



Ordinary Council Meeting

Minutes

Wednesday 21 February 2024

CONFIRMED

MINUTES

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

TABLE OF CONTENTS

1. OFFICIAL OPENING.....	4
2. ATTENDANCE.....	4
3. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION).....	5
4. DISCLOSURES OF INTEREST	5
5. CONFIRMATION AND RECEIPT OF MINUTES.....	6
5.1. ORDINARY COUNCIL MEETING 31 JANUARY 2024	6
6. PUBLIC QUESTION TIME.....	7
6.1. RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE.....	7
6.2. QUESTION TIME FOR PUBLIC.....	7
7. RECEIVING OF PETITIONS, PRESENTATIONS AND DEPUTATIONS	11
7.1. PETITIONS.....	11
7.2. PRESENTATIONS BY PARTIES WITH AN INTEREST	11
7.3. DEPUTATIONS.....	12
8. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN (WITHOUT DISCUSSION) 12	
9. ITEMS BROUGHT FORWARD FOR THE CONVENIENCE OF THOSE IN THE PUBLIC GALLERY	12
10. REPORTS OF COMMITTEE	15
10.1. POLICY AND LEGISLATION COMMITTEE – 24 JANUARY 2024 – COUNCIL POLICY REVIEW: NAMING OF CITY ROADS AND ASSETS	15
10.2. POLICY AND LEGISLATION COMMITTEE – 24 JANUARY 2024 – COUNCIL POLICY REVIEW: RECORDING AND LIVESTREAMING OF MEETINGS	20
10.3. POLICY AND LEGISLATION COMMITTEE – 24 JANUARY 2024 – COUNCIL POLICY REVIEW: LEGAL REPRESENTATION FOR ELECTED MEMBERS AND EMPLOYEES	25
10.4. POLICY AND LEGISLATION COMMITTEE – 24 JANUARY 2024 – AMENDMENT TO DELEGATION DA 3 - 03: TO INSTITUTE A PROSECUTION, OR TO ISSUE AN INFRINGEMENT (BUSHFIRES ACT 1954)	28
10.5. FINANCE COMMITTEE - 7 FEBRUARY 2024 - LIST OF PAYMENTS MADE - DECEMBER 2023	32

10.6. FINANCE COMMITTEE - 7 FEBRUARY 2024 - MONTHLY FINANCIAL REPORT - YEAR TO DATE 31 DECEMBER 2023	35
10.7. FINANCE COMMITTEE - 7 FEBRUARY 2024 - NATURALISTE COMMUNITY CENTRE CAPITAL FUNDS	42
11. COMMUNITY PLANNING REPORTS.....	46
11.1. DA23/0230 BUILDING ENVELOPE MODIFICATION, SINGLE HOUSE AND SWIMMING POOL: 37 KOORABIN DRIVE, YALLINGUP.....	46
12. INFRASTRUCTURE AND ENVIRONMENT REPORTS	58
12.1. RFT16/23 BUSSELL HIGHWAY STAGE 2	58
13. ECONOMIC AND BUSINESS DEVELOPMENT REPORTS.....	64
14. CORPORATE STRATEGY AND PERFORMANCE REPORTS	64
14.1. CUSTOMER SERVICE AND COMMUNICATIONS (CEO KPI)	64
14.2. COMMITTEE AND WORKING GROUP APPOINTMENTS	79
15. CHIEF EXECUTIVE OFFICER REPORTS	86
15.1. ELECTED MEMBER INFORMATION BULLETIN.....	86
16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	88
17. URGENT BUSINESS.....	88
18. CONFIDENTIAL MATTERS	88
19. CLOSURE.....	89

1. OFFICIAL OPENING

The meeting opened at 5:34pm.

The Mayor welcomed Councillors, staff, guests and members of the public to the Ordinary Council Meeting of 21 February 2024.

The Mayor acknowledged the Wadandi and Bibbulmun people as the traditional custodians of this region and paid respects to Elders past and present.

This meeting was audio recorded for minute taking purposes, and was also live streamed on the City of Busselton YouTube channel.

Reverend Justine Richmond from St Georges Anglican Church, Dunsborough read out a prayer as part of the opening of this meeting.

2. ATTENDANCE

PRESIDING MEMBER	MEMBERS
Mayor Phill Cronin	Cr Anne Ryan <i>Deputy Mayor</i>
	Cr Val Kaigg
	Cr Jodie Richards
	Cr Kate Cox
	Cr Richard Beecroft
	Cr Andrew Macnish

OFFICERS	
Mr Tony Nottle	Chief Executive Officer
Mr Oliver Darby	Director Infrastructure and Environment
Mr Gary Barbour	Director Community Development
Ms Maxine Palmer	Director Economic and Business Development
Ms Sarah Pierson	Director Corporate Strategy and Performance
Mr Ben Whitehill	Manager Legal and Governance
Ms Tegan Robertson	Governance and Risk Coordinator

APOLOGIES	
Cr Mikayla Love	

LEAVE OF ABSENCE	
Cr Jarrod Kennedy	C2401/3

APPLICATION FOR LEAVE OF ABSENCE	
Nil	

MEDIA	
Nil	

PUBLIC	
30	

3. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

The Mayor welcomed newly elected Cr Richard Beecroft to the Council, who was sworn in on Monday 19 February 2024. Cr Beecroft brings with him an extensive knowledge of the aviation industry, and has been a local resident for over a decade.

The Jetty swim held on 10-11 February was a resounding success, with attendance of over 5,200 people. The record was beaten by 42 seconds, with the first three people coming in under the record.

4. DISCLOSURES OF INTEREST

DISCLOSURES OF FINANCIAL INTEREST

Nil

DISCLOSURES OF IMPARTIALITY INTEREST

Nil

5. CONFIRMATION AND RECEIPT OF MINUTES

5.1. Ordinary Council Meeting 31 January 2024

COUNCIL DECISION

C2402/26 Moved Cr Jodie Richards, seconded Cr Val Kaigg

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

CARRIED 6 / 1

**FOR: Mayor Phill Cronin, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish,
Cr Kate Cox and Cr Richard Beecroft**

AGAINST: Cr Anne Ryan

6. PUBLIC QUESTION TIME

6.1. RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

The following questions were taken on notice at the 31 January 2024 Ordinary Council Meeting.

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

Mr Terry Ealing

Question

Who was the licenced surveyor that conducted the calculations?

Response

The City received a report as part of its reporting requirements from the operator detailing the size of the area and total volume that had been extracted. This survey was completed by a licenced surveyor, whose details have been provided to Mr Ealing. Based on that last report, the City does not believe the development has exceeded its approved extraction levels.

Dr Andrew Dickie

Question

Has any Elected Member or officer viewed the most recent Department of Water and Environmental Regulation phytoplankton water test results from the Lower Vasse River, particularly from the Peel Terrace section that has been dredged and phoslock applied?

Response

The Department of Water and Environmental Regulation (DWER) conduct routine, ongoing water quality monitoring of a number of waterways in Busselton, including Toby Inlet, and the Lower Vasse River (LVR), from the Busselton Bypass to the Eastern Link, and in proximity of the surge barrier. This water quality monitoring includes, among other parameters, sampling and analysis of microalgae. The City of Busselton is included on correspondence summarising microalgal observations. The City takes advice from the Department of Health and DWER in relation to any waterway management decisions, such as the erection of warning signs.

6.2. QUESTION TIME FOR PUBLIC

Mr Rob Mildwaters

Question

The Lower Vasse River, from Strelly Street Bridge and upstream, has dried out. This section is stage three of the dredging program for the Lower Vasse River. Why has the City not got an excavator in to remove the dried sediment whilst the river has no water in it?

Response

(Oliver Darby, Director Infrastructure and Environment)

The Vasse River is a body of water that is wet in winter, with ponds and dry sections in summer. The City is going out to tender very soon, and will be asking for alternative methodologies to remove the sediment. When the City has received those tender submissions we will be able to assess them appropriately. Removal [of sediment] has to be dealt with in the appropriate manner with the associated approvals.

Question

Does the City need to undertake a tender process, or could the City engage a contractor to remove the sediment while this section of the river is dry?

Response

(Tony Nottle, Chief Executive Officer)

Tender regulations require the City to go through the appropriate process from a procurement perspective, in addition to securing the environmental approvals required to access the water body to remove sediment. The City does not have sole management of the Lower Vasse River. While the Council may resolve to undertake works, such as sediment removal, the commencement of any works would be dependent on securing the required environmental approvals.

Dr Andrew Dickie

Question

My question taken on notice at the January Ordinary Council Meeting was not answered in my opinion. The answer I did receive did not answer the question. My question was *"has any elected member or officer viewed the most recent Department of Water and Environmental Regulation (DWER) phytoplankton water test results from the Lower Vasse River, particularly from the Peel Terrace section that has been dredged and phoslock applied?"*

The answer that I received included the statement *"...the City of Busselton is included in on correspondence summarising microalgal observation"*. I did not ask if the City was on emailing lists for the results, I asked if anyone had viewed the results.

Has any Councillor or officer of the Council actually viewed the results?

Response

(Tony Nottle, Chief Executive Officer)

We will take that question on notice.

Question

The answer I received for the question asked at the January Ordinary Council meeting went on to say that *"the City takes advice from the Department of Health and DWER, in relation to any resulting waterways management decisions such as the erection of warning signs"*.

Although there are permanent and temporary signs alongside the River at certain sections, why does the City of Busselton not follow all the advice of the Department on Health, particularly the advice *"...Issue community/social media health messaging to advise of the increase in cyanobacterial levels above National Health and Medical Research Council (NHMRC) Recreational Water Guideline levels in the Lower Vasse River."*

Further, the Department of Health draft statement which is supposed to be issued by the City of Busselton on social media or by community messaging commences by saying *"The City of Busselton in conjunction with the Department of Health are warning of a potentially toxic blue-green algal bloom that recently formed in the Lower Vasse River in Busselton. This is a mixed species bloom dominated by the species Dolichospermum circinale and is concentrated around Strelly Street downstream to the footbridge area at Peel Terrace/Stanley Place."*

Why then have I never seen any public health warning about toxic cyanobacterial blooms on social media, on the City of Busselton's website, the City of Busselton's Facebook page or in local community newspapers?

Response
(Mayor Phill Cronin)

We will take those questions on notice

Question

The advice that is emailed by the Department of Health to a council officer concludes with the statement *"It would be appreciated if the City of Busselton confirm these recommended actions and provide DOH with a final copy and web-link of relevant community/social media health messaging in due course."*

Has the council officer who receives the advice from the Department of Health ever complied with this request to confirm that the Department of Health's recommended actions have been acted upon, and if not, why not?

Response
(Tony Nottle, Chief Executive Officer)

We will take this question on notice.

Question

Has the City conducted any testing of the air conditioning system in the City Administration building ever been carried out for the presence of any of the cyanotoxins, and who is responsible for ensuring that City employees working on the river bank are not exposed to cyanotoxins? Is the wearing of masks by these workers recommended?

Response
(Tony Nottle, Chief Executive Officer)

The first part of the question we will take on notice.

In response to the second part of the question, I, as CEO, am responsible for the safety of City employees.

Ms Mariah Gorla

Question

In relation to item 14.1 on this evening's agenda, and the alternative Cr Macnish has put forward for this item, does the Council understand what could be learned from a full assessment of my case, considering conflict between school bus and truck schedules, the quality of consultation, advertising and communication to third parties? Does the Council understand the importance of the motion Cr Macnish is putting forward this evening, and can my experience be taken into consideration?

Response
(Tony Nottle, Chief Executive Officer)

The agenda item 14.1 is pertaining to a specific KPI around customer service and communication models. The KPI doesn't specifically contemplate complaints. The agenda item, and Cr Macnish's alternative, will be considered by the Council this evening. I appreciate you have raised some

concerns around your experience, and I would encourage you to continue to raise any complaints with the City.

Mr Keith Sims

Question

On 24 January 2024, I emailed a letter to the City regarding restoration of the Lower Vasse River. Have Councillors and officers reviewed my letter, which I requested a response to, as I have not yet received a response.

Item 7c of that letter stated that "... *exposed to the air*". Excavation of sediment while the river bed is dry was suggested approximately two years ago via the Lower Vasse River Management Advisory Group, why can excavation not be completed now while sections of the river are dry?

Response

(Tony Nottle, Chief Executive Officer)

The current management direction for the Lower Vasse River was set by Council in May 2023, where Council resolved to support the continued staged removal of nutrient rich sediments. With the tender for stage 3, alternative methods will be considered. If excavation is determined to be viable, and the required environmental approvals can be secured, this may be an option that can be considered in future.

Response

(Oliver Darby, Director Infrastructure and Environment)

The City has a copy of your letter, and we will be providing a response.

Question

At the Ordinary Council Meeting, held 31 January 2024, the Council resolved to form the Waterways Management Committee. How and when does the City to expect the committee to be formed, and will community members be given notice on how to apply to be a member?

Response

(Tony Nottle, Chief Executive Officer)

There is an item on tonight's agenda to appoint Elected Members to the Waterways Management Committee. There will be an expression of interest process for the appointment of community members to the Committee.

Question

On tonight's agenda at item 14.1 'Customer Service and Communications (CEO KPI's)', regarding the alternative recommendation put forward by Cr Macnish, part three of this recommendation states that "*the CEO to engage an independent auditor to undertake a review of the City's complaint handling processes*". The majority of the community voted against the Saltwater building currently under construction, via the Catalyse survey, and the business case critical assumption of the state government grant was never obtained, but completely ignored by the previous Council.

Does the Council acknowledge there was a lot to learn about the benefits of appropriate types and degree of community communication regarding aspects of the Saltwater project, and independent assessment as raised in tonight's alternative recommendation would be most helpful in improving this for future situations?

Response

(Tony Nottle, Chief Executive Officer)

This will be considered by the Council this evening, however I will highlight that the purpose of the report is to consider a specific KPI around best practice models, rather than specific issues.

7. RECEIVING OF PETITIONS, PRESENTATIONS AND DEPUTATIONS

7.1. PETITIONS

Nil

7.2. PRESENTATIONS BY PARTIES WITH AN INTEREST

Mr Ian and Mrs Jen Mitchell spoke in regards to item 11.1 'DA23/0230 Building Envelope Modification, Single House and Swimming Pool: 37 Koorabin Drive, Yallingup'. Mr and Mrs Mitchell spoke in opposition to the officer recommendation.

Mr Leon House spoke in regards to item 11.1 'DA23/0230 Building Envelope Modification, Single House and Swimming Pool: 37 Koorabin Drive, Yallingup'. Mr House spoke in support of the officer recommendation.

7.3. DEPUTATIONS

Nil

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

Nil

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

ADOPTION BY EXCEPTION RESOLUTION EN BLOC

COUNCIL DECISION

C2402/27 Moved Cr Anne Ryan, seconded Cr Kate Cox

That the Committee Recommendations for items 10.1, 10.3, 10.4, 10.5 and 10.6, and Officer Recommendations for items 11.1 and 15.1 be carried en bloc.

Item	Report
10.1	Policy and Legislation Committee – 24 January 2024 – Council Policy Review: Naming of City Roads and Assets
10.3	Policy and Legislation Committee – 24 January 2024 – Council Policy Review: Legal Representation for Elected Members and Employees
10.4	Policy and Legislation Committee – Amendment to delegation DA 3 - 03: To Institute a Prosecution, or to Issue an Infringement (<i>Bushfires Act 1954</i>)
10.5	Finance Committee – 7 February 2024 – List of Payments Made – December 2023
10.6	Finance Committee – 7 February 2024 – Monthly Financial Report - Year to Date 31st December 2023
11.1	DA23/0230 Building Envelope Modification, Single House and Swimming Pool
15.1	Elected Member Information Bulletin

CARRIED 7 / 0

**FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg,
Cr Andrew Macnish, Cr Kate Cox and Cr Richard Beecroft**

AGAINST: Nil

10. REPORTS OF COMMITTEE

10.1 Policy and Legislation Committee – 24 January 2024 - Council Policy Review – Naming of City Roads and Assets

Strategic Theme:	Key Theme 2: Lifestyle 2.1 Recognise, respect and support community diversity and cultural heritage.
Directorate:	Economic and Business Development
Reporting Officer:	Manager Events and Culture - Peta Pulford
Authorised By:	Director of Economic and Business Development - Maxine Palmer
Nature of Decision:	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	<ol style="list-style-type: none"> 1. Draft Council Policy Naming of City Roads and Assets [6.1.1 - 3 pages] 2. Current Council Policy Naming of City Roads and Assets [6.1.2 - 3 pages] 3. Committee Recommendation - Draft Policy Naming of City Roads and Assets [6.1.3 - 3 pages]

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

The committee recommendation was moved and carried.

COUNCIL DECISION

C2402/28 Moved Cr Anne Ryan, seconded Cr Kate Cox

That the Council adopts the amended Council Policy: Naming of City Roads and Assets (Attachment 3) to replace the current policy, with the policy having been reviewed as part of the City's ongoing policy review cycle, inclusive of the removal of proposed point 5.10, and Committee amendments so that the below points read as follows, with subsequent renumbering as required:

5.8: A proposal to name a significant City Asset can be put forward by:

- a. an Elected Member by way of a notice of motion;
- b. an employee via a report to the Council;
- c. a member of the public via a submission to the CEO who will then provide a report to the Council; or
- d. users of a facility via a submission to the CEO who will then provide a report to the Council.

5.9: Following initial assessment, proposals will be advertised for public comment for a period of 21 days.

5.10: Proposals to name significant City Assets will be presented to the Council for approval, including the results of public consultation.

CARRIED 7 / 0

**FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg,
Cr Andrew Macnish, Cr Kate Cox and Cr Richard Beecroft**

AGAINST: Nil

EN BLOC

OFFICER RECOMMENDATION

That the Council adopts the amended Council Policy: Naming of City Roads and Assets (Attachment 1) to replace the current policy, with the policy having been reviewed as part of the City's ongoing policy review cycle.

EXECUTIVE SUMMARY

This report presents an amended Council Policy: Naming of City Roads and Assets (the Policy) (Attachment 1). The Policy has been reviewed as part of the City's ongoing policy review cycle and amended with minor amendments and edits to improve readability and to reflect changes in related documentation and legislation. It has also been amended to allow for future dual naming projects.

STRATEGIC CONTEXT

Outlining the process and rationale for the naming of City Roads and Assets assists the Council to make well informed decisions that respect the culture and heritage of the City and its residents. Regular review of City policies reflects good governance.

BACKGROUND

In 2007, a report was presented to the Council to adopt a policy that established clearly defined guidelines and selection criteria for the naming of City owned and managed facilities. The Council resolved (C0702/038) that Policy 237 "Naming of Parks, Gardens, Reserves, Memorials, Sports Grounds and Building" be adopted. The adopted policy specifically dealt with any proposal for a facility or part thereof to be named after a person.

On 25 July 2012 a recommendation was made to the Council to review this policy to include reference to the consideration of geographical and purpose driven names. The Council resolved (C1207/197) to adopt the updated policy.

On 14 June 2017, a recommendation was made to the Council to review the policy and specifically to delete a clause requiring a proposal be advertised for public comment for a 30 day period following its receipt. The Council resolved (C1706/126) to adopt the updated policy.

On 12 December 2018, a recommendation was made to the Council for review of the policy which included minor updates but also the inclusion of key aspects of the Street Names Policy, with a view to rescinding this policy. The Council resolved (C1812/255) to endorse the revised Council Policy: Naming of City Roads and Assets to replace the Council Policy: Naming of Parks, Gardens, Reserves, Memorials, Sports Grounds and Buildings, and to rescind the Street Names Policy.

The Policy has now been amended with some minor updates to improve readability and to reflect changes in related documentation and legislation. It has also been amended to allow for future dual naming projects.

OFFICER COMMENT

The purpose of the Policy is to assist the Council to appropriately deal with and assess proposals to name City roads and assets.

The proposed amendments to the Policy are:

1. Update of the Responsible Directorate from 'Community and Commercial Services' to 'Economic and Business Development';
2. Addition of the use of dual Australian English and local Aboriginal languages as a naming convention;
3. Consideration given to the length of residency of the proposed persons, rather than specifying a time frame;
4. Consideration of proposed persons that may not have lived in City of Busselton for a lengthy period but have made an outstanding contribution that brings positive promotion or recognition to the City;
5. Update of related documentation/legislation to reflect current versions; and
6. Minor amendments for accuracy, structure or readability.

Statutory Environment

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

Relevant Plans and Policies

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

Plan:

Not applicable.

Policy:

[Naming of City Roads and Assets](#)

The current version of the policy is provided at Attachment 2.

The Policies and Standards for Geographical Naming in Western Australia is a relevant policy. The Geographic Names Committee, an appointed advisory committee, utilises the Landgate Policies and Standards for Geographical Naming in Western Australia, (version 03:2017) in regards to geographical naming issues.

Financial Implications

Not Applicable

External Stakeholder Consultation

Not Applicable

Risk Assessment

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

Options

As an alternative to the proposed recommendation the Council could:

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

CONCLUSION

This report recommends that the Council adopt the amended Council Policy 'Naming of City Roads and Assets', to replace the current policy.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

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

Milestone	Completion Date
Policy placed on City's website	28 February 2024

10.2 Policy and Legislation Committee – 24 January 2024 – Council Policy Review – Recording and Livestreaming of Meetings

Strategic Theme:	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
Directorate:	Corporate Strategy and Performance
Reporting Officer:	Governance and Risk Coordinator - Tegan Robertson
Authorised By:	Acting Director of Corporate Strategy and Performance - Paul Sheridan
Nature of Decision:	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	<ol style="list-style-type: none">1. Draft Council Policy Recording and Livestreaming of Meetings [6.2.1 - 3 pages]2. Current Council Policy Recording and Livestreaming of Meetings [6.2.2 - 2 pages]3. Committee Recommendation Draft Council Policy Recording and Livestreaming of Meetings [6.2.3 - 3 pages]

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

The committee recommendation was moved, there was opposition and debate ensued.

SUBSTANTIVE MOTION

Moved Cr Anne Ryan, seconded Cr Richard Beecroft

That the Council adopts the amended Council Policy 'Recording and Livestreaming of Council Meetings' (the Policy) (Attachment 3) to replace the current policy (Attachment 2), inclusive of the Committee amendment to point 5.2, removing reference to 'YouTube' and replacing with 'streaming service'.

Cr Anne Ryan moved the following amendment to the substantive motion.

AMENDMENT

C2402/30 Moved Cr Anne Ryan, seconded Cr Andrew Macnish

That the Council adopts the amended Council Policy 'Recording and Livestreaming of Council Meetings' (the Policy) (Attachment 3) to replace the current policy (Attachment 2):

- a) **inclusive of the Committee amendment to point 5.2, removing reference to 'YouTube' and replacing with 'streaming service'; and**

- b) subject to amending point 5.1 to read: *'All Ordinary and Special Council meetings, the Annual General Meeting of Electors, and Electors meetings will, wherever technically possible, be recorded on an audio device and will be made available by Livestream.'*
- c) Subject to amending point 5.2 to read: *'Recordings of a meeting will be available on the City's streaming service with a link available on the meetings schedule section of the City's website for a period of five years after the meeting date.'*

CARRIED 7 / 0

**FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg,
Cr Andrew Macnish, Cr Kate Cox and Cr Richard Beecroft**

AGAINST: Nil

The amended substantive motion was carried.

COUNCIL DECISION

C2402/31 Moved Cr Anne Ryan, seconded Cr Richard Beecroft

That the Council adopts the amended Council Policy 'Recording and Livestreaming of Council Meetings' (the Policy) (Attachment 3) to replace the current policy (Attachment 2):

- a) inclusive of the Committee amendment to point 5.2, removing reference to 'YouTube' and replacing with 'streaming service'; and
- b) subject to amending point 5.1 to read: *'All Ordinary and Special Council meetings, the Annual General Meeting of Electors, and Electors meetings will, wherever technically possible, be recorded on an audio device and will be made available by Livestream.'*
- c) Subject to amending point 5.2 to read: *'Recordings of a meeting will be available on the City's streaming service with a link available on the meetings schedule section of the City's website for a period of five years after the meeting date.'*

CARRIED 7 / 0

**FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg,
Cr Andrew Macnish, Cr Kate Cox and Cr Richard Beecroft**

AGAINST: Nil

Reasons: Amendments to the Policy clarified that in addition to the regulatory requirement to record and broadcast meetings of Council, the City will also record and broadcast Electors meetings where technically possible, with links to recordings to be made available on the City's website.

OFFICER RECOMMENDATION

That the Council adopts the amended Council Policy 'Recording and Livestreaming of Council Meetings' (the Policy) (Attachment 1) to replace the current policy (Attachment 2).

EXECUTIVE SUMMARY

This report presents an amended Council Policy 'Recording and Livestreaming of Council Meetings' (the Policy) (Attachment 1). The Policy has been reviewed after the *Local Government Amendment Bill 2023* came into effect, which included a new section into the *Local Government Act 1995* covering electronic broadcasting (livestreaming) and video and audio recording of Council meetings.

STRATEGIC CONTEXT

The provision of good meeting and associated record keeping practices ensures consistent communication improves the transparency and accessibility of meetings of the Council.

BACKGROUND

The Council policy 'Audio Recording of Council Meetings' was adopted on 26 June 2019 (C1906/108), following a request from a member of the public for a copy of a recording of an Ordinary Council Meeting taken under the City's *Standing Orders Local Law 2018* for minute taking purposes.

The policy was subsequently amended by the Council at its Ordinary Council Meeting on 11 November 2020 (C2011/127) to allow for the livestream of meetings when personal attendance was limited due to Covid-19 related restrictions. The livestream of Council meetings as a regular practice commenced on 23 June 2021. The policy in its current form was endorsed by the Council at its meeting on 11 May 2022 (C2205/095).

Section 58 of the Local Government Amendment Act 2023 (the Amendment Act), which commenced on 19 October 2023, inserts a new section 5.23A into the Local Government Act 1995 (the Act) covering electronic broadcasting (livestreaming) and video and audio recording of council meetings.

Section 5.23A(2) of the Act is a power that allows regulations to be made that may require, regulate, or otherwise make provision for any of the following matters:

- electronic broadcasting of council meetings;
- making or retaining recordings of council meetings;
- making recordings of council meetings publicly available; and
- provision, or otherwise making available, recordings of council meetings.

The Local Government Regulations Amendment Regulations (No. 3) were published on 18 October 2023, and prescribe various new requirements for local governments with respect to electronic broadcasting. For class one local governments, including the City of Busselton, this includes:

- video and audio livestreaming of council meetings (open proceedings);
- no livestreaming of closed proceedings;
- video and audio recording of council meetings (open proceedings);
- audio recordings of closed proceedings;
- livestreaming and recording technology installed at the council's usual meeting place; and
- portable technology for meetings held outside of the usual meeting place or in case of a technological failure.

Although new electronic broadcasting requirements are not compulsory until 1 January 2025, the City has reviewed and updated this Policy to ensure compliance as soon as possible.

OFFICER COMMENT

Following the adoption of the Policy in its current form, Council meetings were livestreamed and recordings were retained on the City of Busselton's You Tube page for public viewing for a period of three months.

Regulation 14I(1)(b)(ii) of the *Local Government (Administration) Regulations 1996* prescribes that class one local governments must make a video (with audio) recording of the Council meeting publicly available until the end of the period of 5 years after the meeting day. The Policy has been amended to comply with this new regulation.

The proposed amendments to the Policy include the removal of a clause providing that the Presiding Member may rule that the livestream be stopped as this is no longer allowed under the updated regulations.

Further minor amendments to the Policy include the addition of information around the recording of members of the public, alignment to the Community Plan 2021, and the updating of related documentation/ legislation.

Statutory Environment

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

The *Local Government Amendment Act 2023* inserts a new section 5.23A into the *Local Government Act 1995* which allows that regulations be made that require, regulate, or otherwise make provision for the electronic broadcasting and recording of Council meetings.

The proposed Policy aligns to Part 2A of the *Local Government (Administration) Regulations 1996* which prescribe requirements for the electronic broadcasting and video or audio recording of council meetings.

Relevant Plans and Policies

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

Plan:
Not applicable.

Policy:
[Recording and Livestreaming of Council Meetings](#)

Financial Implications

Not Applicable

External Stakeholder Consultation

Not Applicable

Risk Assessment

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

Options

As an alternative to the proposed recommendation the Council could:

1. Retain the Policy in its current form, noting the new statutory requirements commence on 1 January 2025; or
2. Make further amendments to the Policy.

CONCLUSION

The Policy has been reviewed and amended in accordance with section 5.23A of the *Local Government Act 1995* and associated regulations, with the amended Policy (at Attachment 1) presented to the Council for adoption.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

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

Milestone	Completion Date
Policy placed on City’s website	28 February 2024

**10.3 Policy and Legislation Committee – 24 January 2024 – Council Policy Review:
Legal Representation for Elected Members and Employees**

Strategic Theme:	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
Directorate:	Corporate Strategy and Performance
Reporting Officer:	Manager Legal and Governance - Ben Whitehill
Authorised By:	Acting Director of Corporate Strategy and Performance – Paul Sheridan
Nature of Decision:	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	1. Draft Council Policy - Legal Representation for Council Members and Employees [6.3.1 - 4 pages] 2. Current Council Policy - Legal Representation for Council Members and Employees [6.3.2 - 4 pages]

This item was considered by the Policy and Legislation Committee at its meeting on 24 January 2024, the recommendations of which have been included in this report

The committee recommendation was moved and carried.

COUNCIL DECISION

C2402/32 Moved Cr Anne Ryan, seconded Cr Kate Cox

That the Council adopts the revised Council Policy ‘Legal Representation for Elected Members and Employees’ (the Policy) (Attachment 1) to replace the existing policy (Attachment 2).

CARRIED 7 / 0

**FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg,
Cr Andrew Macnish, Cr Kate Cox and Cr Richard Beecroft**

AGAINST: Nil

EN BLOC

OFFICER RECOMMENDATION

That the Council adopts the revised Council Policy ‘Legal Representation for Elected Members and Employees’ (the Policy) (Attachment 1) to replace the existing policy (Attachment 2).

EXECUTIVE SUMMARY

This report presents an amended Council Policy: 'Legal Representation for Elected Members and Employees' (the Policy) (Attachment 1). The Policy has been reviewed as part of the City's ongoing policy review cycle and amended with minor edits.

STRATEGIC CONTEXT

The policy is directed at protecting the interests of Council members and employees who become involved in legal proceedings because of their official functions and is part of the City's governance systems that facilitate open, ethical and transparent decision making.

BACKGROUND

The Policy and Legislation Committee assists the Council by considering new and reviewing existing Council policies. The City's Policy Framework sets out an ongoing cycle of policy review, with the aim of determining the ongoing strategic importance and applicability of Council policies.

Council policy '085: Legal Representation - Costs Indemnification Policy' was implemented in 2008 and amended in 2012, with minor changes made to align the policy with the re-released Department of Local Government Guideline. Further changes were made to the policy in 2017, with the title amended to 'Legal Representation for Council Members and Employees'. An update to the Council delegation relating to urgent legal representation was also made at this time. In 2020 further changes were made to improve clarity and readability.

OFFICER COMMENT

The policy was based on the model policy contained in the Department of Local Government Operational Guideline for Legal Representation for Council Members and Employees. The Policy has been subject to minor amendments for clarity and readability.

Since the last review in 2020, there have been no material concerns or issues raised about the operation of the Policy. Therefore, no significant amendments are recommended or proposed.

It is recommended that the Council adopt the amended Council Policy: 'Legal Representation for Elected Members and Employees', with updates to legislative references following the commencement of the Uniform Law in Western Australia and repeal of the Legal Profession Act 2008 as well as minor amendments to improve clarity.

Statutory Environment

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

Relevant Plans and Policies

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

Plan:
Not applicable.

Policy:
[Legal Representation for Elected Members and Employees](#)

Financial Implications

Not Applicable

External Stakeholder Consultation

Not Applicable

Risk Assessment

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

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

Options

As an alternative to the proposed recommendation the Council could retain the existing policy without the minor amendments or make further amendments.

CONCLUSION

A revised ‘Legal Representation for Council Members and Employees’ Council Policy is presented for Council’s adoption.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

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

Milestone	Completion Date
Revised Policy published on website	28 February 2024

10.4 Policy and Legislation Committee – 24 January 2024 – Amendment to delegation DA 3 - 03: To Institute a Prosecution, or to Issue an Infringement (Bushfires Act 1954)

Strategic Theme:	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
Directorate:	Corporate Strategy and Performance
Reporting Officer:	Governance and Risk Coordinator - Tegan Robertson
Authorised By:	Acting Director of Corporate Strategy and Performance – Paul Sheridan
Nature of Decision:	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	1. City-of- Busselton- Delegated- Authority- D A-3-03 [6.4.1 - 1 page]

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

The committee recommendation was moved and carried.

COUNCIL DECISION

C2402/33 Moved Cr Anne Ryan, seconded Cr Kate Cox

That the Council adopts the amended delegation of authority DA 3 – 03: To Institute a Prosecution, or to Issue an Infringement, as per Attachment 1.

CARRIED 7 / 0

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

AGAINST: Nil

EN BLOC

OFFICER RECOMMENDATION

That the Council adopts the amended delegation of authority DA 3 – 03: To Institute a Prosecution, or to Issue an Infringement, as per Attachment 1.

EXECUTIVE SUMMARY

Delegations under the *Bushfire Act 1954* were reviewed by officers and considered by the Policy and Legislation Committee in September 2023 (PL2309/510).

No change was recommended to delegation *DA 3 – 03: To Institute a Prosecution, or to Issue an Infringement*, and all delegations by the local government were adopted by the Council at the October 2023 Ordinary meeting (C2310/129).

Subsequent to this review, the City implemented a structural realignment which delivered changes to the scope and responsibilities of some existing positions, the creation of new positions, and the termination of others. The attached amended delegation of authority *DA 3 – 03: To Institute a Prosecution, or to Issue an Infringement*, reflects these position changes in the listed delegates.

As this delegation was recently reviewed, no further review or amendments are considered to be required at this time. It is recommended that the Council adopt the attached amended delegation of authority *DA 3 – 03: To Institute a Prosecution, or to Issue an Infringement*.

STRATEGIC CONTEXT

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

BACKGROUND

Delegations of authority allow decisions of the local government (the Council) to be made (with or without conditions) by the Chief Executive Officer or other officers, pursuant to the legislation that provides for such a delegation.

Section 59(3) of the *Bushfire Act 1954* provides that:

“A local government may, by written instrument of delegation, delegate authority generally, or in any class of case, or in any particular case, to its bush fire control officer, or other officer, to consider allegations of offences alleged to have been committed against this Act in the district of the local government and, if the delegate thinks fit, to institute and carry on proceedings in the name of the local government against any person alleged to have committed any of those offences in the district, and may pay out of its funds any costs and expenses incurred in or about the proceedings.”

Existing delegation DA 3 – 03 delegates the authority to institute a prosecution or to issue to infringement to two positions which were substantively changed or impacted by a title change in the October 2023 organisational restructure.

Delegation to position under existing DA 3 - 03	Amendment required due to org restructure
Director Planning and Development Services	Remove delegation to: Director Planning and Development Services New delegation to: Director Community Planning
Manager Regulatory Services	Title change only: Manager Community Safety

OFFICER COMMENT

The attached amended delegation *DA 3 – 03: To Institute a Prosecution, or to Issue an Infringement* updates existing delegates in line with position changes implemented as a result of the City of Busselton organisational restructure.

No further review, changes to delegates or other amendments are considered to be required, with this delegation last reviewed in September 2023.

It is recommended that the Council adopt the attached amended delegation of authority *DA 3 – 03: To Institute a Prosecution, or to Issue an Infringement* to ensure there is an appropriate delegation in place for this function moving forward.

Statutory Environment

Bushfires Act 1954:

s.59: Prosecution of offences

s.59A: Alternative procedure – infringement notices

Relevant Plans and Policies

Plan:

Not applicable.

Policy:

Not applicable.

Financial Implications

Not applicable.

External Stakeholder Consultation

Not applicable.

Risk Assessment

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

Options

As an alternative to the proposed recommendation the Council could:

1. Request further amendments to *DA 3 – 03 To Institute a Prosecution, or to Issue an Infringement*
2. Not adopt the amended delegation *DA 3 – 03 To Institute a Prosecution, or to Issue an Infringement*, and retain the existing delegation (noting that this delegation is to two positions which no longer exist in the City's organisational structure)

3. Revoke delegation *DA 3 – 03 To Institute a Prosecution, or to Issue an Infringement*

CONCLUSION

It is recommended that the Council adopt the attached amended delegation of authority *DA 3 – 03: To Institute a Prosecution, or to Issue an Infringement* to ensure there is an appropriate delegation in place for this function moving forward.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

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

Milestone	Completion Date
Amended delegation issued to officers	6 March 2024
Updated Delegation of Authority register made available on the City's website	6 March 2024

10.5. Finance Committee – 7 February 2024 – List of Payments Made – December 2023

Strategic Theme:	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making. 4.5 Responsibly manage ratepayer funds to provide for community needs now and in the future.
Directorate:	Corporate Strategy and Performance
Reporting Officer:	Manager Financial Services - Paul Sheridan
Authorised By:	Director Corporate Strategy and Performance - Sarah Pierson
Nature of Decision:	Noting: The item is simply for information purposes and noting.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	<ol style="list-style-type: none"> 1. CONFIDENTIAL REDACTED - Confidential List of Payments for Council December 2023 [10.5.1 - 1 page] 2. List of Payments for Council December 2023 [10.5.2 - 11 pages] 3. List of Payments for Council December 2023 YTD Industry & Regional Allocations [10.5.3 - 1 page]

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

The committee recommendation was moved and carried.

COUNCIL DECISION

C2402/34 Moved Cr Anne Ryan, seconded Cr Kate Cox

That the Council notes payment of voucher numbers for the month of December 2023 as follows:

CHEQUE PAYMENTS	119818 - 119853	45,034.59
ELECTRONIC FUNDS TRANSFER PAYMENTS	99777 - 100370	9,907,726.62
TRUST ACCOUNT PAYMENTS	EFT# TR000018 - TR000020	50,370.30
PAYROLL PAYMENTS	01.12.2023 - 31.12.2023	1,865,501.97
INTERNAL PAYMENT VOUCHERS	DD #5536 - 5562	93,207.01
TOTAL PAYMENTS		11,961,840.49

CARRIED 7 / 0

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

AGAINST: Nil

OFFICER RECOMMENDATION

That the Council notes payment of voucher numbers for the month of December 2023 as follows:

CHEQUE PAYMENTS	119818 - 119853	45,034.59
ELECTRONIC FUNDS TRANSFER PAYMENTS	99777 - 100370	9,907,726.62
TRUST ACCOUNT PAYMENTS	EFT# TR000018 - TR000020	50,370.30
PAYROLL PAYMENTS	01.12.2023 - 31.12.2023	1,865,501.97
INTERNAL PAYMENT VOUCHERS	DD #5536 - 5562	93,207.01
TOTAL PAYMENTS		11,961,840.49

EXECUTIVE SUMMARY

This report provides details of payments made from the City's bank accounts for the month of December 2023 for noting by the Council and recording in the Council Minutes.

STRATEGIC CONTEXT

Provision of the list of payments, while a statutory requirement, also supports open and accountable governance.

BACKGROUND

The *Local Government (Financial Management) Regulations 1996* (the Regulations) requires that, when the Council has delegated authority to the CEO to make payments from the City's bank accounts, a list of payments made is prepared each month for presentation to, and noting by, the Council.

OFFICER COMMENT

In accordance with regular custom, the list of payments made for the month of December 2023 is presented for information. Also attached is a separate confidential payment listing relating to confidential matters under section 5.23(2)(c) of the *Local Government Act 1995* (the Act).

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

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

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

Statutory Environment

Section 6.10 of the Act and more specifically Regulation 13 of the Regulations refer to the requirement for a listing of payments made each month to be presented to the Council.

Relevant Plans and Policies

Not applicable.

Financial Implications

Not applicable.

External Stakeholder Consultation

Not applicable.

Risk Assessment

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

Options

Not applicable.

CONCLUSION

The list of payments made for the month of December 2023 is presented for information.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Not applicable.

10.6 Finance Committee – 7 February 2024 – Monthly Financial Report – Year to Date 31 December 2023

Strategic Theme:	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making. 4.5 Responsibly manage ratepayer funds to provide for community needs now and in the future.
Directorate:	Corporate Strategy and Performance
Reporting Officer:	Manager Financial Services - Paul Sheridan
Authorised By:	Director Corporate Strategy and Performance - Sarah Pierson
Nature of Decision:	Legislative: adoption of “legislative documents” such as local laws, local planning schemes and local planning policies. Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	<ol style="list-style-type: none"> 1. Monthly Financial Report - December 2023 [6.2.1 - 27 pages] 2. Loan Schedule - December 2023 [6.2.2 - 1 page] 3. Investment Report - December 2023 [6.2.3 - 1 page]

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

The committee recommendation was moved and carried.

COUNCIL DECISION

C2402/35 Moved Cr Anne Ryan, seconded Cr Kate Cox

That the Council receives the statutory monthly financial report for the period ending 31 December 2023, pursuant to Regulation 34(4) of the *Local Government (Financial Management) Regulations 1996*.

CARRIED 7 / 0

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

AGAINST: Nil

EN BLOC

OFFICER RECOMMENDATION

That the Council receives the statutory monthly financial report for the period ending 31 December 2023, pursuant to Regulation 34(4) of the *Local Government (Financial Management) Regulations 1996*.

EXECUTIVE SUMMARY

Pursuant to Section 6.4 of the *Local Government Act 1995* (the Act) and Regulation 34(4) of the *Local Government (Financial Management) Regulations 1996* (the Regulations), a local government is to prepare, on a monthly basis, a monthly financial report that reports on the City's Statement of Financial Activity, Statement of Financial Position, and its performance in relation to its adopted / amended budget.

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the City's financial performance on a year-to-date basis, for the period ending 31 December 2023.

STRATEGIC CONTEXT

Provision of the monthly financial report, while a statutory requirement, also supports open and accountable governance.

BACKGROUND

The Regulations detail the form and manner in which the monthly financial report is to be presented to the Council, and is to include the following:

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

Additionally, and pursuant to Regulation 34(5) of the Regulations, a local government is required to adopt a material variance reporting threshold in each financial year.

At its meeting on 26 July 2023, the Council adopted (C2305/57) the following material variance reporting thresholds for the 2023/24 financial year:

That pursuant to Regulation 34(5) of the Local Government (Financial Management) Regulations, the Council adopts a material variance reporting threshold with respect to financial activity statement reporting for the 2023/24 financial year as follows:

- *Variances equal to or greater than 10% of the year-to-date budget amount as detailed in the Income Statement by Nature and Type/Statement of Financial Activity report, however variances due to timing differences and/or seasonal*

adjustments are to be reported only if not to do so would present an incomplete picture of the financial performance for a particular period; and

- *Reporting of variances only applies for amounts greater than \$50,000.*

OFFICER COMMENT

To fulfil statutory reporting requirements and to provide the Council with a synopsis of the City's overall financial performance on a year-to-date basis, the following financial reports are attached hereto (Attachment 1):

Statement of Financial Activity

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

Statement of Financial Position

A statement of financial position is a financial statement that summarises the reporting entities assets (what it owns), liabilities (what it owes), and equity (assets less liabilities) on a particular date.

Basis of Preparation Note (Note 1)

Explains the regulatory framework upon which the financial statements have been prepared.

Statement of Financial Activity Note (Note 2)

Explains the non-cash items that have been excluded from the calculation of the Net Current Position in the Statement of Financial Activity.

Explanation of Material Variances Note (Note 3)

Provides a breakdown by directorate and cost centre of each of the variances on the face of the Statement of Financial Activity that meet Councils adopted material variance threshold for 2023/24.

Net Current Position Summary Report

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

Capital Acquisition & Construction Report

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

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

This report outlines the actual and budgeted movement from the start of the financial year to date, that result in the balances listed in the Statement of Financial Position for Property, Plant & Equipment.

Reserve Movements Report

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

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

Net Current Position Chart

Tracks the net Current Position over the year in comparison to previous 4 years.

Comments on Financial Activity to 31 December 2023

The Statement of Financial Activity (FAS) for the year to date (YTD) shows an overall Net Current Position (NCP) of \$31.6M as opposed to the YTD budget of \$11.2M.

The following table summarises the major YTD variances that appear on the face of the FAS, which, in accordance with Council's adopted material variance reporting threshold, collectively make up the above difference. Each numbered item in this lead table is explained further in note 3 of the attached Monthly Financial Report.

Description	2023/24 Actual YTD \$	2023/24 Budget YTD \$	2023/24 Budget \$	2023/24 YTD Bud Variance %	2023/24 YTD Bud Variance \$	Change in Variance Current Month \$
Amount Attributable to Operating Activities				17.83%	7,232,151	652,753
Revenue from Operating Activities				4.24%	3,351,559	243,621
1. Grants, Subsidies and Contributions	2,181,941	1,312,500	5,325,685	66.24%	869,441	(354,296)
2. Other Revenue	229,066	98,896	334,932	131.62%	130,170	798
3. Interest Earnings	3,362,624	2,570,003	4,305,492	30.84%	792,621	237,955
Expenses from Operating Activities				9.27%	4,771,423	653,053
4. Materials & Contracts	(10,257,600)	(14,493,684)	(29,072,925)	29.23%	4,236,084	424,003
5. Other Expenditure	(1,706,499)	(3,132,867)	(6,823,844)	45.53%	1,426,367	269,176
Amount Attributable to Investing Activities				61.64%	18,297,407	2,240,144
6. Capital Grants, Subsidies and Contributions	1,244,834	26,430	19,724,075	4609.93%	1,218,404	48,000
7. Land & Buildings	(8,427,793)	(17,084,656)	(29,976,325)	50.67%	8,656,863	112,715

Description	2023/24 Actual YTD \$	2023/24 Budget YTD \$	2023/24 Budget \$	2023/24 YTD Bud Variance %	2023/24 YTD Bud Variance \$	Change in Variance Current Month \$
8. Plant & Equipment	(547,953)	(1,317,078)	(6,078,421)	58.40%	769,125	351,571
9. Furniture & Equipment	(135,028)	(810,298)	(1,510,209)	83.34%	675,270	82,109
10. Infrastructure	(3,917,412)	(10,858,040)	(21,994,529)	63.92%	6,940,628	1,662,817
11. Proceeds from Sale of Assets	303,919	266,800	863,800	13.91%	37,119	(17,068)
Amount Attributable to Financing Activities				322.25%	(5,126,893)	27,111
12. Proceeds from New Loans	0	1,750,000	2,000,000	(100.00%)	(1,750,000)	0
13. Advances to Community Groups	0	(250,000)	(250,000)	100.00%	250,000	250,000
14. Transfer to Restricted Assets	(16,956,400)	(8,742,918)	(9,200,455)	(93.94%)	(8,213,482)	(2,106,227)
15. Transfer from Reserves	27,497,617	23,722,805	60,071,435	15.91%	3,774,811	(698,778)

Investment Report

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

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

As at the 31 December 2023 the value of the City's invested funds decreased to \$125M from \$128M as at 30 November 2023. The decrease is a result of funds used for standard operational needs.

As at the 31 December 2023 the 11am account balance decreased to \$5.0M from \$7.5M as funds were used for standard operational needs.

During the month of December two term deposits matured. These were re-invested for a further 227 days at 5.00%.

The official cash rate during the month of December 2023 was 4.35%. Further movement in the cash rate is currently uncertain, although it is expected to stay steady.

Borrowings Update

During the month no new loans were drawn, with \$869K paid off the principal and \$393K in interest on existing loans. The attached Loan Schedule outlines the status of all existing loans YTD.

Chief Executive Officer – Corporate Credit Card

Details of transactions made on the Chief Executive Officer’s corporate credit card during December 2023 are provided below to ensure there is appropriate oversight and awareness.

Date	Payee	Description	\$ Amount
13/12/2023	SHELTER BREWING CO	COUNCIL DINNER	40.00
13/12/2023	SHELTER BREWING CO	COUNCIL DINNER	121.00
13/12/2023	SHELTER BREWING CO	COUNCIL DINNER	27.00
21/12/2023	WEST AUSTRALIAN	DIGITAL SUBSCRIPTION-PR	28.00
31/12/2023	MAILCHIMP	ELECTRONIC NEWSLETTER PR	409.19
		TOTAL	625.19

Donations & Contributions Received

During the month no non-infrastructure asset (bridges, roads, POS etc), donations or contributions were received.

Statutory Environment

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

Relevant Plans and Policies

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

Plan:

Annual Adopted Budget 2022-2023

[Strategic Community Plan 2021-2031](#)

[Corporate Business Plan 2022-2026](#)

[Long Term Financial Plan 2022/23 - 2031/32](#)

Policy:

There are no relevant policies for this report.

Financial Implications

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

External Stakeholder Consultation

Not applicable.

Risk Assessment

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

Options

The Statements of Financial Activity are presented in accordance with Section 6.4 of the Act and Regulation 34 of the Regulations and are to be received by Council. Council may wish to make additional resolutions as a result of having received these reports.

CONCLUSION

As at 31 December 2023, the City's net current position stands at \$31.6M, and cash reserve balances remain sufficient for their purposes.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Not Applicable.

**10.7 Finance Committee – 7 February 2024 – Naturaliste Community Centre
Capital Funds**

Strategic Theme:	Key Theme 2: Lifestyle 2.12 Provide well maintained community assets through robust asset management practices. Community Planning
Reporting Officer:	Leisure Centre Coordinator – Mary Everuss
Authorised By:	Acting Director Community Planning – Rachel Runco
Nature of Decision:	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
Voting Requirements:	Absolute Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	Nil

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

The committee recommendation was moved and carried.

COUNCIL DECISION

C2402/36 Moved Cr Kate Cox, seconded Cr Jodie Richards

That the Council endorse the following requested budget amendment:

Item #	Budgeted Municipal Net Current Position	Operational Expenditure Budget	Capital Expenditure Budget	Grant	Reserves or Restricted Assets
	Increase / (Decrease)	Increase / (Decrease)	Increase / (Decrease)	(Increase) / Decrease	Increase / (Decrease)
1	Move capital budget project #12878				
	Naturaliste Community Centre (NCC) – Purchase Office Furniture				
	-	-	(11,150)	-	
2	To capital budget project #10839				
	Naturaliste Community Centre (NCC) – AMP				
	-	-	11,150	-	
TOTALS	-		0	-	

CARRIED 7 / 0

**FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg,
Cr Andrew Macnish, Cr Kate Cox and Cr Richard Beecroft**

AGAINST: NIL

BY ABSOLUTE MAJORITY

OFFICER RECOMMENDATION

That the Council endorse the following requested budget amendment:

Item #	Budgeted Municipal Net Current Position	Operational Expenditure Budget	Capital Expenditure Budget	Grant	Reserves or Restricted Assets
	Increase / (Decrease)	Increase / (Decrease)	Increase / (Decrease)	(Increase) / Decrease	Increase / (Decrease)
1	Move capital budget project #12878				
	Naturaliste Community Centre (NCC) – Purchase Office Furniture				
	-	-	(11,150)	-	-
2	To capital budget project #10839				
	Naturaliste Community Centre (NCC) – AMP				
	-	-	11,150	-	-
TOTALS	-		0	-	-

EXECUTIVE SUMMARY

This report seeks Council approval of a budget amendment for an item within the Community Planning directorate as detailed in this report. Adoption of the officer recommendations will result in a nil impact on the City’s budgeted net current position.

BACKGROUND

In accordance with section 6.8(1) of the *Local Government Act 1995*, a local government is not to incur expenditure from its Municipal fund for an additional purpose except where the expenditure:

- is incurred in a financial year before the adoption of the annual budget by the local government; and
- is authorised in advance by Council resolution - absolute majority required; or
- is authorised in advance by the Mayor in an emergency.

Approval is therefore sought for the budget adjustment detailed below.

OFFICER COMMENT

Council adopted its 2023/2024 Municipal budget on 26th July 2023 with a budget surplus position. Since then, officers have identified budgets that require adjustment within the Community Planning business unit. It is good management practice to revise the adopted budget when it is known that circumstances have changed. In keeping with this practice, budgets are reviewed on a regular basis. Amendments to the budget are categorised into the three key types as listed below:

1. Adjustments impacting the budget balance or net position of the City; relatively uncommon type.
2. Adjustments with no impact on the budget balance; most common amendment type.

3. Adjustments to transfer budget between capital and operating undertakings; relatively uncommon type.

Item 1: Transfer Naturaliste Community Centre (NCC) Capital budget #12878 to NCC Facilities Maintenance Operational budget #10462

This amendment seeks the transfer of a capital funds allocation for the Naturaliste Community Centre Purchase Office Furniture to the NCC Facilities Maintenance budget, for the supply and installation of an Energy Recovery Ventilator (ERV) in the cycle (spin) room at the NCC.

Currently the cycle room is fitted with wall mounted air conditioners and fans to assist with cooling and circulating air during classes. The current system *does not* remove expelled air or return fresh air to the room, increasing humidity, odours and affecting air quality as a result. The installation of a ERV system will increase customer satisfaction, retention and improve their fitness experience, by addressing concerns raised to deliver fresh outdoor air and exhaust stale indoor air, improving the air quality in the room.

The budget currently sits within NCC Purchase Office Furniture. Expenses for the supply and installation of a ERV system will be expensed from NCC Facilities Maintenance budget. This amendment requests that \$11,150 be transferred from NCC Purchase Office Furniture budget (12878.1011.7743.0000) to the NCC Facilities Maintenance budget (10462-1019-3110-0000).

Statutory Environment

Section 6.8 of the *Local Government Act 1995* refers to expenditure from the Municipal fund that is not included in the annual budget. In the context of this report, where no budget allocation exists, expenditure is not to be incurred until such time as it is authorised in advance, by an absolute majority decision of the Council.

Relevant Plans and Policies

There are multiple plans and policies that support the proposed budget amendments, in particular, the adopted 2023/24 budget 26 July 2023 and the Long-Term Financial Plan, last endorsed in March 2023.

Financial Implications

The table in the officer’s recommendation summarises the financial implications:

	(Increase) / Decrease in Operational Revenue	Increase / (Decrease) in Operational Expenditure	(Increase) / Decrease in Capital Revenue	Increase / (Decrease) in Capital Expenditure	Increase / (Decrease) in Reserves and/or Restricted Assets	Increase / (Decrease) in Net Current Position
Item 1	-	-	-	(11,150)	-	-
Item 2	-	11,150	-	-	-	-
TOTALS	-	11,150	-	(11,150)	-	-

External Stakeholder Consultation

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

Risk Assessment

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

Risk – Air quality issues, as a result of no fresh air being delivered or the exhaust of stale air from the spin room during exercise, resulting in poor air quality.			
Category	Consequence	Likelihood	Rating
Public Safety/ Health	Minor	Possible	Medium
Context			
Public safety/health and reputational damage both possible, in the event of a medical episode as a result of air flow issues experienced during exercise.			

Options

As an alternative to the proposed recommendation the Council could decide not to proceed with the proposed budget amendment request.

CONCLUSION

Council’s approval is sought to amend the budget as per the details contained in this report.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

If the officer recommendation is endorsed, the budget amendment will be processed within a month of being approved.

11. COMMUNITY PLANNING REPORTS

11.1. DA23/0230 Building Envelope Modification, Single House and Swimming Pool: 37 Koorabin Drive, Yallingup

Strategic Theme:	Key Theme 2: Lifestyle 2.8 Plan for and facilitate the development of neighbourhoods that are functional, green and provide for diverse and affordable housing choices.
Directorate:	Community Planning
Reporting Officer:	Jo Wilson – Manager Planning and Development Stephanie Navarro – Planning Development and Policy Coordinator Devin Moltoni – Planning Officer
Authorised By:	Director Community Planning – Gary Barbour
Nature of Decision:	Regulatory: To determine an application/matter that directly affects a person’s right and interests e.g. development applications, applications for other permits/licences, and other decisions that may be reviewable by the State Administrative Tribunal.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	<ol style="list-style-type: none"> 1. Attachment 1- Location Plan [11.1.1 - 1 page] 2. Attachment 2- Location Landscape Context Plan [11.1.2 - 1 page] 3. Attachment 3 Development Plans [11.1.3 - 8 pages] 4. Attachment 4 Schedule of Submissions [11.1.4 - 18 pages] 5. Attachment 5 Site Visit Photographs [11.1.5 - 3 pages]

The officer recommendation was moved and carried.

COUNCIL DECISION

C2402/37 Moved Cr Anne Ryan, seconded Cr Kate Cox

That the Council determines:

1. That application DA23/0230 submitted for development approval for Building Envelope Modification, Single House and Swimming Pool on Lot 99 (No. 37) Koorabin Drive, Yallingup, is considered by the Council to be generally consistent with the Local Planning Scheme No. 21 and the objectives of the zone within which it is located.
2. To grant development approval for the proposal subject to the following conditions:

GENERAL CONDITIONS

The development hereby approved shall be substantially commenced within two years of the date of this decision notice.

1. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plan(s) (enclosed), including any notes placed thereon in red by the City.

2. The building envelope hereby approved shall be in accordance with the signed, stamped, enclosed, approved plans (enclosed) including any notes placed thereon in red by the City, and except as may be modified by the following conditions. Accordingly, the enclosed, approved plan supersedes any previous building envelope plan.

PRIOR TO COMMENCEMENT 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 A schedule of the final materials, finishes and colours of all External Surfaces. The schedule shall include details of the type of materials proposed to be used, including their colour and texture. The External Surfaces of the approved development shall comprise of Prescribed Materials as identified by the City of Busselton *Local Planning Scheme No.21*.
 - 3.2 A Landscape Plan detailing vegetation screening to be implemented between the hereby approved development and the southern lot boundary adjoining Lot 98 (No 35) Koorabin Drive.
 - 3.3 Details of on-site effluent disposal.
 - 3.4 A revised version of the Bushfire Attack Level Assessment prepared by Envision Bushfire Protection shall be submitted to the satisfaction of the City of Busselton.

PRIOR TO OCCUPATION OF THE DEVELOPMENT CONDITIONS:

- 4 The development hereby approved shall not be occupied, or used, until all plans, details or works required by Conditions 2, 3 and 4 have been implemented and the following conditions have been complied with:
- 4.1 Landscaping and reticulation shall be implemented in accordance with the approved Landscape Plan and shall thereafter be maintained to the satisfaction of the City. Unless otherwise first agreed in writing, any trees or plants which, within a period of five years from first planting, are removed, die or, are assessed by the City as being seriously damaged, shall be replaced within the next available planting season with others of the same species, size and number as originally approved.

ONGOING CONDITIONS

- 5 The works undertaken to satisfy Conditions 2, 3, 4 and 5 shall be subsequently maintained for the life of the development.

CARRIED 7 / 0

**FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg,
Cr Andrew Macnish, Cr Kate Cox and Cr Richard Beecroft**

AGAINST: Nil

EN BLOC

OFFICER RECOMMENDATION

That the Council determines:

1. That application DA23/0230 submitted for development approval for Building Envelope Modification, Single House and Swimming Pool on Lot 99 (No. 37) Koorabin Drive, Yallingup, is considered by the Council to be generally consistent with the Local Planning Scheme No. 21 and the objectives of the zone within which it is located.
2. No. 21 and the objectives of the zone within which it is located.
3. To grant development approval for the proposal subject to the following conditions:

GENERAL CONDITIONS

The development hereby approved shall be substantially commenced within two years of the date of this decision notice.

1. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plan(s) (enclosed), including any notes placed thereon in red by the City.
2. The building envelope hereby approved shall be in accordance with the signed, stamped, enclosed, approved plans (enclosed) including any notes placed thereon in red by the City, and except as may be modified by the following conditions. Accordingly, the enclosed, approved plan supersedes any previous building envelope plan.

PRIOR TO COMMENCEMENT 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 A schedule of the final materials, finishes and colours of all External Surfaces. The schedule shall include details of the type of materials proposed to be used, including their colour and texture. The External Surfaces of the approved development shall comprise of Prescribed Materials as identified by the City of Busselton *Local Planning Scheme No.21*.
 - 3.2 A Landscape Plan detailing vegetation screening to be implemented between the hereby approved development and the southern lot boundary adjoining Lot 98 (No 35) Koorabin Drive.
 - 3.3 Details of on-site effluent disposal.

- 3.4 A revised version of the Bushfire Attack Level Assessment prepared by Envision Bushfire Protection shall be submitted to the satisfaction of the City of Busselton.

PRIOR TO OCCUPATION OF THE DEVELOPMENT CONDITIONS:

- 4 The development hereby approved shall not be occupied, or used, until all plans, details or works required by Conditions 2, 3 and 4 have been implemented and the following conditions have been complied with:

- 4.1 Landscaping and reticulation shall be implemented in accordance with the approved Landscape Plan and shall thereafter be maintained to the satisfaction of the City. Unless otherwise first agreed in writing, any trees or plants which, within a period of five years from first planting, are removed, die or, are assessed by the City as being seriously damaged, shall be replaced within the next available planting season with others of the same species, size and number as originally approved.

ONGOING CONDITIONS

- 5 The works undertaken to satisfy Conditions 2, 3, 4 and 5 shall be subsequently maintained for the life of the development.

EXECUTIVE SUMMARY

The City has received a development application for a proposed building envelope modification, single house and swimming pool at Lot 99 (No. 37) Koorabin Drive, Yallingup (the Site).

The application is being brought to the Council for determination pursuant to Councillor call in provisions.

Having considered the application, including submissions received, City officers consider that the proposed development is consistent with the City of Busselton *Local Planning Scheme No. 21* (Scheme) and the broader, relevant planning framework.

The application is recommended for approval subject to conditions.

STRATEGIC CONTEXT

This development application is considered in the context of the City's Strategic Community Plan, and in particular the objective to facilitate the development of neighbourhoods that are functional, green and provide for diverse and affordable housing choices.

BACKGROUND

Key information regarding the application is set out below:

1. **Landowner:** Martin Purvis
2. **Applicant:** Leon House Design

3. General description of the site:

The Site is 2.33Ha and has a single road frontage to Koorabin Drive on the northern lot boundary. The Site is situated on a slope that falls approximately 17 meters from Relative Level (RL) 70.5 in the north-west of the Site down to RL53.25, excluding earthworks associated with the existing dam in the southwest of the Site.

A location plan is provided in Attachment 1, and broader landscape context plan in Attachment 2.

4. Current development/use:

Existing development on the Site includes a single house, two outbuildings (labelled as Stable and Carport on the development plans), an ancillary dwelling, three water tanks as well as earthworks and retaining associated with the existing buildings on the Site.

5. Applicable zoning and special control area designations:

- Zoning - Rural Residential. The Site is zoned Rural Residential under the Scheme. All surrounding adjoining properties are also zoned Rural Residential.
- Landscape Value Area Special Control Area.
- Commonage Consolidated Structure Plan.

6. Land use permissibility:

Pursuant to the Scheme, a Single House is permitted ('P') land use in the Rural Residential zone meaning the use is permitted by the Scheme provided the use complies with the relevant development standards and the requirements of the Scheme.

7. Brief description of the proposed development:

On 13 April 2023, the applicant lodged a development application with the City comprising the following elements:

- Construction of new single house. The location of the new single house will be in the same location as the current single house on the property, with the existing single house proposed to be removed to accommodate the new Single House.
- Removal of two non-native trees (Chinese elms).
- Swimming pool incidental to the proposed Single House.
- Modification of the existing building envelope to accommodate all existing and proposed development on the Site. This includes an enlargement of the building envelope from 2428m² to 3559m²

This report is supported by the following attachments:

1. Attachment 1 - Location Plan
2. Attachment 2 - Location Landscape Context Plan
3. Attachment 3 - Development Plans

4. Attachment 4 - Schedule of Submissions
5. Attachment 5 – Site Photos

OFFICER COMMENT

The Site is located within the Rural Residential zone and is within a Landscape Value Special Control Area. In accordance with clause 4.5 of the Scheme, *Variations to Site & Development Standards and Requirements*, there is discretion for the provisions outlined below to be varied and for discretion to be exercised by the decision maker. When exercising discretion, the decision maker must consider the relevant matters outlined in clause 67 *Consideration of application by local government* of the *Planning and Development Regulations 2015* (the Regulations).

The below section identifies the elements of the planning framework where discretion is proposed and the appropriateness of the City applying discretion.

Building Envelope

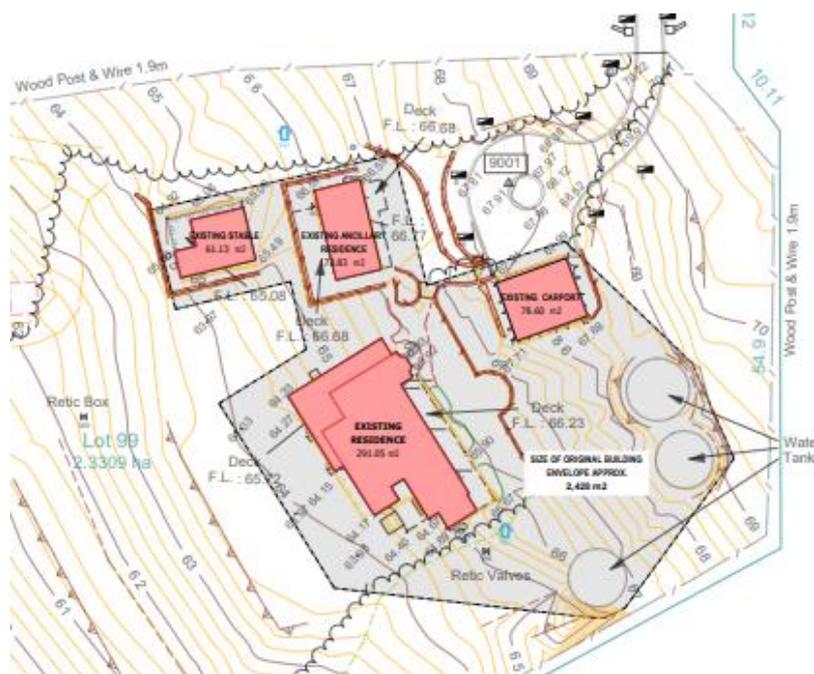
The proposal includes the enlargement of the existing building envelope from 2428m² to 3559m².

The relevant development standard of the Scheme contained within clause 4.34 *Building Envelopes in Rural Areas* states as follows:

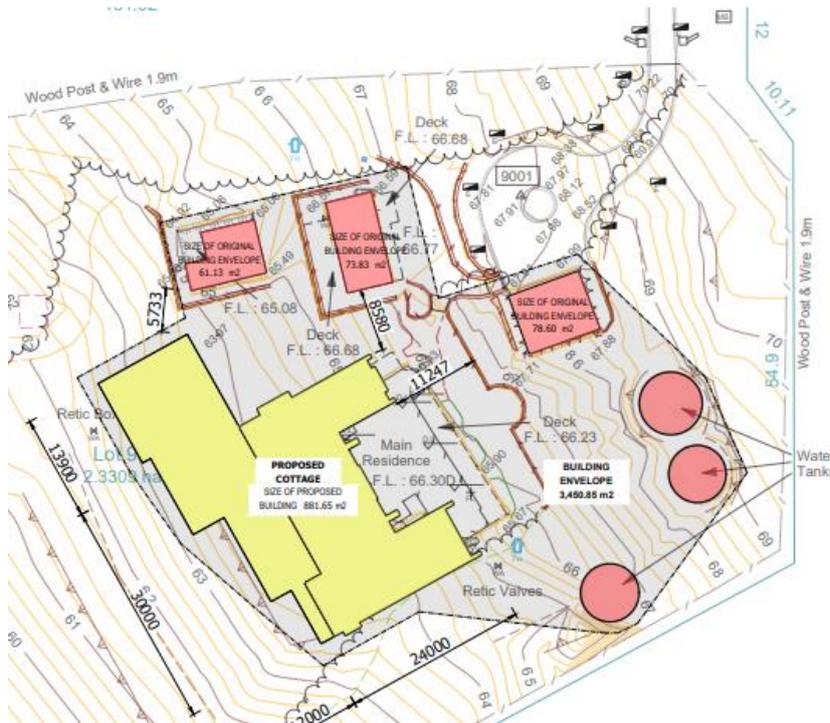
4.34.2 Where a building envelope has not been specified on a lot in the Rural Residential zone, then all dwellings and incidental development must be contained within a regular square or rectangular area of land no greater than 2,000m² in area, or as otherwise required by a Structure Plan.

There are several existing incidental structures on the Site that are spaced out across the lot as can be seen in the image below -

Existing



Proposed



The intention of building envelopes is to “cluster” development and prevent development from being spread out across a site. It is acknowledged that the proposed building envelope is greater than 2000m², this is to ensure that all existing and proposed development will be incorporated within the envelope. Even though the proposed envelope is larger than prescribed within the Scheme, it is noted that the overall footprint of the development is proposed to only increase by 164m² from 750m² to 914m² as shown in the table below:

Current	
Building footprint, including:	
– “Stable”	95m ²
– Ancillary dwelling	80m ²
– Carport	90m ²
– Existing House	350m ²
– Water tanks (x3)	135m ²
	TOTAL – 750m ²

Proposed	
Current Building footprints to be retained -	
– Stable	95m ²
– Ancillary dwelling	80m ²
– Carport	90m ²
– Water tanks (x3)	135m ²
	TOTAL – 400m ²
Proposed -	
– New dwelling	308m ²
– Deck and Pool	206m ²
	TOTAL – 514m ²
	TOTAL – 914m ²

It is noted that the proposed single house complies with the Scheme setbacks for buildings in the Rural Residential zone and that no clearing of native vegetation is proposed because of the modification to the building envelope with the only clearing proposed being two non-native Chinese elm trees situated within the existing building envelope.

It is considered in this instance that the size of the building envelope and location of the proposed new dwelling is appropriate. The proposed dwelling would be in close proximity to the existing development on the Site, whilst avoiding existing vegetation.

Building Height

The applicable building height control for the Site is as per Clause 4.8.6 of the Scheme which states as follows:

5.8.6. In the Rural Residential and Rural Landscape zones the height of any building shall not exceed the height as may be specified on a Structure Plan, or if the height has not been specified, shall not exceed 7.5 metres.

The Site is subject to the Commonage Consolidated Structure Plan which applies a 7.5m height control. In accordance with the Regulations, structure plans are 'due regard' documents only and therefore is only one of the matters to be given consideration when assessing a development application.

The proposed single house reaches a maximum height of 10.18m. The part of the dwelling which exceeds the 7.5m height control is indicated in red on the elevations provided in Attachment 3. As indicated on the plans, only portions of the pitched roof will exceed the 7.5m height control.

The intent of the 7.5m building limit is to allow for two story development. The practical height of a two-storey house can be broken down to the following components:

- (i) The floor to ceiling, or wall plate, heights;
- (ii) The thickness of the suspended slab between the ground floor ceiling and first floor;
- (iii) The roof pitch; and

(iv) Earthworks.

The Site slopes approximately 17 meters from 70.5 RL in the north-west of the Site down to 53.25 RL (excluding earthworks associated with the existing dam in the southwest of the Site). The ground levels within the footprint of the new dwelling range approximately 1.4 metres from 65.9 RL to 64.5 RL. When the application was originally received it proposed a Finished Floor Level (FFL) of 66.3 RL, the same as the existing dwelling on the Site. Following consultation, the FFL of the dwelling was reduced by 1.1m to 65.2 RL and was also shifted westwards so that it sits lower in the slope. Some level of earthworks are considered necessary to tie in the development with the existing levels of other approved structures on the Site.

As mentioned above, following advertising and in response to planning officer request, the proposal was amended to reduce the proposed building height. The building height was reduced from 11.1m to 10.18m. The siting of the dwelling was also shifted westwards down the slope, resulting in the highest point of the roof standing at 73.96 RL, close to 1m lower in the landscape than the initially proposed 74.89 RL.

The height of the building is not considered to significantly detract from the visual amenity of the area, adjoining properties, or the streetscape. The house will not be visible to Koorabin Drive from the street frontage or from elsewhere in the landscape. This is due to the undulating landscape and existing vegetation on the Site and surrounds. Due to existing mature vegetation within the Site, the proposed house will be visible only to the neighbouring house to the south at Lot 98 (35) Koorabin Drive.

The impact of the development on the visual amenity of 35 Koorabin Drive is limited and able to be mitigated through conditions of approval. There is a stand of existing tall mature trees between the dwelling on 35 Koorabin Drive and the proposed single house. This vegetation will screen the taller portion of the proposed house from view. A condition of approval is proposed that will require landscaping to achieve understorey and a mid-tier of vegetation canopy for screening. The landscape screening will sit higher in the landscape than the dwelling at 35 Koorabin Drive which will enhance its effectiveness and assist in reducing the visibility from 35 Koorabin Drive.

Furthermore, as only the roof exceeds the height control, which is angled away from the neighbouring property to the south, it is considered that the additional height will not contribute to building bulk. It is noted that while a flat roof could comply with the building height control it would present the same to neighbouring properties in terms of solid wall component (i.e. ground level to ceiling heights).

A site visit was undertaken on 3 November 2023 with site photos provided at Attachment 5 which show the existing vegetation screening between the proposed house and the house on 35 Koorabin Drive, which will be bolstered by planting as a condition of approval.

Landscape Value Area

The Site is within the LVA Special Control Area under the Scheme. Clause 5.4 of the Scheme states the following in relation to LVA:

5.4.1: The local government shall not grant development approval for the clearing or development of any land identified within a Landscape Value area on the Scheme map, unless it has considered –

- a. *whether the development will be compatible with the maintenance and enhancement, as far as is practicable, of the existing rural and scenic character of the locality;*
- b. *whether the development will materially affect any wildlife refuge, significant wetland, coastal environment or any identified site containing Aboriginal archaeological relics; and*
- c. *disturbance to the natural environment, including -*
 - i. *visual effects of clearing for development;*
 - ii. *maintenance of rural character; and*
 - iii. *habitat disturbance.*

5.4.2: The local government shall not grant development approval for the carrying out of development on land within the Landscape Value area or on land on or near any ridgelines where, in the opinion of the local government, that development is likely to substantially detract from the visual amenity of the area, having regard to, among other things, the cumulative visual effect of the development related to other development that may be anticipated in the locality and in the area generally.

5.4.3: Before granting development approval for the erection of a building on land within the Landscape Value area, the local government shall make an assessment as to whether it should impose conditions relating to –

- a. *the siting of the proposed building;*
- b. *the use of prescribed materials on the external surfaces of the building; and*
- c. *the number, type and location of existing trees and shrubs which are to be retained and the extent of landscaping to be carried out on the site.*

The proposed development complies with clause 5.4 as listed above. The only vegetation proposed to be removed are two non-native trees which are not visible from outside the Site boundaries. All native vegetation will be retained, providing for native species habitat. Compliance with prescribed materials has been agreed to by the applicant and owner and will be addressed through a condition should development approval be granted. The proposed single house will be scarcely visible from outside of the lot due to the undulating landscape and existing mature vegetation on the Site and elsewhere in the landscape. The siting of the dwelling is generally in the same location as the existing dwelling, except for a marginal shift westwards lower in the slope. Additional landscape screening between the Site and 35 Koorabin Drive will be required as discussed previously.

Colours and Materials

The schedule of colours and materials demonstrates indicates compliant materials with Local Planning Policy 3.1 Reflective Building Materials. However, the materials are annotated 'as yet' to be confirmed and does not include paint colour and roof colour finishes. A condition is recommended to require a schedule of colours and materials to confirm compliance prior to the commencement of the development.

Statutory Environment

Legislation

Planning and Development Act 2005
Planning and Development (Local Planning Schemes) Regulations 2015
Local Planning Scheme No. 21

State Government Policies

State Planning Policy 3.7 Planning in Bushfire Prone Areas

Structure Plans

Commonage Consolidated Structure Plan

Relevant Plans and Policies

Local Planning Policy 3.1 Reflective Building Materials

Provides guidelines for acceptable non-reflective building colours and materials.

Financial Implications

Not applicable.

External Stakeholder Consultation

Consultation on the proposed development was undertaken by mailing letters to five surrounding landowners. In response to consultation, three submissions were received from landowners. These included two objections and one submission in support.

An outline of the concerns raised in these submissions is listed below with full details provided within Attachment 4:

1. Building Height.
2. Conflict with the character of the area.
3. Building envelope area.
4. Visual amenity.

Risk Assessment

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

Options

As an alternative to the proposed recommendation the Council could:

1. Refuse the proposal, setting out reasons for doing so; or

2. Apply additional or different conditions.

CONCLUSION

Subject to appropriate conditions, the proposal is considered appropriate to support and accordingly is recommended for approval.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

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

Milestone	Completion Date
Applicant and Submitters advised of Council Decision	Within 2 weeks of Council Decision

12. INFRASTRUCTURE AND ENVIRONMENT REPORTS

12.1. RFT16/23 Bussell Highway Stage 2

Strategic Theme:	Key Theme 2: Lifestyle 2.10 Provide local road networks that allow for the safe movement of people through the District. 2.12 Provide well maintained community assets through robust asset management practices.
Directorate:	Infrastructure and Environment
Reporting Officer:	Manager Civil Infrastructure - Matthew Twyman
Authorised By:	Director Infrastructure and Environment - Oliver Darby
Nature of Decision:	Contractual: To enter into a contract e.g. a lease or the award of a tender etc.
Voting Requirements:	Absolute Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	1. CONFIDENTIAL REDACTED - ECM 5318076 v 2 RFQ 16 23 Bussell Highway stage 2 Evaluation Report [12.1.1 - 17 pages]

The officer recommendation was moved and carried.

COUNCIL DECISION

C2402/38 Moved Cr Val Kaigg, seconded Cr Jodie Richards

- That the Council endorse the outcome of the evaluation panel's assessment of the tender submissions received in response to RFT 16/23 Bussell Highway Upgrade Stage 2 and accept the tender submission from Carbone Bros Pty Ltd for \$1,268,246.16 (exclusive of GST) as the most advantageous to the City.
- That the Council endorse the following requested budget amendments:

		Amendment Description			
		Project Description			
Item #	Budgeted Municipal Net Current Position	Operational Expenditure Budget	Capital Expenditure Budget	Grant	Reserves or Restricted Assets
	Increase / (Decrease)	Increase / (Decrease)	Increase / (Decrease)	(Increase) / Decrease	Increase / (Decrease)
1	Increase capital project				
	Project 11199 - Bussell Highway (C)				
	-	-	184,401	-	(184,401)
2	Reduce capital project				
	Project 12005 Payne Road (C)				
	-	-	(184,401)	-	184,401
TOTALS	-	-	-	-	-

CARRIED 7 / 0

**FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg,
Cr Andrew Macnish, Cr Kate Cox and Cr Richard Beecroft**

AGAINST: NIL

BY ABSOLUTE MAJORITY

OFFICER RECOMMENDATION

1. That the Council endorse the outcome of the evaluation panel’s assessment of the tender submissions received in response to RFT 16/23 Bussell Highway Upgrade Stage 2 and accept the tender submission from Carbone Bros Pty Ltd for \$1,268,246.16 (exclusive of GST) as the most advantageous to the City.
2. That the Council endorse the following requested budget amendments:

Amendment Description					
Project Description					
Item #	Budgeted Municipal Net Current Position	Operational Expenditure Budget	Capital Expenditure Budget	Grant	Reserves or Restricted Assets
	Increase / (Decrease)	Increase / (Decrease)	Increase / (Decrease)	(Increase) / Decrease	Increase / (Decrease)
1	Increase capital project				
	Project 11199 - Bussell Highway (C)				
	-	-	184,401	-	(184,401)
2	Reduce capital project				
	Project 12005 Payne Road (C)				
	-	-	(184,401)	-	184,401
TOTALS	-	-	-	-	-

EXECUTIVE SUMMARY

The City invited tenders under RFT16/23 Bussell Highway Upgrade Stage 2 (the RFT) for the asphalt overlay and widening works for purposes of a cycleway located in Broadwater on Bussell Highway with the works to be completed during the Autumn of 2024.

This report recommends that the Council endorse the outcome of the evaluation panel’s assessment and accept the tender submission from Carbone Bros Pty Ltd for \$1,268,246.16 (exclusive of GST) as the most advantageous to the City.

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

STRATEGIC CONTEXT

The nature of the works supports the improvement of our road connections to and from the district, in alignment with Key Theme 2 of the City’s Strategic Community Plan – Lifestyle and is also in support of Key Theme 3 – Opportunity.

BACKGROUND

A section of Bussell Highway between Bell Drive and Travellers Well Street (SLK 5.25 – 6.18) is to be upgraded during the 2023/24 financial year. This project is year four of a five year part Main Roads WA funded (Regional Road Group program) upgrade project to widen and asphalt overlay the Bussell Highway between Dolphin Road and MacIntyre Street (SLK 3.8 – 7.30), including the delineation of an on road cycleway. The project will improve road user safety and asset condition.

The City invited tenders for the project that is listed within the 2023/24 endorsed Budget as ‘11199 Bussell Highway’.

OFFICER COMMENT

On 9 December 2023, tenders were invited via VendorPanel and advertised in The West Australian newspaper and on the City of Busselton website. A total of 83 potential respondents viewed the proposed request for tender which closed at 2.00pm (AWST) on Tuesday 16 January 2024. The City received one compliant tender submission from Carbone Bros Pty Ltd. No other tender submissions were received.

Assessment Process

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

The tender assessment process included:

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

	Criteria	Weighting
(a)	Relevant Experience	15%
(b)	Local Benefit	5%
(c)	Demonstrated Understanding and Resources	20%

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

Summary of Assessment Outcomes

As shown in the Tender Evaluation Report (see confidential attachment) City officers are satisfied that Carbone Bros Pty Ltd demonstrated.

- A good range of relevant experience and ability to deliver projects of a similar value and complexity in terms of the project scope of works.
- The contractor is based in Brunswick and is planning to employ a number of local subcontractors, that in turn provides work and investment into the local community.
- Skilled experienced staff with a strong understanding of the project requirements.
- An extensive range of resources that are more than adequate to undertake and complete the Project within the proposed time limit.
- a detailed breakdown of their construction methodology and items covered includes; project detail, project plan for undertaking the works, demonstrated understanding of the work, risk matrix, detail of workers and sub-contractors, consultation, PPE, and workers compliance/accreditation.

Statutory Environment

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

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

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

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

Relevant Plans and Policies

The City's purchasing policies, regional price preference, work health and safety, asset management, engineering technical standards and specifications were all relevant to the RFT, and have been adhered to in the process of requesting and evaluating tenders.

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

Plan:

[Asset Management Plan](#)

Policy:

[Asset Management](#)
[Purchasing](#)

Financial Implications

The 2023/24 endorsed budget includes provision for the Bussell Highway Stage 2 project and a portion of the previously completed Stage 1 as follows:

Project 11199 Bussell Highway

• State Government Main Roads WA Grant	\$ 1,356,391
• Road Asset Renewal Reserve	\$ 678,321
Total Budget 2023/24	\$2,034,712

Expenditure for Stage 1 within the 2023/24 budget was \$824,043, resulting in a remaining available budget of \$1,210,669 and a shortfall of \$57,577.16.

Council approval is sought to increase the budget for the Bussell Highway project (11199) by \$184,401. This increase allows for the identified contract award shortfall and a 10% contingency. This budget increase could be offset by reducing the Payne Road project (12005) budget, as this project has been completed under budget. Both budget allocations have been funded from the Road Asset Renewal Reserve [1058] and any unspent contingency will be returned to this reserve upon project completion.

External Stakeholder Consultation

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

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed considering any controls already in place. There are no such risks identified, with the successful tenderer assessed as being capable of delivering the services to a suitable service level.

Options

The Council may consider the following alternate options:

1. Re-advertise the tender to seek an increased number of submissions. In the view of Officers, this could still result in only one submission being submitted a second time. This project is funded from the Metropolitan Regional Road Grant by the State Government and if the project is not completed within the funding timelines this may result in funding being withdrawn.
2. Decline to accept any tender. This would mean going back out to tender, resulting in significant delays to the contract award, delivery of the project and potential withdrawal of State Government funding.

CONCLUSION

It is recommended that the Council accept the tender submission from Carbone Bros Pty Ltd.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Should Council adopt the officer recommendation, it is anticipated that the contract for the Bussell Highway Upgrade Stage 2 project will commence mid-March 2024 and be completed by the end of June 2024, weather permitting.

13. ECONOMIC AND BUSINESS DEVELOPMENT REPORTS

NIL

14. CORPORATE STRATEGY AND PERFORMANCE REPORTS

14.1. Customer Service and Communications (CEO KPI)

Strategic Theme:	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
Directorate:	Corporate Strategy and Performance
Reporting Officer:	Manager Systems & Information Services - Tim Allingham
Authorised By:	Director of Corporate Strategy and Performance - Sarah Pierson
Nature of Decision:	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	Nil

Prior to the meeting, Cr Andrew Macnish foreshadowed a motion that was different to the officer recommendation. In accordance with clause 10.18(6) of the City of Busselton *Standing Orders Local Law 2018*, it was taken to be an alternative recommendation, was moved first and carried.

COUNCIL DECISION

C2402/39 Moved Cr Andrew Macnish, seconded Cr Anne Ryan

That the Council:

1. **Observes the report providing measures and opportunities increasing community engagement and understanding of City processes and decisions addressing the relevant CEO KPI deliverable, but also notes the strategy to be a collection of process inputs NOT outcomes (which are yet to be fully assessed in terms of successfully delivering the desired customer service experience levels).**
2. **Accordingly, refers the matter of consideration of the CEO's performance meeting KPI criterion #4 to the next CEO Performance Committee meeting for its advice to the Council.**
3. **Refers the opportunity identified in the officer's report of a risk-based approach to communications and capitalising on the value offered primarily from complaints to its Audit and Risk Committee (ARC) to consider (but not be limited to) the following options moving forward:**
 - a. **The CEO undertake a review of the City's complaint handling process and provide a report to the ARC outlining the risks and opportunities for improvement of the current process as it relates to customer service.**
 - b. **the CEO to engage an independent auditor to undertake a review of the City's complaint handling processes and provide a report to the ARC outlining the risks and opportunities for improvement.**
 - c. **the CEO include complaints handling as an area for audit in any future internal audit plan (noting that there is a report scheduled for the March ARC meeting that will address an internal audit plan).**

CARRIED 7 / 0

**FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg,
Cr Andrew Macnish, Cr Kate Cox and Cr Richard Beecroft**

AGAINST: Nil

Reasons: The purpose of setting CEO KPIs is to drive desired operational outcomes. Establishing a strategy/approach to a matter does not in itself, deliver desired outcomes. The monitoring of an outcome means measuring, understanding, and reporting factual data.

Excellent customer service can be assured if informed customers rate it as such. There is valuable information to be derived through assessment of customer issues / complaints. For this reason it is recommended the Council require its Audit and Risk Committee (ARC) examine how best to derive the implicit value of complaints and assess risk within its complaints handling process.

OFFICER RECOMMENDATION

That the Council:

- 1) Note the existing measures and opportunities outlined in this report to assist in increasing community engagement and understanding of City processes and decisions.
- 2) Acknowledge that this item and recommendation 1 meets the requirements of CEO Performance Criterion #4.

EXECUTIVE SUMMARY

Customer service and community engagement (broadly customer experience) expectations are core to the successful functioning of a local government. Recognising this, the Council and the CEO agreed a CEO performance criterion in relation to increasing community engagement and understanding of City processes and decisions.

This report responds to that performance criterion (# 4) outlining what best practice customer experience looks like, where the City has already implemented these practices, and what improved practices the City could implement into the future, to ensure a focus on continuous improvement.

BACKGROUND

Expectations with respect to customer service and community engagement continue to grow and change, driven largely by technological advancements. This has resulted in evolving customer expectations, with customers typically expecting faster responses, personalised interactions through face to face and online portals, and overall a seamless customer-centric experience.

The CEO's Performance Criteria specify customer experience and communications as a key focus area, with the desired outcome being a best practice customer service and communication model to increase community engagement and understanding of City processes and decisions.

The deliverable is:

Provide a report to council outlining measures undertaken to:

- a) implement a best practice customer service model following consultation with peer local governments;*
- b) ensure the City's communication with its customers is understandable, uses simple language wherever possible, and clearly explains the impacts of decisions or potential decisions and why they have been made.*

The City of Busselton is committed to providing excellent services to the community. The City strives to provide a polite, helpful, and respectful service, as well as accurate information in easy-to-understand language. The City has a Customer Experience Charter, adopted by the Council in March 2022, that outlines the City's commitment to delivering consistent and excellent service, as well as providing clear explanations for decisions made. The City also has a Community Engagement Framework, developed with input from the local community and adopted in June 2021.

The City provides a dedicated customer service function at its Administration Building; assisting with enquiries, logging requests and issues, taking payments, and fielding planning and building matters and ranger enquiries. More specific customer services are provided at relevant locations, for example Leisure Centre services at the GLC and NCC and Library services at the Busselton and Dunsborough Libraries.

The City's Stakeholder Relations team is responsible for stakeholder relations, media, communication and promotions, and civic events. A dedicated Community Engagement Officer also assists City officers with the development of engagement plans and projects. Being a small team, much of the City's routine communications are decentralised, with the Stakeholder Relations team providing support and advice as required and overseeing high profile communications.

OFFICER COMMENT

Customer Service

Customer service models and approaches vary across local governments. Officers reviewed the customer service functions across eight peer local government organisations to understand common contributing factors to best practice customer service. Officers also analysed online documentation including charters and strategies and attended the "Design, Deliver, Delight!" seminar in December 2023 to gain additional insights and ideas on what it takes to create a culture of service excellence at the City of Busselton.

While approaches and practices across local governments varied, the table below summarises a set of 8 common good practices. The status of each within the City is also summarised and further information on each and what the City has already undertaken is discussed below.

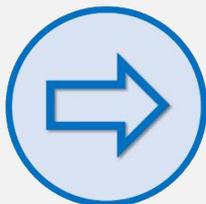
	Current practice	Short term opportunity (< 1 year)	Medium term opportunity (1 to 3 years)	Long term opportunity (3 to 5 years)
<i>Customer Service Training</i>	✓	➡		
<i>Measure Customer Satisfaction</i>	✓	➡		
<i>In Person and Telephone Customer Service Function</i>	✓			
<i>Phone Contact Centre</i>				➡
<i>Auto-attendant phone system</i>		➡		
<i>Recording phone conversations</i>			➡	
<i>Online customer self-service</i>	✓		➡	
<i>Chat-bot website trial</i>		➡		
<i>Customer Service Working Group</i>		➡		

Customer Service Training

Customer service training across the organisation is crucial to achieving consistently high levels of customer service and embedding a customer-first culture. All local governments reviewed deliver such training through customer service inductions for new staff and organisational wide training.

The City currently provides monthly Customer Service inductions (delivered by the Customer Service Coordinator) to ensure that new employees are aware of the Customer Experience Charter and to highlight key customer service protocols and the complaints handling policy.

It is important to regularly communicate and reinforce the customer service standards set by the organisation. This reinforcement through training is identified as a short-term opportunity.



Short-term opportunity

Refresher training for all members of staff to reinforce their responsibilities for customer service is planned for early 2024.

In conjunction with other practices outlined in this report, this training will be used to ensure a consistent understanding of customer service standards.

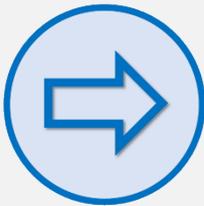
Measure Customer Satisfaction

Regular measuring and reporting on customer satisfaction helps to facilitate a strong customer service culture. 75% of the peer local governments researched undertake regular customer interaction surveys.

The City measures customer satisfaction at an overarching level through the Community Scorecard released every two to three years. Data from this survey helps the City to assess where its focus should be in terms of priorities and improvements. In terms of more regular feedback, the City has a feedback form available on its website, and feedback forms available at customer service. All feedback received is provided to the relevant service area, however there is currently no central oversight of the feedback.

Technology can be used to provide improved and more coordinated methods of collecting and collating feedback. Central collation and oversight of the data will assist the City to better understand community perceptions and expectations and improve the customer experience on an ongoing basis.

The potential for overuse of feedback surveys is however noted, and care must be taken to avoid customers becoming overwhelmed with requests for feedback.



*Short-term
opportunity
(< 1 year)*

There is an opportunity to gather feedback from additional sources using technology, ensuring feedback mechanisms are more coordinated.

Feedback links will be added to customer requests through the customer request management (CRM) system.

In-Person and Telephone Customer Service Function

100% of the peer local governments researched have an in-person and telephone customer service function. While there is an increase in the number of people seeking to engage with the City online, it is important that every ratepayer and resident has access to in person and telephone services.

The City has a dedicated in-person and telephone customer service function at the administration building. The customer service staff make use of a knowledge management database to store information about core services and programs, to assist in providing a first point of contact service. Where necessary, switchboard operators are responsible for directing telephone calls to the appropriate destination or recipient.

After business hours, telephone calls are directed to an out-of-hours call centre, providing customers with information and access to some services such as Rangers and Operations.

In 2023:

- 48,112 customers called (08) 9781 0444;
- 2,440 out-of-hours phone calls were directed to the City's after-hours call centre;
- 4,207 customers were signed into the City's visitor management system;
- 6,079 receipts were paid at the Admin Building; and
- 60,231 invoices were paid online.

It is considered that the City's dedicated customer service functions, in person and telephone, operate effectively. Reinforcement of customer service expectations across the entire organisation (as planned with the training above) will further support this effectiveness.

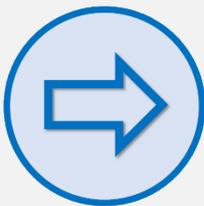
Into the future, and as we continue to grow, it is recommended that a transition to a phone contact centre, as outlined below, is further explored.

Phone Contact Centre

A phone contact centre brings together officers with a variety of information, knowledge and experience to resolve most customer queries at the first point of contact (by phone). As well as being efficient, it reduces customer frustration experienced through having to repeat their request as they are transferred to those with more technical information, or worse, being 'cut-off' or transferred to an unattended phone extension and having to leave a voicemail.

38% of the peer local governments researched use a phone contact centre. All the others operate a switchboard-style telephone contact centre like the City's current service (described above)

Transforming from a switchboard to a contact centre would require a change in the structuring of first point of contact customer service across the organisation, with the possible requirement for technical officers from different areas to co-locate for rostered shifts to the phone contact centre. While this could be achieved without the need for co-location (through phone rota) experience indicates that the formation of a dedicated phone contact centre / approach works best.



*Long-term opportunity
(3 to 5 years)*

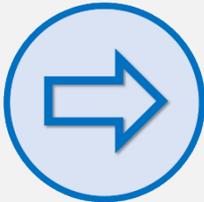
Implementation of a full customer contact centre may require changes to positional responsibilities and the rostering of officers to co-locate with or form part of a contact centre function. It is likely to bring customer experience benefits, particularly as we continue to grow, and so it is recommended that the CEO explore such a transition as a longer term opportunity.

Auto-Attendant Phone System

The City currently receives all phone calls via its main customer service number (08 9781 0444). The customer information officer greets the customer and seeks to understand the nature of their enquiry. They will then either respond to the enquiry themselves or transfer the customer to the area that is appropriate.

An auto-attendant phone system automatically answers, greets, and routes inbound phone calls based on the caller's response to menu options that a user can choose from using their phone's keypad. 63% of the peer local governments researched use a phone auto-attendant system.

There are potential disadvantages to this approach that need to be avoided through a customer-focused design. A clear path to speak to a member of the customer service team would be vital to avoid customer frustration or a perceived loss in personalised service.



*Short-term
opportunity
(< 1 year)*

An auto attendant system allows customers to bypass an initial conversation with a generalist Customer Information Officer, placing the customer in first point of contact with the technical specialist team relevant to their enquiry.

This will be designed in collaboration with all relevant teams and implemented using our current phone system.

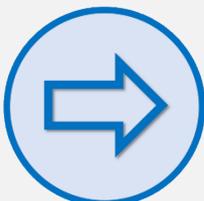
Recording Phone Conversations

Many organisations record phone conversations on customer-facing phone services for coaching and monitoring purposes. It also provides reference information when a customer is not satisfied with the service provided; and may also act a deterrent against abuse from customers, which unfortunately does occur.

It is important to note that it is illegal to record a conversation without every party's explicit or implied consent¹ and so an appropriate message must be played to every customer using the services where the conversations are recorded. There must also be consideration to customers' expectations of privacy when dealing with personal matters.

50% of the peer local governments researched record some phone conversations.

Unfortunately, this cannot be performed automatically using the City's existing ShoreTel phone system and would require additional budget to implement and / or a change in phone systems.



*Medium-term
opportunity
(1 to 3 years)*

Given the advantages this should be considered as an opportunity for the City. A quote to add this functionality to the current system has been requested. Further, when the City looks to replace its current telephone system (scheduled within the next two years), the ability to record phone calls will be one of the requirements for the new system.

¹ Section 5 subsection 3(c) of the [Surveillance Devices Act 1998](#)

Online Customer Self-Service

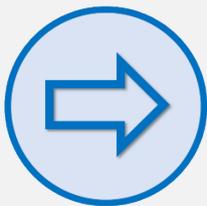
An expectation of any customer-facing organisation is for online information and services to be provided via a website or portal, allowing customers to perform tasks when convenient to them.

100% of the peer local governments researched have a website to provide information to their customers. The City’s website contains information on a wide range of services, with services such as the GLC / NCC, Library and Airport all having their own dedicated websites.

87.5% of the peer local governments researched have a portal allowing customers to transact online, however the functionality varies. A summary of the portals from the 8 peer local government organisations researched is shown below, as compared to the City of Busselton’s current offering.

	Busselton	Mandurah	Greater Geraldton	Port Hedland	Joondalup	Bunbury	Capel	Fremantle	Perth
Pay rates	✓	✓	✓	✓	✓	✓	✗	✓	✓
Pay rates by Direct Debit	✓	✓	✓	✗	✓	✓	✓	✓	✓
Pay rates by instalments	✓	✓	✓	✗	✓	✓	✓	✓	✓
Pay animal registration	✗	✓	✓	✗	✓	✓	✗	✓	✓
Pay infringements	✓	✓	✓	✗	✓	✓	✗	✓	✓
Pay building and planning applications	✓	✓	✓	✗	✓	✓	✗	✓	✓
Pay health, holiday home and venue hire invoices	✓	✓	✓	✗	✓	✓	✗	✓	✓
Pay debtor accounts	✓	✓	✓	✗	✓	✓	✗	✓	✓
Report an issue (CRM) and follow up	✗	✓	✗	✗	✗	✗	✗	✓	✗

The City will continue to consider the appropriate levels of cyber security for the types of information and tasks available, and, as a key improvement, will seek to provide an online customer request management capability.



Medium-term opportunity

There is an opportunity to improve presentation and usability of the City’s online portal.

The addition of a Customer Request Management (CRM) capability, including the ability to create, update, and get status updates on CRMs would provide significant benefits to customers and City personnel.

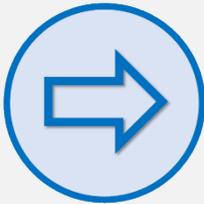
The latest version of the TechnologyOne ERP already in use by the City provides such portal functionality. The City is intending to upgrade its

(1 to 3 years)

portal through the CiA Live program that is currently in progress to upgrade the City's core systems. This is scheduled to occur over the next 24 months.

Chat-Bot Website Trial

The City is currently investigating the use of a chat-bot functionality on its City website. The chat-bot allows customers to ask a question and receive a response based off the information publicly available on the website. This will add to the current search and navigation functions on the website and should assist customers seeking routine information. The chat-bot is currently in the testing stage, ahead of a trial.



*Short-term
opportunity*

(< 1 year)

Trial of a chat-bot functionality on the City's website, providing a different way for customers to engage with the City for more routine enquiries.

Customer Service Working Group

An organisation as diverse as a local government has multiple customer service touch points. To ensure that a consistent level of customer service is provided, it is good practice to set up a working group among operational leaders and for that group to regularly meet and share performance, experiences and ideas on ways that customer service could be improved.

50% of the peer local governments researched held regular customer service working group meetings attended by customer-facing functions.



*Short-term
opportunity*

(< 1 year)

Establishment of a customer experience working group will improve customer service through a more consistent approach and the sharing of ideas.

Communications and Engagement

The objectives of the City of Busselton Community Engagement Policy and Community Engagement Framework are as follows:

- Stakeholders are informed of matters that affect them.
- Stakeholders are provided with sufficient information to make informed comment on matters affecting them.
- Stakeholders can easily comment on and access information at project milestones.
- Comments received are given due consideration by decision makers.
- Stakeholders who provide comment are informed of the outcome.

The City's framework is modelled around the approaches outlined by the International Association of Public Participation (IAP2), with the Spectrum of Public Participation (Inform – Consult – Involve – Collaborate – Empower) used broadly across the local government sector. In reviewing the Council's Policy and developing the Community Engagement Framework, officers also considered feedback provided by the community through Community Scorecard surveys and through community engagement workshops. Aspirations for quality engagement included:

- A desire for authentic and transparent engagement;
- An understanding that engagement is contextual and not a one-size-fits all mode;
- Engagement being undertaken early in a project;
- Ensuring a diversity of voices;
- Engagement which builds mutual respect with robust feedback loops;
- Engagement based on plain speaking language; and
- Engagement that delivers a broad acceptance of the process followed (noting that while we can't make everyone happy all of the time, a good process should lead to a greater acceptance of outcomes).

Over the past few years, the City has implemented engagement and communication strategies to further these aspirations. These include the increasing use of social media platforms to broaden the reach of our communication, the successful use of a digital engagement portal called 'YourSay Busselton', the continual review of corporate websites to improve information quality and accessibility, and a concerted effort to take engagement into public places and spaces with pop-up initiatives, display installations and 'open-house' events.

The City:

- Currently has 35,236 social media followers (all Facebook and Instagram combined)
- Achieved 536,256 social media reach across 2022/23 (City Facebook only)
- Achieved 2,477 Your Say engagements across 2022/23, with 21 projects
- Ran 11 civic events
- 1,077,340 website views (all websites)

A key element of effective engagement, as identified by the Council through this performance criterion, and in the aspirations above, is that engagement is based on plain language wherever possible. This ensures customers and the community understand decisions, potential decisions and their impacts.

While important, this can be challenging to achieve in such a diverse organisation as a local government. Local governments deliver a wide variety of services employing different technical and professional skill sets. They also operate under many pieces of legislation. This can lead to communications being quite technical at times and it can be challenging to apply consistent terminology across organisational communications. Outlined below are strategies proposed / in progress to combat this and improve the understandability of the City's communications.

	Current practice	Short term opportunity (< 1 year)	Medium term opportunity (1 to 3 years)	Long term opportunity (3 to 5 years)
<i>Writing Style Guide / Language Glossary</i>	✔	⇨		
<i>Letter Template / Statement of Purpose</i>	✔	⇨		
<i>Staff Inductions and Training</i>	✔	⇨		
<i>Risk based approach to centralised communications</i>	✔	⇨		
<i>Corporate Document Framework</i>			⇨	

Writing Style Guide and Language Glossary

The City's Stakeholder Relations team has developed a Writing Style Guide and a Preferred Language Glossary, to assist in educating employees on how to write in a way that provides easy to understand information, engages the audience and reflects the City's context – the why.

It encourages employees to think about their audience. A popular plain language myth is that you should “dumb down” your content so that everyone, everywhere can read it. However, the focus should be on using language your audience knows and feels comfortable with and telling your audience why the material is important to them. The guide sets out the importance of planning communications:

- Who is your audience?
- Why are you creating the content?
- What information is most important?
- Where will the content be read?

It includes guidelines for readability, punctuation, heading conventions and outlines some common City of Busselton language. Example guidelines include:

- Be clear and concise, don't use more words than you need to.
- Use everyday language, if possible.
- Avoid technical terms – provide an explanation if they must be used.
- Express only one idea in each sentence.
- Use terms consistently throughout your document.
- Use tables to make complex material easier to understand.
- Write using an active voice.

- Connect ideas between sentences and paragraphs.

Referenced within the style guide is the Preferred Language Glossary containing an A-Z listing of words / phrases and a preferred, simpler, word that can be used. A snapshot by way of example is provided below:

City of Busselton Preferred Language Glossary		
Word and/or phrase	Look at using	Explanation
amongst	among	
anticipate	expect	
a number of	some, many, few	Alternatively, provide how many.
apparent	clear, plain	
appreciable	many	
appropriate	proper, right, correct	
approximately	about	
as a consequence of	because, since	
as a means of	to	
ascertain	find out, learn	
as prescribed by	in, under	
assist, assistance	help, support, guide	
at a later date	later, soon	Alternatively, provide specific date or time frame.
attain	meet	
attempt	try	
at this point in time	at present, now	
bed and breakfast		As defined by the Local Planning Scheme Amendment No. 21. Generally meaning a house that you live in and host accommodation for guests on a short-term commercial basis with the provision of breakfast.
benefit	help	
by means of	by, with	
capability	ability	
caveat	warning	
cease	stop	

The writing style guide and glossary is available for staff on the City Intranet, with targeted roll out commenced.

It is recognised that individual writing styles can be strongly embedded and hard to shift. The written word is also not a core strength of every person. It will therefore likely take some time to influence change towards a consistent 'City of Busselton' writing style. Governance and Stakeholder Relations employees, within current resourcing capacities, offer advice and support to improve written communications. The Governance team review Council reports where they can as part of agenda settlement processes and the Stakeholder Relations team review critical communications to ensure consistency and appropriateness of messaging.



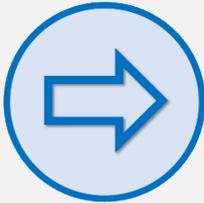
*Short-term
opportunity
(< 1 year)*

Continued roll out of the developed Writing Style Guide and Preferred Language Framework, coupled with internal training for regular report and letter writers.

Letter Templates and Statement of Purpose

The City has standard letter templates, with City branding and consistent references, address block, date and signatory format. To provide increased clarity for the reader the standard letter template

will be enhanced to also include a clear statement of purpose or intent paragraph (editable); for example “This letter is to let you know about [XXXXXXXX]. This may impact you in the following way: [XXXXXXXX]”.



*Short-term
opportunity
(< 1 year)*

Establishment of consistently formatted statement of purpose in City letter template.

Staff Training and Inductions

The City’s Stakeholder Relations team currently runs monthly inductions for new employees, focused on key communication and engagement principles and providing an overview of the support services available within the Stakeholder Relations team. This induction program is currently under review to focus on the key principles of consistent, easy to understand communications. Refresher training for staff is also being developed.

Centralised Communications

Of course, the ultimate way to achieve clear and consistent communications is to centralise all external communications through one dedicated and appropriately skilled team (such as Stakeholder Relations). This is not, however, considered achievable or workable. The Stakeholder Relations team is relatively small, with only 4.4 FTE, and they have a range of other duties including management of the Sister City relationship with Sugito, deeper involvement with projects from their commencement (proactively supporting campaigns and activities) and a greater focus on more strategic stakeholder relations. Additionally, they are not technical experts across the many disciplines of local government (for example, engineering). Centralising communications would also hamper the efficiency of workflows within service areas, with letter templates in some areas built into system applications and workflows.

The Stakeholder Relations team currently provides advice and assistance with the drafting of ‘high profile’ communications and draft all media communications. Further application of a risk-based approach to communications would be beneficial, such that officers use the City’s risk assessment process to determine the need for involvement by the Stakeholder Relations team. This can be further explored as part of re-invigorating the City’s risk frameworks, and implemented as part of staff training in relation to communications.



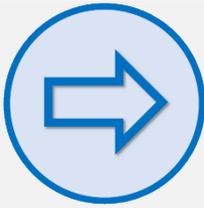
*Short-term
opportunity (< 1 year)*

Application of risk-based approach to involvement of Stakeholder Relations in development and review of external communications.

Corporate Document Framework

It is proposed that a Corporate Document Framework is developed to ensure that City strategies and plans are integrated, purposeful and to provide a consistent look and feel for the reader. The City's newly formed People, Culture and Strategy business unit, which has responsibility for the alignment of the Council and corporate strategy with organisational purpose and services, will develop this framework post review and re-set of the Council's strategic direction and development of the Council Plan. As part of that process, a desktop audit of current plans and strategies is underway.

Further, it is proposed that the Stakeholder Relations team be responsible for the approval of publishing of City documents, to ensure a consistent and aligned City brand.



*Medium-term
opportunity
(1 to 3 years)*

Development of a Corporate Document Framework to improve integration and purpose of corporate documents.

Centralisation of publication approvals through Stakeholder Relations.

Statutory Environment

Not Applicable

Relevant Plans and Policies

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

Customer Service Charter
Community Engagement Policy
Community Engagement Framework

Financial Implications

While there are no immediate financial implications associated with the officer recommendation, some of the recommendations for action contained within the report may have budget implications. These will be identified and approval sought through budget processes.

External Stakeholder Consultation

Not Applicable

Risk Assessment

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

Options

As an alternative to the proposed recommendation the Council could request the CEO explore alternative or additional measures in relation to customer experience.

CONCLUSION

The research shows that the City's peer local government organisations use a number of strategies to provide great customer experience. The City already employs many of these, either completely or partially, however, this report has identified several suitable opportunities for improvement and development. City officers will implement the opportunities identified in this report to foster consistent and approachable customer service and communications.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

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

Milestone	Completion Date
Council acknowledgement of existing measures and opportunities	21 February 2024

14.2. Committee and Working Group Appointments

Strategic Theme:	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
Directorate:	Corporate Strategy and Performance
Reporting Officer:	Manager Legal and Governance - Ben Whitehill
Authorised By:	Director of Corporate Strategy and Performance - Sarah Pierson
Nature of Decision:	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
Voting Requirements:	Absolute Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	Nil

The Mayor called upon an Elected Member to move a motion to suspend the operation of the City of Busselton *Standing Orders Local Law 2018* in accordance with clause 16.1(2) of the *Standing Orders Local Law 2018* until the completion of the nomination process and voting on the appointments to the vacant positions for::

- CEO Performance Review Committee
- Finance Committee
- Waterways management Committee
- Busselton Jetty Reference Group

The motion was moved and carried.

COUNCIL DECISION

C2402/40 Moved Cr Jodie Richards, seconded Cr Anne Ryan

That the Council suspends the operation of the Standing Orders in accordance with clause 16.1(2) of the City of Busselton *Standing Orders Local Law 2018* until the completion of the nomination process and voting on the appointments to the vacant positions for:

- CEO Performance Review Committee
- Finance Committee
- Waterways Management Committee
- Busselton Jetty Reference Group

CARRIED 7 / 0

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

AGAINST: Nil

6:37pm: At this time, the operation of the *Standing Orders Local Law 2018* was suspended.

6:50pm: At this time, the operation of the *Standing Orders Local Law 2018* resumed in accordance with clause 16.1(2).

The recommendation was put in two parts, with part 1 requiring an Absolute Majority.

COUNCIL DECISION [Part 1]

C2402/41 Moved Cr Jodie Richards, seconded Cr Anne Ryan

That the Council:

- 1. Appoint Councillor Richard Beecroft to the following committees pursuant to section 5.8 and 5.11A of the *Local Government Act 1995*:**
 - a. Audit and Risk Committee; and**
 - b. Airport Advisory Committee (second deputy).**

- 2. Appoint the following elected members to the following committees pursuant to section 5.8 and 5.11A of the *Local Government Act 1995*, to fill the vacancy created by the resignation of (former) Councillor Sue Riccelli:**

CEO Performance Review Committee

 - a. Member**
Cr. Val Kaigg

Finance Committee

 - a. Member**
Cr Val Kaigg

- 3. Appoints elected members to the newly established Waterways Management Committee pursuant to section 5.8 and 5.11A of the *Local Government Act 1995*:**
 - a. Members**
Cr Anne Ryan
Cr Jarrod Kennedy
Cr Val Kaigg
Cr Mikayla Love
 - b. Deputy Members**
Cr Jodie Richards

- 4. Appoints Dr Bob Jarvis, Lyndon Miles, Albert Haak, Shirley Fisher, Tony Smurthwaite, Kelly Paterson, Kerry Grist, Kerry Stewart and Danae Plowman to the Meelup Regional Park Committee pursuant to section 5.8 of the *Local Government Act 1995*.**

CARRIED 7 / 0

**FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg,
Cr Andrew Macnish, Cr Kate Cox and Cr Richard Beecroft**

AGAINST: Nil

BY ABSOLUTE MAJORITY

COUNCIL DECISION [Part 2]

C2402/42 Moved Cr Anne Ryan, seconded Cr Jodie Richards

That the Council:

- 5. Appoint the following elected members to the Busselton Jetty Reference Group.**
 - a. Member**
Cr Anne Ryan
 - b. Deputy member**
Cr Val Kaigg
- 6. Amend the meeting dates for the Meelup Regional Park Committee from 6 March 2024 and 6 November 2024 to 25 March 2024 and 25 November 2024.**

CARRIED 7 / 0

**FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg,
Cr Andrew Macnish, Cr Kate Cox and Cr Richard Beecroft**

AGAINST: Nil

OFFICER RECOMMENDATION

That the Council:

1. Appoint Councillor Richard Beecroft to the following committees pursuant to section 5.8 and 5.11A of the *Local Government Act 1995*:
 - a. Audit and Risk Committee; and
 - b. Airport Advisory Committee (second deputy).
2. Appoint the following elected members to the following committees pursuant to section 5.8 and 5.11A of the *Local Government Act 1995*, to fill the vacancy created by the resignation of (former) Councillor Sue Riccelli:

CEO Performance Review Committee

- a. Member
....

Finance Committee

- a. Member
....

3. Appoints elected members to the newly established Waterways Management Committee pursuant to section 5.8 and 5.11A of the *Local Government Act 1995*:

- a. Members
...
...
...

- ...
- b. Deputy Members

...

...

4. Appoints Dr Bob Jarvis, Lyndon Miles, Albert Haak, Shirley Fisher, Tony Smurthwaite, Kelly Paterson, Kerry Grist, Kerry Stewart and Danae Plowman to the Meelup Regional Park Committee pursuant to section 5.8 of the *Local Government Act 1995*.

ABSOLUTE MAJORITY REQUIRED (RECOMMENDATIONS 1-4)

5. Appoint Councillor to the Busselton Jetty Reference Group.
6. Amend the meeting dates for the Meelup Regional Park Committee from 6 March 2024 and 6 November 2024 to 25 March 2024 and 25 November 2024.

EXECUTIVE SUMMARY

The resignation of (former) Councillor Sue Riccelli has created vacancies on various committees and working groups. This report recommends that her replacement, Councillor elect Richard Beecroft, be appointed to the vacant positions where he has nominated, and then otherwise seek nominations from elected members.

The establishment of the Waterways Management Committee by the Council at its meeting on 31 January 2024 has also required the appointment of elected members to this committee. This report recommends that the Council receive nominations and appoint elected members to the Waterways Management Committee.

The Meelup Regional Park Committee requires the appointment of other persons comprising between six and eight community members, with up to three of these members to be representatives of the Friends of Meelup Regional Park Incorporated Association. This report recommends that the Council appoint the nominated other persons to the Meelup Regional Park Committee.

STRATEGIC CONTEXT

The appointment of elected members and other persons to committees and working groups supports the good governance of the district.

BACKGROUND

(Former) Councillor Sue Riccelli was re-elected as a councillor on 21 October 2023 for a 4-year term ending on 16 October 2027. At a special meeting on 25 October 2023 Cr Riccelli was appointed as a member of the Audit and Risk Committee, Finance Committee, CEO Performance Review Committee and Busselton Jetty Reference Group; and as second deputy to the Airport Advisory Committee and fourth deputy to the Policy and Legislation Committee.

On 25 January 2024, Cr Riccelli notified the CEO of her resignation as a councillor effective 14 February 2024. Reforms to the *Local Government Act 1995 (WA) (Act)* mean that if a vacancy occurs within a 12-month period after an ordinary election then that vacancy may be filled by the first and

second unelected candidates under Schedule 4.1A of the Act, in lieu of holding an extraordinary election.

At the 21 October 2023 election Valerie Kaigg was the first unelected candidate and Richard Beecroft was the second unelected candidate. The first unelected candidate Valerie Kaigg has already accepted an extraordinary vacancy and is an elected member following the resignation of Cr Cherise Woodhams in November 2023. Consequently, the CEO notified Richard Beecroft as the second unelected candidate of the vacancy following the resignation of Cr Riccelli. Richard Beecroft has by statutory declaration advised the CEO that he wants to fill the vacancy and that he is qualified to be elected to the Council under section 2.19 of the Act. It is intended that he will be sworn in by completing the declaration under section 2.29 of the Act prior to the meeting where this report will be considered.

In addition to the appointments relating to (former) Cr Riccelli's resignation, committee appointments for the Waterways Management Committee and Meelup Regional Park Committee must be resolved.

At its meeting on 31 January 2024 the Council decided to establish the Waterways Management Committee. The terms of reference for the Waterways Management Committee state that the membership is to comprise up to four elected members (as well as two other persons) and two deputy elected members.

The Meelup Regional Park Committee terms of reference state that the membership of the committee is to comprise two elected member, two deputy elected members and between six and eight community members, with up to three of these members to be representatives of the Friends of Meelup Regional Park Incorporated Association. The elected members were appointed to the committee at the special meeting on 25 October 2023. The community members are yet to be appointed to the committee. It is also proposed to amend the 2024 meeting dates for the Meelup Regional Park Committee.

OFFICER COMMENT

The CEO has approached Councillor elect Beecroft on appointments to committees and working groups. Councillor elect Beecroft has indicated that he is agreeable with nominating for the vacant Audit and Risk Committee member position and the Airport Advisory Committee deputy member position. It is therefore recommended that the Council accept the nominations of Councillor elect Beecroft and that he be appointed as a member of the Audit and Risk Committee and as second deputy to the Airport Advisory Committee.

With regards to the Finance Committee, CEO Performance Review Committee and Busselton Jetty Reference Group, it is recommended that elected members who are not already appointed to those committees or working groups be asked to nominate for the vacant positions.

With regards to the fourth deputy member position of the Policy and Legislation Committee, while the terms of reference specify four deputy members, it is not recommended that Councillor elect Beecroft be appointed, as he has not nominated for that position.

For the Waterways Management Committee that was established at the council meeting on 31 January 2024, it is recommended that the Council receive nominations and appoint up to four elected members and two deputy members to the Waterways Management Committee in

accordance with the terms of reference. Where there are more nominations than vacant positions a secret ballot will be conducted. Officers will tally the results with the members receiving the most votes being appointed to the committee or working group.

Finally, in accordance with its terms of reference, it is recommended that the Council appoint Dr Bob Jarvis, Lyndon Miles, Albert Haak, Shirley Fisher, Tony Smurthwaite, Kelly Paterson, Kerry Stewart and Danae Plower to the Meelup Regional Park Committee. The nominated other persons are recommended based on their knowledge and involvement with the management of Meelup Regional Park.

It is also proposed to amend the 2024 meeting dates for the Meelup Regional Park Committee to align with the meeting dates for the associated working group. The proposed new meeting dates for the Meelup Regional Park Committee are 25 March 2024 and 25 November 2024 in place of the existing dates of 6 March 2024 and 6 November 2024.

Statutory Environment

Section 5.10 of the Act deals with the appointment of committee members. Section 5.11A of the Act deals with the appointment of deputy committee members. Section 5.11 of the Act deals with the tenure of committee membership.

Relevant Plans and Policies

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

Plan:

Not applicable.

Policy:

Not applicable.

Financial Implications

There are no specific financial implications associated with the appointment of members to committees and groups, as the costs related to travel (where required) and other related expenses have been allocated in the annual budget. It is not recommended that the other persons appointed to the Meelup Regional Park Committee be paid attendance fees.

External Stakeholder Consultation

Not Applicable

Risk Assessment

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

Options

As an alternative to the proposed recommendation the Council could otherwise determine the committee and working group appointments. For example, the Council could choose to elevate the first deputies to members of the relevant committees and working groups. This would result in Cr Love as first deputy for both the Finance Committee and CEO Performance Review Committee being appointed as member of those committees and Cr Ryan as first deputy for the Busselton Jetty Reference Group being appointed as member of that reference group. The Council could then seek nominations for and appoint new deputy members.

CONCLUSION

The appointment of elected members and other persons to committees and working groups will support the good governance of the district.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

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

Milestone	Completion Date
Committee and working group appointments updated	February 2024

15. CHIEF EXECUTIVE OFFICER REPORTS

15.1. Elected Member Information Bulletin

Strategic Theme:	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
Directorate:	Corporate Strategy and Performance
Reporting Officer:	Executive Assistant to Council - Katie Banks
Authorised By:	Director of Corporate Strategy and Performance - Sarah Pierson
Nature of Decision:	Noting: The item is simply for information purposes and noting.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	<ol style="list-style-type: none"> 1. Current Active Tender Report: January 2024 [15.1.1 - 1 page] 2. Current Running SAT Reviews: as at 5 February 2024 [15.1.2 - 2 pages] 3. Council Resolution Status Update [15.1.3 - 32 pages] 4. Letter from Hon Don Punch MLA: Recreational Shark Fishing [15.1.4 - 1 page]

The officer recommendation was moved and carried.

COUNCIL DECISION

C2402/43 Moved Cr Anne Ryan, seconded Cr Kate Cox

That the items from the Councillors Information Bulletin be noted:

- Minutes of Committee Meetings
- Minor Donations Program
- Current Active Tenders
- State Administrative Tribunal Reviews Update
- Council Resolution Status Update

CARRIED 7 / 0

**FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg,
Cr Andrew Macnish, Cr Kate Cox and Cr Richard Beecroft**

AGAINST: Nil

EN BLOC

OFFICER RECOMMENDATION

That the items from the Councillors Information Bulletin be noted:

- Minutes of Committee Meetings
- Minor Donations Program
- Current Active Tenders
- State Administrative Tribunal Reviews Update
- Council Resolution Status Update

EXECUTIVE SUMMARY

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

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

INFORMATION BULLETIN

Minutes of Committee Meetings

Minutes of the following Committee Meetings listed in the table below are to be noted as received:

Committee	Meeting Date	Minutes
Policy and Legislation Committee	24 January 2024	Minutes
Finance Committee	7 February 2024	Minutes

Minor Donations Program – January 2024

The Minor Donations Program is currently on hold and scheduled for review. Therefore, no applications were approved in January.

Current Active Tenders

The Tender update for January is provided at Attachment 1.

State Administrative Tribunal Reviews Update

The Current State Administrative Tribunal Reviews is at Attachment 2.

Council Resolution Status Update

The Council Resolution Status update is at Attachment 3.

Correspondence: Recreational Shark Fishing

Correspondence from Hon Don Punch MLA regarding recreational shark fishing is at Attachment 4.

16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

17. URGENT BUSINESS

Nil

18. CONFIDENTIAL MATTERS

Nil

19. CLOSURE

The Mayor closed the meeting at 6:58pm.

These minutes for the Ordinary Council Meeting held 21 February 2024 were confirmed as a true and correct record on

Date: 21-3.24

Presiding Member:

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.