



Ordinary Council Meeting

Minutes

Wednesday 16 October 2024

MINUTES

Minutes of a meeting of the Busselton City Council held in the Council Chambers, Administration Building, Southern Drive, Busselton, on 16 October 2024 at 5:30pm (and continued 23 October 2024).

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1. OFFICIAL OPENING

The meeting opened at 5.38pm.

The Presiding Member welcomed Councillors, staff, guests and members of the public to the Ordinary Council Meeting of 16 October 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 Andy Pitt from the Cornerstone Church read a prayer as part of the opening of this meeting.

2. ATTENDANCE

2.1. ATTENDANCE

PRESIDING MEMBER	MEMBERS
Mayor Phill Cronin	Cr Anne Ryan (Deputy Mayor)
	Cr Val Kaigg
	Cr Jodie Richards
	Cr Kate Cox
	Cr Jarrod Kennedy
	Cr Richard Beecroft (attended online for the 23 October 2024 meeting resumption)
	Cr Mikayla Love
	Cr Andrew Macnish

OFFICERS	
Mr Tony Nottle	Chief Executive Officer
Mr Daniell Abrahamse	Acting Director Infrastructure and Environment (16 October 2024)
Mr Oliver Darby	Director Infrastructure and Environment (23 October 2024)
Mr Gary Barbour	Director Community Planning
Ms Maxine Palmer	Director Economic and Business Development
Ms Sarah Pierson	Director Corporate Strategy and Performance
Mr Ben Whitehill	Manager Legal, Governance and Risk
Ms Carmel Brown	Governance Officer

APOLOGIES

Nil

APPLICATION FOR LEAVE OF ABSENCE

Cr Mikayla Love

20 November 2024

COUNCIL DECISION

C2410/262 Moved Cr Jarrod Kennedy, seconded Cr Jodie Lee

That Cr Mikayla Love be granted a leave of absence for the Ordinary Council Meeting to be held on 20 November 2024.

CARRIED 9 / 0

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

AGAINST: Nil

3. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

3.1. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

The presiding member, Mayor Phill Cronin offered his congratulations to Cr Kate Cox, who received a Diploma of Local Government – Elected Member at the WALGA conference held last week.

Mayor Phill Cronin also offered his congratulations to Deputy Mayor Anne Ryan, who received a Foundations of Directorship from the Australian Institute of Company Directors.

4. DISCLOSURES OF INTEREST

DISCLOSURES OF FINANCIAL INTEREST

Nil

DISCLOSURES OF IMPARTIALITY INTEREST

The Presiding Member noted that a disclosure of impartiality interest has been received from Cr Kate Cox in relation to item 11.2 Local Heritage Survey and Heritage List following consultation.

The Presiding Member noted that a disclosure of impartiality interest has been received from CEO Tony Nottle in relation to item 16.1 Notice of Motion - New CEO Performance Review Committee.

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

5. CONFIRMATION AND RECEIPT OF MINUTES

5.1. Ordinary Council Meeting 18 September 2024

COUNCIL DECISION

C2410/263 Moved Cr Val Kaigg, seconded Cr Mikayla Love

That the minutes of the Ordinary Council Meeting, 18 September 2024 be confirmed as a true and correct record (as published at 3 October 2024 on the [City of Busselton's website](#), inclusive of any confidential material published on the restricted internal Docs on Tap application).

CARRIED 9 / 0

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

AGAINST: Nil

6. PUBLIC QUESTION TIME

6.1. RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

The following questions were taken on notice at the 18 September 2024 Ordinary Council Meeting.

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

Question (Dr Andrew Dickie):

On how many occasions between 1 November 2023 and 31 May 2024 did the City of Busselton issue public warnings about high levels of toxic cyanobacteria in the Lower Vasse River?

Question (Ms Jill Walsh):

When responding to Dr Andrew's Dickie's previous question regarding the number of public warnings issued between 1 November 2023 and 31 May 2024, could the City please also confirm how those warnings were issued?

Response:

The City received notification from the Department of Health in relation to high levels of toxic cyanobacteria in the Lower Vasse River on 28 December 2023, and 6 February 2024. In response, the City installed temporary warning signs, additional to the permanent signage, along the Lower Vasse River and confirmed this approach (to provide the public warning by way of signage) with the Department of Health. The City did not receive a request for any additional action to be taken from the Department of Health following this correspondence.

At the March 2024 ordinary Council meeting, in response to a similar question raised during Public Question Time, the City committed to seeking additional clarity from the Department of Health on their recommended mediums for public warnings regarding the Lower Vasse River's water quality when alerts are received. The City has not received any notifications from the Department of Health in relation to high levels of toxic cyanobacteria in the Lower Vasse River since this Council meeting.

The City has committed, as previously advised in response to a related question at the July 2024 ordinary Council meeting, that the medium to be utilised for issuing future warnings will be as recommended by the Department of Health on each occasion but likely will include signage, and public notice on Facebook and the City's website.

6.2. QUESTION TIME FOR PUBLIC

Keith Sims

Question:

Can you please advise the minimum and maximum annual salary payments that each councillor, deputy and mayor are eligible for under the current rules in place?

Response:

For a Band 1 Local Government like the City of Busselton, the annual attendance fees set by the Salaries and Allowances Tribunal are:

- for elected members (excluding the Mayor): \$26,624 to \$34,278
- for the Mayor: \$26,624 to \$51,412

In addition, the Mayor and Deputy Mayor are entitled an allowance:

- Mayoral Allowance: \$55,929 to \$97,115
- Deputy Mayor Allowance: \$13,982 to \$24,279

The amount to be paid to elected members is set each year by the Council through the adoption of its budget. The Council resolved to pay the amount at the top of each range.

Question:

If Item 18.1 on the agenda relates to additional payments for Broad Construction Pty Ltd for Saltwater, then why is it confidential when the former Mayor Henley stated that any additional funding would come before a Council meeting and be transparent to the public?

Response:

(Mr Tony Nottle, Chief Executive Officer)

Item 18.1 is confidential for the reasons set out in the agenda and the previous Mayor's comment are not relevant. Any decision to make further funding available for Saltwater would be public.

Question:

What due diligence and risk assessment was conducted by the City of Busselton to select Broad Construction as the contractor for Saltwater Busselton?

Response:

(Mr Tony Nottle, Chief Executive Officer)

A tender process was undertaken and a decision made by the Council to award to Broad Construction Pty Ltd which included an assessment of their capability (both operationally and financially).

Matthew Nichols

Question:

Can Busselton manage a combined blood donation centre and infusion centre possibly in old hospital building?

Response:

Establishing a combined blood donation and infusion centre in Busselton, potentially in the old hospital building, could be beneficial. However, the decision would involve the local hospital in coordination with state health authorities, and it is important to note that this initiative would not fall under the jurisdiction or responsibility of the City of Busselton. The City would be happy to take an advocacy position.

Andrew Dickie

Question:

How many individual water samples from the Lower Vasse River collected between 1 November 2023 and 31 May 2024 showed red alert levels of toxic cyanobacteria?

Response:

The question was taken on notice.

Question:

On how many occasions last summer did the City of Busselton issue a public warning about red alert levels of cyanobacteria on its website or in community newspapers?

Response:

The question was taken on notice.

Question:

Has the City's legal team conducted a risk assessment for the possibility of legal action against the Council in the event of a person or an animal suffering harm as a result of exposure to the cyanotoxins in the Lower Vasse River?

Response:

(Mr Tony Nottle, Chief Executive Officer)

No, not at this point in time.

Michelle Shackleton

Question:

Was a risk assessment conducted to evaluate the City's ability and resources to effectively manage and deliver the Saltwater construction within the specified timeline and budget?

Response:

(Mr Tony Nottle, Chief Executive Officer)

Yes, a risk assessment was undertaken.

Question:

What were the findings of the risk assessment and where were they published?

Response:

The question was taken on notice.

Question:

Who is going to be held accountable and front the ratepayers and public for the delays to Saltwater or if there are significant increases in costs?

Response:

(Mr Tony Nottle, Chief Executive Officer)

The decision to construct Saltwater was a Council decision and the Mayor is the spokesperson for the Council.

7. RECEIVING OF PETITIONS, PRESENTATIONS AND DEPUTATIONS

Mr Jayden Bryant - General Manager Australia and New Zealand, Neuron Mobility, spoke in relation to Item 13.1 'Hireable e-scooters - Improvement Measures'. Mr Bryant spoke in support of the officer recommendation.

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

Nil

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

ADOPTION BY EXCEPTION RESOLUTION EN BLOC

COUNCIL DECISION

C2410/264 Moved Cr Val Kaigg, seconded Cr Anne Ryan

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

Item	Report
10.3	Council Policy Review: Art Collection - City of Busselton Art Gallery
10.4	Council Policy Review: AASB 124 Related Party Disclosure
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

CARRIED 9 / 0

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

AGAINST: Nil

10. REPORTS OF COMMITTEE

10.1 Annual Statutory Review of Delegated Authority

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:	Absolute Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	<ol style="list-style-type: none"> 1. DRAFT delegations of authority - September 2024 [10.1.1 - 46 pages] 2. DRAFT delegations of authority - tracked changes - September 2024 [10.1.2 - 47 pages] 3. Committee Recommendation - DA 1 - 26 [10.1.3 - 1 page] 4. Committee Recommendation - DA 7 - 01 [10.1.4 - 2 pages]

COUNCIL DECISION

C2410/268 Moved Cr Anne Ryan, seconded Cr Val Kaigg

That the Council adopt the City of Busselton Delegations of Authority as per attachment 1, subject to:

- **Retaining the current condition for DA 1 – 26**
- **Adding an appropriate explanatory note to DA 7 – 01 clarifying that, pursuant to Division 2A of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the Council cannot delegate the determination of, nor call-in applications for prescribed single house development.**

CARRIED 9 / 0

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

AGAINST: Nil

BY ABSOLUTE MAJORITY

This item was considered at the Policy and Legislation Committee at its meeting held on 18 September 2024, the recommendations of which have been included in this report.

COMMITTEE RECOMMENDATION

That the Council adopt the City of Busselton Delegations of Authority as per attachment 1, subject to:

- Retaining the current condition for DA 1 – 26
- Adding an appropriate explanatory note to DA 7 – 01 clarifying that, pursuant to Division 2A of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the Council cannot delegate the determination of, nor call-in applications for prescribed single house development.

OFFICER RECOMMENDATION

That the Council adopt the City of Busselton Delegations of Authority as per attachment 1.

EXECUTIVE SUMMARY

The *Local Government Act 1995* (the Act) requires all delegations of authority to the CEO under the Act to be reviewed by the delegator at least once every financial year. Additionally, delegations made under the *Cat Act 2011* and the *Dog Act 1976* are required to be reviewed once every financial year. This review is to fulfil those requirements.

Delegations made under the *Planning and Development Act 2005* do not require an annual review, however, officers have reviewed the existing delegations. Delegations under the *Food Act 2008*, *Building Act 2011*, *Bush Fires Act 1954*, *Graffiti Vandalism Act 2016*, and the *Public Health Act 2016* also do not require an annual review and will be reported separately should any changes be required.

STRATEGIC CONTEXT

Delegations of authority are an integral part of the City's governance functions, and are an effective and efficient means of carrying out the functions or discharging the duties of the local government, allowing the Council to remain strategically focused.

BACKGROUND

Delegations of authority allow decisions of Council to be made (with or without conditions) by the Chief Executive Officer, who in turn can delegate to other staff where appropriate.

Section 5.46(2) of the Act requires all delegations by Council to the CEO to be reviewed at least once each financial year. The last review was undertaken and adopted by Council in October 2023 (C2310/130), on recommendation from the Policy and Legislation Committee.

OFFICER COMMENT

This report details the outcomes of the annual review and seeks the Council's endorsement of the continuing and amended delegations of authority, with recommended changes to delegations outlined in the following table:

Delegation	Summary of amendments recommended since previous adoption
Local Government Act 1995: Delegations to CEO	
DA 1 – 01 Issuing Notices	No change to power or duty delegated. Minor amendments to description of function for clarity.
DA1 – 02 Entry in an Emergency	No amendments.
DA 1 – 03 Abandoned Vehicle Wreck	No amendments.
DA 1 – 04 Confiscated or Uncollected Goods	No amendments.
DA 1 – 05 Closure of Thoroughfares	No amendments.
DA 1 – 07 Inviting, Rejecting and Accepting Tenders	No change to power or duty delegated. Minor amendments to description of function for clarity. Conditions amended for clarity, and to specify delegation to accept tenders for good and services may only be exercised if there is a provision for the purchase in the adopted budget or Long-Term Financial Plan.
DA 1 – 08 Expression of Interest for Goods and Services	No change to power or duty delegated. Minor amendments to description of function for clarity.
DA 1 – 10 Panels of Pre-Qualified Suppliers	No amendments.
DA 1 – 12 Disposing of Property (Leases at the Busselton Margaret River Airport)	No change to power or duty delegated. Minor amendments to description of function for clarity. Conditions amended as follows: <ul style="list-style-type: none"> • 4(a): Initial annual market rental value of the lease being less than \$25,000 p.a. for ground lease (previously \$10,000); and • 6: Condition removed: provide report of leases entered into under delegation to the Council.
DA 1 – 13 Dispose of Sick or Injured Animals	No change to power or duty delegated. Policy references updated to remove policies not current or not relevant.
DA 1 – 14 Power to Defer, Grant Discounts, Waive or Write-Off Debts	No change to power or duty delegated. Policy references updated to include Council Policy: Community Hire of City Property.

<p>DA 1 – 15 Rates and Service Charges</p>	<p>Description of function expanded for completeness:</p> <ul style="list-style-type: none"> • s6.45(3): The power to impose an additional charge for instalments has been removed, as this function is performed by the Council when adopting the annual budget. • s.6.60(2): Require a lessee to pay the local government rent in satisfaction of an outstanding rate or service charge has been included for completeness. • s.6.64(3): Lodge and withdraw a caveat in respect of land where payment of rate or service charges imposed are in arrears has been included for completeness.
<p>DA 1 – 16 Investment of Surplus Funds</p>	<p>No amendments.</p>
<p>DA 1 – 19 Urgent Legal Representation</p>	<p>No change to power or duty delegated. Policy references updated to remove DLGSC Operational Guideline 14.</p>
<p>DA 1 – 20 Administer Local Laws</p>	<p>No change to power or duty delegated. Hyperlinks to local laws on the City’s website have been updated.</p>
<p>DA 1 – 21 Acquisition of Property</p>	<p>No change to power or duty delegated. Conditions amended to specify delegation may only be exercised if there is a provision for the acquisition in the adopted budget or Long Term Financial Plan.</p>
<p>DA 1 – 22A Disposition of Property: Other than by Lease</p>	<p>No change to power or duty delegated. Conditions amended for clarity (but not changed).</p>
<p>DA 1 – 22B Disposition of Property: Leasing of Property</p>	<p>No change to power or duty delegated. Conditions amended:</p> <ul style="list-style-type: none"> • 3: Delegation leasing of property increased to a value of \$25,000 per annum (from \$25,000 total) for a maximum term not exceeding 10 years reflecting current market rents for leases within the Busselton Community Resource Centre. • Condition removed: provide report of leases entered into under delegation to the Council.
<p>DA1 – 22C Disposition of Residential Property by Lease</p>	<p>No amendments.</p>
<p>DA 1 – 23 Payments from Municipal Fund or Trust Fund</p>	<p>No amendments.</p>
<p>DA 1 – 24 Affixing of the Common Seal</p>	<p>No change to power or duty delegated. Minor amendments to description of function for clarity. Condition removed, as it did not in fact reflect a condition of delegation (instead a description of function).</p>

DA 1 – 25 Complaints Officer – Code of Conduct	Description of power or duty delegated amended to include reference to City of Busselton Code of Conduct – Council Members, Committee Members and Candidates (in addition to Model Code of Conduct).
DA 1 – 26 Rate Exemptions	Condition removed: provide report of rate exemptions approved under delegation to the Council.
Local Government Act 1995: Delegations to Committees	
DA 11 – 01 Meelup Regional Park Management Committee	No change to power or duty delegated. Minor amendments to description of conditions to align to Committee Terms of Reference.
DA 11 – 02 Audit and Risk Committee	No change to power or duty delegated. Statutory references corrected.
DA 11 – 03 Behaviour Complaints Committee	Delegation revoked, Behaviour Complaints Committee has been disbanded.
DA 11 – 04 Airport Advisory Committee	No amendments.
DA 11 – 05 Finance Committee	No amendments.
DA 11 – 06 Policy & Legislation	No amendments.
DA 11 – 07 Waterway Management Committee	New delegation. As per adopted Waterway Management Committee Terms of Reference.
Cat Act 2011: Delegations to CEO	
DA 4 – 01 The Powers and Duties of the Local Government pursuant to the Cat Act 2011	No change to power or duty delegated. Policy references updated to remove Council Policy no longer in force.
Dog Act 1976: Delegations to CEO	
DA 5 – 01 The Powers and Duties of the Local Government pursuant to Dog Act 1976	No change to power or duty delegated. Policy references updated to remove Council Policy no longer in force.

Planning and Development Act 2005: Delegations to CEO	
DA 7 – 01 Development Control	<p>Amendment to express power to delegate: Statutory references corrected.</p> <p>Amendments to conditions:</p> <ul style="list-style-type: none"> • Condition to provide elected members a summary of development applications in Special Character Areas weekly, prior to determination, has been removed as the volume of Special Character Applications which can be determined by the Council has been significantly reduced following changes to regulations for Single House Development. • Condition to review delegation conditions following the Gazettal of Amendment 56 to Local Planning Scheme 21 has been removed, as Amendment 56 is currently on hold and will likely be superseded by a new Local Planning Scheme. • Condition pertaining to 'Reconsideration' of applications for DA has been removed, as there is no statutory basis for 'Reconsideration' and this condition is no longer considered relevant to current operational practices • Condition pertaining to applications for review by the State Administrative Tribunal have been amended for clarity.
DA 7 – 02 Unauthorised Development	No change to power or duty delegated. Statutory references corrected.

Statutory Environment

Section 5.42 of the Act provides the Council with the ability to delegate powers and duties to its CEO. Some powers and duties cannot be delegated in accordance with Section 5.43 of the Act, such as matters that require an absolute majority decision of the Council. Section 5.16 of the Act provides the ability for powers and duties to be delegated to Committees. The Council may impose conditions on any delegation it grants.

Section 44 of the *Cat Act 2011* provides the power for the local government to delegate the exercise of its functions and discharge of its duties to the CEO.

Section 10AA of the *Dog Act 1976* provides Council with the ability to delegate powers and duties to the CEO.

The *Local Government Act 1995*, the *Cat Act 2011* and the *Dog Act 1976* require the review of delegations at least once every financial year.

Relevant Plans and Policies

Policies are referenced in the relevant delegations (where 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

As an alternative to the proposed recommendation the Council could:

1. Not to accept proposed amendments to the delegations; or
2. To request that further amendments are made to the delegations.

CONCLUSION

The annual statutory review has been completed and it is recommended that the Council adopt the City of Busselton Delegations of Authority as set out in attachment 1.

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
Register of Delegated Authority will be amended within 2 weeks of the Council’s adoption	30 October 2024

10.2 Outcomes from the Peak Period Workshop

Strategic Theme:	Key Theme 2: Lifestyle 2.2 Work with key partners to facilitate a safe, healthy and capable community. Key Theme 4: Leadership 4.3 Make decisions that respect our strategic vision for the District.
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:	1. Workshop Record - Peak Periods Policy August 2024 [6.2.1 - 8 pages]

Prior to the meeting, Cr Mikayla Love foreshadowed an alternative motion that was different to the Committee recommendation. In accordance with clause 10.18(7) of the City's Standing Orders Local Law 2018, the Committee recommendation was considered first.

SUBSTANTIVE MOTION

That the Council:

1. Accept the proposed definition of 'peak period' within the Officer Comment section of this report.
2. Request the CEO implement Option 4 of the future management options identified within the Officer Comment section of this report.
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.
4. Request the CEO schedule an elected member information briefing prior to 1 December 2024 to present:
 - a. Cost/benefit feasibility assessment of trialling a coastal node shuttle bus service; and
 - b. Developed visitor dispersion ideas
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.

Lapsed for want of a mover

With the Committee recommendation having lapsed, the foreshadowed alternative motion was moved and carried.

COUNCIL DECISION

C2410/270 Moved Cr Mikayla Love, seconded Cr Jodie Lee

That the Council:

- 1. Accept the proposed definition of 'peak period' within the Officer Comment section of this report.**
- 2. Request the CEO implement Option 4 of the future management options identified within the Officer Comment section of this report.**
- 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.**
- 4. Request the CEO schedule an elected member information briefing prior to 1 December 2024 to present:**
 - a. Cost/benefit feasibility assessment of trialing a coastal node shuttle bus service; and**
 - b. Developed visitor dispersion ideas.**
- 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.**
- 6. 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.**

CARRIED 9 / 0

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

AGAINST: Nil

Reasons: A localised Tourism Destination Management Plan, informed by the South West Destination Management Strategy and stakeholder consultation, will guide the City in developing actions, policies and procedures that support sustainable tourism.

This item was considered at the Policy and Legislation Committee at its meeting held on 18 September 2024, the recommendations of which have been included in this report.

COMMITTEE RECOMMENDATION

That the Council:

1. **Accept the proposed definition of 'peak period' within the Officer Comment section of this report.**
2. **Request the CEO implement Option 4 of the future management options identified within the Officer Comment section of this report.**
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.**
4. **Request the CEO schedule an elected member information briefing prior to 1 December 2024 to present:**
 - a. **Cost/benefit feasibility assessment of trialing a coastal node shuttle bus service; and**
 - b. **Developed visitor dispersion ideas**
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.**

OFFICER RECOMMENDATION

That the Council:

1. **Accept the proposed definition of 'peak period' within the Officer Comment section of this report.**
2. **Request the CEO implement Option 4 of the future management options identified within the Officer Comment section of this report.**
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.**
4. **Request the CEO schedule an elected member information briefing prior to 1 December 2024 to present:**
 - a) **Cost/benefit feasibility assessment of trialing a coastal node shuttle bus service; and**
 - b) **Developed visitor dispersion ideas**
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.**

EXECUTIVE SUMMARY

This report presents the outcomes of the peak period workshop (PPW) held 28 August 2024, in response to Council resolution C2403/74 at the 20 March 2024 ordinary Council meeting.

STRATEGIC CONTEXT

Transparency and engagement with the community with regard to planned management solutions to minimise impacts on the local environment, amenity and provision of usual services that can be incurred as a result of prolonged population surges supports alignment of decision making with the community's strategic vision for the district.

BACKGROUND

At the ordinary Council meeting on 20 March 2024 the Council resolved (in part):

"That the Council:

- 1. Commence a process for the drafting of a "Peak Periods Policy" (or other name to be determined) to be relied upon for future considerations of resourcing, service delivery, education and enforcement.*
- 2. As a first step schedule a workshop with relevant persons to discuss related matters, including but not limited to:*
 - The definition of 'Peak Periods',*
 - Car Parking capacity, access/egress and temporary overflow provisions,*
 - fencing, fines.*
 - Pre-period and during-period education (including signs) and enforcement,*
 - Locations and timing for policy application,*
 - Ranger functions generally and ensuring compliance in peak periods,*
 - Soliciting and recruiting volunteer (Ranger) resources to assist,*
 - Legal obligations pertaining to the implications from matters above; including but not limited to street closures, Reserve use (management orders), volunteer insurance cover, appropriate fines process).*
 - Promotion of the City's proactivity with respect to this policy development*
 - (including possible public advertising).*

...

- 5. Request the CEO to present the outcomes of the workshop to be converted into an item/report for the next scheduled Policy Committee meeting after the workshop"*

This report responds to parts 1, 2 and 5 of that resolution.

OFFICER COMMENT

The tourism sector is a key economic driver of the City of Busselton region, which has substantially contributed to the character of the area. However, the seasonal peaks that exist within the tourism cycle can also have adverse impacts on residents' lifestyles, amenity and environment when left unmanaged.

The City of Busselton has long been regarded as a tourism destination of choice, most recently being recognised as Western Australia Top Tourism Town in the 2024 Australia's Top Tourism Town

awards. Strategic marketing of the local government area as the *'Events Capital of WA'*, destination marketing by tourism bodies and the commencement of interstate flights into Busselton Margaret River Airport has seen overnight visitation increase by 11% from ~809,000 in 2013 to 895,000 in 2023. During the same period the population of the City has also increased by approximately 30% from 34,000 in 2013 to an estimated 43,969 in 2023.

Whilst visitation growth contributes significantly to the local economy, the combined pattern of resident population growth of the area, has resulted in increased pressure on services, amenities and community infrastructure at differing times of the year.

The need to strike the right balance between the benefits and impacts of the visitor economy on the local community was explored during the requested Peak Period Workshop (PPW) on 28 August 2024. The workshop held with elected members and relevant City staff sought to achieve the following objectives:

1. develop a clear and agreed collective definition of 'peak period';
2. explore the current opportunities and issues associated with the 'peak period';
3. discuss improvement actions that are proposed or implemented to date; and
4. identify preferred management strategies for summer of 2024-2025.

Peak period

Through the workshop, agreement was reached amongst the participants that the concept of 'peak period' applies to occasions when the typical municipal population volumes are inflated and the pressure applied on services and community infrastructure influences achievement of delivery targets/expectations.

The concept could be applied to a short, isolated population surge influenced by a significant event, but for the purposes of defining a management approach, consensus amongst the workshop participants was that this pressure becomes problematic when the impacts of these surges are prolonged. For the region, this typically occurs from the 'leavers weekend' (hosted early November) and extends until the summer school holidays ends (around early February) each year.

The following definition of peak period is proposed:

The period between November and February when the pressure on services and infrastructure through increased population volumes require adjusted management solutions to achieve business-as-usual service provision expectations.

Opportunities and impacts

The opportunities and impacts associated with the peak period are experienced in varying ways across differing localities of the City. There is a need to strike a harmonious balance between the economic prosperity associated with the visitor economy and preservation of the region's character.

Challenges identified that exist within the peak period were identified to include parking congestion, impacts on infrastructure and environment, community amenity and antisocial behaviours, lack of dispersion of visitation, waste management, facility congestion, illegal camping, affordability of accommodation, bushfire risk concerns, and irresponsible animal management.

The positive benefits the community receive from the visitor economy were also recognised in discussion, including increased investment in the region, economic and employment opportunities, cultural and entertainment events.

Identified outputs of the peak period can be categorised into management themes, social, environmental, economic and political.

Existing governance framework

The role of the City in tourism is to support, facilitate and continue to build the capacity of the local tourism industry, in a manner that is sustainable and in harmony with community needs, values and expectations. This requires an effective and strategic leadership plan.

The City has a well-established and thorough legislative and strategic governance framework in place that supports accountable management and regulation of the district. Through the workshop the relevant elements in place related to the concept of peak period were explored and discussed.

The below table provides an assessment of the identified challenges associated with the peak period against the existing governance framework to determine any gaps that may impede the ability of the City to effectively manage any negative impacts if required.

Identified challenges	Governance/enforcement tools	Management Controls
Illegal Camping	<i>Caravan and Camping Act 1995 City of Busselton Property Local Law 2010 Council Policy: Compliance and Enforcement</i>	Infringement notices Move on notices Targeted and coordinated inspection blitzes with WAPOL
Parking congestion	<i>Road Traffic Code City of Busselton Parking Local Law 2020 City of Busselton Consolidated Parking Scheme City of Busselton Activities in Thoroughfares & Public Places & Trading Local Law 2015 Council Policy: Compliance and Enforcement</i>	Infringement notices Parking controls and restrictions Towing of vehicles
Campfires	<i>Bushfires Act 1954 City of Busselton Activities in Thoroughfares & Public Places & Trading Local Law 2015 City of Busselton Property Local Law 2010 Council Policy: Compliance and Enforcement</i>	Infringement notices Education campaigns
Damage to native vegetation	<i>Environmental Protection Act 1986 City of Busselton Property Local Law 2010 City of City of Busselton Activities in Thoroughfares & Public Places & Trading Local Law 2015 Council Policy: Compliance and Enforcement Council Policy: Environment</i>	Infringement notices Education campaigns
Waste management	<i>Litter Act 1979 Environmental Protection Act 1986 Waste Local Law 2016 City of Busselton Activities in Thoroughfares & Public Places & Trading Local Law 2015 City of Busselton Property Local Law 2010 Council Policy: Compliance and Enforcement</i>	Infringement notices prosecutions Amended waste services collection frequencies.
Management of dogs	<i>Dog Act 1976 City of Busselton Dog Local Law 2014 City of Busselton Activities in Thoroughfares & Public Places & Trading Local Law 2015 City of Busselton Property Local Law 2010 Council Policy: Compliance and Enforcement</i>	Dog management controls and restrictions across the LG Infringement notices Impoundment mechanisms Education campaigns

Identified challenges	Governance/enforcement tools	Management Controls
Damage to community infrastructure & facilities	<i>City of Busselton Activities in Thoroughfares & Public Places & Trading Local Law 2015</i> <i>City of Busselton Property Local Law 2010</i> <i>Jetties Local Law 2014</i> <i>Council Policy: Compliance and Enforcement</i>	Infringement notices prosecutions
Access to community infrastructure & facilities	<i>Strategic Community Plan</i> <i>Long Term Financial Plan</i> <i>Asset Management Strategy and Council Policy</i> <i>Council Policy: Events</i>	Education campaigns Forward planning processes Permits
Event Management	<i>City of Busselton Activities in Thoroughfares & Public Places & Trading Local Law 2015</i> <i>City of Busselton Property Local Law 2010</i> <i>Council Policy: Events</i> <i>Council Policy: Commercial use of City Land and Facilities</i> <i>Council Policy: Community Hire of City Property</i>	Permits and approval requirements Parking controls and restrictions
Community amenity impact	<i>City of Busselton Activities in Thoroughfares & Public Places & Trading Local Law 2015</i> <i>City of Busselton Property local Law</i> <i>Holiday Homes Local Law 2012</i> <i>Council Policy: Regulation of Holiday Homes</i>	Infringement notices Noise and land use restrictions and conditions of use Ability to withdraw use rights
Anti-social behaviours	<i>City of Busselton Activities in Thoroughfares & Public Places & Trading Local Law 2015</i> <i>City of Busselton Property Local Law 2010</i> <i>Holiday Homes Local Law 2012</i>	Infringement notices

It can be asserted through the above assessment table that there is a comprehensive governance framework which exists that provides any necessary tools for the City to manage the negative challenges that may at times be incurred during the peak period and the issues incurred may instead be a result of gaps in application of the management tools, resourcing constraints, or misalignment between community expectations and operational priorities.

Improvement actions

In an information briefing to elected members on 6 March 2024, City officers presented an overview of the 2023/2024 summer period, focusing on community feedback in relation to issues, concerns, impacts and gaps in achievement of service expectations.

Subsequent to this information briefing, officers investigated further conceptual improvement actions that could be implemented prior to 2024/2025 summer period to address or mitigate the most problematic issues.

Identified issue	Proposed Action	Justification	Implementation Status
Illegal camping	Implementation of parking restrictions in key coastal carparks	Provides an alternative enforcement approach for management of large volumes of illegal campers.	Council adopted On track for implementation by 30 November 2023
Illegal camping	Trial free RV camping areas	There are no locations within the Capes region where free RV roadside camping is permitted. Trialling provision of such areas can support in reducing illegal camping in locations within the LG where this is not supported.	Proposal developed. Information briefing for elected members planned – if supported community consultation on proposed locations to follow.

Identified issue	Proposed Action	Justification	Implementation Status
Bushfire concerns	<p>Implementation of additional Fire danger rating (FDRS) signage.</p> <p>Increased promotion of restrictions that apply.</p> <p>Some parking restrictions</p>	<p>Concerns related to bushfire primarily were associated with campfires or vehicles parking on dry, densely vegetated road verges. Improving education on the significant bushfire risks of the region will assist in changing visitor behaviour.</p>	<p>Council adopted parking changes. On track for implementation by 30 November 2023.</p> <p>City has received DRF grant for installation of 5 additional FDRS and procurement processes are underway.</p>
Event parking congestion	<p>Trial of specified parking areas, kiss and drop and volunteer parking for key events (Iron Man and Jetty Swim) communication and agreed messaging to event participants.</p>	<p>Concerns related to parking issues associated with key significant events are impacting the amenity of surrounding community. Working with event organisers to communicate behaviour expectations and approved all day parking locations will support education of visitors.</p>	<p>On-track, trialling improvement strategies 2 key events.</p>
Dog management	<p>Review of dog exercise areas over summer. Community consultation undertaken to identify issues. Improved signage, education and ranger presence for period seasonal areas in force.</p>	<p>Through community consultation issues were identified in relation to responsible animal ownership practices, and confusion on beach exercise areas due to poor signage and lack of education of dog owner responsibilities. Community feedback indicated the management controls when applied are working but a lack of visibility of Ranger staff to enforce controls is impeding effectiveness.</p>	<p>On-track Report for Council consideration on 18 September 2024 agenda.</p>
Access to boat ramps and trailer parking	<p>Identification of parking areas restricted for boat trailers only between certain times</p>	<p>There are only a limited number of boat ramps distributed throughout the City with limited volumes of associated boat trailer parking. A recurring issue last summer was utilisation of these bays by other vehicles. Formalisation of restriction of use by vehicles without boat trailers may reduce this issue.</p>	<p>Council adopted parking changes. On track for implementation by 30 November 2023.</p>
Access to coastal parking	<p>Implementation of parking restrictions/controls in key coastal carparks.</p>	<p>Improve turn-over of parking or availability of specific parking in key locations.</p>	<p>Council adopted parking changes. On track for implementation by 30 November 2023.</p>

Identified issue	Proposed Action	Justification	Implementation Status
Alignment of Ranger priorities with community expectations	Revised resourcing model to improve service quality	The peak visitor period also coincides with the peak reactive demands of this service area. Illegal camping, bushfire compliance requirements, and livestock management issues all overlap with the peak period. In addition, with increased population there are also increasing non-compliant behaviours related to parking and animal management which are also serviced by this business area.	<p>A revised service structure has been implemented for this workforce since 2023/2024 summer. The changes include revising the seasonal workforce model. Previous year additional contracted resourcing Mon - Fri has been focused on fire compliance and dog beaches with permanent staff focused on business-as-usual activities.</p> <p>Contract staff for 2024/2025 will be rostered to work Fri – Sun, rotating their focus on education and management throughout the city on parking, dog management and camping. In addition, permanent staff have been allocated geographical areas of shared management responsibility to improve response times and proactive management of issues in identified areas.</p>
Damage to vegetation	Implementation of parking restrictions and controls.	Restricting parking of vehicles on the edge of key roads/reserves the vegetation damage has previously be incurred at busy times will allow enforcement action.	Council adopted parking changes. On track for implementation by 30 November 2023.
Parking congestions/undersupply	Development of a local government parking strategy	Through development of a parking strategy supply gaps, provision restraints, movement behaviours and underutilisation of existing parking can be measured and identified to identify locations for future growth and demands, implementation of restrictions and controls, determination of cost/benefit of parking sensors and alignment with future development and infrastructure planning.	Project development underway, with intent to deliver before the end of the 2024/2025 financial year.

Identified issue	Proposed Action	Justification	Implementation Status
Supply of community infrastructure in coastal nodes	Development of coastal node master planning and revision of commercial and mobile trader permit locations	Many of the City's coastal nodes are naturally constrained in the ability to provide further parking or boat ramp infrastructure because of the coastline, topography, existing urban development and national park or vegetated reserve restraints. Through development of master plans that include assessment of patterns of use and issues in each location a structured management approach for future supply and/or improvements can be developed to the uniqueness of each area.	Project scoping underway. Likely to be multi-year delivery timeline for development of master plans.

Additional actions identified within workshop:

In addition to the above actions previously identified with implementation steps underway, the following additional actions to be implemented for the 2024/2025 peak period were proposed through the workshop.

Identified issue	Proposed Action	Justification	Timeframe
Misalignment of service provision with community expectations	Development of a proactive community engagement and education campaign	Improved communication with community in relation to the management actions and avenues for reporting concerns related to negative consequences will improve the trust between community and the City.	To run throughout peak period
Community amenity impacts	Development of a proactive community engagement and education campaign	Many of the community amenity impacts associated with peak period will by default be managed through the identified management controls being applied to address specific issues. In addition to focused controls improving education of community and visitors in expected behaviours and management actions will support understanding and clarification of City priorities and focuses. Improving the ability for community to raise issues in a streamlined manner will also support responsiveness.	To run throughout peak period
Lack of visitor dispersion	Work with MRBTA to promote to visitors variety of attractions and features of the area	In some areas of the City social media influencers or campaigns have highlighted the natural features or beauty which has lead to the locations 'trending' on social media. Promotion of the many other unique natural wonders of the area could assist in dispersal of visitors across the broader local government area rather than congregation in a small number of areas	To be explored prior to 1 December 2024

Identified issue	Proposed Action	Justification	Timeframe
Parking congestion	Explore feasibility of shuttle bus to key coastal nodes	Lack of public transport to many of the popular locations within the LGA mean there is a requirement of users to travel by car. Provision of alternative methods of access may have a positive effect on reducing associated parking congestion.	Feasibility and cost/benefit analysis to be developed and presented to elected members for consideration prior to 1 December 2024

Future management strategies – is a Peak Period Council Policy required?

Through the workshop, understanding was developed between City officers and elected members on the opportunities and challenges associated with peak periods. Agreement was reached between all participants that there is a need to reposition the management approach to responsibly balance the benefits of the visitor economy whilst minimising any impacts on meeting the needs of the resident community.

Balancing continued growth of the local population and annual visitation requires a planned, proactive and strategic approach due to the variety and complexity of the topic.

Within the workshop four alternative future management options were identified:

Option 1: Development of a Peak Period Council Policy

Through the workshop discussion and analysis of the existing legislative and governance framework in place, it was determined that the issues incurred in previous peak periods are unlikely be resolved through adoption of a new Council Policy. The complexity and diversity of the differing facets associated with peak periods constrain the effectiveness of a single generalised policy to provide sufficient direction to appropriately guide the management of each area.

Option 2: Integration of a key statement in existing policies which overlap in governance of peak period issues

Implementation of a key statement to existing Council Policies relevant to peak period issues could support transparency on the desire to ensure a harmonious balance between visitor economy benefits and community amenity impacts. However, most of the issues that have been identified and explored related to the peak period do not require Council Policies to identify the City's decision-making processes. Instead, management of many of the issues are addressed through the state's legislative framework, complemented by the City's Local Laws.

Option 3: Development of a sustainable visitation/destination management strategy

Tourism Western Australia has recently been working with key regional stakeholders to develop a Southwest Destination Management Strategy. Once this document has been released, it will provide a guiding framework that could be used to inform priorities and partnerships needed to address and manage local destination management needs for the City of Busselton.

Option 4: No amendment to the existing governance framework, and continuation of the current methodologies being applied through annual budget and resource planning and operational practices to be flexibly adaptive to responding and addressing annually changing dynamics

It is acknowledged that management controls are required to be implemented to reduce impacts that were incurred at certain points during the 2023/2024 peak period on residents. A significant review of operational processes and management controls has been undertaken since last summer by City officers, with substantive variances identified to be implemented to the operational resourcing, management controls and workload prioritisation approaches prior to the beginning of the 2024/2025 peak period. These variances are likely to improve the balance of the challenges and benefits associated with peak period population surges.

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:

[City of Busselton Community Infrastructure Plan 2022-2035](#)

Policy:

[Commercial Use of City Land and Facilities](#)

[Community Engagement](#)

[Community Hire of City Property](#)

[Environment](#)

[Events](#)

The Events Council Policy and Strategy was recently reviewed in 2023. The process involved business, industry, community and stakeholder consultation; however, it appears that even in this short time the Events Strategy requires a further review to support the direction of event sponsorship and attraction to periods when it is needed. The opening of Saltwater in 2025 will also fulfill the gap in sufficiently large enough indoor events venue and influence events strategies going forward.

The Commercial Use of City Land and Facilities Council Policy is currently under review to include commercial hire sites across the district, their location and purpose. This review will also inform the development of the Dunsborough Foreshore Masterplan and Busselton CBD to Foreshore Structure Plan.

Financial Implications

Not Applicable

External Stakeholder Consultation

As part of Tourism Western Australia’s SW Destination Management Strategy and Implementation Plan the City and other stakeholders had opportunity to raise impacts and opportunities of tourism to inform these documents. When released to Australia’s Southwest to implement they will be key to inform priorities and partnerships needed to address local destination management needs.

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. Request that the CEO implement one of the alternative future management options identified within the report.
2. Request that the CEO implement an alternative management option outside the solutions identified within the report.

CONCLUSION

Balancing the economic benefits associated with tourism and preservation of community amenity requires continued proactive management controls to flexibly respond each year to changing dynamics of visitor behaviours and local population growth.

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
Continue to implement management controls in alignment with the defined timeframes within table 2	30 June 2025
Information briefing with elected members with regards to the actions within part 3 of the resolution	1 November 2024
Information briefing with elected members with regards to the actions within part 4 of the resolution	1 December 2024
2024/2025 Peak period review workshop held with elected members	31 March 2025

10.3 Council Policy Review: Art Collection - City of Busselton Art Gallery

Strategic Theme:	Key Theme 2: Lifestyle 2.1 Recognise, respect and support community diversity and cultural heritage. 2.12 Provide well maintained community assets through robust asset management practices.
Directorate:	Economic and Business Development
Reporting Officer:	Manager Events and Culture – 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. Council Policy: City of Busselton Art Collection [10.3.1 - 2 pages] 2. Council Policy: City of Busselton Art Collection - tracked changes [10.3.2 - 2 pages] 3. Council Policy: City of Busselton Art Collection - Committee Recommendation [10.3.3 - 2 pages]

COUNCIL DECISION

C2410/265 Moved Cr Val Kaigg, seconded Cr Anne Ryan

That the Council adopts the amended Council Policy ‘City of Busselton Art Collection’ as per Attachment 1 to replace the current Council Policy ‘Art Collection – City of Busselton Art Gallery’, subject to amendments inclusive of committee amendment so that the following points read as follows:

- 5.1 The City’s art collection serves as a significant social and cultural asset, showcasing historical and contemporary Australian Art**
- 5.2(c) Originates from the creative response to the South West environment, as well as works that respond to wider environmental issues; and**
- 5.4 An annual acquisitive prize, judged by an appointed panel will be open to Western Australian artists and will form the main basis of growing the collection. All art media are eligible for consideration in this area.**
- 5.12 The loan of pieces from the City of Busselton Art Collection may be loaned to other parties provided it is not for commercial purposes, for a finite period and with the approval and discretion of the CEO.**

CARRIED 9 / 0

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

AGAINST: Nil

EN BLOC

This item was considered at the Policy and Legislation Committee at its meeting held on 18 September 2024, the recommendations of which have been included in this report.

COMMITTEE RECOMMENDATION

That the Council adopts the amended Council Policy ‘City of Busselton Art Collection’ as per Attachment 1 to replace the current Council Policy ‘Art Collection – City of Busselton Art Gallery’, subject to amendments inclusive of committee amendment so that the following points read as follows:

- 5.1 The City’s art collection serves as a significant social and cultural asset, showcasing historical and contemporary Australian Art**
- 5.2(c) Originates from the creative response to the South West environment, as well as works that respond to wider environmental issues; and**
- 5.4 An annual acquisitive prize, judged by an appointed panel will be open to Western Australian artists and will form the main basis of growing the collection. All art media are eligible for consideration in this area.**
- 5.12 The loan of pieces from the City of Busselton Art Collection may be loaned to other parties provided it is not for commercial purposes, for a finite period and with the approval and discretion of the CEO.**

OFFICER RECOMMENDATION

That the Council adopts the amended Council Policy ‘City of Busselton Art Collection’ as per Attachment 1 to replace the current Council Policy ‘Art Collection – City of Busselton Art Gallery’.

EXECUTIVE SUMMARY

This report presents for the Council’s consideration a revised Council Policy for ‘City of Busselton Art Collection’ which incorporates key elements of the Council Policy ‘Art Collection – City of Busselton Art Gallery’ as part of the City’s ongoing policy review process. The Policy has been renamed to broaden the scope to include displays of the City’s art collection in buildings other than just the City of Busselton Art Gallery. It has also been amended with minor amendments and edits to improve readability.

STRATEGIC CONTEXT

The City of Busselton Art Collection Policy provides strategic guidance for the development of the City’s art collection, with a focus on enhancing the educational and cultural experience of community and visitors to the City of Busselton. The establishment and review of Council policies form part of the City’s overall governance system, facilitating open, ethical and transparent decision making.

BACKGROUND

The existing Council Policy 'Art Collection – City of Busselton Art Gallery' was adopted on 21 December 2022 (C2212/302) to provide guidance to Council and staff on the development of the City's art collection, including the acquisition, commissioning, and deaccession of artworks, and the criteria outlining the suitability of these. The policy also outlined the criteria around the City accepting pieces into the art collection via donations, gifts and bequests.

OFFICER COMMENT

The purpose of the Policy is to assist Council and staff to appropriately deal with the development of the City's art collection.

The existing Policy only applied to movable artworks accessioned into the City of Busselton Art Gallery and did not allow for the display of artworks from the collection in other City of Busselton public buildings or areas, or the loan of artworks to be displayed in other appropriate buildings. With the development of the Saltwater Art Gallery looking to attract high profile touring exhibitions, it is important that the Policy allows for the continued display of the City's art collection in Saltwater and other City managed venues such as the Old Courthouse Complex, City of Busselton Administration Building and libraries, as deemed appropriate.

The proposed amendments to the Policy are:

1. Renaming of the Policy from 'Art Collection – City of Busselton Art Gallery' to 'City of Busselton Art Collection' to better reflect the scope of the City's art collection and to allow for the display of pieces of the collection in more venues;
2. Updated information regarding the appropriate storage, maintenance and transport of the art collection pieces;
3. Addition of information regarding the approval process for the loaning of pieces from the art collection;
4. Addition of information regarding the valuation and insurance of the art collection; and
5. Minor edits to improve readability.

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 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:

[Art Collection – City of Busselton Art Gallery](#)

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

CONCLUSION

This report recommends that Council adopt the amended Council Policy 'City of Busselton Art Collection', to replace the existing Policy 'Art Collection – City of Busselton Art Gallery'.

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

10.4 Council Policy Review: AASB 124 Related Party Disclosures

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 Corporate Strategy and Performance - Sarah Pierson
Nature of Decision:	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	<ol style="list-style-type: none"> 1. Council Policy: Related Party Disclosures [6.5.1 - 3 pages] 2. Council Policy: Related Party Disclosures - track changes [6.5.2 - 3 pages]

COUNCIL DECISION

C2410/266 Moved Cr Val Kaigg, seconded Cr Anne Ryan

That the Council adopt Council Policy 'AASB 124 Related Party Disclosures' (Attachment 1), to replace the current policy.

CARRIED 9 / 0

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

AGAINST: Nil

EN BLOC

This item was considered at the Policy and Legislation Committee at its meeting held on 18 September 2024, the recommendations of which have been included in this report.

COMMITTEE RECOMMENDATION

That the Council adopt Council Policy 'AASB 124 Related Party Disclosures' (Attachment 1), to replace the current policy.

OFFICER RECOMMENDATION

That the Council adopt Council Policy 'AASB 124 Related Party Disclosures' (Attachment 1), to replace the current policy.

EXECUTIVE SUMMARY

This report presents a revised Council Policy: 'AASB 124 Related Party Disclosures' (the Policy), with the Policy having been reviewed as part of the City's ongoing review process. The Policy has been updated with additional information to guide Elected Members and key management personnel to meet their obligations.

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

AASB 124 related party disclosure requirements mandate the disclosure of the nature and extent of transactions with affiliated parties. The primary objective of AASB 124 is to ensure that an entity's financial statements contain disclosures necessary to draw attention to the possibility that its financial position and potential profit or loss (surplus or deficit) may have been affected by the existence of related parties and their transactions.

The Policy was initially adopted in September 2017 to provide guidance to all Key Management Personnel (KMP) with respect to related party disclosures. It is expected that in local government, KMP will include Elected Members, the Chief Executive Officer and the next level of management, which in the case of the City of Busselton are Director positions.

The Policy was last reviewed in March 2021 where it was refined to a statement of the need to comply with the accounting standard.

OFFICER COMMENT

Under the *Local Government Act 1995* (the Act) and the *Local Government (Financial Management) Regulations 1996*, all local governments in Western Australia must produce annual financial statements that comply with Australian Accounting Standards. As such the City is required to disclose Related Party Relationships and Key Management Personnel compensation in its Annual Financial Statements.

While legislation does not require a Policy in relation to AASB 124, the Department of Local Government and Communities, now the Department of Local Government, Sport and Cultural Industries, recommends that local government authorities adopt a policy. On review, and after looking at several other local government policies, officers have added some additional guidance information around who is a related party, related party transactions and ordinary citizen transactions (that do not need to be reported). These elements are covered in the standard, however inclusion in the Policy provides an easier reference point.

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.

The *Local Government (Financial Management) Regulations 1996* requires all local governments to produce annual financial statements that comply with the Australian Accounting Standards. Australian Accounting Standard AASB 124 Related Party Disclosures applies to all government entities.

Relevant Plans and Policies

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

Plan:

Not applicable.

Policy:

[AASB 124 Related Party Disclosures](#)

Financial Implications

There are no direct financial implications associated with the Officer Recommendation.

External Stakeholder Consultation

No external consultation has been undertaken as part of this current review of 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 decide to retain the Policy in its current form.

CONCLUSION

This report recommends that Council Policy AASB 124 Related Party Disclosures is readopted following some minor amendments.

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: Risk 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:	<ol style="list-style-type: none">1. Council Policy: Risk Management [10.5.1 - 2 pages]2. Council Policy: Risk Management - tracked changes [10.5.2 - 3 pages]3. Council Policy: Risk Management - Committee recommendation [10.5.3 - 2 pages]

COUNCIL DECISION

C2410/267 Moved Cr Val Kaigg, seconded Cr Anne Ryan

That the Council adopts the Risk Management Policy as per Attachment 1 to replace the current policy inclusive of the following Committee amendments:

- 5.2(f) Clarification to wording in point 5.2(f) to make clear that risk treatment refers to applying an appropriate management plan to reduce risk to an acceptable level (where the current level of risk is outside of tolerance).**
- 5.5 Clarification to wording in point 5.5 to make clear that the Council has an established Audit and Risk Committee.**

CARRIED 9 / 0

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

AGAINST: Nil

EN BLOC

This item was considered at the Policy and Legislation Committee at its meeting held on 18 September 2024, the recommendations of which have been included in this report.

COMMITTEE RECOMMENDATION

That the Council adopts the Risk Management Policy as per Attachment 1 to replace the current policy inclusive of the following Committee amendments:

- 5.2(f) Clarification to wording in point 5.2(f) to make clear that risk treatment refers to applying an appropriate management plan to reduce risk to an acceptable level (where the current level of risk is outside of tolerance).**
- 5.5 Clarification to wording in point 5.5 to make clear that the Council has an established Audit and Risk Committee.**

OFFICER RECOMMENDATION

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

EXECUTIVE SUMMARY

This report presents an amended Council Policy: 'Risk Management' (the Policy), with the Policy having been reviewed as part of the City's ongoing review process.

The Policy is recommended for re-adoption by the Council, with amendments made to better articulate the City's strategic approach to risk management.

STRATEGIC CONTEXT

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

Risk Management is essential for organisations to make informed decisions and allocate resources effectively by the process of identification, assessment, prioritisation and development of strategies to manage and mitigate risks.

BACKGROUND

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

In 2018 the Policy was amended to incorporate the recommendations of a governance review conducted by Mr John Woodhouse. The Policy's reference to the relevant Australian Standard was also updated and the Policy renamed from 'Organisation Wide Risk Management' to simply 'Risk Management'.

In 2021 the Policy was further reviewed (C2109/197) and was considered to provide an important statement of commitment to the development and management of a risk management culture. It was therefore re-adopted.

OFFICER COMMENT

The Policy remains of ongoing relevance and strategic importance, with the Council in March 2024 confirming its support for a planned program to uplift the City's risk management capability, including a review of the City's Risk Management Framework and implementation of regular risk reporting, as well as approval of a new risk resource (with funding allocated in the 2024/25 budget and recruitment in progress).

Amendments are proposed to the Policy to better articulate the City's strategic approach to risk management, based on the Australian Standard AS ISO 31000:2018, and the three lines of defence model. Council's establishment of an Audit and Risk Committee and, more recently, an Internal Audit function supports the third line of defence role of the Council.

It is recommended that the Council adopt the amended Council Policy: 'Risk Management'.

Statutory Environment

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 policies. The Council does this on recommendation of a Committee it has established in accordance with section 5.8 of the Act.

Relevant Plans and Policies

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

Plan:

Not applicable.

Policy:

Not applicable.

Financial Implications

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

External Stakeholder Consultation

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

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's Risk Management Framework, with risks assessed 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. Propose further revisions to the Policy; or
2. Choose not to adopt the Policy.

CONCLUSION

A review of the Policy has been undertaken, with the Policy considered of ongoing strategic relevance. The Policy is therefore recommended for readoption by the Council, with some amendments.

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

10.6 Council Policy Review: Sponsorship Policy

Strategic Theme:	Key Theme 3: Opportunity 3.1 Work with key partners to facilitate the activation of our town centres, creating vibrant destinations and consumer choice. 3.2 Facilitate an innovative and diversified economy that supports local enterprise, business, investment and employment growth.
Directorate:	Corporate Strategy and Performance
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. Council Policy: Sponsorship Arrangements [10.6.1 - 3 pages] 2. Council Policy: Sponsorship Arrangements - tracked changes [10.6.2 - 4 pages] 3. Council Policy: Sponsorship Arrangements - Committee Recommendation [10.6.3 - 3 pages]

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

SUBSTANTIVE MOTION

That the Council endorse the Council Policy 'Sponsorship Arrangements' (Attachment 1) to replace the current policy, inclusive of committee amendments so that the following points read as follows:

5.2 The primary benefits for the provision of City Sponsorships is to support community programs, to meet the City's social responsibility goals and/or to benefit the City and the broader community. The City may have additional requirements, including: a. acknowledgement of the City's Sponsorship; b. reports and data related to the Sponsorship Activity.

5.3 The primary benefits for Persons providing External Sponsorships is to reach key target audiences and/or meet corporate social responsibility goals. The City may provide such a Person additional benefits, including:...

5.4 A Sponsorship proposal should demonstrate:...

5.5 The City will not provide a City Sponsorship or agree to accept an External Sponsorship that: a. could reasonably compromise (perceived or actual) the City's reputation; b. requires the City's endorsement of political parties, religious groups, commercial products, services, businesses or individuals

Lapsed for want of a mover

With the Committee recommendation having lapsed, the foreshadowed alternative motion was moved and carried.

COUNCIL DECISION

C2410/271 Moved Cr Andrew Macnish, seconded Cr Jodie Lee

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'**

CARRIED 9 / 0

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

AGAINST: Nil

Reasons: The amendments to be considered by the Policy and Legislation Committee for paragraph 5.5 b. and g. may improve the clarity of the policy.

This item was considered at the Policy and Legislation Committee at its meeting held on 18 September 2024, the recommendations of which have been included in this report.

COMMITTEE RECOMMENDATION

That the Council endorse the Council Policy 'Sponsorship Arrangements' (Attachment 1) to replace the current policy, inclusive of committee amendments so that the following points read as follows:

- 5.2 The primary benefits for the provision of City Sponsorships is to support community programs, to meet the City's social responsibility goals and/or to benefit the City and the broader community. The City may have additional requirements, including:
 - a. acknowledgement of the City's Sponsorship;**
 - b. reports and data related to the Sponsorship Activity.****
- 5.3 The primary benefits for Persons providing External Sponsorships is to reach key target audiences and/or meet corporate social responsibility goals. The City may provide such a Person additional benefits, including:...**
- 5.4 A Sponsorship proposal should demonstrate:...**
- 5.5 The City will not provide a City Sponsorship or agree to accept an External Sponsorship that:**

- a. could reasonably compromise (perceived or actual) the City's reputation;**
- b. requires the City's endorsement of political parties, religious groups, commercial products, services, businesses or individuals;**

OFFICER RECOMMENDATION

That the Council endorse the Council Policy 'Sponsorship Arrangements' (Attachment 1) to replace the current policy.

EXECUTIVE SUMMARY

This report presents a revised Council Policy: Sponsorship Arrangements (the Policy) (Attachment 1) to outline the circumstances in which the City will enter into sponsorship arrangements through the provision of a sponsorship to a person or organisation or through accepting sponsorship from external persons. The Policy establishes a policy framework for the establishment of Sponsorship arrangements that support achievement of strategic objectives.

STRATEGIC CONTEXT

The provision of sponsorship supports Council's ability to maximise opportunities for collaboration with external persons or entities to meet objectives outlined in the City's strategic community planning. The policy ensures good governance regarding the provision and acceptance of sponsorship.

BACKGROUND

The City has a current policy entitled Sponsorships Arrangements, last reviewed and adopted by the Council in 2020. This policy is focused on the City's various community and events funding rounds, where the City provides funding to an external person or organisation; currently facilitated through the following programs:

- Event Sponsorship – to assist in the funding and attraction of year-round events to the region. This is guided by the Council policy Events.
- Community Bids (inclusive You Choose) – to provide financial assistance to organisations that provide services or activities to the community, of a value greater than that provided under the Minor Donations program; and
- Minor Donations – to provide minor grants of financial assistance to eligible groups and individuals for the pursuit of personal endeavours which may have benefit to the broader community.

From time to time, the City is also presented with an opportunity to receive sponsorship from an external person or organisation. This could take the form of sponsorship of an event, a contribution to a capital works project or provision of in-kind services for the delivery of a program. In the absence of an endorsed policy covering this, officers do not have clear guidelines governing how to manage these opportunities.

Rather than create a new policy governing sponsorship received from external persons, given the synergies, officers are recommending that the current policy be amended / expanded to outline principles for both incoming and outgoing sponsorship arrangements. Given the extent of the changes a track changes version has not been provided.

OFFICER COMMENT

The City does not currently have a policy governing the receipt of external sponsorship, but it does from time to time enter into sponsorship arrangements (for example with Rio Tinto). It would be better practice for the Council to have an endorsed policy that officers can consult prior to entering into sponsorship arrangements with external persons or groups.

The Policy sets out that a sponsorship proposal must, on balance, benefit the City, its ratepayers, residents, visitors and/or the community at large, and be consistent with the City's strategic objectives. It further sets out a range of circumstances under which the City will not enter into a sponsorship arrangement.

The Policy, with a broader principle-based focus, does not specifically reference the current programs under which City sponsorship is provided, however the various current guidelines for established programs are referenced.

Statutory Environment

Pursuant to section 2.7 of the Act, the Council, as governing body, is to determine the City's policies. Council established pursuant to section 5.8 of the Act a Policy and Legislation Committee to make recommendations to Council in relation to the City's policies.

Officers have reviewed statutory requirements to ensure the policy aligns with the *Local Government Act 1995* (the Act).

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:

[Events](#)

Financial Implications

Not Applicable

External Stakeholder Consultation

Officers have reviewed the sponsorship policies of other local governments who provide and / or receive funding from sponsors to ensure alignment with industry peers.

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. Request changes to the Policy prior to endorsing it; or
2. Choose not to endorse the Policy.

CONCLUSION

This report seeks endorsement of an amended Sponsorship Arrangements Council policy that governs both incoming and outgoing sponsorship arrangements.

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 City's website	Within two weeks of adoption

10.7 List of Payments Made - August 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 August 2024 [10.7.1 - 10 pages]

COUNCIL DECISION

C2410/272 Moved Cr Val Kaigg, seconded Cr Anne Ryan

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

CHEQUE PAYMENTS	120042 - 120076	131,602.33
ELECTRONIC TRANSFER PAYMENTS	105120 - 105613	5,920,966.22
TRUST ACCOUNT	EFT# TR000060 - TR000062	40,701.41
PAYROLL	01.08.2024 - 31.08.24	1,906,005.59
INTERNAL PAYMENT VOUCHERS - DIRECT DEBITS	5819 - 5860	69,643.96
SYSTEM GENERATED PAYMENTS - BOOKABLE	REF-1	32.00
TOTAL PAYMENTS		8,068,951.51

CARRIED 9 / 0

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

AGAINST: Nil

EN BLOC

OFFICER RECOMMENDATION

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

CHEQUE PAYMENTS	120042 - 120076	131,602.33
ELECTRONIC TRANSFER PAYMENTS	105120 - 105613	5,920,966.22
TRUST ACCOUNT	EFT# TR000060 - TR000062	40,701.41
PAYROLL	01.08.2024 - 31.08.24	1,906,005.59
INTERNAL PAYMENT VOUCHERS - DIRECT DEBITS	5819 - 5860	69,643.96
SYSTEM GENERATED PAYMENTS - BOOKABLE	REF-1	32.00
TOTAL PAYMENTS		8,068,951.51

EXECUTIVE SUMMARY

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

Statutory Environment

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

Relevant Plans and Policies

Not applicable.

Financial Implications

Not applicable.

External Stakeholder Consultation

Not applicable.

Risk Assessment

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

Options

Not applicable.

CONCLUSION

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

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Not applicable.

10.8 Monthly Financial Report - Year to Date 31 August 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:	<ol style="list-style-type: none"> 1. Monthly Financial Report - August 2024 [10.8.1 - 20 pages] 2. Investment Report - August 2024 [10.8.2 - 1 page] 3. Loan Schedule - August 2024 [10.8.3 - 1 page]

COUNCIL DECISION

C2410/273 Moved Cr Val Kaigg, seconded Cr Anne Ryan

That the Council receives the statutory monthly financial report for the period ending 31 August 2024, pursuant to Regulation 34(4) of the *Local Government (Financial Management) Regulations 1996*.

CARRIED 9 / 0

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

AGAINST: Nil

EN BLOC

OFFICER RECOMMENDATION

That the Council receives the statutory monthly financial report for the period ending 31 August 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 31 August 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 31 July 2024, the Council adopted (C2407/206) the following material variance reporting thresholds for the 2024/25 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 2024/25 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 2024/25.

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 31 August 2024

The Statement of Financial Activity (FAS) for the year to date (YTD) shows an overall Net Current Position (NCP) of \$66.9M as opposed to the YTD budget of \$69.7K. 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	2024/25 Actual YTD \$	2024/25 Budget YTD \$	2024/25 Budget \$	2024/25 YTD Bud Variance %	2024/25 YTD Bud Variance \$	Change in Variance Current Month \$
Amount Attributable to Operating Activities (excluding non-cash items)				(1.17%)	(807,102)	(857,467)
Revenue from Operating Activities				0.51%	404,462	480,650
1. Interest Earnings	946,682	671,911	3,786,039	40.89%	274,771	131,535
Expenses from Operating Activities				0.64%	91,854	(810,272)
2. Other Expenditure	(346,965)	(445,914)	(8,292,981)	22.19%	98,949	(140,357)
Amount Attributable to Investing Activities (excluding non-cash items)				(5.15%)	(118,243)	(146,700)
3. Land & Buildings	(1,587,898)	(1,383,855)	(22,106,576)	(14.74%)	(204,043)	(63,402)
Amount Attributable to Financing Activities (excluding non-cash items)				(282.24%)	(1,864,850)	(2,711,196)
4. Transfer to Restricted Assets	(5,151,488)	0	-	(100.00%)	(5,151,488)	(2,975,029)
5. Transfer from Reserves	3,030,934	4,266,207	43,355,661	(28.95%)	(1,235,274)	(609,204)

Investment Report

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

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

As at 31 August the value of the City's invested funds increased to \$105.29M from \$99.28M as at 31 July 2024. The increase is due to rates funds received.

As at 31 August 2024 the 11am account balance is \$18.0M, being an increase from \$8.0M from 31 July 2024. The increase of \$10.0M to the 11am account is due to rate funds received.

During the month of August, three term deposits matured. One was closed and two were fully re-invested for a further 197 days at 4.90% on average.

The official cash rate remained steady during the month of August 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 no principal or interest repayments 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 August 2024 are provided below to ensure there is appropriate oversight and awareness.

Date	Payee	Description	\$ Amount
31/07/2024	MAILCHIMP	ELECTRONIC NEWSLETTER PR	419.20
1/08/2024	WEST AUSTRALIAN	MONTHLY DIGITAL SUBSCRIPTION	28.00
1/08/2024	ZAMPOL PTY LTD WEST PINJARRA	SUGITO VISIT	19.30
1/08/2024	KFC PINJARRA	SUGITO VISIT	15.45
2/08/2024	SUSHILION SAITAMA	SUGITO VISIT	126.00
3/08/2024	TRIBE PERTH	ACCOMMODATION FOLLOWING ATTENDANCE AT WALGA HONOURS AWARD NIGHT -CR. LOVE	229.00
3/08/2024	SEVEN-ELEVEN TOKYO	SUGITO VISIT	9.45
3/08/2024	SEVEN-ELEVEN TOKYO	SUGITO VISIT	6.22
4/08/2024	TULLYS COFFEE 0315 KASUKABE	SUGITO VISIT	30.05
5/08/2024	TOKYUPLAZA GINZA TOKYO	SUGITO VISIT	622.67
5/08/2024	NIKKOREN TOKYO	SUGITO VISIT	21.61
6/08/2024	TOKYO SOLAMACHI SUMIDAKU	SUGITO VISIT	134.42
6/08/2024	FUJIIJIDOSHIYA TOKYO	SUGITO VISIT	10.07
6/08/2024	DOUTOR COFFEE TOKYO	SUGITO VISIT	18.80
6/08/2024	KOKUSAI MOTORCARS TOKYO	SUGITO VISIT	12.31
7/08/2024	THE COFFEE BEAN-T3TS SINGAPORE	SUGITO VISIT	39.35
7/08/2024	OKUNIJIDOSHA 00-0000-0000	SUGITO VISIT	304.37
7/08/2024	MCDONALD'S CHIBA	SUGITO VISIT	12.57
8/08/2024	INGOT HOTEL	ACCOMMODATION IN PERTH -LATE RETURN FORM SUGITO VISIT	157.00

Date	Payee	Description	\$ Amount
8/08/2024	INGOT HOTEL	ACCOMMODATION IN PERTH -LATE RETURN FORM SUGITO VISIT	157.00
8/08/2024	SUSHI SUSHI	COUNCIL LUNCH 14/08/24	222.20
13/08/2024	SMITHEREENS CAFE COWARAMUP	MEETING BETWEEN CEO & SHIRE OF AMR SENIOR STAFF	54.00
29/08/2024	WEST AUSTRALIAN	MONTHLY DIGITAL SUBSCRIPTION	28.00
29/08/2024	MYGUESTLIST PTY LTD ABBOTSFORD	MAYOR CRONIN REGISTRATION FOR AUSTRALIAS TOP TOURISM AWARDS FUNCTIONS CANBERRA 9-10 SEPTEMBER	164.80
30/08/2024	TICKETS*REGIONAL F BELROSE	BCCI – REGIONAL FUTURES BREAKFAST LAUNCH	21.97
30/08/2024	DUANE CORP PTY LTD BUSSELTON	STAFF BRIEF SAUSAGE ROLLS	250.00
31/08/2024	MAILCHIMP	BAY TO BAY NEWSLETTER	411.00
		TOTAL	3,524.81

Donations & Contributions Received

To the best of officer's knowledge, during the month no non-infrastructure assets (bridges, roads, POS etc), donations or contributions were received by the City or its key management personnel.

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 2024-2025 (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 Council. Council may wish to make additional resolutions as a result of having received these reports.

CONCLUSION

As at 31 August 2024, the City's net current position stands at \$66.9M, and cash reserve balances remain sufficient for their purposes.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Not Applicable.

11. COMMUNITY PLANNING REPORTS

11.1. Consent to advertise Local Planning Scheme No. 22

Strategic Theme:	Key Theme 2: Lifestyle 2.8 Plan for and facilitate the development of neighbourhoods that are functional, green and provide for diverse and affordable housing choices. 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:	Community Planning
Reporting Officer:	Senior Strategic Planner – Justin Biggar
Authorised By:	Director Community Planning – Gary Barbour
Nature of Decision:	Legislative: adoption of “legislative documents” such as local laws, local planning schemes and local planning policies.
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. CONFIDENTIAL REDACTED - Local Planning Scheme No 22 - Confidential Summary of Changes [11.1.1 - 5 pages] 2. CONFIDENTIAL REDACTED - City of Busselton Local Planning Scheme No 22 [11.1.2 - 139 pages] 3. CONFIDENTIAL REDACTED - City of Busselton Local Planning Scheme No. 22 - Scheme Maps [11.1.3 - 43 pages]

Prior to the meeting, Cr Anne Ryan foreshadowed an alternative motion that was different to the Officer Recommendation.

Due to the alternative motion considering matters in the confidential attachments the Presiding Member determined, pursuant to clause 5.2(1) of the City’s Standing Orders Local Law 2018, that the report be considered as part of Item 18 – Confidential matters.

COUNCIL DECISION

C2410/275 Moved Cr Anne Ryan, seconded Cr Jodie Lee

That the Council

- 1. Defer the item until the 11 December 2024 Council meeting and LPS22 is made available to the public prior to that date.**
- 2. The confidential attachments be made available to the public as part of the minutes of this meeting.**

CARRIED 8 / 1

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

AGAINST: Mayor Phill Cronin

Reasons: Deferring this item and making the confidential attachments public, provides the community with the opportunity to consider the proposed draft Local Planning Scheme No. 22 (the

Scheme) prior to the Council resolving to refer the Scheme to the Environmental Protection Authority and Western Australian Planning Commission as required by the relevant legislation.

OFFICER RECOMMENDATION

That the Council:

- 1. Pursuant to Section 72 of the *Planning and Development Act 2005* (the Act) and Regulation 21 and 22 of the *Planning and Development (Local Planning Schemes) Regulations 2015* resolve to advertise the draft City of Busselton Local Planning Scheme No. 22 (LPS22 or the Scheme).**
- 2. Prior to advertising and in accordance with regulation 21 of the *Planning and Development (Local Planning Schemes) Regulations 2015* resolve to –**
 - (a) Refer LPS22 to the Environmental Protection Authority (EPA) in accordance with section 81 of the Act to consider whether formal environmental assessment is required pursuant to section 48A of the *Environmental Protection Act 1986*;**
 - (b) Refer LPS22 to the Western Australian Planning Commission (WAPC) to seek approval from the Minister to advertise the proposed Scheme pursuant to section 83A of the Act;**
 - (c) Make any modifications as required by the Commission prior to commencement of advertising.**

EXECUTIVE SUMMARY

This report has been amended and re-published since its original publication in the agenda for the 16 October 2024 Ordinary Council meeting, to include further information about land use terms (Chalet, Guesthouse, Rural Holiday Resort, Tourist Accommodation) that were inconsistent with the model scheme text and required removal. An updated version of the draft local planning scheme has also been attached.

Following a directive issued by the Western Australian Planning Commission (WAPC) in 2019 and the subsequent resolution of Council in April 2023 (C2304/065), the City has finalised the preparation of a new local planning scheme to replace Local Planning Scheme No. 21 (LPS21).

Local Planning Scheme No. 22 (LPS22 or the Scheme) has been drafted to align with State direction and to establish a streamlined planning framework that best reflects modern practice and terminology. The draft Scheme is accordingly presented to Council for consent to advertise.

STRATEGIC CONTEXT

LPS22 is a statutory document that guides and manages development across the entire local government area and accordingly aligns with all four of the key strategic themes. In particular, the planning scheme will facilitate open and transparent decision making (4.8), encourage an innovative and diversified economy (3.2), provide for diverse and affordable housing choices (2.8), and ensure the protection and enhancement of environmental values (1.1).

BACKGROUND

LPS21 was gazetted on 15 October 2014 and applies to the whole district of the City of Busselton. Following enactment of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), elements of LPS21 became redundant as they were superseded by the state framework.

To address this issue, Council resolved in 2017 to progress a series of omnibus amendments to better align LPS21 with the new state planning framework, a decision further supported by the City's 2019 'Report of Review' which found the current Scheme was fit for purpose. However, the WAPC did not support the proposed approach and directed a new scheme be prepared to fully implement the state mandated framework. Since this time, officers have been engaged in the preparation of LPS22.

While a one-size-fits-all approach as adopted by the State is useful for consistency and simplicity, it can result in the loss of local nuance in addressing specific issues, particularly for a local government area as large and varied as the City. As such, the drafting of the new Scheme has been a complex and ongoing process that will require further input from Council and the local community through the consultation period prior to finalisation.

OFFICER COMMENT

The current local planning scheme is approaching ten years of age and does not comply with the state planning framework which has sought to standardise planning schemes. These requirements are set out in the Regulations, which establishes a Model Scheme Text (MST) to be adopted by all new planning schemes.

LPS22 is not intended to be a root and branch reform document but to rather update existing provisions to reflect latest terminology and standards. Within this narrow scope, the City has also sought to simplify existing development requirements, delete redundant elements and streamline the approval process, with an overarching aim to simplify where possible and strengthen where necessary.

As the Scheme requires consent from the Minister for Planning prior to the commencement of formal advertising the Scheme documentation has been provided as a confidential attachment. Standard changes required by the MST are detailed in the body of the report while recommended Scheme provisions that are subject to further modification or potential deletion by the Minister have been detailed in the confidential attachment.

Zoning changes

Zones	Commentary
Existing zones removed from LPS22	
Viticulture and Tourism	Inconsistent with MST standard zones, required to be removed. All lots to be incorporated into 'Rural' zone.
Bushland Protection	Inconsistent with MST standard zones, required to be removed. All lots to be incorporated into 'Environmental Conservation' zone.

Rural Landscape	Inconsistent with MST standard zones, required to be removed. All lots to be incorporated into 'Environmental Conservation' zone.
New zones included in LPS22	
Cultural and Natural Resource Use	The intent of the zone is to accommodate land identified for the Noongar Land Estate through the native title settlement process. This is an ongoing process with only one land parcel identified for inclusion in the zone currently. Once further properties are identified, these will be rezoned through a Scheme amendment process following gazettal of LPS22.
Private and Community Purpose	The Private Community Purpose zone is to accommodate such sites as private schools, religious establishments, and community service providers (e.g. – Salvation Army). The zone will predominantly be used to replace the 'Special Use' zone that currently applies to a number of these sites.

Land use term changes

In aligning with the MST, the City has been required to delete and replace a number of existing land use terms. These are generally unproblematic and involve minor changes in land use titling and description or consolidation of land use terms. For example, 'art gallery' is deleted and incorporated into the 'exhibition centre' definition.

However, for several land uses, the standardisation process would result in potentially inappropriate land use outcomes that would impinge on existing amenity. As such, additional development standards have been drafted to address the unintended consequences of standardisation, as discussed below.

Land Use Term	Commentary
Aircraft landing area	New definition proposed to be introduced to LPS22. To better manage the impacts of scenic flights operating from existing tourist businesses in the 'Rural' zone. The land use applies to commercial operations and is not intended to control the operation of personal aircraft, including where used for farming purposes.
Brewery Winery	Inconsistent with MST, required to be removed. Replaced with 'beverage production facility.' The consolidation of the different alcohol production types into one land use term is problematic, particularly as a brewery generates significant amounts of wastewater and is typically disconnected from any rural use of the subject land. Breweries built at scale for wholesale purposes in the Rural zone are generally inappropriate and more suitably located in the industrial zones in the City.

	<p>Breweries with a tourism function (i.e. – restaurant, tavern) will still be permitted and encouraged in the Rural zone, subject to appropriate management of on-site impacts.</p> <p>Accordingly, additional development standards have been included for the ‘beverage production facility’ land use to guide scale and encourage relocation to the industrial zones over a certain threshold size.</p>
<p>Chalet Guesthouse Rural Holiday Resort Tourist Accommodation</p>	<p>All land use terms are inconsistent with MST and required to be removed.</p> <p>Replaced with ‘tourist and visitor accommodation.’</p> <p>Consolidation into one land use term is problematic as the City was previously able to utilise the zoning table to set appropriate levels of permissibility for the different accommodation types.</p> <p>For example, while a ‘chalet’ is permitted in the ‘Environmental Conservation’ zone, a larger scale ‘rural holiday resort’ is not. Of particular concern is that ‘tourist accommodation,’ which is typically an urban tourist offering provided for in the Centre zones, has been incorporated into a broad based land use. Such consolidation has implications for zoning table permissibility.</p> <p>Accordingly, additional development standards have been included for the ‘tourist and visitor accommodation’ land use to guide the appropriate scale and permissibility for the respective zones.</p> <p>The rural tourist accommodation framework provided for in the existing policy has been utilised to develop these standards, including guidance around minimum lot size, number of accommodation units permitted and protection of environmental values.</p>
<p>Lunch bar Takeaway food outlet</p>	<p>Both land use terms are inconsistent with MST and required to be removed.</p> <p>Replaced with ‘food outlet’ and ‘food outlet with drive through facility.’</p> <p>The introduction of ‘food outlet with drive through facility’ allows the City to remove the Drive Through Facility Special Control Area with permissibility now addressed through the zoning table.</p> <p>Noting there are only two distinct areas of ‘Service Commercial’ zoned land, it is intended to make ‘food outlet with drive through facility’ an X across all zones to prevent the current and future ‘Service Commercial’ zoned land along Commonage Road from becoming a car-centred urban corridor of low amenity.</p> <p>It is proposed to provide an Additional Use land right for the ‘Service Commercial’ zoned land along Bussell Highway and identified ‘Regional Centre’ zoned lots which currently accommodate several drive-through food outlets.</p>

Revised and new planning provisions

While the main purpose of the new Scheme is to align with State direction, it also provides an opportunity to update and/or introduce new standards where there is a demonstrated need to protect identified values.

Where new standards are proposed to be introduced, they adopt a ‘development management’ rather than ‘development control’ approach, with the aim of encouraging and incentivising positive development outcomes. The proposed changes are detailed in the confidential attachment.

Special Control Areas

The purpose of Special Control Areas (SCA’s) are to provide bespoke development controls to address a specific issue, such as flood mitigation, visual amenity or wetland protection. A number of changes are proposed to the SCA framework with the intent of both simplifying and to strengthen where required to protect identified values.

Several new or modified SCA’s are proposed in LPS22, each accompanied by a supporting local planning policy to provide additional guidance on implementation and use of discretion. These are discussed in the confidential attachment.

Special Control Areas (SCA)	Commentary
Existing SCA’s deleted from LPS22	
Designated Bushfire Prone Areas	SCA deleted. The controls set out in the SCA are contained in the Regulations and State Planning Policy 3.7 – Planning in Bushfire Prone Areas.
Development Investigation Area	SCA deleted. The purpose of the Development Investigation Area is to identify areas that require structure planning. This has been replaced by the ‘Urban Development’ zoning as per the Regulations.
Drive Through Facility Control Area	SCA deleted. As discussed previously in the report, due to the introduction of the ‘food outlet with drive through facilities’ land use, permissibility can be set through the zoning table. Deletion will remove an additional planning layer.
Port Geopraphe Development Area	SCA deleted. As the area is largely developed, the provisions are largely redundant. Built form requirements with an ongoing purpose and application (e.g. – canal wall setbacks) have been transferred to LPS22 at Schedule E. Deletion will remove an additional planning layer.
Special Provision Area	SCA deleted. The SCA is inconsistent with the Model Scheme Text with relevant provisions able to be addressed through a different mechanism in the updated planning framework. In removing the SCA and the related schedule, the City has undertaken a review of all existing Special Provisions with the majority being deleted. Where there are requirements with an

	<p>ongoing purpose and application (e.g. – building height or setback requirements), these have been transferred to LPS22 at Schedule E or F.</p> <p>Deletion will remove an additional planning layer.</p>
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General corrections

Drafting of the new Scheme has provided the opportunity to correct irregularities in LPS21 that have occurred over time due to modifications to the state and local planning framework.

Proposed Changes	Commentary
<p>Additional Uses</p> <p>Restricted Uses</p> <p>Special Uses</p>	<p>A comprehensive review has been undertaken of the respective schedules with provisions either being deleted or updated to reflect the current land use terminology and/or development standards.</p> <p>Entries in the respective schedules were deleted if addressed by another section of the planning framework. For example, several additional uses granted under TPS20 have since become broadly permissible under the current planning framework.</p>
<p>Development Guide Plans</p> <p>Structure Plans</p>	<p>All development guide plans (DGP's) and structure plans (SP's) approved prior to 2015 are due to expire in 2025. As part of the Scheme review process, the City undertook an audit of the 300+ existing DGP's and SP's to determine which were still relevant and required.</p> <p>Those with relevant and ongoing requirements, such as building height restrictions or setback controls, have been transferred to the new Scheme (e.g. – Enterprise Park, Dunsborough).</p> <p>Where development has occurred or the planning framework has since moved in an alternate direction, the SP or DGP will be allowed to lapse, and the general controls provided for in the Scheme to be applicable.</p>
<p>Reserves</p>	<p>LPS21 only features two reserve types – Public Purpose and Recreation, while there are several specific reserve types as per the MST.</p> <p>All reserves currently identified in the Scheme (1200+) have been reviewed and updated to reflect the most appropriate reserve type as per the MST.</p> <p>Further, a significant number of reserves and publicly owned lots were incorrectly zoned under LPS21. These parcels have been identified and reserved under LPS22 to reflect the nature of their ongoing use.</p>

Urban development zone	<p>'Urban Development' zoned lots where development has occurred will be rezoned through the Scheme review process.</p> <p>The 'Urban Development' zone is a transitional zoning used to identify land areas requiring additional planning prior to development. Once development has occurred, standard practice is for the transitional zoning to be replaced with a hard zoning through a basic scheme amendment. The Scheme review has been used to undertake this process rather than through separate scheme amendments.</p>
Zoning changes	<p>Various zoning updates have been implemented either to correct mapping errors or for the zoning to better reflect the nature of the development and/or land use on a site, consistent with the MST.</p>

Consolidation of local planning policies

Important development standards (e.g. setback requirements, built form and car parking) have been included in the Scheme to provide greater weight with supplementary and supporting provisions to be contained in the updated suite of local planning policies (LPP's).

The primary purpose of LPP's are to provide parameters for the exercise of discretion as well as providing guidance on meeting specific design outcomes identified for an area or type of development. To manage the scope and ensure the timely delivery of draft LPS22, a review and redrafting of relevant policies will be undertaken as LPS22 progresses through the consultation and review process in 2025.

The LPP review will be informed by submissions received during Scheme consultation with a suite of revised LPP's finalised at such time as there is a level of certainty around the final status and form of the Scheme provisions.

Statutory Environment

The *Planning and Development Act 2005*, section 72, provides for a local government to prepare a local planning scheme with reference to any land within its district. Once a scheme has been prepared, regulation 21 of the Regulations requires the local government to either proceed to advertise the Scheme with or without modifications or to not advertise the scheme.

Following a resolution to advertise, the local government must seek the consent of the Minister to commence advertising, pursuant to section 83A of the Act. At this stage, the Minister may request modifications be made to the Scheme prior to consent being granted.

Once consent is granted, the Scheme will be advertised for a period of 90 days.

Relevant Plans and Policies

The local government is required to prepare a new scheme that is consistent with the planning framework. Key elements of the framework include the following:

- Leeuwin-Naturaliste Sub Regional Strategy;
- City of Busselton Local Planning Strategy; and
- Suite of state planning policies.

Financial Implications

There are no financial implications associated with the officer recommendation.

External Stakeholder Consultation

Following Council decision for consent to advertise, the draft Scheme will be forwarded to the Commission and the Environmental Protection Authority (EPA) for review.

The Commission has 90 days, or a longer period if authorised by the Minister, to review the Scheme and provide a recommendation to the Minister. Following review, the Commission may require modifications to the Scheme prior to public consultation. Concurrently, the EPA will assess the Scheme within 28 days as required under section 48A of the *Environmental Protection Act 1986* to determine whether environmental assessment is required. It is noted that while the EPA has 28 days to issue a formal recommendation, the review process may take longer if the EPA requests further information to facilitate their assessment.

Pending an EPA decision and consent from the Minister to advertise, the City will commence formal consultation with the community and state agencies. An engagement plan is currently being finalised to support the roll-out of the consultation process which is envisaged to include the following –

- Your Say page containing all relevant documents, including draft Scheme and mapping;
- Notification via weekly newspaper advertisement;
- Notification via City's newsletter and social media channels;
- Online mapping system with property search results to be hyperlinked to explanatory documents;
- General letters to all land-owners within the City advising of draft Scheme;
- Targeted letters to land-owners affected by specific changes (e.g. – change of zoning, removal of Additional Use land right);
- Suite of explanatory documents, including FAQ's and infographics detailing key changes; and
- Several in-person community access sessions in key identified locations (e.g. – Vasse, Dunsborough and Busselton).

The engagement strategy will utilise several different channels and methods to broaden community outreach as effectively as possible.

Risk Assessment

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

Reputational risk arises as landowners may object to changes in the planning framework that affect their property. Risk will be mitigated through an extensive consultation program advising owners of the proposed changes and the underlying rationale. The submission process will allow owners to raise issues of concern to be addressed by the City in the final formulation of the Scheme.

Risk Category	Risk Consequence	Likelihood of Consequence	Risk Level
Reputational	Minor	Possible	Medium

Options

As an alternative to the proposed recommendation the Council could:

1. Resolve to proceed to advertise the draft local planning scheme with modifications; or
2. Seek further information before making a decision.

CONCLUSION

Draft LPS22 is state planning framework compliant and will provide a modern and flexible planning document to guide the development of the City for the near future. As a regional local government of significant size, the preparation of the Scheme presents a complex challenge and the City welcomes the opportunity to engage with the community to produce a Scheme that both enables growth and best protects the values that make the City such a special place to live and work.

It is recommended that Council resolve to proceed to advertise draft LPS22.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Following resolution of Council in accordance with the officer recommendation, the Scheme documentation will be forwarded to the WAPC and EPA for review and consent to advertise.

The timeframe for WAPC review is 90 days, or longer where authorised by the Minister and 28 days for EPA review, though this may be longer subject to EPA request for further information. Based on statutory timeframes, it is anticipated the Scheme will be released for public consultation in February/March 2025 for a period of 3 months.

11.2. Local Heritage Survey and Heritage List following consultation

Strategic Theme:	Key Theme 2: Lifestyle 2.1 Recognise, respect and support community diversity and cultural heritage.
Directorate:	Community Planning
Reporting Officer:	Senior Planner (Major Development) - Emma Craddock
Authorised By:	Director Community Planning - Gary Barbour
Nature of Decision:	Legislative: adoption of "legislative documents" such as local laws, local planning schemes and local planning policies.
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. Attachment 1 - Heritage List [11.2.1 - 10 pages] 2. Attachment 2 - Local Heritage Survey [11.2.2 - 531 pages] 3. Attachment 3 - Schedule of Submissions [11.2.3 - 33 pages] 4. Attachment 4 - Heritage Framework [11.2.4 - 1 page]

DISCLOSURE OF INTEREST	
Date	16 October 2024
Meeting	Ordinary Council
Name/ Position	Cr Kate Cox
Item No./ Subject	11.2 Local Heritage Survey and Heritage List following consultation
Type of Interest	Impartiality Interest
Nature of Interest	I submitted the application to include the Peppermint Tree (No 64) Dunn Bay Road Dunsborough to be included on the Heritage Register.

Prior to the meeting Cr Ryan foreshadowed an alternative motion that was different to the officer recommendation. In accordance with clause 10.18(6) of the City's Standing Orders Local Law 2018, it was taken to be an alternative motion and was considered first. The alternative motion was moved and carried.

COUNCIL DECISION

C2410/276 Moved Cr Anne Ryan, seconded Cr Jodie Lee

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.**

CARRIED 6 / 3

FOR: Cr Anne Ryan, Cr Jodie Lee, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love and Cr Richard Beecroft

AGAINST: Mayor Phill Cronin, Cr Kate Cox and Cr Jarrod Kennedy

Reasons: Upgrading the status of the Busselton War Memorial (PN156) to category 1 reflects its historical significance. Horticultural inspection has determined that the The Fraxinus Excelsior on the grounds of Phoebe Abbey House at Lot 151 (No. 42) Seymour Street, West Busselton (PN038) is likely an original planting and may therefore be appropriate for inclusion on the Heritage List.

OFFICER RECOMMENDATION

That the Council:

- 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.**

EXECUTIVE SUMMARY

The *Heritage Act 2018* (the Act) requires that local governments prepare a Local Heritage Survey (LHS). A LHS informs the preparation of a Heritage List, for places identified as having cultural heritage significance within the scheme area, as required under the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

The LHS and Heritage List was last reviewed and adopted by Council at its meeting of 13 August 2014 (C1408/200 refers). Following a detailed review and analysis, the City prepared a draft LHS and draft Heritage List. At its meeting held on 31 July 2024 (C2407/190 refers), Council resolved to approve the public advertising of the draft LHS and draft Heritage List for a period of 21 days.

A total of 40 submissions were received providing comments and additional information on several different places. Following advertising, minor modifications are proposed to both the draft LHS and draft Heritage List in response to submissions provided. It is recommended that Council endorses the modified draft LHS and adopts the modified draft Heritage List.

STRATEGIC CONTEXT

In accordance with the City's Strategic Community Plan, the LHS and Heritage List is considered in the context of recognising and respecting the City's cultural heritage whilst providing opportunities for the community to engage and contribute to transparent decision making.

BACKGROUND

The City has successfully secured a matched funding grant from the Department of Planning, Lands and Heritage (DPLH) to review the current LHS and Heritage List, enabling the City to engage Hocking Heritage Architects to undertake a detailed analysis of the current Municipal Heritage Inventory (MHI) (now referred to as the LHS) and new place nominations. A six-week nomination period was completed by the City between 4 March 2024 and 15 April 2024 seeking new place nominations from the public. A total of 22 submissions were received.

The draft Local Heritage Survey and draft Heritage List were presented to the Council meeting of 31 July 2024 (C2407/190 refers) where Council resolved to advertise both documents, in conjunction with the revised draft *Local Planning Policy 4.3 Heritage Conservation* for a period of 21 days. Public advertising was undertaken from 7 August to the 28 August 2024. The inter-relationship of the heritage framework is outlined in Attachment 4.

OFFICER COMMENT

Draft Local Heritage Survey

The LHS has been developed to align with the Heritage Council of Western Australia (HCWA) Guidelines for Local Heritage Surveys. The key changes from the current LHS are:

- A review and update of the allocated Management Categories to reflect current HCWA guidelines.
- New photographs for all places.
- Revision of Place Record Forms in accordance with the HCWA guidelines.
- Updates to place record forms to reflect the status of demolished places and include in a separate appendix.
- Review of text for grammar and flow and updates where appropriate.
- Update of physical descriptions with reference to the new photographs.
- Inclusion of Aboriginal Sites where applicable (where a place has Aboriginal significance as well as European Heritage significance).
- Management category 5 sites will form an Appendix to the draft LHS. These will have a place record and be included within a separate 'Heritage Interest Sites' document.

The LHS will require a further update following endorsement, to allow for a detailed review of the thematic history as an administrative process. Place record forms or the Heritage List will not be amended because of this update.

Hocking Heritage, in conjunction with the City have undertaken an assessment on each existing and proposed place. The assessment process included site visits to new sites or places where substantial changes were made since the LHS was last reviewed, a review of existing place records, and/or information provided with nominations and desktop analysis.

Place records have been prepared for each place on the LHS and include:

- Site information.
- Construction details.
- Historical information.
- Statement of significance.
- Photographs, including archival images.

Each place on the LHS is classified based on the contribution of a place to local cultural heritage, recognising the varying degrees of importance, consistent with the HCWA Guidelines. An exception to this is the inclusion of management category 5 – Place of Interest. This has been recommended by Hocking Heritage to identify sites which may no longer have formal structures, but their heritage contributes in some way to the history of Busselton and should be recognised. The 5 management categories are:

Category	Level of Significance	Description	Expectations
1	Exceptional (Heritage List and State Heritage Listed places)	Essential to the heritage of the area. Rare or outstanding example.	The place should be retained and conserved. Any alterations or extensions should reinforce the significance of the place and be in accordance with a Conservation Plan if one is in place. Consider for nomination for State Heritage Listed places if not already included.
2	Considerable (Heritage List)	Very important to the heritage of the locality. High degree of integrity/ authenticity	Conservation of the place is highly desirable. Any alterations or extensions should minimise impacts on the original site or building and reinforce the significance of the place.
3	Moderate Local Heritage Survey	Contributes to the heritage of the locality. May have some altered or modified elements, not necessarily detracting from the overall significance; contributes to the heritage of the locality.	Conservation of the place is desirable. Any alterations or extensions should reinforce the significance of the place and retain original fabric where feasible.
4	Some Local Heritage Survey	Some significance Lower degree of integrity/authenticity but contributes to the heritage of the locality.	Retain elements of the place where feasible. Photographically record prior to major development or demolition.

5	Place of Interest Local Heritage Survey - Heritage Interest Sites (Appendix 1)	Historic Site Site relevant to a past event, group or individual which contributes to the understanding of the history of the City of Busselton.	Recognise and interpret the site if possible.
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A substantial number of management category 5 sites have been identified as part of the detailed analysis of the LHS. It is recommended that all management category 5 places be included as a list within an appendix to the LHS. Place records will be prepared at a later date for all management category 5 sites and will form part of a separate “Heritage Interest Sites” document, ensuring that the history of these sites will not be lost in the future.

Nominations

The City invited nominations from the community for new places to be included on the LHS over a six-week period from 4 March 2024 to 15 April 2024. A total of 22 new nominations were received and can be summarised as:

Type of Nomination	
Requests for places that are already included on the current Local Heritage Survey.	7 requests
Places subject to a Heritage Agreement between the City and a third party.	2 requests (2 new places)
Requests for new places for inclusion.	13 requests (8 new places)
Total	22

Several heritage agreements have been entered into as a condition of subdivision of a heritage property. Under the *Heritage Act 2018*, a heritage agreement primarily may relate to land constituting the whole or any part of a place included in a heritage list or a heritage area. It may also include places of special interest relevant to the cultural heritage a place possesses; the relationship of the place to a registered place; or the nature of, or the potential relationship of a place to a particular environment meriting conservation. Department of Planning, Lands and Heritage have advised that those properties with a heritage agreement must be included on the Heritage List to ensure their protection.

Following a detailed analysis and assessment of the 8 new nominated places, 10 places, including those the subject of a heritage agreement were reviewed and recommended for inclusion in the draft LHS by Hocking Heritage. These places were included in the advertised draft LHS and outlined in the report presented to the Council meeting of 31 July 2024 (C2407/190 refers).

Changes in Management Categories

The following table summarises those places which, following a detailed analysis, were proposed to change management categories as part of the draft LHS and those annotated bold were **new** recommended inclusions on the Heritage List as advertised. The table identifies where a submission has been received during public advertising in relation to that place:

Place Number	Place Name	Previous Category	Proposed Category	Comment	Submission received Y/N
PN064	Acton Park Hall and First Settlers Memorial – Lot 30 (No.804) Acton Park Road, Acton Park	4	2	Upgraded due to importance of the building to the history of the region and high degree of integrity.	N
PN065	Ambergate Hall – Lot 4455 (No.573) Queen Elizabeth Street, Ambergate	4	2	Upgraded due to importance of the building to the heritage of the locality and high degree of integrity.	N
PN172	Drive-in Cinema – Lot 3 (No.500) Bussell Highway, Broadwater	3	4	Downgraded as no longer functioning but still retains some elements. Lower degree of integrity/authenticity but contributes to the heritage of the locality.	N
PN001	Agricultural Bank of Western Australia – Lot 468 (No.7) Queen Street, Busselton	4	1	Upgraded. State Heritage Listed. Essential to the heritage of the area and a rare or outstanding example.	Y
PN012	Busselton Jetty – Lot 350 (No.2) Queen Street, Busselton	4	1	Upgraded. State Heritage Listed. Essential to the heritage of the area and a rare or outstanding example.	N
PN013	Busselton Post Office – Lot 19 (No.70) Prince Street, Busselton	4	3	Upgraded due to continuity of function and widespread use.	N
PN157	A.R. Bovell & Son – Lot 13 (No.42) Queen Street, Busselton	2	4	Downgraded due to major alterations and additions.	N
PN015	Churchill Park – Lot 410 (No.78) Adelaide Street, Busselton	4	3	Upgraded as it contributes to the heritage of the locality. May have some altered or modified elements, not necessarily detracting from the overall significance.	N
PN022	Esplanade Hotel – Lot 20 (No.30-38) Marine Terrace, Busselton	1	2	Downgraded due to lack of original fabric.	Y

PN028	Yoonderup – Lot 1 (No.71) Kent Street, Busselton	1	2	Downgraded due to lack of original fabric.	N
PN032	Old Busselton Cemetery – Lot 413 Stanley Street, Busselton	4	1	Upgraded as essential to the heritage of the area and a rare or outstanding example.	N
PN033	Post Box – corner of Queen Street and Adelaide Street, Busselton	4	2	Upgraded as essential to the heritage of the area and a rare or outstanding example.	N
PN034	Old Butter Factory – Lots 1, 2, 328, 500 & 501 (No.76) Peel Terrace, Busselton	4	1	Upgraded. State Heritage Listed. Essential to the heritage of the area. Rare or outstanding example.	Y
PN035	Busselton Court House and Police Complex – Lot 364 (No.4) Queen Street, Busselton	4	1	Upgraded. State Heritage listed. Essential to the heritage of the area. Rare or outstanding example.	Y
PN036	Busselton Fire Station (former) - Lot 425 (No.68) Queen Street, Busselton	4	2	Upgraded due to importance of the building to the heritage of the locality. High degree of integrity/authenticity.	N
PN043 PN044	Ship Hotel and Stables – Lot 6 (No.8) Albert Street, Busselton	1	2	Downgraded due to lack of original fabric.	N
PN054	Sun Dial at Signal Park - Lot 400 Marine Terrace, Busselton	4	2	Although a small element, upgraded due to long presence in the streetscape at this site.	Y
PN058	Vasse Hotel – Lot 20 (No.38) Duchess Street, Busselton	3	2	Upgraded as very important to the heritage of the locality. High degree of integrity/authenticity.	N
PN060	Weld Hall Theatre – Lot 310 (No.13) Queen Street, Busselton	4	1	Upgraded. State Heritage Listed. Essential to the heritage of the area. Rare or outstanding example.	Y
PN156	Busselton War Memorial – Lot 229 Peel Terrace, Busselton	4	2	Upgraded. Very important to the heritage of the locality. High degree of integrity / authenticity.	Y
PN161	Dr Yates’ House – Lot 45301 (No.15) Albert Street, Busselton	1	2	Downgraded as not considered worthy of State Heritage Registration.	N

PN194	Waljin Aboriginal Garden – Lot 73 (No.22-38) Peel Terrace, Busselton	4	3	Upgraded as contributes to the heritage of the locality. May have some altered or modified elements, not necessarily detracting from the overall significance.	N
PN072	Cape Naturaliste Light House and quarters – Various lots, Cape Naturaliste Road, Cape Naturaliste	4	1	Upgraded. State Heritage Listed. Essential to the heritage of the area. Rare or outstanding example.	N
PN073	Carbanup Hall – Lot 71 (No.3) Wildwood Road, Carbanup River	4	2	Upgraded due to importance of the building to the history of the region.	N
PN203	Old Dunsborough Hall – Lot 183 (No.44) Gifford Road, Dunsborough	4	2	Upgraded as it contributes to the heritage of the locality. May have some altered or modified elements, not necessarily detracting from the overall significance.	N
PN080	St George’s Anglican Church - Lot 105 (No.50) Gibney Street, Dunsborough	3	2	Upgraded due to importance to the heritage of the locality. High degree of integrity/authenticity.	N
PN091	Jindong Hall – Lot 1663 (No.335) Payne Rd, Jindong	4	2	Upgraded due to importance of the building to the history of the region.	N
PN196	Locke Swamp Floodgates – Lot 45 (No.407) Caves Road, Kealy	4	2	Upgraded due to the significance of the place to the history of the region.	N
PN097	Marybrook Farmhouse – Lot 61 (No.197) Chain Avenue, Marybrook	2	4	Downgraded as there is a lower degree of integrity/authenticity but contributes to the heritage of the locality.	Y
PN195	Lennox River Channel Weir – Lot 4794 (Reserve 40676) Caves Road, Marybrook	4	2	Upgraded due to the importance to the heritage of the locality. High degree of integrity/authenticity.	N
PN128	Sugar Loaf Rock - Sugar Loaf Road, Cape Naturaliste	4	3	Upgraded due to importance to the heritage of the locality. High degree of integrity/authenticity.	N

PN190	Point Picquet and Anse Depuch – Lot 4970, Eagle Bay – Meelup Road, Naturaliste	4	3	Upgraded due to importance to the heritage of the locality. High degree of integrity/authenticity.	N
PN155	Youth Hostel – 3 rd Quindalup School House – Lot 42 (No.201) Geopraphe Bay Road, Quindalup	4	3	Upgraded due to importance of the building to the heritage of the locality. May have some altered or modified elements, not necessarily detracting from the overall significance.	N
PN109	Newtown Hall (Vasse Hall) - Lot 366 (No.8) Kaloorup Road, Vasse	4	2	Upgraded due to importance of to the heritage of the locality. High degree of integrity / authenticity.	N
PN137	Vasse School (fmr) - Lot 4711 (No.17) Kaloorup Road, Vasse	4	1	Upgraded due to inclusion on State Heritage Register. Essential to the heritage of the area. Rare or outstanding example.	Y
PN009	Busselton High School – Lot 5308 (No.136-156) Busselton Highway, West Busselton	4	3	Upgraded due to importance of the building to the history of the region.	N
PN056	Sussex Masonic Lodge and Hall – Lot 42 (No.60) West Street, Busselton	1	2	Downgraded as not considered worthy of State Heritage registration	N
PN011	Busselton Hospital Nurses Quarters (former) - Lot 500 (No.18-20) West Street, West Busselton	4	3	Upgraded as contributes to the heritage of the locality. May have some altered or modified elements, not necessarily detracting from the overall significance.	N
PN019	Sussex Road Office Board – Lot 61 (No.47) Bussell Highway, West Busselton	4	2	Upgraded due to importance of the building to the history of the region.	N
PN142	Wilyabrup Hall – Lot 503 (No.697) Puzey Road, Wilyabrup	4	2	Upgraded due to importance of the building to the history of the region.	Y
PN096	Ludlow Forestry Mill & Settlement – Lot 303,304,305 Bussell Highway, Wonnerup	4	1	Upgraded. State Heritage Listed. Essential to the heritage of the area. Rare or outstanding example.	N
PN088	Injidup Springs – Lot 302 Injidup Spring Road, Yallingup	4	3	Upgraded due to importance to the heritage of the locality. High degree of integrity/authenticity.	N

PN095	Lucy Isaacs Graveyard – Yallingup-Siding	4	2	Upgraded due to significance of this site to history of the region.	Y
PN149	Yallingup Hall – Lot 1178 (No.2305) Caves Road, Yallingup	4	2	Upgraded due to importance to the heritage of the locality. High degree of integrity/authenticity.	N
PN130	Residence (fmr) – Lot 10 (No.2) Canal Rocks Road, Yallingup	3	2	Upgraded due to Heritage Agreement requirements. On current Heritage List.	N
PN082	Curtis Bay – Curtis Bay, Yallingup	4	3	Upgraded due to importance of the early settlement and heritage of the locality. High degree of integrity/authenticity.	N
PN105	Mullgarnup Aboriginal Mission – Site – Lot 8 Wonnerup South, Yalyalup	2	4	Downgraded due to the lack of original fabric/buildings but contributes to the heritage of the locality.	N
PN191	Group 52 Lennox Hall – Lot 884 (No.3) Yoongarillup Road, Yoongarillup	4	2	Upgraded due to importance of the building to the history of the region.	N

Submissions received and indicated in relation to the above-mentioned places are included within the schedule of submissions and discussed below where applicable. (Attachment 3 refers).

Local Heritage Survey – Post consultation modifications

New inclusion

Submissions received during consultation identified one additional site for inclusion within the LHS as follows:

Place Number	Place Name	Previous Category	Proposed Category	Comment
PN217	Busselton Aerodrome – various lots, Bovell and Ambergate.	N/A	4	Notable legacy of the area as an operational base unit during World War Two.

The submission outlined the significance of the aerodrome as an Operations Base Unit during World War Two. The City also identified several correspondences received since the MHI was last reviewed requesting the City's consideration of the aerodrome within the LHS. A place record has subsequently been completed and a management category of 4 is proposed, ensuring that the place is included within the Local Heritage Survey.

Sites to be downgraded

Country Womens Association (CWA) Building at Lot 312 (No.48) Stanley Place, Busselton

A total of 14 submissions were received during consultation opposing the proposed management category. The following key concerns were raised by submitters:

- The building has a number of structural issues which have been identified by a structural engineering consultant.
- The building lacks functionality and purpose as a community space.
- The building has a number of ongoing maintenance costs, including plumbing, asbestos, electrical upgrading, floor and roofing issues.
- The CWA of WA Busselton is an integral part of the region's rich historical narrative and not the building itself.
- A new building in this space, with a plaque to commemorate the history would be more appropriate and useful for not only the CWA, but other community organisations.

Following the close of consultation, the City has subsequently completed a ground truth assessment, including undertaking a site visit with the CWA where it was identified that there was no significant interior within the building and substantial structural damage throughout. This site visit has enabled Hocking Heritage and the City to consider the site in greater detail and a modification is proposed to the place record to amend this to a management category 3. Whilst the site will remain on the LHS, it will no longer be included within the Heritage List.

“Wilyabrup Hall” Lot 503 (No. 697) Puzey Road, Wilyabrup (PN142)

The City was provided with a submission during consultation in relation to “Wilyabrup Hall”. Comments indicated concern with the ongoing requirements and restrictions in relation to having the hall on the Heritage List and associated costs. Hocking Heritage have subsequently reviewed the place in greater detail and agreed that the level of integrity and authenticity is minimal. It is recommended that Wilyabrup Hall be downgraded to a management category 4. The place will remain on the Local Heritage Survey but will not be included on the Heritage List.

“Ambergate Hall” Lot 4455 (No.573) Queen Elizabeth Street, Ambergate (PN065)

Following the above submission, the City undertook a review of all halls proposed to move onto the Heritage List as a management category 2. Internal consultation with the City’s property management team, has determined that “Ambergate Hall” should be downgraded to a management category 3 given that there is no significant interior and conservation of the place is not desirable. Ambergate Hall will remain on the Local Heritage Survey but will not be included within the Heritage List. All other halls will remain as management category 2.

“St Mary’s Church Hall” Lot 60 (No.12) Lockville Road, Wonnerup (PN213)

One submission was additionally received in relation to St Mary’s Church Hall which was captured within the current MHI as “Lockville Farmhouse and Outbuildings and St Mary’s Church Hall” (PN094). The advertised draft LHS, created a separate place record for “St Mary’s Church Hall” as a management category 1 following reconstruction and subdivision. Comments within the submission suggested that this would be more appropriately classified as a management category 2. Hocking Heritage have assessed the place record and information provided within the submission, resulting in the building being downgraded to management category 2 due to its reconstruction. Despite this, the building warrants significant recognition as part of the City of Busselton's heritage and should be afforded the necessary protection.

Management category 5 additions

A total of 54 sites are currently recommended for inclusion as management category 5 in the LHS, which includes several sites that are identified as management category 4 in the current MHI. A detailed review of the new management criteria indicated that these are more appropriately captured as management category 5 'sites' that require recognition as they have some cultural heritage significance.

The schedule of submissions (Attachment 3 refers) identifies several new sites for nomination and as potential additions to the LHS. These sites require further investigation and a detailed review of their heritage significance which may include further consultation with the submitters and landowners. Should they be identified as potential sites worthy of recognition, they will be categorised under the management category 5 criteria. Following a review, a full list of these sites will be provided as an Appendix to the LHS and included within a separate document called 'Heritage Interest Sites'.

Other submissions

Other submissions received during consultation provided additional historical information on heritage places and identified grammar or formatting changes. The submissions have been reviewed and where information can be verified, place records have been updated.

Busselton War Memorial at Lot 229 Peel Terrace, Busselton (PN156)

Five submissions were received during consultation regarding the upgrade of the Busselton War Memorial from a management category 4 to a management category 2. All five submissions identified the importance of this place and requested that this be further upgraded to management category 1. HCWA at its meeting of 28 February 2020 confirmed that the place did not warrant assessment for the State Register of Heritage Places. Advice from Hocking Heritage is that the Busselton War Memorial holds considerable significance for the City, though its importance may not extend as prominently to the State level. With the construction of the new memorial in Rotary Park in 2024, the current site will see a reduction in services, but it will continue to serve as a place for commemoration and reflection.

Wildcroft Cottage at Lot 70 (No.1970) Caves Road, Naturaliste (PN140)

Three submissions received in relation to Wildcroft Cottage requested that the place record be updated to include the barn given the considerable heritage significance of the building. The place record has been updated accordingly to explicitly reference the barn to ensure a clear distinction between the buildings on site.

Phoebe Abbey House at Lot 151 (No.42) Seymour Street, West Busselton (PN038)

Four general submissions were received regarding Phoebe Abbey House which remains as management category 1 as the property is under assessment to be State Heritage Listed. Comments received sought clarification to ensure it was included and general commentary around the importance of this building. The City is currently liaising with the landowner regarding conservation of this place, recognising the importance of Phoebe Abbey House to the history of the area and to the community.

The Heritage and Property Services team at DPLH additionally provided comment in relation to the draft LHS suggesting minor text modifications to ensure clarity and distinction around heritage terminology. Text updates have been made to the modified draft LHS in line with the suggested updates.

Peppermint Tree (No.64) Dunn Bay Road, Dunsborough (PN212)

One submission was received during consultation in relation to the Peppermint Tree within the road reserve on Dunn Bay Road, Dunsborough providing comment that the tree should be on the Heritage List and a significant tree register should be created to complement the Heritage List. The City is currently reviewing controls around protection of trees within the City, however it is identified that the subject tree is located on road reserve and under the control and management of the City. It is considered that the management category 4 proposed is appropriate in this instance and that other mechanisms are in place to ensure the protection of the tree.

Draft Heritage List – Post consultation modifications

Part 8, section 104 of the *Heritage Act 2018* states that the purposes of a LHS for local governments includes, among others, assistance in preparing a heritage list or list of heritage areas under a local planning scheme. Whilst a LHS is important in identifying heritage places it can only provide guidance in the assessment of development applications for places on the Heritage List established and maintained within the Local Planning Scheme under the *Regulations*.

The HCWA guidelines for establishing a heritage list additionally recommend that a local planning policy be adopted to support the development provisions of such places. A separate report is included within this agenda for Council’s adoption of *Local Planning Policy 4.3 - Heritage Conservation* (item 11.3 refers).

Following advertising, properties identified as having a management category 1 or 2 within the draft LHS are recommended for inclusion on the Heritage List. A total of 33 new places proposed for inclusion, as indicated in bold within the “Change in Management Categories” table within this report. Of these, 24 are owned by the City of Busselton or the State Government.

The detailed analysis undertaken by Hocking Heritage identified ten places proposed for removal from the Heritage List. Whilst these places are proposed to be either downgraded or removed from the Heritage List they will remain on the LHS. Due to the change in management category matrix, management category 3 are no longer included on the Heritage List, with those considered to be worthy of retention on the Heritage List being upgraded to management category 1 or 2. Only one submission was received during public advertising in relation to the below list of places to be removed, being from the owners of Marybrook Farmhouse at Lot 61 (No.197) Chain Avenue, Marybrook (PN097), who were supportive of the change in management category and the ability to be able to restore the character of the cottage with modern building materials.

See table below for the full list of places recommended for removal from the Heritage List:

Place Number	Place Name	Previous Category	Proposed Category	Comment
PN172	Drive-In Cinema – Lot 3 (No.500) Bussell highway, Broadwater	3	4	Downgraded as no longer functioning but still retains some elements. Lower degree of integrity/authenticity but contributes to the heritage of the locality.

PN157	A. R. Bovell & Son – Lot (No.42) Queen Street, Busselton	2	4	Downgraded due to major alterations and additions that are not considered to be sympathetic/compatible to the traditional building styles of the Heritage Protected Place.
PN049	St Joseph’s Church – Lot 19 (No.69) Prince Street, Busselton	3	3	Remaining as a category 3 due to the change from its original use and additions/alterations to the building.
PN162	House – Lot 3 (No.35-39) Kent Street, Busselton	3	5	Building demolished. Reclassified to a category 5 and recognised as a site.
PN173	Bryant Memorial Hall – Lot 19 (No.47) Kent Street, Busselton	3	3	Remaining as a category 3 due to the volume of remnants from the original fabric that remain.
PN074	Carbunup Shop – Lot 8 (No.6672) Bussell Highway, Carbunup River	3	3	Remaining as a category 3 due to the major additions and alterations that have been undertaken. The original use and value to the community still remain.
PN087	Harris Residence – Lot 501 (No.8) Newberry Street, Dunsborough	3	3	Major alterations and additions have been undertaken and are not considered to be sympathetic/compatible to the traditional building styles of the Heritage Protected Place.
PN197	Old Railway Goods Shed – Lot 3120 (No.308) Payne Road, Kaloorup	3	3	Major alterations and additions have been undertaken and are not considered to be sympathetic/compatible to the traditional building styles of the Heritage Protected Place.
PN097	Marybrook Farmhouse – Lot 61 (No.197) Chain Avenue, Marybrook	2	4	Downgraded due to major deterioration, it can no longer be restored.
PN182	Rushleigh Homestead – Lot 52 (No.46) Rushleigh Road, Reinscourt	3	3	Major alterations and additions have been undertaken and are not considered to be sympathetic/compatible to the traditional building styles of the Heritage Protected Place.

The Heritage and Property Services team at Department of Planning, Lands and Heritage (DPLH) in reviewing the Heritage List as advertised, provided the following comments for the City’s consideration:

- Include a description of each place and the reason for its entry in the heritage list in the table as per Part 3 Clause 8(2)(a) of the deemed provisions.

- Identify in the table as to whether the building has a significant interior, as the new provisions require planning approvals for interior works only where a place has been designated as having a significant interior.

The Heritage List has been modified, with additional columns included addressing the above. (Attachment 1 refers).

Statutory Environment

Legislation

Heritage Act 2018.

Heritage Regulations 2019.

Planning and Development Act 2005.

Planning and Development (Local Planning Schemes) Regulations 2015.

Local Planning Scheme No. 21.

State Government Policies

State Planning Policy 3.5 Historic Heritage Conservation.

Relevant Plans and Policies

Local Planning Policy 4.3 Heritage Conservation provides guidelines for the City and landowners in achieving the conservation of significant heritage places. A review of this LPP has been undertaken concurrently with a review of the LHS to ensure consistency between all documents and legislative requirements. The City's review of this policy and report to Council seeking consent to advertise is included as item 11.3 of this agenda.

Financial Implications

The 2023/24 Community Planning budget accounted for the preparation of a local heritage survey and heritage list. In addition, the City has received a matched 50:50 funding grant of \$20,000 from the Department of Planning, Lands and Heritage, which is to be used towards meeting the costs of engaging a heritage consultant to prepare the local heritage survey and Heritage List.

External Stakeholder Consultation

The Regulations require that a local government must not enter a place in, or remove a place from, the Heritage List or modify the entry of a place in the Heritage List unless the local government has advertised the place to each owner and occupier of the place for a period of 21 days. There is no legislative requirement to advertise an LHS.

Notwithstanding, both the draft LHS and draft Heritage List were advertised concurrently with the revised draft LPP4.3 (item 11.3 of this agenda) for a period of 21 days from 7 August 2024 to the 28 August 2024 by way of:

- Letters to all owners and occupiers of places on the draft Heritage List.
- Letters to all owners of places on the draft Local Heritage Survey.
- Letters to known local heritage interest groups and persons.
- A notice on the City's 'Your Say' Busselton website and Bay to Bay newsletter.
- A notice within the local community newspaper.
- Notices on the City's social media platforms.
- Notices at the City's administration building and libraries.

A total of 40 submissions were received in relation to the draft LHS and draft Heritage List. Key submissions received have been discussed within this report and a full schedule of submissions is provided. (Attachment 3 refers)

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. The key risks are considered to be reputational.

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

Options

As an alternative to the proposed recommendation the Council could not endorse the Local Heritage Survey or adopt the Heritage List.

CONCLUSION

The draft Local Heritage Survey will fulfil the City's requirements under the *Heritage Act 2018* and will provide an updated Heritage List identifying places worthy of protection under the Regulations and LPS21.

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
Formal publication of the Local Heritage Survey and Heritage List.	Within one month of decision.
Give notice of the modifications to the Heritage List to the Heritage Council of Western Australia	Within one month of the decision
Notify all owners and occupiers of each place on the Heritage List	Within one month of the decision

11.3. Review of Heritage LPP - following consultation

Strategic Theme:	<p>Key Theme 2: Lifestyle</p> <p>2.1 Recognise, respect and support community diversity and cultural heritage.</p> <p>2.8 Plan for and facilitate the development of neighbourhoods that are functional, green and provide for diverse and affordable housing choices.</p> <p>Key Theme 4: Leadership</p> <p>4.1 Provide opportunities for the community to engage with Council and contribute to decision making.</p> <p>4.3 Make decisions that respect our strategic vision for the District.</p>
Directorate:	Community Planning
Reporting Officer:	Senior Planner (Major Development) - Emma Craddock
Authorised By:	Director Community Planning - Gary Barbour
Nature of Decision:	Legislative: adoption of "legislative documents" such as local laws, local planning schemes and local planning policies.
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 Local Planning Policy 4.3 - Heritage Conservation - modified [11.3.1 - 13 pages] 2. Draft Local Planning Policy 4.3 - Heritage Conservation - as advertised [11.3.2 - 11 pages] 3. Local Planning Policy No. 4.3 - Heritage Conservation - current [11.3.3 - 15 pages] 4. Schedule of Submissions [11.3.4 - 3 pages] 5. Heritage Framework [11.3.5 - 1 page]

COUNCIL DECISION

C2410/277 Moved Cr Val Kaigg, seconded Cr Anne Ryan

That the Council, pursuant to clauses 3 and 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts the revised Local Planning Policy 4.3 Heritage Conservation, as modified (Attachment 1 refers).

CARRIED 9 / 0

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

AGAINST: Nil

EN BLOC

OFFICER RECOMMENDATION

That the Council, pursuant to clauses 3 and 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts the revised Local Planning Policy 4.3 Heritage Conservation, as modified (Attachment 1 refers).

EXECUTIVE SUMMARY

The Council is asked to consider adopting for final approval, *Local Planning Policy 4.3 Heritage Conservation* (LPP4.3) following public advertising. LPP4.3 has been reviewed to align with the City's review of the Local Heritage Survey (LHS) and Heritage List which form Item 11.2 of this agenda.

LPP4.3 provides development guidance for heritage listed properties identified within the City's Heritage List. It supports the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations* (the Regulations) which are included within *Local Planning Scheme No. 21* (LPS21). The current version of LPP4.3 is provided at Attachment 3.

At its meeting held on 31 July 2024 (C2407/189 refers), Council resolved to proceed to advertise the draft revised LPP4.3 for a period of 21 days. Public consultation concluded on 28 August 2024, with two submissions received, being comment-only submissions. In response to the submissions received, further minor modifications are proposed to the policy, to reinsert provisions from the current LPP4.3 around amendments to the Heritage List, additional non-residential development provisions and other minor terminology corrections. It is therefore recommended that Council proceeds with the revised LPP4.3, as modified following advertising.

STRATEGIC CONTEXT

In accordance with the City's Strategic Community Plan, the draft LHS, draft Heritage List and revised LPP4.3 is considered in the context of recognising and respecting the City's cultural heritage whilst providing opportunities for the community to engage and contribute to transparent decision making.

BACKGROUND

The City's former Heritage Conservation Policy was adopted in 2000 with a major review undertaken and adopted by Council at its meeting of 14 October 2009. The purpose was to rename the policy, align it with *State Planning Policy 3.5 Historic Heritage Conservation* and to ensure that development provisions were in place for properties identified as having a management category 1-3 in the City's previous Municipal Heritage Inventory (MHI) (C0910/354 refers).

The City has undertaken a review of its LHS and Heritage List following the gazettal of the *Heritage Act 2018* which requires that local governments prepare and review a LHS to identify places of cultural heritage significance. The draft LHS includes a detailed assessment of each place, allocating each a management category of 1-5. Places assessed as having a management category 1 or 2 are recognised as having significant cultural heritage significance and recommended for inclusion on the City's Heritage List. The City's current LHS (MHI) and Heritage List were last reviewed and adopted by Council at its meeting of 13 August 2014 (C1408/200 refers).

The Regulations require that a development application must be submitted for any development proposed for a place included on the Heritage List or within Heritage Areas. LPP4.3 supplements the

provisions within LPS21, providing an additional framework for development of properties on the Heritage List. The inter-relationship of the heritage framework is outlined (Attachment 5 refers).

At its meeting held on 31 July 2024 (C2407/189 refers), Council resolved to proceed to advertise the draft revised LPP4.3 (Attachment 2 refers) for a period of 21 days.

OFFICER COMMENT

LPP4.3 has been prepared to assist and guide the City and landowners in achieving the conservation of significant heritage places. It supports the provisions within LPS21 which guide the identification, conservation and protection of such assets and as such only applies to places on the City's Heritage List.

There is no requirement under the Regulations for a development application, for works to a place on the City's LHS, that meet all other planning criteria. Should a development application be submitted for other planning criteria, the properties on the LHS will only be required to have due regard to the heritage matters of clause 67 of the Regulations. The Regulations require local governments to have due regard to the built heritage conservation of any place that is of cultural heritage significance.

To support the provisions of the *Heritage Act 2018*, The Heritage Council of Western Australia (HCWA) have prepared Guidelines for Preparing a Local Planning Policy for Local Heritage. The guidelines provide sample text and a Development Impact Matrix which have been included within the revised LPP4.3, to provide guidance on the requirements for submission of a development application for works to a property on the Heritage List. Several other amendments were proposed to the revised LPP4.3 including the following as advertised modifications:

- The introduction of clear policy objectives.
- Updates to legislative references and removal of outdated requirements.
- Amendments to interpretations (definitions) to align with legislative references and removal of superfluous details.
- Updates to the formatting and layout to provide clear headings and requirements.
- Updates to the management categories in line with the City's draft LHS.
- Removal of development provisions for management categories 3-5.

Two submissions were received during community consultation, including one submission from Department of Planning, Lands and Heritage (DPLH). Key comments received are discussed below:

Removal of adoptions and modifications to the Heritage List and MHI

DPLH identified that the current LPP3.4 contains sections on adopting and amending the Heritage List and adopting a Heritage Area which were not proposed to be included in the revised local planning policy, given that the requirements are set out in the Regulations. However, it is noted that the current LPP4.3 clearly states the City's process for considering such amendments to the Heritage List.

Based on the advice from the DPLH, it is recommended that the wording within the current LPP4.3 be reincluded in the revised LPP4.3 with minor text and formatting updates to ensure the City's process remains clear.

Terminology

It was noted by DPLH that the term 'heritage-protected place' was predominately used within the revised draft LPP4.3. Furthermore, it clarified that this terminology is a collective term that is defined in the deemed provisions of the Regulations as being inclusive of other types of heritage places with statutory protections. DPLH suggested the City consider more specific terminology such as 'place on the Heritage List' which would be better understood. The revised LPP has been updated accordingly with 'Heritage-protected place' replaced throughout with 'place on the Heritage List'. It is considered that this amendment will provide clearer direction on how the local planning policy applies in the local context.

Both submissions also raised concern with the removal of the definition of the 'Burra Charter' which was included as a related document, but not defined. A minor modification has been made to define the 'Burra Charter' within the 'Interpretation' section of the revised LPP4.3.

Non-residential development

DPLH identified in their submission that the development controls and diagrams appear tailored to residential heritage places and that separate controls should be considered for non-residential and commercial buildings. The provisions within the revised LPP4.3 are considered to broadly capture both residential and non-residential development and could be easily applied to both typologies.

The following additional provision however has been recommended for inclusion to provide additional clarification on how to address commercial shop fronts where applicable:

"New work should not eliminate or hide original shopfront details (where applicable) and must not distort the original design's intent."

The other submission received also commented that the diagrams were confusing and provided another possible scenario that the drawings fail to capture. The drawings within the policy are indicative only, with it not possible to capture every scenario. Additional photographs have been included providing other examples of work completed that meets the key elements of the policy. Local planning policies are guidelines used to assist local governments in making decisions under the local planning scheme. The provisions contained within should be considered when determining an application but provide for a flexible approach reflecting the wide range of variables that may arise.

Other modifications

All further comments raised in the submissions are outlined and addressed in the summary of submissions (Attachment 4 refers). In response to the submissions received, further minor modifications are proposed to the Policy including:

- Re-inclusion of wording from current LPP4.3 to address referrals to HCWA for State Heritage Listed places.
- Insertion of additional heading "Applications for development approval – accompanying material" to better reflect development provisions around submission of applications.
- Updating "Local Heritage List" to "Heritage List" to ensure no confusion between the Heritage List and Local Heritage Survey documents.

- Inserting an additional development provision to ensure proponents apply and give due regard to the development control principles of *State Planning Policy 3.5 Heritage Conservation*.
- Updates to ensure consistent reference to HCWA.
- General number formatting updates.

The revised LPP4.3 as modified in accordance with the above, is provided as Attachment 1. All changes proposed within the revised policy following public advertising have been highlighted.

Statutory Environment

Legislation

Heritage Act 2018.

Heritage Regulations 2019.

Planning and Development Act 2005.

Planning and Development (Local Planning Schemes) Regulations 2015.

Local Planning Scheme No. 21.

State Government Policies

State Planning Policy 3.5 Historic Heritage Conservation.

Relevant Plans and Policies

Not Applicable

Financial Implications

There are no significant financial implications associated with the officer recommendation.

External Stakeholder Consultation

The draft policy was advertised concurrently with the draft LHS and Heritage List included within item 11.2 of this agenda, for a period of 21 days closing on 28 August 2024. Public advertising was undertaken by way of:

- Letters to all owners and occupiers of places on the draft Heritage List.
- Letters to all owners of places on the draft LHS.
- Letters to known local heritage interest groups and persons.
- A notice on the City's 'Your Say' Busselton website.
- A notice within the local community newspaper.
- Notices on the City's social media platforms.
- Notices at the City's administration building and libraries

Two submissions were received in relation to the draft LPP4.3 being comment only submissions. A summary of the submissions and the City's comment is included as Attachment 4 to this report.

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. Adopt LPP4.3 without the modifications.
2. Advertise the revised LPP4.3 with further modifications.
3. Not proceed with revised LPP4.3.

CONCLUSION

It is considered that LPP4.3, if adopted, will support the planning framework for places on the City's Heritage List. It provides clear guidance and direction in line with current legislative requirements and, as such, it is recommended that the Council adopt the 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
Publication of the final adopted Local Planning Policy 4.3 - Heritage Conservation.	Within one month of decision.

12. INFRASTRUCTURE AND ENVIRONMENT REPORTS

12.1 RFT 12/24 Geographe Bay Coastal Mitigation Works 2024-2025

Strategic Theme:	Key Theme 1: Environment 1.4 Respond to the impacts of climate change on the City's coastlines through informed, long term planning and action. Key Theme 2: Lifestyle 2.9 Provide accessible and connective pathways and cycleways. 2.12 Provide well maintained community assets through robust asset management practices.
Directorate:	Infrastructure and Environment
Reporting Officer:	Manager Engineering and Facilities - Daniell Abrahamse
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:	Absolute Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	1. Attachment A_ Mitigation_ Design Drawings S P 1 [12.1.1 - 8 pages] 2. Attachment B_ Mitigation Design Drawings S P 2 [12.1.2 - 6 pages] 3. Attachment C Mitigation Design Drawings S P 3 [12.1.3 - 7 pages] 4. CONFIDENTIAL REDACTED - Attachment D Tender Evaluation Report [12.1.4 - 34 pages]

COUNCIL DECISION

C2410/278 Moved Cr Val Kaigg, seconded Cr Anne Ryan

That the Council:

- 1. Endorse the outcome of the evaluation panel's assessment of the tender submissions received in response to RFT12/24 Geographe Bay Coastal Mitigation Works 2024-2025 (RFT12/24) and accept the tender submission from BCP Contractors Pty Ltd for:**
 - a) SEPARABLE PORTION 1 (SP1) - East Busselton Coastal Path and Dunes; and**
 - b) SEPARABLE PORTION 2 (SP2) - West Busselton (Vasse Drain) Coastal Path and Dunes.**

for \$2,520,928.91 (exclusive of GST) as the most advantageous to the City.
- 2. Endorse the outcome of the evaluation panel's assessment of the tender submissions received in response to RFT12/24 Geographe Bay Coastal Mitigation Works 2024-2025 (RFT12/24) and accept the tender submission from ES100 Pty Ltd AFT ES100 Trust trading as Earth and Stone WA for SEPARABLE PORTION 3 (SP3) - West Busselton (Dolphin Rd) Coastal Path, Dunes and Drainage Outlet, for \$735,480.24 (exclusive of GST) as the most advantageous to the City.**

3. Endorse the following requested budget amendments:

PACP Coastal Protection Projects Budget Amendments					
Item #	Budgeted Municipal Net Current Position	Operational Expenditure Budget	Capital Expenditure Budget	Grant	Reserves or Restricted Assets
	Increase / (Decrease)	Increase / (Decrease)	Increase / (Decrease)	(Increase) / Decrease	Increase / (Decrease)
1	Adjust existing Coastal Operating Budget				
	14736 - PACP Coastal Grant Projects(O)				
		(\$1,425,000)		\$459,050	\$965,950
2	New Capital Project				
	Ford Road to Morgan Street Coastal Protection & Path Works (PACP Grant) (C)				
	-		\$2,300,400	(\$1,150,200)	(\$1,150,200)
3	New Capital Project				
	Vasse Drain (Margaret Steet) Coastal Protection & Path Works (PACP Grant) (C)				
	-	-	\$724,800	(\$362,400)	(\$362,400)
4	New Capital Project				
	Dolphin to Mandalay Coastal Protection & Path Works (PACP Grant) (C)				
	-	-	\$882,000	(\$441,000)	(\$441,000)
TOTALS		(\$1,425,000)	\$3,907,200	(\$1,494,550)	(\$987,650)

CARRIED 9 / 0

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

AGAINST: Nil

BY ABSOLUTE MAJORITY

OFFICER RECOMMENDATION

That the Council:

1. **Endorse the outcome of the evaluation panel’s assessment of the tender submissions received in response to RFT12/24 Geographe Bay Coastal Mitigation Works 2024-2025 (RFT12/24) and accept the tender submission from BCP Contractors Pty Ltd for: -**
 - a) **SEPARABLE PORTION 1 (SP1) - East Busselton Coastal Path and Dunes; and**
 - b) **SEPARABLE PORTION 2 (SP2) - West Busselton (Vasse Drain) Coastal Path and Dunes.**

for \$2,520,928.91 (exclusive of GST) as the most advantageous to the City.
2. **Endorse the outcome of the evaluation panel’s assessment of the tender submissions received in response to RFT12/24 Geographe Bay Coastal Mitigation Works 2024-2025 (RFT12/24) and accept the tender submission from ES100 Pty Ltd AFT ES100 Trust trading as Earth and Stone WA for SEPARABLE PORTION 3 (SP3) - West Busselton (Dolphin Rd)**

Coastal Path, Dunes and Drainage Outlet, for \$735,480.24 (exclusive of GST) as the most advantageous to the City.

3. Endorse the following requested budget amendments:

PACP Coastal Protection Projects Budget Amendments					
Item #	Budgeted Municipal Net Current Position	Operational Expenditure Budget	Capital Expenditure Budget	Grant	Reserves or Restricted Assets
	Increase / (Decrease)	Increase / (Decrease)	Increase / (Decrease)	(Increase) / Decrease	Increase / (Decrease)
1	Adjust existing Coastal Operating Budget				
	14736 - PACP Coastal Grant Projects(O)				
		(\$1,425,000)		\$459,050	\$965,950
2	New Capital Project				
	Ford Road to Morgan Street Coastal Protection & Path Works (PACP Grant) (C)				
	-		\$2,300,400	(\$1,150,200)	(\$1,150,200)
3	New Capital Project				
	Vasse Drain (Margaret Steet) Coastal Protection & Path Works (PACP Grant) (C)				
	-	-	\$724,800	(\$362,400)	(\$362,400)
4	New Capital Project				
	Dolphin to Mandalay Coastal Protection & Path Works (PACP Grant) (C)				
	-	-	\$882,000	(\$441,000)	(\$441,000)
TOTALS		(\$1,425,000)	\$3,907,200	(\$1,494,550)	(\$987,650)

ABSOLUTE MAJORITY REQUIRED

EXECUTIVE SUMMARY

The City invited tenders under RFT12/24 Geographe Bay Coastal Mitigation (the RFT) for the construction of Geographe Bay Coastal Flood Mitigation Works at the following locations:

1. SEPARABLE PORTION 1 (SP1) – East Busselton Coastal Path and Dunes.
2. SEPARABLE PORTION 2 (SP2) - West Busselton (Vasse Drain) Coastal Path and Dunes.
3. SEPARABLE PORTION 3 (SP3) - West Busselton (Dolphin Rd) Coastal Path, Dunes and Drainage Outlet.

This report recommends that the Council endorse the outcome of the evaluation panel’s assessment and accept tenders for the above works.

This report also seeks Council approval for budget amendments for items within the Infrastructure and Environment Directorate, as detailed in this report. Adoption of the officer recommendation will have no impact on the City’s budgeted municipal net current position.

STRATEGIC CONTEXT

The nature of the works supports the provision of accessible and connective pathways and cycleways, in alignment with Key Theme 2 of the City's Strategic Community Plan – Lifestyle. The works form part of the City's strategy to respond to the impacts of climate change on the City's coastlines.

BACKGROUND

The City secured grant funding of \$3,532,500 from the federal Department of Industry, Science and Resources (through the Preparing Australian Communities (Local Stream) funding program) to improve the resilience of the community to flood and tropical cyclone by mitigating the risk of coastal flooding associated with tropical cyclone storm surges.

The grant deliverables are:

1. Emergency response: local, multi-agency emergency response plan for coastal flooding to mitigate the human risk of tropical cyclones and severe winter storms. (Completed)
2. Coastal investigations (flood modelling): coastal survey data (Lidar), high resolution wide scale flood modelling validated with a targeted oceanographic monitoring program (water levels and waves) and mapping of coastal flooding extents. (Completed)
3. Dune resilience works: rebuilding and re-vegetating coastal dunes to provide a consistent natural barrier to coastal flooding as a 'first line of defence'. (In Progress)
4. Coastal flood protection (levees): dune and construction of various earthworks, embankment protection and coastal protection structures to mitigate risk of coastal flooding. (In Progress)

This funding was matched with funding from the City, bringing the total available funding for the Project to \$7,065,000.

With most of the works completed for the first 2 deliverables, stage 3 and 4 can be delivered. Under RFT12/24 suitably qualified and experienced contractors were invited to submit tenders for undertaking the following works:

1. Referred to as SEPARABLE PORTION 1 (SP1) in RFT12/24 – East Busselton Coastal Path and Dunes. (Refer to Attachment A for a copy of the drawings)

Projects:

- a) Dune Resilience Works (Ford Rd to Port Geographe) – Construction of stabilised coastal dunes in the foreshore reserve.
- b) Coastal Path Refurbishment – Levee (Ford Rd to Guerin St) – Refurbishment of low-lying sections of the coastal path to improve capacity to mitigate coastal flooding and widening to improve amenity (multi-purpose structure).

2. Referred to as SEPARABLE PORTION 2 (SP2) in RFT12/24 - West Busselton (Vasse Drain) Coastal Path and Dunes. (Refer to Attachment B for a copy of the drawings)

Projects:

- a) Dune Resilience Works (Margaret St) – Construction of stabilised coastal dunes in the foreshore reserve.

- b) Coastal Path Refurbishment – Levee (Vasse Drain) – refurbishment of the coastal path along the eastern side of the Vasse Drain Diversion to improve capacity to mitigate coastal flooding and widening to improve amenity (multi-purpose structure).
3. Referred to as SEPARABLE PORTION 3 (SP3) in RFT12/24 - West Busselton (Dolphin Rd) Coastal Path, Dunes and Drainage Outlet. (Refer to Attachment C for a copy of the drawings).

Projects:

- a) Dune Resilience Works (Dolphin Rd) – Construction of stabilised coastal dunes in the foreshore reserve.
- b) Coastal Path Refurbishment – Levee (Dolphin Rd and Craig St) – refurbishment of the coastal path along the eastern side of the Vasse Drain Diversion to improve capacity to mitigate coastal flooding and widening to improve amenity (multi-purpose structure). This includes a vehicle cross-over at the boat ramp approach.
- c) Drain Outlet (Silverglen Ave): Extension of stormwater outlet with non-return valve, headwall and levee bank.

The funding program requires that the works to be completed and acquitted this financial year.

OFFICER COMMENT

On Wednesday 21 August 2024, tenders were invited via VendorPanel and advertised in ‘The West Australian’ newspaper and on the City of Busselton website. The request for tender closed at 2.00pm (AWST) on Wednesday 18 September 2024. The City received four tender submissions from the following tenderers:

- BCP Contractors Pty Ltd (BCP)
- Carbone Bros Pty Ltd (Carbone)
- ES100 Pty Ltd as trustee for the ES100 Trust T/a Earth and Stone WA (Earth and Stone)
- Leafy Umbrella Pty Ltd t/a Manglesii Contracting (Manglesii)

Assessment Process

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

- Assessing tenders received against relevant compliance criteria. The compliance criteria were not point scored. Each submission was assessed on a Yes / No basis as to whether each criterion was satisfactorily met.
- Assessing tenders against the following qualitative criteria (weighted as indicated in the table below).

	Criteria	Weighting
(a)	Relevant Experience	20%
(b)	Local Benefit	5%
(c)	Key Personnel Skills and Experience	10%
(d)	Respondents Resources	20%
(e)	Demonstrated Understanding	20%

Mangelsii was excluded from the price evaluation as they did not have the capacity to undertake the entire requirements of the specification.

The qualitative criteria were scored depending on the extent to which the respondent was able to appropriately satisfy each criterion and the tenders 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 tender containing the lowest price will not necessarily be accepted by the City and nor will the tender rank the highest on the qualitative criteria.

Assessment Outcomes

The request for tender was issued with separable portions being mindful of the timeframes within which the works are required be completed (to meet grant funding requirements) and to allow for the potential appointment of multiple suitable contractors.

The Evaluation Panel's assessment resulted in both BCP and Earth and Stone scoring favourably in relation to the qualitative criteria. Considering the assessment outcomes, clarifications and availability of the contractors the Evaluation Panel is recommending that the tender from BCP be accepted for Separable Portions 1 and 2 and the tender from Earth and Stone be accepted for Separable Portion 3.

The details of the evaluation panel's assessment are further set out in Confidential Attachment 4. A summary of the assessment outcomes is set out below for each tenderer.

- BCP ranked first on qualitative criteria and were able to demonstrate excellent experience and demonstrated understanding of the scope of requirements. They were also able to demonstrate the capacity to complete the scope of works within the required timeframes and event constraints. On price BCP ranked second overall.
- Earth and Stone ranked second on qualitative criteria and demonstrated relevant experience particularly within the coastal environment. They were able to demonstrate reasonable resources utilising two main sub-contractors to assist with the delivery of the project. Earth and Stone were first overall on price.
- Carbone ranked third on qualitative criteria and third on price. They were able to demonstrate good overall relevant experience on civil projects and an understanding of the scope of works.
- Mangelsii ranked fourth on qualitative criteria and were excluded from price. They were unable to demonstrate relevant experience of civil works, and their methodology related to the supply and installation of plants.

Statutory Environment

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

- requires that tenders be publicly invited for such contracts where the estimated cost of providing the required goods and/or service exceeds \$250,000; and

- under Regulations 11, 14, 18, 20 and 21A, provides the statutory framework for inviting and assessing tenders and awarding contracts pursuant to this process.

With regard to the RFT, City officers have complied with abovementioned legislative requirements.

As the contract value is greater than \$500,000, and in accordance with section 5.43(b) of the Act and Council delegation DA 1-07, Council endorsement of the successful tenderer is required.

Relevant Plans and Policies

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

Plan:

[Asset Management Plan](#)

Policy:

[Asset Management](#)

[Purchasing](#)

Financial Implications

The 2024/25 endorsed budget includes provision for the project as follows - Project 14736 PACP (Preparing Australian Communities Program) - Coastal Grants Projects (operational) - \$2,225,000.

Council approval is sought for the following budget amendments:

1. Reducing the existing operating budget line item 14736 by \$1,425,000 and decreasing the Grant funding by \$459,050 and increasing the Coastal and Climate Adaptation Reserve with \$965,950.
2. Creating a new Capital Project for Separable Portion 1 (SP1) - Ford Road to Morgan Street Coastal Path & Levy (PACP Grant) with a budget of \$2,300,400 to be funded equally to the amount of \$1,150,200 from the Grant funding and the Coastal and Climate Adaptation Reserve.
3. Creating a new Capital project for Separable Portion 2 (SP2) - Vasse Drain (Margaret Steet) Coastal Path & Levy (PACP Grant) with a budget of \$724,800 to be funded equally to the amount of \$362,400 from the Grant funding and the Coastal and Climate Adaptation Reserve.
4. Creating a new Capital project for Separable Portion 3 (SP3) Dolphin to Mandalay Coastal Path, Levy & Drainage Outlet (PACP Grant) with a budget of \$882,000 to be funded equally to the amount of \$441,000 from the Grant funding and the Coastal and Climate Adaptation Reserve.

The project budget incorporates a 20% allowance for contingencies such as an increase in quantities as the tender is a lump sum with provision for adjustment based on actual quantities.

External Stakeholder Consultation

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

Risk Assessment

An assessment of the potential implications of implementing the Officer Recommendation has been undertaken using the City's risk assessment framework, with the intention being to identify risks which, following implementation of controls, are identified as medium or greater.

There are no such risks identified, with the preferred tenderers assessed as being capable of delivery the project on time and within budget to the specified standards

Options

As an alternative to the proposed recommendation the Council could:

1. Award Separable Portions 1 (SP1), 2 (SP2) and 3 (SP3) to one tenderer. This is not recommended as depending on which tenderer is chosen it may result in an increase in the cost of works overall, or cause the works not to be completed in accordance with the grant funding timeframes.
2. Decline to accept any tender. This would mean going back out to tender, resulting in significant delays to the contract award, delivery of the project and return of Federal Government grant funding.

CONCLUSION

It is recommended that the Council accept the tender submission from BCP Contractors Pty Ltd for Separable Portion 1 (SP1) and 2 (SP2) and accept the tender submission from ES100 Pty Ltd AFT ES100 Trust T/a Earth and Stone WA for Separable Portion 3 (SP3)

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
Tender award	Mid/End October 2024

13. ECONOMIC AND BUSINESS DEVELOPMENT REPORTS

13.1. Hireable e-scooters - Improvement Measures

Strategic Theme:	Key Theme 2: Lifestyle 2.11 Advocate for improved public transport services that allow for the convenient movement of people to and from local destinations. Key Theme 3: Opportunity 3.2 Facilitate an innovative and diversified economy that supports local enterprise, business, investment and employment growth.
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. CONFIDENTIAL REDACTED - Neuron Mobility _ City of Busselton E-Scooter Program Summary Report _ Updated October 2024 [CONFIDENTIAL [13.1.1 - 27 pages] 2. Hireable e-scooter improvement responses (Your Say) Sept 2024 [13.1.2 - 24 pages] 3. Hireable e-scooter improvement responses (individual) Sept 2024 [13.1.3 - 4 pages]

Prior to the meeting Cr Ryan foreshadowed an alternative motion to the officer recommendation. In accordance with clause 10.18(6) of the City's Standing Orders Local Law 2018, it was taken to be an alternative motion and was considered first. There was opposition and debate ensued. The alternative recommendation was lost.

COUNCIL DECISION

C2410/279 Moved Cr Anne Ryan, seconded Cr Richard Beecroft

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.**

LOST 3 / 6

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

AGAINST: Mayor Phill Cronin, Cr Jodie Lee, Cr Val Kaigg, Cr Mikayla Love, Cr Kate Cox and Cr Jarrod Kennedy

Prior to the meeting Cr Macnish foreshadowed an alternative motion to the officer recommendation. In accordance with clause 10.18(6) of the City's Standing Orders Local Law 2018, it was taken to be an alternative motion and was considered first. The alternative motion was moved and carried.

COUNCIL DECISION

C2410/280 Moved Cr Andrew Macnish, seconded Cr Jarrod Kennedy

That the Council:

- 1. Confirms that the hireable e-scooter trial period has been completed in accordance with requirements; and**
- 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.**
- 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.**

CARRIED 7 / 2

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

AGAINST: Cr Anne Ryan and Cr Richard Beecroft

Reasons: The additional point 3 demonstrates the Council has performed 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.

OFFICER RECOMMENDATION

That the Council:

- 1. Confirms that the hireable e-scooter trial period has been completed in accordance with requirements; and**
- 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.**

EXECUTIVE SUMMARY

This report provides the Council with the results from the measures undertaken since March 2024 by Neuron Mobility to address matters of concern raised by the community regarding the trial of hireable e-scooters in the City of Busselton. Based on further community and business feedback, the

increasing reliance on e-scooters as an alternative mode of transport and the demonstrated improvements that Neuron have established, officers are recommending the provision of hireable e-scooter services is continued and managed through a license agreement at an appropriate fee. The license agreement should also be negotiated to and include greater responsibilities for resetting of littered e-scooters and helmets.

STRATEGIC CONTEXT

This report is consistent with the City's Economic Development Strategy 2022-2027 key objectives to advance transport connectivity and activate the town centres. It aligns to themes Leadership 4.1, Environment 1.6, Opportunity 3.1 and Lifestyle 2.11 as contained within the Strategic Community Plan 2021-2031.

BACKGROUND

Neuron Mobility has been operating hire e-scooters in Busselton on a trial basis since December 2022. The trial was extended as per the Council decision (below) made at the Ordinary Council meeting of 20 March 2024.

That the Council

- 1) *Extends the current trial agreement with Neuron Mobility (Australia) Pty Ltd to 30 November 2024 subject to:*
 - a) *the provision of optimal designated parking locations across the City that do not block thoroughfares and are not of a visual nuisance;*
 - b) *the identification of single use, narrow paths adjacent to the coast and the appropriate application of speed restrictions to these areas.*
- 2) *Notes 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 that approximately 50% of those opposing would change their mind if improvements were made, potentially shifting the results to approximately 65% in favour.*
- 3) *Require the CEO to gauge the effectiveness of the improvement measures to address matters of concern raised by the community as a result of the survey, and provide a report to the Council reassessing the trial agreement prior to the peak summer season November 2024 to April 2025.*

Neuron have undertaken a range of activities in order to address the concerns of community members that were raised prior to the trial extension. This includes placing decals to clearly identify parking areas in high traffic areas, increasing the number of local ground staff employed to provide a higher level of service (including tidier parking areas and relocating inappropriately parked scooters and loose helmets) and undertaking a review of the path network to identify additional areas that justified slower speed restrictions.

A public comment period was run throughout September 2024 to provide community members the opportunity to comment on the outcome of the improvement measures since they were initiated in May. A total of 185 responses were received, compared to 1,226 when the community was surveyed

previously prior to the trial being extended. This reduction could be seen as an indication the community has become more accepting of the service and concerns are being addressed. However, of these responses the largest were still from people who just don't want e-scooters of any kind and don't believe the improvement measures have worked. It is important to note surveys are just one of a number of tools that aid decision making and are usually weighted towards respondents who have a keen interest in seeing an outcome as opposed to gathering general feedback from people who are more passive about an issue.

Around a third of negative responses appear to relate to all e-scooter use within the City, rather than the hireable e-scooters specifically, with a large portion of these raising concerns with speed and danger to pedestrians. There were also a significant number of comments regarding the lack of policing of e-scooters.

The following summarises the main themes contained within the responses, in order of most commented to least commented. A full list of responses is attached to enable review of the individual comments received. It is also important to note that many of the responses commented on more than one theme.

- Don't want scooters (no reference to improvement measures).
- Don't believe improvement measures have worked.
- Should stay, great for tourism and locals.
- Hazard when they are used illegally
- Improvement measures are working.
- Would be better if they were also available across more areas (Busselton LIA, Dunsborough Lakes, Old Broadwater Farm, Vasse)

Usage information provided by Neuron within their reporting shows a 7% increase in the number of trips taken on the hireable e-scooters during May-August 2024 versus May-August 2023. Reports also show an increasing demand through the quieter winter season. An average of 130 trips were taken per day across these months this year.

OFFICER COMMENT

Since the trial extension, Neuron Mobility have been working with City officers to implement improvement measures for their hireable e-scooters. Additionally, Neuron have proven responses to requests from residents and officers and have proactively undertaken a number of improvement measures in addition to those requested by the Council. Details of improvements are as follows:

Helmet Litter

In response to community feedback regarding abandoned helmets, Neuron has made a concerted effort to reduce the number of abandoned helmets by reinforcing to riders before they commence their ride the legal requirement to wear a helmet. Fines have also been issued to riders who fail to replace helmets at the end of a trip. Local Neuron grounds staff have been more diligent in the collection of abandoned helmets and report on the numbers they collect on a daily basis. The tally has decreased over the past few months, but it is not possible to gauge if this is due to better rider education and behaviour, or simply because of a decline in e-scooter hire over the winter season.

Additionally, Neuron has recently concluded another Helmet Safety Awareness week campaign in conjunction with the [Australian Road Safety Foundation \(ARSF\)](#). The campaign reinforces that wearing a helmet when riding an e-scooter is mandatory in Australia and those that break the rules risk police prosecution and heavy fines. As part of Helmet Safety Awareness Week, Neuron is committing up to \$100,000 globally for rider education and incentives to reinforce the importance of helmets, which are the single most important piece of safety equipment. Scoot Safe Workshops were conducted in the school holidays in Busselton on the 27th of September and in Dunsborough on the 28th of September, focusing on Helmet Safety Awareness Week.

Parking Stations

Neuron has also removed parking stations from locations where residents have requested this, as well as relocating parking stations where local residents have requested them to make it more convenient for commuting. A number of local businesses have also requested additional parking stations be located at their premises, such as Timothee Resort and Amalfi.

It should be noted that on the ground parking decals have not been installed at every Neuron e-scooter parking location. City Officers worked with Neuron on an initial limited number of high use and prominent locations for Neuron to install e-scooter parking decals. These initial locations were chosen due to having a minimal impact on surrounding users, and in places where it is safe to do so. Several e-scooter parking stations are actually positioned on turf or sand so they are off the paths and out of the way of pedestrians, cyclists and other users. It is not possible to install the decals at parking stations on turf or sand, however the Neuron App advises riders where these stations are. Neuron is enthusiastic for a further roll out of parking decals, however Officers are first assessing the effectiveness of the initial sites and awaiting a decision on the future of hireable e-scooters within the district.

Speed Limits and No Go Zones

While all hire e-scooters are speed limited in line with State legislation, there are a number of areas that have additional speed limits imposed for safety reasons. To assist City Officers to review maximum speed limits, Neuron Mobility has provided City Officers access to their interactive Google Map which details locations where speed restrictions and no riding zones for their fleet are easily monitored and managed by Neuron by way of “geofence” technology.



Figure 1: Extract from Neuron Mobility shared map

In response to the March 2024 Council resolution and community feedback received in the lead up to that decision, Officers identified several locations to decrease the maximum allowable speed for hireable e-scooters, these included:

- entrances to several resorts along the coastal path network;
- areas where the coastal path is narrow and winding;
- the stretch of footpath adjacent to Bussell Highway in proximity to Busselton Senior High School and aged care facilities.

Anecdotal feedback from local businesses has suggested that e-scooters are being used as a mode of transport for aged care workers, therefore a total ban around aged care facilities would disadvantage those workers who are reliant on them, in particular the international workers who have been brought in to fill critical gaps in the sector. A recent article in the Busselton-Dunsborough Times reported Shelter Brewing's statements that there are positive implications from the hireable e-scooters for hospitality businesses, as well as ongoing utilisation by their own staff.

In addition to the initial review of geofenced speed limits throughout the district, City Officers can now review speed restrictions, no go zones and parking locations for hireable e-scooters when necessary and can request Neuron to implement further changes and restrictions as they are identified. These restrictions are unfortunately not able to be applied to privately owned e-scooters.

Neuron has committed to work with police and WA Leavers to put in place the same successful restriction as last year for Leaver's Week 2024 and to conduct Scoot Safe workshops for the Leavers cohort.

Rider and Community Safety

Neuron has continued to conduct "Scoot Safe" workshops within both Dunsborough and Busselton. These ongoing safety sessions provide users and the community to engage with representatives from Neuron to better understand the laws regarding age limits, one rider per e-scooter and compliance for riding e-scooters. The software installed on Neuron e-scooters allows them to be slowed down or prohibited completely through GPS positioning and there are currently slow-speed zones, no-ride zones, and no-start zones active to improve safety and discourage anti-social behaviour.

Neuron also continues to have riders pass a "Drink Riding Test". At designated times, riders have to complete cognitive testing and if they fail, are locked out of hiring for three hours.

Neuron provides a local support service either via email or phone and encourage members of the community to report any incidents. Individuals not following the relevant rules can be issued with a warning, suspension or ban through the Neuron app.

Reporting and Response Times

Neuron provides a regular report to the City, capturing data and statistics which include the number of unique users, estimated car trips replaced, number of reported incidents, number of misparked or toppled e-scooters and average time taken to respond. Neuron continues to meet or exceed timeframes within their service level agreement. Neuron currently employ several local operations staff and a full-time supervisor within Busselton. Several senior staff who are based throughout Australia have visited Busselton and maintain regular contact with City Officers to ensure operational standards are being met. A summary report of hireable e-scooter use over the trial period has been provided by Neuron and is attached.

A noticeable change in neatness has been identified by Officers in some areas since these new initiatives have been put in place, although it hasn't eliminated the ongoing issues of discarded helmets and toppled or illegally parked e-scooters throughout the City.

Non hireable (privately owned) e-scooters

Concerns relating to illegal parking, helmet litter and toppled e-scooters are issues that relate directly to the hireable e-scooters, however privately owned scooters are rarely creating these same issues.

With geofencing and capped speed limits for hireable e-scooters, it may be considered that a number of the comments relating to speed limits not being followed and non-riders not being covered by insurance will be specific to private e-scooters. Obviously some members of the public feel that the general speed of e-scooters is still too fast in general, especially in pedestrian areas, but the speed limits for hireable e-scooters can be continuously reviewed and adjusted, especially in busy areas. Neuron has insurance in place to protect non-riders in the event that they are involved in an accident relating to a Neuron e-scooter and the hireable e-scooters are speed limited to no more than the State legislated speed limit with slower speeds and no-go areas.

Concerns around helmets, multiple riders, under-age riders, use in foreshore and CBD locations and use of CBD paths are common to all e-scooters (and a range of other personal mobility devices). This usage is largely governed via State legislation. The City and Police have a greater ability to influence rider compliance through hireable e-scooters than private usage through a service agreement, no-go zones and slower speed areas as mentioned previously. These can't be applied to private devices.

Unfortunately, issues regarding behaviour and rule breaking i.e. not wearing helmets relates to the behaviour of the riders, but these behaviours are not limited to hireable e-scooters. Until there is a greater focus on the enforcement of helmet laws in general, there is unlikely to be a change in behaviour within the community. This is similar to the requirement to wear a seatbelt or not use a mobile phone in a car - the initiation of a law alone isn't enough to change community behaviour, and enforcement action is required to ensure compliance.

Alternative transport service

The City of Busselton Strategic Community Plan 2021-2031 has a strategic priority to *advocate for improved public transport services that allow for the convenient movement of people to and from local destinations*. It is important to note that the hireable e-scooters are the most readily available form of public transport within Busselton and Dunsborough. While their presence does have a visual impact and at times results in these e-scooters being left in a manner that inconveniences others, this is offset by the availability of transport for those that would not otherwise be able to travel via other means. E-scooters also help to reduce the number of cars on local roads and reduce the number of people seeking parking in some of the City's busiest zones.

The importance of e-scooters in the Busselton transport mix is demonstrated not only by the growing use of the hireable e-scooters, but also the increasing number of private e-scooters being seen on the roads and paths.

Statutory Environment

To keep eRiders and other Western Australian road users safe, the WA Road Safety Commission introduced new eRideables legislation on 4 December 2021. The Road Safety Commission publishes guidelines on the use of e-scooters which are regularly updated and are available on their website: <https://www.wa.gov.au/organisation/road-safety-commission/erideables>

Relevant Plans and Policies

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

Plan:

Not applicable.

Policy:

[Commercial Use of City Land and Facilities](#)

The objectives of this Policy are to set out a framework for managing the commercial use of City Land and Community Facilities which:

- a. encourages innovation, business development, and overall economic growth;
- b. provides diversified goods and services to residents and visitors;
- c. value adds to the overall resident and visitor experience; and
- d. enhances the vibrancy and activation of public spaces.

Financial Implications

All costs associated with the e-scooter program are borne by the operator, Neuron Mobility.

The City currently derives no commercial return through the current trial agreement with Neuron Mobility because it is still only a trial period. Other local governments consulted throughout the trial have commercial agreements with e-scooter hire companies generating between \$2,000 to \$5,000 per annum. Should Council endorse the Officer Recommendation, the City will proceed to negotiate an agreement that realises a commercial return in line with other commercially licensed and permitted activities within the City.

External Stakeholder Consultation

Feedback from other Local Governments

Several local governments were contacted about the ongoing provision of hireable e-scooter service for their community. Responses were varied, with the level of public transport, nature of the urban e-scooter operating environment and population density having a significant impact on both whether they have been supported by the local community and the type of agreements that have been negotiated with hire companies.

Community Comment

Prior to Council resolving to extend the e-scooter trial in March 2024, a comprehensive community survey was conducted, receiving 1,226 responses. The majority of locals who responded indicated they did not support hireable e-scooters operating within the City of Busselton, citing reasons of

untidy parking, safety concerns around speed, antisocial behaviour, drink riding, underage riding and helmet litter.

There was a level of dissatisfaction expressed by some members of the public on the City's facebook page and via email following the announcement that the trial would be extended in March 2024. Many comments suggested that the decision made in March 2024 did not reflect the community expressed through the survey conducted following the 12 month trial.

However, the number of unsolicited comments coming into the City regarding e-scooters has declined significantly compared to when the trial first commenced. Neuron Mobility has also reported a limited amount of feedback coming through their email and web-based contact page.

Over the course of the trial extension, several strategies have been implemented in conjunction with Neuron to attempt to address issues raised by the community. In September 2024, the community was invited to comment on improvement measures undertaken since the extension of the trial, noting that the required improvements had been implemented from May 2024. This new survey was advertised in the local paper, on the City social media channels and via both the City's Bay to Bay and the Business in the Bay e-newsletters. These are all the same tools and channels used from when the initial survey following the 12 months trial was advertised.

Given that the Council had received extensive information regarding community sentiment from the previous survey, this current opportunity for comment was not a replication of the previous survey, but instead focussed specifically on the effectiveness or not of improvement measures. A total of 185 submissions were received.

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 select one of the following:

1. Authorises the CEO to negotiate a contract with more than one e-scooter provider.

There are currently two major e-scooter operators in Western Australia - Beam and Neuron Mobility. Consultation undertaken with other local governments indicates that the services being provided to the City of Busselton appear to be on par or a higher standard than that provided elsewhere.

The City has now trialed hireable e-scooters with Neuron Mobility for almost 2 years. In that time, Neuron has responded to community and Council concerns and invested in a local operational premises, staff and fleet. Their local grounds team has built rapport with local businesses and the community and understand the challenges presented by peak season visitation swells and how to implement a response to that. Seeking services from another operator would require the same levels of service and local understanding to be negotiated and implemented.

Disadvantages of permitting multiple operators include queries and complaints being more difficult to address, the need for users to set up different accounts, a potential increase in parking areas and the likelihood of negative community feedback from seeing an increase in the number of hireable e-scooters operating in the community.

2. Cease offering hireable e-scooters as a mode of transport within the City of Busselton.

Hireable e-scooters have proven to be a popular and readily available form of public transport for many people living or visiting the City, however there is significant negative community sentiment from many people that either don't use them or believe they are unsafe and poorly managed.

CONCLUSION

Over the course of the trial of hireable e-scooters with the City of Busselton, several strategies have been implemented in conjunction with Neuron Mobility to improve operations, with Officers observing a noticeable improvement. Hireable e-scooters have proven to be a popular and readily available form of public transport for many people living or visiting the City. E-scooters support the City's Strategic Priority 2.11 *Advocate for improved public transport services that allow for the convenient movement of people to and from local destinations*. Hireable e-scooters are at present one of the most readily available forms of public transport within Busselton and Dunsborough, however littering of e-scooters and helmets continues to be an issue across a number of areas on a daily basis, especially outside town centres.

While their presence does have a visual impact and at times they are left in an untidy manner or a manner that inconveniences others (e.g. left lying on footpaths or in the bush), there appears to be a growing number of people who are choosing to use e-scooters, some of whom may potentially not otherwise be able to travel the same distances via other means as easily. E-scooters also help to reduce the number of cars on the road and reduces the number of people seeking parking spaces in some of our busiest zones.

Officers recommend the CEO is authorised to negotiate license agreements, at an appropriate fee, for the continued provision of hireable e-scooters within the City of Busselton and these agreements include greater responsibilities for resetting of littered e-scooters and helmets. Enforcing standards relating to addressing littering (as a requirement of any new agreement) would ensure that the operator is required to take action to address the issues. For example, they could reset the positions of e-scooters once a day to ensure footpaths are clear, and that littering of e-scooters and helmets tipped over or dumped outside defined parking areas is addressed in a far shorter period of time than it is currently.

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
Advise Neuron Mobility of the outcome of the Council decision and commence drafting of an updated licence agreement	20 October 2024

Execute updated licence agreement with Neuron Mobility for provision of hireable e-scooters throughout district of the City of Busselton.	30 November 2024
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13.2. RFT09/24 Provision of Security Screening Services at Busselton Margaret River Airport

Strategic Theme:	Key Theme 3: Opportunity 3.4 Develop aviation opportunities at the Busselton Margaret River Airport.
Directorate:	Business and Economic Development
Reporting Officer:	Manager Airport – Jenny May
Authorised By:	Director Economic and Business Development - Maxine Palmer
Nature of Decision:	Contractual: To enter into a contract e.g. a lease or the award of a tender etc.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	1. CONFIDENTIAL REDACTED - Attachment 1 RFT 09-24 Tender Evaluation Report [13.2.1 - 26 pages]

COUNCIL DECISION

C2410/281 Moved Cr Val Kaigg, seconded Cr Anne Ryan

That the Council endorses the outcome of the evaluation panel’s assessment of the tender submissions received in response to RFT09/24 Provision of Security Screening Services at Busselton Margaret River Airport and accepts the tender submission from MSS Security Pty Ltd (ACN 100 573 966) as the most advantageous to the City.

CARRIED 9 / 0

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

AGAINST: Nil

EN BLOC

OFFICER RECOMMENDATION

That the Council endorses the outcome of the evaluation panel’s assessment of the tender submissions received in response to RFT09/24 Provision of Security Screening Services at Busselton Margaret River Airport and accepts the tender submission from MSS Security Pty Ltd (ACN 100 573 966) as the most advantageous to the City.

EXECUTIVE SUMMARY

The City invited tenders under RFT 09/24 Provision of Security Screening Services at Busselton Margaret River Airport (the RFT) for the supply of security screening services. This report recommends that the Council endorse the outcome of the evaluation panel’s assessment and accept the tender submission from MSS Security Pty Ltd (ACN 100 573 966) as most advantageous to the City.

STRATEGIC CONTEXT

Busselton Margaret River Airport has been identified in the City of Busselton's Strategic Community Plan (2021-2031) as one of the top five strategic priorities. The provision of security screening services is aligned with the City's strategic theme of developing aviation opportunities at Busselton Margaret River Airport (BMRA).

BACKGROUND

BMRA is a security-controlled Tier 2 airport in accordance with the *Aviation Transport Security Act 2004* and *Aviation Transport Security Regulations 2005*, owned and operated by the City of Busselton. The City of Busselton is the approved Screening Authority for the Airport. BMRA currently services six Regular Passenger Transport (RPT) services and conducts passenger and Checked Baggage Screening (CBS) for these services. The City currently engages Aerodrome Management Services Pty Ltd to provide security screening services at BMRA under a contract which expires on 5 April 2025.

OFFICER COMMENT

On Wednesday 19 June 2024, tenders were invited via VendorPanel and advertised in 'The West Australian' newspaper and on the City of Busselton website. A total of 104 potential respondents viewed the proposed request for tender which closed at 2.00pm (AWST) on Wednesday 17 July 2024. The City received five tender submissions from the following tenderers:

- Aerodrome Management Services Pty Ltd (AMS)
- Iconic Security Services Pty Ltd (Iconic)
- M.A. Services Group Pty Ltd T/a MA Services Group (MAS Group)
- MSS Security Pty Ltd (MSS)
- Regional Airport Management Services Pty Ltd (RAMS)

Assessment Process

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

The tender assessment process included:

- Assessing tenders received against relevant compliance criteria. The compliance criteria were not points scored. Each submission was assessed on a Yes/No basis as to whether each criterion was satisfactorily met.
- Assessing compliant tenders against the following qualitative criteria (weighted as indicated in the table below)

Criteria	Weighting
Relevant Experience	20%
Local Benefit	5%
Key Personnel Skills and Experience	20%
Tenderer's Resources	10%
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 tenders 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 tender containing the lowest price will not necessarily be accepted by the City and nor will the tender rank the highest on the qualitative criteria.

Summary of Assessment Outcomes

The evaluation panel assessed the tenders which resulted in MSS Security Pty Ltd being ranked first in relation to the qualitative criteria, third in relation to price, and being ranked first overall. MSS Security Pty Ltd.'s tender submission was very thorough detailing their extensive relevant experience with security screening in numerous West Australian airports and throughout Australia, including many regional airports. MSS Security also provided detail on their organisational management reporting, training and continuous testing systems demonstrating industry best practice, proven business processes and support mechanism in place for their screening teams and clients.

The Evaluation Panel recommends that MSS Security Pty Ltd represents the most advantageous tenderer to the City for the Provision of Security Services at BMRA.

The outcomes of the evaluation panel's assessment are further outlined in the Confidential Evaluation Report (Attachment 1). Based on the combination of price and the qualitative criteria it is recommended the tender submission from MSS Security Pty Ltd be accepted.

Statutory Environment

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

- Request that tenders be publicly invited for such contracts where the estimated cost of providing the required goods and/or services exceeds \$250,000; and
- Under Regulations 11, 14,18, 20 and 21a, provides the statutory framework for inviting and assessing tenders and awarding contracts pursuant to this process.

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

As the contract value is greater than \$500,000, and in accordance with section 5.43(b) of the Act and Council delegation DA 1-04, Council endorsement of the successful tenderer is required.

Relevant Plans and Policies

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

Plan: BMRA Master Plan 2016-2036

Policy:

[Asset Management](#)

[Regional Price Preference](#)

[Work Health & Safety](#)

Financial Implications

Assuming the current flight schedule is maintained the estimated total value of the requirements over the full five-year contract term (including extensions) is estimated as \$2,877,651.

The expenditure incurred by the City for the provision of the security screening services is “passed” through to the airlines in full.

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. Award the tender to an alternative tenderer. In the view of the Officers this could result in the tender being awarded that is not most advantageous to the City.
2. Decline to accept any tender. Officers do not consider that this will represent the most advantageous outcome for the City. It will result in significant delays to the contract award or the City having to recruit and employ staff to deliver the security screening services.

CONCLUSION

It is recommended that the Council accept the tender submission from MSS Security Pty Ltd (ACN 100 573 966) for the provision of security screening services at Busselton Margaret River Airport.

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
Contract Award	1 November 2024
Date of commencement of transitional plan	3 February 2025
Commence provision of security screening services	6 April 2025

13.3 Proposed Marine Discovery Building Lease Terms

Strategic Theme:	Key Theme 4: Leadership 4.3 Make decisions that respect our strategic vision for the District.
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:	Contractual: To enter into a contract e.g. a lease or the award of a tender etc.
Voting Requirements:	Absolute Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	<ol style="list-style-type: none"> 1. Attachment 1 Concept Drawing Set [13.3.1 - 7 pages] 2. Attachment 2 Lot 501 Reserve 38558 [13.3.2 - 1 page] 3. MDC Base Financial Model [13.3.3 - 3 pages]

Prior to the meeting Cr Ryan foreshadowed an alternative motion to the officer recommendation. In accordance with clause 10.18(6) of the City's Standing Orders Local Law 2018, it was taken to be an alternative motion and was considered first. The alternative motion was moved and carried.

COUNCIL DECISION

C2410/282 Moved Cr Anne Ryan, seconded Cr Andrew Macnish

That the Council:

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.

CARRIED 9 / 0

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

AGAINST: Nil

BY ABSOLUTE MAJORITY

Reasons: Aligning the term of the lease agreement for the Marine Discovery Building with the end of the current Jetty License Agreement is advantageous for both parties.

OFFICER RECOMMENDATION

That the Council:

1. Resolves to enter into a lease with Busselton Jetty Inc (BJI) for the construction and operation of a Marine Discovery Building, 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.
 - 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.**

EXECUTIVE SUMMARY

Further to the decision in September to defer the proposed lease terms and advertising of the disposition of Lot 501, 12 Busselton Foreshore to the October Ordinary Council Meeting, this report presents an amended proposal for the Council's consideration.

The main change has been the removal of the requirement for Busselton Jetty Inc. (BJI) to contribute 25% of the total gross revenue generated from operating a Marine Discovery Building (MDB) on Lot 501. This was negotiated on the condition that a review of the current Busselton Jetty Licence Agreement (Licence) with BJI is undertaken to agree an annual amount 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.

STRATEGIC CONTEXT

Providing a lease arrangement to operate the MDB in this location will help to increase funding going into the JMR to help bridge gaps in future asset renewal costs and add to visitor experiences available in the City of Busselton. As such, it satisfies the strategic priorities of providing unique visitor experiences and maintaining significant assets.

BACKGROUND

BJI is a Busselton based voluntary incorporated association who have a vision for the Busselton Jetty to be a must-see coastal attraction, connecting community and the environment. Their mission is to sustain the Jetty and its environment for all generations. Through their operations under the Jetty Licence Agreement between BJI and the City BJI is obligated to provide funds for the preservation and maintenance of the Busselton Jetty.

In 2019, BJI was successful in obtaining \$13m in Federal Government funding to develop an Australian Underwater Discovery Centre (AUDC), at the end of the Jetty. With rising construction costs, BJI sought State and Local Government assistance towards the project. In 2021 the State Government announced a contribution of \$9.5m (funding previously allocated the Busselton Margaret River Airport new terminal).

Since 2021 the City has worked with BJI to rescope the project several times. However, in February 2023, with construction costs continuing to rise and issues associated with having to strengthen and raise the jetty, BJI terminated their building contract for a marine discovery centre and other facilities at the end of jetty (known as the Jetty Village).

To ensure continued project delivery the Federal Government indicated support to transfer the unspent balance of their funding to the state via the agency of Department of Primary Industries and Regional Development (DPIRD), subject to a supported business case. DPIRD established a Project Control Group (PCG) to oversee further rescoping of the project to ensure it aligns with the original purpose and outcomes and is delivered within the remaining funds available; being \$7,377,702 from the Federal Government and \$8,625,000 from the State Government (total \$16,002,702).

Concept designs for the proposed MDB on Lot 501 have been developed and costed by a quantity surveyor at a total project cost of \$15,385,000.

On 13 December 2023, Council resolved (C2312/206) to enter into a lease and licence with BJI for a portion of the Ballarat Room, in Railway House to temporarily accommodate the Marine Discovery Centre (MDC) element of the project. The interactive software and hardware had already been developed and this gave BJI a location in which to install and to operate the MDC whilst a permanent solution was progressed. The term of that lease is two years with an option of a further two years. The proposed MDB (the subject of this report) will be the permanent home for the MDC.

On 15 May 2024, the Council resolved (C2405/141) to:

1. *Provide in principle support to enter into a lease with Busselton Jetty Inc (BJI) for the construction and operation of a Marine Discovery Building, as per the concept design in attachment 1, situated within Lot 501, Reserve 38558, Busselton Foreshore, as depicted in attachment 2, subject to state and federal government approval of funding and authorisation to commence the project.*
2. *Agree that the terms and conditions of the lease are to be subject to a further report and decision of the Council, and are to consider:*
 - a. *Responsibilities for the maintenance and insurance of the asset.*
 - b. *Annual costs and budget to maintain and insure the asset; and*

c. The financial benefit to the Jetty Maintenance Reserve.

On 18 September 2024, the Council considered the following recommendation:

That the Council:

- 1. Resolves to enter into a lease with Busselton Jetty Inc (BJI) for the construction and operation of a Marine Discovery Building, 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.*
 - b) Rent:*
 - 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 plus.*
 - c) An amount equal to 25% of the total gross revenue for the previous financial year generated by the Marine Discovery Building, excluding the following:*
 - i. Food and beverage kiosk revenue.*
 - ii. Bar revenue.*
 - iii. Grant funding.*
 - iv. Deductible Gift Recipient funding as defined in the Income Tax Assessment Act 1997.*
 - v. GST on Gross Revenue.*
 - vi. Interest received; and*
 - vii. Employee related payments received from Government Agencies.*
 - d) Commencement of lease no later than 30 June 2025.*
 - e) Rent Review: adjusted annually in accordance with CPI and subject to market rent review every 5 years.*
 - f) 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 approved by the City.*
 - g) Permitted Purpose: Marine Discovery Centre, exhibition/event space, museum, marine themed interactive experiences/education and ancillary food and beverage services.*
 - h) All costs associated with the preparation of the lease are to be met by the Tenant; and*
 - i) Such further terms and conditions as required by the CEO.*
- 3. All rent and proceeds collected in relation to points 2b and c are to be transferred into the Jetty Maintenance Reserve.*

The Council resolved to defer a decision on the proposed lease terms until the October 2024 Ordinary Council Meeting due to concerns about the 25% of the gross revenue contribution and to enable further strategic planning and discussions with BJI. On 24 September 2024, the City of Busselton CEO and Director Economic and Business Development met with the BJI CEO and Project Manager to discuss the concerns of the Council. This report provides an amended recommendation to the Council from the agreements reached at that meeting.

OFFICER COMMENT

Asset maintenance and insurance

As explained in the September Council agenda report, subsequent to the Council's in principle support for construction and operation of a MDC on Lot 501, 12 Busselton Foreshore (attachment 2), \$16m of funding was approved by the Minister for Regional Development (Minister) to be reallocated to BJI for that purpose. The funding was conditional on the City managing the procurement. City Officers discussed this condition with the PCG, raising concerns with the City's capacity to deliver a project for an external party. It was also felt that in order for the building to operate as forecast in BJI's business case, and to deliver the project to budget and acquit the funding that BJI should be the contract principal for the design and construction of the MDB. Equally BJI has to be responsible for generating sufficient operating profit to provide a return to the Jetty Maintenance Reserve (JMR) in the form of the rent charged to them by the City, maintain the asset, insure and run it.

Through consultation with BJI it became clear that to achieve the above, it would be in the best interest of both BJI and the City if the building asset was BJI's responsibility and a land lease from the City would be the most appropriate form of tenure.

Subject to the Council's approval of the lease terms in this report, a joint proposal will be taken to the PCG that will recommend, for the reasons outlined, that BJI will be responsible for the development, but be required to use the City's procurement processes, and the City will:

- oversee the procurement processes.
- have input into and sign off on all scopes of work and requirements specification.
- form part of evaluation panels and decisions to award contracts; and
- have representatives on the project management team.

At the 24 September 2024 meeting with BJI and City Executive it was agreed that BJI would update their operating financial plan to reflect all estimated costs to lease, service, maintain and insure the building asset. The building costs and outgoings financial forecast is in attachment 3 to this report. BJI have included the following costs:

- \$33k ground lease increasing with CPI,
- Annual insurance estimated at \$84k,
- Annual asset maintenance transfers into a reserve starting at \$200k; and
- Rates (Water, Sewerage, City of Busselton) estimated at \$77k
- Totalling \$424,148 from year 1 of operating.

Annual rent and return to the Jetty Maintenance Reserve

The concept design for the building (attachment 1) is a preliminary draft and subject to change based on detailed design and further costings. The design is a three-storey structure; the ground floor will house a reception/ticket sale area, a kiosk, office space, and the Jetty Museum/Exhibition area which will take up most of the ground floor space. The first floor will have the MDC, a theatre/VR Room and Enviro/Schools Space. The concept for the second floor is a marine themed mini golf space, a roof top function/event area and a bar. The outside of the building will have a decorative screen which will give the suggestion of bubbles under the sea.

The business case developed by BJI forecast the licence fee payable to the City based on the current Jetty License Agreement of 25% of gross revenue excluding GST. This was estimated at \$746,678 from the first full year of operation, see table 6 extract from the Business Case below. This assumed the food and beverage kiosk and sky bar would operate under a commercial lease arrangement at \$25,000 per annum each and that the City would be responsible for the MDB maintenance from the JMR. Insurance costs and other outgoings would be passed through to BJI.

Table 6: Estimated Jetty Maintenance Reserve annuity assuming Licence Fee 25% of ticket sales 2028/29:

COMPONENT	ESTIMATED LICENCE FEE to JMR – 25% of Gross Revenue after GST	Estimated Surplus to BJI for Asset Management/Replacement AUDC reserve and other investment/s
Dive Trolley and Dive Tank Refills	\$17,299	(\$5,016)
Jetty Museum / Multipurpose Space	\$157,514	\$165,894
Food and Beverage Kiosk	\$25,000	\$235,241
Marine Discovery Centre	\$345,102	\$518,531
Marine Themed Experience	\$176,763	\$92,287
Sky Bar	\$25,000	\$21,012
TOTAL – YR1	\$746,678	\$1,027,948

The City obtained an independent market valuation report dated 5 August 2024. The report compared existing ground leases on the Busselton foreshore, Hilary's Harbour and Aurora Esplanade Jindalee. The ground rental evidence presented ranges from circa \$44 to \$59 per m² net of GST and outgoings. The report highlighted that the analysed ground rentals for the three nearby properties of 1, 11 and 15 Foreshore Parade, Busselton range from circa \$56 to \$59 per m² per annum net of GST. These properties are located within closer proximity to the beachfront and provide superior ocean views and therefore a lower rate per m² would apply to the proposed building.

The market rent was assessed at \$33,000 per annum net of GST and outgoings on an "As Is" ground lease basis. This was based on the mid-point of a range of \$45 to \$50 per m².

The City also requested an "As If Complete," market rent assessment to determine the value of the asset once constructed. The report provides a range of market comparisons. The rental evidence presented ranges from \$130 to \$594 per m² per annum net of GST and outgoings with an overall

quantum of rental value ranging from \$65,000 to \$300,000 per annum net of GST and outgoings. The assessment took into consideration alternative commercial/hospitality aligned tenancy arrangements should the subject improvements not be utilised for their proposed “Marine Discovery Centre” purposes. The report considered comparable hospitality evidence, and highlighted the proposed building provides large scale three level improvements (>1,800m²) and therefore generally lower rates per square metre of lettable area are considered applicable. The report also considered there to be a relatively shallow pool of potential tenants for the property type given the magnitude of the proposed building and associated high quantum of rental and noted the substantial trading competition within the immediate locality with superior views.

Based on the available rental evidence and the assumptions above the report assessed the “As If Complete” market value at \$265,000 per annum net of GST and outgoings. This equates to an overall rental rate of \$146 per m² per annum net of GST and outgoings.

To ensure parity with other foreshore leases and noting that the proposed development will assist with increasing contributions into the JMR, Officers are recommending a ground lease with an annual rent net of outgoings commencing at \$33,000 per annum. To allow time for the design and construction of the MDB the following rent periods are proposed:

Year 1 - \$100 + GST

Year 2 - \$15,000 + GST

Year 3 - \$33,000 GST per annum and other outgoings adjusted in accordance with CPI from commencement of the Lease term.

In the September Council agenda report, officers recommended there should be alignment with BJI’s business case, which committed that through the development of this asset there would be sufficient revenue generated to both maintain it and make additional contributions to the JMR. In addition to the annual rent, it was recommended that an amount equal to 25% of the total gross revenue for the previous financial year be transferred into the JMR. Officers made this recommendation consistent with the methodology applied under the current Jetty Licence Agreement, with the calculation to exclude the food, beverage and bar revenue.

BJI’s updated operating financial plan has however removed the 25% of the total gross revenue contribution and replaced the forecast with an updated profit and loss (sheet 1 of attachment 3) which shows the increased costs to maintain, service and insure the building, described above, and reduced revenue forecasts based on the experience of operating the MDC in the Ballarat Room since June. In year one an operating profit of \$286,929 has been forecast for the MDB.

At a strategic workshop with the BJI CEO (and key BJI staff) Board, Elected Members and City of Busselton Executive Officers it was agreed that the current Licence could look to be simplified, aligned to completion of the five-year regular review of the 50 Year Jetty Maintenance Plan. The review is due to be completed in the first quarter of 2025.

Any profits that BJI make from the MDB and their operations under the Jetty Licence Agreement could be considered as part of the review of the current License Agreement, with the potential to agree an annual amount 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.

The officer recommendation therefore recommends that the Council enter into a lease based on the payment of an annual rent as outlined, without the additional payment of 25% of gross revenue.

Term

To allow time for the procurement of a project manager, detailed designs and funding to be released to BJI it is recommended the lease commence no later than 30 June 2025.

The Reserve purpose is "Recreation and Community." The City has management of the Reserve with power to lease (consistent with the reserve purpose) for any period not exceeding 42 years and subject to the prior approval of the Minister for Lands.

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.

Statutory Environment

Local Government Act 1995 (LGA)

When disposing of property whether by sale, lease or other means, a Local Government is bound by the requirements of section 3.58 of the LGA which requires giving local public notice when disposing of property. Under regulation 30(2)(b) of the *Local Government (Functions and General) Regulations 1996* disposition of local government property to incorporated bodies with objects of benevolent, cultural, educational or similar nature can be exempt from the advertising and tender requirements of the act.

However, given the high-profile nature of the Busselton foreshore, Officers recommend advertising the disposition to seek broader community feedback. BJI are supportive of this approach.

Land Administration Act 1997 (LAA)

Lot 501, Deposited Plan 402933, Volume LR3166, Folio 949, 12 Foreshore Pde Busselton (Lot 501) is located on Part Reserve 38558, managed by the City under a Management Order. The City has power to lease for purposes consistent with the designated purpose of 'Recreation and Community' for periods up to 42 years, subject to the consent of the Minister for Lands, under section 18 of the LAA City officers have sought informal, officer level, support for the proposition from the Department of Planning, Lands and Heritage (DPLH) which has raised no issues.

Relevant Plans and Policies

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

Plan:

[Corporate Business Plan 2022-2026](#)

This proposal links most strongly to the area of Opportunity and the creation of a vibrant City with diverse opportunities and a prosperous economy, and specifically the following Strategic Priorities:

- 3.1 Work with key partners to facilitate the activation of our town centres, creating vibrant destinations and consumer choice; and
- 3.2 Facilitate an innovative and diversified economy that supports local enterprise, business investment and employment growth.

Policy:

[Commercial Use of City Land and Facilities](#)

The objectives of this Policy are to set out a framework for managing the commercial use of City Land and Community Facilities which:

- Encourages innovation, business development, and overall economic growth.
- Provides diversified goods and services to residents and visitors.
- Value adds to the overall resident and visitor experience; and
- Enhances the vibrancy and activation of public spaces.

Financial Implications

Currently the amount required to be placed into the JMR to meet the cost of asset replacement and annual maintenance of the Jetty exceeds the amount generated from existing foreshore commercial rents and the existing contributions by BJI. \$33,000 per annum from the proposed rent will be accumulated into the JMR to help towards reducing the funding gap for the Jetty's forecast maintenance.

Based on BJI's updated operating financial plan the MDB is expected to generate \$286,929 in profit from the first year of operating

The City will not have any maintenance, insurance or cleaning obligations in respect of the MDB. The lease will provide that BJI will be responsible to maintain the MDB (including structural repair and maintenance) and that BJI must establish and maintain a trust account as a contingency fund for the purpose of making capital improvements to the premises and complying with their maintenance obligations. The annual transfer amount should be that forecast in BJI's operating financial plan in attachment 3. City officers will recommend to DPIRD that this transfer to reserve is a requirement of BJI's Funding Agreement.

External Stakeholder Consultation

Whilst previous consultation for the Australian Underwater Discovery Centre and Jetty Village has informed the concept for the MDB there has been no specific community engagement for the MDB concept; to avoid raising expectations should the project not be funded to progress.

The proposed building concept has been discussed with the other foreshore commercial operators. As a result, the kiosk servery window on the ground floor will be removed in detailed design and the 2nd storey bar will be designed to be ancillary to the marine themed mini golf experience.

Risk Assessment

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

Options

As an alternative to the proposed recommendation the Council could:

1. Resolve not to support the proposed lease terms for public advertising for the Marine Discovery Building to BJI;
or
2. Require different or other terms and conditions to be considered.

CONCLUSION

The use of Lot 501 provides an ideal location for a permanent home for the MDC and other marine experiences which relate to the Jetty heritage and Geographe Bay. Use of this land for the MDB operated by BJI is in keeping with the site’s designated purpose of ‘Recreation and Community’.

The business case and operating financial plan developed by BJI has demonstrated operating the building for its design purpose will generate sufficient revenues to maintain and insure the buildings and pay the proposed rent to support increase transfers into the JMR. This will help towards the future maintenance of the Jetty. The MDB will also offer an alternative indoor experience on the foreshore which will be accessible all year round and support the sustainability of BJI’s operations.

The Council are requested to enter into a lease with BJI for the construction and operation of a MDB on Lot 501 subject to the consent of the Minister for Lands and there being no objections raised through section 3.58 of the LGA advertising process.

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
S3.58 Advertising commence	By 31 October 2024
S3.58 Advertising closing	By 15 November 2024

14. CORPORATE STRATEGY AND PERFORMANCE REPORTS

14.1. Local Government Elections - Advocacy Position

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:	Advocacy: to advocate on its own behalf or on behalf of its community to another level of government/body/agency.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	Nil

Prior to the meeting Cr Kennedy, Cr Ryan and Cr Love foreshadowed alternative motions to the officer recommendation. In accordance with clause 10.18(6) of the of the City's Standing Orders Local Law 2018, the alternative motions are to be considered in the order foreshadowed prior to the Officer Recommendation.

Due to the nature of the motion the Presiding Member determined, in accordance with clause 10.5 of the of the City's Standing Orders Local Law 2018, to treat the motion as a complex motion and to break the motion into six parts.

Part 1 – Cr Kennedy’s alternative motion was moved and carried.

COUNCIL DECISION

C2410/283 Moved Cr Anne Ryan, seconded Cr Jodie Lee

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.**

CARRIED 9 / 0

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

AGAINST: Nil

Part 2 - Cr Kennedy's alternative motion was moved and lost.

COUNCIL DECISION

C2410/284 Moved Cr Jarrod Kennedy, seconded Cr Anne Ryan

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

- 2. TERMS OF OFFICE - Council supports the advocacy position that the sector supports four-year terms on an all in/all out basis.**

LOST 3 / 6

FOR: Mayor Phill Cronin, Cr Kate Cox and Cr Richard Beecroft

AGAINST: Cr Anne Ryan, Cr Jodie Lee, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love and Cr Jarrod Kennedy

Part 2 – Cr Ryan's alternative motion was moved and carried.

COUNCIL DECISION

C2410/285 Moved Cr Anne Ryan, seconded Cr Jodie Lee

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

- 2. TERMS OF OFFICE - Council supports the advocacy position that the sector s continues to support four-year terms with a two-year spill.**

CARRIED 9 / 0

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

AGAINST: Nil

Reasons: Four year terms with a two year spill enables the Council to retain organisational knowledge across election cycles.

Part 3 - Cr Kennedy's alternative motion was moved and lost.

COUNCIL DECISION

C2410/286 Moved Cr Jarrod Kennedy, seconded Cr Andrew Macnish

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

- 3. VOTING METHODS - Council supports the advocacy position that the sector supports Optional Preferential Voting (OPV) as the preferred voting method for general elections.**

LOST 4 / 5

FOR: Mayor Phill Cronin, Cr Val Kaigg, Cr Andrew Macnish and Cr Jarrod Kennedy

AGAINST: Cr Anne Ryan, Cr Jodie Lee, Cr Mikayla Love, Cr Kate Cox and Cr Richard Beecroft

Part 3 - Cr Ryan's alternative motion was moved and carried.

COUNCIL DECISION

C2410/287 Moved Cr Anne Ryan, seconded Cr Richard Beecroft

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

- 3. VOTING METHODS - Council supports the advocacy position that the sector supports 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.**

CARRIED 9 / 0

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

AGAINST: Nil

Reasons: First Past the Post is a simpler voting method.

Part 4 - Cr Kennedy's alternative motion was moved and lost.

COUNCIL DECISION

C2410/288 Moved Cr Jarrod Kennedy, seconded Cr Mikayla Love

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

- 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.**

LOST 4 / 5

FOR: Mayor Phill Cronin, Cr Val Kaigg, Cr Mikayla Love and Cr Jarrod Kennedy

AGAINST: Cr Anne Ryan, Cr Jodie Lee, Cr Andrew Macnish, Cr Kate Cox and Cr Richard Beecroft

Part 4 - Cr Ryan's alternative motion was moved and carried.

COUNCIL DECISION

C2410/289 Moved Cr Anne Ryan, seconded Cr Richard Beecroft

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

- 4. INTERNAL ELECTIONS - Council supports the advocacy position that the sector supports First Past the Post (FPTP) as the preferred voting method for all internal elections.**

CARRIED 6 / 3

FOR: Cr Anne Ryan, Cr Jodie Lee, Cr Andrew Macnish, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft

AGAINST: Mayor Phill Cronin, Cr Val Kaigg and Cr Mikayla Love

Reasons: First Past the Post is preferred for internal elections for consistency with the advocacy position taken for point 3 above.

Cr Macnish left the meeting at 7:30pm and returned at 7:37pm.

Part 5 - Cr Kennedy's alternative motion was moved and lost.

COUNCIL DECISION

C2410/290 Moved Cr Jarrod Kennedy, seconded Cr Jodie Lee

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

- 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.**

LOST 0 / 9

FOR: Nil

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

Part 5 - Cr Ryan's alternative motion was moved and carried.

COUNCIL DECISION

C2410/291 Moved Cr Anne Ryan, seconded Cr Richard Beecroft

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

- 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.**

CARRIED 9 / 0

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

AGAINST: Nil

Part 6 - Cr Kennedy's alternative motion was moved and carried.

COUNCIL DECISION

C2410/292 Moved Cr Jarrod Kennedy, seconded Cr Mikayla Love

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

- 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.**

CARRIED 8 / 1

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

AGAINST: Mayor Phill Cronin

7:51pm: At this time, Councillor Anne Ryan moved the below procedural motion:

MOTION

C2410/293 Moved Cr Anne Ryan, seconded Cr Mikayla Love

That the Council resolves to adjourn the meeting for a ten minute period.

CARRIED 9 / 0

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

AGAINST: Nil

7:51pm: At this time the meeting was adjourned.

8:04pm: At this time, the meeting resumed

OFFICER 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 postal voting and In-Person voting.**
- 6. METHOLD 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.**

EXECUTIVE SUMMARY

The Western Australian Local Government Association (WALGA) is seeking Council decisions to inform the sector position on local government elections. This report sets out the current WALGA advocacy position, the specific advocacy positions WALGA is seeking direction on, and an officer recommendation on which advocacy positions the City of Busselton should support.

STRATEGIC CONTEXT

Local Government elections are an important democratic process that determine the membership of the Council. A Council that is representative of its community and their views is important to ensure that decision making meets the needs of the community.

BACKGROUND

The *Local Government Amendment Act 2023* introduced a range of electoral reforms that came into effect prior to the 2023 Local Government ordinary elections including:

- the introduction of Optional Preferential Voting (OPV);
- extending the election period to account for delays in postal services;
- changes to the publication of information about candidates;
- backfilling provisions for extraordinary vacancies after the 2023 election;
- public election of the Mayor or President for larger Local Governments;
- abolishing wards for smaller Local Governments; and
- aligning the size of councils with the size of populations of each Local Government (change to representation).

Following requests from several Zone's, WALGA undertook a comprehensive review and analysis of 5 ordinary election cycles up to and including the 2023 Local Government election against the backdrop of these legislative reforms.

The review and report focused on postal elections conducted exclusively by the Western Australian Electoral Commission (WAEC), with the analysis finding evidence of the rising cost and a reduction in service of conducting Local Government elections in Western Australia.

The Elections Analysis Review and Report was presented to State Council 4 September 2024, with State Council supporting a review of WALGA’s Local Government Elections Advocacy Positions. A summary of WALGA’s current advocacy positions for Local Government Elections is provided below:

ELECTIONS	
Position Statement	<p>The Local Government sector supports:</p> <ol style="list-style-type: none"> 1. Four year terms with a two year spill 2. Greater participation in Local Government elections 3. The option to hold elections through: <ul style="list-style-type: none"> • Online voting • Postal voting, and • In-person voting 4. Voting at Local Government elections to be voluntary 5. The first past the post method of counting votes <p>The Local Government sector opposes the introduction of preferential voting, however if ‘first past the post’ voting is not retained then optional preferential voting is preferred.</p>
Background	The first past the post (FPTP) method is simple, allows an expression of the electorate’s wishes and does not encourage tickets and alliances to be formed to allocate preferences.
State Council Resolution	<p>February 2022 – 312.1/2022 December 2020 – 142.6/2020 March 2019 – 06.3/2019 December 2017 – 121.6/2017 October 2008 – 427.5/2008</p>
Supporting Documents	Advocacy Positions for a New Local Government Act WALGA submission: Local Government Reform Proposal (February 2022)
METHOD OF ELECTION MAYOR	
Position Statement	Local Governments should determine whether their Mayor or President will be elected by the Council or elected by the community.
State Council Resolution	<p>February 2022 – 312.1/2022 March 2019 – 06.3/2019 December 2017 – 121.6/2017</p>
CONDUCT OF POSTAL ELECTIONS	
Position Statement	The <i>Local Government Act 1995</i> should be amended to allow the Australian Electoral Commission (AEC) and any other third party provider including Local Governments to conduct postal elections.

Background	Currently, the WAEC has a legislatively enshrined monopoly on the conduct of postal elections that has not been tested by the market.
State Council Resolution	May 2023 – 452.2/2023 March 2019 – 06.3/2019 December 2017 – 121.6/2017 March 2012 – 24.2/2012

All Western Australian Local Governments are being asked to provide a Council decision on WALGA's advocacy positions as they relate to Local Government Elections, to see if those positions are still current. WALGA is requesting a response so that an item can be considered at the December 2024 State Council meeting.

OFFICER COMMENT

WALGA has requested that the following advocacy positions be considered by Councils:

ADVOCACY AREA	ADVOCACY POSITION OPTIONS
Participation	(a) The sector continues to support voluntary voting at Local Government elections. OR (b) The sector supports compulsory voting at Local Governments elections.
Terms of office	(a) The sector continues to support four-year terms with a two-year spill; OR (b) The sector supports four-year terms on an all in/all out basis.
Voting methods	(a) The sector supports First Past the Post (FPTP) as the preferred voting method for general elections. If Optional Preferential Voting (OPV) remains as the primary method of voting, the sector supports the removal of the 'proportional' part of the voting method for general elections OR (b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for general elections.
Internal elections	(a) The sector supports First Past the Post (FPTP) as the preferred voting method for all internal elections. OR (b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for all internal elections.
Voting accessibility	The sector supports the option to hold general elections through: (a) Electronic voting; and/or (b) Postal voting; and/or (c) In-Person voting.

<p>Method of election of mayor</p>	<p>The sector supports:</p> <p>(a) As per the current legislation with no change – Class 1 and 2 local governments directly elect the Mayor or President (election by electors method), with regulations preventing a change in this method.</p> <p style="text-align: center;">OR</p> <p>(b) Return to previous legislated provisions – all classes of local governments can decide, by absolute majority, the method for electing their Mayor or President.</p> <p style="text-align: center;">OR</p> <p>(c) Apply current provisions to all Bands of Local Governments – apply the election by electors method to all classes of local governments.</p>
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Officers recommend that the WALGA advocacy positions should be targeted at increasing participation and engagement, increasing the overall representativeness of the elected member body of the community, increasing stability and minimising costs. Officers have provided recommendations for each of the WALGA advocacy areas below and justification for that position.

Participation

In Australia, voting is compulsory at state and federal elections and in local government elections for all jurisdictions except South Australia and Western Australia. Voter turnout at the previous two City of Busselton local government elections was 34.34% (2021) and 35.13% (2023) reflecting relatively low levels of participation and engagement. This compares to 85.46% turnout at the last state government election (2021) and 90.47% at the last federal election (2022).

Decisions made by democratically elected governments are more likely to be considered legitimate and representative when higher proportions of the population participate in the process to elect their representatives. Compulsory voting can also have an educational effect on electors by providing a reason for them to become informed and engaged on matters affecting them and their community. Arguments against compulsory voting tend to focus on the idea that compulsory voting infringes on individual liberty.

Officers recommend that the Council support an advocacy position for compulsory voting at local government elections to improve participation and engagement at the local government level and to align with the majority of other Australian jurisdictions.

Terms of office

Officers believe there are benefits of moving to a four year all in/all out election cycle which include reducing election costs (fewer elections), reducing voter election fatigue (fewer elections), and reducing the proportion of a Council term that is subject to caretaker periods. In addition, four-year terms allow time for a Council to form, develop strategy, policy and plans and follow through with the implementation of those strategies, policies and plans without being destabilised by elections and changes in membership. A four-year election cycle is consistent with state government and other eastern state local governments.

The contrary view is that the current two-year election cycle supports continuity of knowledge and experience of the Local Government and identifies key risk of a proposal for an all in/all out as the loss of knowledge and the influence of a Council. It is however, unlikely that no standing elected members would be re-elected.

For the reasons outlined above officers recommend that WALGA take an advocacy position of supporting a four year all in/all out election cycle.

Voting methods

Whilst acknowledging the simplicity of the first past the post system of voting, the use of preferential and proportional systems of voting provide a more representative view of the populations overall preferences. The reform has brought local government in line with state and federal voting systems. Officers support Optional Preferential Voting (OPV) as the preferred voting method for general elections.

Internal elections

For consistency with the election voting methods, officers recommend that the same optional preferential voting method be used for internal elections (such as election of deputy mayor).

Voting accessibility

Officers recommend supporting postal and in person elections in line with current practices. Whilst online voting is widely used in the corporate world and could be seen as a way increase voter participation it has not been adopted for the election of governments in Australia.

Method of election of mayor

Officers recommend that the WALGA advocacy position be to return to the previous legislated provisions that all classes of local governments can decide, by absolute majority, the method for electing their Mayor or President.

Local governments should be able to decide whether they think it is appropriate to have a popularly elected mayor for their district. There are risks associated with the popular election of the Mayor which can include having a Mayor whose planning and policy directions may not have the support of the majority of elected members. Furthermore, popular elections are more likely to benefit financially resourced candidates. The primary argument for popularly elected mayors is that for larger local governments, it is appropriate that they be elected by and accountable to the electors of the entire local government district. However this is somewhat contrary to the position at state and federal level where the people do not elect the premier or prime minister, rather that decision is made by the members of the party who control the lower house of the parliament.

For the reasons outlined it is recommended that all classes of local governments be able to decide, by absolute majority, the method for electing their Mayor or President (whether by popular election or by election from amongst the elected members).

Statutory Environment

Local government elections are dealt with in the *Local Government Act 1995* and *Local Government (Elections) Regulations 1997*.

Relevant Plans and Policies

Not Applicable

Financial Implications

Not Applicable

External Stakeholder Consultation

Not Applicable

Risk Assessment

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

Options

As an alternative to the proposed recommendation the Council could recommend different advocacy options.

CONCLUSION

All Western Australian Local Governments are being asked to provide a Council decision on WALGA’s advocacy positions as they relate to Local Government Elections. Officers have provided recommendations for the Council to consider.

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
Communicate decision to WALGA	Mid-October

14.2 Council Plan 2024 - 2034

STRATEGIC THEME	Key Theme 4: Leadership 4.3 Make decisions that respect our strategic vision for the District.
DIRECTORATE	Corporate Strategy and Performance
REPORTING OFFICER	Manager People, Culture and Strategy - Shannon Pettengell
AUTHORISED BY	Director Corporate Strategy and Performance - Sarah Pierson
NATURE OF DECISION	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
VOTING REQUIREMENTS	Absolute Majority
DISCLOSURES OF INTEREST	No officers preparing this item have an interest to declare.
ATTACHMENTS	<ol style="list-style-type: none"> 1. Council Plan [14.2.1 - 29 pages] 2. Community Workshop Priorities [14.2.2 - 13 pages]

Prior to the consideration of the item Cr Ryan foreshadowed an alternative motion to the officer recommendation. In accordance with clause 10.18(6) of the City's Standing Orders Local Law 2018, it was taken to be an alternative motion and was considered first.

Due to the nature of the alternative motion the Presiding Member determined, in accordance with clause 10.5 of the of the City's Standing Orders Local Law 2018, to treat the motion as a complex motion and to break the motion into five parts.

Part 1 of Cr Ryan's alternative motion was moved.

SUBSTANTIVE MOTION

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:

- 1. 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”.**

During debate Cr Macnish moved an amendment to the substantive motion. There was opposition and debate ensued. The amendment was lost.

AMENDMENT

C2410/296 Moved Cr Andrew Macnish, seconded Cr Jodie Lee

That the Council amend the substantive motion by including the words “at cost and” after the word “growth,” and before the word “diverse”.

LOST 3 / 6

FOR: Cr Jodie Lee, Cr Andrew Macnish and Cr Richard Beecroft

AGAINST: Mayor Phill Cronin, Cr Anne Ryan, Cr Val Kaigg, Cr Mikayla Love, Cr Kate Cox and Cr Jarrod Kennedy

With the amendment being lost, debate continued on the substantive motion and was lost.

COUNCIL DECISION

C2410/294 Moved Cr Anne Ryan, seconded Cr Andrew Macnish

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:

1. 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”.

LOST 2 / 7

FOR: Cr Anne Ryan and Cr Richard Beecroft

AGAINST: Mayor Phill Cronin, Cr Andrew Macnish, , Cr Jodie Lee, Cr Val Kaigg, Cr Mikayla Love, Cr Kate Cox and Cr Jarrod Kennedy

Part 2 of Cr Ryan’s alternative motion was moved and carried.

COUNCIL DECISION

C2410/297 Moved Cr Anne Ryan, seconded Cr Mikayla Love

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:

2. 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.

CARRIED 9 / 0

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

AGAINST: Nil

Reasons: It is appropriate to undertake a youth needs assessment for the Yalyalup area in the context of the ongoing growth in this area.

Part 3 of Cr Ryan's alternative motion was moved and carried. During debate a procedural motion was carried to suspend standing orders.

COUNCIL DECISION

C2410/299 Moved Cr Anne Ryan, seconded Cr Mikayla Love

That the Council suspends Standing Orders

CARRIED 8 / 1

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

AGAINST: Cr Andrew Macnish

A motion to resume standing orders was carried.

COUNCIL DECISION

C2410/300 Moved Cr Jodie Lee, seconded Cr Val Kaigg

That the Council resumes Standing Orders

CARRIED 9 / 0

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

AGAINST: Nil

COUNCIL DECISION

C2410/298 Moved Cr Anne Ryan, seconded Cr Mikayla Love

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:

3. Delete action 10.4 and include a new action under Objective 13 (13.8) “Review the Tourism WA’s Southwest 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.

CARRIED 9 / 0

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

AGAINST: Nil

Reasons: Including a new action to consider the development of a local Tourism Destination Management Plan is consistent with Council resolution C2410/270.

Part 4 of Cr Ryan’s alternative motion was moved and carried.

COUNCIL DECISION

C2410/301 Moved Cr Anne Ryan, seconded Cr Andrew Macnish

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:

4. Pg 3: Mayor’s message be amended to read; “On behalf of the City of Busselton, it is my pleasure.... (remains the same)”.

CARRIED 7 / 2

FOR: Cr Anne Ryan, Cr Jodie Lee, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox and Cr Jarrod Kennedy

AGAINST: Mayor Phill Cronin and Cr Richard Beecroft

Reasons: This amendment clarifies that the Mayor speaks on behalf of the local government (City of Busselton).

Part 5 of Cr Ryan's alternative motion was moved and lost.

COUNCIL DECISION

C2410/302 Moved Cr Anne Ryan, seconded Cr Andrew Macnish

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:

- 5. Pg 8: Values; change 'Teamwork' to 'Transparency and Accountability'.**

LOST 2 / 7

FOR: Cr Anne Ryan and Cr Andrew Macnish

AGAINST: Mayor Phill Cronin, Cr Jodie Lee, Cr Val Kaigg, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft

Part 6 of Cr Ryan's alternative motion was moved and lost. During debate an alternative motion was foreshadowed by Cr Mikayla Love.

COUNCIL DECISION

C2410/294 Moved Cr Andrew Macnish, seconded Cr Jodie Lee

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:

- 6. 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.**

LOST 4 / 5

FOR: Cr Anne Ryan, Cr Jodie Lee, Cr Andrew Macnish and Cr Richard Beecroft

AGAINST: Mayor Phill Cronin, Cr Val Kaigg, Cr Mikayla Love, Cr Kate Cox and Cr Jarrod Kennedy

With the substantive motion being lost Cr Love's foreshadowed alternative motion (to Part 6 of the complex motion) was moved and lost.

COUNCIL DECISION

C2410/303 Moved Cr Mikayla Love, seconded Cr Kate Cox

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:

- 6. A new point 16.11 – Facilitate professional development opportunities for elected members to improve leadership qualities.**

LOST 2 / 7

FOR: Cr Mikayla Love and Cr Kate Cox

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

OFFICER 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*.

EXECUTIVE SUMMARY

This report seeks Council adoption of the City of Busselton Council Plan 2024 – 2034 as per Attachment 1 (the Plan). The Plan is the outcome of a major review of the City's Strategic Community Plan 2021 – 2031 and incorporates the annual review and adoption of the City's Corporate Business Plan, bringing the two strategic planning documents into one, and enabling the community to see the complete medium-term plan in one place. It is being presented to the Council for formal adoption as the Council's Plan for the Future.

STRATEGIC CONTEXT

The Council Plan sets out the City's 'Plan for the Future' under the *Local Government Act 1995* (the Act). It sets the strategic direction of the Council and guides the good governance of the district and the responsible management of ratepayer funds. In accordance with the Act, it has been reviewed following engagement with community to inform the vision, aspirations and objectives for the City of Busselton district and community over the next 10 years. This supports achievement of a Council that connects with the community and is accountable in its decision making, in accordance with the current Strategic Community Plan.

BACKGROUND

Section 5.56 of the Act requires that local governments plan for the future, and in doing so comply with any regulations.

The *Local Government (Administration) Regulations* require that local governments prepare a Strategic Community Plan (SCP) reflecting the vision, aspirations and objectives of the community in the district, informed by community engagement; and a Corporate Business Plan (CBP) setting out a local government's priorities to achieve the objectives and aspirations of the SCP. This framework is commonly referred to as the Integrated Planning and Reporting Framework (IPR).

The Council last adopted its SCP in 2021, with a major review due in 2025. The Corporate Business Plan was adopted in September 2024 and is reviewed annually.

Following local government elections in October 2023 and the appointment of a new popularly elected Mayor and four new Councillors, as well as appointment of a new CEO at the end of 2022, it was recognised that earlier review of the City's strategic direction would be beneficial. The City has largely fulfilled its previous strategic focus with redevelopment of the Busselton Foreshore complete, the Busselton Margaret River Regional Airport now servicing flights from both Melbourne and Sydney, and the Saltwater performing arts and convention centre in progress. While continued growth of the airport (including a Terminal) and successful operation of Saltwater remain a key focus, review of the SCP allows the current Council to consider its future strategic direction.

The Department of Local Government, Sport and Cultural Industries (DLGSCI) has been reviewing the plan for the future requirements. The *Local Government Amendment Act 2023* prescribes the deletion of the Section '5.56 – Planning for the Future' and replacement with '5.56 – Council Plan'. The Council Plan approach simplifies the IPR by combining the Strategic Community Plan and Corporate Business Plan into one document addressing the inherent overlap and duplication that often occurs between the two plans. The Council Plan format communicates the complete medium-term plan in one place, enabling the community to review the committed actions of the local government in response to the community objectives.

While the final design of the new IPR Framework is awaiting drafting of regulations, the DLGSCI has supported local governments to transition to a Council Plan format, provided it meets the requirements prescribed in 19C and 19DA of the Regulations.

In recognition of the above, the City appointed Catalyse – a survey and strategic planning consultancy - in early 2024 to facilitate a major review of the SCP and to transition to one Council Plan, incorporating a review of the CBP.

OFFICER COMMENT

Strategic Direction Review – Formation of the Council Plan

The City commenced its strategic review in February 2024 with the Catalyse Community Scorecard which was open 19 February 2024 to 15 March 2024. To encourage participation the City undertook engagement activities as detailed in the external stakeholder consultation section of this report.

The Scorecard received 1,363 responses including over 95,000 written words where the community qualitatively described their priorities and aspirations. The scorecard results provided clarity around community perceptions and priorities for consideration when developing the Council Plan.

Using the Scorecard the City was benchmarked against a range of other local governments and was rated one of the top ranking regional local governments in WA. The City of Busselton was identified as a leading council in the areas of community spirit, sense of belonging, pride in the local area, being a great place to visit, access to goods and services, and tourism and destination marketing. Council's investment in creating a place to live and invest rated highly as well. The top three performing areas identified were:

Performance Area	Positive Rating	Performance Index Score	Industry Average
Libraries	98%	76	70
Tourism and Destination marketing	96%	75	48
Festivals, events, art and cultural activities	95%	74	61

While sport and recreation scored highly with an 82% positive rating, the community identified a clear desire for new facilities to meet increasing demand. This made up one of the top five priorities identified by the community:

Performance Area	Positive Rating	Performance Index Score	Industry Average
Sports and recreation	82%	61	65
Responsible growth and development	57%	42	44
Local rivers, inlets and waterways	54%	41	55
Community safety and crime prevention	79%	54	46
Housing	61%	45	47

The full Scorecard report was published on the City's website 30 May 2024.

In conjunction with the scorecard process, Catalyse, supported by officers, undertook a detailed desktop review of the City's current strategy documents to identify current actions, identify completed actions and then reviewed their alignment with the scorecard feedback.

The City's Executive Leadership Team and Elected Members then collectively workshopped the vision, community priorities and objectives along with a draft City response in the form of a list of priority actions on 11 June 2024. The results of this workshop informed community workshops.

130 people attended three community workshops held across 17 and 18 July 2024, with one workshop held in Dunsborough and two in Busselton. The community workshops confirmed the ongoing relevance of the City's current vision, however community feedback supports a shift from a place **where lifestyle, environment and opportunity meet** to a place **where lifestyle, environment and opportunity thrive**; as a more active and descriptive vision.

The community were also asked to provide feedback on the City's draft action plan through prioritisation (high, medium or low) of the listed actions and provision of as well as general feedback, such as being clearer in describing actions. Actions were prioritised as:

- 45 – High Priority
- 42 – Medium Priority
- 18 – Low Priority

As an outcome of the community workshops, majority of high rated priority actions were included in the Plan either as written or with edits to improve readability, refined into one broader action to remove repetition i.e. reviewing the Energy Strategy (which includes some removed listed actions) or have been reflected in service delivery statements around what the City will continue to do at a service level. Attachment 2 is a table of the outcomes of the community workshops. Of note, after reviewing the community feedback, we have added an additional community objective to the Opportunity Theme - *Collaborate with key partners to strengthen opportunities for education and life-long learning*. Under this objective we have listed our library services as a key service element and two priority actions – advocate for higher education offerings and investigate expansion of library services - which were rated as a high and medium priority respectively with the community. Libraries were also one of the top performing areas in the Community Scorecard.

Following the community workshops, the City’s leadership team aligned the draft Council Plan with resourcing requirements. Service teams were allocated and actions which require capital or more significant operating expenditure noted.

Catalyse facilitated a final workshop with the City’s Executive Leadership Team and Elected Members on 11 September 2024 to finalise the draft Council Plan.

Council Plan

The Council Plan is now presented to the Council for adoption as the plan for the future.

The Plan resets Council’s vision for the City of Busselton district to be a place **‘where environment, lifestyle and opportunity thrive’**. The current SCP vision ‘where environment, lifestyle and opportunity meet’ represents the coming together of social, economic and environmental outcomes however community feedback supports a more active vision statement, where we aspire for all three to thrive.

Supporting the vision, the Plan sets out five strategic or key themes of Lifestyle, Environment, Place, Opportunity and Leadership, with the community’s aspiration in relation to each theme reflected in an outcome statement:

1. Lifestyle – Our community is safe, welcoming and inclusive, with access to services and facilities to support good health and wellbeing.
2. Environment – An environment that is valued, conserved and able to be enjoyed by current and future generations.
3. Place – Responsible planning is helping the region to experience sustainable growth with retention and enhancement of our unique character, identity and lifestyle.
4. Opportunity – We have a vibrant and growing economy with diverse opportunities for everyone to learn, work and flourish.
5. Leadership – We actively engage with community to deliver visionary, collaborative and accountable leadership.

The Plan retains the themes of the current SCP – Lifestyle, Environment and Opportunity - with a specific focus now on place (as distinct from lifestyle), recognising the continued growth of the City as a district and the priority placed by the community on responsible growth and development. Achievement of the Plan’s vision continues to be underpinned by the strategic theme of Leadership.

Achievement of these outcomes is further defined by 18 community objectives and supported by service provision, priority actions and resources.

The Plan highlights six strategic priority areas in response to the community's feedback. These are outlined at the beginning of the Plan, ensuring that the reader can quickly and clearly identify the City's actions in response to their feedback. The six priority strategic areas highlighted in the Plan are:

- Sport and Recreation
- Rivers and Waterways
- Responsible Development and Housing
- Airport Services
- Community Safety
- Communication and Engagement

The Plan then lists under each community objective (on a best fit basis) service elements that support achievement of each objective and priority actions (85 in total) over the next 4 years – 2024/25 to 2027/28. This part of the Plan replaces the existing CBP and these priority actions and services will be reviewed annually to adapt to social, environmental, economic and political requirements and changing community needs.

The timing of these priority actions and whether they are reliant on funding to be secured is notated by year with either a dot or a \$ sign. Where capital or operating expenditure is required (over and above staffing and recurrent budgets) this is tabled at the back of the plan. Noting that the Council is currently working to revise and readopt its LTFP, future year actions are notated with a \$ sign where they are outside of current resourcing.

Importantly the Plan sets out the various roles the City plays in the provision of services and actions to support community objectives. Local governments deliver services and infrastructure to their community and also work collaboratively with key partners including other levels of government and local community groups to facilitate and partner in the delivery. Advocacy is also a key role of local government. These various roles are outlined as:

- Lead
- Advocate
- Facilitate
- Provide
- Regulate

The Plan has been developed with consideration for the City's resourcing capacity, with many of the actions accommodated within recurrent operating expenditure and workforce capacity. Some, however, are dependent on the securing of future resourcing. It is worth noting also that many actions reflect next steps and will likely be further built upon in future iterations of the Council Plan.

Progress over future years will be measured through tracking achievements towards priority actions as contained within the Plan as well as future community surveys. To assist in measuring performance, the Plan includes target data in relation to service areas measured by the Catalyse MARKYT Community Scorecard. Progress towards the achievement of the community objectives outlined in the Plan should deliver maintained and improved performance results in these areas. This will be supported by service metrics as part of more detailed service planning.

Statutory Environment

Section 5.56 of the *Local Government Act 1995* (the Act) requires a local government to plan for the future of the district and to ensure that any such plans are in accordance with regulatory requirements.

Regulation 19C *Local Government (Administration) Regulations 1996* (the Regulations) sets out the requirements of a local government to develop or when modifying a strategic community plan for its district.

The strategic community plan must:

- cover at least 10 financial years;
- set out the vision, aspirations and objectives of the community in the district;
- review the current strategic community plan for its district at least once every 4 years;
- ensure that electors and ratepayers of the district are consulted when preparing modifications;
- contain a description of the involvement of the electors and ratepayers of the district in the preparation of modifications of the plan.
- be adopted by an Absolute Majority of the Council.

Regulation 19DA of the *Local Government (Administration) Regulations 1996* (the Regulations) sets out the requirements of a local government to develop or when modifying a corporate business plan for its district.

A corporate business plan must:

- have a minimum 4 year outlook;
- identify and prioritise the principal strategies and activities the Council will undertake in response to the aspirations and objectives stated in the strategic community plan;
- state the services, operations and projects that a local government will deliver over the period of the plan;
- reference resourcing considerations such as asset management plans, finances and workforce plans; and
- be adopted by an Absolute Majority of the Council.

Section 68 of the *Local Government Amendment Act 2023* prescribes amendment of the *Local Government Act 1995* by deleting Section '5.56 – Planning for the future' and replacement with '5.56 – Council Plan'.

The Council Plan presented complies with these statutory requirements.

Relevant Plans and Policies

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

Plan:

Strategic Community Plan 2021 – 2031

[Corporate Business Plan 2022-2026](#)

Policy:

Not applicable

Financial Implications

The Plan has been developed cognisant of the City’s resourcing capacity and will inform the current review of the City’s Long Term Financial Plan (LTFP). For instance, the draft LTFP will include an allocation of funding to a financial reserve dedicated to future sport and recreation planning and infrastructure, and funding towards a new terminal at the Busselton Margaret River Airport. It also provides for the funding of core services, with several sources of revenue available, including rates, borrowings, reserves, contributions and grants.

External Stakeholder Consultation

To encourage participation in completion of the Community Scorecard City Officers undertook the following engagement activities:

City of Busselton ‘Your Say’ website	Launched 30 January 2024
Bay to Bay Newsletter	Over 13,500 subscribers emailed promotion of the Scorecard and Council Plan Your Say page in January and February.
Email	Catalyse sent Scorecard invitations to 11,000 randomly selected households; 1,000 by mail and 10,000 by email.
Local Newspaper	Advertised 21 February 2024, 28 February 2024 and 6 March 2024.
Social Media	Facebook (4 posts) Reach: 10,138 estimated views LinkedIn (1 post) Reach: 578 estimated views Instagram (1 post) Reach: 693 estimated views
Business Cards with QR Codes	250 cards were printed and distributed to Elected Members, at City facilities and at pop-up events.
Pop-Up Events	The City attended the following events to promote completion of the scorecard: Vasse Twilight Markets – 19 people Dunsborough Arts Festival – 20 people Girls to the Front Youth Event – 20 people Rotary Markets – 33 people
Flyers	The City distributed 20 flyers across City owned facilities including the Busselton Margaret River Airport, Busselton and Dunsbrough Depots, Geographe Leisure Centre, Naturaliste Community Centre, Busselton and Dunsborough Libraries and Youth Centres. They were also sent via City community and cultural Services teams to their community groups.
Local Schools	The City contacted 5 high schools requesting they offer their students time to complete the survey. 4 schools participated.
Internal Promotion	Promotion on the City’s intranet and an all staff briefing 5 March 2024.

Additional Community Workshop promotion	
Bay to Bay Newsletter	Over 13,500 subscribers emailed promotion of the Council Plan Your Say page and workshops in March, June and July.
Local Newspaper	Advertised 12 June 2024, 19 June 2024 and 3 July 2024.
Social Media	Facebook (3 posts) Reach: 3,748 estimated views
Flyers	The City re-distributed 20 flyers across City owned facilities including the Busselton Margaret River Airport, Busselton and Dunsbrough Depots, Geographe Leisure Centre, Naturaliste Community Centre, Busselton and Dunsborough Libraries and Youth Centres. They were also sent via City community and cultural Services teams to their community groups.
Local Schools	5 Principals were sent letters from the Mayor inviting representation at the community workshops. 4 schools participated sending 35 students.
Local Groups	The City's community and cultural services teams actively promoted the workshops with local Chamber of Commerce and Industry groups, the City's Disability Access and Inclusion Reference Group and Cultural groups requesting their attendance.
City website	Community Scorecard results published 30 May 2024 directing community members to Council Plan Your Say page where they could register for the workshops.
Internal promotion	Results were shared with staff and encouraged to promote the community workshops at an all staff briefing 18 June 2024.

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 not to adopt the Council Plan 2024 – 2034. It should be noted that a local government is to review the current corporate business plan for its district every year. The current corporate business plan was last adopted in September 2023.
2. Decide to adopt the Council Plan 2024 – 2034 with amendments.

CONCLUSION

The City with the support of Catalyse, has undertaken a major review of its Strategic Community Plan and Corporate Business Plan, with the Council Plan now presented to the Council for formal adoption as the Council's Plan for the Future.

The review involved community consultation facilitated by Catalyse via the MARKYT Community Scorecard and community workshops. It involved a detailed review of existing strategies, plans and actions as well as a number of leadership and Elected Member workshops.

The City's current vision was reconfirmed with a shift to a place ***where lifestyle, environment and opportunity thrive***; as a more active and descriptive vision. Six priority strategic areas were identified as a focus of the Council Plan and for the City of Busselton over the next 10 years.

In consideration of community aspirations and feedback, the Council Plan has been developed by building on and enhancing the City's existing strategic priorities and re-sets the Council's Plan for the Future.

As outlined in the Plan, there is a limit to what can be achieved solely by the City of Busselton within its legislative, financial and workforce resources. Where aspirations cannot be achieved by local government alone, the Plan notes Council's commitment to work with its key partners to advocate and respond in a way that can make a positive difference.

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 Plan published for distribution	Within 1 month of adoption
Official Launch/Sundowner	Within 2 months of adoption

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 Status Update Report September 2024 [15.1.1 - 2 pages] 2. Current Running SAT Reviews [15.1.2 - 2 pages] 3. Council Resolution Status Update - September 2024 [15.1.3 - 57 pages] 4. Civil Litigation Report September 2024 [15.1.4 - 1 page]

COUNCIL DECISION

C2410/304 Moved Cr Val Kaigg, seconded Cr Anne Ryan

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

**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 9 / 0

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

AGAINST: Nil

EN BLOC

OFFICER RECOMMENDATION

That the 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**

**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 elected member, 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	4 September 2024	Minutes
Policy and Legislation Committee	18 September 2024	Minutes

Minor Donations Program – September 2024

The Council allocates an annual budget allowance to the Minor Donations Program. This is provided such that eligible groups and individuals can apply for and receive sponsorship to assist them in the pursuit of endeavours that bring direct benefit to the broader community. Allocation of funds is delegated to the Chief Executive Officer, in accordance with the published guidelines and funding availability.

6 applications were approved in September 2024 totalling \$2,250, as outlined below.

Recipient	Purpose	Amount
Mr Asher Bourke	Representing Western Australia in Cross Country Nationals in Tasmania.	\$250.00
Mrs Jessica Troode	To participate in AFL National Masters Carnival representing Western Australia.	\$250.00
Ms Ayla McKenzie	Representing Western Australia in Gymnastics National Championships in Tasmania.	\$250.00
Miss Saskia Louw	Representing Western Australia in Gymnastics National Championships in Tasmania.	\$250.00
Busselton Margaret River Junior Cricket Association	Donation towards coloured kit and equipment for compliance with new WACCB regulations.	\$1,000.00
Mr Finn Olney	Participation in Western Australian Premier Cricket.	\$250.00
TOTAL		\$2,250.00

Current Active Tenders

The Tender update for September 2024 is provided at Attachment 1

State Administrative Tribunal Reviews Update

Current State Administrative Tribunal reviews are provided at Attachment 2.

Council Resolution Status Update

The Council Resolution Status update is provided at Attachment 3.

Civil Litigation Update

The Civil Litigation Update is provided at Attachment 4.

16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

16.1. Notice of Motion - New CEO Performance Review Committee

DISCLOSURE OF INTEREST	
Date	16 October 2024
Meeting	Ordinary Council Meeting
Name/Position	Tony Nottle, Chief Executive Officer
Item No./Subject	16.1 Notice of Motion - New CEO Performance Review Committee
Type of Interest	Impartiality Interest
Nature of Interest	This item pertains to the performance of my role as CEO.

COUNCIL DECISION

C2410/306 Moved Cr Anne Ryan, seconded Mayor Phill Cronin

That the Council adjourn the meeting to 5:30pm Wednesday 23 October 2024 for work health and safety reasons.

CARRIED 9 / 0

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

AGAINST: Nil

9:52pm (16 October 2024): At this time the meeting was adjourned.

5:34pm (23 October 2024): At this time the meeting was resumed.

COUNCIL DECISION

C2410/305 Moved Cr Andrew Macnish, seconded Cr Anne Ryan

The Council resolves to:

- 1. Thank the members of the CEO Performance Review Committee (PRC) for its contribution to the CEO's 2023/4 annual performance review.**
- 2. Disband the existing CEO PRC.**
- 3. Establish a new CEO PRC with Terms of Reference as per attachment 1 that allow a membership of 9 elected members.**

CARRIED 5 / 4

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

BY ABSOLUTE MAJORITY

NOTICE OF MOTION

Cr Andrew Macnish has given notice that at the meeting on 16 October 2024, he will move the above motion.

REASONS

One week prior to the election of the current Council, a CEO Performance Review Committee and Terms of Reference (C2310/147) was established. Earlier that year a CEO Performance Review Policy (C2301/010) was also resolved. The new Council resolved to change the mechanics implicit in the above and the process for the CEO's recent successful annual performance review was completed last month. Hence the PRC established under the ToR prior to the existence of the current Council has completed its role.

The Council supported an upgrade to the previously proposed process which involved all elected members. This facilitated and encouraged a range of inputs to ensure a robust and inclusive discussion that also (maturely) involved the CEO directly. It also ushered in successful contract element negotiations – again, directly with the CEO.

All EMs have now sampled the value to be had by being included (and seeing to have been included), in representing the 'employer' in overseeing its single employee's annual performance. Accordingly, this governance improvement should now be reinforced through the amending of the ToR particularly offering PRC places to all EMs.

The Council would be encouraged to consider the logistical benefits of this (full EM complement) PRC given it can be scheduled outside Council meeting dates (and thus not mixing the typical workshop type discussion of confidential matter/s with otherwise mainstream/open OCM content).

OFFICER COMMENT

Officers feel that current membership of the CEO Performance Review Committee consisting of the Mayor plus 3 elected members is effective and appropriate, and do not support disbanding of the current committee in favour of a new committee, noting that the objectives of the proposed new committee are the same as the current committee.

Officers acknowledge the previous administrative error in relation to the appointment of an additional member to the CEO Performance Review Committee, over and above the membership in the terms of reference; with the Mayor plus 3 elected members – Councillors Cox, Lee and Kaigg – currently appointed to the committee. Officers have previously recommended to the Council that the terms of reference be amended to reflect this increased membership.

Officers do not believe that a committee of all elected members is efficient or necessary; items could instead go direct to the Council and / or be discussed with all elected members through existing workshop / forum mechanisms.

If the Council was of a mind to add more members to the committee it could do this by simply amending the current terms of reference to increase the membership and appointing additional members (who have nominated) as members. There is no need to disband the current committee.

16.2. Notice of Motion - Local Government Act

COUNCIL DECISION

C2410/307 Moved Cr Anne Ryan, seconded Cr Andrew Macnish

That the CEO write to the Minister for Local Government, the Hon Hannah Beazley, requesting that impending Bill 181^[1] (changes to the Local Government Act) respectfully be withdrawn from Parliament sitting schedule until such time as:

1. The Bill has been formally put out for public comment and time allowed for elected members, and/or councils, and the community at large to submit comments about the raft of proposed changes;
2. A parliamentary committee has considered those changes; and
3. The proposed changes to Local Government regulations, model charters, guidelines, templates and any other legislation change supported or required by the Bill are identified.

^[1] *Local Government Amendment Act 2024*

[https://parliament.wa.gov.au/Parliament/Bills.nsf/E89C0023410BDDCF48258B790032ADCF/\\$File/Bill%2B181-1.pdf](https://parliament.wa.gov.au/Parliament/Bills.nsf/E89C0023410BDDCF48258B790032ADCF/$File/Bill%2B181-1.pdf)

CARRIED 5 / 4

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

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

NOTICE OF MOTION

Cr Anne Ryan has given notice that at the meeting on 16 October 2024, she will move the above motion.

REASONS

The first tranche of amendments to the Local Government Act were widely publicised and gave opportunity for elected members/council's and the community's input. It is alarming to find out the second tranche has had its second reading in the Lower House but little was/is known about the secretive changes until they were tabled in the parliament.

In 2020 the "Local Government Review Panel Final Report Recommendations for a new Local Government Act for Western Australia"^[1] made 65 recommendations, of which some have been added to the impending legislation and many have been ignored. Why some recommendations have been accepted and others ignored is unclear as no formal consultation (or indeed public knowledge of the secretive Bill) had been forthcoming.

It is insulting that under the Act, specifically 2.10, that the current role of councillors in part is to (c) facilitate communication between the community has been overridden. The *Local Government Reform – Summary of Proposed Reforms*^[2] suggested the following:

“Local government benefits all Western Australians. It is critical that local government works with:

- *a culture of openness to innovation and change*
- *continuous focus on the effective delivery of services*
- *respectful and constructive policy debate and democratic decision-making*
- *an environment of transparency and accountability to ensure effective public engagement on important community decisions”.*

Why then is it incumbent on local government, but not on the State Government to be open, transparent, accountable, and engage the community on important decisions? How will we explain to the community these changes that will affect them, and who will pay from the municipal funds for the additional roles of inspector and inspectorate officers who will just delegate their roles to the very DLGSC officers who undertake the role already? Cost shifting with no real oversight gain is again levelled against local government.

You will make the work of elected members much harder to achieve and their workplace less safe by:

- denying them paid legal representation against frivolous and vexatious claims made against them including by their employees;
- punishing them financially for not attending training sessions when it could simply be required that the training not paid for until after the Elected Member has attended the training;
- giving DLGSC employees police powers to investigate elected members without adequately dealing with inherent conflicts of interest that currently beset the Elected Member conduct complaints system;
- requiring elected members to consider the interests of visitors and tourists to their district;
- doubling of fines and penalties that apply to elected members;
- continuing the secrecy of the outcomes of the multiple failed minor breach complaints by employees against elected members;
- only pay elected members for each meeting they attend and not an averaged amount;
- not requiring serious breach complaints to be sent to the SAT;
- not requiring CEOs to act in good faith as recommended by the parliamentary committee report into serious misconduct.

Employees of Local Government are also implicated in this impending legislation and should also be given time to explore the good, bad, and ugly.

Little will change from the current broken system and indeed it may be worse for elected members. While some of the impending changes to the Act are progressive, some are very concerning, and some simply do not make sense. Considering the many disputed meanings of many provision of the current Local Government Act, at what point will the Regulations, model charters, guidelines, and templates be forthcoming to show that the impending changes have not enabled further harm to elected members and similar confusion. Considering the Panel recommendation 4, a simplified, less prescriptive version of the Act, I do not believe that has been achieved.

^[1] https://www.dlgsc.wa.gov.au/docs/default-source/local-government/local-government-review-panel-final-report.pdf?sfvrsn=acefce14_1

^[2] https://prod.dlgsc.wa.gov.au/docs/default-source/local-government/local-government-reform/local-government-act-reform-submissions/government/shire-of-manjimup-full.pdf?sfvrsn=aa489769_6#:~:text=Minister%20for%20Local%20Government%20has%20now

OFFICER COMMENT

The process for Local Government Reform commenced in 2017 when the State Government announced a review of the *Local Government Act 1995*.

A timeline of events is outlined in the table below to assist the Council understand the reform process and consultation that has occurred prior to deciding whether to send a letter to the Minister for Local Government requesting in the terms set out in the notice of motion.

Date	Detail of Reform/Consultation
2017	<p>The McGowan Government announces a review of the <i>Local Government Act 1995</i>.</p> <p>The objective of the review was for Western Australia to have a new, modern Act that empowers local governments to better deliver for the community. The vision was for local governments to be agile, smart and inclusive.</p>
September 2018 - March 2019	<p>State-wide community consultation conducted including workshops with local governments and communities.</p> <p>More than 3000 survey responses and written submissions (including a submission from the City) were received from community members, ratepayer associations, industry groups, local governments, council members, and peak bodies.</p>
27 June 2019	<p><i>Local Government Legislation Amendment Act 2019</i> was passed including priority reforms to gifts, mandatory training and access to information.</p>
2019	<p>The Legislative Council established Select Committee into Local Government.</p>
2019	<p>The Local Government Review Panel (Panel) was also established in 2019 to consider complex reform proposals.</p>
May 2020	<p>The Panel provided its final report with recommendations to the Minister for Local Government in May 2020.</p>
November 2021 – February 2022	<p>The Department of Local Government, Sport and Cultural Industries (DLGSC) developed proposals for reform. The DLGSC summary of the existing position, original reform proposals and amended proposals can be found here.</p> <p>DLGSC invited comments from local governments and the wider community to inform implementation of the proposed reforms with the consultation period running from 10 November 2021 to 25 February 2022.</p> <p>More than 200 submissions were received from local governments, peak bodies, advocacy groups and members of the public.</p> <p>Submissions in response to the reform proposals (including the City of Busselton’s submission) can be found on the consultation page of the DLGSC website.</p>

<p>3 July 2022</p>	<p>The Minister for Local Government, announced the final package of reforms to the <i>Local Government Act 1995</i>, following a review of the public submissions.</p> <p>State Government Media Statement: Tougher penalties on the way for bad behaving councillors with major local government reforms finalised Western Australian Government (www.wa.gov.au)</p> <p>To ensure that key election related reforms were in place before the 2023 local government elections, the amendments to the Local Government Act were divided into two tranches.</p>
<p>11 May 2023</p>	<p>The first tranche was passed by Parliament on 11 May 2023, and focused on electoral reform ahead of the 2023 Local Government Elections.</p> <p>State Government Media Statement: Local government reform bill passes through Parliament Western Australian Government (www.wa.gov.au)</p>
<p>15 August 2024</p>	<p>The second tranche of local government reforms were introduced to Parliament as the <i>Local Government Amendment Bill 2024</i>.</p> <p>State Government Media Statement: Laws to establish Local Government Inspector before Parliament Western Australian Government (www.wa.gov.au)</p>

In respect to the specific requests set out in the notice of motion officers observe that:

1. The Local Government Act reforms have been subject to the consultation set out in the table above. Elected members should consider the past consultation when determining whether to request that the *Local Government Amendment Bill 2024* be put out for public comment.
2. While the Council can request that the changes be considered by a Parliamentary Committee, it will ultimately be up to Parliament to decide whether to establish a select committee or refer the matter to a committee.
3. It is usual for regulations to be developed after the passing of legislation. The *Local Government Amendment Bill 2024* identifies where regulations may be made. Review of regulations is undertaken by the Joint Standing Committee on Delegated Legislation to ensure compliance with the empowering act. That committee can recommend that the Parliament disallow delegated legislation.

16.3. Notice of Motion - Budget Amendments

COUNCIL DECISION

C2410/308 Moved Cr Andrew Macnish, seconded Cr Jodie Lee

That the Council:

- 1. Transfer from the Sport and Recreation Facility Reserve to the 2024/25 budget (account 11128-1010-3260-0000) funding of \$150,000 to facilitate the necessary sport and recreation planning to achieve the CEO Performance Criteria # 4 and delivery of broader sport and recreation planning to help finalise the City's sport and recreation facility strategy; and**
- 2. Transfer from the Airport Reserve to the 2024/25 budget (account 10594-1007-3260-0000) funding of \$150,000 to facilitate Airport planning to achieve the CEO Performance Criteria # 5.**

CARRIED 9 / 0

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

AGAINST: Nil

BY ABSOLUTE MAJORITY

NOTICE OF MOTION

Cr Andrew Macnish has given notice that at the meeting on 16 October 2024, he will move the above motion.

REASONS

The Council has recently established a new set of annual KPIs which did not have specific funding attached and thus the CEO's ability to attain them could be compromised. The annual budget had already been set.

Significant projects commence with an idea but cannot be discussed sensibly without first ascertaining if they are conceptually feasible and not fatally flawed. Whilst the CEO and his team may have the necessary range of skills, they are already committed to a busy program of operations and compliance.

It is good governance to ensure the CEO is adequately resourced to perform his contractual and statutory role and also to conceptually explore matters to a certain degree before being able to inform the elected member group of what might be feasible, an order of magnitude of cost, logistical implications, timeframes, inputs from contributing parties and generally under what circumstances the project would have to be further progressed (and formally considered in the Council planning and budgeting process).

The reserve funds that might well be required already exist and arguably, have already been identified for related purpose/s.

OFFICER COMMENT

Several of the additional performance criteria (PC) set by the Council for the 24/25 period can be achieved within internal or current budgeted resourcing, noting that the outcomes may be a requirement for additional funding in future budgets (to be communicated as the PC are delivered on).

The exception is PC # 4 in relation to the development of a funding strategy for the future provision of a district sport and recreation facility and PC # 5 in relation to a strategy for the short, mid and long term future development of the Airport. Funding is required to deliver on these PC and can be drawn from the Sport and Recreation Reserve and Airport Reserve respectively.

As such it is recommended that the NoM is supported.

17. URGENT BUSINESS

Nil

18. CONFIDENTIAL MATTERS

The Presiding Member called on a Councillor to move a motion to close the meeting to the public.
The motion was moved and carried.

COUNCIL DECISION

C2410/309 Moved Cr Jodie Lee, seconded Cr Val Kaigg

That the Council close the meeting to the public to consider items 11.1 and 18.1

CARRIED 9 / 0

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

AGAINST: Nil

6:07pm: At this time, the meeting was closed to the public and the livestream of the meeting was ceased.

11.1. Consent to advertise Local Planning Scheme No. 22

Strategic Theme:	Key Theme 2: Lifestyle 2.8 Plan for and facilitate the development of neighbourhoods that are functional, green and provide for diverse and affordable housing choices. 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:	Community Planning
Reporting Officer:	Senior Strategic Planner – Justin Biggar
Authorised By:	Director Community Planning – Gary Barbour
Nature of Decision:	Legislative: adoption of “legislative documents” such as local laws, local planning schemes and local planning policies.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	<ol style="list-style-type: none"> 4. CONFIDENTIAL REDACTED - Local Planning Scheme No 22 - Confidential Summary of Changes [11.1.1 - 5 pages] 5. CONFIDENTIAL REDACTED - City of Busselton Local Planning Scheme No 22 [11.1.2 - 139 pages] 6. CONFIDENTIAL REDACTED - City of Busselton Local Planning Scheme No. 22 - Scheme Maps [11.1.3 - 43 pages]

Prior to the meeting, Cr Anne Ryan foreshadowed an alternative motion that was different to the Officer Recommendation.

Due to the alternative motion considering matters in the confidential attachments the Presiding Member determined, pursuant to clause 5.2(1) of the City’s Standing Orders Local Law 2018, that the report be considered as part of Item 18 – Confidential matters.

COUNCIL DECISION

C2410/275 Moved Cr Anne Ryan, seconded Cr Jodie Lee

That the Council

- 1. Defer the item until the 11 December 2024 Council meeting and LPS22 is made available to the public prior to that date.**
- 2. The confidential attachments be made available to the public as part of the minutes of this meeting.**

CARRIED 8 / 1

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

AGAINST: Mayor Phill Cronin

Reasons: Deferring this item and making public the confidential attachments provides the community with the opportunity to consider the proposed draft Local Planning Scheme No. 22 (the Scheme) prior to the Council resolving to refer the Scheme to the Environmental Protection Authority and Western Australian Planning Commission as required by the relevant legislation.

18.1. Saltwater Project Review

Strategic Theme:	Key Theme 2: Lifestyle 2.4 Establish a performing arts facility for the District. Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
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:	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:	Section 5.23(2)(c) The attachments contain information relating to a contract entered into, or which may be entered into, by the local government.

This report contains information of a confidential nature in accordance with section 5.23 (2)(c) of the *Local Government Act 1995*, as it contains information relating to a contract entered into, or which may be entered into.

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

COUNCIL DECISION

C2410/310 Moved Cr Mikayla Love, seconded Cr Kate Cox

That the Council receives the Saltwater Project Review Report as per confidential attachments 1, 2, 3 and 4.

LOST 4 / 5

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

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

The Presiding Member called on a Councillor to move a motion to open the meeting to the public.
The motion was moved and carried.

COUNCIL DECISION

C2410/312 Moved Cr Val Kaigg, seconded Cr Jodie Lee

That the meeting be re-opened to the members of the public.

CARRIED 9 / 0

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

AGAINST: Nil

6:39pm: At this time the meeting was reopened to the public and the livestream recommenced. The Presiding Member read out the decisions to the gallery.

19. CLOSURE

The meeting was closed at 6:40pm on Wednesday 23 October 2024.

These minutes for the Ordinary Council Meeting, 16 October 2024 were confirmed as a true and correct record on:

Date: 20th November 2024

Presiding Member:

