics of the preceding month. The report must include, but is not limited to:
 - i. a summary of trips undertaken in the reporting month including trip duration, trip distance, trip start and end point, and dates.
 - ii. customer feedback received and categorised. The report shall include, the number and type of complaints reported by users and non-users or any other sources. The report should include the average time taken to resolve complaints and by type.
 - iii. statistics on known incidents, collisions and injuries including information about date, time, contributing factors and severity as agreed between the Shire and Beam.
- v) Undertake rider surveys at appropriate intervals throughout the term of the permit to capture user feedback and demographic information.
- w) Notify and provide reports on any known incidents and injuries resulting in hospitalisation or ambulance attendance of a user or third party within 48 hours of Beam becoming aware of the incident.
- x) Other than the logo or name of the Beam Mobility, no advertising is permitted on the e-scooters, helmets or any associated infrastructure.
- y) Provide, maintain and install signage, decals or similar identifiers to clearly indicate e-scooter parking areas, as directed by the Shire of Denmark. Following conclusion of the trial, these shall be removed at full cost of the Beam Mobility, unless otherwise agreed to in writing by the Chief Executive Officer.

OFFICER RECOMMENDATION **ITEM 9.3.5b**

That the Council ADOPT a new fee under the Trading in Thoroughfares and Public Places Activity Permit section of the Council’s Fees & Charges Schedule titled “E-scooter program – up to 30 parking stations” and set the annual fee at \$1,500 plus GST.

** Absolute majority required.*

10. COMMITTEE REPORTS AND RECOMMENDATIONS

10.1 SUSTAINABLE PROJECTS COMMITTEE MINUTES 1 NOVEMBER 2022 & RECOMMENDATIONS

File Ref: COMM.SPC
Applicant / Proponent: Not applicable
Subject Land / Locality: Not applicable
Disclosure of Officer Interest: Nil
Date: 14 November 2022
Author: Damian Schwarzbach, Manager Sustainable Projects
Authorising Officer: David King, Deputy Chief Executive Officer
Attachments: 10.1a - Sustainable Projects Committee Minutes 1 November 2022
 10.1b - Sustainable Subscriptions
 10.1c - Energy Consumption Data
 10.1d - Sustainable Projects Committee Prioritisation List
 10.1e - Sustainable Homes Brochure
 10.1f - Fogo Case Studies

Summary:

Council is requested to receive Minutes from the Sustainable Projects Committee (SPC) meeting held on 1 November 2022 and consider a recommendation.

Background:

The SPC held a meeting on 1 November 2022 at the Shire Administration Building.

Consultation:

Internal consultation with Officers and Councillor representatives has been undertaken on the proposed Committee recommendation.

Statutory Obligations:

Section 5.22 of the Local Government Act 1995 requires that the Presiding Person of a Council Committee is to cause minutes to be kept of the meeting’s proceedings.

Minutes of Council Committee meetings are not required under legislation to be presented to Council however, the Chief Executive Officer has determined that, in order to improve transparency and ensure that Councillors are aware of their various Committees’ activities, all Advisory Committee minutes will be presented to Council to be received.

Council Committees are generally established to advise, and make recommendations to, Council.

Policy Implications:

Nil

Budget / Financial Implications:

Nil

Strategic & Corporate Plan Implications:

The report and officer recommendation are consistent with Council’s adopted Strategic Community Plan Aspirations and Objectives and the Corporate Business Plan Actions and Projects in the following specific ways:

Denmark 2027

L5.0 Our Local Government
The Shire of Denmark is recognised as a transparent, well governed and effectively managed Local Government.

L5.1 To be high functioning, open, transparent, ethical and responsive.

L5.3 To be decisive and to make consistent and well considered decisions

L5.4 To be fiscally responsible.

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

Nil

Comment/Conclusion:

The Author recommends that the Minutes from 1 November 2022 be received by Council.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION	ITEM 10.1
That Council RECEIVE the Committee Minutes for the meeting held on 1 November 2022.	

10.2 DISABILITY SERVICES COMMITTEE MINUTES – 25 OCTOBER 2022

File Ref:	COMM.DBAC
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	1 December 2022
Author:	Renee Wiggins, Manager Community Services
Authorising Officer:	Gina McPharlin, Director Corporate & Community Services
Attachments:	10.2 - Disability Services Advisory Committee Minutes 25 October 2022

Summary:

Council is requested to receive Minutes from the Disability Services Advisory Committee (DSAC).

Background:

The DSAC held a meeting on 25 October 2022.

The Committee made no recommendations to Council.

Consultation:

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 Obligations:

Section 5.22 of the Local Government Act 1995 requires that the Presiding Person of a Council Committee is to cause minutes to be kept of the meeting’s proceedings.

Under legislation, minutes of Council Committee meetings are not required to be presented to Council; however, the Chief Executive Officer has determined that in order to improve transparency and ensure that Councillors are aware of Council's various Committees’ activities, all Advisory Committee minutes will be presented to Council to be received.

Council Committees are generally established to advise and make recommendations to Council.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

There are no known financial implications upon either the Council’s current Budget or Long Term Financial Plan.

Strategic & Corporate Plan Implications:

The report and officer recommendation are consistent with Council’s adopted Strategic Community Plan Aspirations and Objectives and the Corporate Business Plan Actions and Projects in the following specific ways:

Denmark 2027

L5.0 Our Local Government

The Shire of Denmark is recognised as a transparent, well governed and effectively managed Local Government.

L5.1 To be high functioning, open, transparent, ethical and responsive.

L5.2 To have meaningful, respectful and proactive collaboration with the community.

L5.6 To seek two-way communication that is open and effective

Sustainability Implications:

Nil

➤ **Governance:**

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

➤ **Environmental:**

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:**

Nil

Comment/Conclusion:

The Author recommends that the Minutes be received by Council.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION	ITEM 10.2
That Council RECEIVE the Disability Services Advisory Committee Minutes for the meeting held on 25 October 2022.	

11. MATTERS BEHIND CLOSED DOORS

Nil

12. NEW BUSINESS OF AN URGENT NATURE

13. CLOSURE OF MEETING