

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

CITY OF BUSSELTON

MINUTES FOR THE COUNCIL MEETING HELD ON 10 OCTOBER 2018

TABLE OF CONTENTS

ITEM NO.	SUBJECT	PAGE NO.
1.	DECLARATION OF OPENING ACKNOWLEDGEMENT OF COUNTRY / ACKNOWLEDGEMENT OF VISITORS / DISCLAIMER / NOTICE OF RECORDING OF PROCEEDINGS.....	3
2.	ATTENDANCE	3
3.	PRAYER	3
4.	APPLICATION FOR LEAVE OF ABSENCE.....	4
5.	DISCLOSURE OF INTERESTS	4
6.	ANNOUNCEMENTS WITHOUT DISCUSSION.....	4
7.	QUESTION TIME FOR PUBLIC.....	4
8.	CONFIRMATION AND RECEIPT OF MINUTES	5
	Previous Council Meetings	5
8.1	Minutes of the Council Meeting held 26 September 2018	5
	Committee Meetings.....	5
8.2	Minutes of the Finance Committee Meeting held 20 September 2018.....	5
8.3	Minutes of the Policy and Legislation Committee meeting held 25 September 2018	5
9.	RECEIVING OF PETITIONS, PRESENTATIONS AND DEPUTATIONS	5
10.	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN (WITHOUT DISCUSSION)	5
11.	ITEMS BROUGHT FORWARD	6
	ADOPTION BY EXCEPTION RESOLUTION	7
12.	REPORTS OF COMMITTEE	7
12.2	Policy and Legislation Committee - 25/09/2018 - ADOPTION OF REGIONAL PRICE PREFERENCE POLICY	7
12.3	Policy and Legislation Committee - 25/09/2018 - REVIEW OF COUNCIL POLICY 030 - ENVIRONMENT POLICY.....	10
12.4	Policy and Legislation Committee - 25/09/2018 - REVIEW OF COUNCIL POLICY 233 - OCCUPATIONAL HEALTH AND SAFETY.....	14
15.	COMMUNITY AND COMMERCIAL SERVICES REPORT	18
15.1	NAMING OF RESERVE 52464 - PITTS PARK	18
17.	CHIEF EXECUTIVE OFFICERS REPORT	22
17.1	COUNCILLORS' INFORMATION BULLETIN	22

ADOPTION BY EXCEPTION RESOLUTION ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED	24
12. REPORTS OF COMMITTEE	24
12.1 Finance Committee - 20/09/2018 - BUDGET AMENDMENT REQUEST / REVIEW	24
ITEMS FOR DEBATE	ERROR! BOOKMARK NOT DEFINED.
12. REPORTS OF COMMITTEE	38
12.5 Policy and Legislation Committee - 25/09/2018 - REVIEW OF COUNCIL POLICY FEES ALLOWANCES AND EXPENSES FOR ELECTED MEMBERS.....	38
12.6 Policy and Legislation Committee - 25/09/2018 - REVIEW OF COUNCIL POLICY 192 VANDALISM - REWARD FOR INFORMATION RELATING TO THE DAMAGE OF COUNCIL PROPERTY.....	44
18. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	48
19. URGENT BUSINESS.....	48
20. CONFIDENTIAL REPORTS.....	51
21. CLOSURE	51

MINUTES

MINUTES OF A MEETING OF THE BUSSELTON CITY COUNCIL HELD IN COUNCIL CHAMBERS, ADMINISTRATION BUILDING, SOUTHERN DRIVE, BUSSELTON, ON 10 OCTOBER 2018 AT 5.30PM.

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

The Presiding Member opened the meeting at 5.30pm.

2. **ATTENDANCE**

Presiding Member:

Cr Grant Henley Mayor

Members:

Cr John McCallum Deputy Mayor
Cr Ross Paine
Cr Rob Bennett
Cr Paul Carter
Cr Robert Reekie
Cr Kelly Hick
Cr Lyndon Miles

Officers:

Mr Mike Archer, Chief Executive Officer
Mr Oliver Darby, Director, Engineering and Works Services
Mr Paul Needham, Director, Planning and Development Services
Mr Cliff Frewing, Acting Director, Community and Commercial Services
Mr Tony Nottle, Director, Finance and Corporate Services
Ms Sarah Pierson, Manager, Governance and Corporate Services
Mrs Emma Heys, Coordinator, Governance Services
Miss Kate Dudley, Administration Officer, Governance Services

Apologies:

Nil

Approved Leave of Absence:

Cr Coralie Tarbotton

Media:

"Busselton-Dunsborough Times"
"Busselton-Dunsborough Mail"

Public:

1

3. **PRAYER**

The prayer was delivered by Pastor Nathan Seinemeier of Cornerstone Church.

4. APPLICATION FOR LEAVE OF ABSENCE**4.1 Leave of Absence Request**

Councillor Ross Paine has submitted a request for a Leave of Absence for the Ordinary Council Meeting being held on Wednesday 14 November 2018.

COUNCIL DECISION**C1810/196**

Moved Councillor J McCallum, seconded Councillor R Reekie

That a Leave of Absence be granted to Councillor Ross Paine for the Ordinary Council Meeting held on 14 November 2018.

CARRIED 8/0**5. DISCLOSURE OF INTERESTS**

Nil

6. ANNOUNCEMENTS WITHOUT DISCUSSION**Announcements by the Presiding Member**

Nil

7. QUESTION TIME FOR PUBLIC**Response to Previous Questions Taken on Notice**

Nil

Question Time for Public

Nil

8. CONFIRMATION AND RECEIPT OF MINUTES**Previous Council Meetings**8.1 Minutes of the Council Meeting held 26 September 2018**COUNCIL DECISION****C1810/197** Moved Councillor J McCallum, seconded Councillor R Bennett

That the Minutes of the Council Meeting held 26 September 2018 be confirmed as a true and correct record.

CARRIED 8/0**Committee Meetings**8.2 Minutes of the Finance Committee Meeting held 20 September 2018**COUNCIL DECISION****C1810/198** Moved Councillor P Carter, seconded Councillor R Reekie

That the Minutes of the Finance Committee Meeting held 20 September 2018 be noted.

CARRIED 8/08.3 Minutes of the Policy and Legislation Committee meeting held 25 September 2018**COUNCIL DECISION****C1810/199** Moved Councillor K Hick, seconded Councillor P Carter

That the Minutes of the Policy and Legislation Committee Meeting held 25 September 2018 be noted.

CARRIED 8/0**9. RECEIVING OF PETITIONS, PRESENTATIONS AND DEPUTATIONS****Petitions**

Nil

Presentations

Nil

Deputations

Nil

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

Nil

11. ITEMS BROUGHT FORWARD**For the convenience of the Public**

Nil

Adoption by Exception Resolution

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

COUNCIL DECISION/COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

C1810/200 Moved Councillor J McCallum, seconded Councillor R Bennett

That the Committee and Officer Recommendations in relation to the following agenda items be carried en bloc:



- 12.2 POLICY AND LEGISLATION COMMITTEE - 25/09/2018 - ADOPTION OF REGIONAL PRICE PREFERENCE POLICY
- 12.3 POLICY AND LEGISLATION COMMITTEE - 25/09/2018 - REVIEW OF COUNCIL POLICY 030 - ENVIRONMENT POLICY
- 12.4 POLICY AND LEGISLATION COMMITTEE - 25/09/2018 - REVIEW OF COUNCIL POLICY 233 - OCCUPATIONAL HEALTH AND SAFETY
- 15.1 NAMING OF RESERVE 52464 - PITTS PARK
- 17.1 COUNCILLORS' INFORMATION BULLETIN

CARRIED 8/0

EN BLOC

12. REPORTS OF COMMITTEE

12.2 Policy and Legislation Committee - 25/09/2018 - ADOPTION OF REGIONAL PRICE PREFERENCE POLICY

SUBJECT INDEX:	Procurement
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Corporate Services
ACTIVITY UNIT:	Legal Services
REPORTING OFFICER:	Contract & Tendering Officer - Lisa McDonald
AUTHORISING OFFICER:	Director Finance and Corporate Services - Tony Nottle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Proposed Regional Price Preference Policy 
	Attachment B Existing Policy - 049 Regional Price Preference Policy 

This item was considered by the Policy and Legislation Committee at its meeting on 25 September 2018, the recommendations from which have been included in this report.

PRÉCIS

This report advises Council in respect of submissions received in relation to the City's proposed Regional Price Preference Policy (Attachment A) and recommends that Council adopts the New RPP Policy.

BACKGROUND

Following a review of the City's existing Regional Price Preference Policy which resulted in preparation of the New RPP Policy, Council resolved on 25 July 2018 to proceed with the process for adopting of the New RPP Policy by giving Statewide public notice of its intention to have a new regional price preference policy and inviting submissions commenting on the proposed policy.

The New RPP Policy was advertised in accordance with regulation 24E of the *Local Government (Functions and General) Regulations 1996 (Regulations)* on 28 July 2018 and the closing date for submissions was 28 August 2018. Two submissions have been received and neither of them contained any adverse comments in relation to the New RPP Policy. Further detail in relation to these submissions is provided under the CONSULTATION section of this report.

STATUTORY ENVIRONMENT

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

Part 4A – Regional Price Preference of the Regulations enables a Local Government to give a regional price preference in connection with assessing tenders, where it has a regional price preference policy made in accordance with the Regulations. The process for adopting a regional price preference policy and the matters to be governed under the policy are also prescribed in Part 4A of the Regulations.

RELEVANT PLANS AND POLICIES

Once adopted the New RPP Policy will replace the City's existing Regional Price Preference Policy and will form an element of the City's procurement framework, applying under the Regulations in conjunction with the operation of the Council's Purchasing Policy.

The New RPP Policy is also considered to be consistent with the following objectives of the City's Purchasing Policy:

Most Advantageous Outcome

5.7 The most advantageous outcome of a purchasing process is to be determined by weighing up the considerations of price, risk and relevant qualitative factors.

5.8 Accordingly purchasing decisions should take into account factors other than price.

FINANCIAL IMPLICATIONS

Adoption of the New RPP Policy could potentially result in tenderers submitting the lowest prices not necessarily being selected as being the preferred supplier. However the Regulations and the City's Purchasing Policy seek to achieve the most advantageous outcome for the City for procurement of goods and services (which may not necessarily be the lowest price outcome).

Other than that and the relative nominal costs associated with advertising and inviting public submissions, adoption of the New RPP Policy should not have any further financial implications.

LONG-TERM FINANCIAL PLAN IMPLICATIONS

Adoption of the New RPP Policy will not impact on the City's long term financial plan.

STRATEGIC COMMUNITY OBJECTIVES

The Officer's recommendation aligns with and supports the Council's Strategic Community Plan 2017 as follows:

Key Goal Area 4: Economy - 4.2 – A community where local business is supported and in turn drives our economy.

Key Goal Area 6: Leadership - 6.1 – Governance systems, process and practices are responsible, ethical and transparent.

RISK ASSESSMENT

There are no new risks associated with the Officer Recommendation identified as being of a medium or higher level.

CONSULTATION

The New RPP Policy was advertised for public comment in accordance with the relevant statutory requirements and two submissions were received. Both submissions dealt with a number of procurement strategies, the majority of which were not relevant to the New RPP Policy. The only public comments relevant to the New RPP Policy can be summarised as follows:

Submission	Comments/Additional Information
A concern was raised that non-local large business can have a display home or shed based in the Busselton boundary and	The New RPP Policy adequately addresses this concern. The policy stipulates that tenderers will only qualify for a regional price preference "where the management or delivery of the majority of the tendered goods and services will be carried out

therefore become eligible as a local.	<i>from the Local Supplier's premises will the price preference apply.</i>
The City of Busselton should make representations to the State Government to consider increasing the thresholds to match the State Government Buy Local policy.	The Local Government Act and Regulations are currently Statewide under review. The City participates in this review and intends to make submissions in respect of the review of the Regulations.

OFFICER COMMENT

The New RPP Policy seeks to support local business to the maximum extent allowed under the Regulations. Neither of the submissions received sought any adverse change to the draft Policy. No amendment to the draft New RPP Policy is therefore recommended.

It should be noted that one of the submissions was received from the Busselton Chamber of Commerce and Industry (BCCI). That submission included detailed comments relating to other procurement strategies and made suggestions relating to the City's procurement processes in connection with engaging local business/services. Following receipt of the submission City officers met with representatives of BCCI to discuss potential strategies around facilitating the engagement of local suppliers. It is intended that these discussions will continue as an open dialogue.

CONCLUSION

Following review by the City and consultation with the community in respect of the New RPP Policy it is considered that the policy will achieve the City's objectives in relation to extension of a regional price preference to local tenderers, to the extent permissible under the Regulations.

OPTIONS

The Council may wish to retain the City's Regional Price preference Policy or change the wording of the New RPP Policy. However for the reasons outlined in this report and the Council report of 25 July 2018, these options are not recommended.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

If Council resolves to adopt the New RPP Policy, it can only be applied after Statewide public notice of adoption of the policy has to be given. Therefore the City should be in a position to apply the New RPP Policy within a month from adoption of the policy.

COUNCIL DECISION/COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION




C1810/201 Moved Councillor J McCallum, seconded Councillor R Bennett

That following consideration of the submissions received following advertising in accordance with Regulation 24E of the *Local Government (Functions and General) Regulations 1996*, the Council adopts the proposed Regional Price Preference policy as indicated at Attachment A.

CARRIED 8/0

EN BLOC

12.3 Policy and Legislation Committee - 25/09/2018 - REVIEW OF COUNCIL POLICY 030 - ENVIRONMENT POLICY

SUBJECT INDEX:	Environmental Management
STRATEGIC OBJECTIVE:	Natural areas and habitats are cared for and enhanced for the enjoyment of current and future generations.
BUSINESS UNIT:	Environmental Services
ACTIVITY UNIT:	Environmental Management
REPORTING OFFICER:	Environmental Management Coordinator - Greg Simpson
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Proposed Environment Policy  Attachment B Current Environment Policy  Attachment C Proposed Environment Policy - Committee Tracked Changes 

This item was considered by the Policy and Legislation Committee at its meeting on 25 September 2018, the recommendations from which have been included in this report.

PRÉCIS

This report presents a revised Environment Policy (Attachment A) (the Policy) for Council approval, with the current policy having been revised as part of the City's overall review of its Council policies, having regard to the recommendations of the Governance System Review carried out by Mr John Woodhouse in 2017.

The Policy, which has been moved into the new policy template and refined, is considered to be of continuing relevance and importance and is therefore recommended for Council approval.

BACKGROUND

A policy in relation to the City's commitment to and protection of the environment was originally adopted in 2004 as part of an environment strategy prepared at that time. Since then the policy has been reviewed twice, most recently in 2016, as part of the overall revision of the environment strategy. Both reviews resulted in only minor changes, with the overall strategic direction remaining the same.

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

In August 2017 the CEO commissioned a high level independent review of the City's governance systems - the Governance Systems Review. Included in the scope of the review was the City's policy and procedure framework with the following recommendations made:

1. *There should be a review of the Council Policies with the intent that a Council Policy:*
 - a. *Should deal with higher level objectives and strategies;*
 - b. *Should not deal with operational matters, employee matters, or other matters which are the responsibility of the CEO; and*

- c. *Should, where appropriate provide sufficient direction to the CEO to develop OPPs which deal with the implementation of the Council Policy or other detailed matters.*
2. *As part of that review, any existing Council Policy should be deleted where it could, more sensibly, be dealt with by an OPP adopted by the CEO.*
3. *Consideration should be given to developing a new Council Policy which sets out the 'framework' for Council Policies, OPPs and other procedures. The new Policy would explain the role to be played by each level of document. It could, for example, be called a Policy Framework Policy.*

In response a Policy Framework has been developed and endorsed by Council, setting out the intent of Council policies, as opposed to operational documents such as Staff Management Practices and operational procedures, and a Council policy template developed. The proposed revised policy adheres to this framework and template.

FINANCIAL IMPLICATIONS

Adoption of the Policy has no additional financial implications.

LONG-TERM FINANCIAL PLAN IMPLICATIONS

Adoption of the Policy has no additional long term financial plan implications.

STRATEGIC COMMUNITY OBJECTIVES

The Policy links to Key Goal Area 3 – Environment of the City's Strategic Community Plan 2017 and specifically the following Community Objective/s:

- a. 3.1: Development is managed sustainably and our environment valued;
- b. 3.2: Natural areas and habitats are cared for and enhanced for the enjoyment of current and future generations; and
- c. 3.3: The health and attractiveness of our waterways and wetlands is improved to enhance community amenity

RISK ASSESSMENT

There are no risks identified of a medium or greater level associated with the Officers recommendation, with the Policy simply reiterating and maintaining Council's current support for the protection and enhancement of environmental values.

CONSULTATION

No specific consultation was undertaken in relation to the review of the Policy, noting that extensive consultation was undertaken in 2016 in relation to review of the environment strategy which the Policy guides.

OFFICER COMMENT

The purpose of the Policy is to outline Council's commitment towards continuous improvement in environmental management practices and the long-term protection of environmental values within the District.

The Policy is aimed at ensuring

- the proactive management of City land to protect and enhance environmental values,

- the establishment and maintenance of effective partnerships with the community and other stakeholders, and
- that decision making by the City gives due regard to environmental values alongside economic and social considerations.

The Policy overall has been streamlined to ensure that the strategic aims and objectives are clear and that the strategic documents by which the City will drive achievement of the objectives are identified.

The Policy removes reference to principles and concepts such as the precautionary principle. The precautionary principle is outlined as a key principle in the *Environmental Protection Act 1986* as being:

“where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In application of the precautionary principle decisions should be guided by –

- a) careful evaluation to avoid, where practicable, serious or irreversible damage to the environment; and
- b) an assessment of the risk-weighted consequences of various options.”

While the principle remains of relevance, noting that any action that falls within that scope would require EPA approval where the principle would be applied, it is felt that the City often needs to be more responsive and holistic in its decision making. Council regularly has to make decisions on actions with less potential impact on the basis of some uncertainty; in which case it is important to consider, as early as possible and in an integrated fashion, the environment and environmental values alongside social and economic factors. In this way the environment will be seen less as a constraint and more as a core part of decision making.

The Policy statement in paragraph 5.2, sets out that the City will ensure its decision making considers potential impacts on the environment and will endeavour to integrate environmental protection and values with social and economic considerations and values, reflects this.

CONCLUSION

The Policy updates the current environment policy and in doing so maintains Council’s commitment to the long-term protection of environmental values within the District and best practice environmental management.

OPTIONS

Council could decide not to adopt the Policy and instead choose to take a different position / approach in relation to strategic environmental management. Council could also require further amendments to the Policy.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Policy will be effective as of its adoption by Council.

OFFICER RECOMMENDATION

That the Council adopts the revised Environment Policy as per Attachment A, to replace the current policy (Attachment B).

COUNCIL DECISION AND COMMITTEE RECOMMENDATION




C1810/202 Moved Councillor J McCallum, seconded Councillor R Bennett

That the Council adopts the revised Environment Policy as per Attachment A, which includes committee amendments as shown in Attachment C, to replace the current policy at Attachment B.

CARRIED 8/0

EN BLOC

12.4 Policy and Legislation Committee - 25/09/2018 - REVIEW OF COUNCIL POLICY 233 - OCCUPATIONAL HEALTH AND SAFETY

SUBJECT INDEX:	Occupational Health and Safety
STRATEGIC OBJECTIVE:	Accountable leadership that is supported by a skilled and professional workforce.
BUSINESS UNIT:	Corporate Services
ACTIVITY UNIT:	Human Resources
REPORTING OFFICER:	Risk and OSH Officer - Brian McCarroll
AUTHORISING OFFICER:	Director Finance and Corporate Services - Tony Nottle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Proposed Council Policy - Occupational Safety and Health 
	Attachment B Current Council Policy - Occupational Safety and Health 
	Attachment C Proposed Council Policy - Committee Track Changes 

This item was considered by the Policy and Legislation Committee at its meeting on 25 September 2018, the recommendations from which have been included in this report.

PRÉCIS

This report presents a revised Occupational Safety and Health Policy (Attachment A) (the Policy) for Council approval, with the current policy having been amended as part of the City's overall review of its Council policies, having regard to the recommendations of the Governance System Review (GSR) carried out by Mr John Woodhouse in 2017.

The Policy, which has been moved into the new policy template and refined, is considered to be of continuing relevance and importance and is therefore recommended for Council approval.

BACKGROUND

A policy in relation to Occupational Safety and Health was originally adopted in May 2006, with the aim of demonstrating Council's commitment to ensuring a safe and healthy work environment. Since then the current policy has been reviewed a number of times, most recently in 2015, with only very minor changes made such as updating Shire to City.

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

In August 2017 the CEO commissioned a high level independent review of the City's governance systems - the GSR. Included in the scope of the review was the City's policy and procedure framework with the following recommendations made:

1. *There should be a review of the Council Policies with the intent that a Council Policy:*
 - a. *Should deal with higher level objectives and strategies;*
 - b. *Should not deal with operational matters, employee matters, or other matters which are the responsibility of the CEO; and*

- c. Should, where appropriate provide sufficient direction to the CEO to develop OPPs which deal with the implementation of the Council Policy or other detailed matters.*
- 2. As part of that review, any existing Council Policy should be deleted where it could, more sensibly, be dealt with by an OPP adopted by the CEO.*
- 3. Consideration should be given to developing a new Council Policy which sets out the 'framework' for Council Policies, OPPs and other procedures. The new Policy would explain the role to be played by each level of document. It could, for example, be called a Policy Framework Policy.*

In response a Policy Framework has been developed and endorsed by Council, setting out the intent of Council policies, as opposed to operational documents such as Staff Management Practices and operational procedures, and a Council policy template developed. The proposed revised policy adheres to this framework and template.

FINANCIAL IMPLICATIONS

Adoption of the Policy has no additional financial implications.

LONG-TERM FINANCIAL PLAN IMPLICATIONS

Adoption of the Policy has no additional long term financial plan implications.

STRATEGIC COMMUNITY OBJECTIVES

The Policy links to Key Goal Area 6 of the City's Strategic Community Plan 2017 and specifically the following Community Objective/s:

- a. 6.3: Accountable leadership that is supported by a skilled and professional workforce

RISK ASSESSMENT

There are no risks identified of a medium or greater level associated with the Officers recommendation, with the Policy simply reiterating and maintaining Council's current support for Occupational Safety and Health.

CONSULTATION

No specific consultation was undertaken in relation to the review of the Policy.

OFFICER COMMENT

While the safety and health of staff is the responsibility of the CEO, Council are responsible for the provision of adequate resources to meet safety objectives and targets. The purpose of the Policy is to demonstrate the Council's commitment to ensuring a safe and healthy work environment and outlines the strategic responsibilities of the CEO in this regard.

CONCLUSION

The Policy updates the current Occupational Safety and Health policy and in doing so maintains the City's support for a safe and healthy work environment.

OPTIONS

Council could decide not to adopt the Policy and instead choose to take a different position / approach in relation to Occupational Safety and Health. Council could also require further amendments to the Policy.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Policy will be effective as of its adoption by Council.

OFFICER RECOMMENDATION

That the Council adopts the revised Occupational Safety and Health policy as per Attachment A, to replace the current policy (Attachment B).

COUNCIL DECISION AND COMMITTEE RECOMMENDATION

C1810/203 Moved Councillor J McCallum, seconded Councillor R Bennett

That the Council adopts the revised Occupational Safety and Health policy as per Attachment A, which includes committee amendments as shown in Attachment C, to replace the current policy at Attachment B.

CARRIED 8/0

EN BLOC

13. PLANNING AND DEVELOPMENT SERVICES REPORT


Nil

14. ENGINEERING AND WORK SERVICES REPORT

Nil

15. COMMUNITY AND COMMERCIAL SERVICES REPORT

15.1 NAMING OF RESERVE 52464 - PITTS PARK

SUBJECT INDEX:	LAND ADMINISTRATION
STRATEGIC OBJECTIVE:	A community with access to a range of cultural and art, social and recreational facilities and experiences.
BUSINESS UNIT:	Community Services
ACTIVITY UNIT:	Community Services
REPORTING OFFICER:	Community Development Officer - Naomi Davey
AUTHORISING OFFICER:	Director, Community and Commercial Services - Cliff Frewing
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Map - Reserve 52464 

PRÉCIS

This report seeks the Council's endorsement to name the Reserve 52464, Lot 8112 on the Corner of Napoleon Promenade and Mackerel Avenue Vasse, Pitts Park after Albert Leslie Pitts (dec.) a long term resident of Busselton, in line with Council Policy 237 – Naming of Parks, Gardens, Reserves, Memorials, Sports Grounds and Buildings.

BACKGROUND

With the development of community assets such as parks, gardens, reserves, memorials, sports grounds and buildings it is often desirable to recognise the achievements and/or past community efforts of certain community pioneers, and/or long term residents.

The City has received a letter from the family of Mr Albert Leslie Pitts inquiring about the prospect of naming a road or reserve after Mr Pitts. Mr Pitts is recognised for his service in World War II, specifically as a prisoner of war before returning to Busselton where he lived for the remaining 64 years. Mr Pitts was a supporter and sponsor of the Busselton Trotting Club for over 20 years.

Upon investigation it was uncovered that there is a Pit Road already in existence in the locality of Yoganup, therefore it was proposed to name a reserve instead. The family were contacted with a proposal to name Reserve 52464, Lot 8112 as Pitts Park which they supported.

STATUTORY ENVIRONMENT

The *Land Administration Act 1997* provides that the Minister for Lands (the Minister) has the authority for officially naming and un-naming all local parks and recreational reserves in Western Australia. Through delegated authority, Landgate acts on the Minister's behalf to undertake the administrative responsibilities, including the development of policies and procedures, required for the formal approval of local parks and recreational reserve names. A formal request to Landgate will need to be submitted further to any decision by Council to name a reserve after Mr Albert Leslie Pitts.

RELEVANT PLANS AND POLICIES

The City of Busselton Policy 237 Naming of Parks, Gardens, Reserves, Memorials, Sports Grounds and Building applies to this application. The policy applies in respect to any proposal to name a park, garden, reserve, memorial, sports ground and building or other significant infrastructure asset owned by or under the care, control or management of the City of Busselton.

In considering a name, the Council may consider naming a City asset in honour of persons considered to be pioneers, persons who may have made an outstanding humanitarian contribution or who, in the opinion of the Council, are worthy of such an honour. Council may determine that the proposal requires formal public consultation.

The Policy outlines a range of criteria against which a person shall be assessed. Mr Pitts meets the criteria of the policy, having lived in the district for 10 years or more and having made a contribution to the local community through his association of 20 or more years with a local community or sporting group.

FINANCIAL IMPLICATIONS

The financial implication for signage can be met in the current budget.

LONG-TERM FINANCIAL PLAN IMPLICATIONS

There are no long term financial plan implications associated with the officer's recommendation.

STRATEGIC COMMUNITY OBJECTIVES

The officer's recommendation aligns with Key Goal Area 2 – Places and Spaces of the City's Strategic Community Plan 2017 and specifically Community Objective 2.2 – Attractive parks and open spaces that create opportunity for people to come together, socialise and enjoy a range of activities.

RISK ASSESSMENT

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk assessment framework. No risks of a medium or greater level have been identified.

CONSULTATION

Consultation was undertaken with the Busselton Trotting Club to confirm Mr Pitts support and sponsorship and the Pitts family about the choice of reserve to be named after Mr Pitts. Formal public consultation is recommended to ensure broader community support.

OFFICER COMMENT

The Pitts family request to have a road named after Mr Pitts cannot be supported as Pit Road is already in existence in the locality of Yoganup. The family agreed with the proposal to name Reserve 52464, Lot 8112 as Pitts Park instead and supplied the relevant documentation to support an application under City of Busselton Policy 237 to name a reserve owned by or under the care, control or management of the City.

Mr Pitts has met the criteria of the above policy with his sponsorship of the Busselton Trotting Club of more than 20 years and his 65 plus years of residency in Busselton.

CONCLUSION

Mr Pitts is considered a suitable candidate to have a Reserve named after him. It is therefore recommended that the proposal to name Reserve 52464, Lot 8112 "Pitts Park" after Mr Albert Leslie Pitts be approved, subject to a period of advertising for community comment and the receipt of no submissions of a consequential nature which would prevent or call into question the proposed naming.

OPTIONS

Council may elect to:

- Endorse the proposal to name Reserve 52464, Lot 8112 Pitts Park after Mr Albert Leslie Pitts requiring no further community consultation to be undertaken.
- Propose or seek alternative reserves for consideration to be named after Mr Albert Leslie Pitts.
- Not proceed with the application.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Should Council approve the recommendation, officers will advertise the proposal for community comment for a period of 21 days and conduct consultation with adjoining land owners.

COUNCIL DECISION AND OFFICER RECOMMENDATION

C1810/204 Moved Councillor J McCallum, seconded Councillor R Bennett

That the Council:

1. Approve for the purposes of advertising the naming of Reserve 52464, Lot 8112 as Pitts Park after Mr Albert Leslie Pitts;
2. Advertise the proposal to name Reserve 52464, Lot 8112 as Pitts Park after Mr Albert Leslie Pitts for community comment for a period of 21 days and conduct consultation with adjoining land owners; and
3. Delegate to the CEO to assess the submissions and, subject to there not being any submissions which he considers of a consequential nature, submit a formal request to Landgate requesting the naming of Reserve 52464, Lot 8112 to Pitts Park after Mr Albert Leslie Pitts.

CARRIED 8/0




EN BLOC

16. FINANCE AND CORPORATE SERVICES REPORT

Nil

17. CHIEF EXECUTIVE OFFICERS REPORT

17.1 COUNCILLORS' INFORMATION BULLETIN

SUBJECT INDEX:	Councillors' Information
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Governance Services
ACTIVITY UNIT:	Governance Services
REPORTING OFFICER:	Administration Officer - Governance - Kate Dudley
AUTHORISING OFFICER:	Director Finance and Corporate Services - Tony Nottle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Planning Applications received by the City between 1 September, 2018 and 15 September, 2018 
	Attachment B Planning Applications determined by the City between 1 September, 2018 and 15 September, 2018 
	Attachment C SAT Reviews 

PRÉCIS

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

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

INFORMATION BULLETIN

17.1.1 Planning and Development Services Statistics

Planning Applications

Attachment A is a report detailing all Planning Applications received by the City between 1 September 2018 and 15 September 2018. A total of 28 formal applications were received during this period.

Attachment B is a report detailing all Planning Applications determined by the City between 1 September 2018 and 15 September 2018. A total of 29 applications (including subdivision referrals) were determined by the City during this period with 29 approved / supported and 0 refused / not supported.

17.1.2 State Administrative Tribunal Appeals

Attachment C is a list showing the current status of State Administrative Tribunal Appeals involving the City of Busselton as at 21 September 2018.

COUNCIL DECISION AND OFFICER RECOMMENDATION**C1810/205** Moved Councillor J McCallum, seconded Councillor R Bennett

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

- [17.1.1 Planning and Development Services Statistics](#)
- [17.1.2 State Administrative Tribunal Appeals](#)

CARRIED 8/0**EN BLOC**

ADOPTION BY EXCEPTION RESOLUTION ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED**12. REPORTS OF COMMITTEE****12.1 Finance Committee - 20/09/2018 - BUDGET AMENDMENT REQUEST / REVIEW**

SUBJECT INDEX:	Budget Planning and Reporting
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Finance and Corporate Services
ACTIVITY UNIT:	Finance and Corporate Services
REPORTING OFFICER:	Manager Financial Services - Kim Dolzadelli
AUTHORISING OFFICER:	Director Finance and Corporate Services - Tony Nottle
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENTS:	Nil

This item was considered by the Finance Committee at its meeting on 20 September 2018, the recommendations from which have been included in this report.

PRÉCIS

This report seeks recommendation of the Finance Committee to Council for the approval of budget amendments as detailed in this report. Adoption of the Officers recommendation will result in no change to the City's current amended budgeted surplus position of \$0.

BACKGROUND

Council adopted its 2018/2019 municipal budget on Wednesday, 25 July 2018 with a balanced budget position.

Since this time Council has been advised of certain funding changes that have positively impacted the original budget and Council is now being asked to consider budget amendments for the following key areas/projects:

1. Busselton Foreshore Jetty Precinct,
2. Coastal Adaption and Protection Grants,
3. Data Communications and Software Licencing,
4. Department of Fire and Emergency Services Grants,
5. Financial Assistance Grants and Busselton Jetty Incorporated Contribution,
6. Keep Australia Beautiful WA Grant,
7. Busselton-Margaret River Airport Development Project,
8. Public Art Reserve Vasse Precinct Artworks,
9. Main Roads WA Direct Grant.

STATUTORY ENVIRONMENT

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

RELEVANT PLANS AND POLICIES

There are multiple plans and policies that support the proposed budget amendments.

FINANCIAL IMPLICATIONS

Budget amendments being sought will result in no change to Council's budget surplus position of \$0.

Long Term Financial Plan Implications

There are no Long Term Financial Plan implications in relation to this item.

STRATEGIC COMMUNITY OBJECTIVES

This matter principally aligns with Key Goal Area 6 – 'Leadership' and more specifically Community Objective 6.1 - 'Governance systems, process and practices are responsible, ethical and transparent'.

RISK ASSESSMENT

There is a risk to the City, as there is with all projects undertaken, that the final cost could exceed budget. If this looks to be the case Council will be notified so a suitable offset / project scope back can be identified.

CONSULTATION

No specific consultation has been undertaken in relation to this item.

OFFICER COMMENT

The Officer recommends the following requested budget amendments to the Finance Committee for consideration and recommendation to Council.

1. "Busselton Foreshore Jetty Precinct"

The Busselton Foreshore Stage 3 (C3094) works project is nearing completion, and it would be beneficial to move the "surplus" budget to the Busselton Foreshore Jetty Precinct project (C3168).

These funds have already been allocated throughout activities in the C3168 project (in previous financial years) which include the Adventure Playspace and development of seasonal stalls.

Planned Expenditure Items

The amendments shown in Table 1 are being sought for approval.

Table 1:

<i>Cost Code</i>	<i>Description</i>	Current Budget	Change	Proposed Amended Budget
Expenditure				
C3168	Busselton Foreshore Jetty Precinct	1,578,544	66,965	1,645,509
C3094	Busselton Foreshore Stage 3	287,637	-66,965	220,672
	Net Total	1,866,181	0	1,866,181

Proposed Outcome

The proposed amendment will enable the Major Projects team to make use of all available funds to complete the Busselton Foreshore Jetty Precinct project within Budget.

2. “Coastal Adaption and Protection Grants”

The Department of Transport’s Coastal Adaptation and Protection (CAP) Grants provides financial assistance for local projects that identify and manage coastal hazards.

The program seeks to preserve and enhance coastal assets for the general public, building partnerships with local coastal managers, and helping them understand and adapt to coastal hazards.

The timing of these grants does not coincide with the City’s annual budget process, therefore at the time of development of the City’s budget these projects were excluded.

The funding pool for the 2018/19 FY was \$1,056,540, shared amongst the entire State

The City has received funding for the projects listed below, which will need to be funded dollar for dollar by the City. It is proposed that the matching funding be transferred from the Climate Adaptation Reserve.

Project	Description	Grant
Beach monitoring (year 6)	Collection of beach profile surveys, aerial photos and site photos at Geographe Bay.	\$26,000
Sand nourishment (year 6)	Sand nourishment along Geographe Bay.	\$55,000
Craig Street groyne and seawall	Maintenance of Craig Street coastal protection structure.	\$125,000
Broadwater Adaptation Beach Coastal	Relocation of vulnerable public assets and shoreline stabilisation investigation.	\$75,000

Planned Expenditure Items

The amendments shown in Table 2 are sought for approval.

Table 2:

Cost Code	Description	Current Budget	Change	Proposed Amended Budget
Income				
510-C2512-1215-0000	Sand Re - Nourishment Capital Grant	0	(55,000)	(55,000)
Climate Adaptation Reserve	Sand Re - Nourishment Equity	(118,410)	0	(118,410)
Expenditure				
510-C2512-3260-0000	Sand Re - Nourishment Consultancy	5,130	0	5,130
510-C2512-3280-0000	Sand Re - Nourishment Contractors	113,280	55,000	168,280
Income				
510-11101-1239-9791	Beach Monitoring Non Capital Grant	0	(26,000)	(26,000)
Climate Adaptation Reserve	Beach Monitoring Equity	0	(26,000)	(26,000)
Expenditure				
510-11101-3280-9791	Beach Monitoring Contractors	0	52,000	52,000

Income				
510-C2523-1215-0000	Broadwater Beach Coastal Adaptation Cap Grant	0	(75,000)	(75,000)
Climate Adaptation Reserve	Broadwater Beach Coastal Adaptation Equity	0	(75,000)	(75,000)
Expenditure				
510-C2523-3260-0000	Broadwater Beach Coastal Adaptation Consultant	0	10,000	10,000
510-C2523-3280-0000	Broadwater Beach Coastal Adaptation Contractors	0	140,000	140,000
Income				
510-C2528-1215-0000	Maintenance of Craig Street Groyne and Seawall Grant	0	(125,000)	(125,000)
Climate Adaptation Reserve	Maintenance of Craig Street Groyne and Seawall Equity	0	(125,000)	(125,000)
Expenditure				
510-C2528-3260-0000	Maintenance of Craig Street Groyne and Seawall Consultancy	0	15,000	15,000
510-C2528-3280-0000	Maintenance of Craig Street Groyne and Seawall Contractors	0	235,000	235,000
	Net Total	0	0	0

Proposed Outcome

The program seeks to preserve and enhance coastal assets for the general public, building partnerships with local coastal managers, and helping them understand and adapt to coastal hazards.

3. "Data Communications and Software Licencing"

As part of the infrastructure works undertaken for the implementation of the public WiFi on the Busselton Foreshore and surrounds, officers were able to extend the City's optic fibre network into the Youth and Community Activities Building (YACAB). During the budget development process it was originally intended for the YACAB to utilise high speed internet services and \$12,000 (ex GST) was included in the operational budget for this purpose.

Recently the City's engineering and design teams have identified a number of specialist software items, which were not available or known about in the lead up to the budget adoption process. Items include additional AutoCad licences, specialist flood modelling software and various other related components, at an estimated cost of \$11,000 (ex GST) per annum.

This item requests some of the anticipated savings from the cancellation of the internet service at the YACAB be transferred to the information technology software licencing budget. The budget allocation of \$11,000 (ex GST) will be utilised for the provision of specialist software items required by the engineering and design team.

Planned Expenditure Items

The amendments shown in Table 3 are sought for approval.

Table 3:

<i>Cost Code</i>	<i>Description</i>	Current Budget	Change	Proposed Amended Budget
Expenditure				
330-B1361-3296	Data Communication Costs	21,860	(11,000)	10,860
220-10251-3291	Computer Software Licenses	332,856	11,000	343,856
	Net Total	354,716	0	354,716

Proposed Outcome

The proposed amendment will bring efficiency to filed work undertaken by the engineering works and services team.

4. “Department of Fire and Emergency Services (DFES) Grants”

In March of 2018 the City of Busselton applied to DFES for capital grants monies to continue existing projects or for additional building requirements for the City’s bush fire brigades. On the 31st July the City received notification from DFES the grants as per table 4 were successfully received.

As per the 2018/2019 adopted budget municipal funding is \$40,745 with the remaining \$407,503 funded through the DFES ESL capital grants program.

Additionally the City has also received notification that there will possibly be five vehicle changeovers to occur in this financial year with the indicated value shown in the table below.

Planned Expenditure Items

The building of a new fire station for the Ambergate Volunteer Bush Fire Brigade as per RFT 06/18.

The addition of a training and meeting room at the current Hithergreen Volunteer Bush Fire Brigade station to facilitate the ongoing training requirements of the brigade.

The provision of new concrete aprons to the Sussex and Vasse fire stations to improve the safety of volunteers during training and cleaning of equipment.

The amendments shown in Table 4 are sought for approval.

Table 4:

<i>Cost Code</i>	<i>Description</i>	Current Budget	Change	Proposed Amended Budget
Revenue				
Non-Operating Grants, Subsidies & Contributions	Fire Prevention DFES			
441-B9112-1215-0000	Ambergate Fire Station Construction	-123,307	-198,000	-321,307
441-B9109-3280-0000	Hithergreen Fire Station training room addition	0	-68,886	-68,886
441-B9113-3280-0000	Sussex concrete apron	0	-8,655	-8,655
441-B9114-3280-0000	Vasse concrete apron	0	-8,655	-8,655
Donated Assets	Fire Prevention DFES			
441-B1026-1270-0000	Yallingup Rural BFB replacement vehicle	0	-597,600	-597,600
441-B1015-1270-0000	Hithergreen BFB replacement vehicle	0	-465,200	-465,200

441-B1013-1270-0000	Dunsborough replacement vehicle	BFB	0	-178,300	-178,300
441-B1024-1270-0000	Wilyabrup replacement vehicle	BFB	0	-178,300	-178,300
441-B1029-1270-0000	SES replacement vehicle		0	-97,200	-97,200
Expenditure					
441-B9112-3280-0000	Contractors (Inc Staff)	Contract	164,052	198,000	362,052
441-B9109-3280-0000	Contractors (Inc Staff)	Contract	0	68,886	68,886
441-B9113-3280-0000	Contractors (Inc Staff)	Contract	0	8,655	8,655
441-B9114-3280-0000	Contractors (Inc Staff)	Contract	0	8,655	8,655
441-B1026-7723-0000	Yallingup replacement vehicle	Rural BFB	0	597,600	597,600
441-B1015-7723-0000	Hithergreen replacement vehicle	BFB	0	465,200	465,200
441-B1013-7723-0000	Dunsborough replacement vehicle	BFB	0	178,300	178,300
441-B1024-7723-0000	Wilyabrup replacement vehicle	BFB	0	178,300	178,300
441-B1029-7723-0000	SES replacement vehicle		0	97,200	97,200
Net Total			40,745	0	40,745

Proposed Outcome

Construction of the new Ambergate fire station and upgrades to Hithergreen, Vasse and Sussex stations with no any additional municipal funding being required. Replacement of vehicles that are at end of their serviceable life.

5. “Financial Assistance Grants and Busselton Jetty Incorporated Contribution”

Financial Assistance Grants

On 24th August 2018 the City of Busselton received advise of the Final Financial Assistance Grants it would be receiving for the 2018/2019 Financial Year with a better than anticipate outcome resulting in additional funding of \$48,968 compared to adopted budget.

Busselton Jetty Incorporated Contribution

On the 2 May 2018 Councillors received a briefing on behalf of Busselton Jetty Inc., Chief Executive Officer Lisa Shrieve and Deputy Chair Stephen Gaebler. As part of this briefing Council was informed of a proposal to undertake a sea container project at the end of the Jetty to address demand for increased services such as food and beverage, virtual reality goggles and a chocolate, wine and cheese bar. The anticipated costs were approximately \$600,000 and an application to the Building Better Regions Fund was lodged on 17 December 2017. It is understood that the original budget cost for the project has increased to approximately \$900,000

The Busselton Jetty Inc. have been successful in obtaining the grant from the Building Better Regions Fund and are requesting the City contribute an amount of \$25,000 towards the overall cost of the project.

At this briefing Councillors gave “in-principle” support to the proposal and also acknowledged the project would result in an ongoing higher level of contribution to the “Jetty Maintenance Reserve”. This higher level of contribution by Busselton Jetty Inc. will in turn reduce the level of contribution to the Jetty Maintenance Reserve required by the City of Busselton.

Planned Expenditure Items

The amendments shown in Table 5 are sought for approval to recognise the additional Financial Assistance Grants of \$48,968, increase the budget contingency holding account by \$23,968 and allow for a contribution of \$25,000 to Busselton Jetty Inc. to be utilised towards the sea container project.

Table 5:

<i>Cost Code</i>	<i>Description</i>	Current Budget	Change	Proposed Amended Budget
Income				
210-10152-1250-0000	Grants Commission - General Purpose Grant	-364,790	-50,019	-414,809
210-10152-1250-0000	Grants Commission - Local Roads Grant	-670,544	1,051	-669,493
Expenditure				
100-10001-3680-0000	Budget Surplus Contingency Holding Account	50,000	23,968	73,968
New	Contribution to Busselton Jetty Inc - Sea Container Project	0	25,000	25,000
Net Total		-985,334	0	-985,334

Proposed Outcome

Recognition of additional income and a contribution of \$25,000 to Busselton Jetty Inc. for the sea container project.

6. “Keep Australia Beautiful WA Grant”

The City has secured a grant for \$8,414 (ex GST) from Keep Australia Beautiful WA for a project – “Southwest Coastal Litter Signage and Campaign”. This project will address the problem of litter in the South West coastal environment.

The project will see the creation and instalment of permanent interpretive signage at four coastal locations in the City of Busselton providing information about the effect our litter can have on the marine environment and asking visitors to either dispose of their rubbish in the bin/s provided or take their rubbish home with them (depending on the location and whether bins are present).

Along with the launch of the signs, the City of Busselton will run a general campaign bringing awareness to the impact litter can have on marine life and encourage the community to not only refrain from littering, but pick up litter found in our environment and properly dispose of it. This general campaign will be promoted via social media and banners targeting residents and visitors to the South West of WA.

Planned Expenditure Items

The amendments shown in Table 6 are sought for approval.

Table 6:

<i>Cost Code</i>	<i>Description</i>	Current Budget	Change	Proposed Amended Budget
Expenditure				
524-11300-3280-1103	Contractors including Staff	0	8,414	8,414
Income				
524-11300-1239-1103	Grant from KAB WA for South West Coastal Litter Signage and Campaign	0	(8,414)	(8,414)
Net Total		0	0	0

Proposed Outcome

The project aims to reduce the amount of litter left in our natural coastal environment.

7. “Busselton-Margaret River Airport Development Project”

The City is funding the upgrade to Neville Hyder Drive as part of the City’s leveraged funding commitment under the State Government’s funding agreement for development of the Busselton-Margaret River Airport. To enable accurate record keeping for the Busselton-Margaret River Airport Development Project a budget amendment is requested to transfer the funds from the Road Asset Renewal Reserve to the Development Project budget.

Planned Expenditure Items

The Neville Hyder Drive upgrade is scheduled for completion in 2018/2019 and the budget is expected to be fully expended.

The amendments shown in Table 7 are sought for approval.

Table 7:

<i>Cost Code</i>	<i>Description</i>	Current Budget	Change	Proposed Amended Budget
Expenditure				
5441-W0222-3280	Road Asset Renewal Reserve – Neville Hyder Drive	287,000	-287,000	0
345-W0222-3280	Airport Development - Neville Hyder Drive Upgrade	0	287,000	287,000
Net Total		\$287,000	0	\$287,000

Proposed Outcome

Formal budget transfer for the upgrade works to Neville Hyder Drive and accurate record keeping with regard to the Busselton-Margaret River Airport Development Project.

8. “Public Art Reserve Vasse Precinct Artworks”

A budget amendment is being requested to transfer funds from the Public Art Reserve to Cultural Planning to fund committed artworks in the Vasse Precinct. Quotes for the artworks and consultancy fee were still being sought at budget preparation time and the final costs were unknown. Artworks have now been commissioned by the City through a consultant and are specific to the Vasse Precinct.

Planned Expenditure Items

The 2018/19 Public Art Reserve Fund closing balance is \$106,685. The current 2018/19 budget provision for contractors supplying the artworks in the Vasse Precinct is \$71,000. Additional funding of \$24,185 is required to meet financial commitments for the third and final artwork and remaining consultant fee.

The amendments shown in Table 8 are sought for approval.

Table 8:

<i>Cost Code</i>	<i>Description</i>	Current Budget	Change	Proposed Amended Budget
Expenditure				
330 10900 3280 000	Contractors	148,100	24,185	172,285
Income				
Public Art Reserve Fund 341-Vasse Public Art	Percent for Art Reserve	106,685	-24,185	82,500
Net Total		254,785		254,785

Proposed Outcome

Increased expenditure in the Vasse Precinct through the Percent for Art cash in lieu contributions, enabling completion of the third artwork.

9. “Main Roads WA Direct Grant”

Advice has been received by Main Roads WA (MRWA) that direct grant funding levels have been reinstated following reduction in the 2017/2018 financial year allocations by the State Government for budget repair purposes. In 2017/2018 the City of Busselton’s allocation was reduced by \$142,455.

In preparing the 2018/2019 budget officers had no indication that the 2017/2018 reduction would be reinstated and hence budgeted for \$202,000. MRWA have advised that the actual direct grant to be received by the City is \$329,893 being \$127,893 more than budgeted.

Officers note the extensive damage caused by the storm event that occurred on 5 June 2018. With respect to rural road infrastructure there are in the order of 640 sites where trees have been knocked down from the strong winds.

City officers are still attempting to get the event declared under the new Western Australia Natural Disaster Relief and Recovery Arrangements (WANDRRA) program rules that have been significantly tightened in response to a Federal Government’s Productivity Review into the extent of previous year claims.

Under the new stricter WANDRRA arrangements we know however that trees that fell exclusively on verges (not across the road) and trees that fell from our road verges onto private property will not be funded:

Planned Expenditure Items

Officers propose that the additional MRWA Direct Grant Funds of \$127,893 be allocated to assist with the continued clean-up of storm related damage.

The amendments shown in Table 9 are sought for approval.

Table 9:

<i>Cost Code</i>	<i>Description</i>	Current Budget	Change	Proposed Amended Budget
Expenditure				
541-M9970-3280-0000	Contractors	0	127,893	127,893
Income				
541-M9970-1230-000	Main Roads Direct Grant	0	-127,893	-127,893
	Net Total	0	0	0

Proposed Outcome

Address the extensive damage caused by the storm event that occurred on 5 June 2018.

CONCLUSION

Council's approval is sought to amend the budget as per the details contained in this report. Upon approval the proposed works will be planned, organised and completed.

OPTIONS

The Council could decide not to go ahead with any or all of the proposed budget amendment requests.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Should the Officer Recommendation be endorsed, the associated budget amendment will be processed within a month of being approved.

COUNCIL DECISION/COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

C1810/206 Moved Councillor P Carter, seconded Councillor J McCallum

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That Council endorse the requested budget amendments outlined in tables 1 to 9 below, resulting in no change to an amended budgeted surplus position of \$0.

Table 1:

<i>Cost Code</i>	<i>Description</i>	Current Budget	Change	Proposed Amended Budget
Expenditure				
C3168	Busselton Foreshore Jetty Precinct	1,578,544	66,965	1,645,509
C3094	Busselton Foreshore Stage 3	287,637	-66,965	220,672
	Net Total	1,866,181	0	1,866,181

Table 2:

<i>Cost Code</i>	<i>Description</i>	Current Budget	Change	Proposed Amended Budget
Income				
510-C2512-1215-0000	Sand Re - Nourishment Capital Grant	0	(55,000)	(55,000)
Climate Adaptation Reserve	Sand Re - Nourishment Equity	(118,410)	0	(118,410)
Expenditure				
510-C2512-3260-0000	Sand Re - Nourishment Consultancy	5,130	0	5,130
510-C2512-3280-0000	Sand Re - Nourishment Contractors	113,280	55,000	168,280
Income				
510-11101-1239-9791	Beach Monitoring Non Capital Grant	0	(26,000)	(26,000)
Climate Adaptation Reserve	Beach Monitoring Equity	0	(26,000)	(26,000)
Expenditure				
510-11101-3280-9791	Beach Monitoring Contractors	0	52,000	52,000
Income				
510-C2523-1215-0000	Broadwater Beach Coastal Adaptation Cap Grant	0	(75,000)	(75,000)
Climate Adaptation Reserve	Broadwater Beach Coastal Adaptation Equity	0	(75,000)	(75,000)
Expenditure				
510-C2523-3260-0000	Broadwater Beach Coastal Adaptation Consultant	0	10,000	10,000
510-C2523-3280-0000	Broadwater Beach Coastal Adaptation Contractors	0	140,000	140,000
Income				
510-C2528-1215-0000	Maintenance of Craig Street Groyne and Seawall Grant	0	(125,000)	(125,000)
Climate Adaptation Reserve	Maintenance of Craig Street Groyne and Seawall Equity	0	(125,000)	(125,000)
Expenditure				
510-C2528-3260-0000	Maintenance of Craig Street Groyne and Seawall Consultancy	0	15,000	15,000
510-C2528-3280-0000	Maintenance of Craig Street Groyne and Seawall Contractors	0	235,000	235,000
	Net Total	0	0	0

Table 3:

<i>Cost Code</i>	<i>Description</i>	Current Budget	Change	Proposed Amended Budget
Expenditure				
330-B1361-3296	Data Communication Costs	21,860	(11,000)	10,860
220-10251-3291	Computer Software Licenses	332,856	11,000	343,856
Net Total		354,716	0	354,716

Table 4:

<i>Cost Code</i>	<i>Description</i>	Current Budget	Change	Proposed Amended Budget
Revenue				
Non-Operating Grants, Subsidies & Contributions	Fire Prevention DFES			
441-B9112-1215-0000	Ambergate Fire Station Construction	-123,307	-198,000	-321,307
441-B9109-3280-0000	Hithergreen Fire Station training room addition	0	-68,886	-68,886
441-B9113-3280-0000	Sussex concrete apron	0	-8,655	-8,655
441-B9114-3280-0000	Vasse concrete apron	0	-8,655	-8,655
Donated Assets	Fire Prevention DFES			
441-B1026-1270-0000	Yallingup Rural BFB replacement vehicle	0	-597,600	-597,600
441-B1015-1270-0000	Hithergreen BFB replacement vehicle	0	-465,200	-465,200
441-B1013-1270-0000	Dunsborough BFB replacement vehicle	0	-178,300	-178,300
441-B1024-1270-0000	Wilyabrup BFB replacement vehicle	0	-178,300	-178,300
441-B1029-1270-0000	SES replacement vehicle	0	-97,200	-97,200
Expenditure				
441-B9112-3280-0000	Contractors (Inc Contract Staff)	164,052	198,000	362,052
441-B9109-3280-0000	Contractors (Inc Contract Staff)	0	68,886	68,886
441-B9113-3280-0000	Contractors (Inc Contract Staff)	0	8,655	8,655
441-B9114-3280-0000	Contractors (Inc Contract Staff)	0	8,655	8,655
441-B1026-7723-0000	Yallingup Rural BFB replacement vehicle	0	597,600	597,600
441-B1015-7723-0000	Hithergreen BFB replacement vehicle	0	465,200	465,200
441-B1013-7723-0000	Dunsborough BFB replacement vehicle	0	178,300	178,300
441-B1024-7723-0000	Wilyabrup BFB replacement vehicle	0	178,300	178,300
441-B1029-7723-0000	SES replacement vehicle	0	97,200	97,200
Net Total		40,745	0	40,745

Table 5:

<i>Cost Code</i>	<i>Description</i>	Current Budget	Change	Proposed Amended Budget
Income				
210-10152-1250-0000	Grants Commission - General Purpose Grant	-364,790	-50,019	-414,809
210-10152-1250-0000	Grants Commission - Local Roads Grant	-670,544	1,051	-669,493
Expenditure				
100-10001-3680-0000	Budget Surplus Contingency Holding Account	50,000	23,968	73,968
New	Contribution to Busselton Jetty Inc - Sea Container Project	0	25,000	25,000
Net Total		-985,334	0	-985,334

Table 6:

<i>Cost Code</i>	<i>Description</i>	Current Budget	Change	Proposed Amended Budget
Expenditure				
524-11300-3280-1103	Contractors including Staff	0	8,414	8,414
Income				
524-11300-1239-1103	Grant from KAB WA for South West Coastal Litter Signage and Campaign	0	(8,414)	(8,414)
Net Total		0	0	0

Table 7:

<i>Cost Code</i>	<i>Description</i>	Current Budget	Change	Proposed Amended Budget
Expenditure				
5441-W0222-3280	Road Asset Renewal Reserve – Neville Hyder Drive	287,000	287,000	0
345-W0222-3280	Airport Development - Neville Hyder Drive Upgrade	0	287,000	287,000
Net Total		\$287,000	0	\$287,000

Table 8:





<i>Cost Code</i>	<i>Description</i>	Current Budget	Change	Proposed Amended Budget
Expenditure				
330 10900 3280 000	Contractors	148,100	24,185	172,285
Income				
Public Art Reserve Fund 341-Vasse Public Art	Percent for Art Reserve	106,685	-24,185	82,500
Net Total		254,785		254,785

Table 9:

<i>Cost Code</i>	<i>Description</i>	Current Budget	Change	Proposed Amended Budget
Expenditure				
541-M9970-3280-0000	Contractors	0	127,893	127,893
Income				
541-M9970-1230-000	Main Roads Direct Grant	0	-127,893	-127,893
Net Total		0	0	0

CARRIED 8/0**BY ABSOLUTE MAJORITY**

ITEMS FOR DEBATE**12. REPORTS OF COMMITTEE****12.5 Policy and Legislation Committee - 25/09/2018 - REVIEW OF COUNCIL POLICY FEES ALLOWANCES AND EXPENSES FOR ELECTED MEMBERS**

SUBJECT INDEX:	Governance
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Corporate Services
ACTIVITY UNIT:	Governance Services
REPORTING OFFICER:	Manager Governance and Corporate Services - Sarah Pierson
AUTHORISING OFFICER:	Director Finance and Corporate Services - Tony Nottle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Proposed Council Policy  Attachment B Current Council Policy  Attachment C MERG Sponsored Events  Attachment D Proposed Council Policy - Committee Tracked Changes 

This item was considered by the Policy and Legislation Committee at its meeting on 25 September 2018, the recommendations from which have been included in this report.

PRÉCIS

This report presents and seeks Council's adoption of a revised 'Fees Allowances and Expenses for Elected Members' Council policy (Attachment A) (the Policy) for Council approval. The current policy (which has already been moved into the new policy template as per Council Resolution (C1805/084) has been reviewed to clarify entitlements in relation to reimbursement of childcare expenses, specifically reimbursement for costs incurred while an Elected Member attends briefing sessions and workshops, as well as reimbursements for travel, expenses while away from home on sanctioned activities and corporate attire expenses. It is proposed that the Policy also set a policy position with respect to Elected Member annual fee and the Mayoral allowance.

BACKGROUND

The current policy, which was last adopted in October 2017, provides for reimbursement of childcare expenses incurred while an Elected Member is attending a Council or Committee meeting. Officers, through discussion with the Policy and Legislation Committee at its August meeting, have confirmed that it was always the intention for the policy to also provide childcare reimbursements while Elected Members are attending briefing sessions (held on a Wednesday afternoon) and other organised briefing sessions / workshops within the City.

The broad intention of the policy was to provide a reimbursement framework which allowed Elected Members to meet their commitments. It was assumed that this would include childcare reimbursement (as per travel) for briefing sessions, with these being key forums to ensure Elected Members are informed when making decisions. As such the Policy has been amended and is presented for Council's adoption.

Additionally Officers have taken the opportunity to set out a policy position with respect to Elected Member fees and the Mayoral allowance, and to provide more clarity in relation to travel reimbursements (specifically reimbursement for travel associated with what is currently referred to

as 'Flagship' events), reimbursements while away from home on sanctioned activities, and corporate attire expenses.

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 the recommendation of a Committee it has established in accordance with Section 5.8 of that Act.

Section 5.98(1) and 5.98(2A) of the Act entitles Council members to a fee for attending a council, committee or other prescribed meeting. Section 5.99 of the Act allows a local government to decide that instead of paying a fee referred to in Section 5.98(1), it will instead pay an annual fee determined by the *Salaries and Allowances Tribunal Act 1975* or a fee set by the local government within the range for annual fees determined by the Salaries and Allowances Tribunal (SAT).

Section 5.98(5) entitles the mayor or president of a local government to be paid, in addition, an annual allowance determined for mayors or presidents or as set by the local government within the range determined by the SAT.

Section 5.98A allows a local government to pay the deputy mayor or deputy president an allowance of up to (currently) 25% as determined by the SAT.

Section 5.98(2)(b) of the Act and Regulation 32 of the *Local Government (Administration) Regulations 1996* provides that a Council member may be reimbursed for an expense of a kind prescribed where it has been approved by the local government and where it is incurred in performing a function in his or her capacity as a council member with the express authority of the local government.

Section 5.98(4) of the Act provides that the expense approved by a local government for reimbursement may be approved either generally or in a particular case. All reimbursements are to be in accordance with the determination made by the SAT.

RELEVANT PLANS AND POLICIES

In August 2017 the CEO commissioned a high level independent review of the City's governance systems - the Governance Services Review (GSR). Included in the scope of the review was the City's policy and procedure framework with the following recommendations made:

1. *There should be a review of the Council Policies with the intent that a Council Policy:*
 - a. *Should deal with higher level objectives and strategies;*
 - b. *Should not deal with operational matters, employee matters, or other matters which are the responsibility of the CEO; and*
 - c. *Should, where appropriate provide sufficient direction to the CEO to develop OPPs which deal with the implementation of the Council Policy or other detailed matters.*
2. *As part of that review, any existing Council Policy should be deleted where it could, more sensibly, be dealt with by an OPP adopted by the CEO.*
3. *Consideration should be given to developing a new Council Policy which sets out the 'framework' for Council Policies, OPPs and other procedures. The new Policy would explain the role to be played by each level of document. It could, for example, be called a Policy Framework Policy.*

In response a Policy Framework has been developed and endorsed by Council, setting out the intent of Council policies, as opposed to operational documents such as Staff Management Practices and operational procedures, and a Council policy template developed. The proposed revised policy adheres to this framework and template.

FINANCIAL IMPLICATIONS

Adoption of the Policy has no additional financial implications, with the Policy being updated to reflect current practice.

LONG-TERM FINANCIAL PLAN IMPLICATIONS

Adoption of the Policy has no additional long term financial plan implications.

STRATEGIC COMMUNITY OBJECTIVES

The Policy links to Key Goal Area 6 – Leadership of the City’s Strategic Community Plan 2017 and specifically the following Community Objective/s:

- a. 6.1: Governance systems, process and practices are responsible, ethical and transparent.

RISK ASSESSMENT

There are no risks identified of a medium or greater level associated with the Officers recommendation, with the Policy providing improved clarity in relation to a number of reimbursements.

CONSULTATION

No specific consultation was undertaken in relation to the review of the Policy.

OFFICER COMMENT

The purpose of the Policy is to set out the fees, allowances, reimbursements and equipment that Elected Members are entitled to, to enable them to carry out their role efficiently. The following aspects have been adjusted in the Policy.

Elected Member fee

Setting of a policy position is proposed through the adding of this section to the Policy; that is, that Elected Members will be paid an annual attendance fee in lieu of fees for attending meetings referred to in Section 5.98(1) of the Act and that this will be set at the 75th percentile of the applicable band in accordance with the determination of the SAT. The fee will still be required to be set as part of the annual budget adoption however setting a policy position ensures there is transparency in relation to Elected Member fees and administratively provides a clear basis on which the City can prepare its financials.

Reimbursement of childcare expenses

As outlined in the background section of this report, it has been identified that adjustments are required to the current policy in order to provide for the reimbursement of childcare expenses while an Elected Member is attending briefing sessions and workshops organised by the City. Paragraph 5.12 of the Policy provides for this.

Additionally the Policy has been amended, with the inclusion of Paragraph 5.13, to cater for the different ways in which childcare is charged, with many places charging on half and full day rates as opposed to hourly rates. Given this, the calculation of time in Paragraph 5.13 has also been amended to remove inclusion of a nominal time allowance after a meeting / briefing session for partaking in refreshments. For daytime meetings / briefings where childcare costs are generally incurred a half day rate is likely to cater for this.

Reimbursement of travel expenses

With respect to reimbursement for travel, the current policy provides reimbursement for Elected Members who attend 'Flagship' functions and events held within the boundaries of the City, as determined by the Mayor and CEO at the commencement of each calendar year or as determined during the year. This subclause currently has a footnote which indicates that 'Flagship' events and functions will be published in the Friday factsheet or will be the subject of a specific invitation sent by the City's administration.

In practice the identification of Flagship functions and events is left to the discretion of governance officers and the footnote, which indicates they will be included on the Friday factsheet or be the subject of a specific invitation by the City's administration, is leading to confusion. Governance officers pass on to Elected Members many invitations from groups and organisations to attend events, however not all of those are likely to be considered 'Flagship'.

Officers have therefore recommended that this provision be clarified to provide reimbursements for travel for functions and events sponsored to a value of \$10,000 or more through the City's Marketing and Events Reference Group (MERG) funding, and where the Elected Member has been issued a specific invitation by the City's administration. As per the current policy the event must be within the City of Busselton district. Based on 2018/19 MERG funding (Attachment C) this would provide the potential for travel to be reimbursed for 12 events.

An alternative option discussed with the Mayor is for travel to be reimbursed for all MERG sponsored events (currently 29) but limited to one appointed Council representative only for each event, as determined by the Mayor.

Clarification has also been added to point (k) to provide clarity around situations where Elected Members attend, in lieu or on behalf of the Mayor, events to present awards or gifts and a new point (l) has been added to provide for travel expenses (where not required to stay away from home) for situations where an Elected Member attends an event / function to receive an award on behalf of the City.

Reimbursement of expenses while away from home on sanctioned activities

Elected Members may at times also be asked to travel away from home (generally intrastate) for the purposes of receiving awards on behalf of the City. This has been added as a specific occasion for when which reimbursement (or payment) of expenses while away from home would be provided, that is, accommodation, a daily sustenance allowance, transport costs and the cost of attending any specific event related meals for the Elected Member and spouse.

Reimbursement of hospitality expenses

This paragraph has been adjusted to provide for reimbursement of hospitality expenses only for meetings and events for which travel can be claimed under the Policy (whether travel is actually claimed or not) and only where it is reasonable, approved by the Mayor and substantiated with receipts. It was felt that this section of the current policy is too open to interpretation and the changes are intended to provide more certainty.

Corporate attire expenses

The current policy provides Elected Members with reimbursement of up to \$750 in each election year for the purchase of the following:

- b. business attire (which may consist of a suit, jacket and shirts/blouses);
- c. one pair of shoes (up to \$150);
- d. dry cleaning and maintenance of corporate and business attire.

The Policy proposes this be changed to financial year to align with City budgeting processes, and that the dollar limit on shoes be removed, while at the same time clarifying the shoes are to be business shoes. In making the change to financial year an additional condition has been added to prevent an Elected Member who is up for re-election claiming for anything purchased in the period of the financial year preceding the election.

Mayoral allowance

As per inclusion of the Elected Member fee, the Policy seeks to set a position with respect to the Mayoral allowance, noting that the current policy already does this in relation to the Deputy Mayor's allowance.

Reimbursement submissions

The final significant change is the inclusion of a time limit for reimbursements, with reimbursements to be submitted within three months of the expenses being incurred. The remainder of the changes are of a minor nature to streamline the Policy.

CONCLUSION

The Policy updates the current Fees Allowances and Reimbursements for Elected Members policy to provide clarity in relation to reimbursement of childcare, travel, and corporate attire expenses and to streamline the Policy with regard to the recommendations of the GSR.

OPTIONS

Council could decide not to adopt the Policy and instead choose to take a different position / approach in relation to promotion of the City with other levels of government. Council could also require further amendments to be to the Policy.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Policy will be effective as of its adoption by Council.

OFFICER RECOMMENDATION

That the Council adopts the proposed Fees Allowances and Reimbursements for Elected Members policy as per Attachment A, to replace the current policy (Attachment B).

COMMITTEE RECOMMENDATION

That the Council adopts the proposed Fees Allowances and Reimbursements for Elected Members policy as per Attachment A, which includes committee amendments as shown in Attachment D, to replace the current policy at Attachment B.

LAPSED
FOR WANT OF A MOVER

Cr Henley foreshadowed an amended motion which is reflected as per below

COUNCIL DECISION**C1810/207**



Moved Councillor G Henley, seconded Councillor K Hick

That the Council :

1. Adopt the proposed amendments to the Fees Allowances and Reimbursements for Elected Members policy contained within Attachment A (which includes committee amendments shown in Attachment D) with the exception of amendments relating to corporate attire expenses contained in paragraphs 5.25, 5.26, 5.27, and 5.28, and
2. Requests that the CEO refers paragraphs 5.25, 5.26, 5.27 and 5.28 of Attachment A relating to corporate attire expenses back to the Policy and Legislation Committee for further discussion.

CARRIED 8/0

12.6 Policy and Legislation Committee - 25/09/2018 - REVIEW OF COUNCIL POLICY 192
VANDALISM - REWARD FOR INFORMATION RELATING TO THE DAMAGE OF COUNCIL
PROPERTY

SUBJECT INDEX:	Governance
STRATEGIC OBJECTIVE:	A friendly safe and inclusive community with a strong community spirit.
BUSINESS UNIT:	Corporate Services
ACTIVITY UNIT:	Governance
REPORTING OFFICER:	Manager Governance and Corporate Services - Sarah Pierson
AUTHORISING OFFICER:	Director Finance and Corporate Services - Tony Nottle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Proposed Policy - Vandalism - Reward for information relating to the damage of City property  Attachment B Current Council Policy 

This item was considered by the Policy and Legislation Committee at its meeting on 25 September 2018, the recommendations from which have been included in this report.

PRÉCIS

This report presents a revised Vandalism - Reward for information relating to the damage of City property Policy (Attachment A) (the Policy) for Council approval, with the current policy having been amended as part of the City's overall review of its Council policies, having regard to the recommendations of the Governance System Review (GSR) carried out by Mr John Woodhouse in 2017.

The Policy, which has been moved into the new policy template and refined, is considered to be of continuing relevance and importance and is therefore recommended for Council approval.

BACKGROUND

A policy in relation to the provision of a reward for information relating to vandalism or damage to City property was originally adopted with the aim of preventing future vandalism and reducing maintenance costs incurred through the damaging of City property.

The policy was last reviewed in June 2017 post the WA State Parliament introducing specific legislation that deals with Graffiti. The *Graffiti Vandalism Act 2016* (the Act) was passed in 2016 and provides for:

- Graffiti Offenses;
- Local Government Powers; and
- Notices, Objections and Powers of Entry.

Section 16 of the Act provides that a local government may delegate to the CEO the exercise of its powers and duties. It was proposed at the time of the last policy review that Council delegate to the CEO its powers and duties under the Act (which it did). Minor amendments were also made to the policy.

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.

In accordance with Section 16(1) of the Act Council may exercise its power of delegation to the CEO to exercise any of the local government's powers or the discharge of any of its duties provided for in Part 3 of the Act. Council have delegated these powers to the CEO under Delegation GV1.

RELEVANT PLANS AND POLICIES

In August 2017 the CEO commissioned a high level independent review of the City's governance systems - the GSR. Included in the scope of the review was the City's policy and procedure framework with the following recommendations made:

1. *There should be a review of the Council Policies with the intent that a Council Policy:*
 - a. *Should deal with higher level objectives and strategies;*
 - b. *Should not deal with operational matters, employee matters, or other matters which are the responsibility of the CEO; and*
 - c. *Should, where appropriate provide sufficient direction to the CEO to develop OPPs which deal with the implementation of the Council Policy or other detailed matters.*
2. *As part of that review, any existing Council Policy should be deleted where it could, more sensibly, be dealt with by an OPP adopted by the CEO.*
3. *Consideration should be given to developing a new Council Policy which sets out the 'framework' for Council Policies, OPPs and other procedures. The new Policy would explain the role to be played by each level of document. It could, for example, be called a Policy Framework Policy.*

In response a Policy Framework has been developed and endorsed by Council, setting out the intent of Council policies, as opposed to operational documents such as Staff Management Practices and operational procedures, and a Council policy template developed. The proposed revised policy adheres to this framework and template.

FINANCIAL IMPLICATIONS

Adoption of the Policy has no additional financial implications.

LONG-TERM FINANCIAL PLAN IMPLICATIONS

Adoption of the Policy has no additional long term financial plan implications.

STRATEGIC COMMUNITY OBJECTIVES

The Policy links to Key Goal Area 1 – Community and Key Goal Area 2 - Places and Spaces of the City's Strategic Community Plan 2017 and specifically the following Community Objective/s:

- a. 1.1: A friendly safe and inclusive community with a strong community spirit;
- b. 2:2: Attractive parks and open spaces that create opportunities for people to come together, socialise and enjoy a range of activities.

RISK ASSESSMENT

There are no risks identified of a medium or greater level associated with the Officers recommendation, with the Policy simply reiterating and maintaining Council's current practice with respect to providing a reward to deter damage to City property.

CONSULTATION

No specific consultation was undertaken in relation to the review of the Policy.

OFFICER COMMENT

The purpose of the Policy is to set guidelines for the rewarding of a person who provides information as to the identity of an offender who has vandalised or damaged City property. The information provided must lead to a successful conviction or a successful outcome on the matter.

While retaining the CEO's ability to decide on an appropriate level of reward, it is recommended that a maximum reward value of \$1,000 be included within the Policy. This will provide additional clarity and assist in managing expectations. It is however also recommended that the Policy provides scope for the CEO and Mayor to agree on a higher value reward in circumstances where it may be appropriate (although not expected to be often).

Other than minor editing associated with transfer of the Policy into the new template, the only other change is to include Elected Members in paragraph 5.6 which prohibits City employees and WA Police, and proposed Elected Members, from receiving rewards under the Policy.

CONCLUSION

The Policy maintains Council's pro-active commitment to deterring damage to City property and proposed only one substantive change as outlined.

OPTIONS

Council could decide not to adopt the Policy and instead choose to take a different position / approach in relation to Vandalism. Council could also require further amendments to the Policy.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Policy will be effective as of its adoption by Council.

OFFICER RECOMMENDATION

That the Council adopts the revised Vandalism - Reward for information relating to the damage of City property policy as per Attachment A, to replace the current policy (Attachment B).

COMMITTEE RECOMMENDATION

That the Council rescind Vandalism - Reward for information relating to the damage of City property policy.

LAPSED
FOR WANT OF A MOVER

Cr Bennett foreshadowed an alternative motion which is reflected as per below:

COUNCIL DECISION

C1810/208

Moved Councillor R Bennett, seconded Councillor L Miles

That the Council adopts the revised Vandalism – Reward for information relating the damage of City property policy as per Attachment A, with the addition of the word ‘may’ in between ‘offenders’ and ‘reduce’ in the first sentence of paragraph 5.2, to replace the current policy (Attachment B).

CARRIED 7/1

Voting:

For the motion: Councillor G Henley, Councillor P Carter, Councillor L Miles, Councillor J McCallum, Councillor R Reekie, Councillor R Bennett and Councillor K Hick.

Against the motion: Councillor R Paine.

18. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

19. URGENT BUSINESS**19.1 VARIATION OF RESTRICTED BURNING TIMES TO MEET SEASONAL CONDITIONS**

SUBJECT INDEX:	Emergency Management
STRATEGIC OBJECTIVE:	A friendly safe and inclusive community with a strong community spirit.
BUSINESS UNIT:	Environmental Services
ACTIVITY UNIT:	Ranger and Emergency Services
REPORTING OFFICER:	Community Emergency Services Manager - Blake Moore
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Nil

COUNCIL DECISION

C1810/209 Moved Councillor P Carter, seconded Councillor J McCallum

That the Council accept item 19.1 - Variation of Restricted Burning times to meet Seasonal Conditions as an item of urgent business for consideration.

CARRIED 8/0

PRÉCIS

The purpose of this report is to seek the extension and bringing forward of the restricted burning times from 02 November 2018 to 15 October 2018 due to seasonal conditions pursuant to Section 18 (5) of the *Bush Fires Act 1954*. Given the short timeframes involved, it is asked that the Council consider this matter as urgent business.

BACKGROUND

Due to rapidly changing seasonal conditions, lack of spring rainfall in some areas of the City and a recent fire there is concern that the current date of 2 November 2018 may be too late for the restricted burning times to commence.

As we are currently in an open burning season there are few conditions that apply to persons lighting a fire. By bringing restricted burning times forward this will then bring in the requirement for all persons lighting a fire in the open air to have obtained a permit before being able to burn. These permits are issued by Fire Control Officers that are responsible for an area where they have local knowledge and are able to place additional conditions on each permit if warranted.

STATUTORY ENVIRONMENT

Pursuant to Section 18 of the *Bush Fires Act 1954* (the Act), a local government may vary the restricted burning times.

- (5) *Subject to subsection (5B) in any year in which a local government considers that seasonal conditions so warrant the local government may, after consultation with an authorised CALM Act officer if forest land is situated in its district —*
- a) *vary the restricted burning times in respect of that year in the district or a part of the district by —*
 - i. *shortening, extending, suspending or reimposing a period of restricted burning times; or*
 - ii. *imposing a further period of restricted burning times;*
- (5B) *A variation shall not be made under subsection (5) if that variation would have the effect of —*
- b) *shortening the restricted burning times by; or*
 - c) *suspending the restricted burning times, or any prescribed condition, for, more than 14 successive days during a period that would, in the absence of the variation under subsection (5), be part of the restricted burning times for that zone in that year.*

RELEVANT PLANS AND POLICIES

There are no plans or policies relevant to this matter

FINANCIAL IMPLICATIONS

There are no financial implications associated with the Officers Recommendation.

LONG-TERM FINANCIAL PLAN IMPLICATIONS

There are no long term financial plan implications associated with the Officers Recommendation.

STRATEGIC COMMUNITY OBJECTIVES

This matter aligns primarily to Key Goal Area 1 – Community of the City’s Strategic Community Plan, and specifically community objective 1.1: A friendly, safe and inclusive community with a strong community spirit.

RISK ASSESSMENT

An assessment of the potential implications of implementing the Officer Recommendation has been undertaken using the City’s risk assessment framework. No significant risks have been identified. As discussed in the Officer Comment below, the Officer Recommendation serves to mitigate an identified risk associated.

CONSULTATION

There has been formal consultation with the DBCA CALM Act officer, Ed Hatherley, Chief Bush Fire Control Officer, Allan Guthrie and a teleconference with the City of Busselton Fire Control Officers on Friday, 7 November 2018; all supported a request to vary the restricted burning times.

OFFICER COMMENT

The fire behaviour experienced last week during a fire in Yallingup Siding, for which a Bush Fire Advice was issued, was more significant than had been expected.

As there is currently no means to place conditions on burning currently taking place, there is the potential of a fire becoming uncontrolled between now and the current date of restricted burning commencing on 2 November 2018.

Due to a lack of spring rainfall in some areas of the City and changing seasonal conditions, the soil dryness and Keetch-Byram Drought Indexes are currently tending at the same levels as the 2015/16 fire season (Esperance and Waroona Yarloop) levels.

In order to reduce the risk to the community and infrastructure, bringing the restricted burning time period forward will enable additional conditions to be placed on burning being conducted. This will potentially reduce the risk of a fire becoming uncontrolled.

CONCLUSION

In order to reduce the risk of uncontrolled fires, it is recommend that the Council endorse the change of dates for the restricted burning time to allow control and conditions over all fires that are to be lit within the City. Given the short timeframes involved, it is asked that the Council consider this matter as urgent business. The City would also need to take pro-active steps to communicate the change, and that would include advice through multiple channels, including conventional and social media, as well as via the City's website and networks.

OPTIONS

The Council could:

1. Determine that there is no requirement to vary the restricted burning times and therefore reject the request for variation; or
2. Vary the restricted burning times with an amended date of their choosing, up to 14 days earlier than the period that would otherwise apply.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Should the variation be endorsed the restricted burning times would be shifted to 15 October 2018 and would be advertised in the local media outlets as soon as possible as required by the Bush Fires Act 1954 (the Act) Section 17(8) and (9).

COUNCIL DECISION AND OFFICER RECOMMENDATION

C1810/210 Moved Councillor K Hick, seconded Councillor P Carter

That the Council, pursuant to Section 18 of the *Bush Fires Act 1954*, endorse the variation of the restricted burning times, to commence on Monday 15 October 2018.

CARRIED 8/0

20. CONFIDENTIAL REPORTS

Nil

21. CLOSURE

The Presiding Member closed the meeting at 5.41pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 51 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON WEDNESDAY, 24 OCTOBER 2018.

DATE: _____ PRESIDING MEMBER: _____