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## CITY OF BUSSELTON

### MINUTES FOR THE COUNCIL MEETING HELD ON 28 JUNE 2017

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## MINUTES

MINUTES OF A MEETING OF THE A MEETING OF THE BUSSELTON CITY COUNCIL HELD IN THE COUNCIL CHAMBERS, ADMINISTRATION BUILDING, SOUTHERN DRIVE, BUSSELTON, ON 28 JUNE 2017.

### 1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Presiding Member opened the meeting at 5.39pm.

### 2. ATTENDANCE

#### Presiding Member:

Cr Grant Henley Mayor

#### Members:

Cr Coralie Tarbotton Deputy Mayor  
Cr Ross Paine  
Cr Terry Best  
Cr John McCallum  
Cr Rob Bennett  
Cr Paul Carter  
Cr Robert Reekie  
Cr Gordon Bleechmore

#### Officers:

Mr Mike Archer, Chief Executive Officer  
Mr Oliver Darby, Director, Engineering and Works Services  
Mrs Tanya Gillett, Acting Director, Planning and Development Services  
Mrs Naomi Searle, Director, Community and Commercial Services  
Mr Cliff Frewing, Director, Finance and Corporate Services  
Miss Kate Dudley, Administration Officer, Governance

#### Apologies:

Mr Paul Needham, Director, Planning and Development Services

#### Approved Leave of Absence

Nil

#### Media:

“Busselton-Dunsborough Times”

#### Public:

Nil

### 3. PRAYER

In the absence of Paster Nathan Seinemeier of Cornerstone Church the Presiding Member acknowledged the native land owners, Wardandi of the Noogar People of the South West.

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

Nil

**Public Question Time**

Nil

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

Nil

**Announcements by other Members at the invitation of the Presiding Member**

Nil

**6. APPLICATION FOR LEAVE OF ABSENCE**

Nil

**7. PETITIONS AND PRESENTATIONS**

Nil

**8. DISCLOSURE OF INTERESTS**

The Mayor noted that a declaration of impartiality interest had been received from:

- Cr Paul Carter in relation to agenda Items:
  - 10.5 Policy and Legislation Committee – 15/06/2017 - Busselton & Dunsborough Centres Facade Refurbishment Subsidy Programme
  - 13.4 Chambers of Commerce Funding Proposal

And a declaration of financial interest had been received from:

- Cr Rob Bennett in relation to agenda Item:
  - 10.5 Policy and Legislation Committee - 15/06/2017 - Busselton & Dunsborough Centres Facade Refurbishment Subsidy Programme

The Mayor advised that in accordance with the Local Government (Rules of Conduct) Regulations 2007 these declarations would be read out immediately before Items 10.5 and 13.4 were discussed.

**9. CONFIRMATION AND RECEIPT OF MINUTES****Previous Council Meetings**9.1 Minutes of the Council Meeting held 14 June 2017**Council Decision****C1706/134**

Moved Councillor P Carter, seconded Councillor T Best

That the Minutes of the Council Meeting held 14 June 2017 be confirmed as a true and correct record.

**CARRIED 9/0****Committee Meetings**9.2 Minutes of the Finance Committee Meeting held 8 June 2017**Council Decision****C1706/135**

Moved Councillor G Bleechmore, seconded Councillor P Carter

That the minutes of the Finance Committee Meeting held 8 June 2017 be confirmed as a true and correct record.

**CARRIED 9/0**9.3 Minutes of the Policy and Legislation Committee Meeting held 18 May 2017**Council Decision****C1706/136**

Moved Councillor C Tarbotton, seconded Councillor R Reekie

That the minutes of the Policy and Legislation Committee Meeting held 18 May 2017 be confirmed as a true and correct record.

**CARRIED 9/0**

**ITEMS BROUGHT FORWARD AND ADOPTION BY EXCEPTION RESOLUTION****Council Decision / Committee Recommendation and Officer Recommendation****C1706/137** Moved Councillor G Bleechmore, seconded Councillor J McCallum

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

- 10.1 Finance Committee - 1/06/2017 - REVIEW OF POLICY 218 - INVESTMENT
- 10.2 Finance Committee - 1/06/2017 - FINANCIAL ACTIVITY STATEMENTS - PERIOD ENDING 30 APRIL 2017
- 10.3 Finance Committee - 1/06/2017 - LIST OF PAYMENTS MADE - APRIL 2017
- 10.4 Finance Committee - 1/06/2017 - FINANCE COMMITTEE INFORMATION BULLETIN - MAY 2017
- 10.7 Policy and Legislation Committee - 15/06/2017 - REVIEW OF POLICY 124 BUSSELTON REGIONAL AIRPORT - STATEMENT OF INTENT
- 10.8 Policy and Legislation Committee - 15/06/2017 - REVIEW POLICY 004 BUSSELTON JETTY - PLACEMENT OF MEMORIAL PLAQUES
- 11.1 MANAGEMENT PLAN FOR PERON RESERVE, DUNSBOROUGH
- 11.3 PROSPECTIVE PURCHASE BY CITY OF PT LOT 201 BALMORAL DRIVE, QUINDALUP
- 11.4 AMENDMENT NO.20 TO LOCAL PLANNING SCHEME NO.21, TO - 1, REZONE LOT 500 AND 502 BUSSELL HWY, BROADWATER FROM 'TOURIST' TO 'RESIDENTIAL (R40)' AND 'RESERVE FOR RECREATION (HIGHWAY BUFFER RESERVE)' AND ASSOCIATED SITE-SPECIFIC AMENDMENT TO LOCAL TOURISM PLANNING STRATEGY - CONSIDERATION FOR FINAL ADOPTION
- 13.1 GLC ALLIED HEALTH PROFESSIONAL SUITES
- 13.2 NAMING OF PAVILION AT BARNARD PARK
- 13.3 FINANCIAL ASSISTANCE TO THE MARGARET RIVER BUSSELTON TOURISM ASSOCIATION INC TO SUPPORT BUSSELTON AND DUNSBOROUGH VISITOR CENTRES.
- 15.1 COUNCILLORS' INFORMATION BULLETIN

**CARRIED 9/0****EN BLOC**

## 10. REPORTS OF COMMITTEE

### 10.1 Finance Committee - 1/06/2017 - REVIEW OF POLICY 218 - INVESTMENT

<b>SUBJECT INDEX:</b>	Financial Operations
<b>STRATEGIC OBJECTIVE:</b>	Council engages broadly and proactively with the community.
<b>BUSINESS UNIT:</b>	Finance and Corporate Services
<b>ACTIVITY UNIT:</b>	Finance and Corporate Services Support
<b>REPORTING OFFICER:</b>	Financial Compliance Officer - Jeffrey Corker
<b>AUTHORISING OFFICER:</b>	Director, Finance and Corporate Services - Cliff Frewing
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Revised Policy 218 - Investment - Tracked Changes⇒

**This item was considered by the Finance Committee at its meeting on 1 June 2017, the recommendations from which have been included in this report.**

#### **PRÉCIS**

As a result of an amendment to section 19C(2)(b) of the Local Government (Financial Management) Regulations, a review of Policy 218 Investment has been undertaken. As a result of this review it is recommended that an alteration be made to the policy reflecting that the maximum term Councils may invest surplus funds in term deposits has been increased from 12 months to 3 years.

#### **BACKGROUND**

The Council's Investment Policy 218 was last before the Council in April 2017 at which time no amendments were recommended (C1704/081). Subsequent to this review, the Minister for Local Government; Heritage; Culture and the Arts; has advised (copy of circular attached) of an amendment to Section 19C(2)(b) of the Local Government (Financial Management) Regulations 1996 that extends the permitted maximum term of term deposit investments from 12 months to 3 years. This amendment has necessitated a further review of 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.

In accordance with Section 6.14 of the Local Government Act 1995 Council has the power to invest surplus funds held in a municipal or trust fund that are not immediately required for any other purpose.

Subsequent to recent amendment, in accordance with *Regulation 19C of the Local Government (Financial Management) Regulations 1996* Council is limited to invest surplus funds in Term Deposits with Authorised Deposit-Taking Institutions as defined in the *Banking Act 1959 (Commonwealth) section 5* or the Western Australian Treasury Corporation established by the *Western Australian Treasury Corporation Act 1986* for terms of no more than 3 years.

Council is also limited to only investing surplus funds in Government Guaranteed bonds and for terms of no more than 3 years.

## **RELEVANT PLANS AND POLICIES**

This report proposes adoption of existing Council Policy 218 Investment in its current format with an amendment to clause 1.5.iii to increase the maximum term deposit term from 12 months to 3 years to reflect the change of legislative requirements.

## **FINANCIAL IMPLICATIONS**

There are no direct financial implications associated with this report.

### **Long-term Financial Plan Implications**

Nil.

## **STRATEGIC COMMUNITY OBJECTIVES**

This policy aligns with and supports the Council's Key Goal Area 6 – 'Leadership visionary, collaborative, accountable' and more specifically Community Objective 6.2 – 'Council engages broadly and proactively with the community'.

## **RISK ASSESSMENT**

The primary risk is the loss of Council funds. Legislative requirements have been established which outline very clear restrictions regarding which investment options are available to Councils. The Council's Investment Policy complies with these legislative requirements. This policy also requires funds to be spread across a number of institutions and limits exposure to individual institutions based upon performance benchmarks and associated reporting requirements thereby further mitigating risk.

In addition, a statement of invested funds is presented to Council each month via the Finance Committee where compliance with this policy is monitored by the Committee.

## **CONSULTATION**

As a policy with an internal focus, this policy is not considered to require any public consultation.

## **OFFICER COMMENT**

This report presents the review of the Council's Investment Policy 218 as necessitated by an amendment to the section 19C(2)(b) of the Local Government (Financial Management) Regulations. As a result of this review it was established that a minor amendment to the policy is required to maintain full compliance with *Regulation 19 of the Local Government (Financial Management) Regulations 1996*.

It is further considered by officers that the policy has been operating efficiently and effectively for the City's current needs and therefore it is proposed that no other alterations are made to Policy 218 Investment at this time. The existing Clause 1.5.iii already permitted a maximum of 20% of the portfolio to be invested in products with terms between 1 year and 3 years and it is not recommended to alter this limit.

## **CONCLUSION**

Subsequent to an amendment to the relevant legislation, a review of Council Policy 218 – Investments has been conducted. Following this review officers are recommending that a single alteration be made to the policy to reflect the revised legislative requirements which will allow for term deposits to a maximum period of 3 years.



## OPTIONS

The Council may not agree to the proposed amendment of the existing policy and may seek to make other or no alterations to the policy.

## TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The policy would be effective immediately upon adoption of Council.

### Council Decision / Committee Recommendation and Officer Recommendation

**C1706/138** Moved Councillor G Bleechmore, seconded Councillor J McCallum

That Council adopts the revised Council Policy 218 Investment as shown at Attachment A.

Attachment A  
218 Investment V11

## STATEMENT

The principal objective of the Council in respect of the investment of surplus credit funds is the preservation of capital. Whilst a conservative approach is to be adopted with regards to investment decisions, the maximisation of returns within the confines of the policy guidelines is also encouraged.

This policy details the relevant authorities for investment, the nature and type of investments that can be entered into, institution exposure limits, investment performance benchmarks and associated reporting requirements.

## PURPOSE

This policy provides specific guidelines for the Council, Chief Executive Officer and relevant employees of the City of Busselton in respect of the investment of surplus funds that are not immediately required for any other purpose.

Compliance with this policy will ensure prudence in the preservation of capital, whilst promoting the maximisation of investment returns within the policy guidelines.

## SCOPE

As part of its core financial operations, the City of Busselton is positioned to invest surplus funds not immediately required for any other purpose; in order to add value through increased investment returns. The nature of funds available for investment includes Reserves, other restricted funds (e.g. contributions, bonds etc) and general revenue funds in excess of immediate cash-flow requirements. Investment earnings assist in augmenting reserve balances and also supplementing other general revenue streams.

Whilst the revenue associated with investment earnings represents an important component of the City's funding sources, the Council has identified the preservation of investment capital as a principal objective; and as such, investment decisions must primarily align with this objective.

Whilst this policy reflects the Council's capital preservation objective, it also provides sufficient flexibility to assist in the maximisation of investment returns within the defined investment types and associated exposure limits.

## DEFINITIONS

“ADI” – Authorised Deposit-Taking Institutions (ADI’s) are corporations that are authorised under the Banking Act 1959 to take deposits from customers.

“APRA” – Australian Prudential Regulation Authority (APRA) is the prudential regulator of

the Australian financial services industry. It oversees banks, credit unions, building societies, general insurance companies and most members of the superannuation industry.

“Austraclear” - The Austraclear System, which is regulated by the Reserve Bank, simplifies settlement complexities and enhances straight-through-processing (STP), office integration and cross border opportunities to facilitate the registering, bookkeeping, clearing and settlement of a broader range of derivative, security and cash asset classes.

“Big four” Bank – For the purposes of this policy, the Australian “Big four” banks comprise the Commonwealth Bank, the National Australia Bank, Westpac and ANZ Bank.

“Counterparty” – A counterparty is both the legal and financial term that refers to the other individual or institution to an agreement or contract.

“Custodian – Safe Custody” - A custodian is a brokerage or other financial institution that holds and manages securities, or other assets, on behalf of an investor.

“Rating Agency” – Credit rating agencies such as Standard and Poors (S & P) are professional organisations that provide opinion on the general credit worthiness of an obligor with respect to particular debt security or other financial obligations.

## POLICY CONTENT

### 1.1 Objectives

- The purpose of this policy is to establish the investment risk management guidelines that the City of Busselton adopts in investing surplus funds that are not immediately required for any other purpose.
- The principal objective of this policy is the preservation of capital (Security).
- To take a conservative approach to investments, but with a focus to add value through prudent investment of funds (Security).
- To achieve a high level of security by using recognised ratings criteria (Security).
- To maintain an adequate level of diversification (Security).
- To have ready access to funds for day-to-day requirements (Liquidity).
- To ensure compliance with appropriate legislative requirements (Compliance).

## 1.2 Authority for Investment

All investments are to be made in accordance with:

Credit Ratings

(Standard and Poor's or Equivalent)      Individual Institution Limits      Overall Portfolio Credit Limits

- Local Government 1995 – Section 6.14 and any regulations made under that Act including the following:

- o Local Government (Financial Management) Regulations 1996 – Regulation 19C; and

- o The Trustees Act 1962 – Part III Investments as amended by the Trustees Amendment Act 1997.

## 1.3 Delegation of Authority

The Chief Executive Officer is authorised to invest surplus funds in accordance with this policy.

## 1.4 Authorised Investments

All investments must be denominated in Australian Dollars. Authorised Investments are limited to those permitted by the appropriate legislation, being:

- With an Authorised Institution, being:

- (a) An Authorised Deposit-Taking Institution as defined in the Banking Act 1959 (Commonwealth) section 5; or

- (b) The Western Australian Treasury Corporation established by the Western Australian Treasury Corporation Act 1986;

- A Bond that is guaranteed by the Commonwealth Government, or a State or Territory Government.

## 1.5 Investment Guidelines – Credit Quality, Diversification and Term to Maturity Constraints

### (i) Portfolio Credit Framework

The portfolio credit guidelines to be adopted will be based on the Standard & Poor's (S&P) ratings system criteria. The maximum available limits in each rating category is reflected in the below table.

### (ii) Counterparty/Institution Credit Framework

Exposure to individual counterparties/financial institutions will be restricted by their S&P rating so that single entity exposure is limited, as detailed in the below table.

Long Term Credit Ratings	Short Term Credit Ratings	Maximum Percentage With One Financial Institution	Maximum Weighting a % of Total Investment Portfolio
AAA (All Aus. ADI)	A-1+	40%	100%
AA (Aus. "Big four" Bank)	A-2	40%	100%
AA (Other Aus. ADI)	A-2	20%	100%
A (All Aus. ADI)	A-2	15%	60%
BBB (All Aus ADI)	A-3	10%	20%

### (iii) Term to maturity Framework

Legislation restricts the term to maturity for a deposit with an ADI to a maximum term of 12 months three years, and a Bond to a maximum term of 3 years. The investment portfolio is to be invested with the following term to maturity constraints:

Overall Portfolio Term to Maturity Limits	
Duration	Maximum
Portfolio % < 1Year	100%
Portfolio % > 1 Year < 3 Years	20%

### 1.6 Credit Ratings

If any of the City's investments are downgraded such that they no longer fall within these investment policy guidelines, they will be divested as soon as is practicable.

### 1.7 Accounting for Premiums and Discounts

From time to time financial assets may be acquired at a discount or premium to their face value. Any such discount or premium is to be taken into account in line with relevant Australian Accounting Standards.

### 1.8 Base Total Investment Portfolio Value for Percentage Calculations

The value of any funds held in an 11am type account, being one that offers higher interest rates than a standard cheque account but maintains same day access to funds; shall be excluded when verifying compliance with this policy.

### 1.9 Safe Custody Arrangements

Where necessary, investments may be held in safe custody on the City's behalf, as long as the following criteria are met:

- The City must retain beneficial ownership of all investments.
- Adequate documentation is provided, verifying the existence of the investments.
- The Custodian conducts regular reconciliation of records with relevant registries and/or clearing systems.
- The Institution or Custodian recording and holding the assets will be:
  - o Austraclear or;
  - o An Institution with an investment grade Standards and Poors or Moody's rating or;
  - o An Institution with adequate insurance, including professional indemnity insurance and other insurances considered prudent and appropriate to cover its liabilities under any agreement.

### 1.10 General

The City of Busselton will not make ill-informed or unpredictable investment decisions, be engaged in overly speculative investments, or invest other than in compliance with the relevant legislation.

### 1.11 Reporting

(i) A report will be provided to the Council on a monthly basis as a minimum, detailing the investment portfolio in terms of performance and counterparty percentage exposure of total portfolio. The report will also detail investment income earned versus budget year to date and confirm compliance of the City's investments within legislative and policy limits.

(ii) For audit purposes, certificates must be obtained from the banks/fund managers/custodian confirming the amounts of investment held on the City's behalf at 30th June each year.

Policy Reference No. - 218 Owner Unit – Finance

Originator – Manager, Financial Services Policy approved by – Council

Date Approved – 28 June 2017

Review Frequency – As required Related Documents – Nil

#### History

Council Resolution	Date	Information
C1706/138	28 June 2017	Version 11
C1704/081	26 April, 2017	Version 10 (Current)
C1409/225	24 September, 2014	Version 9

**CARRIED 9/0**

**EN BLOC**

10.2 Finance Committee - 1/06/2017 - FINANCIAL ACTIVITY STATEMENTS - PERIOD ENDING 30 APRIL 2017

<b>SUBJECT INDEX:</b>	Budget Planning and Reporting
<b>STRATEGIC OBJECTIVE:</b>	Governance systems, process and practices are responsible, ethical and transparent.
<b>BUSINESS UNIT:</b>	Finance and Corporate Services
<b>ACTIVITY UNIT:</b>	Finance and Corporate Services
<b>REPORTING OFFICER:</b>	Manager Financial Services - Kim Dolzadelli
<b>AUTHORISING OFFICER:</b>	Director, Finance and Corporate Services - Cliff Frewing
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Financial Activity Statements - April 2017⇒ Attachment B Investment Report - April 2017⇒

**This item was considered by the Finance Committee at its meeting on 1 June 2017, the recommendations from which have been included in this report.**

### PRÉCIS

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

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the City's financial performance on a year to date basis for the period ending 30 April 2017.

### BACKGROUND

The Regulations detail the form and manner in which financial activity statements are to be presented to the Council on a monthly basis; and are to include the following:

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

Additionally, and pursuant to Regulation 34(5) of the Regulations, a local government is required to adopt a material variance reporting threshold in each financial year. At its meeting of 21 July 2016, the Council adopted (C1607/160) the following material variance reporting threshold for the 2016/17 financial year:

*That pursuant to Regulation 34(5) of the Local Government (Financial Management) Regulations, the Council adopts a material variance reporting threshold with respect to financial activity statement reporting for the 2016/17 financial year to comprise variances equal to or greater than 10% of the year to date budget amount as detailed in the Income Statement by Nature and Type/ Statement of Financial Activity report, however variances due to timing differences and/ or seasonal adjustments are to be reported on a quarterly basis.*

## **STATUTORY ENVIRONMENT**

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

## **RELEVANT PLANS AND POLICIES**

Not applicable.

## **FINANCIAL IMPLICATIONS**

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

### **Long-term Financial Plan Implications**

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

## **STRATEGIC COMMUNITY OBJECTIVES**

This matter principally aligns with Key Goal Area 6 – ‘Open and Collaborative Leadership’ and more specifically Community Objective 6.1 - ‘Governance systems, process and practices are responsible, ethical and transparent’. The achievement of the above is underpinned by the Council strategy to ‘ensure the long term financial sustainability of Council through effective financial management’.

## **RISK ASSESSMENT**

Risk assessments have been previously completed in relation to a number of ‘higher level’ financial matters, including timely and accurate financial reporting to enable the Council to make fully informed financial decisions. The completion of the monthly Financial Activity Statement report is a control that assists in addressing this risk.

## **CONSULTATION**

Not applicable

## **OFFICER COMMENT**

In order to fulfil statutory reporting requirements, and to provide the Council with a synopsis of the City’s overall financial performance on a full year basis, the following financial reports are attached hereto:

- Statement of Financial Activity

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

- Net Current Position

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

▪ Capital Acquisition Report

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

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

▪ Reserve Movements Report

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

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

## COMMENTS ON FINANCIAL ACTIVITY TO 30 APRIL 2017

### Operating Activity

▪ Operating Revenue

As at 30 April 2017, there is a variance of -0.6% (-\$422K) in total operating revenue, with the following categories exceeding the 10% material variance threshold:

Description	Variance %	Variance \$000's
Operating Grants Subsidies and Contributions	+23%	+\$791
Interest Earnings	+30%	+\$667
Non-Operating Grants Subsidies and Contributions	-22%	-\$1,937
Profit on Asset Disposals	+22%	+\$4

#### **Operating Grants Subsidies and Contributions (+\$791)**

- Busselton Jetty +\$417k. This is attributable to a budget timing difference associated with contributions received from BJECA for Busselton Jetty License fee.
- Human resources and payroll section +\$111k. This variance is mainly attributable to insurance recovered \$94k (which is partly offset by additional expenditure of \$64k).

#### **Interest Earnings (+\$667K)**

- Interest on municipal funds -\$27k.
- Interest on reserve funds +\$183k.
- Interest on restricted funds +\$433k.
- Late payment and instalment plan interest on rates +\$78k.

#### **Non-Operating Grants, Subsidies and Contributions (-\$1,937K)**

- Contributions received +\$508k. Contributions have no effect on the net current position as they are transferred to restricted cash and are utilised in the future for the purpose when received;
- Bridge Construction Works -\$414k;
- Foreshore East-Youth Precinct Community Youth Building/SLSC -\$2,333k;
- Main Roads - Direct Grants 2/3 Funded -\$584k;
- Main Roads - Direct Grants Fully Funded +\$55k;
- Roads to Recovery - Fully Funded +\$273k;
- Airport development grant received +\$489k. Timing difference associated with the receipt of Federal funding for the development of the airport.



### Operating Expenditure

As at 30 April 2017, there is a variance of +4.44% (+\$2,392K) in total operating expenditure, with the following categories exceeding the 10% material variance threshold:

Description	Variance %	Variance \$000's
Materials and Contracts	+17%	+\$2,130
Other Expenditure	+18%	+\$448
Loss on Asset Disposals	-74%	-\$54

#### **Materials and Contracts (+\$2,130K)**

- By directorate, materials and contracts is showing the following variances at 30 April 2017;
  - Engineering and Works Services +\$1,041k
  - Community and Commercial Services +\$626k
  - Finance and Corporate Services +\$302k
  - Planning and Development Services +\$86k
  - Executive Services +\$76K
- The variances are predominantly attributable to contractors +\$251k, Port Geographe waterways maintenance (Department of Transport) +\$305k, consultants +\$704k, contract building cleaning costs +\$146k, fuels, oils and grease +\$103k, and leasing of equipment +\$99k.

#### **Other Expenditure (+\$448K)**

- Community services - marketing and promotions +\$130k, donations, contributions and subsidies +\$65k, events sponsorships (diff rates) -\$26k,
- Elected Members s - attire reimbursements +\$4k, catering related consumables +\$5k, allowances for mayor and deputy +\$7k, meeting expenses +\$16k, refreshment and functions +\$22k, sitting fees +\$20k, communication allowances +\$3k, and sister city involvements (Sugito) -\$5k;
- Public Relations - advertising council pages +\$6k, community consultations and surveys +\$5k, donations, contributions and subsidies +\$3k, public relations +\$7k, catering +\$14k, marketing and promotions +\$13k,
- Rate administration valuation expenses +\$59k,
- Office of CEO CAPEROC regional development +\$20k, CEO discretionary funding \$29k,
- Winderlup Court aged housing payout on resident funded unit +\$28k,

#### **Loss on Asset Disposals (-\$54K)**

The Loss on Asset Disposal represents adverse book losses on the sale of sundry plant items and vehicles. It should be noted that this is a book entry only, and has no direct impact on the surplus/deficit position.

### Capital Activity

- Capital Revenue

As at 30 April 2017, there is a variance of -26% (-\$14,545k) in total capital revenue, with the following categories exceeding the 10% material variance threshold:

Description	Variance %	Variance \$000's
Transfer from Reserves	-2%	-\$388
Transfer from Restricted Assets	-44%	-\$13,326
Proceeds from Sale of Assets	-56%	-\$323
Proceeds from Loans	-14%	-\$500
Self-Supporting Loans	-13%	-\$9

**Transfer from Reserves (-\$338K not material based on percentage)**

- Timing difference relating to the construction of the Administration building and the utilisation of funds from the Civic and Administration Centre Construction Reserve (-\$2,878K);
- Timing difference associated with the utilisation of funds allocated Port Geographe waterways maintenance (Department of Transport) -\$305k;
- Timing difference associated with the utilisation of funds from the waste management facility and plant reserve for operational cash flow +\$2,745k;

**Transfer from Restricted Assets (-\$13,326K)**

- Timing difference relating to use of Airport and Foreshore grants -\$19,380k and -\$3,500k relating to the foreshore works. No impact to net current position.
- Movement of Community and Rec Facilities +\$7,323k, Vasse Diversion Drain +\$383k, Contribution to Works +\$211k, Aged Housing +\$846k from restricted assets into reserves. These movements were budgeted to occur in June 2017 but have mainly occurred in October and are timing in nature only. No impact to net current position.
- Bonds and Deposits (+\$790k) not budgeted. Timing in nature only as held on behalf of other entities and individuals.

**Proceeds from Sale of Assets (-\$323K)**

- The Proceeds from Sale of Assets category recognises the estimated sale or trade-in value of 'heavy and light' plant items budgeted to be replaced during the financial year. The current adverse variance is largely reflective of the timing difference in the lower Plant and Equipment capital expenditure on a year to date basis.

**Proceeds from Loans (-\$500k)**

- Difference relates to the delayed draw down of new loan for Dunsborough car parking as per budget timeline. This transaction does not affect the City's net current position as expenditure has not yet been incurred.

**Self-Supporting Loans (-\$9k)**

- Difference relates to the delayed draw down of new self-supporting loan as per budget timeline. This transaction does not affect the City's net current position.

- Capital Expenditure

As at 30 April 2017, there is a variance of +35% (+\$36,791K) in total capital expenditure, with the following categories exceeding the 10% material variance threshold:

Description	Variance %	Variance \$000's
Land and Buildings	+18%	+\$4,109
Plant and Equipment	+50%	+\$1,260
Furniture and Equipment	+76%	+\$1,395
Infrastructure	+65%	+\$35,124
Transfers to Restricted Assets	-399%	-\$4,129

The attachments to this report include detailed listings of the capital expenditure (project) items, to assist in reviewing specific these variances. All capital expenditure variances are considered to be a timing adjustment at this time, with no impact expected against the net current position.

**Transfers to Restricted Assets (-\$4,129K)**

The transfers to restricted assets budget comprises an estimation of funds that could potentially be received during the financial year, primarily from developer contributions. Due to the nature of the category, the annual budget allocation is spread evenly throughout the year. The performance in this activity does not have any direct impact on the surplus/deficit position, as revenue is recognised upon receipt and these funds are subsequently quarantined to restricted assets, essentially offsetting the initial transaction. Furthermore, the transfers to restricted assets category also include the payment of bonds and deposits, where no specific budget allocation is made for these funds.

The financial year to date variance of -\$4,129k is primarily attributable to the receipt of Community and Recreation Facilities -\$159k, Bonds and Deposit -\$593k receipt of interest in excess of budget attributable to the airport grant -\$370k and Unspent Loan funds -\$3,047k.

**Investment Report**

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

As at 30 April 2017, the value of the City's invested funds totalled \$101.5M, decreasing from \$112.5M as at 1st April. The decrease is due to funds being utilised for operational purposes including the Admin Building and Airport projects.

During the month of December \$26.5M in term deposit funds matured. Deposits totalling \$20.0M were renewed for an average of 90 days at an average rate of 2.48%. Deposits totalling \$6.5M were closed. A deposit held with the WATC (as required in accordance with the Airport Redevelopment funding contract) matured and was rolled for a further 90days at 1.65%.

The balance of the 11am account (an intermediary account which offers immediate access to the funds compared to the term deposits and a higher rate of return compared to the cheque account) reduced by \$1.5M with funds utilised for operational purposes. The balance of the Airport development ANZ cash account reduced by \$3.12M with funds utilised on the project.

The RBA left official rates on hold during April and May with future rate movements are unclear at this stage. Please refer to Attachment B for further information.

**CONCLUSION**

As at 30 April 2017, the City's financial performance is considered satisfactory. Whilst current variances exist in some operational areas, these are primarily due to timing differences, are not material in nature or are transactions that have no direct impact on the Net Current Position.

Whilst acknowledging capital is presently tracking below year to date budget estimates, this is also seen to be attributable to timing differences at this time.

**Council Decision / Committee Recommendation and Officer Recommendation**

**C1706/139** Moved Councillor G Bleachmore, seconded Councillor J McCallum

That the Council receives the statutory financial activity statement reports for the period ending 30 April 2017, pursuant to Regulation 34(4) of the Local Government (Financial Management) Regulations.

**CARRIED 9/0**

**EN BLOC**

**10.3**     Finance Committee - 1/06/2017 - LIST OF PAYMENTS MADE - APRIL 2017

<b>SUBJECT INDEX:</b>	Financial Operations
<b>STRATEGIC OBJECTIVE:</b>	Governance systems, process and practices are responsible, ethical and transparent.
<b>BUSINESS UNIT:</b>	Finance and Corporate Services
<b>ACTIVITY UNIT:</b>	Finance and Corporate Services
<b>REPORTING OFFICER:</b>	Manager Financial Services - Kim Dolzadelli
<b>AUTHORISING OFFICER:</b>	Director, Finance and Corporate Services - Cliff Frewing
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A List of Payments Made - April 2017 <a href="#">⇒</a>

**This item was considered by the Finance Committee at its meeting on 1 June 2017, the recommendations from which have been included in this report.**

**PRÉCIS**

This report provides details of payments made from the City's bank accounts for the month of April 2017, for noting by the Council and recording in the Council Minutes.

**BACKGROUND**

The Local Government (Financial Management) Regulations require that when the Council has delegated authority to the Chief Executive Officer to make payments from the City's bank accounts, that a list of payments made is prepared each month for presentation to, and noting by, Council.

**STATUTORY ENVIRONMENT**

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

**RELEVANT PLANS AND POLICIES**

NA.

**FINANCIAL IMPLICATIONS**

NA.

**Long-term Financial Plan Implications**

NA.

**STRATEGIC COMMUNITY OBJECTIVES**

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

**RISK ASSESSMENT**

NA.

**CONSULTATION**

NA.

**OFFICER COMMENT**

In accordance with regular custom, the list of payments made for the month of April 2017 is presented for information.

**CONCLUSION**

NA.

**OPTIONS**

NA.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

NA.

**Council Decision / Committee Recommendation and Officer Recommendation**

**C1706/140** Moved Councillor G Bleachmore, seconded Councillor J McCallum

That the Council notes payment of voucher numbers M114173 – M114273, EF051686 – EF052149, T007332 – T007336, and DD003082 – DD003109; together totalling \$10,774,396.79.

**CARRIED 9/0****EN BLOC**

10.4 Finance Committee - 1/06/2017 - FINANCE COMMITTEE INFORMATION BULLETIN - MAY 2017

<b>SUBJECT INDEX:</b>	Councillors' Information
<b>STRATEGIC OBJECTIVE:</b>	An organisation that is managed effectively and achieves positive outcomes for the community.
<b>BUSINESS UNIT:</b>	Finance and Corporate Services
<b>ACTIVITY UNIT:</b>	Executive Services
<b>REPORTING OFFICER:</b>	Manager Financial Services - Kim Dolzadelli Councillor Support Officer - Lisa Haste Asset Coordinator - Daniel Hall
<b>AUTHORISING OFFICER:</b>	Director, Engineering and Works Services - Oliver Darby
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Nil

**This item was considered by the Finance Committee at its meeting on 1 June 2017, the recommendations from which have been included in this report.**

**PRÉCIS**

This report provides an overview of information that is considered of relevance to members of the Finance Committee, and also the Council.

**INFORMATION BULLETIN**

**1. Chief Executive Officer – Corporate Credit Card**

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

Date	Amount	Payee	Description
28-Mar-17	\$68.00	The Goose	+ Rio Tinto Executive Visit - Following Busselton Jetty Inc Function
30-Mar-17	\$356.69	Createsend / Jack In The Box	March Bay To Bay Newsletter
12-Apr-17	\$75.00	WALGA	Breakfast With Minister Local Govt Mayor, CEO & Naomi Searle
12-Apr-17	\$75.00	WALGA	Breakfast With Minister Local Govt Mayor, CEO & Naomi Searle
19-Apr-17	\$527.50	The Esplanade Hotel	Councilors' Dinner
20-Apr-17	\$366.04	Qantas	* Flights SA - LGCOC Conference (CEO)
20-Apr-17	\$149.00	The Manna Hahndorf	* Accom: LG CEO Conference (July)

*\*Funds debited against CEO Annual Professional Development Allowance as per employment Contract Agreement*

*+ Allocated against CEO Hospitality Expenses Allowance*

**2. Voluntary Contributions/Donations (Income)**

No voluntary contributions have been approved this financial year to date.

### 3. Donations/Contributions and Subsidies Fund (Sponsorship Fund – Payment of Funds) \*\*\*

Current expenditure from the Donations, Contributions and Subsidies Fund (Sponsorship Fund) reveals:

- 89 applications for sponsorship have been received during this financial year.
  - The average donation approved for the financial year is \$344.84
  - There were 4 applications for sponsorship received or assessed during April 2017.
  - Expenditure from the Donations, Contributions and Subsidies Fund (Sponsorship Fund) for the financial year totals \$30,690.82
- Total budget for the Donations, Contributions and Subsidies Fund (Sponsorship Fund) is \$37,450.

App. No.	Recipient	Purpose	Amount
86/1617	Busselton Hospice with Palliative Care WA	Holding 2 workshops on Advance Care Planning. Free to the community. Funds to cover room hire	\$208.00
87/1617	Chelsea Lindsay for Breast Cancer Care WA	Seeking a contribution towards the costs of holding a fundraiser for Breast Cancer WA, ticketed event (\$150pp) limited to 200 people.	\$0.00
88/1617	South West Affiliated Agricultural Associations	Annual request for funding towards South West District display at Perth Royal Show	\$250.00
89/1617	Geographe Cycle Club	funding towards production of a book of the Club's history	\$500.00

\*\*\* Revised data included in this section of the report as the data presented to the Finance Committee was incorrect.

#### Asset Management Report

##### Unsealed Roads and Fair Value

The following report provides some clarification on the calculation of fair value for unsealed roads and also the drivers for the unsealed road renewal (re-sheeting) program.

There are three main types of unsealed roads included within the City's unsealed road network. These are paved, formed and unformed roads. These are defined as follows;

- A paved road is a road that has been shaped by a grader and has been constructed with the use of imported gravel;
- A formed road is an unsealed road that has been shaped by a grader but has not been constructed with imported gravel; and
- An unformed road is a legally-recognised road that is undeveloped, but provides public access (often 4wd access only) to a particular area or feature.

Although each of these types of unsealed roads require varying levels of annual renewal requirements, they are none-the-less all still under the management control of the City; and therefore are all required to be included in the fair value assessment.

Formed and unformed roads, require little or no scheduled maintenance and may only be subject to ADHOC tree pruning or a light grade (formed roads only) as the need arises.

Scheduled maintenance is required for paved roads as these contain imported materials (gravel) which needs to be monitored and maintained at a certain depth (The ideal gravel depth for a paved road in an excellent condition is greater than 150mm); for the safety of road users, structural integrity of the underlying pavement and to provide sufficient gravel depth to enable maintenance grading.

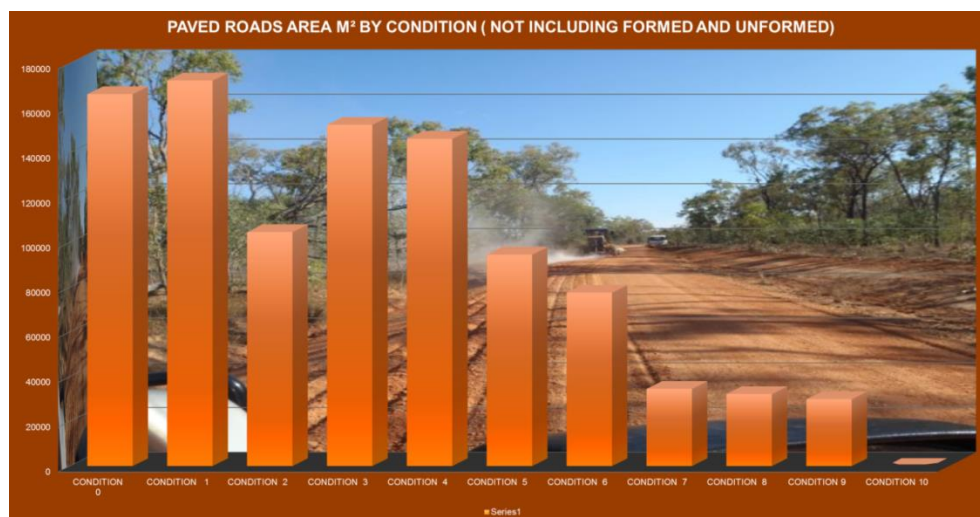
The monitoring of these paved roads consists of measuring the gravel depths with the use of a drill to ensure that minimum standards are being maintained. Unsealed roads with a gravel pavement should maintain a reasonable depth of gravel from the subgrade to the surface. This depth is renewed through the use of the gravel re-sheeting program which is funded through the annual budget.

Re-sheeting is required when the gravel depth falls to an ungradable level and subgrade exposure becomes evident. At this point there is no longer enough remaining gravel for the grader driver to “work with” when maintaining the road and more gravel is required. Re-sheeting is triggered by the road sections overall condition which considers depth, shape, drainage, looseness and safety. Priority is allocated considering condition, utilisation, risk and deprival.



The above chart shows the condition breakdown by square metres of all (paved, formed and unformed roads) following the updated inspections in April 2017. This chart drives the fair value for unsealed roads, which currently sits at \$14.8M.

It should be noted here also, that formed and unformed roads will naturally sit at condition eight, nine and ten; due to zero pavement gravel depth. This is further highlighted in the chart below which shows a reduction in the square metres of road with condition eight, nine or ten ratings.

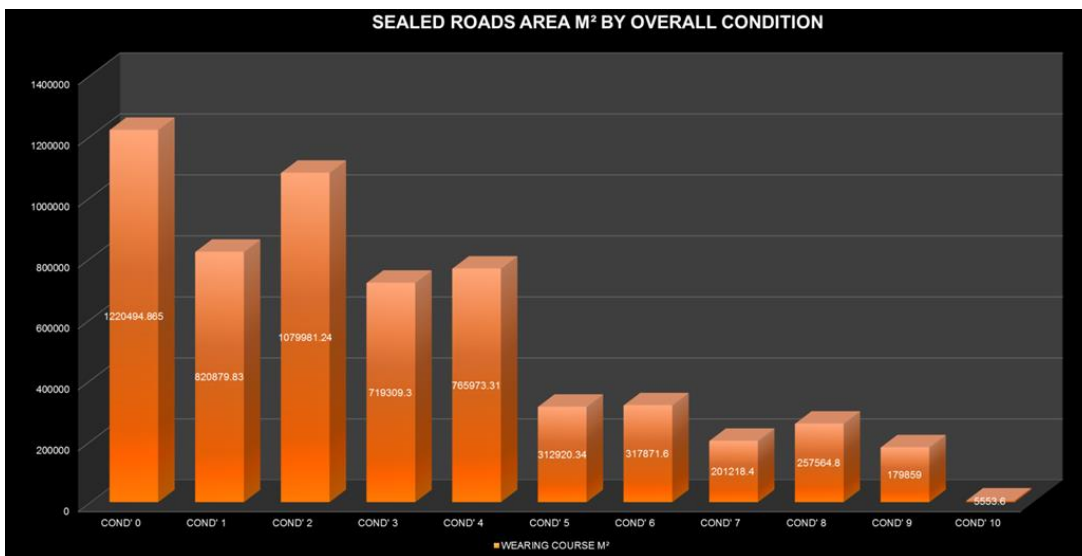




The above chart shows the condition breakdown for paved roads only (not including formed and unformed) which drives the annual re-sheeting program. Roads sitting in the condition eight and nine and ten ratings are those which are scheduled for re-sheeting. These will be rectified through the current re-sheeting program and do not indicate any current back log of works for unsealed roads.

**Sealed Roads for Comparison**

The Chart below shows the current breakdown (by total square metres) of all sealed roads that the City maintains. This has been included as a means of highlighting the similar condition profiles of the sealed and unsealed paved roads above. These condition profiles are indicative of assets under a scheduled renewal program as the majority of the assets are sitting in an ‘as new’ or ‘good’ condition.



Both of these charts highlight the effectiveness of the current renewals programs and also the need for these programs to be maintained into the future. These programs are the annual re-sheeting and road construction programs which are funded through the annual budget.

**Council Decision / Committee Recommendation and Officer Recommendation**

**C1706/141** Moved Councillor G Bleachmore, seconded Councillor J McCallum

That the Finance Committee Information Bulletin for the month of May 2017 be noted.

**CARRIED 9/0**

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10.7 Policy and Legislation Committee - 15/06/2017 - REVIEW OF POLICY 124 BUSSELTON REGIONAL AIRPORT - STATEMENT OF INTENT

<b>SUBJECT INDEX:</b>	Policies, Plans and Procedures
<b>STRATEGIC OBJECTIVE:</b>	An innovative and diversified economy that provides a variety of business and employment opportunities as well as consumer choice.
<b>BUSINESS UNIT:</b>	Finance and Corporate Services
<b>ACTIVITY UNIT:</b>	Governance Services
<b>REPORTING OFFICER:</b>	Executive Assistant - Christine Garratt
<b>AUTHORISING OFFICER:</b>	Director, Finance and Corporate Services - Cliff Frewing
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Existing Policy 124 Busselton Regional Airport - Statement of Intent⇒

**This item was considered by the Policy and Legislation Committee at its meeting on 15 June 2017, the recommendations from which have been included in this report.**

### **PRÉCIS**

As part of Council's ongoing policy review, a review of Policy 124 Busselton Regional Airport – Statement of Intent has been carried out. As a result of this review it is recommended that this Policy be revoked as it is no longer relevant.

### **BACKGROUND**

This Policy was last before the Council in November 2014 at which time officers recommended amendments be made to the Statement of Intent. These amendments reflected the airport's progress toward developing its profitability and usage as well as to recognise the premium tourism destinations it services. In addition minor amendments were made to update terminology from Shire to City. The amended Policy was endorsed by Council at that time (C1411/283).

The Policy and Legislation Committee has endorsed an ongoing policy review process, whereby individual policies are reviewed with a view to determining their ongoing applicability along with standardisation and reduction. This report presents the review of Policy 124 Busselton Regional Airport – Statement of Intent.

### **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.

### **RELEVANT PLANS AND POLICIES**

- Master Plan 2016-2036 Busselton-Margaret River Regional Airport – February 2016 (Aviation Projects)

### **FINANCIAL IMPLICATIONS**

There are no direct financial implications associated with this report.

### **Long-term Financial Plan Implications**

Nil.

## **STRATEGIC COMMUNITY OBJECTIVES**

This Policy aligns with and supports the **Council's Key Goal Area 4 – 'Economy'** and more specifically **Community Objective 4.1 – 'An innovative and diversified economy that provides a variety of business and employment opportunities as well as consumer choice'**.

## **RISK ASSESSMENT**

Not required for review of this Policy.

## **CONSULTATION**

This policy review is not considered to require any public consultation.

## **OFFICER COMMENT**

This report presents the review of Policy 124 Busselton Regional Airport – Statement of Intent. As a result of this review, it was established that this policy is no longer relevant.

Since the inception of this Policy, progress of many of the key objectives contained in the Policy have significantly progressed and in some instances have already been implemented, eg funding secured and project works underway, implementation of a noise management plan, promotion of a broader range of travel destinations and fly-in, fly-out services etc. In February 2017 construction commenced at the now named Busselton-Margaret River Regional Airport (BMRRA), a result of 6 years of collaborative work to put in place a vision that has been shared by the Federal and State Governments and the City of Busselton since 2010.

The Master Plan 2016-2036 for the Busselton-Margaret River Regional Airport (BMRRA) was produced in February 2016 by Aviation Projects following a successful submission of a business case to upgrade the airport, for the purposes of establishing a framework for the future planning and development of the airport. With the Master Plan now in place which covers off on the City's Vision and Objectives for the BMRRA going forward, Policy 124 Busselton Regional Airport – Statement of Intent is considered obsolete and therefore officers are proposing that this Policy be revoked.

## **CONCLUSION**

As part of the regular practice of reviewing Council policies, a review was carried out on Policy 124 Busselton Regional Airport – Statement of Intent. Following this review officers are recommending that this Policy be revoked.

## **OPTIONS**

The Council may choose not to revoke this Policy, may seek to make changes to the Policy or may seek to retain the existing Policy in its current format.

## **TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

The revocation of this Policy would become effective immediately upon adoption of Council.

## **Council Decision / Committee Recommendation and Officer Recommendation**

**C1706/142**

Moved Councillor G Bleachmore, seconded Councillor J McCallum

That the Council revoke Policy 124 Busselton Regional Airport – Statement of Intent as shown in Attachment A.

**CARRIED 9/0**

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10.8 Policy and Legislation Committee - 15/06/2017 - REVIEW POLICY 004 BUSSELTON JETTY - PLACEMENT OF MEMORIAL PLAQUES

<b>SUBJECT INDEX:</b>	Busselton Jetty
<b>STRATEGIC OBJECTIVE:</b>	Events and unique tourism experiences that attract visitors and investment.
<b>BUSINESS UNIT:</b>	Finance and Corporate Services
<b>ACTIVITY UNIT:</b>	Governance Services
<b>REPORTING OFFICER:</b>	Director, Finance and Corporate Services - Cliff Frewing
<b>AUTHORISING OFFICER:</b>	Director, Finance and Corporate Services - Cliff Frewing
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Revised Policy 004 – Placement of Memorial Plaques on the Busselton Jetty ⇨ Attachment B Revised Policy 004 – Placement of Memorial Plaques on the Busselton Jetty - Tracked Changes⇨

**This item was considered by the Policy and Legislation Committee at its meeting on 15 June 2017, the recommendations from which have been included in this report.**

### **PRÉCIS**

This report seeks Council adoption of revised Policy 004 - Placement of Memorial Plaques.

Reconsideration of Policy 004 – Placement of Memorial Plaques on the Busselton Jetty was considered at the Policy and Legislation Committee held on 18 May 2017 but deferred at the request of officers.

The Policy has been further reviewed and is now re-presented to Council for further consideration.

### **BACKGROUND**

Council has previously adopted a policy relating to the placement of plaques on the Busselton Jetty being:

Policy 004 adopted on 22 February 2012 - Placement of Memorial Plaques on the Busselton Jetty (C1202/029.) The policy sets out the special circumstances by which a memorial plaque can be located on the Busselton Jetty.

The item was initially considered at item 6.2 of the 18 May 2017 Policy and Legislation Agenda. At the request of officers, the Committee resolved as follows:

#### **Committee Recommendation and Amended Officer Recommendation**

***PL1705/123*** - That Policy 004 - Placement of Memorial Plaques on the Busselton Jetty be deferred for one month.

The Policy has been further reviewed and is now re-presented to Council for further consideration.

## **STATUTORY ENVIRONMENT**

The following statutory requirements are relevant in considering this report.

### City of Busselton Jetties Local Law 2014

Written consent is required under s2.19 (Miscellaneous Provisions) of the Busselton Jetties Local Law (2014) for the activities addressed in this policy:

- S2.19 1(e) place or display any sign, advertisement or fixture of any nature on the Land or on or from the jetties

### Land Administration Act 1997

The Jetty is located on Crown land (Reserve 46715), which is vested with the City of Busselton for the purposes of 'Tourism, Recreation and Heritage'.

## **RELEVANT PLANS AND POLICIES**

Policy 004 – Placement of Memorial Plaques on the Busselton Jetty.

## **FINANCIAL IMPLICATIONS**

Nil

### Long-term Financial Plan Implications

There are no impacts on the Long Term Financial Plan resulting from the Officer Recommendation.

## **STRATEGIC COMMUNITY OBJECTIVES**

Key Goal Area 4 of the 2017 Community Strategic Community Plan identifies a community desire to foster an innovative and diversified economy that provides a variety of business and employment opportunities as well as consumer choice. Specifically, events and tourism experiences that attract visitors and investment is supported. The Busselton jetty is the City's most visited built attraction and requires careful management to keep it as a contemporary visitor experience.

## **RISK ASSESSMENT**

There are no residual risks identified as being high or medium as a result of the Officer Recommendation.

## **CONSULTATION**

As part of the policy review process, the City has consulted with the Busselton Jetty Reference Group and sought feedback which has been included in the draft policy attached.

## **OFFICER COMMENT**

The policy reviewed in this report is over five years old and in summary has been amended as follows:

The proposed policy suggests that changes can be made in two areas, the approval process and maintenance procedures.

In terms of approval procedures, it is proposed that Council no longer approve applications for Memorial Plaques to be placed on the Busselton Jetty. This suggestion is made having regard for the following:

- Council has adopted a Policy (004 - Placement of Memorial Plaques on the Busselton Jetty) which details the procedures that need to be followed for a memorial Plaques to be placed on the Busselton Jetty;
- Specifically, the policy outlines detailed criteria that has to be met before an application can be considered;
- The applications are considered by the Busselton Jetty Reference Group. The Council is represented on this Group by the Mayor together with officer support; and
- Minutes of the Busselton Jetty Reference Group meetings are included in the Councillors Information Bulletin which is a standing agenda item on each Council agenda.

Given the above it is felt that there is sufficient protection for the requirements of Council to be followed without the need for a further report to be prepared for Council consideration. Further, Council is informed of the decisions of the Busselton Jetty Reference Group which could generate a review if necessary.

Further, the policy has introduced amendments to the scope of the policy to include maintenance and replacement of plaques and associated procedures. The objective of the amendment is to ensure plaques are kept in good condition and there is limited proliferation of plaques. A time limit of 20 years has also been introduced and annual inspections will incur to ensure plaques are presented well.

The proposed new policy is in Attachment A with a tracked changes version at Attachment B.

## **CONCLUSION**

This report seeks Council to adopt the amended policy relating to the Busselton Jetty, which is over five years old. The proposal seeks to streamline the process without losing control and enhances maintenance requirements.

The existing policy, Placement of Memorial Plaques (2012) will be superseded by an amended policy that recognises the City of Busselton (rather than the former Shire). Amendments to the memorial plaques policy aim to continue to commemorate significant people who have contributed to the establishment and operation of the Busselton Jetty while ensuring the Jetty is presented well to residents and the visiting public.

## **OPTIONS**

Council may elect to not amend the policy or to make alternative amendments to the policy not recommended by Officer or the Policy and Legislation Committee.

## **TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

Should Council adopt the recommendation, the policy will become effective immediately.

**Council Decision / Committee Recommendation and Officer Recommendation****C1706/143**

Moved Councillor G Bleechmore, seconded Councillor J McCallum

That Council adopts the revised Policy 004 as shown in Attachment A.

004	Busselton Jetty – Placement of Memorial Plaques	V2
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1. PURPOSE

This policy sets out the special circumstances by which a memorial plaque to be located on the Busselton Jetty with the approval of the City of Busselton.

2. SCOPE

The policy applies to requests for the placement of new memorial plaques and maintenance/replacement of existing plaques on the Busselton Jetty.

3. POLICY CONTENT

Approval to place memorial plaques on the Busselton Jetty is limited to special circumstances as described in this policy. The City reserves the right to remove unauthorised plaques.

Approval to place memorial plaques will only be given if all of the requirements of the policy are met. Any proposal which does not meet these requirements will not be considered.

3.1 Procedure for placement of new memorial plaques

An application for placement of a new memorial plaque on the Busselton Jetty must be made in writing and must include:

- Details of the person the plaque relates to;
- Justification for the proposal that meets the assessment criteria (see below); and,
- Details of proposed text.

3.2 Criteria for Assessment of new memorial plaques

Proposals will only be considered for special circumstances and will be assessed against the following criteria:

1. Whether the person being honoured has been instrumental in the development of the Jetty or undertook activities that contributed in a significant way to the Jetty;
2. There is demonstrated community support with respect to honouring the person in this manner. Letters of support must be provided with the proposal;
3. The person was a resident in the City of Busselton for at least ten (10) years;
4. There was a significant contribution made by the person to the local community through their involvement with the Jetty. A significant contribution could include:
  - (i) Twenty (20) or more years association with the Jetty; or,
  - (ii) Actions by the individual to protect, restore, enhance, or maintain the Jetty that produced substantial long-term improvements for the community or area; or,
  - (iii) Evidence of works undertaken being of a unique and significant nature for the benefit of the community.

### 3.3 Busselton Jetty Reference Group

All applications for a memorial plaque must be referred to and supported by the Busselton Reference Group. Applications not supported by the Busselton Reference Group will be rejected.

### 3.4 Requirements for new memorial plaques

The Applicant is responsible for the supply and delivery of the plaque to the City of Busselton, and must be provided in the following format:

- Size: 200mm x 200mm;
- Material: Permabrass;
- Text: As approved by Council;
- A hole in each corner.

All plaques will be placed at Section 3 of the Busselton Jetty by City of Busselton staff (or its contractors) and will be affixed in consecutive order or at the discretion of the City.

All costs associated with the supply and fitting of the plaques will be borne by the Applicant. Fees payable for the installation of plaques are set out in the City of Busselton's Annual Fees and Charges Schedule contained in the City budget and which is also available on the City's website.

Approved plaques will be permitted for a maximum of a 20 year term. At the expiry of the maximum term, the applicant (or his/her agent) will be advised in writing (where records are held by the City) and may reapply for a further term of 20 years.

## 4. MAINTENANCE / REPLACEMENT OF MEMORIAL PLAQUES

The City of Busselton will not be responsible for the maintenance of individual plaques and reserves the right to remove or relocate plaques at its sole discretion, should they present poorly. In such cases, the applicant (or his/her agent) will be notified of the removal and may reapply for a new memorial plaque in accordance with this policy.

The City of Busselton will undertake annual inspections to determine the condition of each plaque and will notify the owner (where records exist) or advertise locally to advise any plaques found in poor condition. These will be removed from the Jetty and stored by the City and will require the owner to reapply for placement.

## 5. ACCOUNTABILITY

Minutes of the Meeting of the Busselton Jetty Reference Group are included in the Councillors' Information Bulletin which is included on the Council Agenda papers available for the examination.

Policy Background

Policy Reference No. – 004

Owner Unit – Commercial Services

Originator – Director, Community and Commercial Services

Policy approved by – Council

Date approved – 28 June 2017

Review Frequency – As required

Related Documents – Nil

Background/History – Reviewed by Busselton Jetty Reference Group and City of Busselton Policy and Legislation Committee.



## History

Council Resolution	Date	Information
C1706/001	28 June 2017	Date of implementation Version 2 (TBC)

**CARRIED 9/0**  
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## 11. PLANNING AND DEVELOPMENT SERVICES REPORT

### 11.1 MANAGEMENT PLAN FOR PERON RESERVE, DUNSBOROUGH

<b>SUBJECT INDEX:</b>	Environment - Plans
<b>STRATEGIC OBJECTIVE:</b>	Natural areas and habitats are cared for and enhanced for the enjoyment of current and future generations.
<b>BUSINESS UNIT:</b>	Environmental Services
<b>ACTIVITY UNIT:</b>	Environmental Management
<b>REPORTING OFFICER:</b>	Senior Natural Resource Management / Environment Officer - Will Oldfield
<b>AUTHORISING OFFICER:</b>	Manager Environmental Services - Tanya Gillett
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Management Plan for Peron Reserve⇒ Attachment B Peron Reserve Map⇒ Attachment C Management Plan for Peron Reserve 2000⇒

#### **PRÉCIS**

The draft management plan for Peron Reserve, Dunsborough (the Draft Plan) included with this report as Attachment A, builds on a previously adopted plan for Peron Reserve Lot 377, and includes two additional adjacent reserves comprising Lot 500, a reserve for Recreation containing a dual use path and Lot 4576, a reserve for Recreation.

This report recommends that Council adopts the Draft Plan for the purpose of Community Consultation and that the Plan be advertised for a period of 28 days. It is further recommended that should no substantial changes result from the community consultation process, that Council authorises the Chief Executive Officer to implement the Plan following the public advertising period.

#### **BACKGROUND**

In 1997 a Friends of Peron Reserve group formed to help preserve and enhance Peron Reserve Lot 377, for the benefit of the community and to protect this wetland area as a wildlife refuge. A management plan was developed for Peron Reserve Lot 377, which included actions and activities to achieve the objectives of the Friends of Peron Reserve group and to provide a framework for the City's joint management of this reserve land with the community. The Management Plan for Peron Reserve Lot 377 was adopted by the Council in January 2000, a copy of which is included with this report as Attachment C.

Since adoption of the Management Plan for Peron Reserve Lot 377, the development of Marshall Street and Spindrift Cove area has led to the creation of two new reserves to the east of Lot 377, consisting of lots 500 and 4576. The extent of the Plan area and Lots 377, 500 and 4576 is identified on the Peron Reserve Map included with this report as Attachment B.

In 2014, Dunsborough Coast and Landcare Group (DCALC) expressed interest in Lot 500 and Lot 4576 to the east of Peron Reserve as these Lots did not have a plan of management, the natural attributes of the reserve were declining (perennial weed infestation) and there was potential to enhance the riparian zone by revegetation.

In August 2014, a DCALC Community Bid application was supported by the Council enabling a review of the previously adopted management arrangements for Peron Reserve Lot 377 and the inclusion of the Lots 500 and 4576 under a Peron Reserve Management Plan. DCALC engaged an environmental consultant to draft the Plan and during 2015/2016 City staff worked with DCALC to finalise the Plan.

DCALC currently have some funding to implement some revegetation on Peron Reserve in accordance with the Plan and these works are pending Council adoption of the Draft Plan.

The extent of the Plan area comprising Lots 377, 500 and 4576 and management areas is shown on the Peron Reserve Map included with this report as Attachment B.

The management areas are summarised as follows:

1. Wildlife Corridor – These areas are proposed for riparian vegetation enhancement. They are naturally low lying and inundated with water during winter. Revegetation will enlarge the seasonal wetland habitat area and provide a connection along the drainage corridor for fauna movement.
2. Wetland Revegetation – This area contains a small open water body that will benefit from revegetation with reeds and rushes.
3. Parkland Enhancement – This area is also seasonally inundated in areas. There is a raised section running along its northern extent that is the logical alignment for all weather pedestrian access, which may be upgraded to limestone path or sealed surface consistent with the other path on lot 500. This area will be enhanced with parkland tree planting and small islands of native vegetation.

## STATUTORY ENVIRONMENT

The Reserve land identified in the Draft Plan is Crown land and is currently 'C-Class' reserve, managed by the City of Busselton as per Clause 3.54 of the Local Government Act 1995, which provides the City the head of power for the purpose of controlling and managing land in the District.

The **Aboriginal Heritage Act 1972** provides for the reporting and protection of Aboriginal heritage sites. There is one recorded heritage site across both reserves. The **Native Title Act 1993** requires native title claimants and representative bodies to be advised when a management plan is being prepared or major public works undertaken.

The **Land Administration Act 1997** (LAA) is Western Australia's legislation dealing with the disposition of State land, and is administered by the Department of Lands (DoL). Once created, a reserve is usually placed under the care, control and management of a State government department or local government by way of a management order. The management order places reserves under the control of the land manager, in this case, the City of Busselton. A change to the management order of a 'C-Class' reserve requires the approval of the Minister for Lands.

The **Wildlife Conservation Act 1950** provides for the conservation and protection of indigenous flora and fauna on all lands and waters within the State. DPaW is responsible for the administration of the Act. At least one flora and one fauna species in Peron Reserve are currently listed.

The **Bush Fires Act 1954**. This Draft Plan is required to conform to this Act and satisfy the Department of Fire and Emergency Services (DFES) that adequate fire protection will be provided.

## RELEVANT PLANS AND POLICIES

Preparation of the Draft Plan for the subject Reserves is supported by:

The City of Busselton Environment Strategy (Nov 2016) - Action 1.1 "Continue to develop and review management plans for natural areas under the City's care, including application of fire management."

The City of Busselton Environmental Volunteer Management and Engagement Strategy (Feb 2017) Underlying principles of Strategy include:

- *Community participation:* The City recognises that all people have a right to volunteer, and where mutually beneficial and appropriate, will provide opportunities for members of the community to participate as volunteers in a broad range of the City's environmental programmes and activities.
- *Active volunteer management:* Volunteers will be managed in a professional, consistent and organised manner, where volunteer involvement is planned and designed to contribute towards the City's vision for the benefit of the community.

## **FINANCIAL IMPLICATIONS**

The financial implications associated with the implementation of the officer recommendation for Council endorsement of the Draft Plan relate to the recommended actions and works associated with the rehabilitation and protection of Lots 377, 500 and 4576.

Funding to implement the recommended actions identified in the Draft Plan will be sourced, in part, through natural resource management funding programmes. The implementation of the recommended actions in the Draft Plan will be incorporated into the City's budget preparation process and ten-year financial plan when required, and as appropriate.

### **Long-term Financial Plan Implications**

As discussed in Financial Implications, this will be considered for inclusion as a project in the next review of the Long term Financial Plan.

## **STRATEGIC COMMUNITY OBJECTIVES**

Preparation of a Management Plan for Peron Reserve is supported by the Strategic Community Plan 2017 Key Goal Area 3, Environment, which includes;

- Community Objective 3.2 – "Natural areas and habitats are cared for and enhanced for the enjoyment of current and future generations", and
- Council Strategy A – "Ensure that environmental values are considered as part of land use planning and management."

## **RISK ASSESSMENT**

An assessment of the potential implications of not implementing the officer recommendation has been undertaken using the City's risk assessment framework. The assessment sought to identify 'downside' risks only rather than 'upside' risks and where the risk, following implementation of controls has been identified is medium or greater. There were no risks relating to the implementation of the proposed management plan for Peron Reserve considered to be 'Medium' or higher.

## **CONSULTATION**

Direct consultation occurred during the development of the Draft Plan. Ideas and thoughts were sought from key stakeholders, including relevant community groups and neighbouring landholders at a meeting held on site in June 2015, to inform the development of the Draft Plan.

The intent of this report is to adopt the Draft Plan for community consultation so that it can be formally advertised to the community for a period of 28 days prior to finalisation and implementation.

**OFFICER COMMENT**

The Draft Plan is intended to guide the City's approach to the management of the following reserves.

Reserve #	Lot #	Area	Purpose	Proposed purpose
30148	377	2.4323ha	Landscape Protection and Drainage	Landscape Protection and Drainage
31645	4576	1.2875ha	Recreation	Landscape Protection and Drainage
51444	500	1100m <sup>2</sup>	Recreation	Landscape Protection and Drainage

The extent of the Plan area (Attachment B) is crown land consisting of three 'C-Class' reserves over which the City has management orders. For Reserve 30148 (Lot 377) the management purpose is '*Landscape Protection and Drainage*', and for Reserve 51444 (Lot 500) and Reserve 31645 (Lot 4576) the management purpose is '*Recreation*'.

The Plan includes a recommendation under section 6 Land Tenure and Classification, to change the purpose of Reserve 31645 (Lot 4576) from '*Recreation*' to '*Landscape Protection and Drainage*' and this change has been recommended to more accurately reflect the current role and values of Reserve 31645 (Lot 4576). Should Council support the Draft Plan recommendation to change the purpose of Reserve 31645 (Lot 4576), it is proposed that that the management purpose for Reserve 51444 (Lot 500) also be changed from '*Recreation*' to '*Landscape Protection and Drainage*', to align the management purpose of the three reserves.

'Landscape Protection' infers keeping the natural land form and function of the land and vegetation upon it. 'Drainage' infers that a key function of the land is to convey water. The water may be conveyed in a constructed drain or natural creek line, however, the drainage is necessary in order to prevent flooding of adjacent residential areas.

Councils endorsement of the officer recommendation will effectively result in the replacement of the original Management Plan for Peron Reserve Lot 377 adopted by the Council in January 2000, and authorise the Chief Executive Officer to implement the Draft Plan immediately following the community consultation period.

The implementation of the Draft Plan will also include writing to the Minister for Lands requesting that the management purpose for Reserve 51444 (Lot 500) and Reserve 31645 (Lot 4576) be changed from '*Recreation*' to '*Landscape Protection and Drainage*'.

**CONCLUSION**

The officer recommendation seeks Council adoption of the Draft Plan for community consultation purposes for a period of 28 days, during which time members of the public will be able to view the Draft Plan and submit their comments to the City. Following the community consultation period submissions will be reviewed and a further report presented to Council where substantial changes to the Draft Plan are required as a result of the public submissions received during the 28 day public advertising period.

Should no substantial objections or changes to the Draft Plan be required following the 28 day public advertising period the Council is requested to authorise the Chief Executive Officer to implement the Draft Plan.

Council's endorsement of the officer recommendation to authorising the Chief Executive Officer to implement the Draft Plan following the 28 day public advertising period will expedite the Draft Plan implementation process and facilitate implementation of the Dunsborough Coast and Landcare Group proposed revegetation work on lot 4576 during the 2017 winter season.

### **OPTIONS**

Council may amend all or some of the recommendations in the Draft Plan (Attachment A) prior to advertising the Draft Plan for community comment or may determine not to endorse the advertising of the draft Plan in which case the Draft Plan will be reviewed and a further report presented to the Council.

Council may determine not to endorse the officer recommendation authorising the Chief Executive Officer to implement the Draft Plan following the 28 day public advertising period, in which case this matter will be the subject of a further report to the Council.

### **TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

Should Council support the officer recommendation, the Draft Plan will be advertised for public comment for a period of 28 days during July/August 2017. Implementation of the Draft Plan will be assessed at the conclusion of the advertising period and should no substantial changes to the Draft Plan be required following the 28 day public advertising period, the Chief Executive Officer will implement the Draft Plan immediately following the conclusion of the public advertising period.

### **Council Decision and Officer Recommendation**

**C1706/144** Moved Councillor G Bleechmore, seconded Councillor J McCallum

That the Council:

1. Adopt the draft Management Plan for Peron Reserve (Attachment A) for community consultation purposes and advertise the Plan for a period of 28 days.
2. Authorise the Chief Executive Officer to implement the draft Management Plan for Peron Reserve (Attachment A) should no substantial objections to the draft Management Plan for the Peron Reserves be received during the 28 day public advertising period.

**CARRIED 9/0  
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### 11.3 PROSPECTIVE PURCHASE BY CITY OF PT LOT 201 BALMORAL DRIVE, QUINDALUP

<b>SUBJECT INDEX:</b>	Strategic Land Acquisition/Disposal
<b>STRATEGIC OBJECTIVE:</b>	Community services and programs that support people of all ages and backgrounds.
<b>BUSINESS UNIT:</b>	Strategic Planning and Development Services
<b>ACTIVITY UNIT:</b>	Strategic Planning / Legal Services
<b>REPORTING OFFICER:</b>	Manager, Strategic Planning and Development - Matthew Riordan
<b>AUTHORISING OFFICER:</b>	Manager Environmental Services - Tanya Gillett
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Location Plan - Lot 201 Biddle Road, Quindalup⇒ Attachment B Subject Pt Lot 201 (extract from Structure Plan)⇒ Attachment C CPACSP - former and proposed community sites⇒

#### PRÉCIS

A timely strategic opportunity has arisen for the City to acquire a suitably zoned allotment in the McLachlan Ridge Estate which is proposed to be utilised in the future for constructing a community hub which may include a firefighting service and training area.

The subject allotment shall be part of a 4-lot subdivision and rezoning amendment proposed over the 13.72 hectare parcel of land at Lot 201 Balmoral Drive, Quindalup (Attachment A).

Lot 201 is currently zoned 'Rural Residential' and its prospective rezoning and subdivision is currently being considered by the Council through Amendment 11 (and associated Structure Plan) to Local Planning Scheme 21 (LPS21).

Newly created lots from the future subdivision of Lot 201 shall remain zoned 'Rural Residential' (together with some adjustment to an existing Additional Use boundary that does not directly concern matters discussed here), other than subject Pt Lot 201 (also referred to as 'Lot 1B' on the structure plan) which shall be created as a reserve under LPS21, viz a 'Reserve for Public Purposes'. Pt Lot 201/Lot1B has a proposed area of 7,339m<sup>2</sup> (Attachment B).

Amendment 11 was adopted by the Council for public consultation on 10 February 2016. Subsequent public advertising closed on 7 September 2016 and, since then, the WAPC has been requested (on two separate occasions) to extend the statutory amendment consideration period pursuant to r.50 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. These extensions were needed as a result of ongoing and informal negotiations between the City and the landowner concerning the prospective cost of acquisition for Pt Lot 201.

Negotiations have now been settled and informally agreed between the parties involved, with a purchase price of \$170,000 excluding GST, for both the subject land and those subsequent costs necessary to cover settlement and transactional fees, fencing and other standard conditions of subdivision (such as provision to the site boundary of a power source, etc.)

The purpose of this report to the Council is to seek a resolution endorsing the proposed acquisition of Pt Lot 201 Balmoral Drive, Quindalup being formally transacted.

Following this, a draft Contract of Sale will be finalised and required to be executed ahead of Amendment 11 being reported back to the Council for consideration for final adoption. This chronology is necessary to prevent a reserve being otherwise created in private ownership.

## **BACKGROUND**

A 'Rural Service – Community Centre – Fire Station' was originally proposed, and is still presently depicted, in the Commonage Policy Area Consolidated Structure Plan (CPACSP) at the southern end of Lot 34 Sheoak Drive. Lot 34 is a 15 hectare 'Rural Residential' landholding with an historical 'Additional Use' right (AU#39) that permits land uses including: a child care centre, recreation facility, rural holiday resort, licensed restaurant, reception centre and shop (having a gross leasable area of 150m<sup>2</sup>). A large dam is also situated on the property, which could have provided a useful source of emergency water supply for any rural fire service facility built on the property.

For a number of reasons, however, the City now considers, and has determined, that a firefighting services facility would be better situated (as is now proposed) on future Pt Lot 201 Balmoral Drive, about 1 kilometre north of Lot 34 Sheoak Drive at the northern end of the McLachlan Ridge Estate.

These reasons include: better connections to the local integrated road network, better community 'visibility' and access from the main thoroughfare through The Commonage (Biddle Road), quicker fire emergency response times, and landowner willingness to subdivide and sell to the City a suitably-sized allotment (Attachment C).

The landowner of Lot 34 Sheoak Drive has acknowledged in meetings with City officers that the prospective site at Pt Lot 201 Balmoral Drive would be a preferable location on which to construct a 'Rural Service – Community Centre – Fire Station'.

## **STATUTORY ENVIRONMENT**

- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Planning and Development Act 2005*
- *Local Government Act 1995*

## **RELEVANT PLANS AND POLICIES**

Commonage Policy Area Consolidated Structure Plan (CPACSP)

## **FINANCIAL IMPLICATIONS**

The acquisition of Pt Lot 201 is recommended to be wholly funded through development contributions held at The Commonage estate rural residential subdivision for 'Commonage Policy Area Community Facilities, South Biddle Road Precinct'.

The amount of financial contributions currently available under this fund (as at May 2017) is \$1,001,190.

A sum of \$175,000 has been included in the draft 2017/2018 Budget for the purpose of this strategic land acquisition.

### **Long-term Financial Plan Implications**

There are no anticipated financial implications in respect to the LTFP.



## STRATEGIC COMMUNITY OBJECTIVES

As described in the 'Strategic Community Plan 2017', the following objectives are considered to be most relevant:

- Community services and programs that support people of all ages and backgrounds.
- Natural areas and habitats are cared for and enhanced for the enjoyment of current and future generations

## RISK ASSESSMENT

There are no risks that have been recognised by the City in regard to this prospective acquisition of proposed Pt Lot 201. The City shall acquire a well-situated, reasonably priced strategic land asset suitable for future development in the best interests of serving the local community.

## CONSULTATION

There is no formal public consultation requirement (under the *Local Government Act 1995*, etc.) in relation to the prospective acquisition of Pt Lot 201 (see Statutory Environment).

However, informal consultation has been conducted by the City with the 'Yallingup Rural Volunteer Bushfire Brigade' (YRVBB) about the prospect of basing its operations at the firefighting facility proposed to be constructed on future Pt Lot 201 (the brigade currently operates out of two separate fire sheds on Caves and Thornton Roads, to the south of The Commonage estate). These discussions will be progressed once the legal process of acquiring Pt Lot 201 has been formally endorsed by the Council.

City officers have met with the landowners of Lot 201 Balmoral Drive on several occasions over the past twelve months. Besides negotiations focussing on the acquisition of proposed Pt Lot 201, officers have also been in liaison with the WAPC in regard to necessary extensions of time related to the formal consideration of Amd 11 stipulated by the *Planning and Development (Local Government Schemes) Regulations 2015*.

Discussions with the same landowners regarding separate and unrelated planning matters concerning a requested structure plan modification over land situated further south within the McLachlan Ridge Estate (being Lot 300 Hebrides Close and Lot 220 Balmoral Drive) do not influence or concern the issue being determined here. This structure plan amendment will be reported to the Council in due course, possibly at the Ordinary Meeting of 9 August 2017.

## OFFICER COMMENT

A proposed 7,339m<sup>2</sup> allotment (Pt Lot 201 Balmoral Drive, Quindalup) has been recognised in The Commonage estate as being particularly well-located for the siting of infrastructure and facilities for a future community hub incorporating a rural firefighting and training service.

A site previously earmarked for this purpose in the CPACSP (on Lot 34 Sheoak Drive) has been discussed with the owner of that property, who has acknowledged that the uses associated with that site would be beneficial to, and in the best interests of, the local community if relocated to proposed Pt Lot 201 Balmoral Drive.

Officer-level consultation with the same landowner (and his planning consultant) regarding the future rezoning, subdivision, land use and development of the rural residential property at Lot 34 Sheoak Drive has identified two potential proposals that have, as at the time of this writing, yet to be finally determined or acted upon by that party. Both proposals provide for the 'removal' of the rural service/community centre/fire station shown on that property in the CPACSP and would be supported by City officers. This separate matter will no doubt be reported on to the Council at an appropriate juncture, should the landowner of Lot 34 seek approval to initiate a Scheme amendment etc.

The subject property at proposed Pt Lot 201 Balmoral Drive has no obvious evidence of site contamination (desktop survey and City officer site inspection) and is covered by predominantly non-indigenous vegetation for which clearing and environmental approvals and controls would not normally be expected or required.

The transaction will be formalised by way of a Contract of Sale between the City and the seller. The Contract of Sale will, in addition to normal contract provisions, like payment of GST, confidentiality and application of the 'Joint Form of General Conditions for the Sale of Land', provide for:

- The transaction being subject to the subdivision of Lot 201 Balmoral Drive (to create a new title for the portion of land to be acquired by the City), following rezoning of the land from 'Rural Residential' to 'Reserve for Public Purposes' (or other similar zoning agreed by the parties);
- The seller will be responsible for all costs associated with the rezoning and subdivision and of the land;
- Payment of the purchase price (\$170,000 exclusive of GST) by the City on the settlement date, with settlement to occur 20 business days after the above-mentioned conditions have been satisfied;
- If the final area of the portion of land acquired by the City is 10% more or less than the indicative area of 7,339m<sup>2</sup>, the purchase price will be adjusted, depending on the circumstances, up or down by an amount equal to \$23.16 per square metre (exclusive of GST) for each square metre; and
- The seller indemnifying the City against any contamination found on the land.

Following execution of the Contract of Sale, it is expected that discussions between City representatives and representatives from the YRVBB shall continue apace about plans to construct a community firefighting facility on Pt Lot 201 once it has been transferred into the City's ownership.

The proposed site layout, building design, timing of construction and funding of costs for this important community facility shall be examined and resolved during the period when the associated Scheme amendment (Amd 11), structure plan and subsequent subdivision and creation of Title for the subject portion of land are going through the relevant statutory processes (expected to take anywhere from 12 – 18 months from final adoption by the Council of Amd 11 to finalise).

Amd 11 is scheduled to be reported to the Ordinary Meeting of the Council of 26 July 2017, unless the Contract of Sale has not been executed by that stage, in which case reporting would be necessarily deferred to a later Meeting (as elsewhere explained).

## CONCLUSION

Scheme Amd 11 (and associated structure plan) relates to the rezoning of Lot 201 Balmoral Drive, Quindalup (with the subsequent subdivision of that property into 4 lots); including the rezoning of subject Pt Lot 201 from 'Rural Residential' to 'Reserve for Public Purposes'. This Reserve, currently shown as 'Lot 1B' on the structure plan and referred to throughout this report as 'Pt Lot 201', has a proposed area of 7,339m<sup>2</sup> and has been informally negotiated for purchase by the City for future use as a community hub including a firefighting service, with associated buildings and training area(s).

A Contract of Sale (CoS) for the acquisition of the subject land is required to be prepared and executed by the parties *prior* to any final determination by the Council in respect to Amd 11 (so as to prevent a reserve being otherwise created in private ownership).

The proposed acquisition of proposed Pt Lot 201 is to be funded from developer contributions held at Commonage for 'CPA Community Facilities, South Biddle Road Precinct' which, as at May 2017, totalled \$1,001,190.

The City has been negotiating with the landowners to purchase the subject land for almost 12 months and, after commissioning two different valuation scenarios, has informally agreed a price of purchase of \$170,000 ex GST. This total sum includes \$150,000 for the component land value, together with an agreed amount of \$20,000 for costs estimated for servicing, settlement, and the provision of all site requirements through the future subdivision of the land.

A sum of \$175,000 has been included in the draft 2017/2018 Budget for the purpose of this strategic land acquisition.

## OPTIONS

Should the Council NOT resolve to support the prospective purchase of Pt Lot 201 Balmoral Drive, Quindalup for the total sum of \$170,000 (exclusive of GST), it could either:

- A) Support a lesser amount being offered by the City for the purchase of the subject property; or
- B) Reject the strategic acquisition; or
- C) Defer it until a pre-determined point in time.

Upon examination of these options, there would appear to be no justification or merit in either Option being actioned. The landowners originally sought \$240,000 for the property and are highly unlikely to accept any total sum lower than \$170,000 (which is considered by the City to be a reasonable price for such an asset in such a location).

## TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Should the Council support the Officer's Recommendation, the City's Legal Services Coordinator shall finalise the draft Contract of Sale and coordinate the execution of that document by the City and by the landowners (seller) at the earliest possible opportunity.

This Contract of Sale execution is required and expected to be conducted before the matter of Amendment 11 is reported back to the Council at its Ordinary Meeting of 26 July 2017 for formal determination.

**Council Decision and Officer Recommendation****C1706/145** Moved Councillor G Bleechmore, seconded Councillor J McCallum

That the Council resolves to:

1. Acquire a proposed 7,339m<sup>2</sup> portion of Lot 201 Balmoral Drive, Quindalup for a total sum of \$170,000 (excluding GST);
2. Authorize the Chief Executive Officer to negotiate and enter into a Contract of Sale with the seller on the terms and conditions as outlined in this report; and
3. Source the funding of the purchase price and other costs incidental to the transaction from development contributions held for the 'Commonage Policy Area Community Facilities, South Biddle Road Precinct'.

**CARRIED 9/0****EN BLOC**

11.4 AMENDMENT NO.20 TO LOCAL PLANNING SCHEME NO.21, TO - 1, REZONE LOT 500 AND 502 BUSSELL HWY, BROADWATER FROM 'TOURIST' TO 'RESIDENTIAL (R40)' AND 'RESERVE FOR RECREATION (HIGHWAY BUFFER RESERVE)' AND ASSOCIATED SITE-SPECIFIC AMENDMENT TO LOCAL TOURISM PLANNING STRATEGY - CONSIDERATION FOR FINAL ADOPTION

<b>SUBJECT INDEX:</b>	Local Planning Scheme
<b>STRATEGIC OBJECTIVE:</b>	Planning strategies that foster the development of healthy neighbourhoods that meet our needs as we grow.
<b>BUSINESS UNIT:</b>	Strategic Planning and Development Services
<b>ACTIVITY UNIT:</b>	Strategic Planning and Development
<b>REPORTING OFFICER:</b>	Strategic Planner - Nick Edwards
<b>AUTHORISING OFFICER:</b>	Manager Environmental Services - Tanya Gillett
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Proposed Amendment to Scheme Map⇒ Attachment B Subject Land Aerial Photo⇒ Attachment C Proposed Special Provision 62 to LPS21⇒ Attachment D Broadwater Structure Plan (Precinct No. 1) 2005⇒ Attachment E Schedule of Submissions⇒

## PRÉCIS

The Council is requested to consider Final Adoption of Amendment 20 to the Local Planning Scheme 21 (LPS21) which proposes rezoning;

- Lot 500 Bussell Highway, Broadwater from 'Tourist' zone to 'Residential (R40)' zone and 'Reserve for Recreation' (Highway Buffer); and,
- Lot 502 Bussell Highway, Broadwater from 'Tourist' Zone and 'Reserve for Recreation' to 'Residential (R40)' Zone, 'Reserve for Recreation (Highway Buffer Reserve)' and 'Unzoned Land (Road Reserve)' (Attachment A).

It is also proposed that these lots (Attachment B) are to be subject to a new Special Provision Area (62) to be added to Schedule 3 of the Local Planning Scheme 21 (LPS21). The new Special Provision will require a Structure Plan to be prepared and approved pursuant to the Scheme prior to any future subdivision (Attachment C). Following discussion with the Department of Planning (DOP) it was agreed that the Special Provision, as proposed, would remove any prior requirement for the overall 'Broadwater Structure Plan – Precinct 1' (BSP) (Attachment D) being amended.

Lots 500 and 502 Bussell Highway, Broadwater (subject land) are identified as a non-strategic site in the City of Busselton 'Local Tourism Planning Strategy 2011' (LTPS). A site-specific amendment for the subject land within the LTPS is required in order to provide a rational planning basis for, and justification of, the Scheme amendment proposal. This site-specific amendment does not extend to any policy or site beyond the subject land within the LTPS and was prepared and coordinated by the City to be advertised concurrently with Amendment 20.

Following initiation of this Amendment by Council on 22 February 2017, the Amendment and LTPS were advertised between 19 April and 31 May 2017. Over the advertising period, three submissions were received, consisting of two objections from nearby residents and a submission from the Department of Fire and Emergency Services (see Schedule of Submissions, Attachment E). There are no changes recommended by Officers to the advertised Amendment 20 or LTPS amendment arising from these submissions.

Officers recommend that Council Finally Adopts Amendment 20 (which will include reference to the site-specific amendment of the LTPS). Amendment 20 is a 'standard' amendment, consistent with Part 5 of the *'Planning and Development (Local Planning Schemes) Regulations 2015'* (The Regulations).

## **BACKGROUND**

The subject land is approximately 2.18ha in total area consisting of two Lots. Lot 500 is 0.20ha and located in the north east corner of the site and the remaining land is Lot 502, which is 1.98ha. The subject land is located 5km west of the Busselton CBD and shares a boundary with Bussell Highway to the north, developed residential (R30 and R20) land to the west, 'nature' public open space (POS) to the south and developed residential (R20) land to the east.

The subject land was rezoned in 1986 from 'General Farming' to 'Short Stay Residential and Recreation' zone following a request from the (still current) landowner who intended to develop short stay cottages. Council supported this rezoning request partly to encourage development in the predominantly farming area of Broadwater.

Since the zone changed to 'Short Stay Residential and Recreation', several tourism initiatives have been proposed by the landowner, some of which were explored in depth by the City and included:

- The provision of 12 Bavarian-styled cottages in 1986;
- A caravan park in 2001;
- A 'Park Home Village' in 2005; and
- A caravan park in 2005.

When the LTPS was being drafted ahead of Council adoption in 2011, the subject land was considered suitable for inclusion because of its 'Tourist' zoning and was identified as "*Non-strategic Tourism Site 42 - Lot 502 (394-398), Bussell Highway, Broadwater*".

It should be noted that the LTPS does not specifically mention Lot 500 but does reference its corresponding street number of '398'. As lots 500 and 502 form a regularly shaped land parcel when considered together, for the purposes of the site-specific LTPS amendment it is assumed that Lot 500 was overlooked in the original table entry and the 'Site 42' designation within the LTPS includes both Lot 500 and 502 Bussell Hwy, Broadwater.

The public open space identified as 'Reserve for Recreation' at the southern end of Lot 502 is depicted differently in the BSP and Local Planning Scheme 21 (LPS21). This is a mapping anomaly that has been incorrectly maintained on Planning Scheme Maps. The current Amendment proposal would rectify this situation and adjust the boundaries in LPS21 to match those of the BSP.

## **STATUTORY ENVIRONMENT**

- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015

## RELEVANT PLANS AND POLICIES

The detailed explanations of the effects of these policies have been addressed in the Council Report for Initiation, supported by Council on 22 February. Only additional information is addressed below. The relevant plans and policies that directly affect the proposed Amendment are:

- Local Tourism Planning Strategy 2011
- Draft Local Planning Strategy 2016
- Broadwater Structure Plan 2005

Detailed background reference to these plans, policies and strategies was provided to the Council previously (in the original Report dated 22 February 2017).

## FINANCIAL IMPLICATIONS

There are no significant financial implications arising from the recommendations of this Report.

### Long-term Financial Plan Implications

There are no recognised Long-term Financial Plan implications.

## STRATEGIC COMMUNITY OBJECTIVES

The recommendations in this report are consistent with the *Strategic Community Plan 2017*, Community Goals and Objectives 2.1; *“Planning strategies that foster the development of healthy neighbourhoods that meet our needs as we grow.”*

## RISK ASSESSMENT

A risk assessment of the potential implications of implementing the Officer Recommendation has been undertaken using the City’s risk assessment framework. The implementation of the Officer Recommendation will not allow immediate development of the site and will instead require a Structure Plan being approved prior to subdivision. Similarly, the changes to the LTPS are site specific and do not affect any other property or provision. Considering these points, there were no significant risks identified.

## CONSULTATION

Discussions with the DOP confirmed that Amendment 20 and the site-specific amendment of the LTPS (to provide planning justification and context to the Scheme amendment) would not require any prior modification to the BSP.

Following referral to the Environmental Protection Authority (EPA), Amendment 20 and the site-specific amendment to the LTPS were advertised for 42 days in accordance with the Regulations and included referrals being sent to relevant State government agencies. Two submissions were received in respect to the proposal that raised concerns about road use, subdivision design and potential impact of any final development proposal on their properties. The submissions, however, did not raise any substantive planning rationale or reasons to modify the Scheme amendment from its advertised form.

## OFFICER COMMENT

As expounded in the original Report to the Council of 22 February 2017, the following matters are noted:

- Attempts to foster a viable commercial tourism enterprise have been unsuccessful, attributable to unfavourable location, lack of nearby supporting tourism opportunities and nearby neighbouring residential development. There is sufficient cause to consider alternate land uses allowing alternative development opportunities on the subject land.
- Residential development in this area has been successful, suggesting related development is an appropriate land use alternative to tourism.
- The subject land is not in close or direct proximity to features and attractions normally sought by tourists. Its suburban location is out of context for holiday-makers.
- The proposed 'Residential (R40)' zone would help meet the City's objectives in providing infill development close to the City centre as recommended in the draft Local Planning Strategy.

## CONCLUSION

The Amendment replaces the 'Tourist' zone with a 'Residential (R40)' zone on the subject land to facilitate a more appropriate use of the site. Following several attempts to develop the subject land for tourism it is now clear that the location, surrounding urban development patterns and limited size of the subject land significantly reduced any tourism development potential. Residential land use and related development would be a far more effective and practical outcome in the area, this close to the City centre.

To support Amendment 20, a site-specific review of the LTPS will remove the subject land from the list of 'non-strategic sites' (number 42) to allow formal consideration of residential uses. The site-specific change to the LTPS has been advertised concurrently with Amendment 20.

Amendment 20 rationalises current zoning and promotes the orderly growth and planning of the City of Busselton within the Broadwater area.

## OPTIONS

Should the Council not support the Officer Recommendation, it could instead resolve –

1. To recommend refusal of Amendment 20 to the WAPC and provide a reason for such a decision.
2. To seek further information before making a final decision.

Having initiated the Amendment 20 proposal (and site-specific amendment of the LTPS) and there being no recommended basis on which to change this decision through matters arising from the public consultation period, neither option would appear to have merit or value for the Council.

## TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Implementing the Officer Recommendation will require the Amendment 20 documentation to be referred to the Western Australian Planning Commission with a request for Final Approval by the Minister. This will occur within one month of the Council resolution.

Notice shall also be provided to the WAPC of the proposed amendment to the LTPS.

City officers will then amend the content of the LTPS, as described herein.



**Council Decision and Officer Recommendation****C1706/146**

Moved Councillor G Bleechmore, seconded Councillor J McCallum

That the Council:

1. Pursuant to Part 5 of the *Planning and Development Act 2005*, Finally Adopts Amendment 20 to the City of Busselton Local Planning Scheme No. 21 for the purpose of:
  - i. Rezoning Lot 500 Bussell Highway, Broadwater from 'Tourist' zone to 'Residential (R40)' zone and 'Reserve for Recreation (Highway Buffer)';
  - ii. Rezoning Lot 502 Bussell Highway, Broadwater from 'Tourist' Zone and 'Reserve for Recreation' to 'Residential (R40)' Zone, 'Reserve for Recreation (Highway Buffer Reserve)' and 'Unzoned Land (Road Reserve)';
  - iii. Introducing Special Provision Area # 62 to Schedule 3 of Local Planning Scheme 21, to state:  
"Prior to subdivision, a structure plan shall be approved pursuant to the Scheme"; and,
  - iv. Amending the Scheme Maps accordingly.
2. In accordance with the interests of orderly and proper planning, instruct the City to:
  - i. Amend the Local Tourism Planning Strategy 2011 by removing Lots 500 and 502 Bussell Highway, Broadwater (being 'non-strategic tourism site 42') from Chapter 6 'Non-Strategic Tourism Sites' and placing them in Chapter 7 'Tourist Zoned Land Where Alternative Zonings May Be Considered' within that strategy document;
  - ii. Amend text and mapping within the strategy document as required;
  - iii. Forward notification of this site-specific amendment to the Local Tourism Planning Strategy 2011 to the Western Australian Planning Commission for its information and advice.
3. Pursuant to r.50(3), r.53 and r.55 of the *Planning and Development (Local Planning Schemes) Regulations 2015* resolves to forward Amendment 20 to the Western Australian Planning Commission, together with a copy of this Resolution and the Schedule of Submissions for this Amendment, with a request for Final Approval from the Hon. Minister for Planning.
4. Pursuant to r.56 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, should directions be given that modifications to Amendment 20 are required, those modifications being undertaken accordingly on behalf of the Council unless they are considered by Officers likely to significantly affect the purpose and intent of the Amendment, in which case the matter shall be formally referred back to the Council for assessment and determination.

**CARRIED 9/0  
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### **13. COMMUNITY AND COMMERCIAL SERVICES REPORT**

#### **13.1 GLC ALLIED HEALTH PROFESSIONAL SUITES**

<b>SUBJECT INDEX:</b>	GLC Allied Health Professional Suites
<b>STRATEGIC OBJECTIVE:</b>	A community with access to a range of cultural and art, social and recreational facilities and experiences.
<b>BUSINESS UNIT:</b>	Community Services
<b>ACTIVITY UNIT:</b>	Geographe Leisure Centre
<b>REPORTING OFFICER:</b>	Recreation Facilities Coordinator - Dave Goodwin
<b>AUTHORISING OFFICER:</b>	Director, Community and Commercial Services - Naomi Searle
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Market Valuation - GLC Health Suites - 13 January 2016⇒ Attachment B GLC Health Suite - Leased Area Map - Suite 2⇒

#### **PRÉCIS**

The four health suites known as health suite one (1), health suite two (2), health suite three (3) and health suite four (4) located at the front of Geographe Leisure Centre have been used as offices and allied health practice rooms and leased on a six monthly and annual basis. The latest lease agreements for suite two (2), suite three (3) and suite four (4) have expired and the tenants have vacated. Expressions of Interest (EOIs) have been sought in relation to the vacant suites.

This report outlines the outcomes of the EOI process and makes recommendations to Council to advertise its intention to enter into a lease under section 3.58 of the Local Government Act 1995 (LGA)

Officers also recommend that there is a sufficient basis for using an existing market valuation that is more than 6 months old for the purpose of carrying out the statutory process under section 3.58 of the LGA for the reasons outlined in this report.

#### **BACKGROUND**

During 2014, the GLC underwent a significant expansion and upgrade program, incorporating a new gymnasium, crèche, pool deck showers and change cubicles, universal access facilities, customer service area, offices, meeting room, cycle room, and four (4) health/ professional suites.

The health suites were added to attract health practitioners to provide mental and physical health services that complement existing services offered at the GLC. Each suite is fully independent and purpose built for health service businesses with exposure to GLC member traffic. Each suite has a hand basin, telephone and data point, air-conditioning, windows providing natural light and external door access allowing them to function separately from the GLC's operations. Suites vary in configuration and size ranging from 16 m<sup>2</sup> to 25 m<sup>2</sup>. In addition to providing support services for GLC customers, the suites provide an additional revenue source that will assist in reducing the GLC's net operating deficit.

The current rents for all 4 suites were determined by a market valuation (attachment A), dated 13 January 2016.

The last Council resolution to use the market valuation was on 27 July 2016. Council considered the market valuation for a proposal to lease Suite one (1) and resolved (C1607/176):

That the Council:

1. Enter into a lease, subject to the Minister for Lands approval, with Just Great Pty Ltd as Trustee for the Wilson Family Trust for the occupation of Health Suite One (1) of a portion of Reserve 29933, being Lot 300, Deposited Plan 50595, Volume LR3137 Folio 982, 1 Recreation Lane, West Busselton as shown hatched on Attachment A. The terms and conditions of the lease to include the following:

- a. an initial leasehold term of 12 months; with an option for a further three (3) years and then a further two (2) three (3) year options.
- b. rent to commence at \$17,160 in the first year then indexed by CPI annually, all amounts inclusive of GST and outgoings;
- c. the tenant to be responsible for telephone and, internet connections and charges applied to the leased premises; and
- d. other terms and conditions consistent with the City's existing allied health suite leases.

Feedback from the exiting Lessees has revealed some suitability constraints with the health suites. Noise transfer from the adjacent group fitness and cycle rooms has been reduced significantly with sound proofing, however not to the satisfaction of the suite four (4) Lessee. Suite two (2) and three (3) Lessees have also both now vacated at the end of their lease terms. Having to utilise the poolside and stadium ablutions and noise from outdoor foot traffic especially during the busy after school and in term school swim times were also issues raised by all Lessees.

However, the GLC continues to receive interest in the suites, for casual hire and lease arrangements, especially from businesses looking to test the market and start up in the Busselton area. One recent EOI came from Star Injury Management Services who wish to lease suite two (2), for a weekly rental of \$300 per week inclusive of GST and outgoings.

### **STATUTORY ENVIRONMENT**

Section 3.58 of the Local Government Act 1995 (LGA) relates to the disposal of property by a local government, and requires the publishing of prior notice to the local public of the proposed disposition which describes the property concerned, provides details of the proposal and invites submissions to be made before a specified date, not less than two weeks after the notice is first given. Any submissions received before the date specified in the notice must be considered.

Section 3.58(4) of the LGA requires that the disposition includes either a valuation not more than six months old or a declaration by resolution that a valuation older than 6 months is considered a true indication of the value at the time of the disposition.

A formal valuation of all Suites was obtained on the 13 January 2016 (see attachment A). For the reasons outlined in this report a declaration that the valuation can be considered a true indication of the value of Suites 2, 3 and 4 at this time is sought.

### **RELEVANT PLANS AND POLICIES**

The leasing of the allied health suites is in line with the GLC Business Plan 2017/18-2020/21.

### **FINANCIAL IMPLICATIONS**

Star Injury Management Services have proposed a rental amount of \$300 per week inclusive of GST and outgoings for suite two (2). A market rental value of between \$235 and \$260 per week (exclusive of GST and outgoings) was provided by an independent valuer on the 13 January 2016. Outgoings are estimated to be approximately \$30 per week per suite and therefore the inclusive rent proposed by Star Injury Management Services is in line with the 2016 valuation and the current rent paid by the Lessee of Suite 1.

### **Long-term Financial Plan Implications**

The recommended rental income supports the achievement of revenues forecast in the Long Term Financial Plan and 2017/18 budget.

### **STRATEGIC COMMUNITY OBJECTIVES**

The leasing of the GLC health suites is consistent with the following City of Busselton Strategic Priorities:

- 2.1 A City where the community has access to quality cultural, recreation, and leisure facilities and services.
- 2.2 A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections.
- 2.3 Infrastructure assets that are well maintained and responsibly managed to provide for future generations.

### **RISK ASSESSMENT**

The cost of a market valuation is around \$1,300. In the time it will take to obtain a current market valuation rental yield will be lost and the ability to seek a resolution to enter into a lease further delayed. Additionally, the opportunity to take advantage of an offer to lease suite two (2) may be lost.

### **CONSULTATION**

Not applicable.

### **OFFICER COMMENT**

The market valuation obtained on 13 January 2016, provided a market rental value for suites 2, 3 and 4 of between \$235 to \$260 per week (exclusive of GST and outgoings). An offer of within 10% of the assessed rental range would be considered fair and reasonable. Outgoings are estimated to be approximately \$30 per week per suite. Therefore the proposed rental offered by Star Injury Management Services is in line with the 2016 valuation and the current rental amounts paid by the Lessee of Suite 1.

The stagnation of the commercial rental market coupled with the location of the Suites and the use to which they can be put, places some limitations on the type of tenant that could be attracted and the level of rent they might generate.

Additionally the proponent, Star Injury Management, is willing to pay the current market value and lease suite two (2). A valuation at this time could possibly risk the ability to secure the tenant due to the timeframes involved. The proponents wish to move into the suite as soon as possible. Any delay could result in them finding alternative premises.

Attachment B identifies the lease area. The proposed terms and conditions of the lease to include the following:

- a. An initial leasehold term of 6 months; with an option for a further three (3) years and then a further two (2) three (3) year options.
- b. Rent to commence at \$15,600 in the first year then indexed by CPI annually, all amounts inclusive of GST and outgoings;
- c. The tenant to be responsible for telephone and, internet connections and charges applied to the leased premises; and
- d. Other terms and conditions consistent with the City's existing allied health suite leases.

**CONCLUSION**

As the only current submission under the EOI process and taking into account factors such as the limitations of the suites and the general conditions of the market it is considered that the offer from Star Injury Management should be accepted and statutory advertising undertaken without the requirement for an up to date valuation.

**OPTIONS**

Council could come to the view that the valuation dated 13 January 2016 does not provide a true indication of the current market valuation and seek an up to date valuation. This will cost approximately \$1,300 inclusive of GST and will take approximately one month to receive.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

Advertising of the proposed disposition will take place as soon as possible for a 14 day period. A further report will be presented to Council detailing any submissions that are received and any subsequent changes to the proposed lease arrangements detailed in this report.

**Council Decision and Officer Recommendation****C1706/147**

Moved Councillor G Bleechmore, seconded Councillor J McCallum

That the Council:

1. In accordance with Section 3.58(4) (c) (ii) of the Local Government Act 1995, declare that the valuation carried out by Landgate Property and Valuation Services Country South West indicating the market rent for the Health suites 2, 3, and 4 Geographe Leisure Centre, 1 Recreation Lane, West Busselton of between \$235 to \$260 per week (exclusive of GST and outgoings), to be a true value of the current market rental value of the health suites.
2. Advertises the proposed disposition of land to Star Injury Management Services Ltd in accordance with Section 3.58 of the Local Government Act 1995 for the term and conditions outlined in this report and if there are no adverse objections authorise the CEO to enter into a lease agreement with Star Injury Management Services Ltd.

**CARRIED 9/0****EN BLOC**

### 13.2 NAMING OF PAVILION AT BARNARD PARK

<b>SUBJECT INDEX:</b>	Leisure Services
<b>STRATEGIC OBJECTIVE:</b>	A community with access to a range of cultural and art, social and recreational facilities and experiences.
<b>BUSINESS UNIT:</b>	Community Services
<b>ACTIVITY UNIT:</b>	Community Services
<b>REPORTING OFFICER:</b>	Manager, Community Services - Maxine Palmer
<b>AUTHORISING OFFICER:</b>	Director, Community and Commercial Services - Naomi Searle
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Letter : Barnard Park Sports Association - Naming of Pavilion⇒

#### **PRÉCIS**

With the development of community assets such as parks, gardens, reserves, memorials, sports grounds and buildings, or any other significant infrastructure assets, it is often the desire of Council or sectors of the community to recognise the achievements and/or past community efforts of certain community pioneers, and or long term residents, or other events of historical, environmental or cultural significance, or a collective community action. The City of Busselton has a specific policy, Policy 237 – Naming of parks, gardens, reserves, memorials, sports grounds and buildings, and associated procedure to assist Council to appropriately deal with and assess any future proposal to name a City Asset.

The purpose of this report is to seek final Council endorsement to name the Pavilion at Barnard Park in line with Policy 237.

#### **BACKGROUND**

The new pavilion in Milne Street is nearing completion. City Officers requested the Association who will be managing the facility on behalf of the clubs and users of the sporting complex and the City to consider a suitable name for the building.

At their May meeting the Barnard Park Sports Association voted to request the Council consider the new pavilion be named the “Barnard Park Pavilion.” On 1 June 2017, a letter confirming the Association’s decision was received by the City (see attachment A).

#### **STATUTORY ENVIRONMENT**

N/A

#### **RELEVANT PLANS AND POLICIES**

Council Policy 237: Naming of Parks, Gardens, Reserves, Memorials, Sports Grounds and Buildings applies outlines the process and criteria for the naming of sports buildings such as the pavilion in Milne Street.

#### **FINANCIAL IMPLICATIONS**

None

## **STRATEGIC COMMUNITY OBJECTIVES**

This matter aligns with the Community Strategic Plan, and principally with the following Strategic Priority;

- A community with access to a range of cultural and art, social and recreation facilities and experiences.

## **RISK ASSESSMENT**

Officers could not identify any risk of a medium or higher rating associated with the Council adopting the Barnard Park Sports Association's recommendation.

## **CONSULTATION**

The Barnard Park Sports Association were asked to identify a suitable name for the new pavilion in Milne Street and it is understood they consulted with their individual clubs to determine the recommendation.

## **OFFICER COMMENT**

Policy 237 – Naming of parks, gardens, reserves, memorials, sports grounds and buildings outlines that when developing and naming a community facility, it is usual for a name that demonstrates both the geographical location and the purpose of the facility to be considered. It is considered that the name Barnard Park Pavilion aptly describes the location of the new pavilion in Milne Street, and its function to service the sporting ovals around it.

## **CONCLUSION**

The name Barnard Park Pavilion is in keeping with the criteria outlined in Policy 237 – Naming of parks, gardens, reserves, memorials, sports grounds and buildings. Officers recommend Council support the request of the Barnard Park Sports Association and endorses the naming of the pavilion at Milne Street to be "Barnard Park Pavilion".

## **OPTIONS**

The Council could consider that broader consultation is needed or propose an alternative name for adoption.

## **TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

If the Council adopts the officer recommendation below, the design and erection of appropriate signage for the building will be developed accordingly.

### **Council Decision and Officer Recommendation**

**C1706/148**

Moved Councillor G Bleachmore, seconded Councillor J McCallum

That the Council:

1. Endorses the naming of the pavilion at Milne Street to be "Barnard Park Pavilion".

**CARRIED 9/0**

**EN BLOC**

13.3 FINANCIAL ASSISTANCE TO THE MARGARET RIVER BUSSELTON TOURISM ASSOCIATION INC TO SUPPORT BUSSELTON AND DUNSBOROUGH VISITOR CENTRES.

<b>SUBJECT INDEX:</b>	Tourism Development
<b>STRATEGIC OBJECTIVE:</b>	A community where local business is supported and in turn drives our economy
<b>BUSINESS UNIT:</b>	Commercial Services
<b>ACTIVITY UNIT:</b>	Economic and Business Development
<b>REPORTING OFFICER:</b>	Economic and Business Development Coordinator - Jon Berry
<b>AUTHORISING OFFICER:</b>	Director, Community and Commercial Services - Naomi Searle
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Margaret River Busselton Tourism Association Inc Financial Report for the period ended 30 June 2016⇒ Attachment B Visitor Servicing Update: Busselton and Dunsborough Visitor centres⇒

### PRÉCIS

A three year funding agreement between the City of Busselton and the Margaret River Busselton Tourism Association Inc (MRBTA) expires on 30 June 2017. Council has previously resolved (C1405/141) to grant \$150,000 (ex gst) per annum in 2014/15, (indexed annually in 2015/16 and 2016/17) to support visitor servicing activities. The funds are granted to the Local Tourism Organisation, formerly the Geographe Bay Tourism Association Inc (GBTA), now operating as the Margaret River Busselton Tourism Association Inc (MRBTA) and are used to support the costs of operating two accredited visitor information centres at Busselton and Dunsborough.

The MRBTA has submitted a request for continued recurrent funding (indexed to CPI) for a further three-year period (2017/18, 2018/19 and 2019/20). This report recommends Council authorises the CEO to enter into a new three year funding agreement with the MRBTA.

### BACKGROUND

The Margaret River Busselton Tourism Association (MRBTA) currently operates two accredited visitor centres in the City of Busselton district, at Railway House on the Busselton Foreshore and at Dunn Bay Road in Dunsborough. The visitor centres are open every day of the year except for Christmas Day, providing a free information service to visitors, accommodation and tour bookings, merchandising and WIFI access.

In 2017, the Busselton and Dunsborough visitors centres saw more than 270,000 visitors through their doors. Dunsborough's door numbers have remained steady for the last three years. Busselton experienced a decline in visitation in 2016, in part due to the move from the former Nautical Lady tower into a temporary building on the Foreshore. MRBTA anticipates visitation to grow steadily past 2015 levels in the new Railway House location and once the foreshore works have been completed. Combined, the two centres directly facilitated accommodation bookings for 3,147 bed nights at a value of \$560,315, and 1,148 tours at a value of \$243,840.



On 28 May 2014, Council resolved (C1405/141) to enter into a new three year funding agreement with the former Geographe Bay Tourism Association Inc (GBTA) for of an amount of \$150,000 (ex gst) for 2014/15 and indexed to the Perth Consumer Price Index (CPI) for the years 2015/16 and 2016/17. The approved purpose of the grant was to support the operation of the visitor centres at Dunsborough and Busselton, which run with an annual operating deficit. In providing the funds, the City requires the MRBTA to provide an evaluation report including:

- Visitor door counts for Busselton and Dunsborough Visitor Centres (annual);
- Staff numbers (FTE) of each visitor centre and as a proportion of operating costs (annual);
- Conversion rates of visitors to the centres to sales (annual);
- Gross turnover by product type for both visitor centres (i.e. accommodation sales, tours, retail) (annual);
- Membership numbers and break down by industry sectors (annual);
- Website and telephone statistics and comparison of sales to walk-in traffic (annual); and
- Measurements of influence the visitor centres are having on visitor spend

Council financial support to the MRBTA is directed to supporting 'visitor servicing' activities at the two centres. Visitor servicing is defined as the provision of information on:

- attractions, events, retail and local services;
- accommodation and tours including a booking service;
- directions, including free maps;
- road conditions and transport options; and,
- general advice to meet visitor needs.

The City of Busselton receives complimentary membership to the MRBTA as a component of the agreement.

## **STATUTORY ENVIRONMENT**

Nil.

## **RELEVANT PLANS AND POLICIES**

The Council adopted an Economic Development Strategy (2016-2026) on 9 November 2016. The Strategy recognises the role of the City of Busselton in local economic development, including facilitating business growth by supporting tourism development. The Strategy cites a number of ways the City currently supports the tourism sector, including financial support to visitor centres, tourist directional signage, a regional events program (also supported by Council through funding from a differential rate); development of a cruise ship visitation program and the provision of infrastructure that improves visitor amenity.

## **FINANCIAL IMPLICATIONS**

The grant paid to the MRBTA in 2016/17 was \$152,559, disbursed in four payments. The draft 2017/18 budget includes provision for this expenditure (indexed to CPI) (Property and Business Development: Donations, Contributions & Subsidies)

### **Long-term Financial Plan Implications**

The Long Term Financial Plan includes provision of the proposed grant funds to support visitor servicing over the ten year period.

## STRATEGIC COMMUNITY OBJECTIVES

The 2017 Strategic Community Plan identifies Key Goal Area 4: Economy – Diverse, resilient, prosperous. It states our community objectives as:

- 4.1 An innovative and diversified economy that provides a variety of business and employment opportunities as well as consumer choice;
- 4.2 A community where local business is supported; and,
- 4.3 Events and unique tourism experiences that aid in attracting visitors and investment.

## RISK ASSESSMENT

The recommendations contained within this report are considered low risk and as such a formal risk assessment is not provided.

## CONSULTATION

Consultation has been undertaken with the MRBTA which has provided the following reports included as Attachments to this report:

- Attachment A: Financial Report for the Period Ending 30 June 2016
- Attachment B: Visitor Servicing Update: Provides a review of visitor servicing information for the years ending Dec 2014, Dec 2015 and Dec 2016 for Dunsborough and Busselton.

Several reports from external organisations have also been consulted in the preparation of this report and include:

- Australian Regional Tourism Network: *Local Government Spend on Tourism (The Contribution of Local Government to the Australian Tourism Industry)* (2017)
- WA Local Government Association: *Local Government and Tourism Discussion Paper* (2015)
- Tourism Council of WA: *City of Busselton Tourism Work Profile* (2016)

## OFFICER COMMENT

Tourism is an important economic contributor to the City of Busselton with visitor expenditure providing jobs across many industries. The sector directly employs around 1,310 people who reside in the district. The indirect flow-on effect of tourism expenditure also creates additional employment. This indirect employment is difficult to estimate at the local government level, however, at the state level, for every 10 direct tourism jobs there is are additional 5.1 indirect tourism jobs. The City of Busselton has around 540 businesses in tourism related industries (14.9% of all businesses in the City). A tourism business is an enterprise which is reliant on tourism patronage or where a significant proportion of their products are consumed by visitors. Retail traders, cafes & restaurants and accommodation providers make up the majority of tourism businesses in the City of Busselton. (2016 WA Tourism Work Profile: Tourism Council of WA).

It is well documented that provision of good visitor servicing means that visitors are more likely to stay longer, undertake more activities and spend more money during their visit, which has an economic flow on to the broader community. They are also likely to revisit and recommend the destination to their friends and family.

The MRBTA is one of Western Australia's most successful Local Tourism Organisations which has a strong membership base and a good working relationships with the City of Busselton, the Regional Tourism Organisation (Australia's South West) and the State Tourism body (Tourism Western Australia), which creates synergy with regard to marketing the Region.

The MRBTA won Gold medals at the 2016 WA Tourism Awards for 'Visitor Information Services' and 'Destination Marketing', and a Silver medal at the 2016 Australian Tourism Awards for 'Visitor Information Services'.

The MRBTA produces a range of travel publications including 200,000 regional maps, 18,000 Busselton cruise maps, and 100,000 magazines which are distributed through the visitor centres. In addition to its physical sites, the MRBTA also manages the regional tourism website, which is an important source of information for visitors to the Region. There were 1,251,873 sessions at the website in 2016, up 20% from 1,043,141 in 2015. A regional software app also provides mobile information to visitors in the region, and includes an audio tour of the Busselton Jetty. To keep pace with the way visitors plan and book their holidays, interactive touchscreens have been installed in Busselton and will be delivered in Dunsborough in late 2017, to provide an integrated visitor experience.

A strong tourism association leading integrated tourism services is a desirable outcome and is encouraged by Tourism Western Australia, however public funding is required in most communities to support the provision of 'free' visitor information, particularly to support the operations of physical visitor centres (nearly half of which are run by Councils themselves in other parts of WA). The ongoing support of the centres is especially important with the increased visitation expected from new air services from the Busselton-Margaret River Airport.

In 2016/17, MRBTA's Busselton and Dunsborough visitor servicing expenses will total more than \$835,882, excluding finance and administration costs associated with commercial operations. The largest expense is salaries and wages for eight full-time equivalent staff to operate the centres year round. This is offset by revenue from booking commissions, retail sales and membership, but will still result in an estimated operating deficit of approximately \$313,514. This is resourced from funding the City of Busselton provides, with the balance sourced from operating surpluses of its commercial operations (caves, lighthouses and airport ground handling).

## **CONCLUSION**

The provision of "free" information is expensive and generally not provided by the commercial market (i.e. it requires some form of government assistance to maintain a professional service in contemporary premises). The MRBTA's operating deficits for its two visitor centres in the City of Busselton in 2016/17 was \$314,000 per annum, with Busselton operating at a loss of \$240k and Dunsborough at a loss of \$74k. This is reflective of the operating costs of both centres should the City be required to operate them in the future.

The growth of online travel agents (providing booking services for accommodation and tours) are resulting in diminishing revenue streams for physical visitor centres, however visitors still expect local information services to be available when they arrive at a destination. Businesses also expect their product to be promoted locally at the destination, but do not have the capacity to fully fund visitor centre operations.

The broader community receives a direct benefit from the visitor centres through product distribution and the provision of the free information service and booking facilities the centres provide and it is recognised that without Council support these centres would either close or reduce their hours and service levels dramatically which would impact negatively on the visitor experience to the region.

Accordingly, it is recommended that Council authorises the CEO to enter into a new funding agreement with the MRBTA, which represents approximately 50% of the operating deficit of the two visitor centres within the City of Busselton. Officers recommend an amount of \$156,000 (ex GST) be supported in the 2017/18 budget plus an amount indexed to the annual Perth Consumer Price Index for the years 2018/19 and 2019/20.

**OPTIONS**

Council may elect to either:

- Discontinue grant funds to the MRBTA to support the visitor centres at Busselton and Dunsborough; or
- Increase the amount of funding to the MRBTA for visitor servicing activities; or,
- Decrease the amount of funding to the MRBTA for visitor servicing activities

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

Should Council agree to the Officer recommendation, City officers will prepare a new grant agreement with the MRBTA in early July 2017. The grant agreement will include a review of performance measurements for annual reporting.

Payments to the MRBTA will be made in financial years 2017/18; 2018/19 and 2019/20 and performance against the grant agreement will be measured on an annual basis.

**Council Decision and Officer Recommendation****C1706/149**

Moved Councillor G Bleechmore, seconded Councillor J McCallum

That the Council:

- 1) Authorises the CEO to enter into a new funding agreement with the Margaret River Busselton Tourism Association Inc (MRBTA) as follows:
  - a) Approved Purpose: to support the MRBTA to operate visitor centres at Dunsborough and Busselton;
  - b) Amount: \$156,000 (ex gst) in 2017/18, plus an amount indexed to the annual Perth Consumer Price Index for the years 2018/19 and 2019/20.

**CARRIED 9/0****EN BLOC**

## 15. CHIEF EXECUTIVE OFFICER'S REPORT

### 15.1 COUNCILLORS' INFORMATION BULLETIN

<b>SUBJECT INDEX:</b>	Councillors' Information
<b>STRATEGIC OBJECTIVE:</b>	Accountable leadership that is supported by a skilled and professional workforce.
<b>BUSINESS UNIT:</b>	Executive Services
<b>ACTIVITY UNIT:</b>	Governance Services
<b>REPORTING OFFICER:</b>	Reporting Officers - Various
<b>AUTHORISING OFFICER:</b>	Chief Executive Officer - Mike Archer
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Planning Applications Received <a href="#">⇒</a>
	Attachment B Planning Applications determined <a href="#">⇒</a>
	Attachment C State Administrative Tribunal Appeals <a href="#">⇒</a>
	Attachment D Meelup Regional Management Committee Minutes <a href="#">⇒</a>

### 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 to be dealt with as normal business correspondence, but is presented in this bulletin for the information of the Council and the community.

### INFORMATION BULLETIN

#### 15.1.1 Planning and Development Statistics

Attachment A is a report detailing all Planning Applications received by the City between 16 May, 2017 and 31 May, 2017. 55 formal applications were received during this period.

Attachment B is a report detailing all Planning Applications determined by the City between 16 May, 2017 and 31 May, 2017. A total of 50 applications (including subdivision referrals) were determined by the City during this period with 49 approved /supported and 1 refused / not supported.15.1

#### 15.1.2 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 8 June, 2017.

#### 15.1.3 Informal Meelup Regional Management Committee Minutes

Attachment D shows the minutes of the informal Meelup Regional Management Committee Meeting held on Monday 29 May 2017.

### Council Decision and Officer Recommendation

**C1706/150** Moved Councillor G Bleachmore, seconded Councillor J McCallum

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

- 15.1.1 Planning and Development Statistics
- 15.1.2 State Administrative Tribunal Appeals
- 15.1.3 Informal Meelup Regional Management Committee Minutes

**EN BLOC**

**12. ENGINEERING AND WORKS SERVICES REPORT**

Nil

**14. FINANCE AND CORPORATE SERVICES REPORT**

Nil

10.9 Policy and Legislation Committee - 15/06/2017 - REVIEW OF DELEGATION: ACQUIRING AND DISPOSING OF PROPERTY

<b>SUBJECT INDEX:</b>	Delegation of Power/Authority
<b>STRATEGIC OBJECTIVE:</b>	Governance systems, process and practices are responsible, ethical and transparent.
<b>BUSINESS UNIT:</b>	Finance and Corporate Services
<b>ACTIVITY UNIT:</b>	Governance Services
<b>REPORTING OFFICER:</b>	Director, Finance and Corporate Services - Cliff Frewing
<b>AUTHORISING OFFICER:</b>	Director, Finance and Corporate Services - Cliff Frewing
<b>VOTING REQUIREMENT:</b>	Absolute Majority
<b>ATTACHMENTS:</b>	Attachment A Delegation LG3k – Acquiring and Disposing of Property ⇨ Attachment B Delegation LG3B – Acquiring of Property ⇨ Attachment C Delegation LG3C – Disposal of Property ⇨

**This item was considered by the Policy and Legislation Committee at its meeting on 15 June 2017, the recommendations from which have been included in this report.**

### PRÉCIS

The purpose of this report is to consider changes to Delegation LG3K – Acquiring and Disposing of property which has been in existence in one form or another since 2008.

### BACKGROUND

The existing Delegation is in the form of:

To exercise the powers and discharge the duties of the local government under Sections 3.58(2) and 3.58(3) of the Local Government Act 1995 (disposal of property provisions) and further to Section 5.43 (limits on acquisition or disposal provisions) on the local government's behalf.

#### Conditions

The value of the property shall not exceed \$100,000 in accordance with Section 5.43(d) of the Local Government Act 1995.

It is considered that some parameters should be placed around the Delegation in order to avoid the potential of unintended application.

### STATUTORY ENVIRONMENT

Pursuant to section 5.42(1)(a) of the Act Council may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under the Act, other than those referred to in section 5.43. The Act prescribes that any such delegation requires an absolute majority vote of Council.

### RELEVANT PLANS AND POLICIES

Delegation LG3K – Acquiring and Disposing of property - is a Delegation that has been in place for some considerable time and is one of a number of Delegations that exist to enable actions to be taken it is proposed to cancel this delegation and replace it with Delegation LG3B – Acquiring of Property and Delegation LG3C – Disposal of Property expeditiously without formal reference to Council.

Delegation LG3J – Inviting Tenders and Rejecting and Accepting Tenders is not impacted by this Delegation.

## **FINANCIAL IMPLICATIONS**

There are no direct financial implications contained within this report.

### **Long-term Financial Plan Implications**

There are no direct long term financial implications contained within this report.

## **STRATEGIC COMMUNITY OBJECTIVES**

This policy aligns with and supports the Council's Key Goal Area 6 – 'Leadership' and more specifically Community Objective 6.2 – 'Governance systems, process and practices are responsible, ethical and transparent'.

## **RISK ASSESSMENT**

The proposed course of action reduces the risk of unintended action being taken in relation to exercising the powers available in accordance with the existing Delegation.

## **CONSULTATION**

It is not considered that external consultation is necessary to vary the terms of the existing Delegation.

## **OFFICER COMMENT**

The Local Government Act deals with the Local government's ability to dispose of property. Under S3.58 :

- Dispose in this context not only means sale but also to enter into a lease or licence;
- Property includes the whole or any part of the interest of a local government in property, but does not include money; and
- The manner in which property may be disposed of is limited to public auction, public tender or by way of a public consultation process (giving local public notice of the proposed disposal and inviting and considering submissions made in response).

It appears that at the time (probably in 2008) the main purpose of this Delegation was to allow the CEO in the normal course of the City's functions to acquire and dispose of mobile plant and equipment and furniture & equipment with a relatively low value/low impact and excess to the City's day-to-day requirements. However one of the practical implications of Delegation LG3K is that it also allows the CEO to acquire and sell land and enter into leases and licences with a value of less than \$100,000.

It is doubtful whether it was the intention of Council to delegate to the CEO this range of powers and it is suggested that some conditions be placed on the delegation. It is also suggested that the Delegation be split into two Delegations – one for Acquisition and one for Disposal as follows:

### **Proposed changes in relation to Delegation to Acquire property.**

Section 5.43(d) of the LG Act states:

*A local government cannot delegate to a CEO any of the following powers or duties —*

*(d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph.*



As mentioned above, Council has already determined that the CEO may acquire property up to the value of \$100,000. This Delegation works well for non-land related acquisitions and is a necessary function of the CEO and the administration. It is noted however that Council may wish to limit the power of delegation in relation to land acquisition.

Delegation LG3J – Inviting Tenders and Rejecting and Accepting Tenders is not impacted by this Delegation.

In relation to land, there may be instances where, for example, the City is required to acquire minor parcels of land, for example for truncations to enable roadworks to proceed.

The *Local Government (Functions & General) Regulations 1996* – regulation 30(3)(a) states that where land is valued at less than \$20,000, it may be sold without going through formal S3.58 disposal processes such as tenders and auctions etc. Using this figure as a guide, it seems reasonable to use the same figure as a base for land acquisition purposes.

#### **Proposed changes in relation to Delegation to Dispose of property.**

It is suggested that the Delegation be clear on what the CEO has Delegated authority over and a distinction between sale and lease / licencing of property is proposed.

#### **In relation to disposal of land by way of sale:**

It is suggested that the limit imposed by clause 30(3)(a) of the Regulations referred to above (\$20,000) is a reasonable figure to delegate to the CEO to dispose of land. It is unlikely that the CEO would ever need to sell land with a value of up to \$100,000 (as is currently the case) without reference to Council.

#### **In relation to disposal of land by way of lease:**

In event of disposal by way of a lease or Licence (whether the property is for sporting, community or commercial use) the following conditions are considered to be both reasonable and practical:

- (i) The Delegation does not apply to the first time a property is leased. The Delegation only applies in relation to subsequent leases, renewals or options exercised regardless of whether the same lessee is involved or not;
- (ii) The maximum term of the lease, including any right by the lessee to assign the lease or sublease the property or extend the term of the lease, shall not exceed 5 years;
- (iii) The value of the leasehold interest to be disposed of does not exceed \$25,000pa
- (iv) The permitted use of the property must be consistent with:
  - A. the designated purpose of the property;
  - B. the general use of the property immediately prior to entering into the lease; or
  - C. if the property has recently been acquired, the intention for which the property has been acquired by the local government.
- (v) This delegation includes the power to allow assignment of a lease or sub-lease of the property subject to abovementioned conditions.

#### **In relation to disposal of other property by way of sale:**

It is intended to retain the value already set by Council for sale of property with a value of less than \$100,000. This will enable the CEO to perform the day-to-day functions of the City and in particular to dispose of surplus, unserviceable or obsolete property like mobile plant & equipment or furniture & equipment if and when required.

**CONCLUSION**

A review of the existing Delegation is timely and it enables Council to set clear limits to the level of Delegation to the CEO.

**OPTIONS**

The Council may either decide not to cancel the existing Delegation and retain it with or without modification or alternatively amend the proposed delegations.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

The Delegation(s) will become effective day following the decision of Council.

**Council Decision and Officer Recommendation**

**C1706/151** Moved Councillor C Tarbotton, seconded Councillor P Carter

**ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED**

That the Council:

- (a) Cancel the existing Delegation LG3k – Acquiring and Disposing of Property (Attachment A) last adopted by Council in June 2106 (Resolution C1606/140);
- (b) Adopt new Delegation LG3B – Acquiring of Property (Attachment B); and
- (c) Adopt new Delegation LG3C – Disposal of Property (Attachment C)

**Attachment B**

Instrument of Delegation

Reference Number	Local Government Act Reference	Delegate	Delegation Subject
LG3B			
Chief Executive Officer			
Acquisition of Property			

Delegator Council. Power/Duty

To acquire property on the local government's behalf.in accordance with section 5.43(d).

Conditions

The value of the property shall not exceed \$100,000 in accordance with Section 5.43(d) of the Local Government Act 1995.

Statutory Framework

Council is exercising its power of delegation under Section 5.42(1)(a) of the Local Government Act 1995 to delegate to the CEO the discharge of its powers and duties provided for in section 5.43(d) of the Local Government Act 1995.

Verification

Recent Council Resolution      Initial Council Resolution

## Review Requirements

In accordance with the requirements of Section 5.46(2) of the Local Government Act 1995, at least once every financial year.

### Attachment C

#### Instrument of Delegation

Reference Number	Local Government Act Reference	Delegate	Delegation Subject
LG3C	Sections 3.58 (2), (3) and (4)	Chief Executive Officer	Disposing of Property

Delegator  
Council.

#### Power/Duty

To exercise the following powers and discharge the following duties of the local government under Sections 3.58(2), (3) and (4) of the Local Government Act 1995 (Act):

1. Pursuant to Section 3.58(2) of the Act dispose of property by way of a public auction or public tender;
2. Pursuant to Section 3.58(3) and (4) of the Act dispose of property other than under Section 3.58(2) – (local Public Notice requirements).

#### Conditions

This delegation is subject to:

1. Disposal by sale
  - (a) The value of the property to be disposed of (by way of sale) shall not exceed \$20,000 for sale of land or \$100,000 for sale of other property in accordance with Section 5.43(d) of the Act; and
  - (b) Where the property is land valued at less than \$100,000 and has been to public auction or put out to tender and not sold may be disposed of in accordance with Regulation 30 (2a) of the Local Government Functions and General Regulations; or
  - (c) Where the value of land does not exceed \$20,000, the property may be disposed of in accordance with Regulation 30 (3) (a) of the Local Government Functions and General Regulations.
2. Disposal by Lease or Licence
  - (a) In event of disposal by way of a lease (whether the property is for Sporting, Community or commercial use) :
    - (i) The Delegation does not apply to the first time a property is leased. The Delegation only applies in relation to subsequent leases, renewals or options exercised regardless of whether the same lessee is involved or not;
    - (ii) The maximum term of the lease, including any right by the lessee to assign the lease or sublease the property or extend the term of the lease, shall not exceed 5 years unless the lease is proposed to be renewed by a Sporting or Community group for an existing building for a period of not more than 10 years;
    - (iii) The value of the lease does not exceed \$25,000pa
    - (iv) The permitted use of the property must be consistent with:

- A. the designated purpose of the property;
  - B. the general use of the property immediately prior to entering into the lease; or
  - C. or, if the property has recently been acquired, the intention for which the property has been acquired by the local government.
- (v) This delegation includes the power to allow assignment of a lease or sub-lease of the property subject to abovementioned conditions.

#### Statutory Framework

Council is exercising its power of delegation under Section 5.42(1)(a) of the Local Government Act 1995 to delegate to the CEO to exercise some of its powers and discharge of its duties provided for in Section 3.58 of the Act, read with Section 5.43 of the Act:

#### LG Functions and General Regulations

##### 30. Dispositions of property excluded from Act s. 3.58

(2a) A disposition of property is an exempt disposition if the property is disposed of within 6 months after it has been —

- (a) put out to the highest bidder at public auction, in accordance with section 3.58(2)(a) of the Act, but either no bid is made or any bid made does not reach a reserve price fixed by the local government; or
- (b) the subject of a public tender process called by the local government, in accordance with section 3.58(2)(b) of the Act, but either no tender is received or any tender received is unacceptable.

(3) A disposition of property other than land is an exempt disposition if —

- (a) its market value is less than \$20 000; or
- (b) the entire consideration received by the local government for the disposition is used to purchase other property, and where the total consideration for the other property is not more, or worth more, than \$75 000.

#### Review Requirements

In accordance with the requirements of Section 5.46(2) of the Local Government Act 1995, at least once every financial year.

**CARRIED 9/0**

10.10 Policy and Legislation Committee - 15/06/2017 - REVIEW OF COMMITTEES TERMS OF REFERENCE

<b>SUBJECT INDEX:</b>	Council and Committee Meetings
<b>STRATEGIC OBJECTIVE:</b>	Governance systems, process and practices are responsible, ethical and transparent.
<b>BUSINESS UNIT:</b>	Finance and Corporate Services
<b>ACTIVITY UNIT:</b>	Governance Services
<b>REPORTING OFFICER:</b>	Director, Finance and Corporate Services - Cliff Frewing
<b>AUTHORISING OFFICER:</b>	Director, Finance and Corporate Services - Cliff Frewing
<b>VOTING REQUIREMENT:</b>	Absolute Majority
<b>ATTACHMENTS:</b>	Attachment A Revised Proposed Terms of Reference for the Finance Committee ⇒
	Attachment B Revised Proposed Terms of Reference for the Finance Committee - Tracked Changes⇒
	Attachment C Revised Proposed Terms of Reference for the Policy & Legislation Committee⇒
	Attachment D Revised Proposed Terms of Reference for the Policy & Legislation Committee - Tracked Changes⇒
	Attachment E Revised Proposed Terms of Reference for the Audit Committee ⇒
	Attachment F Revised Proposed Terms of Reference for the Audit Committee - Tracked Changes⇒
	Attachment G Revised Proposed Terms of Reference for the Airport Advisory Committee ⇒
	Attachment H Revised Proposed Terms of Reference for the Airport Advisory Committee - Tracked Changes⇒
	Attachment I Revised Proposed Terms of Reference for the Busselton Settlement Art Steering Committee⇒
	Attachment J Revised Proposed Terms of Reference for the Busselton Settlement Art Steering Committee - Tracked Changes⇒
	Attachment K Revised Meelup Regional Park Management Committee Governance Arrangements⇒
	Attachment L Revised Meelup Regional Park Management Committee Governance Arrangements - Tracked Changes⇒
	Attachment M Revised Meelup Regional Park Management Committee Terms of Reference ⇒

**This item was considered by the Policy and Legislation Committee at its meeting on 15 June 2017, the recommendations from which have been included in this report.**

**PRÉCIS**

The purpose of this report is to review the Terms of Reference / Governance Arrangements of the main Council Committees. These Committees are those whose minutes are regularly contained at item 9 of the Council Agenda "Confirmation and receipt of Minutes".

In accordance with the current Terms of Reference of each Council Committee, it has been practice to limit the term of each Council Committee to a two year term that expires at the time the new Council is sworn in at a Special Meeting of Council following the biennial elections being conducted.

At the Special Meeting following the biennial elections when elected members are sworn in, the Council Committees are then re-established and new members are appointed to the Committees

The Terms of Reference / Governance Arrangements of the Council Committees have been reviewed and recommends that their terms continue until such time that the Council determines that they are no longer necessary. This will avoid the need to prepare a report on re-establishing the committees each year. This proposal does not prevent the Council from reviewing the Terms of Reference / governance Arrangements of the Committees on a regular or needs basis.

The appointment of members to the Committees will necessarily be dealt with after the Council election to occur on Saturday, 21 October, 2017. Memberships will be determined at a Special Meeting of Council that is likely to occur on Monday, 23 October, 2017.

## BACKGROUND

### Council Committees

The Council currently has the following Council Committees established under the *Local Government Act 1995* (and the *Bush Fires Act 1954*):

<b>Finance</b>	Standing Committee
<b>Policy and Legislation</b>	Standing Committee
<b>Audit</b>	Standing Committee
<b>Airport</b>	Advisory Committee
<b>Busselton Settlement Art Project</b>	Steering Committee
<b>Meelup Regional Park</b>	Management Committee
<b>CapeROC</b>	Voluntary Regional Organisation of Councils
<b>Bush Fires</b>	Advisory Committee

The Terms of Reference of the following Committees have been reviewed and the results are contained in this report for consideration of Council:

- Finance;
- Policy and Legislation;
- Audit;
- Airport;
- Busselton Settlement Arts Project; and
- Meelup Regional Park Management Committee.

The Terms of Reference of the Meelup Regional Park Management Committee has only been changed by clarifying that the Committee does not automatically expire every two years in association with the Local Government election cycle. Changes are however proposed to be made to the Governance arrangements of the Management Committee and these are detailed in this report.

The Terms of Reference of the following Committees have not been reviewed at this time for reasons detailed in this report:

- CapeRoc Voluntary Regional Council; and
- Bush Fires Advisory Committee

## STATUTORY ENVIRONMENT

Under Section 5.8 of the Local Government Act 1995 (LG Act), a local government, by absolute majority, may establish Committees of three or more persons to assist the Council, and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

Separately, Section 5.10 and 5.11A of the LG Act relates to the appointment of Committee members and Deputy Committee members. It is noted that these requirements will be dealt with at a separate meeting following the election.

Section 5.16 of the LG Act also applies, whereby a local government may delegate to a Committee any of its powers and duties, other than this power of delegation. The general practice is however not to delegate powers to Committees – and no change to this is proposed as a result of this review.

A local government is required to have an Audit Committee by virtue of Section 7.1A(1) of the LG Act and certain powers and duties can be delegated to audit committees in accordance with Section 7.1B of the Act.

Part 2 of the Standing Orders Local Law relates to the establishment and membership of Committees. Specifically, a Council resolution to establish a committee under section 5.8 of the Act is to include –

(a) the terms of reference of the committee;

(b) either –

- the names or titles of the members, employees and any other persons to be appointed to the committee; or

- the number of members, officers and any other persons to be appointed to the committee and a provision that they be appointed under a separate resolution; and

(c) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.

### RELEVANT PLANS AND POLICIES

Appointing members of the Council to Committees is subject to the requirements of Council Policy 014 – Convening the Council Following an Election.

A Special Meeting of the Council shall be convened for this purpose and wherever possible it shall occur on the Monday evening immediately following the ordinary election day. The proceedings shall commence with the “Swearing In” ceremony for new Councillors to be followed by the Special Meeting for the election of the Mayor and Deputy Mayor and consideration of membership of the Council’s Committees and the appointment of Council delegates to other various groups.

### FINANCIAL IMPLICATIONS

Nil

### Long-term Financial Plan Implications

### STRATEGIC COMMUNITY OBJECTIVES

Strategic Plan Key Goal Area 6

6.1 Governance systems, processes and practices are responsible, ethical and transparent.

### RISK ASSESSMENT

Risk	Controls	Consequence	Likelihood	Risk Level
Committees consider matters outside of their scope or Committee members fail to recognise interests	Provision of advice and officer attendance at various Committee meetings	Minor	Possible	Medium

## **CONSULTATION**

The Shire of Augusta-Margaret River will need to be involved in any review of the CapeROC Committee Terms of Reference. As a consequence, no amendments should be considered to the CapeRoc Committee Terms of Reference until the Committee has considered a report on this topic. The next meeting of this Committee is scheduled to be held in August when a review of the Terms of Reference will be considered.

Similarly, it is not proposed to review the Terms of Reference of the Bush Fire Advisory Committee at this time as the City is currently in the process of recruiting a new Community Emergency Services Manager. It is considered important he or she should be involved in reviewing the Terms of Reference and the objectives. This will be achieved within the next few months.

## **OFFICER COMMENT**

The Terms of Reference of the main Council Committees have been reviewed. These Committees are those whose minutes are regularly contained at item 9 of the Council Agenda "Confirmation and receipt of Minutes".

Since these Committees are likely to be on going in nature – at least in the foreseeable future - reference to the Committees having a termination date has been removed. This will avoid the practice of "Re-establishing" Committees every two years. It is noted that there is no statutory requirement for the life of Committees to be contained in any terms of Reference – the termination relates to membership of the Committee not the Committee itself.

In certain instances, minor other changes have been made to the Terms of References – generally to reflect current practice.

The proposed changes to the Terms of Reference will have no impact on the need to re-appoint members to the Committees after the October 2017 election.

## **Finance Committee**

The Finance Committee exists to assist the Council to oversee the allocation and use of the local government's finances and resources. The following relevant documents are attached:

- Attachment A Proposed Terms of Reference.
- Attachment B Marked up Terms of Reference

## **Policy and Legislation Committee**

The Policy and Legislation Committee exists to assist the Council to determine the local government's policies, and to carry out its legislative function. The following relevant documents are attached:

- Attachment C Proposed Terms of Reference.
- Attachment D Marked up Terms of Reference.

## **Audit Committee**

The Audit Committee is established to fulfil the requirements of Local Government (Audit) Regulation 16. Every local government must have an Audit Committee. The Committee operates to assist Council to fulfil its corporate governance, stewardship, leadership and control responsibilities in relation to financial reporting and audit, internal audit and risk management. The following relevant documents are attached:

- Attachment E Proposed Terms of Reference.
- Attachment F Marked up Terms of Reference.



### **Airport Advisory Committee**

The continued role of the Airport Advisory Committee to assist the Council with the development of the Airport is supported. The Committee has a critical role to play and is recognised in the Noise Management Plan to provide input into:

- high level direction for Airport development and management;
- changes to the Noise Management Plan;
- initial applications for flight training;
- applications for ongoing special event or special circumstance exemptions.

The following relevant documents are attached:

- Attachment G Proposed Terms of Reference.
- Attachment H Marked up Terms of Reference.

### **Busselton Settlement Art Project Steering Committee**

The Busselton Settlement Art Project Steering Committee's objectives are:

- to oversee the commissioning of sculptures proposed under the "Busselton Settlement Art Project" as approved by the Council;
- to provide for the disbursement of funds, as approved by the Council, for use by the fundraising group for the purposes of raising the necessary funds for the "Busselton Settlement Art Project"; and
- to perform other activities from time to time as approved by the Council.
  - The following relevant documents are attached:

- Attachment I Proposed Terms of Reference
- Attachment J Marked up Terms of Reference.

### **Meelup Regional Park Management Committee**

The Meelup Regional Park Management Committee exists to:

- assist the Council in managing and promoting Meelup Regional Park;
- ensure that the full range of issues relevant to the making of decisions about the management and promotion of the Park are considered, including environmental, amenity, recreational, community, social, economic and financial considerations; and
- build and maintain productive working relationships between the Council, City officers, volunteers and users of the Park, as well as other stakeholders.

Other than to include a section in the Terms of Reference which does not specify a date on which the term of the Committee expires, (consistent with similar changes made to the Terms of Reference of other Committees), no changes are proposed to be made.

The Terms of Reference as shown in Attachment M has been changed by the inclusion of the following:

#### **8.0 Termination of Committee**

*Termination of the Committee shall be:*

- a) *In accordance with the Local Government Act 1995; and*
- b) *At the direction of Council.*

In addition, it is felt that changes should be made to the "Governance Arrangements" adopted for the Committee. The Governance Arrangements were adopted by Council at its meeting on 14 October 2015 and have been amended to reduce the governance arrangements for appointment of members as reflected in the "tracked changes" version of the document.

It is not felt that there is any loss of control given the elected member involvement in the appointment process.

- Attachment K Proposed Governance Arrangements
- Attachment L Marked up Governance Arrangements.

Changes are proposed to be made to the Governance Arrangements relating to the way in which community members are appointed to this Committee as the present arrangements appear to be unduly prescriptive.

### **CapeROC**

CapeROC exists to enhance the capacity of both local governments to deliver social, economic and environmental benefits to their communities and the region.

The terms of Reference of the CapeROC state that termination of the Committee shall be by decision of either Council or jointly to discontinue participation in the Voluntary Regional Organisation of Councils. To be consistent with all other Council Committees, no change is proposed at this time. In terms of content however, the Terms of Reference will be referred to the next CapeRoc Committee meeting in August for consideration. If CapeRoc makes changes to the Terms of Reference, the changes will need to be endorsed by the Shire of Augusta Margaret River and Busselton Councils.

### **Bush Fires Advisory Committee**

The objectives of the Bush Fires Advisory Committee are:

- to provide advice to Council in regard to all matters relating to bush fire control, prevention and management, including recommendation on the annual firebreak requirements, capital (equipment) purchase, review of firefighting/prevention practices and firefighting training;
- to develop a bush fire strategic plan incorporating plant, firebreak order development process and strategic firebreak development, to be endorsed by Council; and
- to care for, control and manage the bush fire risk within the district of the City of Busselton.

This is an important Committee given the City's exposure to risk from a variety of sources. It is envisaged that the Terms of Reference of the Bush Fire Advisory Committee will be reviewed in the near future and presented to Council for consideration.

### **CONCLUSION**

Consistent with best practice, it is beneficial to review the operation of the City's main Committees in order to maximise efficiencies and ensure best outcomes. A review of these Committees has been conducted and changes are proposed to the Terms of Reference / Governance Arrangements of the high profile Council Committees.

Consideration of changes to the Terms of Reference to the CapeRoc and Bush Fire Advisory Committee's will occur at a later date.

## OPTIONS

The Council may determine that it does not require any or all of these Committees, with the exception of the Audit Committee, or may require changes to be made to any of the terms of reference.

## TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Members will be appointed to any Committees that the Council establishes at a Special Meeting of Council scheduled for 21 October 2017.

### Council Decision and Officer Recommendation

**C1706/152**

Moved Councillor J McCallum, seconded Councillor R Reekie

### ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the Council:

1. Adopts the revised Proposed Terms of Reference for the Finance Committee as shown in Attachment A;
2. Adopts the revised Proposed Terms of Reference for the Policy & Legislation Committee as shown in Attachment C;
3. Adopts the revised Proposed Terms of Reference for the Audit Committee as shown in Attachment E;
4. Adopts the revised Proposed Terms of Reference for the Airport Advisory Committee as shown in Attachment G;
5. Adopts the revised Proposed Terms of Reference for the Busselton Settlement Art Steering Committee as shown in Attachment I;
6. Adopts the revised Governance Arrangements for the Meelup Regional Park Management Committee as shown in Attachment K; and
7. Adopts the revised Terms of Reference for the Meelup Regional Park Management Committee as shown in Attachment M.

## Attachment A

### FINANCE COMMITTEE TERMS OF REFERENCE

#### 1.0 Introduction

The Council of the City of Busselton has established a standing committee to be known as the Finance Committee, under the powers given in Section 5.8 of the *Local Government Act 1995*.

The Finance Committee is established for the purpose of assisting the Council to undertake its role under Section 2.7(2)(a) of the Act and to oversee the allocation and use of the local government's finances and resources.

The Finance Committee consists of 5 elected members appointed by the Council for a term ceasing on the day preceding the ordinary elections held every alternate year. At the first meeting after the ordinary elections, Council shall appoint members for a further term.

The Committee shall act for and on behalf of Council in accordance with the provisions of the *Local Government Act 1995*, local laws and policies of the City of Busselton and this document.

#### 2.0 Objectives

The Finance Committee will assist the Council to oversee the allocation of the local government's finances and resources.

The objectives of the Finance Committee are:

- To monitor income and expenditure with the objective of ensuring and overseeing budget compliance;
- Consider funding options for major capital projects;

- To assist the Council to prepare its long-term financial plans;
- To review budget development processes;
- To receive reports proposed to be put to the Council with significant financial implications or reports for the purposes of meeting the requirements of the *Local Government (Financial Management) Regulations*;
- Consider Financial Policies; and
- To review and advise the Council on specific matters referred by the Council from time to time.

### 3.0 Membership

5 elected members shall be appointed to the Committee; and

4 deputy members shall be appointed for the Committee

### 4.0 Presiding Member

The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business. The Presiding Member shall ensure that minutes of the proceedings are kept and that business is conducted in accordance with the *City of Busselton Standing Orders Local Law*.

### 5.0 Meetings

The Committee shall meet at least six times per year and shall report to Council once every two months as a minimum.

5.1 Notice of meetings shall be given to members at least 5 days prior to each meeting.

5.2 If any member is absent from 3 consecutive meetings without leave of the Committee, they shall forfeit their position on the Committee. The Council shall be informed, who will then appoint a replacement for the balance of the member's term of appointment.

5.3 The Presiding Member shall ensure that detailed minutes of all meetings are kept in accordance with the *City of Busselton Standing Orders Local Law*.

5.4 All members of the Committee shall have one vote. If the vote of the members present is equally divided, the person presiding shall cast a second vote.

### 6.0 Quorum

Quorum for a meeting shall be three (3) members, whether any positions are vacant or not. A decision of the Committee does not have effect unless it has been made by the required majority.

### 7.0 Delegated Powers

The Finance Committee has been established in accordance with a decision of Council and this Terms of Reference but does not have any delegated powers. Committee recommendations shall not be binding on Council and must be endorsed by Council to take effect.

### 8.0 Termination of Committee

Termination of the Committee shall be:

- a) In accordance with the Local Government Act 1995; and
- b) By a decision of Council

### 9.0 Amendment to the Terms of Reference

This document may be altered at any time by the Council. **History**

9 October, 2013

C1310/267

12 October, 2011

C1110/315

18 November, 2009

C0911/393 - Establishment

## Attachment C

### POLICY AND LEGISLATION COMMITTEE TERMS OF REFERENCE

#### 1. Introduction

The Council of the City of Busselton establishes a standing committee to be known as the Policy and Legislation Committee, under the powers given in Section 5.8 of the *Local Government Act 1995*.

The Policy and Legislation Committee is established for the purpose of assisting the Council to undertake its role under Section 2.7(2)(b) of the Act, to determine the local government's policies, and its legislative function in accordance with Division 2 of Part 3 of the Act.

The Policy & Legislation Committee consists of 5 elected members appointed by the Council for a term ceasing on the day preceding the ordinary elections held every alternate year. At the first meeting after the ordinary elections, Council shall appoint members for a further term.

The Committee shall act for and on behalf of Council in accordance with the provisions of the *Local Government Act 1995*, local laws and policies of the City of Busselton and this document.

#### 2.0 Objectives

The Policy and Legislation Committee will assist the Council to determine the local government's policies, and to carry out its legislative function.

The objectives of the Policy and Legislation Committee are:

- To consider new and review existing policies and delegations of the City of Busselton (other than Financial Policies);
- To review Local Laws and other delegated legislation made by the City of Busselton;
- To consider reports proposed to be put to the Council with significant policy or legislative implications;
- To review and advise the Council on specific matters relating to policy or legislation referred by the Council from time to time.

#### 3.0 Membership

5 elected members shall be appointed to the Committee; and

4 deputy elected members shall be appointed for the Committee

#### 4.0 Presiding Member

The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business. The Presiding Member shall ensure that minutes of the proceedings are kept and that business is conducted in accordance with the *City of Busselton Standing Orders Local Law*.

#### 5.0 Meetings

The Committee shall meet at least six times per year and shall report to Council once every two months as a minimum.

5.1 Notice of meetings shall be given to members at least 5 days prior to each meeting.

5.2 If any member is absent from 3 consecutive meetings without leave of the Committee, they shall forfeit their position on the Committee. The Council shall be informed, who will then appoint a replacement for the balance of the member's term of appointment.

5.3 The Presiding Member shall ensure that detailed minutes of all meetings are kept in accordance with the *City of Busselton Standing Orders Local Law*.

5.4 All members of the Committee shall have one vote. If the vote of the members present is equally divided, the person presiding shall cast a second vote.

#### 6.0 Quorum

Quorum for a meeting shall be three (3) members, whether any positions are vacant or not. A decision of the Committee does not have effect unless it has been made by the required majority.

#### 7.0 Delegated Powers

The Policy and Legislation Committee has been established in accordance with a decision of Council and this Terms of Reference but does not have any delegated powers. Committee recommendations shall not be binding on Council and must be endorsed by Council to take effect. .

#### 8.0 Termination of Committee

Termination of the Committee shall be:

- a) In accordance with the Local Government Act 1995; and
- b) By a decision of Council.

9.0 Amendment to the Terms of Reference

This document may be altered at any time by the Council. **History**

9 October, 2013

C1310/267

12 October, 2011

C1110/315

18 November, 2009

C0911/394 - Establishment

## Attachment E

### AUDIT COMMITTEE

#### TERMS OF REFERENCE

##### 1.0 Introduction

The Council of the City of Busselton has established an Audit Committee under the powers given in Part 7 of the *Local Government Act 1995*.

The Committee is established to fulfil the requirements of *Local Government (Audit) Regulation 16*. The Committee provides oversight of the financial systems of the local government on behalf of the Council. The Committee operates to assist Council to fulfil its corporate governance, stewardship, leadership and control responsibilities in relation to financial reporting and audit, internal audit and risk management.

The Committee is to provide guidance and assistance to the local government as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act and as to the process to be used to select and appoint a person to be an auditor. It will also provide guidance and assistance in relation to other audit processes and risk management initiatives.

The Audit Committee consists of 3 elected members appointed by the Council for a term ceasing on the day preceding the ordinary elections held every alternate year. At the first meeting after the ordinary elections, Council shall appoint members for a further term.

The Committee shall act in accordance with the provisions of the *Local Government Act 1995*, local laws and policies of the City of Busselton and this document.

##### 2.0 Objectives

2.1 To monitor the annual external audit and to liaise with the local government's auditor so that Council can be satisfied with the performance of the local government in managing its financial affairs.

2.2 To ensure openness in the local government's financial reporting and to liaise with the Chief Executive Officer (or his representative) to ensure the effective and efficient management of the local government's financial accounting systems and compliance with legislation.

##### 2.3 To facilitate:

- \* the enhancement of the credibility and objectivity of external financial reporting;
- \* compliance with laws and regulations as well as use of best practice guidelines relative to auditing;
- \* the provision of an effective means of communication between the external auditor, the Chief Executive Officer (or his representative) and the Council;
- \* the effective conduct of internal audit and risk management activities.

##### 3.0 Specific Duties and Responsibilities

The following specific duties and responsibilities have been given to the Committee in order to facilitate the achievement of its objectives.

3.1 To provide guidance and assistance to Council as to the carrying out of the functions of the local government in relation to audits.

3.2 To provide guidance and assistance to Council as to the process for the selection and appointment of a person as the local government's auditor.

3.3 To recommend to Council the person or persons to be appointed as auditor.

3.4 To liaise with the Chief Executive Officer (or his representative) to ensure that the local government does everything in its power to assist the auditor to conduct the audit and carry out his or her other duties under the Act, and to ensure that audits are conducted successfully and expeditiously.

3.5 To examine the reports of the auditor after receiving a report from the Chief Executive Officer on the matters, and determine if any matters raised require action to be taken by the local government and to ensure that appropriate action is taken in respect to those matters.

3.6 To review the report prepared by the Chief Executive Officer on any actions taken in respect of any matters raised in the report of the auditor and to present the report to Council for adoption prior to the end of the next financial year or six months after the last report prepared by the auditor is received, whichever is the latest time.

3.7 To formally meet with the Auditor in accordance with the requirements of Section 7.12(A)(2) of

the Local Government Act on behalf of the local government.

3.8 To review the compliance audit return and report to the Council the results of that review in accordance with Audit Regulation 14(3A).

3.9 To review reports provided by the CEO relating to the appropriateness and effectiveness of the local government's systems and procedures in relation to risk management, internal control and legislative compliance and to report to Council the results of the review in accordance with Audit Regulation 16(c).

#### 4.0 Membership

3 Elected Members shall be appointed to the Committee; and

2 deputy members shall be appointed to the Committee.

#### 5.0 Presiding Member

The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business. The Presiding Member shall ensure that minutes of the proceedings are kept and that business is conducted in accordance with the *Shire of Busselton Standing Orders Local Law*.

#### 6.0 Meetings

The Committee shall meet at least twice annually, and shall report to Council on a twice per year basis as a minimum.

6.1 Notice of meetings shall be given to members at least 3 days prior to each meeting.

6.2 If any member is absent from 3 consecutive meetings without leave of the Committee, they shall forfeit their position on the Committee. The Council shall be informed, who will then appoint a replacement for the balance of the member's term of appointment.

6.3 The Presiding Member shall ensure that detailed minutes of all meetings are kept in accordance with the *Shire of Busselton Standing Orders Local Law*.

6.4 All members of the Committee shall have one vote. If the vote of the members present is equally divided, the person presiding shall cast a second vote.

#### 7.0 Quorum

Quorum for a meeting shall be two (2) members, whether vacant or not. A decision of the Committee does not have effect unless it has been made by the required majority.

#### 8.0 Delegated Powers

The Committee has delegated power to conduct the formal meeting with the City's Auditor required by Section 7.12(A)(2) of the *Local Government Act 1995* on behalf of the Local Government but does not have any other delegated powers. Committee recommendations shall not be binding on Council and must be endorsed by Council to take effect.

In all other circumstances, the Committee is established to report to Council and provide appropriate advice and recommendations on matters relevant to its objectives, duties and responsibilities. This is in order to facilitate informed decision-making by Council in relation to the identified legislative functions and duties of the local government that have not been delegated to the Chief Executive Officer.

#### 9.0 Termination of Committee

Termination of the Committee shall be:

a) In accordance with the *Local Government Act 1995*; and

b) By a decision of Council

#### 10.0 Amendment to the Instrument of Appointment and Delegation

This document may be altered at any time by the Council. **History**

21 October, 2013

SC1310/186 Membership

9 October, 2013

C1310/267 Establishment

12 October, 2011

C1110/315



## Attachment G

### AIRPORT ADVISORY COMMITTEE

#### TERMS OF REFERENCE

##### 1. Introduction

The Council of the City of Busselton has established an Airport Advisory Committee under the powers given in Section 5.8 of the *Local Government Act 1995*.

The Airport Advisory Committee is established for the purpose of assisting the Council to undertake its role under Section 2.7(2)(a) of the Act to establish and maintain liaison between stakeholders, consider policies associated with the airport and oversee development of the airport.

The Airport Advisory Committee consists of 4 elected members appointed by the Council for a term ceasing on the day preceding the ordinary elections held every alternate year. At the first meeting after the ordinary elections, Council shall appoint members for a further term.

The Committee shall act for and on behalf of Council in accordance with provisions of the *Local Government Act 1995*, local laws and policies of the City of Busselton and this document.

##### 2.0 Objectives

2.1 To foster liaison and cooperation between the City of Busselton and all stakeholders associated with the Busselton Margaret River Regional Airport.;

2.2 To provide a normalised, proper and formalised forum for the discussion of issues and the formulation of suggestions and/or recommendations on issues associated with the airport;

2.3 Make recommendations to Council on matters associated with the future development of the Airport.

##### 3.0 Membership

4 Elected Members shall be appointed to the Committee.

2 Deputy elected members shall be appointed for the Committee.

Other persons (or representatives of organisations) may participate in meetings of the Committee (or any sub committees the Committee may establish) as determined by an ordinary majority of the Committee. Such persons will not be entitled to vote on any matter brought before the Committee.

##### 4.0 Presiding Member

The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business. The Presiding Member shall ensure that minutes of the proceedings are kept and that business is conducted in accordance with the *City of Busselton Standing Orders Local Law*.

##### 5.0 Meetings

The Committee shall meet at least twice annually and shall report to Council annually as a minimum.

5.1 Notice of meetings shall be given to members at least 3 days prior to each meeting.

5.2 If any member is absent from 3 consecutive meetings without leave of the Committee, they shall forfeit their position on the Committee. The Council shall be informed, who will then appoint a replacement for the balance of the member's term of appointment.

5.3 The Presiding Member shall ensure that detailed minutes of all meetings are kept in accordance with the *City of Busselton Standing Orders Local Law* and presented to Council where all recommendations are considered

5.4 All members of the Committee shall have one vote. If the vote of the members present is equally divided, the person presiding shall cast a second vote.

##### 6.0 Quorum

Quorum for a meeting shall be at least 50% of the number of offices, whether vacant or not. A decision of the Committee does not have effect unless it has been made by a simple majority.

##### 7.0 Delegated Powers

Nil.

The Airport Advisory Committee has been established as an Advisory Committee only and does not have any delegated powers.

##### 8.0 Termination of Committee

Termination of the Committee shall be:

- a) In accordance with the *Local Government Act 1995*; and
- b) At the direction of Council.

#### 9.0 Amendment to the Terms of Reference

This document may be altered at any time by the Council.

#### 10.0 Committee Recommendations

Committee recommendations shall not be binding on Council and must be endorsed by Council to take effect. **History**

21 October, 2013	SC1310/186 Membership
9 October, 2013	C1310/267 Establishment
12 October, 2011	C1110/315
14 July, 2010	C1007/252 Establishment

## **Attachment I**

### **BUSSELTON SETTLEMENT ART PROJECT STEERING COMMITTEE TERMS OF REFERENCE**

#### **1. Introduction**

The Council of the City of Busselton has established a Busselton Settlement Art Project Steering Committee under the powers given in Section 5.8, 5.9(2)(d) and 5.17(1)(c) of the *Local Government Act 1995*.

The Busselton Settlement Art projects Steering Committee consists of 1 elected member appointed by the Council for a term ceasing on the day preceding the ordinary elections held every alternate year. At the first meeting after the ordinary elections, Council shall appoint members for a further term.

The Busselton Settlement Art projects Steering Committee is established for the purpose of assisting the Council to undertake its role under Section 2.7(2)(b) of the Act to oversee the commissioning of sculptures and make recommendations as to funding arrangements.

The Committee shall act for and on behalf of Council in accordance with provisions of the *Local Government Act 1995*, local laws and policies of the City of Busselton and this Instrument.

#### **2.0 Objectives**

2.1 To oversee the commissioning of sculptures proposed under the "Busselton Settlement Art Project" as approved by the Council.

2.2 To provide for the disbursement of funds, as approved by the Council, for use by the fundraising group for the purposes of raising the necessary funds for the "Busselton Settlement Art Project".

2.3 Other activities from time to time as approved by the Council.

#### **3.0 Membership**

1 Elected Member and 1 Deputy shall be appointed to the Committee

7 Community Members shall be appointed to the Committee

Deputy Members may be appointed as required

1 representative of the CEO shall be appointed to the Committee

Other persons (or representatives of organisations) may participate in meetings of the Committee (or any sub committees the Committee may establish) as determined by an ordinary majority of the Committee. Such persons will not be entitled to vote on any matter brought before the Committee.

#### **4.0 Presiding Member**

The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business. The Presiding Member shall ensure that minutes of the proceedings are kept and that business is conducted in accordance with the *City of Busselton Standing Orders Local Law*.

#### **5.0 Meetings**

The Committee shall meet at least three times annually, and shall report to Council on an annual basis as a minimum.

5.1 Notice of meetings shall be given to members at least 3 days prior to each meeting.

5.2 If any member is absent from 3 consecutive meetings without leave of the Committee, they shall forfeit their position on such Committee. The Council shall be informed, who will appoint a replacement for the balance of the Committee's term of appointment.

5.3 The Presiding Member shall ensure that detailed minutes of all meetings are kept in accordance with the *City of Busselton Standing Orders Local Law* and presented to Council where all recommendations are considered

5.4 All members of the Committee shall have one vote. If the vote of the members present is equally divided, the person presiding shall cast a second vote.

#### **6.0 Quorum**

Quorum for a meeting shall be at least 50% of the number of offices, whether vacant or not. A decision of the Committee does not have effect unless it has been made by a simple majority.

#### **7.0 Delegated Powers**

#### **8.0 Conditions**

Nil

#### **9.0 Termination of Committee**

Termination of the Committee shall be:

- a) In accordance with the *Local Government Act 1995*; and
- b) At the direction of Council.

#### 10.0 Amendment to the Terms of Reference

This document may be altered at any time by the Council.

#### 11.0 Committee Recommendations/Decisions

Committee recommendations shall not be binding on Council and must be endorsed by Council to take effect. Decisions made under delegated authority shall not be binding on Council if such decisions are in conflict with the delegated powers.

#### **History**

21 October, 2013

SC1310/186 Membership

9 October, 2013

C1310/267 Establishment

12 June, 2013

C1306/139

## Attachment J

Meelup Regional Park Management Committee  
Governance arrangements and terms of reference

### ***Process associated with appointing community members to the Committee***

The process associated with appointing community members to the Committee shall be generally as follows -

1. The Mayor, Presiding Member of the Committee and Chief Executive Officer or Chief Executive Officer's nominee shall meet to discuss and agree the aims/objectives in terms of the skills, background or interests, or mix of skills, background and interests, of the person(s) that it would be most appropriate and desirable to include on the Committee at that time, and the agreed direction in that regard shall be reflected in the process associated with the attraction and assessment of potential community members;
2. City officers shall arrange to publicly advertise community member vacancies, seeking expressions-of-interest from suitable members of the community;
3. Interested members of the community shall be required to submit an expression-of-interest (1-2 pages long only) setting out what value they believe they would bring to the Committee and why they are interested in becoming a member;
4. If the vacancy is not for a deputy community member, in addition to considering those persons that have submitted expressions-of-interest, shall identify whether any existing deputy community member is interested in becoming a community member, and shall generally give priority to filling a community member vacancy with an existing deputy community member.
5. The Mayor, the Presiding Member of the Committee and the Chief Executive Officer or Chief Executive Officer's nominee shall meet again to assess the expressions-of-interest that have been received, identify and agree the preferred candidates to fill one or more of the positions that are vacant at that time and are authorised to make the appointment to the Committee.
6. If there are still vacant positions following the completion of the process set out above, the Mayor, the Presiding Member of the Committee and the Chief Executive Officer or Chief Executive Officer's nominee are authorised to identify suitable members of the community with relevant qualifications and / or interest and invite them to submit an expression of interest and if acceptable, make the appointment to the Committee.

## Attachment K

### Meelup Regional Park Management Committee

#### Terms of Reference

##### 1. Introduction

The Council of the City of Busselton has established the Meelup Regional Park Committee pursuant to sections 5.8 and 5.9(2)(d) of the *Local Government Act 1995*.

##### 2.1 Purpose

2.2 To assist the Council in managing and promoting Meelup Regional Park.

2.3 To ensure that the full range of issues relevant to the making of decisions about the management and promotion of the Park are considered, including environmental, amenity, recreational, community, social, economic and financial considerations.

2.4 To build and maintain productive working relationships between the Council, City officers, volunteers and users of the Park, as well as other stakeholders.

##### 3.1 Membership

3.2 Two elected members as appointed by the Council, as follows –

3.3 One deputy elected member as appointed by the Council, as follows –

3.4 Six community members as appointed by the Council, as follows –

3.5 Four deputy community members as appointed by the Council, who may be present at all Committee meetings, including when matters are being considered ‘behind closed doors’ (i.e.

*Note: Once the ‘Friends of Meelup Regional Park Incorporated’ has been formed, the intention is that the Council will progressively move towards a model of three community members being representatives of that group, with the other three being independent members, potentially with retention of deputy members. That will, however, be a decision for the Council at the time, in consultation with stakeholders at that time.*

3.6 Membership of the Committee shall, unless determined otherwise, be for a term of approximately two years, ceasing on the day of the next ordinary Council election.

3.7 If any member is absent from the Committee for three consecutive meetings without approved leave of absence from the Committee, the Chief Executive Officer shall present a report to the Council so that the Council may determine whether to continue that person’s membership of the Committee.

#### Attachment 1

##### 4.0 Presiding Member

The Committee shall appoint a Presiding Member and Deputy Presiding Member to run its meetings. The Presiding Member shall ensure that business at formal meetings is conducted in accordance with the *City of Busselton Standing Orders Local Law*.

##### 5.1 Formal Meetings

5.2 Formal meetings of the Committee shall be scheduled when the need for a meeting is identified by either the Presiding Member or Chief Executive Officer, and only when there is a need for a matter to be subject of a formal decision of the Committee and/or the Council, and in any case no less often than twice annually and no more frequently than once a month.

*Note: Matters that would require a formal decision of the Committee are any matter that requires a formal resolution of the Council (such as any change to the membership or terms of reference of the Committee, any amendment to the budget, any matter that requires, from a legal/statutory perspective, a formal decision of the Council, any other matter that the Presiding Member of the Committee, having received and considered the advice of City officers, considers requires formal consideration by the Council, and/or matters that require a formal decision of the Council because consensus has not been achieved in an informal meeting, as set out in Part 7.0 of these Terms of Reference), as well as matters on which a decision is required and which are considered to be of high strategic importance and/or broad public interest (such as proposals for significant infrastructure or significant changes to the management of the park, but not usually individual works projects or events, or the noting of plans, studies or similar, which are primarily or wholly being presented to the Committee for information purposes).*

5.3 Formal meeting agendas shall be distributed by the Chief Executive Officer to Committee members no less than seven days prior to the meeting.

5.4 Where a Committee member wishes the Committee to consider an alternative to the officer recommendation in relation to any particular item, they shall indicate in writing (preferably email) to the Chief Executive Officer or Chief Executive Officer's nominee and the Presiding Member their intention to do so, setting out their proposed alternative and the reasons for that alternative, no less than 24 hours prior to the scheduled commencement of the meeting. The Chief Executive Officer or Chief Executive Officer's nominee shall provide officer comment on the proposed alternative in writing to Committee members prior to the scheduled commencement of the meeting.

*Note: In relation to alternative recommendations put forward by Committee members, City officers are able to assist in the drafting of alternative recommendations, but that should not be construed as indicating officer support for any alternative that may be proposed.*

5.5 The Chief Executive Officer shall ensure that minutes of formal meetings are kept, presented for review and adoption at the subsequent formal meeting, and provided to the Council for information as part of the first practicable ordinary Council meeting agenda following the formal Committee meeting.

5.6 Where the Committee makes a decision in a formal meeting that involves the making of a recommendation for consideration by the Council, the Chief Executive officer shall ensure that the recommendation is presented to the Council as part of the first practicable ordinary Council meeting agenda following the formal Committee meeting. In cases where the

Attachment 1

Committee recommendation is not consistent with the officer recommendation to the Committee, the Chief Executive officer shall present the Committee recommendation but may also present an alternative officer recommendation for consideration by the Council.

5.7 Quorum for a meeting shall be at least 50% of the members (i.e. four).

5.8 Meetings shall be open to the public, unless items are of a nature that can be considered confidentially pursuant to the *Local Government Act 1995*.

## 6.0 Delegated Powers

Pursuant to section 5.17 of the *Local Government Act 1995*, the Committee, when constituted for a formal meeting, is delegated to adopt plans, policies or documents that relate to management of the Park, other than where those plans, policies or documents require adoption pursuant to a particular statutory power, but may not make any decision that would require expenditure of funds contrary to the adopted budget and any decisions shall not be actioned until the Committee meeting minutes have been formally considered by the Council.

## 7.1 Informal Meetings

7.2 Informal meetings of Committee members and City officers involved in management of the Park

shall be scheduled when the need for a meeting is identified by either the Presiding Member, the Chief Executive Officer or the Chief Executive Officer's nominee, and in any case no less often than every two months and no more frequently than once per month (notwithstanding that, the Committee members and City officers may agree to establish informal working groups or similar charged with addressing particular issues and which may meet as deemed appropriate), and when a formal meeting is also scheduled in the respective month, informal meetings shall take place immediately following the formal meeting.

7.3 The purpose of informal meetings of Committee members and City officers shall be to discuss matters relating to and affecting the management of the Park, and where necessary and possible, agree a consensus position on the approach to be taken with respect to those matters.

7.4 Where consensus on a particular matter is achieved at an informal meeting of Committee members and City officers, City officers where delegated, authorized or otherwise empowered to do so, shall take the necessary steps to ensure that the consensus position on a particular matter is implemented.

*Note: 'Consensus' means 'general agreement', it is not necessarily achieved through a simple majority 'vote' and nor does it necessarily require unanimity. Judgement as to whether consensus has been achieved should not usually involve any kind of 'voting' procedure or similar. A judgement that consensus has been achieved on a particular matter pursuant to clause 7.3 above will require both the Presiding Member at the meeting and the Chief Executive Officer or the Chief Executive Officer's nominee to be of the view that there is general agreement. If that does not occur, consensus has not been achieved and the matter shall be addressed as per clause 7.4 below.*

7.5 Where a consensus position on any particular matter cannot be achieved, the Chief Executive Officer shall ensure that a report is prepared to be presented to and considered by the

Attachment 1

Committee in a formal meeting, following which the matter will be presented for formal consideration at an ordinary meeting of the council.

7.6 The Chief Executive Officer or the Chief Executive Officer's nominee shall ensure that notes of informal meetings are prepared and distributed to all Committee members and the City officers present at the meeting for their review within seven days of the meeting. If the Committee members or City officers present at any particular meeting have any concerns with the notes prepared, they should advise the Presiding Member and Chief Executive Officer or the Chief Executive Officer's nominee as soon as possible and in any case prior to the next informal meeting, and where that occurs the Presiding member shall ensure that the matter is resolved to the extent necessary and practicable at the next informal meeting, with the outcome to be reflected in the notes of that next informal meeting. Notes shall record the outcomes of discussions, but not the content of those discussions.

7.7 Informal meeting agendas shall be developed in consultation between the Presiding Member (or Deputy Presiding Member in the Presiding Members' absence) and Chief Executive Officer or the Chief Executive Officer's nominee, and shall be distributed to Committee members no less than three days prior to the meeting.

7.8 Informal meetings shall not generally be open to the public, although the Presiding Member may agree to invite members of the public to be present when particular matters of interest are being considered, following consultation with Chief Executive Officer or the Chief Executive Officer's nominee.

## 8.0 Termination of Committee

Termination of the Committee shall be:

a) In accordance with the Local Government Act 1995; and



b) At the direction of Council. **History**

Revised 14 September 2016 C1609/242

Revised 26 August 2015 C1508/248

Adopted 12 October, 2011 C1110/315

**CARRIED 9/0**

\*The timeline for implementation of officer recommendation has been amended from 19 October 2015 to read as above.

\*Attachments H and I were amended to read City of Busselton rather than Shire of Busselton.

10.5 Policy and Legislation Committee - 15/06/2017 - BUSSELTON & DUNSBOROUGH CENTRES FACADE REFURBISHMENT SUBSIDY PROGRAMME

<b>SUBJECT INDEX:</b>	City Centre Facade Refurbishment Subsidy Programme
<b>STRATEGIC OBJECTIVE:</b>	Creative urban design that produces vibrant, mixed-use town centres and public spaces.
<b>BUSINESS UNIT:</b>	Development Services & Policy
<b>ACTIVITY UNIT:</b>	Statutory Planning
<b>REPORTING OFFICER:</b>	Planning Officer - James Fletcher
<b>AUTHORISING OFFICER:</b>	Manager Health Services - Tanya Gillett
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Busseton & Dunsborough Centres Facade Refurbishment Subsidy Programme⇒ Attachment B Location Plans⇒ Attachment C Evviva Application⇒ Attachment D Ventura Homes Application⇒ Attachment E Black Brewing Co. Application⇒ Attachment F Sportspower Application⇒

This item was considered by the Policy and Legislation Committee at its meeting on 15 June 2017, the recommendations from which have been included in this report.

DISCLOSURE OF INTEREST	
<b>Date</b>	28 June 2017
<b>Meeting</b>	Council
<b>Name/Position</b>	Paul Carter, Councillor
<b>Item No./Subject</b>	10.5 Policy and Legislation Committee - 15/06/2017 - Busseton & Dunsborough Centres Facade Refurbishment Subsidy Programme
<b>Type of Interest</b>	Impartiality Interest
<b>Nature of Interest</b>	I disclose that I have an association with one of the unsuccessful applicants. This association is as one of the applicants being an owner of Sports Power Busseton is my neighbour and friend.  As a consequence there may be a perception that my impartiality on the matter may be affected. I declare that I will consider the item solely on its merits and vote or act accordingly.

DISCLOSURE OF INTEREST	
<b>Date</b>	28 June 2017
<b>Meeting</b>	Council
<b>Name/Position</b>	Robert Bennett, Councillor
<b>Item No./Subject</b>	10.5 Policy and Legislation Committee - 15/06/2017 - Busseton & Dunsborough Centres Facade Refurbishment Subsidy Programme
<b>Type of Interest</b>	Financial Interest
<b>Nature of Interest</b>	One of the applicants, Ventura Homes is to be the subject of a story I will be writing for a magazine I edit - South West Seasons, in the next edition for which I will receive payment.

5:46 pm

At this time Councillor R Bennett left the meeting.

## PRÉCIS

The Council is asked to consider four applications received for the Busselton and Dunsborough Centres Façade Refurbishment Subsidy Programme in accordance with the programme guidelines adopted.

## BACKGROUND

Council resolved on 13 March 2013 to trial a programme for the 2013/14 and 2014/15 financial years by allocating \$20,000 in the 2013/14 financial year and \$50,000 in the 2014/15 financial year towards a façade refurbishment subsidy programme. On 29 January 2014 Council adopted the Busselton City Centre Façade Refurbishment Subsidy Programme and on 10 December 2014 resolved to add a portion of the Dunsborough Town Centre to the 'eligible area.' Prior to the 2016/17 subsidy programme rounds, Council resolved to amend the criteria to add in 'design works' and alfresco associated works to the eligible criteria list. The amended programme, now called the Busselton and Dunsborough Centres Façade Refurbishment Subsidy Programme, is provided as Attachment A.

The City recently invited expressions of interest in the 2016/2017 funding round, which closed on 8 April 2017. Four applications have been received and are the subject of this report. The applications include two proposals located within the Dunsborough Town Centre and two within the Busselton Town Centre. Location plans of these applications are provided at Attachment B.

The applications received are as follows:

### **1. Evviva Café Lots 1 & C (#1/233) Naturaliste Terrace, Dunsborough**

The applicant proposes to upgrade the external verandah of the façade fronting Naturaliste Terrace and the intersection of Hannay Lane and Naturaliste Terrace. The façade extends across two lots, one currently used as a Café and the other currently a shop. The Café space of Evviva Café will expand into the current shop space. Attachment C details the existing and proposed works.

### **2. Ventura Homes- Lots 130 (#47) Queen Street, Busselton**

The applicant proposes to upgrade the external windows, window frames and replace them with double hung windows. In addition to this the proposal includes the retexturing of the overhanging eaves to include decorative detail, include non-slip tiling and a window benchtop. Attachment D details the existing and proposed works.

### **3. Black Brewing Co. Lot 7 (#241) Naturaliste Terrace, Dunsborough**

The applicant proposes to overhaul the façade of the allotment with new eaves, and the installation of windows along both Naturaliste Terrace and Hannay Lane. Attachment E details the proposed works.

### **4. Sportspower Lot 15 (#95-103) Queen Street, Busselton**

The applicant proposes to install new aluminium and glass shopfront windows and install a new sliding door at paving height. Attachment F details the proposed works.

## STATUTORY ENVIRONMENT

The Busselton and Dunsborough Centres Façade Refurbishment Subsidy Programme and application for subsidy funding is consistent with the *Local Government Act 1995* and the *Local Government (Functions and General) Regulations 1996*.

## RELEVANT PLANS AND POLICIES

The Busselton and Dunsborough Centres Façade Refurbishment Subsidy Programme is a document for the City and Council to consider when assessing applications received for subsidy funding. It provides clarification and transparency to the public on what will be considered acceptable for an application.

The programme specifies 'eligible areas' and 'eligible' works which will be considered for subsidy funding.

In determining applications for inclusions within the Programme, the following assessment criteria are to be taken into consideration:

- Compliance with the City's Local Planning Scheme and the Building Code of Australia;
- Consistency with the objectives and recommendations of the Busselton City Centre Urban Design Policy;
- The degree to which the applicant is financially contributing to the project;
- The extent to which the project contributes to the visual improvement of the façade, and is visible from the public domain;
- Integration of proposed works with the streetscape, adjoining buildings and degree to which the project contributes to the established character of the street; and
- The degree to which the proposed works promote interaction with the streetscape, including the provisions of frontages which are inviting, provide points of interest for pedestrians and allow for an efficient use of space, are functional, attractive and pedestrian friendly.

## FINANCIAL IMPLICATIONS

A budget of \$50,000 for the subsidy programme is provided for in the City budget for the 2016/2017 financial year.

## STRATEGIC COMMUNITY OBJECTIVES

The recommendations of this report reflect Community Objective 2.3 of the City's Strategic Community Plan 2013 – *'Creative urban design that produces vibrant, mixed-use town centres and public spaces.'*

## RISK ASSESSMENT

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk assessment framework and no risks have been identified where the residual risk, once controls are considered, is medium or greater.

## CONSULTATION

Expressions of interest were sought for the programme from 8 March to 7 April 2017 electronically via Facebook and the City website. Advertising in the newspaper was also utilised alongside a feature article. City officers also conducted door knocking throughout the eligible Busselton locality. Four applications were received as a result of these methods.

## OFFICER COMMENT

The applications are to be assessed against the Busselton and Dunsborough Centres Façade Refurbishment Subsidy Programme. All applications are within the eligible areas of the programme which the City has identified as a priority for upgrades. The programme identifies works which will be

considered as eligible for funding and excludes works such as general maintenance, which should be occurring regularly without the programme as 'ineligible' for subsidy funding.

The following provides an assessment of the works and consistency with the programme guidelines.

### 1. Evviva Café Lots 1 & 2 (#1/233) Naturaliste Terrace, Dunsborough

The applicant has applied for a subsidy contribution for the works summarised below:

Works Proposed	Quotation (ex GST)	Eligible or Ineligible Works	Amount (ex GST)
Hire & install of temporary fencing & Remove existing windows of Unit 1 & 2 & install prop supports	\$3,200	Ineligible Works	\$3,200
Lay footings to form base of Unit 1 Bay Window & Build low-height brick wall to support Unit 1 Bay Window & Supply & install Bifold window to Unit 1 and bifold window & single entry for Unit 2	\$18,994	Eligible Works	\$18,994
Supply & install gyprock sheets into to internal surfaces affected by installation of new windows & Sand, flush & paint internal gyprock sheeting	\$4,100	Ineligible Works	\$4,100
Supply & install textured eave lining on rake of existing Unit 1 & 2 and side of Unit 1 & Paint to new eave linings & Replace existing verandah posts with varnished posts	\$11,310	Eligible Works	\$11,310
Removal and disposal of all rubble	\$1,025	Ineligible Works	\$1,025
PC sum for application fees	\$300	Ineligible Works	\$300
Total Expenditure (ex GST)			\$38,929
Potential subsidy contribution (50% of total expenditure (ex GST) above (after) the first \$5,000)			\$12,652

It is considered that the eligible above works satisfy the objectives of the Busselton & Dunsborough Centres Façade Refurbishment Subsidy Programme as they improve streetscape and pedestrian interaction.

The proposed works are part of a larger redevelopment of the site, where the owner of Units 1 & 2 is expanding the existing café into the adjoining lot (unit 2). The proposed works are an example of what the programme aims to achieve.

## 2. Ventura Homes- Lots 130 (#47) Queen Street, Busselton

The applicant has applied for a subsidy contribution for the works summarised below:

Works Proposed	Quotation (ex GST)	Eligible or Ineligible Works	Amount (ex GST)
New windows and frames	\$18,000	Ineligible	\$18,000
Double Hung Windows	\$4,500	Eligible	\$4,500
Benchtop	\$2,500	Ineligible	\$2,500
Eave lining with decorative detail	\$8,000	Eligible	\$8,000
Tiling (non-slip commercial)	\$4,000	Eligible	\$4,000
Total Expenditure (ex GST)			\$37,000
Potential subsidy contribution (50% of total expenditure (ex GST) above the first \$5,000)			\$14,750

The proposal is largely 'like for like'. The applicant intends to keep the general shape and form of the façade with some minor changes. The hung windows can provide interaction with the street. The proposed alteration to the eave texture also satisfies the aims of the programme to provide points of difference to building facades to contribute to the beautification of the town centre.

## 3. Black Brewing Co. Lot 7 (#241) Naturaliste Terrace, Dunsborough

The applicant has applied for a subsidy contribution for the works summarised below:

Works Proposed	Quotation (ex GST)	Eligible or Ineligible Works	Amount (ex GST)
Supply & Install Timber Frame Walls with cladding	\$8,217	Eligible	\$8,217
Supply & install windows	\$25,938	Eligible	\$25,938
Make good paving to entrance	\$1,250	Ineligible	\$1,250
Signage	\$2,500	Ineligible	\$2,500
Traffic Management for Dismantle of Facade	\$1,550	Ineligible	\$1,550
Dismantle	\$6,450	Ineligible	\$6,450
Total Expenditure (ex GST)			\$45,905
Potential subsidy contribution (50% of total expenditure (ex GST) above the first \$5,000)			\$14,577.5

The proposal represents a large change from the existing facades along Naturaliste Terrace. In addition to this the proposed works also provide a secondary means of activating Hannay Lane. Awning infrastructure and bifold windows provide interaction with the streetscape.

#### 4. Sportspower Lot 15 (#95-103) Queen Street, Busselton

The applicant has applied for a subsidy contribution for the works summarised below:

Works Proposed	Quotation (ex GST)	Eligible or Ineligible Works	Amount (ex GST)
Supply & Fit Aluminium Frames Glass Windows & Sliding door	\$18,759.95	Eligible	\$18,759.95
Flashing to Windows	\$287.50	Eligible	\$287.50
Fit Steel Posts & Beams	\$2,300	Ineligible	\$2,300
Supply timber for sill build to floor level	\$204.93	Ineligible	\$204.93
9mm Matrix lining for external window sill	\$759	Eligible	\$759
Materials for temporary wall 600mm in front of works	\$1,439.80	Ineligible	\$1,439.80
Labour to build temporary wall & door	\$1,610	Ineligible	\$1,610
Demolish brick nib wall & patch floor	\$2,070	Ineligible	\$2,070
Break up floor & form and pour new floor	\$3,680	Ineligible	\$3,680
Build low wall supporting windows	\$1,725	Ineligible	\$1,725
Lining supply & fix to wall panels	\$1,840	Ineligible	\$1,840
Total Expenditure (ex GST)			\$47,092.73
Potential subsidy contribution (50% of total expenditure (ex GST) above the first \$5,000)			\$7,403.22

The proposed works are works which have previously been approved by the City on 9 March 2017 (DA17/0050). The works alter the existing Sportspower façade by reducing the two entries to a single access point and replacing the external walls with glass windows.

The proposed works, although new and potentially uplifting of the existing streetscape, the proposed façade window and doors do not offer a high quality and level of pedestrian interaction with the street.

#### CONCLUSION

It is considered by Officers that elements of all proposals comply with criteria set out in the Busselton and Dunsborough Centres Façade Refurbishment Subsidy Programme. Two of the applications satisfy the objectives and desired outcomes of the programme more than the others. Evviva Café and Black Brewing Co. provide design elements which best foster community and public interaction with the streetscape. Despite Sportspower and Ventura Homes proposing works that meet the eligible criteria, it is viewed that when prioritising the allocation of funding for proposed works, Ventura Homes and Sportspower offer less interaction with the streetscape than Evviva Café and Black Brewing Co.

**OPTIONS**

Should the Council consider that the proposal for Evviva Cafe is inconsistent with the programme guidelines, objectives and assessment criteria, it may resolve to:

1. Recommend not to provide subsidy funding for the works.

Should the Council consider that the proposal for Black Brewing Co. is inconsistent with the programme guidelines, objectives and assessment criteria, it may resolve to:

2. Recommend not to provide subsidy funding for the works.

Should the council consider that the proposal for Ventura Homes is consistent with the programme guidelines, objectives and assessment criteria, and is of sufficient priority, it may resolve to:

3. Recommend to provide subsidy funding for the works.

Should the council consider that the proposal for Sportspower is consistent with the programme guidelines, objectives and assessment criteria, and is of sufficient priority, it may resolve to:

4. Recommend to provide subsidy funding for the works.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

The officer recommendation, if supported, will require the applicant to enter into a legal agreement with the City to commence works.

**Council Decision and Officer Recommendation****C1706/153**

Moved Councillor J McCallum, seconded Councillor R Paine

That the Council resolve:

1. That the application to upgrade the façade of Lots 1 & 2 (#1 & 2/233) Naturaliste Terrace, Dunsborough (Evviva Café) is consistent with the objectives and assessment criteria of the Busselton and Dunsborough Centres Façade Refurbishment Subsidy Programme and to contribute up to \$12,652 towards the works.
2. That the application to upgrade the façade of Lots 7 (#241) Naturaliste Terrace, Dunsborough (Black Brewing Co.) is consistent with the objectives and assessment criteria of the Busselton and Dunsborough Centres Façade Refurbishment Subsidy Programme and to contribute up to \$14,577 towards the works.
3. To enter into a legal agreement with the owners/tenants of the properties in resolution points 1 & 2, to provide for the payment of funds once the works are completed to the City's satisfaction and final costs substantiated. The legal agreement shall include the requirements for appropriate recognition of the City's contribution to the City's satisfaction.
4. That the application to upgrade the façade of Lot 15 (#95-103) Queen Street, Busselton (Sportspower) is inconsistent with the objectives and assessment criteria of the Busselton and Dunsborough Centres Façade Refurbishment Subsidy Programme and not to contribute funds toward these works.
5. That the application to upgrade the façade of Lots 130 (#47) Queen Street, Busselton (Ventura Homes) is inconsistent with the objectives and assessment criteria of the Busselton and Dunsborough Centres Façade Refurbishment Subsidy Programme and not to contribute funds toward these works.

**CARRIED 8/0**

\*The figure for 2.Ventura Homes- Lots 130 (#47) Queen Street, Busselton was noted as incorrect and should have read \$5750.00

5:47 pm At this time Councillor R Bennett returned to the meeting.



10.6 Policy and Legislation Committee - 15/06/2017 - POLICY 018 - CUSTOMER SERVICE POLICY / CHARTER

<b>SUBJECT INDEX:</b>	Financial Operations
<b>STRATEGIC OBJECTIVE:</b>	Governance systems, process and practices are responsible, ethical and transparent.
<b>BUSINESS UNIT:</b>	Finance and Corporate Services
<b>ACTIVITY UNIT:</b>	Governance Services
<b>REPORTING OFFICER:</b>	Director, Finance and Corporate Services - Cliff Frewing
<b>AUTHORISING OFFICER:</b>	Director, Finance and Corporate Services - Cliff Frewing
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Policy 018 - Customer Service ⇨ Attachment B Customer Service Charter⇨

**This item was considered by the Policy and Legislation Committee at its meeting on 15 June 2017, the recommendations from which have been included in this report.**

### **PRÉCIS**

As part of Council's ongoing policy review, a review of Policy 018 - Customer Service Policy has been carried out. As a result of this review it is recommended that the policy be cancelled and that the proposed Charter be regarded as part of the City's suite of significant Corporate documents.

### **BACKGROUND**

The most recent time the Policy came before Council only minor changes were made such as changing the word "Shire" to "City". The Policy has been in existence in one form or another since 2010.

The existing Policy relates to all Council Members, Committee Members and employees (and contractors) but more particularly applies to those staff in front line customer service roles

### **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. It is also common for a Council to adopt significant Corporate documents and make these documents available to those persons to whom the document applies as well as to make them available to members of the public on the website. Corporate documents normally have a higher profile than policies and as a consequence have greater exposure.

It is normal for Local Governments to have a Customer Service Charter adopted by Council that forms part of a suite of Corporate documents rather than have a policy.

### **RELEVANT PLANS AND POLICIES**

This report proposes to cancel the existing Council Policy 018 - Customer Service Policy in its current format. In lieu of the existing policy it is proposed to create a comprehensive Customer Service Charter based on the policy.

The Customer Service Charter brings together the contents of the policy and other documents that are made available to members of the public.

## **FINANCIAL IMPLICATIONS**

There are no direct financial implications associated with this report.

### **Long-term Financial Plan Implications**

Nil.

## **STRATEGIC COMMUNITY OBJECTIVES**

This policy aligns with and supports the **Council's Key Goal Area 6** – 'Leadership' and more specifically **Community Objective 6.1** – 'Governance systems, process and practices are responsible, ethical and transparent'.

## **RISK ASSESSMENT**

A statement of Customer Service standards and expectations is not required to be either a Policy or a Charter but it is good business practice for organisations to identify and promote the required customer service levels expected by the organisation.

The contents of the existing and proposed Charter reflect general standards of behaviour expected of all those persons appointed by the City (whether elected members, employees or contractors).

Whether acting in the capacity of a Council member, employee or contractor of the City of Busselton, all persons shall espouse the principles outlined the Charter:

The City of Busselton Customer Service Charter is the City's commitment to the community to:

- Act with integrity, timeliness, efficiency and economy;
- Be open, available, accountable and transparent in our decision making;
- Treat others honestly, respectfully, fairly and in a timely manner;
- Provide accessible, consistent, accurate and relevant information and;
- Invite and be informed by community requests, suggestions and feedback.

## **CONSULTATION**

As the proposed Charter is based on the City's existing policy and other related documents and there is no change in focus this Charter is not considered to require any public consultation.

## **OFFICER COMMENT**

This report presents the review of the Council's Policy 018 - Customer Service Policy. As a result of this review it was established that the contents of this policy would be more appropriately contained as a separate Charter and as part of the suite of published Corporate documents. The Charter is a consolidated version of the existing policy and other related documents.

During the ordinary course of reviewing the policy, the contents have been modified by making minor changes (mainly updates) to create a new "Consolidated" Code of Charter. The Charter identifies obligations of each class of person to whom the Charter applies.

## **CONCLUSION**

As part of the regular practice of reviewing Council policies, a review was carried out on Policy 018 - Customer Service Policy. Following this review officers are recommending that the policy be cancelled and that a stand-alone Charter be adopted by Council.

## OPTIONS

The Council may not agree to the change of the existing policy, may seek to make alterations to the policy or make changes to the proposed Charter.

## TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The existing policy would be cancelled effective immediately upon adoption of Council and the new Codes would become effective.

## COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

That the Council :

1. Cancel Policy 018 - Customer Service Policy (*Attachment A*)
2. Adopt the proposed Customer Service Charter (*Attachment B*)

### Council Decision and Amended Officer Recommendation

**C1706/154** Moved Councillor G Bleechmore, seconded Councillor C Tarbotton

That the Council resolve:

1. Cancel Policy 018 - Customer Service Policy (Attachment A)
2. Adopt the proposed Customer Service Charter (Attachment B) with inclusion of the below targets:

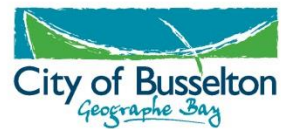
Services that are Consistent and Promptly Delivered

- In Person:
  - o Acknowledge the customer within 30 seconds if unable to attend immediately;
  - o Endeavour to serve customer within 5 minutes from first acknowledgement;
  - o Officers called to attend to technical enquiries should arrive within 5 minutes from callout or inform Customer Service if there will be a delay.
- On the Phone:
  - o Answer phone within 6 rings, including transferred and internal calls;
  - o Minimise time on hold by offering to call the customer back;
  - o Return/reply to voice mail messages within two working days;
  - o Ensure your telephone is diverted or monitored during prolonged absence from your desk (holidays, leave, off-site training);
  - o Use informed phone transfers to minimise customer's need to repeat their message.
- In Writing (however received):
  - o Reply to basic information enquiries within 5 working days;
  - o Ensure referrals to external agencies occur within 5 working days;
  - o Acknowledge receipt of all other correspondence within 5 working days;
  - o Resolve and respond to technical requests within 21 working days;
  - o Complete application processes within 21 working days or as per specific business rules;
  - o Inform customers of any delays to decision-making. Update customer regularly if response will take longer than 21 working days.

# City of Busselton Customer Service Charter



Where environment, lifestyle and opportunity meet



## STATEMENT

The Council recognises and acknowledges the importance of providing excellence in customer services to the community, its residents and stakeholders.

## PURPOSE / RATIONALE

The intent of this charter is to provide the guiding document for the City to meet its service provision obligations to the community, its residents and stakeholders.

The development of this charter has taken into account the key factors impacting on customer service provision including, but not limited to, customer expectations, existing policy and legislation, identified risks and endorsed service delivery models.

## OUR VALUES

As representatives of the City, these core values will underpin what we do and how we do it:

### Pride in Performance

- Strive for Excellence to deliver good quality work
- 'Can Do' Attitude
- Meeting deadlines
- Recommending and actioning change

### Empowerment

- Develops People – providing opportunities to be accountable
- Being willing to take action and learn from mistakes
- Leads by being a positive role model and focuses on achieving good outcomes for the City

### Mutual Respect

- Treats others with respect
- Embraces diversity, tolerance and difference
- Shows good customer service to internal customers

### Strength as a team

- Shows strong support for others to achieve organisational goals
- Actively works to foster a sense of team
- Takes a whole of organisation approach

### Community focus

- Professional approach in all that we do
- Engages with the community to achieve outcomes
- Responsive and high quality customer service

## SCOPE

This Policy applies to all Councillors, Employees, Apprentices, Trainees and Contractors of the City of Busselton.

## CUSTOMER SERVICE CHARTER

The City of Busselton is committed to providing excellent services to our community. We will do this by striving to provide:

- Polite, helpful and respectful customer service;
- Our time and attention to address your enquiries;
- Services that are consistent and promptly delivered;
- Accurate information delivered in easy to understand language;
- Clear explanations for decisions made;
- Fair treatment in accordance with the City's legal obligations;
- Ease of access to feedback and complaint processes;
- Assistance to connect with other services within our community.

## WE WILL UPHOLD THE CUSTOMER SERVICE CHARTER BY:

- Adhering to Council policies, City procedures and the Code of Conduct.
- Complying with the Uniform and Dress Standards.
- Being polite and helpful.
- Being empathetic to customer concerns.
- Providing easy access and timely feedback and complaint mechanisms.
- Providing reliable information and advice in easy to understand language.
- Responding to and resolving enquiries in a timely manner.





## CODE CONTENT

The City of Busselton regards the provision of excellent customer services as a core strategic responsibility. In development of this charter, the City has considered community feedback and expectations, external factors, relevant constraints and organisational priorities. In addition, this document takes into account the City of Busselton Code of Conduct, which broadly outlines responsible behaviour for all Councillors, Committee members, City Officers and Contractors. This charter applies directly to the way in which services are delivered. This charter ensures that everyone within the organisation understands the duties and responsibilities applicable at each level.

The City of Busselton Customer Service Charter is our commitment to the community to:

- Act with integrity, timeliness, efficiency and economy;
- Be open, available, accountable and transparent in our decision making;
- Treat others honestly, respectfully, fairly and in a timely manner;
- Provide accessible, consistent, accurate and relevant information and;
- Invite and be informed by community requests, suggestions and feedback.



## RESPONSIBILITY

### Elected Members shall:

- Ensure guidelines for customer service delivery as stated in this Charter are current and relevant;
- Review the Charter on a periodic basis as required by changing community needs;
- Identify performance indicators for expected customer service outcomes, including expected levels of compliance and reporting periods;
- Support CEO and Executives in the provision of excellence in customer service;
- Regularly review, with the CEO, performance against agreed standards to continuously identify opportunities for improvement.

### CEO and Executives shall:

- Endorse and support all standards documented in the Charter;
- Contribute to the regular periodic review of the Charter by:
  - Engaging in regular, community consultation to ensure current and future customers' needs and requirements are reflected in organisational processes, systems and structures;
  - Identifying opportunities for improvements to service delivery;
- Support Managers and other staff in the provision of excellence in customer service;
- Establish mechanisms to monitor compliance with the Charter across all areas of responsibility;
- Establish processes to deal with failure to meet endorsed standards;
- Report to the Council on performance indicators for customer service delivery.





**Management shall:**

- Optimise and support service delivery mechanisms to comply with the Charter;
- Ensure staff under direct and indirect supervision are aware of and are following guidelines detailed in the charter;
- Ensure provision of ongoing training to all areas of the organisation to further develop skills relevant to customer service provision;
- Implement established procedures to deal with failure to meet endorsed standards of service delivery;
- Report to CEO and Executives on performance indicators for customer service.

**Employees, Contractors, Apprentices and Trainees shall:**

- Comply with the Charter
- Actively support others in compliance with the Charter
- Undertake training and performance management as required to provide excellence in customer service.
- Report to Managers as required on performance indicators for customer service.

**Customer Focus Staff shall additionally:**

- Undertake Customer Advocacy through the direct provision of complaint, dispute and grievance support as required by members of the public and within guidelines provided in this Charter and the Code of Conduct;
- Undertake support across the organisation in the form of coaching and training to ensure customer service expectations are being met;
- Seek and report on customer feed back, positive and negative, during the course of customer interaction.

## Services that are Consistent and Promptly Delivered

### In Person:

- Acknowledge the customer within 30 seconds if unable to attend immediately;
- Endeavour to serve customer within 5 minutes from first acknowledgement;
- Officers called to attend to technical enquiries should arrive within 5 minutes from callout or inform Customer Service if there will be a delay.

### On the Phone:

- Answer phone within 6 rings, including transferred and internal calls;
- Minimise time on hold by offering to call the customer back;
- Return/reply to voice mail messages within two working days;
- Ensure your telephone is diverted or monitored during prolonged absence from your desk (holidays, leave, off-site training);
- Use informed phone transfers to minimise customer's need to repeat their message.

### In Writing (however received):

- Reply to basic information enquiries within 5 working days;
- Ensure referrals to external agencies occur within 5 working days;
- Acknowledge receipt of all other correspondence within 5 working days;
- Resolve and respond to technical requests within 21 working days;
- Complete application processes within 21 working days or as per specific business rules;
- Inform customers of any delays to decision-making. Update customer regularly if response will take longer than 21 working days.

## DEFINITIONS

**Customer** is defined as any person, external and internal to this organisation, who approaches Councillors, Employees, Apprentices, Trainees and Contractors of the City of Busselton, with a request for information or services.

**Customer Advocacy** is defined as an approach to customer service that has a customer centred focus. Customer Advocates are facilitators between the customers and the organisation.

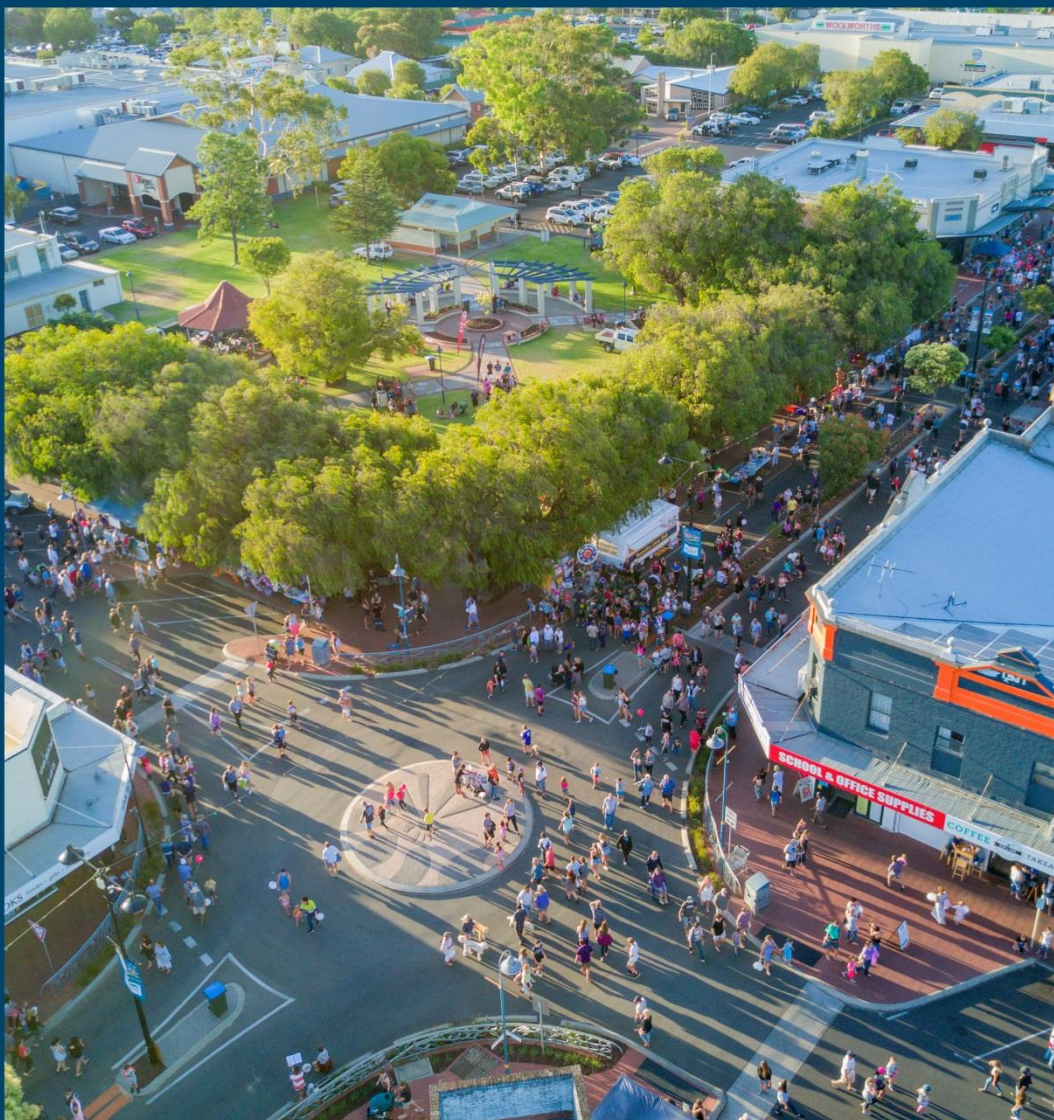
**Customer Service** is defined as the direct provision of information or services to customers. This includes assisting our customers to identify others within our community that may be able to meet the needs of our citizens.

**City of Busselton Customer Service Charter** - this document details the City of Busselton's commitment to delivering excellence in customer service to the community. This document clearly states the organisation's vision and values as well as customer service deliverables established by the Council.



**HISTORY**

<b>Council Resolution</b>	<b>Date</b>	<b>Information</b>
C1706/154	June 2017	Consolidation of charter and cancellation of policy
C1703/040	8 March, 2017	Policy updated to reflect change from Shire to City Version 2



CARRIED 9/0

11.2 APPLICATION FOR DEVELOPMENT APPROVAL FOR AN EXTRACTIVE INDUSTRY (LIMESTONE) AND CRUSHING FACILITY AT LOT 3 (130) & LOT 237 LUDLOW PARK ROAD WONNERUP

<b>SUBJECT INDEX:</b>	Development/Planning Applications
<b>STRATEGIC OBJECTIVE:</b>	Development is managed sustainably and our environment valued.
<b>BUSINESS UNIT:</b>	Development Services and Policy
<b>ACTIVITY UNIT:</b>	Statutory Planning
<b>REPORTING OFFICER:</b>	Planning Officer - Stephanie Navarro
<b>AUTHORISING OFFICER:</b>	Director, Planning and Development Services - Paul Needham
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Location Plan⇒
	Attachment B Original Development Plans and Dust Management Plan⇒
	Attachment C Amended Development Plan⇒
	Attachment D Summary of Submissions⇒
	Attachment E Agency Submissions⇒
	Attachment F Figure 6 - Land Systems and Soil Types from Busselton Wetlands Conservation Strategy⇒
	Attachment G Hydrogeological Assessment Report⇒

### PRÉCIS

The Council is asked to consider a development (planning) application seeking approval for an Extractive Industry (Limestone) and Crushing Facility at Lot 3 (130) and Lot 237 (130) Ludlow Park Road Wonnerup (the site).

The proposal has been placed before the Council due to a number of issues raised during consultation and the level of community interest.

It is considered that the proposed development is consistent with the relevant planning framework and it is recommended for approval subject to conditions.

### BACKGROUND

The City has received a development application seeking approval for an Extractive Industry (Limestone) and Crushing Facility at the site. A location plan is provided at Attachment A.

The site is bound by state forest to the south-east and the Vasse-Wonnerup System Ramsar wetland to the north-west. The Vasse-Wonnerup System Ramsar wetland is subject to the Ramsar Convention which is an international treaty on the conservation of important wetlands. Australia is a signatory of the Ramsar Convention and as such Australia has an undertaking to ensure our internationally important wetlands are conserved.

There is an existing sand extraction operating on the site that was approved by the City under Delegated Authority on 29 October 2014. This application was approved for 50,000m<sup>3</sup> with a maximum 10,000m<sup>3</sup> per annum of sand to be extracted. The proposed limestone extraction subject to this application will include the same area that was approved as part of this earlier extraction. The extraction of the sand will cease to allow for the extraction on the limestone and therefore the two approvals will not be able to operate co-currently.

The current application was advertised for public comment and was also referred to relevant agencies. Both public and agency referral submissions raised various issues and concerns with the proposal and these concerns were subsequently presented to the applicant for consideration and response prior to the City determining the application.

The area to be extracted mostly contains two existing pivot irrigation systems. The initial application was for a total of 500,000m<sup>3</sup> of limestone to be removed from 63 hectares over 5 years. The applicant originally proposed extractive activities with a minimum separation distance of 150 metres to the north-western lot boundary. The original development application submission, including plans, are provided at Attachment B. Following comments from DPAW regarding concerns of the proposed extractive activities on the wetlands, including the Black Swan Breeding grounds within the wetlands, the applicant amended the proposal to increase the setback to this lot boundary to 300m.

The amount of material to be extracted is likely to be less than that proposed by the applicant to ensure that a minimum separation to the water table is maintained. The exact volume of material to be removed will depend on maintaining the separation to the water table and therefore is not possible to be quantified at this time. Revised development application plans are provided at Attachment C. Further discussions regarding this are within the Officer Comment section of this report.

### **STATUTORY ENVIRONMENT**

The key statutory environment is set out in the City of Busselton *Local Planning Scheme No. 21* ('the Scheme'), as modified by the *Deemed provisions for local planning schemes* set out in Schedule 2 of the Planning and Development Regulations 2015. The site is zoned "Agriculture" under the Scheme and within this zone "Extractive Industry" is an "A" land use and therefore the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving public notice in accordance with clause 10.4 (clause 64 of Part 8 of the regulations).

### **RELEVANT PLANS AND POLICIES**

The assessment of the proposed extractive industry is guided by a number of policies which relate to the zoning and proposed use of the land. The key policy implications are outlined below.

#### ***Local Rural Planning Strategy***

Under the Local Rural Planning Strategy the site is located within the 'primary rural' precinct. Within this precinct basic raw material and mineral sand mining is a conditional land use. It is an economic objective of the precinct to retain the majority of area, especially low lying areas, for dairy/grazing. It is noted that the site is currently used for dairy cattle, and it is proposed that the site be returned to pasture upon the completion of the extractive activities.

#### ***Agricultural Zone - Objectives and Policies***

The objectives and policies of the Agriculture zone relevant to this application are provided below:

##### Objectives

- (a) To conserve the productive potential of rural land.
- (b) To provide for new forms of agricultural development (including agro-forestry), and changing patterns of existing agricultural development.
- (d) To enable the development of land for other purposes where it can be demonstrated by the applicant that suitable land or buildings for the proposed purposes are not available elsewhere and that such purposes will not detrimentally affect the amenity of any existing or proposed nearby development.
- (i) To encourage the development of cluster or communal farming.
- (j) To encourage sustainable farming practices.
- (k) To control the clearing of trees and encourage generally the retention of vegetation and vegetation corridors concomitant with the agricultural use of the land.

### Policies

- (a) To permit land included within the zone and shown by close investigation in consultation with the Department of Agriculture and Food not to be prime agricultural land to be utilised for other purposes not incompatible with adjacent uses.
- (f) To implement and adhere to the adopted recommendations and outcomes of the Local Rural Planning Strategy adopted by the local government and endorsed by the Commission.

Within the Agriculture zone “Extractive Industry” is a discretionary land use which requires advertising (“A”). The City is unable to control the location of the resource however it is considered that due to the temporary nature of sand extraction and the fact that the land is to be returned to pasture that the proposal is consistent with the policy and objectives of the zone.

### **Local Planning Policy 5A: Extractive Industries (LPP5A)**

LPP 5A recognises that extractive industries have the potential for incompatibility with other land uses. Under this Policy the sites are located within Policy Area 3. In relation to this area the Policy states:

*“Extractive industry proposals will need to comply with the same criteria, requirements and conditions as Policy Area 2. However, as Policy Area 3 is recognised as primarily an agricultural area, it is important to ensure the long-term protection of prime agricultural land. Extractive industry will be expected to be approved within Policy Area 3, where such operations can meet the requirements of these provisions and the Scheme.”*

LPP 5A requires the advertising of all extractive industry proposals to involve advising to all landowners within a 1 km of the site. Further assessment against the requirements of this Policy are provided within the Officer Comment section of this report.

### **FINANCIAL IMPLICATIONS**

There are no significant financial implications to the City arising from the staff recommendation in this report.

### **STRATEGIC COMMUNITY OBJECTIVES**

The recommendation of this report reflects Community Objective 5.2 of the Strategic Community Plan 2013, which is; *“Growth is managed sustainably and our environment is protected and enhanced as we develop.”*

### **RISK ASSESSMENT**

An assessment of the potential implications of implementing the Officer Recommendation has been undertaken using the City’s risk assessment framework. The assessment identifies ‘downside’ risks only, rather than ‘upside’ risks as well. Risks are only identified where the individual risk, once controls are identified, is medium or greater. No such risks have been identified.

### **CONSULTATION**

Under Clause 10.4 of the Scheme (Clause 64 of Part 8 of the regulations) the local government is not to grant approval for an “A” land use unless notice is given in accordance with clause 10.4.3. In accordance with clause 10.4.3, as well as the requirements of Local Planning Policy 5A, the application was advertised to all surrounding landowners within a 1km radius of the sites. In addition a notice was placed in the local newspaper on 19 October 2016 as well as a notice being placed on the City’s website. The closing date for submissions was 21 days after the notice was printed in the local newspaper with referral sent to surrounding landowners a week prior to the notice being published.

Seven submissions from neighbouring or nearby residents were received on the proposal. A summary of the concerns raised in these submissions is provided below:

- Concerns regarding proximity and impact of extractive activities to the Vasse-Wonnerup Ramsar Wetland system, including nesting water birds;
- Concerns regarding proximity to water table both during extraction and final levels after extraction;
- Concerns regarding noise and dust;
- Concerns regarding vehicle movements along Ludlow Park Road;

A schedule of submissions is provided at Attachment D.

### ***Agency comment***

Submissions were received from five referral agencies. A summary of these submissions is provided within Attachment D. Key issues were identified by Department of Water and Department of Parks and Wildlife (DPAW) and includes:

- Proximity of the extractive activities to the water table;
- Proximity to the Vasse-Wonnerup Ramsar Wetland System and potential impact of the activities on nesting water birds.

A complete copy of these agencies submissions is provided at Attachment E and further discussion regarding these matters are within the officer comment section of this report.

### **OFFICER COMMENT**

The City has assessed the application having regard to the objectives and policies of the “Agriculture” Zone, Local Planning Policy 5A - Extractive Industry and Clause 11.2 - Matters to be Considered of the Scheme (clause 67 of Part 8 of the regulations).

#### ***Proximity to Vasse-Wonnerup Ramsar Wetland System***

DPAW have advised that a 300m buffer from the proposed extractive area to the water bird nesting sites is to be provided to ensure that the extractive activities do not disturb their breeding activities. It is noted that this portion of the wetland provides a significant breeding ground for *Cygnus atratus* (Black Swan). DPAW have advised that the 300m buffer should be measured from the high water level and not the edge of the water body that forms the estuary. They have advised that the most appropriate way of measuring the high water level mark is to use the change in soil type as identified in the mapping from the Department of Agriculture, Western Australia’s Land Resources Series, report No 5 titled “Busselton, Margaret River, Augusta Land Capability Study.” This soil mapping is reflected in Figure 6 – Land Systems and Soil types of the Busselton Wetland Conservation Strategy. DPAW have therefore advised that the buffer should be taken from the Quindalup Coast land system soils as depicted on this mapping as these soils types correspond closely to the mapped wetland areas. A copy of this mapping is provided at Attachment F.

Following comments from DPAW, the applicant subsequently amended the proposed extractive area to achieve a 300m buffer to the north-western lot boundary and advised that the extractive area will need to follow the edge of the existing pivot irrigation systems to allow for these systems to be operational at the end of the extractive industry. Only extracting from half of the pivot area will result in a level difference between the mined and not mined area and therefore the pivots will not be able to function.

The main concern with the proximity to the wetland is the impact on nesting water birds, including Black Swans. The applicant has agreed that any extractive activities within 300m of the wetland boundaries, as defined by the Quindalup Coast land system soils, are to occur outside the breeding times of the water birds. The resource will then be stockpiled elsewhere on site to be crushed and transported as required. DPAW has advised that the breeding times for black swans within the area are the winter and spring months. Therefore it is recommended that a condition be placed on the approval limiting extractive activities within 300m of the Quindalup Coast land system soils as depicted in the mapping from the Department of Agriculture, Western Australia's Land Resources Series, report No 5 titled "Busselton, Margaret River, Augusta Land Capability Study" and Figure 6 - Land Systems and Soil Types from Busselton Wetlands are to occur only during summer and autumn (1 December through until 31 May).

### ***Ground Water***

The applicant has submitted a Hydrogeological Assessment, provided at Attachment G, which has been reviewed by the Department of Water. The Department of Water is satisfied that the proposed extractive could be undertaken without intercepting the ground water table however it is recommended that as per a condition of approval if the ground water table it intercepted that the City of Busselton and Department of Water be contacted within 48 hours. A copy of the Department of Water's submission is provided at Attachment E.

The Department of Water has also advised that the finished ground level post the extractive activities will be required to be a minimum of 1 metre above the maximum seasonal groundwater. This is in accordance with Department of Water's South West Region Guideline: 'Water resource considerations for extractive industries, June 2014' which recommends (for horticulture) that pits are backfilled with clean free draining material to a minimum of 1.0m above the maximum seasonal groundwater level. To ensure the development complies with this requirement it has been recommended as a conditioned of approval.

### ***Haulage Route***

The extractive is proposed to enter and exit the site using Ludlow Park Road. As part of the applicant for the existing extractive on site the applicant advised that there would be 10 truck movements per day. It is noted that since this approval, in 2016, a high rope adventure course was issued a lease with DPAW to operate in the state forest in close proximity to Ludlow Park Road. The nature of the operations means that the car parking area for the business is located on the north of Ludlow Park Road and patrons are required to cross the road to the high rope course. As this was considered to be "public works by a public authority" by DPAW the City did not issue an approval for this business.

The operator of this high rope business has expressed concerns regarding the volume of trucks that will be utilising Ludlow Park Road. Signage has already been installed along Ludlow Park Road in close proximity to the high ropes course to warn trucks of pedestrians crossing ahead.

The applicant has advised as part of the original development application that it is anticipated that there will be nine truck movements per day. This is similar to what is already approved on the site and therefore will not have a significant impact in terms of additional vehicle movements along Ludlow Park Road than what is already permitted.

It is noted that the current operations have experienced periods of peak demand which has result in additional vehicle movements above those that were advised as part of the application. The applicant has indicated that this may also be the case for this proposal and there may be times when a large volume of the material is required to be extracted in a short period of time. It is recommended that during the times of higher than normal vehicle movements (i.e. more than 10 vehicle movements per day) that additional traffic management measures be undertaken by the applicant and that a traffic management plan be submitted to the City for these period.



## Dust and Noise Management

The applicant submitted a Dust Management Plan with the development application. The Dust Management Plan details measures proposed to prevent dust impact on adjoining properties and includes, but is not limited to the following:

- Use of water carts, sprinkler systems on stockpiles;
- All trucks will be tarped (covered) when leaving the site laden; and
- Use of hydro seeding to stabilize areas that would otherwise be left bare for extended periods of time and pose a dust hazard.

The proposed provisions for the suppression of dust are in keeping with practices undertaken at other sand extraction sites and it is considered that these are adequate to minimise the impact of dust from the extractive activities on nearby residences. Further to this, under LPP5A, and imposed by a condition of approval, a maximum of 2 ha is permitted to be open at any one time with rehabilitation to restore the sites back to pasture to be completed as new areas are extracted. The purpose of this requirement is to ensure that timely rehabilitation is completed which minimises the amount of area exposed and therefore reduces the risk of dust affecting nearby residences. An annual report is required to be submitted by way of condition to ensure that the applicant complies with this requirement.

A noise management plan has not been submitted as part of the development. It is recommended that a noise management plan be submitted to the City prior to the commencement of crushing on site to demonstrate that the proposal can comply with the *Environmental Protection (Noise) Regulations 1997* and demonstrate the noise mitigation measures in place.

## Referral to Federal Department

Due to the proximity of the extractive activities to a Ramsar wetland the City and the Department of Parks and Wildlife have advised the applicant that the application should be referred to the Department of Environment and Energy under the *Environment Protection and Biodiversity Conservation Act 1999*. Under the EPBC Act 1999 "A person proposing to take an action must refer a proposed action if it has, will have, or is likely to have a significant impact on the world heritage values of a declared World Heritage property." A significant impact includes matters of national environmental significance protected under national environment law including Ramsar wetlands of international importance. The responsibility for referring an action lies with the person proposing to take the action. Therefore, a local government is responsible for referring actions that the local government proposes to take itself. It is not responsible for referring the actions of other developers.

The City has advised the applicant that the City is of the opinion that the application should be referred to the Department of Environment and Energy. The applicant has advised that their client (the owner) does not intend to refer the application under the EPBC Act 199. No further justification from the application in support of their decision as to why referral was not required was provided.

## CONCLUSION

The proposed development is considered to be consistent with the Policy and Objectives of the "Agriculture" zone, as well as the requirements of Local Planning Policy 5A - Extractive Industries, and therefore it is recommended that the application be approved.

## OPTIONS

The Council could:

1. Refuse the proposal, setting out reasons for doing so.
2. Apply additional or different conditions.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

The proponent will be advised of the Council decision within two weeks of the Council meeting.

**OFFICER RECOMMENDATION****General Conditions**

1. The development hereby approved is permitted to operate for five years from the date of this Decision Notice or until 500,000 cubic metres volume of material or in accordance with condition 5.8, whichever is the lesser. The site shall be rehabilitated in accordance with an approved Rehabilitation Plan by the expiry date of this development approval.
2. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plans and Approved Management Plans and except as may be modified by the following conditions.

**Prior to Commencement of Any Works Conditions:**

3. The development hereby approved, or any works required to implement the development, shall not commence until the following plans or details have been submitted to the City and have been approved in writing:
  - 3.1 The northern fork of Ludlow Park Road, indicated in red on the approval plans, to be upgraded for 27 metres as measured from its intersection with Ludlow Road North;
  - 3.2 Staging plan dividing the approved extractive area into 2 hectare cells and indicating the timeframe each individual cell is to be extracted and rehabilitated;
  - 3.3 A Noise Management Plan submitted to the City.
4. The development hereby approved, or any works required to implement the development, are subject to the following bonds (accompanied by an executed legal agreement with the City at the full cost of the owner) which shall be paid to the City within 2 months of the date of this development approval:
  - 4.1 A dust bond to the value of \$5,000, which shall be held against satisfactory compliance with Condition 5.11 of this approval.
  - 4.2 A rehabilitation bond to the value of \$20,000, which shall be held against satisfactory compliance with Condition 5.9 of this approval.
  - 4.3 A road maintenance bond of \$10,000.00 in the form of an unconditional bank guarantee to ensure that the surrounding road network is maintained to the satisfaction of the City for the term of the extractive industry. Those portions of public roads affected by the activities related to the approval shall be maintained to a standard acceptable to the City at cost to the applicant; such bond may be utilised for road maintenance purposes where necessary as a result of the operation. The bond shall be accompanied by an executed legal agreement with the City at the full cost of the owner.

- 4.4 Further to conditions 4.1 - 4.3, the bonds are to be accompanied by an executed legal agreement with the City at the full cost of the owner. The legal agreement shall include:
- (i) The ability for the City to be able to use the bond, or part of the bond as appropriate, and any costs to the City including administrative costs of completing or rectifying any outstanding works on site in accordance with the conditions of this development approval and any further costs.
  - (ii) Written authorisation from the owner of the land that the City may enter the site at any time and permit the City to complete or rectify any outstanding work to the satisfaction of the City.

**On-Going Conditions:**

5. The works undertaken to satisfy Conditions 1 - 4 (inclusive) shall be subsequently maintained for the life of the development including, and in addition to, the following conditions:
- 5.1 The development hereby approved shall be limited to: the extraction of limestone from the site; screening of material; crushing; associated drainage works; and rehabilitation works.
  - 5.2 Notwithstanding Condition 5.1 above, working hours within the pit area, including crushing and transportation of materials shall be restricted to the hours between: 7.00am and 5.00pm Mondays to Fridays; 7.00am and 1.00pm Saturdays for rehabilitation works only; and at no time on Sundays or public holidays.
  - 5.3 The designated haulage route is to be along the northern fork of Ludlow Park Road turning only south along Ludlow Road North and then in either a westerly or easterly direction along Tuart Drive.
  - 5.4 Trucks are not to operate on Monday to Friday between the hours of 7.30am and 9.00am and between 3.00pm and 4.30pm on any given school day on a school bus route (Ludlow Road North and Tuart Drive), or between other times as agreed in writing between the applicant and the local government.
  - 5.5 A maximum number of 10 truck movements (i.e. 10 trucks entering and 10 trucks exiting the site) shall be permitted on the operating days and times as permitted per Condition 5.2 and 5.4 above.
  - 5.6 Further to condition 5.5 above, should more than 10 truck movements per day be proposed in any 24 hour period a Traffic Management Plan is to be submitted to, and approved by the City, at least 7 working days prior.
  - 5.7 No more than 2 hectares shall be worked at any one time; this area shall then be rehabilitated in accordance with the approved details pursuant to Condition 3.2 concurrently with the extraction of the following 2 hectare area.
  - 5.8 The lowest level of excavation shall always be a minimum of at least 300mm above the maximum water table level and no dewatering works are to be undertaken. The City is to be notified within 24 hours if the water table is intercepted.
  - 5.9 Further to condition 5.8, the final land surface (after rehabilitation for horticulture) shall be 1 metre above the maximum seasonal groundwater level. The pit is to be rehabilitated with clean free draining fill overlain by topsoil.

- 5.10 The following minimum setback from extractive activities shall be achieved at all times:  
> 20 metres to the south-eastern and south-western lot boundaries;
- 5.11 The approved Dust Management Plan shall be implemented and carried out in accordance with the approval details.
- 5.12 The Noise Management Plan required to satisfy condition 3.3 above shall be implemented and carried out in accordance with the approval details.
- 5.13 Extractive within 300m of Quindalup Coast land system soils as depicted in the mapping from the Department of Agriculture, Western Australia's Land Resources Series, report No 5 titled "Busselton, Margaret River, Augusta Land Capability Study" and Figure 6 - Land Systems and Soil Types from Busselton Wetlands shall not occur during Black Swan nesting peak times and shall only occur during Summer and Autumn (1 December through until 31 May).
- 5.14 No hydrocarbons (fuels, oils, lubricants etc) shall be stored within the pit area. All refuelling and maintenance must be carried outside of the pit area in bunded areas.
- 5.15 No vegetation is to be removed as part of the extractive activities hereby approved without first obtaining approval from the City.
- 5.16 No dewatering of the extraction area shall be permitted without prior approval from the City and Department of Water.
- 5.17 The applicant must submit to the City, annually and within 3 (three) months of the anniversary of this approval a report detailing the following:
- a) Survey conducted by a licensed surveyor certifying;
    - The extent/size and location of the area which has been extracted;
    - The extent/size and location of the areas which has been rehabilitated;
    - The extent/size and location of the area which is currently under operation;
  - b) Details as to which conditions of this development approval have been complied with and how this has been achieved; and
  - c) Details as to which conditions of this development approval have not been complied with and the reasons for such non-compliance ("Compliance Report").
- 5.18 In addition to the above, prior to the applicant commencing construction on a new cell a report is to be submitted to the City detailing the following:
- a) Finished ground level in AHD of the cell post extractive activities (Refer to condition 5.8);
  - b) Finished ground level in AHD of the cell post rehabilitation (Refer to condition 5.9).

**Council Decision and Alternative Recommendation**

**C1706/155**

Moved Councillor J McCallum, seconded Councillor C Tarbotton

That consideration of item 11.2 be deferred pending further investigation.

**CARRIED 9/0**

13.4 CHAMBERS OF COMMERCE FUNDING PROPOSAL

<b>SUBJECT INDEX:</b>	Business Development
<b>STRATEGIC OBJECTIVE:</b>	A community where local business is supported and in turn drives our economy
<b>BUSINESS UNIT:</b>	Community and Commercial Services
<b>ACTIVITY UNIT:</b>	Economic Development
<b>REPORTING OFFICER:</b>	Director, Community and Commercial Services - Naomi Searle
<b>AUTHORISING OFFICER:</b>	Director, Community and Commercial Services - Naomi Searle
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Nil

<b>DISCLOSURE OF INTEREST</b>	
<b>Date</b>	28 June 2017
<b>Meeting</b>	Council
<b>Name/Position</b>	Paul Carter, Councillor
<b>Item No./Subject</b>	13.4 Chambers of Commerce Funding Proposal
<b>Type of Interest</b>	Impartiality Interest
<b>Nature of Interest</b>	<p>I disclose that I have an association with the Busselton Chamber of Commerce. This association is both as a member of the Chamber and a member of its Executive.</p> <p>As a consequence there may be a perception that my impartiality on the matter may be affected. I declare that I will consider the item solely on its merits and vote or act accordingly.</p>

**PRÉCIS**

The Busselton and Dunsborough Yallingup Chambers of Commerce presented a proposal for seed funding to jointly employ a Chief Executive Officer to service both organisations. This report outlines the proposal and recommends funding be allocated from the 2016/17 'Budget Surplus Contingency Holding Account' to support the achievement of set Key Performance Indicators.

**BACKGROUND**

Over recent times the Busselton and Dunsborough Yallingup Chambers of Commerce and Industry (Chambers) have been exploring ways in which both organisations can collaborate to more efficiently deliver services to their respective members and more generally, to the District's business community. The Chambers identified the best way in which to achieve this is to jointly employ a Chief Executive Officer (CEO) to service both organisations. Whilst both Chambers currently rely on sponsorship and membership to fund their activities, the ability to stretch these funds to employ a CEO is limited. The Busselton Chamber has also indicated that should funding not be secured that the organisation may fold. As such, the Chambers presented Council a funding proposal of \$50k to fund the CEO's position, in addition to subsequent annual ongoing funding of 15% of the Industrial and Commercial Differential Rate, equating to approximately \$100k per year.

As part of the proposal the Chambers put forward the following key performance indicators (KPIs);

- Commitment to host 4 combined networking events per year
- Commitment to host monthly workshops specific to business and industry, including capacity building
- CBD business engagement and revitalisation
- Engagement with Margaret River Busselton Tourism Association and Margaret River Wine Association to create business building strategies
- A business plan and strategic plan
- CEO to advocate for all members of both Chambers and be available to drive projects on behalf of both Chambers
- Business expo – 2018 highlighting opportunities to business by airport
- Collaboration between all Chambers in the Capes Region to facilitate cluster development, projects and events
- Cluster development in catchment area of City of Busselton – encouraging connectivity and synergies B2B to enhance growth, innovation and opportunity
- Collaboration with Central Queensland University to develop business and industry and attraction of international students and academics
- Strategic development with Regional Chambers of Commerce and Industry WA and Chambers of Commerce and Industry WA to explore avenues for growth and funding
- Innovation in networking opportunities to best reach a wide range of various businesses and intellectual resources – members and non-members
- Specific focus on export market to ensure businesses and entrepreneurs have information and pathways to encourage export growth
- Smart Cities projects suitable to be implemented in this region and funding sourced

## **STATUTORY ENVIRONMENT**

Nil.

## **RELEVANT PLANS AND POLICIES**

A collaborative partnership between the two Chambers of Commerce and the achievement of Key Performance Indicators as outlined in the OFFICER COMMENT section of this report is consistent with the City of Busselton's Economic Development Strategy and Social Plan.

## **FINANCIAL IMPLICATIONS**

There is an allocation in the 2016/17 budget 'Budget Surplus Contingency Holding Account' for unexpected projects that may arise during the year that were not necessarily foreseen during the budget process. This account is held in the CEO's budget, of which \$37,047 remains unspent which could be allocated towards the Chambers' funding proposal.

The Industrial and Commercial Differential Rate currently generates \$647,400, which is distributed towards events and marketing. In the draft 2017/18 budget, \$347,400 has been allocated towards events and \$300k towards marketing, specifically to fund the airline marketing program as part of the City's required contribution towards the Busselton-Margaret River Airport Development Project. Funding towards this program will need to be allocated over the next three years, reducing the overall available funds for events and marketing. Differential Rate funds are allocated on an application basis, with recommendations made to the Council by the Marketing and Events Reference Group. Generally funds for staff costs are not recommended, however any Differential Rate funds allocated to the Chambers, whether it be related to staffing costs or specific event/business workshops, would need to be undertaken through this process to ensure consistency.

### **Long-term Financial Plan Implications**

Ongoing financial support for the Chambers has not been allocated within the City's Long-term Financial Plan. Any future funding allocations would need to be considered through the annual budget process. Whilst the Industrial and Commercial Differential Rate contributes approximately \$650k towards events and marketing activities, the allocation of funding through this budget would need to be assessed on an individual basis against other funding proposals/applications.

### **STRATEGIC COMMUNITY OBJECTIVES**

Key Goal Area 4: Economy: Diverse, robust, prosperous:

- Objective 4.1 - *'An innovative and diversified economy that provides a variety of business and employment opportunities as well as consumer choice.'*
- Objective 4.2 - *'A community where local business is supported and in turn drives our economy.'*

### **RISK ASSESSMENT**

The recommendations contained within this report are considered low risk and as such a formal risk assessment is not provided.

### **CONSULTATION**

Consultation has been undertaken with the Busselton and Dunsborough Yallingup Chambers of Commerce and Industry.

### **OFFICER COMMENT**

On 14 June 2016 the Busselton and Dunsborough Yallingup Chambers of Commerce and Industry jointly presented a proposal to Council seeking \$50k in seed funding for the position of CEO to service both Chambers. The objective of the proposal is to 'drive innovation, project implementation and economic growth'. The request included funding to be individually allocated to each Chamber. Whilst the Chambers have made it clear that it is not their intention to seek ongoing funding from City to fund the employment of the CEO, their proposal included subsequent ongoing funding of 15% of the Industrial and Commercial Differential Rate per annum for the continuation of 'programmes of development that ensure growth of a sustainable economy.' This equates to approximately \$100k per year from a budget of approximately \$650k. However, the allocation of funding through the Differential Rate is already stretched with the City allocating \$300k each year over the next three years towards airline marketing as part of the City's required contribution towards the Airport Development Project, in addition to multi-year agreements entered into for specific events. Any funding allocation from this budget will need to be assessed on a competitive basis against other applications.

Given the importance of local Chambers of Commerce to the regional economy, and that the City's two Chambers are collaborating, it is recommended that seed funding be provided as a stop gap measure to ensure both Chambers can efficiently function over the next 12 months. It is also recommended that clear and measurable KPIs are set to ensure any funding provided has a positive impact on local business and achieves real, measurable outcomes. On this basis the following KPIs are recommended:

1. Prepare a written Business plan to evidence how the Busselton and Dunsborough CCIs will become sustainable, including;
  - a. Resources and staffing
  - b. Income
  - c. Expenditure
  - d. Membership numbers (base-Busselton & Dunsborough, Vasse and LIAs)
  - e. Sponsorship
  - f. Potential grants and external funding
  - g. Other commercial activities / opportunities for the Chambers

The business plan should be delivered within 3 months and extend for three financial years.

2. Networking
  - a. Four combined Chamber networking functions per year
3. Capacity Building to include five business workshops per year including;
  - a. Two tourism related workshops in conjunction with MRBTA
  - b. How to win Local and State government contracts
  - c. How to successfully grow your business to meet future Busselton Margaret River Airport passenger expectations and demand
  - d. How to identify supply chains to grow your business (industry clusters)
4. CBD Revitalisation – Engagement with Busselton and Dunsborough CBD businesses with the following outcomes;
  - a. Combined or separate Workshop(s)
  - b. Action and implementation plan
  - c. CBD event for Busselton and Dunsborough
5. Advocacy – Identify issues and topics on behalf of City of Busselton business and industry and prepare submission/paper including;
  - a. Topic research and written submission/paper
  - b. Presentation to Council (prior to submission)
  - c. Follow-up report on feedback/response received.

In order to achieve these KPIs, an MOU between the two organisations will be required, ensuring City funds are spent on the intended purpose.

Generally local governments do not fund Chambers of Commerce for staff related costs, however it is evident through the financial situations presented that seed funding is required to ensure both organisations remain active through the employment of a dedicated CEO. On this basis staff have developed KPI 1 to enable the Chambers to identify ways in which to become sustainable, thus removing the need to rely on ongoing City funds. As such, it is recommended that funding only be provided for one year. This will enable Council to review the situation towards the end of the 2017/18 financial year, and also enable the Chambers to develop ways in which to become sustainable without the reliance on City funding.



Whilst the Chambers requested \$50k they also indicated that they would be willing to work within any level of funding provided. Given that both organisations already have revenue streams, it is suggested that a partnership approach be taken and as such it is recommended that \$38k be allocated, \$25k towards the Busselton Chamber and \$13k towards the Dunsborough Yallingup Chamber. With approximately 3,400 business operating in the District, 65% located in Busselton and 35% in Dunsborough-Yallingup, this funding distribution is reflective of the number of businesses each organisation represents.

## **CONCLUSION**

The Busselton and Dunsborough Chambers of Commerce have been operating for a number of years as key representative bodies for the District's businesses. Ongoing representation of the Chambers as advocates for local businesses is seen as a key economic development activity. The KPIs recommended by staff assists in achieving key outcomes of the City's Economic Development Strategy and Social Plan, whilst enabling the Chambers to assess ways in which they can be sustainable into the future.

Should Council support the allocation of funding to the Chambers of Commerce, the execution of a funding agreement with the City will be required. This will outline set KPIs and require the Chambers to jointly present progress reports to Council in December 2017 and June 2018.

## **OPTIONS**

Council may choose not to support the Chambers of Commerce proposal, alternatively Council may choose to support the proposal for an alternate amount.

Council may also choose to fund the Chambers of Commerce through the 2017/18 budget, however this will require an amendment to the draft 2017/18 budget which will impact the delivery of other services or planned projects.

## **TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

Should Council choose to allocate funds to the Chambers of Commerce, a funding agreement will be executed between the two organisations within one month.

## **OFFICER RECOMMENDATION**

That the Council:

1. Allocates \$38k from the 2016/17 'Budget Surplus Contingency Holding Account' (100.10001.3680) to the Busselton and Dunsborough Yallingup Chambers of Commerce and Industry and that the Chief Executive Officer enters into a funding agreement with the organisations on the following basis:
  - a) a Memorandum of Understanding is executed between the two organisations within one month
  - b) achievement of Key Performance Indicators (KPIs) as outlined in this report
  - c) that progress reports be presented to the Council in December 2017 and June 2018 outlining the achievement of KPIs
  - d) \$25k be allocated to the Busselton Chamber of Commerce and Industry, and \$13k allocated to the Dunsborough Yallingup Chamber of Commerce and Industry

**Council Decision and Amended Officer Recommendation****C1706/156** Moved Councillor J McCallum, seconded Councillor T Best

Voting:

For the motion: Councillor R Bennett, Councillor T Best, Councillor G Bleechmore, Mayor G Henley, Councillor J McCallum, Councillor C Tarbotton, Councillor P Carter and Councillor R Reekie.

Against the motion: Councillor R Paine.

That the Council adopts the recommendation with the following words added:

“subject to the two organisations agreement on the management structure and joint delivery of Key Performance Indicators (KPI’s)” so that it reads:

1. Allocates \$38k from the 2016/17 ‘Budget Surplus Contingency Holding Account’ (100.10001.3680) to the Busselton and Dunsborough Yallingup Chambers of Commerce and Industry and subject to the two organisations agreement on the management structure and joint delivery of Key Performance Indicators (KPIs), that the Chief Executive Officer enters into a funding agreement with the organisations on the following basis:
  - a) a Memorandum of Understanding is executed between the two organisations within one month
  - b) achievement of Key Performance Indicators (KPIs) as outlined in this report
  - c) that progress reports be presented to the Council in December 2017 and June 2018 outlining the achievements of KPIs
  - d) \$25k be allocated to the Busselton Chamber of Commerce and Industry, and \$13k allocated to the Dunsborough Yallingup Chamber of Commerce and Industry

**CARRIED 8/1**

**16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**17. CONFIDENTIAL REPORTS**

Nil

**18. QUESTIONS FROM MEMBERS**

Nil

**19. PUBLIC QUESTION TIME**

Nil

**20. NEXT MEETING DATE**

Wednesday, 26 July 2017

**21. CLOSURE**

The meeting closed at 6.00pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 123 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON WEDNESDAY, 26 JULY 2017.

DATE: \_\_\_\_\_

PRESIDING MEMBER: \_\_\_\_\_