



Ordinary Council Meeting

Minutes

Wednesday 21 August 2024

MINUTES

Minutes of a meeting of the Busselton City Council held in the Council Chambers, Administration Building, Southern Drive, Busselton, on Wednesday 21 August 2024 at 5:30pm.

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1. OFFICIAL OPENING

The meeting opened at 5.30pm.

The Presiding Member welcomed elected members, staff, guests and members of the public to the Ordinary Council Meeting of 21 August 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 and was live streamed on the City of Busselton YouTube channel.

Pastor Paul Colyer from Busselton Baptist Church read a prayer as part of the opening of this meeting.

2. ATTENDANCE

PRESIDING MEMBER	MEMBERS
Mayor Phill Cronin	Cr Anne Ryan (Deputy Mayor)
	Cr Val Kaigg
	Cr Jodie Lee
	Cr Jarrod Kennedy
	Cr Kate Cox
	Cr Richard Beecroft
	Cr Andrew Macnish

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
Cr Mikayla Love

3. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

The Presiding Member offered congratulations to Busselton born Nina Kennedy for taking out the gold medal in the women's pole vault at the Paris Olympic Games. Nina is the first Australian woman to win an Olympic gold in the pole vault, and we congratulate Nina on her achievement.

4. DISCLOSURES OF INTEREST

DISCLOSURES OF FINANCIAL INTEREST

Nil.

DISCLOSURES OF IMPARTIALITY INTEREST

Nil.

5. CONFIRMATION AND RECEIPT OF MINUTES

5.1. Ordinary Council Meeting 19 July 2024

COUNCIL DECISION

C2407/228 Moved Cr Jodie Lee, seconded Cr Jarrod Kennedy

That the minutes of the Ordinary Council Meeting 31 July 2024 be confirmed as a true and correct record.

CARRIED 8 / 0

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

AGAINST: Nil

5.2. Special Council Meeting 31 July 2024

COUNCIL DECISION

C2407/229 Moved Cr Val Kaigg, seconded Cr Anne Ryan

That the minutes of the Special Council Meeting held 31 July 2024 be confirmed as a true and correct record (as published at 18 July 2024 on the [City of Busselton's website](#), inclusive of any confidential material published on the restricted internal Docs on Tap application).

CARRIED 8 / 0

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

The following questions were taken on notice at the 31 July 2024 ordinary Council meeting.

Below is a summary of the question and response provided by the CEO.

Mr Don Evill

Question:

In the City's reported list of payments there is a line item for a payment to the Margaret River Chocolate Factory in relation to a staff conference, can you explain this line item in the context of restraining costs?

Response:

(Mr Tony Nottle, Chief Executive Officer)

The payment to the Margaret River Chocolate Company was in relation to chocolate provided to employees at the City's all staff conference, run every 2 to 3 years for the purposes of staff training, development and engagement.

Mr Darren Glover

Question:

In relation to the whale deaths at Geographe Bay in April 2024, what was the cost to the City for the disposal of the deceased whales and how was this funded?

Response:

(Mr Tony Nottle, Chief Executive Officer)

31 deceased whales were disposed of at the City's waste facility, at a cost to the City of \$11,328.94. Funds were allocated to various operational accounts associated with beach maintenance and the waste facility.

6.2. QUESTION TIME FOR PUBLIC

Mr. Keith Sims

Question

The budget for Saltwater is \$44.5m including the \$38m fixed price contract. There has been expenditure outside of those figures and in September 2023 we were advised that figure was \$2,162,967 plus \$33,726 for the Catalyse Survey, a total of \$2,196,693.

What is the current total cost for expenditure separate to the actual construction of the Saltwater building, such as consulting and architect fees, and surveys?

Response

(Mr. Tony Nottle, Chief Executive Officer)

The previous figure provided of \$2,162,967 was for the design and professional consultancy costs associated with the project prior to the Council awarding the tender and proceeding to construction. The City's project budget of \$44.5m allocated a further \$2.8m for design costs and professional fees for the construction phase of the project. The City has spent \$2.6m to date on

design and professional fees (since the award). Additionally, the City has spent approximately \$441k on legal fees.

Question

The CEO has advised that \$367,796 of the budgeted \$3m in contingency for the Saltwater project remains unspent, and that the contingency budget may need to be increased. Of the \$2,632,204 contingency already spent, how much was for cost incurred for items other than building construction (for example legal, consultancy and architect fees)?

Response

(Mr. Tony Nottle, Chief Executive Officer)

The contingency budget has been utilised for construction variation costs. Costs for architect and design services, consultancy, and legal costs have been included in the figures provided in response to the previous question.

Question

Spring and summer are approaching and parking availability becomes even scarcer around the foreshore during peak periods. Item 10.3: Amendments to the Consolidated Parking Scheme is recommending to apply timed parking at the foreshore because of the recognised shortage of parking, however there is no mention of the Hilton car park which has 19 public parking bays. The CEO has previously advised signs indicating the availability of public parking could be erected in this location, can you advise when this will be actioned?

Response

(Mr. Tony Nottle, Chief Executive Officer)

City officers have planned the installation of signage in the Hilton car park, to be installed prior to the Christmas / New Year holiday period.

Question

Can you confirm the planned location of signage in the Hilton car park?

Response

(Mr. Tony Nottle, Chief Executive Officer)

We'll take that question on notice.

Dr Andrew Dickie

Question

Results of water testing in the Lower Vasse River conducted by the Department of Water and Environmental Regulation (DWER) showed toxic cyanobacteria exceeded dangerous levels as defined by the World Health Organisation and the Australian National Health and Medical Research Council on at least 20 occasions over a 6-week period between early December 2023 to mid-January 2024. On how many occasions did the City of Busselton receive an email from the Department of Health recommending that warnings be issued?

Response

(Mayor Phill Cronin)

We'll take that question on notice.

Question

How many permanent warning signs are there erected along the Lower Vasse River warning of cyanobacteria, and how many temporary warning signs are proposed to be put up along the length of the Lower Vasse River next summer when dangerous levels are reached again?

Response

(Mr. Tony Nottle, Chief Executive Officer)

We'll take that question on notice.

Ms. Jill Walsh

Question

DWER conduct water quality testing and refer results to the Department of Health as required. The Department of Health then notify the City of Busselton where dangerous levels of cyanobacteria are detected. Can the City administration work with the Department of Health to identify where communication is breaking down?

Response

(Mr. Tony Nottle, Chief Executive Officer)

We will confirm, in response to Dr Andrew Dickie's previous question, how many times the Department of Health issued warnings to the City of Busselton between early December 2023 to mid-January 2024. If we identify any issues with communication between the Department of Health and the City of Busselton, we would look to resolve those.

Ms. Michelle Shackleton

Question

The City has received various grants for the construction of Saltwater. Given the delay completing the construction of Saltwater, has the City of Busselton been given permission to roll over funding and if so, when is that funding due to lapse?

Response

(Mr. Tony Nottle, Chief Executive Officer)

The City is in contact with the relevant funding agencies and they're aware of the expected Saltwater completion timelines. The Saltwater project is currently within the timelines agreed with those funding agencies. To clarify, grant funding is not rolled over year to year but extended to an agreed date. If a further extension was required, the City would engage with the relevant funding agency prior to that date.

Question

The Busselton Repertory Club has been impacted by the construction of Saltwater, is the City providing any assistance to the Club?

Response

(Mr. Tony Nottle, Chief Executive Officer)

City officers are in regular contact with the Busselton Repertory Club and users of the Weld Theatre and are providing assistance where they can.

Question

The Esplanade Hotel isn't noted as a stakeholder in the City's public documentation regarding Saltwater. Are the Esplanade Hotel not considered stakeholder in the project, and is the City liaising with them?

Response

(Ms. Maxine Palmer, Director Economic and Business Development)

The Esplanade Hotel is a recognised stakeholder, and City officers have been keeping the Esplanade Hotel informed of the Saltwater project's progress.

Mr. Darren Glover

Question

There is evidence that when pilot whales beach and are subsequently moved back to ocean they usually re-beach within 72 hours. This didn't occur following the mass stranding event at Toby Inlet in April 2024, which is an anomaly. Has the City enquired as to whether underwater sonar was a factor in that incident?

Response

(Mr. Tony Nottle, Chief Executive Officer)

The City is not investigating the possible causes of the mass stranding event at Toby Inlet in April 2024. The Department of Biodiversity, Conservation and Attractions is the government department responsible for the marine environment and are the appropriate agency to conduct any investigation required into that incident.

Question

Are there any other costs associated with the clean-up following the mass stranding event at Toby Inlet in April 2024, other than the approximately \$11,000 already reported?

Response

(Mr. Tony Nottle, Chief Executive Officer)

The City is responsible for the removal of carcasses where a stranding occurs in beach areas under the City's management control. The reported costs were the direct costs to the City, but there was also significant volunteer effort to respond to that incident.

Question

Are the responses which were provided to my previous questions by email publicly available on the City's website?

Response

(Mr. Tony Nottle, Chief Executive Officer)

The response to your question which was taken on notice at the 31 July 2024 ordinary Council meeting will be published in the minutes of this meeting, which are made available on the City's website. Your additional questions that were sent through by email were responded to administratively (and will not be published in the meeting minutes) but you are welcome to share those responses with others if required.

7. RECEIVING OF PETITIONS, PRESENTATIONS AND DEPUTATIONS

7.1. PETITIONS

Nil.

7.2. PRESENTATIONS BY PARTIES WITH AN INTEREST

Nil.

7.3. DEPUTATIONS

Nil.

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

C2407/210 Moved Cr Andrew Macnish, seconded Cr Val Kaigg

That the Committee Recommendations for items 10.1, 10.2, 10.3, 10.4, 10.5, 10.8, 10.9, 10.10, 10.11, 10.12 and 10.13 and Officer Recommendations for items 11.1, 12.1, 14.1, 15.1, and 18.1 be adopted en bloc:

Item	Report
10.1	Audit and Risk Committee – 24 July 2024 – RFQ61/24: Provision of Internal Audit Services
10.2	Audit and Risk Committee – 24 July 2024 – CEO Regulation 17 Review of Systems and Procedures Recommendations – Implementation Status
10.3	Policy and Legislation Committee – 31 July 2024 – Amendments to the Consolidated Parking Scheme
10.4	Policy and Legislation Committee – 31 July 2024 – Council Policy Review: Busselton Jetty – Placement of Memorial Plaques
10.5	Policy and Legislation Committee – 31 July 2024 – Council Policy Review: Governance of Meelup Regional Park
10.8	Policy and Legislation Committee – 31 July 2024 – Council Policy Review: Community Hire of City Property
10.9	Policy and Legislation Committee – 31 July 2024 – Council Policy Review: Leasing of City Premises

10.10	Policy and Legislation Committee – 31 July 2024 – Council Policy Review: Management of Complaints of Alleged Breaches of Behaviour
10.11	Policy and Legislation Committee – 31 July 2024 – Council Policy Review: Tourism Directional Signage
10.12	Finance Committee – 7 August 2024 – List of Payments Made – June 2024
10.13	Finance Committee – 7 August 2024 – Monthly Financial Report – Year to Date 30 June 2024
11.1	2024/2025 Community Assistance Program Round 1 Outcomes
12.1	EOI to lease, manage and operate re-use shop
14.1	Meeting dates 2024: Waterway Management Committee
15.1	Elected Members Information Bulletin
18.1	Audit and Risk Committee – 24 July 2024 – Progress Update on Findings from OAG General Computer Controls Audit <i>Confidential item</i>

CARRIED 8 / 0

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

AGAINST: Nil

10. REPORTS OF COMMITTEE

10.1 RFQ61/24: Provision of Internal Audit Services

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 Corporate Strategy and Performance - Sarah Pierson
Nature of Decision:	Contractual: To enter into a contract e.g. a lease or the award of a tender etc.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	Nil

This item was considered by the Audit and Risk Committee at its meeting on 24 July 2024, the recommendations of which have been included in this report.

The committee recommendation was moved and carried.

COUNCIL DECISION

C2407/211 Moved Cr Andrew Macnish, seconded Cr Val Kaigg

That the Council accept the quotation from Moore Australia (WA) Pty Ltd (as agent for a partnership of trusts) for the Provision of Internal Audit Services subject to referee checks.

CARRIED 8 / 0

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

AGAINST: Nil

EN BLOC

COMMITTEE RECOMMENDATION

That the Council accept the quotation from Moore Australia (WA) Pty Ltd (as agent for a partnership of trusts) for the Provision of Internal Audit Services subject to referee checks.

OFFICER RECOMMENDATION

That the Council accept the quotation from Moore Australia (WA) Pty Ltd (as agent for a partnership of trusts) for the Provision of Internal Audit Services.

EXECUTIVE SUMMARY

The City issued RFQ61/24 Provision of Internal Audit Services via VendorPanel on 9 May 2024. This report recommends that the Council endorse the outcome of the evaluation panel's assessment and accept the quotation from Moore Australia (WA) Pty Ltd (as agent for a partnership of trusts).

STRATEGIC CONTEXT

The provision of internal audit services helps support delivering governance systems that facilitate open, ethical and transparent decision making.

BACKGROUND

At the ordinary meeting on 20 March 2024 the Council resolved (C2403/51) to approve the allocation of \$35,000 for consultancy in the 2024/2025 budget to fund the engagement of a consultant to undertake the internal audit function.

The City's objectives are objectives of with the procurement of the internal audit function are to:

- (a) establish an effective and independent internal audit function that enhances good governance and accountability;
- (b) develop an internal audit charter and three-year internal audit plan;
- (c) deliver an effective and independent internal audit function that provides timely and useful information to the CEO and the Audit and Risk Committee, enhances good governance and accountability and drives continuous improvement; and
- (d) to deliver an effective internal audit function, that will improve the effectiveness of risk management, internal control and governance processes within the City.

Once appointed the successful consultant will be required to develop an internal audit charter, develop the City's three-year internal audit plan in conjunction with the City's Audit and Risk Committee for the first phase of the works. The second phase requires the implementation of the plan and will involve delivering and performing the internal audit program as outlined in the internal audit plan for a period of three years, periodically communicating findings and recommendations by the provision of reports for the Audit and Risk Committee on the outcomes of internal audits and attending Audit and Risk Committee meetings as required (in person or virtually).

Ordinarily contracts of this value would not be provided to the Audit and Risk Committee or Council for endorsement. However, in this instance, officers are seeking a recommendation from the Audit and Risk Committee (and Council approval) prior to awarding a contract because the internal auditor will have a functional reporting relationship to the Audit and Risk Committee.

OFFICER COMMENT

On 9 May 2024, the City sought quotations via VendorPanel from the following 7 WALGA Preferred Suppliers with demonstrated skill and expertise in compliance and audit services:

- AMD Audit and Assurance Pty Ltd
- Assurance Advisory Group Pty Ltd
- Australian Audit Pty Ltd
- Civic Legal
- Dry Kirkness (Audit) Pty Ltd

- MACRI Partners
- Moore Australia (WA) Pty Ltd as agent for a partnership of trusts

The request for quotations closed at 4pm 29 May 2024 with a total of 4 submissions received from the following entities:

- AMD Audit and Assurance Pty Ltd (**AMD**)
- Australian Audit Pty Ltd (**Australian Audit**)
- Dry Kirkness (Audit) Pty Ltd (**Dry Kirkness**)
- Moore Australia (WA) Pty Ltd as agent for a partnership of trusts (**Moore**)

Assessment Process

In accordance with the City’s procurement practices and procedures, the quotation assessments were carried out by an evaluation panel comprising City officers with relevant skills and experience.

The assessment process included assessing compliant quotations against the following qualitative criteria (weighted as indicated in the table below):

Criterion	Weighting
Relevant Experience	25%
Key Personnel Skills and Experience	25%
Demonstrated Understanding	20%

The qualitative criteria were scored depending on the extent to which the respondent was able to appropriately satisfy each criterion and the quotation scored and ranked to determine the most advantageous outcome to the City, based on principles of best value for money. That is, although price was a consideration, the quotation containing the lowest price will not necessarily be accepted by the City and nor will the quotation rank the highest on the qualitative criteria.

Evaluation outcome

The City received four high quality submissions in response to the request for quotation for the provision of internal audit services. The result of the panel’s evaluation process is to recommend the award of the contract to Moore.

A summary of the assessment and each of the submissions is outlined below:

	Qualitative Rank	Price Rank	Overall Rank
AMD	2 nd	3 rd	2nd
Australian Audit	3 rd	1 st	3rd
Dry Kirkness	4 th	4 th	4th
Moore	1 st	2 nd	1st

AMD

AMD ranked second overall. They demonstrated excellent local government experience across metropolitan and regional local governments. The key personnel had suitable qualifications and experience. AMD were able to demonstrate a good understanding of the work and have provided a

methodology for the provision of the services. Regarding price, the fixed fee component, for the audit charter and audit plan, was in the mid-range and hourly rates were comparable with other submissions.

Australian Audit

Australian Audit ranked third overall. They demonstrated good local government experience, having worked with a variety of metro and regional Western Australian local governments. Australian Audit's key personnel were adequately experienced, and a good methodology was proposed. The fixed fee for the preparation of the internal audit charter and internal audit plan was in the mid-range and hourly rates were less than the other submissions.

Dry Kirkness

Dry Kirkness ranked fourth overall. They demonstrated some local government experience with internal audit and FMSR (Financial Management Systems Review) and Reg 17 audits for local government as well as good experience with other entities. In general, their relevant experience was less than other submissions. Key personnel are appropriately qualified and have good audit experience. Dry Kirkness provided a reasonable understanding of the scope of works and methodology including a possible audit program. The fixed fee for the preparation of the internal audit charter and internal audit plan was at the upper end and hourly rates were comparable to other submissions.

Moore

Moore ranked first overall and demonstrated excellent relevant experience and key personnel. Their extensive local government & OAG (Office of the Auditor General) experience means Moore appears to be well placed to provide the Audit and Risk Committee expert advice on best practice. Moore demonstrated an excellent understanding of the scope of works and provided a detailed methodology for undertaking those works. The fixed fee for the preparation of the internal audit charter and internal audit plan was at the lower end and hourly rates were comparable to other submissions.

Statutory Environment

Not Applicable

Relevant Plans and Policies

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

Plan:

Not applicable.

Policy:

[Purchasing](#)

[Risk Management](#)

Financial Implications

The City's draft 2024/25 budget includes an amount of \$35,000 (ex GST) for the provision of internal auditing services. It is anticipated that this amount will cover the preparation of the internal audit charter and internal audit plan as well as the implementation of the plan for the first year. Subsequent years will be funded in future budgets.

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. Decline to accept any quotation.
2. Accept a quotation from another respondent.

CONCLUSION

It is recommended that the Council accept the quotation from Moore Australia (WA) Pty Ltd (as agent for a partnership of trusts) for the provision of internal audit services.

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
Award of contract	Early August 2024

10.2 CEO Regulation 17 Review of Systems and Procedures Recommendations - Implementation status

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:	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. 2023 Reg 17 Review AMD report [6.2.1 - 23 pages] 2. Reg 17 Review Recommendations: Status at July 24 [6.2.2 - 3 pages]

This item was considered by the Audit and Risk Committee at its meeting on 24 July 2024, the recommendations of which have been included in this report.

The committee recommendation was moved and carried.

COUNCIL DECISION

C2407/212 Moved Cr Andrew Macnish, seconded Cr Val Kaigg

That the Council acknowledge the status update in relation to the recommendations of the Regulation 17 Review (as at the end of June 2024) and that the next update will be provided to the Audit and Risk Committee at the meeting on 13 November 2024.

In the AMD Report Table Legislative Compliance, (pg 44/53), 4.2.2 not be closed until the recommended matters have been specifically discussed by the ARC for implementation and this occur prior to the next scheduled ARC meeting in November this year.

CARRIED 8 / 0

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

AGAINST: Nil

EN BLOC

COMMITTEE RECOMMENDATION

That the Council acknowledge the status update in relation to the recommendations of the Regulation 17 Review (as at the end of June 2024) and that the next update will be provided to the Audit and Risk Committee at the meeting on 13 November 2024.

In the AMD Report Table Legislative Compliance, (pg 44/53), 4.2.2 not be closed until the recommended matters have been specifically discussed by the ARC for implementation and this occur prior to the next scheduled ARC meeting in November this year.

OFFICER RECOMMENDATION

That the Council acknowledge the status update in relation to the recommendations of the Regulation 17 Review (as at the end of June 2024) and that the next update will be provided to the Audit and Risk Committee at the meeting on 13 November 2024.

EXECUTIVE SUMMARY

Regulation 17 of the *Local Government (Audit) Regulations* (the Audit Regulations) requires the Chief Executive Officer to review the appropriateness and effectiveness of a local government's systems and procedures in relation to risk management, internal control and legislative compliance.

The City engaged AMD Chartered Accountants (AMD) to undertake this review on behalf of the CEO, with findings and recommendations presented to the Audit and Risk Committee and then to Council on 21 June 2023. This report presents a status update in relation to the recommendations.

STRATEGIC CONTEXT

Appropriate and effective systems and procedures for risk management, internal control and legislative compliance provides for the good governance of the City and appropriate levels of risk and risk management activity.

BACKGROUND

In May 2023, the City engaged AMD, a local government audit, accounting and advisory firm in Western Australia, to undertake the Regulation 17 review on behalf of the CEO. The CEO presented a report on the findings of that review to the Audit and Risk Committee on 7 June 2023 (endorsed by Council on 21 June 2023), which included management comments in relation to the findings (Attachment 1).

Council resolved (C2306/111):

That the Council

- 1. Accept the CEO's Regulation 17 review of the appropriateness and effectiveness of the City of Busselton systems and procedures in relation to risk management, internal control and legislative compliance; and*
- 2. Request that the Chief Executive Officer provide quarterly updates to the Audit and Risk Committee on the progress of the recommendations for improvement identified as part of the review.*

An update on the status of the recommendations was last presented to the Audit and Risk Committee in March 2024.

OFFICER COMMENT

Of the twelve recommendations, five have been completed. These are:

- Item 2.2.5: Tender Management;
- Item 2.2.8: Lease Management;
- Item 3.2.1: Business Activity Statement (“BAS”) Lodgement Relief;
- Item 4.2.1: Compliance Calendar; and
- Item 4.2.2: Audit and Risk Committee

Seven findings remain in progress, and the status of each is provided below:

Item 2.2.1: Risk Management Framework and Risk Reporting: In March 2024, the Council confirmed its support for a planned program to uplift the City's corporate risk management capability, which includes review of the risk management framework and implementation of regular risk reporting, as well as approval of a new risk resource. The commencement of this program is dependent on the City recruiting that new dedicated risk officer. Funding has been allocated in the 2024/25 budget, and recruitment for this position is underway.

Item 2.2.2 Emergency Risk and Response Management: Has been partially implemented and is on track for completion by the target date of June 2025.

Items 2.2.3 Misconduct, Fraud and Corruption Policy: Priorities across the Corporate Strategy and Performance directorate has resulted in this action not being completed by 30 June 2024. This work is considered lower priority noting Code of Conduct training is provided to staff through new staff inductions and refresher training. Review of the City's Code of Conduct for employees is currently underway, with Equal Employment Opportunity and appropriate workplace behaviour training for employees (looking at the Code of Conduct) scheduled for September 2024.

Item 2.2.4 Contract Management: Recommendation is partially implemented with a contractor performance review having been designed and implemented. Further implementation is contingent on resourcing to centralise the contract management function and systems. Officers are looking to quantify resourcing impacts and determine what can be implemented using existing resources. The target date for this item has therefore been revised.

Item 2.2.6 Risk Management Policies and Procedures: The majority of policies and procedures identified by AMD as potentially requiring review have now been reviewed, and approved by the CEO or adopted by the Council as required. The Council Policy: Asset Management is outstanding and will be reviewed by the Policy and Legislation Committee in July 2024. The recommendation to develop a new policy with respect to specimen signatures has been considered but is not currently an operational priority. Vacant positions in the Work Health and Safety team were filled mid - March 2024 and work is progressing in relation to the review of various operational practices, and associated work processes and guiding documents. The target date has been updated to end - December 2024 for review of the identified OPs, noting that review of contractor management WHS has a number of dependencies which may impact.

2.2.7 IT Strategic Plan and Business Continuity Plan Testing: A business continuity testing exercise was completed in May 2024, and subsequent updates to the Business Continuity Plan are in progress. The ICT Strategy has yet to be presented to the Council, and is pending completion of the City's Council Plan to ensure no adjustments are required in response.

4.2.3 Internal Audit: An RFQ for an internal audit engagement has been completed. The outcomes are provided in item 6.1 of this Audit and Risk Committee agenda for consideration.

Further information on the implementation status for each of the recommendations is provided in Attachment 2.

Statutory Environment

Regulation 17 of the Audit Regulations requires the Chief Executive Officer to review the appropriateness and effectiveness of a local government's systems and procedures in relation to risk management, internal control and legislative compliance once every 3 financial years and report the results of that review to the Audit and Risk Committee.

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 financial implications associated with the officer recommendation. Progression of the recommendations in full, however, are likely to have financial implications for example for uplift of risk management and centralisation of procurement contract management functions.

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 Council could choose not to accept the officer recommendation.

CONCLUSION

This report provides a status update in relation to the recommendations of the City's most recent Regulation 17 Review.

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
Status report to the Audit and Risk Committee	13 November 2024

10.3 Amendments to the Consolidated Parking Scheme

Strategic Theme:	Key Theme 2: Lifestyle 2.2 Work with key partners to facilitate a safe, healthy and capable community. 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. CPS Proposed Amendments Busselton Foreshore Carparks [6.1.1 - 1 page] 2. CPS Proposed Amendments Busselton Coastal Carparks [6.1.2 - 22 pages] 3. CPS Proposed Amendments Busselton On-Street Restrictions [6.1.3 - 10 pages] 4. CPS Proposed Amendments Busselton Boat Trailer Parking [6.1.4 - 7 pages] 5. Proposed Restrictions through PPA Dunsborough Woolworths Carpark [6.1.5 - 1 page]

This item was considered by the Policy and Legislation Committee at its meeting held 31 July 2024, the recommendations of which have been included in this report.

The committee recommendation was moved and carried.

COUNCIL DECISION

C2407/213 Moved Cr Andrew Macnish, seconded Cr Val Kaigg

That the Council pursuant to clause 2.1 of the City of Busselton Parking Local Law 2020 approves the following amendments to the Consolidated Parking Scheme:

1. Designation of two Busselton foreshore carparks, as shown in attachment 6.1.1, as *"2-hour parking, 9am - 5pm"*.
2. Designation of the following coastal carparks, as identified in attachment 6.1.2, as *"No Parking or Stopping, Road or Verge, Midnight to 4am, Dec – Feb"*:
 - a. Cape Clairaut carpark and road reserve
 - b. Injidup carpark and portion of Wyadup road reserve
 - c. Formalised Smith beach carparks
 - d. Yallingup main beach carpark

- e. Dawson Drive carpark, Yallingup
 - f. Farm Break Lane, Bunker Bay
 - g. Eagle Bay hall (except proposed boat trailer parking)
 - h. All formalised carparks Eagle Bay-Meelup Road
 - i. Meelup Beach Carparks
 - j. Castle Rock Carpark
 - k. Dunsborough foreshore carparks, Geographe Bay Road
 - l. Dunsborough Yacht Club
 - m. Quindalup Boat Ramp (except proposed boat trailer parking)
 - n. Abbey Boat Ramp (except proposed boat trailer parking)
 - o. Holgate Road Carpark, Broadwater
 - p. Geographe Bay Road Carpark, opposite Mandalay, Broadwater
 - q. Dolphin Boat Ramp (except proposed boat trailer parking)
 - r. King Street Beach Carpark
 - s. Carparks Busselton foreshore between Foreshore Parade and Carey street
 - t. Busselton Marine Rescue, and Geographe Bay Road between Georgette St and Ford Rd
 - u. Layman Road Carparks, Wonnerup
3. Designation of the following roads as shown in attachment 6.1.3 as *“No Stopping Road or Verge”*:
- a. Western side of Forth Street and Northern side of Geographe Bay Road, Abbey
 - b. Northern side of Geographe Bay Road, Quindalup
 - c. Eastern side Smiths Beach Road – Yallingup
 - d. Southern side of Margaret Street – West Busselton
 - e. Both sides of Hannay Lane, Dunsborough
4. Designation of the following roads as shown in attachment 6.1.3 as *“2-hour Park 9am – 5pm”*:
- a. Queen Street (North of Marine Terrace)
 - b. Foreshore Parade
 - c. Geographe Bay Road
5. Designation of Southern Drive, as shown in attachment 6.1.3 as *“1-hour Parking, 8am-5pm Mon –Fri”*.
6. Designation of two parking bays at Old Dunsborough Boat ramp as shown in attachment 6.1.3 as *“5-minute Standing”*.
7. Designation of identified bays as *“Boat Trailer Parking Only. Midnight to Noon between Dec – May”*, as identified in attachment 6.1.4, at the following boat ramps:
- a. Eagle Bay Boat ramp.
 - b. Old Dunsborough Boat ramp.
 - c. Quindalup Boat Ramp – Southern side of Geographe Bay Road.
 - d. Abbey Boat Ramp.
 - e. Dolphin Road Boat Ramp.
 - f. Busselton Marine Rescue.
 - g. Geographe Marina.

8. Designation of portions of 1-48/50 and 1-42 Dunn Bay Road (Woolworth's Carpark) carparks, as shown in attachment 6.1.5, as *"3-hour parking, 9am - 5pm"*.

CARRIED 8 / 0

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

AGAINST: Nil

EN BLOC

COMMITTEE RECOMMENDATION

That the Council pursuant to clause 2.1 of the City of Busselton Parking Local Law 2020 approves the following amendments to the Consolidated Parking Scheme:

1. Designation of two Busselton foreshore carparks, as shown in attachment 6.1.1, as *"2-hour parking, 9am - 5pm"*.
2. Designation of the following coastal carparks, as identified in attachment 6.1.2, as *"No Parking or Stopping, Road or Verge, Midnight to 4am, Dec – Feb"*:
 - a. Cape Clairaut carpark and road reserve
 - b. Injidup carpark and portion of Wyadup road reserve
 - c. Formalised Smith beach carparks
 - d. Yallingup main beach carpark
 - e. Dawson Drive carpark, Yallingup
 - f. Farm Break Lane, Bunker Bay
 - g. Eagle Bay hall (except proposed boat trailer parking)
 - h. All formalised carparks Eagle Bay-Meelup Road
 - i. Meelup Beach Carparks
 - j. Castle Rock Carpark
 - k. Dunsborough foreshore carparks, Geographe Bay Road
 - l. Dunsborough Yacht Club
 - m. Quindalup Boat Ramp (except proposed boat trailer parking)
 - n. Abbey Boat Ramp (except proposed boat trailer parking)
 - o. Holgate Road Carpark, Broadwater
 - p. Geographe Bay Road Carpark, opposite Mandalay, Broadwater
 - q. Dolphin Boat Ramp (except proposed boat trailer parking)
 - r. King Street Beach Carpark
 - s. Carparks Busselton foreshore between Foreshore Parade and Carey street
 - t. Busselton Marine Rescue, and Geographe Bay Road between Georgette St and Ford Rd
 - u. Layman Road Carparks, Wonnerup
3. Designation of the following roads as shown in attachment 6.1.3 as *"No Stopping Road or Verge"*:
 - a. Western side of Forth Street and Northern side of Geographe Bay Road, Abbey
 - b. Northern side of Geographe Bay Road, Quindalup

- c. Eastern side Smiths Beach Road – Yallingup
 - d. Southern side of Margaret Street – West Busselton
 - e. Both sides of Hannay Lane, Dunsborough
4. Designation of the following roads as shown in attachment 6.1.3 as ***“2-hour Park 9am – 5pm”***:
 - a. Queen Street (North of Marine Terrace)
 - b. Foreshore Parade
 - c. Geographe Bay Road
 5. Designation of Southern Drive, as shown in attachment 6.1.3 as ***“1-hour Parking, 8am-5pm Mon –Fri”***.
 6. Designation of two parking bays at Old Dunsborough Boat ramp as shown in attachment 6.1.3 as ***“5-minute Standing”***.
 7. Designation of identified bays as ***“Boat Trailer Parking Only. Midnight to Noon between Dec – May”***, as identified in attachment 6.1.4, at the following boat ramps:
 - a. Eagle Bay Boat ramp.
 - b. Old Dunsborough Boat ramp.
 - c. Quindalup Boat Ramp – Southern side of Geographe Bay Road.
 - d. Abbey Boat Ramp.
 - e. Dolphin Road Boat Ramp.
 - f. Busselton Marine Rescue.
 - g. Geographe Marina.
 8. Designation of portions of 1-48/50 and 1-42 Dunn Bay Road (Woolworth’s Carpark) carparks, as shown in attachment 6.1.5, as ***“3-hour parking, 9am - 5pm”***.

OFFICER RECOMMENDATION

That the Council pursuant to clause 2.1 of the City of Busselton Parking Local Law 2020 approves the following amendments to the Consolidated Parking Scheme:

1. Designation of two Busselton foreshore carparks, as shown in attachment 6.1.1, as ***“2-hour parking, 9am - 5pm”***.
2. Designation of the following coastal carparks, as identified in attachment 6.1.2, as ***“No Parking or Stopping, Road or Verge, Midnight to 4am, Dec – Feb”***:
 - a. Cape Clairaut carpark and road reserve
 - b. Injidup carpark and portion of Wyadup road reserve
 - c. Formalised Smith beach carparks
 - d. Yallingup main beach carpark
 - e. Dawson Drive carpark, Yallingup
 - f. Farm Break Lane, Bunker Bay
 - g. Eagle Bay hall (except proposed boat trailer parking)
 - h. All formalised carparks Eagle Bay-Meelup Road
 - i. Meelup Beach Carparks

- j. Castle Rock Carpark
 - k. Dunsborough foreshore carparks, Geographe Bay Road
 - l. Dunsborough Yacht Club
 - m. Quindalup Boat Ramp (except proposed boat trailer parking)
 - n. Abbey Boat Ramp (except proposed boat trailer parking)
 - o. Holgate Road Carpark, Broadwater
 - p. Geographe Bay Road Carpark, opposite Mandalay, Broadwater
 - q. Dolphin Boat Ramp (except proposed boat trailer parking)
 - r. King Street Beach Carpark
 - s. Carparks Busselton foreshore between Foreshore Parade and Carey street
 - t. Busselton Marine Rescue, and Geographe Bay Road between Georgette St and Ford Rd
 - u. Layman Road Carparks, Wonnerup
3. Designation of the following roads as shown in attachment 6.1.3 as *“No Stopping Road or Verge”*:
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 - b. Northern side of Geographe Bay Road, Quindalup
 - c. Eastern side Smiths Beach Road – Yallingup
 - d. Southern side of Margaret Street – West Busselton
 - e. Both sides of Hannay Lane, Dunsborough
 4. Designation of the following roads as shown in attachment 6.1.3 as *“2-hour Park 9am – 5pm”*:
 - a. Queen Street (North of Marine Terrace)
 - b. Foreshore Parade
 - c. Geographe Bay Road
 5. Designation of Southern Drive, as shown in attachment 6.1.3 as *“1-hour Parking, 8am-5pm Mon –Fri”*.
 6. Designation of two parking bays at Old Dunsborough Boat ramp as shown in attachment 6.1.3 as *“5-minute Standing”*.
 7. Designation of identified bays as *“Boat Trailer Parking Only. Midnight to Noon between Dec – May”*, as identified in attachment 6.1.4, at the following boat ramps:
 - a. Eagle Bay Boat ramp.
 - b. Old Dunsborough Boat ramp.
 - c. Quindalup Boat Ramp – Southern side of Geographe Bay Road.
 - d. Abbey Boat Ramp.
 - e. Dolphin Road Boat Ramp.
 - f. Busselton Marine Rescue.
 - g. Geographe Marina.
 8. Designation of portions of 1-48/50 and 1-42 Dunn Bay Road (Woolworth’s Carpark) carparks, as shown in attachment 6.1.5, as *“3-hour parking, 9am - 5pm”*.

EXECUTIVE SUMMARY

This report presents several proposed changes to the *Consolidated Parking Scheme (CPS)* pursuant to Clause 2.1 of the *City of Busselton Parking Local Law 2020* (Parking Local Law).

These changes have been proposed in recognition of the need to increase the turnover and access to parking in high demand locations and improve the efficiency of compliance and monitoring.

STRATEGIC CONTEXT

The proposed changes to the consolidated parking scheme as highlighted through this report support achievement of the Council's strategic objective to facilitate a safe, healthy and capable community through open, ethical and transparent decision making. It is considered by officers that implementation of the proposed amendments will support a reduction in community amenity impacts related to parking issues in the identified locations.

BACKGROUND

The CPS is an administrative document and series of maps that detail parking restrictions across the district. Restrictions include timed parking zones, no parking/no stopping zones, and special purpose parking zones including disabled parking bays, loading zones, taxi zones, and bus zones. The current version of the CPS was endorsed by the Council in February 2018 (C1802/21) however, there have been some minor amendments to the CPS since that time.

This report seeks to implement several amendments to the CPS to improve the management of parking in the identified locations where there is an increase in usage in the peak tourism periods or during events.

OFFICER COMMENT

The proposed parking control designations have been developed with consideration to feedback from the community during the peak summer period and subsequent assessments of parking and traffic behaviour in locations raised by the community. Locations where City officers identified parking issues of sufficient concern to require management were also considered.

This report proposes changes to the consolidated parking scheme by five categories:

1. Busselton Foreshore Carparks
2. Coastal Carparks
3. On Street Restrictions
4. Boat Trailer Parking
5. Private Parking Agreement - Dunsborough Woolworths Carpark

Busselton Foreshore Carparks

Introduction of "2-hour parking, 9am - 5pm" in the following carparks as displayed in attachment 6.1.1:

1. Eastern portion of Busselton foreshore carpark accessed off West Street (Nth of Signal Park)
2. Busselton foreshore carpark accessed off Foreshore Parade (Nth of Hilton Hotel)

Currently neither of these carparks have parking restrictions applied meaning currently users can park all day. The proposed introduction of 2-hour time restrictions in these two key foreshore

carparks in closest proximity to key attractions will see introduction of consistency of parking controls with the Busselton City Centre.

Creating consistency in parking regulations enables visitors to the district to better understand the pattern of parking controls applied in popular locations, whilst also supporting a regular turnover and availability of parking bays.

Coastal Carparks

Attachment 6.1.2 displays coastal carparks that City officers recommend introducing '*No Parking or Stopping between Midnight and 4am, December – February*'. These carparks are in the following locations:

1. Cape Clairaut carpark and road reserve
2. Injidup carpark and portion of Wyadup road reserve
3. Formalised Smith beach carparks
4. Yallingup main beach carpark
5. Dawson Drive carpark, Yallingup
6. Farm break Lane, Bunker Bay
7. Eagle Bay hall (except proposed boat trailer parking)
8. All formalised carparks Eagle Bay-Meelup Road
9. Meelup Beach Carparks
10. Castle Rock Carpark
11. Dunsborough foreshore carparks, Geographe Bay Road
12. Dunsborough Yacht Club
13. Quindalup Boat Ramp (except proposed boat trailer parking)
14. Abbey Boat Ramp (except proposed boat trailer parking)
15. Holgate Road Carpark, Broadwater
16. Geographe Bay Road Carpark, opposite Mandalay, Broadwater
17. Dolphin Boat Ramp (except proposed boat trailer parking)
18. King Street Beach Carpark
19. Carparks Busselton foreshore between Foreshore Parade and Carey Street
20. Busselton Marine Rescue, and Geographe Bay Road between Georgette St and Ford Rd
21. Layman Road Carparks, Wonnerup

Over the peak summer period the City received complaints in relation to illegal camping in these locations and the associated negative impacts to the amenity of the areas from noise, littering, human waste and difficulty in the broader community and visitors in accessing these locations. By introducing '*No Parking or Stopping between Midnight and 4am, December – February*' in these key locations it will improve the ability of City Rangers to efficiently manage this issue through the enforcement of parking controls.

On Street Restrictions

The report proposes new on street restrictions in several locations across the municipal area as identified in attachment 6.1.3.

Introduction of No Stopping Road or Verge:

1. West side Forth Street and North side Geographe Bay Road, Abbey
2. North side Geographe Bay Road, Quindalup
3. West side Smiths Beach Road – Yallingup

4. South side Margaret Street – West Busselton
5. South-west side Hannay Lane, Dunsborough
6. West side Prowse Way, Dunsborough

Over the 2023-24 peak period the City received frequent complaints about the negative impacts of parking in these locations impeding traffic flow, restricting the ability of the waste services vehicles accessing properties, blocking of footpath access or having a negative impact to the abutting natural vegetation due to partial parking on the verge. As such following review and consideration by City Ranger and Engineering Officers it is proposed to introduce a blanket no stopping or parking road or verge as identified in each location in attachment 6.1.3.

Introduction of 2 hour parking:

1. Queen Street (North of Marine Terrace)
2. Foreshore Parade
3. Geographe Bay Road

The proposed introduction of 2-hour time restrictions along these streets will support consistency with other proposed parking controls within this location and will support a regular turnover and availability of parking bays.

Introduction of 1 hour parking 8am – 5pm Monday - Friday:

1. Southern Drive, Causeway Rd to City Administration Building carpark.

City officers have identified these bays are often unavailable for visitors to the City administration building resulting in informal and at times illegal parking in this vicinity. The proposed introduction of 1-hour time restrictions in this location will support a regular turnover and availability of parking bays servicing visitors accessing the building.

Introduction of 5-minute standing bays:

1. Old Dunsborough Boat ramp

City officers have received feedback about informal and illegal parking occurring in this vicinity, associated with vehicles accessing the boat ramp. It is considered that the provision of 5-minute bays may help to address this issue, allowing boat ramp users space to secure boats onto trailers, whilst at the same time freeing up access to the boat ramp for other users wishing to launch or bring in boats.

Boat Trailer Parking:

Introduction of *'Boat Trailer Parking Only. Midnight to Noon between 1 December – 1 May'*, as identified in attachment 6.1.4, at the following boat ramps:

1. Eagle Bay Boat ramp
2. Old Dunsborough Boat ramp
3. Quindalup Boat Ramp – Southern side of Geographe Bay Road
4. Abbey Boat Ramp
5. Dolphin Road Boat Ramp
6. Busselton Marine Rescue
7. Geographe Marina

Over the past few summers, with growth in population and visitors to the region, a growing trend has been identified that light vehicles without trailers are increasingly utilising delineated trailer parking at boat ramp carparks at all times of the day, restricting the ability for vehicles towing boats to safely park in these locations after launching boats. As such introduction of the proposed restriction of use of such bays to vehicles with boat trailers at the time of day most popular with people launching boats will improve the management and access to such parking.

Private Parking Agreement – Dunsborough Woolworths Carpark:

The report proposes introduction of “3-hour parking, 9am - 5pm” restrictions for the portions of lots 1-48/50 and 1-42 Dunn Bay Road, Dunsborough (Woolworths Carpark) as identified in attachment 6.1.5.

Under clause 1.6 of the Parking Local Law, through agreement in writing between the local government and the owner or occupier of a parking facility or station the provisions of the local law will apply to that facility or station. City officers have been approached by representatives of the owners of the portions of land as identified in attachment 6.1.5 in relation to implementation of such an agreement. The Director of Community Planning as an authorised officer under the Local Law has the authority to sign and accept these agreements on behalf of the Local Government, however prior to application of restrictions applied under clause 2.1 of the Parking Local Law the restrictions to be applied require the endorsement of the Council.

Statutory Environment

Pursuant to the *Road Traffic Code 2000* the City has adopted the *Parking Local Law 2020* (Local Law), which provides for the City to designate and police parking and traffic restrictions within roadways and vehicle parking areas.

The designation of parking stalls, stations and areas is provided for within Part 2 of the Local Law, pursuant to which the City has adopted the CPS as a series of plans which identify these designations.

Parking designations adopted under the Local Law and shown in the CPS are given effect through:

- The installation of signage and line marking in accordance with the Code, supplemented by the detailed guidance provided within the relevant Australian Standard (1742.11-1999); and
- The publication of notice of the adopted designations, as required under the Parking Local Law.

Relevant Plans and Policies

The officer recommendation aligns to the following adopted policy:

Policy:

[Compliance and Enforcement](#)

Financial Implications

City officers expect that the general changes to signage and line marking that will be required to implement the proposed parking management changes will cost in the order of \$5,000.

External Stakeholder Consultation

The review of parking controls in the identified locations was triggered by feedback received by community over the summer period in relation to parking issues.

The City put a broad request for the community to send through any locations of concern via a social media post 4 January 2024. The feedback provided from this process, combined with other reported and assessed concerns informed the locations prioritised for review/amendment.

In accordance with the Local Law the provision of public notice of changes to parking designations is required. This will occur in a local newspaper and on the City's website, in accordance with the resolution of the Council.

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 implement all the proposed amendments to the CPS

CONCLUSION

Officers are recommending that the Council approves the recommended amendments to the consolidated parking scheme pursuant to clause 2.1 of the Parking Local Law.

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
Public notice of amendments	30 September 2024
Line marking and signage installation	As soon as practicable following public notice period

10.4 Council Policy Review: Busselton Jetty - Placement of Memorial Plaques

Strategic Theme:	Key Theme 2: Lifestyle 2.1 Recognise, respect and support community diversity and cultural heritage.
Directorate:	Economic and Business Development
Reporting Officer:	Director Economic and Business Development - Maxine Palmer
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:	<ol style="list-style-type: none"> 1. DRAFT Busselton Jetty Placement of Memorial Plaques [6.2.1 - 2 pages] 2. DRAFT Busselton Jetty Placement of Memorial Plaques tracked [6.2.2 - 3 pages]

This item was considered by the Policy and Legislation Committee at its meeting on 31 July 2024, the recommendations of which have been included in this report.

The committee recommendation was moved and carried.

COUNCIL DECISION

C2407/214 Moved Cr Andrew Macnish, seconded Cr Val Kaigg

That the Council adopt the amended Council Policy: Placement of Memorial Plaques (Attachment 1) to replace the current policy, with the policy having been reviewed as part of the City’s ongoing policy review cycle.

CARRIED 8 / 0

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

AGAINST: Nil

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COMMITTEE RECOMMENDATION

That the Council adopt the amended Council Policy: Placement of Memorial Plaques (Attachment 1) to replace the current policy, with the policy having been reviewed as part of the City’s ongoing policy review cycle.

OFFICER RECOMMENDATION

That the Council adopt the amended Council Policy: Placement of Memorial Plaques (Attachment 1) to replace the current policy, with the policy having been reviewed as part of the City’s ongoing policy review cycle.

EXECUTIVE SUMMARY

The purpose of the Council Policy: Busselton Jetty – Placement of Memorial Plaques (Policy) is to set out the special circumstances by which a memorial plaque may be located on the Busselton Jetty (Jetty). The Policy has been reviewed to consider different and new ways of recognising a person's contribution to the Busselton Jetty, and is presented to the Council for adoption.

STRATEGIC CONTEXT

Outlining the process and rationale for the naming of memorial plaques on and around the Busselton Jetty assists the Council to make well informed decisions that respect community contributions and the culture and heritage of the City and its residents. Regular review of City policies ensures strategic guidance remains relevant and appropriate, and contributes to the good governance of the City.

BACKGROUND

At the Busselton Jetty Reference Group (BJRG) meeting on 17 May 2024, the issue of increasingly limited space on the Jetty for memorial plaques was discussed. This was prompted by a further two requests for memorial plaques from community members. Different ways of commemorating contributions to the Jetty were considered including using the area around the crane digital memorials in the Interpretive Centre and proposed new Marine Discovery Building.

The Policy has been updated to reflect the BJRG's recommendations for the Council's consideration.

OFFICER COMMENT

The BJRG have proposed amendments to the Policy to provide more flexibility in determining the location and type of memorial, including digital plaques or other forms of appropriate recognition. The assessment criteria has also been reduced from twenty years association with the Jetty to ten years.

Statutory Environment

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

Relevant Plans and Policies

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

Plan:

Not applicable.

Policy:

[Busselton Jetty – Placement of Memorial Plaques](#)

Financial Implications

Not Applicable

External Stakeholder Consultation

The BJRG consists of representatives from Busselton Jetty Inc. (BJI), the CEO and Chair or their proxy. BJI support the proposed changes to the Policy.

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. Decide to retain the Policy in its current form.
2. Decide to make additional amendments

CONCLUSION

This report recommends that Council adopt the amended Council Policy: Busselton Jetty – Placement of Memorial Plaques, to replace the current policy.

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
Adopted Council Policy updated on the City’s website	Within two weeks of adoption

10.5 Council Policy Review: Governance of Meelup Regional Park

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:	Director Corporate Strategy and Performance - Sarah Pierson
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:	1. DRAFT Governance of Meelup Regional Park [6.3.1 - 2 pages] 2. DRAFT Governance of Meelup Regional Park tracked changes [6.3.2 - 3 pages]

This item was considered by the Policy and Legislation Committee at its meeting held 31 July 2024, the recommendations of which have been included in this report.

The committee recommendation was moved and carried.

COUNCIL DECISION

C2407/215 Moved Cr Andrew Macnish, seconded Cr Val Kaigg

That the Council adopts the Governance of Meelup Regional Park Policy as per Attachment 1 to replace the current policy.

CARRIED 8 / 0

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

AGAINST: Nil

EN BLOC

COMMITTEE RECOMMENDATION

That the Council adopts the Governance of Meelup Regional Park Policy as per Attachment 1 to replace the current policy.

OFFICER RECOMMENDATION

That the Council adopts the Governance of Meelup Regional Park Policy as per Attachment 1 to replace the current policy.

EXECUTIVE SUMMARY

This report presents for the Council's readoption Council Policy 'Governance of Meelup Regional Park' (the Policy), with the Policy having been reviewed as part of the City's ongoing review process. No substantive changes are recommended.

STRATEGIC CONTEXT

The regular review of Council policies ensures strategic guidance remains relevant and appropriate, and aids in the good governance of the City.

BACKGROUND

It is the function of the Policy and Legislation Committee to consider new and review existing Council policies. The City's Policy Framework sets out an ongoing cycle of policy review, whereby all policies of the Council will be reviewed every 3 years, with the aim of determining the ongoing strategic importance and applicability of the policy.

The Policy was first endorsed by the Council on 27 August 2019, as a broad governance document outlining the way in which the Meelup Regional Park Management Committee (the Committee) and the more informal Meelup Regional Park Working Group (the Working Group) (the membership of which is the same) operate. The Council resolved (resolution C1908/172) to establish an overarching Council policy, and a new Working Group terms of reference, in addition to the Committee terms of reference (which was last reviewed in October 2023).

OFFICER COMMENT

Having reviewed the policy, no substantive changes are recommended, with the Policy considered to be of continuing relevance while there continues to be both a committee and a working group. Minor administrative and wording updates have been made.

Statutory Environment

The Meelup Regional Park Committee is created pursuant to the *Local Government Act 1995* (the Act), specifically a resolution of the Council pursuant to sections 5.8, 5.9(2)(d) and 5.17(1)(c) of the Act.

Section 5.9(2)(d) of the Act sets out that, *inter alia*, a committee may comprise; "*Council members and other persons*".

In accordance with section 2.7(2)(b) of the *Local Government Act 1995* (Act), it is the role of the Council to determine the local government's policies.

Relevant Plans and Policies

Meelup Regional Park is Reserve 21629 and is Crown Land over which the City has a management order. The reserve purpose is 'Conservation and Recreation'. The City has the power to lease over the reserve, for a maximum period of 21 years and is subject to the approval of the Minister for Lands (or their delegate), provided that any such lease is consistent with the reserve purpose. It is an 'A-Class' reserve, which means that any change to the management order requires Parliamentary consent.

Financial Implications

Not Applicable.

External Stakeholder Consultation

Officers sought feedback on the operation of the existing Policy from members of the Committee and Working Group at the Working Group’s July 2024 meeting. Feedback from Committee and Working Group members was that the governance structures for Meelup Regional Park as defined in the existing Policy were generally working well.

Risk Assessment

An assessment of the potential implications has been undertaken using the City’s risk assessment framework, with risks associated considering any controls already in place. There are no risks identified of a medium or greater level associated with the officer recommendation.

Options

As an alternative to the proposed recommendation the Council could:

1. Choose to rescind the Policy; or
2. Adopt the Policy with further amendments.

CONCLUSION

A review of the Policy has been undertaken, with no substantive changes proposed. The Policy is recommended for re-adoption by the Council.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

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

Milestone	Completion Date
Adopted Council Policy updated on the City’s website	Within two weeks of adoption

10.6 Council Policy Review: Asset Management

Strategic Theme:	Key Theme 2: Lifestyle 2.12 Provide well maintained community assets through robust asset management practices.
Directorate:	Corporate Strategy and Performance
Reporting Officer:	Director Corporate Strategy and Performance - Sarah Pierson
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:	<ol style="list-style-type: none"> 1. Officer - DRAFT Council Policy Asset Management [6.4.1 - 2 pages] 2. DRAFT Asset Management - tracked changes [6.4.2 - 3 pages] 3. Committee - DRAFT Asset Management [6.4.3 - 2 pages]

This item was considered by the Policy and Legislation Committee at its meeting held 31 July 2024, the recommendations of which have been included in this report.

The committee recommendation was moved and seconded.

SUBSTANTIVE MOTION

Moved Mayor Phill Cronin, seconded Cr Andrew Macnish

That the Council adopts the Asset Management Policy as per Attachment 1 to replace the current policy, inclusive of Committee amendments so that the following points read as follows:

- 1.1 The purpose of this Policy is to outline the principles which guide the City of Busselton in the management of its infrastructure assets, with the objective being to ensure they are well maintained, and responsibly and sustainably managed.**
- 5.5 The Chief Executive Officer has overall responsibility for developing an asset management strategy to be adopted by the Council and advising the Council of the status and effectiveness of asset management within the City.**

Cr Kate Cox moved a procedural motion pursuant to clause 11.5(1)(a) of the *City of Busselton Standing Orders Local Law 2018* to refer item 10.6 Council Policy Review: Asset Management to the Policy and Legislation Committee meeting of 18 September 2024. The motion was carried.

COUNCIL DECISION

C2407/230 Moved Cr Kate Cox, seconded Cr Val Kaigg

That the Council refer item 10.6 Council Policy Review: Asset Management to the Policy and Legislation Committee for further consideration at its next meeting on 18 September 2024 at 10am.

CARRIED 8 / 0

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

AGAINST: Nil

COMMITTEE RECOMMENDATION

That the Council adopts the Asset Management Policy as per Attachment 1 to replace the current policy, inclusive of Committee amendments so that the following points read as follows:

- 1.1 The purpose of this Policy is to outline the principles which guide the City of Busselton in the management of its infrastructure assets, with the objective being to ensure they are well maintained, and responsibly and sustainably managed.**
- 5.5 The Chief Executive Officer has overall responsibility for developing an asset management strategy to be adopted by the Council and advising the Council of the status and effectiveness of asset management within the City.**

OFFICER RECOMMENDATION

That the Council adopts the Asset Management Policy as per Attachment 1 to replace the current policy.

EXECUTIVE SUMMARY

This report presents an amended Council Policy: Asset Management (the Policy), in line with the City's ongoing review process.

The Policy is of ongoing relevance and importance and is recommended for re-adoption by Council, with minor amendments to streamline its readability (for instance removing defined terms where something has a common meaning or can be described in the body of the Policy) and to ensure it is a strategic guidance document.

STRATEGIC CONTEXT

The regular review of Council policies ensures strategic guidance remains relevant and appropriate aiding good governance.

An Asset Management Policy is a key component of an Asset Management Framework as set out in the Department of Local Government, Sport and Cultural Industries (DLGSC) Integrated Planning and Reporting Framework (IPRF). The aim of the Framework is “to enhance the sustainable management of local government assets by encouraging ‘whole of life’ and ‘whole of organisation’ approaches and the effective identification and management of risks associated with the use of assets”.

A robust Asset Management Framework can assist the City in planning and managing its assets to achieve long-term aspirations of the community and has direct linkages with the City's Long Term Financial Planning.

BACKGROUND

The function of the Policy and Legislation Committee is to consider new and review existing Council policies. The City's Policy Framework sets out an ongoing policy review cycle, whereby all policies of the Council will be reviewed every 3 years, with the aim to determine the ongoing strategic importance and applicability.

An asset management policy was first adopted by the Council on 8 October 2008 (C0810/303) and subsequently reviewed and updated in 2016 (C1609/233).

The City's knowledge of its infrastructure asset-base and its asset management capability has matured since the 2016 review, resulting in refinement and updates of the principles underpinning its asset management approach.

In November 2019, the Policy was further reviewed and resolved upon by the Council (resolution C1911/235), taking into account the results of the Governance System Review conducted in 2017. This review recommended that the Council's policies should be revised to eliminate operational details and serve as strategic guidance documents.

OFFICER COMMENT

The Policy is considered of ongoing relevance and strategic importance, providing overarching guidance and direction for the development of an asset management strategy and asset management plans.

The policy principles remain relevant; primarily that the acquisition, maintenance and renewal of assets to meet current community expectations should not pass a burden to future generations in terms of maintenance and renewal backlogs, and that whole of life costs are considered when making decisions in relation to assets.

Minor amendments have been made to streamline the Policy's readability – for instance removing defined terms where something has a common meaning or can be described in the body of the Policy and to better align with the recommendations of the DLGSC Integrated Planning and Reporting Asset Management Framework Guidelines.

The policy scope has been refined by removing point 2.2, with point 2.1 considered to be sufficient: *“the management of all infrastructure assets owned and / or directly managed by the City”*.

Clause 5.6 has been updated to reflect the commitment of Council to ensure sustainable management of City infrastructure in line with long term community needs, with reference to specific plans and strategies removed as these are components of the overarching Integrated Planning and Reporting Framework which the City operates under.

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 the Act.

All local governments are required to plan for the future of their district under Section 5.56 (1) of the *Local Government Act 1995*.

Relevant Plans and Policies

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

Plan:

[Corporate Business Plan 2022-2026](#)
[Asset Management Plan](#)

Policy:

[Footpaths and Cycleways Funding](#)

Financial Implications

There are no direct financial implications with the adoption of the Policy.

External Stakeholder Consultation

Not applicable

Risk Assessment

An assessment of the potential implications has been undertaken using the City’s risk assessment framework, with risks associated considering any controls already in place. There are no direct risks of a medium or greater level.

Options

As an alternative to the proposed recommendation the Council could:

1. Choose not to adopt the amended Policy; or
2. Adopt the Policy with further amendments.

CONCLUSION

The Policy reflects and guides the City's strategic asset management approach, with an ongoing focus on continuous improvement and development of its asset management capability. Re-adoption of the Policy will reaffirm the Council's commitment to the long-term sustainability of its infrastructure assets.

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
Adopted Council Policy updated on the City's website	Within two weeks of adoption

10.7 Council Policy Review: Complaints Management

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:	Director Corporate Strategy and Performance - Sarah Pierson
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:	1. Proposed Council Policy Complaints Management [6.5.1 - 5 pages] 2. Current Council Policy Complaints Management [6.5.2 - 2 pages]

This item was considered by the Policy and Legislation Committee at its meeting held 31 July 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 lapsed for want of a mover.

SUBSTANTIVE MOTION

That the Council adopts the Complaints Management Policy as per Attachment 1 to replace the current Council policy, inclusive of Committee amendments so that the following points read as follows:

- 5.11 The City accepts anonymous Complaints however the Complaint may not be investigated unless it raises a serious matter, such as an issue that poses a public health or safety risk or an emergency situation, and there is sufficient information to enable the City to conduct an investigation.**
- 5.14 Complaints will be acknowledged no later than 5 business days of receipt by the Complaints Management Officer.**
- 5.19 i. internal corrective action (with current point i to become point j).**
- 5.21 In circumstances where a Complaint cannot be resolved satisfactorily using internal pathways, the Complainant may choose to refer the Complaint to the Ombudsman for review. The Ombudsman can investigate Complaints about most Western Australian public authorities, including local governments.**

Lapsed for want of a mover

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

COUNCIL DECISION

C2407/216 Moved Cr Andrew Macnish, seconded Cr Jodie Lee

That the Council adopts the Complaints Management Policy as per Attachment 1 to replace the current Council policy, inclusive of Committee amendments so that the following points read as follows:

- 5.11** The City accepts anonymous Complaints however the Complaint may not be investigated unless it raises a serious matter, such as an issue that poses a public health or safety risk or an emergency situation, and there is sufficient information to enable the City to conduct an investigation.
- 5.14** Complaints will be acknowledged no later than 5 business days of receipt by the Complaints Management Officer.
- 5.15** The Complaint will be directed to an appropriate Manager/s to resolve, or to the CEO where the Complaint is in regard to a Director, or to the CEO Performance Review Committee via the Director Corporate Strategy and Performance where the Complaint is in relation to the CEO.
- 5.19** i. internal corrective action (with current point i to become point j).
- 5.20** Where a Complainant is dissatisfied with the way in which a Complaint has been dealt with and/or the final resolution they may refer the Complaint to the CEO. The CEO will determine the appropriate resolution of the outstanding complaint and review the complaint handling process followed. If the Complaint is in relation to the CEO, the Complainant may choose to follow pathways outlined in 5.21.
- 5.21** In circumstances where a Complaint cannot be resolved satisfactorily using internal pathways, the Complainant may choose to refer the Complaint to the Ombudsman for review. The Ombudsman can investigate Complaints about most Western Australian public authorities, including local governments.

CARRIED 6 / 2

FOR: Cr Anne Ryan, Cr Jodie Lee, Cr Val Kaigg, Cr Andrew Macnish, Cr Jarrod Kennedy and Cr Richard Beecroft

AGAINST: Mayor Phill Cronin and Cr Kate Cox

Reasons: The amendment identifies what will occur if a complaint is in relation to a Director or the CEO. If the CEO's performance is the subject of the complaint then it is appropriate for the complaint to be referred to the CEO Performance Review Committee to make a recommendation to the Council.

COMMITTEE RECOMMENDATION

That the Council adopts the Complaints Management Policy as per Attachment 1 to replace the current Council policy, inclusive of Committee amendments so that the following points read as follows:

- 5.11 **The City accepts anonymous Complaints however the Complaint may not be investigated unless it raises a serious matter, such as an issue that poses a public health or safety risk or an emergency situation, and there is sufficient information to enable the City to conduct an investigation.**
- 5.14 **Complaints will be acknowledged no later than 5 business days of receipt by the Complaints Management Officer.**
- 5.19 **i. internal corrective action (with current point i to become point j).**
- 5.21 **In circumstances where a Complaint cannot be resolved satisfactorily using internal pathways, the Complainant may choose to refer the Complaint to the Ombudsman for review. The Ombudsman can investigate Complaints about most Western Australian public authorities, including local governments.**

OFFICER RECOMMENDATION

That the Council adopts the Complaints Management Policy as per Attachment 1 to replace the current Council policy.

EXECUTIVE SUMMARY

This report presents an amended Council Policy: 'Complaints Management' (the Policy), with the Policy having been reviewed (a) as part of the City's ongoing review process and (b) in response to a Council resolution (C2406/155) requesting (in part) that the CEO undertake a review of the City's complaints handling processes. Review of the strategic framework in relation to complaints management is seen as the first step in this review.

The Policy is recommended for re-adoption by the Council, with the Policy defining what a complaint is within the scope of the Policy (noting that complaints dealt with under the *Local Government Act 1995* (the Act) as listed under clause 2.3 of this Policy are not in scope), and the approach that the City will take to the management of complaints as defined.

STRATEGIC CONTEXT

The regular review of Council policies ensures strategic guidance remains relevant and appropriate and aids in the good governance of the City. Complaints managed in accordance with the principles of respect, transparency, fairness, accountability and responsiveness; and an emphasis placed on continuous improvement.

Effective complaint management is fundamental to quality service provision.

BACKGROUND

It is the function of the Policy and Legislation Committee to consider new and review existing Council policies. The City's Policy Framework sets out an ongoing cycle of policy review, whereby all policies of the Council will be reviewed every 3 years, with the aim of determining the ongoing strategic importance and applicability of the Policy.

A Complaints Handling policy was first implemented on 24 April 2012 (resolution C1204/104) as a guide for Council and the City to manage complaints.

The Policy was last reviewed in August 2020 (C2008/078), in accordance with recommendations of the 2017 Governance Service Review (GSR), which recommended that council policies be strategic in nature, setting out the what and the why and not contain operational level detail (the how). Accordingly, the operational detail was removed from the Policy. The Policy was also retitled 'Complaints Management' which was considered a more appropriate description of the purpose and scope of the Policy.

OFFICER COMMENT

The Policy is of ongoing relevance and strategic importance, providing overarching guidance and direction for the City of Busselton's approach to the collection, recording, reporting and management of complaints, relating to the City's operations.

As outlined in the Policy statement, complaints are, and should be, considered as an opportunity for continuous improvement in the provision of quality service to customers. Responsive and effective complaints management approaches can improve the reputation of an organisation and strengthen public confidence in an organisation's administrative processes; supporting and promoting a culture of continuous improvement.

With a recent increased focus on complaints management the Council has recently resolved (C2406/155):

That the Council re-iterates its resolution C2402/39 and clarifies that all three action items for moving forward contained therein (3 a), b), c)), be implemented.

C2402/39 part 3 outlined:

That the Council:

....

3. Refers the opportunity identified in the officer's report of a risk-based approach to communications and capitalising on the value offered primarily from complaints to its Audit and Risk Committee (ARC) to consider (but not be limited to) the following options moving forward:

a. the CEO undertake a review of the City's complaint handling process and provide a report to the ARC outlining the risks and opportunities for improvement of the current process as it relates to customer service.

b. the CEO to engage an independent auditor to undertake a review of the City's complaint handling processes and provide a report to the ARC outlining the risks and opportunities for improvement.

c. the CEO include complaints handling as an area for audit in any future internal audit plan (noting that there is a report scheduled for the March ARC meeting that will address an internal audit plan).

The first step in reviewing the City's complaints handling is to review and re-establish the strategic framework in relation to complaints management.

To ensure that the Policy is contemporary with current industry practice, officers reviewed complaints documentation from multiple peer local government organisations, including the Cities of Stirling, Mandurah and Bunbury, and the Shire of Serpentine-Jarrahdale. The City also reviewed guidance from the Ombudsman. The following were largely consistent across the policy frameworks:

- The definition of a complaint, aligned to the Ombudsman and AS/NZS 10002:2014 - *Guidelines for Complaint Management in Organizations*;
- Further definition of what is, and what is not a complaint within the scope of the Policy;
- Information on the ways in which someone can raise a complaint with the City;
- How the City will manage complaints, including anonymous complaints (and highlighting the differences in their management);
- Potential outcomes from the complaint management process; and
- Definition of vexatious, frivolous and malicious complaints, and how the City will manage them.

With this in mind, the Policy presented includes the following definition of a complaint:

An expression of dissatisfaction made to the City of Busselton about its products, services, employees or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required.

A complaint is not:

- a request for service;
- a request for information;
- the lodging of an appeal in accordance with a standard procedure or policy;
- a freedom of information enquiry;
- an allegation of a breach of the law by a third party; or
- an expression of dissatisfaction with a decision.

This aligns to the AS/NZS 10002:2014 and to the Ombudsman's guidance. It is in essence the same definition used in the current council policy, although the current policy excludes anonymous complaints; aligned to other policies reviewed, the proposed policy instead provides for anonymous complaints but notes they will only be investigated where raising a serious matter and sufficient information is provided to do so.

The Policy has been amended to distinguish between a complaint matter that can be resolved by an employee as part of their day-to-day interactions and a complaint that requires further action and resolution, with two categories:

- Complaints about a level of service or lack of service
- Complaints about conduct of officers or contractors engaged by the City

The Policy then sets out in some detail the process by which a person can lodge a complaint (with various channels available to cater for broad community needs including a complaint form on the City's website) and the City's approach to managing that complaint, generally that:

- All complaints will be referred to the Complaints Management Officer for centralised recording;
- All complaints will be acknowledged within 5 business days;
- Complaints will be directed to an appropriate Manager/s to resolve;
- Complaints will be resolved where possible within 10 working days of receipt. Complainants will be advised if there will be a delay and provided updates on the progress of the investigation at least every 10 working days; and
- On completion, the complainant will be advised of the outcome in writing. If the complaint is not upheld the complainant will be advised why.

While Council Policies typically provide strategic level guidance, the importance of having a clear and well set out complaints management approach at a council policy level is recognised, and hence the Policy has been expanded (as compared to the current Council policy) to include more detailed information. The Policy will additionally be supported with internal operational guidance for employees and the roll out of training in relation to the referral and handling of a complaint.

Included in the Policy are provisions in relation to vexatious, frivolous and malicious complaints. The City does not currently have any formal policy guidance in relation to vexatious complainants, and notes that these provisions are generally included within other local government complaint frameworks, either within a complaints policy or as a stand-alone policy. The provision of clear guidelines for both the CEO and the community in relation to unreasonable complaints, or where there is nothing further which can reasonably be done to rectify a real or perceived concern. There are instances where a complainant is not accepting of the response provided or able to be provided by the local government, and it is important that the Policy recognises this.

Please note that given the level of change a track change version has not been included.

Statutory Environment

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

Relevant Plans and Policies

There are no relevant plans or policies, however, the officer recommendation aligns with the Customer Experience Charter.

Financial Implications

There are no direct financial implications with the adoption of the Policy.

External Stakeholder Consultation

Not applicable.

Risk Assessment

An assessment of the potential implications has been undertaken using the City's risk assessment framework, with risks associated considering any controls already in place. There are no risks of a medium or greater level.

An effective complaint management system and, as part of that, a strategic framework that provides confidence that complaints are dealt with effectively is an important way of monitoring and mitigating any risks to the reputation of the City of Busselton and its administration.

Options

As an alternative to the proposed recommendation the Council could:

1. Choose not to adopt the amended Policy; or
2. Adopt the Policy with further amendments.

CONCLUSION

The Policy reflects and guides the City's complaints management approach, with an ongoing focus on clear accountabilities for complaint handling. Re-adoption of the Policy as amended will reaffirm the Council's commitment to continuous improvement to quality service and an effective complaint management system.

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 updated on the City's website	Within two weeks of adoption

10.8 Council Policy Review: Community Hire of City Property

Strategic Theme:	Key Theme 2: Lifestyle 2.3 Provide well planned sport and recreation facilities to support healthy and active lifestyles. 2.5 Facilitate events and cultural experiences that provide social connection.
Directorate:	Economic and Business Development
Reporting Officer:	Manager Economic Development and Property - Trevor Ayers
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:	<ol style="list-style-type: none"> 1. Officer DRAFT Community Hire of City Property Clean [6.6.1 - 4 pages] 2. DRAFT Community Hire of City Property Tracked Changes [6.6.2 - 4 pages] 3. Committee Recommendation - DRAFT Community Hire of City Property Clean [6.6.3 - 4 pages]

This item was considered by the Policy and Legislation Committee at its meeting held 31 July 2024, the recommendations of which have been included in this report.

The committee recommendation was moved and carried.

COUNCIL DECISION

C2407/217 Moved Cr Andrew Macnish, seconded Cr Val Kaigg

That the Council adopts the updated Council Policy – Community Hire of City Property (Attachment 1), to replace the current policy, inclusive Committee amendments so that the following points read as follows:

- 5.3 The City provides Sporting Grounds for seasonal hire in support of organised sport and recreational clubs such as:**
- 5.4 The City facilitates the one-off hire of Public Open Spaces for general community use, such as the following parks and beaches:**
- 5.5 The City facilitates the one-off hire of Community Facilities for general community and some commercial use, such as:**
- 5.6 The City facilitates the hire of the Cultural Precinct facilities for community use, such as:**

CARRIED 8 / 0

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

AGAINST: Nil

EN BLOC

COMMITTEE RECOMMENDATION

That the Council adopts the updated Council Policy – Community Hire of City Property (Attachment 1), to replace the current policy, inclusive Committee amendments so that the following points read as follows:

- 5.3 The City provides Sporting Grounds for seasonal hire in support of organised sport and recreational clubs such as:**
- 5.4 The City facilitates the one-off hire of Public Open Spaces for general community use, such as the following parks and beaches:**
- 5.5 The City facilitates the one-off hire of Community Facilities for general community and some commercial use, such as:**
- 5.6 The City facilitates the hire of the Cultural Precinct facilities for community use, such as:**

OFFICER RECOMMENDATION

That the Council adopts the updated Council Policy – Community Hire of City Property (Attachment 1), to replace the current policy (Attachment 3)

EXECUTIVE SUMMARY

This report presents for the Council’s consideration a revised Council Policy for ‘Community Hire of City Property’ as part of the City’s ongoing policy review process.

STRATEGIC CONTEXT

This policy provides a framework for managing the hire of City property for community purposes.

BACKGROUND

The current Community Hire of City Property policy was adopted in September 2022. It is intended to facilitate community access and usage of a range of community facilities, public open spaces and sporting grounds to enable community programs, activities and services that provide a range of positive community outcomes.

OFFICER COMMENT

The existing policy (Attachment 3) has worked well since it was adopted. The amendments recommended bring it in line with changes to the City’s operating environment that have occurred

since it was adopted. This includes the addition of the Dunsborough Lakes Sporting Precinct and updating the name of the Busselton Performing Arts and Convention Centre to 'Saltwater'.

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:

[Community Hire of City Property](#)

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 Policy.

CONCLUSION

A review of the Community Hire of City Property Policy has been undertaken with no substantive changes proposed. The policy is recommended for adoption by Council.

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
Policy updated on the City's website	Within two weeks of adoption

10.9 Council Policy Review: Leasing of City Premises

Strategic Theme:	Key Theme 2: Lifestyle 2.12 Provide well maintained community assets through robust asset management practices. 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:	Manager Economic Development and Property - Trevor Ayers
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. DRAFT Leasing of City Premises [6.7.1 - 3 pages] 2. DRAFT Leasing of City Premises tracked changes [6.7.2 - 3 pages]

This item was considered by the Policy and Legislation Committee at its meeting held 31 July 2024, the recommendations of which have been included in this report.

The committee recommendation was moved and carried.

COUNCIL DECISION

C2407/218 Moved Cr Andrew Macnish, seconded Cr Val Kaigg

That the Council adopts the amended Council Policy – Leasing of City Premises (as per Attachment 1), to replace the current policy.

CARRIED 8 / 0

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

AGAINST: Nil

EN BLOC

COMMITTEE RECOMMENDATION

That the Council adopts the amended Council Policy – Leasing of City Premises (as per Attachment 1), to replace the current policy.

OFFICER RECOMMENDATION

That the Council adopts the amended Council Policy – Leasing of City Premises (as per Attachment 1), to replace the current policy.

EXECUTIVE SUMMARY

This report presents for the Council's consideration a revised Council Policy for 'Leasing of City Premises' as part of the City's policy review program.

STRATEGIC CONTEXT

The Leasing of City Premises policy provides the framework for the grant of a right of exclusive use of City Premises. It supports the provision of well-maintained community assets.

BACKGROUND

The Leasing of City Premises policy was last adopted in May 2020. It provides direction with regards to the use of a grant of exclusive use of City Premises with the exception of residential properties that are subject to joint venture agreements with the State of Western Australia, which are administered in line with the joint venture agreements.

OFFICER COMMENT

The existing policy has provided good guidance for the most part since it was adopted in May 2020. As part of the review, minor amendments have been made to contemplate residential properties that Council leases (see Attachment 2).

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:

[Leasing of City Premises](#)

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 Policy.

CONCLUSION

A review of the Commercial Use of City land and Facilities policy has been undertaken with updates to include the City’s residential properties made. The policy is recommended for adoption by the Council.

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
Adopted Council Policy updated on the City’s website	Within two weeks of adoption

10.10 Council Policy Review: Management of Complaints of Alleged Breaches of Behaviour

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:	Governance and Risk Coordinator - Tegan Robertson
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. DRAFT Management of Complaints of Alleged Breaches of Behaviour [6.8.1 - 4 pages] 2. DRAFT Management of Complaints of Alleged Breaches of Behaviour - tracked changes [6.8.2 - 4 pages]

This item was considered by the Policy and Legislation committee at its meeting held 31 July 2024, the recommendations of which have been included in this report.

The committee recommendation was moved and carried.

COUNCIL DECISION

C2407/219 Moved Cr Andrew Macnish, seconded Cr Val Kaigg

That the Council adopts the Council Policy: Management of Complaints of Alleged Breaches of Behaviour as per Attachment 1 to replace the current policy.

CARRIED 8 / 0

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

AGAINST: Nil

EN BLOC

COMMITTEE RECOMMENDATION

That the Council adopts the Council Policy: Management of Complaints of Alleged Breaches of Behaviour as per Attachment 1 to replace the current policy.

OFFICER RECOMMENDATION

That the Council adopts the Council Policy: Management of Complaints of Alleged Breaches of Behaviour as per Attachment 1 to replace the current policy.

EXECUTIVE SUMMARY

In April 2024, the Council reviewed the City's complaints management framework and resolved (C2404/102) to disband the Behaviour Complaints Committee and have complaints dealt with by the Council as a whole. The Council Policy: Management of Complaints of Alleged Breaches of Behaviour (the Policy) has been subsequently reviewed and updated, and is presented for Council adoption at Attachment 1.

STRATEGIC CONTEXT

A well functioning framework for the management of alleged breaches of behaviour by Council and Committee members supports strategic priority 4.2: 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 stated 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.

At the ordinary Council meeting on 17 April 2024, the Council were provided a report outlining the outcomes of a review of the behaviour complaints management framework by officers. Upon consideration, the Council resolved (C2404/102):

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.

OFFICER COMMENT

The Policy has been updated to remove references to the Behaviour Complaints Committee and reflect (per Council resolution C2404/102) that complaints of alleged breaches of behaviour by Council and Committee members will be provided the Council to determine:

- To dismiss the complaint in accordance with clause 14.1 of the Code;
- To find the alleged breach has occurred and decide no further action is required;
- To find the alleged breach has occurred, decide that further action is required and request that the Complaints Officer prepare an action plan; or
- To find that the alleged breach has not occurred.

It is also recommended that the Policy 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.

Further minor amendments are also recommended to streamline the Policy's readability.

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 (Model Code) 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 Members 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:

1. Not adopt the amended Policy.
2. Adopt the policy with further Amendments.

CONCLUSION

The amended Policy at attachment 1 is recommended for adoption by the Council, as it supports a well-functioning framework for the management of alleged breaches of behaviour by Council and Committee members.

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
Adopted Council Policy updated on the City's website	Within two weeks of adoption

10.11 Council Policy Review: Tourism Directional Signage

Strategic Theme:	Key Theme 3: Opportunity 3.3 Continue to promote the District as the destination of choice for events and unique tourism experiences.
Directorate:	Infrastructure and Environment
Reporting Officer:	Land and Infrastructure Officer - Andrew Scott
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. Officer DRAFT Tourism Directional Information Signage 1 [6.9.1 - 2 pages] 2. DRAFT Tourism Directional Information Signage tracked changes [6.9.2 - 2 pages] 3. Committee DRAFT Tourism Directional Information Signage [6.9.3 - 2 pages]

This item was considered by the Policy and Legislation Committee at its meeting held 31 July 2024, the recommendations of which have been included in this report.

The committee recommendation was moved and carried.

COUNCIL DECISION

C2407/220 Moved Cr Andrew Macnish, seconded Cr Val Kaigg

That the Council adopts the Tourism Directional Information Signage Policy as per Attachment 1 to replace the current policy, inclusive of Committee amendments so that the following points read as follows:

- 2.1 This Policy is applicable to all tourism directional information signage on local government property, excluding Main Roads controlled roads.**
- 6.8 Relevant City of Busselton Operational Practices**
- 6.9 hyperlink to online application form**

CARRIED 8 / 0

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

AGAINST: Nil

EN BLOC

COMMITTEE RECOMMENDATION

That the Council adopts the Tourism Directional Information Signage Policy as per Attachment 1 to replace the current policy, inclusive of Committee amendments so that the following points read as follows:

- 2.1 This Policy is applicable to all tourism directional information signage on local government property, excluding Main Roads controlled roads.**
- 6.8 Relevant City of Busselton Operational Practices**
- 6.9 [hyperlink to online application form](#)**

OFFICER RECOMMENDATION

That the Council adopts the Tourism Directional Information Signage Policy as per Attachment 1 to replace the current policy.

EXECUTIVE SUMMARY

This report presents an amended Council Policy: Tourism Directional Information Signage (the Policy), in line with the City's ongoing review process. The Policy is of ongoing relevance and is therefore recommended for re-adoption by Council, with minor amendments to streamline its readability and enhance its applicability.

STRATEGIC CONTEXT

The regular review of Council policies ensures strategic guidance remains relevant and appropriate aiding good governance. Tourism directional signage aims to enhance the visitor experience, thereby supporting the City's strategic objectives in relation to tourism.

BACKGROUND

The function of the Policy and Legislation Committee is to consider new and review existing Council policies. The City's Policy Framework sets out an ongoing policy review cycle, whereby all policies of the Council will be reviewed every 3 years, with the aim to determine the ongoing strategic importance and applicability.

In October 2019 the Council rescinded two Council Policies entitled:

- 064 Joint Policy for Tourism Directional Signs, Applied by the Busselton and Augusta Margaret River Shire Councils; and
- 064/1 Integrated Directional Information System – Concept Plan – Cape to Cape Region;

and instead adopted the 'Tourism Directional Information Signage' Council Policy.

Former Council Policies 064 and 064/1 outlined an integrated directional information system intended to provide safe and useful directional information to the travelling public, enabling road users to readily locate recognised tourist attractions and tourist facilities within the region.

Council Policy 064/1 was implemented as a joint policy with the Shire of Augusta Margaret River (SAMR) covering the Cape to Cape Region.

Taking into account the outcomes of the Governance System Review conducted in 2017, which recommended that the Council's policies should be strategic in nature, the Tourism Directional Information Signage Council Policy was adopted instead, to convey the strategic intent for tourism signage.

OFFICER COMMENT

The Policy is considered of ongoing relevance and strategic importance, providing overarching guidance and direction for tourism directional signage within the City district.

The City recognises that tourism is a major contributor to the regional economy and that the provision of clear, useful and consistent tourism directional information signage significantly adds value to the visitor experience. Importantly however tourism directional information signage is not provided for the purposes of advertising.

Minor amendments have been made to streamline the Policy's readability and applicability:

- 3 ... adding a definition of local government property to replace "road and other reserves that are under the care, control and management of the City of Busselton";
- 2.2... removing references to local laws as policy cannot override law;
- 5.5... City should reserve to the right to remove, modify or relocate signs for *any* reason;
- 5.6... Eligibility criteria may change with changes in legislation, standards and guidelines;
- 5.7... reflecting in the policy that conditions apply; and
- 6... Changes to include related legislation and the National Tourist Signing Reference Group from which a material volume of the eligibility criteria apply.

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 the Act.

Relevant Plans and Policies

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

Plan:

Not applicable.

Policy:

[Tourism Directional Information Signage](#)

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 considering 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 adopt the amended Policy; or
2. Adopt the Policy with further amendments.

CONCLUSION

The Policy reflects and guides the City’s approach to tourism directional signage such that it continues to add value to the visitor experience while also being effectively managed.

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
Adopted Council Policy updated on the City’s website	Within two weeks of adoption

10.12 List of Payments Made - June 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 June 2024 [6.1.1 - 14 pages] 2. List of Payments for Council June 2024 YTD Industry & Regional Allocations [6.1.2 - 1 page]

This item was considered by the Finance Committee at its meeting held 7 August 2024, the recommendations of which have been included in this report.

The committee recommendation was moved and carried.

<u>COUNCIL DECISION</u>		
C2407/221 Moved Cr Andrew Macnish, seconded Cr Val Kaigg		
That the Council notes payment of voucher numbers for the month of June 2024 as follows:		
CHEQUE PAYMENTS	119993 - 120029	54,340.60
ELECTRONIC FUNDS TRANSFER PAYMENTS	103754 - 104678	11,237,406.99
TRUST ACCOUNT PAYMENTS	EFT# TR000053 - TR000056	43,549.54
PAYROLL PAYMENTS	01.06.2024 - 30.06.2024	1,818,877.41
INTERNAL PAYMENT VOUCHERS	DD #5746 - 5783	107,290.87
TOTAL PAYMENTS		13,261,465.41
CARRIED 8 / 0		
FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Lee, Cr Val Kaigg, Cr Andrew Macnish, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft		
AGAINST: Nil		
EN BLOC		

COMMITTEE RECOMMENDATION

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

CHEQUE PAYMENTS	119993 - 120029	54,340.60
ELECTRONIC FUNDS TRANSFER PAYMENTS	103754 - 104678	11,237,406.99
TRUST ACCOUNT PAYMENTS	EFT# TR000053 - TR000056	43,549.54
PAYROLL PAYMENTS	01.06.2024 - 30.06.2024	1,818,877.41
INTERNAL PAYMENT VOUCHERS	DD #5746 - 5783	107,290.87
TOTAL PAYMENTS		13,261,465.41

OFFICER RECOMMENDATION

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

CHEQUE PAYMENTS	119993 - 120029	54,340.60
ELECTRONIC FUNDS TRANSFER PAYMENTS	103754 - 104678	11,237,406.99
TRUST ACCOUNT PAYMENTS	EFT# TR000053 - TR000056	43,549.54
PAYROLL PAYMENTS	01.06.2024 - 30.06.2024	1,818,877.41
INTERNAL PAYMENT VOUCHERS	DD #5746 - 5783	107,290.87
TOTAL PAYMENTS		13,261,465.41

EXECUTIVE SUMMARY

This report provides details of payments made from the City’s bank accounts for the month of June 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 June 2024 is presented for information.

As June is the last month of the fourth quarter of the 2023/24 financial year, a summary report of all payments grouped by industry and region has been attached for information purposes.

Where possible, the City attempts to procure locally however market-based factors may mean this is not always possible or cost effective. These factors include the availability of local suppliers, the capability of the local suppliers for providing the goods or services, and the value for money proposition of local suppliers. For example, some specialised services require expertise which cannot be found in the City of Busselton.

Further, it is important to recognise that the data is defined by postcode of the relevant business supplying to the City. This means that businesses which have provided postcodes outside of Busselton, for example Coles and Bunnings, do not register as local procurement in the data even though they have stores in the district that employ locals. Similarly on large contracts there may be subcontracting to local suppliers which again may not be seen as local procurement in the data. The same would apply to the Southwest data also.

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 June 2024 is presented for information.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Not applicable.

10.13 Monthly Financial Report - Year to Date 30 June 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 - June 2024 [6.2.1 - 30 pages] 2. Investment Report - June 2024 [6.2.2 - 1 page] 3. Loan Schedule - June 2024 [6.2.3 - 1 page]

This item was considered by the Finance Committee at its meeting held 7 August 2024, the recommendations of which have been included in this report.

The committee recommendation was moved and carried.

COUNCIL DECISION

C2407/222 Moved Cr Andrew Macnish, seconded Cr Val Kaigg

That the Council receives the statutory monthly financial report for the period ending 30 June 2024, pursuant to Regulation 34(4) of the *Local Government (Financial Management) Regulations 1996*.

CARRIED 8 / 0

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

AGAINST: Nil

EN BLOC

COMMITTEE RECOMMENDATION

That the Council receives the statutory monthly financial report for the period ending 30 June 2024, pursuant to Regulation 34(4) of the *Local Government (Financial Management) Regulations 1996*.

OFFICER RECOMMENDATION

That the Council receives the statutory monthly financial report for the period ending 30 June 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 30 June 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 30 June 2024

The Statement of Financial Activity (FAS) for the year to date (YTD) shows an overall Net Current Position (NCP) of \$2.2M as opposed to the YTD budget of \$0. The following table summarises the major YTD cash 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				50.56%	7,725,713	1,071,438
Revenue from Operating Activities				8.80%	8,171,534	1,606,599
1. Grants, Subsidies and Contributions	7,467,241	5,452,685	5,452,685	36.95%	2,014,556	633,657
2. Fees & Charges	25,543,544	22,404,393	22,404,393	14.01%	3,139,151	823,786
3. Other Revenue	605,373	334,933	334,933	80.74%	270,440	54,566
4. Interest Earnings	6,390,122	4,305,492	4,305,492	48.42%	2,084,630	45,759
Expenses from Operating Activities				3.35%	3,466,948	(727,593)
5. Materials & Contracts	(24,670,529)	(29,232,925)	(29,232,925)	15.61%	4,562,396	(484,213)
6. Other Expenditure	(6,048,079)	(6,823,844)	(6,823,844)	11.37%	775,765	(429,102)
Amount Attributable to Investing Activities				44.07%	7,998,020	(2,462,241)

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 \$
7. Capital Grants, Subsidies and Contributions	12,800,443	20,026,075	20,026,075	(36.08%)	(7,225,632)	(4,253,492)
8. Land & Buildings	(17,503,503)	(29,876,325)	(29,876,325)	41.41%	12,372,822	(1,055,019)
9. Plant & Equipment	(2,409,736)	(6,118,421)	(6,118,421)	60.62%	3,708,685	1,382,043
10. Furniture & Equipment	(544,989)	(1,668,909)	(1,668,909)	67.34%	1,123,920	267,723
11. Infrastructure	(15,504,349)	(22,832,438)	(22,832,438)	32.10%	7,328,089	1,280,152
12. Proceeds from Sale of Assets	684,638	863,800	863,800	(20.74%)	(179,162)	(78,225)
Amount Attributable to Financing Activities				(86.06%)	(27,133,447)	5,629,545
13. Proceeds from New Loans	0	2,000,000	2,000,000	(100.00%)	(2,000,000)	0
14. Advances to Community Groups	0	(250,000)	(250,000)	100.00%	250,000	0
15. Transfer to Restricted Assets	(25,868,051)	(9,200,455)	(9,200,455)	(181.16%)	(16,667,596)	(3,473,482)
16. Transfer from Restricted Assets	31,372,425	22,096,170	22,096,170	41.98%	9,276,255	7,913,367
17. Transfer from Reserves	46,288,590	60,739,045	60,739,045	(23.79%)	(14,450,455)	4,457,805

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 legislation and policy.

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

As at 30 June 2024 the value of the City's invested funds decreased to \$104M, from \$109M as at 31 May 2024. The decrease is a result of one term deposit being closed and another reduced, with the funds used for standard operational needs.

As at 30 June 2024 the 11am account balance is \$11.75M, being a decrease of \$12M from 31 May 2024. The decrease of \$250K to the 11am account is due to funds needed for standard operations.

During the month of June, five term deposits matured. One was closed, one was reduced and three were fully re-invested for a further 278 days at 5.06% on average.

The official cash rate remained steady during the month of June 2024 at 4.35%. The timing and nature of further movements of the cash rate are currently uncertain.

Borrowings Update

During the month no new loans were drawn, with \$884K in principal repayments and \$378K of 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 June 2024 are provided below to ensure there is appropriate oversight and awareness.

Date	Payee	Description	\$ Amount
8/06/2024	WEST AUSTRALIAN DIGITAL	DIGITAL SUBSCRIPTION-PR	28.00
6/06/2024	SUSHI SUSHI	COUNCIL LUNCH CATERING 12/06/2024	212.40
12/06/2024	REMARKABLE	REMARKABLE EINK NOTEPAD, PEN & FOLIO - CEO	947.41
14/06/2024	KITCHEN TAKEOVERS	COFFEE FOR FUTYR EXECUTIVE AND MANAGER WORKSHOP	61.00
17/06/2024	SUSHI SUSHI	COUNCIL LUNCH CATERING 19/06/2024	222.20
18/06/2024	BAKED BUSSELTON	STAFF BRIEF CATERING	520.00
20/06/2024	UBER	TRANSPORT-RCAWA DINNER -CEO & CR MACNISH	18.92
20/06/2024	THE COFFEE CLUB CLAREMONT	RCAWA -COFFEES -CEO & CR MACNISH	10.88
20/06/2024	CROWN METROPOL PERTH	ACCOMMODATION-RCAWA-CEO	324.34
21/06/2024	CROWN METROPOL PERTH	ACCOMMODATION-RCAWA-CR MACNISH	248.47
20/06/2024	UBER	TRANSPORT-RCAWA DINNER -CEO & CR MACNISH	18.10
21/06/2024	CROWN METROPOL PERTH	BREAKFAST RCAWA-CR MACNISH	44.51
20/06/2024	CROWN METROPOL PERTH	BREAKFAST-RCAWA-CEO	55.63
26/06/2024	KITCHEN TAKEOVERS	STAFF BRIEF CATERING	240.00
26/06/2024	THE BUSSELTON PAVILLION	GOVERNANCE TEAM LUNCH	189.00
25/06/2024	DUXTON HOTEL	TRAINING ACCOMMODATION- PR STAFF	513.59
26/06/2024	DUXTON HOTEL	TRAINING ACCOMMODATION- PR STAFF	645.54
30/06/2024	MAILCHIMP	ELECTRONIC NEWSLETTER PR	419.20

Date	Payee	Description	\$ Amount
		TOTAL	\$4,719.19

**CEO Profession Development Allowance*

Donations & Contributions Received

During the month no non-infrastructure assets (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 2023-2024 (and subsequent adopted amendments)

[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 the Council. The Council may wish to make additional resolutions as a result of having received these reports.

CONCLUSION

As at 30 June 2024, the City's net current position stands at \$2.2M, and cash reserve balances remain sufficient for their purposes.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Not Applicable.

11. COMMUNITY PLANNING REPORTS

11.1. 2024/2025 Community Assistance Program Round 1 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. 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

The officer recommendation was moved and carried.

COUNCIL DECISION

C2407/223 Moved Cr Andrew Macnish, seconded Cr Val Kaigg

That the Council endorses the following funding allocation, to be funded from the 2024/2025 Community Assistance Program budget:

Applicant		Allocation
1	Cancer Council WA	\$9,985.00
2	Girl Guides WA (Busselton Adventure Girl Guides)	\$250.00
3	Busselton Aero Club	\$10,000.00
4	Jobs South West	\$7,000.00
5	Playgroup WA	\$9,500.00
6	Friends of the Busselton Cultural Precinct	\$595.00
7	Building Busselton Town Team	\$2,280.00
8	Busselton Pottery Group	\$9,000.00
9	Disabled Surfers Australia	\$4,000.00
	TOTAL	\$52,610.00

CARRIED 8 / 0

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

AGAINST: Nil
EN BLOC

OFFICER RECOMMENDATION

That the Council endorses the following funding allocation, to be funded from the 2024/2025 Community Assistance Program budget:

Applicant		Allocation
1	Cancer Council WA	\$9,985.00
2	Girl Guides WA (Busselton Adventure Girl Guides)	\$250.00
3	Busselton Aero Club	\$10,000.00
4	Jobs South West	\$7,000.00
5	Playgroup WA	\$9,500.00
6	Friends of the Busselton Cultural Precinct	\$595.00
7	Building Busselton Town Team	\$2,280.00
8	Busselton Pottery Group	\$9,000.00
9	Disabled Surfers Australia	\$4,000.00
	TOTAL	\$52,610.00

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 25 July 2024, and seeks the Council’s endorsement of the submissions to be funded in the first CAP round for the 2024/2025 financial year.

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 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 1 of the CAP 2024/2025 closed on 5 July 2024, with a total of nine applications received and considered. Applications were assessed by the Community Assistance Advisory Panel on 25 July 2024, with representation from three elected members (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 nine applications recommended for funding: six applications for Assistance Grants (up to \$10,000) and three 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 25 July 2024, nine requests for funding were considered with all applications recommended for funding, as outlined below.

Applicant:	Cancer Council WA
Project Title:	Free Life Now courses for Busselton residents affected by cancer
Project Description:	Inaugural delivery of Cancer Council WA's Life Now Program in Busselton to support residents affected by cancer and their carers. The new Life Now courses – Mindfulness and Exercises – will each be delivered twice. Support is requested to cover facilitator fees, venue hire, and promotion costs.
Request:	\$9,982.40
Panel Recommendation:	\$9,985.00

Applicant:	Girl Guides WA (Busselton Adventure Girl Guides)
Project Title:	Girl Guide Tablecloth
Project Description:	Purchase of a GGWA-branded tablecloth for use at community events to assist in encouraging more volunteers and Unit Leaders for the Busselton Adventure Girl Guide Unit.
Request:	\$250.00
Panel Recommendation:	\$250.00

Applicant:	Busselton Aero Club
Project Title:	Replacement of Rotax Training Engine in Tecnam 8562
Project Description:	Replacement of training aircraft engine is required every 2000 hours to comply with legislation for recreational aircraft and training. This will allow the club to continue training recreation pilots at the airport, rather than travelling to Bunbury or elsewhere.
Request:	\$10,000.00
Panel Recommendation:	\$10,000.00

Applicant:	Jobs South West
Project Title:	One Step at a Time (OSAT) Program
Project Description:	The delivery of diversionary activities to support ‘youth at risk’ clients aged 12 – 18 in the Busselton region. The activities include sensory support activities, recreational interests, art/clay therapy, mindfulness activities, ‘Youth at Risk’ camps, music lessons, meditation classes and access to a White Card and Responsible Service of Alcohol.
Request:	\$9,150.00
Panel Recommendation:	\$7,000.00
Comment:	Reduced funding amount to reflect alignment with City’s Youth Plan and reduce duplication of services offered by the City’s Youth Services Team.

Applicant:	Playgroup WA
Project Title:	Playgroup WA Fun Day South West
Project Description:	To host an inaugural, free, community event at Lou Weston Oval in Busselton for families with children aged 0 – 5 years. The aim is to provide an inclusive, all-abilities event showcasing the benefits of play and playgroups, as well as connect families with local service providers.
Request:	\$9,500.00
Panel Recommendation:	\$9,500.00

Applicant:	Friends of the Busselton Cultural Precinct
Project Title:	Construct and purchase donation box plinth
Project Description:	This project will work with a local sign company to manufacture a plinth support for a donation box collecting funds for the Friends of the Busselton Cultural Precinct. The Friends support, facilitate and promote activities and events in the cultural precinct and future Saltwater Busselton.
Request:	\$591.85
Panel Recommendation:	\$595.00

Applicant:	Building Busselton Town Team
Project Title:	Purchase and set-up of sea container storage
Project Description:	This project will set up a storage facility at the Busselton Waste Transfer Station that Building Busselton Town Team and other community groups, can use to store equipment and resources that they collect and use for events and activations in Busselton's City Centre.
Request:	\$2,277.00
Panel Recommendation:	\$2,280.00

Applicant:	Busselton Pottery Group
Project Title:	Roof and wall works at Pottery
Project Description:	This project will address the requirements identified in the Building Inspection Report of April 2022 to rectify the back and west sections of outer building, to comply and meet current building standards. This work has been requested by the City and will ensure the safety of all members and visitors whilst ensuring the longevity and structural integrity of the building.
Request:	\$2,277.00
Panel Recommendation:	\$2,280.00

Applicant:	Disabled Surfers Australia
Project Title:	Trailer rebuild
Project Description:	Repairs to Disabled Surfers Australia's existing trailer which is 25 years old. This will ensure continued delivery of surfing activities at Bunker Bay for people with disability. The trailer is vital transport the equipment to make the day safe and give participants dignity in the water. Funding would be used to modify the existing trailer and purchase additional chairs for the trailer.
Request:	\$4,000.00
Panel Recommendation:	\$4,000.00

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 2024/2025 budget for the CAP totals \$195,065. If all funding recommendations included in this report are accepted, a balance of \$142,455 will remain. There will be two further funding rounds this financial year in September 2024 and February 2025.

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 them.

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 Community Assistance 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	4 September 2024

Fully executed grant funding agreements completed with successfully funded recipients.	18 September 2024
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12. INFRASTRUCTURE AND ENVIRONMENT REPORTS

12.1. EOI to lease, manage and operate re-use shop

Strategic Theme:	Key Theme 1: Environment 1.5 Implement best practice waste management strategies with a focus on waste avoidance, reduction, reuse and recycling. Key Theme 3: Opportunity 3.2 Facilitate an innovative and diversified economy that supports local enterprise, business, investment and employment growth.
Directorate:	Infrastructure and Environment
Reporting Officer:	Waste and Recycling Education Officer – Hayley Bullimore Waste and Fleet Manager – Mark Wong
Authorised By:	Director Infrastructure and Environment - Oliver Darby
Nature of Decision:	Contractual: To enter into a contract e.g. a lease or the award of a tender etc.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	1. Site and Location Plan - Reuse Shop [12.1.1 - 2 pages]

The officer recommendation was moved and carried.

COUNCIL DECISION

C2407/224 Moved Cr Andrew Macnish, seconded Cr Val Kaigg

That the Council:

1. Endorses the evaluation panel's assessment of the Expressions of Interest (EOI) to Lease, Manage and Operate a Reuse Shop, located at the Busselton Waste Transfer Station determining that Workpower Incorporated be selected as the preferred proponent; and
2. Authorises the CEO to enter into a lease with Workpower Incorporated for an approximately 451 m² portion of 39 (Lot 500) Rendezvous Rd, Busselton to operate a Reuse Shop for a nominal annual rent and a term of 5 years.

CARRIED 8 / 0

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

AGAINST: Nil

EN BLOC

OFFICER RECOMMENDATION

That the Council:

- 1. Endorses the evaluation panel's assessment of the Expressions of Interest (EOI) to Lease, Manage and Operate a Reuse Shop, located at the Busselton Waste Transfer Station determining that Workpower Incorporated be selected as the preferred proponent; and**
- 2. Authorises the CEO to enter into a lease with Workpower Incorporated for an approximately 451 m² portion of 39 (Lot 500) Rendezvous Rd, Busselton to operate a Reuse Shop for a nominal annual rent and a term of 5 years.**

EXECUTIVE SUMMARY

The City of Busselton (City) invited Expressions of Interest (EOI) from experienced, not-for-profit organisations to lease, manage and operate a new Reuse Shop located at the City's owned and operated Busselton Waste Transfer Station (BWTS) situated at 39 Rendezvous Rd, Vasse, over a six-week period from 17 April – 29 May 2024. This report recommends a preferred proponent and requests that the CEO be authorised to enter into a lease with the preferred proponent.

STRATEGIC CONTEXT

The Reuse Shop will be a facility that intercepts and diverts reusable and saleable items and materials that would be otherwise destined for landfill.

The operation of a Reuse Shop directly supports Key Theme 1 – Environment of the City's Strategic Community Plan – 1.5 Implementation best practice waste management strategies with a focus on waste avoidance, reduction, reuse and recycling.

It also supports Key theme 3 – Opportunity of the City's Strategic Community Plan 3.2 – to facilitate an innovative and diversified economy that supports local enterprise, business investment and employment growth.

BACKGROUND

There has long been a recognised interest from the local community to divert from landfill, reusable items dropped off at the City's waste facilities, via a Reuse Shop. This practice is observed at other metropolitan and regional local government facilities. Until 2017, the City operated a rudimentary Reuse Shop with mixed success. Since then, there has been support for a Reuse Shop, but with a clear separation between the transfer station facility function and the Reuse Shop operation.

Expressions of interest were conducted in 2017 and 2019 in a bid to secure an external contractor to operate the Reuse Shop on behalf of the City. Stakeholders who have previously responded with an interest in operating the Reuse Shop included Resource Recovery Australia, Good Sammy Enterprises, Lions Club of Busselton Inc. and Workpower Incorporated. Unfortunately, the City was unable to come to a mutually satisfactory agreement at the conclusion of those expression of interest processes. This was primarily due to cost increases associated with constructing a purpose-built facility or retrofitting existing infrastructure at the BWTS site.

To assist with alleviating some of the increased cost of constructing a new facility, the City in December 2021, sought and was successful in securing a state government Waste Authority grant to contribute towards Reuse Shop infrastructure. The infrastructure necessary for the Reuse Shop has

since been procured and installed at the BWTS. A site and location plan are attached to this report (see Attachment 1).

With the infrastructure installation completed, the City has again sought EOI's to lease, manage and operate the Reuse Shop at the BWTS. The objectives of the Reuse Shop EOI was to find a proponent to deliver a facility that:

- provides a high-quality customer service experience that creates a unique and engaging retail destination for customers across the greater Busselton region, whilst maximising the diversion of waste from landfill;
- engages and supports the community in transitioning to a circular economy;
- undertakes innovative upcycling, repair and reuse solutions that seek to maximise the economic and social value of the resources recovered; and
- provides or assists in providing services, that could complement the City's waste management operations
- provides an employment model to deliver social outcomes.

OFFICER COMMENT

On 17 April 2024, an EOI was released via City Connect, City of Busselton website, City of Busselton Facebook page and stakeholder email. The EOI closed at 11.59pm on 29 May 2024. The City received three compliant submissions from:

- Good Samaritan Industries | trading as Good Sammy Enterprises;
- Workpower Incorporated; and
- Community Resources Limited | trading as Resource Recovery Australia.

The EOI evaluation was conducted by an evaluation panel consisting of Waste and Community Development Officers utilising a point score process.

Submissions were assessed against the following criteria:

Agreement and Terms	1.	What duration of tenure could your organisation provide?
	2.	<p>What opening hours are you proposing to ensure the Reuse Shop is operational given the site's current opening hours (7:30am – 4:00pm, seven days a week with exception of Good Friday, Christmas Day, and New Year's Day)?</p> <p>The City is seeking a minimum of 4 days trading per week between the hours of 7:30am – 4:00pm.</p> <p>(The City would be open to suggestions around operating times as the business expands).</p>
Management and operation	3.	Outline your experience, knowledge and ability in successfully managing a Reuse shop or operating ventures similar to this.
	4.	Outline the management structure you are planning to put in place to operate the Reuse shop.
	5.	Outline your organisation's capacity and plan to make the Reuse Shop economically viable, as well as experience and ability to implement a

		social enterprise business model through providing employment opportunities for supported workers.
	6.	How would operating the Reuse Shop compliment your organisation's activities?
	7.	Tell us what initiatives your organisation would bring or do to support the local economy.
	8.	What services could your organisation provide, or assist in providing, that could complement the City's waste management operations at the BWTRC?

Summary of Assessment Outcomes

The outcome of the evaluation was that Workpower Incorporated was the highest scoring submission.

Workpower Incorporated is a social enterprise organisation that supports people with disabilities to be employed and integrated in their chosen communities. Workpower Incorporated satisfied the qualitative criteria with their extensive experience in operating Reuse Shops at waste facility sites in Western Australia. These include the management and operation of:

- Balcatta Recycling Centre Reuse Shop – City of Stirling
- Tamala Park Reuse Shop – Mindarie Regional Council
- Second Chance Reuse Shop – City of Kalamunda
- Canning Reuse Market – City of Canning

Workpower Incorporated have proven experience working in effective partnerships with the above-mentioned WA local governments. From their experience, they are adept at recognising difficult waste streams associated with waste facilities, such as dangerous goods and putrescible waste. They have a strong record with other WA local governments in providing valuable data on material types, shop visitation and waste diversion. They have proposed a suitable management structure consisting of an experienced general manager, duty manager and leading hand.

Furthermore, Workpower Incorporated already have a presence in Busselton and provide local employment to people of all abilities. They have experienced personnel with an extensive range of other capabilities that can complement the BWTS operations, including the ability to provide services like electrical tagging, fridge degassing, bin rollouts and household hazardous waste separation.

Overall, Workpower Incorporated's commitment to supporting people with disabilities and their understanding of waste management requirements in a regional setting would make them a valuable partner and a successful Reuse shop operator, resulting in a reduced risk of the project failing.

The other submissions of the EOI were also social enterprise organisations. A summary of the evaluation panels assessment of those EOI's are provided in the following paragraphs.

Although Good Samaritan Industries have many years of experience, it is predominately in the second-hand clothing retail trade. To date, they have not operated a Reuse Shop at a waste facility. A key requirement for the success of a Reuse Shop is good knowledge and understanding of waste transfer station operations; and to be proficient in capturing and diverting a wide range of waste

materials from the tip face. In addition, their provision of complementary services is not as relevant to the City waste operations at the BWTRC, compared to the preferred proponent.

Community Resources Ltd are currently only operating on the east coast. A lack of existing networks in WA, in addition to the time difference and distance, are barriers to shared support and resources, especially in a small regional setting. Expanding operations to a new region like Western Australia can present unique challenges, especially when considering the differences in operating environments. In comparison, the preferred proponent is established locally, with existing community networks.

Proposed terms of Lease

The EOI proposed that the lease of the Reuse Shop be for a negotiable five-year term at a nominal annual rent (currently \$250 per annum) in accordance with the City's standard community leasing terms. The lessee would be responsible for outgoings and maintenance. The lessee will be responsible for the supply, install and maintenance of all shop related internal fittings, including shelving, racks, and storage-related equipment.

Officers are recommending that the CEO be authorised to enter into a lease with Workpower Incorporated on the terms outlined above.

Statutory Environment

Unless an exemption applies a local government may only dispose of property in accordance with the provisions of s 3.58 of the *Local Government Act 1995 (Act)*. Regulation 30(2) of the *Local Government (Functions and General) Regulations 1996* exempts a local government from complying with s 3.58 of the Act where it proposes to dispose of land:

*“to a body, whether incorporated or not —
the objects of which are of a charitable, benevolent, religious, cultural, educational,
recreational, sporting or other like nature; and
the members of which are not entitled or permitted to receive any pecuniary profit from the
body's transactions;”*

Workpower Incorporated is a registered charity with the Australian Charities and Not-for-profits Commission whose objects relating to supporting people with disabilities to be employed and integrated in their chosen communities. The members are not entitled receive any pecuniary profit from the body's transactions. Therefore, the exemption will apply to the proposed disposition of property.

Relevant Plans and Policies

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

Plan:

[Disability Access and Inclusion Plan](#)

Policy:

[Environment](#)

[Leasing of City Premises](#)

[Waste Management Facility and Plant Reserve](#)

Asset Management

Financial Implications

The proposed lease terms with Workpower Incorporated involve a nominal rent only. There is not expected to be significant financial implications (revenue or expenditure) associated with this transaction.

External Stakeholder Consultation

Since 2017, the City has engaged with various not-for-profit organisations who could potentially manage and operate a Reuse Shop. City staff have consulted with these organisations to understand their willingness and capacity to operate, their organisational structure and capability to employ supported workers.

The City has also engaged with other local councils who operate Reuse shops at their waste facilities, to further understand Reuse Shop operations and explore potential business models.

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. Determine that an alternative organisation be the preferred proponent for a lease of the Reuse Shop.
2. Decline the Officer’s recommendation and request that the CEO readvertise the EOI.
3. Propose alternative lease terms.

CONCLUSION

The EOI submission from Workpower Incorporated is considered the most advantageous to the City. City Officers recommend that the City enters into a lease with Workpower Incorporated to lease, manage and operate the Reuse Shop at the Busselton Waste Transfer Station.

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
Commence Lease	No later than 1 November 2024

13. ECONOMIC AND BUSINESS DEVELOPMENT REPORTS

Nil.

14. CORPORATE STRATEGY AND PERFORMANCE REPORTS

14.1. Meeting Dates 2024: Waterway Management 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 and Governance - 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:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	Nil

The officer recommendation was moved and carried.

COUNCIL DECISION

C2407/225 Moved Cr Andrew Macnish, seconded Cr Val Kaigg

That the Council adopts meeting dates for the Waterway Management Committee of 23 October 2024 and 11 December 2024 for the 2024 calendar year.

CARRIED 8 / 0

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

AGAINST: Nil

EN BLOC

OFFICER RECOMMENDATION

That the Council adopts meeting dates for the Waterway Management Committee of 23 October 2024 and 11 December 2024 for the 2024 calendar year.

EXECUTIVE SUMMARY

This report presents the proposed dates for the 2024 meetings of the Waterway Management Committee for adoption by the Council.

STRATEGIC CONTEXT

Setting and publishing the meeting dates for meetings of committees of the Council supports Strategic Priority 4.2, by delivering governance systems that facilitate open, ethical and transparent decision making.

BACKGROUND

The Waterway Management Committee was established in January 2024 (C2401/22) to care for the Lower Vasse River and Toby Inlet. The objectives of the committee include Identifying practical and implementable actions to sustainably improve the health and amenity of the Lower Vasse River and Toby Inlet and facilitating information exchange on waterway management, restoration, and enhancement.

To complete the committee's membership, Mr Steve Disley and Ms Vikki Viela were appointed by the Council as independent community members to the Waterway Management Committee in April 2024 (C2404/111) in accordance with the Waterway Management Committee Terms of Reference (WMC ToR). The committee informally met in June 2024 and visited the local waterways.

OFFICER COMMENT

Paragraph 7.1 of the WMC ToR requires that the committee meet at a minimum two times per year. It is recommended that the Waterway Management Committee meet on 23 October 2024 and 11 December 2024 to ensure that the committee meets two times during the year as required by the WMC ToR.

Statutory Environment

Regulation 12 of the *Local Government (Administration) Regulations 1996* (the Regulations) requires a local government to publish each year on its official website the meeting details for committees that are required to be open to members of the public, or which are proposed to be open to members of the public.

Relevant Plans and Policies

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

Plan:
Not applicable.

Policy:
[Meetings, Information Sessions 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 choose different meeting dates for the Waterway Management Committee for the 2024 calendar year.

CONCLUSION

It is recommended that the Council adopt the proposed meeting dates of 23 October 2024 and 11 December 2024 for the Waterway Management Committee for the 2024 calendar year.

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
Publishing of Waterway Management Committee meeting dates on City's website pursuant to Regulation 12 of the <i>Local Government (Administration) Regulations 1996</i>	Within 1 week of Council decision

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. Council Tender Report July 2024 [15.1.1 - 1 page] 2. State Administrative Tribunal Reviews Update [15.1.2 - 2 pages] 3. Council Resolution Status Update - August [15.1.3 - 50 pages] 4. Civil Litigation Update July 2024 [15.1.4 - 1 page] 5. Correspondence from Hon Chris Bowen MP to CEO regarding proposed offshore wind area [15.1.6 - 2 pages] 6. Correspondence from the office of Hon Tanya Plibersek MP to the Mayor regarding proposed offshore wind area [15.1.7 - 1 page]

The officer recommendation was moved and carried.

COUNCIL DECISION

C2407/226 Moved Cr Andrew Macnish, seconded Cr Val Kaigg

That the items from the Elected Member 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
- Correspondence: Hon Chris Bowen MP
- Correspondence: Hon Tanya Plibersek MP

**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).*

CARRIED 8 / 0

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

AGAINST: Nil

EN BLOC

OFFICER RECOMMENDATION

That the items from the Elected Member 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
- Correspondence: Hon Chris Bowen MP
- Correspondence: Hon Tanya Plibersek MP

**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).*

EXECUTIVE SUMMARY

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

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

INFORMATION BULLETIN

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
Finance Committee	24 July 2024	Minutes
Audit and Risk Committee	24 July 2024	Minutes
Policy and Legislation Committee	31 July 2024	Minutes
Finance Committee	7 August 2024	Minutes

Minor Donations Program – July 2024

The Minor Donations Program is currently on hold, therefore, no applications were approved in July 2024. Following adoption of the 2024/25 budget, City officers are reviewing supporting guidelines and application processes for the Minor Donations Program, with applications expected to reopen in August 2024.

Current Active Tenders

The Tender update for July 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 4.

Correspondence: Hon Chris Bowen MP letter to CEO regarding the proposed offshore wind area off the Bunbury region

Correspondence from Hon Chris Bowen MP regarding the Commonwealth Government's proposed offshore wind area is provided at Attachment 5.

Correspondence: The Office of The Minister for the Environment and Water Hon Tanya Plibersek MP letter to Mayor regarding the proposed offshore wind area off the Bunbury region

Correspondence from the Office of the Minister for the Environment and Water (the Hon Tanya Plibersek MP) regarding the Commonwealth Government's proposed offshore wind area is provided at Attachment 6.

16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

16.1. Notice of Motion - Vasse River Warning Signs

Cr Anne Ryan, having given notice, moved the below motion.

SUBSTANTIVE MOTION

C2407/209 Moved Cr Anne Ryan, seconded Cr Jodie Lee

That the CEO in relation to the Lower Vasse River

- 1. Immediately review all current health warning signs.**
- 2. Erect additional temporary health warning signs when and where required and issue community health messaging via (but not limited to) social media messaging on alert notifications from the Department of Health when elevated levels of potentially toxic cyanobacterial species are notified.**
- 3. Ensure that health warning signage discourages swimming, fishing, boating (water craft) and any other associated activity.**
- 4. Ensure that health warning signage also references the danger to animal health.**
- 5. Writes to the Minister (noting the asset is vested in the State) outlining the community concern in relation to cyanobacteria and the links to MND and neurological illnesses citing research papers (noting the Ministers reference to the NHMRC of 8/4/24) requesting a higher level of funding to complete, but not limited to dredging, trials, and remediation of the River to alleviate repeat cyanobacterial issues as a matter of urgency.**

During debate Cr Richard Beecroft moved an amendment to the substantive motion.

AMENDMENT

C2407/232 Moved Cr Richard Beecroft, seconded Cr Jodie Lee

That the CEO in relation to the Lower Vasse River

- 1. Immediately review all current health warning signs.**
- 2. Erect additional temporary health warning signs when and where required and issue community health messaging via (but not limited to) social media messaging on alert notifications from the Department of Health when elevated levels of potentially toxic cyanobacterial species are notified.**
- 3. Ensure that health warning signage discourages swimming, fishing, boating (water craft) and any other associated activity.**
- 4. Ensure that health warning signage also references the danger to animal health.**

5. Writes to the Minister (noting the asset is vested in the State) outlining the community concern in relation to cyanobacteria and health risks, and the links to illnesses citing research papers (noting the Ministers reference to the NHMRC of 8/4/24) requesting a higher level of funding to complete, but not limited to dredging, trials, and remediation of the River to alleviate repeat cyanobacterial issues as a matter of urgency.

CARRIED 6 / 2

FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Lee, Cr Val Kaigg, Cr Kate Cox and Cr Richard Beecroft

AGAINST: Cr Andrew Macnish and Cr Jarrod Kennedy

The substantive motion as amended was carried.

COUNCIL DECISION

C2407/233 Moved Cr Anne Ryan, seconded Cr Jodie Lee

That the CEO in relation to the Lower Vasse River

1. Immediately review all current health warning signs.
2. Erect additional temporary health warning signs when and where required and issue community health messaging via (but not limited to) social media messaging on alert notifications from the Department of Health when elevated levels of potentially toxic cyanobacterial species are notified.
3. Ensure that health warning signage discourages swimming, fishing, boating (water craft) and any other associated activity.
4. Ensure that health warning signage also references the danger to animal health.
5. Writes to the Minister (noting the asset is vested in the State) outlining the community concern in relation to cyanobacteria and health risks, and the link to illnesses citing research papers (noting the Ministers reference to the NHMRC of 8/4/24) requesting a higher level of funding to complete, but not limited to dredging, trials, and remediation of the River to alleviate repeat cyanobacterial issues as a matter of urgency.

CARRIED 8 / 0

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

AGAINST: Nil

NOTICE OF MOTION

Cr Anne Ryan has given notice that at the meeting on 21 August 2024, she will move the above motion.

REASONS

The RISK to the health and safety of our staff and community is paramount. Every year, despite last years attempt at Phoslocking, the cyanobacterial levels were excessive. We can no longer take a blaze approach to this matter.

"Our Strategic Plan states Leadership: A Council that connects with the community and is accountable in its decision making".

"Key Theme 2; A place that is relaxed, safe and friendly, with services and facilities that support healthy lifestyles and wellbeing; A safe community".

Having a history of research on the effects of cyanobacteria on MND and neurological illnesses, we have a duty of care to our staff, residents and community members who have an interaction, or live in close proximity, to the River. Under the WHS Act, it is incumbent on Council to minimise risk to our staff who work in close proximity and of course community members. Remembering, aerosolization of cyanobacteria is what is causing concern.

[Blue-green algae pose health risks beyond water contamination \(abc-7.com\)](#)

From the article *"Dr. West Bishop, an aquatic toxicologist at EutroPHIX, whose work has been focused on mitigating harmful algal blooms. He knows the science we have so far on the subject is alarming. "The hepatotoxins mainly impact the liver and kidneys; they can cause things like Liver disease, liver cancers, altering kidney function, with extreme exposures, they can cause death," Dr. Bishop said. "With the neurotoxins, they have been linked to multiple different neurodegenerative diseases, things like Parkinson's, ALS (MND), motor-neuron disease, and Alzheimer's, terribly debilitating diseases."*

Whilst it has yet to be confirmed that cyanobacteria IS the cause of MND and neurological illnesses, we cannot discount it does not (noting the comments below that it takes 30 years to develop) but this does not negate the risk (remember when smoking used to be good for you and asbestos was harmless!) The evidence is mounting:

<https://indepthnh.org/2024/07/02/cyanobacteria-in-nh-lakes-an-increasing-problem-that-may-be-linked-to-als/>

Extract *"The findings and a focus on Stommel's study of higher than normal cluster of incidence of ALS in residents on Lake Mascoma in Enfield were included in a documentary, "The Toxic Puzzle" narrated by Harrison Ford <https://www.toxicpuzzle.com/> Lake Mascoma, over the years, has had a number of detected cyanobacteria blooms and he was treating patients from the Lake.*

Stommel said it is a little early to tell whether BMAA may be promoting diseases like ALS, since the disease can take as long as 30 years to develop, and that was shown in Guam.

But on Lake Mascoma, where lake biologists have said the water had a history of cyanobacteria blooms, he found the chance of getting ALS was about 25 to 40 times higher than expected in the general population.

“It’s kind of alarming,” he said in the documentary. “We’ve since found 11 clusters in Northern New England, all of them have six or more cases. Almost all of those clusters are very close to water bodies that have had cyanobacteria blooms. So you can imagine living on a lake that has frequent annual cyanobacterial blooms, you might easily be exposed on a chronic basis to microorganisms that are in the air.”

On numerous occasions throughout this past summer, many notifications (via email) were received from the DOH to the City but did not appear to be actioned by the City. An email spreadsheet is regularly sent following testing with high levels.

In an email to the Minister for Health, from a resident, the response received was:

*“Thank you for your email of 22 March 2024 to the Minister for Health regarding the recurrent cyanobacterial blooms that occur in the Lower Vasse River. The Minister has asked me to respond to you on her behalf. I appreciate your concerns regarding the presence of cyanobacterial blooms in the Lower Vasse River. I am aware that algal blooms have occurred in this river for many years and have persisted despite dredging activities conducted by the City of Busselton (the City) and flood management actions undertaken by the Department of Water and Environment. The Department of Health (DOH) has indicated that it is supportive of initiatives to resolve the issue as the algae potentially poses a health risk by direct contact to those members of the community who do not observe the warning signs placed along the riverbanks. **On 28 December 2023, in response to elevated potentially toxic cyanobacterial species, exceeding the NHMRC Recreational Water Guideline Action mode levels¹, the DOH recommended that the City review its current health warning signs, erect additional temporary health warning signs, and issue community/social media health messaging.** The City advised that temporary and permanent signage previously erected remained intact and in place, additional signage had been placed at the river access behind Timothee Resort, and the Resort Manager was advised regarding potential health risks. In relation to local community and social media statements, the DOH relies upon individual Local Government Authorities to publish and manage their own community and social media sites so it would be best to contact the City of Busselton regarding this aspect. I trust that this information is of assistance. Thank you for bringing this matter to the Minister’s attention.*

Kind regards Stacey Hearn, Chief of Staff, 08 APR 2024”.

Whilst it is noted the City is responsible for signage, and has taken the role of lead agency, it must be restated this is a State asset.

OFFICER COMMENT

While staff support requesting a higher level of funding from the State to address the issues associated with algal blooms in the Lower Vasse River, it is noted that items 1-4 of the Notice of Motion are already addressed through the City’s operational procedures, namely;

- All permanent signs are audited in September prior to the summer season and are re-checked when a health alert is received by the Department of Health.
- Temporary signs are erected as required by the Department of Health when alerts are received.
- City officer have previously advised that the City has requested clarity from the Department of Health regarding social media messaging and has, as a result, modified its processes to ensure that social media messaging is undertaken when requested by the Department as part of their alert.
- Health warning signage wording is prescribed by the Department of Health and the City does not vary from the prescribed wording. As the prescribed wording does not reference animal health, the City would not include this in its signage.

17. URGENT BUSINESS

Nil.

18. CONFIDENTIAL MATTERS

18.1. Progress Update on Findings from OAG General Computer Controls Audit

This item contains information of a confidential nature in accordance with section 5.23(2)(f)(ii) of the Local Government Act 1995, as it contains information relating to a matter that if disclosed, could be reasonably expected to endanger the security of the local government's property.

The committee recommendation was moved and carried.

COUNCIL DECISION

C2407/227 Moved Cr Andrew Macnish, seconded Cr Val Kaigg

That the Council acknowledge the status update in relation to the findings of the 2023 OAG General Computer Controls audit (as at 15 July 2024) and that the next update will be provided to the Audit and Risk Committee at the meeting on 13 November 2024.

CARRIED 8 / 0

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

AGAINST: Nil

EN BLOC

19. CLOSURE

The meeting closed at 6.40pm.

These minutes for the ordinary Council meeting 21 August 2024 were confirmed as a true and correct record on

Date:

Presiding Member:

