



Ordinary Council Meeting

Minutes

Wednesday 17 April 2024

MINUTES

Minutes of a meeting of the Busselton City Council held in the Council Chambers, Administration Building, Southern Drive, Busselton, on Wednesday 17 April 2024 at 5:30pm.

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1. OFFICIAL OPENING

The meeting opened at 5:31pm.

The Presiding Member welcomed Councillors, staff, guests and members of the public to the Ordinary Council Meeting of 17 April 2024.

The Presiding Member acknowledged the Wadandi and Bibbulmun people as the traditional custodians of this region and paid respects to Elders past and present.

This meeting was audio recorded for minute taking purposes. The meeting was also live streamed on the City of Busselton YouTube channel.

Pastor Tony Peak from Horizon Church Busselton read out a prayer as part of the opening of this meeting.

2. ATTENDANCE

PRESIDING MEMBER	MEMBERS
Mayor Phill Cronin	Cr Anne Ryan <i>Deputy Mayor</i>
	Cr Val Kaigg
	Cr Jodie Richards
	Cr Kate Cox
	Cr Andrew Macnish
	Cr Richard Beecroft
	Cr Mikayla Love
	Cr Jarrod Kennedy

OFFICERS	
Mr Tony Nottle	Chief Executive Officer
Mr Oliver Darby	Director Infrastructure and Environment
Mr Gary Barbour	Director Community Planning
Ms Maxine Palmer	Director Economic and Business Development
Ms Sarah Pierson	Director Corporate Strategy and Performance
Ms Tegan Robertson	Governance and Risk Coordinator
Ms Jo Barrett-Lennard	Governance Officer

APOLOGIES	
Nil	

LEAVE OF ABSENCE	
Nil	

APPLICATION FOR LEAVE OF ABSENCE	
Nil	

MEDIA	
Nil	

PUBLIC	
16	

3. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil

4. DISCLOSURES OF INTEREST

DISCLOSURES OF FINANCIAL INTEREST

Nil

DISCLOSURES OF IMPARTIALITY INTEREST

The Presiding Member noted that a disclosure of impartiality interest has been received from Cr Kate Cox in relation to item 11.1 '2023/2024 Community Assistance Program Round 3 Outcomes'.

The Presiding Member advised that, in accordance with regulation 22(2)(b) of the *Local Government (Model Code of Conduct) Regulations 2021*, this disclosure would be read out immediately before this item was discussed.

5. CONFIRMATION AND RECEIPT OF MINUTES

5.1. Ordinary Council Meeting 20 March 2024

The officer recommendation was moved, there was opposition and debate ensued.

SUBSTANTIVE MOTION

Moved Cr Jodie Richards, seconded Cr Jarrod Kennedy

That the minutes of the Ordinary Council Meeting 20 March 2024 be confirmed as a true and correct record.

During debate, Cr Andrew Macnish moved an amendment to the officer recommendation.

AMENDMENT

C2404/80 Moved Cr Andrew Macnish, seconded Cr Anne Ryan

That the Council confirm as a true and correct record, the minutes of the Ordinary Council meeting of 20 March 2024 (public reference website as at 4 April 2024:

<https://www.busselton.wa.gov.au/documents/13228/20240320-minutes-council-meeting-20-march-2024>) plus the confidential material relating to Item 18 (restricted reference intranet site as at 4 April 2024: Docs on Tap)

CARRIED 9 / 0

FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft

AGAINST: Nil

The substantive motion as amended was carried.

COUNCIL DECISION

C2404/81 Moved Cr Jodie Richards, seconded Cr Jarrod Kennedy

That the Council confirm as a true and correct record, the minutes of the Ordinary Council meeting of 20 March 2024 (public reference website as at 4 April 2024:

<https://www.busselton.wa.gov.au/documents/13228/20240320-minutes-council-meeting-20-march-2024>) plus the confidential material relating to Item 18 (restricted reference intranet site as at 4 April 2024: Docs on Tap)

CARRIED 9 / 0

FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft

AGAINST: Nil

6. PUBLIC QUESTION TIME

6.1. RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

6.2. QUESTION TIME FOR PUBLIC

Ms Jill Walsh

Question

Do the records forwarded from WA Health Department to the City of Busselton indicate cyanobacterial red alert levels at any time between 1 January 2024 and 29 February 2024?

Response

(Mayor Phill Cronin)

A search of City records has identified one instance of an alert advice for the Lower Vasse River was received from the Department of Health during period. An alert was received on 7 February 2024 from samples conducted on 31 January 2024 for elevated cyanobacterial levels.

Dr Andrew Dickie

Question

According to Department of Water and Environmental Regulation (DWER) the Lower Vasse River is a recognised recreational waterway, so can we please have clarification on the City of Busselton's official stance on whether the river is a recreational waterway, a drain or both?

Response

(Mayor Phill Cronin)

Having had the opportunity to clarify the status of the Lower Vasse River with officers, I can confirm it is a waterway.

DWER defines a waterway as, "any river, creek, stream or brook, including its floodplain and estuary. This includes systems that flow permanently, for part of the year or occasionally; and parts of the waterway that have been artificially modified".

There is no reference to recreational waterways in definitions provided by DWER and the Department does not have a position or policy that defines 'recreational' waterways.

Question

In the City of Busselton's Financial Report for the year ending 30 June 2023, the total amount of interest paid by Busselton ratepayers for the 5 loans taken out by the City to build Saltwater, which total \$26.5 million, is just under three-quarters of a million dollars, specifically \$749,838. Is this total interest figure for 2022 – 2023 correct?

Response

(Mayor Phill Cronin)

The City has only used a portion of the loan funds to date and an estimate of interest earned from Jan 2022 to March 2024 is \$1.3 million, with \$814,000 paid in interest in the 2022-23 financial year.

Question

Are any further cost increases anticipated by the City that will increase the total cost of completing and outfitting Saltwater to more than the current estimated total cost of \$48.5 million?

Response

(Mayor Phill Cronin)

The current project budget is \$44.5M. As with most construction projects of this complexity and nature, the final cost will not be known until project completion. The contingency budget is under review and if there are additional demands they will be discussed with the Council and adopted as required.

Mr Mark Sheldon-Stemm

Question

What level of consultation was made with business in Prince Street prior to the commencement of works that blocked off parking bays in front of shops?

Response

(Mayor Phill Cronin)

A notification of works was hand delivered by the supervisor responsible for the works to all 34 properties affected by the works on Friday 22 March 2024, including the Shabby Duck. The supervisor's contact details were provided on the letter should any further information be required.

Question

Is the Council still open to some consultation about how works are carried out, in order to minimise disruption to affected businesses?

Response

(Mayor Phill Cronin)

Deputy Mayor Anne Ryan and myself have discussed this with the Chief Executive Officer.

(Mr Tony Nottle, Chief Executive Officer)

The City does try to design works to minimise disruption where it can.

(Mr Oliver Darby, Director Infrastructure and Environment)

The City will organise the supervisor responsible for the works to get in contact with you to discuss your concerns.

Mr Keith Sims

Question

Why can't the City begin to get the appropriate approvals for [Lower Vasse River] sediment extraction including excavation now, rather than wait for tender submissions?

Response

(Mayor Phill Cronin)

Stage Three works are currently advertised for tender. When we understand the methodologies proposed in the tender submissions we can assess the approvals required.

(Mr Tony Nottle, Chief Executive Officer)

The methodology that will be used needs to be submitted with the approval applications. If the methodology involves a particular way of doing the works, that information is to be provided in order to obtain approvals.

Question

Were approvals needed and obtained for the estuary sediment removal and why doesn't the City of Busselton approach the minister to cover all costs for the Lower Vasse River sediment removal?

Response

(Mayor Phill Cronin)

DWER and Water Corporation acquired all required approvals for the Estuary View Drive sediment removal.

The Lower Vasse River sediment removal program was deemed a priority for the City of Busselton, and the Council made decisions to fund this program. Part grant funding was received from state government agencies for both Stages 1 and 3 of this program.

(Mr Oliver Darby, Director Infrastructure and Engineering)

The Waterways Management Committee has recently been established, it may be possible to use the Committee to push the state government to fund the project. The City asks at every available opportunity for the state government to fund projects, although they do on occasion say no.

Mr Stuart Anderson

Question

Does the Council have a Code of Conduct and a Charter of Service? I have not yet received a response to an email I sent three weeks ago.

Response

(Mr Tony Nottle, Chief Executive Officer)

The City has a Code of Conduct and Charter of Service that you refer to. City officers will look into your email enquiry. Emails are frequently forwarded to the officer who has expertise in the subject matter of the email for response. Officers will follow this one up for you and provide a response.

7. RECEIVING OF PETITIONS, PRESENTATIONS AND DEPUTATIONS

7.1. PETITIONS

7.1.1. Petition - Metricup Church Parking

Strategic Theme:	Key Theme 4: Leadership 4.1 Provide opportunities for the community to engage with Council and contribute to decision making.
Directorate:	Corporate Strategy and Performance
Reporting Officer:	Governance and Risk Coordinator - Tegan Robertson
Authorised By:	Chief Executive Officer - Tony Nottle
Nature of Decision:	Advocacy: to advocate on its own behalf or on behalf of its community to another level of government/body/agency.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	1. Petition Metricup Church Parking [Redacted] [7.1.1.1 - 3 pages]

COUNCIL DECISION

C2404/82 Moved Cr Mikayla Love, seconded Cr Val Kaigg

That the Council receive the petition and refer it to the CEO to prepare a report to the Council.

CARRIED 9 / 0

FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft

AGAINST: Nil

OFFICER RECOMMENDATION

That the Council receive the petition and refer it to the CEO to prepare a report to the Council.

A Petition with 40 signatures (Attachment 1) was received from the petitioners on 26 March 2024 requesting as follows in relation to the Metricup Church:

- (a) Upgrade of parking in the school bus turn around area to the west of the church along Metricup Road adjoining the church yard.
- (b) Instalment of gate, giving access to the church and public cemetery.
- (c) Creating a smooth and level pathway giving access to the church and cemetery.
- (d) Immediate action.

The requirements for a petition to be considered by Council are set out in clause 6.9(1) of the *City of Busselton Standing Orders Local Law 2018* (Standing Orders). Despite minor non compliances with

the requirements of clause 6.9(1) of the Standing Orders, the Presiding Member has allowed the petition to be considered by the Council.

In response to a petition presented to the Council, the Council may, pursuant to clause 6.9(3) of the Standing Orders, determine to:

- (a) receive the petition;
- (b) reject the petition;
- (c) receive the petition and refer it to the CEO to prepare a report to the Council / Committee;
- (d) receive the petition and refer it to the CEO for action.

It is recommended that the petition be received by the Council and referred to the CEO to prepare a report to the Council.

7.2. PRESENTATIONS BY PARTIES WITH AN INTEREST

Ms Lisa Hills spoke in regards to item 11.2 'Busselton Jetty - s43 prohibition on Fishing (Wire Trace) Order. Ms Hills spoke in support of the officer recommendation.

Ms Pauline Vukelic spoke in regards to item 14.2 'Future of Busselton-Sugito Relationship'. Ms Vukelic spoke in support of the officer recommendation.

7.3. DEPUTATIONS

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

9. ITEMS BROUGHT FORWARD FOR THE CONVENIENCE OF THOSE IN THE PUBLIC GALLERY

ADOPTION BY EXCEPTION RESOLUTION EN BLOC

COUNCIL DECISION

C2404/83 Moved Cr Mikayla Love, seconded Cr Andrew Macnish

That the Committee Recommendations for items 10.1, 10.2, 10.4 and 10.5, and Officer Recommendation for item 11.3 be carried en bloc.

Item	Report
10.1	Policy and Legislation Committee – 20 March 2024 – Council Policy Review: Purchasing
10.2	Policy and Legislation Committee – 20 March 2024 – Council Policy Review: Regional Price Preference
10.4	Finance Committee – 3 April 2024 – Monthly Financial Report – Year to Date 29 February 2024
10.5	Finance Committee – 3 April 2024 – List of Payments Made – February 2024
11.3	Review of Bush Fire Advisory Committee Terms of Reference

CARRIED 9 / 0

FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft

AGAINST: Nil

10. REPORTS OF COMMITTEE

10.1 Council Policy Review: Purchasing

Strategic Theme:	Key Theme 3: Opportunity 3.2 Facilitate an innovative and diversified economy that supports local enterprise, business, investment and employment growth. Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
Directorate:	Corporate Strategy and Performance
Reporting Officer:	Contract & Tendering Officer - Heather Sheppard
Authorised By:	Director Corporate Strategy and Performance - Sarah Pierson
Nature of Decision:	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, and sponsorships; reviewing committee recommendations.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	1. Proposed Council Policy - Purchasing [6.1.1 - 6 pages] 2. Current Council Policy - Purchasing [6.1.2 - 7 pages]

This item was considered by the Policy and Legislation Committee at its meeting held 20 March 2024, the recommendations of which have been included in this report.

The committee recommendation was moved and carried.

COUNCIL DECISION

C2404/84 Moved Cr Mikayla Love, seconded Cr Andrew Macnish

That the Council adopts the amended Council policy: 'Purchasing Policy' (Attachment 1) to replace the current policy.

CARRIED 9 / 0

FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft

AGAINST: Nil

EN BLOC

OFFICER RECOMMENDATION

That the Council adopts the amended Council policy: 'Purchasing Policy' (Attachment 1) to replace the current policy.

EXECUTIVE SUMMARY

City officers reviewed the City's existing Council policy: "Purchasing Policy" as part of the City's ongoing policy review cycle. This report presents an amended Purchasing Policy (Attachment 1) to replace the current policy (Attachment 2).

STRATEGIC CONTEXT

The Purchasing Policy is directed at guiding the City's procurement practices and procedures, protecting the City's interests and providing good governance by delivering governance systems that facilitate open, ethical, and transparent decision making, and responsible management of ratepayer funds.

BACKGROUND

The Purchasing Policy provides the framework for purchasing decisions in relation to procurement of goods and services made by the City of Busselton. It defines the higher-level procedures that must be adhered to for purchasing depending on the value of the transactions. The Purchasing Policy was initially implemented in 2007 and, pursuant to an ongoing periodic review cycle, has regularly been updated, the last of which occurred in 2020.

It is a requirement to have a purchasing policy under regulation 11A of the *Local Government (Functions and General) Regulations 1996 (WA)* (Regulations). The Regulations also requires a written policy setting out the requirement for establishing panels of prequalified suppliers. The City has a combined Purchasing Policy to satisfy these requirements.

As part of the City's policy review cycle, City officers have completed a further review of the Purchasing Policy and recommend adoption by Council of the updated Purchasing Policy (Attachment 1).

OFFICER COMMENT

City officers have not identified significant policy changes for the purchasing policy. To keep the Purchasing Policy contemporary and aligned with operational requirements, the following amendments however are proposed:

- Amend the Strategic Context to align with the City's (current) Strategic Community Plan 2021 – 2031;
- Reordering of procurement principles and the inclusion new subheadings for social and sustainable procurement, support local enterprise, business investment and employment growth and anti-avoidance requirements;
- Amended purchasing thresholds to take into account inflationary impacts, changes in market conditions and increases to the City's annual budget since the last policy review as follows:

Table 1: Existing Purchasing Thresholds

Amount of Purchase	Requirements
Up to \$5,000	Purchase directly from a suitable supplier after obtaining at least one (1) oral or written quotation from that supplier.
\$5,001 - \$14,999	Obtain at least two (2) written quotations from suitable suppliers following a brief outlining of the specified requirement.
\$15,000 - \$49,999	Obtain at least three (3) written quotations from suppliers following a brief outlining of the specified requirement.
\$50,000 - \$249,999	A Formal RFQ process must be followed by officers at this level of purchase. Officers must obtain at least three (3) written quotations from suppliers.

Table 2: Proposed Purchasing Thresholds

Amount of Purchase	Requirements
Up to \$5,000	Purchase directly from a suitable supplier after obtaining at least one (1) written or oral quotation .
\$5,001 - \$24,999	Invite quotations from suitably experienced and qualified suppliers to obtain at least two (2) written quotations .
\$25,000 - \$74,999	Invite quotations from suitably experienced and qualified suppliers to obtain three (3) quotations .
\$75,000 - \$249,999	<ul style="list-style-type: none"> • Invite sufficient quotations from suitably experienced and qualified suppliers to obtain at least three (3) written quotations. • The request for quotation must include pre-determined evaluation criteria for assessment of quotations in accordance with relevant procurement principles and Operational Practices. • Quotations must be evaluated in writing by at least two (2) suitably qualified and experienced persons, one of which must be a City officer.
\$250,000 and over	<p>Conduct a public tender process in accordance with the Act and the Regulations, subject to the exceptions in Regulation 11(2).</p> <p>Note: Where circumstances warrant, City officers may conduct a tender process for projects which are below the \$250,000 threshold.</p>

- Minor amendments to the waiver of purchasing requirements to list the positions that may approve a waiver in certain circumstances;
- Minor amendments to specifically refer to requirements relating to the use of State Government Common Use Arrangements;

- Amendments to the paragraphs dealing with Panels of Pre-Qualified Suppliers to ensure compliance with the Regulations;
- Removal of paragraphs that restate or paraphrase the Regulations (for example paragraphs 5.16 to 5.26 of the current policy)
- Other minor changes for consistency, clarity and readability.

Statutory Environment

In accordance with section 3.1 of the *Local Government Act 1996* (the Act) the general function of a local government is to provide for the good government of persons in its district. This function must be performed having regard to, among other things, the need to promote the economic, social, and environmental sustainability of the district.

Regulation 11A(1) of the Regulations requires that a local government implement a purchasing policy in relation to contracts for the supply of goods or services where the consideration under the contract is, or is expected to be, \$250,000 or less. Such a policy must, among other things, make provision in respect of:

- the form of quotations acceptable.
- the minimum number of oral and written quotations that must be obtained; and
- the recording and retention of purchasing records.

Regulation 24AC of the Regulations requires that a local government must not establish a panel of pre-qualified suppliers unless it has a written policy that makes provision for certain matters relating to those panels.

In accordance with Section 2.7(2)(b) of the Act, it is the role of the Council to determine the local government policies. Pursuant to section 5.8 of the Act, Council established a Policy and Legislation Committee to make recommendations to Council in relation to the City's policies.

The recommended changes to the Purchasing Policy is considered to be consistent with the relevant statutory requirements.

Relevant Plans and Policies

The recommended changes to the Purchasing Policy are consistent with the City's Strategic Community Plan 2021 – 2031.

Financial Implications

There are no financial implications associated with the Officer Recommendation.

External Stakeholder Consultation

Not applicable.

Risk Assessment

The Purchasing Policy seeks to manage legal and financial risk by outlining the regulatory duties and requirements in relation to procurement of goods and services by the City. Responsible, transparent, and ethical procurement processes also assist with continuation of service levels and reduces the City's reputational risk by facilitating delivery of service to the community at the expected standards.

An assessment of the potential implications of implementing the Officer Recommendation indicated that no risks of a medium or greater level have been identified.

Options

As an alternative to the Officer Recommendation the Council could resolve to:

1. Retain the Purchasing Policy in its current form.
2. Make further changes to the proposed Purchasing Policy.

CONCLUSION

The proposed changes to the Purchasing Policy seek to achieve the best value for money in relation to procurement of goods and service by the City, in a manner that is and socially ethical and by way of procurement processes that are transparent and compliant and ultimately resulting in the most advantageous outcome to the City.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

If adopted by the Council the revised Purchasing Policy will come into effect on the date of the Council meeting at which it is adopted and, as soon as is it practicable, it will be placed on the City's external website.

10.2 Council Policy Review: Regional Price Preference

Strategic Theme:	Key Theme 3: Opportunity 3.2 Facilitate an innovative and diversified economy that supports local enterprise, business, investment and employment growth. Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
Directorate:	Corporate Strategy and Performance
Reporting Officer:	Contract & Tendering Officer - Heather Sheppard
Authorised By:	Director Corporate Strategy and Performance - Sarah Pierson
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 Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	<ol style="list-style-type: none"> 1. Council Policy: Regional Price Preference (current policy) [6.2.1 - 2 pages] 2. Council Policy: Regional Price Preference (incorporating administrative updates) [6.2.2 - 2 pages]

This item was considered by the Policy and Legislation Committee at its meeting held 20 March 2024, the recommendations of which have been included in this report.

The committee recommendation was moved and carried.

COUNCIL DECISION

C2404/85 Moved Cr Mikayla Love, seconded Cr Andrew Macnish

That the Council:

1. having reviewed the Regional Price Preference Policy as part of the City's policy review cycle, resolves not to make any amendments; and
2. acknowledges that the CEO will make administrative updates to the strategic context and the name of the responsible directorate.

CARRIED 9 / 0

FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft

AGAINST: Nil

EN BLOC

OFFICER RECOMMENDATION

That the Council:

1. having reviewed the Regional Price Preference Policy as part of the City's policy review cycle, resolves not to make any amendments; and
2. acknowledges that the CEO will make administrative updates to the strategic context and the name of the responsible directorate.

EXECUTIVE SUMMARY

City officers have reviewed the City's existing Council policy: "Regional Price Preference" as part of the City's policy review cycle and do not recommend any substantive changes to the Regional Price Preference Policy (Attachment 1).

STRATEGIC CONTEXT

The Regional Price Preference Policy forms part of the City's procurement framework and is directed at guiding the City's procurement practices and procedures, in conjunction with the Purchasing Policy, to increase local procurement. This in turn helps facilitate an innovative and diversified economy that supports local enterprise, business, investment and employment growth.

BACKGROUND

The Regional Price Preference Policy allows the City to give a regional price preference to certain local suppliers when assessing a tender. The Regional Price Preference Policy was first implemented in 2017 and was last reviewed by the Council in 2018.

As part of the City's ongoing policy review cycle officers have completed a further review of the Regional Price Preference Policy.

OFFICER COMMENT

Since the last review in 2018, there have been no material concerns or issues raised about the operation of the Policy. Therefore, having further reviewed the Regional Price Preference, City officers are not recommending any amendments.

If the officer recommendation is accepted by the Council, administrative amendments will be made to update the directorate name and to realign the strategic context in tabular form and in accordance with the City's current Strategic Community Plan (as set out in Attachment 2) prior to republishing on the City's website.

Statutory Environment

Part 4A of the *Local Government (Functions and General) Regulations 1996* requires a local government to prepare a regional preference policy if it intends to give a regional price preference in relation to a process.

In accordance with Section 2.7(2)(b) of the *Local Government Act 1996* (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.

Relevant Plans and Policies

The recommended changes to the Purchasing Policy are consistent with the City's Strategic Community Plan 2021 – 2031. The Regional Price Preference Policy is linked to the City's Purchasing Policy.

Financial Implications

There are no financial implications associated with the officer recommendation.

External Stakeholder Consultation

Not applicable.

Risk Assessment

The Regional Price Preference Policy seeks to manage legal and financial risk by outlining the regulatory duties and requirements in relation to procurement of goods and services by the City. Responsible, transparent, and ethical procurement processes also assist with continuation of service levels and reduces the City's reputational risk by facilitating delivery of service to the community at the expected standards.

An assessment of the potential implications of implementing the officer recommendation indicated that no risks of a medium or greater level have been identified.

Options

As an alternative to the officer recommendation the Council could resolve to propose to amend the Regional Price Preference Policy.

For example other local governments (including Busselton previously) have allowed a price preference for tenderers located outside the district who propose to source goods and services within the district (under subcontracts) as part of their tenders.

If the Council wishes to amend the Regional Price Preference Policy then Statewide public notice of the proposed policy will need to be given before it can be adopted.

CONCLUSION

The officer recommendation confirms that the Regional Price Preference Policy has been reviewed but does not recommend any substantive amendments.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

If the officer recommendation is accepted the administrative amendments to the Regional Price Preference Policy will be made and published on the City's website as soon as practicable.

10.3 Council Policy Review: Building Insurance and Waste Collection Services

Strategic Theme:	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
Directorate:	Infrastructure and Environment
Reporting Officer:	Executive Assistant - Janina Greenwood
Authorised By:	Director Infrastructure and Environment - Oliver Darby
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 Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	<ol style="list-style-type: none">1. Proposed Council Policy Building Insurance [6.3.1 - 2 pages]2. Proposed Council Policy Waste Collection Service [6.3.2 - 3 pages]3. Council Policy Building Insurance Track Changes [6.3.3 - 3 pages]4. Council Policy Waste Collection Service Track Changes [6.3.4 - 3 pages]

This item was considered by the Policy and Legislation Committee at its meeting held 20 March 2024, the recommendations of which have been included in this report.

Prior to the meeting, Cr Andrew Macnish foreshadowed an alternative that was different to the committee recommendation. In accordance with clause 10.18(7) of the City of Busselton *Standing Orders Local Law 2018*, the committee recommendation was considered first.

The committee recommendation was moved, and lapsed for want of a seconder.

COUNCIL DECISION

C2404/86 Moved Cr Jarrod Kennedy

That the Council adopts the Building Insurance Council Policy and Waste Collection Services Council Policy as per attachments 1 and 2 to replace the current policies.

Lapsed for want of a seconder

With the committee recommendation having lapsed, Cr Andrew Macnish moved his foreshadowed motion.

SUBSTANTIVE MOTION

Moved Cr Andrew Macnish, Seconded Cr Jodie Richards

The Council adopts:

- 1. its Building Insurance Policy (Attachment 1) and**
- 2. its Waste Collection Service Policy (Attachment 2) with an amendment to point 5.8 to include the calculation used by the Authorised Officer to determine the viability of providing a service.**

Pursuant to clause 10.8 of the City of Busselton *Standing Orders Local Law 2018*, Cr Andrew Macnish altered the wording of the motion with the consent of seconder, Cr Jodie Richards.

Pursuant to clause 10.5 of the City of Busselton *Standing Orders Local Law 2018* the presiding member required the substantive motion be put in the form of more than one motion, each of which is to be put in sequence.

COUNCIL DECISION - PART 1

C2404/87 Moved Cr Andrew Macnish, Seconded Cr Jodie Richards

The Council adopts its Building Insurance Policy (Attachment 1).

CARRIED 9 / 0

FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft

AGAINST: Nil

With part one of the motion carried, Mayor Phill Cronin moved a procedural motion pursuant to clause 11.5(1)(a) of the City of Busselton *Standing Orders Local Law 2018* to refer part 2 of the Substantive Motion to the Policy and Legislation Committee at its meeting of 15 May 2024.

The motion was carried.

COUNCIL DECISION – PART 2

C2404/88 Moved Mayor Phill Cronin, Seconded Cr Andrew Macnish

That the Waste Collection Service Policy (Attachment 2) be referred to the Policy and Legislation Committee at its next meeting of 15 May 2024.

CARRIED 9 / 0

FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish,

Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft

AGAINST: Nil

Reasons: To discuss further the service assessment referenced in the Policy for new waste collection services.

OFFICER RECOMMENDATION

That the Council adopts the Building Insurance Council Policy and Waste Collection Services Council Policy as per attachments 1 and 2 to replace the current policies.

EXECUTIVE SUMMARY

This report presents a reviewed/updated Building Insurance Policy and Waste Collection Service Policy (the Policies) for the Council's consideration, with the current policies amended as part of the City's ongoing policy review process.

STRATEGIC CONTEXT

The Policies link to Key Theme 4: Leadership, 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.

BACKGROUND

Building Insurance Policy

A building insurance policy was first adopted by the Council on 14 September 2016 (C1609/234) The current policy was last reviewed in 2020 (C2002/033), with regard to the Governance System Review, which recommended that Council's policies be reviewed to remove operational level detail and function as strategic guidance documents.

Waste Collection Service Policy

The current policy was first adopted in 2012 (C2002/033) to replace a previous Refuse Collection Service Policy and was last reviewed in 2019 (C1910/212); again with regard to the Governance System Review outcomes.

OFFICER COMMENT

Building Insurance

Changes are recommended to this policy to simplify and streamline the scope, and to reflect variable lease conditions in relation to insurance, where the tenant may either be required to insure the building themselves or reimburse the City for insurance.

Waste Collection Services

The main change to this Policy is the removal of any reference to the "Organic Waste Mobile Garage Bin (MGB)". The City is not currently providing this service. If, in the future this service becomes available officers can recommend changes to the policy to suit.

Statutory Environment

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

Relevant Plans and Policies

The officer recommendation aligns to the following adopted plan or policy:

Plan:

Not applicable.

Policy:

[Asset Management](#)

[Building Insurance](#)

[Waste Collection Services](#)

The City also has a Policy Framework which sets out the purpose of a Council Policy as opposed to an Operational Practice, with a Council Policy to provide strategic direction to the Council and the CEO.

Financial Implications

Not Applicable

External Stakeholder Consultation

Not Applicable

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 require further amendments to the Policies (or one of the Policies).

CONCLUSION

A review of the Policies has been undertaken, with only minor changes proposed. The Policies continue to be of relevance and are recommended for adoption.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

If adopted by the Council, the Policies will come into effect on the date of the Council meeting at which they are adopted and, as soon as is practicable, it will be placed on the City's external website.

10.4 Monthly Financial Report - Year to Date 29 February 2024

Strategic Theme:	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making. 4.5 Responsibly manage ratepayer funds to provide for community needs now and in the future.
Directorate:	Corporate Strategy and Performance
Reporting Officer:	Manager Financial Services – Paul Sheridan
Authorised By:	Director Corporate Strategy and Performance – Sarah Pierson
Nature of Decision:	Legislative: adoption of “legislative documents” such as local laws, local planning schemes and local planning policies. Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	1. Monthly Financial Report - February 2024 [6.1.1 - 28 pages] 2. Investment Report - February 2024 [6.1.2 - 1 page] 3. Loan Schedule - February 2024 [6.1.3 - 1 page]

This item was considered by the Finance Committee at its meeting held 3 April 2024, the recommendations of which have been included in this report.

The committee recommendation was moved and carried.

COUNCIL DECISION

C2404/89 Moved Cr Mikayla Love, seconded Cr Andrew Macnish

That the Council receives the statutory monthly financial report for the period ending 29 February 2024, pursuant to Regulation 34(4) of the *Local Government (Financial Management) Regulations 1996*.

CARRIED 9 / 0

FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft

AGAINST: Nil

EN BLOC

OFFICER RECOMMENDATION

That the Council receives the statutory monthly financial report for the period ending 29 February 2024, pursuant to Regulation 34(4) of the *Local Government (Financial Management) Regulations 1996*.

EXECUTIVE SUMMARY

Pursuant to Section 6.4 of the *Local Government Act 1995* (the Act) and Regulation 34(4) of the *Local Government (Financial Management) Regulations 1996* (the Regulations), a local government is to prepare, on a monthly basis, a monthly financial report that reports on the City's Statement of Financial Activity, Statement of Financial Position, and its performance in relation to its adopted / amended budget.

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the City's financial performance on a year-to-date basis, for the period ending 29 February 2024.

STRATEGIC CONTEXT

Provision of the monthly financial report, while a statutory requirement, also supports open and accountable governance.

BACKGROUND

The Regulations detail the form and manner in which the monthly financial report is to be presented to the Council, and is to include the following:

- Annual budget estimates;
- Budget estimates to the end of the month in which the statement relates;
- Actual amounts of revenue and expenditure to the end of the month in which the statement relates;
- Material variances between budget estimates and actual revenue/expenditure (including an explanation of any material variances);
- The net current assets at the end of the month to which the statement relates (including an explanation of the composition of the net current position); and
- Statement of Financial Position

Additionally, and pursuant to Regulation 34(5) of the Regulations, a local government is required to adopt a material variance reporting threshold in each financial year.

At its meeting on 26 July 2023, the Council adopted (C2305/57) the following material variance reporting thresholds for the 2023/24 financial year:

That pursuant to Regulation 34(5) of the Local Government (Financial Management) Regulations, the Council adopts a material variance reporting threshold with respect to financial activity statement reporting for the 2023/24 financial year as follows:

- *Variances equal to or greater than 10% of the year-to-date budget amount as detailed in the Income Statement by Nature and Type/Statement of Financial Activity report, however variances due to timing differences and/or seasonal adjustments are to be reported only if not to do so would present an incomplete picture of the financial performance for a particular period; and*
- *Reporting of variances only applies for amounts greater than \$50,000.*

OFFICER COMMENT

To fulfil statutory reporting requirements and to provide the Council with a synopsis of the City's overall financial performance on a year-to-date basis, the following financial reports are attached hereto (Attachment 1):

Statement of Financial Activity

This report provides details of the City's operating revenues and expenditures on a year-to-date basis, by nature (i.e. description). The report has been further extrapolated to include details of non-cash adjustments and capital revenues and expenditures, to identify the City's net current position; which reconciles with that reflected in the associated Net Current Position report.

Statement of Financial Position

A statement of financial position is a financial statement that summarises the reporting entities assets (what it owns), liabilities (what it owes), and equity (assets less liabilities) on a particular date.

Basis of Preparation Note (Note 1)

Explains the regulatory framework upon which the financial statements have been prepared.

Statement of Financial Activity Note (Note 2)

Explains the non-cash items that have been excluded from the calculation of the Net Current Position in the Statement of Financial Activity.

Explanation of Material Variances Note (Note 3)

Provides a breakdown by directorate and cost centre of each of the variances on the face of the Statement of Financial Activity that meet the Council's adopted material variance threshold for 2023/24.

Net Current Position Summary Report

This report provides details of the composition of the net current asset position on a year-to-date basis and reconciles with the net current position as per the Statement of Financial Activity.

Capital Acquisition & Construction Report

This report provides full year budget performance (by line item) in respect of the following capital expenditure activities:

- Land and Buildings
- Plant and Equipment
- Furniture and Equipment
- Infrastructure

This report outlines the actual and budgeted movement from the start of the financial year to date, that result in the balances listed in the Statement of Financial Position for Property, Plant & Equipment.

Reserve Movements Report

This report provides summary details of transfers to and from reserve funds, and associated interest earnings on reserve funds, on a full year basis.

Additional reports and/or charts can be provided as required to further supplement the information comprised within the statutory financial reports.

Net Current Position Chart

Tracks the net Current Position over the year in comparison to previous 4 years.

Comments on Financial Activity to 29 February 2024

The Statement of Financial Activity (FAS) for the year to date (YTD) shows an overall Net Current Position (NCP) of \$18.3M as opposed to the YTD budget of \$511K. The following table summarises the major YTD variances that appear on the face of the FAS, which, in accordance with Council's adopted material variance reporting threshold, collectively make up the above difference.

Each numbered item in this lead table is explained further in note 3 of the attached Monthly Financial Report.

Description	2023/24 Actual YTD \$	2023/24 Budget YTD \$	2023/24 Budget \$	2023/24 YTD Bud Variance %	2023/24 YTD Bud Variance \$	Change in Variance Current Month \$
Amount Attributable to Operating Activities				14.31%	4,657,538	677,817
Revenue from Operating Activities				5.39%	4,452,395	743,777
1. Grants, Subsidies and Contributions	2,390,169	1,440,387	5,325,685	65.94%	949,781	44,754
2. Other Revenue	416,148	141,809	334,932	193.46%	274,339	42,471
3. Interest Earnings	4,371,723	3,017,446	4,305,492	44.88%	1,354,276	286,874
Expenses from Operating Activities				6.69%	4,493,308	(372,000)
4. Materials & Contracts	(14,278,048)	(19,083,870)	(29,072,925)	25.18%	4,805,822	183,009
5. Other Expenditure	(3,009,998)	(4,001,802)	(6,823,844)	24.78%	991,804	(236,921)
Amount Attributable to Investing Activities				71.33%	14,619,359	1,528,324
6. Capital Grants, Subsidies and Contributions	3,153,352	1,323,956	19,724,075	138.18%	1,829,396	(640,942)
7. Land & Buildings	(9,398,900)	(21,214,043)	(29,976,325)	55.69%	11,815,143	1,845,129
8. Plant & Equipment	(811,577)	(2,204,284)	(6,078,421)	63.18%	1,392,707	319,185

Description	2023/24 Actual YTD \$	2023/24 Budget YTD \$	2023/24 Budget \$	2023/24 YTD Bud Variance %	2023/24 YTD Bud Variance \$	Change in Variance Current Month \$
9. Furniture & Equipment	(359,402)	(1,051,243)	(1,488,909)	65.81%	691,841	(67,141)
10. Infrastructure	(6,548,397)	(14,612,248)	(22,015,829)	55.19%	8,063,851	322,674
11. Proceeds from Sale of Assets	347,120	400,800	863,800	(13.39%)	(53,680)	(90,799)
Amount Attributable to Financing Activities				(386.78%)	(13,586,447)	(6,309,407)
12. Proceeds from New Loans	0	2,000,000	2,000,000	(100.00%)	(2,000,000)	0
13. Advances to Community Groups	0	(250,000)	(250,000)	100.00%	250,000	0
14. Transfer to Restricted Assets	(18,484,594)	(8,888,798)	(9,200,455)	(107.95%)	(9,595,796)	(419,642)

Investment Report

Pursuant to the Council's Investment Policy, a report is to be provided to the Council monthly, detailing the investment portfolio in terms of performance and counterparty percentage exposure of total portfolio. The report (see attached) is also to provide details of investment income earned against budget, whilst confirming compliance of the portfolio with legislative and policy.

A brief summary of the details contained in the report are as follows:

As at 29 February 2024 the value of the City's invested funds decreased to \$120M from \$123M as at 31 January 2024. The decrease is a result of one term deposit being closed, with the funds used for standard operational needs.

As at 29 February 2024 the 11am account balance remained the same at \$10.0M.

During the month of February 2024, four term deposits matured. One was closed with a total of \$3.5M and three were re-invested for a further 152 days at 4.99%.

The official cash rate remained steady during the month of February 2024 at 4.35%. Timing of further movements of the cash rate are currently uncertain, although it is expected to stay steady in the short term and then begin to drop later in the year.

Borrowings Update

During the month no new loans were drawn, and nothing was paid off the principal and interest on existing loans. The attached Loan Schedule outlines the status of all existing loans YTD.

Chief Executive Officer – Corporate Credit Card

Details of transactions made on the Chief Executive Officer’s corporate credit card during February 2024 are provided below to ensure there is appropriate oversight and awareness.

Date	Payee	Description	\$ Amount
19/02/2024	WEST AUSTRALIAN DIGITAL	DIGITAL SUBSCRIPTION-PR	28.00
22/02/2024	BENESSE BUSSELTION	MEETING CATERING-CEO & MAYOR	41.97
26/02/2024	QANTAS AIRWAYS LTD	ITINERY CHANGES FEES RCA MEETING CANBERRA- MAYOR	531.68
26/02/2024	QANTAS AIRWAYS LTD	ITINERY CHANGES FEES RCA MEETING CANBERRA- MAYOR	99.00
28/02/2024	QANTAS AIRWAYS LTD	PARTIAL REFUND OF CANCELLED FLIGHT- CEO	-108.92
29/02/2024	MAILCHIMP	ELECTRONIC NEWSLETTER PR	425.24
		TOTAL	1,016.97

Donations & Contributions Received

During the month no non-infrastructure asset (bridges, roads, POS etc), donations or contributions were received.

Statutory Environment

Section 6.4 of the Act and Regulation 34 of the Regulations detail the form and manner in which a local government is to prepare financial activity statements.

Relevant Plans and Policies

The officer recommendation aligns to the following adopted plan or policy:

Plan:

Annual Adopted Budget 2022-2023

[Strategic Community Plan 2021-2031](#)

[Corporate Business Plan 2022-2026](#)

[Long Term Financial Plan 2022/23 - 2031/32](#)

Policy:

There are no relevant policies for this report.

Financial Implications

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

External Stakeholder Consultation

Not applicable.

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 Statements of Financial Activity are presented in accordance with Section 6.4 of the Act and Regulation 34 of the Regulations and are to be received by Council. Council may wish to make additional resolutions as a result of having received these reports.

CONCLUSION

As at 29 February 2024, the City's net current position stands at \$18.3M, and cash reserve balances remain sufficient for their purposes.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Not Applicable.

10.5 List of Payments Made - February 2024

Strategic Theme:	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making. 4.5 Responsibly manage ratepayer funds to provide for community needs now and in the future.
Directorate:	Corporate Strategy and Performance
Reporting Officer:	Manager Financial Services – Paul Sheridan
Authorised By:	Director Corporate Strategy and Performance – Sarah Pierson
Nature of Decision:	Noting: The item is simply for information purposes and noting.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	1. List of Payments for Council February 2024 [6.2.1 - 10 pages]

This item was considered by the Finance Committee at its meeting held 3 April 2024, the recommendations of which have been included in this report.

The committee recommendation was moved and carried.

COUNCIL DECISION

C2404/90 Moved Cr Mikayla Love, seconded Cr Andrew Macnish

That the Council notes payment of voucher numbers for the month of February 2024 as follows:

CHEQUE PAYMENTS	119889 - 119897	109,811.65
ELECTRONIC FUNDS TRANSFER PAYMENTS	101051 - 101626	5,644,165.47
TRUST ACCOUNT PAYMENTS	EFT# TR000021 - TR000026	79,665.50
PAYROLL PAYMENTS	01.02.2024 - 29.02.2024	1,852,127.14
INTERNAL PAYMENT VOUCHERS	DD #5596 - 5628	108,750.05
TOTAL PAYMENTS		7,794,519.81

CARRIED 9 / 0

FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft

AGAINST: Nil

EN BLOC

OFFICER RECOMMENDATION

That the Council notes payment of voucher numbers for the month of February 2024 as follows:

CHEQUE PAYMENTS	119889 - 119897	109,811.65
ELECTRONIC FUNDS TRANSFER PAYMENTS	101051 - 101626	5,644,165.47
TRUST ACCOUNT PAYMENTS	EFT# TR000021 - TR000026	79,665.50
PAYROLL PAYMENTS	01.02.2024 - 29.02.2024	1,852,127.14
INTERNAL PAYMENT VOUCHERS	DD #5596 - 5628	108,750.05
TOTAL PAYMENTS		7,794,519.81

EXECUTIVE SUMMARY

This report provides details of payments made from the City’s bank accounts for the month of February 2024 for noting by the Council and recording in the Council Minutes.

STRATEGIC CONTEXT

Provision of the list of payments, while a statutory requirement, also supports open and accountable governance.

BACKGROUND

The *Local Government (Financial Management) Regulations 1996* (the Regulations) requires that, when the Council has delegated authority to the CEO to make payments from the City’s bank accounts, a list of payments made is prepared each month for presentation to, and noting by, the Council.

OFFICER COMMENT

In accordance with regular custom, the list of payments made for the month of February 2024 is presented for information.

Statutory Environment

Section 6.10 of the *Local Government Act 1995* (the Act), and more specifically Regulation 13 of the Regulations, refer to the requirement for a listing of payments made each month to be presented to the Council.

Relevant Plans and Policies

Not applicable.

Financial Implications

Not applicable.

External Stakeholder Consultation

Not applicable.

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

Not applicable.

CONCLUSION

The list of payments made for the month of February 2024 is presented for information.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Not applicable.

10.6 Budget Amendments - Infrastructure and Environment

Strategic Theme:	Key Theme 2: Lifestyle 2.10 Provide local road networks that allow for the safe movement of people through the District. Key Theme 4: Leadership 4.5 Responsibly manage ratepayer funds to provide for community needs now and in the future.
Directorate:	Infrastructure and Environment
Reporting Officer:	A/Engineering Management Accountant – Ella McAlister
Authorised By:	Director Infrastructure and Environment – Oliver Darby
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 Requirements:	Absolute Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	Nil

This item was considered by the Finance Committee at its meeting held 3 April 2024, the recommendations of which have been included in this report.

The committee recommendation was moved and carried.

COUNCIL DECISION

C2404/91 Moved Cr Val Kaigg, seconded Cr Jarrod Kennedy

That the Council:

- Endorse the following requested budget amendments:**

Amendment Description					
Project Description					
Item #	Budgeted Municipal Net Current Position	Operational Expenditure Budget	Capital Expenditure Budget	Grant	Reserves or Restricted Assets
	Increase / (Decrease)	Increase / (Decrease)	Increase / (Decrease)	(Increase) / Decrease	Increase / (Decrease)
1	Increase Budget of Existing Capital Project to be funded from the Other Infrastructure Reserve				
	Project 12815 - North Street Drainage Works (C)				
	-	-	80,176	-	(80,176)
2	Reduce Budget of Existing Capital Project from the Other Infrastructure Reserve				
	Project 14884 - Depuch Close - Eagle Bay (C)				
	-	-	(7,617)	-	7,617
3	Reduce Budget of Existing Capital Project from the Other Infrastructure Reserve				
	Project 14885 - Heppingstone & Hale Street Intersection (C)				
	-	-	(26,068)	-	26,068

4	Reduce Budget of Existing Capital Project from the Other Infrastructure Reserve				
	Project 14886 Hester Street Drainage Renewal SLK 0.33 (C)				
	-	-	(8,737)	-	8,737
5	Increase Budget of Existing Capital Project from the Road Reserve				
	Project 12827 - Commonage Road (C)				
	-	-	830,500	-	(830,500)
6	Remove Capital Project which was to be funded from the Road Reserve				
	Project 14864 - Sugarloaf Road - Second Coat Seal (C)				
	-	-	(66,521)	-	66,521
7	Reduce Budget of Existing Capital Project from the Road Reserve				
	Project 14850 Cook Street Asphalt Overlay SLK 0.39 to 1.25 (C)				
	-	-	(109,082)	-	109,082
8	Reduce Budget of Existing Capital Project from the Road Reserve				
	Project 12005 – Payne Road (C)				
	-	-	(161,374)	-	161,374
9	Reduce Budget of Existing Capital Project from the Road Reserve				
	Project 12611 – North Jindong Road (C)				
	-	-	(268,637)	-	268,637
10	Reduce Budget of Existing Capital Project from the Road Reserve				
	Project 14854 – Boallia Road (C)				
			(85,819)		85,819
11	Reduce Budget of Existing Capital Project from the Road Reserve				
	Project 14858 - Artisan Street Asphalt Overlay SLK 0.02 to 0.16 (C)				
			(11,075)		11,075
12	Reduce Budget of Existing Capital Project from the Road Reserve				
	Project 14865 - Yallingup Beach Road Reseal SLK 0 to 0.19 (C)				
			(5,894)		5,894
13	Reduce Budget of Existing Capital Project from the Road Reserve				
	Project 12842 – Nuttman Road (C)				
			(4,298)		4,298
14	Reduce Budget of Existing Capital Project from the Road Reserve				
	Project 15108 - Bussell Highway Resurfacing SLK 0 to 3.8 (C)				
			(2,232)		2,232
15	New Capital Project to be funded from the Road Reserve				
	Metricup-Yelverton Road				
			138,134		(138,134)
Totals	-	-	291,456	-	(291,456)

2. Note these amendments will completed by the end of the financial year.

CARRIED 9 / 0

**FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish,
Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft**

**AGAINST: Nil
BY ABSOLUTE MAJORITY**

OFFICER RECOMMENDATION

That the Council endorse the following requested budget amendments:

Amendment Description					
Project Description					
Item #	Budgeted Municipal Net Current Position	Operational Expenditure Budget	Capital Expenditure Budget	Grant	Reserves or Restricted Assets
	Increase / (Decrease)	Increase / (Decrease)	Increase / (Decrease)	(Increase) / Decrease	Increase / (Decrease)
1	Increase Budget of Existing Capital Project				
	Project 12815 - North Street Drainage Works (C)				
	-	-	80,176	-	(80,176)
2	Reduce Budget of Existing Capital Project				
	Project 14884 - Depuch Close - Eagle Bay (C)				
	-	-	(7,617)	-	7,617
3	Reduce Budget of Existing Capital Project				
	Project 14885 - Heppingstone & Hale Street Intersection (C)				
	-	-	(26,068)	-	26,068
4	Reduce Budget of Existing Capital Project				
	Project 14886 Hester Street Drainage Renewal SLK 0.33 (C)				
	-	-	(8,737)	-	8,737
5	Increase Budget of Existing Capital Project				
	Project 12827 - Commonage Road (C)				
	-	-	830,500	-	(830,500)
6	Remove Capital Project				
	Project 14864 - Sugarloaf Road - Second Coat Seal (C)				
	-	-	(66,521)	-	66,521
7	Reduce Budget of Existing Capital Project				
	Project 14850 Cook Street Asphalt Overlay SLK 0.39 to 1.25 (C)				
	-	-	(109,082)	-	109,082
8	Reduce Budget of Existing Capital Project				
	Project 12005 – Payne Road (C)				
	-	-	(161,374)	-	161,374
9	Reduce Budget of Existing Capital Project				
	Project 12611 – North Jindong Road (C)				

Amendment Description					
Project Description					
Item #	Budgeted Municipal Net Current Position	Operational Expenditure Budget	Capital Expenditure Budget	Grant	Reserves or Restricted Assets
	Increase / (Decrease)	Increase / (Decrease)	Increase / (Decrease)	(Increase) / Decrease	Increase / (Decrease)
	-	-	(268,637)	-	268,637
10	Reduce Budget of Existing Capital Project				
	Project 14854 – Boallia Road (C)				
			(85,819)		85,819
11	Reduce Budget of Existing Capital Project				
	Project 14858 - Artisan Street Asphalt Overlay SLK 0.02 to 0.16 (C)				
			(11,075)		11,075
12	Reduce Budget of Existing Capital Project				
	Project 14865 - Yallingup Beach Road Reseal SLK 0 to 0.19 (C)				
			(5,894)		5,894
13	Reduce Budget of Existing Capital Project				
	Project 12842 – Nuttman Road (C)				
			(4,298)		4,298
14	Reduce Budget of Existing Capital Project				
	Project 15108 - Bussell Highway Resurfacing SLK 0 to 3.8 (C)				
			(2,232)		2,232
15	New Capital Project				
	Metricup-Yelverton Road				
			138,134		(138,134)
Totals	-	-	291,456	-	(291,456)

EXECUTIVE SUMMARY

This report seeks the Council's approval of budget amendments for items within the Infrastructure and Environment Directorate. Adoption of the officer recommendation will have no impact on the City's budgeted net current position.

STRATEGIC CONTEXT

The nature of these works supports the provision of a local road network that allows for the safe movement of people through the district, in alignment with Key Theme 2 of the City's Strategic Community Plan – Lifestyle, and is also in support of Key Theme 4 – Leadership in terms of the responsible management of ratepayer funds.

BACKGROUND

In accordance with section 6.8(1) of the *Local Government Act 1995*, a local government is not to incur expenditure from its Municipal fund for additional purpose except where the expenditure:

- Is incurred in a financial year before the adoption of the annual budget by the local government; and
- Is authorised in advance by Council resolution – absolute majority required; or
- Is authorised in advance by the Mayor in an emergency.

Approval is therefore sought for budget amendments as outlined in the officer comment below.

OFFICER COMMENT

The Council adopted its 2023/24 municipal budget on 26 July 2023 and since then, officers have identified the following budget items that require adjustments within the Infrastructure and Environment Directorate. It is good management practice to revise the adopted budget when it is known that circumstances have changed. In keeping with this practice, budgets are reviewed on a regular basis.

Amendments to the budget are categorised into the three key types as listed below:

1. Adjustments impacting the budget balance or net position of the City;
Nil
2. Adjustments with no impact on the budget balance; and
Items: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 & 15
3. Adjustments to transfer budget between capital and operational undertakings.
Nil

Item 1 – North Street Drainage Works (12815)

The Council's approval is sought to add budget to existing project 12815 – North Street Drainage Works for the value of \$80,176. The funds are to cover the cost for additional scope and changes to construction methodology discovered during the construction process.

Changes to the original design include installation of additional drainage pits and realignment of drainage due to encountering subsurface rock. Modified construction methodology requirements were imposed by Water Corporation due the proximity of construction to existing asbestos cement watermain assets.

\$37,754 of additional funds can be sourced from the City Other Infrastructure Reserve [1048], where the existing project is funded from. It is proposed that the remaining funds of \$42,422 required, will be offset with budget savings from already successfully delivered projects; Depuch Close, Heppingstone & Hale Street Intersection and Hester Street Drainage Renewal.

Item 2 – Depuch Close - Eagle Bay (14884)

This amendment seeks to reduce the 2023/24 budget allocation for Project 14884 – Depuch Close Eagle Bay by \$7,617. The project scope was delivered under budget. This budget saving is suggested to offset the North Street Drainage Works project (12815), with funds to be returned to the Other Infrastructure Reserve [1048].

Item 3 – Heppingstone & Hale Street intersection (14885)

This amendment seeks to reduce the 2023/24 budget allocation for Project 14885 – Heppingstone & Hale Street intersection by \$26,068. The project scope was delivered under budget. This budget saving is suggested to offset the North Street Drainage Works project (12815), with funds to be returned to the Other Infrastructure Reserve [1048].

Item 4 – Hester Street Drainage Renewal SLK 0.33 (14886)

This amendment seeks to reduce the 2023/24 budget allocation for Project 14886 – Hester Street Drainage Renewal SLK 0.33 by \$8,737. The project scope was delivered under budget. This budget saving is proposed to offset the North Street Drainage Works project (12815), with funds to be returned to the Other Infrastructure Reserve [1048].

Item 5 – Commonage Road (12827)

The Council's approval is sought to increase the budget of existing project 12827 – Commonage Road by 830,500. The additional funds required are to cover the construction of an amended road pavement, including materials, plant and labour, which were not identified during the detailed design phase.

The original pavement design process for this project included onsite geotechnical investigation and testing to determine the pavement composition, based on the observed strength of subgrade material. During construction, the subgrade encountered was weaker and more extensive than the investigation indicated and required a further revised pavement design. The amended road pavement comprises; rock stabilised subgrade, revised subbase, two layers of geogrid and gravel basecourse. With the overall pavement thickness increasing from 500mm to 750mm (excluding asphalt wearing course).

To mitigate cost and time escalation as much as possible the following measures have been implemented:

- Permanent 24/7 road closure to increase daily construction;
- Additional construction crew to increase overall productivity; and
- Application to Main Road WA to secure additional Regional Road Group funding. This application is currently underway, and if successful, the overall funding contribution from the City will be reduced.

Part funding to the value of \$115,568 can be sourced from the Road Asset Renewal Reserve [1058], where the project is currently funded. Additionally, it is proposed that the balance of \$714,932 required, will be offset with budget savings from already successfully completed projects as outlined within budget amendment items 6 to item 14.

Item 6 – Sugarloaf Road - Second Coat Seal (14864)

Council approval is sought to remove this project from the 2023/24 budget. The condition of the road surface constructed during the 2022/23 financial year has been assessed and does not require intervention at this time.

It is proposed that this budget saving will offset the Commonage Road project (12827), with funds to be returned to the Road Asset Renewal Reserve [1058].

Item 7 – Cook Street Asphalt Overlay SLK 0.39 to 1.25 (14850)

This amendment seeks to reduce the 2023/24 budget allocation for Project 14850 – Cook Street Asphalt Overlay SLK 0.39 to 1.25 by \$109,082. The project scope was delivered under budget. It is proposed that the budget saving will offset the Commonage Road project (12827), with funds to be returned to the Road Asset Renewal Reserve [1058].

Item 8 – Payne Road (12005)

This amendment seeks to reduce the 2023/24 budget allocation for Project 12005 – Payne Road by \$161,374. The project scope was delivered under budget. This budget saving is suggested to offset the Commonage Road project (12827), with funds to be returned to the Road Asset Renewal Reserve [1058].

Item 9 – North Jindong Road (12611)

This amendment seeks to reduce the 2023/24 budget allocation for Project 12611 – North Jindong Road by \$268,637. The project scope was delivered under budget. This budget saving is proposed to offset the Commonage Road project (12827), with funds to be returned to the Road Asset Renewal Reserve [1058].

Item 10 – Boallia Road Reconstruction and Widening SLK 1.5 to 2.3 (14854)

This amendment seeks to reduce the 2023/24 budget allocation for Project 14854 – Boallia Road Recon and Widening SLK 1.5 to 2.3 by \$85,819. The project scope was delivered under budget. This budget is suggested to offset the Commonage Road project (12827), with funds to be returned to the Road Asset Renewal Reserve [1058].

Item 11 – Artisan Street Asphalt Overlay SLK 0.02 to 0.16 (14858)

This amendment seeks to reduce the 2023/24 budget allocation for Project 14858 – Artisan Street Asphalt Overlay SLK 0.02 to 0.16 by \$11,075. The project scope was delivered under budget. This budget is suggested to offset the Commonage Road project (12827), with funds to be returned to the Road Asset Renewal Reserve [1058].

Item 12 – Yallingup Beach Road Reseal SLK 0 to 0.19 (14865)

This amendment seeks to reduce the 2023/24 budget allocation for Project 14865 – Yallingup Beach Road Reseal SLK 0 to 0.19 by \$5,894. The project scope was successfully delivered under budget. This budget saving is suggested to offset the Commonage Road project (12827), with funds to be returned to the Road Asset Renewal Reserve [1058].

Item 13 – Nuttman Road (12842)

This amendment seeks to reduce the 2023/24 budget allocation for Project 12842 – Nuttman Road by \$4,298. The project scope was successfully completed under budget. This budget saving is suggested to offset the Commonage Road project (12827), with funds to be returned to the Road Asset Renewal Reserve [1058].

Item 14 – Bussell Highway Resurfacing SLK 0 to 3.8 (15108)

This amendment seeks to reduce the 2023/24 budget allocation for Project 15108 – Bussell Highway Resurfacing SLK 0 to 3.8 by \$2,232. The project scope was delivered under budget. This budget saving

is proposed to offset the Commonage Road project (12827), with funds to be returned to the Road Asset Renewal Reserve [1058].

Item 15 – Metricup-Yelverton Road (NEW)

The Council’s approval is sought to add a new project to the 2023/24 Budget valued at \$138,134 to complete gravel resheeting on Metricup-Yelverton Road. This project is listed in the draft 2024/25 Budget but the road surface is deteriorating quickly due to forestry activities in the area. Bringing this project forward will reduce ongoing maintenance of this road during the winter period.

The City is currently awaiting heritage approval for the Forrest Beach Road project and is therefore requesting to bring this project forward on the basis that approvals are not received in a timely manner. This will ensure that the City’s labour force and equipment are utilised effectively.

Statutory Environment

Section 6.8 of the *Local Government Act 1995* refers to expenditure from the municipal fund that is not included in the annual budget. In the context of this report, where no budget allocation exists, expenditure is not to be incurred until such time as it is authorised in advance, by an absolute majority decision of the Council.

Relevant Plans and Policies

There are multiple plans and policies that support the proposed budget amendments, in particular, the Asset Management Plan and Long Term Financial Plan.

Plan:

[Asset Management Plan](#)

Policy:

[Asset Management](#)

Financial Implications

Item #	(Increase) / Decrease in Operational Revenue	Increase / (Decrease) in Operational Expenditure	(Increase) / Decrease in Capital Revenue	Increase / (Decrease) in Capital Expenditure	Increase / (Decrease) in Reserves and/or Restricted Assets	Increase / (Decrease) in Net Current Position
Item 1	-	-	-	80,176	(80,176)	-
Item 2	-	-	(7,617)	-	7,617	-
Item 3	-	-	(26,068)	-	26,068	-
Item 4	-	-	(8,737)	-	8,737	-
Item 5	-	-	-	830,500	(830,500)	-
Item 6	-	-	(66,521)	-	66,521	-
Item 7	-	-	(109,082)	-	109,082	-
Item 8	-	-	(161,374)	-	161,374	-
Item 9	-	-	(268,637)	-	268,637	-
Item 10	-	-	(85,819)	-	85,819	-
Item 11	-	-	(11,075)	-	11,075	-
Item 12	-	-	(5,894)	-	5,894	-

Item 13	-	-	(4,298)	-	4,298	-
Item 14	-	-	(2,232)	-	2,232	-
Item 15	-	-	-	138,134	(138,134)	-
TOTALS	-	-	(757,354)	1,048,810	(291,456)	-

External Stakeholder Consultation

Nil required.

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 Council could decide not to proceed with any or all the proposed budget amendment requests.

CONCLUSION

The Council’s approval is sought to amend the budget as outlined in this report.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The officer recommendation will be implemented in full, or in stages as per the following table:

Milestone	Completion Date
Budget Amendments processed	Within one month of Council resolution

11. COMMUNITY PLANNING REPORTS

11.1. 2023/2024 Community Assistance Program Round 3 Outcomes

Strategic Theme:	Key Theme 2: Lifestyle 2.1 Recognise, respect and support community diversity and cultural heritage. 2.2 Work with key partners to facilitate a safe, healthy and capable community.
Directorate	Community Planning
Reporting Officer:	Community Development Officer – Jessica Watts
Authorised By:	Director Community Planning – Gary Barbour
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 Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	Nil

DISCLOSURE OF INTEREST	
Date	17 April 2024
Meeting	Ordinary Council Meeting
Name/ Position	Cr Kate Cox
Item No./ Subject	11.1 '2023/2024 Community Assistance Program Round 3 Outcomes'
Type of Interest	Impartiality Interest
Nature of Interest	I participated in a Radiance Network South West working group that met multiple times to discuss the feasibility of building a community hub.

The officer recommendation was moved and carried.

<u>COUNCIL DECISION</u>		
C2404/92 Moved Cr Jodie Richards, seconded Cr Anne Ryan		
That the Council endorses the following funding allocation, to be funded from the 2023/2024 Community Assistance Program budget:		
Applicant		Allocation
1	Busselton Community Garden	\$4,337.16
2	Busselton Hockey Association	\$6,000.00
3	Busselton Jetty Inc.	\$10,000.00
4	Busselton Men’s Shed	\$4,080.00
5	Radiance Network South West	\$9,500.00

6	Waratah Support Centre	\$10,000.00
	TOTAL	\$43,917.16

CARRIED 9 / 0

**FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish,
Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft**

AGAINST: Nil

OFFICER RECOMMENDATION

That the Council endorses the following funding allocation, to be funded from the 2023/2024 Community Assistance Program budget:

Applicant		Allocation
1	Busselton Community Garden	\$4,337.16
2	Busselton Hockey Association	\$6,000.00
3	Busselton Jetty Inc.	\$10,000.00
4	Busselton Men's Shed	\$4,080.00
5	Radiance Network South West	\$9,500.00
6	Waratah Support Centre	\$10,000.00
	TOTAL	\$43,917.16

EXECUTIVE SUMMARY

Each year the City provides financial assistance to community groups and not-for-profit organisations through the Community Assistance Program (CAP). This assistance is provided for programs, services and projects that contribute to the social, environmental and cultural development of the district. This report provides a summary of recommendations from the CAP Advisory Panel meeting held on 19 March 2024 and seeks formal endorsement of the submissions to be funded in the third CAP round for the 2023/2024 financial year consideration.

STRATEGIC CONTEXT

Recommendations of this report support the Strategic Community Plan's aspirations and priorities, in particular through continuing to support projects that facilitate a safe, healthy and capable community.

BACKGROUND

In April 2020 (C2004/104), the Council endorsed a refocused financial assistance program, the CAP, in response to the COVID-19 pandemic and its repercussions on the community of the District.

In September 2021 (C2109/201), the Council endorsed the establishment of a Community Assistance Advisory Panel to assess and make recommendations to the Council on the applications received

through the CAP. The program was also reviewed and restructured around the following three funding categories:

1. Assistance Grant – for programs, services or activities that aim to assist residents with a focus on the following sectors of the community; seniors, youth, disadvantaged, early childhood and families, volunteers, sport, recreation and environment.
2. Revitalisation Grant – for infrastructure development, facility maintenance, facility upgrades, and the revitalisation of places and spaces.
3. Revitalisation Plus Grant – for contributions towards significant infrastructure development and when external funding is being sourced.

Applications for Round 3 of the Community Assistance Program 2023/2024 closed on 1 March 2024 with a total of 10 applications received and considered. Applications were assessed by the Community Assistance Advisory Panel on 19 March 2024 with representation from three Councillors (Mayor Phill Cronin, Councillor Mikayla Love, and Councillor Jarrod Kennedy), Community Development Officer, and Recreation and Community Development Coordinator.

The outcomes of the meeting form the basis of the officer recommendations in this report with a total of six applications recommended for funding: two applications for Assistance Grants (up to \$10,000) and four applications for Revitalisation Grants (up to \$10,000).

OFFICER COMMENT

Supporting the social, environmental and cultural development of the City of Busselton, the CAP promotes capacity building amongst community groups and not-for-profit organisations. At the CAP Advisory Panel meeting held on 19 March 2024, 10 requests for funding were considered with six applications recommended for funding, as outlined below.

Applicant:	Busselton Community Garden
Project Title:	Solar panel installation and tree pruning
Project Description:	A 6.4kW solar system will be purchased and installed on the roof of the main shed at the Busselton Community Garden. Epicormic growth, from an adjacent tree, will be removed to enable maximum efficiency of the system.
Request:	\$4,728.69
Panel Recommendation:	\$4,337.16
Comment:	Recommendation is consistent with funding 60% of the total project cost. Project is subject to Development Application and Building Application approval.

Applicant:	Busselton Hockey Association
Project Title:	Grandstand replacement at Bovell Hockey Stadium
Project Description:	Replacement of seating boards on lower level of grandstand and replacement of rusted tin on the back of the grandstand.
Request:	\$6,000.00
Panel Recommendation:	\$6,000.00

Applicant:	Busselton Jetty Incorporated
Project Title:	Underwater observatory solar system project
Project Description:	Installation of 12kW solar system with 13.8kW battery storage on underwater observatory.
Request:	\$10,000.00
Panel Recommendation:	\$10,000.00

Applicant:	Busselton Men's Shed
Project Title:	Replacement of Men's Shed common room chairs
Project Description:	The chairs in the common room are a variety of fabric covered chairs that are of different designs, so they do not evenly stack. The cost of annual cleaning the fabric by steam cleaning is not economical. The chairs are used by a variety of not-for-profit groups that use the space on a no charge basis. The space is also available to casual hiring for other groups, and this is provided on a reduced fee to these groups.
Request:	\$4,080.00
Panel Recommendation:	\$4,080.00

Applicant:	Radiance Network Southwest
Project Title:	Feasibility study for a community hub
Project Description:	Feasibility study to ensure the viability of Radiance Network's capacity for this venture, identify methodologies required and provide a document that gives assurance and rationale for funding and partnership outcomes.
Request:	\$10,000.00
Panel Recommendation:	\$9,500.00
Comment:	Reduced funding amount is reflective of GST exclusive costings provided in quotes.

Applicant:	Waratah Support Centre
Project Title:	Family domestic violence posters and coasters; upskilling volunteers
Project Description:	Creation of family and domestic violence prevention posters and coasters to be displayed in local businesses and organisations; and upskilling of volunteers.
Request:	\$10,000.00
Panel Recommendation:	\$10,000.00

Statutory Environment

Not Applicable

Relevant Plans and Policies

The officer recommendation aligns to the following adopted plan or policy:

Plan:

[City of Busselton Community Development Plan 2022-2027](#)

Policy:

[Sponsorship Arrangements](#)

The Sponsorship Arrangements Policy sets out the Community Bids Program (now known as CAP) as one of the programs through which sponsorship may be provided.

The CAP is an opportunity for community groups and not-for-profit organisations to seek assistance to implement initiatives that benefit the wider community and is a program contained within the Community Development Plan.

Financial Implications

The 2023/2024 budget for the CAP totals \$218,539. Funds currently spent and committed totals \$146,010, leaving a balance of \$72,529 for any further grants.

If all funding recommendations included in this report are accepted, a balance of \$28,611.84 will remain. There will be no further funding rounds this financial year.

External Stakeholder Consultation

Not Applicable

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 choose not to support the recommendations made by the Community Assistance Advisory Panel and resolve not to endorse part or all of the recommendations.

CONCLUSION

The CAP has evolved over time and aims to meet community needs with funding available to progress priority goals and objectives identified in the Community Development Plan. All recommendations support the Strategic Community Plan's aspirations and priorities, through continuing to support projects that facilitate a safe, healthy and capable community.

It is recommended that Council endorse the funding allocations outlined in the officer recommendation, as supported by the CAP Advisory Panel.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The officer recommendation will be implemented in full, or in stages as per the following table:

Milestone	Completion Date
Applicants notified of outcomes following the Council's resolution	1 May 2024
Fully executed grant funding agreements completed with recommended funding recipients	15 May 2024

11.2. Busselton Jetty - s43 Prohibition on Fishing (Wire Trace) Order

Strategic Theme:	Key Theme 1: Environment 1.2 Work with the community to manage and enhance natural areas and reserves and their biodiversity. Key Theme 2: Lifestyle 2.2 Work with key partners to facilitate a safe, healthy and capable community.
Directorate:	Community Planning
Reporting Officer:	Manager Community Safety – Rachel Runco
Authorised By:	Director Community Planning – Gary Barbour
Nature of Decision:	Advocacy: to advocate on its own behalf or on behalf of its community to another level of government/body/agency.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	1. ATTACHMENT 1 - Proposed restriction area [11.2.1 - 1 page] 2. ATTACHMENT 2 - Community Consultation Report [11.2.2 - 388 pages]

The officer recommendation was moved, there was opposition and debate ensued.

The officer recommendation was carried.

COUNCIL DECISION

C2404/93 Moved Cr Mikayla Love, seconded Cr Jodie Richards

That the Council requests the CEO to provide advice to the Minister for Fisheries on the positioning of boundaries for the proposed inclusion of the Busselton Jetty and surrounds within the s43 Prohibition on Fishing (Wire Trace) Order, as per Attachment 1.

CARRIED 6 / 3

FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Mikayla Love, Cr Kate Cox and Cr Richard Beecroft

AGAINST: Cr Val Kaigg, Cr Andrew Macnish and Cr Jarrod Kennedy

OFFICER RECOMMENDATION

That the Council requests the CEO to provide advice to the Minister for Fisheries on the positioning of boundaries for the proposed inclusion of the Busselton Jetty and surrounds within the s43 Prohibition on Fishing (Wire Trace) Order, as per Attachment 1.

EXECUTIVE SUMMARY

This report provides Council with a summary of community consultation undertaken in relation to areas within the City of Busselton district that could be considered by the Minister for Fisheries as appropriate for inclusion within the State *Prohibition on Fishing (Wire Trace) Order 2022*.

STRATEGIC CONTEXT

This report is consistent with the City's Strategic Community Plan 2021-2031 objectives to work with key partners and community to ensure the protection and enhancement of natural areas, reserves, and their biodiversity, along with facilitating a place that is relaxed, safe and friendly.

BACKGROUND

Western Australia is known for its rich marine biodiversity, and it hosts numerous shark species. The exact number of shark species found in these waters can vary, and include various reef sharks, larger predatory species, and smaller, less well-known sharks.

Shark fishing in and around the Busselton Jetty (the Jetty), a highly popular location for recreational water activities, came into prominence following increasing reports, and media coverage of a dead tiger shark carcass by local divers in February 2022 and again in November 2023, raising safety concerns for water users and swimmers. It is believed that fishing activities including the use of berley and blood attract sharks into the area.

The State Government is responsible for the regulation of fishing activities under the *Fish Resources Management Act 1994* (the Act). In February 2022, the State Government announced they were reviewing the Act to expand shark fishing restrictions in all nearshore waters within the Perth metropolitan area.

Following this announcement, submissions were received by the City highlighting community concerns regarding the compatibility of shark fishing in popular recreational waters. A letter of request was sent from the City to the Minister of Fisheries in April 2022 requesting consideration be given to inclusion of the Jetty and its surrounds within the section 43 prohibition order.

On 3 November 2023, the *Prohibition on Fishing (Wire Trace) Order 2022* (the Order) came into effect, prohibiting the use of wire trace (meaning a length of steel or metal wire or chain that is attached to, or is part of, a fishing line) within 800 metres of shore from 5kms North of Two Rocks Marina to Tim's Thicket Beach (south of Mandurah).

At the end of November 2023, following media coverage of a decapitated shark carcass photographed by divers at the foot of a sculpture underneath the Jetty, the City again received an influx of correspondence from the community raising concern that allowing shark fishing from the Jetty is incompatible with the popular recreational use of these waters.

Correspondence was also received from the Busselton Jetty Inc. Chief Executive Officer, following informal conversations with the Minister of Fisheries, indicating that consideration was being given to expanding the locations included in the Order, and that the Jetty could be considered for inclusion at the request of the City of Busselton.

As such, in December 2023, the City again wrote to the Minister for Fisheries to request inclusion of the Jetty and its surrounds within the Order.

In January 2024, the Minister for Fisheries wrote to the City, supporting the proposed extension to the wire trace ban, and requesting City officers liaise with the Department of Primary Industries and Regional Development (DPIRD) to determine the position of boundaries for proposed restrictions.

City officers, met with DPIRD staff late in February 2024 to discuss the process and obtain feedback from DPIRD Fisheries Marine Officers (Fisheries) as to locations within the district that they identified as having current water user conflicts. This detail was provided to the City in early March 2024.

OFFICER COMMENT

Consultation with the community indicates mixed sentiments in relation to the imposing of restrictions on shark fishing in recreational waters around the district. These views are summarised in the Stakeholder Consultation section of this report.

Feedback from Fisheries is that there are low incidences of anti-shark fishing practices, or conflicts between shark fishing and other recreational water uses, except in proximity to the Jetty. Taking this into account, along with the informing outcomes of the recent consultation, officers recommend that the Council support inclusion of an area within proximity of the Busselton foreshore within the Order as identified in Attachment 1 and Figure 1 below.

Proposed Restriction Area

The proposed shark fishing exclusion area extends 800m east of the Jetty and approximately 2000m west of the Jetty (up to the eastern edge of the Vasse Diversion Drain).

For consistency with the prohibition extents applied in the Perth metropolitan area, the exclusion area is proposed to extend 800m offshore along the coast in this location, with a 400m buffer applied around the section of the Jetty greater than 800m offshore.

The proposed restriction area is visualised in Figure 1 below.



Figure 1. Proposed restriction area.

Fishing for sharks in this key recreational coastal area is incompatible with community values, and importantly community safety.

Statutory Environment

The following pieces of legislation apply as noted in the Officer Comment:

- Fish Resources Management Act 1994
- Prohibition on Fishing (Wire Trace) Order 2022

Relevant Plans and Policies

The officer recommendation aligns to the following adopted plan or policy:

Plan:

Not applicable

Policy:

[Shark Hazard Response](#)

Financial Implications

Not Applicable

External Stakeholder Consultation

Department of Primary Industries and Regional Development (DPIRD):

As noted in the Officer Comment, advice was received from Fisheries, that, from their observations, the Jetty is the main location where recreational shark fishing can be a problem. In other popular

fishing locations there are adequate compliance rates with existing State-based fishing rules, low incidences of anti-social fishing practices and low reports of conflict between user groups.

Busselton Jetty Inc:

The Busselton Jetty Inc. operates the Jetty under a 50-year Licence Agreement with the City of Busselton and have sent correspondence to the City in relation to shark concerns on multiple occasions. They support the proposal to ban wire trace fishing from and around the Jetty.

Wider Community Consultation:

A community survey was open from 13 March 2024 – 27 March 2024 seeking feedback in relation to the proposed inclusion of the Jetty, and potentially other areas, in the Order.

The survey was advertised in the City Connect Newspaper on 13 March 2024 and 20 March 2024, on the City's facebook page on 13 March 2024 and 22 March 2024, and on Instagram on 22 March 2024.

The survey page received 2,262 visitors, with a total of 1,695 responses. Two direct submissions were included.

The survey was comprised of two mandatory questions and seven others that allowed respondents to provide further detail in relation to their selected responses. A summary of the responses to the two mandatory questions is provided below with the full consultation summary provided in Attachment 2.

Q1. Do you support a ban on the use of wire trace fishing off the Busselton Jetty?

1,277 survey contributors indicated they supported the proposed ban, with 404 indicating they did not support it and 14 nominating as unsure or other.

Of those who indicated support the following key reasons were provided:

- Help protect safety of recreational activities in the Jetty area.
- Fear that the behaviour of dumping shark carcasses in the area attracts more sharks and will eventually lead to a shark attack.
- Reduce the number of sharks attracted to the area.
- Jetty is a world-class tourism destination and shared use area. Balancing the type of fishing activity encouraged with other uses makes sense.
- Protect marine life and ecosystem.

Reasons for not supporting or being unsure about the ban were as follows:

- Wire trace is used for catching a range of other fish species such as mackerel, tuna, tailor and snook.
- Do not believe this will stop attracting sharks to the area.
- Believe a ban would take away people's rights and freedoms.
- Do not believe regulations should be in place to restrict fishing methods and equipment.
- Fishing is a pastime and history of the Jetty.
- Education could come first.
- Do not support a ban of fishing methodology, prefer ban on shark fishing as an activity.

Q5. Do you support a ban on wire trace fishing in other areas of the City of Busselton?

1,100 survey contributors indicated they supported a ban in other areas of the City, with 433 being adverse to this and 162 indicating they were unsure or other. The reasoning provided were broadly the same as those provided in Q1, with the addition of the following reasons from those who indicated they were unsure or had other views:

- There should be locations that shark fishers are allowed to enjoy fishing.
- Banning wire trace fishing in main swimming areas makes sense.
- Not familiar enough in relation to shark fishing to identify particular locations it could be suitable.

Those who indicated they were supportive of broader restrictions were asked a supplementary question seeking a list of locations where they would like to see a ban on wire trace fishing. 829 contributors provided details of locations where they would like to see wire trace fishing banned. The top 5 locations are listed below:

- Everywhere (33% of listed locations)
- Beach areas (20% of listed locations)
- All areas (13% of listed locations)
- Recreational swimming areas (10% of listed locations)
- Around the Jetty (9% of listed locations)

The community consultation was sought as one input to the decision to support or not support a ban on wire trace fishing at the Jetty and surrounds. Having considered the community feedback, and also the feedback from Fisheries, officers on balance believe that wire trace fishing from and around the Jetty is not compatible with the current recreational uses and community aspirations for the area and that the ban should be requested to be implemented.

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

Alternatively, the Council could choose not support the officer recommendation, and request the Minister to continue to exclude the Jetty and surrounds from the Order.

CONCLUSION

The State is responsible for the regulation of fishing activities under the Act but has requested the assistance of the City in understanding the appropriateness of introducing a wire trace fishing ban in the waters surrounding the Busselton Jetty, and in any other recreational waters in the district. Having considered inputs from stakeholder consultation, it is recommended the Council support the inclusion of an area around the Busselton Jetty in the Order.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The officer recommendation will be implemented in full, or in stages as per the following table:

Milestone	Completion Date
Provide consultation outcomes and geospatial coordinates to the Minister for Fisheries as identified in Figure 1 of this report.	1 week following decision of Council.

11.3. Review of Bush Fire Advisory Committee Terms of Reference

Strategic Theme:	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
Directorate:	Community Planning
Reporting Officer:	Manager Community Safety - Rachel Runco
Authorised By:	Director Community Planning - Gary Barbour
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 Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	<ol style="list-style-type: none"> 1. Proposed Bush Fire Advisory Committee Terms of Reference [11.3.1 - 3 pages] 2. Current Bush Fire Advisory Committee Terms of Reference [11.3.2 - 3 pages]

The officer recommendation was moved and carried.

COUNCIL DECISION

C2404/94 Moved Cr Mikayla Love, seconded Cr Andrew Macnish

That the Council endorses the attached Terms of Reference for the Bush Fire Advisory Committee (attachment 1).

CARRIED 9 / 0

FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft

AGAINST: NIL

EN BLOC

OFFICER RECOMMENDATION

That the Council endorses the attached Terms of Reference for the Bush Fires Advisory Committee (attachment 1).

EXECUTIVE SUMMARY

At its Ordinary Council Meeting on 18 October 2023, the Council endorsed changes to the Terms of Reference (ToR) for the Bush Fires Advisory Committee (BFAC) (C2310/147). At the BFAC meeting held 12 March 2024, the Committee resolved to request that the Council consider an amendment to these ToR, to allow all appointed volunteer Fire Control Officers (FCOs) to have voting membership on the Committee.

STRATEGIC CONTEXT

The regular review of Committee terms of reference enables effective governance of the district.

BACKGROUND

The BFAC is established under section 67 the *Bush Fires Act 1954* (the Act) for the purpose of advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires.

Point 6 of the ToR required an evaluation and review of the committee's membership and terms of reference prior to the last local government elections (October 2023).

As such, City officers reviewed and amended the BFAC ToR to better align its structure with the City's Local Emergency Management Committee ToR. The other key change was a reduction in the membership of the committee to include only one Fire Control Officer (FCO) per Brigade. The ToR (Attachment 2) were endorsed by the Council at its Ordinary Council Meeting 18 October 2023.

Due to meeting sequencing constraints, the members of BFAC were not consulted prior to adoption of the current ToR; instead the ToR were presented at the BFAC meeting in December 2023, with a request to members to revert with feedback or requested amendments for consideration at the next BFAC meeting scheduled for March 2024.

Item 5.3 of the ToR requires Council to approve amendments to the ToR. At the BFAC meeting 12 March 2024, a motion was resolved to seek Council approval to alter the ToR to allow all appointed volunteer FCOs to have voting membership on the Committee.

OFFICER COMMENT

The role of BFAC is to advise the Council on all matters relating to bush fire control in the district. Some brigades are comprised of multiple Fire Control Areas, each of which have different FCOs.

Annually, under division 3 of the *City of Busselton Bush Fire Brigades Local Law*, brigades nominate members to represent them as FCOs. These nominations are then considered and endorsed by BFAC, for consideration for appointment by the local government under section 38 of the Act.

Nomination of only one FCO per brigade as voting members of BFAC could lead to a situation where the FCO most familiar with the bush fire risks associated with the area of the local government district they are responsible for, is not included in informing decisions related to planning for the prevention, mitigation, and management of bush fire risk for the specific area of the district. BFAC noted that this was particularly relevant in the event of any amalgamation of brigades where the potential coverage of a larger area would warrant two FCOs being involved in BFAC.

While the current ToR was considered appropriate at the time of review to achieve streamlined committee membership, the above unintended consequence is acknowledged. It is noted that all FCOs already attend BFAC meetings, and that exclusion of a small number from the decision-making process is also not ideal.

Statutory Environment

Under Section 67 of the Act, a local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bushfires.

A committee appointed under this section shall include a member of the Council of the local government nominated by it for that purpose as a member of the committee.

In respect to a committee so appointed, the local government shall fix the quorum for the transaction of business of the committee, and may make rules for the guidance of the committee (achieved through the proposed BFAC ToR), accept the resignation of or remove any member of the committee, and appoint a person to fill a vacant office of a member of the committee.

Relevant Plans and Policies

The officer recommendation aligns to the following adopted plan or policy:

Plan:

Not applicable.

Policy:

[Bushfire Brigade Management Policy](#)
[Meetings, Information Session and Decision-Making Processes](#)

Financial Implications

Not applicable

External Stakeholder Consultation

Not Applicable

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 the previously adopted Terms of Reference of the Committee.
2. Further amend the Terms of Reference of the Committee.

CONCLUSION

The proposed amendment to the membership of BFAC as prescribed in the amended ToR will ensure that all City volunteer FCOs are provided equal opportunity to advise and support the City in matters relating to the preventing, controlling and extinguishing of bush fires.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The officer recommendation will be implemented in full, or in stages as per the following table:

Milestone	Completion Date
Amended ToR effective	Immediately upon Council endorsement

12. INFRASTRUCTURE AND ENVIRONMENT REPORTS

12.1. Albert Street Bus Shelter

Strategic Theme:	Key Theme 2: Lifestyle 2.11 Advocate for improved public transport services that allow for the convenient movement of people to and from local destinations.
Directorate:	Infrastructure and Environment
Reporting Officer:	Design and Survey Coordinator - Justin Smith
Authorised By:	Director Infrastructure and Environment - Oliver Darby
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 Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	Nil

Prior to the meeting, Cr Val Kaigg foreshadowed an alternative that was different to the officer recommendation. In accordance with 10.18(6) of the City of Busselton *Standing Orders Local Law 2018*, it was taken to be an alternative and considered first.

The motion was carried.

COUNCIL DECISION

C2404/95 Moved Cr Val Kaigg, seconded Cr Jodie Richards

That the Council:

1. Include \$40,000 in the draft annual budget for the 2024/2025 financial year for the design and implementation of a bus shelter for TRANSWA bus services; and
2. Request that the CEO investigate the location and bus shelter design options available, and provide a report on the suitability of available options and expected costs to the Council in the 2024/25 financial year, prior to commencing detailed design and implementation works.

CARRIED 9 / 0

FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft

AGAINST: Nil

OFFICER RECOMMENDATION

That the Council include \$40,000 in the draft annual budget for the 2024/2025 financial year for the design and installation of a bus shelter to the Northern side of Albert Street.

EXECUTIVE SUMMARY

The City received a 30-signature petition in October 2023, seeking the installation of a bus shelter on the left (north) side of Albert Street, Busselton. In response, the Council resolved (C2310/121) to receive the petition and refer it to the CEO to prepare a report to Council. This report responds to that resolution and recommends a budget allocation for the design and installation of the requested bus shelter in the 2024/2025 budget.

STRATEGIC CONTEXT

The nature of the works supports the improvement of our commitment to public transport within and beyond the district, in alignment with Key Theme 2 of the City's Strategic Community Plan – Lifestyle.

BACKGROUND

A Petition with 30 signatures was received on 4 October 2023 and was presented to and received by the Council at its Ordinary Council Meeting 18 October 2023. The petition requested as follows:

We, the undersigned, do respectfully request that the Council: Install a Bus Shelter on Albert Street located on the left side of the road near number 41 [Albert Street].

It is required for the following reasons:

To provide a place to sit, protection from inclement weather and to give a feeling of safety and security especially for our elderly.

Albert Street developed into a pseudo 'Bus Interchange' when the Margaret River Busselton Tourism Association (MRBTA) vacated the Peel Terrace site, requiring the TRANSWA bus service to relocate. The relocated TRANSWA bus service combined their northbound (Perth) and southbound (Augusta/Pemberton) services to the south side of Albert Street.

In response, the City sourced three bus shelters from the decommissioned bus interchange within the Perth CBD and installed them at this new TRANSWA location and at the TRANS Busselton stop approximately 60 metres to the west.

The construction of the Cammilleri Street road connection to Causeway Road (Eastern link) allowed TRANSWA to reroute the northbound (Perth) bus to utilise the north side of the road for passenger transfers. No shelter is or was provided here.

OFFICER COMMENT

The provision of bus infrastructure is a shared responsibility between the Public Transport Authority (PTA) and the Western Australian Local Government Association (WALGA) representing Local Government Authorities through the Bus Stop Infrastructure Partnership Agreement (Agreement).

The Agreement was first introduced in 2015 to clarify the roles and responsibilities of the Public Transport Authority (PTA) and Local Governments in the provision and maintenance of bus stop infrastructure and defines the communication and consultation process between the PTA and Local Governments. The Agreement expired in June 2018 and was renewed until 2022/2023. While having now expired, it remains the overall guiding document for defining responsibility.

Historically, the PTA was responsible for determining the locations of bus stops and for installing and maintaining them. Local Government has taken responsibility for the installation and maintenance of ancillary bus stop infrastructure such as bus shelters, seats, bins and connecting footpaths. The PTA, in approved situations, may provide funding assistance to Local Governments through the Bus Shelter Subsidy Program (BSSP) for the purpose of installing bus shelters.

Under the BSSP, regional Local Governments purchase and install the bus shelter where agreement is reached with the PTA. The BSSP requires the Local Government to use only those bus shelter designs available through the PTA's panel contract to prevent the proliferation of different bus shelter designs across the State.

The bus shelters that the City sourced from the Perth CBD currently offer little weather protection other than direct falling rain. These shelters are 'tall' with an angled roof, have a mesh rear face and narrow mesh sides. The constraints of the site (both north and south side of Albert Street) limits installation of a suitable shelter for weather protection. This is due to the narrow width of the footpath and serviceability of the actual bus bay and the need to access the luggage bays of the TRANSWA coaches. The installation of footings may also be restricted due to the location of underground services. The provision of a bus shelter on the north side will be challenging due to the narrow nature of the adjacent property's frontage and limited road access opportunities for a suitable crossover.

The installation of a new bus shelter on the Northern side will require a detailed review and design of the physical bus requirements and specific site constraints of the location. Officers recommend the inclusion of a budget allocation for the detailed design and installation of a bus shelter to the Northern side of Albert Street in the 2024/2025 Financial year budget.

Statutory Environment

Section 55 of the *Land Administration Act 1997* refers to the management of the road reserve in which the road is constructed.

"Subject to the Main Roads Act 1930 and the Public Works Act 1902, the local government within the district of which a road is situated has the care, control and management of the road."

Section 5.56 of the *Local Government Act 1995* requires the local government to plan for the future of the district. This program assists in the development of the plan for the future of the district.

Relevant Plans and Policies

The officer recommendation aligns to the following adopted plan or policy:

Plan:

[Corporate Business Plan 2022-2026](#)

Policy:

Not applicable

Financial Implications

That an allocation of \$40,000 be included in the 2024/2025 budget for the design and installation of a bus shelter for the Northern side of Albert Street as requested through the petition. The funding to be allocated from the Other Infrastructure Reserve, the purpose of which is to hold and provide funding for major maintenance and capital expenditure requirements associated with renewal, upgrade and replacement of existing other infrastructure assets, not specifically provided for in other reserves.

External Stakeholder Consultation

Not Applicable

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 choose not to progress with installation of additional bus infrastructure on the north side of Albert Street.

CONCLUSION

The commitment of an annual allocation and staff time to improve both urban and rural public transport infrastructure is in keeping with the City's Strategic Community Plan to advocate for public transport services. This also reaffirms the City's commitment to sustainable transport options through a reduction in the use of private vehicles.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The officer recommendation will be implemented in full, or in stages as per the following table:

Milestone	Completion Date
Undertakes agreed Albert Street bus shelter works	30 December 2024

13. ECONOMIC AND BUSINESS DEVELOPMENT REPORTS

13.1. Redevelopment of Old Tennis Club - Headlease and Sublease of Lot 448 Marine Terrace, Busselton

Strategic Theme:	Key Theme 3: Opportunity 3.1 Work with key partners to facilitate the activation of our town centres, creating vibrant destinations and consumer choice.
Directorate:	Economic and Business Development
Reporting Officer:	Co ordinator Land and Property Leasing – Sharon Woodford-Jones
Authorised By:	Director Economic and Business Development – Maxine Palmer
Nature of Decision:	Contractual: To enter into a contract e.g. a lease or the award of a tender etc.
Voting Requirements:	Absolute Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	<ol style="list-style-type: none"> 1. Artist Impression North and Eastern Facade [13.1.1 - 1 page] 2. Proposed Floor Plan [13.1.2 - 1 page] 3. Branding [13.1.3 - 1 page]

The officer recommendation was moved and carried.

COUNCIL DECISION

C2404/96 Moved Cr Jodie Richards, seconded Cr Mikayla Love

That the Council:

1. Resolves to enter into a lease with the State of WA in relation to Lot 448 on Deposited Plan 193977 (25 Marine Terrace) Busselton (the Old Tennis Club Building) and delegates power and authority to the Chief Executive Officer to negotiate and agree the lease on the following terms and conditions:
 - a. Term: no less than 30 years
 - b. Rent: \$1000 + GST per year
 - c. Permitted purpose: Development and operation of a Café, Gelato and Chocolate Retail Outlet
 - d. Such further terms and conditions as required by the CEO.

2. Resolves to sublease the Old Tennis Club Building to Left Coast Chocolate Pty Ltd, subject to the consent of the Minister for Planning, Lands and Heritage and there being no objections raised through the required section 3.58 (of the Local Government Act 1995) advertising, and delegates power and authority to the Chief Executive Officer to negotiate and agree the sublease on the following terms and conditions:
 - a. Term: same as Headlease term (less one day)
 - b. Rent:
 - Year 1 - \$100 + GST
 - Year 2 - \$16,250 + GST

Year 3 - \$32,500 + GST
Year 4 - \$48,750 + GST
Year 5 - \$65,000 + GST (subject to market rent review)
Year 6 and onwards – previous year’s rent annually reviewed and adjusted in accordance with CPI each year and market reviews to be undertaken on the 5th anniversary of the term and every 5 years thereafter;

- c. Permitted Purpose: Family restaurant/cafe, chocolatier and retail outlet for the sale of chocolate and gelato or other merchandise approved from time to time by the City;
- d. Such further terms and conditions as required by the CEO.

CARRIED 9 / 0

FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft

AGAINST: Nil

BY ABSOLUTE MAJORITY

OFFICER RECOMMENDATION

That the Council:

1. Resolves to enter into a lease with the State of WA in relation to Lot 448 on Deposited Plan 193977 (25 Marine Terrace) Busselton (the Old Tennis Club Building) and delegates power and authority to the Chief Executive Officer to negotiate and agree the lease on the following terms and conditions:
 - a. Term: no less than 30 years
 - b. Rent: \$1000 + GST per year
 - c. Permitted purpose: Development and operation of a Café, Gelato and Chocolate Retail Outlet
 - d. Such further terms and conditions as required by the CEO.
2. Resolves to sublease the Old Tennis Club Building to Left Coast Chocolate Pty Ltd, subject to the consent of the Minister for Planning, Lands and Heritage and there being no objections raised through the required section 3.58 (of the Local Government Act 1995) advertising, and delegates power and authority to the Chief Executive Officer to negotiate and agree the sublease on the following terms and conditions:
 - a. Term: same as Headlease term (less one day)
 - b. Rent:
 - Year 1 - \$100 + GST
 - Year 2 - \$16,250 + GST
 - Year 3 - \$32,500 + GST
 - Year 4 - \$48,750 + GST
 - Year 5 - \$65,000 + GST (subject to market rent review)

Year 6 and onwards – previous year’s rent annually reviewed and adjusted in accordance with CPI each year and market reviews to be undertaken on the 5th anniversary of the term and every 5 years thereafter;

- c. Permitted Purpose: Family restaurant/cafe, chocolatier and retail outlet for the sale of chocolate and gelato or other merchandise approved from time to time by the City;
- d. Such further terms and conditions as required by the CEO.

EXECUTIVE SUMMARY

This report seeks formal Council approval to enter into the necessary agreements to facilitate the redevelopment of the Old Tennis Club Building (the Premises). The preferred proponents, Geographe Bay Brewing Company Pty Ltd, proprietors of the Shelter Microbrewery on the Busselton Foreshore, have established a new entity, Left Coast Chocolate Pty Ltd, for operating purposes which will trade as “Little Otto’s Big Choc Shop”.

STRATEGIC CONTEXT

The long term, Council endorsed strategy for the Busselton Foreshore is aimed at revitalising the foreshore into a family friendly, vibrant and active area and to additionally bring the offerings of the Busselton CBD and Cultural Precinct together with the foreshore to create a seamless transition from one to the other.

BACKGROUND

The Premises were vacated by the Busselton Tennis Club and returned to the City approximately four years ago. Other than occasional licences and intermittent use by various user groups, it has remained empty.

Change to Land Tenure – Negotiations with the State

The Premises are situated on Lot 448 Marine Terrace on Reserve 46187. The current reserve purpose is “Recreation and Community Purposes” formerly “Tennis Club”. Since the City constructed new club house facilities and relocated the Busselton Tennis Club from its previous location on this site to the new venue to the east, officers have worked with several personnel at the Department of Planning Lands and Heritage (DPLH) in seeking a change to the reserve status to facilitate commercial use.

DPLH were initially reluctant to facilitate commercial use via a new reserve purpose. Previously City officers were informed by DPLH that a change to the Busselton Foreshore Structure Plan would suffice. Having undertaken the structure plan amendment and created a specific precinct for commercial use, DPLH further required financial justification for commercialising the Reserve. This was in addition to the established commitment of the City to place the income generated from the commercial lease into the Jetty Maintenance Reserve.

Other commercial entities on the Busselton Foreshore Reserve, namely the Goose, Equinox, Hilton Hotel and Shelter Brewing operate on the basis of a nominal rent headlease between the State of WA and the City. The sites are then subleased to the operators who pay a commercial rent that the City is required to transfer into the Jetty Maintenance Reserve to meet the demands of the Jetty Maintenance Plan. The Jetty Maintenance Plan is a 50 year plan that determines annual maintenance and asset replacement requirements of the Busselton Jetty and on jetty

improvements. Former officers at DPLH provided in principle agreement to proceed with the change of reserve purpose on the same basis. Subsequent staff and policy changes at DPLH resulted however in a change of approach and the offer of a headlease to the City, subject to payment of a market rent. This would have resulted in a negligible or nil net benefit to the Jetty Maintenance Reserve.

Ultimately, following a detailed explanation of the formula and objective of the Jetty Maintenance Plan, together with the provision of a breakdown of the quantum of municipal funds required annually to make up the deficit required to be paid into the Jetty Maintenance Reserve, DPLH agreed to grant the City a nominal rent headlease in the same manner as the other commercial leases on Busselton Foreshore. This enabled the City to resume negotiations with the preferred proponent for a commensurate sublease.

EOI Process

When the former Busselton Tennis Club building was decommissioned in favour of a new facility in 2019 officers advertised an expression of interest (EOI) process for business owners to establish and operate a commercial offering on the Premises. The EOI called for proposals that would achieve a range of City objectives including:

- the provision of a diverse, attractive range of community and commercial offerings for residents and tourists to the City of Busselton;
- activation of the Busselton Foreshore and CBD through a range of trading hours;
- securing a suitably qualified tenant that could show previous relevant business experience;
- achieving community valued outcomes for use of City of Busselton owned/managed assets; and
- support for local enterprise, business investment and employment growth.

Two submissions were received and in December 2021 Council resolved (C2112/119) to nominate Geographe Bay Brewing Company Pty Ltd (GBBC) as the preferred proponent. Their proposal encompassed *“an immersive chocolate experience for guests, showcasing the production process, offering tastings, classes, workshops and events”*.

The need for the Premises to be completely refurbished and renovated was acknowledged and seen as necessary to present a café offering a high standard of locally sourced and house made products. The proponent’s submission was noted as being very comprehensive and detailed; addressing all the EOI criteria.

In June 2022 Council resolved (C2206/119) to extend the preferred proponent status to GBBC to enable negotiations to continue with the Department of Planning Lands and Heritage. In light of the protracted negotiations with DPLH and the absence of a satisfactory outcome at the time, Council further resolved in February 2023 (C2302/023) to again extend the preferred proponent status to GBBC.

The current owners of GBBC have created a new business entity for the purpose of entering into a sublease with the City for this enterprise. The proponent is now referred to as Left Coast Chocolate Pty Ltd and will trade as *“Little Otto’s Big Choc Shop”*.

Cultural Precinct

As an entry point to the foreshore, the Cultural Precinct is central to the promotion of a blended commercial and recreational/cultural experience. The repurposing of the Premises will bring much

needed connectivity between the Busselton Foreshore Precinct and the Cultural Precinct. Since the construction of a new 176 bay car park on the former tennis club grounds, the area is well served for additional visitation and higher use.

OFFICER COMMENT

Attachment 1 is an artist's impression of the exterior of the building (showing the original branding). Attachment 2 shows the proposed new floor layout and Attachment 3 is an example of the new Little Otto's branding and samples of the chocolate varieties on offer. The gelato aquarium provides an added dimension to the chocolate theme, acknowledging the likely seasonal fluctuations in appeal of the same.

The repurposing of the Premises to create a quality tourism and leisure offering will require substantial investment by the proponents. Essential infrastructure upgrades in the form of a new power supply and headworks, replacement sewer pump station (the current pump has been declared as not fit for purpose) and fire fighting infrastructure are likely to exceed \$128,000. This does not include the structural and cosmetic refurbishment and fit out required to create an appropriately themed environment with a high standard of aesthetic.

In addition, the income from the commercial lease will assist in the reduction, over time, in the amount of municipal funding required towards the ongoing maintenance and enhancement of the Busselton Jetty precinct.

Land tenure in respect of the site will be structured as follows:

- a head lease from the State of Western Australia to the City of Lot 448, on Reserve 46187 on Deposited Plan 193977 for a period of at least 30 years, with consent to sublease at a nominal (\$1000 per annum) rent; and
- a sublease from the City of Busselton to Left Coast Chocolate Pty Ltd for a term mirroring that of the head lease (less one day) for the purpose of developing and operating a café and chocolatier retail outlet to be known as 'Little Otto's Big Choc Shop' and otherwise on standard commercial terms.

Headlease

The key terms and conditions of the proposed head lease for the Premises are:

- Lease Area – the extent of Lot 448, comprising an area of 698 square meters. The area is largely taken up with the building.
- Term – no less than 30 years – yet to be confirmed by DPLH.
- Permitted use – Development and operation of a cafe, gelato and chocolate retail outlet.
- Rent - \$1000 per year + GST (Note, consistent with the most recent headlease negotiated with the State, officers aim to negotiate a reduced headlease rent for the first year commensurate with the first year rent concession proposed in the sublease)
- Reserve Account – rent from the sublease is to be deposited into the City's Jetty Maintenance Reserve and applied to the maintenance and repair of the Busselton Jetty and, with the consent of the head lessor, spent on capital improvements of the Busselton Jetty and the maintenance, capital improvement and care of the Busselton foreshore area.
- Minister Approval – Dealings with any interest in the headlease or the sublease site must be approved by the relevant Minister.
- Commencement Date – indicatively end mid May 2024 subject to the outcome of the statutory advertising process.

Sublease

The key terms and conditions of the proposed sublease for the Premises are:

- Lease area – Lot 448
- Undertake redevelopment – the sublessee must complete the renovation works within 12 months of the commencement of the sublease and be operational within 60 days of practical completion. Note the City will **not** be responsible for any of the utility upgrades or construction works.
- Term – the duration of the headlease less one day, proposed to be in the form of an initial term of 10 years followed by two further 10 year options.
- Permitted use – Family restaurant/cafe, chocolatier and retail outlet for the sale of chocolate and gelato or other merchandise approved from time to time by the City.
- Rent – The full rent amount will be phased as follows:
 - Year 1 - \$100 + GST
 - Year 2 – 25% of approved annual rent (proposed at \$65,000 p.a + GST)
 - Year 3 – 50% of approved annual rent (\$32,500)
 - Year 4 – 75% of approved annual rent (\$48,750)
 - Year 5 - 100% of approved annual rent (\$65,000) subject to market rent review
 - Year 6 and onwards previous year's rent annually reviewed and adjusted by CPI with market rent reviews on the 5th anniversary of the term and every 5 years thereafter.
- Security – the sublessee will provide:
 - A rent bond equal to 6 months full rent
 - A performance bond of \$50,000 for the duration of the renovation
 - Such other personal guarantees as may be considered necessary
- Rates and outgoings – payable by the sublessee.
- Insurance – effected and maintained by the sublessee.

Statutory Environment

Land Administration Act 1997 (“LAA”)

The Premises are located on Class C Crown Reserve 46187 – Lot 448 Marine Terrace (Volume LR3111 Folio 999). The current Reserve purpose is “Recreation and Community”, prior to which it was “Tennis Club”. The City has management of the Reserve with power to lease (consistent with the reserve purpose) for any period not exceeding 21 years and subject to the prior approval of the Minister for Lands.

Local Government Act 1995 (“LGA”)

The grant of a sublease to a commercial operator constitutes a disposal requiring advertising in accordance with section 3.58 of the LGA. Once the terms of the sublease have been finalised, local public notice of the sublessee, the rent paid and the lease term will be given inviting submissions to be made within a certain period. Council are required to consider any submissions received. If no submissions are received the Officer recommendation seeks approval for the CEO to enter into the lease.

Commercial Tenancy (Retail Shops) Agreements Act 1985 (“CTA”)

The grant of a Head lease by the State of WA to the City and the proposed Sublease in favour of Left Coast Chocolate Pty Ltd will fall under the provisions of the CTA. This act regulates a number of

provisions within leases such as compulsory trading hours, the recovery of landlord expenses and disclosure in relation to outgoings and expenses.

Relevant Plans and Policies

The officer recommendation aligns to the following adopted plan and policy:

Busselton Foreshore Structure Plan (BFSP)

The site is identified as Special Provision Area 44 on the Local Planning Scheme. Under the recent change to the BFSP the Premises have been classified as a new precinct. The aim of this precinct being to provide for “...pedestrian focused activity with active frontages to recreation areas and Marine Terrace to encourage pedestrian movement between points of attraction within the Busselton Foreshore Precinct, the Queen Street Cultural Precinct and the Busselton City Centre.”

Leasing of City Premises

The purpose of the City’s Leasing Policy is to provide a framework and methodology to facilitate responsible utilisation of City owned and controlled land and buildings in a manner that achieves maximum community benefit.

The policy states that when assessing a report to lease public land for commercial use, Council should have regard to the following factors including but limited to:

- Attracting investment and enhancing amenity;
- Creation of employment;
- Promotion of tourism;
- Economic return; and
- Impacts on social, economic and environmental outcomes.

The policy also states that the term and rent (and other payments) will be negotiated on a case-by-case basis for commercial leases.

Financial Implications

The initial annual rent payable by the City to the State of WA under the proposed headlease is a nominal amount of \$1000 + GST per annum. There are provisions in the headlease for market rent reviews which remain limited to a nominal amount. The State reserves the right to charge a market rent should the Jetty Maintenance Reserve account be closed.

The rent payable by the sublessee under the proposed sublease is \$65,000 per annum plus GST, stepped over the first three years of the term. This is lower than the recent rental valuation obtained by the City (\$75,000) but higher than the rental valuation prepared by the City’s in house licenced valuer in 2022 - namely a range between \$50,000 and \$57,000.

In recognition of the condition of the premises, the extent of essential utility upgrades and the generally accepted approach of the City to relieve the financial burden during fit out and establishment, the rent is proposed on a stepped basis pitched between the old and new valuation, i.e. \$65,000 per annum and at year 5 will be subject to a market rent review.

External Stakeholder Consultation

The process of seeking expressions of interest initially brought the intent to change the purpose of the Premises to the public domain. Subsequently, public advertising of the proposed structure plan amendment and creation of a specific precinct generated no adverse submissions in relation to this project.

City officers have also worked closely and over a prolonged period with various personnel within the Department of Planning Lands and Heritage.

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 elect not to proceed with the proposed head lease and sublease or resolve to amend the terms and conditions proposed by officers. If any Councillor wishes to propose any such alternative officers are available to assist with the drafting of the same.

CONCLUSION

The Premises are the closest building on the Busselton Foreshore Precinct to the Cultural Precinct and occupy a prime location on the Busselton Foreshore. Commercial uses, particularly ones that would provide activation and interest for this part of the Foreshore will help to better integrate the foreshore and City Centre over time.

The proponents have been patient with the process of achieving the change to the Reserve purpose and grant of a nominal rent headlease from the State. They remain keen to embark on this new and exciting venture. They are operators known to the City from their success at the Shelter Microbrewery. They have shown integrity, commitment to community and a willingness to work within the parameters of local and State government protocols. Their proposal afforded them preferred proponent status in 2021 which has been continuously supported by Council, with enhancements and branding development ever since.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The officer recommendation will be implemented in full, or in stages as per the following table:

Milestone	Completion Date
Statutory Advertising sublease	22 April 2024 (estimated)
Commencement date of Head lease and Sublease	14 May 2024

13.2. Busselton Jetty Reference Group Terms of Reference

Strategic Theme:	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
Directorate:	Economic and Business Development
Reporting Officer:	Executive Support Officer - Tiffany Sweatman
Authorised By:	Director Economic and Business Development - Maxine Palmer
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 Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	1. Busselton Jetty Reference Group Proposed ToR [13.2.1 - 3 pages] 2. Busselton Jetty Reference Group Current ToR [13.2.2 - 3 pages]

The officer recommendation was moved and carried.

COUNCIL DECISION

C2404/97 Moved Cr Anne Ryan, seconded Cr Jodie Richards

That the Council:

- 1. Adopt the amended Terms of Reference for the Busselton Jetty Reference Group at attachment 1;**
- 2. Appoint an additional Elected Member to the Busselton Jetty Reference Group;**
 - a) Member**
Cr Val Kaigg
 - b) Deputy**
Cr Mikayla Love

CARRIED 9 / 0

FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft

AGAINST: Nil

OFFICER RECOMMENDATION

That the Council:

1. Adopt the amended Terms of Reference for the Busselton Jetty Reference Group at attachment 1;
2. Appoint an additional Elected Member to the Busselton Jetty Reference Group;

- a) Member
Councillor

EXECUTIVE SUMMARY

This report responds to a Council resolution requesting the CEO undertake a review of the Terms of Reference of the Busselton Jetty Reference Group (BJRG) and provide a report to the Council by April 2024 (C2401/17). The BJRG reviewed its Terms of Reference on 16 February 2024, and the proposed Terms of Reference are attached for Council's consideration (attachment 1).

STRATEGIC CONTEXT

The appointment of elected members and other persons to advisory, reference and working groups supports the good governance of the district.

BACKGROUND

At the 31 January 2024 Council meeting, Council considered a notice of motion to terminate the Busselton Jetty Reference Group, and after debate, resolved to (C2401/17):

1. *Retain the Busselton Jetty Reference Group*
2. *Request that the CEO include the minutes of the Busselton Jetty Reference Group meetings in the Elected Members' information bulletin, as a part of the agenda for each Ordinary Council Meeting*
3. *Request the CEO undertake a review of the Terms of Reference and provide a report to the Council, by April 2024, considering:*
 - a. *The membership of the Busselton Jetty Reference Group*
 - b. *Reporting items and the format of minutes for Busselton Jetty Reference Group meetings*
 - c. *The schedule and content for regular information briefings to be provided to Elected Members, with briefings provided at a minimum twice per year; and*
 - d. *The inclusion of a specific clause in the ToR that requires the group to familiarise itself with the licence agreement between the BJI and City of Busselton, and agreement between the Department of Transport and City of Busselton, and any other associated documentation*

At 16 February 2024 meeting, the BJRG met and considered the requirements of the above resolution and have reviewed the attached Terms of Reference accordingly.

OFFICER COMMENT

The Group's objectives noted in the BJRG Terms of Reference have been updated to incorporate those put forward in the above referenced notice of motion. Additionally, the requirement for the Group to familiarise itself with the licence agreement between Busselton Jetty Inc. and the City of Busselton, the agreement between Department of Transport and the City of Busselton and any other

associated documentation has been explicitly included in the Terms of Reference. Further minor ordering and wording changes were also made to provide greater clarity.

The BJRG's membership has been updated to include the Director Economic and Business Development, and to clarify voting and non-voting members. While no change to the number of Elected Members of the Group was contemplated at the BJRG meeting, officers have considered balancing the voting by each party and are recommending three Elected Members are appointed voting members of the BJRG. This will require the Council to appoint an additional Elected Member to the reference group.

To answer point b. of the resolution, new reporting templates were developed for the BJRG meeting on 16 February 2024 and were accepted by members. At the same meeting, the BJRG agreed the format of minutes was to remain the same. Minutes and reports from the February 2024 meeting were included in the Elected Member Information Bulletin in the 20 March 2024 Council meeting agenda.

In response to point c. of the resolution, the BJRG agenda has been reviewed to capture the content required for regular Elected Member information briefings, these will be scheduled to occur twice a year.

Statutory Environment

Not applicable.

Relevant Plans and Policies

The officer recommendation aligns to the following adopted plan or policy:

Plan:

Not applicable.

Policy:

Not applicable.

Financial Implications

There are no specific financial implications associated with the appointment of members to committees and groups, as the costs related to travel (where required) and other related expenses have been allocated in the annual budget. There is no requirement to reimburse external group members for their attendance.

External Stakeholder Consultation

The review of the BJRG Terms of Reference was undertaken in consultation with Busselton Jetty Inc. and members of the BJRG.

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. Make further changes to the amended BJRG Terms of Reference, or
2. Determine not to adopt the amended BJRG Terms of Reference and request the CEO to undertake further work on the review.

CONCLUSION

The appointment of Elected Members and other persons to advisory, reference and working groups supports the good governance of the district. The amended BJRG Terms of Reference provides improved clarity of the BJRG's role, objectives and responsibilities.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The adopted Terms of Reference will be effective immediately.

13.3. Proposed Hangar Lease at Busselton Margaret River Airport

Strategic Theme:	Key Theme 3: Opportunity 3.4 Develop aviation opportunities at the Busselton Margaret River Airport.
Directorate:	Economic and Business Development
Reporting Officer:	Executive Support Officer - Tiffany Sweatman
Authorised By:	Director Economic and Business Development - Maxine Palmer
Nature of Decision:	Contractual: To enter into a contract e.g. a lease or the award of a tender etc.
Voting Requirements:	Absolute Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	1. General Aviation Precinct Site Plan [13.3.1 - 1 page] 2. Approval from WAPC for 42 year leases [13.3.2 - 2 pages]

The officer recommendation was moved and carried.

COUNCIL DECISION

C2404/98 Moved Cr Anne Ryan, seconded Cr Jodie Richards

That the Council resolves to advertise the proposed disposition of property in accordance with section 3.58 of the Local Government Act 1995 for the terms and conditions outlined in this report and, if there are no objections, delegates power and authority to the Chief Executive Officer, to negotiate and enter into a lease with Mader Valley Investments Pty Ltd as trustee for Helo Trust for the occupation of a portion of Lot 1974, Deposited Plan 411016, Volume 2931, Folio 507, 86 Neville Hyder Drive, Yalyalup as referred to as D4 on Attachment 1, on the following terms and conditions:

1. The term of the lease to be 21 years commencing on 14 May 2024 and expiring on 14 May 2045 with a further 21 year option.
2. The annual rent to commence at \$20,790 plus GST with a rent free period from the date of commencement of the Term until the date of Practical Completion or 18 months from the date of commencement of the Term, whichever is earlier.
3. Rent to be reviewed annually on each anniversary in accordance with CPI, with market rent reviews to be undertaken every 5 years.
4. Permitted purpose aircraft storage and maintenance.
5. Such further terms and conditions as determined by the CEO.

CARRIED 9 / 0

FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft

AGAINST: Nil

BY ABSOLUTE MAJORITY

OFFICER RECOMMENDATION

That the Council resolves to advertise the proposed disposition of property in accordance with section 3.58 of the Local Government Act 1995 for the terms and conditions outlined in this report and, if there are no objections, delegates power and authority to the Chief Executive Officer, to negotiate and enter into a lease with Mader Valley Investments Pty Ltd as trustee for Helo Trust for the occupation of a portion of Lot 1974, Deposited Plan 411016, Volume 2931, Folio 507, 86 Neville Hyder Drive, Yalyalup as referred to as D4 on Attachment 1, on the following terms and conditions:

1. The term of the lease to be 21 years commencing on 14 May 2024 and expiring on 14 May 2045 with a further 21 year option.
2. The annual rent to commence at \$20,790 plus GST with a rent free period from the date of commencement of the Term until the date of Practical Completion or 18 months from the date of commencement of the Term, whichever is earlier.
3. Rent to be reviewed annually on each anniversary in accordance with CPI, with market rent reviews to be undertaken every 5 years
4. Permitted purpose aircraft storage and maintenance
5. Such further terms and conditions as determined by the CEO.

EXECUTIVE SUMMARY

The City has received interest in the lease of a vacant hangar lot within the General Aviation (GA) precinct at Busselton Margaret River Airport (BMRA). This report makes a recommendation to enter into a lease agreement with Mader Valley Investments Pty Ltd for a portion of Lot 1974, 86 Neville Hyder Drive being approximately 1,485 m² for the purpose of aircraft storage and maintenance.

STRATEGIC CONTEXT

The establishment of commercial aviation related opportunities at Busselton Margaret River Airport is a strategic priority of the Council.

BACKGROUND

The lots within the GA precinct are fully serviced and available for recreational and commercial pilots and/or aviation related businesses to construct private hangars. All lots are serviced with water, power, sewer and telecommunications.

The GA Precinct is incorporated in the BMRA Masterplan adopted by the Council resolution C2401/7, in January 2024. The City has approval from the Western Australian Planning Commission (Attachment B) to grant lease term of 21 years with an option for an additional 21 years.

The City obtained an independent market valuation for the general aviation precinct on the 18 January 2024. The subject site was valued at \$22,300 exclusive of GST with a range presented from \$20,790 to \$23,700.

OFFICER COMMENT

The GA Precinct has engaged interest from several parties, including Mader Valley Investments Pty Ltd, in ground lease arrangements, for the purpose of aviation storage and maintenance.

Mader Valley Investments Pty Ltd would be the first commercial tenant within the GA Precinct in vacant lot D4 on the site plan shown in Attachment A. A Lease term of 21 years with a further 21 year option is proposed with an initial rent of \$14 per m² per annum, being \$20,790 exclusive of GST per annum. A rent free period has been requested from the date of commencement of the Term of the Lease until the date of Practical Completion of the hanger or 18 months from the date of commencement of the Term, whichever is earlier.

Rent will be reviewed annually on each anniversary in accordance with CPI, with market rent reviews to be undertaken every 5 years.

Statutory Environment

When disposing of property whether by sale, lease or other means, a Local Government is bound by the requirement of section 3.58 of the Local Government Act. Section 3.58 (3) of the Local Government Act 1995 (LGA), states that before agreeing to dispose of property, the local government is required to give local public notice of the proposed disposition and consider any submissions made to it before the date specified in the notice.

Lot 1974 on Deposited Plan 411016, Volume 2931 Folio 507, 86 Neville Hyder Drive, Yalyalup is owned freehold by the City and is the site of Busselton Margaret River Airport.

Relevant Plans and Policies

The officer recommendation aligns to the following adopted plan or policy:

Plan:
Busselton Margaret River Airport Master Plan 2023

Policy:
Not applicable.

Financial Implications

The rental of hanger D4 in the GA Precinct will see an additional \$20,790 in revenue transferred to the airport reserve towards future infrastructure development and maintenance. This will increase by CPI annually and be subject to regular market rent reviews.

External Stakeholder Consultation

Officers have consulted with recreational and commercial aviation operators and the Busselton Aeroclub and are seeking to provide public notice to advertise the proposed disposition to seek any public 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.

No risks of a medium or greater level have been identified.

Options

As an alternative to the proposed recommendation the Council could:

1. Choose not to enter into the proposed lease with Mader Valley Investments Pty Ltd; or
2. Choose to vary the terms and conditions of the proposed lease for negotiation with Mader Valley Investments Pty Ltd.

CONCLUSION

In recent months, the City has started to receive significantly more interest in ground leases for the vacant hanger lots in the BMRA GA Precinct. The establishment of commercial aviation opportunities at the Busselton Margaret River Airport aligns with the BMRA Masterplan and strategic priorities to attract business investment into the airport.

Officers recommend the Council endorse advertising of the proposed disposition of vacant hanger D4 to Mader Valley Investments Pty Ltd, and, if there are no objections, authorise the CEO to enter into a lease in accordance with the report recommendation.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The officer recommendation will be implemented in full, or in stages as per the following table:

Milestone	Completion Date
Statutory Advertising sublease	22 April 2024 (estimated)
Commencement date of lease	14 May 2024

14. CORPORATE STRATEGY AND PERFORMANCE REPORTS

14.1. Behaviour complaints framework

Strategic Theme:	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
Directorate:	Corporate Strategy and Performance
Reporting Officer:	Manager Legal and Governance - Ben Whitehill
Authorised By:	Director of Corporate Strategy and Performance - Sarah Pierson
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 Requirements:	Absolute Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	<ol style="list-style-type: none"> 1. Marked Up Council Policy Management of Complaints of Alleged Breaches of Behaviour [14.1.1 - 4 pages] 2. Draft Council Policy Management of Complaints of Alleged Breaches of Behaviour [14.1.2 - 4 pages]

The officer recommendation was moved, there was opposition and debate ensued.

During debate, Cr Andrew Macnish foreshadowed an alternative to the officer recommendation.

The officer recommendation was lost.

COUNCIL DECISION

C2404/99 Moved Cr Val Kaigg, seconded Cr Mikayla Love

Part 1:

That the Council:

1. **Endorse the existing complaints management framework for dealing with complaints submitted under Part 3, clause 13 of the City of Busselton Code of Conduct for Council Members, Committee Members and Candidates which consists of a Behaviour Complaints Committee constituted by all elected members and the Council Policy: Management of Complaints of Alleged Breaches of Behaviour.**
2. **Adopt the amended Council Policy: Management of Complaints of Alleged Breaches of Behaviour (as set out in Attachment 2) with deletions to the definition of Mediator from Part 3 and the deletion of paragraphs 5.8 and 5.9 (as set out in the marked up version of the Policy in Attachment 1).**

Part 2:

That the Council:

3. **Appoint all elected members to the Behaviour Complaints Committee.**

ABSOLUTE MAJORITY

LOST 3 / 6

FOR: Mayor Phill Cronin, Cr Mikayla Love and Cr Kate Cox

**AGAINST: Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish,
Cr Jarrod Kennedy and Cr Richard Beecroft**

With the officer recommendation being lost, the alternative motion was moved.

There was opposition and debate ensued.

SUBSTANTIVE MOTION

Moved Cr Andrew Macnish, seconded Cr Jarrod Kennedy

That the Council disband the Behaviour Complaints Committee (and have complaints dealt with by the Council as a whole). Consequential documents to be re-worded to reflect this.

ABSOLUTE MAJORITY

During debate Mayor Phill Cronin moved a procedural motion, there was opposition and debate ensued.

The procedural motion was lost.

PROCEDURAL MOTION

C2404/101 Moved Mayor Phill Cronin, seconded Cr Kate Cox

That the item be deferred to the May 2024 Ordinary Council Meeting.

LOST 4 / 5

FOR: Mayor Phill Cronin, Cr Val Kaigg, Cr Mikayla Love and Cr Kate Cox

**AGAINST: Cr Anne Ryan, Cr Jodie Richards, Cr Andrew Macnish,
Cr Jarrod Kennedy and Cr Richard Beecroft**

Debate resumed on the substantive motion.

The substantive motion was carried.

COUNCIL DECISION

C2404/102 Moved Cr Andrew Macnish, seconded Cr Jarrod Kennedy

That the Council disband the Behaviour Complaints Committee (and have complaints dealt with by the Council as a whole). Consequential documents to be re-worded to reflect this.

CARRIED 7 / 2

FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Jarrod Kennedy and Cr Richard Beecroft

AGAINST: Cr Mikayla Love and Cr Kate Cox

BY ABSOLUTE MAJORITY

OFFICER RECOMMENDATION

Part 1:

That the Council:

1. Endorse the existing complaints management framework for dealing with complaints submitted under Part 3, clause 13 of the City of Busselton Code of Conduct for Council Members, Committee Members and Candidates which consists of a Behaviour Complaints Committee constituted by all elected members and the Council Policy: Management of Complaints of Alleged Breaches of Behaviour.
2. Adopt the amended Council Policy: Management of Complaints of Alleged Breaches of Behaviour (as set out in Attachment 2) with deletions to the definition of Mediator from Part 3 and the deletion of paragraphs 5.8 and 5.9 (as set out in the marked up version of the Policy in Attachment 1).

Part 2:

That the Council:

3. Appoint all elected members to the Behaviour Complaints Committee.

ABSOLUTE MAJORITY

EXECUTIVE SUMMARY

This report recommends that the Council endorse the existing complaints management framework (subject to a minor amendment to remove mediation) and appoint all elected members to the Behaviour Complaints Committee. To give effect to the removal of mediation it is recommended that the Council Policy: Management of Complaints of Alleged Breaches of Behaviour (Behaviour Complaints Policy) be amended to remove reference to mediation.

STRATEGIC CONTEXT

A well-functioning Behaviour Complaints Committee with appropriate terms of reference helps deliver governance systems that facilitate open, ethical, and transparent decision making.

BACKGROUND

On 10 November 2021, the Council resolved to establish the Behaviour Complaints Committee and adopt the Behaviour Complaints Policy, for the purpose of dealing with complaints submitted under Part 3, clause 13 of the City of Busselton Code of Conduct for Council Members, Committee Members and Candidates (Elected Members Code of Conduct). Collectively these created the framework for the management of behaviour complaints including how a complaint is made and how a complaint is dealt with (e.g. assessment, findings, action plans etc.).

On 18 October 2023, as part of the committee review process, the Council endorsed the Behaviour Complaints Committee Terms of Reference which state that the Council will appoint all elected members to the committee.

At the special meeting on 25 October 2023 elected members were asked to resolve on committee appointments. No elected members were required to formally nominate for the Behaviour Complaints Committee given the Council's Terms of Reference stating that its membership was all elected members. At the meeting Councillors Macnish and Ryan expressed concerns about being appointed to a committee they had not nominated for. The Council resolved 7-2 (with Councillors Macnish and Ryan voting against) to make the committee appointments, which included appointing all elected members to the Behaviour Complaints Committee, as per its terms of reference.

After the 25 October 2023 special meeting, Cr Ryan sought to resign from the Behaviour Complaints Committee, giving notice to the CEO on 3 November 2023. Cr Macnish also sought to resign from the Behaviour Complaints Committee, giving notice to the CEO on 6 November 2023.

At the ordinary Council meeting on 15 November 2023 the Council resolved that the CEO provide a further report on the relevance of retaining/replacing the Behaviour Complaints Committee. At the special meeting on 29 November 2023 at 4:30pm the Council resolved to remove all appointed members from the Behaviour Complaints Committee pending the further review contemplated by the 15 November 2023 resolution.

A briefing was held with elected members on 31 January 2024 to discuss why the Behaviour Complaints Committee was established (outlined below in the Officer Comment) and alternative models for dealing with behaviour complaints.

OFFICER COMMENT

A review of the complaints management framework has been undertaken by officers. As a result of this review officers are recommending that the existing framework, consisting of the Behaviour Complaints Committee and Behaviour Complaints Policy, be maintained with only minor changes to the Behaviour Complaints Policy. The existing framework, and specifically the establishment of a Committee is recommended by WALGA and used by metropolitan and regional local governments.

The alternative to the current framework is that behaviour complaints be dealt with by the Council. This approach is problematic because there is no provision in the *Local Government Act 1995 (Act)* that excuses an elected member from the deliberative voting process in a Council meeting, outside

of a financial or proximity interest. There is unlikely to be proximity or financial interests arising from a finding in relation to a complaint and therefore an elected member who is the subject of a complaint or is the complainant, after having declared an impartiality interest, is required under the Act to remain in the Council meeting and vote on the determination of the complaint. This may cause a perception of bias and negate the principles of natural justice.

Officers do not support the view that it may be preferable for both the complainant and respondent to be in attendance to vote on the matter. This becomes particularly problematic when the complainant is not an elected member. In that instance the respondent is entitled to attend and must vote on the complaint made about them, yet the complainant will not be represented or have a vote on the complaint. This is likely to create a significant perception of bias. This issue is completely avoided if the existing behaviour complaints framework is retained because the Behaviour Complaints Committee is delegated the power to make findings of complaints subject to paragraph 5.4 of the terms of reference where a committee member who is identified as either the complainant or respondent is required to recuse themselves by notifying the presiding member of their intention to be an apology for the meeting at which the complaint is an agenda item.

If, as recommended, the Council chooses to retain the Behaviour Complaints Committee it is recommended that all elected members nominate and be appointed to the committee in accordance with its terms of reference, and that the Council continues to delegate decision making in relation to complaints to the Committee.

Finally, it is also recommended that the Council Policy: Management of Complaints of Alleged Breaches of Behaviour be amended to remove access to mediation. Most recently mediation has cost approximately \$3,000 (ex GST) per complaint. The cost of mediation is relatively high and has not delivered value to the complaints management process (i.e. no mediated outcomes), therefore it is recommended it is removed as an option through the complaint management process.

Statutory Environment

Section 5.103 of the Local Government Act 1995 (the Act) [Model code of conduct for council members, committee members and candidates] provides that regulations must prescribe a Model Code of conduct for council members, committee members and candidates and must include:

- (a) general principles to guide behaviour; and
- (b) requirements relating to behaviour; and
- (c) provisions specified to be rules of conduct; and
- (d) may include provisions about how to deal with alleged breaches of the behaviour requirements.

Section 5.104 of the Act provides that a local government must prepare and adopt by absolute majority a code of conduct to be observed by council members, committee members and candidates, and which incorporates the Model Code. The Local Government (Model Code of Conduct) Regulations 2021 prescribe the Model Code of Conduct for Council Members, Committee Members and Candidates. The City's Elected Member Code of Conduct complies with these requirements.

Relevant Plans and Policies

The officer recommendation aligns to the following adopted plan or policy:

Plan:

Not applicable.

Policy:

[Management of Complaints of Alleged Breaches of Behaviour](#)

Financial Implications

Not Applicable

External Stakeholder Consultation

Not Applicable

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 choose to disband the Behaviour Complaints Committee and have complaints dealt with by the Council as a whole. This is not recommended because it may result in the perception of bias, as discussed in the Officer Comment.

The officer recommendation contemplates the Council appointing all elected members. The Council could choose to appoint some lesser number of elected members to the Behaviour Complaints Committee. Officers recommend in that case that a minimum of four councillors and two deputies be appointed to ensure that a quorum can be achieved.

CONCLUSION

The review of retaining or replacing the Behaviour Complaints Committee has resulted in a recommendation that the Behaviour Complaints Committee be retained with minor amendments to the Council Policy - Management of Complaints of Alleged Breaches of Behaviour.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The officer recommendation will be implemented in full, or in stages as per the following table:

Milestone	Completion Date
Council Policy: Management of Complaints of Alleged Breaches of Behaviour updated on City Website	April 2024

14.2. Future of Busselton-Sugito Relationship

Strategic Theme:	Key Theme 2: Lifestyle 2.1 Recognise, respect and support community diversity and cultural heritage. 2.5 Facilitate events and cultural experiences that provide social connection.
Directorate:	Office of the CEO
Reporting Officer:	Manager Stakeholder Relations - Stephanie Addison-Brown
Authorised By:	Chief Executive Officer - 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 Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	Nil

Prior to the meeting, Cr Anne Ryan foreshadowed a motion that was different to the officer recommendation.

In accordance with clause 10.18(6) of the City of Busselton *Standing Orders Local Law 2018*, it was taken to be an alternative recommendation and considered first.

The alternative recommendation was moved, there was opposition and debate ensued.

The alternative recommendation was lost.

COUNCIL DECISION

C2404/103 Moved Cr Anne Ryan, seconded Cr Andrew Macnish

That the Council:

1. That the Council authorise the CEO to arrange an online meeting with the two Mayors and other relevant representatives from Sugito and Busselton within the next 6 months, to discuss ideas which the Council has agreed by Resolution, and any proposals for the future of the Busselton-Sugito Sister City relationship.
2. That the City thank The President of BASSCA, Pauline Vukelic for her dedication over the years of involvement.

LOST 4 / 5

FOR: Cr Anne Ryan, Cr Val Kaigg, Cr Andrew Macnish and Cr Richard Beecroft

**AGAINST: Mayor Phill Cronin, Cr Jodie Richards, Cr Mikayla Love,
Cr Kate Cox and Cr Jarrod Kennedy**

With the alternative recommendation being lost, the officer recommendation was moved.

The officer recommendation was carried.

COUNCIL DECISION

C2404/104 Moved Cr Jodie Richards, seconded Cr Kate Cox

That the Council:

- 1. Authorises a delegation comprising the Mayor, CEO and President of Busselton and Sugito Sister Cities Association (BASSCA) to travel to Sugito in Japan in August 2024 to discuss future proposals for the Busselton-Sugito Sister City relationship.**
- 2. Approves expenditure of \$10,000 from the CEO's 2023/24 contingency budget to fund the cost of the delegation to travel to Sugito for this purpose.**

CARRIED 8 / 1

FOR: Mayor Phill Cronin, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft

AGAINST: Cr Anne Ryan

OFFICER RECOMMENDATION

That the Council:

1. Authorises a delegation comprising the Mayor, CEO and President of Busselton and Sugito Sister Cities Association (BASSCA) to travel to Sugito in Japan in August 2024 to discuss future proposals for the Busselton-Sugito Sister City relationship.
2. Approves expenditure of \$10,000 from the CEO's 2023/24 contingency budget to fund the cost of the delegation to travel to Sugito for this purpose.

EXECUTIVE SUMMARY

The Busselton-Sugito sister city relationship was established in 1996, and since then numerous delegations, student exchanges, events and cultural experiences both ways have taken place. The promotion of the sister city relationship and its objectives has been run with considerable support and coordination by the Busselton and Sugito Sister City Association (BASSCA) over 28 years.

The Covid-19 pandemic caused an interruption in the program, and this in turn provided an opportunity to reflect on the changing operating environment and consider more contemporary models for the future of the Busselton-Sugito sister city relationship.

To present new ideas and possible changes with the new Mayor of Sugito, it is recommended that a delegation comprising the Mayor, CEO and the President of BASSCA (Pauline Vukelic) visit Sugito in August 2024.

STRATEGIC CONTEXT

The sister city relationship between the City of Busselton and Town of Sugito was formed in 1996 with the following aims and objectives which align to 2.1 and 2.5 of the City's current Strategic Community Plan:

- Promotion of goodwill and lasting friendship.
- Exchange programs that foster understanding between the two towns and peoples of Australia and Japan.
- Proactively build a peaceful world.

BACKGROUND

The sister city relationship is managed by the City of Busselton with planning and activity support from BASSCA, who receive funding from the City to undertake an annual student exchange and a range of other activities, including:

- An incoming and outgoing annual Busselton-Sugito Student Exchange.
- Biennial Community Cultural Exchange (noting these have not been held for ten years).
- An annual school holiday program comprising Japanese themed activities conducted in the July school holidays at City of Busselton Libraries.
- Sponsored awards for Dunsborough Primary School and Georgiana Molloy Anglican School.
- Participation in annual events including Busselton Festival, Harmony Day Festival & South West Japanese Festival.

In 2017, BASSCA was internationally recognised in a commendation from the Japanese Foreign Minister for their exceptional services in the promotion of mutual understanding between Japan and their Australia. An MOU was entered into between the City and BASSCA in 2018 to guide future activities being undertaken by BASSCA for the City.

In November 2023, President of BASSCA, Pauline Vukelic, was recognised by his Majesty the Emperor of Japan through the prestigious honour of conferment of the Order of the Rising Sun, Gold and Silver Rays. This award is given individuals or groups in recognition of exceptional and distinguished services in the promotion of mutual understanding between Japan and their respective countries. Ms Vukelic was one of only four Australians in this announcement, and she was the only woman and the only person from WA in this announcement. Ms Vukelic was presented this award on 23 February 2024 at a special ceremony at the Consul General of Japan's private residence on the occasion of the Celebration of the Birthday of His Majesty the Emperor of Japan.

During the Covid-19 pandemic, the scheduled community delegations and school exchanges were not able to continue, meaning the last student exchange arranged BASSCA was in 2019. The last Mayoral delegation from Busselton to Sugito was in 2016 and the last Community Cultural Exchange from Busselton to Sugito took place ten years ago in 2014. A City of Busselton delegation was due to visit Sugito in the lead up to the Olympics in mid 2020, but this visit had to be cancelled due to the Covid-19 pandemic. The last Mayoral and community delegation from Sugito to Busselton was in February 2020, during which the Mayor and a number of representatives from Sugito visited Busselton. Some of the visitors participated in their Busselton Jetty Swim and half marathon during their visit.

OFFICER COMMENT

The break in the normal programming schedule, coupled with the adaptations made during the pandemic, have enabled the City and BASSCA to reflect on the current and future opportunities for this valued relationship, and review what else is happening within the City of Busselton and the South West region to support Japanese cultural exchanges.

In relation specifically to the student exchanges the following factors need to be considered:

- Despite student exchanges being on hold for 5 years, the Sugito's Board of Education has not as yet committed to further exchanges and cancelled the exchange previously scheduled for 2024. There are indications that there is some reluctance to recommence these exchanges.
- Georgiana Molloy Anglican School is now the only school teaching the Japanese language in the district and they have established their own student exchange program direct with a school in Japan. This means the cohort of students that would normally have been most attracted to the City's exchange program are already being accommodated through the school.
- A local South West business is now offering incoming Japanese cultural exchanges that may expand to outgoing tours in the future. Opportunities like this could provide other avenues for Japanese cultural exchanges for people within the community.
- New work health and safety legislation now requires any "Person Conducting a Business Undertaking" (PCBU) to carry personal legal liability for work health and safety matters for anyone they are managing or responsible for. The City will need to review any future international student exchanges in this light, especially given the exchanges have relied heavily on volunteer management.

It is recommended that a range of proposed changes for the future of the relationship are discussed with the new Sugito Mayor and his representatives in 2024, including the possibility of no longer continuing the current student exchange program, and limiting community and civic exchanges to milestone years or events. This would create the opportunity for BASSCA to focus more on lower risk, higher value activities, such as delivery of local Japanese cultural experiences and events within the local community, to acknowledge the community's strong links with Sugito over almost 3 decades. One example discussed with BASSCA was an option for events focused on food and culture, working with local restaurants and chefs in the region to celebrate Japanese cuisine and its value as part of a diverse culinary offering in the South West region.

To respect cultural protocols and ideally allow for both new Mayors to be able to meet face to face, it is proposed that a delegation comprising the Mayor, CEO and President of BASSCA, Pauline Vukelic (also a Japanese interpreter) travel to Sugito in August 2024 to meet the Mayor of Sugito and discuss these proposals. It is recommended that the delegation travels to Sugito in August 2024 to coincide with Sugito's Lantern Festival, which was the original focus of the previously planned but cancelled community exchange trip. It is timely with two new Mayors in place to establish the future direction for the relationship moving forward. Any negotiated agreements relating to the future will support BASSCA volunteers and City officers to focus their efforts on priority activities that will best support the relationship.

Statutory Environment

Not Applicable

Relevant Plans and Policies

The officer recommendation aligns to the following adopted plan or policy:

Plan:

[Corporate Business Plan 2022-2026](#)

Policy:

[City Promotion – Government Partnerships](#)

Financial Implications

It is estimated that the cost of sending the delegation in August 2024 will be in the order of \$10,000. The following breakdown provides details based on recently sought quotes/estimates, which may be slightly higher if booked closer to the proposed travel dates. These figures also presume there would be the opportunity for delegates to have the opportunity to spend three nights at hosted home stays in Sugito, thus reducing the need for hotel bookings for those nights.

	Per Person	3 People
Airfares	\$ 1,800.00	\$ 5,400.00
Insurance	\$ 150.00	\$ 450.00
Hotel Perth - To Japan	\$ 200.00	\$ 600.00
Hotel Perth - From Japan	\$ 200.00	\$ 600.00
Hotel in Japan - 2 nights	\$ 500.00	\$ 1,500.00
Misc Meals, Travel expenses	\$ 300.00	\$ 900.00
	Total	\$ 9,450.00

The City currently provides BASSCA with approximately \$4,500 per annum to cover their operating costs (eg insurance, school holiday activities, school awards and attendance at events) but this budget does not cover overseas visits or specific Mayoral activities, hence the proposal is for the budget to be funded from the CEO's contingency budget.

External Stakeholder Consultation

BASSCA

BASSCA has been meeting regularly and have indicated they would appreciate direction from Council moving forward. They are supportive of sending a delegation in 2024 to enable discussions to take place between the two Mayors in accordance with established cultural protocols.

Town of Sugito

Established cultural protocols provide for face-to-face meetings which are considered respectful and appropriate, therefore no prior discussions in any other format have taken place between the Mayoral offices at this stage. Both Mayors are new to their roles, so a new Mayoral relationship will need to be formed, and this would normally be undertaken in person as a show of respect.

The proposed meeting in Sugito would involve the Mayor of Sugito and his representatives, members of the Sugito International Association and the Director or their representative from the Sugito Board of Education. This may be arranged as one meeting or via separate meetings, depending on their preference. The Sugito Board of Education is the body responsible for making

decisions relating to the student exchange, and the Town of Sugito is responsible for negotiating future community and civic visits.

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.

Risk:			
Perceptions that ratepayer-funded trips do not bring value to the community			
Category	Consequence	Likelihood	Rating
Reputation	Minor	Possible	Medium
Context			
While the Busselton-Sugito sister city relationship has delivered value over many years in supporting Japanese cultural understanding as per its objectives, there is a risk that some members of the community may view a delegation visiting Japan as discretionary and unnecessary.			

While this risk is acknowledged, and noting it is acceptable to conduct formal business online in today’s world, the sister city relationship with Sugito is a long standing cultural relationship with established cultural protocols. Hence, it is considered appropriate for a small and focused visit such as the one being proposed to be undertaken to discuss future arrangements for the relationship.

Options

As an alternative to the proposed recommendation the Council could authorise the CEO to arrange an online meeting with the two Mayors and other relevant representatives from Sugito and Busselton within the next 6 months to discuss ideas and proposals for the future of the Busselton-Sugito Sister City relationship.

CONCLUSION

To enable a culturally appropriate discussion between the two Mayors and their representatives about the future of the Busselton-Sugito relationship, it is recommended that a delegation comprising the Mayor, CEO and President of BASSCA, Pauline Vukelic, visit Sugito in August 2024, however it is recognised that this comes with a \$10,000 cost and the need for the Mayor and CEO to spend a full week overseas away from the office.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The officer recommendation will be implemented in full, or in stages as per the following table:

Milestone	Completion Date
Decision of Council	17 April 2024
Confirmation of flights and travel arrangements	Between 18 – 24 April 2024
Delegation to travel to Sugito <ul style="list-style-type: none"> • Thursday 1 - Fly to Japan (15 hours) • Friday 2 – Arrival and settling in • Saturday 3 – Sugito Lantern Festival • Sunday 4 – Sugito Lantern Festival • Monday 5 – Formal meetings of Mayors and representatives • Tuesday 6 – Additional meetings including meeting with WA Director Business Development (Tokyo Office) • Wednesday 7 – Depart Tokyo and fly back to Perth 	1 – 7 August 2024
CEO to brief Council on outcomes from the visit	By November 2024 subject to ability to secure agreement with Town of Sugito

15. CHIEF EXECUTIVE OFFICER REPORTS

15.1. Elected Member Information Bulletin

Strategic Theme:	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
Directorate:	Corporate Strategy and Performance
Reporting Officer:	Executive Assistant to Council - Katie Banks
Authorised By:	Chief Executive Officer - Tony Nottle
Nature of Decision:	Noting: The item is simply for information purposes and noting.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	<ol style="list-style-type: none"> 1. Current Active Tender Report: March 2024 [15.1.1 - 1 page] 2. Current Running SAT Reviews: March 2024 [15.1.2 - 2 pages] 3. Council Resolution Status Update [15.1.3 - 39 pages] 4. Correspondence: Minister for Communications [15.1.4 - 3 pages] 5. Civil Litigation Update: March 2024 [15.1.5 - 1 page]

Prior to the meeting, Cr Andrew Macnish foreshadowed a motion that was different to the officer recommendation.

In accordance with clause 10.18(6) of the City of Busselton *Standing Orders Local Law 2018*, it was taken to be an alternative recommendation and considered first.

The alternative recommendation was moved, there was opposition and debate ensued.

The alternative recommendation was carried.

COUNCIL DECISION

C2404/105 Moved Cr Andrew Macnish, seconded Cr Anne Ryan

1. That the items from the Councillors Information Bulletin be noted*

- Minutes of Committee Meetings
- Minor Donations Program
- Current Active Tenders
- State Administrative Tribunal Reviews Update
- Council Resolution Status Update

**Shall not be in any way read that the Council endorses or supports or agrees with the matter being 'noted'. In addition, this 'noting' form of communication does not excuse any party from any obligation or responsibility in relation to the matter/s being 'noted'. It is simply a recognition that the CEO has authorised the placing of the information (being 'noted') on the public Council agenda (as opposed to other media or not at all).*

2. That the Council request the CEO use the asterisk and associated context used in recommendation 1 if and whenever the word noted is used (or the phrase 'the Council notes..' or similar variant of note) again in the Council Agenda at any time in the future.

CARRIED 5 / 4

FOR: Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish and Cr Richard Beecroft
AGAINST: Mayor Phill Cronin, Cr Mikayla Love, Cr Kate Cox and Cr Jarrod Kennedy

OFFICER RECOMMENDATION

That the items from the Councillors Information Bulletin be noted:

- Minutes of Committee Meetings
- Minor Donations Program
- Current Active Tenders
- State Administrative Tribunal Reviews Update
- Council Resolution Status Update
- Civil Litigation Update

EXECUTIVE SUMMARY

The report has been amended and republished since its original publication in the agenda for the 17 April 2024 Ordinary Council meeting to include the minutes of the Finance Committee Meeting held 3 April 2024 and the Civil Litigation Update at Attachment 5.

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

Minutes of Committee Meetings

Minutes of the following Committee Meetings listed in the table below are to be noted as received:

Committee	Meeting Date	Minutes
Audit and Risk Committee	13 March 2024	Minutes
Policy and Legislation Committee	20 March 2024	Minutes
Meelup Regional Park Committee	25 March 2024	Minutes
Finance Committee	3 April 2024	Minutes

Minor Donations Program – March 2024

The Minor Donations Program is currently on hold and scheduled for review. Therefore, no applications were approved in March.

Current Active Tenders

The Tender update for March 2024 is provided at Attachment 1

State Administrative Tribunal Reviews Update

The Current State Administrative Tribunal Reviews is at Attachment 2.

Council Resolution Status Update

The Council Resolution Status update is at Attachment 3.

Civil Litigation Update

The Civil Litigation Update is at Attachment 5.

Correspondence: Minister for Communications – Telecommunications network across the City of Busselton's District

Correspondence from the Office of the Hon Michelle Rowland MP, Minister for Communications is at Attachment 4.

16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

17. URGENT BUSINESS

Nil

18. CONFIDENTIAL MATTERS

The Presiding Member called on an Elected Member to move a motion to close the meeting to the public.

The motion was moved and carried.

COUNCIL DECISION

C2404/106 Moved Cr Val Kaigg, seconded Cr Jarrod Kennedy

That the meeting is closed to members of the public to discuss an item which is confidential under section 5.23(2)(b) of the *Local Government Act 1995*.

CARRIED 9 / 0

**FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish,
Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft**

AGAINST: Nil

7:27pm: At this time, the meeting was closed to the public and the livestream of the meeting ceased.

18.1. Appointment of an Independent External Member - Audit and Risk Committee

Strategic Theme:	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
Directorate:	Corporate Strategy and Performance
Reporting Officer:	Manager Legal, Governance and Risk – Ben Whitehill
Authorised By:	Director Corporate Strategy and Performance – Sarah Pierson
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 Requirements:	Absolute Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	Section 5.23(2)(b) This attachment contains information relating to the personal affairs of any person.

Section 5.23(2)(b)

This report contains information relating to the personal affairs of any person

The officer recommendation was moved and carried.

COUNCIL DECISION

C2404/107 Moved Cr Andrew Macnish, seconded Cr Mikayla Love

That the Council:

- 1. Appoint Mr Ben Townend as the independent external member of the Audit and Risk Committee.**

ABSOLUTE MAJORITY

- 2. Pursuant to section 5.100 of the Local Government Act 1995 set the fee for the independent external member of the Audit and Risk Committee at \$415 per meeting.**

CARRIED 9 / 0

FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft

AGAINST: Nil

BY ABSOLUTE MAJORITY

18.2. Appointment of Independent External Members - Waterways Management Committee

Strategic Theme:	Key Theme 4: Leadership 4.1 Provide opportunities for the community to engage with Council and contribute to decision making.
Directorate:	Infrastructure and Environment
Reporting Officer:	Senior Sustainability/Environment Officer – Danielle Halliday
Authorised By:	Director Infrastructure and Environment – Oliver Darby
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 Requirements:	Absolute Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	Section 5.23(2)(b) This attachment contains information relating to the personal affairs of any person.

Section 5.23(2)(b)

This report contains information relating to the personal affairs of any person

The officer recommendation was moved, there was opposition and debate ensued.

During debate, Cr Anne Ryan foreshadowed an alternative that was different to the officer recommendation.

The officer recommendation was lost.

COUNCIL DECISION

C2404/108 Moved Cr Kate Cox, seconded Cr Mikayla Love

That the Council:

- 1. Appoints Dr Robyn Paice and Ms Vikki Viela as independent external members of the Waterways Management Committee.**

ABSOLUTE MAJORITY

- 2. Pursuant to section 5.100 of the Local Government Act 1995 set the fee for the independent external member of the Waterways Management Committee at \$415 per meeting.**

LOST 4 / 5

FOR: Mayor Phill Cronin, Cr Val Kaigg, Cr Mikayla Love and Cr Kate Cox

**AGAINST: Cr Anne Ryan, Cr Jodie Richards, Cr Andrew Macnish,
Cr Jarrod Kennedy and Cr Richard Beecroft**

The Mayor called upon an Elected Member to move a motion to suspend the operation of the City of Busselton *Standing Orders Local Law 2018* in accordance with clause 16.1(2) of the *Standing Orders Local Law 2018* until the completion of voting on the appointment of external members for the Waterways Management Group.

COUNCIL DECISION

C2404/109 Moved Cr Kate Cox, seconded Cr Jodie Richards

That the Council suspends Standing Orders for the purpose of undertaking voting on the appointment of independent external members of the Waterways Management Group.

CARRIED 9 / 0

FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft

AGAINST: Nil

7:46pm At this time, Standing Orders were suspended.

The Presiding Member called on a member to move a motion to resume standing orders.

COUNCIL DECISION

C2404/110 Moved Cr Anne Ryan, seconded Cr Jarrod Kennedy

That the Council resume Standing Orders.

CARRIED 9 / 0

FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft

AGAINST: Nil

7:54pm At this time, Standing Orders were resumed.

The alternative motion was moved and carried.

COUNCIL DECISION

C2404/111 Moved Cr Anne Ryan, seconded Mayor Phill Cronin

That the Council

- 1. Appoint the following independent external members to the Waterways Management Committee:**

- a. Mr Steve Disley
- b. Ms Vikki Viela

ABSOLUTE MAJORITY

- 2. Pursuant to section 5.100 of the Local Government Act 1995 set the fee for the independent external member of the Waterways Management Committee at \$415 per Meeting**

CARRIED 9 / 0

**FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish,
Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft**

AGAINST: Nil

BY ABSOLUTE MAJORITY

The Presiding Member called on an Elected Member to move a motion to re-open the meeting to the public. The motion was moved and carried.

COUNCIL DECISION

C2404/112 Moved Cr Mikayla Love, seconded Cr Val Kaigg

That the meeting be re-opened to the public.

CARRIED 9 / 0

**FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish,
Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft**

AGAINST: Nil

7:56pm At this time, the meeting reopened to the public and the livestream resumed.

The Presiding Member read out the Council Decisions for items 18.1 and 18.2 to the gallery.

19. CLOSURE

The meeting closed at 7:57pm.

The minutes of the Ordinary Council Meeting held 17 April 2024 were confirmed as a true and correct record on 15 May 2024.

Date:

Presiding Member: