Please note: These minutes are yet to be confirmed as a true record of proceedings

CONFIRMED

CITY OF BUSSELTON

MINUTES OF THE COUNCIL MEETING HELD ON 8 SEPTEMBER 2021

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MINUTES

MINUTES OF A MEETING OF THE BUSSELTON CITY COUNCIL HELD IN THE COUNCIL CHAMBERS, ADMINISTRATION BUILDING, SOUTHERN DRIVE, BUSSELTON, ON 8 SEPTEMBER 2021 AT 5.30PM.

1. DECLARATION OF OPENING / ACKNOWLEDGEMENT OF COUNTRY / ACKNOWLEDGEMENT OF VISITORS / DISCLAIMER / NOTICE OF RECORDING OF PROCEEDINGS

The Presiding Member opened the meeting at 5.31pm.

The Presiding Member noted this meeting is held on the lands of the Wadandi people and acknowledged them as Traditional Owners, paying respect to their Elders, past and present, and Aboriginal Elders of other communities who may be present.

2. ATTENDANCE

Presiding Member:

Cr Grant Henley Mayor

Members:

Cr Kelly Hick Deputy Mayor
Cr Sue Riccelli
Cr Ross Paine
Cr Kate Cox
Cr Paul Carter
Cr Phill Cronin
Cr Jo Barrett-Lennard
Cr Lyndon Miles

Officers:

Mrs Naomi Searle, Acting Chief Executive Officer
Mr Oliver Darby, Director, Engineering and Works Services
Mr Matthew Riordan, Acting Director, Planning and Development Services
Mr Tony Nottle, Director, Finance and Corporate Services
Ms Maxine Palmer, Acting Director, Community and Commercial Services
Ms Sarah Pierson, Manager, Governance and Corporate Services
Ms Melissa Egan, Governance Officer

Apologies:

Mr Mike Archer, Chief Executive Officer
Mr Paul Needham, Director Planning and Development Services

Approved Leave of Absence:

Nil

Media:

“Busselton-Dunsborough Mail”

Public:

52

3. PRAYER

The prayer was delivered by Pastor Joe O'Donovan of the Hope Christian Church.

4. APPLICATION FOR LEAVE OF ABSENCE

Nil

5. DISCLOSURE OF INTERESTS

The Mayor noted that declarations of impartiality interests had been received from:

- Cr Lyndon Miles in relation to Agenda Item 12.2 'Policy and Legislation Committee - 24/8/2021 - Realignment of King Street And Brown Street Beach Dog Management Areas'.

- Cr Ross Paine in relation to Agenda Item 16.2 'Busselton Performing Arts and Convention Centre – Consultation Outcomes'.

The Mayor advised that, in accordance with regulation 22(2)(b) of the *Local Government (Model Code of Conduct) Regulations 2021*, these declarations would be read out immediately before these items were discussed.

6. ANNOUNCEMENTS WITHOUT DISCUSSION

Announcements by the Presiding Member

The Mayor noted and extended congratulations to Mr Allan Guthrie who was awarded the Order of Australia Medal for his services to the community through emergency response organisations, and to Mr Andrew Thompson who was awarded the Australian Fire Service Medal, in the Australia Day 2021 Honours List, which will be presented at Parliament House tomorrow.

7. QUESTION TIME FOR PUBLIC

Response to Previous Questions Taken on Notice

The following questions were taken on notice by the Council at the 24 August 2021 Ordinary Council meeting:

7.1 Mrs Michelle Shackleton

Question
What is the City's total rates revenue growth, without the rate increase, this financial year?

Response
(Provided by Mr Tony Nottle, Director Finance and Corporate Services)
The total budgeted rates revenue growth from 2020/21 – 2021/22 is expected to increase by $1.43 million. Council has budgeted an amount of $630,000 in interim rates. This equates to approximately 1.15% of total rates revenue.

Question
What is the additional revenue the City will receive this financial year from the increases in fees and charges?

Response
(Provided by Mr Tony Nottle, Director Finance and Corporate Services)
The increase in fees and charges from 2020/21 to 2021/22 is $408,000.

Question
In the City's Capital Acquisition report, it states that the Cabarita Road public open space (POS) upgrade was allocated $100,000 in the budget. That was later written down to $28,141 and, by the end of the financial year, the actual outlay was zero. What was planned for the reserve, why was it scaled down and then later rubbed out?

Response
(Provided by Mr Tony Nottle, Director Finance and Corporate Services)
It was identified that that the 2020/21 budget for Cabarita public open space was incorrect and as such required a budget amendment. Please refer to the council resolution C2008/096 from 25 August 2020. A copy can be provided if required. The budget was reduced from $100,000 to $28,000.

No funding has been expended on this project to date. It is the intention to complete works on this reserve this financial year and we will shortly be commencing consultation with the local residents.

7.2 Ms Anne Ryan

Question
Was the Eastern Link project completed on time and on budget?

Response
(Provided by Mr Oliver Darby, Director Engineering and Works Services)
The City received a grant on 15 September 2017 from the Department of Infrastructure, Transport, Cities and Regional Development for $1,250,000, with the final project agreement received 13 December 2017. At its meeting on 14 April 2018, Council resolved to undertake further public consultation and feasibility investigations in relation to the Eastern Link and other road traffic options. After considering the outcomes of this work it resolved to proceed with the Eastern Link project on 14 April 2018.

An expression of interest was put out for the Construction of the City Centre Eastern Link Stage 1 on 1 December 2018, with tenders publicly invited in April / May 2019. All tender submissions were in excess of the available project budget. As a result tender requirements were reviewed and a tender reissued on 13 July 2019. A contract was awarded for the works on 11 November 2019.

The project cost for Stage 1 of the works was $5,123,493.14 (excl. 10% GST). The project completion date for Stage 1 was 30 June 2020. The final project cost was calculated at practical completion, in the last week of June 2020, with formal opening held on Friday 3 July 2020.

Noting all of the above, the Eastern Link Stage 1 project (Construction works – Leeuwin Civil Contract – RFT11/19) was completed on time and within budget, and the statement made by Councillor Kelly Hick at the project's opening ceremony was correct.

Question Time for Public

7.3 Mr Keith Sims

Question
Is the latest date that the tenders can be considered for the construction of the Busselton Performing Arts and Convention Centre (BPACC) written into the tender contract?

Response
(Mr Tony Nottle, Director, Finance and Corporate Services)
The *Local Government Act 1995* and *Local Government (Functions and General) Regulations 1996* provide an exemption where a local government can go back to the tenderers as long as it is prior to a six-month deadline, if it had previously determined there were no advantageous tenders.

Question
Have you asked the lowest tenderer for the BPACC if they would hold that price?

Response
(Mrs Naomi Searle, Acting CEO)
We have had ongoing conversations with contractors who submitted tenders for the [BPACC] project. We would be seeking re-pricing, so that pricing is not held.

Question
If the builders withdrew their price they tendered for the project, what would the City do?

Response
(Mayor)
Council will then make a decision on whether the project proceeds or not.

Response
(Mrs Searle)
If Council decides to proceed with option A [of the officer recommendation], we will not go back out to tender, we will seek a re-pricing based on the current designs of the project. If Council proceeds with option B, that is a whole new design and new tender process.

Question
Can the City obtain funding after construction [of the BPACC project] has commenced?

Response
(Mrs Searle)
There is the opportunity to seek funding after the project has started, but it is dependent on the State or Federal requirements. I do not know many projects that have been funded after construction has started. There could be discussions with the State Government to see how far into the contract the City could proceed before funding becomes invalid. We should find out about Federal funding through Building Better Regions any day now.

Question
If you did not receive funding during election time, why do you think you will receive a grant now?

Response
(Mayor)
The State Budget is out tomorrow, so we will see, but there is also the opportunity for obtaining a commitment for funding in the future.

Response
(Mrs Searle)
The South West Development Commission has reviewed the business case [for the BPACC project] and that is far as the business case has been received through the State Government, so there still is the opportunity for State funding.

Question
Part of the Council decision made at its meeting on 23 June was that if further funding is not obtained in one month that would maintain or not significantly increase the financial contribution of the City, so how would option A or option B not significantly increase the City's financial contribution?

Response
(Mayor)
As has been responded to you previously [at public question time], the second part of that resolution was, if funding was not obtained within that time frame, we would go out to the community on a survey, which we have done.

7.4 Mrs Norma Sims

Question
The results of the Catalyse survey was a 52%-53% majority, with a range of participants selecting option C, which was not to proceed with the BPACC. What further guidance is needed, other than listening to the majority?

Response
(Mayor)
The survey was always a part of informing the Council's decision-making, and it will.

Question
Why are the ratepayers not included as stakeholders?

Response
(Mayor)
Ratepayers and residents are stakeholders in all of the decisions that we make for everyone in the community.

Question
Will the Councillors explain their understanding of their role in the decision-making as compared to the decision of the majority of the community?

Response
(Mayor)
Councillors are required to make a decision under the rules and regulations of the Local Government Act and are required to make decisions based on all the information provided.

Question
How do Council propose to encourage the community to participate in surveys if their opinions are continually ignored?

Response
(Mayor)
Your opinions are not ignored and they will be considered in the decision-making process, as they always are.

7.5 Mr Gordon Bleechmore

Question
When is building due to commence on the bridge on Tuart Drive?

Response
(Mayor)
We have received Federal funding for the restoration of the bridge which was damaged. Main Roads have advised that, due to a paucity of contractors so far, they are looking at commencing it this financial year.

Question
(Mr Oliver Darby, Director, Engineering and Works Services)
It is due for completion, hopefully, by January 2022.

Question
What is the reason for replacing the cladding on the Administration Building?

Response
(Mayor)
The problem is aluminium composite panelling, which was an approved material at the time of the construction of the building. Subsequent to that, there have been some incidents where this material was deemed to be unsafe in certain fire situations. As part of a safety audit of this building, it was determined that the best way of mitigating this risk was replacing the cladding, which will come out of the building maintenance reserve.

Question
Why is the City paying for the cost?

Response
(Mayor)
The builder is not liable, because they were compliant at the time.

Question
At the Community Access Session last week, Mr Thompson stated that some of our rates money was kept back and put towards a performing arts centre. Why didn't Council correct Mr Thompson and provide him some advice that what he was saying was not correct?

Response
(Mayor)
There is no reserve for a performing arts centre, as with many of our long-term capital projects. However, a portion of rates is put into reserves, which may be used for projects.

Question
Where is the City's legal defence with regard to BCP's challenge of the tender process for the Eastern Link?

Response
(Mayor)
The City of Busselton is being defended by its insurer in this case.

7.6 Mr Don Watt

Question
The [local] newspaper said there was "hoards" of people who came to Council in favour of the performing arts centre. How is this true?

Response
(Mayor)
I did not write what was in the newspaper, so I cannot answer that question.

Response
(Cr Cox)
At the Community Access Session, there were about 12 people who spoke in favour of the performing arts centre and two against.

Question
Is the Eastern Link project completed?

Response
(Mayor)
The road network was completed in accordance with the budget and timeline.

7.7 Ms Anne Ryan

Question
Why did nobody [from the City] contact Bay to Bay Action Group to advise that the order had been lifted preventing a special electors meeting we petitioned for?

Response
(Mayor)
We will take that on notice.

7.8 Mrs Jill Walsh

Question
How much money did the City receive from the DWER grant of $900,000 for the Vasse River?

Response
(Cr Ricelli)
My understanding was it was $250,000 or $350,000, going specifically to the Vasse River.

7.9 Mr Neville Wheatley

Question
You had an original budget of $25 million [for the BPACC]. Why can't you build it for this amount?

Response
(Mayor)
I wish we could, but the reality is the tenders came back over that price.

8. CONFIRMATION AND RECEIPT OF MINUTES

Previous Council Meetings

8.1 Minutes of the Council Meeting held 24 August 2021

COUNCIL DECISION
C2109/191 Moved Councillor K Hick, seconded Councillor S Riccelli

That the Minutes of the Council Meeting held 24 August 2021 be confirmed as a true and correct record.

CARRIED 9/0

Committee Meetings

8.1 Minutes of the Airport Advisory Committee held 18 August 2021

COUNCIL DECISION
C2109/192 Moved Councillor P Carter, seconded Councillor P Cronin

That the Minutes of the Airport Advisory Committee Meeting held 18 August 2021 be noted.

CARRIED 9/0

8.2 Minutes of the Policy and Legislation Committee Meeting held 24 August 2021

COUNCIL DECISION
C2109/193 Moved Councillor J Barrett-Lennard, seconded Councillor K Cox

That the Minutes of the Policy and Legislation Committee Meeting held 24 August 2021 be noted.

CARRIED 9/0

9. RECEIVING OF PETITIONS, PRESENTATIONS AND DEPUTATIONS

Petitions

Nil

Presentations

Mr David Barton, CinefestOZ, spoke with respect to Agenda Item 16.2 'Busselton Performing Arts and Convention Centre – Consultation Outcomes'. Mr Barton was in favour of the officer recommendation options to proceed with the construction of the BPACC.

Ms Anne Ryan, Bay to Bay Action Group Inc, spoke with respect to Agenda Item 16.2 'Busselton Performing Arts and Convention Centre – Consultation Outcomes'. Ms Ryan was in favour of the officer recommendation options, and the alternative motion foreshadowed by Councillor Riccelli, to not proceed with the construction of the BPACC.

Mrs Lisa Massey, Friends of Busselton Performing Arts Inc, spoke with respect to Agenda Item 16.2 'Busselton Performing Arts and Convention Centre – Consultation Outcomes'. Mrs Massey was in favour of the officer recommendation options to proceed with the construction of the BPACC.

Ms Midge Avery, Busselton and Districts Residents Association Inc, spoke with respect to Agenda Item 16.2 'Busselton Performing Arts and Convention Centre – Consultation Outcomes'. Ms Avery was in favour of the officer recommendation options to not proceed with the construction of the BPACC.

Deputations

Nil

10. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN (WITHOUT DISCUSSION)

Nil

11. ITEMS BROUGHT FORWARD

6.43pm: At this time, the Presiding Member advised that item 16.2 'Busselton Performing Arts and Convention Centre – Consultation Outcomes' would be brought forward.

ITEMS FOR DEBATE

16.2 BUSSELTON PERFORMING ARTS AND CONVENTION CENTRE - CONSULTATION OUTCOMES

STRATEGIC THEME	LIFESTYLE - A place that is relaxed, safe and friendly with services and facilities that support healthy lifestyles and wellbeing.
STRATEGIC PRIORITY	2.4 Establish a performing arts facility for the District.
SUBJECT INDEX	Busselton Performing Arts and Convention Centre
BUSINESS UNIT	Corporate Services
REPORTING OFFICER	Manager Governance and Corporate Services - Sarah Pierson Director Finance and Corporate Services - Tony Nottle Director, Community and Commercial Services - Naomi Searle
AUTHORISING OFFICER	Director, Community and Commercial Services - Naomi Searle
NATURE OF DECISION	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations
VOTING REQUIREMENT	Absolute Majority
ATTACHMENTS	Attachment A Catalyse Community Engagement Report - Busselton Performing Arts and Convention Centre

DISCLOSURE OF INTEREST	
Date	23 June 2021
Meeting	Ordinary Council
Name/Position	Cr Ross Paine / Councillor
Item No./Subject	Item No. 16.2 'Busselton Performing Arts and Convention Centre – Consultation Outcomes'
Type of Interest	Impartiality Interest
Nature of Interest	I previously disclosed an impartiality interest, as I was a volunteer with Acting Up, which is an organisation that occasionally hires the Weld Theatre.

Prior to the meeting, Cr Cronin foreshadowed a motion that was different to the officer recommendation. In accordance with clause 10.18(7) of the City's *Standing Orders Local Law 2018*, it was taken to be an alternative motion and was moved first.

There was opposition to the motion, debate ensued and the motion was carried.

COUNCIL DECISION

C2109/194 Moved Councillor P Cronin, seconded Councillor K Hick

That the Council:

1. **Receives and notes the outcomes of the survey in relation to the Busselton Performing Arts and Convention Centre (BPACC); and**

2. **Resolves to proceed with construction of the BPACC on the basis of the current and previously tendered design subject to value engineering options that do not materially affect functionality or performance of the centre; and**

3. Delegates power and authority to the CEO to accept a tender and enter into a construction contract not exceeding the value of $38 million, either through the public invitation of tenders or through utilisation of Regulation 11(2)(c)(i) of the Local Government (Function and General) Regulations 1996 ; and

4. Acknowledges the community sentiment raised by some residents in relation to potential future rate increases and the City's debt levels; and

5. Requests that the CEO review funding options for the BPACC which may assist to mitigate concerns around rate increases and debt, including continuing to pursue State and Federal Government funding contributions, reviewing the use of City Reserves to potentially reduce Treasury borrowings, and reviewing Fees and Charges; and present funding scenarios as part of the next review of the City's Long Term Financial Plan.

CARRIED 7/2

BY ABSOLUTE MAJORITY

For the motion: Cr Cronin, Cr Hick, Cr Cox, Cr Miles, Cr Carter

Cr Barrett-Lennard, Cr Paine

Against the motion: Cr Riccelli, Cr Henley

Reasons: The Performing Art Centre (PAC) was first investigated and put out to initial consultation 17 years ago and was added to the first Strategic Community Plan 11 years ago. Since then, there has been much consultation and, over the last three years, since receiving a $10.35M Federal grant towards the project, the City has moved forward on this promise and invested a lot of time and money into developing the best facility for the future of this City.

We currently have catered for a $28M PAC in the Long Term Financial Plan (LTFP) with rate rises remaining below 3% for the next 10 years. The City is in a strong financial position to more than cover the full debt required to complete the build. Currently the interest rates are the lowest they have ever been, since the start of the RBA in 1959, meaning that this is one of the best times ever to borrow money, resulting in substantial savings through locking in the interest rate over the next 10 to 20 years.

This full design offers a multi-functional facility that will not compromise its offering to the local community and surrounding districts, and this design will increase the desirability to commercial operators, thereby creating a positive revenue stream that that will reduce the operating cost to the rate payers.

OFFICER RECOMMENDATION

Recommendation Option A

That the Council:

1. Receives and notes the outcomes of the survey in relation to the Busselton Performing Arts and Convention Centre (BPACC); and

2. Resolves to proceed with construction of the BPACC on the basis of the current and previously tendered design subject to value engineering options that do not materially affect functionality or performance of the centre; and

3. Delegates power and authority to the CEO to accept a tender and enter into a construction contract not exceeding the value of $38 million, either through the public invitation of tenders or through utilisation of Regulation 11(2)(c)(i) of the *Local Government (Function and General) Regulations 1996*; and

4. Acknowledges the community sentiment raised by some residents in relation to potential future rate increases and the City's debt levels; and

5. Requests that the CEO review funding options for the BPACC which may assist to mitigate concerns around rate increases and debt, including continuing to pursue State and Federal Government funding contributions, reviewing the use of City Reserves in lieu of Treasury borrowings, and reviewing Fees and Charges; and present funding scenarios as part of the next review of the City's Long Term Financial Plan.

<u>Recommendation Option B</u>

That the Council:

1. Receives and notes the outcomes of the survey in relation to the Busselton Performing Arts and Convention Centre (BPACC); and

2. Resolves to proceed with construction of the BPACC on the basis of a modified design; and

3. Authorises the CEO to:

(a) instruct Kerry Hill Architects Pty Ltd to prepare revised detailed designs; and

(b) publicly invite tenders for the construction of the BPACC on the basis of the revised designs; and

4. Acknowledges the community sentiment raised by some residents in relation to potential future rate increases and the City's debt servicing levels; and

5. Requests that the CEO review funding options for the BPACC which may assist to mitigate concerns around rate increases and debt, including continuing to pursue State and Federal Government funding contributions, reviewing the use of City Reserves in lieu of Treasury borrowings, and reviewing Fees and Charges; and present funding scenarios as part of the next review of the City's Long Term Financial Plan.

<u>Recommendation Option C</u>

That the Council:

1. Receives and notes the outcomes of the survey in relation to the Busselton Performing Arts and Convention Centre (BPACC).

2. Resolves not to proceed with construction of the BPACC at this time.

3. Authorises the CEO to write to the Federal Government thanking them for the grant funding commitment of $10.35 million and outlining that the City cannot accept the grant; and

4. Request the CEO to consider the future of the BPACC project as part of the next review of the City's Long Term Financial Plan and / or review of the City's Strategic Community Plan.

EXECUTIVE SUMMARY

This report presents the results of a recently undertaken survey in relation to the Busselton Performing Arts and Convention Centre (BPACC) and provides Council with three options with respect to the future of the project.

BACKGROUND

The provision of a performing arts and convention centre has been identified as a community need for fifteen years; over which time feasibility reports, project planning and comprehensive stakeholder engagement has occurred to ensure the viability, support and long term sustainability of the centre. In 2019, as a result of this planning, the City received a $10.35 million grant from the Federal Government towards the BPACC.

The City does not currently have a purpose built indoor performance and convention venue capable of hosting large indoor events. The BPACC seeks to provide a venue which supports the City's standing as the 'Events Capital WA', increases the vibrancy of the Busselton town centre by facilitating an improved night time economy, and enables our community to attend performances locally, as opposed to travelling outside of the District. It is the third pillar of a long held regional growth strategy, alongside the Busselton Foreshore Development and the Busselton Margaret River Airport redevelopment, and provides an investment into the arts and culture sector, that has traditionally experienced limited funding.

Located in a unique heritage setting, integrated with the Weld Theatre and ArtGeo Gallery in Busselton, the BPACC is designed to be a multi-functional venue and a place where people can watch live performances, participate in dance, drama or music recitals, and attend business events, award nights and graduations.

In March 2021, the City issued RFT 06/21 for construction of the BPACC. Tenders closed in May 2021, with prices coming in higher than expected due to the current construction environment. As a result Council resolved at its Ordinary Council Meeting on 23 June 2021 (C2106/0136):

That the Council:

1. *Acknowledges receipt of the tender submissions for RFT 06/21 Construction of the Busselton Performing Arts and Convention Centre; and*
2. *Declines to accept any tender; and*
3. *Continues to pursue additional funding from State and Federal Governments; and*
4. *If a commitment for further funding is not obtained within one month that would maintain or not significantly increase the current financial contribution by the City, reviews design options and associated impacts and undertakes a community survey to help inform decisions on the future of the project*.

With no funding commitment from the State Government having been received, and no further funding from the Federal Government beyond its initial $10.35 million investment, the City reviewed design options for the building. Having identified capacity to reduce the size of the building, while still retaining required functionality, the City then commissioned Catalyse Pty Ltd, an independent research company, to undertake a community survey, using random sampling as well as providing the opportunity for interested people to opt-in to the survey.

The survey sought community views on the following options, in order to provide information that would assist and contribute to Council's decision making on the future of the project:

- Option A – Proceeding with construction of a performing arts and convention centre as per the tendered design at an estimated construction cost of $38 million.
- Option B – Proceeding with construction of a performing arts and convention centre based on a modified design at an estimated construction cost of $33 million.
- Option C – Not proceeding with construction of a performing arts and convention centre at this time.

OFFICER COMMENT

Survey Findings

The survey opened on Monday 26 July 2021 and closed at 5pm Monday 9 August 2021. 4,000 randomly selected invitations to participate in the survey were extended to residents and ratepayers; 3,000 by email and 1,000 by hard copy. The ability for people to opt-in to the survey was also available with an opt-in survey link accessible via the City's Your Say Busselton website.

A total of 2,352 people completed the survey. The results of the survey were analysed and are presented in the Catalyse survey report at Attachment A. The survey submissions have been analysed and reported by:

- residents;
- out of area ratepayers;
- visitors;
- businesses; and
- council affiliated.

The resident sample has been weighted for age and gender (using ABS population data) to ensure it is representative of the City's population demographic; with the out of area ratepayers, visitors, businesses and council affiliated samples being unweighted, with the exception of council affiliated, this is because they do not fit an ABS population profile. Council affiliated respondents have been removed from the resident sample to ensure this remains free of any potential bias.

The business sample contains both resident and non-resident businesses and hence is unable to be weighted (note however where a business respondent is also a resident they are also in the resident sample; in effect they wear two hats).

The resident random and resident opt-in sample are very closely aligned in terms of outcomes, and for this reason they have also been reported as a combined sample. The combined resident sample has also been analysed and reported with breakdowns by housing tenure, location, age, gender and life stage. It is noted that the resident random sample excludes youth (14-17 years).

The table below summarises the sentiment as to whether Council should proceed (based on selection of either option A or B) or not proceed (based on selection of option C) with the project:

	Proceed (A or B)	**Do not proceed (C)**	**Unsure / NR**
Residents	45%	53%	2%
Random	*44%*	*52%*	
Opt In	*45%*	*53%*	
Out of area ratepayers	73%	27%	0%
Visitors	90%	9%	1%
Businesses	46%	52%	2%
Council affiliated	71%	29%	0%

If Council is to proceed, Option A is preferred across all groups (and all demographic breakdowns) over Option B.

Analysis of the resident sample shows that males and gender diverse residents are the least supportive of the project proceeding, along with those in the 55 plus age bracket, and those living in rural and rural residential locations. Support is strongest amongst resident youth and younger adults. Support declines through the age brackets. Residents with children in the household are more supportive than those without (50% support vs 41% support). The results do not vary significantly in terms of where people live within the District, with the exception of rural and rural residential residents. Owner-occupiers are less supportive of proceeding with the project than those renting / other, who are quite strongly supportive (41% support owner occupier vs 65% support renting / other).

Out of area ratepayers, visitors and council affiliated respondents are very supportive of the Council proceeding. Businesses as a subset sample (noting this includes both resident and out of area respondents) are less supportive.

Qualitative analysis of the survey results provide insights as to why people selected option A, B or C. In summary, respondents who selected Option A were primarily focused on the economic and social benefits that the centre will bring. They feel that a performing arts and convention centre is needed to support arts and culture, showcase local talent and attract performances and events, and as an investment for the future.

Respondents who selected Option B did so on the basis that it is a cheaper option, and adequate for our needs.

Respondents who selected Option C were primarily focused on financial concerns. They feel that the cost of constructing a performing arts and convention centre is too high in the current economic climate, that it is not needed and that the project will have too much of an impact on rates. Some of these respondents felt that the money should be spent in other areas.

In terms of importance and usage, views are again polarised between very low / low importance and very high / high importance. Music concerts are of the most interest, followed by theatre performances, festivals, and comedy or cabaret shows. Interest is fairly spread overall.

Decision Making Considerations

In deciding whether to proceed with construction of the BPACC and if so, to what extent, Council will need to consider a range of factors including:

1. the project objectives and benefits (outlined below) and its role as a District pillar project;
2. community sentiment;
3. impacts on the City's financial position;
4. impacts on ratepayers;
5. alignment to the Strategic Community Plan themes and strategic priorities;
6. impacts of returning the Federal Government funding.

The BPACC project objectives / benefits are seen as:

- Economic:
  - Injection of $6.6m annually to the local economy;
  - Creation of local jobs - 115 during construction and 44 through its operations;
  - Increased tourism and events offering;
  - Increased visitor spend and attraction of a more lucrative, higher spending business, incentive and exhibition travel market;
  - Activation of CBD and connection of the foreshore with the Busselton town centre.
- Social:
  - Providing support for local artistic and cultural pursuits;
  - Providing opportunities for creative industries sector;
  - Broadening opportunities for creative youth;
  - Providing entertainment for youth;
  - Improved mental health and capacity to connect and engage;
  - Total social benefits valued at an estimated $7M.

The demonstration of support from visitors and out of area rate payers, as well as resident youth and younger adults, suggest alignment to these objectives. Qualitative analysis also shows that those who support the project proceeding do so for the stated economic and social benefits, and are willing to pay for it through a rate increase if required. Economic development, promotion of employment opportunities, activation of town centres, and the provision of more things for youth to do along with more indoor activities are all outlined in of the City's Strategic Community Plan 2021 – 2031 (SCP).

However, the survey results also indicate that there are many people, and just over half within the resident sample, who would prefer that the Council do not proceed, largely on the basis of concerns about rate increases and the financial sustainability of the City given the projected borrowings. Strong and responsible management of ratepayer funds was a key matter raised through development of the SCP, along with increased attention to the needs of residents and ratepayers. Financial implications of proceeding or not proceeding are outlined further below and are summarised in the financial implications section of this report. It is noted that the State Government is continuing to review the BPACC business case and the City's request for funding for the project, and so the financial implications presented are a 'worst case' scenario.

Given the nature of the project, that is, as an arts and culture facility, and that it is a significant investment, it is not surprising for views on the project to be polarised. Ultimately, the decision before Council is a difficult one. To assist Councillors with their deliberations, officers have outlined in the officer recommendation a number of potential recommendation options. The impacts and next steps of each is detailed below.

Recommendation A - Proceed on the basis of the current and previously tendered design, delegating power and authority to the CEO to accept a tender and enter into a construction contract not exceeding the value of $38 million.

The estimated total project value on the basis of the previously tendered design is $44.5 million, as set out below. Also set out below is a potential_funding scenario, assuming the City is unable to obtain further external funding.

Expenditure	**Option A - Full Design**
Build Cost	$ 38,000,000
Landscaping	$ 500,000
Consultants/Design/preliminaries	$ 2,800,000
Contingency	$ 3,000,000
Additional Design costs	$ -
Function/fit out/AV equipment	$ 250,000
	$ 44,550,000

Income	
Federal Grant	$ 10,350,000
Loan Borrowings (up to a maximum of)	$ 26,700,000
Sale of Old Library	$ 2,700,000
P&G Reserve/Building Reserve	$ 575,000
LRCIP Federal Grant (Tranche 3)	$ 2,000,000
Surplus 20/21 funds	$ 1,000,000
Developer Contribution - Community District Reserve	$ 625,000
Sponsorship - Rio Tinto	$ 250,000
Furniture & Equipment Reserve	$ 350,000
Confirmed Funding	**$ 44,550,000**

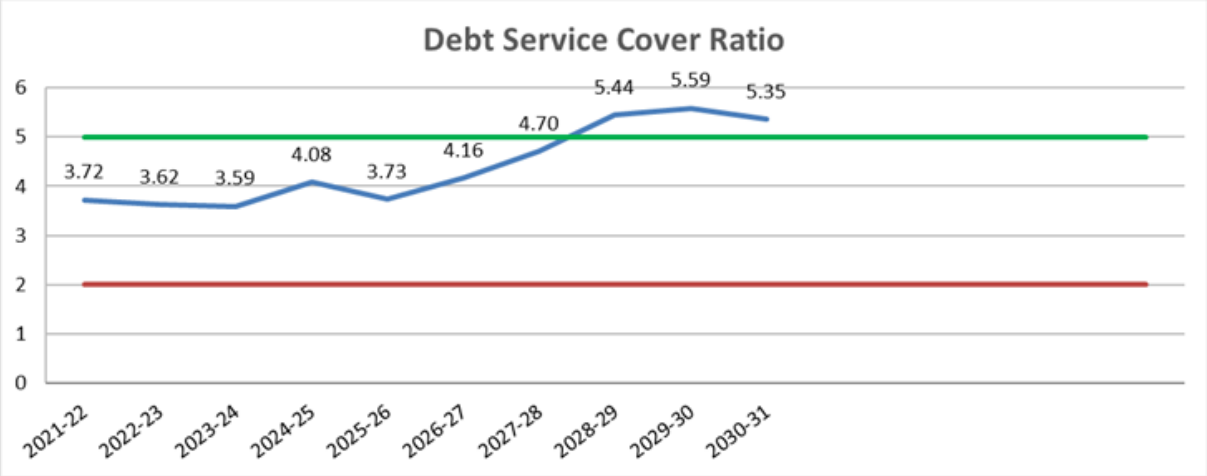
In addition to confirmed external funding, the City has a number of pending grant applications as well as access to apply for some potential grant funding including:

Funding Program/Source	**Estimated amount**
Local Roads and Community Infrastructure Program (Tranche 4)	$1,400,000 - $1,900,000
Lotterywest Application – Community Spaces	$2,700,000
State Government funding request/contribution	$5,000,000 - $10,000,000
Other Federal Grant (Building Better Regions)	$1,500,000
Total potential funding	$10,600,000 - $16,100,000

This potential additional funding would reduce the need to borrow the full loan amount of $26.7 million. In consultation with the Western Australian Treasury Corporation (WATC), the City has shown that it has spare borrowing capacity to more than adequately service the required loan amount while maintaining the appropriate benchmarks debt ratios. The final loan value would be able to be borrowed at a fixed interest rate of 1.96% over 20 years (interest rate confirmed as at 27 August 2021).

Borrowings and associated repayments could be funded through increases to fees and charges or rates, or a combination of the two. In addition, Council also has the ability to consider a review of key cash reserves held by the City, of which there is a current balance of $62.8 million. Council could consider accessing some of these funds to reduce the loan liability. The $26.7 million is therefore a 'worst case' scenario.

This 'worst case' scenario would increase the City's loan borrowings (not including community self-supporting loans) from $27.85 million in 2020/21 to $53.85 million by the end of 2021/22. To ensure the City's debt remains within an acceptable level, the Debt Service Coverage Ratio (DSCR) is required to remain above the minimum standard of 2.0 as per the Department of Local Government Sport and Cultural Industries (DLGSC) Guidelines. The impact of the total projected borrowings on the City's DSCR is depicted in the graph below and shows that the City's DSCR will remain within acceptable guidelines.



As detailed in the survey information, in the absence of any other funding being utilised, an additional rate increase of up to 2% may be necessary, most likely in 2022/23. This is additional to the 2.5% currently projected in the City's Long Term Financial Plan (LTFP) and would result in an extra $37 per annum based on the projected average rate for 2022/23. Any additional rate increase would be modelled into the next review of the LTFP along with any further utilisation of Reserve funds as mentioned above. The City's LTFP currently provides for operating costs averaging approximately $1.2 million per annum, which has been reviewed by third parties. This is not expected to change significantly.

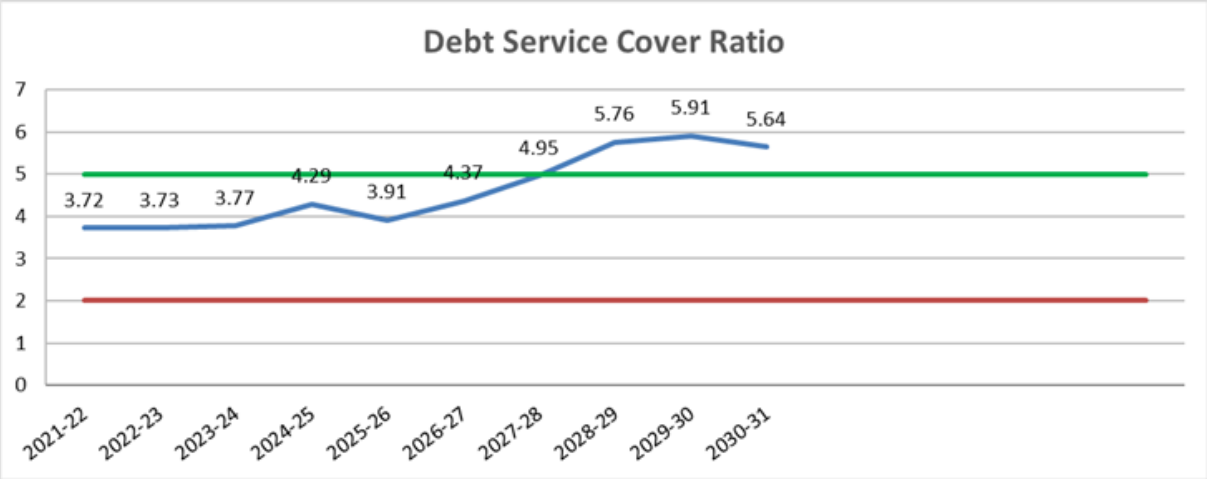
In terms of entering into a construction contract, officers recommend that the CEO is provided with a delegation to accept a tender and enter into a contract not exceeding the value of $38 million, either through the public invitation of tenders or through utilisation of Regulation 11(2)(c)(i) of the *Local Government (Function and General) Regulations 1996* (as outlined further in the Statutory Environment section of this report).

Recommendation B - Proceed with redesign and invite tenders on the basis of a modified design

The estimated total project value for a modified design is $40.05 million, as set out below. Also set out below is a potential funding scenario, assuming the City is unable to obtain further external funding.

Expenditure		**Option B - Modified Design**
	Build Cost	$ 33,000,000
	Landscaping	$ 500,000
	Consultants/Design/preliminaries	$ 2,800,000
	Contingency	$ 3,000,000
	Additional Design costs	$ 500,000
	Function/fit out/AV equipment	$ 250,000
		$ 40,050,000
Income		
	Federal Grant	$ 10,350,000
	Loan Borrowings (up to a maximum of)	$ 22,000,000
	Sale of Old Library	$ 2,700,000
	P&G Reserve/Building Reserve	$ 575,000
	LRCIP Federal Grant (Tranche 3)	$ 2,000,000
	Surplus 20/21 funds	$ 1,000,000
	Developer Contribution - Community District Reserve	$ 625,000
	Sponsorship - Rio Tinto	$ 250,000
	Furniture & Equipment Reserve	$ 250,000
	Other	$ 300,000
	Confirmed Funding	**$ 40,050,000**

As per recommendation option A, the City would be able to borrow the required amount at fixed interest rates of 1.96% over 20 years. This would increase the City's Council Loans (not including community self-supporting loans) borrowings from $27.85 million in 2020/21 to $49.85 million by the end of 2021/22. Once again, the City would maintain its DSCR within the DLGSC guidelines, above 2%. This is depicted in the graph below.



Again as with recommendation option A, the City still has a number of pending grant applications that could deliver a further $8.6 – $11.1 million towards the project. The City would also be able to review use of its internal cash reserves as indicated earlier.

In the absence of any other funding, an additional rate increase of up to 1% may be necessary to cover the additional borrowings and associated repayments. This would result in an extra $18 per annum based on the projected average rate for 2022/23. Any additional rate increase would be modelled into the next review of the LTFP along with any further utilisation of Reserve funds. Operating costs averaging approximately of $1.2 million within the City's LTFP are, again, not expected to change significantly.

If Council was to proceed with option B, officers would recommend that Kerry Hill Architects Pty Ltd be engaged to prepare detailed designs, and that tenders be publicly invited, for Council's consideration.

Recommendation C - Not proceed with construction of a performing arts and convention centre at this time.

If Council choose not to proceed with the construction of a performing arts and convention centre the City would advise the Federal Government of the decision, and explain that they cannot accept the grant funding commitment of $10.35 million. The City would request that the Federal Government reallocate the funding towards an alternate project to facilitate economic development initiatives such as the Busselton Margaret River Airport terminal. This would of course be at the discretion of the Federal Government and is considered unlikely given the airport (or other potential projects) were not submitted as part of the Regional Growth Fund funding round. In returning the funding there is the real risk that the City's ability to secure funding for this or other projects in the future would be jeopardised.

While the project would be further considered as part of the next review of the LTFP and / or future review of the City's SCP, the future development of a performing arts facility for the District would be unlikely in the medium term, given the significantly reduced funding (with loss of the Federal grant). It is highly unlikely that the City would be able to afford a performing arts facility such as the one designed without this level of grant funding without significantly impacting on services and facilities for the community.

Statutory Environment

The recommendation options presented support the general function of a local government under the *Local Government Act 1995* to provide for the good government of persons in its district.

As noted in the report background the City publicly invited tenders in March 2021 for construction of the BPACC. Tenders closed in May 2021 and Council declined to accept any tender. Under Regulation 11(2)(c)(i) of the *Local Government (Function and General) Regulations 1996*, tenders do not have to be publicly invited (for the supply of goods or services) if, within the last 6 months, the local government has publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment.

Recommendation option A recommends that Council delegate power and authority to the CEO to accept a tender and enter into a construction contract, with the CEO able to utilise Regulation 11(2)(c)(i) and negotiate with interested suppliers (a number of whom have indicated interest). Alternatively the CEO may again publicly invite tenders.

Recommendation option B recommends that tenders be publicly invited.

Relevant Plans and Policies

The planning and development of a PACC for Busselton has been identified as far back as 2004 and further included in the City of Busselton Strategic Community Plan since 2010 (2013, reviewed 2015; 2017 and 2019) as a local priority project. The South West Regional Blueprint (February 2015) identifies the construction of a performing arts venue in the Busselton Cultural Precinct as a regional priority in support of burgeoning creative industries and events.

Financial Implications

The financial implications of each recommendation option is discussed in the main body of the Officer Comment above. In summary all options are within the financial capacity of the City, subject to Council increasing their loan borrowings or sourcing funding through external grants or use of internal reserve funds or review of fees and charges. Dependent on the extent of the loan borrowings required an additional rate increase of up to 2% (over and above current LTFP rate projections) may be required. The City's DSCR shows the City has sufficient loan borrowing capacity and interest rates are comparatively very low.

Stakeholder Consultation

External stakeholder consultation was undertaken as described above in the main body of the Officer Comment.

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. The following risks have been identified:

Recommendation A

Reputational damage with respect to resident perceptions of Council not listening.			
Risk Category	**Risk Consequence**	**Likelihood of Consequence**	**Risk Level**
Reputation	Moderate	Possible	Medium

Recommendation B

Reputational damage with respect to resident perceptions of Council not listening.			
Risk Category	**Risk Consequence**	**Likelihood of Consequence**	**Risk Level**
Reputation	Moderate	Possible	Medium
Reputational damage noting Option B was least preferred in the survey; mitigated however by it being cheaper and perhaps more palatable than Option A by those who do not want Council to proceed.			
Risk Category	**Risk Consequence**	**Likelihood of Consequence**	**Risk Level**
Reputation	Minor	Possible	Medium
The cost and time delays associated with redesigning the building may see costs increase; mitigated however by the chance that prices may instead decrease.			
Risk Category	**Risk Consequence**	**Likelihood of Consequence**	**Risk Level**
Financial	Minor	Possible	Medium

Recommendation C

Reputational damage with respect to those residents and respondents who would like to see the project proceed.			
Risk Category	**Risk Consequence**	**Likelihood of Consequence**	**Risk Level**
Reputation	Moderate	Possible	Medium
Reputational damage with respect to Federal Government perception by returning the $10.35M.			
Risk Category	**Risk Consequence**	**Likelihood of Consequence**	**Risk Level**
Reputation	Moderate	Possible	Medium
Loss of future financial funding with respect to returning the $10.35M.			
Risk Category	**Risk Consequence**	**Likelihood of Consequence**	**Risk Level**
Financial	Moderate	Possible	Medium

Options

This report presents a number of optional recommendations for the Council. It is for the Council to determine which recommendation they prefer. Councillor/s will be required to foreshadow and move (with support of a seconder) their preferred recommendation for consideration and / or debate.

CONCLUSION

In summary Council is asked to consider three options:

- Recommendation Option A - Proceed on the basis of the current and previously tendered design, delegating power and authority to the CEO to accept a tender and enter into a construction contract not exceeding the value of $38 million;
- Recommendation Option B - Proceed with redesign and invite tenders on the basis of a modified design;
- Recommendation Option C - Not proceed with construction of a performing arts and convention centre at this time.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Timelines for implementation are dependent on the recommendation option, and are broadly as follows:

- Recommendation Option A – The CEO will commence further procurement immediately, and, subject to negotiations a contract may be entered into prior to Christmas 2021.
- Recommendation Option B – Redesign will commence immediately. It is anticipated that a request for tenders would not be issued until early in 2022.
- Recommendation Option C – Council's decision would be effective immediately, with the CEO writing to the Federal Government within one month.

Busselton Performing Arts and Convention Centre

Community Engagement Report

Report prepared for:

City of Busselton
Geographe Bay

Report prepared by:

CATALYSE

Date:

26 August 2021

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Executive Summary

2,352 community members expressed their views about a proposed Busselton Performing Arts and Convention Centre (BPACC) and the level of investment Council should commit towards its construction.

Overall, **the community is divided** about whether to proceed or not.

53% of residents would not like the BPACC to proceed at this stage (option C), with secured grant funds of $10.35 million to be returned to the Federal Government. They are mainly concerned with high construction costs, rate rises, that the centre is not needed, and money would be better spent in other areas. Preference for option C was highest among adults aged 55 years or older (62%), males (61%), residents in rural and rural residential areas (61%) and owner-occupiers (57%).

45% of residents would like the BPACC to be constructed, with a preference to proceed with the full design (34%) over the modified design (11%). Supporters believe it would be an investment for the future for a growing region, delivering social and economic benefits. It will showcase local students and artists, attract more touring artists, tourists and visitors, and help to create a stronger sense of community in the region.

Support for option A is higher among visitors (73%) and out of area ratepayers (50%). Support is also higher among younger residents. 68% of youth (14-17 years) and 47% of young adults (18-34 years) would like the City to proceed with the full design.

Community members would be most likely to use the proposed BPACC to attend music concerts, theatre performances, festivals (such as CinefestOZ), comedy and cabaret shows.

It is clear that opinions differ across the community. Council must now consider community sentiment in context with other influencing factors, including projected population and visitor growth, international and domestic visitor needs and expectations, economic modelling, social benefits and competitive analysis.

Introduction

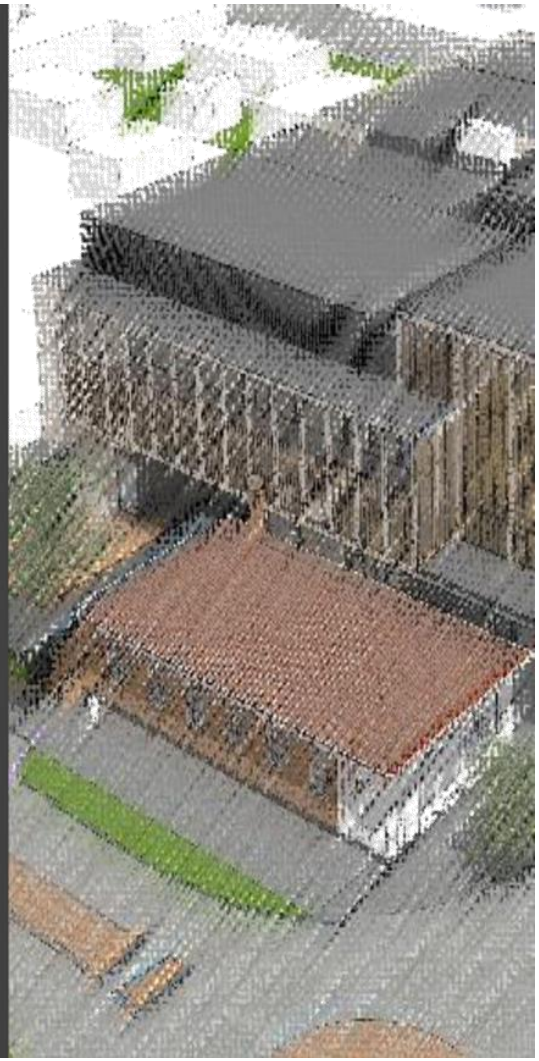
The provision of a performing arts and convention centre was identified as a community need in the City of Busselton over 10 years ago when the original Civic Centre located on the City Administration Building site was closed.

In 2019, the City received a $10.35m grant from the Federal Government towards a new performing arts and convention centre.

Council is evaluating whether to proceed with construction of the Busselton Performing Arts and Convention Centre (BPACC) and the level of investment it should commit towards its construction. Three options are being considered.

To assist Council with decision making, the community was provided with background information on the options and invited to provide feedback between 23 July and 9 August 2021. The City promoted the survey through its communication channels, held six information sessions, mailed direct invitations to 1,000 randomly selected ratepayers, and emailed invitations to 3,000 randomly selected residents and customers. All community members were invited to have their say.

Overall, 2,352 community members expressed their views, providing a robust, representative and reliable indication about community sentiment.



% of respondents (column %)	Randomly selected sample	Self-selecting sample	All respondents		All resident respondents *Weighted*
Residents	N = 471	N = 1,637	N = 2,108		N = 2,108
Tenure					
Owner-occupier	94%	85%	**1833**	**87%**	
Renting / other	6%	15%	**271**	**13%**	
Location					
Busselton	46%	56%	**1129**	**54%**	
Busselton urban rural	18%	21%	**427**	**20%**	
Dunsborough	21%	12%	**292**	**14%**	
Yallingup	4%	2%	**54**	**3%**	
Rural and rural residential	8%	9%	**187**	**9%**	
No response	1%	1%	**20**	**1%**	
Gender					
Male	42%	38%	**816**	**39%**	48%
Female	58%	61%	**1273**	**60%**	51%
Gender diverse	<1%	1%	**19**	**1%**	1%
Age					
Youth: 14-17 years	-	5%	**75**	**4%**	7%
Younger adult: 18-34 years	4%	13%	**231**	**11%**	20%
Middle adult: 35-54 years	32%	35%	**725**	**34%**	33%
Older adult: 55+ years	64%	47%	**1077**	**51%**	40%
Lifestage					
Have children	34%	41%	**828**	**39%**	
Do not have children	64%	57%	**1237**	**59%**	
No response	3%	2%	**50**	**2%**	
Out of area ratepayers			N = 48		
Visitors			N = 93		
Businesses			N = 562		
Council affiliated			N = 108		
Total respondents			N = 2,352		

Which
option is
preferred?

Option A

Construction of a performing arts and convention centre as per the full design that the City recently sought tenders for. Estimated cost: $38m

Option B

Construction of a performing arts and convention centre based on a modified design. Estimated cost: $33m

X

Option C

Do not proceed with construction of a performing arts and convention centre at this time. Forgo $10.35M federal funding.

Unsure or did not provide a response

Residents, weighted

	Option A	Option B	Option C	Unsure
Residents, weighted	34%	11%	53%	2%
Random	31%	13%	52%	
Opt in	35%	10%	53%	

Out of area ratepayers, visitors and businesses

	Option A	Option B	Option C	Unsure
Out of area ratepayers	50%	23%	27%	1%
Visitors	73%	17%	9%	
Businesses	36%	10%	52%	

Q. Which of the following options do you prefer for the Busselton Performing Arts and Convention Centre? Please select one option.
Base: Local residents (n = 2108). Random residents (n = 420), opt in residents (n = 1688), out of area ratepayers (n = 48), visitors (n = 93), and businesses (n = 562).

Which of the following options do you prefer for the Busselton Performing Arts and Convention Centre?

Base: Residents (n = 2,108), Out of area ratepayers (n = 48), Visitors (n = 93), Businesses (n = 562), Council affiliated (n = 108).

% of respondents (row %)	Option A	Option B	Option C	Unsure / NR
All residents	34%	11%	53%	2%
Tenure				
Owner-occupier	30%	11%	57%	2%
Renting / other	55%	10%	34%	1%
Location				
Busselton	36%	9%	53%	2%
Busselton urban rural	31%	12%	56%	2%
Dunsborough	39%	13%	48%	1%
Yallingup	40%	11%	47%	2%
Rural and rural residential	26%	13%	61%	0%
Gender				
Male	31%	7%	61%	1%
Female	38%	14%	45%	3%
Gender diverse	25%	0%	75%	0%
Age				
Youth: 14-17 years	68%	8%	20%	3%
Younger adult: 18-34 years	47%	9%	43%	1%
Middle adult: 35-54 years	34%	10%	55%	1%
Older adult: 55+ years	23%	13%	62%	3%
Lifestage				
Have children	40%	10%	48%	2%
Do not have children	30%	11%	57%	2%
Other groups				
Out of area ratepayers	50%	23%	27%	0%
Visitors	73%	17%	9%	1%
Businesses	36%	10%	52%	2%
Council affiliated	52%	19%	29%	0%

Main reasons for preferring Option A

- Arts and culture need support- for a sense of community, to support and showcase local talent and to attract a variety of performers and events to Busselton and the South West region.
- It is an investment in the future of a growing region.
- The original design (A) is the best – spend the money now to make it the best it can be and avoid having to improve or expand in the future.
- Busselton needs a facility like this – it will be well used by the community.

Q. Please explain reasons for your preferred option.
Base: Respondents who prefer Option A

Arts and culture need support - for a sense of community, to support and showcase local talent and to attract a variety of performers and events to Busselton and the South West region

Sample of community comments

"What an opportunity to grow for the City of Busselton and community! It's an opportunity to showcase and present our amazing artistic and creative community of the South West. How amazing will this be for our kids! And wouldn't it be amazing for tourism? Why not build it?"

"How much more will our current generation of children and young adults benefit from the opportunities provided by a first class Performing Arts space? The whole community will be enriched by the variety of performances and events made possible with a modern, large and comfortable venue we can all be proud of."

"I believe that building a state of the art multifunctional space for entertainment and other cultural events should be a priority. It will breathe new life into the heart of Busselton and it will become an integral part of the fabric of our community."

"Not only will the convention centre provide opportunities for aspiring performers, interested audiences and choreographers from both local and, in the future, international areas, it will also spread awareness of the arts industry Down South as there is so much incredible talent from young students, independent artists, dance companies, acting schools etc that has yet to be given the opportunity to perform for bigger audiences."

"The City is in desperate need of a performing arts space on the area that shows its commitment not only to the arts, but also the development and nurturing of the younger population of the town. There is a very large contingent of creative youth and others in the City that do not get opportunities for arts and event traineeships, and performance spaces. Busselton at the moment has an embarrassing live music scene, with only a handful of venues playing and supporting local music."

"We have to look to the future and Busselton is growing as a popular holiday town. It would be wonderful to attract major international tours and shows as well as promote home grown talent."

It is an investment in the future of a growing region

Sample of community comments

"Busselton desperately needs a multi purpose performing arts building. A building that looks to the future of a growing community with intelligence and vision. A building that will not date, makes the most of the beautiful location and takes into consideration the up and coming new generation of young people. "

"You need to look at the bigger picture for this area. With moving times and more people joining the southwest in the long run build bigger to cater for the growing population. The Option A would bring so many more events to the region and give the next generation many opportunities."

"I would prefer the City invest in providing a facility that accommodates long term opportunities rather than compromise with a facility that in years to come, as population grows, is found to be inadequate."

"I believe it's critical to plan for infrastructure for the future and not to be shortsighted about this. Now is the time to build/prepare for growth and its needs, not to bonsai growth with facilities that will be too small in a decade and which to expand later will then be difficult or terribly expensive."

"We need this to future proof and make sure we have something for future generations."

"If you're going to make a significant investment in a new venue such as this, then why not build for the future and do the full plan. The region is only growing in population and we need to consider how this venue will be a major community meeting place for many years to come. There has been so much investment in tourism in this town, so let's put a major investment into our community for our children's future."

The original design (A) is the best – spend the money now to make it the best it can be and avoid having to improve or expand in the future

Sample of community comments

"A wonderful opportunity to have the very best world class performing arts centre. If it's going to be built let it be the best as this will be outstanding."

"There is nothing worse than going with the lower costed one to only go five years down the track - why didn't we build the bigger one?"

"Why build it and then save only a small amount by hugely downsizing it? It is an important project and should be undertaken properly so that we have a venue that can be used in years to come, not having to build something else when the downsized version is too small for the city."

"If you are going to build this performing arts centre, make it big enough and impressive. Don't waste the amazing location with a substandard building."

"The present design (option A) has been carefully researched, taking the best ideas from other centres and improving on areas where they fell down. To re-design it for a lesser budget would see so many of those fantastic properties compromised. Let's do it well. If we 'delay' and 'change', it will require a whole new set of parameters to be dealt with which is very expensive."

"Why not go for the best you can afford at present time? Costs for construction will continue to increase over the next decades so there is value now in getting it right."

Busselton needs a facility like this – it will be well used by the community

Sample of community comments

"This is what the people of the Busselton Shire have been waiting for as long as I can remember. This is what is required to help the town to thrive - there is nothing at all in the town to support any large functions that support the most of the city."

"The City needs a dedicated large-capacity space to hold performances, celebrations, conferences, etc. It will be a year-round gathering place for locals and a strong attraction for visitors around the region, state, country, and world."

"Busselton needs to have a PAC. Busselton needs a space for children to perform their music and dance performances. We are missing out on travelling shows like music and comedy because we don't have a space for them to go to. Therefore we need to build something."

"As outlined, there has been no suitable sized performance venue since the closure of the Civic Centre. Local dance and performance groups have been holding their concerts in Bunbury for more than 20 years, while schools and colleges hold their performances and graduation ceremonies in gymnasiums, as they have no other option.

"We lack weatherproof, acoustically-meritorious venues that could spread major events over the year. There are not enough weekends in the year if event organizers are forced to discount winter months. The economic consequence is that businesses have to survive and staff up for lopsided demand biased towards the summer months."

"We miss out on so many concerts and events that all perform in towns around us but not Busselton. Our local clubs, schools and other organisations have larger numbers now Busselton has expanded and have to travel to Bunbury to hold events. Busselton is ready to take the next step....."

Main reason for preferring Option B

- Option B will cost less and is adequate for our needs

Q. Please explain reasons for your preferred option.
Base: Respondents who prefer Option B

B will cost less and is adequate for our needs

Sample of community comments

"The costs of Option A over B do not warrant the extra cost. Option A does not offer a lot more than Option B."

"For me the most important element of the facility is the 600 odd seating capacity theatre and Option B satisfies this most important criteria. Uninterrupted views to Geographe Bay will not be from the theatre so this is not important. Option B saves about $5m over Option A and as I am somewhat like warm on the whole project at this time saving $5m is very important."

"Option B is still accommodating the basic needs in the facility that the users can adapt to. Reducing the cost by $5m is a significant amount as far as I'm concerned. Hopefully the flow on effect would be lessening the rate increase for homeowners and savings on forecasted interest rates. I feel the modest future interest rates increase you have forecast could be blown out and catch everyone by surprise. The city council needs to take into consideration the detrimental effects on its constituents if they keep looking on rate increases as the way to pay down extra debt especially on those in the community who can least afford it and affected the most."

"I don't think we need a two-story building with a few extra seats - I think the smaller design is more than sufficient."

"I feel 'Option B' is the 'middle ground' option - modified to be of a more reasonable expense, but still providing a dedicated theatre and arts space in the City of Busselton."

Main reasons for preferring Option C

- Concern about rates increases.
- It is not needed – existing facilities are adequate and it will be underutilised.
- The cost is too high, especially in these economic times.
- The money would be better spent in other areas.

Q. Please explain reasons for your preferred option.
Base: Respondents who prefer Option C

Concern about rates increases

Sample of community comments

"The costs to live are already too high, please do not add on to my rates."

"As a homeowner of 2 homes in Busselton I'm tired of our rates increasing so much every year, without this very expensive, ongoing extra burden. "

"People are struggling to survive and the options provided will only lead to an increase in rates!!! It's an unnecessary indulgence."

"The ratepayers are already burdened beyond belief, you are crippling all the original residents for the sake of an elite few's vision. It's time to start taking care of the ratepayers wellbeing instead of rushing to create a grand image. Soon no one will be able to afford to live here at all. The plans are beautiful and one day will have their time and place, just give the poor ratepayers a break!"

"I believe that the scale of the project is too large and expensive for the rate payers. Every other centre in the Southwest loses money and the ratepayers have to subsidise the losses. A much smaller and suitable centre in keeping with the town and its population and that is affordable and profitable would win my support. Putting the local population into high debt for this non-essential project is unacceptable."

"In these uncertain times when many people are suffering much financial and mental stress I feel embarking on such a project burdening ratepayers with more debt for the benefit of a minority is failing to appreciate more pressing priorities in the community."

It is not needed – existing facilities are adequate and it will be underutilised

Sample of community comments

"Not necessary and will end up being massively under utilised I would think. Ongoing costs outweigh the need for such a venue in Busselton"

"We have facilities in our shire that do not get to their full potential, why would we spend anymore money on vacant rooms? Support our community by utilising our existing infrastructure."

"We can easily travel to Bunbury or Margaret River for these types of events. Both of these venues seem to have plenty of capacity and don't seem to sell out fast. Why take business away from these 2 venues that are hardly thriving as it is."

"At present there is no majority community need for such a facility and certainly not at that cost. The COB has built numerous white elephants over the past few years and this does not need to be another one."

"I'm all for a performing arts centre but see no reason for a convention centre. There are plenty of spaces in Busselton for convention type activities and I don't think the City should be competing with private enterprise on this score."

"We have places in Town already we can utilise. Council could always improve these venues."

"There is a similar facility available in Bunbury not far away and there will be conference rooms available in the new hotel on the foreshore soon."

The cost is too high, especially in these economic times

Sample of community comments

"Too extravagant for the current times"

"I believe even 33 million dollars is too much money to spend on a centre that will probably be under utilised and a large drain on ratepayers. Ridiculously large running and construction costs."

"This is not an economical time to be constructing a project of this size. The inflated cost of labour and materials will make the already over priced proposal even more unaffordable for ratepayers."

"Current economic climate and building material and trade shortages could see potential time and cost blowouts and this project is not a priority to me. Numerous other current facilities in the local area are not utilised to capacity."

"I do not consider that a facility of this cost is warranted in Busselton in the current economic climate. There are far more important infrastructure requirements needed in Busselton which will add greater amenity to our area. This is an unnecessary cost burden on the whole City being pushed by a minority of ratepayers."

"Inflation is on the rise, construction costs are escalating and skilled labour is in short supply. I do not believe that a purpose built facility as envisaged is an essential ratepayer sponsored infrastructure package demanded by the majority of residents at this time. The facility should remain an aspirational package for the future."

"The cost to build this facility outweighs the benefits and places the city under an extreme financial burden which must translate to higher costs to the residents of Busselton. I do not believe we have the necessary population or proposed growth to support this ambitious project at this stage."

The money would be better spent in other areas

Sample of community comments

"This city desperately needs other facilities before the need for a new performing arts centre. I consider this proposal a gross misuse of funds and an insult to the good people of Busselton and its surrounds."

"This art centre will not benefit the City of Busselton! I would love money spent for age care, drug rehabilitation, and rentals for low income families. Come spend a couple of weeks at the hospital then you would really understand what the community needs!!!!"

"I feel with the uncertainty of the past 18 months, it might be wise to forgo this project and perhaps invest in community housing for disadvantaged people. I simply think there may be some more important things we need to address. Arts is always nice, but it seems an excessive amount of money, particularly when the amount borrowed would be substantial."

"Because so many other areas need financial support. So many towns and places other than Busselton within the shire of Busselton that seem to get forgotten."

"Many other items have a higher priority and need attention now....The Vasse River needs urgent attention...our wildlife needs habitat...our country roads need attention..now."

" Wrong use of scarce funds which should be used on higher priority infrastructure and social amenity."

How do reasons vary across the community?

Reasons for preferring option A, B or C among residents

Base: Residents (n = 2108). Table shows reasons when mentioned by 5% or more respondents in total.

% of respondents (table %)	Option A	Option B	Option C	Unsure	Total
Concerned about additional pressure on ratepayers, rates increases	0%	1%	22%	0%	23%
No need, other facilities available, will be underutilised,"white elephant"	0%	0%	20%	0%	21%
Cost is too high, the City can't afford it	0%	0%	18%	0%	18%
Money would be better spent on other services and facilities	0%	0%	16%	0%	16%
Support arts and culture	12%	1%	0%	0%	13%
Accommodating future growth and investing in the future of the region	12%	0%	0%	0%	12%
Similar venues are running at a loss, operating costs will be too high	0%	0%	11%	0%	11%
The community needs a facility like this, it will be fit for purpose	7%	1%	0%	0%	8%
Do it properly the first time - the original design is the best option	8%	0%	0%	0%	8%
Inappropriate location, site is too small, doesn't fit with heritage buildings	0%	0%	6%	0%	6%
Cheaper than option A, good compromise for lower cost	0%	6%	0%	0%	6%
Only benefits a small group of local residents	0%	0%	6%	0%	6%
City is in too much debt already, don't want to take on more	0%	0%	5%	0%	5%
Reduce need to travel far to other art and cultural venues	4%	1%	0%	0%	5%
Insufficient parking onsite, parking in town is too far away	0%	0%	4%	0%	5%
No response / prefer not to say	5%	2%	4%	0%	11%
Total	34%	11%	53%	2%	100%

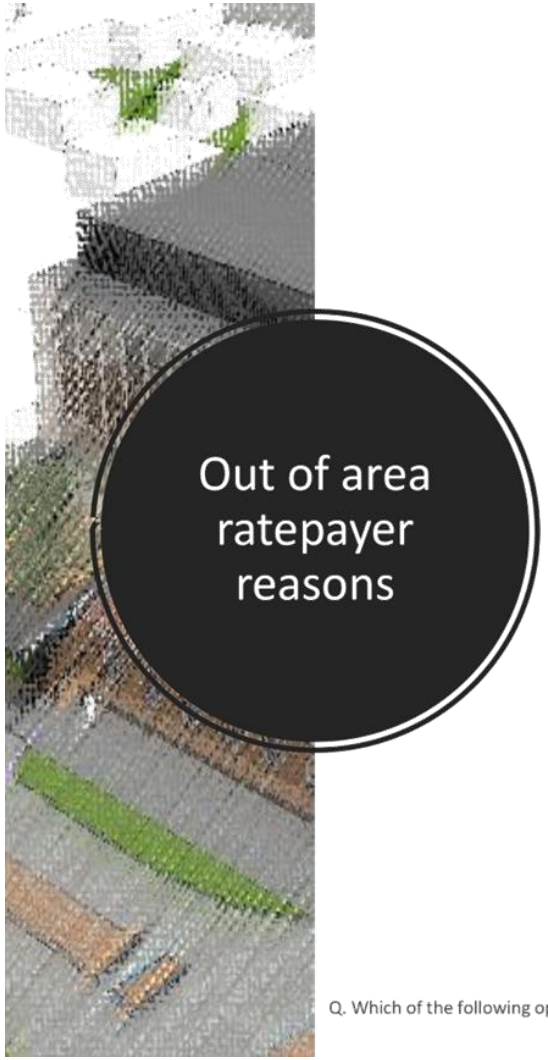
Q. Which of the following options do you prefer for the Busselton Performing Arts and Convention Centre? Q. Please explain reasons for your preferred option.

Reasons for preferring option A, B or C among owner-occupiers

Base: Owner-occupiers (n = 1746). Table shows reasons when mentioned by 5% or more respondents in total.

% of respondents (table %)	Option A	Option B	Option C	Unsure	Total
Concerned about additional pressure on ratepayers, rates increases	0%	1%	25%	0%	26%
No need, other facilities available, will be underutilised,"white elephant"	0%	0%	22%	1%	23%
Cost is too high, the City can't afford it	0%	0%	19%	1%	20%
Money would be better spent on other services and facilities	0%	0%	17%	0%	17%
Accommodating future growth and investing in the future of the region	11%	0%	0%	0%	12%
Similar venues are running at a loss, operating costs will be too high	0%	0%	12%	0%	12%
Support arts and culture	9%	0%	0%	0%	10%
The community needs a facility like this, it will be fit for purpose	6%	1%	0%	0%	7%
Do it properly the first time - the original design is the best option	7%	0%	0%	0%	7%
Inappropriate location, site is too small, doesn't fit with the heritage area	0%	0%	6%	0%	7%
Only benefits a small group of local residents	0%	0%	6%	0%	6%
Cheaper than option A, good compromise for lower cost	0%	6%	0%	0%	6%
City is in too much debt already, don't want to take on more	0%	0%	6%	0%	6%
Insufficient parking onsite, parking in town is too far away	0%	0%	5%	0%	5%
Worth the extra investment, provides value for money	5%	0%	0%	0%	5%
No response / prefer not to say	4%	2%	4%	0%	11%
Total	30%	11%	57%	2%	100%

Q. Which of the following options do you prefer for the Busselton Performing Arts and Convention Centre? Q. Please explain reasons for your preferred option.



Reasons for preferring option A, B or C among out of area ratepayers

Base: Out of area ratepayers (n = 48). Table shows reasons when mentioned by 5% or more respondents in total.

% of respondents (table %)	Option A	Option B	Option C	Unsure	Total
Accommodating future growth and investing in the future of the region	17%	2%	0%	0%	19%
Concerned about additional pressure on ratepayers, rates inreases	0%	0%	17%	0%	17%
Support arts and culture	13%	2%	0%	0%	15%
Do it properly the first time - the original design is the best option	15%	0%	0%	0%	15%
Providing entertainment for tourists and growing tourism	13%	0%	0%	0%	13%
Cost is too high, the City can't afford it	0%	2%	10%	0%	13%
No need, other facilities available, will be underutilised,"white elephant"	0%	0%	13%	0%	13%
Cheaper than option A, good compromise for lower cost	0%	10%	0%	0%	10%
The community needs a facility like this, it will be fit for purpose	8%	0%	0%	0%	8%
Economic growth, business and employment opportunities	6%	0%	0%	0%	6%
Option B is adequate, won't use all features that option A offers	0%	6%	0%	0%	6%
Similar venues are running at a loss, operating costs will be too high	0%	0%	6%	0%	6%
Money would be better spent on other services and facilities	0%	0%	6%	0%	6%
No response / prefer not to say	2%	2%	4%	0%	8%
Total	50%	23%	27%	0%	100%

Q. Which of the following options do you prefer for the Busselton Performing Arts and Convention Centre? Q. Please explain reasons for your preferred option.

Reasons for preferring option A, B or C among visitors

Base: Visitors (n = 93). Table shows reasons when mentioned by 5% or more respondents in total.

% of respondents (table %)	Option A	Option B	Option C	Unsure	Total
Support arts and culture	30%	2%	0%	0%	32%
The community needs a facility like this, it will be fit for purpose	13%	1%	0%	0%	14%
Accommodating future growth and investing in the future of the region	13%	1%	0%	0%	14%
Do it properly the first time - the original design is the best option	13%	0%	0%	0%	13%
Cheaper than option A, good compromise for lower cost	0%	12%	0%	0%	12%
Providing entertainment for tourists and growing tourism	9%	2%	0%	0%	11%
Impressive looking, state of the art / world class facility	9%	0%	0%	0%	9%
Economic growth, business and employment opportunities	8%	1%	0%	0%	9%
Increased seating capacity and able to accommodate larger performances	8%	0%	0%	0%	8%
Worth the extra investment, provides value for money	6%	0%	0%	0%	6%
Helps position Busselton as the "events capital of WA"	5%	0%	0%	0%	5%
Reduce need to travel far to other art and cultural venues	5%	0%	0%	0%	5%
No response	16%	3%	1%	1%	22%
Total	73%	17%	9%*	1%	100%

Q. Which of the following options do you prefer for the Busselton Performing Arts and Convention Centre? Q. Please explain reasons for your preferred option.

* The most frequently mentioned reasons for Option C were costs too high (2%), will be underutilized (2%) and similar venues running at a loss (2%).

Reasons for preferring option A, B or C among businesses

Base: Businesses (n = 562). Table shows reasons when mentioned by 5% or more respondents in total.

% of respondents (table %)	Option A	Option B	Option C	Unsure	Total
Concerned about additional pressure on ratepayers, rates increases	0%	0%	23%	0%	23%
No need, other facilities available, will be underutilised,"white elephant"	0%	0%	22%	1%	22%
Cost is too high, the City can't afford it	0%	0%	17%	1%	18%
Money would be better spent on other services and facilities	0%	0%	17%	0%	17%
Support arts and culture	14%	0%	0%	0%	14%
Accommodating future growth / investing in the future of the region	13%	0%	0%	0%	13%
Similar venues are running at a loss, operating costs will be too high	0%	0%	11%	0%	11%
Do it properly the first time - the original design is the best option	10%	0%	0%	0%	10%
The community needs a facility like this, it will be fit for purpose	7%	0%	0%	0%	7%
Economic growth, business and employment opportunities	6%	0%	0%	0%	6%
Inappropriate location, site is too small, doesn't fit with the heritage area	0%	0%	5%	1%	6%
Cheaper than option A, good compromise for lower cost	0%	5%	0%	0%	5%
Reduce need to travel far to other art and cultural venues	4%	1%	0%	0%	5%
Insufficient parking onsite, parking in town is too far away	0%	0%	5%	0%	5%
No response	4%	2%	3%	0%	10%
Total	36%	10%	52%	2%	100%

Q. Which of the following options do you prefer for the Busselton Performing Arts and Convention Centre? Q. Please explain reasons for your preferred option.

Perceived importance of a performing arts and convention centre.

Perceived importance

Community opinion is polarised on the importance of having a purpose-built performing arts and convention centre.

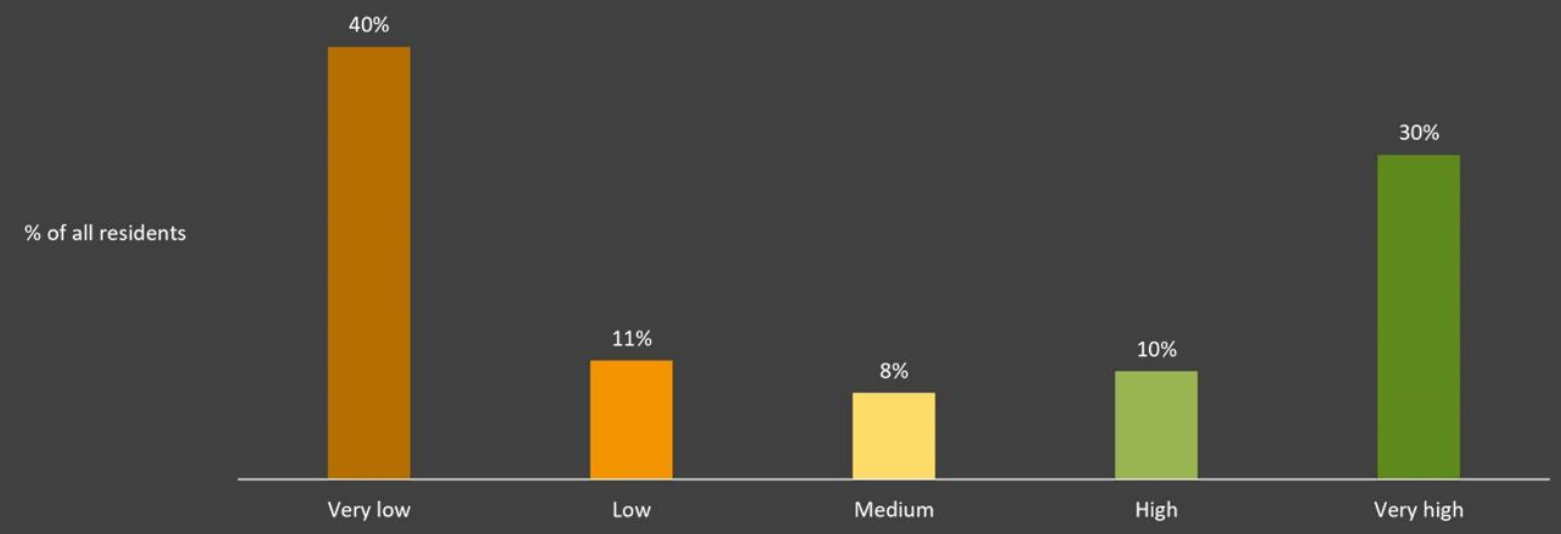
- **40% express very low importance.**

  Importance ratings are lower among owner-occupiers, males, older adults, and in rural and rural residential areas.

- **30% express very high importance.**

  Importance ratings are higher among visitors, renters, youth and younger adults, females and residents in Yallingup.

Perceived importance of having a dedicated purpose-built performing arts and convention centre among local residents



	Very low	Low	Medium	High	Very high
Random sample	40%	13%	12%	13%	23%
Opt-in sample	41%	10%	8%	10%	32%

Q. How important is it to you to have a dedicated purpose-built performing arts and convention centre within the City of Busselton district?
Base: Local residents (n = 2,099), random (n = 418), opt in (n = 1,681). Excludes unsure and no response.

How important is it to you to have a dedicated purpose-built performing arts and convention centre within the City of Busselton district?

Base: Residents (n = 2,099), Out of area ratepayers (n = 48), Visitors (n = 90), Businesses (n = 560), Council affiliated (n = 108). Excludes unsure and no response.

% of respondents (row %)	Very low	Low	Medium	High	Very High	Mean rating
All residents	40%	11%	8%	10%	30%	2.8
Tenure						
Owner-occupier	44%	11%	8%	9%	27%	2.6
Renting / other	23%	8%	9%	16%	44%	3.5
Location						
Busselton	38%	12%	8%	10%	31%	2.9
Busselton urban rural	44%	11%	6%	10%	29%	2.7
Dunsborough	41%	8%	10%	10%	31%	2.8
Yallingup	36%	11%	5%	12%	37%	3.0
Rural and rural residential	46%	12%	11%	10%	21%	2.5
Gender						
Male	48%	11%	8%	9%	24%	2.5
Female	33%	11%	9%	12%	35%	3.0
Gender diverse	67%	8%	0%	0%	25%	2.1
Age						
Youth: 14-17 years	17%	4%	11%	33%	35%	3.7
Younger adult: 18-34 years	32%	10%	7%	10%	42%	3.2
Middle adult: 35-54 years	45%	8%	8%	9%	30%	2.7
Older adult: 55+ years	45%	15%	10%	8%	23%	2.5
Lifestage						
Have children	39%	8%	8%	12%	34%	2.9
Do not have children	42%	13%	9%	10%	27%	2.7
Non-resident groups						
Out of area ratepayers	25%	4%	10%	21%	40%	3.5
Visitors	4%	2%	9%	20%	64%	4.4
Businesses	42%	9%	8%	9%	33%	2.8
Council affiliated	17%	9%	12%	15%	47%	3.7

What will the community use this centre for?

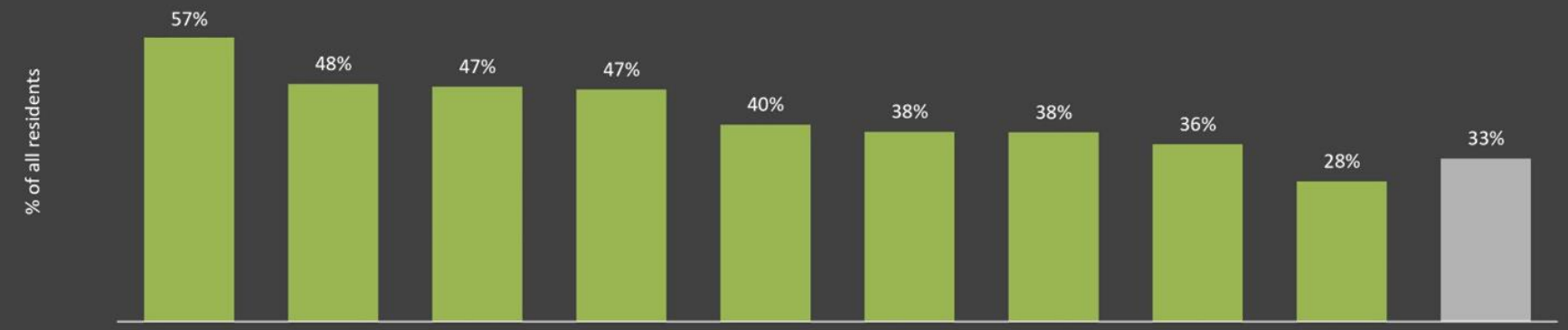
Interest in activities and events

There is greatest interest in attending music concerts, followed by theatre performances, festivals (such as CinefestOZ films) and comedy or cabaret shows at a proposed performing arts and convention centre.

Interest in attending activities and events at the proposed centre tends to be higher among females, parents with children, youth, people who are renting and visitors.

There is least interest among older residents and businesses.

Activities and events of interest among local residents



	Music concerts	Theatre performances and rehearsals	Festivals (such as CinefestOz films)	Comedy or cabaret shows	Art Gallery exhibitions (hosting state and national touring exhibitions)	Conventions, expos or trade shows	Gala dinners, graduations, awards nights, celebrations or fundraising events	Student performances (Christmas concerts, dance, music, choir, etc)	Children or adult classes (dance, music, theatre, choir, etc)	None of these
Random	57%	48%	48%	49%	45%	39%	34%	33%	22%	30%
Opt-in	57%	48%	47%	46%	38%	38%	39%	36%	30%	33%

Q. If a performing arts and convention centre was built in the City of Busselton district, which of the following activities or events would you be interested in attending or taking part in?
Base: Local residents (n = 1,923). Excludes unsure and no response.

If a performing arts and convention centre was built in the City of Busselton district, which of the following activities or events would you be interested in attending or taking part in?

Base: Residents (n = 1,923), Out of area ratepayers (n = 45), Visitors (n = 92), Businesses (n = 523), Council affiliated (n = 105).
Excludes unsure and no response.

% of respondents (row %)	Music	Theatre	Festivals (CinefestOZ)	Comedy or cabaret	Art exhibitions	Conventions, expos or trade shows	Gala dinners	Student performances	Children or adult classes	None of these
All residents	57%	48%	47%	47%	40%	38%	38%	36%	28%	33%
Tenure										
Owner-occupier	54%	45%	44%	44%	39%	36%	34%	32%	24%	36%
Renting / other	73%	61%	60%	57%	44%	48%	55%	52%	45%	17%
Location										
Busselton	58%	49%	48%	47%	40%	38%	39%	35%	26%	32%
Busselton urban rural	57%	47%	43%	43%	32%	38%	37%	41%	32%	34%
Dunsborough	54%	49%	55%	50%	49%	40%	38%	36%	31%	34%
Yallingup	60%	54%	53%	46%	52%	35%	35%	29%	26%	28%
Rural and rural residential	53%	41%	41%	45%	38%	40%	37%	28%	27%	35%
Gender										
Male	49%	37%	39%	40%	30%	35%	29%	27%	18%	41%
Female	65%	58%	56%	52%	48%	41%	47%	44%	38%	24%
Gender diverse	26%	26%	19%	34%	26%	26%	7%	11%	19%	66%
Age										
Youth: 14-17 years	73%	60%	67%	58%	30%	34%	53%	66%	45%	13%
Younger adult: 18-34 years	67%	53%	55%	57%	41%	51%	52%	46%	43%	25%
Middle adult: 35-54 years	55%	46%	47%	47%	39%	41%	42%	38%	30%	35%
Older adult: 55+ years	51%	44%	40%	39%	41%	30%	25%	23%	15%	38%
Lifestage										
Have children	59%	51%	51%	50%	39%	43%	47%	48%	38%	30%
Do not have children	56%	46%	44%	44%	41%	35%	32%	26%	21%	33%
Non-residents										
Out of area ratepayers	73%	62%	62%	47%	67%	47%	38%	31%	40%	13%
Visitors	78%	86%	75%	52%	61%	51%	47%	58%	55%	4%
Businesses	55%	49%	50%	49%	44%	43%	45%	38%	31%	34%
Council affiliated	74%	73%	73%	65%	62%	61%	53%	47%	36%	15%

CATALYSE

ADOPTION BY EXCEPTION RESOLUTION

At this juncture the Mayor advised the meeting that, with the exception of the items identified to be withdrawn for discussion, the remaining reports, including the Committee and Officer Recommendations, will be adopted en bloc, i.e. all together.

COUNCIL DECISION

C2109/195 Moved Councillor J Barrett-Lennard, seconded Councillor K Hick

That the Committee Recommendations for items 12.1 and 12.3 and the Officer Recommendations in relation to items 14.1 and 17.1 be carried en bloc:

12.1 Airport Advisory Committee - 18/8/2021 - BUSSELTON MARGARET RIVER AIRPORT - AIRPORT UPDATE

12.3 Policy and Legislation Committee - 24/8/2021 - REVIEW OF COUNCIL POLICY: RISK MANAGEMENT

14.1 RFT 07/21 - STREET AND DRAIN CLEANING SERVICES

17.1 COUNCILLORS' INFORMATION BULLETIN:

CARRIED 9/0

EN BLOC

12.1 Airport Advisory Committee - 18/8/2021 - BUSSELTON MARGARET RIVER AIRPORT - AIRPORT UPDATE

STRATEGIC THEME	OPPORTUNITY - A vibrant City with diverse opportunities and a prosperous economy.
STRATEGIC PRIORITY	3.4 Develop aviation opportunities at the Busselton Margaret River Airport.
SUBJECT INDEX	Airport Operations
BUSINESS UNIT	Commercial Services
REPORTING OFFICER	Airport Operations Coordinator - David Russell
AUTHORISING OFFICER	Director, Community and Commercial Services - Naomi Searle
NATURE OF DECISION	Noting: The item is simply for information purposes and noting
VOTING REQUIREMENT	Simple Majority
ATTACHMENTS	Nil

This item was considered by the Airport Advisory Committee at its meeting on 18/8/2021, the recommendations from which have been included in this report.

The committee recommendation was moved and carried.

COUNCIL DECISION

C2109/196 Moved Councillor J Barrett-Lennard, seconded Councillor K Hick

That the Airport Advisory Committee receives and notes the Airport Operations Report.

CARRIED 9/0

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OFFICER RECOMMENDATION

That the Airport Advisory Committee receives and notes the Airport Operations Report.

EXECUTIVE SUMMARY

This report provides an overview of the operations and activities of the Busselton Margaret River Airport (BMRA) for the reporting period 1 July 2020 - 30 June 2021. This includes an update on passenger numbers, aircraft landings, and actions relating to COVID-19 and general airport operations.

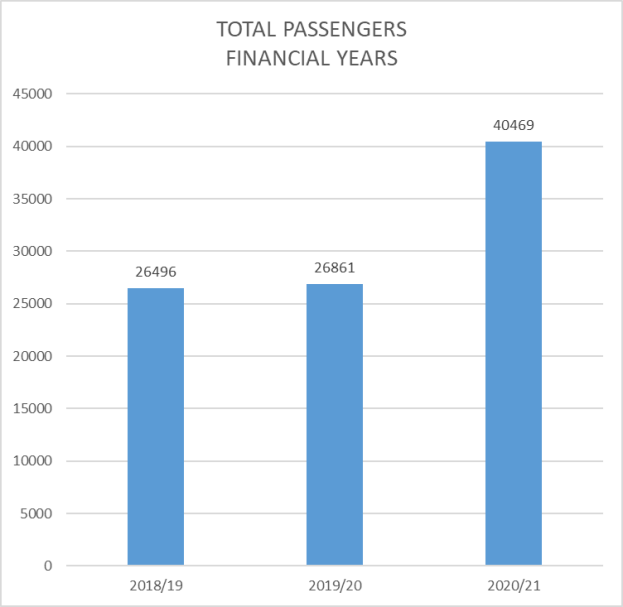
BACKGROUND

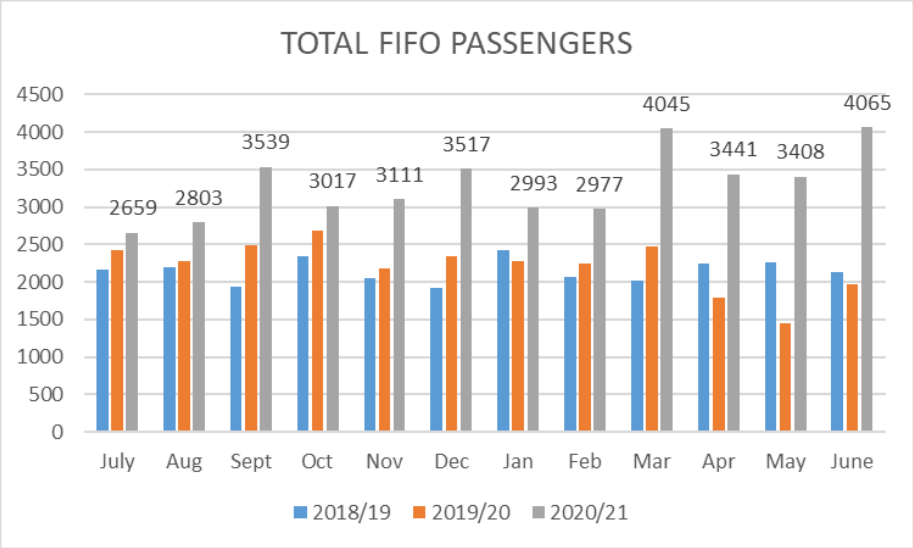
Focus in the 2020/21 financial year centred on the preparation for the commencement of Jetstar Regular Passenger Transport (RPT) services between Melbourne and Busselton. This has resulted in increased regulatory requirements, with the BMRA upgrading from a security classified category 6 to tier 2 airport and the implementation of a new Transport Security Program.

As a result of the COVID-19 pandemic, and Federal and State Government restrictions, the launch of the RPT services has been deferred on five occasions with a revised commencement date of 1 September 2021, dependent on COVID-19 travel and interstate border restrictions being lifted.

Passenger Numbers

During the 2020/2021 financial year, the airport has seen a significant increase in the overall passenger numbers totalling 40,469 compared to 26,496 passengers for 2019/2020. This can be attributed to an increase in the overall number of fly-in-fly-out (FIFO) passengers and an increase in private charter operations which saw 1,223 ad hoc passengers pass through the BMRA in 2020/21 compared to 241 passengers for 2019/20.



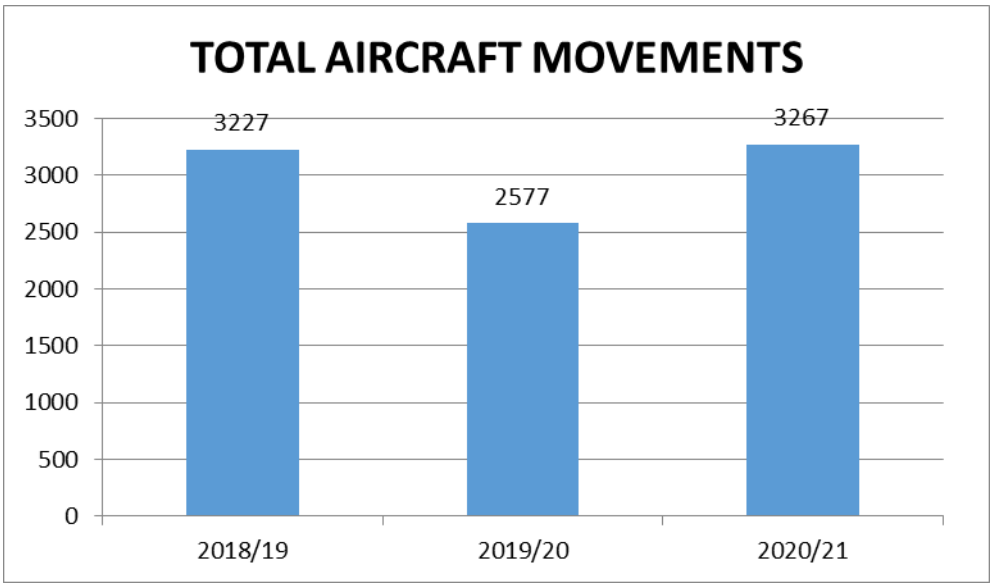


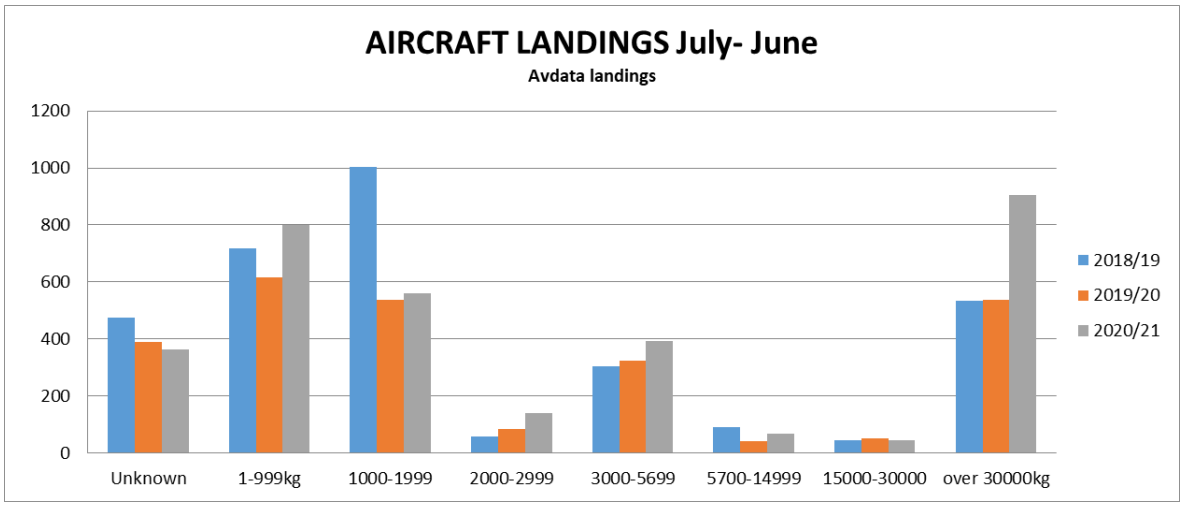
Aircraft Movements

A total of 3,267 aircraft landings were recorded for the reporting period, an increase of 690 landings for the same period in 2019/20 (2,577). The increase can be attributed to:

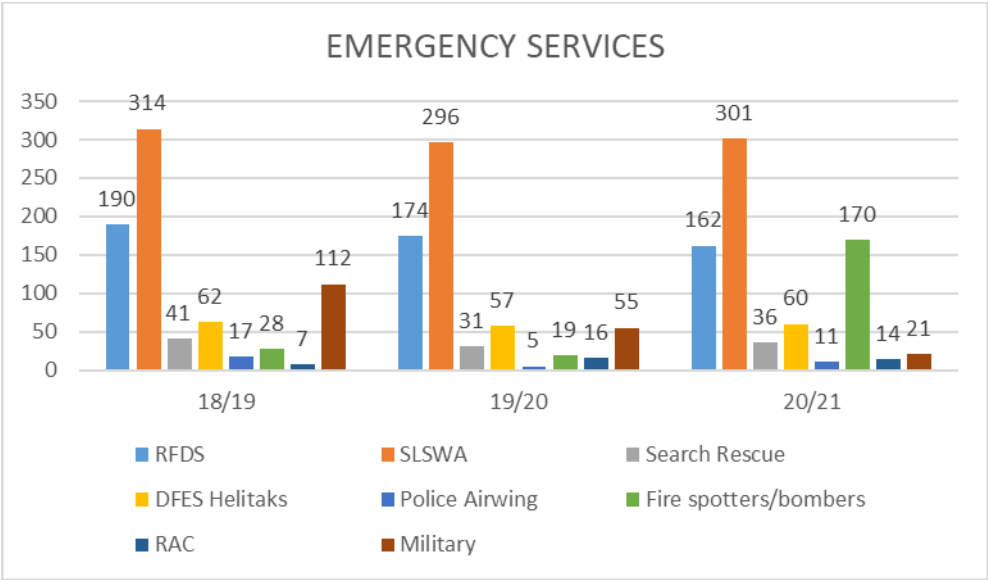
- FIFO charter aircraft landings (over 30,000kg category) rising from 537 in 2019/20 to 905 in 2020/21;
- Firefighting aircraft landings of 76 in 2019/20 compared to 230 in 2020/21; and
- The Busselton Aeroclub's increased activity of 94 landings.

The total number of FIFO services using BMRA is currently 15 flights (30 movements) per week utilising the F100 and A320 aircraft with two new F70 services expected to commence on Thursday 19 August 2021.





The increase in emergency services landings is mainly due to firefighting water bomber and fire spotter aircraft operations. The table below includes all emergency service operations including approved training flights for emergency services.



Carpark

There are currently 831 car park patrons using the FIFO swipe card system, with an average of 234 vehicles utilising the car park per day for the period 1 January – 31 June 2021. The highest number of vehicles parked on one day has been 348 (recorded on 22 June) out of an available 422 bays.

Operations

The focus for the reporting period has been on:

- The continued operational readiness for Jetstar's Melbourne to Busselton RPT service.
- CASA and Home Affairs surveillance audits.
- Preparation of new BMRA Aerodrome Manual submitted to CASA in early December for review, with approval and issue of the new Aerodrome Certificate received in April.
- Establishment of DFES operations and re-fuelling support of firefighting aircraft.

As at 12 January 2021, the West Australian Government introduced a directive under the *Emergency Management Act 2005 (WA)* for all persons entering Airport terminal facilities to wear face masks. A further amendment, Number 3 Contact Register Directions, was implemented on 22 July 2021 requiring all persons entering an airport terminal to register via a QR code or manual registration.

Signage has been placed on the terminal entry doors and when there are no scheduled flights, the terminal doors are locked to prevent access. QR codes and registers have been placed in both the terminal and arrivals hall.

Hangar Leases

Hangar leases and hire agreements by emergency services and private operators continue to occupy 10 of the 12 hangars owned by the City of Busselton. The remaining two hangars are being used to store aircraft ground servicing equipment and airport maintenance equipment owned by the City and the ground handling operator. City officers will continue to liaise with emergency services and aircraft owners to secure interest in the existing hangars and new general aviation precinct.

International Alternate Airport

In March 2019, BMRA was designated as an alternate international airport by the Department of Infrastructure, Regional Development and Communications. This allows international aircraft to land at the BMRA when Perth Airport is unavailable due to inclement weather or closure. The City has granted approval for the Qantas Group and Virgin Australia to use BMRA as an alternate to Perth Airport for domestic operations only at this stage. The City has also approved two freight carriers to use BMRA as an alternate on three occasions on an ad hoc basis for operations into Perth airport.

Aviation Projects has been engaged to further assess the opportunity with selected international airlines, with initial feedback proving positive. Ongoing dialogue will continue and a final report will be provided to the City by the end of October.

Regional Airports Development Scheme (RADS) Grant 2019-21

The Department of Transport (DoT) has been developing an asset and financial management framework for all Western Australian Airports to implement. The Strategic Airport Assets and Financial Management Framework (Framework) aims to enable a consistent, transparent and documented approach to the management of airports across Western Australia. The City of Busselton has been allocated up to $50,000 (exc. GST) for the development of this framework however DoT has been delayed in providing the framework templates used for the project. DoT expect to release the templates and funding agreement in August 2021.

Regional Airports Development Scheme (RADS) Grants 2021-23

The DoT RADS 2021-23 Scheme includes a COVID-19 stimulus initiative to support the State's COVID-19 economic recovery. RADS funding will cover up to 75% of the total eligible project cost for successful projects that can be completed prior to 31 December 2021. The City received the funding agreement on 19 May 2021 for the completion of general aviation (GA) precinct fencing to allow airside/landside access for future hangar owners/tenants. It is anticipated that the funding for this project will be split 50:50 with the Federal government under the below Regional Airports Program (RAP) Round 2.

Regional Airports Program (RAP) Round 2 grant opportunity

Applications for the Department of Infrastructure, Transport, Regional Development and Communications RAP Round 2 grant funding program closed on 18 December 2020. The key objective of the RAP is to improve the safety and accessibility of airports or aerodromes in regional areas by assisting aerodrome owners/operators to undertake essential works, promoting aviation safety, and enhancing access for regional communities. As the City falls under the category of an Australian local government agency or body and the total project cost is equal to or less than $300,000, Federal funding will cover up to 100% of eligible project costs.

The City has been successful to receive funding under this program for:

- Relocation of the Royal Flying Doctor's Service (RFDS)/St Johns transfer station from the central apron to the emergency services precinct. The total cost of this project is $188,665.
- Extension of the central apron northern shoulders to facilitate extended taxiing guideline markings and apron edge clearance for A320 and B737 aircraft utilising bay 11 for RPT operations. Total cost of this project $88,100.
- Completion of a general aviation (GA) precinct fencing to allow airside/landside access for future hangar owners/tenants to the value of $23,235. Funding for this project will be split 50:50 with the State Government under the above Regional Airports Development Scheme 2021-23 (RADS).

City officers have received and replied to the above funding RAP agreements and are now awaiting confirmation of funding conditions.

Domestic Airports Security Costs Support Program (DASCS)

The City of Busselton was invited to apply and was accepted for the DASCS grant funding program earlier in the year. The program announced on 11 March 2021 as part of the Australian Government's Tourism and Aviation's flight path to recovery support package aims to support regional airports with security screening costs. The funding program period was originally from 29 March to 30 September 2021 however the Federal Government announced on 3 August 2021 that the program will be extended to 31 December 2021.

The Program will reimburse Grantees for eligible costs associated with passenger and baggage security screening operations required under the Regulations with a maximum grant amount for the BMRA of $300,000.

The City of Busselton has now entered into a funding agreement to receive the support funding which will extend from the commencement of the first RPT service through to the 31 December 2021.

OFFICER COMMENT

FIFO passenger numbers through the BMRA have increased significantly in comparison to previous years and officers expect passenger numbers to continue to increase as FIFO employment recruiting from the South West continues. The 15 flights per week currently operating are servicing RioTinto, with an additional two services per week set to commence this month to service BHP.

The increase and additional resource sector companies commencing services from BMRA, together with Busselton – Melbourne RPT services once commenced, could see passenger numbers increase to 60,000 this financial year.

Officers continue to liaise regularly with Jetstar executives and operations teams for the commencement of the Busselton - Melbourne flights expected on 1 September 2021. BMRA is operationally ready to commence RPT services with the exception of the security screening contractor's team who need to be redeployed and complete final training.

Officers are continuing to liaise with the RAAF regarding the RAAF centenary which occurred on 31 March 2021. Officers are planning to host a BMRA Open Day on 7 November 2021 for the community to come and view the upgraded Airport facilities, and take the opportunity to invite the RAAF to celebrate their centenary at the same time. Officers will also invite the Busselton Aero Club to participate in the open day by hosting a general aviation 'fly in' and ground display of recreation and general aviation aircraft.

Busselton Margaret River Airport General Aviation (GA) Precinct

Officers advertised an expression of interest for hangar lot leases in the new GA precinct in 2019. While there was some interest shown, no lease agreements were entered into. Feedback from interested parties at the time indicated that capital funding for hangar construction was difficult to secure and there were concerns relating to the term of the leases (21 years) and no buy-back clauses for hangar infrastructure at the end of the lease term. As such City officers will advertise for expressions of interest to lease hangars at improved market rent value and on commitment of signing a lease which ensures that the City invests based on demand for hangars. Council (C2102/092) endorsed the allocation of $210,000 in the 2021/22 budget for the construction of up to three 10m x 15m sized GA hangars, noting that officers have been informed that construction costs for hangers has increased by 30% as of 1 August 2021 and lead times for delivery are now approximately 6 months.

Noise Management Plan Review

The BMRA currently operates under Ministerial Statement 1088 which was issued on 7 January 2019 (Statement) and the Busselton Margaret River Airport Noise Management Plan 2019 – Version 2 (NMP). The Statement determines that within three months of each three year period (from the date of issue of the Statement) a report is to be submitted to the CEO of the Environmental Protection Authority (EPA) which reviews the effectiveness of the NMP. The report is to include but be limited to:

1. noise monitoring results;
2. noise amelioration assessments and/or implementation;
3. number of complaints received and actions taken to resolve complaints;
4. published flight paths to minimise impacts; and
5. the findings of the review to determine the effectiveness of the Busselton Margaret River Airport Noise Management Plan.

The NMP further defines this review as being undertaken in conjunction with the Airport Advisory Committee and includes consultation with key stakeholders, including the community, industry, government agencies and airport users.

The Airport team in conjunction with the City's Environmental Health team have been undertaking noise monitoring for the last two months and will use this information in the review, as well as information collected on flight approaches/departures and flight paths over the past 12 months, recorded complaints, and stakeholder feedback.

A report detailing the results of the review and effectiveness of the current NMP and any recommendations for amendments to the NMP will be presented to the Airport Advisory Committee in October 2021.

Terminal Advertising

The terminal expansion works completed in March 2020 in preparation for the Jetstar RPT services included the installation of an electronic advertising screen and static light boxes in the new Arrivals Hall. Advertising commenced on 1 June 2021 with nine companies / organisations booking advertising in three month slots. The electronic screen is operating with a 90% subscription rate and the two static light boxes are booked for the first three months with waitlists in place for future bookings.

Adventure Warbird Joy Flights

City officers have received a request from Outback Aviation Logistics Pty Ltd to approve an "Adventure Warbird" style joy flight service from BMRA on an "ad hoc" basis, based on the demand for that type of flight experience. The aircraft is a vintage 1968 Agusta-Bell 205A helicopter that is registered and conforms to all of the requirements imposed by the Civil Aircraft Safety Authority (CASA) and the Australian Warbirds Association. The pilot has been flying since 1990, both fixed wing and rotary aircraft in a commercial and recreational capacity all around the world. The aircraft will be stored in a hangar that is currently tenanted by another company until suitable hangarage can be obtained by the operator. The operator will need to comply with the conditions in the BMRA Noise Management Plan and has been requested to provide noise data and proposed schedules for operations based from the BMRA.

Statutory Environment

The BMRA operates in accordance with the following:

- *Aviation Transport Security Act 2004*
- *Aviation Transport Security Regulations 2005*
- CASA Manual of Standards 139 (Aerodromes)
- City of Busselton Transport Security Plan
- Ministerial Statement 1088
- City policies and procedures

Relevant Plans and Policies

The BMRA operates under the Busselton Margaret River Airport Noise Management Plan 2019.

Financial Implications

Operating income for 2020/21 financial year totalled $1,841,092, an increase of $165,292 than the projected annual budget of $1,675,800. There are a few factors contributing to this result with greater than expected revenue realised for:

- landing fees - $721,302 actual compared to $408,000 budgeted due to an increase in FIFO charter activity, military aircraft delivering materials for the DFES firefighting activities and ad hoc charter flights;
- hangar leases - $72,818 actual compared to $31,900 budgeted with increased interest in short term hangar leases;
- airport sundry income - $54,247 actual compared to $800 budgeted resulting from ad hoc landside licences;
- car parking - $402,576 actual compared to $381,500 budgeted; and
- operating contributions - $123,000 actual compared to $50,000 budgeted which included marketing contributions from other local governments and grant funding allocations.

Noting that the year-end actual revenue received was also offset by a total of $350,687 in revenue not received in areas such as security screening ($162,350), passenger fees ($159,837) and car hire fees ($28,500) which can all be attribute to the delay of RPT services.

The 2020/21 financial year actual operating expenses of $1,583,734 (including depreciation) are lower than budgeted operating expenses of $3,302,571. The main variances between actual and budgeted expenditure can be attributed to the following not being expended due to the delay in RPT services; Airport screening services ($183,000), marketing and promotions ($1,441,667) and the airline attraction program ($211,000). Noting that actual depreciation expenses incurred totalled $767,989 compared to budgeted expense of $694,670.

Stakeholder Consultation

Consultation has been occurring on a regular basis with Department of Transport, Government agencies, airport stakeholders, Department of Home Affairs, Aviation Marine Security (AMS), Civil Aviation Safety Authority (CASA), Air Services Australia, Virgin Australia Regional Airline, Qantas Group, the Busselton Aero Club, Albany, Esperance, Geraldton Airports and Australian Airports Association, concerning many topics and issues relating to the Airport.

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. No risks of a medium or greater level have been identified.

Options

The Airport Advisory Committee may choose not to receive and note the Airport Operations Report.

CONCLUSION

The Airport team has had a busy financial year working with the firefighting aircraft and readiness for the commencement of RPT services and capital works projects. Unfortunately, due to the COVID-19 pandemic, commercial investment opportunities have slowed and is proving difficult for Officers to progress. As COVID-19 restrictions begin to lift within Australia and the aviation industry begins its recovery and airlines recommence operations, there will be potential for officers to market and attract various commercial and investment opportunities at the BMRA.

Officers will continue to provide a high level of customer service to ensure the airport is compliant, safe and security is maintained throughout.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Not applicable.

12.3 Policy and Legislation Committee - 24/8/2021 - REVIEW OF COUNCIL POLICY: RISK MANAGEMENT

STRATEGIC THEME	LEADERSHIP - A Council that connects with the community and is accountable in its decision making.
STRATEGIC PRIORITY	4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
SUBJECT INDEX	Council Policies
BUSINESS UNIT	Corporate Services
REPORTING OFFICER	Manager Governance and Corporate Services - Sarah Pierson
AUTHORISING OFFICER	Director Finance and Corporate Services - Tony Nottle
NATURE OF DECISION	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations
VOTING REQUIREMENT	Simple Majority
ATTACHMENTS	Attachment A Proposed Policy: Risk Management Attachment B Current Policy: Risk Management Attachment C Proposed Policy: Risk Management with Committee Amendments

This item was considered by the Policy and Legislation Committee at its meeting on 24/8/2021, the recommendations from which have been included in this report.

The committee recommendation was moved and carried.

COUNCIL DECISION

C2109/197 Moved Councillor J Barrett-Lennard, seconded Deputy Mayor K Hick

That the Council adopt the amended Council Policy: Risk Management (Attachment A) inclusive of Committee amendments as per Attachment C, to replace the current policy (Attachment B).

CARRIED 9/0

EN BLOC

Reasons: The committee recommended amendments to the proposed policy to improve the readability and intent of the policy.

OFFICER RECOMMENDATION

That the Council adopt the amended Council Policy: Risk Management (Attachment A) to replace the current policy (Attachment B).

EXECUTIVE SUMMARY

This report presents a revised Council policy - Risk Management (the Policy) (Attachment A). The Policy has been revised as part of the City's regular cycle of review of its Council policies and is recommended for endorsement by Council. The current policy is included at Attachment B for reference.

BACKGROUND

The Policy was originally adopted in May 2006 to demonstrate the City's commitment to the development of a culture of risk-based decision making aimed at the effective management of potential opportunities and the reduction of the downside impacts of risk.

Since its adoption, the Policy has been reviewed five times, the latest in 2018, where the Policy was amended to incorporate the recommendations of Mr John Woodhouse's Review of Governance Systems and Processes conducted in 2017, including transfer into a new policy template. As a result of this review, the Policy's reference to the relevant Australian Standard was updated and the Policy renamed from 'Organisation Wide Risk Management' to simply 'Risk Management'.

OFFICER COMMENT

The City's internal Risk Management Committee (made up of the Director Finance and Corporate Services, the Manager Governance and Corporate Services, the Risk Systems Officer, and representatives from across the organisation) is currently conducting an annual review of the committee's effectiveness, including a review of the risk policy and the Committee's terms of reference.

The Risk Management Committee discussed the relevance of the Policy and whether, given that the City has an established Risk Management Framework and that reporting requirements in relation to risk exist under the *Local Government Act 1995* (the Act), it should be retained or rescinded. The committee felt that the Policy provides an important statement of commitment to the development and management of a risk management culture and the establishment and implementation of a risk management framework based on international standards of risk management (ISO 31000 Standard).

It also supports the functions of the Audit Committee of Council established under the Act, and the functions of the CEO in relation to risk and risk reporting. Officers are currently reviewing the terms of reference of the Audit Committee and will be proposing that the Committee be renamed Audit and Risk Committee and that its objectives be amended to more specifically include risk and more regular risk reporting. Given this, the Risk Management Committee felt that the Policy should be retained. It is recognised that the option of rescission was a valid one.

The Policy has been transferred into the City's recently updated policy template (to align with the review of the City's style guide), with minor amendments to further streamline the Policy. It is essentially a statement of commitment. The Strategic Context has also been amended to reflect the new Strategic Community Plan 2021 – 2031. The revised Policy can be seen at Attachment A.

Statutory Environment

In accordance with section 2.7(2(b) of the *Local Government Act 1995* (the Act) it is the role of the Council to determine the local government policies. The Council does this on recommendation of a Committee it has established in accordance with section 5.8 of the Act.

In accordance with regulation 17 of the *Local Government (Audit) Regulations 1996*, the CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to risk management, as well as internal control and legislative compliance. This review was last reported to Council in June 2021.

Relevant Plans and Policies

There are no relevant plans or policies to consider in relation to this matter.

Financial Implications

There are no financial implications associated with the officer recommendation.

Stakeholder Consultation

No external stakeholder consultation was required or undertaken in relation to this matter.

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. No risks of a medium or greater level have been identified.

Options

As an alternative to the proposed recommendation the Council could:

1. Propose further revisions to the Policy; or
2. Propose that the Policy be rescinded, given the City has an established Risk Management Framework, an Audit Committee of Council (proposed to be expanded to Audit and Risk), and that reporting requirements in relation to risk management exist under the Act.

CONCLUSION

The Policy has been reviewed by officers and was found to be of continuing importance and relevance as a statement of commitment to effective risk management. The revised Policy: Risk Management is presented to Council for its adoption.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Policy will be published to the City's website within one week of Council's adoption.

City of Busselton
Geographe Bay

Council Policy

Council Policy Name: Risk Management
Responsible Directorate: Finance and Corporate Services **Version:** Proposed

1. PURPOSE

1.1. The purpose of this Policy is to demonstrate the City of Busselton's commitment to a culture of risk based decision making directed towards the effective management of potential opportunities and reduction of the potential impacts of risk.

2. SCOPE

2.1. This Policy is applicable to all City operations.

3. DEFINITIONS

Term	Meaning
Policy	this City of Busselton Council policy titled "Risk Management"

4. STRATEGIC CONTEXT

4.1. This Policy links to Strategic Key Theme 4. LEADERSHIP - A Council that connects with the community and is accountable in its decision making - of the City's Strategic Community Plan 2021 – 2031 and specifically the following Strategic Priority:
a. 4.2: Deliver governance systems that facilitate open, ethical and transparent decision making.

5. POLICY STATEMENT

5.1. Risk management is defined in the ISO 31000 Standard as the coordinated activities to direct and control an organisation with regard to risk. The City of Busselton is committed to the effective management of risk and will implement a risk management framework based on the ISO 31000 Standard to achieve this.

5.2. The Council recognises that adequate resources are needed to implement a risk management framework that effectively manages risk.

5.3. The Council has established an Audit and Risk Committee to assist it in fulfilling its corporate governance, and stewardship responsibilities in relation to risk management.

5.4. The CEO is responsible for establishing risk management framework, systems and processes, and for reporting to the Audit and Risk Committee on risk and the appropriateness and effectiveness of the City's systems and procedures.

6. RELATED DOCUMENTATION / LEGISLATION

6.1. International Standard ISO 31000:2018 - Risk Management Guidelines
6.2. Local Government (Audit) Regulations 1996

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	**DATE**		**Resolution #**	
Previous Adoption	**DATE**	12 December 2018	**Resolution #**	C1812/259

City of Busselton
Geographe Bay

Council Policy

Council Policy Name: Risk Management
Responsible Directorate: Finance and Corporate Services **Version:** Adopted

1. PURPOSE

1.1. The purpose of this Policy is to demonstrate the City of Busselton's commitment to the development of a culture of risk based decision making directed towards the effective management of potential opportunities and reduction of potential impacts of risk.

2. SCOPE

2.1. This Policy is applicable to the City of Busselton and its operations.

3. DEFINITIONS

Term	Meaning
Policy	this City of Busselton Council policy titled "Risk Management"

4. STRATEGIC CONTEXT

4.1. This Policy links to Strategic Theme 4. LEADERSHIP - A Council that connects with the community and is accountable in its decision making, of the City's Strategic Community Plan June 2021 and specifically the following Strategic Priority:
a. 4.2: Deliver governance systems that facilitate open, ethical and transparent decision making.

5. POLICY STATEMENT

5.1. Risk management is defined in the ISO 31000 Standard as the coordinated activities to direct and control an organisation with regard to risk.

5.2. The City of Busselton is committed to the effective management of risk and will implement a risk management framework based on the ISO 31000 Standard to achieve this. The Council recognises that adequate resources are needed to effectively manage risks.

5.3. The Council is responsible for:
a. ensuring that a Risk Management Policy has been developed and adopted;
b. ensuring the Chief Executive Officer has implemented the risk management framework; and
c. establishment of an Audit Committee to assist the Council in fulfilling its corporate governance, stewardship, leadership and control responsibilities in relation to risk management.

5.4. The Chief Executive Officer is responsible for:
a. communicating the Risk Management Policy throughout the City;
b. establishing risk management processes across the City's operations;

5.5. Reviewing the appropriateness and effectiveness of a local government's systems and procedures in relation to risk management, internal control and legislative compliance not less than once every 3 financial years and reporting the results of that review to the audit committee as per Regulation 17 of the *Local Government (Audit) Regulations 1996*.

6. RELATED DOCUMENTATION / LEGISLATION

6.1. International Standard ISO 31000:2018 - Risk Management Guidelines
6.2. Risk Management Framework
6.3. Local Government (Audit) Regulations 1996

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	**DATE**	12 December 2018	**Resolution #**	C1812/259
Previous Adoption	**DATE**	12 October 2016	**Resolution #**	C1610/096

City of Busselton
Geographe Bay

Council Policy

Council Policy Name: Risk Management
Responsible Directorate: Finance and Corporate Services **Version:** Proposed

1. PURPOSE

1.1. The purpose of this Policy is to demonstrate the City of Busselton's commitment to a culture of risk based decision making directed towards the effective management of potential opportunities and reduction of the potential impacts of risk.

2. SCOPE

2.1. This Policy is applicable to all City operations.

3. DEFINITIONS

Term	Meaning
Policy	this City of Busselton Council policy titled "Risk Management"

4. STRATEGIC CONTEXT

4.1. This Policy links to Strategic Key Theme 4. LEADERSHIP - A Council that connects with the community and is accountable in its decision making - of the City's Strategic Community Plan 2021 – 2031 and specifically the following Strategic Priority:
a. 4.2: Deliver governance systems that facilitate open, ethical and transparent decision making.

5. POLICY STATEMENT

5.1. Risk management is defined in the ISO 31000 Standard as the coordinated activities to direct and control an organisation with regard to risk. The City of Busselton is committed to the effective management of risk and will implement ~~a~~ risk management systems and processes ~~framework~~ based on the International Standard ISO 31000 ~~Standard~~ to achieve this.

5.2. The Council recognises that adequate resources are needed to implement a risk management framework that effectively manages risk.

5.3. The Council has established an Audit and Risk Committee to assist it in fulfilling its corporate governance, and stewardship responsibilities in relation to risk management.

5.4. The CEO is responsible for establishing a R~~r~~isk M~~m~~anagement F~~f~~ramework, ~~systems and processes,~~ and for reporting to the Audit and Risk Committee on risk and the appropriateness and effectiveness of the City's systems and procedures.

6. RELATED DOCUMENTATION / LEGISLATION

6.1. International Standard ISO 31000:2018 - Risk Management - Guidelines

~~6.1.~~6.2. City of Busselton Risk Management Framework
~~6.2.~~6.3. *Local Government (Audit) Regulations 1996*

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	**DATE**		**Resolution #**	
Previous Adoption	**DATE**	12 December 2018	**Resolution #**	C1812/259

14.1 RFT 07/21 - STREET AND DRAIN CLEANING SERVICES

STRATEGIC THEME	LIFESTYLE - A place that is relaxed, safe and friendly with services and facilities that support healthy lifestyles and wellbeing.
STRATEGIC PRIORITY	2.12 Provide well maintained community assets through robust asset management practices.
SUBJECT INDEX	Tenders
BUSINESS UNIT	Operation and Works Services
REPORTING OFFICER	Manager, Operation and Works Services - Matthew Twyman
AUTHORISING OFFICER	Director, Engineering and Works Services - Oliver Darby
NATURE OF DECISION	Contractual: To enter into a contract e.g. a lease or the award of a tender etc.
VOTING REQUIREMENT	Simple Majority
ATTACHMENTS	Attachment A Published Under Separate Cover Confidential Tender Evaluation Report - RFT 07/21 Street & Drain Cleaning Services

The officer recommendation was moved and carried.

COUNCIL DECISION

C2109/198 Moved Councillor J Barrett-Lennard, seconded Councillor K Hick

That the Council:

1. **Pursuant to RFT 07/21 Street and Drain Cleaning Services, accept the tender from B & B Street Sweeping Pty Ltd ATF B & B Street Sweeping Trust as being the most advantageous tender.**

2. **Delegates power and authority to the Chief Executive Officer to negotiate and agree minor variations in accordance with Regulation 20 of the *Local Government (Functions and General) Regulations 1996*.**

CARRIED 9/0

EN BLOC

OFFICER RECOMMENDATION

That the Council:

1. **Pursuant to RFT 07/21 Street and Drain Cleaning Services, accept the tender from B & B Street Sweeping Pty Ltd ATF B & B Street Sweeping Trust as being the most advantageous tender.**

2. **Delegates power and authority to the Chief Executive Officer to negotiate and agree minor variations in accordance with Regulation 20 of the *Local Government (Functions and General) Regulations 1996*.**

EXECUTIVE SUMMARY

The City of Busselton invited tenders under Request for Tender RFT 07/21 Street and Drain Cleaning Services (RFT 07/21) for a suitably experienced and qualified contractor to deliver street and drain cleaning services for the City.

This report recommends that Council:

- endorse the outcome of the evaluation panel's assessment;
- delegate power and authority to the CEO to negotiate and agree final terms and conditions with the successful tenderer, B & B Street Sweeping Pty Ltd ATF B & B Street Sweeping Trust T/A B & B Street Sweeping (B & B Street Sweeping).

BACKGROUND

This Contract is for the provision of street and drain cleaning services within the City of Busselton boundary. The services required include (but are not limited to):

- Sweeping of roads; footpaths; car parks and off-road bicycle paths;
- Eduction of drainage pits;
- Jetting of drainage pipes; and
- Eduction of gross pollutant traps (GPTs).

Services are required at various specified frequencies and hours of operation, including emergency after-hours response.

The City generally maintains assets as follows:

- 350km of urban roads are swept at frequencies varying between 1 and 52 times per annum depending on the hierarchy of the road.
- 10km out of 226km of footpaths are swept at frequencies between 4 and 52 times per annum, with a focus on CBD and school areas.
- 20km out of 51km of cycleways are swept at frequencies between 2 and 16 times per annum, with a focus on CBD and school areas.
- Approximately 179,000 m² out of the 291,000m² of car parks are swept between 1 and 26 times per annum with a focus on CBD area.
- Approximately 2,000 out of 11,000 stormwater pits are educted once per annum, with a focus on CBD, light industrial areas and known problem areas.
- Approximately 10km out of 253km of stormwater pipes are jetted once per annum, with a focus on known problem areas.
- 43 gross pollutant traps are serviced annually.

In order for City staff to carry out all services in-house, a large investment in specialised machinery and additional staff would be required, the value of which would be in excess of the contract value.

The current provision for these works is supplied using RFT 15/16, and is delivered by B & B Street Sweeping. The service provided to date by B & B Street Sweeping has been consistently of a very high standard.

OFFICER COMMENT

The City received a total of two submissions as follows:

1. B & B Street Sweeping Pty Ltd ATF B & B Street Sweeping Trust T/A B & B Street Sweeping;
2. Specialised Cleaning Group Pty Ltd T/A Cleansweep.

Assessment Process

On 12 May 2021, tenders were invited via TenderLink and advertised in 'The West Australian' newspaper. Tenders closed on 1 June 2021 and two submissions were received.

In accordance with the City's procurement practices and procedures, assessments were carried out by an evaluation panel comprising City officers with relevant skills and experience. The assessment process included:

(a) Assessing submissions received against relevant compliance criteria. The compliance criteria were not point scored. Each submission was assessed on a Yes/No basis as to whether each criterion was satisfactorily met. All tenders were deemed compliant; and

(b) Assessing submissions received against the Qualitative Criteria and each Criteria was given a score in accordance with the rating scale detailed below.

Qualitative Criteria	Weighting
Relevant Experience	25%
Local Benefit	5%
Tenderer's Resources	10%
Demonstrated Understanding	10%

The net price was scored using the 'Average Based Scoring Method' recommended by WALGA in the 'Local Government Purchasing and Tender Guide'.

The panel members individually assessed the qualitative criteria for each schedule, then met and applied an average to provide a final ranking. The scores were then added together to indicate the rankings.

Summary of Assessment Outcomes

Of the two submissions received for RFT 07/21, B & B Street Sweeping ranked first on the Qualitative Criteria and ranked second in the Weighted Cost Criteria, and ranked first overall, providing a well-documented and detailed submission. Their submission demonstrated a clear understanding of the full range of required street and drain cleaning services.

The submission received from Cleansweep ranked second on the Qualitative Criteria and ranked first in the Weighted Cost Criteria, and ranked second overall. Their submission focussed predominantly on street sweeping and provided little detail of the drainage component of the Tender Requirements.

The drainage component of the Tender Requirements is extremely important as it minimises flooding and ongoing drainage issues associated with Busselton's unique low-lying coastal location, its high water table and the significant root intrusion experienced in the City's drainage network. It is essential that the successful contractor has a thorough understanding of, and relevant experience in, treatment of the abovementioned issues.

Confidential Tender Evaluation Report - RFT 07/21 Street & Drain Cleaning Services (Attachment A) provides further detail of the tender submissions and evaluation (provided under separate cover).

Statutory Environment

In terms of section 3.57 of the Act, a local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods and service. Part 4 of the *Local Government (Functions and General) Regulations 1996*:

- requires that tenders be publicly invited for such contracts where the estimated cost of providing the required goods and/or service exceeds $150,000; and
- under Regulations 11, 14, 18, 20 and 21A, provides the statutory framework for inviting and assessing tenders and awarding contracts pursuant to this process.

The officer's recommendation complies with the above-mentioned legislative requirements.

With a contract duration of up to five years, the estimated expenditure is in excess of $500,000 which is above the Chief Executive Officer's delegated authority.

Relevant Plans and Policies

The City's Purchasing, Regional Price Preference, Occupational Safety and Health, and Asset Management policies, and the City's Engineering Technical Standards and Specifications, were all relevant to RFT 07/21, and have been adhered to in the process of requesting and evaluating this tender.

Financial Implications

The street sweeping and drain cleaning services provided under RFT 07/21 will be funded from the Operating Budget (12600 Street and Drain Cleaning) and Capital Budget. The estimated operating expenditure for the 21/22 financial year based on the rates submitted equates to approximately $460,290. This is within the available allocated budget.

The schedule of rates offered by B & B Street Sweeping have increased by 5% compared to their current schedule of rates at June 2020 (last approved CPI adjustment under RFT 15/16). During the same time period, CPI-All Groups Perth has increased by 4.2%.

A rise and fall price adjustment option for CPI is not included in RFT 07/21, meaning the submitted rates will remain unchanged for the duration of the contract.

Risk Assessment

An assessment of the potential implications of implementing the officer's recommendation has been undertaken using the City's risk management framework, with the intention being to identify risks which, following implementation of controls, are identified as medium or greater. There are no such risks identified, with the preferred tenderer(s) assessed as being capable of delivering the services to a suitable service level.

Options

As an alternative to the proposed recommendation, the Council could:

1. Determine not to accept the tender from B & B Street Sweeping as being the most advantageous to the City to deliver street and drain cleaning services and accept the tender from Cleansweep; or
2. Decline to accept any tender.

CONCLUSION

The submission from B & B Street Sweeping is considered the most advantageous to the City. It is recommended that B & B Street Sweeping be awarded the contract to deliver street and drain cleaning services for the City resulting from RFT 07/21.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

If endorsed by Council, it is expected the City will enter into a contract with B & B Street Sweeping on 1 October 2021 to run for a period of five years with the City having the option of three plus two 1-year extensions under the same terms and conditions as the initial period.

17.1 COUNCILLORS' INFORMATION BULLETIN

STRATEGIC THEME	LEADERSHIP - A Council that connects with the community and is accountable in its decision making.
STRATEGIC PRIORITY	4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
SUBJECT INDEX	Councillors' Information Bulletin
BUSINESS UNIT	Executive Services
REPORTING OFFICER	Reporting Officers - Various
AUTHORISING OFFICER	Chief Executive Officer - Mike Archer
NATURE OF DECISION	Noting: The item is simply for information purposes and noting
VOTING REQUIREMENT	Simple Majority
ATTACHMENTS	Attachment A Current SAT Reviews Attachment B Letter from Hon Jackie Jarvis MLC on behalf of constituent Mr Clement Taylor Attachment C Letter from Department of Water and Environmental Regulation Attachment D Department of Water and Environmental Regulation Compliance Report Attachment E Mitigation Activity Fund Grants Program 2021/22 Round 1 - Funding Schedule

The officer recommendation was moved and carried.

COUNCIL DECISION

C2109/199 Moved Councillor J Barrett-Lennard, seconded Councillor K Hick

That the items from the Councillors' Information Bulletin be noted:

17.1.1 State Administrative Tribunal Reviews

17.1.2 Correspondence from Hon Jackie Jarvis MLC regarding pedestrian crossing on Caves Road, Dunsborough

17.1.3 Letter from Department of Water and Environmental Regulation – Notice of Compliance Audit of Statement 1088

17.1.4 Mitigation Activity Fund Grants Program 2021/22 Round 1 – Successful Application and Next Steps – City of Busselton

CARRIED 9/0

EN BLOC

OFFICER RECOMMENDATION

That the items from the Councillors' Information Bulletin be noted:

17.1.1 State Administrative Tribunal Reviews

17.1.2 Correspondence from Hon Jackie Jarvis MLC regarding pedestrian crossing on Caves Road, Dunsborough

17.1.3 Letter from Department of Water and Environmental Regulation – Notice of Compliance Audit of Statement 1088

17.1.4 Mitigation Activity Fund Grants Program 2021/22 Round 1 - Successful Application and Next Steps - City of Busselton

EXECUTIVE SUMMARY

This report provides an overview of a range of information that is considered appropriate to be formally presented to the Council for its receipt and noting. The information is provided in order to ensure that each Councillor, and the Council, is being kept fully informed, while also acknowledging that these are matters that will also be of interest to the community.

Any matter that is raised in this report as a result of incoming correspondence is to be dealt with as normal business correspondence, but is presented in this bulletin for the information of the Council and the community.

INFORMATION BULLETIN

17.1.1 State Administrative Tribunal Reviews

A summary of the current State Administrative Tribunal Reviews is at Attachment A.

17.1.2 Correspondence from Hon Jackie Jarvis MLC regarding pedestrian crossing on Caves Road, Dunsborough

Correspondence has been received from Hon Jackie Jarvis MLC on behalf of her constituent Mr Clement Taylor addressed to the Minister for Transport, the Hon Rita Saffioti MLA regarding a petition for a pedestrian crossing on Caves Road, Dunsborough. Consideration from the State Government is required as Caves Road is under their control and management, not that of the City. A copy of the correspondence is provided at Attachment B.

17.1.3 Letter from Department of Water and Environmental Regulation – Notice of Compliance Audit of Statement 1088

A letter from the Department of Water and Environmental Regulation and the DWER Compliance Report are provided at Attachment C and Attachment D respectively.

17.1.4 Mitigation Activity Fund Grants Program 2021/22 Round 1 - Successful Application and Next Steps - City of Busselton

The City has recently been advised that it has been successful in securing $500,000 towards bushfire risk mitigation projects as part of the 2021/22 Mitigation Activity Fund (MAF) Grants Programme. $500,000 is the maximum funding that can be provided to an eligible local government per annum as part of the MAF Programme, and a similar amount was also secured last financial year.

The projects that have been funded this financial year, together with estimated costs, are set out in Attachment E.

The projects were prioritised based on the City's Bushfire Risk Management Plan (BRMP), an understanding of the total quantum of funding that may be available, as well as an understanding of operational, environmental and land tenure constraints. As more detailed implementation planning occurs, the costs and priorities may require some adjustment, and City officers will need to use judgement and discretion as part of that process.

Together with the increase in funding for the City's Bushfire Risk Planning Coordinator, half of which has come from the City's own sources and half from the State, allowing an increase in resourcing levels from 0.2FTE to 0.5FTE for this financial year, there has been a substantial increase in resources allocated to bushfire risk mitigation over the last two financial years.

As at 23 August 2021

APPLICATION (Name, No. and City File Reference)	PROPERTY	DATE COMMENCED	DECISION BEING REVIEWED	RESPONSIBLE OFFICER	STAGE COMPLETED	NEXT ACTION AND DATE OF ACTION AS PER SAT ORDERS	DATE COMPLETED / CLOSED
CITY OF BUSSELTON							
Lindberg v City of Busselton	4822 Bussell Highway, Busselton	October 2019	Review of a decision to give a direction under s.214.	Ben Whitehill / Lee Reddell	● Directions hearing on the 8 November 2019 against the decision of the City to give a direction under s.214. ● The matter was adjourned to a further directions hearing on 29 November 2019 in order to determine whether the application is misconceived or lacking in substance pursuant to s.47 of the *State Administrative Tribunal Act 2004* ● Directions hearing on the 29 November 2019 where it was resolved: - The application is amended by substituting Mr Doug Hugh Lindberg as applicant in place of Mr Johnson. - The matter is listed for an on-site mediation on 6 January 2020. - Mr Michael Johnson is invited to attend and participate in the mediation. ● Mediation on 6 January 2020 where it was resolved that : - the applicant is to provide additional information to the respondent by 3 February 2020; - The matter is listed for mediation on 13 February 2020. ● Mediation on 13 February where, following further discussion with the landowners and Mr Johnson, it was resolved to adjourn the proceeding back to a further directions hearing on 17 April 2020. ● Directions hearing on 17 April was vacated and listed for a directions hearing on 5 June 2020. ● Directions hearing on 5 June was vacated and listed for a directions hearing on 7 August 2020. ● Directions hearing on 7 August 2020 was vacated and listed for a directions hearing on 6 November 2020. ● Directions hearing on 6 November 2020 was vacated and listed for a directions hearing on 5 February 2021. ● Directions hearing on 5 February 2021 was vacated and listed for a directions hearing on 7 May 2021. ● Directions hearing on 7 May 2021 was vacated and listed for a directions hearing on 2 July 2021. ● Directions hearing on 2 July 2021 was vacated and listed for a directions hearing on 5 November 2021 whilst proceedings relating to the eviction of the tenant from the land continue in the Magistrates Court.	Directions Hearing 5 November 2021	
JOINT DEVELOPMENT ASSESSMENT PANEL							

APPLICATION (Name, No. and City File Reference)	PROPERTY	DATE COMMENCED	DECISION BEING REVIEWED	RESPONSIBLE OFFICER	STAGE COMPLETED	NEXT ACTION AND DATE OF ACTION AS PER SAT ORDERS	DATE COMPLETED / CLOSED
NIL							
WESTERN AUSTRALIAN PLANNING COMMISSION							
NIL							

Hon Jackie Jarvis MLC

MEMBER FOR THE SOUTH WEST

15 July 2021

HON Rita SAFFIOTI MLA
Minister for Transport; Planning; Ports
9th Floor Dumas House, 2 Havelock Street
WEST PERTH WA 6005
Sent via E-Mail: Minister.Saffioti@dpc.wa.gov.au

Dear Minister Saffiotti

PETITION FOR INSTALLATION OF TRAFFIC LIGHTS ON CAVES ROAD, DUNSBOROUGH

I have recently received representation from constituent Mr. Clement Taylor, regarding the creation of a new pedestrian crossing point on Caves Road in Dunsborough.

Attached is the *"Petition For A Safe Crossing Caves Road/Clubhouse Drive Junction"* created by Mr. Taylor with 186 signatures from local residents and visitors to the area, which states:

> *There is an urgent need for a safe crossing of Caves Road. To be situated 50 metres east of Club House Drive, for all ages to safely cross Caves Road. There is already a footpath out to Caves Road from the beachside. The proposal is for a traffic light that can only be activated a maximum of every 20 minutes, from either side of Caves Road. There needs to be suitable cover and seating at each end of the lights between the time changes.*

The format of Mr. Taylor's petition does not comply with WA Parliament Standing Orders that would allow tabling in Parliament. I have discussed with Mr. Taylor the option to sign a new petition - even with just one signature - to enable me to table in the Legislative Council, triggering a referral to the Standing Committee on Environment and Public Affairs. The original signed petition documents could then be submitted as supporting documents to the Committee by Mr. Taylor in his capacity of principal petitioner.

Mr. Taylor has however agreed that referral to your office for a response would be a more efficient way to deal with this issue. To this end, I ask your office to review his concerns and provide a written response on the issue directly to: **Mr. Clem Taylor, 18 Spindrift Cove, Quindalup WA 6281.**

I will write to Mr. Taylor to confirm that I have passed his concerns onto your office and that he should expect a response from your office, or directly from Main Roads as the relevant agency. It would be appreciated if your office could provide me with a copy of that response in due course. I will also write to the 44 petition signatories who we have identified as being South West region constituents to thank them for their interest in the matter.

Thank you for your assistance with this matter.

Your sincerely

JACKIE JARVIS MLC
Member for the South West Region

Attachment: 1 Petition for a safe crossing Caves Road/Clubhouse Drive Junction

Electorate Office: **6/157 Bussell Highway Margaret River WA 6285**
P O Box 1382 Margaret River WA 6285
Phone: (08) 9757 9555 Email: jackie.jarvis@mp.wa.gov.au

Government of **Western Australia**
Department of **Water and Environmental Regulation**

Our ref: DWERA-001915
Enquiries: Jennifer Fortune, Ph 6364 6449

Mr Mike Archer
Chief Executive Officer
Locked Bag 1
Busselton WA 6280
city@busselton.wa.gov.au

Att: Jennifer May – Manager Commercial Services
jennifer.may@busselton.wa.gov.au

Dear Mr Archer

NOTICE OF COMPLIANCE AUDIT OF STATEMENT 1088

The Department of Water and Environmental Regulation (the department) has undertaken a compliance audit of Busselton–Margaret River Airport Expansion proposal to verify the City of Busselton's compliance with the implementation conditions of Ministerial Statement 1088. The Compliance Audit Report details the compliance status of each implementation condition and is enclosed for your information.

The audit has determined that City of Busselton has demonstrated an acceptable level of compliance with the implementation conditions of Statement 1088.

No response is required in relation to this matter.

If you have any questions please contact Jennifer Fortune on 6364 6449 or Jennifer.fortune@dwer.wa.gov.au.

Yours sincerely

Hugh Lance
A/Manager Audit
COMPLIANCE AND ENFORCEMENT

18 / 08 / 2021

Encl. DWER Compliance Audit Report – Statement 1088

Prime House, 8 Davidson Terrace Joondalup Western Australia 6027
Locked Bag 10 Joondalup DC WA 6919
Telephone: 08 6364 7000 Facsimile: 08 6364 7001
www.dwer.wa.gov.au

Government of Western Australia
Department of Water and Environmental Regulation

DWER Compliance Audit Report

Statement(s)	1088
Proposal	Busselton–Margaret River Airport Expansion
Proponent	City of Busselton
Proponent Contact	Jennifer May, Manager Economic and Business Development Services – 08 9781 03189 or jennifer.may@busselton.wa.gov.au
Lead Auditor	Jennifer Fortune
Date of Audit	August 2021
File Number	DWERA-001915
Objectives	Assess/verify the proponent's compliance with Statement 1088
Scope	Implementation conditions of Statement 1088 for the date period 7 January 2020 to 6 January 2021
Documents Reviewed	Statement 1088 (7 January 2019) EPA Report 1616 (June 2019) Annual Compliance Assessment Report for the period 7 January 2020 to 6 January 2021 (CAR 2020) (DWERDT423957)
Attachments	Attachment One – Audit Table

Background

Ministerial Statement 1088 was issued on 7 January 2019 to the City of Busselton for the Busselton–Margaret River Airport Expansion, which was a revision of the original Busselton Regional Aerodrome proposal. The Busselton Regional Aerodrome was constructed in 1996 at the current location of Four Mile Hill following an EPA assessment in 1995 which concluded that the proposal was environmentally acceptable. Ministerial Statement 399 was issued on 16 October 1995 to the then Shire of Busselton authorising the construction and operation of the Busselton Regional Aerodrome. The original proposal has since been amended by Ministerial Statements 825, 856, 878, 887, 901, 1009 and 1088.

Statement 825 was issued 11 February 2010 following a s 46 amendment to add condition 4-4 limiting maximum noise levels for a single flight between 2200 hours on 14 February 2010 and 0100 hours on 15 February 2010.

Statement 856 was issued on 16 February 2011 following a s 46 amendment to amend condition 4-4 limiting maximum noise levels for a single flight single flight departure between 2200 hours on 20 February 2011 and 0100 hours on 21 February 2011.

Statement 878 was issued on 16 November 2011 following a s 46 amendment to amend condition 4-4 authorising three separate flights on 26 and 27 November 2011.

Statement 887 was issued 7 September 2012 following a s 46 amendment to amend condition 4-4 authorising a single flight single flight departure between 2200 hours on 12 February 2012 and 0100 hours on 13 February 2012.

Statement 901 was issued 22 June 2012 following a s 46 amendment to replace all previous conditions and procedures in Ministerial Statements 399, 825, 856, 878, and 887.

Statement 1009 was issued on 7 July 2015 following a s 46 amendment to replace Conditions 4 and 5 of Ministerial Statement No. 901.

This Desktop Audit Report covers the status of compliance with Statement 1088 which was issued 7 January 2019 to City of Busselton for the Busselton-Margaret River Airport Expansion.

Statement 1088 supersedes Statements 901 and 1009 and all previous statements.

The proposal allows additional aircraft types and operator aircraft types (such as freight) to use the airport, changes to the hours of operation, and amendments to the physical infrastructure elements of the airport including, lengthening, widening and strengthening the runway. The revised proposal is implemented in accordance with the Busselton-Margaret River Airport Noise Management Plan (version 2, January 2019).

Audit Findings

The proponent has demonstrated an acceptable level of compliance with the conditions of Statement 1088 audited.

Required Actions and Recommendations

No recommendations or further action required.

Report Prepared by: Jennifer Fortune – Environmental Officer	Date: 12 August 2021
Reviewed and Endorsed by: Hugh Lance – A/Manager, Audit	Date: 18 August 2021

Definitions

Phases

Pre-Construction - No ground disturbance has commenced. Plans may be in development or approvals are being sought prior to ground disturbance.

Construction – Ground disturbance may have commenced, no waste emission from operations has commenced, limited waste emissions may have occurred during 'commissioning' under a works approval issued under the Environmental Protection Act 1986 (EP Act); proposal has substantially commenced.

Operation – The following may have occurred or may be occurring: ground disturbance; operations are producing waste emissions; 'commissioning' under a licence issued under the EP Act; development of a site; remediation activity prior to development of site; mining activity; subdivision of site.

Decommissioning – The following may occur during this phase: ground disturbance for rehabilitation purposes; post-remediation; post-reclamation; development following remediation where the main objective of the proposal was remediation; decommissioning.

Overall – This phase is used where an audit element applies during multiple phases of the project.

Compliance Statuses

Compliant (C) – Implementation of the proposal has been carried out in accordance with the requirements of the audit element.

Completed (CLD) – A requirement with a finite period of application has been satisfactorily completed.

Not required at this stage (NR) – The requirements of the audit element were not triggered during the reporting period.

Potentially Non-compliant (PNC) – Possible or likely failure to meet the requirements of the audit element.

Non-compliant (NC) – Implementation of the proposal has not been carried out in accordance with the requirements of the audit element.

In process (IP) – Where an audit element requires a management or monitoring plan be submitted to DWER or another government agency for approval, that submission has been made and no further information or changes have been requested by the DWER or the other government agency and assessment by DWER or other government agency for approval is still pending.

Abbreviations

CAR = Compliance Assessment Report
CEO = Chief Executive Officer of DWER
DBCA = Department of Biodiversity, Conservation and Attractions
DEC = Department of Environment and Conservation (now DWER)
DER = Department of Environment Regulation (now DWER)
DIA = Department of Indigenous Affairs (now DPLH)
DMIRS = Department of Mines, Industry Regulation and Safety
DMP = Department of Mines and Petroleum (now DMIRS)
DPAW = Department of Parks and Wildlife (now DBCA)
DOH = Department of Health
DPLH = Department of Planning, Lands and Heritage
DWER = Department of Water and Environmental Regulation
EPA = Environmental Protection Authority
OEPA = Office of the Environmental Protection Authority (now DWER)

Attachment One

AUDIT TABLE

PROPOSAL: BUSSELTON–MARGARET RIVER AIRPORT EXPANSION
STATEMENT: 1088

Government of Western Australia
Department of Water and Environmental Regulation

Audit Code	Subject	Phase	Action	Notes	Status
1088:M1.1	Proposal Implementation	Overall	When implementing the revised proposal, the proponent shall not exceed the authorised extent of the revised proposal as defined in Table 2 in Schedule 1.	The Busselton Regional Airport Compliance Assessment Report for the period 7 January 2020 to 6 January 2021 (CAR 2020) states that the proposal operated within the authorised extent (DWERDT423957)	C
1088:M2.1	Contact Details	Overall	The proponent shall notify the CEO of any change of its name, physical address or postal address for the serving of notices or other correspondence within twenty-eight (28) days of such change. Where the proponent is a corporation or an association of persons, whether incorporated or not, the postal address is that of the principal place of business or of the principal office in the State.	The City of Busselton's location and contact details remain unchanged. Locked Bag 1, Busselton WA 6280	C
1088:M3.1	Compliance Reporting	Overall	The proponent shall prepare and maintain a Compliance Assessment Plan which is submitted to the CEO at least six (6) months prior to the first Compliance Assessment Report required by condition 3-6.	DWER letter dated 3 October 2019 (DWERDT208446) approves the Busselton Margaret River Airport Compliance Assessment Plan (Version 2) (CAP 2019) submitted on 23 September 2019 (DWERDT203836).	C
1088:M3.2	Compliance Reporting	Overall	The Compliance Assessment Plan shall indicate: (1) the frequency of compliance reporting; (2) the approach and timing of compliance assessments; (3) the retention of compliance assessments; (4) the method of reporting of potential non-compliances and corrective actions taken; (5) the table of contents of Compliance Assessment Reports; and (6) public availability of Compliance Assessment Reports.	DWER notes the following requirements detailed in the Busselton Margaret River Airport Compliance Assessment Plan (Version 2): (1) Reports are to be submitted annually by 7 April; (2) Compliance with the previous calendar year will be addressed; (3) Reports will be retained for 7 years following the completion of the Proposal or as otherwise required by DWER, all recordings are stored by the City of Busselton's I.T department and stored in accordance with the City's Record Management Plan; (4) City of Busselton will report in writing any potential non-compliance within 7 days of that non-compliance being known. (5) Compliance Assessment Reports will include an assessment of compliance against each condition of Statement 1088; and (6) Reports will be publicly available on the website https://www.busseltonmargaretriverairport.com.au/corporate/community-and-environment/.	C
1088:M3.3	Compliance Reporting	Overall	After receiving notice in writing from the CEO that the Compliance Assessment Plan satisfies the requirements of condition 3-2 the proponent shall assess compliance with conditions in accordance with the Compliance Assessment Plan required by condition 3-1.	The Busselton Regional Airport Compliance Assessment Report for the period 7 January 2020 to 6 January 2021 (CAR 2020) was received 5 March 2021 (DWERDT423957).	C
1088:M3.4	Compliance Reporting	Overall	The proponent shall retain reports of all compliance assessments described in the Compliance Assessment Plan required by condition 3-1 and shall make those reports available when requested by the CEO.	The CAR 2020 states that all reports are stored by the City of Busselton's I.T department and stored in accordance with the City's Record Management Plan (DWERDT423957). The CAR 2020 states that the City of Busselton staff will review all CTAF recordings (CTAF recordings are pilot radio calls, time and date stamped) for any non-compliances outside of staff hours and all CTAF recordings are held for a minimum of seven (7) years (DWERDT423957).	C
1088:M3.5	Compliance Reporting	Overall	The proponent shall advise the CEO of any potential non-compliance within seven (7) days of that non-compliance being known or suspected.	The following non-compliances were issued within the reporting period: (1) City of Busselton notified the CEO (DWERDT430448) that a Cessna 182 operated by Camel Squadron flew outside standard operating hours on 13 January 2021. DWER notice dated 16 April 2021 considered the non-compliance resolved (DWERDT440492). (2) City of Busselton notified the CEO (DWERDT403198) that a PiperPA28 operated by Swan Aviation flew outside the standard operating hours on 9 January 2021. DWER notice dated 21 January 2021 considered the non-compliance resolved (DWERDT404549). (3) City of Busselton notified the CEO (DWERDT402182) that a Cessna 182 operated by Kepple Highwing Pty Ltd flew outside standard operating hours on 19 December 2020. DWER notice dated 18 January 2021 considered the non-compliance resolved (DWERDT403183). (4) City of Busselton notified the CEO (DWERDT274067) that a Gruman Tiger operated by Russell James Kellor flew outside standard operating hours on 20 April 2020. DWER notice dated 15 May 2020 considered the non-compliance resolved (DWERDT284321). (5) City of Busselton notified the CEO (DWERDT249826) that a Piper Seminole operated by Swan Aviation flew outside the standard operating hours on 23 and 24 January 2021. DWER notice dated 7 April 2020 considered the non-compliance resolved (DWERDT270993).	C

Attachment One

AUDIT TABLE

PROPOSAL: BUSSELTON–MARGARET RIVER AIRPORT EXPANSION
STATEMENT: 1088

Government of Western Australia
Department of Water and Environmental Regulation

1088:M3.6	Compliance Reporting	Overall	The proponent shall submit to the CEO the first Compliance Assessment Report fifteen (15) months from the date of issue of this Statement addressing the twelve (12) month period from the date of issue of this Statement and then annually from the date of submission of the first Compliance Assessment Report, or as otherwise agreed in writing by the CEO. The Compliance Assessment Report shall: (1) be endorsed by the proponent's Chief Executive Officer or a person delegated to sign on the Chief Executive Officer's behalf; (2) include a statement as to whether the proponent has complied with the conditions; (3) identify all potential non-compliances and describe corrective and preventative actions taken; (4) be made publicly available in accordance with the approved Compliance Assessment Plan; and (5) indicate any proposed changes to the Compliance Assessment Plan required by condition 3-1.	The Busselton Regional Airport Compliance Assessment Report for the period 7 January 2020 to 6 January 2021 was received 5 March 2021 (DWERDT423957). DWER notes the following: (1) The report was endorsed by Mike Archer, Chief Executive Officer at City of Busselton; (2) The report included a statement that the City had complied with all conditions of Statement 1088; (3) The report provided a list of Non-compliances from 2020 to 2021; (4) The CAR is available on the airport's website; and (5) No changes to the CAP were proposed.	C
1088:M4.1	Public Availability of Data	Overall	Subject to condition 4-2, within a reasonable time period approved by the CEO of the issue of this Statement and for the remainder of the life of the proposal the proponent shall make publicly available, in a manner approved by the CEO, all validated environmental data (including sampling design, sampling methodologies, empirical data and derived information products (e.g. maps)), environmental management plans and reports relevant to the assessment of this proposal and implementation of this Statement.	CAP 2019 (DWERDT203836) states that CAR's are to be made available in accordance with the OEPA *Post Assessment Guideline for Making information Publicly Available* – August 2012 (PAG4). The CAR 2020 is available on the airport website. https://www.busseltonmargaretriverairport.com.au/corporate/community-and-environment/	C
1088:M4.2	Public Availability of Data	Overall	If any data referred to in condition 4-1 contains particulars of: (1) a secret formula or process; or (2) confidential commercially sensitive information, the proponent may submit a request for approval from the CEO to not make these data publicly available. In making such a request the proponent shall provide the CEO with an explanation and reasons why the data should not be made publicly available.	No requests to DWER have been received.	C
1088:M5.1	Noise Management Plan	Overall	The proponent shall manage the operation of the proposal to meet the following environmental objective: (1) noise emissions from the ongoing operation of the proposal shall be managed so as not to unreasonably impact on noise sensitive premises.	The Busselton-Margaret River Airport Noise Management Plan (NMP 2019), Version 2, January 2019 (2019-1548146667595) was approved 25 January 2019 (2019-1548726196031). The main objectives of the NMP are to identify and implement controls and procedures for the effective management of aircraft noise and the reduction of aircraft noise impacts, to provide clear and specific guidelines for airport users as to their responsibilities and obligations with regard to noise management, and to provide the general community with clear and transparent information and guidelines as to the noise management controls and procedures to be employed in respect of aircraft noise in the vicinity of the Busselton-Margaret River Airport.	C
1088:M5.2	Noise Management Plan	Overall	In order to meet the requirements of condition 5-1, the proponent shall implement the Busselton-Margaret River Airport Noise Management Plan 2018 (version 1, May 2018).	The CAR 2018 (DWERDT199167) states that the City of Busselton operated under the Noise Management Plan version 1, May 2018 from 23 June 2018 to 24 January 2019. The CAR 2019 (DWERDT269106) states that the City of Busselton operated under Noise Management Plan version 2, January 2019 from 25 January 2019 to 6 January 2020. The CAR 2020 (DWERDT423957) states that the City of Busselton operated under Noise Management Plan version 2, January 2019 from 7 January 2020 to 6 January 2021.	C
1088:M5.3	Noise Management Plan	Overall	The proponent shall implement the most recent version of the Busselton-Margaret River Airport Noise Management Plan 2018 which the CEO has confirmed by notice in writing, addresses the requirements of condition 5-1.	The CAR 2020 states that the City of Busselton operated under the Noise Management Plan, Version 2, January 2019 from 7 January 2020 to 6 January 2021 (DWERDT423957).	C
1088:M5.4	Noise Management Plan	Overall	The proponent shall continue to implement the Busselton-Margaret River Airport Noise Management Plan 2018 (version 1, May 2018), or any subsequent revisions as approved by the CEO in condition 5-3, until the CEO has confirmed by notice in writing that the proponent has demonstrated that the objective in condition 5-1 is being and will continue to be met and therefore the implementation of the management plan is no longer required.	The CAR 2020 states that the City of Busselton operated under the Noise Management Plan, Version 2, January 2019 from 7 January 2020 to 6 January 2021 (DWERDT423957).	C
1088:M5.5	Noise Management Plan	Overall	In the event of failure to implement management actions detailed in the Plan, the proponent shall meet the requirements of condition 3-5 (Compliance Reporting) and shall implement the measures outlined in the Plan, including, but not limited to, actions and investigations to be undertaken.	See 1088:M3.5	C

Attachment One

AUDIT TABLE

PROPOSAL: BUSSELTON–MARGARET RIVER AIRPORT EXPANSION
STATEMENT: 1088

Government of **Western Australia**
Department of **Water and Environmental Regulation**

1088:M5.6	Noise Management Plan	Overall	Within six months of the issue of this Statement or as otherwise agreed in writing from the CEO, the proponent shall amend section 3.1.3, and any consequential amendments, in the Busselton-Margaret River Airport Noise Management Plan 2018 (version 1, May 2018) to define the standard hours of operation for 'Open, Closed charters, Regular Passenger Transport/Commercial operators' to be between 0600 and 0000 hours.	The Busselton-Margaret River Airport Noise Management Plan (NMP 2019), Version 2, January 2019 (2019-1548146667595) was approved 25 January 2019 (2019-1548815790511). Section 3.1.3 of the NMP 2019 sets the standard hours of operation. (1) Emergency services have unrestricted operation but will require approval for flight training activities. (2) Light aviation/general aviation are restricted to 0600hrs to 2200hrs Light and General aviation aircraft above 5,700kgs MTOW require prior City approval to operate. Flight training requires specific approval and no approval for flight training activities can be granted to aircraft above 1500kgs MTOW. (3) Open, closed charters, regular passenger transport and commercial operators are restricted to 0600hrs – 0000hrs, subject to maximum noise of 85 dB(A)* and aircraft over 5,700kgs MTOW require City approval. Aircraft are to have a maximum noise level or 85dB recorded at any residential or other noise sensitive location when determined as an LA Slow value at any point within 15m of the identified building (2019-1548146667595).	C
1088:M6.1	Review of Noise Management Plan	Overall	Within three months of each three-year period, from the date of issue of this Statement, the proponent shall submit a report to the CEO which reviews the effectiveness of the Busselton-Margaret River Airport Noise Management Plan 2018 (version 1, May 2018), or any subsequently approved revisions, in achieving the objective of condition 5-1.	A report reviewing the effectiveness of the Noise Management Plan must be submitted prior to **7 April 2022**.	NR
1088:M6.2	Review of Noise Management Plan	Overall	The report required by condition 6-1 shall include, but not be limited to: (1) noise monitoring results; (2) noise amelioration assessments and/or implementation; (3) number of complaints received and actions taken to resolve complaints; (4) published flight paths to minimise impacts; and (5) the findings of the review to determine the effectiveness of the Busselton-Margaret River Airport Noise Management Plan 2018 (version 1, May 2018), or any subsequently approved revisions, and whether amendments to the Plan are required.	See 1088:M6.1	NR

Appendix 1
MITIGATION ACTIVITY FUND (MAF)
GRANTS PROGRAM
GRANT AGREEMENT 2021/22 ROUND 1

Treatment ID	Treatment Type	Treatment Objective	Primary Asset Name	Total
2622	**Prescribed Burning**	#2622 - Commonage/Wildwood Evac PB -" Rural Evacuation Route - Maintain flash fuels and light fuel - Flash fuel in winter, burning of portions in autumn.	Subdivision of Lot 115 Wildwood Road YALLINGUP	$ 7,500.00
2634	**Prescribed Burning**	#2634 - Rails to Trails Vasse - reserve with high fuel loads adjacent to busy secondary road. Reserve to form "wick" to carry fire through farmland and into Vasse subdivision. Burn, clear and treat existing non native vegetation and highly flammable bra	Vasse-Yallingup Siding Road MARYBROOK (250-458)	$ 17,500.00
2693	**Prescribed Burning**	#2693 BSN - MAF20/21 Approved - Koopin PB - Low height Autumn burn through build up of undergrowth. Autumn to allow for vegetation growth. Follow up weed spray, especially around Sydney Wattle areas.	Koopin Place QUEDJINUP	$ 3,500.00
2749	**Mechanical Works**	#2794 - Bee on Hadfield - Increase fire break width along fence line to create low fuel zone and allow Light Tanker access	Bee on Hadfield Childcare 47 Hadfield Avenue WEST BUSSELTON	$ 750.00
2751	**Mechanical Works**	#2751 - Brushwood Brook Dr - Trim and thin out scrub trees on verge to increase evacuation safety to road.	Annie Lysle Place YALLINGUP	$ 8,000.00
2769	**Mechanical Works**	# 2769 - Rendezvous Rd - Maintain low fuel zone in oversized road reserve, adjacent to power facility. Numerous power lines and infrastructure. Removal of non native vegetation.	(Western Power facility) 531 Rendezvous Rd Vasse	$ 10,000.00
2922	**Prescribed Burning**	#2922 - Yoongie Hall Road - Road verge with substantial fuel loadings, adjoining reserve and private plantations.	Vasse Road x Yoongarillup Road YOONGARLILLUP	$ 10,000.00
2923	**Fire Access Road / Track(s)**	#2923 - Yoongie Hall reserve - Works to install firebreaks and allow for prescribed burning to reduce excessive fuel loading.	Vasse Road x Yoongarillup Road YOONGARLILLUP	$ 15,000.00

Treatment ID	Treatment Type	Treatment Objective	Primary Asset Name	Total
3072	Mechanical Works	#3072 BSN - Bridgewater PAW - high fuel loads and weeds bounding multiple rural res properties. MW and CW.	Bridgewater Close x Grange Way QUINDALUP	$ 10,000.00
3108	Prescribed Burning	#3108 - 78 Biddle Rd Reserve - Fuel management of oversized road reserve in extreme fire risk area and in designated evacuation route. Moderately sparse vegetation with high leaf litter accumulation.	Biddle Road YALLINGUP (78-128)	$ 9,500.00
3139	Mechanical Works	#3139 - Yallingup townsite protection south - Maintaining of low fuel buffer within reserve. Increase clearance around building by maintaining low surface fuels, gaps between canopy, removal of dead and woody fuels to increase separation distance.	Yallingup Coastal Fire Shed 24 Valley Road YALLINGUP	$ 25,000.00
3146	Mechanical Works	#3146 - Cape Nat Rd, Eagle Bay Rd Nth - Extreme build up of scrub and surface fuels in old road reserve adjacent to Cape Naturaliste Road. Creek line or wet area through middle which is still green in summer. As part of clean up of road verge, needs mai	736-868 Cape Naturaliste Road NATURALISTE	$ 5,000.00
3147	Prescribed Burning	#3147 - Yelverton Rd Junction ndicative only - fire breaks and internal PB of oversized road reserve. Extreme fuel loads adjoining Private Property including high value agriculture.	Yelverton Road North YELVERTON	$ 5,000.00
3636	Prescribed Burning	#3636 BSN - "Marri Autumn PB" Autumn burn of portion of reserve, subject to environmental assessments. High fuel loading within the town site immediately adjacent to houses. Undertake winter flash fuel reduction July-August 2021. Traffic management, we	Dunsborough VBFB & VFRS Station Marri Drive DUNSBOROUGH	$ 15,500.00
5411	Mechanical Works	#5411 - Obryne Road management - fuel management of significant grasses and weeds along nonformed road reserve. CW and possibly PB of grasses, plus access track and tree pruning Treatment #5410) will allow for ongoing managed fire breaks in strategic loc	Hayes Road & Obyrne Rd QUINDALUP	$ 5,000.00
5429	Fire Access Road / Track(s)	#5429 - Butterly Rd to Winter Retreat EAW - Upgrade of EAW and non formed road network, currently in dangerous	Seascape Rise x Summer Brace YALLINGUP	$ 35,000.00

Treatment ID	Treatment Type	Treatment Objective	Primary Asset Name	Total
		condition. Drainage, widenning and surfacing. Fencing to portions to assist in deliniation. Gates and signage -		
6317	**Mechanical Works**	#6317 BSN - Sloan Drive 2 - fuel reduction along road and reserve. Critical evacuation route for school to town, with high fuel loading.	Our Lady of the Cape Primary School 245 Cape Naturaliste Road CAPE NATURALISTE	$ 9,000.00
6441	**Mechanical Works**	#6441 - Marrinup-Kinross SFB - Upgrading of track and maintenance of undergrowth along 20m wide by almost 3km long dense vegetation strip backing onto semi rural properties.	138-190 Wisteria Drive QUINDALUP	$ 40,000.00
6477	**Prescribed Burning**	#6477 - Kinross Strategic flash fuel reduction - burning of long grass tree skirts and high ground fuel build up along unformed road reserve/firebreak.	Jarrah Knoll Place x Wisteria Drive QUINDALUP	$ 5,000.00
7150	**Prescribed Burning**	#7150 - Eagle Bay Rd - Approx 3km of road reserve plus low fuel buffer adjacent to houses. Works to reduce fuel loads and dangerous trees to increase safety on key evacuation route for Eagle Bay. Includes PB of flash fuels, Arbor specialist and traffic	Seaview Rise EAGLE BAY	$ 26,000.00
7226	**Mechanical Works**	# 7226 - Smiths Beach Rd - Trim and parkland clear Road reserve down to resort and beach, to allow safer evacuation and emergency response	Canal Rocks Road YALLINGUP (40/-86)	$ 15,000.00
7232	**Mechanical Works**	#7232 - Wyadup Rd Evacuation works - West and Southern side of road - flash fuel mitigation in winter, followed by mechanical slashing, pruning and parkland clearing.	Sainsbury Loop x Brazier Cove YALLINGUP	$ 10,000.00
7292	**Mechanical Works**	#7292 - Zamia Grove - Trimming of road verge vegetation encroaching roadway. Removal of non native sydney wattle and similar vegetation.	Zamia Grove YALLINGUP	$ 4,000.00
7681	**Prescribed Burning**	#7681 BSN - Bird Cres Duns - Mild prescribed burn of reserve, high fuel loads with grass trees.adjacent to regional primary school. Create low fuel zone between meelup, the golf course and residences / school	Dunsborough Primary School 40 Turner Street DUNSBOROUGH	$ 3,750.00

Treatment ID	Treatment Type	Treatment Objective	Primary Asset Name	Total
7931	Chemical Works	#7931 BSN - Creakview Reserve follow up - Follow up treatment to prevent weed infestation and allow natural vegetation to regrow.	Sylvan Rest QUINDALUP	$ 4,000.00
7932	Chemical Works	#7932 BSN - Commonage North follow up - Follow up treatment to prevent weed infestation and allow natural vegetation to regrow follow Prescribed Burning.	Cornerstone Christian College 99 Cornerstone Way QUEDJINUP	$ 5,000.00
7933	Prescribed Burning	#7933 - Caves x Yungarra follow up - Undertake prescribed burn - 20-21 prep work breaks completed. Follow up treatment to reduce impact of weeds and allow natural vegetation to regrow following Prescribed Burn	Carinya Rise DUNSOROUGH	$ 5,500.00
7934	Mechanical Works	#7934 BSN - Marrinup Follow Up - Follow up works from previous two years, along road reserve and Marrinup reserrve. Chemical works to control weed growth as well as pruning, trimming and removal of dead vegetation	624 Commonage Road QUINDALUP	$ 6,000.00
7935	Chemical Works	#7935 BSN - Koopin/Caprigardi Follow Up - Follow up works to reduce weed growth and allow natural vegetation to regrow	Koopin Place QUEDJINUP	$ 2,500.00
7936	Chemical Works	#7936 BSN - Millbrook Follow up - Follow up spray of reserve to reduce weed growth and allow native vegetation to regrow. Specificly to target Sydney Wattle germination	Wildbrook Cottage 5-37 Wildbrook Place YALLINGUP	$ 3,000.00
7937	Chemical Works	#7937 BSN - Cape Nat Rd Follow up - Follow up treatment to reduce growth of weeds and grasses, allowing native vegetation to regrow following prescribed burn.	Bunker Bay Resort 42 Bunker Bay Road BUNKER BAY	$ 6,000.00
7938	Fire Access Road / Track(s)	#7938 BSN - Bina Place Stage 2 - Additional works to #5313 to secure emergency evacuation route. Instalation of culvert and widenning of access tracks to reduce slope to meet standards	Bina Place QUEDJINUP	$ 15,000.00
7939	Fire Access Road / Track(s)	#7939 BSN - Injidup Springs Stage 2 - Construction of 2wd emergency access and egress into isolated beach community. Steep terrain requiring drainage and culverts. Gates and bollards	Injidup Spring Road YALLINGUP (253-261)	$ 25,000.00

Treatment ID	Treatment Type	Treatment Objective	Primary Asset Name	Total
7940	**Chemical Works**	#7940 BSN - Vidler Rd Follow up - Follow up works to prevent growth of weeds especially regermination of Sydney Wattles.	(Water facility) 8 Vidler Road x Caves Road NATURALISTE	$ 3,000.00
7941	**Fire Access Road / Track(s)**	#7941 BSN - Meelup SE access - Create fire access tracks and low fuel breaks to allow smaller burn cells within close proximity to housing	Hennessey Loop DUNSBOROUGH	$ 35,000.00
7942	**Mechanical Works**	#7942 BSN - Mewett Rd - Removal of non native and dead vegetation from road verge. Ground spray of weeds, ignition to large grass trees as appropriate	Simmo's Ice Creamery 161 Commonage Road QUINDALUP	$ 10,000.00
7943	**Prescribed Burning**	#7943 BSN - Meelup SE burn - prescribed burn of portion of reserve adjacent to Dunsborough town site.	Hennessey Loop DUNSBOROUGH	$ 25,000.00
7946	**Chemical Works**	#7946 BSN - Carbunup Reserve Follow up - Treatment of regrowth weeds and non native vegetation following Prescribed Burn. Care - adjoining treatment area is UCL/UMR undefined boundary	Carbanup Town Wildwood Road x Bussell Hwy CARBANUP RIVER	$ 12,000.00
7948	**Chemical Works**	#7948 BSN - Reidle Park Follow up - Treatment of developing weed growth following previous mitigation works.	Gypsy Street EAGLE BAY	$ 3,000.00
7983	**Prescribed Burning**	#7983 BSN - Ambergate Cultural - prescribed burn over several cells of reserve with sensitivities to cultural burning practices with Wadandi ranger program	Ambergate Reserve Doyle Road AMBERGATE	$ 15,000.00
8382	**Mechanical Works**	#8382 - Commonage/Wildwood Evac MW -" Rural Evacuation Route - Safety inspection of dead standing trees, trim back trees and branches from road edge. Removal of non native species.	Subdivision of Lot 115 Wildwood Road YALLINGUP	$ 30,000.00
			Allocated Amount	**$500,000.00**

ITEMS FOR DEBATE

12.2 Policy and Legislation Committee - 24/8/2021 - REALIGNMENT OF KING STREET AND BROWN STREET BEACH DOG MANAGEMENT AREAS

STRATEGIC THEME	LIFESTYLE - A place that is relaxed, safe and friendly with services and facilities that support healthy lifestyles and wellbeing.
STRATEGIC PRIORITY	2.3 Provide well planned sport and recreation facilities to support healthy and active lifestyles.
SUBJECT INDEX	Animal Management
BUSINESS UNIT	Environmental Services
REPORTING OFFICER	Ranger & Emergency Services Coordinator - Ian McDowell
AUTHORISING OFFICER	Director, Planning and Development Services - Paul Needham
NATURE OF DECISION	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations
VOTING REQUIREMENT	Absolute Majority
ATTACHMENTS	Attachment A Map - Overview of the Brown Street Dog Management Area Boundary Attachment B Map - Overview of the King Street Dog Management Area Boundary Attachment C Map - Proposed Realignment of the Brown Street Dog Management Area Boundary Attachment D Map - Proposed Realignment of the King Street Dog Management Area Boundary

This item was considered by the Policy and Legislation Committee at its meeting on 24/8/2021, the recommendations from which have been included in this report.

DISCLOSURE OF INTEREST	
Date	8 September 2021
Meeting	Council
Name/Position	Cr Lyndon Miles, Councillor
Item No./Subject	12.2, Policy and Legislation Committee - 24/8/2021 - Realignment of King Street and Brown Street Beach Dog Management Areas
Type of Interest	Impartiality Interest
Nature of Interest	My children and I are members of the Busselton Surf Life Saving Club which may be impacted by the potential changes in the dog management boundaries.

Prior to the meeting, Cr Miles foreshadowed a motion that was different to the committee recommendation. In accordance with clause 10.18(7) of the City's *Standing Orders Local Law 2008*, the committee recommendation was moved first.

SUBSTANTIVE MOTION

That the Council:

1. Resolves to adopt and implement after the giving of 28 days public notice, the following dog management areas:

(a) Pursuant to section 31(2B) of the *Dog Act 1976*, the beach area from the beach access path from the car park at Ford Road/Geographe Bay Road intersection to the wooden finger jetty approximately 90 metres east of Busselton Jetty (segment 6), as a seasonal dog exercise area;

(b) Pursuant to section 31(2B) of the *Dog Act 1976*, the beach area from the wooden finger jetty approximately 90 metres east of Busselton Jetty to the westernmost beach access steps between West and Gale Streets (segment 7), as a dog prohibited area;

(c) Pursuant to section 31(3A) of the *Dog Act 1976*, the beach area from the westernmost beach access steps between West and Gale Streets to the beach access point at the eastern end of the King Street car park (segment 9), as a dog exercise area; and

(d) Pursuant to section 31(2B) of the *Dog Act 1976*, the beach area from the beach access point at the eastern end of the King Street car park to the beach access from the Margaret Street car park (segment 10), as a seasonal dog exercise area.

2. Resolves to adopt the following with regard to the specified dog management areas in recommendation 1:

(a) Beach areas, including the beach only (i.e. from the limit of ephemeral vegetation or the toe of the seawall to the low water marks only, and not including vegetated foreshore areas, beach access paths or car parks) to be categorized as 'Dogs Prohibited', 'Dog Exercise' or 'Seasonal Dog Exercise' with those areas being defined as follows:

(i) 'Dog Prohibited' area pursuant to s.31(2B)(a) of the *Dog Act 1976* and means that dogs are prohibited at all times (except assistance dogs as defined in s.8 of the *Dog Act 1976*);

(ii) 'Dog Exercise' area pursuant to s.31(2) of the *Dog Act 1976* and means that dogs are permitted, including off-leash, at all times except when approved, organised events are taking place, wherein dogs are to be prohibited unless specifically permitted by the City (except assistance dogs as defined in s.8 of the *Dog Act 1976*); and

(iii) 'Seasonal Dog Exercise' area pursuant to s.31(2B)(b) of the *Dog Act 1976* and means dogs are prohibited between 9am and 5pm during the period 1 December to 28 February inclusive (except assistance dogs as defined in s.8 of the *Dog Act 1976*) but are otherwise permitted as per 'Dog Exercise' area as defined above.

3. Notes the City will provide temporary signage for use by the Busselton Surf Life Saving Club during club and other approved public events, advising dogs are prohibited on the beach during such events.

LAPSED
FOR WANT OF A MOVER

The motion lapsed and the foreshadowed alternative was moved and carried.

COUNCIL DECISION

C2109/200 Moved Councillor L Miles, seconded Councillor R Paine

That the Council:

1. Resolves to adopt and implement after the giving of 28 days public notice, the following dog management areas:

(a) Pursuant to section 31(3A) of the Dog Act 1976, the beach area from the westernmost beach access steps between West and Gale Streets to the beach access point at the eastern end of the King Street car park (segment 9), as a dog exercise area; and

(b) Pursuant to section 31(2B) of the Dog Act 1976, the beach area from the beach access point at the eastern end of the King Street car park to the beach access from the Margaret Street car park (segment 10), as a seasonal dog exercise area.

2. Resolves to adopt the following with regard to the specified dog management areas in recommendation 1:

(a) Beach areas, including the beach only (i.e. from the limit of ephemeral vegetation or the toe of the seawall to the low water marks only, and not including vegetated foreshore areas, beach access paths or car parks) to be categorized as 'Dog Exercise' or 'Seasonal Dog Exercise' with those areas being defined as follows:

(i) 'Dog Exercise' area pursuant to s.31(2) of the Dog Act 1976 and means that dogs are permitted, including off-leash, at all times except when approved, organised events are taking place, wherein dogs are to be prohibited unless specifically permitted by the City (except assistance dogs as defined in s.8 of the Dog Act 1976); and

(ii) 'Seasonal Dog Exercise' area pursuant to s.31(2B)(b) of the Dog Act 1976 and means dogs are prohibited between 9am and 5pm during the period 1 December to 28 February inclusive (except assistance dogs as defined in s.8 of the Dog Act 1976) but are otherwise permitted as per 'Dog Exercise' area as defined above.

3. Notes that, following concerns raised by the Busselton Surf Life Saving Club that the proposed realignment of the boundary between the seasonal dog exercise beach (segment 6) and dog prohibited area (segment 7) approximately 143 metres east of the existing location, would adversely impact club and public events, the boundary between segments 6 and 7 will remain as adopted by the Council on 22 April 2015 (C1504/100).

CARRIED 9/0

BY ABSOLUTE MAJORITY

Reasons: The Surf Life Saving cadets are on the beach from 7.00am on Sunday mornings and nippers are playing on the beach from about 8.30am ready for 9.00am start. Even though most dog owners do the right thing, as a parent I wouldn't like to risk my child running through or diving into dog excrement that hasn't been picked up. There are a number or major and small local events that use this area for entering and exiting the water, e.g. Ironman, Jetty Swim, local Triathlon club races. There is a local volleyball competition held over summer and players warm up in this area. There would be confusion from signs at the top of the beach that say dogs are permitted but then temporary signage saying they are not permitted. This could create unnecessary tension between beach users.

OFFICER RECOMMENDATION

That the Council:

1. **Resolves to adopt and implement after the giving of 28 days public notice, the following dog management areas:**
   - (a) **Pursuant to section 31(2B) of the *Dog Act 1976*, the beach area from the beach access path from the car park at Ford Road/Geographe Bay Road intersection to the wooden finger jetty approximately 90 metres east of Busselton Jetty (segment 6), as a seasonal dog exercise area;**
   - (b) **Pursuant to section 31(2B) of the *Dog Act 1976*, the beach area from the wooden finger jetty approximately 90 metres east of Busselton Jetty to the westernmost beach access steps between West and Gale Streets (segment 7), as a dog prohibited area;**
   - (c) **Pursuant to section 31(3A) of the *Dog Act 1976*, the beach area from the westernmost beach access steps between West and Gale Streets to the beach access point at the eastern end of the King Street car park (segment 9), as a dog exercise area; and**
   - (d) **Pursuant to section 31(2B) of the *Dog Act 1976*, the beach area from the beach access point at the eastern end of the King Street car park to the beach access from the Margaret Street car park (segment 10), as a seasonal dog exercise area.**

2. **Resolves to adopt the following with regard to the specified dog management areas in recommendation 1:**
   - (a) **Beach areas, including the beach only (i.e. from the limit of ephemeral vegetation or the toe of the seawall to the low water marks only, and not including vegetated foreshore areas, beach access paths or car parks) to be categorized as 'Dogs Prohibited', 'Dog Exercise' or 'Seasonal Dog Exercise' with those areas being defined as follows:**
     - (i) **'Dog Prohibited' area pursuant to s.31(2B)(a) of the *Dog Act 1976* and means that dogs are prohibited at all times (except assistance dogs as defined in s.8 of the *Dog Act 1976*);**
     - (ii) **'Dog Exercise' area pursuant to s.31(2) of the *Dog Act 1976* and means that dogs are permitted, including off-leash, at all times except when approved, organised events are taking place, wherein dogs are to be prohibited unless specifically permitted by the City (except assistance dogs as defined in s.8 of the *Dog Act 1976*); and**
     - (iii) **'Seasonal Dog Exercise' area pursuant to s.31(2B)(b) of the *Dog Act 1976* and means dogs are prohibited between 9am and 5pm during the period 1 December to 28 February inclusive (except assistance dogs as defined in s.8 of the *Dog Act 1976*) but are otherwise permitted as per 'Dog Exercise' area as defined above.**

EXECUTIVE SUMMARY

Under the provisions of the *Dog Act 1976*, a local government may specify public areas within its district as areas where dogs are prohibited, prohibited at specified times (seasonal), or permitted to be exercised at all times, including off-leash. The Council adopted its current dog management controls in April 2015.

Each of the dog management areas along the City's coastline was designated a unique identifying segment number. This report proposes to realign the boundary between:

- Segments 6 (dog seasonal) and 7 (dog prohibited) adjacent to the Busselton Foreshore from the skate park to the YCAB building; and
- Segments 9 (dog exercise) and 10 (dog seasonal) adjacent to the King Street foreshore reserve and car park.

In both cases, the primary reason for the changes proposed is physical changes to infrastructure since 2015 (changes to paths, car parks, buildings or similar).

BACKGROUND

Existing dog management areas, identification of which followed two rounds of extensive consultation, were adopted by the Council on 22 April 2015 (C1504/100). Each of the areas designated are identified by a segment number as shown on the City's GIS mapping system.

They included the following beach areas under the care, control and management of the City:

a. An area designated as 'segment 6' from the beach access path from the car park at Ford Road/Geographe Bay Road intersection to a point parallel with a seaward extension of Brown Street (seasonal dog exercise).

b. An area designated as 'segment 7' from a point parallel with a seaward extension of Brown Street to the westernmost beach access steps between West and Gale Streets (dog prohibited).

   Attachment A is an overview map of the boundary between segments 6 and 7 as adopted by the Council.

c. An area designated as 'segment 9' from the westernmost beach access steps between West and Gale Streets to the beach access stairs on the eastern side of the King Street car park (dog exercise).

d. An area designated as 'segment 10' from the beach access stairs on the eastern side of the King Street car park to the beach access from the Margaret Street car park (seasonal dog exercise).

   Attachment B is an overview map of the boundary between segments 9 and 10 as adopted by the Council.

A dog prohibited area is one in which dogs (except assistance dogs) are prohibited at all times.

A dog exercise area is one in which dogs are permitted, including off-leash, at all times except when approved organised events are taking place in which case they are prohibited (except assistance dogs).

A seasonal dog exercise area is one in which dogs are permitted, including off-leash, except between 9am and 5pm from 1 December to 28 February inclusive each year, and when approved organised events are taking place in which case they are prohibited (except assistance dogs).

Works to upgrade the King Street car park, which included the provision of formal access points to the beach from the car park, were completed in late 2020. During summer months, matting is situated at the easternmost access point from the car park onto the beach to facilitate disabled access.

OFFICER COMMENT

Brown Street Boundary Realignment

Although there is access to the seasonal dog exercise area beach (segment 6) from a track adjacent to the northeast corner of the skate park, people with dogs coming from the main foreshore car park or the car park behind the Surf Lifesaving Club, often take a shortcut by accessing the beach in front of the YCAB building. This part of the beach (segment 7) is currently a dog prohibited beach and in taking the shortcut, those people are technically committing an offence. Although it is unlikely the City would issue an infringement under these circumstances, there is the potential for conflict between beach users when dog owners use the prohibited part of the beach as a shortcut to access the seasonal dog exercise beach.

To reduce the potential for conflict between beach users, it is proposed to relocate the boundary between segments 6 and 7 to a point that aligns with the wooden finger jetty east of the Busselton Jetty. This point has been chosen as a logical landmark which, whilst still maintaining the beach either side of Busselton Jetty as a dog prohibited area, formalises the practice of people accessing the seasonal beach from an area of beach on which dogs are prohibited.

The impact of this during the summer period 1 December to 28 February each year is minimal as it would only have effect from 5pm to 9am each day. Note that, from 1 March to 30 November each year, dogs are permitted to be exercised off-leash at all times on all beaches that are designated as seasonal dog exercise beaches during the summer.

The proposed change would not impact on approved public events, including surf lifesaving competitions and/or training, at which time dogs are prohibited under the provisions of the Council's April 2015 resolution.

A recommendation of this report is to realign the boundary between segment 6 (seasonal dog exercise) and segment 7 (dog prohibited) to a point approximately 80 metres to the west of the existing boundary as shown on Attachment C.

King Street Boundary Realignment

When existing dog management controls were established in 2015, the only formal access to the beach abutting the King Street reserve was the beach access stairs on the eastern side of the car park. At the time, the car park did not have any formal access points to the beach so the access stairs to the east of the car park were used to delineate the boundary between the dog seasonal (beach to the west) and dog exercise (beach to the east) areas. The stairs were deemed to be the most logical landmark to describe the physical location of the boundary between the two areas.

Since the upgrade to the King Street reserve and car park, the eastern most beach access point in the car park, immediately in front of the two disabled parking bays, is used by most people including people with dogs, to access the beach. This was evidenced early in 2021 when several dog owners spoke to the City's Seasonal Dog Exercise Area Officer, and asked that the dog bag dispenser located on the pole at the beach access stairs be relocated to the car park for this reason.

The problem this creates is that when people use this point to access the dog exercise beach approximately 28 metres to the east of the boundary, between 9am and 5pm from 1 December to 28 February each year, they are technically committing an offence. Although it is unlikely the City would ever issue an infringement under these circumstances, there is the potential for conflict between beach users when dog owners use the seasonal beach as a thoroughfare at a time when dogs are prohibited.

A recommendation of this report is to realign the boundary between segment 9 (dog exercise) and segment 10 (seasonal dog exercise) to a point approximately 28 metres to the west of the existing boundary as shown on Attachment D.

Statutory Environment

The management and control of dogs in public areas is prescribed under the following sections of the *Dog Act 1976*:

Section 31(2B):

> *A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a place where dogs are prohibited:*
>
> *a. at all times; or*
>
> *b. at specified times.*

Section 31(3A):

> *A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a dog exercise area.*

Section 31(3C):

> *At least 28 days before specifying a place to be:*
>
> *a. a place where dogs are prohibited at all times or at a time specified under subsection (2B); or*
> *b. a dog exercise area under subsection (3A),*
>
> *a local government must give local public notice as defined in the Local Government Act 1995 section 1.7 of its intention to so specify.*

Assistance dogs, and persons entitled to be accompanied by assistance dogs, are defined in section 8 of the *Dog Act 1976*. Under the provisions of section 8(2) a person mentioned in subsection (3):

> *a. is entitled to be accompanied by an assistance dog, in any building or place open to or used by the public, for any purpose, or in any public transport; and*
>
> *b. is not guilty of an offence by reason only that he or she takes that dog into or permits that dog to enter any building or place open to or used by the public or on any public transport.*

Relevant Plans and Policies

There are no relevant plans or policies to consider in relation to this matter.

Financial Implications

There are no financial implications associated with the officer recommendation.

Stakeholder Consultation

Due to the minor nature of the boundary realignment associated with this report, no external stakeholder consultation was required or undertaken. Pursuant to the requirements of section (3C) of the *Dog Act 1976* public notice of the intention to realign the boundaries is required at least 28 days prior to implementation.

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. No risks of a medium or greater level have been identified.

Options

As an alternative to the proposed recommendation the Council could:

1. Resolve to maintain existing dog management controls at this location (leave the boundaries where they are).
2. Resolve to establish new dog management controls at these location (change the designation of the existing dog exercise and/or seasonal exercise areas).

CONCLUSION

Existing dog management controls, for the beach segments below, were adopted by the Council in April 2015. Since then, there have been physical changes to the infrastructure (paths, car parks, buildings or similar) in the areas listed and as such it is sensible to make the following boundary realignments to reflect those changes:

- A realignment of the boundary 144 metres to the west of the existing boundary, between segments 6 (dog seasonal) and 7 (dog prohibited).
- A realignment of the boundary 28 metres to the west of the existing boundary, between segments 9 (dog exercise) and 10 (dog seasonal).

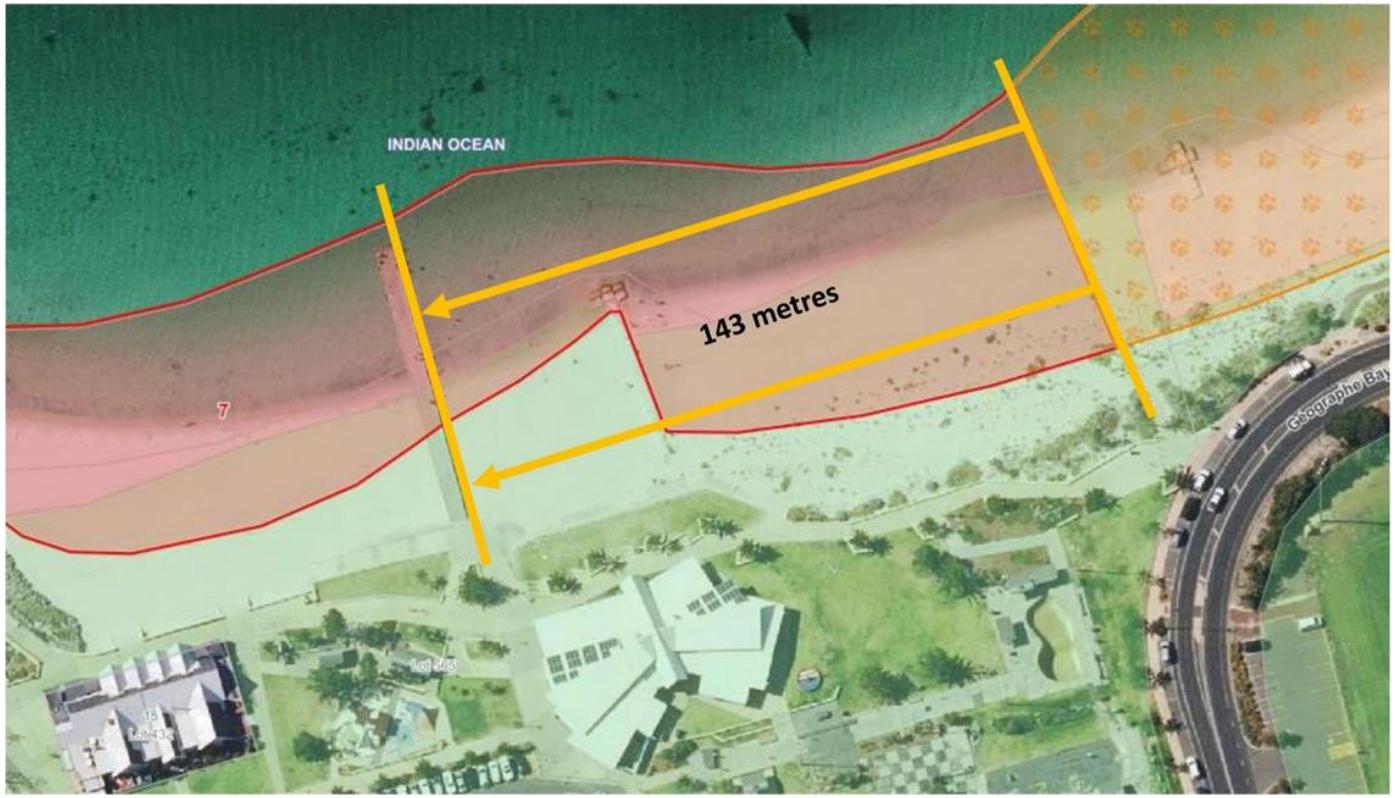
TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Following endorsement of the boundary realignment by the Council, officers will arrange for the public notice requirements of the *Dog Act 1976* to be implemented within two weeks. The changes will come into force 28 days after the giving of the public notice, at which time arrangements will be made to move the sign delineating the boundary from its current location at the beach access stairs, to the new location at the eastern beach access point in the car park.

Overview of the Brown Street Foreshore Seasonal Dog Exercise Area Boundary

Overview of the King Street Beach Dog Exercise Area Boundary

Realignment of the Brown Street Foreshore Seasonal Dog Exercise Area Boundary



Realignment of the King Street Beach Dog Exercise Area Boundary

16.1 2021 REVIEW OF COMMITTEES, WORKING GROUPS AND TERMS OF REFERENCE

STRATEGIC THEME	LEADERSHIP - A Council that connects with the community and is accountable in its decision making.
STRATEGIC PRIORITY	4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
SUBJECT INDEX	Council Committees
BUSINESS UNIT	Governance Services
REPORTING OFFICER	Governance Coordinator - Emma Heys
AUTHORISING OFFICER	Director Finance and Corporate Services - Tony Nottle
NATURE OF DECISION	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations
VOTING REQUIREMENT	Absolute Majority
ATTACHMENTS	Attachment A Audit and Risk - Amended ToR Attachment B Finance - Amended ToR Attachment C Policy and Legislation - Amended ToR Attachment D Airport Advisory - Amended ToR Attachment E Bush Fire Advisory - Amended ToR Attachment F Local Emergency Management - Amended ToR Attachment G Meelup Regional Park - Amended ToR Attachment H Current ToR Combined

Prior to the meeting, officers foreshadowed an amendment to the officer recommendation. The amended recommendation was moved first and carried.

COUNCIL DECISION

C2109/201 Moved Councillor P Carter, seconded Councillor L Miles

That the Council, pursuant to s. 5.8 of the Local Government Act 1995:

1. Retains the following Committees:

(a) Audit Committee, and endorses its change of name to Audit and Risk Committee;

(b) Finance Committee;

(c) Policy and Legislation Committee;

(d) Airport Advisory Committee;

(e) Bush Fires Advisory Committee;

(f) Local Emergency Management Committee;

(g) Meelup Regional Park Committee.

2. Endorses the amended Committee Terms of Reference for the following Committees at Attachments A, B, C, D and E

(a) Audit and Risk Committee (Attachment A);

(b) Finance Committee (Attachment B);

(c) Policy and Legislation Committee (Attachment C);

(d) Airport Advisory Committee (Attachment D);

(e) Bush Fires Advisory Committee (Attachment E) subject to the following modifications:

i. Delete clauses 3.4 and 3.6 and adjust numbering accordingly; and

ii. Amend existing clause 3.5 to insert the words "and the Bushfire Ready Action Group" before the words "will be advisory members";

(f) Local Emergency Management Committee (Attachment F);

(g) Meelup Regional Park Committee (Attachment G).

That the Council:

1. Retains the following Reference/Working Groups/Panels of elected and non-elected members with elected membership as outlined in this report:

(a) Sustainability and Energy Working Group

(b) Economic Development Taskforce

(c) Economic Development Working Group

(d) Busselton Jetty Reference Group

(e) Disability Access and Inclusion Plan Reference Group

(f) Marketing and Events Reference Group

(g) BPACC Councillor Working Group (renamed from 'BEACH Working Group')

(h) Lower Vasse River Advisory Group

(i) CEO Performance Review Panel

2. Endorses the establishment of a Community Assistance Advisory Panel.

3. Endorses the appointment of a Councillor as an ex-officio board member to the Busselton Jetty Inc. board upon invitation from Busselton Jetty Inc.

4. Endorses the appointment of a Councillor as an ex-officio board member to the Busselton Senior Citizens Centre, as necessary by their constitution.

5. Endorses the continued delegation of elected members to the following external groups:

(a) Peron-Naturaliste Partnership

(b) Busselton and Sugito Cities Association

(c) Regional Roads Group and Convention

6. Endorses the continued attendance of an elected member at the Australian Coastal Councils annual conference / Annual General Meeting.

7. Endorses the continued appointment of the Mayor to the following external groups:

(a) Regional Capitals Australia Alliance (subject to appointment by the Regional Capitals Australia Alliance Board)

(b) Regional Capitals Western Australia Alliance

(c) South West Zone Local Government Association

8. Endorses the nomination of elected members as required to the following Ministerial Committees subject to approval of the relevant Minister:

(a) Yallingup Land Conservation District Committee

(b) Development Assessment Panel

(c) Vasse Ministerial Taskforce

(d) GeoCatch (the Mayor or delegate as appointed by the Minister)

9. Agrees that the following Consultative/Working Groups are no longer required:

(a) Busselton Margaret River Airport Consultative Group

(b) Smart Cities Digital Strategies Working Group

(c) Vasse Recreational Facilities Working Group

(d) Geographe Bay Regional RoadWise Road Safety Working Group

CARRIED 9/0

BY ABSOLUTE MAJORITY

Reasons: Officers considered that the representative from the Bushfire Ready Action Group should be in an advisory capacity only and reference to the Community Emergency Services Manager should be removed.

OFFICER RECOMMENDATION ONE (ABSOLUTE MAJORITY)

That the Council, pursuant to s. 5.8 of the *Local Government Act* 1995:

1. Retains the following Committees:

(a) Audit Committee, and endorses its change of name to Audit and Risk Committee;

(b) Finance Committee;

(c) Policy and Legislation Committee;

(d) Airport Advisory Committee;

(e) Bush Fires Advisory Committee;

(f) Local Emergency Management Committee;

(g) Meelup Regional Park Committee.

2. Endorses the amended Committee Terms of Reference for the following Committees at Attachments A, B, C, D and E

(a) Audit and Risk Committee (Attachment A);

(b) Finance Committee (Attachment B);

(c) Policy and Legislation Committee (Attachment C);

(d) Airport Advisory Committee (Attachment D);

(e) Bush Fires Advisory Committee (Attachment E);

(f) Local Emergency Management Committee (Attachment F);

(g) Meelup Regional Park Committee (Attachment G).

OFFICER RECOMMENDATION TWO (SIMPLE MAJORITY)

That the Council:

1. Retains the following Reference/Working Groups/Panels of elected and non-elected members with elected membership as outlined in this report:

(a) Sustainability and Energy Working Group

(b) Economic Development Taskforce

(c) Economic Development Working Group

(d) Busselton Jetty Reference Group

(e) Disability Access and Inclusion Plan Reference Group

(f) Marketing and Events Reference Group

(g) BPACC Councillor Working Group (renamed from 'BEACH Working Group')

(h) Lower Vasse River Advisory Group

(i) CEO Performance Review Panel

2. Endorses the establishment of a Community Assistance Advisory Panel.

3. Endorses the appointment of a Councillor as an ex-officio board member to the Busselton Jetty Inc. board upon invitation from Busselton Jetty Inc.

4. Endorses the appointment of a Councillor as an ex-officio board member to the Busselton Senior Citizens Centre, as necessary by their constitution.

5. Endorses the continued delegation of elected members to the following external groups:

(a) Peron-Naturaliste Partnership

(b) Busselton and Sugito Cities Association

(c) Regional Roads Group and Convention

6. Endorses the continued attendance of an elected member at the Australian Coastal Councils annual conference / Annual General Meeting.

7. Endorses the continued appointment of the Mayor to the following external groups:

(a) Regional Capitals Australia Alliance (subject to appointment by the Regional Capitals Australia Alliance Board)

(b) Regional Capitals Western Australia Alliance

(c) South West Zone Local Government Association

8. Endorses the nomination of elected members as required to the following Ministerial Committees subject to approval of the relevant Minister:

(a) Yallingup Land Conservation District Committee

(b) Development Assessment Panel

(c) Vasse Ministerial Taskforce

(d) GeoCatch (the Mayor or delegate as appointed by the Minister)

9. Agrees that the following Consultative/Working Groups are no longer required:

(a) Busselton Margaret River Airport Consultative Group

(b) Smart Cities Digital Strategies Working Group

(c) Vasse Recreational Facilities Working Group

(d) Geographe Bay Regional RoadWise Road Safety Working Group

EXECUTIVE SUMMARY

In the lead up to the next local government elections to be held on 16 October 2021, officers have undertaken a review of the various committees, panels, advisory and working groups that involve the participation of elected members. The purpose of the review is to identify the function of the committees and working groups, and provide recommendations to Council as to their ongoing purpose.

As part of this review, the Terms of Reference for the formal committees of Council have also been amended and are presented to Council for consideration and endorsement.

This report also proposes that Council endorse the establishment of a Community Assistance Advisory Panel; the appointment of an elected member to the board of Busselton Jetty Inc. as an ex-officio member, and the continuation of the newly formed CEO Performance Review Panel**.**

BACKGROUND

The Council currently has six Council committees established under the *Local Government Act 1995* (the Act) and one established under the *Bush Fires Act 1954*. The Council has also over the years formed many working groups to assist with progressing various initiatives. In addition, the Council is represented on a number of external groups and committees and working groups.

It is appropriate to review on a regular basis whether or not these working groups and representations are still performing the function originally intended and / or are still warranted, noting the resource requirements associated and that travel allowances are payable for elected member attendance. It is also important that the Terms of References for the formal committees of Council are reviewed regularly to ensure they remain relevant with legislation and the City's local laws.

OFFICER COMMENT

This review was conducted by assessing each committee, group and representation in the context of the following:

- recent changes to the *Local Government Act 1995* and associated Regulations;
- statutory requirements;
- its current and future function;
- outcomes of the review conducted in 2019;
- information gathered from committee members and senior management; and
- the frequency of meetings and the actions arising from those meetings.

Officers considered the original purpose behind the establishment of the committee/group and if that purpose is still relevant and necessary. Officers also considered where there might be duplication between committees/groups or where the original purpose of the committee/group is now able to be effectively managed at an administrative level, with matters brought to Council as required.

Officers have updated all the Terms of Reference into a new format and amended the delegated powers of the Audit and Risk Committee, Policy and Legislation Committee and Finance Committee to include the ability of the committees to set and endorse their own meeting dates and times; to return a policy to the CEO or their nominee for further consideration (Policy and Legislation Committee only); and to note items that do not require a recommendation to Council. These are attached for Council's consideration (Attachments A to G).

Due to the updated Terms of Reference having also been wholly transferred to a new template, no tracked changes versions have been included in this report. The current terms of reference have been provided as one combined attachment (Attachment H) for comparative purposes.

Council has recently endorsed the establishment of a CEO Performance Review Panel (C2108/168), in accordance with Council policy, 'Chief Executive Officer Performance Review'. This panel is to continue and, following the 2021 local government election, Council will reappoint two elected members and the Mayor to the Panel.

Busselton Jetty Inc.

To further strengthen the important working relationship and increase communications between Busselton Jetty Inc. (BJI) and the City of Busselton, the BJI Chairperson has advised that the BJI Board have agreed to include a Councillor representative on the BJI Board, in an ex-officio capacity. This report seeks Council support for this new appointment, which will occur following the 2021 local government election.

Community Assistance Program

A Community Assistance Advisory Panel is recommended to be officially established to assess and make recommendations to Council on the applications received through the Community Assistance Program (CAP). The Community Assistance Program (CAP) is a funding program run by the City that consists of three funding streams; Assistance grants, Revitalisation Grants and Revitalisation Grants Plus. Previously titled Community Bids, the program was refocused in 2020, responding to the COVID-19 pandemic and its repercussions on the City of Busselton community. The CAP moving forward will support and facilitate programs, services and projects that contribute to the social, environmental and cultural development of the City.

To aid in the processing of applications received during the COVID period, two Councillors have been providing assistance on the assessment of CAP applications. It is recommended that this practice continue, through the establishment of the Community Assistance Advisory Panel.

Dunsborough Community Planning Reference Group

Informal discussions between staff and Councillors, as well as some members of the Dunsborough community, have identified that there may be benefits in the establishment of a 'Dunsborough Community Planning Reference Group'. It is envisaged that the group would have a broad representation from the Dunsborough community, including from community organisations, but also from business and industry, sporting and recreation groups. The objective of the group would be to provide feedback to the City on community and recreational planning, strategic town planning matters and significant development and infrastructure projects. It is hoped the group would provide for two-way communication with the City, providing feedback to the City, but also assist with the task of keeping the broader community informed about City projects and planning.

Noting the importance of a clear Terms of Reference for this proposed new reference group, this report acknowledges the potential for its establishment but does not recommend its establishment. Instead a report to consider the establishment of the Dunsborough Community Planning Reference Group, including terms of reference and appointment of elected members, will presented separately to Council prior to the 2021 elections.

The tables below summarise the proposals for ongoing Committees and working groups.

Formal Committees (elected members only)

Committee / Group	Function / Membership	2021 recommendations
Audit and Risk Committee	Established pursuant to statute to assist Council to fulfil its corporate governance, stewardship, leadership and control responsibilities relating to financial reporting, audit and risk. Meets as required. • 4 elected members (incl. Mayor) • 2 deputy members	Retain: statutory requirement Title has been amended. Terms of Reference have been amended: inclusion of explicit risk related requirements; amendments to delegated powers.
Finance Committee	Assists the Council to oversee the allocation and use of the local government's finances and resources. Meets monthly. • 5 elected members (incl. Mayor) • 4 deputy members	Retain Terms of Reference have been amended: amendments to delegated powers (power to endorse dates, power to note an item).
Policy & Legislation Committee	Assists the Council to determine the local government's policies and to carry out its legislative functions. Meets monthly. • 5 elected members (incl. Mayor) • 4 deputy members	Retain Terms of Reference have been amended: amendments to delegated powers (power to endorse dates, power to note an item, power to return a policy to CEO or CEO nominee).
Airport Advisory Committee	Assist Council with the development of the Airport with a critical role under the Noise Management Plan. Meets as required. • 4 elected members • 2 deputy members	Retain Terms of Reference have been amended: set a regular meeting frequency; amendments to delegated power; inclusion of additional objective (noting Airport Consultative Group is recommended to be disbanded).

Formal Committees (with elected and non-elected members)

Committee / Group	Function / Membership	2021 recommendations
Bush Fires Advisory Committee	Established pursuant to the *Bushfires Act 1954* to provide advice to Council in regard to all matters relating to bush fire control, prevention and management. • 1 elected member • 1 deputy member	Retain Terms of Reference have been amended: addition of members from the Bushfire Action Ready Group to the membership of the committee.
Local Emergency Management Committee	Established pursuant to the *Local Emergency Management Act 2005* to assist Council and ensure local emergency management arrangements are established. Meets at least bi-annually. • 2 elected members (Mayor and Deputy Mayor) • 1 deputy member	Retain Terms of Reference have been amended: addition of a representative of Busselton Jetty Inc. to membership of the committee.
Meelup Regional Park Committee	Assists the Council in managing and promoting Meelup Regional Park. Supported by a working group with the same membership. • 2 elected members • 1 deputy member	Retain Terms of Reference have been amended: removal of delegated power to adopt plans/policies/document as this delegation has never been used and is no longer required.

External Groups / Committees with elected member delegations

Committee / Group	Function / Membership	2021 Recommendations
Peron-Naturaliste Partnership	One of 9 local governments on the Board. Works with State government to lobby Federal government about environmental issues. • 1 elected member • 1 deputy member	Retain
Busselton and Sugito Sister Cities Partnership	Manages the sister city relationship with Sugito, Japan and arranges adult and youth exchanges. • 1 elected member • 1 deputy member	Retain

Regional Roads Group and Convention	The group prioritises and resolves projects for the allocation of monies received from State and Federal government. • 1 elected member • 1 deputy member	Retain
Geographe Bay Regional Roadwise Road Safety Working Group	Reviews road safety issues. • 1 elected member • 1 deputy member	Discontinue Council's participation due to inactivity.
Australian Coastal Councils Association	The City is a member of this group which is a lobby group to develop resources relating to climate change. No set membership: elected member selected to attend conference and represent the City.	Retain City's membership and selection of an elected member to attend conference / AGM.
Meelup Regional Park Working Group	Same membership as the Meelup Regional Park Committee. • 2 elected members • 1 deputy member	Retain No Change

Mayor / Board Appointments

Board	Function / Membership	2021 Recommendations
Regional Capitals Australia	Brings Australia's 51 regional capital cities together as one unified voice to provide an alliance that understands sand presents to the Federal Government the needs of combined regional communities. • Mayor (by appointment of the Board)	Retain No change
Regional Capitals WA Alliance	Provides a WA alliance of regional capitals. • Mayor	Retain No change
South West Zone Local Government Association	An association of 12 South West Local Governments that meets to consider WA Local Government Association initiatives. • Mayor • 1 deputy member	Retain No change

Ministerial Appointments

Committee / Group	Function / Membership	2021 Recommendations
Development Assessment Panel	Invite and appointment by relevant Minister. • 2 elected members • 1 deputy members	No change
Yallingup Land Conservation District Committee	Invite and appointment by relevant Minister. • 1 elected member • 0 deputy members	No change
Vasse Ministerial Taskforce	Invite and appointment by relevant Minister. • 1 elected member • 0 deputy members	No change
GeoCatch	Mayor or delegate noting that they are also appointed by the Minister for a 3 year term. • Current appointment is Cr Paine	No change

City Formed Reference / Working Groups (elected members only)

Committee / Group	Function / Membership	2021 recommendations
Busselton Margaret River Airport Consultation Group	Consults with community, aviation, tourism, business and government organisations about the BMRRA project, operations and potential impacts. • 1 elected member (Busselton Airport Advisory Committee or delegate) • 1 deputy member	Disband: no longer required. Move the objectives of the noise management plan from the Group to the Airport Advisory Committee
BEACH Working Group	Consults with key stakeholders, seeks specialist advice and enables community participation in the development of initiatives aimed to attract tourism, business and events to the region. • 3 elected members • 1 deputy member	Change in title to 'BPACC Councillor Working Group'

Sustainability and Energy Working Group	Considers the development and implementation of energy efficiency initiatives. • 2 elected members • 1 deputy member	Retain No changes

City Formed Reference / Working Groups (elected and non-elected members)

Committee / Group	Function / Membership	2021 recommendations
Economic Development Taskforce	Provides advice and recommendations as to the Economic Development Strategy. • Mayor + 2 elected members • 1 deputy member	Retain Terms of Reference anticipated to be updated in October 2021.
Economic Development Working Group	Is a subsidiary working group of the Economic Development Taskforce • 1 elected member	Retain
Smart Cities Digital Strategies Working Group	Is a subsidiary working group of the Economic Development Taskforce. • 1 elected member	Discontinue – Economic Development Working Group will oversee the implementation of the Economic Development Strategy.
Busselton Jetty Reference Group	Provides a forum for discussion on Jetty-related matters with Busselton Jetty Inc. and Council. • 1 elected member • 1 deputy member	Retain
Disability Access and Inclusion Plan Reference Group	Assists with the implementation of initiatives identified in the Disability Access and Inclusion Plan. • 1 elected member • 1 deputy member	Retain
Marketing and Events Reference Group	Makes recommendations to Council on the allocation of marketing and events funding. • 3 elected members • 1 deputy member	Retain
Vasse Recreational Facilities Group	Assist with the development of recreational facilities at Vasse. • 1 elected member • 1 deputy member	Disband: no longer active.
Lower Vasse River Advisory Group	• 3 elected members • 2 deputy members	Retain

CEO Performance Review Panel	Authorised to undertake the CEO Performance Review, in accordance with the objectives of Council Policy: Chief Executive Officer Performance Review. • Mayor • 2 elected members	Retain
Community Assistance Advisory Panel	Assess and provide recommendation to Council on applications received through the Community Assistance Program (CAP). • Mayor • 1 elected member	New

Statutory Environment

The review was conducted in accordance with the provisions of the following:

- *Local Government Act 1995 (the Act)*
- *Local Government (Administration) Regulations 1996*
- *Bushfires Act 1954 WA*
- *Emergency Management Act WA 1995*

Relevantly, under Section 5.8 of the Act, a local government may, by absolute majority, establish committees of three or more persons to assist the Council.

Section 5.10 and 5.11A of the Act relates to the appointments of Committee members and Deputy Committee members. Appointments will be made at a special Council Meeting following the election.

Relevant Plans and Policies

There are no relevant plans or policies to consider in relation to this matter.

Financial Implications

Elected members may claim an allowance for travel to and from committee and working group meetings, therefore any reduction in the number of working groups may result in minor financial benefit.

Stakeholder Consultation

No external stakeholder consultation was required or undertaken in relation to this matter.

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. No risks of a medium or greater level have been identified.

Options

As an alternative to the proposed recommendation the Council could:

1. Retain any Committees or Groups which have been recommended to discontinue;
2. Discontinue any Committees or Groups which have been recommended to retain and establish; and
3. Further amend the Terms of Reference of the Committees.

CONCLUSION

This report presents a review of committees, working groups, advisory groups and the appointment of elected members to various boards prior to the 2021 local government elections.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The recommendations will be implemented immediately upon Council endorsement.

City of Busselton
Geographe Bay

Terms of Reference

Committee: **Audit and Risk**
Responsible Directorate: **Finance and Corporate Services** **Version: PROPOSED**

1. INTRODUCTION

1.1. The Council of the City of Busselton has established an Audit and Risk Committee (the Committee) pursuant to Part 7 of the *Local Government Act 1995* (the Act).

1.2. The Committee is established to fulfil the requirements of Part 6, Financial Management and Part 7, Audit of the Act.

1.3. The Committee operates to assist Council to fulfil its corporate governance, stewardship, leadership and control responsibilities in relation to financial reporting and audit, internal audit and risk management.

1.4. The Committee shall act in accordance with the provisions of the Act, the local laws and policies of the City of Busselton and these Terms of Reference.

2. OBJECTIVE

2.1 The objectives of the Committee are:

a. to monitor the annual external audit and to liaise with the local government's auditor so that Council can be satisfied with the performance of the local government in managing its financial affairs;
b. to ensure openness in the local government's financial reporting and to liaise with the Chief Executive Officer (or their representative) to ensure the effective and efficient management of the local government's financial accounting systems and compliance with legislation;
c. to facilitate:
    i. the enhancement of the credibility and objectivity of external financial reporting;
    ii. compliance with laws and regulations as well as use of best practice guidelines relative to auditing;
    iii. the provision of an effective means of communication between the external auditor, the Chief Executive Officer (or their representative) and the Council; and
    iv. the effective conduct of internal audit and risk management activities.
d. to monitor the implementation of an effective and appropriate risk management system and framework.

2.2 The following specific duties and responsibilities have been given to the Committee in order to facilitate the achievement of its objectives:

a. to provide guidance and assistance to Council as to the carrying out of the functions of the local government in relation to audits;
b. to review the report prepared by the Chief Executive Officer on any actions taken in respect of any matters raised in the report of the auditor and to present the report to Council for adoption prior to the end of the next financial year or six months after the last report prepared by the auditor is received, whichever is the latter;
c. to formally meet with the auditor in accordance with the requirements of Section 7.12(A)(2) of the Act on behalf of the local government;

d. to review the compliance audit return and report to the Council the results of that review in accordance with Audit Regulation 14(3A);
e. to receive reports from the CEO relating to the appropriateness and effectiveness of the local government's systems and procedures in relation to risk management, internal control and legislative compliance and to report to Council the results of the review in accordance with Audit Regulation 16(c); and
f. to periodically receive reports from officers relating to significant strategic and/or medium rated risks.

3. MEMBERSHIP

3.1. The Council shall appoint four elected members to the Committee.

3.2. Council shall appoint two elected members as deputy members of the Committee.

3.3. Membership of the Committee shall, unless determined otherwise, cease on the day of the next ordinary Council election.

3.4. Council shall appoint new members to the Committee, in accordance with paragraphs 3.1 and 3.2, at the next ordinary Council meeting following the Council election.

3.5. The membership of a member may be ceased in accordance with the Act.

4. PRESIDING MEMBER

4.1. The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business.

5. MEETINGS

5.1. The Committee shall meet at least two times per year.

5.2. The Committee shall report to Council in accordance with clause 2.10 of the *City of Busselton Standing Orders Local Law 2018*.

5.3. Notice of meetings shall be given to members at least five days prior to each meeting, with the agenda papers to be provided to members not less than 72 hours prior to the meeting.

5.4. The Presiding Member shall ensure that detailed minutes of all meetings are kept in accordance with the Part 14 of the *City of Busselton Standing Orders Local Law 2018*.

5.5. All members of the Committee shall have one vote. If the vote of the members present is equally divided, the Presiding Member shall cast a second vote.

5.6. Where the Committee makes a recommendation to the Council, the Chief Executive Officer shall ensure that the recommendation is on the agenda of the next practicable ordinary Council meeting.

6. QUORUM

6.1. The quorum for a meeting shall be at least 50% of the number of offices of membership, whether vacant or not.

7. DELEGATED POWERS

7.1. Pursuant to section 5.17 of the Act, the Committee is delegated the powers to:
a. conduct the formal meeting with the City's external Auditor required by section 7.12(A)(2) on behalf of the local government; and
b. schedule and endorse the dates, times and locations of the meetings held by the Committee.

7.2. In all other matters, Committee recommendations are not binding on Council and must be endorsed by Council to take effect.

8. EVALUATION OF COMMITTEE'S EFFECTIVENESS

8.1. At the meeting of the Committee prior to the ordinary Council elections, the Committee shall undertake a review to evaluate its effectiveness, and as a guide the following should be determined:

a. are the Committee's purpose and objectives being met?
b. should the purpose and objectives be amended?
c. is the Committee functioning effectively and as per the requirements of the Act?
d. are the Committee members regularly attending meetings?
e. review the Terms of Reference, including membership.

9. APPROVAL

Council Adoption	**DATE**		**Resolution #**	
Previous Adoption	**DATE**	25 September 2019	**Resolution #**	C1909/191

City of Busselton
Geographe Bay

Terms of Reference

Committee: **Finance**
Responsible Directorate: **Finance and Corporate Services** **Version: PROPOSED**

1. INTRODUCTION

1.1. The Council of the City of Busselton has established a standing committee to be known as the Finance Committee (the Committee), under the powers given in Section 5.8 of the Local Government Act 1995 (the Act).

1.2. The Committee is established for the purpose of assisting the Council to undertake its role under Section 2.7(2)(a) of the Act and to oversee the allocation and use of the local government's finances and resources.

1.3. The Committee shall act for and on behalf of Council in accordance with the provisions of Act, local laws and policies of the City of Busselton and these Terms of Reference.

2. OBJECTIVE

2.1. The objectives of the Committee are:
a. to monitor income and expenditure with the objective of ensuring and overseeing budget compliance;
b. to consider funding options for major capital projects;
c. to assist the Council to prepare its long-term financial plans;
d. to review budget development processes;
e. to receive reports proposed to be put to the Council with significant financial implications or reports for the purposes of meeting the requirements of the *Local Government (Financial Management) Regulations 1996*; and
f. to review and advise the Council on specific matters referred by the Council from time to time.

3. MEMBERSHIP

3.1. The Council shall appoint five elected members to the Committee.

3.2. Council shall appoint four elected members as deputy members of the Committee.

3.3. Membership of the Committee shall, unless determined otherwise, cease on the day of the next ordinary Council election.

3.4. Council shall appoint new members to the Committee, in accordance with paragraphs 3.1 and 3.2, at the next ordinary Council meeting following the Council election.

3.5. The membership of a member may be ceased in accordance with the Act.

4. PRESIDING MEMBER

4.1. The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business.

5. MEETINGS

5.1. The Committee shall meet at least six times per year.

5.2. The Committee shall report to Council in accordance with clause 2.10 of the *City of Busselton Standing Orders Local Law 2018*.

5.3. Notice of meetings shall be given to members at least five days prior to each meeting, with the agenda papers to be provided to members not less than 72 hours prior to the meeting.

5.4. The Presiding Member shall ensure that detailed minutes of all meetings are kept in accordance with the Part 14 of the *City of Busselton Standing Orders Local Law 2018*.

5.5. All members of the Committee shall have one vote. If the vote of the members present is equally divided, the Presiding Member shall cast a second vote.

5.6. Where the Committee makes a recommendation to the Council, the Chief Executive Officer shall ensure that the recommendation is on the agenda of the next practicable ordinary Council meeting.

6. QUORUM

6.1. The quorum for a meeting shall be at least 50% of the number of offices of membership, whether vacant or not.

7. DELEGATED POWERS

7.1. Pursuant to section 5.17 of the Act, the Committee is delegated the powers to:
a. schedule and endorse the dates, times and locations of the meetings held by the Committee; and
b. note an item that does not require a recommendation to Council or further action of Council.

7.2. Committee recommendations, other than those made in accordance with the delegated powers in paragraph 7.1, are not binding on Council and must be endorsed by Council to take effect.

8. EVALUATION OF COMMITTEE'S EFFECTIVENESS

8.1. At the meeting of the Committee prior to the ordinary Council elections, the Committee shall undertake review to evaluate its effectiveness, and as a guide the following should be determined:
a. are the Committee's purpose and objectives being met?
b. should the purpose and objectives be amended?
c. is the Committee functioning effectively and as per the requirements of the Act?
d. are the Committee members regularly attending meetings?
e. review the Terms of Reference, including membership.

9. TERMINATION OF COMMITTEE

9.1. Termination of the Committee shall be by an absolute majority decision of Council.

10. APPROVAL

Council Adoption	**DATE**		**Resolution #**	
Previous Adoption	**DATE**	25 September 2019	**Resolution #**	C1909/191

City of Busselton
Geographe Bay

Terms of Reference

Committee: **Policy and Legislation**
Responsible Directorate: **Finance and Corporate Services** **Version: PROPOSED**

1. INTRODUCTION

1.1. The Policy and Legislation Committee (the Committee) is established under the powers given in Section 5.8 of the *Local Government Act 1995* (the Act).

1.2. The Committee is established for the purpose of assisting the Council to undertake its role under Section 2.7(2)(b) of the Act, to determine the local government's policies, and its legislative function in accordance with Division 2 of Part 3 of the Act.

1.3. The Committee shall act for and on behalf of Council in accordance with the provisions of the Act, local laws and policies of the City of Busselton and these Terms of Reference.

2. OBJECTIVE

2.1. The objectives of the Committee are:
a. to assist the Council to determine the local government's policies and to carry out its legislative function;
b. to consider new and review existing policies and delegations of the City of Busselton;
c. to review local laws and other delegated legislation made by the City of Busselton;
d. to consider reports proposed to be put to the Council with significant policy or legislative implications; and
e. to review and advise the Council on specific matters relating to policy or legislation as directed by the Council.

3. MEMBERSHIP

3.1. The Council shall appoint five elected members to the Committee.

3.2. Council shall appoint four elected members as deputy members of the Committee.

3.3. Membership of the Committee shall, unless determined otherwise, cease on the day of the next ordinary Council election.

3.4. Council shall appoint new members to the Committee, in accordance with paragraphs 3.1 and 3.2, at the next ordinary Council meeting following the Council election.

3.5. The membership of a member may be ceased in accordance with the Act.

4. PRESIDING MEMBER

4.1. The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business.

5. MEETINGS

5.1. The Committee shall meet at least six times per year.

5.2. The Committee shall report to Council in accordance with clause 2.10 of the *City of Busselton Standing Orders Local Law 2018*.

5.3. Notice of meetings shall be given to members at least five days prior to each meeting, with the agenda papers to be provided to members not less than 72 hours prior to the meeting.

5.4. The Presiding Member shall ensure that detailed minutes of all meetings are kept in accordance with the Part 14 of the *City of Busselton Standing Orders Local Law 2018*.

5.5. All members of the Committee shall have one vote. If the vote of the members present is equally divided, the Presiding Member shall cast a second vote.

5.6. Where the Committee makes a recommendation to the Council, the Chief Executive Officer shall ensure that the recommendation is on the agenda of the next practicable ordinary Council meeting.

6. QUORUM

6.1. The quorum for a meeting shall be at least 50% of the number of offices of membership, whether vacant or not.

7. DELEGATED POWERS

7.1. Pursuant to section 5.17 of the Act, the Committee is delegated the powers to:
a. schedule and endorse the dates, times and locations of meetings to be held by the Committee;
b. to refer a policy back to the Chief Executive Officer, or the Chief Executive Officer's nominee, with a request for further information or amendments to be made to the policy; and
c. to note an item that does not require a recommendation to Council or further action of Council.

7.2. Committee recommendations, other than those made in accordance with the delegated powers in paragraph 7.1, are not binding on Council and must be endorsed by Council to take effect.

8. EVALUATION OF COMMITTEE'S EFFECTIVENESS

8.1. At the meeting of the Committee prior to the ordinary Council elections, the Committee shall undertake review to evaluate its effectiveness, and as a guide the following should be determined:
a. are the Committee's purpose and objectives being met?
b. should the purpose and objectives be amended?
c. is the Committee functioning effectively and as per the requirements of the Act?
d. are the Committee members regularly attending meetings?
e. review the Terms of Reference, including membership.

9. TERMINATION OF COMMITTEE

9.1. Termination of the Committee shall be by an absolute majority decision of Council.

10. APPROVAL

Council Adoption	**DATE**		**Resolution #**	
Previous Adoption	**DATE**	25 September 2019	**Resolution #**	C1909/191

City of Busselton
Geographe Bay

Terms of Reference

Committee: **Airport Advisory**
Responsible Directorate: **Community and Commercial Services** **Version:** **PROPOSED**

1. INTRODUCTION

1.1. The Council of the City of Busselton has established an Airport Advisory Committee (the Committee) under the powers given in Section 5.8 of the *Local Government Act 1995.*

1.2. The Airport Advisory Committee is established for the purpose of assisting the Council to undertake its role under Section 2.7(2)(a) of the Act to establish and maintain liaison between stakeholders, consider policies associated with the airport and oversee development of the airport.

1.3. The Committee shall act for and on behalf of Council in accordance with provisions of the Act, local laws and policies of the City of Busselton and these Terms of Reference.

2. OBJECTIVE

2.1 The objectives of the Committee are:

a. To foster liaison and cooperation between the City of Busselton and all stakeholders associated with the Busselton Margaret River Airport (Airport);
b. To provide a forum for the discussion of issues and the formulation of suggestions and recommendations on issues associated with the Airport;
c. To make recommendations to Council on matters associated with the future development of the Airport; and
d. Consult with the community, aviation, tourism, business and government organisations about the project, operations and potential impacts of the Airport.

3. MEMBERSHIP

3.1. The Council shall appoint four elected members to the Committee.

3.2. Council shall appoint two elected members as deputy members of the Committee.

3.3. Membership of the Committee shall, unless determined otherwise, cease on the day of the next ordinary Council election.

3.4. Council shall appoint new members to the Committee, in accordance with paragraphs 3.1 and 3.2, at the next ordinary Council meeting following the Council election.

3.5. The membership of a member may be ceased in accordance with the Act.

4. PRESIDING MEMBER

4.1. The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business.

5. MEETINGS

5.1. The Committee shall meet at least six times per year.

5.2. The Committee shall report to Council in accordance with clause 2.10 of the *City of Busselton Standing Orders Local Law 2018*.

5.3. Notice of meetings shall be given to members at least five days prior to each meeting, with the agenda papers to be provided to members not less than 72 hours prior to the meeting.

5.4. The Presiding Member shall ensure that detailed minutes of all meetings are kept in accordance with the Part 14 of the *City of Busselton Standing Orders Local Law 2018*.

5.5. All members of the Committee shall have one vote. If the vote of the members present is equally divided, the Presiding Member shall cast a second vote.

5.6. Where the Committee makes a recommendation to the Council, the Chief Executive Officer shall ensure that the recommendation is on the agenda of the next practicable ordinary Council meeting.

6. QUORUM

6.1. The quorum for a meeting shall be at least 50% of the number of offices of membership, whether vacant or not.

7. DELEGATED POWERS

7.1. Pursuant to section 5.17 of the Act, the Committee is delegated the powers to:
a. schedule and endorse the dates, times and locations of the meetings held by the Committee; and
b. note an item that does not require a recommendation to Council or further action of Council.

7.2. Committee recommendations, other than those made in accordance with the delegated powers in paragraph 7.1, are not binding on Council and must be endorsed by Council to take effect.

8. EVALUATION OF COMMITTEE'S EFFECTIVENESS

8.1. At the meeting of the Committee prior to the ordinary Council elections, the Committee shall undertake a review to evaluate its effectiveness, and as a guide the following should be determined:
a. are the Committee's purpose and objectives being met?
b. should the purpose and objectives be amended?
c. is the Committee functioning effectively and as per the requirements of the Act?
d. are the Committee members regularly attending meetings?
e. review the Terms of Reference, including membership.

9. TERMINATION OF COMMITTEE

9.1. Termination of the Committee shall be by an absolute majority decision of Council.

10. APPROVAL

Council Adoption	**DATE**		**Resolution #**	
Previous Adoption	**DATE**	25 September 2019	**Resolution #**	C1909/191

City of Busselton
Geographe Bay

Terms of Reference

Committee: **Bush Fire Advisory**
Responsible Directorate: **Planning and Development Services** **Version: PROPOSED**

1. INTRODUCTION

1.1. The Council establishes a Bush Fire Advisory Committee (the Committee) under the powers given in Section 67 of the Bush Fires Act 1954 (the Act).

1.2. The Committee shall act for and on behalf of Council in accordance with the provisions of the Act, the *Local Government Act 1995*, local laws and policies of the City of Busselton and these Terms of Reference.

2. OBJECTIVE

2.1 The objectives of the Committee are:

a. to provide advice to Council in regard to all matters relating to bush fire control, prevention and management, including:
   i. recommendations on the annual firebreak requirements;
   ii. the purchase of capital equipment;
   iii. review of firefighting and prevention practices; and
   iv. training in firefighting methods.

b. to care for, control and manage the bush fire risk within the City of Busselton.

3. MEMBERSHIP

3.1. The Council shall appoint one elected members to the Committee.

3.2. Council shall appoint one elected members as deputy members of the Committee.

3.3. The Fire Control Officers from each of the City's Bush Fire Brigades shall be, by virtue of the office held, be appointed to the Committee.

3.4. The Community Emergency Services Manager shall, by virtue of the office held, be appointed to the Committee.

3.5. Representatives of the Department of Fire and Emergency Services (DFES) and Parks and Wildlife Services (Department of Biodiversity, Conservation and Attractions (DBCA)) will be advisory members of the Committee. Such persons will not be entitled to vote on any matters brought before the Committee.

3.6. One member and one deputy member from the Bushfire Action Ready Group be appointed to the Committee.

3.7. Other persons, or representatives of organisations, may participate in meetings of the Committee (or any sub-committees the Committee may establish) as determined by a simple majority of the Committee. Such persons will not be entitled to vote on any matters brought before the Committee

3.8. Membership of the Committee shall, unless determined otherwise, cease on the day of the next ordinary Council election.

3.9. Council shall appoint new members to the Committee, in accordance with paragraphs 3.1 and 3.2, at the next ordinary Council meeting following the Council election.

3.10. The membership of a member may be ceased in accordance with the *Bush Fires Act 1954*.

4. PRESIDING MEMBER

4.1. The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business.

5. MEETINGS

5.1. The Committee shall meet at least two times per year, once at the beginning and once at the end of the bush fire season.

5.2. The Committee shall report to Council in accordance with clause 2.10 of the *City of Busselton Standing Orders Local Law 2018*.

5.3. Notice of meetings shall be given to members at least five days prior to each meeting, with the agenda papers to be provided to members not less than 72 hours prior to the meeting.

5.4. The Presiding Member shall ensure that detailed minutes of all meetings are kept in accordance with the Part 14 of the *City of Busselton Standing Orders Local Law 2018*.

5.5. All members of the Committee shall have one vote. If the vote of the members present is equally divided, the Presiding Member shall cast a second vote.

5.6. Where the Committee makes a recommendation to the Council, the Chief Executive Officer shall ensure that the recommendation is on the agenda of the next practicable ordinary Council meeting.

6. QUORUM

6.1. The quorum for a meeting shall be at least 50% of the number of offices of membership, whether vacant or not.

7. DELEGATED POWERS

7.1. Pursuant to section 5.17 of the Act, the Committee is delegated the powers to:
   a. schedule and endorse the dates, times and locations of the meetings held by the Committee; and
   b. note an item that does not require a recommendation to Council or further action of Council.

7.2. Where necessary, recommendations of the Local Emergency Management Committee may be considered by the Committee and referred to the Council.

7.3. Committee recommendations, other than those made in accordance with the delegated powers in paragraph 7.1, are not binding on Council and must be endorsed by Council to take effect.

8. EVALUATION OF COMMITTEE'S EFFECTIVENESS

8.1. At the meeting of the Committee prior to the ordinary Council elections, the Committee shall undertake review to evaluate its effectiveness, and as a guide the following should be determined:
   a. are the Committee's purpose and objectives being met?
   b. should the purpose and objectives be amended?
   c. is the Committee functioning effectively and as per the requirements of the Act?

d. are the Committee members regularly attending meetings?
e. review the Terms of Reference, including membership.

9. TERMINATION OF COMMITTEE

9.1. Termination of the Committee shall be by an absolute majority decision of Council.

10. APPROVAL

Council Adoption	**DATE**		**Resolution #**	
Previous Adoption	**DATE**	25 September 2019	**Resolution #**	C1909/191

City of Busselton
Geographe Bay

Terms of Reference

Committee: **Local Emergency Management**
Responsible Directorate: **Planning and Development Services** **Version: PROPOSED**

1. INTRODUCTION

1.1. The Local Emergency Management Committee is established pursuant to section 38 of the Emergency Management Act 2005 (the Act).

1.2. The Committee shall act for and on behalf of Council in accordance with the provisions of the Act, the Local Government Act 1995, local laws and policies of the City of Busselton (City) and these Terms of Reference.

2. OBJECTIVE

2.1. Pursuant to section 39 of the Act the functions of the Committee are:
a. to advise and assist the local government in ensuring that Local Emergency Management Arrangements (LEMA) are established;
b. to liaise with public authorities and other persons in the development, review and testing of LEMA; and
c. to carry out other emergency management activities as directed by the State Emergency Management Committee (SEMC) or prescribed by the Regulations.

3. MEMBERSHIP

3.1. Council shall appoint two elected members, being the Mayor and Deputy Mayor, to the Committee.

3.2. Council shall appoint one elected member as deputy members of the Committee.

3.3. As recommended by Section 7 of the *State Emergency Management Preparedness Procedure* (the State EMP Procedure) membership of the Committee shall comprise:
a. The Local Emergency Coordinator as appointed pursuant to Section 37 of the Act by the State Emergency Coordinator (the Commissioner of Police – OIC Busselton Police/OIC Dunsborough Police);
b. The Local Recovery Coordinator as appointed by the City; and
c. The following City officers:
- Manager Regulatory Services
- Environmental Health Coordinator
- Airport Operations Coordinator
- Community Emergency Services Manager

3.4. Representatives from the following emergency management agencies, welfare support agencies and non-government organisations:
- Department of Fire and Emergency Services (DFES) – Fire and Rescue Services
- DFES – State Emergency Service
- DFES – Volunteer Marine Rescue Service
- St John Ambulance
- Department of Biodiversity, Conservation and Attractions
- Department of Communities
- Department of Primary Industries and Regional Development

- Department of Transport
- WA Country Health Services
- Surf Life Saving Western Australia
- ATC Gas
- Busselton Water
- NBN Co
- Telstra
- WAPOL (OIC Busselton Police/OIC Dunsborough Police)
- Water Corporation
- Western Power
- Busselton Jetty Inc.

3.5. In addition to the voting members above, staff from the City and from other external State Government and non-government organisations may attend meetings regularly or on an ad-hoc basis in an advisory and networking capacity. Advisory members shall not have voting rights.

3.6. Membership of the Committee shall, unless determined otherwise, cease on the day of the next ordinary Council election.

3.7. Council shall appoint new members to the Committee at the next ordinary Council meeting following the Council election.

3.8. The membership of a member may be ceased in accordance with the Act.

4. PRESIDING MEMBER

4.1. The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business.

4.2. The Presiding member shall be an elected member of Council as recommended by the State EMP Procedure. The election of the Presiding Member shall occur at the first Committee meeting immediately following the ordinary Council election.

4.3. The Deputy Presiding Member shall be the Local Emergency Coordinator as recommended by the State EMP Procedure.

4.4. The Committee shall be supported by an Executive Officer. The Executive Officer as appointed by the Chief Executive Officer of the City shall be the Ranger and Emergency Services Coordinator.

5. MEETINGS

5.1. The Committee shall meet at three-monthly intervals normally the first Tuesday in March, June, September and December.

5.2. The Committee shall report to Council in accordance with clause 2.10 of the *City of Busselton Standing Orders Local Law 2018*.

5.3. Notice of meetings shall be given to members at least three days prior to each meeting.

5.4. If a scheduled meeting is cancelled, the reason for cancelling the meeting shall be noted in the minutes of the next meeting.

5.5. The Executive Officer shall ensure that detailed minutes of all meetings are kept in accordance with the Part 14 of the *City of Busselton Standing Orders Local Law 2018*.

5.6. All members of the Committee shall have one vote. If the vote of the members present is equally divided, the Presiding Member shall cast a second vote.

5.7. Where the Committee makes a recommendation to the Council, the Chief Executive Officer shall ensure that the recommendation is on the agenda of the next practicable ordinary Council meeting.

6. QUORUM

6.1. The quorum for a meeting shall be at least 50% of the number of offices of membership, whether vacant or not.

7. DELEGATED POWERS

7.1. The Committee has been established by a decision of Council but does not have any delegated powers. Committee recommendations shall not be binding on Council and must be endorsed by Council to take effect.

8. EVALUATION OF COMMITTEE'S EFFECTIVENESS

8.1. At the meeting of the Committee prior to the ordinary Council elections, the Committee shall undertake review to evaluate its effectiveness, and as a guide the following should be determined:

a. are the Committee's purpose and objectives being met?
b. should the purpose and objectives be amended?
c. is the Committee functioning effectively and as per the requirements of the Act?
d. are the Committee members regularly attending meetings?
e. review the Terms of Reference, including membership.

9. APPROVAL

Council Adoption	**DATE**		**Resolution #**	
Previous Adoption	**DATE**	25 September 2019	**Resolution #**	C1909/191

City of Busselton
Geographe Bay

Terms of Reference

Committee: **Meelup Regional Park**
Responsible Directorate: **Planning and Development Services** **Version:** **PROPOSED**

1. INTRODUCTION

1.1. The Council of the City of Busselton has established the Meelup Regional Park Committee (Committee) pursuant to sections 5.8 and 5.9(2)(d) of the Local Government Act 1995.

1.2. The Committee shall act for and on behalf of Council in accordance with the provisions of the Local Government Act 1995, local laws and policies of the City of Busselton and this document.

2. OBJECTIVE

2.1. Pursuant to section 39 of the Act the functions of the Committee are:
a. to assist the Council in managing and promoting the Park; and
b. to ensure that the full range of issues relevant to the making of decisions about the management and promotion of the Park are considered, including environmental, amenity, recreational, community, social, economic and financial considerations.

3. MEMBERSHIP

3.1. Council shall appoint two elected members to the Committee.

3.2. Council shall appoint one elected member as a deputy member of the Committee.

3.3. Council shall appoint between six and eight community members, with up to three of these members to be representatives of the Friends of Meelup Regional Park Incorporated Association

3.4. Membership of the Committee shall, unless determined otherwise, cease on the day of the next ordinary Council election.

3.5. Council shall appoint new members to the Committee, in accordance with paragraphs 3.1 and 3.2, at the next ordinary Council meeting following the Council election.

3.6. If any member is absent from the Committee for three consecutive meetings without approved leave of absence from the Committee, the Chief Executive Officer shall present a report to the Council so that the Council may determine whether to continue that person's membership of the Committee.

4. PRESIDING MEMBER

4.1. The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business.

5. MEETINGS

5.1. The Committee shall meet at least two times a year.

5.2. The Committee shall report to Council in accordance with clause 2.10 of the *City of Busselton Standing Orders Local Law 2018*.

5.3. Notice of meetings shall be given to members at least seven days prior to each meeting.

5.4. Where a Committee member wishes the Committee to consider an alternative to the officer recommendation in relation to any particular item, they should, as far as practicable, indicate in writing (preferably email) to the Chief Executive Officer or Chief Executive Officer's nominee their intention to do so, setting out their proposed alternative and the reasons for that alternative, by 3pm on the day before the scheduled commencement of the meeting. The Chief Executive Officer or Chief Executive Officer's nominee will then provide officer comment on the proposed alternative in writing to Committee members prior to the scheduled commencement of the meeting.

5.5. Matters that would require a formal decision of the Committee are:

a. any matters that require a formal resolution of the Council (such as any change to the membership or terms of reference of the Committee, or any matter that requires, from a legal/statutory perspective, a formal decision of the Council), other than the adoption or amendment of the Council Budget, as it relates to Meelup Regional Park (the Park);

b. matters on which a decision is required and which are considered to be of high strategic importance and/or broad public interest (such as proposals for significant infrastructure or significant changes to the management of the Park, but not usually individual works projects or events, or the noting of plans, studies or similar, which are primarily or wholly being presented to the Committee for information purposes);

c. matters that require a formal decision of the Council because consensus has not been achieved through discussions with the Meelup Regional Park Working Group; and

d. any other matter that the Presiding Member of the Committee, having received and considered the advice of City officers, considers requires formal consideration by the Council.

5.6. The Presiding Member shall ensure that detailed minutes of all meetings are kept in accordance with the Part 14 of the *City of Busselton Standing Orders Local Law 2018*.

5.7. All members of the Committee shall have one vote. If the vote of the members present is equally divided, the Presiding Member shall cast a second vote.

5.8. Where the Committee makes a recommendation to the Council, the Chief Executive Officer shall ensure that the recommendation is on the agenda of the next practicable ordinary Council meeting.

6. QUORUM

6.1. The quorum for a meeting shall be at least 50% of the number of offices of membership, whether vacant or not.

7. DELEGATED POWERS

7.1. Pursuant to section 5.17 of the Act, the Committee is delegated the powers to:

a. schedule and endorse the dates, times and locations of the meetings held by the Committee; and

b. note an item that does not require a recommendation to Council or further action of Council.

7.2. Committee recommendations, other than those made in accordance with the delegated powers in paragraph 7.1, are not binding on Council and must be endorsed by Council to take effect.

8. EVALUATION OF COMMITTEE'S EFFECTIVENESS

8.1. At the meeting of the Committee prior to the ordinary Council elections, the Committee shall undertake review to evaluate its effectiveness, and as a guide the following should be determined:

a. are the Committee's purpose and objectives being met?

b. should the purpose and objectives be amended?
c. is the Committee functioning effectively and as per the requirements of the Act?
d. are the Committee members regularly attending meetings?
e. review the Terms of Reference, including membership.

9. TERMINATION OF COMMITTEE

9.1. Termination of the Committee shall be by an absolute majority decision of Council.

10. APPROVAL

Council Adoption	**DATE**		**Resolution #**	
Previous Adoption	**DATE**	27 August 2019	**Resolution #**	C1908/172

TERMS OF REFERENCE

City of Busselton
Geographe Bay

Committee: Audit Committee

Responsible Directorate: Finance and Corporate Services Version: Current

1. INTRODUCTION

1.1 The Council of the City of Busselton has established an Audit Committee (the Committee) pursuant to Part 7 of the *Local Government Act 1995* (the Act).

1.2 The Committee is established to fulfil the requirements of *Local Government (Audit) Regulation 16*, and provides oversight of the financial systems of the local government on behalf of the Council.

1.3 The Committee operates to assist Council to fulfil its corporate governance, stewardship, leadership and control responsibilities in relation to financial reporting and audit, internal audit and risk management.

1.4 The Committee is to provide guidance and assistance to the local government as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act and the process to select and appoint an auditor.

1.5 The Committee shall act in accordance with the provisions of the Act, the local laws and policies of the City of Busselton and these Terms of Reference.

2. OBJECTIVE

2.1 The objectives of the Audit Committee are:

a. to monitor the annual external audit and to liaise with the local government's auditor so that Council can be satisfied with the performance of the local government in managing its financial affairs;
b. to ensure openness in the local government's financial reporting and to liaise with the Chief Executive Officer (or his representative) to ensure the effective and efficient management of the local government's financial accounting systems and compliance with legislation;
c. to facilitate:
    i. the enhancement of the credibility and objectivity of external financial reporting;
    ii. compliance with laws and regulations as well as use of best practice guidelines relative to auditing;
    iii. the provision of an effective means of communication between the external auditor, the Chief Executive Officer (or his representative) and the Council;
    iv. the effective conduct of internal audit and risk management activities.

2.2 The following specific duties and responsibilities have been given to the Committee in order to facilitate the achievement of its objectives:

a. to provide guidance and assistance to Council as to the carrying out of the functions of the local government in relation to audits;
b. to review the report prepared by the Chief Executive Officer on any actions taken in respect of any matters raised in the report of the auditor and to present the report to Council for adoption prior to the end of the next financial year or six months after the last report prepared by the auditor is received, whichever is the latter;

c. to formally meet with the auditor in accordance with the requirements of Section 7.12(A)(2) of the Act on behalf of the local government;
d. to review the compliance audit return and report to the Council the results of that review in accordance with Audit Regulation 14(3A);
e. to review reports provided by the CEO relating to the appropriateness and effectiveness of the local government's systems and procedures in relation to risk management, internal control and legislative compliance and to report to Council the results of the review in accordance with Audit Regulation 16(c).

3. MEMBERSHIP

3.1. Council shall appoint four elected members to the Committee.

3.2. Council shall appoint two elected members as a deputy member of the Committee.

3.3. Membership of the Committee shall, unless determined otherwise, cease on the day of the next ordinary Council election.

3.4. Council shall appoint new members to the Committee at its first meeting following the ordinary election.

3.5. The membership of a member may be ceased in accordance with the Act.

4. PRESIDING MEMBER

4.1. The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business.

5. MEETINGS

5.1. The Committee shall meet at least two times per year.

5.2. The Committee shall report to Council in accordance with clause 2.10 of the *City of Busselton Standing Orders Local Law 2018.*

5.3. Notice of meetings shall be given to members at least five days prior to each meeting, with the agenda papers to be provided to members not less than 72 hours prior to the meeting

5.4. The Presiding Member shall ensure that detailed minutes of all meetings are kept in accordance with the *City of Busselton Standing Orders Local Law 2018*.

5.5. All members of the Committee shall have one vote. If the vote of the members present is equally divided, the Presiding Member shall cast a second vote.

5.6. Where the Committee makes a recommendation to the Council, the Chief Executive Officer shall ensure that the recommendation is on the agenda of the next practicable ordinary Council meeting.

6. QUORUM

6.1. Quorum for a meeting shall be at least 50% of the number of offices of membership, whether vacant or not.

7. DELEGATED POWERS

7.1. Pursuant to section 5.17 of the Act, the Committee is delegated the power to conduct the formal meeting with the City's Auditor required by Section 7.12(A)(2) on behalf of the local government.

7.2. In all other matters, Committee recommendations shall not be binding on Council and must be endorsed by Council to take effect.

8. EVALUATION OF COMMITTEE'S EFFECTIVENESS

8.1. At the meeting of the Committee prior to the ordinary Council elections, the Committee shall undertake a review to evaluate its effectiveness, and as a guide the following should be determined:

a. are the Committee's purpose and objectives being met?
b. should the purpose and objectives be amended?
c. is the Committee functioning effectively and as per the requirements of the *Local Government Act 1995*?
d. are the Committee members regularly attending meetings?
e. review the Terms of Reference, including membership.

9. APPROVAL

Council Adoption	**DATE**	25 September 2019	**Resolution #**	C1909/191
Previous Adoption	**DATE**	21 October 2013	**Resolution #**	SC1310/186

TERMS OF REFERENCE

City of Busselton
Geographe Bay

Committee:	Finance Committee		
Responsible Directorate:	Finance and Corporate Services	Version:	Current

1. INTRODUCTION

1.1. The Council of the City of Busselton has established a standing committee to be known as the Finance Committee (the Committee), under the powers given in Section 5.8 of the *Local Government Act 1995* (the Act).

1.2. The Committee is established for the purpose of assisting the Council to undertake its role under Section 2.7(2)(a) of the Act and to oversee the allocation and use of the local government's finances and resources.

1.3. The Committee shall act for and on behalf of Council in accordance with the provisions of the *Local Government Act 1995*, local laws and policies of the City of Busselton and these Terms of Reference.

2. OBJECTIVE

2.1 The objectives of the Committee are:

a. to monitor income and expenditure with the objective of ensuring and overseeing budget compliance;
b. to consider funding options for major capital projects;
c. to assist the Council to prepare its long-term financial plans;
d. to review budget development processes;
e. to receive reports proposed to be put to the Council with significant financial implications or reports for the purposes of meeting the requirements of the *Local Government (Financial Management) Regulations 1996*;
f. to consider financial policies; and
g. to review and advise the Council on specific matters referred by the Council from time to time.

3. MEMBERSHIP

3.1. Council shall appoint five elected members to the Committee.

3.2. Council shall appoint four elected members as deputy members of the Committee.

3.3. Membership of the Committee shall, unless determined otherwise, cease on the day of the next ordinary Council election.

3.4. Council shall appoint new members to the Committee at its first meeting following the ordinary election.

3.5. The membership of a member may be ceased in accordance with the Act.

4. PRESIDING MEMBER

4.1. The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business.

5. MEETINGS

5.1. The Committee shall meet at least six times per year and shall report to Council once every two months as a minimum.

5.2. Notice of meetings shall be given to members at least five days prior to each meeting, with the agenda papers to be provided to members not less than 72 hours prior to the meeting.

5.3. The Presiding Member shall ensure that detailed minutes of all meetings are kept in accordance with the *City of Busselton Standing Orders Local Law 2018*.

5.4. All members of the Committee shall have one vote. If the vote of the members present is equally divided, the Presiding Member shall cast a second vote.

5.5. Where the Committee makes a recommendation to Council, the Chief Executive Officer shall ensure the recommendation is on the agenda at the next practicable ordinary Council meeting.

6. QUORUM

6.1. Quorum for a meeting shall be at least 50% of the number of offices of membership, whether vacant or not.

7. DELEGATED POWERS

7.1. The Committee has been established by a decision of Council, but does not have any delegated powers. Committee recommendations shall not be binding on Council and must be endorsed by Council to take effect.

8. EVALUATION OF COMMITTEE'S EFFECTIVENESS

8.1. At the meeting of the Committee prior to the ordinary Council elections, the Committee shall undertake a review to evaluate its effectiveness, and as a guide the following should be determined:

a. are the Committee's purpose and objectives being met?
b. should the purpose and objectives be amended?
c. is the Committee functioning effectively and as per the requirements of the *Local Government Act 1995*?
d. are the Committee members regularly attending meetings?
e. review the Terms of Reference, including membership.

9. TERMINATION OF COMMITTEE

9.1. Termination of the Committee shall be:

a. in accordance with the *Local Government Act 1995*; and
b. by a decision of Council.

10. APPROVAL

Council Adoption	**DATE**	25 September 2019	**Resolution #**	C1909/191
Previous Adoption	**DATE**	28 June 2017	**Resolution #**	C1706/152

TERMS OF REFERENCE

City of Busselton
Geographe Bay

Committee:	Policy and Legislation Committee		
Responsible Directorate:	Finance and Corporate Services	Version:	Current

1. INTRODUCTION

1.1. The Policy and Legislation Committee (the Committee) is established under the powers given in Section 5.8 of the *Local Government Act 1995* (the Act).

1.2. The Committee is established for the purpose of assisting the Council to undertake its role under Section 2.7(2)(b) of the Act, to determine the local government's policies, and its legislative function in accordance with Division 2 of Part 3 of the Act.

1.3. The Committee shall act for and on behalf of Council in accordance with the provisions of the Act, local laws and policies of the City of Busselton and these Terms of Reference.

2. OBJECTIVE

2.1. The objectives of the Committee are:

a. to assist the Council to determine the local government's policies and to carry out its legislative function;
b. to consider new and review existing policies and delegations of the City of Busselton (other than financial policies);
c. to review local laws and other delegated legislation made by the City of Busselton;
d. to consider reports proposed to be put to the Council with significant policy or legislative implications;
e. to review and advise the Council on specific matters relating to policy or legislation as directed by the Council.

3. MEMBERSHIP

3.1. Council shall appoint five elected members to the Committee.

3.2. Council shall appoint four elected members as deputy members of the Committee.

3.3. Membership of the Committee shall, unless determined otherwise, cease on the day of the next ordinary Council election.

3.4. Council shall appoint new members to the Committee at its ordinary meeting following the ordinary election.

3.5. The membership of a member may be ceased in accordance with the Act.

4. PRESIDING MEMBER

4.1 The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business.

5. MEETINGS

5.1. The Committee shall meet at least six times per year.

5.2. The Committee shall report to Council in accordance with clause 2.10 of the *City of Busselton Standing Orders Local Law 2018*.

5.3. Notice of meetings shall be given to members at least five days prior to each meeting, with the agenda papers to be provided to members not less than 72 hours prior to the meeting.

5.4. The Presiding Member shall ensure that detailed minutes of all meetings are kept in accordance with the *City of Busselton Standing Orders Local Law 2018*.

5.5. All members of the Committee shall have one vote. If the vote of the members present is equally divided, the Presiding Member shall cast a second vote.

5.6. Where the Committee makes a recommendation to Council, the Chief Executive Officer shall ensure the recommendation is on the agenda at the next practicable ordinary Council meeting.

6. QUORUM

6.1. Quorum for a meeting shall be at least 50% of the number of offices of membership, whether vacant or not.

7. DELEGATED POWERS

7.1. The Committee has been established by a decision of Council, but does not have any delegated powers. Committee recommendations shall not be binding on Council and must be endorsed by Council to take effect.

8. EVALUATION OF COMMITTEE'S EFFECTIVENESS

8.1. At the meeting of the Committee prior to the ordinary Council elections, the Committee shall undertake a review to evaluate its effectiveness, and as a guide the following should be determined:

a. are the Committee's purpose and objectives being met?
b. should the purpose and objectives be amended?
c. is the Committee functioning effectively and as per the requirements of the *Local Government Act 1995*?
d. are the Committee members regularly attending meetings?
e. review the Terms of Reference, including membership.

9. TERMINATION OF COMMITTEE

9.1. Termination of the Committee shall be:

a. in accordance with the *Local Government Act 1995*; and
b. by a decision of Council.

10. APPROVAL

Council Adoption	**DATE**	25 September 2019	**Resolution #**	C1909/191
Previous Adoption	**DATE**	28 June 2017	**Resolution #**	C1706/152

TERMS OF REFERENCE

City of Busselton
Geographe Bay

Committee:	Bush Fire Advisory Committee		
Responsible Directorate:	Planning and Development Services	Version:	Current

1. INTRODUCTION

1.1 The Council establishes a Bush Fire Advisory Committee (the Committee) under the powers given in Section 67 of the *Bush Fires Act 1954* (the Act).

1.2 The Committee shall act for and on behalf of Council in accordance with the provisions of the Act, the *Local Government Act 1995*, local laws and policies of the City of Busselton and these Terms of Reference.

2. OBJECTIVE

2.1 The objectives of the Committee are:

a. to provide advice to Council in regard to all matters relating to bush fire control, prevention and management, including:

i. recommendations on the annual firebreak requirements;
ii. the purchase of capital equipment;
iii. review of firefighting and prevention practices; and
iv. training in firefighting methods.

b. to care for, control and manage the bush fire risk within the City of Busselton.

3. MEMBERSHIP

3.1 Council shall appoint one elected member to the Committee.

3.2 Council shall appoint one elected member as a deputy member of the Committee.

3.3 The Fire Control Officers from each of the City's Bush Fire Brigades shall be, by virtue of the office held, be appointed to the Committee.

3.4 The Community Emergency Services Manager shall, by virtue of the office held, be appointed to the Committee.

3.5 Representatives of the Department of Fire and Emergency Services (DFES) and Parks and Wildlife Services (Department of Biodiversity, Conservation and Attractions (DBCA)) will be advisory members of the Committee. Such persons will not be entitled to vote on any matters brought before the Committee.

3.6 Other persons, or representatives of organisations, may participate in meetings of the Committee (or any sub-committees the Committee may establish) as determined by a simple majority of the Committee. Such persons will not be entitled to vote on any matters brought before the Committee.

3.7 Membership of the Committee shall, unless determined otherwise, cease on the day of the next ordinary Council election.

3.8 Council shall appoint new members to the Committee at its first meeting following the ordinary election.

3.9 The membership of a member may be ceased in accordance with the *Bushfires Act 1954*.

4. PRESIDING MEMBER

4.1 The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business.

5. MEETINGS

5.1 The Committee shall meet at least two times per year, once at the beginning and once at the end of the bush fire season.

5.2 The Committee shall report to Council in accordance with clause 2.10 of the *City of Busselton Standing Orders Local Law 2018.*

5.3 Notice of meetings shall be given to members at least five days prior to each meeting, with the agenda papers provided to the members no later than 72 hours prior to the meeting.

5.4 All voting members of the Committee shall have one vote. If the vote of the members present is equally divided, the Presiding Member shall cast a second vote.

5.5 Where the Committee makes a recommendation to the Council, the Chief Executive Officer shall ensure that the recommendation is on the agenda of the next practicable ordinary Council meeting.

6. QUORUM

6.1 Quorum for a meeting shall be at least 50% of the number of offices of membership, whether vacant or not.

7. DELEGATED POWERS

7.1 The Committee has been established by a decision of Council, but does not have any delegated powers. Committee recommendations shall not be binding on Council and must be endorsed by Council to take effect.

7.2 Where necessary, recommendations of the Local Emergency Management Committee may be considered by the Committee and referred to the Council.

8. EVALUATION OF COMMITTEE'S EFFECTIVENESS

8.1 At the meeting of the Committee prior to the ordinary Council elections, the Committee shall undertake a review to evaluate its effectiveness, and as a guide the following should be determined:

a. are the Committee's purpose and objectives being met?
b. should the purpose and objectives be amended?
c. is the Committee functioning effectively and as per the requirements of the *Local Government Act 1995*?
d. are the Committee members regularly attending meetings?
e. review the Terms of Reference, including membership.

9. TERMINATION OF COMMITTEE

9.1 Termination of the Committee shall be:

a. in accordance with the *Bush Fires Act 1954*; and
b. by a decision of Council.

10. APPROVAL

Council Adoption	**DATE**	21 October 2019	**Resolution #**	C1909/191
Previous Adoption	**DATE**	11 October 2017	**Resolution #**	C1710/248

TERMS OF REFERENCE

City of Busselton
Geographe Bay

Committee:	Local Emergency Management Committee		
Responsible Directorate:	Planning and Development Services	Version:	Current

1. INTRODUCTION

1.1. The Local Emergency Management Committee is established pursuant to section 38 of the *Emergency Management Act 2005* (the Act).

1.2. The Committee shall act for and on behalf of Council in accordance with the provisions of the Act, the *Local Government Act 1995*, local laws and policies of the City of Busselton (City) and these Terms of Reference.

2. OBJECTIVE

2.1. Pursuant to section 39 of the Act the functions of the Committee are:
   a. to advise and assist the local government in ensuring that Local Emergency Management Arrangements (LEMA) are established;
   b. to liaise with public authorities and other persons in the development, review and testing of LEMA; and
   c. to carry out other emergency management activities as directed by the State Emergency Management Committee (SEMC) or prescribed by the Regulations.

3. MEMBERSHIP

3.1. Council shall appoint two elected members, being the Mayor and Deputy Mayor, to the Committee.

3.2. Council shall appoint one elected member as deputy members of the Committee.

3.3. As recommended by Section 7 of the *State Emergency Management Preparedness Procedure* (the State EMP Procedure) membership of the Committee shall comprise:
   a. the Local Emergency Coordinator as appointed pursuant to Section 37 of the Act by the State Emergency Coordinator (the Commissioner of Police – OIC Busselton Police/OIC Dunsborough Police)
   b. the Local Recovery Coordinator as appointed by the City
   c. the following City officers:
      - Manager Environmental Services
      - Environmental Health Coordinator
      - Airport Operations Coordinator
      - Community Emergency Services Manager
   d. representatives from the following emergency management agencies, welfare support agencies and non-government organisations:
      - Department of Fire and Emergency Services (DFES) – Fire and Rescue Services
      - DFES – State Emergency Service
      - DFES – Volunteer Marine Rescue Service
      - St John Ambulance
      - Department of Biodiversity, Conservation and Attractions
      - Department of Communities
      - Department of Primary Industries and Regional Development
      - Department of Transport
      - WA Country Health Services

- Surf Life Saving Western Australia
- ATC Gas
- Busselton Water
- NBN Co
- Telstra
- WAPOL (OIC Busselton Police/OIC Dunsborough Police)
- Water Corporation
- Western Power

3.4. Membership of the Committee shall, unless determined otherwise, cease on the day of the next ordinary Council election.

3.5. Council shall appoint new members to the Committee at its first ordinary meeting following the ordinary election.

3.6. The membership of a member may be ceased in accordance with the Act.

3.7. In addition to the voting members above, staff from the City and from other external State Government and non-government organisations may attend meetings regularly or on an ad-hoc basis in an advisory and networking capacity. Advisory members shall not have voting rights.

4. PRESIDING MEMBER

4.1. The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business.

4.2. The Presiding member shall be an elected member of Council as recommended by the State EMP Procedure. The election of the Presiding Member shall occur at the first Committee meeting immediately following the ordinary Council election.

4.3. The Deputy Presiding Member shall be shall be the Local Emergency Coordinator as recommended by the State EMP Procedure.

4.4. The Committee shall be supported by an Executive Officer. The Executive Officer as appointed by the Chief Executive Officer of the City shall be the Ranger and Emergency Services Coordinator.

5. MEETINGS

5.1. The Committee shall meet at three-monthly intervals normally the first Tuesday in March, June, September and December.

5.2. Notice of meetings shall be given to members at least three days prior to each meeting.

5.3. The Executive Officer shall ensure that detailed minutes of all minutes are kept in accordance with the *City of Busselton Standing Orders Local Law 2008*.

5.4. If a scheduled meeting is cancelled, the reason for cancelling the meeting shall be noted in the Minutes of the next meeting.

5.5. All voting members of the Committee shall have one vote. If the vote of the members present is equally divided, the Presiding Member shall cast a second vote.

5.6. Where the Committee makes a decision that involves the making of a recommendation for consideration by the Council, the Chief Executive officer shall ensure that the recommendation is presented to the Council as part of the first practicable ordinary Council meeting agenda following the Committee meeting.

6. QUORUM

6.1. Quorum for a meeting shall be at least 50% of the number of offices of membership, whether vacant or not.

7. DELEGATED POWERS

7.1. The Committee has been established by a decision of Council but does not have any delegated powers. Committee recommendations shall not be binding on Council and must be endorsed by Council to take effect.

8. EVALUATION OF COMMITTEE'S EFFECTIVENESS

8.1. At the meeting of the Committee prior to the ordinary Council elections, the Committee shall undertake a review to evaluate its effectiveness, and as a guide the following should be determined:

a. are the Committee's purpose and objectives being met?
b. should the purpose and objectives be amended?
c. is the Committee functioning effectively and as per the requirements of the *Local Government Act 1995*?
d. are the Committee members regularly attending meetings?
e. review the Terms of Reference, including membership.

9. APPROVAL

Council Adoption	**DATE**	25 September 2019	**Resolution #**	C1909/191
Previous Adoption	**DATE**	11 October 2017	**Resolution #**	C1710/248

TERMS OF REFERENCE

City of Busselton
Geographe Bay

Committee: Airport Advisory Committee

Responsible Directorate: Community and Commercial Services Version: Current

1. INTRODUCTION

1.1. The Council of the City of Busselton has established an Airport Advisory Committee (the Committee) under the powers given in Section 5.8 of the *Local Government Act 1995*.

1.2. The Airport Advisory Committee is established for the purpose of assisting the Council to undertake its role under Section 2.7(2)(a) of the Act to establish and maintain liaison between stakeholders, consider policies associated with the airport and oversee development of the airport.

1.3. The Committee shall act for and on behalf of Council in accordance with provisions of the Act, local laws and policies of the City of Busselton and these Terms of Reference.

2. OBJECTIVE

2.1 The objectives of the Committee are:

a. to foster liaison and cooperation between the City of Busselton and all stakeholders associated with the Busselton Margaret River Airport (Airport);
b. to provide a forum for the discussion of issues and the formulation of suggestions and recommendations on issues associated with the Airport;
c. to make recommendations to Council on matters associated with the future development of the Airport.

3. MEMBERSHIP

3.1. Council shall appoint four elected members to the Committee.

3.2. Council shall appoint two elected members as deputy members of the Committee.

3.3. Membership of the Committee shall, unless determined otherwise, cease on the day of the next ordinary Council election.

3.4. Council shall appoint new members to the Committee at its first meeting following the ordinary election.

3.5. The membership of a member may be ceased in accordance with the Act.

4. PRESIDING MEMBER

4.1 The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business.

5. MEETINGS

5.1. The Committee shall meet at least two times per year.

5.2. The Committee shall report to Council in accordance with clause 2.10 of the *City of Busselton Standing*

Orders Local Law 2018.

5.3. Notice of meetings shall be given to members at least five days prior to each meeting, with the agenda papers provided to members not less than 72 hours prior to the meeting.

5.4. The Presiding Member shall ensure that detailed minutes of all meetings are kept in accordance with the *City of Busselton Standing Orders Local Law 2008*.

5.5. All members of the Committee shall have one vote. If the vote of the members present is equally divided, the Presiding Member shall cast a second vote.

5.6. Where the Committee makes a recommendation to the Council, the Chief Executive Officer shall ensure that the recommendation is on the agenda of the next practicable ordinary Council meeting.

5.7. Other persons (or representatives of organisations) may participate in meetings of the Committee (or any sub committees the Committee may establish) as determined by a simple majority of the Committee. Such persons will not be entitled to vote on any matter brought before the Committee.

6. QUORUM

6.1. Quorum for a meeting shall be at least 50% of the number of offices of membership, whether vacant or not.

7. DELEGATED POWERS

7.1. The Airport Advisory Committee has been established by a decision of Council but does not have any delegated powers. Committee recommendations shall not be binding on Council and must be endorsed by Council to take effect.

8. EVALUATION OF COMMITTEE'S EFFECTIVENESS

8.1. At the meeting of the Committee prior to the ordinary Council elections, the Committee shall undertake a review to evaluate its effectiveness, and as a guide the following should be determined:
   a. are the Committee's purpose and objectives being met?
   b. should the purpose and objectives be amended?
   c. is the Committee functioning effectively and as per the requirements of the *Local Government Act 1995*?
   d. are the Committee members regularly attending meetings?
   e. review the Terms of Reference, including membership.

9. TERMINATION OF COMMITTEE

9.1. Termination of the Committee shall be:
   a. in accordance with the *Local Government Act 1995*; and
   b. by a decision of Council.

10. APPROVAL

Council Adoption	**DATE**	25 September 2019	**Resolution #**	C1909/191
Previous Adoption	**DATE**	21 October 2013	**Resolution #**	SC1310/186

TERMS OF REFERENCE

City of Busselton
Geographe Bay

Committee: Meelup Regional Park Committee

Responsible Directorate: Planning and Development Services Version: Current

1. INTRODUCTION

1.1. The Council of the City of Busselton has established the Meelup Regional Park Committee (Committee) pursuant to sections 5.8 and 5.9(2)(d) of the *Local Government Act 1995.*

1.2. The Committee shall act for and on behalf of Council in accordance with the provisions of the *Local Government Act 1995*, local laws and policies of the City of Busselton and this document.

1.3. The Committee is to consider matters that require a formal decision of the Committee and/or the Council, in order to meet the stated objectives as per Part 2 of this terms of reference.

1.4. Matters that would require a formal decision of the Committee are:

a. any matter that require a formal resolution of the Council (such as any change to the membership or terms of reference of the Committee, or any matter that requires, from a legal/statutory perspective, a formal decision of the Council), other than the adoption or amendment of the Council Budget, as it relates to the Park;
b. matters on which a decision is required and which are considered to be of high strategic importance and/or broad public interest (such as proposals for significant infrastructure or significant changes to the management of the Park, but not usually individual works projects or events, or the noting of plans, studies or similar, which are primarily or wholly being presented to the Committee for information purposes);
c. matters that require a formal decision of the Council because consensus has not been achieved through discussions with the Meelup Regional Park Working Group; and
d. any other matter that the Presiding Member of the Committee, having received and considered the advice of City officers, considers requires formal consideration by the Council.

2. OBJECTIVE

2.1. To assist the Council in managing and promoting Meelup Regional Park (the Park).

2.2. To ensure that the full range of issues relevant to the making of decisions about the management and promotion of the Park are considered, including environmental, amenity, recreational, community, social, economic and financial considerations.

3. MEMBERSHIP

3.1. Two elected members

3.2. Two deputy elected members

3.3. Between six and eight community members, with up to three of these members to be representatives of the Friends of Meelup Regional Park Incorporated Association.

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3.4. Membership of the Committee shall, unless determined otherwise, cease on the day of the next ordinary Council election.

3.5. If any member is absent from the Committee for three consecutive meetings without approved leave of absence from the Committee, the Chief Executive Officer shall present a report to the Council so that the Council may determine whether to continue that person's membership of the Committee.

4. PRESIDING MEMBER

4.1. The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business.

5. MEETINGS

5.1. The Committee shall meet at least two times per year.

5.2. Notice of meetings shall be given to members at least seven days prior to each meeting.

5.3. The Presiding Member shall ensure that detailed minutes of all meetings are kept in accordance with the *Local Government Act 1995* and the *City of Busselton Standing Orders Local Law*.

5.4. All members of the Committee shall have one vote. If the vote of the members present is equally divided, the Presiding Member shall cast a second vote.

5.5. Where a Committee member wishes the Committee to consider an alternative to the officer recommendation in relation to any particular item, they should, as far as practicable, indicate in writing (preferably email) to the Chief Executive Officer or Chief Executive Officer's nominee their intention to do so, setting out their proposed alternative and the reasons for that alternative, by 3pm on the day before the scheduled commencement of the meeting. The Chief Executive Officer or Chief Executive Officer's nominee will then provide officer comment on the proposed alternative in writing to Committee members prior to the scheduled commencement of the meeting.

5.6. Where the Committee makes a decision that involves the making of a recommendation for consideration by the Council, the Chief Executive officer shall ensure that the recommendation is presented to the Council as part of the first practicable ordinary Council meeting agenda following the Committee meeting.

6. QUORUM

6.1. Quorum for a meeting shall be at least 50% of the number of offices of membership, whether vacant or not.

6.2. A decision of the Committee does not have effect unless it has been made by a simple majority.

7. DELEGATED POWERS

7.1. Pursuant to section 5.17 of the *Local Government Act 1995*, the Committee is delegated to adopt plans, policies or documents that relate to management of the Park, other than where those plans, policies or documents require adoption pursuant to a particular statutory power, but may not make any decision that would require expenditure of funds contrary to the adopted budget.

7.2. Any decisions shall not be actioned until the Committee meeting minutes have been formally considered by the Council.

8. EVALUATION OF COMMITTEE'S EFFECTIVENESS

8.1. At the meeting of the Committee prior to the ordinary biennial Council elections, the Committee shall undertake a review to evaluate its effectiveness, and as a guide the following should be determined:
   a. Are the Committee's purpose and objectives being met?

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b. Should the purpose and objectives be amended?
c. Is the Committee functioning effectively and as per the requirements of the *Local Government Act 1995*?
d. Are the Committee members regularly attending meetings?
e. Review the Terms of Reference, including membership.

9. TERMINATION OF COMMITTEE

9.1. Termination of the Committee shall be:
a. in accordance with the *Local Government Act 1995*; and
b. by a decision of Council.

10. APPROVAL

Council Adoption	**DATE**	27 August 2019	**Resolution #**	C1908/172
Previous Adoption	**DATE**	14 September 2016	**Resolution #**	C1609/242

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18. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

19. URGENT BUSINESS

Nil

20. CONFIDENTIAL REPORTS

Nil

21. CLOSURE

The Presiding Member closed the meeting at 7.36pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 163 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON WEDNESDAY, 22 SEPTEMBER 2021.

DATE: 22/9/2021 PRESIDING MEMBER: _____