

Council Agenda

8 June 2022

ALL INFORMATION AVAILABLE IN VARIOUS FORMATS ON REQUEST

city@busselton.wa.gov.au

CITY OF BUSSELTON

MEETING NOTICE AND AGENDA – 8 JUNE 2022

TO: THE MAYOR AND COUNCILLORS

NOTICE is given that a meeting of the Council will be held in the Council Chambers, Administration Building, Southern Drive, Busselton on Wednesday, 8 June 2022, commencing at 5.30pm.

Your attendance is respectfully requested.

DISCLAIMER

Statements or decisions made at Council meetings or briefings should not be relied on (or acted upon) by an applicant or any other person or entity until subsequent written notification has been given by or received from the City of Busselton. Without derogating from the generality of the above, approval of planning applications and building permits and acceptance of tenders and quotations will only become effective once written notice to that effect has been given to relevant parties. The City of Busselton expressly disclaims any liability for any loss arising from any person or body relying on any statement or decision made during a Council meeting or briefing.



MIKE ARCHER

CHIEF EXECUTIVE OFFICER

27 May 2022

CITY OF BUSSELTON

AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 8 JUNE 2022

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1. **DECLARATION OF OPENING, ACKNOWLEDGEMENT OF COUNTRY AND ANNOUNCEMENT OF VISITORS**

2. **ATTENDANCE**

Apologies

Approved Leave of Absence

Nil

3. **PRAYER**

4. **APPLICATION FOR LEAVE OF ABSENCE**

5. **DISCLOSURE OF INTERESTS**

6. **ANNOUNCEMENTS WITHOUT DISCUSSION**

Announcements by the Presiding Member

7. **QUESTION TIME FOR PUBLIC**

Response to Previous Questions Taken on Notice

Public Question Time For Public

8. **CONFIRMATION AND RECEIPT OF MINUTES**

Previous Council Meetings

8.1 **Minutes of the Council Meeting held 25 May 2022**

RECOMMENDATION

That the Minutes of the Council Meeting held 25 May 2022 be confirmed as a true and correct record.

Committee Meetings

- 8.2 Minutes of the Behaviour Complaints Committee Meeting held 25 May 2022

RECOMMENDATION

That the Unconfirmed Minutes of the Behaviour Complaints Committee Meeting held 25 May 2022 be noted as received.

- 8.3 Minutes of the Policy and Legislation Committee Meeting held 25 May 2022

RECOMMENDATION

That the Unconfirmed Minutes of the Policy and Legislation Committee Meeting held 25 May 2022 be noted as received.

9. **RECEIVING OF PETITIONS, PRESENTATIONS AND DEPUTATIONS**




Petitions**Presentations****Deputations**

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

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

12. REPORTS OF COMMITTEE

12.1 Policy and Legislation Committee - 25/5/2022 - HOLIDAY HOMES AMENDMENT LOCAL LAW

STRATEGIC THEME	LEADERSHIP - A Council that connects with the community and is accountable in its decision making.
STRATEGIC PRIORITY	4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
SUBJECT INDEX	Local Laws
BUSINESS UNIT	Corporate Services
REPORTING OFFICER	Legal Officer - Briony McGinty
AUTHORISING OFFICER	Director Finance and Corporate Services - Tony Nottle
NATURE OF DECISION	Legislative: adoption of "legislative documents" such as local laws, local planning schemes and local planning policies
VOTING REQUIREMENT	Simple Majority
ATTACHMENTS	Attachment A  Current Consolidated Holiday Homes Local Law 2012 ↓
	Attachment B  Holiday Homes Amendment Local Law 2022 ↓ 

This item was considered by the Policy and Legislation Committee at its meeting on 25/5/2022, the recommendations from which have been included in this report.

COMMITTEE RECOMMENDATION

That the Council:

1. Commences the law-making process for the City of Busselton Holiday Homes Amendment Local Law 2022; the purpose and effect of the local law being as follows:

 Purpose: To regulate the registration and management of holiday homes within the district.

 Effect: To control the use of holiday homes by reducing the time within which a manager must respond to issues.
2. Authorises the CEO to carry out the law-making procedure under section 3.12(3) of the Local Government Act 1995, by:
 - (a) Giving local public notice of the Amendment Local Law; and
 - (b) Giving a copy of the Amendment Local Law and public notice to the Minister for Local Government.
3. Notes that the CEO, after the close of the public consultation period, will submit a report to the Council on any submissions received on the proposed local law to enable the Council to consider the submissions made and to determine whether to make the local law in accordance with section 3.12(4) of the Act.

OFFICER RECOMMENDATION

That the Council:

1. Commences the law-making process for the City of Busselton Holiday Homes Amendment Local Law 2022; the purpose and effect of the local law being as follows:

 Purpose: To regulate the registration and management of holiday homes within the district.

Effect: To control the use of holiday homes by reducing the time within which a manager must respond to issues.

2. Authorises the CEO to carry out the law-making procedure under section 3.12(3) of the Local Government Act 1995, by:
 - (a) Giving local public notice of the Amendment Local Law; and
 - (b) Giving a copy of the Amendment Local Law and public notice to the Minister for Local Government.
3. Notes that the CEO, after the close of the public consultation period, will submit a report to the Council on any submissions received on the proposed local law to enable the Council to consider the submissions made and to determine whether to make the local law in accordance with section 3.12(4) of the Act.

EXECUTIVE SUMMARY

In 2012, three interrelated key instruments were introduced by Council to regulate holiday homes – these included provisions in the local planning scheme, a local planning policy, and a local law. The local law has remained unchanged since 2012.

Throughout 2021/22 a full review of the regulatory framework covering holiday homes was conducted, resulting in several opportunities for change. On 23 March 2022, Council resolved to adopt a staged approach for proposed changes to the regulation of holiday homes. With regard to the *City of Busselton Holiday Homes Local Law 2012* (Local Law), Council resolved that amendments should be presented to Council for consideration as part of Stage 2.

In accordance with that resolution, an amendment to the Local Law has been prepared (Amendment Local Law) for consideration by the Council. It is recommended that the Council initiates the law-making process and authorises the CEO to give local public notice of the Amendment Local Law.

BACKGROUND

The Local Law was first gazetted in April 2012 and further amended in November 2012 (to address issues raised by the JSC during its scrutiny of the Local Law, relating to clauses which attempted to regulate the use of waste receptacles). It was introduced as part of a suite of changes to the holiday home regulatory framework which also included a local planning policy and local planning scheme amendments. The Local Law created an annual registration system for those properties which had received development approval. This report only relates to the Local Law.

The Local Law, when introduced, was the second of its type in Western Australia, and largely followed a local law introduced by the City of Fremantle. The only other WA local government known to officers to have a local law dealing with holiday homes is the City of Wanneroo who introduced a local law in 2017.

As development approvals are generally granted in perpetuity, the annual registration system was seen as a way of generating ongoing management responsibility for owners, and allows the City to modify conditions of registration through an annual renewal process (although generally speaking, the conditions must be consistent with the relevant development approval). The Local Law creates an ability to cancel registrations in the event of serious non-compliance. The registration process also provides the City with an ability to monitor how many properties are actively being operated as holiday homes.

Over time issues relating to holiday homes have arisen that may not be sufficiently addressed through the current framework. At its meeting of 9 June 2021 Council resolved to conduct a review,

by proposing a number of potential changes, and to consult with the community about these changes.

Consultation was carried out for a period of seven weeks between 13 August and 4 October 2021, comprising a number of community information sessions, static displays, an extensive online document library, and an online survey.

553 survey responses and a further 18 written submissions were received and each proposed change gained support from the majority of respondents. The changes relevant to the Local Law (which have not already been addressed as part of Stage 1 through the updating of Conditions of Registration and introduction of a Code of Conduct) are:

- a) Expectations around managers' response times.
- b) Requirements for the management of unattended dogs.

These changes are discussed further below under Officer Comment.

OFFICER COMMENT

Reducing Manager Response Time from 24 hours to 12 hours

The requirement for managers to respond to contact relating to a holiday home is provided through clause 3.4 of the Local Law which states:

"3.4 Contacting the manager

...
(2) *The manager must respond within a reasonable time but in any event within 24 hours to any contact relating to the holiday home; ..."*

Clauses 2.3(i)(ii), 2.3(j)(ii) and 2.6(k)(ii) also supplement this requirement.

A revised response time of 12 hours was proposed during the consultation period because a dilemma arises around a response time that may be considered reasonable. 'Reasonable' may be almost immediate for a management agency with multiple staff, but this might not be the case if a sole person is appointed as manager.

The question of reasonableness also applies to the potential to criminalise behaviour (the time to respond to a complaint), which may be disproportionate to the purpose sought to be achieved. For example, it may not be reasonable to criminalise a slow response to a complaint about an excessive number of vehicles parked at a property. It may be considered reasonable to expect a quick response regarding an excessive number of noisy and disruptive holiday home occupants and guests during the night.

In instances where the 12 hour response time was not supported by respondents during the consultation period, generally it was because they preferred to see a shorter response time such as one or two hours. The nature of complaints from neighbours, alongside the feedback received during the regulatory review, indicate that neighbours want faster resolution of matters seriously impacting on their amenity and enjoyment of their property.

When the local law was first introduced, a 24 hour response time was considered reasonable and appropriate. Since then, there has been a rapid increase in the use of instantaneous communication such as smart phones and apps, allowing easier communication between parties. Requiring quicker response times to issues such as overflowing bins, barking dogs, and late night parties is seen as a proportionate response to the benefit of obtaining a holiday home approval.

Given the question of 'reasonableness', and the overwhelming support for a 12 hour response time, the proposed Amendment Local Law operates to revise the response time from 24 hours to 12 hours.

Prohibiting unattended dogs at holiday homes

Holiday homes are often regarded as a 'home away from home' and provide a flexible opportunity for occupants to travel with pets. However, dogs in particular can become distressed when left unattended, causing disturbance to neighbours. The *Dog Act 1976*, however, does not provide a workable means to address the matter.

Currently, registration can be cancelled if there is evidence of excessive noise or other nuisances. The conditions of registration specify that nuisance can include barking dogs. Consideration was given to whether to introduce a separate clause clearly requiring that dogs must not be left unattended. However, given there is already a broad power to impose conditions under clause 2.4(4), it was considered that this was not necessary and could also potentially be addressed through policy provisions (yet to be developed), having regard to the other broad power contained in clause 2.7.

Updated Infringements Penalties

Penalties for breaches of the Local Law are currently set at between \$150 and \$400. The Act allows for maximum infringements of up to \$500. Given the current penalties were set some 10 years ago, it is recommended that appropriate increases are made. If the City was to raise penalties in line with Perth CPI from when the local law was first introduced (and penalties last amended), this would represent an approximate \$50 increase in penalties.

Statutory Environment

Local Government Act 1995

Section 3.16 of the Act requires that within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended. The City developed and maintains a local law review program to ensure compliance with the requirements of Section 3.16.

Section 3.5 of the Act provides Council with the head of power for making local laws, which stipulates:

A local government may make Local Laws under this Act prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under this Act.

The procedure for making local laws is set out in sections 3.12 to 3.17 of the Act and regulation 3 of the *Local Government (Functions and General) Regulations 1996* (WA). The person presiding at a Council meeting is to give notice of the purpose and effect of a proposed local law by ensuring that:

- the purpose and effect of the proposed local law is included in the agenda for that meeting; and
- the minutes of that Council meeting include the purpose and effect of the proposed local law.

The purpose and effect of the Amendment Local Law is as follows:

Purpose: To regulate the registration and management of holiday homes within the district.

Effect: To control the use of holiday homes by reducing the time within which a manager must respond to issues.

Local public notice is to be given by advertising the Amendment Local Law in accordance with the requirements of sections 3.12(3) of the Act. The submission period must run for a minimum period of six weeks after which Council, having considered any submissions received, may resolve to make the local law as proposed or make a local law that is not significantly different from what was proposed.

Parliamentary Scrutiny

Section 42 of the *Interpretation Act 1984* allows the WA State Parliament to disallow a local law, which is a mechanism to guard against the making of subsidiary legislation that is not authorised or contemplated by the empowering enactment, has an adverse effect on existing rights or ousts or modifies the rules of fairness. Parliament has appointed the Joint Standing Committee on Delegated Legislation (JSC) which is a committee of State politicians from both houses of the Western Australian Parliament, to undertake an overseeing role on its behalf, which includes the power to scrutinise and recommend the disallowance of local laws to the Parliament. After gazettal, a copy of the Amendment Local Law will be sent to the JSC who will examine the local law and determine whether or not it complies with abovementioned criteria.

Relevant Plans and Policies

There is currently no policy guiding the application of the Local Law. However, a policy is currently being drafted and will be presented to Council when the results of the statutory consultation period for the Amendment Local Law are returned to Council.

Financial Implications

Costs associated with the advertising and gazettal of the Amendment Local Law will come from the legal budget. These costs are unlikely to exceed \$2,000 and there are sufficient funds in the legal budget for this purpose.

In terms of the increase in modified penalties, the City is unlikely to see any significant increase in income, given the City's approach to its regulatory functions. Proposed increases are minor and based on a review of the City's existing amounts and a comparison of other local governments.

Making and implementing the Amendment Local Law should not have any other financial implications for the City.

Stakeholder Consultation

Should Council resolve to commence the process of making the Amendment Local Law, public submissions will be invited as part of the statutory consultation process prescribed under section 3.12(3) of the Act.

The submission period must run for a minimum period of 6 weeks after which the Council, having considered any submissions received, may resolve to adopt the proposed local law or a law which is not significantly different.

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 choose to vary the provisions of the Local Law in any number of ways. However, for the reasons outlined in this report, the Amendment Local Law is the form of local law recommended at this stage.

There will be further opportunity for considering and making changes to the Amendment Local Law following the public consultation process outlined above, provided the changes are not significantly different from what is currently proposed. If any changes are of a significant nature the Amendment Local Law would need to be re-advertised.

CONCLUSION

Since its gazettal the registration system created under the Local Law has provided another layer of oversight to the holiday home system. However, the issue of manager response times has been recognised, during the regulatory review, as in need of reconsideration. It is recommended that the Council initiate the law-making process and authorise the CEO to commence advertising the Amendment Local Law.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Within two weeks of the Council decision to commence the law-making process, the Amendment Local Law will be advertised for public comment. The statutory consultation period is a minimum of six weeks and following the close of the advertising period a report will be submitted to the Council for further consideration which, depending on the number and nature of submissions received, could be within four months.

This is an un-official compilation of the *City of Busselton
Holiday Homes Local Law 2012* as it has effect
on and after 30 November 2012.
See the Notes at the end for more details.

City of Busselton Holiday Homes Local Law 2012

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Local Government Act 1995

City of Busselton

Holiday Homes Local Law 2012

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Local Government Act 1995

City of Busselton

Holiday Homes Local Law 2012

Under the powers conferred on it by the *Local Government Act 1995*, the Council of the City of Busselton resolved on [add day and month] 2012 to make this local law.

Part 1 - Preliminary

1.1 Title

This is the *City of Busselton Holiday Homes Local Law 2012*.

1.2 Commencement

This local law commences 3 months after the date of its publication in the *Government Gazette*.

1.3 Application

This local law applies throughout the district.

1.4 Terms used in this local law

In this local law -

Act means the *Local Government Act 1995*;

acting manager, in relation to a holiday home, means the person who is the acting manager of the holiday home, as specified in the certificate of registration for the holiday home, whether or not that person is also the owner of the holiday home;

applicant means an applicant for a registration;

application fee means the application fee for registration that is imposed by the Council under the Act;

attendant means a person who is –

- (a) an occupant; or
- (b) a guest;

authorised person means a person authorised by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;

CEO means -

- (a) the CEO of the City; and

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- (b) any other employee of the City to whom the CEO has delegated his or her powers under this local law;

certificate of registration means a current and valid certificate issued under clause 2.4(2);

City means the City of Busselton;

Council means the council of the City;

district means the district of the City;

dwelling has the meaning given to it in the Local Planning Scheme;

grouped dwelling has the meaning given to it in the Local Planning Scheme;

guest means a person who is on the premises of a holiday home, for social purposes, at the invitation or with the permission of an occupant of the holiday home;

hirer, in relation to a holiday home, means the person who hires the holiday home or who is responsible for the payment for the accommodation of an occupant in the holiday home;

holiday home means a dwelling used, or intended to be used, to accommodate occupants for hire or reward (but does not include a 'Bed and Breakfast', 'Chalet Development', 'Guesthouse', 'Rural Tourist Accommodation' or 'Tourist Accommodation', as defined in Schedule 1 to the Local Planning Scheme);

local government means the City;

Local Planning Scheme means the City of Busselton District Town Planning Scheme No. 20, as amended from time to time;

manager, in relation to a holiday home, means the person who is the manager of the holiday home, as specified in the certificate of registration for the holiday home, whether or not that person is also the owner of the holiday home;

month means calendar month;

occupant means a person who is accommodated in a holiday home for no more than a total of 3 months in any one 12-month period ;

owner -

- (a) in relation to a registered holiday home, means the person who is specified as the owner in the certificate of registration of the holiday home; and
- (b) in relation to any other holiday home, means the person who is the owner of the holiday home;

premises, in relation to a holiday home, means -

- (a) if the holiday home is a single house situated on a single lot, all of the land that comprises that lot; or
- (b) if the holiday home is a grouped dwelling, all of the land that is set aside for the exclusive use by the owner of that grouped dwelling;

registered holiday home means a dwelling registered under this local law as a holiday home;

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registration means registration, under and for the purposes of this local law, of a dwelling as a holiday home;

registration fee means the fee for registration that is imposed by the City under the Act;

Regulations means the *Local Government (Functions and General) Regulations 1996*;

relevant law means a written law, as defined in the *Interpretation Act 1984*, that applies to, or in respect of, the use of a holiday home; and

single house has the meaning given to it in the Local Planning Scheme.

Part 2 - Registration

Division 1 – Applying for registration

2.1 Registration required

- (1) A person must not use a dwelling, or allow a dwelling to be used, as a holiday home -
 - (a) unless planning approval has been granted under the Local Planning Scheme to use the dwelling as a holiday home;
 - (b) unless the dwelling is registered as a holiday home under this local law; and
 - (c) other than in accordance with -
 - (i) the conditions of the registration; and
 - (ii) the provisions of this local law.
- (2) Registration does not affect the obligations of an owner or a manager, or any other person, to comply with a relevant law.

2.2 Application for registration

- (1) An application for registration of a holiday home must -
 - (a) be in writing;
 - (b) be in the form determined by the CEO;
 - (c) be made by, or on behalf of, the owner of the holiday home;
 - (d) be signed by the owner of the holiday home;
 - (e) nominate a natural person, who may or may not be the owner, to be the proposed manager of the holiday home;
 - (f) nominate a natural person, who may or may not be the owner, to be the proposed acting manager of the holiday home;
 - (g) contain the details specified in clause 2.3; and
 - (h) be forwarded to the CEO, together with any fee imposed by the Council under sections 6.16 to 6.19 of the Act.

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- (2) The CEO or an authorised person may require an applicant to give local public notice of the application for registration.
- (3) The local government may refuse to consider an application for registration which is not in accordance with subclause (1).

2.3 Application details

The details that must be included in an application for registration of a holiday home are -

- (a) a site plan of the premises;
- (b) a floor plan of the holiday home;
- (c) the location and title details of the holiday home;
- (d) the number of bedrooms proposed to be used at any time for short stay accommodation;
- (e) the maximum number of occupants to be accommodated at any time in the holiday home;
- (f) the details of any proposed on-site parking bays on the premises;
- (g) the name, address and contact details of the owner of the holiday home and his or her phone number at which he or she may be contacted;
- (h) in relation to each of the proposed manager and the proposed acting manager –
 - (i) confirmation that he or she accepted appointment by the owner as manager (which may be contingent on the Council's approval of the application for registration); and
 - (ii) his or her name, address and contact details, including the phone number at which he or she may be contacted at any time of the day or night;
- (i) an undertaking from the proposed manager of the holiday home that he or she –
 - (i) is to have the day-to-day management of the holiday home; and
 - (ii) will respond, within a reasonable time but in any event within 24 hours, to any contact relating to the holiday home;
- (j) an undertaking from the proposed acting manager of the holiday home that, while undertaking the functions of the manager, he or she –
 - (i) is to have the day-to-day management of the holiday home; and
 - (ii) will respond, within a reasonable time but in any event within 24 hours, to any contact relating to the holiday home; and
- (k) any other information requested by the CEO or an authorised person that is reasonably related to the application for registration.

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2.4 Determining an application

- (1) The Council may –
 - (a) approve an application for registration unconditionally or subject to conditions; or
 - (b) refuse to approve an application for registration.
- (2) If the Council approves an application for registration, it is to issue to the applicant a certificate of registration in the form prescribed in Schedule 1 or in a similar form as determined by the Council from time to time.
- (3) If the Council refuses to approve an application for registration, it is to give written notice of that refusal to the applicant.
- (4) Where a clause of this local law refers to conditions which may be imposed on registration, or which are to be taken to be imposed on registration, that clause does not limit the power of the Council to impose other conditions on registration under subclause (1)(a).
- (5) Where a clause of this local law refers to the grounds on which an application for registration may be or is to be refused, the clause does not limit the power of the Council to refuse the application for a permit on other grounds under subclause (1)(b).

2.5 Relevant considerations in determining an application for registration

- (1) In determining an application for registration, the Council is to have regard to –
 - (a) the conditions of any planning approval that has been granted under the Local Planning Scheme to use the dwelling as a holiday home;
 - (b) the provisions of this local law;
 - (c) any relevant policy of the City; and
 - (d) any other matter that the Council reasonably considers to be relevant in the circumstances of the case.
- (2) The Council must refuse to approve an application for registration if there is no current planning approval under the Local Planning Scheme to use the dwelling or the premises as a holiday home.
- (3) The Council may refuse to approve an application for registration on any one or more of the following grounds –
 - (a) that the owner, the proposed manager or the proposed acting manager has committed a breach of any provision of this local law or of any other relevant law;
 - (b) that the owner, the proposed manager or the proposed acting manager is not a fit and proper person in relation to the proposed holiday home; or
 - (c) any other ground that the Council may reasonably consider to be relevant in the circumstances of the case, including a ground arising from the Council's consideration of the factors set out in clause 2.5(1).

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Division 2 - Conditions

2.6 Conditions which may be imposed

The Council may approve an application for registration subject to conditions relating to –

- (a) the payment of a fee imposed by the Council under sections 6.16 to 6.19 of the Act;
- (b) the commencement and duration of registration;
- (c) the grant of any other approval, in respect of the holiday home, that –
 - (i) is required under any written law; or
 - (ii) that may be required by the City under any written law;
- (d) the maximum number of occupants who may be on the premises at any time;
- (e) the maximum number of attendants who may be on the premises during specified times;
- (f) the number of on-site parking bays at the premises for the exclusive use of attendants;
- (g) the maximum number of vehicles that may be parked on the premises at any time;
- (h) the location and number of bedrooms to be used by the occupants;
- (i) measures to ensure effective communication to attendants of –
 - (i) the conditions of registration; and
 - (ii) emergency management procedures to apply during an emergency or potential emergency such as a fire emergency or during a natural disaster such as a flood, cyclone or earthquake;
- (j) the provision to the CEO or an authorised person, by the owner or the manager, of details of any proposed change, or any change, to –
 - (i) the owner, the manager or the acting manager ; or
 - (ii) the contact details (including the phone and email contacts) of the owner, the manager or the acting manager;
- (k) ensuring that each of the manager, and the acting manager while undertaking the functions of the manager –
 - (i) is contactable by telephone, at any time of the day or night, using his or her contact details provided to the City; and
 - (ii) will respond, within a reasonable time but in any event within 24 hours to any contact relating to the holiday home; and
- (l) tenancy agreements with occupants that would enable the manager to comply with his or her obligations under clause 3.2.

LEG190006

2.7 Imposing conditions under a policy

- (1) In this clause –

policy means a policy of the City adopted by the Council containing conditions subject to which an application for registration may be approved under clause 2.4(1)(a).
- (2) Under clause 2.4(1)(a), the Council may approve an application subject to conditions by reference to a policy.
- (3) The City is to give to the applicant a copy of the policy, or that part of the policy which is relevant to the application for registration, with the certificate of registration.
- (4) An application for registration is to be taken not to have been approved subject to the conditions contained in a policy until the City gives the applicant a copy of the policy or that part of the policy which is relevant to the application.
- (5) Sections 5.94 and 5.95 of the Act apply to a policy and, for that purpose, a policy is taken to be information within section 5.94(u)(i) of the Act.

2.8 Compliance with and variation of conditions

- (1) Where an application for registration of a holiday home has been approved subject to conditions, or where registration is to be taken to be subject to conditions under this local law, the owner, manager and each attendant of the holiday home, must comply with each of those conditions.
- (2) The Council may, after -
 - (a) giving the owner or manager written notice of the proposed variation of a condition; and
 - (b) taking into account any submissions made by the owner to the CEO within 14 days of the notice under paragraph (a),vary a condition of registration.
- (3) A condition that has been varied under this clause takes effect when written notice of the variation has been given to the owner and the manager.
- (4) The owner, manager and each attendant must comply with a condition varied under this clause.

Division 3 - General

2.9 Registration period

A registration is valid for one year from the date on which the certificate of registration is issued, unless –

- (a) it is otherwise stated in this local law or on the certificate of registration; or
- (b) registration is cancelled under clause 2.14.

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2.10 Renewal of registration

- (1) The owner or manager may apply in writing to the CEO in writing before the expiry of a registration for the renewal of the registration.
- (2) Subject to subclause (3), the provisions of Divisions 1 and 2 of this Part, and any other provisions of this local law relevant to the registration which is sought to be renewed, apply, with appropriate modifications, to an application for renewal of the registration.
- (3) The Council may waive, in a particular case or in one or more classes of cases, any of the requirements applying to an application for renewal of a registration.

2.11 Acting manager

- (1) The acting manager is to undertake the functions of the manager only –
 - (a) if the manager gives the City prior written notice of the period during which the acting manager is to undertake the functions of the manager; and
 - (b) during the period specified in that notice – but not exceeding 30 days in any calendar year unless otherwise determined in writing by the Council.
- (2) The provisions of this local law that apply to the manager are to be taken to apply to the acting manager while he or she is undertaking the functions of the manager.

2.12 Replacement of manager

- (1) This clause applies where –
 - (a) the owner is not also the manager of a registered holiday home; and
 - (b) the owner wishes to replace the manager either –
 - (i) with a new manager; or
 - (ii) by personally taking over the role of manager.
- (2) An application to replace a manager must–
 - (a) be made before the expiry of the registration;
 - (b) be made in writing;
 - (c) be signed by the owner and, if applicable, the proposed new manager;
 - (d) include the details as are required under clause 2.3(h);
 - (e) include the undertaking described in clause 2.3(i);
 - (f) provide such information as the CEO or an authorised person may reasonably require to enable the application to be determined; and
 - (g) be forwarded to the CEO, together with the fee imposed by the Council under sections 6.16-6.19 of the Act.
- (3) The Council may –

LEG190006

- (a) approve an application to replace a manager, unconditionally or subject to conditions; or
 - (b) refuse to approve an application to replace a manager,.
- (4) Where the Council approves an application to replace a manager, the replacement is to be effected by –
 - (a) an endorsement on the certificate of registration signed by the CEO or an authorised person; or
 - (b) the CEO or an authorised person issuing to the transferee a fresh certificate of registration.

2.13 Production of certificate of registration

The manager of a holiday home must produce to the CEO or an authorised person the certificate of registration of the holiday home immediately on being required to do so by the CEO or that authorised person.

2.14 Cancellation

- (1) A registration is taken to have been cancelled if, and on the date that –
 - (a) the owner whose name appears on the certificate of registration ceases to be the owner of the holiday home; or
 - (b) the manager whose name appears on the certificate of registration ceases to be the manager of the holiday home – unless an application to replace that manager has been approved by the Council under clause 2.12.
- (2) A registration may be cancelled by the Council if –
 - (a) the owner, manager or an attendant has not complied with –
 - (i) a condition of the registration;
 - (ii) a provision of this local law; or
 - (iii) any relevant law; or
 - (b) the Council is satisfied, on the basis of complaints or other evidence of excessive noise, antisocial behaviour or other nuisances, that the continuing operation of the holiday home is not in the best interests of the City.
- (3) If a registration is cancelled, the CEO must give the owner and the manager written notice of the cancellation.
- (4) Cancellation under subclause (2) takes effect when the written notice is given to the owner and manager.
- (5) If a registration is cancelled –
 - (a) the owner must return the certificate of registration to the CEO within 14 days of being given the written notice of cancellation; and
 - (b) the City is not required to refund any part of a fee paid in respect of the cancelled registration.

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Part 3 - Obligations on owners and managers

3.1 Requirement to give notice of any change

An owner and a manager must inform the CEO in writing, within 24 hours, of any change or proposed change that would affect the currency of –

- (a) the details submitted with the application for registration and any application for renewal of registration or for replacement of a manager; or
- (b) any condition imposed or varied under clauses 2.6, 2.7, 2.8 and 2.11.

3.2 Breach of a condition by an attendant

(1) In this clause, **breach** means breach by an attendant of –

- (a) a condition of registration;
- (b) this local law; or
- (c) a relevant law.

(2) Within 24 hours of –

- (a) the CEO or an authorised person giving written notice to the manager of a breach;
- (b) the manager becoming aware of a breach; or
- (c) the manager becoming aware of circumstances that would reasonably enable the manager to determine that a breach had occurred,

the manager must ensure that –

- (d) the occupant's tenancy is terminated; and
- (e) the occupant vacates the holiday home.

3.3 Register of occupants

The manager must –

- (a) maintain a register comprising details –
 - (i) each hirer's name, address, contact details and, if applicable, length of the stay in the holiday home; and
 - (ii) of each other occupant's name; and
- (b) give the CEO or an authorised person such access to the register as may reasonably be required by the CEO or the authorised person for the purpose of administering or enforcing this local law.

3.4 Contacting the manager

- (1) The manager must be contactable at all reasonable times, using the contact details provided to the CEO or an authorised person.

LEG190006

- (2) The manager must respond within a reasonable time but in any event within 24 hours to any contact relating to the holiday home.

Part 4 - Objections and reviews

4.1 Objection and review rights

A person adversely affected by a decision made under Part 2 is entitled to object against, or to apply for a review of, the decision under the Act.

Part 5 - Enforcement

5.1 Offences and penalties

- (1) A person who breaches a provision of this local law commits an offence.
- (2) A person who commits an offence is liable -
 - (a) to a penalty of \$5,000; and
 - (b) if the offence is of a continuing nature, a further penalty of \$500 in respect of each day or part of a day during which the offence has continued.

5.2 Prescribed offences

- (1) An offence against a clause specified in Schedule 2 is a prescribed offence for the purposes of clause 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 2.

5.3 Form of notices

- (1) Where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is set out in Schedule 1 of the Regulations.
- (2) The form of the infringement notice given under section 9.16 of the Act is set out in Form 2 in Schedule 1 of the Regulations.
- (3) The form of the notice referred to in section 9.20 of the Act is that set out in Form 3 in Schedule 1 of the Regulations.

LEG190006

Schedule 1 – Certificate of registration
[Clause 2.4(2)]

CITY OF BUSSELTON

HOLIDAY HOMES LOCAL LAW 2012

CERTIFICATE OF REGISTRATION

Date.../.../....

This certifies that the dwelling at _____
(address of holiday home)

owned by _____
(name/s of owner/s)

managed by _____ and _____
(name of manager) (name of acting manager)

is registered as a holiday home which may be used to accommodate occupants for hire or reward in accordance with –

- (a) the provisions of the *Holiday Homes Local Law 2012*;
- (b) any other relevant law; and
- (c) the conditions set out on the back of this certificate.

Signature of CEO/CEO's delegate

Notes:

- 1. *An application for registration of a holiday home cannot be approved unless planning approval has been granted under the City of Busselton District Town Planning Scheme No. 20 to use the dwelling as a holiday home.*
- 2. *Registration of a holiday home does not affect the rights and obligations of an owner or occupier under the by-laws of a strata company, including any requirement to obtain approval, or to comply with any restrictions, in connection with the use of a dwelling as a holiday home.*

CONDITIONS OF REGISTRATION

This registration is subject to the following conditions -

- 1.
- 2.
- 3. etc

LEG190006

Schedule 2 - Prescribed offences

[Clause 5.2]

Clause	Description	Modified penalty
2.1(1)	Using, or allowing to be used, as a holiday home, a dwelling not registered as a holiday home	\$400.00
2.8(1)	Failure to comply with a condition of registration	\$300.00
2.8(3)	Failure to comply with a varied condition of registration	\$300.00
2.13	Failure to produce certificate of registration when required to do so	\$250.00
2.14(5)(a)	Failure to return the certificate of registration after registration cancelled	\$150.00
3.1	Failure to inform CEO of any change or proposed change affecting registration details	\$300.00
3.2(2)(d)	Failure to terminate occupant's tenancy for a breach	\$300.00
3.2(2)(e)	Failure to ensure occupant vacates the holiday home for breach of a condition of registration	\$300.00
3.3(a)	Failure to maintain a register	\$200.00
3.3(b)	Failure to give CEO or an authorised person access to the register	\$300.00
3.4(2)	Failure of a manager to respond, within the required time, to a contact	\$300.00

LEG190006

This local law was made at the meeting of the Council of the City of Busselton held on 19 April 2012.

The Common Seal of the City of Busselton was affixed in the presence of

IAN WILLIAM STUBBS,
Mayor

MICHAEL STEPHEN LEE ARCHER,
Chief Executive Officer

Notes

This is a compilation of the *City of Busselton Holiday Homes Local Law 2012* and includes any amendments referred to in the following table.

Local laws and amendments come into operation on the 14th day after the day of publication in the gazette unless a later day is specified: s 3.14 of the *Local Government Act 1995*.

Compilation Table

Citation	Gazettal date
<i>City of Busselton Holiday Homes Local Law 2012</i>	<i>30 April 2012</i>
<i>City of Busselton Holiday Homes Amendment Local Law 2012</i>	<i>16 November 2012</i>

LEG190006

LOCAL GOVERNMENT ACT 1995

CITY OF BUSSELTON

HOLIDAY HOMES AMENDMENT LOCAL LAW 2022

Under the powers conferred by the *Local Government Act 1995*, and all other powers enabling it, the Council of the City of Busselton resolved on to make the following local law.

1. Title

This is the *City of Busselton Holiday Homes Amendment Local Law 2022*.

2. Commencement

This local law comes into operation 14 days after the day on which it is published in the *Government Gazette*.

3. Principal local law

This local law amends the *City of Busselton Holiday Homes Local Law 2012*, published in the *Government Gazette* on 30 April 2012.

4. Clause 2.3 amended

In clause 2.3(i)(ii) and 2.3(j)(ii), delete each reference to “24 hours” and insert:

12 hours

5. Clause 2.6 amended

In clause 2.6(k)(ii), delete “24 hours” and insert:

12 hours,

6. Clause 3.4 amended

In clause 3.4(2), delete “24 hours” and insert:

12 hours

7. Schedule 2 amended

In Schedule 2 –

- (a) delete the modified penalty of “\$400.00” and insert:

\$450.00

- (b) delete each modified penalty of “\$300.00” and insert:

\$350.00

- (c) delete the modified penalty of “\$200.00” and insert:

\$250.00

Dated this of 2022.

The Common Seal of the City of Busselton was affixed by authority of a resolution of the Council in the presence of—

GRANT DOUGLAS HENLEY, Mayor

MICHAEL STEPHEN LEE ARCHER, Chief Executive Officer

13. PLANNING AND DEVELOPMENT SERVICES REPORT

Nil

14. ENGINEERING AND WORK SERVICES REPORT

Nil

15. COMMUNITY AND COMMERCIAL SERVICES REPORT

15.1 CITY OF BUSSELTON ECONOMIC DEVELOPMENT STRATEGY 2022-2027

STRATEGIC THEME	OPPORTUNITY - A vibrant City with diverse opportunities and a prosperous economy
STRATEGIC PRIORITY	3.2 Facilitate an innovative and diversified economy that supports local enterprise, business, investment and employment growth.
SUBJECT INDEX	Economic and Business Development
BUSINESS UNIT	
REPORTING OFFICER	Economic and Business Development Project Officer - Danelle Dowding
AUTHORISING OFFICER	Manager Economic and Business Development Services - Jennifer May
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 REQUIREMENT	Simple Majority
ATTACHMENTS	Attachment A Economic Development Strategy 2022 - 27   Attachment B EDS 2022 Plan on a Page   Attachment C Economic Development Advisory Group Terms of Reference  

OFFICER RECOMMENDATION

That the Council:

1. **Endorses the City of Busselton Economic Development Strategy 2022-27 (attachment A) as a guide; and**
2. **Notes the Economic Development Strategy 2022-27 - Implementation Plan (attachment B) as an operational working document; and**
3. **Endorses the amended Terms of Reference for the Economic Development Advisory Group (attachment C) and nominates Councillors Henley, Carter and Richards as Council members to the Economic Development Advisory Group.**

EXECUTIVE SUMMARY

This report seeks Council endorsement of the draft Economic Development Strategy (EDS) 2022-2027 as a guide for future planning and notes the Economic Development Implementation Plan as an operational working document to guide the activities of the City of Busselton's Economic and Business Development business unit. Council endorsement is also sought for the amended terms of reference for the Economic Development Advisory Group, to support the City in delivering the Economic Development Strategy and initiatives identified in the Implementation Plan.

BACKGROUND

The City of Busselton is committed to promoting, encouraging and facilitating the sustainable development of the District's economy. The delivery of an economic development strategy is critical to articulate how the City will advance socio-economic development by increasing investment, business support, and industry growth, and providing liveability infrastructure and services for a robust regional community.

The Council adopted the current Economic Development Strategy (2016-26) in 2016 (C1611/132). Following this, officers developed a detailed implementation plan that aligned closely with Council's Strategic Community Plan and strategic plans for relevant government agencies, as reference documents for the practical delivery of the Economic Development Strategy (EDS).

In addition to the EDS, an Economic Development Taskforce (EDT) was formed with representatives from local businesses, government and community leaders to assist and make recommendations to Council on the delivery of the EDS.

The EDS Implementation Plan was developed at a time when the City was expanding the scope of its involvement in the economic development space and was developed to guide this expansion in a very detailed and prescriptive manner. The implementation plan was separated into six key focus areas:

- Investment Attraction and Marketing,
- Business Retention and Expansion,
- Regional Workforce Development,
- Industry Development,
- Strategic Infrastructure, and
- Place Making and Activation.

A total of 87 initiatives were allocated to lead agencies including the City, industry representatives and government stakeholders.

An internal review by officers of the EDS and Implementation Plan in 2021 identified that out of the 87 initiatives, 33 had been completed, 41 were ongoing and 13 were no longer considered priorities. While the EDS and Implementation Plan have provided strong guidance over the last 5 years the City has grown significantly beyond the scope of the original plan and there have been significant changes to local, state, national and global economies since 2016. As such, an updated, more agile strategy and accompanying implementation plan is required.

The proposed Economic Development Strategy 2022-27 has been prepared to harness the potential of the City and position it into the future, and outlines the City's priorities and deliverable actions over the next five years. It outlines key goals and objectives for sustainable and achievable socio-economic growth across the District.

In addition, the large membership structure of the EDT and COVID-19 pandemic related impacts had made it difficult for the EDT to be effective and hence this group's form and terms of reference have also been reviewed.

OFFICER COMMENT

The development of the a new EDS was based on attracting and growing business and industry, creating and retaining jobs, growing the District's local and regional economies, and making the community an attractive and liveable place.

The process for establishing an economic development framework and subsequent EDS was based on the following:

- Review and align with the City's Strategic Community Plan 2021 - 31 and other key guiding documents including;
 - City of Busselton Industry and Investment Sector Analysis Report (Pracsys, 2021)
 - Economic Development Strategy (2016-26),
 - City of Busselton Corporate Business Plan (2021-25)

- Analyse and evaluate demographic data, economic data and trends of the local economy, comparative advantages, opportunities and global trends to create a robust foundation for the strategy
- Consult with internal and external stakeholders to gather inputs, insights and feedback.

In particular the following trends and drivers shaped development of the EDS - technological changes and how these can influence and provide opportunities for businesses to diversify and automate, shifting economic powers and the rapidly increasing Asian population, changing population demographics, national economic drivers, issues and impacts resulting from climate change, and the social and economic impacts resulting from the COVID-19 pandemic.

Using industry best practice and ensuring consistency with the City's Strategic Community Plan, the EDS has been structured around the following key goals:

- Key Goal 1 – Environment: An environment that is valued, conserved and enjoyed by current and future generations.
- Key Goal 2 – Lifestyle: A place that is relaxed, safe, and friendly with services and facilities that support positive lifestyles and wellbeing.
- Key Goal 3 - Opportunity: A vibrant City with diverse opportunities and a prosperous economy.
- Key Goal 4 – Leadership: A council that connects with the community and is accountable in its decision making.

Using research undertaken by the City and Pracsys Consulting (Investment Attraction Strategy (2021)), officers have highlighted the following key areas and industries as those that present the most significant opportunities for the City's long term economic growth;

- Primary Industries, including agriculture and viticulture;
- Aviation through the growth of the Busselton Margaret River Airport;
- Events and Tourism, continuing to grow the Events Capital of WA brand and delivery of the BPACC;
- Technology and creative industries;
- Small business;
- Innovation and entrepreneurship;
- Healthcare; and
- Education.

The development of the new EDS also included a review of the EDT, its effectiveness, membership and objectives going forward. As such, this report recommends the EDT be reformed as an Economic Development Advisory Group with a revised membership and terms of reference. The group's role will still be to identify and advocate for specific initiatives that have been identified in the EDS and the Implementation Plan and provide advice to Council on the implementation and review of the EDS. An amended terms of reference has been included in Attachment C.

Statutory Environment

The officer recommendation supports the general function of a local government under the *Local Government Act 1995* to provide for the good government of persons in its district.

Relevant Plans and Policies

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

- City of Busselton Strategic Community Plan 2021 -2031
- City of Busselton Corporate Business Plan 2021-2025
- City of Busselton Long term Financial Plan 2020/21 -2030/31

Multiple State and Federal Government Regional Economic Development Strategies were also reviewed to ensure intergovernmental alignment, including:

- Diversify WA 2019
- South West Development Commission Strategic Plan 2021-23
- Regional Development Australia South West Regional Futures 2022
- Regional Development Strategy 2016-25
- Australia's Regions: Investing in Their Future 2019

Financial Implications

The preparation of the EDS and Implementation Plan has been completed by City Officers.

The adopted 2021/22 budget includes resources for the facilitation of economic development, including staff, administration and funding for economic development initiatives. Delivery of the initiatives identified in the EDS and Implementation Plan will be prioritised and additional budget allocations for delivery of specific initiatives will form part of the City's Long Term Financial Plan and annual budgeting process as required.

Stakeholder Consultation

Considerable stakeholder consultation was undertaken in the development of the Economic Development Strategy 2022-27 and Implementation Plan.

Three workshops and a briefing were undertaken with Council. Two meetings were also held with the Economic Development Taskforce with representatives from;

- Regional Development Australia, South West
- South West Development Commission
- City of Busselton Mayor, and two Councilors
- City of Busselton Economic and Business Development Staff.

An economic development strategy stakeholder workshop with forty invited guests was hosted on 24 March 2022; to present the draft strategy and to provide a forum for stakeholder discussion and feedback. Individual follow up meetings were then held with stakeholders. The following agencies were consulted with;

- Busselton and Dunsborough Yallingup Chambers of Commerce and Industry;
- South West Development Commission;
- Department of Primary Industries and Regional Development;
- Regional Development Australia SW;
- Australia's South West;
- Margaret River Busselton Tourism Association;
- Transport WA;
- Rio Tinto;
- Edith Cowan University;
- South Regional Tafe;

- IPS Business Advisory;
- Telstra WA;
- NBN Co;
- Busselton Jetty Inc.;
- Busselton Water;
- Dunsborough Districts Progress Association;
- Building Busselton Town Team;
- Small Business Lounge;
- Eagle Bay Brewing;
- Stocker Preston;
- Innovation Cluster;
- Creative Corner;
- Agristart; and
- Origins Market.

The EDS was then advertised as a draft on the City of Busselton's Your Say platform from 1 May 2022 – 24 May 2022. It was also advertised on the City of Busselton's Facebook and Instagram sites on 4 May 2022, in the Busselton Dunsborough Mail 5 May 2022, and in the City's Bay to Bay April newsletter.

There was a total of 98 visits to the YourSay page with 32 downloads of the strategy. 15 of the 98 visitors entered the survey page with only two submissions received, one providing comment on the provision of electric vehicle stations within the City and the second providing comment on the topic of liveability and environmental protection in the strategy.

Officers have replied to both submissions and are of the opinion that public submissions have been satisfactorily actioned and no changes to the document are required.

Risk Assessment

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

Options

As an alternative to the proposed recommendation the Council could:

1. Choose not to endorse the Economic Development Strategy 2022-2027.
2. Choose to endorse the Economic Development Strategy 2022-2027 subject to amendments.
3. Choose not to endorse the revised Economic Development Advisory Group terms of reference and / or propose alternative amendments.

CONCLUSION

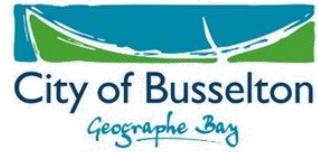
The current EDS was developed a number of years ago, and since this time a significant number of initiatives have been achieved. Given the economic changes that have occurred over the past few years on a local, state, national and global level, it was considered timely for a review of the strategy to be undertaken.

After undertaking a review of City of Busselton's strategic plans, State and Federal Government strategic documents, and extensive internal and external stakeholder engagement, a new comprehensive yet agile Economic Development Strategy and accompanying Implementation Plan has been developed to guide the City's economic development priorities over the next five years. To assist in the delivery of the EDS and Implementation Plan, a revised terms of reference for the (renamed) EDT has also been developed.

The Economic Development Strategy 2022-27 is now presented to Council for endorsement as a guide for future planning. It is intended that the new strategy be launched at the City's inaugural annual Economic Forum on June 17th 2022.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Following Council endorsement, the Economic Development Strategy 2022-2027 will be published on the City of Busselton's website and formally launched at City of Busselton Economic Forum on 17 June 2022.



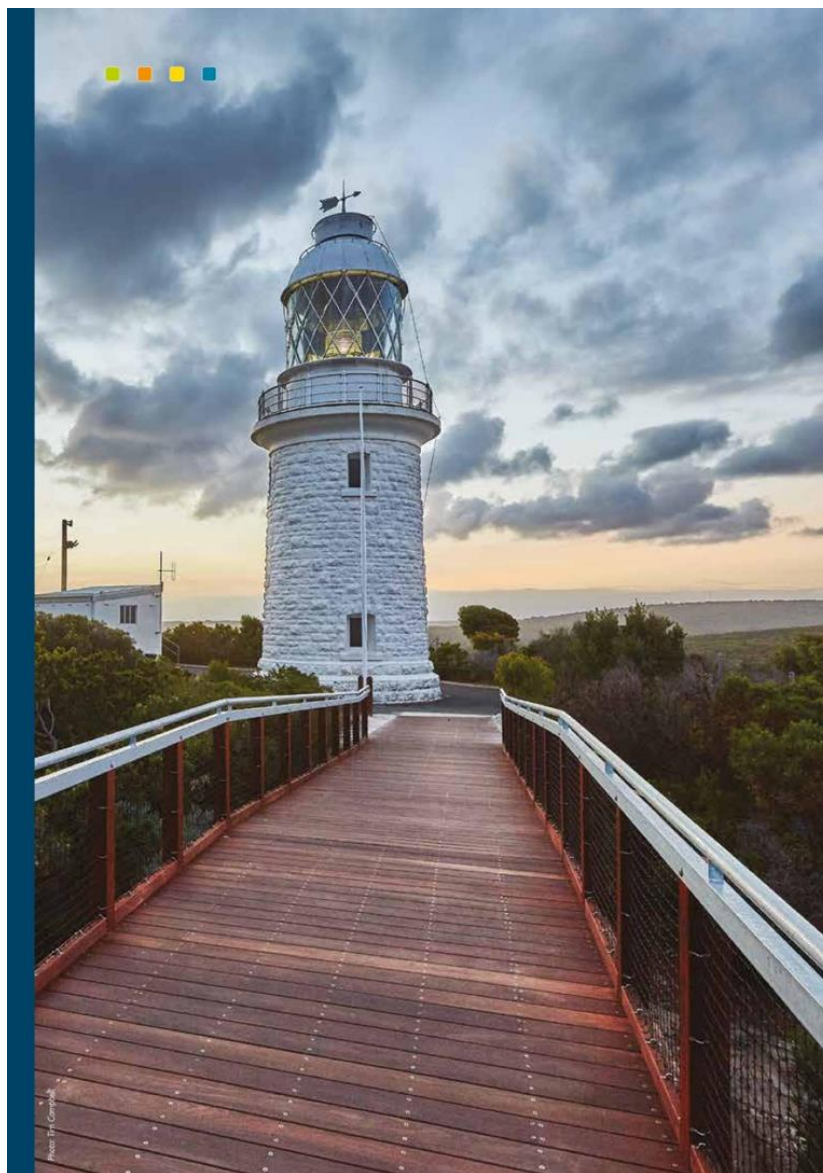
Economic Development Strategy







2022-2027

*Where environment, lifestyle
and opportunity meet!*





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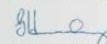


Acknowledgement of Country

The City of Busselton acknowledges the Traditional Custodians, the Wadandi people of Wadandi Boodjar on whose land we are living. We recognise their continued connection to the land and waters of this beautiful saltwater place, and pay our respects to Elders past, present and emerging.

Message from the Mayor

I am proud to present our Economic Development Strategy 2022-2027. This Economic Development Strategy harnesses the potential of our City and positions it into the future, whilst providing a framework that outlines our priorities and deliverable actions over the next five years.


Cr Grant Henley
Mayor



The Strategy outlines a clear vision for the sustainable development of the District and guides the decisions and direction of the Council.

Our future vision is about diversity, sustainability, jobs and investment, and the vibrancy and liveability that come with economic growth. Whilst protecting our natural environment and lifestyle we will strive to provide increased personal and professional enrichment for all.

This Strategy activates our competitive advantages - our vibrant community and enviable lifestyle, premium wine, food and agricultural produce, our growing technological and creative industries and our international reputation as a first-class event and tourism destination.

The determined priorities and goals outlined in this strategy reflect those outlined in the City's Strategic Community Plan and were formed in alignment with state and federal agencies and industry stakeholders.

A collaborative approach to delivering actions be crucial to our success. The City keenly encourage business, community and all levels of Government to continue working in partnership to realise these collective economic development goals.

Through implementing this Strategy, we will work hard to make the City of Busselton the place where environment, lifestyle and opportunity meet.





About This Strategy

Economic development across the City of Busselton (the City) is about attracting and growing business and industry, creating and retaining meaningful jobs and making our community a better place to live.

The City adopted its current Economic Development Strategy 2016-26 in 2016. Given the significant changes to local, state, national and global economies since that time, an updated strategy was required. We developed this new strategy through the following process:



This new Economic Development Strategy 2022 -27 provides vision, direction and a clear roadmap that will simplify decision making, drive alignment and communicate our economic development priorities. It harnesses the potential of the City, positions it into the future while providing a framework that outlines our goals and objectives over the next five year period.

Collaboration will be crucial to success, and the City will partner with industry, business and community partners to deliver the programs and activities to achieve these goals.

The City is committed to continuing building strong relationships with and working closely with our neighbouring Local Governments Areas to progress enabling infrastructure and aligned projects that provide economic and social benefits to the broader South West community.

We understand that development opportunities must strike the right balance between growth and retaining the City's unique character, environment and lifestyle for all those who live, work and invest here.

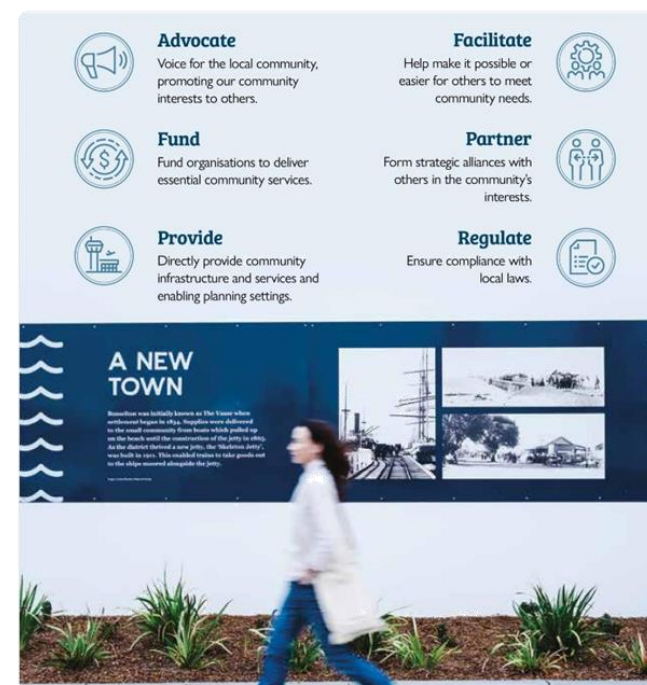


Local Governments role in Economic Development

The economic development of the City is a shared responsibility and is not undertaken in isolation – it is a lens for all local government activities.

It is also a collaborative and collective effort of key stakeholders across all three levels of Government, local and national businesses, economic asset owners, investors, workers and residents.

Local Government plays an essential role in economic and social development and fulfils the following responsibilities to meet locals' needs:





The City of Busselton

The City is a vibrant regional city by the sea, where environment, lifestyle and opportunity meet. Nestled on picturesque Geopraphe Bay, just 230kms south of the State capital of Perth, it is the premier locale and central heart of the South West region of Western Australia.

The City features the five modern townships of Busselton, Vasse, Dunsborough, Yallingup and Eagle Bay along with retail, commercial and industrial precincts, all set in a coastal and rural environment of pristine natural beauty. It is well connected by major transport networks, including the South West's principal airport, the Busselton Margaret River Airport. It is situated close to the Port of Bunbury, one of Australia's largest regional ports and its onward road and rail links.

Enjoying a Mediterranean climate, our thriving community is home to 40,033¹ people and offers a much sought after relaxed lifestyle for those who live and work here.

We are a forward-thinking, dynamic and fast-growing City, recognised for an internationally renowned viticulture industry and well established agricultural sector producing the finest quality beef, dairy, seafood and a wide variety of fresh fruit and vegetables. The City is also well-known as the Events Capital of Western Australia, a premier leisure tourism destination welcoming 860,000 visitors per annum and home to a growing hub of high-value technology-based and creative industries.

The past decade has seen significant public and private investment in developing innovative community and economic infrastructure. We have focused on revitalising our town centres and foreshore areas, creating new hospitality and retail centres, additional aged and health care facilities, significant upgrades to the regional airport to international standards, and the state of the art Busselton Performing Arts & Convention Centre is currently under construction.

The City and our community are now poised to capitalise on this transformative work. Our next chapter will focus on continuing to deliver a high-quality urban realm, attractive public spaces and excellent community amenities whilst expanding economic opportunities to accelerate the tourism and events sector and activate new activity in aviation, transport, renewable energy, technology, and specialist manufacturing industries.

¹ ERP 2021



External Drivers and Trends

Megatrends are significant, transformative processes with global reach, broad scope, and dramatic impact shaping the world in the first half of the 21st century. Some drivers and trends will present enormous opportunity, others will have a direct negative impact. Identifying these trends and understanding their impact is key to knowing how regional businesses and communities operate today and into the future.



Technology Changes

Technology changes means that two-thirds of current occupations could see a third of their activities automated. This can present enormous opportunities for business to diversify, however, the City and Industry must deliver adequate infrastructure, training, and innovative processes to keep the workforce and business apace with technological advancement.



Shifting Economic Power

Asia's population proliferates, changing global demographics and economic drivers. This will impact on the demand of scale and range of products produced and exported from our region and provide excellent opportunity for business diversity and growth.



Climate Change

Climate change is an urgent and complex global issue that creates risks and challenges for the City. Key risks include increased coastal erosion and inundation, and bushfires. All levels of Government, along with business and the community, have a role to play in responding to the climate change challenge.



COVID19

COVID19 the pandemic has delivered a level of disruption to communities across Australia and the globe unprecedented in recent decades. It has a far-reaching and ongoing impact on nations, trade and behaviours, many of which are yet fully realised.



Photo: Russell Old



Regional Snapshot



Location

Distance from State capital
2.5 hours
South of Perth
Strategically located near
SE Asia
Total area
1,455km²



Climate

Climate type
Warm Mediterranean
Mean temperature range
11-22.8 C
Mean Annual Rainfall
708mm



Economics

GRP
\$2.59B
Key industries by GRP contribution
Construction, Manufacturing,
Rental and Hiring,
Accommodation & Food



Town Centres

BUSSELTON largest town centre with cultural precinct and family friendly foreshore featuring the iconic Busselton Jetty.
VASSE a growing centre is a favourite for families with a wide range of amenities.
DUNSBOROUGH sits on Geographe Bay and known for boutique shopping and spectacular walk trails.
YALLINGUP small centre surrounded by Leeuwin-Naturaliste National Park and world class surf breaks.
EAGLE BAY sits on Cape Naturaliste and is a growing luxury holiday hotspot.



Population

Population size
40,033
ERP
Growing
1.8%
2019-20
Forecast to grow to
57,249
by 2035
Medium age
42



Business & Industry

Key industries
Construction, manufacturing,
retail and hiring,
accommodation & food
Emerging industries
Aviation, renewable energy,
technology and creative
industries
Local businesses
4088
63% sole traders, 24% less than
four employees



Employment

Labour force
11,850
Unemployment rate
4.4%
(Sept 2021)
Medium weekly income
\$526
Key industries by employment
Retail, Construction,
Accommodation & Food, and
Health, Education & Training

Data source: REMPLAN DATA



What Sets Us Apart?

We have many competitive advantages, including a well-established primary industry, premium food and agricultural produce, an international reputation as a first-class tourism destination, and vibrant communities with a quality lifestyle second to none.

We are well-positioned to facilitate and support a diverse range of significant new developments utilising our numerous strategic assets.

Our Competitive Advantages

- Proximity to the State Capital and Southeast Asia
- A growing population
- A clean, pristine environment
- Mediterranean climate and quality lifestyle attractors
- South West's internationally recognised brand
- Productive agricultural land
- Availability of commercial and industrial land
- Affordable housing and land costs

- Quality health and education facilities
- Proactive leadership from City's elected members and executive

Our Strategic Assets

- Internationally capable gateway airport
- Quality road transport infrastructure
- Internationally renowned tourism icon – Busselton Jetty
- Modern civic sporting and recreational facilities

Our Vision

Our future vision is about diversity, sustainability, jobs and investment, and the vibrancy and liveability that come with economic growth.

By sustainably using our natural resources, supporting our community with exceptional lifestyle infrastructure and services and enabling diverse business, employment and investment opportunities, we strive toward delivering a place
"Where Environment, Lifestyle and Opportunity Meet!"



Growth Opportunities

Research undertaken by the City has highlighted key areas and industries that present the most significant opportunity for our long term, sustainable growth.



Primary Industries Agriculture and viticulture are well-established industries that can be expanded by connecting to market, adding value and creating subsidiary industries that diversify and support them.



Aviation The upgraded Busselton Margaret River Airport has vast potential to activate aviation-related industries, including engineering and maintenance, freight and logistics hub, FIFO sector, and significantly expand the value of tourism sector with national and potentially international flight routes.



Events and Tourism With an abundance of natural beauty and tourism assets in the region, our strong profile as the Events Capital of VWA and the development of the Busselton Performing Arts Convention Centre, there is scope to sustainably grow leisure and business tourism.



Technology and Creative Industries The City is increasingly recognised as a hub for the arts and creative industries. It can capitalise on strength in music and performing arts and emerging design and visual arts industries.



Small Business The backbone of the City, with 87% of all businesses having 19 employees or less, there are significant opportunities to support our businesses to grow sustainably, embrace new technologies and establish stronger linkages with local and external markets.



Innovation and Entrepreneurship Growing our local 'start-up scene' will encourage entrepreneurship that can create new and bespoke economic activity product development and support young people staying in the region.



Healthcare The City's changing demographics, consumer practices and existing health-related infrastructure provide opportunities for future investments into health care, aged care and retirement living.



Education The City has the opportunity to develop deeper tertiary and VET offerings to encourage improved education options, youth retention and future industry-aligned workforce development.

Economic Development Framework

To deliver our vision of
"Where Environment, Lifestyle and Opportunity Meet!"
the strategy focuses on four key goals to influence and encourage economic development.



KEY GOAL 1
Environment



KEY GOAL 2
Lifestyle



KEY GOAL 3
Opportunity



KEY GOAL 4
Leadership



Key Goal 1 Environment

An environment that is valued, conserved and enjoyed by current and future generations.



Photo: Francis Andrijch



Photo: Elements Margaret River



Environment

We recognise the importance of sustainable economic development and preserving the quality of our environment for future generations. We will ensure our collaborative actions consider and incorporate best practice use of our natural resources.

We have identified key objectives and strategies to ensure the City's clean environment remains a crucial asset now and into the future.



Sustainable Economic Development

OBJECTIVE	STRATEGIES
<u>Sustainable use of non-renewable resources</u>	<ul style="list-style-type: none"> Support and model best-practice approaches to clean technology, circular economy, waste elimination, resource recovery and renewable energy production. Develop planning strategies for sustainable basic raw material supply and use and alternate methods. Advocate for frameworks and infrastructure that fosters sustainable resource use. Foster and promote regenerative tourism practises for business and consumers.
Progress Smart Cities Strategy	<ul style="list-style-type: none"> Deliver technology interventions that enhance sustainability in urban places, parks, waterways and building management. Use technology and data to encourage sustainability in resource use, and improve the efficiency of waste collection and processing.
Foster Clean Energy and Circular Economy	<ul style="list-style-type: none"> Support and encourage, research and development and investment into clean energy and circular economy activities.



Key Goal 2 Lifestyle

A place that is relaxed,
safe, and friendly with
services and facilities that
support positive lifestyles
and wellbeing.



Lifestyle

Our unique, relaxed lifestyle is an inherent part of the City's attraction. We strive to enhance this by providing modern community infrastructure and services and creating diverse education and employment options.

Enhanced Livability

OBJECTIVE	STRATEGIES
Advance Transport Connectivity	<ul style="list-style-type: none"> Support increased public transport services. Advocate for improved road and rail infrastructure linking Busselton with Bunbury and Perth. Foster air transport routes at the Busselton Margaret River Airport.
Advance Digital Connectivity	<ul style="list-style-type: none"> Develop Digital Strategy. Understand demand and advocate for high quality, accessible, affordable mobile and internet connectivity.
Advance Health Care Services	<ul style="list-style-type: none"> Support investment into a regional private hospital and allied health services. Support investment into Aged Care Services. Advocate for Allied and Mental Health Services.
Advance Community Facilities	<ul style="list-style-type: none"> Support increased sport, recreational, senior and youth facilities.
Town Centre Activation and Place-making	<ul style="list-style-type: none"> Ensure best planning, design and management of our public spaces. Connect and activate our LIA and industrial precincts. Support a vibrant community events program. Sustainably grow the nighttime economy to provide safe and lively night activities in our urban centres. Support and promote unified a Busselton brand.

Diverse education, training & employment

OBJECTIVE	STRATEGIES
Support diverse education opportunities	<ul style="list-style-type: none"> Work with the industry to identify existing education and training gaps. Advocate industry for education and training programs that align community aspirations and industry requirements.
Support diverse employment opportunities	<ul style="list-style-type: none"> Work with industry to diversify and deepen employment choices. Investigate attracting decentralised private businesses and government agencies.
Progress industry-aligned skilled workforce	<ul style="list-style-type: none"> Work with industry to determine future skill labour requirements. Investigate the development of Hospitality Trade School. Investigate Aged Care and Allied Health training opportunities. Investigate Aviation Maintenance and Pilot Training facility. Investigate FIFO Induction Hub. Investigate Environmental Sciences Training (R&D, Marine and Terrestrial).



Key Goal 3 Opportunity

A vibrant City with
diverse opportunities and
a prosperous economy.



Photo: Elements Margaret River



Photo: Elements Margaret River



Photo: Elements Margaret River



Opportunity

We will actively undertake actions that enable our community to grow and prosper. We will open the door to success by creating and communicating information that attracts and retains new industries and businesses and diversifies and fosters existing ones.

Investment Attraction

OBJECTIVE	STRATEGIES
Develop Invest Busselton Program	<ul style="list-style-type: none"> Develop Investment Prospectus. Develop Investor Concierge Service. Develop International Engagement Strategy. Provide regular market intelligence and regional data.
Promote the City as an attractive place to live, work and invest	<ul style="list-style-type: none"> Support events and projects that promote the region nationally and internationally. Collaborate with government, industry and community stakeholders to enhance City's destination brand awareness.
Progress Investment Attraction Strategy	<ul style="list-style-type: none"> Target prospective investors in Aviation, Tourism, Health and other emerging Industries. Advocate for co-investment for enabling infrastructure.

Business Support

OBJECTIVE	STRATEGIES
Grow, diversify and support Businesses	<ul style="list-style-type: none"> Deliver business support services in conjunction with industry partners. Facilitate business networking and clustering. Facilitate collaboration, skill-building and shared learning. Foster business resilience. Support business to mitigate economic leakages.

Industry Development

OBJECTIVE	STRATEGIES
Grow, Diversify and Support Industry	<ul style="list-style-type: none"> Facilitate value add opportunities. Foster innovation and entrepreneurship. Foster investment in emerging industries.





**Key Goal 4
Leadership**

A Council that connects
with the community
and is accountable in its
decision making.

City of Busselton
Undalup Room



Leadership

We will deliver strong leadership and innovative and collaborative approaches to realise our economic development goals. We will continue to show prudent governance with evidence-based decision making and be a solid voice to other levels of Government and industry.



Leadership, Advocacy and Collaboration

OBJECTIVE	STRATEGIES
Advocacy to other levels of Government as a voice for our community.	<ul style="list-style-type: none"> • Deliver local, regional, state and national intelligence on the City's economic development to inform policy and program.
Collaboration with stakeholders across industry, business and community to grow our City.	<ul style="list-style-type: none"> • Build and maintain a network of strategic, high functioning stakeholders. • Facilitate effective cross-sectoral and intergovernmental collaborative partnerships. • Encourage progressive 'out of the box' thinking that shapes service delivery. • Actively foster relationships with neighbouring LGA to facilitate SW regional advancement
Show best practice governance, innovation and organisational excellence in all we do.	<ul style="list-style-type: none"> • Ensure access to best practice accountable ethics, effective use of resources, risk management, compliance and administration mechanisms. • Improve evidence-based decision making. • Demonstrate cultural competency.



Putting the Strategy into Action

This strategy will only be effective if there is a strong commitment to and resources for the actions needed to achieve the vision and objectives.

This requires a transparent process for delivery and coordination; a willingness to work in partnership, and a method for monitoring and measuring progress.

Implementation Plan

An Implementation Plan which functions as the program of work for the City, details activities, and the key performance indicators to measure their outcomes, has been developed with direction from the City's Economic Development Advisory Group and attending Stakeholder Group.

We actively encourage business, community and all levels of Government to continue collaborating and knowledge sharing on regional issues to ensure we can best deliver economic development outcomes for the region.

Monitoring and Evaluation

Effective monitoring and transparent evaluation processes are critical to successfully implementing this strategy.

Economic development metrics should include contributions to environmental health, social well-being, and a just economy. Unlike economic growth, which can be measured each quarter, progress in these indicators occurs over longer timeframes.

The City has implemented an evaluation framework that tracks projects and initiatives using SMART outcomes (Specific, Measureable, Achievable, Relevant, Time-bound) delivered through the Implementation Plan.



Key Benchmarks

The following socio-economic benchmarks are a snapshot into how the City is currently placed. We will conduct annual reviews using these benchmarks in order to inform council and community, monitor progress, celebrate success and focus future work.

Economic Metrics

GRP
\$2.59B

Outputs
\$5.196B

Exports
\$1,617M

Value Add
\$2.3837B

Community Metrics

Population
40,003
ERP 2021

SEIFA Score
1,014

Medium Household Weekly Income
\$1,192

Education and Employment Metrics

4.4%
Unemployment Rate

Local jobs
14,650

Training Programs

Training Capacity

Business and Industry Metrics

ABR Business Growth

ABR Public and Private Investment

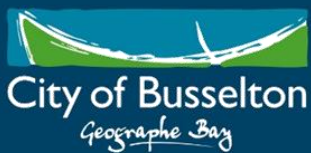
Increased R&D Activity

We recognise that we may need to adapt to changing circumstances attentively and responsibly and find new and creative ways to continue this work within an altered economic climate.

Data source: REMPLAN DATA



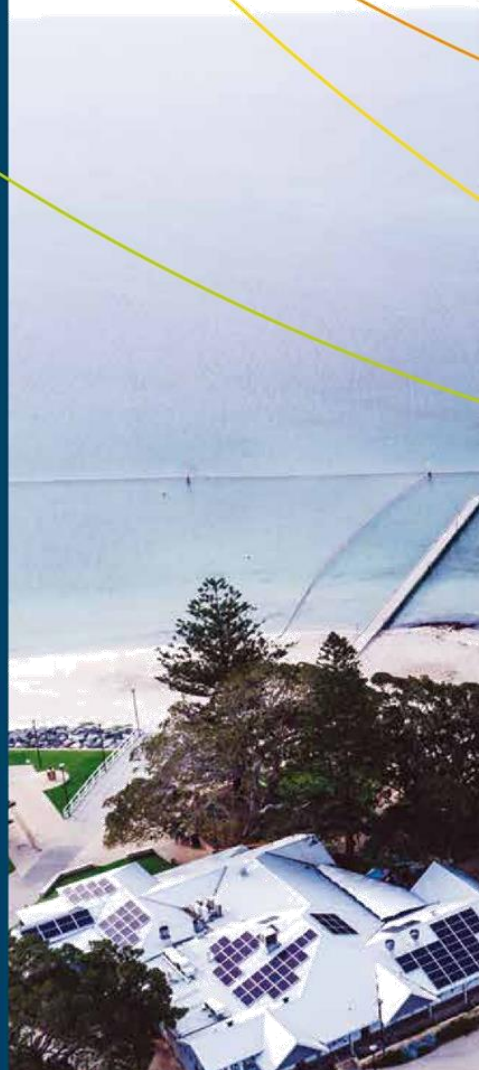
*Where environment, lifestyle
and opportunity meet!*



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The City of Busselton

Home to 40,000 people, this vibrant region city is nestled on picturesque Geographie Bay, just 230kms south of the State capital of Perth. It is the central heart of the South West region of Western Australia with robust primary industry and tourism sectors and emerging strengths in aviation, creative and technology industries.

Vision

By sustainable use of our natural resources, supporting our community with vibrant lifestyle infrastructure and services and enabling diverse education, employment and investment opportunity, we will continue to build a place

“Where Environment, Lifestyle and Opportunity Meet!”

Strategic Areas and Goals

Through industry and community consultation and capitalising on our unique comparative strengths, we have identified four key areas to deliver sustainable socio economic development. Collaboration with industry stakeholders will be key to our success.



Key Goal 1 Environment

An environment that is valued, conserved and enjoyed by current and future generations.

Objectives

1. Promote sustainable use of non-renewable resources
2. Progress Smart City Strategy
3. Foster development of clean energy & circular economies



Key Goal 2 Lifestyle

A place that is relaxed, safe, and friendly with services and facilities that support positive lifestyles and wellbeing.

Objectives

1. Provide connectivity, health and civic amenities
2. Foster diverse education, training & employment
3. Progress place-making and town centre activation.



Key Goal 3 Opportunity

A vibrant City with diverse opportunities and a prosperous economy.

Objectives

1. Investment Attraction
2. Business Support
3. Industry Development



Key Goal 4 Leadership

A Council that connects with the community and is accountable in its decision making.

Objectives

1. Advocacy using strong voice for our community
2. Collaborate with industry, business and community
3. Demonstrate best practice governance, innovation and organisational excellence

Regional Snapshot



Location

Distance from State capital
2.5 hours
South of Perth
Strategically located near
SE Asia
Total area
1,455km²



Climate

Climate type
Warm Mediterranean
Mean temperature range
11.3-22.8 C
Mean Annual Rainfall
708mm



Economics

GRP
\$2.59B
Key industries by GRP contribution
Construction, Manufacturing,
Rental and Hiring,
Accommodation & Food



Population

Population size
44,000
ERP
Growing
1.8%
2019-20
Forecast to grow to
57,249
by 2035
Medium age
42



Business & Industry

Key industries
Construction, manufacturing,
retail and hiring,
accommodation & food
Emerging industries
Aviation, renewable energy,
technology and creative
industries
Local businesses
4088
63% sole traders, 24% less than
four employees



Employment

Labour force
11,850
Unemployment rate
4.4%
(Sept 2021)
Medium weekly income
\$526
Key industries by employment
Retail, Construction,
Accommodation & Food, and
Health, Education & Training



Town Centres

BUSSELTON largest town centre with cultural precinct and family friendly foreshore featuring the iconic Busselton Jetty.
VASSE a growing centre is a favourite for families with a wide range of amenities.
DUNSBOROUGH sits on Geographe Bay and known for boutique shopping and spectacular walk trails.
YALLINGUP small centre surrounded by Leeuwin-Naturaliste National Park and world class surf breaks.
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1. INTRODUCTION

- 1.1 The Economic Development Advisory Group (the Group) has been established with the aim of providing a strategic interface between the City of Busselton Council (the Council) and key government agencies across the district.
- 1.2 The purpose of the Group is to provide specialist advice to the Council about the growth and development of the region's economy and the generation of local employment opportunities.

2. OBJECTIVE

- 2.1 The objectives of the Group are to:
 - a. Act as a link between the Council and key industry sectors to encourage open communication to respond to economic development opportunities and issues that may impact the community.
 - b. Identify, recommend and support projects and initiatives that will foster sustainable growth and economic development within the region in alignment with the Economic Development Strategy 2022-27.
 - c. Support the promotion of the City of Busselton businesses and industries to broader markets.
 - d. Foster investment opportunities within the City of Busselton.
 - e. Support initiatives that enhance the competitiveness of City of Busselton based business and industry.
 - f. Cooperatively engage with other relevant bodies and the private sector to maximise the benefit for the local community and the region.
 - g. Contribute to Council's strategic and business planning process.

3. MEMBERSHIP

- 3.1 The membership of the Group shall comprise the following:
 - a. Four (4) City of Busselton Councillors (one as Chairperson);
 - b. Two (2) City of Busselton staff members;
 - c. One (1) representative of the South West Development Commission (State Government);
 - d. One (1) representative of Regional Development Australia South West (Federal Government)
- 3.2 The Group may co-opt up to two (2) additional persons if further skills and experience would benefit a specific project or add value to the general performance of the working group.
- 3.3 The Group may also request the attendance of any other person or representative for advisory purposes only. It may also establish informal sub-working groups or working groups comprising its members or other persons to fulfil its responsibilities and functions.
- 3.4 In the event of being unable to attend a meeting, a member may nominate a proxy to attend in their place.
- 3.5 Other City Officers shall provide administrative and technical support as required.

4. CHAIR

- 4.1. The Group shall appoint an Elected Member of the City as the Chair and as the Deputy Chair to conduct its business.
- 4.2. The Chair shall be responsible for the running of the meeting.

5. MEETINGS

- 5.1. The Group shall meet quarterly or as required but at least two times per year. A quorum for attendance is minimum of half of the membership and minimum half of the Council representatives.
- 5.2. The Chair shall ensure meeting agendas are developed and distributed to members with relevant attachments no less than five days prior to each meeting.
- 5.3. The Chair shall ensure that notes of the meetings are prepared and distributed to all members present at the meeting for their information within five days of the meeting. Notes shall record the outcomes of discussions, not the content of those discussions, and will be included in the Councillor Information Bulletin of the next practicable Council Agenda.
- 5.4. If the members present at any particular meeting have any concerns with the notes prepared, they should advise the Chair (or their delegate) as soon as possible and in any case prior to the next meeting; and where that occurs the Chair shall ensure that the matter is resolved to the extent necessary and practicable at the next meeting, with the outcome to be reflected in the notes of that meeting.

6. DELEGATED POWERS

- 6.1. The Group has been established by a decision of Council and these Terms of Reference but does not have any delegated powers.
- 6.2. The Group's recommendations shall not be binding on Council and must be put through the Administration to Council to take effect.

7. EVALUATION OF GROUP'S EFFECTIVENESS

- 7.1 At the meeting of the Group prior to the ordinary Council elections, the Group shall undertake a review to evaluate its effectiveness, and as a guide the following should be determined:
 - a. are the Group's purpose and objectives being met?
 - b. should the purpose and objectives be amended?
 - c. are the Group members regularly attending meetings?
 - d. review the Terms of Reference, including membership.

8. APPROVAL

Council Adoption	DATE		Resolution #	
Previous Adoption	DATE		Resolution #	

15.2 RESERVE 46187 LOT 448 MARINE TERRACE; OLD TENNIS CLUB BUILDING PREFERRED PROPONENT

STRATEGIC THEME	OPPORTUNITY - A vibrant City with diverse opportunities and a prosperous economy
STRATEGIC PRIORITY	3.2 Facilitate an innovative and diversified economy that supports local enterprise, business, investment and employment growth.
SUBJECT INDEX	Economic and Business Development
BUSINESS UNIT	Commercial Services
REPORTING OFFICER	Manager Economic and Business Development Services - Jennifer May
AUTHORISING OFFICER	Director, Community and Commercial Services - Naomi Searle
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 REQUIREMENT	Simple Majority
ATTACHMENTS	Nil

OFFICER RECOMMENDATION

That the Council extends the ‘preferred proponent’ status for Geographe Bay Brewing Co. for a further period of 9 months, as potential future lessee of Reserve 46187 – Lot 448 Marine Terrace, Busselton.

EXECUTIVE SUMMARY

In December 2021 Council endorsed Geographe Bay Brewing Co as the preferred proponent for a period of six months as the future lessee of Reserve 46187 – Lot 448 Marine Terrace Busselton. This report seeks Council endorsement to extend the ‘preferred proponent’ status for a further nine months to finalise land matters and a head lease with Department of Planning, Lands and Heritage (DPLH), and sublease arrangements with Geographe Bay Brewing Co.

BACKGROUND

The former Busselton Tennis Club building was constructed in 1999 and remained as the Busselton Tennis Club clubrooms until 2019 when the Tennis Club relocated to its new premises at Barnard Park East.

The land on which the former Tennis Club building is located is Crown land Reserve 46187 - Lot 488 Marine Terrace (the Premises). Up until recently, the Reserve purpose was designated as “Tennis Club”. The Premises are in an ideal location between the Busselton Foreshore and the CBD, with the building the closest to the Cultural Precinct at the northern end of Queen Street. Following the vacation of the Tennis Club, the Premises were being leased by the Bunbury Regional College (BRC) for educational purposes. Their lease expired on 31 December 2021.

Officers advertised an expression of interest (EOI) for business owners to establish and operate a commercial offering within the Premises in October 2021. The EOI called for proposals consistent with the permissible building uses subject to agreeing a change of Reserve purpose with the DPLH.

The EOI called for proposals that would achieve the following City objectives:

- Provide a diverse, attractive range of community and commercial offerings for residents and tourists to the City of Busselton;
- Activate the Busselton Foreshore and CBD through a range of trading hours;
- Attract a suitably qualified tenant that could show previous relevant business experience;
- Achieve community valued outcomes for use of City of Busselton owned/managed assets; and
- Supports local enterprise, business investment and employment growth.

Two EOI submissions were received by the closing date and Council, at its meeting on 8 December 2021 (C2112/119) endorsed Geographe Bay Brewing Co as the 'preferred proponent' for a six month period including:

- Authorising the CEO to continue negotiations with the Department of Planning, Lands and Heritage to change the purpose of Lot 448 on Reserve 46187 and agree the terms of a head lease with the State Government; and
- Subject to the outcome of recommendation above, authorising the CEO to enter into negotiations for the terms and conditions of a sublease with Geographe Bay Brewing Co, including ground rent, lease term, asset management, potential landscaping proposals and any legal considerations to operate a commercial venture and return to Council with recommendations in relation to the terms.

OFFICER COMMENT

Since Council endorsed Geographe Bay Brewing Co as the preferred proponent, officers have drafted a lease term sheet which is with the proponent for review and comment. Officers have also drafted the head lease and sublease for negotiation with DPLH. A market valuation for the site has been obtained and the preparation of a business case to be submitted to DPLH to allow for commercial use of the building has commenced.

Information on services and utilities have been provided to the proponent, who is undertaking investigations into utility upgrades needed for their business proposal and estimated refurbishment costs to be considered as part of the negotiations.

However, with competing priorities and the impacts of COVID-19 for both the City and Geographe Bay Brewing Co, officers have not been able to finalise negotiations with DPLH or the proponent to the point of executing the head lease and sublease. As such Officers are requesting an extension of time of nine months to complete this process.

Statutory Environment

Land Administration Act 1997 ("LAA")

The Premises are located on Class C Crown Reserve 46187 – Lot 488 Marine Terrace (Volume LR3111 Folio 999). The current Reserve purpose is "Recreation and Community", prior to which it was "Tennis Club". The City has management of the Reserve with power to lease for any period not exceeding 21 years and subject to the prior approval of the Minister for Lands.

Following the departure of the Tennis Club from the Premises in 2019, officers have been in discussion with the DPLH concerning its future purpose. It was always anticipated that this building would be commercially developed to enhance the vibrancy of the Foreshore while generating additional revenue to fund the Busselton Jetty maintenance and replacement requirements. The City have for some time lobbied State Government for a change to the Reserve purpose that would facilitate greater activation of the area, and increase connectivity between the CBD and the Busselton Foreshore.

The current reserve purpose under the Busselton Foreshore Structure Plan remains at “Community and Recreation” with power to lease for up to 21 years subject to approval of the Minister for Lands. Preliminary discussions with DPLH have indicated that if the City wish to enter into a commercial arrangement at the Premises, this must be on the basis of a head lease between the State and the City with power to sublease to a commercial operator. The head lease would require the City to pay between 20%-50% of the market rent for the Premises on a commercial footing and to pay the revenue generated from any sublease into the Busselton Jetty Maintenance Reserve.

The percentage of market rent payable under the head lease will be determined by the community benefit of the proposed future use by a commercial operator. DPLH requested that the City submit a business case for their determination. In summary, the City’s business case will propose payment of a nominal rent to the State under the head lease (whilst the State have indicated that a commercial use would attract a higher rent, officers have nevertheless requested that the proposal be considered on the same basis as the other commercial offerings on the Busselton Foreshore).

Sublease rental income will be paid into the Busselton Jetty Maintenance Reserve. It is proposed that a rent free period is allowed while the building undergoes any refurbishment, with rent payable on commencement of opening; and a lease term is offered of 20 years plus 10 years.

Local Government Act 1995 (“LGA”)

The grant of a sublease to a commercial operator constitutes a disposal requiring advertising in accordance with section 3.58 of the LGA. Once the terms of the sublease have been negotiated, local public notice of the sublessee, consideration and lease term will be given inviting submissions to be made within a certain period. Council are required to consider any submissions received within that time frame.

Relevant Plans and Policies

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

- Busselton Foreshore Master Plan and Structure Plan
- City of Busselton Economic Development Strategy (2016-26)

Financial Implications

There are no direct financial implications associated with the officer recommendation at this time. However, should approvals be granted from DPLH for the City to enter into a head lease with the State Government and sublease with the proponent, there will be future financial implications. The head lease will incur a rental payment to the State and all sublease revenue from the proponent is to be transferred into the Busselton Jetty Maintenance Reserve.

Stakeholder Consultation

Consultation with DPLH in relation to the change of Reserve purpose to allow for commercial use and the grant of a head lease and sublease are ongoing as outlined in this report. No further stakeholder consultation other than with Geographe Bay Brewing Co was required or undertaken in relation to the officer recommendation.

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:

- Choose an alternative time frame to extend the 'preferred proponent' status for Geographe Bay Brewing Co.
- Choose not to endorse the officer recommendation and request officers to advertise for further expressions of interest.

CONCLUSION

The City called for Expressions of Interest (EOI) for proposals from commercial, business operators to lease the Old Tennis Club building located at Lot 488 Marine Terrace Busselton in October 2021. Following the advertising of the EOI, Council endorsed (C2112/119) Geographe Bay Brewing Co be nominated as the 'preferred proponent' for a period of six months to progress negotiations, authorise the CEO to continue negotiations with DPLH to change the purpose of the reserve and agree the terms of a head lease with the State Government and progress negotiations with the proponent for terms of a sublease.

Six months have now passed and negotiations are still ongoing with both Geographe Bay Brewing Co and DPLH. As such Officers are requesting that the 'preferred proponent' for Geographe Bay Brewing Co be extended for a further nine months to allow negotiations to be finalised and a report presented to Council for final endorsement.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Following Council's endorsement to extend the 'preferred proponent' status for a further nine months, Officers will advise the Geographe Bay Brewing Co and progress negotiations for the terms and conditions for a lease of the Old Tennis Club building. Officers will also progress negotiations with DPLH on land matters and the headlease agreement with the State Government.

15.3 MARKETING & EVENTS REFERENCE GROUP OUTCOMES

STRATEGIC THEME	OPPORTUNITY - A vibrant City with diverse opportunities and a prosperous economy
STRATEGIC PRIORITY	3.3 Continue to promote the District as the destination of choice for events and unique tourism experiences.
SUBJECT INDEX	MERG Outcomes
BUSINESS UNIT	Commercial Services
REPORTING OFFICER	Events Coordinator - Peta Tuck
AUTHORISING OFFICER	Director, Community and Commercial Services - Naomi Searle
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 REQUIREMENT	Absolute Majority
ATTACHMENTS	Nil

OFFICER RECOMMENDATION

That Council:

1. Endorses funding allocations towards the following events, to be funded from the draft 2022/23 Events Budget:

Event Name	Officer Recommendation
National Veteran Vehicle Rally	\$2,500
Perinatal and Infant Mental Health Symposium	\$3,480
Carols By Candlelight Vasse	\$3,000
Southern Capes Motorcycle Club	\$5,000
Good Day Sunshine	In-kind venue hire only (up to \$13,500) *
TOTALS	\$13,980 (+ up to \$13,500 in kind)

* Should the event run at a loss.

2. Endorses funding allocations towards the following events, to be funded from the draft 2022/23 - 2024/25 Events Budgets:

Event Name	Officer recommendation
Busselton Australia Day Breakfast & Citizenship Ceremony	2022/23 \$4,000 2023/24 \$4,000 2024/25 \$4,000
Raising the Vibe - Blue Tree Concert	2022/23 \$5,000 2023/24 \$5,000 2024/25 \$5,000

Busselton Jetty Swim	2022/23 \$45,000 2023/24 \$45,000 2024/25 \$50,000
Margaret River Region Open Studios	2022/23 \$20,000 2023/24 \$20,000 2024/25 \$20,000
Perth International Jazz Festival	2022/23 \$25,000 2023/24 \$25,000 2024/25 \$25,000
Fine Vines Festival	2022/23 \$30,000 2023/24 \$30,000 2024/25 \$30,000
Dunsborough Arts Festival	2022/23 \$15,000 2023/24 \$15,000 2024/25 \$15,000
National Open Water Swim Championships	2022/23 \$40,000 2023/24 \$45,000 2024/25 \$50,000
TOTALS	2022/23 \$184,000 2023/24 \$189,000 2024/25 \$199,000

3. Endorses funding allocations towards the following initiatives, to be funded from the draft 2022/23 Marketing Budget:

Proposal	Officer Recommendation
Busselton Chamber of Commerce – Business Excellence Awards 2022	\$10,000
TOTALS	\$10,000

4. Endorses funding allocations towards the following initiatives, to be funded from the draft 2022/23 – 2024/25 Marketing Budget:

Proposal	Officer Recommendation
Margaret River Wine Association – MR Wine Show and Best Cabernet Sauvignon award	2022/23 \$5,000 2023/24 \$5,000 2024/25 \$5,000
Busselton Chamber of Commerce and Industry	2022/23 \$50,000 2023/24 \$50,000
Dunsborough Yallingup Chamber of Commerce and Industry	2022/23 \$25,000 2023/24 \$25,000

TOTAL	2022/23 \$80,000
	2023/24 \$80,000
	2024/25 \$5,000

5. Endorses retention of funding from the 2021/22 budget for the following cancelled events:

Event	Officer Recommendation
Dunsborough Arts Festival	\$5,325.37
South West Craft Beer Festival	\$4,000
Harmony Day Festival	\$300
TOTAL	\$9,625.37

6. Notes the reduction in funding to the Busselton Performing Arts Festival from multi to single year funding and from \$20,000 to \$10,000 from the draft 2022/2023 budget.

EXECUTIVE SUMMARY

A meeting of the Marketing and Events Reference Group (MERG) was held on Thursday 19 May 2022. This report presents the recommendations from this meeting.

BACKGROUND

At the Ordinary Meeting of Council held 13 April 2011, Council resolved (C1104/114) to endorse the implementation of a differential rating system whereby properties rated industrial and commercial across the City would directly contribute toward the City's continued support of tourism, marketing and event activities. The City also established a key stakeholders reference group, known as the 'Marketing and Events Reference Group' (MERG), to make recommendations to Council with respect to the marketing and events budget allocations.

At its meeting of 22 June 2011, Council resolved (C1106/201) to introduce a 3% differential rate on industrial and commercial rated properties which has increased over time to 10%. The proceeds from the differential rate are allocated towards funding marketing and events.

The adopted 2021/22 budget for marketing and events totals \$1,196,700. The breakdown of this budget is as follows:

- \$924,900 – Events
- \$231,800 – Marketing and economic development initiatives
- \$40,000 – City led events.

This excludes budget allocations for Leavers Week, administration, and events staffing.

The proposed 2022/23 budget for marketing and events totals \$1,012,888. The breakdown of this budget is as follows:

- \$759,666 – Events
- \$253,222 – Marketing and economic development initiatives.

Through the budget process, it will be determined whether any of the events budget will be allocated towards City led events.

A MERG meeting was held on Thursday 19 May 2022, with the following key matters presented;

- update on events held since the last meeting on 16 March 2022 and upcoming major events;
- Consideration of funding applications for the 2022/23 – 2024/25 marketing and events budgets.

OFFICER COMMENT

Supporting the development and attraction of new events throughout the year, the City's Events Sponsorship Programme promotes the City of Busselton as an attractive event tourism destination. At the MERG meeting held 19 May 2022 a range of requests for events funding were considered as outlined below:

Requests for Funding – 2022/23 Events Budget

The following requests have been received for funding from the 2022/23 Events Budget:

National Veteran Vehicle Rally

The Association of Veteran Car Clubs of Australia (TAVCCA) hosts the annual National Veteran Vehicle Rally, with each state hosting in turn. In 2022, the Rally will be staged in Western Australia, with Busselton as the base for the event. Based on previous attendance numbers, it is hoped to attract more than 90 vehicle entrants with a number of these travelling from the Eastern States to attend. Including passengers, this will bring approximately 200 people into the town for the week of 23-28 October 2022. Participants will be staying in Busselton, with each day's activities consisting of a group drive to neighbouring towns within a 60km radius. Evening activities comprise of group dinners and social evenings within Busselton. They will be holding a public car display at Signal Park on Wednesday 26 October, and a formal dinner and presentations at the Undalup Room on Friday 28 October.

\$5,000 in sponsorship has been requested to assist with costs associated with the event, including venue hire, rally books and printed programs. In line with what other similar events have previously been funded, the MERG recommendation is \$2,500.

Perinatal and Infant Mental Health Symposium

The Radiance Network Perinatal and Infant Mental Health Symposium is a bi-annual educational and networking event for professional and community members focusing on Perinatal Depression and Anxiety. This is scheduled to be held in the Undalup Room on 18 February 2023.

The day will consist of guest speakers and presentations including presenting national and international research, best practises, community and peer support engagement and allied social and health interventions. It is estimated that 110 people will attend, with the day being streamed to an online audience also.

Radiance Network have requested \$17,828 in sponsorship to cover venue hire, professional IT recording and sound, and catering. In line with what similar events have received, the MERG recommendation is \$3,480 (\$3,000 event costs + \$480 venue hire).

Carols by Candlelight Vasse

The Lions Club of Vasse has run a Carols by Candlelight event for the community of Vasse over the past two years. The event is held outdoors at the Kaloorup Oval, Vasse. It is scheduled to run over a 2.5-hour period and includes performances by local school groups, dance performances from local organisations plus carols sung by individuals with audience participation.

Families and community members are encouraged to bring a picnic or purchase dinner from food vendors invited to the event. From feedback received in previous years, in 2022 the Lions Club is seeking to make the event more inclusive for those who are hearing impaired by including a large screen on the stage projecting an Auslan interpreter. They are also planning to include a sensory zone as a quiet break out area for those who are neuro diverse.

The Lions Club have requested \$6,600 in sponsorship towards these initiatives. In line with support given to other carols events, the MERG recommendation is \$3,000.

Southern Capes Motorcycle Club

The Southern Capes Motorcycle Club Committee is proposing to host a brand-new open motocross event at the Jindong motocross track, outside their annual program of events. This event will be on a much larger scale, with prize money to entice riders from around the state to attend.

To draw a larger than normal crowd, there will also be additional attractions such as;

- Freestyle Motocross display by an outsourced company
- Children's activities such as a bouncy castle, face-painting, markets etc.
- An auction to raise money for a charity (Royal Flying Doctor Service)
- DJ playing throughout the day and night
- "Women's only" category prize money that matches the men's category.

The overall goal of this special event is to promote the sport, showcase the club to gain more members and to encourage people to ride in a safe environment, as well as attracting visitors from outside of the region and potentially securing State rounds in the future.

The Club is seeking \$10,000 in sponsorship to assist with event costs such as temporary fencing, track preparations, children's activities and equipment hire. In line with similar events and as a first time event, the MERG recommendation is \$5,000.

Good Day Sunshine Festival

The Good Day Sunshine Festival will be held at Barnard Park, Busselton on Saturday 24 September 2022. Good Day Sunshine was originally earmarked to be held at the beginning of the pandemic, in March 2020. The Festival was rescheduled to October 2020 and moved to the Busselton Foreshore for more space to ensure a COVID safe event. This Festival was one of the first music festivals to take place during the pandemic across the globe and gained international notoriety for its revolutionary rotating stage design.

The 2022 Festival will feature international artist Leon Bridges (USA) supported by The Teskey Brothers, Thelma Plum, Josh Pyke, Abbe May, Little Quirks and Siobhan Cotchin. They are estimating attendance of 5,000 patrons.

The event organisers are seeking \$15,000 in sponsorship to market the event to Melbourne and greater Victoria, promoting Jetstar flights and extended visitation to the region.

This event was previously supported in 2020 for \$15,000 cash plus up to \$13,500 in-kind venue hire, however this was to assist with offsetting the increased costs due to the COVID-19 pandemic. The MERG recommendation is not to provide financial support on the basis the event organiser is a commercial business who would not hold the event if it was not commercially viable. However, recognising the economic value of the event, the MERG have recommended sponsorship for in-kind support, for the waiver of venue hire, billboard hire and event fees up to the value of \$13,500 if, due to unforeseen circumstances, the event runs at a loss.

In summary, it is recommended the following events be funded from the draft 2022/23 Events Budget:

Event Name	Requested	Officer Recommendation
National Veteran Vehicle Rally	\$5,000	\$2,500
Perinatal and Infant Mental Health Symposium	\$17,828	\$3,480
Carols By Candlelight Vasse	\$6,600	\$3,000
Southern Capes Motorcycle Club	\$10,000	\$5,000
Good Day Sunshine	\$15,000 (cash) (+ \$13,500 in-kind venue hire)	Up to \$13,500 in-kind venue hire*
TOTAL	\$54,428 cash (+ up to \$13,500 in kind)	\$13,980 (+ up to \$13,500 in kind)

* Should the event run at a loss.

Requests for Funding – 2022/23 – 2024/25 Events Budgets

The following multi-year funding requests have been received for the 2022/23 – 2024/25 period:

Busselton Australia Day Breakfast and Citizenship Ceremony

The Rotary Club of Busselton Geographe Bay host the annual Australia Day celebrations at the Busselton Foreshore. The day consists of a citizenship ceremony, guest speakers, musical entertainment, children's activities and a low cost community breakfast.

The Rotary Club have previously been funded an annual amount of \$3,000 for the event for costs associated with sound equipment, hire of tables and chairs, entertainers and kids activities, and catering costs. Due to rising costs, the Club has requested an increase to \$4,000. The MERG recommendation is to support this amount and to offer a three year agreement. MERG have recommended officers work with the Rotary Club to review the event format to broaden its appeal and attendance.

Raising the Vibe – Blue Tree Concert

Raising the Vibe is a festival aimed at youth to help raise awareness of mental health and raise vital funds for mental health facilities in the City of Busselton. Festival attendees of all ages will enjoy a free, jam-packed program of local music talent, entertainment, family activities, food stalls and more. Event organisers will work to create a day that encourages inclusiveness and important conversations around well-being. After its successful inaugural event in 2021, Raising the Vibe is scheduled to be held again on Saturday 22 October 2022.

Event organisers are seeking a multi-year agreement and an increase in funding from \$5,000 to \$10,000 per year. The MERG recommendation is for a three year agreement at the previous funded amount of \$5,000 per year.

Busselton Jetty Swim

The Busselton Jetty Swim has been a stalwart of the City's events calendar since its inaugural swim in 1996 attracted 82 participants. In 2022 Jetty Swim attracted more than 3600 competitors, in what has become a bucket list event on the WA swimming calendar. Entries for the 2022 event sold out in only a few hours, as demand continues to grow. The success of the event was recognised at the 2022 Parks and Leisure WA Awards, with the event taking out the Major Event Award.

From 2023 onwards, Busselton Allsports as the organisers are seeking to introduce a new event, a 500m swim, which will be staged on the Saturday afternoon of the event weekend, along with the kids swim.

Event organisers have received \$40,000 for the 2022 event. An increase to \$50,000 per year in 2023 and 2024 is sought, and \$60,000 in 2025, to contribute towards entertainment to celebrate the event's 30 year anniversary. Recognising the value of the event, and in line with other similar events, the MERG recommendation is for \$45,000k per year in 2023 and 2024, and \$50,000 in 2025.

Margaret River Region Open Studios

The Margaret River Region Open Studios (MRROS) event spans the Cape to Cape region of WA. Providing new opportunities for audiences to explore art in an open and engaging way, discovering regional artists' studios and workshops and discussing the artistic process. The event showcases the high standard of many regional artists and provides the framework for artists to build new audiences, network and develop skills. Artists may sell work directly to the public with no commissions taken by MRROS.

MRROS are looking to expand their activation in Busselton further from 2022 onwards. This year's registrations have seen a growth of City of Busselton based artists from 50 in 2021 to 71 in 2022. The organisers are also working with Busselton based businesses, with collaborations planned with Shelter Brewery, Origin Markets, Yahava and the Busselton Cultural Precinct.

This event has previously been funded under a multi-year agreement for \$12,500 per year. Event organisers are seeking an increase to \$20,000 per year to fund additional marketing to attract overnight visitors. The MERG recommendation is to provide the requested amount.

Perth International Jazz Festival (PIJF)

The Perth International Jazz Festival 'On Tour' event was first held in Busselton in 2021, with a one day free community concert at the foreshore. In 2022 the organisers are proposing to expand the festival's reach with the addition of free and ticketed shows across a variety of venues from Busselton to Yallingup on the weekend of 12-13 November, as well as hosting the free foreshore concert. They then intend to expand further from 2023 onwards to a three day festival, with additional venues to be added.

This event builds on the success of the local Jazz by the Bay event which folded in 2020, and the following of jazz music that has built over the past 10 years.

PIJF were previously funded \$20,000 in 2021. The event organisers are seeking a multi-year agreement for the amounts of \$35,000 in 2022, \$45,000 in 2023, and \$55,000 in 2024. Recognising the event's ability to attract external funding, the MERG recommendation is for \$25,000 per year.

Fine Vines Festival

Fine Vines was created to specifically champion the Busselton Margaret River region's wine. Fine Vines showcases the region's producers and businesses through a collection of unique wine experiences for both the wine connoisseur and the aspirational drinker. It offers guests, trade and media the opportunity to meet the people behind the wine, see first-hand where it's grown and made, and have the opportunity to taste and purchase premium wines that aren't on offer anywhere else.

The inaugural event took place from 15-24 October 2021 and led into the Langton's Margaret River Wine Show. The program comprised over 30 events that included exclusive museum tastings, tours, dining experiences, masterclasses, garden parties, wine walks and a highly successful Open Vineyards program offering 'behind the farm gate' access to vineyards not normally open to the public and the makers behind the scenes. 2021 saw 62% of the events on the program held within the City of Busselton.

This year's festival will run from 14-23 October 2022. Event organisers are seeking a multi-year agreement of \$30,000 per year to be used for marketing and public relations costs, particularly into the Perth and Melbourne markets. The MERG recommendation is to support the requested amount.

Dunsborough Arts Festival

The Dunsborough Arts Festival began in 2001 and has grown its reputation as a weekend that encourages local youth and their families, residents and visitors to the region to connect with the community through active participation and celebration in the arts. Held on the Dunsborough Foreshore, the event has evolved and operates in several other spaces.

The Festival is a well-loved and patronised event by both locals and visitors. Developing from an initial half-day festival to a four-day festival run a-not-for-profit volunteer organisation, the Festival provides an event that is free and accessible in the town of Dunsborough, creating and enhancing the visitor experience over the March long weekend.

The funding requested is \$20,000 per year, to be used for infrastructure including sound, light, stage, security, ablutions, and marketing for event in metropolitan areas by public relations campaign and social media. This event has previously been funded in a multiyear agreement for \$15k, \$14.5k and \$14k in 2019/20 – 2021/22 respectively; as this event has no plan for expansion the MERG recommendation is for \$15k per year.

National Open Water Swim Championships

The National Open Water Swimming event 'Battle at the Beach' is be a four day event, offering community participation as well as national events that provide world qualifying opportunities for Masters, Opens and Juniors.

Running from Thursday 26th January to Sunday 29th January 2023, the four-day festival of swimming will encompass the following events:

- Wednesday 25th January – Participant arrival and check in
- Thursday 26th January – Community swim in the morning with expected numbers exceeding 1,000 participants
- Friday 27th January – National 10km and 7.5km events

- Saturday 28th January – National 5km event
- Sunday 29th January – Relays plus Awards and Announcements.

Alongside the swimming events will be a multitude of other activities including food and wine activations, floating cinema and a monofin swimming race. Participants are expected to come from WA, interstate and overseas to take part, bringing family and support members with them.

Swimming WA have been asked whether they could potentially look at changing the date away from the Australia Day period, however this is the same date that the events are held nationally and they are unable to be changed. Swimming WA are looking to lock the championships in for a three year period in Busselton, allowing them to grow the event and field year on year, and increase visitation from interstate and international competitors.

Event organisers have requested funding of \$50,000 in 2023, \$60,000 in 2024 and \$75,000 in 2025. In line with funding received by other national level events, the MERG recommendation is for \$40,000 in 2023, \$45,000 in 2024 and \$50,000 in 2025.

In summary, the MERG recommend the following, to be funded from the draft 2022/23 – 2024/25 Events Budgets:

Event Name	Requested	Officer recommendation
Busselton Australia Day Breakfast & Citizenship Ceremony	2022/23 \$4,000	2022/23 \$4,000
		2023/24 \$4,000
		2024/25 \$4,000
Raising the Vibe - Blue Tree Concert	2022/23 \$10,000	2022/23 \$5,000
	2023/24 \$10,000	2023/24 \$5,000
	2024/25 \$10,000	2024/25 \$5,000
Busselton Jetty Swim	2022/23 \$50,000	2022/23 \$45,000
	2023/24 \$50,000	2023/24 \$45,000
	2024/25 \$60,000	2024/25 \$50,000
Margaret River Region Open Studios	2022/23 \$20,000	2022/23 \$20,000
	2023/24 \$20,000	2023/24 \$20,000
	2024/25 \$20,000	2024/25 \$20,000
Perth International Jazz Festival	2022/23 \$35,000	2022/23 \$25,000
	2023/24 \$45,000	2023/24 \$25,000
	2024/25 \$55,000	2024/25 \$25,000
Fine Vines Festival	2022/23 \$30,000	2022/23 \$30,000
	2023/24 \$30,000	2023/24 \$30,000
	2024/25 \$30,000	2024/25 \$30,000

Dunsborough Arts Festival	2022/23 \$20,000	2022/23 \$15,000
	2023/24 \$20,000	2023/24 \$15,000
	2024/25 \$20,000	2024/25 \$15,000
National Open Water Swim Championships	2022/23 \$50,000	2022/23 \$40,000
	2023/24 \$60,000	2023/24 \$45,000
	2024/25 \$75,000	2024/25 \$50,000
TOTAL	2022/23 \$219,000	2022/23 \$184,000
	2023/24 \$235,000	2023/24 \$189,000
	2024/25 \$270,000	2024/25 \$199,000

Request for Funding – 2022/23 Marketing Budget

The following requests have been received for single year funding from the draft 2022/23 Marketing Budget:

Busselton Chamber of Commerce – Business Excellence Awards 2022

In March 2017, it was determined that there was appetite in the region for a Busselton/Dunsborough business awards. Margaret River Chamber of Commerce and Industry had been implementing a business awards program for 10 years and Business South West (Bunbury) had been delivering business awards for the previous 15 years. In each of those awards, Busselton and Dunsborough Businesses were under-represented both as applicants and winners. It was determined that the Busselton Chamber of Commerce and Industry (BCCI) would host an awards program to offer local business the opportunity to embark on the application process, but also to raise revenue from the presentation night and awareness of the role of the BCCI and Dunsborough Yallingup Chamber of Commerce and Industry (DYCCI).

Despite an interrupted year in 2020 due to the COVID-19 pandemic resulting in the awards being cancelled, the ongoing success of the awards program in 2021 reaffirmed this event was of high value and benefit to the business community. BCCI are keen to further expand on the reach of this event and provide additional value and support to new and emerging businesses in 2022.

BCCI have requested funding of \$35,000, to be allocated to the following:

Judges \$20,000 - attract a high calibre judging panel, consisting of the judges, one from the region and two from other areas that can provide an independent analysis and review. This funding accounts for their time allocated to reviewing submissions, conducting interviews with applicants, attending the event and post event review, travel and accommodation.

Contractor \$15,000 - funding to be allocated to appoint a contractor to liaise with the business community to encourage submissions to the Awards. Fixed contract period starting in May –for a 4 month period. Calculated at 24 hrs per week at a rate of \$45.00 per hour. The Contractor will contact 20 businesses per week and aim to convert a minimum of 40 new businesses to apply to the awards program.

The Business Excellence Awards have previously been funded for an amount of \$10,000 per year, the MERG recommendation is to maintain this level of funding at \$10,000.

In summary, the MERG recommend the following, to be funded from the draft 2022/23 Marketing Budget:

Proposal	Requested	Officer Recommendation
Busselton Chamber of Commerce – Business Excellence Awards 2022	\$35,000	\$10,000
TOTALS	\$35,000	\$10,000

Request for Funding – 2022/23 – 2024/25 Marketing Budgets

The following requests have been received for multi-year funding from the proposed 2022/23 – 2024/25 Marketing Budgets:

Langton's Margaret River Wine Show

Run by the Margaret River Wine Association (MRWA) the wine show is a competition open only to producers of Margaret River Geographic Indication wine region. Judging takes place over three days by a panel of judges, 9 senior judges and 6 associate judges. Judges come from around Australia and there are plans to welcome back an international judge from Sweden in 2022. A team of 15 local stewards are responsible for the behind the scenes running of the wine show.

Established in 2002 the Margaret River Wine Show has grown to become the most important event of the year for the local industry. The event has evolved from presenting three trophies selected from 356 exhibits submitted by 81 producers in 2002, to 18 trophies from 762 exhibits submitted by 103 producers in 2021.

The 2022 programme will run from 19 October, culminating in the Gala Awards Luncheon held at a venue in the City of Busselton district on 28 October 2022.

MRWA are seeking funding of \$5,000 per year towards the sponsorship of the Best Cabernet Sauvignon award and awards luncheon. The MERG recommendation is to support this amount.

BCCI and DYCCI funding

The Chambers of Commerce are overseen by a not-for-profit volunteer group and rely on sponsorship and membership to fund their activities. As a member based organisation, financial sustainability through memberships alone is difficult. Over a period of time the Chambers have sought funding from the City for specific projects and/or programmes which require resources to oversee their implementation.

Following a review of funding models of Chambers throughout the State, it is evident that a number of local governments contribute funding towards their Chambers on an annual basis, albeit through different mechanisms. For example, some local governments take out membership, others sponsor, others fund specific projects and functions. The City of Busselton has funded the Chambers in different formats over the years, however the COVID-19 pandemic has significantly impacted their membership and financial sustainability. It should be recognised that both Chambers played an essential role in disseminating information and supporting local businesses during the pandemic.

It is recommended that the City formally sponsors the Chambers for the next two years, in proportion to the number of businesses that contribute to the differential rate that are within their locality. Based on this it is recommended that \$50,000 and \$25,000 be allocated to the BCCI and DYCCI respectively, to be funded from the draft 2022/23 and 2023/24 marketing budgets, and that both Chambers submit to the City their plans to return to financial sustainability beyond this funding period.

In summary, the following recommendations are made to be funded from the proposed 2022/23 – 2024/25 Marketing Budgets:

Proposal	Requested	Officer Recommendation
Langton's Margaret River Wine Show	2022/23 \$5,000	2022/23 \$5,000
	2023/24 \$5,000	2023/24 \$5,000
	2024/25 \$5,000	2024/25 \$5,000
Busselton Chamber of Commerce and Industry		2022/23 \$50,000
		2023/24 \$50,000
Dunsborough Yallingup Chamber of Commerce and Industry		2022/23 \$25,000
		2023/24 \$25,000
TOTALS	2022/23 \$5,000	2022/23 \$85,000
	2023/24 \$5,000	2023/24 \$85,000
	2024/25 \$5,000	2024/25 \$5,000

Events Update – cancelled events

When State Government COVID-19 restrictions were put in place in March 2022 events were limited to 500 patrons, and a number of events were forced to cancel due to the uncertainty around rules and their inability to be financially viable with less patrons.

The following City sponsored events were cancelled, and due to financial pressures caused by the late cancellations have requested to still receive some or all of their allocated funding:

Dunsborough Arts Festival, 4-7 March 2022

The City sponsored the event \$14,000 in 2021/22 however funding is yet to be paid. The Dunsborough Districts Progress Association had incurred significant costs towards marketing and promotions in the lead up to the festival. These included publicity and public relations campaigns, graphic design work, newspaper advertising and banner updates, totalling \$5,325.37.

South West Craft Beer Festival, 5 March 2022

The City sponsored the event \$4,000 in 2021/22 which was paid in February 2022. As restrictions were put in place only days before the Beer Festival was to be held, significant outlays had already occurred including marketing and deposits towards event infrastructure and entertainment, most of which was unable to be recouped. Due to financial hardship, event organisers Buzz Marketing are requesting to retain the \$4,000 they have been paid.

Building Bridges, Busselton Harmony Week, 19 March 2022

The City sponsored the event \$5,000 in 2021/22 and funding is yet to be paid. Organisers had already paid an entertainment deposit of \$300, and as such request reimbursement from the City for this amount.

The MERG recommendation is to support the above events retaining funding from the adopted 2021/22 budget as follows:

Event Name	Officer Recommendation
Dunsborough Arts Festival	\$5,325.37
South West Craft Beer Festival	\$4,000
Harmony Day Festival	\$300
TOTAL	\$9,625.37

Events Update – Busselton Performing Arts Festival (formerly Busselton Fringe Festival)

At the meeting of 26 May 2021, Council endorsed (C2105/107) a three year agreement with the Busselton Fringe Festival for 2021/22 – 2023/24 for the amount of \$20,000 cash + up to \$2,000 in-kind per year. Due to extenuating circumstances, the Festival is not able to deliver the volume of programming and the family fun day activities for the 2022 event running from 27 May – 12 June as previously agreed upon. Therefore, it has been agreed with event organisers that the 2021/22 funding will be reduced to \$10k, and that the event be sponsored through a single year agreement. Funding for the following two years will be negotiated subject to further discussions around the future of the Festival.

Statutory Environment

The officer recommendation supports the general function of a local government under the *Local Government Act 1995* to provide for the good government of persons in its district.

Relevant Plans and Policies

The Officer Recommendation aligns with the City's Events Policy which provides event organisers with information on the event application and approval process and event sponsorship guidelines.

Financial Implications

At the Council meeting of 26 July 2021 Council resolved (C2107/138) to include an allocation of \$1,196,700 in the 2021/22 Marketing and Events Budget, which contains the following allocations:

- \$924,900 towards event sponsorships,
- \$231,800 towards Marketing and Economic Development initiatives, and
- \$40,000 towards City run events.

In addition to the above allocation for event sponsorships, an amount of \$55,500 was carried over from the 2020/21 Events Budget due to the approved carry-over of \$38,000 from the CinefestOZ 2020 event and the rescheduling of two events into the 2021/22 financial year (Raising the Vibe concert \$5,000, Margaret River Region Open Studios \$12,500). Therefore the overall adopted 2021/22 Events Budget is \$980,400.

Funds currently committed from the 2021/22 Events Budget through multi-year agreements and Round 1 of the Event Sponsorship Program totals \$833,000. This leaves a balance of \$147,400 in the 2021/22 Events Budget, proposed to be rolled over into the 2022/23 Events Budget.

In addition to the \$231,800 allocated towards Marketing and Economic Development initiatives, an amount of \$45,000 was carried over from the 2020/21 Marketing Budget due to two funded projects not having been completed (Tourism Information Bay Signage \$5,000, Event Strategy review \$40,000). Therefore the overall adopted 2021/22 Marketing Budget is \$276,800.

Funds currently committed from the 2021/22 Marketing Budget total \$164,625, leaving a balance of \$111,175 remaining for any further initiatives.

Funds committed through the 2021/22 City run events budget currently total \$22,926, leaving \$17,074 remaining in the budget for any further initiatives.

There is also a balance of \$219,852 remaining in the Marketing and Area Promotions Reserve, as well as \$200,000 carried over for the development of the Electronic Billboard.

The draft 2022/23 budget for marketing and events totals \$1,012,888. The breakdown of this budget is as follows:

- \$759,666 – events
- \$253,222 – marketing and economic development initiatives.

Funds currently committed from the draft 2022/23 Events Budget through multi-year agreements totals \$663,500, leaving a balance of \$96,166 for 2022/23 event sponsorships and any other initiatives.

Through the budget process, it will be determined whether any of the Events budget will be allocated towards City led events.

Stakeholder Consultation

Consultation has been undertaken with MERG members with representatives comprising the Busselton and Dunsborough Yallingup Chambers of Commerce and Industry, Margaret River Busselton Tourism Association, Busselton Jetty Inc. and the City of Busselton.

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 officer recommendation does not introduce any risks identified as being of a high or medium level.

Options

Council may choose not to support the recommendations made by MERG and resolve not to endorse part or all of the recommendations.

CONCLUSION

The MERG has been established by Council to make recommendations on the way in which funds raised through the industrial and commercial differential rate for the purposes of events and marketing are allocated.

This report contains the recommendations made at the 19 May 2022 MERG meeting, which if endorsed by Council, will result in the continuation of high quality events being held within the region, supported by successful marketing promotions. All recommendations support Council's vision of being recognised as the 'Events Capital WA.'





TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Following Council's decision, the outcomes will be communicated to MERG members and relevant event/marketing bodies for their information and implemented where required.

16. FINANCE AND CORPORATE SERVICES REPORT

Nil

17. CHIEF EXECUTIVE OFFICERS REPORT**17.1 COUNCILLORS INFORMATION BULLETIN**

STRATEGIC THEME	LEADERSHIP - A Council that connects with the community and is accountable in its decision making.
STRATEGIC PRIORITY	4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
SUBJECT INDEX	Councillors' Information Bulletin
BUSINESS UNIT	Executive Services
REPORTING OFFICER	Reporting Officers - Various
AUTHORISING OFFICER	Chief Executive Officer - Mike Archer
NATURE OF DECISION	Noting: The item is simply for information purposes and noting
VOTING REQUIREMENT	Simple Majority
ATTACHMENTS	Attachment A Current State Administrative Tribunal Reviews   Attachment B Letter from Director General  

OFFICER RECOMMENDATION

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

17.1.1 State Administrative Tribunals**17.1.2 Letter from Director General re: Order of Australia Awards****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**17.1.1 State Administrative Tribunals**

The current State Administrative Tribunal Reviews is at Attachment A.

17.1.2 Letter from Director General re: Order of Australia Awards

This letter notifies the City that the WA Government is encouraging more nominations for the Order of Australia Awards, particularly of women, Aboriginal people, those from culturally diverse backgrounds and the quiet achievers in the community.

See Attachment B.

As at 27 May 2022

APPLICATION (Name, No. and City File Reference)	PROPERTY	DATE COMMENCED	DECISION BEING REVIEWED	RESPONSIBLE OFFICER	STAGE COMPLETED	NEXT ACTION AND DATE OF ACTION AS PER SAT ORDERS	DATE COMPLETED / CLOSED
CITY OF BUSSELTON							
Amber Cloud Pty Ltd v City of Busselton	Lot 101 Wilyabrup Road, Wilyabrup	November 2021	Review of a decision to refuse or conditionally grant an application under a planning scheme (Single House)	Briony McGinty/Joanna Wilson	<ul style="list-style-type: none"> Directions hearing on the 12 November 2021 against the decision of the City to refuse a development application. The matter is listed for Mediation on 7 February 2022. Mediation on 7 February 2022 where it was resolved that: <ul style="list-style-type: none"> - Additional information would be submitted to the City by 22 March; - Mediation listed for 5 April 2022. Mediation on 5 April 2022 where it was resolved that: <ul style="list-style-type: none"> - Applicant to provide amended application on or before 8 July 2022; - Mediation scheduled 22 July 2022; - Respondent (the City) to reconsider on or before 18 November 2022; - Listed for directions hearing 25 November 2022. 	Applicant to provide amended application on or before 8 July 2022	
Mayfly Property Group Pty Ltd v City of Busselton	Lot 21 (No.64) Espinosa Road, Sabina River	February 2022	Review of a decision to refuse or conditionally grant an application under a planning scheme (Reception Centre / Events)	Ben Whitehill / Joanna Wilson	<ul style="list-style-type: none"> Directions hearing on the 25 February 2022 against the decision of the City to refuse a development application (has not made a determination within 90 days). The matter is listed for Mediation on 9 March 2022. Mediation on 9 March 2022 where it was resolved that: <ul style="list-style-type: none"> - The City would send the applicant a list of concerns by 16 March; - The applicant would submit further information to address the concerns to the City by 30 March 2022 - Mediation listed for 5 April 2022. Mediation on 5 April 2022 where it was resolved that: <ul style="list-style-type: none"> - A s31 reconsideration of the matter to be considered by Council at the ordinary Council meeting on 25 May 2022. At the Council meeting on 25 May 2022, Council affirms the decision to refuse the development. Listed for directions hearing on 1 June 2022. 	Directions hearing on 1 June 2022.	

APPLICATION (Name, No. and City File Reference)	PROPERTY	DATE COMMENCED	DECISION BEING REVIEWED	RESPONSIBLE OFFICER	STAGE COMPLETED	NEXT ACTION AND DATE OF ACTION AS PER SAT ORDERS	DATE COMPLETED / CLOSED
Vasse Commercial Pty Ltd v City of Busselton	Lot 9052 (No.210) Northerly St	February 2022	Review of a decision to refuse or conditionally grant an application under a planning scheme (Height of pylon signs)	Briony McGinty / Lee Reddell	<ul style="list-style-type: none"> Directions hearing listed for 11 March 2022 against a condition of approval (regarding maximum 6m height of pylon signs) vacated and listed for mediation on 28 April 2022. Further discussion between the applicant and the City to take place prior to 20 May 2022. Amended plans have been received by the City and are currently being discussed with the Applicant. Directions hearing listed for 20 May 2022 was adjourned to 10 June 2022. 	Directions hearing on 10 June 2022	
JOINT DEVELOPMENT ASSESSMENT PANEL							
DCSC Pty Ltd v Presiding Member of the Joint Development Assessment Panel	Lot 108 (No. 57) Dunn Bay Road and Lot 109 (No. 6) Cyrilleen Way, Dunsborough	January 2022	Review of decision to refuse or conditionally grant an application under a planning scheme (Mixed Use Development)	Presiding Member of the Regional JDAP	<ul style="list-style-type: none"> Directions hearing on 4 February 2022 Mediation on 21 March 2022 where it was resolved that: <ul style="list-style-type: none"> Amended plans to be submitted to the RJDAP; Further mediation listed for 6 April 2022. Mediation on 6 April 2022 where it was resolved that: <ul style="list-style-type: none"> Applicant to provide amended application on or before 18 May 2022; Respondent (the RJDAP) invited to reconsider on or before 7 July 2022; Listed for directions hearing 15 July 2022. Amended plans have been received on 18 May 2022. 	Review of amended proposal and City to prepare Responsible Authority Report for reconsideration by RJDAP.	
Frando Pty Ltd v Presiding Member of the Joint Development Assessment Panel	24 Dunn Bay Road, Dunsborough	March 2022	Review of decision to refuse or conditionally grant an application under a planning scheme (Mixed Use Development)	Presiding Member of the Regional JDAP	<ul style="list-style-type: none"> Mediation on 26 April 2022 where it was resolved: <ul style="list-style-type: none"> Applicant to provide additional information on or before 3 May 2022; Mediation on 10 May 2022 where it was resolved that: <ul style="list-style-type: none"> The matter is listed to directions hearing on 20 May 2022, in order to program the matter to final hearing. Directions hearing on 20 May 2022 where it was resolved that all parties are to file available dates by 25 May 2022 to list the matter to hearing. 	Dates for the hearing to be advised.	

[illegible]



Government of Western Australia
Department of the Premier and Cabinet
Office of the Director General

Our Ref: D2104950

Mr Mike Archer
Chief Executive Officer
City of Busselton
Locked Bag 1
BUSSELTON WA 6280

City of Busselton	Application No	Receipt No	City of Busselton
	CIO ID		
	20 MAY 2022		
	Property ID	Doc ID	
	Retention		

Dear Mr Archer

The Australian Honours and Awards system recognises the outstanding service and contributions of Australians. The Western Australian Government is encouraging more nominations for the Order of Australia Awards, particularly of women, Aboriginal people, those from culturally diverse backgrounds and the quiet achievers in our community.

While it's no secret Western Australians make incredible contributions to their communities, fields and endeavours, the number of Western Australians nominated for the Order of Australia is low in comparison to other states and territories.

Any Western Australian who has demonstrated an outstanding service or achievement can be nominated for an Order of Australia Award and your organisation will be well placed to identify individuals who have had a significant impact in the community.

The COVID-19 pandemic has shown the great spirit and attitude of Western Australians and presents an opportunity to recognise individuals who have assisted during this crisis. For example, you may know a first responder who has served our State, or a local volunteer who has gone 'above and beyond' to assist their community.

Nominations can be made by any member of the public for consideration by the Council for the Order of Australia and then the Governor-General. Further information on the process is available at: gg.gov.au/australian-honours-and-awards.

The Department of the Premier and Cabinet has a dedicated Australian Honours and Awards Officer who can provide support in making a nomination. Ms Anne Polski can be contacted on 6552 5941 or by email at honoursandawards@dpc.wa.gov.au.

Please find enclosed business cards and brochures for you to share with staff and community members.

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I look forward to your support in ensuring outstanding Western Australians are recognised for their contributions to this State.

Yours sincerely



Emily Roper
DIRECTOR GENERAL

13 May 2022

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18. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

19. URGENT BUSINESS

20. CONFIDENTIAL MATTERS

Nil

21. CLOSURE