



## **ITEMS FOR DEBATE**

### **COUNCIL MEETING 16 OCTOBER 2024**

#### **ADOPTION BY EXCEPTION RESOLUTION**

##### **RECOMMENDATION**

That the Committee Recommendations for items 10.3, 10.4, 10.5, 10.7 and 10.8 and the Officer Recommendations for items 11.3, 13.2, 15.1 and 18.1 be adopted en bloc:

10.3	Council Policy Review: Art Collection – City of Busselton Art Gallery
10.4	Council Policy Review: AASB 124 Related Party Disclosures
10.5	Council Policy Review: Risk Management
10.7	List of Payments Made – August 2024
10.8	Monthly Financial Report – Year to Date 31 August 2024
11.3	Review of Heritage LPP – following consultation
13.2	RFT09/24 Provision of Security Screening Services at Busselton Margaret River Airport
15.1	Elected Member Information Bulletin
18.1	Saltwater Project Review

## ITEMS TO BE DEALT WITH BY SEPARATE RESOLUTION

<b>Item No.</b>	<b>Item Title</b>	<b>Reason</b>
10.1	Annual Statutory Review of Delegated Authority	Absolute Majority Required
12.1	RFT 12/24 Geographe Bay Coastal Mitigation Works 2024-2025	Absolute Majority Required
16.1	Notice of Motion - New CEO Performance Review Committee	Notice of Motion
16.2	Notice of Motion - Local Government Act	Notice of Motion
16.3	Notice of Motion - Budget Amendment	Notice of Motion

## ITEMS FOR DEBATE

Item No. 10.2	Outcomes of the Peak Period Workshop	Pulled by Cr Love	Page 20
<p><b><u>ALTERNATIVE RECOMMENDATION</u></b></p> <p><b>That the Council:</b></p> <ol style="list-style-type: none"> <li>1. Accept the proposed definition of ‘peak period’ within the Officer Comment section of this report.</li> <li>2. Request the CEO implement Option 4 of the future management options identified within the Officer Comment section of this report.</li> <li>3. Request the CEO develop a proactive community engagement and education campaign focused on the key identified challenges associated with the ‘Peak Period’, to be presented to elected members via an information briefing prior to 1 November 2024.</li> <li>4. Request the CEO schedule an elected member information briefing prior to 1 December 2024 to present:               <ol style="list-style-type: none"> <li>a. Cost/benefit feasibility assessment of <del>trialing</del> <b>trailing</b> a coastal node shuttle bus service; and</li> <li>b. Developed visitor dispersion ideas</li> </ol> </li> <li>5. Request the CEO schedule a workshop with elected members and relevant City officers before 31 March 2025 to reflect on the 2024/2025 peak period and identify improvement areas that may require consideration within the 2025/2026 annual budget.</li> <li>6. <b>Request the CEO develop a local Tourism Destination Management Plan informed by relevant stakeholder consultation and the elected member workshop in resolution 5 by 30 June 2026.</b></li> </ol>			
<p><b><u>REASONS FOR ALTERNATIVE</u></b></p> <p>I believe it is important that we wait for Tourism WA to develop their South West Destination Management Strategy and Implementation Plan which will help guide and inform to Council on the State’s overarching management strategy, however, it is also important that we consult with relevant stakeholders to inform a localised Tourism Destination Management Plan. This has been done in other coastal councils like Denmark, Karratha and Noosa.</p> <p>While tourism brings many advantages, it also generates negative impacts such as peak period congestion, illegal camping, and additional load placed on waste management and essential services. Given Busselton’s unique natural environment and biodiversity, tourism can also lead to the potential overuse of sensitive landscapes and environments. For this reason, it is essential that tourism provides net benefits that are reflective of the values and needs of our community.</p> <p>I envision the purpose of this Tourism Destination Management plan is to guide the City of Busselton as an organisation to develop actions, policies and procedures that will enable and support the city to become a sustainable tourism destination. This will be informed by the South West Destination Management Strategy and Implementation Plan alongside potentially a working group of relevant stakeholders, such as industry stakeholders, representatives of the business community, and elected members. We must take a collaborative approach with key industry</p>			

stakeholders, business owners and our local community, with the opportunity for the local community to consult with us on this.

**OFFICER COMMENT**

Officers support the development of a local Tourism Destination Management Plan. The local plan will support and not duplicate work already done at a regional level by Tourism WA for the SW Tourism Destination Management Plan.

Stakeholder consultation can focus on the challenges and opportunities that peak period visitation brings and the implementation of actions to address them within the City of Busselton district.

**LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS REQUIREMENT**

Pursuant to regulation 11(da) of the *Local Government (Administration) Regulations 1996*, if the amended recommendation is adopted by Council, the above Reasons will be recorded in the Minutes.

Item No. 10.6	Council Policy Review: Sponsorship Policy	Pulled by Cr Macnish	Page 41
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**ALTERNATIVE RECOMMENDATION**

**That the Council refer the draft Sponsorship Policy to the Policy and Legislation Committee to consider the merits and implications of the following matters and reasons:**

- 1. cl. 5.5 b. rewrite the clause to be more specific about what is to be excluded and why.**
- 2. cl. 5.5 g. remove 'or their friends and/or family' and replace with 'or closely associated persons'**

**REASONS FOR ALTERNATIVE**

**Reason for 5.5g**

'closely associated persons' is this is a defined term in the local government context (relating to conflict of interests) whereas the extent of 'family' and 'friends' is not.

**Reason for 5.5 b.**

The subject policy cl. 5.5a introduces into the policy content, the concept of perception (to compromise the City's reputation). Arguably, providing sponsorship could lead to a reasonable perception the City (in theory, representing the attitude of those in the district) is supportive of whatever it is sponsoring. Whilst it is acknowledged that cl.5.5b uses the term 'requires the City's endorsement', the reality of sponsoring an application that doesn't specifically make this request, is perceived that it then has indeed obtained the City's endorsement.

If the policy's purpose is for the City to sponsor people/groups/activities irrespective of the City's values (as expressed by the Council) and within the existing legal framework, then such should in the least, be overtly stated. If, however, the Council does see the value in excluding from sponsoring certain entities comprising those with a common underpinning choice (eg, political conviction, religious persuasion, sexual orientation) then it is incumbent on the Council to disclose the reasons why. No such specific reasons seemingly are attendant within the recommended policy.

It is not an adequate defence to the above argument to say; "we don't believe 5.5b would be considered discriminatory under the Equal Opportunity Act<sup>^</sup> as the Policy doesn't preclude or limit the provision of funding to a person on any grounds related to religious or political conviction. Rather it sets out that we won't provide an endorsement (i.e. that the City approves of or supports something) when giving or receiving sponsorship." because legally, a 'person' includes a body politic or corporate, companies as well as a natural individual. (Interpretations Act 1901 s.2C)

<sup>^</sup>and the Act's objectives include:

- to eliminate, so far as is possible, discrimination against persons on the grounds of sex, marital status, pregnancy, family responsibility or family status, race, religious or political conviction, impairment, age or gender history in the areas of work, accommodation, education, the provision of goods, facilities and services and the activities of clubs;
- to promote recognition and acceptance with the community of the equality of persons of all races, regardless of their religious or political convictions, their impairments or ages.

**OFFICER COMMENT**

Paragraph 5.5(b) of the Policy is intended to prevent the City from accepting or receiving Sponsorship where that Sponsorship requires the City giving an endorsement. Specifically, it relates to sponsorship arrangements where the City would be paid to actually stand behind – or 'endorse' – a brand, product, entity or service. It is not intended to discriminate on religious or political grounds.

Closely associated persons in the local government context is defined in s 5.62 of the *Local Government Act 1995* (WA). Officers agree that the exclusion provided for in paragraph 5.5(g) is potentially too wide and vague. Officers support the policy being referred to the Policy and Legislation Committee for further consideration.

**LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS REQUIREMENT**

Pursuant to regulation 11(da) of the *Local Government (Administration) Regulations 1996*, if the amended recommendation is adopted by Council, the above Reasons will be recorded in the Minutes.

<b>Item No. 11.1</b>	<b>Consent to advertise Local Planning Scheme No.22</b>	<b>Pulled by Cr Love</b>	<b>Page 45</b>
Included in the Confidential Items for Debate as it relates to a matter that if disclosed, would reveal information that has a commercial value to a person where the information is held by, or is about, a person other than the local government (s5.23(2)(e) <i>Local Government Act 1995</i> )			

<b>Item No. 11.1</b>	<b>Consent to advertise Local Planning Scheme No.22</b>	<b>Pulled by Cr Ryan</b>	<b>Page 45</b>
Included in the Confidential Items for Debate as it relates to a matter that if disclosed, would reveal information that has a commercial value to a person where the information is held by, or is about, a person other than the local government (s5.23(2)(e) <i>Local Government Act 1995</i> )			

Item No. 11.2	Local Heritage Survey and Heritage List following consultation	Pulled by Cr Ryan	Page 54
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### ALTERNATIVE RECOMMENDATION

That the Council:

1. **Subject to the Busselton War Memorial (PN156) being upgraded from its current status of 4 to 1, adopt the Heritage List, with modifications as per Attachment 1, pursuant to Part 8 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;**
2. **Forwards a copy of the Heritage list to the Heritage Council of Western Australia pursuant to Part 8, clause 4(b) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;**
3. **Endorse the Local Heritage Survey as per Attachment 2, with modifications, following advertising; and**
4. **Acknowledges that the Thematic History included within the Local Heritage Survey will be updated by the City following endorsement.**
5. **Request the CEO commence the process to enter the Fraxinus Excelsior (commonly known as a European Ash tree) on the grounds of Phoebe Abbey House at Lot 151 (No. 42) Seymour Street, West Busselton (PN038) individually onto the Heritage List by notifying each owner/occupier of Phoebe Abbey House (the place) and provide each of them with a description of the place and the reasons for the proposed entry.**

### REASONS FOR ALTERNATIVE

1. Category 1 listing of the War Memorial should be a given. The opportunity exists to ensure the due respect is given to this monument erected by the people, for the people, taking into consideration the following:

#### **A little history**

- The Busselton War Memorial is the oldest in Western Australia, being built in 1919, and predates any other war memorial. The Beverley War Memorial was also built in 1919 but the Busselton War Memorial was dedicated earlier (by three months).
- The Busselton War memorial was constructed and designed by the Architect and Sculptor Pietro Porcelli. Busselton War Memorial being the only cenotaph he designed. Which makes it a valuable piece of art.
- The Memorial is constructed of mainly of Donnybrook Stone. The highest in the State at the time.
- It is in a heritage precinct being located next to the St Mary's church, the only and oldest stone church in Western Australia being built in 1854.
- Ex-service men and women are duty bound to preserve and respect the memory of the fallen service persons – those who paid the ultimate price.

Noting the consultants suggested this site was not worthy of a category 1, I would argue that the above information shows its unique attributes and whilst there will be a reduction in services due to the new memorial site in Rotary Park this should not negate the importance of the structure. Bunbury's Memorial is revered and performs as a roundabout. Such a prominent iconic structure was built in its current position in Busselton, no doubt to ensure it



was not ignored, and to that end category 1 would ensure its prominence in both visual and as a heritage position worthy of that importance. LEST WE FORGET

2. Thank you to Judith Murray, BA History BA Cultural Heritage (Hons), for her passionate interest in our local heritage the following information has been provided:

David Tubbs of Geographe Horticulture was very generous and inspected the tree. His findings areas follows:

The tree is a *Fraxinus excelsior* or more commonly known as a European Ash and not a Cork tree as we all believed. The potential of the tree being an original planting on the site is high and likely to have been planted in a similar time frame to the original homestead. The specimen is a horticultural rarity. It is, if not unique then rare. Copies of correspondence are provided attached.

The process for the inclusion of the tree on the heritage list would require public advertising and the list would return to the Council for a decision to amend later. The inclusion of the tree on the Heritage List would ensure that a development application is required should the owner consider removing the tree.





Geographe Horticulture  
[geographehorticulture@outlook.com](mailto:geographehorticulture@outlook.com)  
23 Anthony Rd Geographe 6280  
Dave: 0413 747 695 Gem: 0435 579 166

Report: 46 Seymour St Busselton 6280

Contact: Judy

A visual inspection was undertaken at the above address on 19/09/17. The primary subject was a tree thought to be of significance.

The only tree on the site was a single *Fraxinus excelsior*, also known as a common or European Ash. It is a mature specimen estimated age 50-100 years. The size is symptomatic of both the type of tree and growing conditions.

Being deciduous the specimen's active growth cycle is throughout the hottest and driest seasons. Thus growth will be limited by a lack of water and heat stress in extreme temperatures.

The soil is coastal sand with little organic material present. The lack of soil biology, water holding capacity and available nutrient will limit potential growth.

The current health of the tree is fair. The upper canopy has some die back present. This is most likely caused from water/heat stress during the height of summer.

The potential of the tree being an original planting on the site is high. The species is one chosen for both availability and hardiness in a time long before many modern cultivars would have been available in Western Australia. Given the potential age and species of tree it is likely to have been planted in a similar time frame to the original homestead.

The specimen is a horticultural rarity. There are no others we know of in the region. It is a true species of *Fraxinus*, likely sent as a cutting from Europe in a time before nurseries or modern cultivars.

Given the history of the site, age and type of tree, this specimen is of both historical and cultural significance to the region. It is likely the only remaining plant of the original garden. It is, if not unique then rare and in need of preservation and management.

It is recommended a qualified arborist gives a full report on the specimen with recommendations for care and maintenance. The canopy requires pruning and some form of reticulation would be of benefit. Soil remediation would also offer protection against water and heat stress. An organic compost and or mulch in addition to some seaweed preparations would be ideal.

David Tubbs

## **OFFICER COMMENT**

1. The War Memorial is listed within the current Local Heritage Survey as Category 4 and not on the Heritage List. Category 1 and Category 2 places on the Heritage List are afforded the same protection under the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Category 1 places are those places of State significance and on the State Register or under assessment for inclusion on the State Register. The War Memorial was considered by the Heritage Council for inclusion on the State Register and it was decided that it did not meet the entry threshold for inclusion on the State Register.

Officers have recommended that all places that are of Local Significance but not State Significance are proposed to be Category 2 rather than Category 1, this is consistent with the approach that is now applied for heritage protected places in the City following the Heritage Council of Western Australia's Guidelines, so that there is a clear distinction between state registered places and locally registered places. It is considered that a change to Category 1 is not required.

2. There are currently no trees on the Heritage List. To list the tree on the Heritage List, historical information is required in respect of when and by whom the tree was planted. It is considered by officers that the Heritage List is not the appropriate mechanism to protect a tree. Officers support the recommendation to adopt/endorse the Heritage List and LHS as drafted and refer the inclusion of the tree within the description of Phoebe Abbey House to the owner/occupiers of Phoebe Abbey house inviting them to make a submission.

**LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS REQUIREMENT**

Pursuant to regulation 11(da) of the *Local Government (Administration) Regulations* 1996, if the amended recommendation is adopted by Council, the above Reasons will be recorded in the Minutes.

Item No. 13.1	Hireable E-Scooters – Improvement Measures	Pulled by Cr Ryan	Page 77
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**ALTERNATIVE RECOMMENDATION**

**That the Council:**

- 1. Reconfirms the results of the community survey undertaken through Your Say, “Hireable e-scooters in the City of Busselton”, that 62.4% of local residents to the Your Say survey are opposed to continuing the trial of hireable e-scooters in the City of Busselton and;**
- 2. Resolves to bring to an end the current agreement with Neuron Mobility (Australia) Pty Ltd to supply hireable e-scooters within the district and thanks Neuron Mobility (Australia) for their extended trial.**

**REASONS FOR ALTERNATIVE**

The negative feedback on hireable scooters has not waned. The complaints are still rolling in. 62.4% of local residents said in the survey they did not want them. The percentage of local residents who were not in favour of hireable e-scooters is greater than those who are. Business owners are slightly less in favour, and visitors more in favour of hireable e-scooters. On the Agenda this month is our new Council Plan, wherein we state we are listening, really! Is this going to be another example of asking the community for their comments/views and then ignoring the majority view again? If we are not going to listen then why do we bother consulting?

A media announcement in May this year stated that *“Neuron Mobility has commenced the installation of parking decals for designated parking areas specifically for hireable e-scooters in key locations between Busselton and Dunsborough to make it easier for users to identify exactly where they should be parked in these high use locations. The decals will serve as a visual reminder to hirers the importance of properly parking their e-scooter once their ride is completed”*. Putting markings on the ground – only in certain areas – defies logic that this will in fact change attitudes. Little has changed.

The City of Melbourne Councillors cited safety concerns raised by residents and lawlessness of e-scooter users as reasons for the decision. A number of other councils across Australia and around the world have banned them recently too.

<https://www.abc.net.au/news/2024-08-14/hire-e-scooter-ban-melbourne-safety-concerns/104219234>

As one ratepayer suggests it is only a matter of time before the City may be implicated in a court case for a death or serious injury while using a hired e-scooter. St John WA reported in May 2023 it had attended about 250 e-scooter accidents in a little over a year, or about 15 per month. Most were considered a Priority 1 by the ambulance service, meaning life-threatening after collisions with vehicles, bicycles or pedestrians, or factors such as alcohol or excess speed. Injuries and inappropriate use by children and adults alike is also problematic and to suggest that Busselton is different from anywhere else around the world is simply sticking ones head in the sand. We have a duty of care to the whole community.

<https://www.abc.net.au/news/2022-10-20/darwin-escooter-incidents-study-health-system-impact-costs/101554326>

Yesterday we received an email from a ratepayer with a very different perspective, one which I had not heard before, if I abandoned my motor car in the middle of the road I am sure I would face consequences for its removal, yet we constantly find them strewn over pathways and helmets simply thrown in bushes or cast aside. People are still not wearing them despite the rhetoric.

**OFFICER COMMENT**

Hireable e-scooters have been the only significant form of alternative transport that has proven commercially viable at this time and are the most readily available form of alternative transport being used by residents and visitors in Busselton and Dunsborough. Advocating for improved public transport services that allows for the convenient movement of people to and from local destinations is a strategic priority within the current Strategic Community Plan.

Officer's stand by the recommendation to authorise the CEO to negotiate commercial agreements for the continued provision of this transport service, and in doing so include greater responsibilities for the provider to address the issues raised about, for example, littering and safety. An agreement will provide the supplier with financial certainty and the ability to invest in resources and infrastructure to support further improvements, in addition to the ones already implemented in the trial.

Officers are not familiar with the St Johns WA report mentioned and are unsure of the source of this information as Officers have not been provided with local statistics or safety concerns by St Johns Ambulance, the hospital or the police.

**LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS REQUIREMENT**

Pursuant to regulation 11(da) of the *Local Government (Administration) Regulations* 1996, if the amended recommendation is adopted by Council, the above Reasons will be recorded in the Minutes.

Item No. 13.1	Hireable E-Scooters – Improvement Measures	Pulled by Cr Macnish	Page 77
<p><b><u>ALTERNATIVE RECOMMENDATION</u></b></p> <p>That the Council:</p> <ol style="list-style-type: none"> <li>1. Confirms that the hireable e-scooter trial period has been completed in accordance with requirements; and</li> <li>2. Authorises the CEO to negotiate license agreements, at an appropriate fee, for the provision of hireable e-scooters within the City of Busselton and includes greater responsibilities for resetting of littered e-scooters and helmets in any agreements.</li> <li>3. Acknowledges that the CEO has duly considered provisions relating to risk and liability with the existing Operator Agreement having been reviewed by a member of the inhouse legal team and forming the basis of a new agreement.</li> </ol>			
<p><b><u>REASONS FOR ALTERNATIVE</u></b></p> <p>Point 3 demonstrates the Council has covered off on its governance oversight responsibility. In its governance oversight role, it is appropriate the Council assures itself (and the public) that appropriate risk measures have been addressed.</p>			
<p><b><u>OFFICER COMMENT</u></b></p> <p>While officers understand the desire of Cr Macnish to ensure the demonstration of Council oversight point 3 is not considered to be necessary.</p>			
<p><b><u>LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS REQUIREMENT</u></b></p> <p>Pursuant to regulation 11(da) of the <i>Local Government (Administration) Regulations</i> 1996, if the amended recommendation is adopted by Council, the above Reasons will be recorded in the Minutes.</p>			

Item No. 13.3	Proposed Marine Discovery Building Lease Terms	Pulled by Cr Ryan	Page 19 (Supp)
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**ALTERNATIVE RECOMMENDATION**

1. Resolves to enter into a lease with Busselton Jetty Inc (BJI) for the construction and operation of a Marine Discovery Building (MDB), as per the concept design in attachment 1, situated within Lot 501, Reserve 38558, Busselton Foreshore, as depicted in attachment 2, subject to the consent of the Minister for Lands and there being no objections raised through the section 3.58 (of the *Local Government Act 1995*) advertising.
  
2. Delegates power and authority to the Chief Executive Officer to negotiate and agree the lease on the following terms and conditions:
  - a. Term: minimum 21 years and maximum of 42 years **with the goal of aligning the term of the MDB with the BJI Jetty Licence Agreement.**
  - b. Annual rent of:
    - Year 1 - \$100 + GST and other outgoings
    - Year 2 - \$15,000 + GST and other outgoings
    - Year 3 - \$33,000 + GST and other outgoings adjusted in accordance with CPI from the commencement of the Lease term.
  - c. Commencement of lease no later than 30 June 2025.
  - d. Rent Review: adjusted annually in accordance with CPI and subject to market rent review every 5 years.
  - e. A requirement for the Tenant to adequately insure the building and contents and establish and maintain a contingency fund for the purpose of asset management and capital improvements to the Premises. Annual transfer amounts are to be determined by the development by BJI of a Lifecycle Management Plan on completion of the building construction. The Lifecycle Management Plan is to be approved by the City.
  - f. Permitted Purpose: Marine Discovery Centre, exhibition/event space, museum, marine themed interactive experiences/education and ancillary staff offices, food and beverage services.
  - g. All costs associated with the preparation of the lease are to be met by the Tenant; and
  - h. Such further terms and conditions as required by the CEO.
  
3. Resolves that all rent and proceeds collected in relation to point 3b are to be transferred into the Jetty Maintenance Reserve; and
  
4. Authorises the Chief Executive Officer to commence negotiations in relation to an amendment to the Jetty Licence Agreement dated 30 October 2009 (including all variations and amendments thereafter) between the City and Busselton Jetty Inc. with the objective of determining an annual Licence Fee amount that sufficiently provides for the maintenance needs of the Busselton Jetty to be transferred to the Jetty Maintenance Reserve (JMR) and Jetty Self Insurance Reserve, set by the requirements of the 50 year Jetty Maintenance Plan.

**REASONS FOR ALTERNATIVE**

Aligning the leases to the same date makes sense. If all Jetty licence/lease agreements end at the same time, or come up for renewal at the same time it would alleviate extra staff time. This would be advantageous for all parties and reduce red tape. Under this arrangement all leases/licences ultimately would terminate at the same time rather than just one premise at a time.

Officers have commented in the report as such, but the addition of the added wording makes it clearer to all stakeholders.

However, BJI have indicated a preference to tie the lease term to coincide with the end of the current Jetty Licence Agreement, the first term expires 5 April 2038. BJI have the option to renew for three further 7 year terms with the last expiring on 29 October 2058. Given this and the recognised need to review and simplify the Jetty Licence Agreement Officers are recommending the CEO be delegated power and authority to negotiate the term of the lease and for it to be a minimum of 21 years with a maximum of 42 years, subject to Minister for Lands approval.

**OFFICER COMMENT**

The proposed amendment supports the officers intention noting that the negotiations relating to term will be subject to a number of factors.

**LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS REQUIREMENT**

Pursuant to regulation 11(da) of the *Local Government (Administration) Regulations 1996*, if the amended recommendation is adopted by Council, the above Reasons will be recorded in the Minutes.



Item No. 14.1	Local Government Elections - Advocacy Position	Pulled by Cr Kennedy	Page 90
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**ALTERNATIVE RECOMMENDATION**

That the Council recommends that WALGA adopt the following Local Government Election Advocacy Positions:

1. **PARTICIPATION** – Council supports the advocacy position that the sector supports compulsory voting at Local Governments elections.
2. **TERMS OF OFFICE** - Council supports the advocacy position that the sector supports four-year terms on an all in/all out basis.
3. **VOTING METHODS** - Council supports the advocacy position that the sector supports Optional Preferential Voting (OPV) as the preferred voting method for general elections.
4. **INTERNAL ELECTIONS** - Council supports the advocacy position that the sector supports Optional Preferential Voting (OPV) as the preferred voting method for all internal elections.
5. **VOTING ACCESSIBILITY** - Council supports the advocacy position that the sector supports the option to hold general elections through **online voting**, postal voting and In-Person voting.
6. **METHOD OF ELECTION OF MAYOR** - Council supports the advocacy position that the sector supports the return to previous legislated provisions – all classes of local governments can decide, by absolute majority, the method for electing their Mayor or President.

**REASONS FOR ALTERNATIVE**

There are many methods of conducting online voting and they should be explored.

Online voting can be more transparent and secure than postal and in person voting. When a ballot is posted it can be intercepted from the electors mailbox or at any time until the ballot reaches the counting centre. In person voting can see electors visit multiple polling booths and relies on cross checking electoral rolls manually.

The methods for ensuring the integrity of votes are time consuming and expensive and limits LG aspirations to advocate for compulsory voting and preferential voting in LG as these both incur more expense to ratepayers.

Online voting is more convenient for electors and will alleviate the disdain that most feel in the community when it comes to vote.

**OFFICER COMMENT**

In addition to the detail provided in the officer report the following comment is provided in response to the matters raised in the reasons for the alternative.

The main perceived benefits of introducing online voting are increased participation (assuming no compulsory voting), providing a secret ballot for blind and low vision voters and the ability to securely handle ballots (contrast with the lost ballots from the 2013 federal election).

Officers have not recommended online voting because no Australian jurisdiction has adopted a system that allows for online voting (though there are examples of electronic voting being used in the ACT and NSW).

Officers believe that online voting should not be advocated for until an online voting system has been developed that satisfactorily addresses the concerns commonly raised for using such a system which are in relation to security, integrity, and transparency and the cost of delivering a safe and secure system.

Officers note that WALGA's current advocacy for online voting was based on increasing voter participation, however, that outcome can be better achieved by implementing compulsory voting.

**LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS REQUIREMENT**

Pursuant to regulation 11(da) of the *Local Government (Administration) Regulations 1996*, if the amended recommendation is adopted by Council, the above Reasons will be recorded in the Minutes.

Item No. 14.1	Local Government Elections - Advocacy Position	Pulled by Cr Ryan	Page 90
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### ALTERNATIVE RECOMMENDATION

That the Council recommends that WALGA adopt the following Local Government Election Advocacy Positions:

1. **PARTICIPATION** – Council supports the advocacy position that the sector supports compulsory voting at Local Governments elections.
2. **TERMS OF OFFICE** - Council supports the advocacy position that the sector ~~supports four-year terms on an all in/all out basis~~ **continues to support four-year terms with a two-year spill.**
3. **VOTING METHODS** - Council supports the advocacy position that the sector supports that the sector supports ~~Optional Preferential Voting (OPV) as the preferred voting method for general elections~~ **First Past the Post (FPTP) as the preferred voting method for general election. If Optional Preferential Voting remains as the primary method of voting, the sector supports the removal of the ‘proportional’ part of the voting method for general elections.**
4. **INTERNAL ELECTIONS** - Council supports the advocacy position that the sector supports ~~Optional Preferential Voting (OPV)~~ **First Past the Post (FPTP)** as the preferred voting method for all internal elections.
5. **VOTING ACCESSIBILITY** - Council supports the advocacy position that the sector supports the option to hold general elections through postal voting and In-Person voting.
6. **METHOD OF ELECTION OF MAYOR** - Council supports the advocacy position that the sector supports the return to previous legislated provisions – all classes of local governments can decide, by absolute majority, the method for electing their Mayor or President.

### REASONS FOR ALTERNATIVE

2. To change the current arrangement would cost ratepayers an inordinate amount of money for training of new elected members and take away the knowledge and insight which any councillor has gained over time to be able to impart to new elected members.

3. OPV was a disaster, costs escalated, recounts and delays reigned. This type of voting is fraught with the danger of political party interference and group elections which can reflect a party position, not one which represents the Elector of the area.

FPTP has been an iconic voting system in Western Australia. It is easy and quick to count. Informal voting is negligible. OPV was tried in circa 2009 for that election only and reverted back.

In the last election the WAEC were shambolic (because of the sweeping change and no fault of theirs) and media reports relayed this “... *the result was chaos on the ground, with multiple*

*communities accustomed to getting the results on the night forced to wait until this morning for a confirmed result”.*

*“Designed to boost engagement and accountability at council polls, recent Cook government reforms saw a statewide shift to optional preferential voting and the direct election of mayors and shire presidents, and a move away from ward structures at nearly all of the state’s 139 local governments”. This position failed as the voter turnout was no different to previous elections but simply cost the ratepayer more.*

The WAEC’s Website stated on the 24 October, 2023 “The WA Electoral Commission is continuing to count votes for the 2023 local government elections. Final results for **most local governments** are expected to be published today” this was 4 days after the election, when FPTP was usually known on the night, noting the wording “most” – not all!

<https://www.abc.net.au/news/2023-10-23/local-government-elections-wa-results-delayed/103009938>

4. This way of voting is simple and is tried and true.

6. Whilst both positions hold some merit, the election of the mayor via the elected members is worthy of reinstatement but this position is also strengthened by the adoption of 2. above. The elected members (especially those that have been holding office previously) would have the knowledge and insight of the potential candidates for mayor and their track history.

#### **OFFICER COMMENT**

In addition to the detail provided in the officer report the following comment is provided in response to the matters raised in the reasons for the alternative.

#### **Terms of Office**

The proposition that there would be significant costs associated with training new elected members by moving to four-year terms relies on the assumption that elected members will be less likely to be re-elected than under a two-year spill scenario. On the flipside, only having to train elected members every four years could reduce costs. Officers note that elections are held on four yearly cycles in all other Australian states.

#### **Optional Preferential Voting**

As outlined in the officer report the use of preferential and proportional systems of voting provide a more representative view of the populations overall preferences. It also aligns with the systems used in other Australia jurisdictions.

Officers acknowledge that Optional Preferential Voting can take longer to count especially when a manual count is undertaken (as was the case for the 2023 City of Busselton Mayoral election). Likewise, where a computer count is undertaken it may take longer to know the results as all ballots must be entered prior to preferences being distributed and the outcome final determined.

Regarding informal ballots, the percentage of informal votes in the previous three City of Busselton elections are as follows:

- 2023: 1.58% (councillor election) and 0.81% (Mayoral election)
- 2021: 0.60%

- 2019: 1.49%

Further officers do not recommend a position which sees voting methods change so soon after preferential voting was introduced as this confuses voters.

**LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS REQUIREMENT**

Pursuant to regulation 11(da) of the *Local Government (Administration) Regulations 1996*, if the amended recommendation is adopted by Council, the above Reasons will be recorded in the Minutes.

Item No. 14.1	Local Government Elections - Advocacy Position	Pulled by Cr Love	Page 90
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**ALTERNATIVE RECOMMENDATION**

That the Council recommends that WALGA adopt the following Local Government Election Advocacy Positions:

1. **PARTICIPATION** – Council supports the advocacy position that the sector supports compulsory voting at Local Governments elections.
2. **TERMS OF OFFICE** - Council supports the advocacy position that the sector ~~supports four-year terms on an all in/all out basis~~ **continues to support four-year terms with a two-year spill.**
3. **VOTING METHODS** - Council supports the advocacy position that the sector supports that the sector supports Optional Preferential Voting (OPV) as the preferred voting method for general elections.
4. **INTERNAL ELECTIONS** - Council supports the advocacy position that the sector supports Optional Preferential Voting (OPV) as the preferred voting method for all internal elections.
5. **VOTING ACCESSIBILITY** - Council supports the advocacy position that the sector supports the option to hold general elections through postal voting and In-Person voting.
6. **METHOD OF ELECTION OF MAYOR** - Council supports the advocacy position that the sector supports the return to previous legislated provisions – all classes of local governments can decide, by absolute majority, the method for electing their Mayor or President.

**REASONS FOR ALTERNATIVE**

Although unlikely, it is possible with the officer’s recommendation that there could be a Council which consisted of entirely new Councillors. This would be catastrophic as when most people join Council it takes at least a minimum of 6 months to a year, if not longer, to just get used to the meeting processes, how strategic documents inform one another, planning legislation and budgeting. Important strategic documents like local planning schemes, strategies and policies, budgets, long term financial plans, etc., need to be reviewed and implemented, some of these documents are done annually, some bi-annual, others can be reviewed further down the track.

So hypothetically, there could be a situation where every elected member decided not to run again or did not get elected back in, and the Council would consist of all new Councillors, elections fall in October, and then we start the budgeting process around February/March to release the budget around July/August. This would give new councillors a whole 4 months to comprehend the budgeting process, alongside strategic documents like our Council Plan which tend to inform what projects require funding within the annual budget. I know this risk is minimal, however I do believe it is better to be safe than sorry.

**OFFICER COMMENT**

In addition to the detail provided in the officer report the following comment is provided in response to the matters raised in the reasons for the alternative.

As acknowledged in the reasons the risk of no existing elected members being re-elected under a four-year cycle is minimal. Officers note that local governments in all other Australian states operate on a four-year cycle without any reported adverse impacts.

**LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS REQUIREMENT**

Pursuant to regulation 11(da) of the *Local Government (Administration) Regulations* 1996, if the amended recommendation is adopted by Council, the above Reasons will be recorded in the Minutes.

Item No. 14.2	Council Plan 2024 - 2034	Pulled by Cr Ryan	Page 29 (Supp)
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**ALTERNATIVE RECOMMENDATION**

That the Council adopt the City of Busselton Council Plan 2024 – 2034 as per Attachment 1, in accordance with section 5.56 of the *Local Government Act 1995* and regulation 19C and 19DA of the *Local Government (Administration) Regulations 1996* **subject to Objective 9 being amended to remove the word “affordable” so it reads “Objective 9. Promote planning and development that supports responsible growth, diverse housing choices, and attractive, functional, well-connected neighbourhoods”.**

**REASONS FOR ALTERNATIVE**

Words mean something. For many years I have heard the word “affordable” but what does this mean? What is affordable for you may not be affordable for me when we are discussing housing prices. By simply removing the word “affordable” in Objective 9 it will not, and does not, negate the desire to promote a diverse housing stock – which may be affordable - but to continue using a specific word which is meaningless and quite incorrect in the context of this Objective is to be selling something which is unattainable for many.

This explanation from Market Business News states:

*“If something is Affordable, its price is reasonable, it is inexpensive, and most people can afford it. **An affordable product or service is one that is within most people’s budget.** In this context, the word ‘budget’ means how much money somebody has available or put aside to purchase something. If a car costs \$20,000 and my budget is \$17,000, that car is \$3,000 more than my budget.*

*The Collins Dictionary has the following definition of the term: “If something is affordable, **most people** have enough money to buy it.”*

*If I say: “If we want golf to be popular in this country, it needs to become affordable,” I am saying that it is too expensive for most people. Perhaps golf club memberships are too expensive, or there are not enough council - or government - run golf courses. **Put simply; it needs to become cheap enough for most people be able to afford it.***

*The term first appeared in the English language in 1804. At the time it meant “that one can spare.” In 1853, it acquired the meaning “that can be paid for.” <https://marketbusinessnews.com/financial-glossary/affordable/>*

From Vocabulary.com this:

*“If something is affordable, it's priced reasonably, and you have enough money to buy it. Your friends might be jealous that the bike you bought at a yard sale was so affordable.*

*If you live in an affordable city, it means that rents aren't too high for most of its residents, and if you buy an affordable dinner for yourself, it doesn't cost too much. The adjective affordable can either mean "cheap," or it can imply that even if it's expensive, you have enough money to easily buy it. The verb afford is at the root, and its earliest meaning was "accomplish." Gradually, afford came to have the meaning "manage to buy."*



<https://www.vocabulary.com/dictionary/affordable>

**OFFICER COMMENT**

Affordable housing was a sentiment expressed by the community through the community scorecard voicebank, and hence its inclusion in the objective wording. Affordability is a relative term with the State Governments WA Housing Strategy 2020-2030 defining affordable housing as households spending no more than 30 per cent of income on housing.

Affordability therefore is difficult to deliver and measure through the planning and development framework. The framework instead promotes diverse housing choice that would be promoted, along with attractive, functional and well-connected neighbourhoods. For this reason, officers do not object to the amendment.

**LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS REQUIREMENT**

Pursuant to regulation 11(da) of the *Local Government (Administration) Regulations* 1996, if the amended recommendation is adopted by Council, the above Reasons will be recorded in the Minutes.

Item No. 14.2	Council Plan 2024 - 2034	Pulled by Cr Love	Page 29 (Supp)
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**ALTERNATIVE RECOMMENDATION**

That the Council, in accordance with section 5.56 of the *Local Government Act 1995* and regulation 19C and 19DA of the *Local Government (Administration) Regulations 1996*, adopt the City of Busselton Council Plan 2024 – 2034 as per Attachment 1 **subject to:**

- 1. A new action being added under Objective 3 “Undertake a youth needs assessment for youth services for the Yalyalup area”, to be completed in 2025/2026.**
- 2. Action 10.4 being amended to “Review the Tourism WA’s South West Destination Management Strategy & Implementation Plan and consider development of a local Tourism Destination Management Plan” (replacing action to consider adoption of a Peak Period Policy), for completion across 2024/2025 and 2025/2026 by the Economic Development service team.**

**REASONS FOR ALTERNATIVE**

We know that Yalyalup has experienced and will continue to experience increased development, so I believe it would be remiss of the Council not to include the Yalyalup area in the youth needs assessment for youth services.

I have proposed changing action 10.4 as written above because in this month's agenda, we will be voting on whether we adopt a Peak Period Policy or review measurements we have put in place this year. I have provided an alternative, that we do as the Committee recommends, in reviewing measurements put in place via information briefings and workshops, however, I think it's important that the Council provides effective and strategic leadership through developing a local Tourism Destination Management Plan.

This would be informed by Tourism WA’s South West Destination Management Strategy and Implementation Plan, ensuring that our local Tourism Destination Management Plan complements the State’s overarching management strategy, while also taking into consideration Busselton’s unique natural environment and biodiversity.

This would provide our community with a sense of security in knowing that the City of Busselton has a plan to guide the development of policies, procedures and actions that will enable and support the city to become a sustainable tourism destination.

While tourism brings many advantages, it also generates negative impacts such as peak period congestion, illegal camping, and additional load placed on waste management and essential services. In other councils, these Destination Management Plans or Strategies help to establish monitoring frameworks to assess the impacts of tourism, inform actions to address peak period congestion and establish partnerships with community organisations to develop public education programs encouraging residents and visitors to appreciate and protect natural environments.

**OFFICER COMMENT**

Officers support undertaking a youth needs assessment for Yalyalup in 2025/2026 as identified in the motion.

Officers support the development of a local Tourism Destination Management Plan in replacement of the action to consider adoption of a Peak Period Policy, as this was an outcome of the peak period elected member workshop held in August. The intention is that a local plan will not duplicate work already done at a regional level by Tourism WA in the SW Tourism Destination Management Plan but be informed by it, with further stakeholder consultation to focus on the implementation of actions within the City of Busselton district.

**LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS REQUIREMENT**

Pursuant to regulation 11(da) of the *Local Government (Administration) Regulations 1996*, if the amended recommendation is adopted by Council, the above Reasons will be recorded in the Minutes.

Item No. 14.2	Council Plan 2024 - 2034	Pulled by Cr Macnish	Page 29 (Supp)
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**ALTERNATIVE RECOMMENDATION**

That the Council adopt the City of Busselton Council Plan 2024 – 2034 as per Attachment 1, in accordance with section 5.56 of the *Local Government Act 1995* and regulation 19C and 19DA of the *Local Government (Administration) Regulations 1996* **subject to the following modifications:**

1. Pg 3: Mayor’s message be amended to read; “On behalf of the City of Busselton, it is my pleasure...(remains the same)”.
2. Pg 8: Values; change ‘Teamwork’ to ‘Transparency and Accountability’.
3. Pg 42: A new point 16.11. Facilitate the discovery and application of the elements of good leadership\* leading to a clear understanding of what is required to ensure an improvement to Council Leadership including measurement of progress of the same^.

*\*Good leaders possess self-awareness, garner credibility, focus on relationship-building, have a bias for action, exhibit humility, empower others, stay authentic, present themselves as constant and consistent, become role models and are fully present.*

(<https://www.snhu.edu/about-us/newsroom/business/qualities-of-a-good-leader#:~:text=Good%20leaders%20possess%20self%20awareness,models%20and%20are%20fully%20present.>)

^For 24/25

**REASONS FOR ALTERNATIVE**

- It is important to be accurate when communicating with the public. Only the Council speaks on behalf of the Council (via a Council resolution). Under the LG Act, the Mayor speaks on behalf of the local government (in our case, the City of Busselton). As an alternative, the Mayor could be quoted as saying; “On behalf of our local Government....”
- There was no Council Plan (CP) workshopping on the (Corporate) Values (pg 8). The Council comprises an elector Mayor and Councillors. It is a Council, not a team (otherwise elected members would be termed teammates and the word team is not mentioned in the LG Act). Accordingly ‘Teamwork’ is not an appropriate value on show at a Council meeting (rather the expression of heterogeneous inputs reflective of conflicting community viewpoints). Rather, it would seem, the community would appreciate a stated value/s of Transparency and Accountability to help drive the City’s corporate governance. In this context, we must acknowledge this is the Council Plan, not the City Plan. Such an obvious and necessary change to the Values sends an important signal of response to the community’s concerns over the Council Leadership.
- CP pg 44 Leadership contains 5 plans, 2 frameworks and 2 strategies. Priority actions 16.1 to 16.10 similarly. This is all management stuff. Managing risks, assets, finances, records and communications It contains nothing specific to Council Leadership. The Council Leadership comprises 9 elected members; all are equal under the Local Govt Act in the requirement to provide leadership. Hence, addressing the ‘terrible’ rating given to Council Leadership means a focus on improving the constituents of Council Leadership, that is, the contributing leadership performance of the nine elected members.

### **OFFICER COMMENT**

In relation to part 1 of the motion, further to the Act, the Mayor's message in the Council Plan is made on behalf of the City of Busselton (the entity) and therefore officers have no objections to the proposed amendments (without entering into specific commentary on whether the Mayor in his role may speak on behalf of the Council).

In relation to part 2 of the motion, the values set out in the plan are specifically and purposely referenced as being corporate (or organisational) values "that underpin operational decisions and performance". It was noted in elected member workshops that the values reflect the City's current corporate values, developed through extensive employee input as part of a values program. They were therefore not developed in conjunction with the Council (at the time). While officers agree that transparency and accountability are important values for the effective functioning of a Council (and for the organisation as well), there is an action within the plan to review the City's organisational values, and officers do not support the corporate values being changed ahead of that (noting the level of employee involvement in their development). If it would provide additional clarity, the heading could be changed to Our Corporate Values.

In relation to part 3 of the motion, "Council's Leadership" was one of the elements measured under Leadership through the Community Scorecard. It scored a performance index score of 42 placing it just under the okay rating (with a score of 50 being ok), it did not rate as terrible as cited in Cr Macnish's reasons. In terms of community priority, it rated as a low priority with less than 10% of respondents commenting on it. Comments that were made focused around a range of matters most of which are addressed by the actions listed in the Leadership section of the plan (relating to communication, financial planning, and governance). While there were some comments in relation to the functioning of the Council itself, in developing the plan elected members did not propose any actions relating to their own leadership or functioning through the elected member workshops. Officers do not object to an action being added such as the one proposed if elected members feel it is appropriate. It is noted (and has been discussed with Cr Macnish) that the elements in the motion referenced through \* and ^ would not be included in the action description within the Council Plan.

### **LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS REQUIREMENT**

Pursuant to regulation 11(da) of the *Local Government (Administration) Regulations* 1996, if the amended recommendation is adopted by Council, the above Reasons will be recorded in the Minutes.