



Policy and Legislation Committee

Agenda

18 September 2024

Our Vision

Where environment, lifestyle and opportunity meet



Community Aspirations



KEY THEME 1

Environment

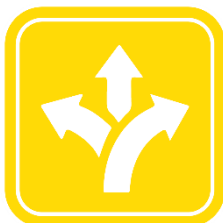
An environment that is valued, conserved and enjoyed by current and future generations.



KEY THEME 2

Lifestyle

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



KEY THEME 3

Opportunity

A vibrant City with diverse opportunities and a prosperous economy.



KEY THEME 4

Leadership

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

NOTICE OF MEETING

TO: THE MAYOR AND COUNCILLORS

NOTICE is given that a meeting of the Policy and Legislation Committee will be held in the Council Chambers, Administration Building, Southern Drive, Busselton on Wednesday 18 September 2024, commencing at 10am.

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.



TONY NOTTLE

CHIEF EXECUTIVE OFFICER

13 September 2024

BEHAVIOUR PROTOCOLS

The City of Busselton values are:

- Listening
- Considered Decision Making
- Appreciation
- Respect
- Teamwork

In accordance with these values, the following outlines the behaviour expectations while attending a Council meeting, Committee meeting, Community Access Session, or Public Agenda Presentation:

- Listen respectfully through the meeting or presentation
- Respect the Council process and comply with directions from the Presiding Member
- Use respectful language when addressing Council, staff, and other members of the public
- Behave in a manner that is respectful and non-confrontational
- Do not use offensive language or derogatory language towards others

The City values the diverse input of the community and seeks to ensure that all members of the community can attend a meeting and have their say.

Elected Members, Committee members and Candidates are bound by the City's Code of Conduct and agree to uphold the values of the City of Busselton and principles of good behaviour, maintaining and contributing to a harmonious, safe, and productive environment.

Anyone who does not behave in accordance with the above values and behaviours may be asked by the Presiding Member to leave the gallery.

CITY OF BUSSELTON

Agenda for the Policy and Legislation Committee to be held on Wednesday 18 September 2024

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1 OFFICIAL OPENING

The City of Busselton welcomes elected members, staff, guests and members of the public to the Policy and Legislation Committee meeting of 18 September 2024.

The City of Busselton acknowledges the Wadandi and Bibbulmun people as the traditional custodians of this region and pay respects to Elders past and present.

Please note this meeting will be audio recorded for minute taking purposes.

2 ATTENDANCE

PRESIDING MEMBER	MEMBERS
Cr Kate Cox	Mayor Phill Cronin
	Cr Jodie Lee
	Cr Jarrod Kennedy

OFFICERS
Director Corporate Strategy and Performance
Director Infrastructure and Environment
Director Community Development
Director Economic and Business Development
Governance and Risk Coordinator
Governance Support Officer

APOLOGIES
Cr Mikayla Love

3 DISCLOSURES OF INTEREST

DISCLOSURES OF FINANCIAL INTEREST

A declaration under section 5.65 of the *Local Government Act 1995* requires that the nature of the interest must be disclosed. An elected member or employee who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter on which the subject of the declaration without the approval of the Council in accordance with the Act.

DISCLOSURES OF IMPARTIALITY INTEREST

Elected members and employees are required, in addition to declaring any financial interest, to declare an interest that might cause or perceive to cause a conflict. If the elected member or employee declares that their impartiality will not be affected then they may participate in the decision-making process.

4 PUBLIC QUESTION TIME

4.1 RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4.2 QUESTION TIME FOR PUBLIC

Public question time procedures and guidance

Public question time allows members of the public to participate in local government by asking questions of the Council in relation to issues affecting the City. It also assists the City in identifying issues of importance to the community and assists the public to be better informed about how the City is governed.

- The City will allocate a minimum of 15 minutes and a maximum of 30 minutes per Council meeting for public question time.
- Members of the public should register their intent to ask a question at a Council meeting by completing and submitting the [Public Question Time form](#) before 4pm the day prior to the relevant meeting.
- Members of the public will be invited to ask their question in order of registration.
- Questions will be limited to three per person. Additional questions may be permitted by the Presiding Member where time permits.
- Where a person is not present to ask their submitted question it will be responded to administratively as general correspondence.
- Questions may be taken on notice, to be responded to at a later time by the CEO in accordance with clause 6.7 of the Standing Orders.
- Public question time is for the tabling of questions, not for members of the community to make statements. For context, the Presiding Member may allow a short preamble.
- Questions containing defamatory remarks or offensive language, or that question the competency or personal affairs of Elected Members or employees may be ruled inappropriate by the Presiding Member subject to the Presiding Member taking reasonable steps to assist the member of the public to rephrase the question.
- There will be no debate or discussion on the response provided.

For further information, please see the [Meetings, Information Sessions and Decision Making Processes Policy](#).

5 CONFIRMATION AND RECEIPT OF MINUTES

5.1 Policy and Legislation Committee 31 July 2024

RECOMMENDATION

That the minutes of the Policy and Legislation Committee 31 July 2024 meeting be confirmed as a true and correct record (as published at 13 September 2024 on the [City of Busselton's website](#), inclusive of any confidential material published on the restricted internal Docs on Tap application).

6 REPORTS

6.1 Annual Statutory Review of Delegated Authority

Strategic Theme:	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
Directorate:	Corporate Strategy and Performance
Reporting Officer:	Governance and Risk Coordinator - Tegan Robertson
Authorised By:	Director Corporate Strategy and Performance - Sarah Pierson
Nature of Decision:	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
Voting Requirements:	Absolute Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	1. DRAFT delegations of authority - September 2024 [6.1.1 - 46 pages]

OFFICER RECOMMENDATION

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

EXECUTIVE SUMMARY

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

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

STRATEGIC CONTEXT

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

BACKGROUND

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

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

OFFICER COMMENT

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

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

DA 1 – 15 Rates and Service Charges	Description of function expanded for completeness: <ul style="list-style-type: none"> s.6.45(3): The power to impose an additional charge for instalments has been removed, as this function is performed by the Council when adopting the annual budget. s.6.60(2): Require a lessee to pay the local government rent in satisfaction of an outstanding rate or service charge has been included for completeness. s.6.64(3): Lodge and withdraw a caveat in respect of land where payment of rate or service charges imposed are in arrears has been included for completeness.
DA 1 – 16 Investment of Surplus Funds	No amendments.
DA 1 – 19 Urgent Legal Representation	No change to power or duty delegated. Policy references updated to remove DLGSC Operational Guideline 14.
DA 1 – 20 Administer Local Laws	No change to power or duty delegated. Hyperlinks to local laws on the City's website have been updated.
DA 1 – 21 Acquisition of Property	No change to power or duty delegated. Conditions amended to specify delegation may only be exercised if there is a provision for the acquisition in the adopted budget or Long Term Financial Plan.
DA 1 – 22A Disposition of Property: Other than by Lease	No change to power or duty delegated. Conditions amended for clarity (but not changed).
DA 1 – 22B Disposition of Property: Leasing of Property	No change to power or duty delegated. Conditions amended: <ul style="list-style-type: none"> 3: Delegation leasing of property increased to a value of \$25,000 per annum (from \$25,000 total) for a maximum term not exceeding 10 years reflecting current market rents for leases within the Busselton Community Resource Centre. Condition removed: provide report of leases entered into under delegation to the Council.
DA1 – 22C Disposition of Residential Property by Lease	No amendments.
DA 1 – 23 Payments from Municipal Fund or Trust Fund	No amendments.
DA 1 – 24 Affixing of the Common Seal	No change to power or duty delegated. Minor amendments to description of function for clarity. Condition removed, as it did not in fact reflect a condition of delegation (instead a description of function).
DA 1 – 25 Complaints Officer – Code of Conduct	Description of power or duty delegated amended to include reference to City of Busselton Code of Conduct – Council Members, Committee Members and Candidates (in addition to Model Code of Conduct).

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

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

Statutory Environment

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

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

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

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

Relevant Plans and Policies

Policies are referenced in the relevant delegations (where applicable).

Financial Implications

Not Applicable

External Stakeholder Consultation

Not Applicable

Risk Assessment

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

Options

As an alternative to the proposed recommendation the Council could:

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

CONCLUSION

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

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

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

Milestone	Completion Date
Register of Delegated Authority will be amended within 2 weeks of the Council's adoption	30 October 2024

City of Busselton Register of Delegated Authority

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DRAFT

DELEGATIONS

01 Local Government Act 1995

Delegations under the Local Government Act 1995

Delegation	DA 1 - 01 Issuing Notices [DRAFT]
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	Local Government Act 1995 s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
Express power or duty delegated	Local Government Act 1995 s.3.25, s.3.26
Function	s.3.25(1) The power to give notices requiring certain things to be done by owner or occupier of land s.3.26(2) The power to do anything that is considered necessary to achieve, so far as is practicable, the purpose for which the notice was given s.3.26(3) The power to recover the cost of any action undertaken under subsection s3.26(2)
Delegates	CEO
Conditions	Nil
Record keeping	ECM - GOVN015 - Instrument of Council Delegation to CEO

Amendments			
Date	Type	Amendment	References
2 Jun 2008	New delegation	Initial Council Resolution: C0806/188	---
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

Delegation	DA 1 - 02 Entry in an Emergency
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	Local Government Act 1995 s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
Express power or duty delegated	Local Government Act 1995 s.3.34
Function	s.3.34(1) The power to lawfully enter s.3.34(3) The power to use reasonable force s.3.34(4) To exercise the power of entry
Delegates	CEO
Conditions	Nil
Record keeping	ECM - GOVN015 - Instrument of Council Delegation to CEO
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
4 Jun 2018	New delegation	Initial Council Resolution: C1806/188	---
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

Delegation	DA 1 - 03 Abandoned Vehicle Wreck
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	Local Government Act 1995 s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
Express power or duty delegated	Local Government Act 1995 s.3.40A
Function	s.3.40A(4) The power to declare that the vehicle is an abandoned vehicle wreck
Delegates	CEO
Conditions	Disposal of a declared abandoned vehicle wreck is to be undertaken in accordance with Delegation DA1 – 04 Confiscated or Uncollected Goods
Record keeping	ECM – GOVN015 'Instrument of Council Delegation to CEO'
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
4 Jun 2018	New delegation	Initial Council Resolution: C1806/188	---
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

Delegation	DA 1 - 04 Confiscated or Uncollected Goods
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	Local Government Act 1995 s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
Express power or duty delegated	Local Government Act 1995 s.3.46, s.3.47, s.3.48
Function	s.3.46(1) The power to refuse to allow impounded goods to be collected until costs are paid s.3.46(2) The power to refuse to allow removed goods to be collected until costs are paid s.3.47(1) The power to sell or otherwise dispose of goods under s.3.43 s.3.47(2) The power to sell or otherwise dispose of any vehicle s.3.47(2a) The power to sell or otherwise dispose of impounded goods s.3.48 The power to recover impounding expenses
Delegates	CEO
Conditions	Nil
Record keeping	ECM – GOVN015 'Instrument of Council Delegation to CEO'
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
2 Jun 2008	New delegation	Initial Council Resolution: C0806/188	---
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

Delegation	DA 1 – 05 Closure of Thoroughfares
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.3.50, s.3.50A
Function	s.3.50(1) The power to close any thoroughfare for a period not exceeding 4 weeks s.3.50(1a) The power to close any thoroughfare for a period exceeding 4 weeks s.3.50(6) The power to revoke an order s.3.50A The power to partially close a thoroughfare for repairs or maintenance
Delegates	CEO
Conditions	Nil
Record keeping	ECM – GOVN015 'Instrument of Council Delegation to CEO'
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
22 Oct 2018	Amended delegation	Previous Delegation Reference - 3H(S1) Closing Certain Thoroughfares to Vehicles and Partial Closure of Thoroughfares for Repairs or Maintenance	---
13 Oct 2021	Amended delegation	Initial Council Resolution C0806/188 Previous Delegation Reference - LG3H – Closing of Certain Thoroughfares to Vehicles and Partial Closure of Thoroughfare for Repairs or Maintenance	Recent Council Resolution C2110/057
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

Delegation	DA 1 – 07 Inviting, Rejecting and Accepting Tenders [DRAFT]
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	Local Government Act 1995 s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
Express power or duty delegated	Regulation 18(6),(7) Local Government Act 1995 s.3.18, s.3.57 Local Government (Functions and General) Regulations 1996 Regulations 11, 13, 14, 18, 20, 21A
Function	s.3.18 The power to perform executive functions s.3.57 Inviting tenders for providing goods or services Regulation 11(1) Determine when tenders have to be publicly invited Regulation 11(2) Determine that a relevant exemption applies Regulation 13 Determine to invite tenders when not required to do so Regulation 14(2a) Determine in writing, before tenders are called, the criteria for acceptance of tenders Regulation 14(4)(a) Determine the information that is to be disclosed to those interested in submitting a tender Regulation 14(5) Vary tender information after public notice and provide notice of variation to information Regulation 18(4) Evaluate tenders, by written evaluation, and decide which is the most advantageous to the local government to accept Regulation 18(4a) Seek clarification from tenderers in relation to information contained in their tender submission Regulation 18(5) Decline to accept any tender Regulation 18(6) Within 6 months of accepting a tender, agree with a successful tenderer not to enter into a contract Regulation 18(7) Within 6 months of accepting a tender, agree with a successful tenderer to terminate a contract Regulation 18(6),(7) Accept another tender where, within 6 months of accepting a tender, a contract has not been entered into or the contract is terminated. Regulation 20 Vary the requirements before entry into contract Regulation 21A Vary a contract for the supply of goods or services
Delegates	CEO
Conditions	1. The delegate must not accept a tender for the supply of goods of services if the consideration under the resulting contract is, or is expected to be, more, or worth more, than \$500,000. 2. The delegate must not accept a tender for the supply of goods of services if there is no provision for the purchase in the adopted budget or Long Term Financial Plan. 3. The delegate must comply with the requirements of the City of Busselton's Purchasing Policy as it relates to tendering.
Statutory framework	Reference Documents - Tender Register
Policy	Council Policy: Purchasing
Record keeping	ECM – GOVN015 'Instrument of Council Delegation to CEO'

Amendments			
Date	Type	Amendment	References
22 Oct 2018	Amended delegation	Previous Sub Delegation Reference LG3J(S1) Inviting Tenders and Rejecting and Accepting Tenders	---
13 Oct 2021	Amended delegation	Recent Changes: Amendments to Condition Initial Council Resolution C1103/179 Previous Delegation Reference - LG3J – Inviting Tenders and Rejecting and Accepting Tenders	Recent Council Resolution C2110/057
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---
28 Apr 2023	Amended delegation	Amended sub delegations: Functions and Conditions	Verification - Tony Nottle, CEO 28 April 2023

DRAFT

Delegation	DA 1 – 08 Expression of Interest for Goods and Services [DRAFT]
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.3.57 <i>Local Government (Functions and General) Regulations 1996</i> Regulations 21, 23
Function	s.3.57 Invite tenders for providing goods or services Regulation 21 Determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services. Regulation 23(2) Determine that an Expression of Interest be rejected Regulation 23(3) Consider and determine that an expression of interest is or is not from persons thought capable of satisfactorily supplying the goods or services
Delegates	CEO
Conditions	Expressions of interest for goods and services may only be called where there is an adopted budget for the proposed goods or services.
Policy	Council Policy: Purchasing
Record keeping	ECM – GOVN015 'Instrument of Council Delegation to CEO'

Amendments			
Date	Type	Amendment	References
13 Oct 2021	Amended delegation	Initial Council Resolution C1606/139 Previous Delegation Reference - LG3K – Preliminary Selection of Tenderers	Recent Council Resolution C2110/057
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

Delegation	DA 1 – 10 Panels of Pre-Qualified Suppliers
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
Express power or duty delegated	<i>Local Government (Functions and General) Regulations 1996</i> Part 4, Division 3
Function	Regulation 24AB The power to establish panels of pre-qualified suppliers Regulation 24AC The power to set the requirements before establishing panels of pre-qualified suppliers Regulation 24AD The power to set the requirements when inviting persons to apply to join panel of pre-qualified suppliers Regulation 24AH The power to reject and accept applications to join panel of pre-qualified suppliers Regulation 24AJ The power to enter into contracts with pre-qualified suppliers
Delegates	CEO
Conditions	This delegation is subject to: (a) Compliance with the requirements of the City of Busselton's Purchasing Policy as it relates to panels of pre-qualified suppliers; and (b) The contract value of any particular goods or services to be procured from a particular supplier or in connection with a particular project is not to exceed \$500,000.
Policy	Council Policy: Purchasing
Record keeping	ECM – GOVN015 'Instrument of Council Delegation to CEO'
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
13 Oct 2021	Amended delegation	Initial Council Resolution C1508/219 Previous Delegation Reference - LG3M – Establishment of Panels of Pre-Qualified Suppliers	Recent Council Resolution C2110/057
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

Delegation	DA 1 – 12 Disposing of Property (Leases at the Busselton Margaret River Airport) [DRAFT 1]
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.3.18, s.3.58
Function	s.3.18 The power to perform executive functions s.3.58 (2) Dispose of property at a public auction or by public tender s.3.58 (3) Dispose of property by private treaty
Delegates	CEO
Conditions	This delegation is subject to: 1. The property being located at the Busselton Margaret River Airport; 2. The means of disposal being a lease; 3. The term of the lease (including options) being up to a maximum of 42 years (21 years plus an option for a further 21 years) in accordance with the Western Australian Planning Commission approval for leasing arrangements where applicable at the Busselton Margaret River Airport; 4. The initial annual market rental value of the lease being less than: a. \$25,000 per annum for a ground lease; and b. \$50,000 per annum for any other lease; and 5. The disposition not being of a significant commercial and strategic nature.
Policy	Council Policy: Purchasing
Record keeping	ECM – GOVN015 'Instrument of Council Delegation to CEO'

Amendments			
Date	Type	Amendment	References
13 Oct 2021	Amended delegation	Initial Council Resolution C1811/244 Previous Delegation Reference - LG30 – Disposing of Property (Leases at Busselton Margaret River Airport)	Recent Council Resolution C2110/057
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---
18 Oct 2023	Amended delegation	Amended delegation adopted by Council resolution C2310/130 on 18 October 2023, as part of annual review process	C2310/130

Delegation	DA 1 – 13 Dispose of sick or injured animals [DRAFT]
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.3.47A
Function	s.3.47A The power to humanely destroy an animal and dispose of the carcass
Delegates	CEO
Conditions	This delegation is only to be used where the all reasonable efforts to identify and contact an owner have been exhausted.
Statutory framework	Cat Act 2011 Keeping and Control of Cats Local Law 2014 Dog Act 1976 Dogs Local Law 2014
Policy	Nil.
Record keeping	ECM – GOVN015 'Instrument of Council Delegation to CEO'

Amendments			
Date	Type	Amendment	References
12 Dec 2018	Amended delegation	Previous Sub Delegation Reference - 3Q(S1) – Authority to destroy an impounded sick or injured animal	---
13 Oct 2021	Amended delegation	Initial Council Resolution C1812/264 Previous Delegation Reference - LG3Q – Authority to destroy an impounded sick or injured animal	Recent Council Resolution C2110/057
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

Delegation	DA 1 – 14 Power to Defer, Grant Discounts, Waive or Write-Off Debts [DRAFT]
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.6.12
Function	s.6.12(1)(b) The power to waive or grant concessions in relation to any amount of money s.6.12(1)(c) The power to write off any amount of money s.6.12(3) The power to determine conditions imposed on the granting of a concession
Delegates	CEO
Conditions	1. Any waiver or granting of concession shall only be up to \$5,000 and considered solely on its merits; and any debt write-off approved shall be less than \$5,000. 2. Any waiver or granting of concession as it applies to any Financial Hardship application, shall only be up to \$10,000 and considered solely on its merits; and any Financial Hardship application approved for debt write-off shall be less than \$10,000 and will take into account the Financial Hardship Policy. 3. Additional subsidies and waiver of hire fees under Council Policy: Community Hire of City Property are limited to \$10,000 per application in accordance with the endorsed City of Busselton Annual Budget and Fees and Charges.
Policy	Council Policy: Financial Hardship Council Policy: Community Hire of City Property City of Busselton Financial Hardship Brochure and FAQ's City of Busselton Financial Hardship Application Form
Record keeping	ECM – GOVN015 'Instrument of Council Delegation to CEO'

Amendments			
Date	Type	Amendment	References
18 Dec 2018	Amended delegation	Corrections and amalgamation of 6B(S1) and 6B	---
18 Dec 2018	Amended delegation	Previous Sub Delegation Reference 6B(S1) Power to Defer, Grant Discounts, Waive or Write-Off Debts	---
30 Jul 2020	Amended delegation	Amended to include all Directors and amended monetary amounts due to the City's response to the COVID-19 Crisis	C2007/075
13 Oct 2021	Amended delegation	Initial Council Resolution C0806/188 Previous Delegation Reference LG6B – Power to Defer, Grant Discounts, Waive or Write-off Debts	Recent Council Resolution C2110/057
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

DRAFT

Delegation	DA 1 – 15 Rates and Service Charges [DRAFT]
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	Local Government Act 1995 s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
Express power or duty delegated	Local Government Act 1995 s.6.49, s.6.50, s.6.56, s.6.60, s.6.64, s.6.69, s.6.71, s.6.74, s.6.76
Function	s.6.49 Enter into an agreement for the payment of rates and service charges, and accept payment of a rate or service charge due in accordance with that agreement s.6.50 Determine the date rates or service charges are due and payable s.6.56 Recover, in court, rates or service charges due s.6.60(2) Issue a notice to the lessee of land whereby payment of a rate or service charge imposed is due and payable, requiring the lessee to pay to the local government any rent as it falls due in satisfaction of the rate or service charge s.6.60(4) Recover the amount of the rate or service charge as a debt from the lessee if the rent is not paid in accordance with a notice s.6.64(1) Take possession of land and hold land against a person having an estate or interest in the land where rates or service charges have remained unpaid for at least three years s.6.64(3) Lodge and/or withdraw a caveat precluding dealings in respect of land where the payment of rates or service charges imposed in respect of that land are in arrears. s.6.69(2) Agree to the terms and conditions between parties and accept payment of outstanding rates or service charges s.6.71 Transfer land to Crown or local government s.6.74 Have land vested in Crown if rate in arrears 3 years s.6.76(4) Extend the time for a person to make an objection to a rate records s.6.76(5) Consider any objection to rate records and disallow or allow it, wholly or in part
Delegates	CEO
Conditions	Nil
Policy	Nil
Record keeping	ECM – GOVN015 'Instrument of Council Delegation to CEO'

Amendments			
Date	Type	Amendment	References
15 Jun 2015	Amended delegation	Previous Sub Delegation Reference 6C(S1) Rates and Service Charges	---
13 Oct 2021	Amended delegation	Initial Council Resolution C0806/188 Previous Delegations Reference - LG6C – Rates and Service Charges	Recent Council Resolution C2110/057
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

DRAFT

Delegation	DA 1 – 16 Investment of Surplus Funds
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.6.14
Function	s.6.14(1) The power to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose
Delegates	CEO
Conditions	Council approval is required for any investment in Managed Investments
Policy	Council Policy: Investment
Record keeping	ECM – GOVN015 'Instrument of Council Delegation to CEO'
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
13 Oct 2021	Amended delegation	Initial Council Resolution C0806/188 Previous Delegation Reference LG6D – Investment of Surplus Funds	Recent Council Resolution C2110/057
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

Delegation	DA 1 – 19 Urgent Legal Representation [DRAFT]
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	Local Government Act 1995 s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
Express power or duty delegated	Council Policy: Legal Representation for Council Members and Employees
Function	To approve an application for urgent legal representation
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. The authority to approve applications for urgent legal representation for elected members and employees is limited to a maximum of \$10,000; 2. An application approved by the CEO is to be submitted at the next ordinary meeting of Council; 3. The determination must be made pursuant to Council Policy 'Legal Representation for Council Members and Employees'.
Policy	Council Policy: Legal Representation for Council Members and Employees
Record keeping	ECM – GOVN015 'Instrument of Council Delegation to CEO'

Amendments			
Date	Type	Amendment	References
13 Oct 2021	Amended delegation	Initial Council Resolution C0806/188 Previous Delegation Reference - LG5A – Provision of Urgent Legal Services	Recent Council Resolution C2110/057
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---
18 Oct 2023	Amended delegation	Amended delegation adopted by Council resolution C2310/130 on 18 October 2023, as part of annual review process	C2310/130

Delegation	DA 1 – 20 Administer Local Laws [DRAFT]
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.3.18
Function	s.3.18 The power to perform executive functions
Delegates	CEO
Conditions	To perform the duties of the local government pursuant to the powers of each local law.
Statutory framework	City of Busselton Local Laws: <ul style="list-style-type: none"> • Activities in Thoroughfares and Public Places and Trading Local Law 2015 • Busselton Regional Airport Local Law 2012 • Keeping and Control of Cats Local Law 2014 • Cemeteries Local Law 2015 • Dogs Local Law 2014 • Dust and Building Waste Control Local Law 2010 • Health Local Law 1997 • Holiday Homes Local Law 2012 • Jetties Local Law 2014 • Local Government Property Local Law 2010 • Parking Local Law 2020 • Standing Orders Local Law 2018 • Waste Local Law 2016
Record keeping	ECM – GOVN015 'Instrument of Delegation from Council to CEO'

Amendments			
Date	Type	Amendment	References
1 Jun 2008	New delegation	Initial Council Resolution C0806/188 Recent Council Resolution C2101/010 Previous Delegation Reference - LG3A – Executive Function – Determining Applications Under Local Laws and Enforcement of Local Law Provisions	---
1 Jan 2021	Amended delegation	Previous Sub Delegation Reference: 3A(S1) Executive Function – All functions as provided for the local government pursuant to the Holiday Homes Local Law 2012 3A(S3) Executive Function – All functions as provided for the local government pursuant to the Activities in Thoroughfares and Public Places and Trading Local Law 2015 3A(S4) Executive Function – Determining Applications and Issuing Permits under the Jetties Local Law 3A(S5) Executive Function – All functions as provided for the local government pursuant to the Property Local Law 2010 LG3B(b)(S1) – Executive Function – Determining Applications for the Serving of Alcohol on City Property	---
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

Delegation	DA 1 – 21 Acquisition of Property [DRAFT]
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.3.18
Function	s.3.18 The power to perform executive functions and acquire property
Delegates	CEO
Conditions	1. In accordance with s.5.43(d) of the <i>Local Government Act 1995</i> , the value of the property to be acquired shall not exceed \$100,000 2. The delegation cannot be exercised if there is no provision for the acquisition in the adopted budget or Long Term Financial Plan.
Record keeping	ECM – GOVN015 'Instrument of Delegation from Council to CEO'

Amendments			
Date	Type	Amendment	References
1 Jun 2017	New delegation	Initial Council Resolution C1706/151 Recent Council Resolution C2101/010 Previous Delegation Reference - LG3B – Acquisition of Property	---
16 Mar 2018	Amended delegation	Previous Sub Delegation Reference LG3B(S1) Acquisition of Property	---
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---
18 Oct 2023	Amended delegation	Amended delegation adopted by Council resolution C2310/130 on 18 October 2023, as part of annual review process	C2310/130

Delegation	DA 1 – 22A Disposition of Property: Other than by Lease [DRAFT]
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.3.18, s.3.58 <i>Local Government (Functions and General) Regulations 1996</i> Regulations 30
Function	s.3.18 The power to perform executive functions s.3.58(2) Dispose of property at a public auction or by public tender s.3.58(3) Dispose of property by private treaty Regulation 30 (2)(a)(ii) Determine an insignificant benefit
Delegates	CEO
Conditions	<p>Disposition of property that is land</p> <p>1. The value of the land to be disposed of shall not exceed \$20,000 other than if paragraph (2) applies.</p> <p>2. Where the property is land, valued at \$20,001 – \$100,000, the CEO is delegated authority to dispose of the land if the land is an exempt disposition pursuant to the following:</p> <p>(a) Regulation30(2a)(a): the land is disposed of within 6 months after it has been put to public auction but either no bid is made or any bid made does not reach a reserve price fixed by the local government ; or</p> <p>(b) Regulation30(2a)(b): the land is disposed of within 6 months after it has been put out to tender but either no tender is received or any tender received is unacceptable.</p> <p>Disposition of property other than land</p> <p>3. The value of property other than land to be disposed of shall not exceed \$100,000</p>
Record keeping	ECM – GOVN015 'Instrument of Council Delegation to CEO'

Amendments			
Date	Type	Amendment	References
30 Jun 2020	New delegation	Rescission of DA 1 -22: Adoption of DA 1 – 22A and DA 1 – 22B	---
13 Oct 2021	Amended delegation	Initial Council Resolution C2006/050 Previous Delegation Reference DA 1 – 22 – Disposing of Property LG3C – Disposing of Property	Recent Council Resolution C2110/057
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

DRAFT

Delegation	DA 1 – 22B Disposition of Property: Leasing of Property [DRAFT]
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.3.18, s.3.58
Function	s.3.18 The power to perform executive functions s.3.58(2) Dispose of property at a public auction or by public tender s.3.58(3) Dispose of property by private treaty
Delegates	CEO
Conditions	<p>1. Leasing or leasing and licensing of property, including assignments of existing leases and the renewal of a lease by a lessee, is delegated when the below conditions are met: (a) The property is an established sporting or community facility (including on managed reserve land) and where any part of the property has been leased before by the City; or (b) The property is for the purpose of storage only and is an area of not more than 100 square metres.</p> <p>2. The permitted use of the property must be consistent with: (a) The designated purpose of the property; or (b) The general or ancillary use of the property immediately prior to the entering into of a lease; or (c) If the property has recently been acquired or a new or amended management order has been made in respect of a managed reserve, the purpose for which the property has been acquired or is to be managed.</p> <p>3. The value of the disposition (inclusive of all options or rights to renew or extend, but not including any provisions for holding over on a month by month basis) must not exceed \$25,000 per annum.</p> <p>4. The maximum term of the disposition, including any right by a lessee to assign the lease or to sublease the land and/or buildings shall not exceed 10 years (inclusive of all options or rights to renew or extend, but not including any provisions for holding over on a month by month basis).</p>
Record keeping	ECM – GOVN015 'Instrument of Council Delegation to CEO'

Amendments			
Date	Type	Amendment	References
30 Jun 2020	New delegation	Rescission of DA 1 -22: Adoption of DA 1 – 22A and DA 1 – 22B	---
13 Oct 2021	Amended delegation	Initial Council Resolution C2006/050 Previous Delegation Reference - DA 1 – 22 – Disposing of Property LG3C – Disposing of Property	Recent Council Resolution C2110/057
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---
18 Oct 2023	Amended delegation	Amended delegation adopted by Council resolution C2310/130 on 18 October 2023, as part of annual review process	C2310/130

DRAFT

Delegation	DA 1 – 22C Disposition of Residential Property by Lease
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s. 5.42 Delegation of some powers or duties to CEO s 5.43 Limitation on delegations to CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s. 3.18, s 3.58
Function	To dispose of residential property by lease to a person
Delegates	CEO
Conditions	The consideration under any residential property lease is not to exceed \$50,000 per annum
Policy	Leasing of City Premises
Record keeping	ECM - GOVN015 'Instrument of Council Delegation to CEO'
Date adopted	16 August 2023
Adoption references	C2308/79

Amendments			
Date	Type	Amendment	References
16 Aug 2023	New delegation	New Delegation	C2308/79

Delegation	DA 1 – 23 Payments from Municipal Fund or Trust Fund
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.6.10 <i>Local Government (Financial Management) Regulations 1996</i> Regulation 12
Function	s.6.10 Financial management regulations Regulation 12(1) The power to make payments from municipal fund or trust fund
Delegates	CEO
Conditions	With respect to allocation of donations and sponsorship from the fund established for this purpose in accordance with the Council's tiered funding scheme, individual payments from this fund are not to exceed \$1,000 unless prior consultation with the Finance Committee has occurred.
Record keeping	ECM – GOVN015 'Instrument of Council Delegation to CEO'
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
13 Oct 2021	Amended delegation	Initial Council Resolution C0806/188 Previous Delegations Reference - LG6A – Payments from the Municipal Fund or Trust Fund	Recent Council Resolution C2110/057
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

Delegation	DA 1 – 24 Affixing of the Common Seal [DRAFT]
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.9.49A
Function	s.9.49A(2) Authorise the affixing of the common seal of the local government to a document
Delegates	CEO
Policy	Council Policy: Execution of Documents
Record keeping	ECM – GOVN015 'Instrument of Council Delegation to CEO'

Amendments			
Date	Type	Amendment	References
13 Oct 2021	Amended delegation	Initial Council Resolution C1005/169 Previous Delegation Reference - LG9B – Authorising the Affixing of the Common Seal to Documents	Recent Council Resolution C2110/057
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

Delegation	DA 1 – 25 Complaints Officer - Code of Conduct [DRAFT]
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	Local Government Act 1995 s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
Express power or duty delegated	Council Resolution C2102/032 <i>Schedule 1, Clause 11(3) of the Local Government (Model Code of Conduct) Regulations 2021</i> <i>Part 3, Clause 12.3 City of Busselton Code of Conduct – Council Members, Committee Members and Candidates</i>
Function	Appoint one or more persons to receive complaints and the withdrawal of complaints
Delegates	CEO
Policy	Council Policy: Management of Complaints of Alleged Breaches of Behaviour City of Busselton Code of Conduct for Council Members, Committee Members and Candidates
Record keeping	GOVN15 - Instrument of Council Delegation to CEO

Amendments			
Date	Type	Amendment	References
1 Feb 2021	New delegation	Initial Council Resolution: C2102/032	---
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---
18 Oct 2023	Amended delegation	Amended delegation adopted by Council resolution C2310/130 on 18 October 2023, as part of annual review process	C2310/130

Delegation	DA 1 – 26 Rate Exemptions [DRAFT]
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	Local Government Act 1995 s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
Express power or duty delegated	Local Government Act 1995 s.6.26
Function	s.6.26(2) Assessment of exemption applications for non-rateable land
Delegates	CEO
Record keeping	GOVN015 - Instrument of Council Delegation to CEO

Amendments			
Date	Type	Amendment	References
21 Dec 2022	New delegation	Initial Council Resolution: C2212/315	---
18 Oct 2023	Amended delegation	Amended delegation adopted by Council resolution C2310/130 on 18 October 2023, as part of annual review process	C2310/130

04 Cat Act 2011

Delegations under the Cat Act 2011

Delegation	DA 4 - 01 The Powers and Duties of the Local Government pursuant to the Cat Act 2011 [DRAFT]
Head of power	04 Cat Act 2011
Delegator	Local Government
Express power to delegate	Cat Act 2011 Part 4, Division 2, Section 44
Express power or duty delegated	The Cat Act 2011
Function	All powers and duties of a local government pursuant to the Cat Act 2011
Delegates	CEO
Statutory framework	Keeping and Control of Cats Local Law 2014
Policy	Council Policy: Rehoming of Impounded Dogs and Cats
Record keeping	GOVN015 - Instrument of Council Delegation to CEO

Amendments			
Date	Type	Amendment	References
7 Oct 2013	New delegation	Initial Council Resolution: C1310/285	---
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

05 Dog Act 1976

Delegations under the Dog Act 1976

Delegation	DA 5 - 01 The Powers and Duties of the Local Government pursuant to Dog Act 1976 [DRAFT]
Head of power	05 Dog Act 1976
Delegator	Local Government
Express power to delegate	Dog Act 1976 Section 10AA
Express power or duty delegated	The Dog Act 1976
Function	All the powers and duties of the local government pursuant to the Dog Act 1976
Delegates	CEO
Statutory framework	Dogs Local Law 2014
Policy	Council Policy: Rehoming of Impounded Dogs and Cats
Record keeping	GOVN015 - Instrument of Council Delegation to CEO

Amendments			
Date	Type	Amendment	References
7 Oct 2013	New delegation	Initial Council Resolution: C1310/285	---
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

07 Planning and Development Act 2005

Delegations under the Planning and Development Act 2005

Delegation	DA 7 - 01 Development Control [DRAFT]
Head of power	07 Planning and Development Act 2005
Delegator	Local Government
Express power to delegate	Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, clause 82
Express power or duty delegated	The Planning and Development (Local Planning Schemes) Regulations 2015
Function	The powers and duties of the local government able to be delegated under clause 82, Schedule 2 – Deemed Provisions for Local Planning Schemes - of the Planning and Development (Local Planning Schemes) Regulations 2015.
Delegates	CEO

DRAFT

Conditions	<p>1. 'Call-in' provisions Any two or more elected members may consider an application or proposal to be of strategic significance and/or high community interest and request the CEO in writing, to present the application or proposal to the Council for consideration. If the request is supported, the application shall be presented to the first practicable Council meeting for consideration.</p> <p><i>Note 1: Additionally officers shall pro-actively identify applications which may be of significant community interest, and bring those applications to the monthly development application briefing update required pursuant to Condition 5 and/or to the Council for determination.</i></p> <p><i>Note 2: Any elected member may also submit a notice of motion in relation to the withdrawal of delegation in relation to a particular application, but it would generally be expected that they would first seek to exercise the call-in provision outlined above.</i></p> <p>2. Standard Structure Plans, and Precinct Structure Plans Prior to making a recommendation to the Western Australian Planning Commission regarding adoption or amendment of a Structure Plan or Precinct Structure Plan, the CEO shall ensure that a copy of the respective plan, together with a report, setting out and explaining the recommendation proposed to be made under delegation, is circulated to all elected members, giving a period of not less than 14 days before a recommendation is forwarded to the Commission.</p> <p>3. Local Planning Policies, Local Heritage List, Heritage Precincts Decisions relating to adoption, revocation or amendment of local Planning Policies, the Local Heritage List and/or Heritage Precincts are not delegated.</p> <p>4. Applications for review by the State Administrative Tribunal (SAT) Where the original decision was made under delegation, a reconsideration decision pursuant to section 31 of the State Administrative Tribunal Act 2004 may also be made under delegation.</p> <p>Where the original decision was made by the Council, a reconsideration decision pursuant to section 31 of the State Administrative Tribunal Act 2004 shall be presented to the Council for consideration.</p> <p><i>Note: Where the original decision was made by a Development Assessment Panel, the Panel is the respondent in relation to any application for review.</i></p> <p>5. Briefing and Reporting Generally on a monthly basis (as agreed/determined by the Mayor and CEO), officers shall provide elected members with an informal briefing on planning matters of strategic significant and/or high community interest, and on issues raised by elected members.</p> <p>Each Friday, or in the case of Fridays which are public holidays, the next working day, a summary of applications received and determined in the preceding period (usually the preceding Friday to Thursday) shall be published on the City's website.</p> <p>Generally on a monthly basis, a summary and update of planning and development-related State Administrative Tribunal matters involving the City shall be presented to elected members as part of the 'Elected Members Information Bulletin'.</p>
Statutory framework	<p>Planning and Development 2005 Planning and Development (Local Planning Schemes) Regulations 2015</p>
Record keeping	GOVN015 - Instrument of Council Delegation to CEO

Amendments			
Date	Type	Amendment	References
6 Mar 2017	New delegation	Initial Council Resolution: C1703/042	---
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---
16 Aug 2023	Amended delegation	Conditions Amended in relation to Special Character Areas	C2308/90
18 Oct 2023	Amended delegation	Amended delegation adopted by Council resolution C2310/130 on 18 October 2023, as part of annual review process	C2310/130

DRAFT

Delegation	DA 7 - 02 Unauthorised Development [DRAFT]
Head of power	07 Planning and Development Act 2005
Delegator	Local Government
Express power to delegate	Local Government Act 1995 s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
Express power or duty delegated	The Planning and Development Act 2005 s.214
Function	s.2.14(2) The power to give written direction to stop or not recommence s.2.14(3) The power to give written direction to remove or restore s.2.14(5) The power to given written direction to execute the work
Delegates	CEO
Record keeping	GOVN015 - Instrument of Council Delegation to CEO

Amendments			
Date	Type	Amendment	References
6 Jun 2011	New delegation	Initial Council Resolution: C1106/199	---
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

11 Local Government Act 1995

Delegations to Committees under the Local Government Act 1995

Delegation	DA 11 - 01 Meelup Regional Park Management Committee [DRAFT]
Head of power	11 Local Government Act 1995
Delegator	Local Government
Express power to delegate	Local Government Act 1995 s.5.16 Delegation of some powers and duties to certain committees s.5.17 Limits on delegation of powers and duties to certain committees
Express power or duty delegated	<i>Local Government Act 1995</i> s.3.18
Function	s.3.18 Performing executive functions
Delegates	Meelup Regional Park Management Committee
Conditions	The Committee is delegated authority to adopt plans, policies or documents that relate to the management of the park other than where those plans, policies or documents require adoption pursuant to a particular statutory power. The Committee may not make any decision that would require expenditure of funds contrary to the adopted budget and any decisions shall not be actioned until the Committee meeting minutes have been formally received and noted by the Council.
Statutory framework	Meelup Regional Park Management Committee's Terms of Reference
Policy	Council Policy: Governance of Meelup Regional Park
Record keeping	GOVN001- Authorised Delegation of Power/Authority

Amendments			
Date	Type	Amendment	References
2 Jun 2008	New delegation	Initial Council Resolution: C0806/188	---
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

Delegation	DA 11 - 02 Audit and Risk Committee [DRAFT]
Head of power	11 Local Government Act 1995
Delegator	Local Government
Express power to delegate	Local Government Act 1995 s.5.16 Delegation of some powers and duties to certain committees s.5.17 Limits on delegations of some powers and duties to certain committees s.7.1B Delegation of some powers and duties to audit committees
Express power or duty delegated	<i>Local Government Act 1995</i> s.7.12A
Function	s.7.12A(2) Authority to meet with the City's Auditor at least once every year on behalf of the Council s.7.12A(3) Authority to: (aa) Examine the report of the Auditor (a) Determine matters that require action to be taken by the City; and (b) Ensure that appropriate action is taken in respect of those matters. s.7.12A(4) Authority to review and endorse the City's report addressing any matters identified as significant by the Auditor in the Audit report, prior to it being forwarded to the Minister.
Delegates	Audit and Risk Committee
Conditions	Delegation of s.7.12A(3) and s.7.12A(4) is not to be used where a Management Letter or Audit Report raises significant issues, in which case the local government's meeting with the Auditor must be directed to the Council.
Statutory framework	Terms of Reference: Audit and Risk Committee
Record keeping	GOVN001-Authorised Delegation of Power/Authority

Amendments			
Date	Type	Amendment	References
8 Oct 2001	New delegation	Initial Council Resolution: C1001/015	---
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

Delegation	DA 11 - 03 Behaviour Complaints Committee [PUBLISHED, BUT MARKED FOR REMOVAL]
Head of power	11 Local Government Act 1995
Delegator	Local Government
Express power to delegate	Local Government Act 1995 s.5.16 Delegation of some powers and duties to certain committees s.5.17 Limits on delegations of some powers and duties to certain committees
Express power or duty delegated	<i>Local Government (Model Code of Conduct) Regulations 2021</i> Clause 12 Clause 13
Function	<p>Clause 12(1). After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.</p> <p>Clause 12(4) If the local government makes a finding that the alleged breach has occurred, the local government may –</p> <p>(a) Take no further action; or</p> <p>(b) Prepare and implement a plan to address the behaviour of the person to whom the complaint relates</p> <p>Clause 12(7)</p> <p>If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of –</p> <p>(a) Its findings and the reasons for its findings; and</p> <p>(b) If its finding is that the alleged breach has occurred – its decision under subclause (4)</p> <p>Clause 13 Dismissal of complaint</p>
Delegates	Behaviour Complaints Committee
Conditions	<p>1. The Committee will make decisions in accordance with Council Policy: Management of Complaints of Alleged Breaches of Behaviour and these Terms of Reference.</p> <p>2. That part of a Committee meeting which deals with a Complaint will be held behind closed doors in accordance with s.5.23(2)(b) of the Act.</p> <p>3. The Committee is prohibited from exercising its delegated power where a Committee Member in attendance at a Committee meeting is either the complainant or respondent to the Complaint under consideration by the Committee.</p>
Statutory framework	City of Busselton Code of Conduct for Council Members, Committee Members and Candidates
Policy	Council policy: Management of Complaints of Alleged Breaches of Behaviour
Record keeping	GOVN001-Authorised Delegation of Power/Authority
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
10 Nov 2021	New delegation	Initial Council Resolution: C2111/087	---
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

DRAFT

Delegation	DA 11 - 04 Airport Advisory Committee
Head of power	11 Local Government Act 1995
Delegator	Local Government
Express power to delegate	Local Government Act 1995 s 5.16 Delegation of some powers and duties to certain committees s 5.17 Limits of delegation of powers and duties to certain committees
Express power or duty delegated	Local Government Act 1995 s 3.18 Performing executive functions
Function	Pursuant to section 5.17 of the Act, the Committee is delegated the powers to note an item that does not require a recommendation to the Council or further action of the Council.
Delegates	Airport Advisory Committee
Conditions	Committee recommendations, other than those made in accordance with the delegated function above, are not binding on the Council and must be endorsed by the Council to take effect.
Statutory framework	Airport Advisory Committee Terms of Reference
Record keeping	GOVN001 - Authorised delegation of power / authority
Date adopted	26 July 2023
Adoption references	C2307/61

Delegation	DA 11 - 05 Finance Committee
Head of power	11 Local Government Act 1995
Delegator	Local Government
Express power to delegate	Local Government Act 1995 s 5.16 Delegation of some powers and duties to certain committees s 5.17 Limits on delegation of powers and duties to certain committees
Express power or duty delegated	s 3.18 Performing executive functions
Function	Pursuant to section 5.17 of the Act, the Committee is delegated the powers to note an item that does not require a recommendation to the Council or further action of the Council.
Delegates	Finance Committee
Conditions	Committee recommendations, other than those made in accordance with the delegated function above, are not binding on the Council and must be endorsed by the Council to take effect.
Statutory framework	Finance Committee Terms of Reference
Record keeping	GOVN001 - Authorised Delegation of Power/Authority
Date adopted	21 June 2023
Adoption references	C2306/115

Amendments			
Date	Type	Amendment	References
13 Sep 2024	Amended delegation	No change to delegation - head of power corrected from 01 Local Government Act 1995 to 11 Local Government Act 1995	

Delegation	DA 11 - 06 Policy and Legislation Committee
Head of power	11 Local Government Act 1995
Delegator	Local Government
Express power to delegate	Local Government Act 1995 s 5.16 Delegation of some powers and duties to certain committees s 5.17 Limits on delegation of powers and duties to certain committees
Express power or duty delegated	s 3.18 Performing executive functions
Function	Pursuant to section 5.17 of the Act, the Committee is delegated the powers to refer a policy back to the Chief Executive Officer, or the Chief Executive Officer's nominee, with a request for further information or amendments to be made to the policy.
Delegates	Policy and Legislation Committee
Conditions	Committee recommendations, other than those made in accordance with the delegated function above, are not binding on the Council and must be endorsed by the Council to take effect.
Statutory framework	Policy and Legislation Committee terms of reference
Record keeping	GOVN001 - Authorised delegation of power / authority
Date adopted	16 August 2023
Adoption references	C2308/80

Amendments			
Date	Type	Amendment	References
13 Sep 2024	Amended delegation	No change to delegation - head of power corrected from 01 Local Government Act 1995 to 11 Local Government Act 1995	

Delegation	DA 11-07 Waterways Management Committee [DRAFT]
Head of power	11 Local Government Act 1995
Delegator	Local Government
Express power to delegate	Local Government Act 1995 s 5.16 Delegation of some powers and duties to certain committees s 5.17 Limits of delegation of powers and duties to certain committees
Express power or duty delegated	Local Government Act 1995 s 3.18 Performing executive functions
Function	Pursuant to section 5.17 of the Act, the Committee is delegated the powers to note an item that does not require a recommendation to the Council or further action of the Council.
Delegates	Waterway Management Committee
Conditions	Committee recommendations, other than those made in accordance with the delegated function above, are not binding on the Council and must be endorsed by the Council to take effect.
Statutory framework	Waterway Management Committee Terms of Reference
Record keeping	GOVN001 - Authorised delegation of power / authority

6.2 Outcomes from the Peak Period Workshop

Strategic Theme:	Key Theme 2: Lifestyle 2.2 Work with key partners to facilitate a safe, healthy and capable community. Key Theme 4: Leadership 4.3 Make decisions that respect our strategic vision for the District.
Directorate:	Community Planning
Reporting Officer:	Manager Community Safety - Rachel Runco
Authorised By:	Director Community Planning - Gary Barbour
Nature of Decision:	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	1. Workshop Record - Peak Periods Policy August 2024 [6.2.1 - 8 pages]

OFFICER RECOMMENDATION

That the Council:

1. Accept the proposed definition of 'peak period' within the Officer Comment section of this report.
2. Request the CEO implement Option 4 of the future management options identified within the Officer Comment section of this report.
3. Request the CEO develop a proactive community engagement and education campaign focused on the key identified challenges associated with the 'Peak Period', to be presented to elected members via an information briefing prior to 1 November 2024.
4. Request the CEO schedule an elected member information briefing prior to 1 December 2024 to present:
 - a) Cost/benefit feasibility assessment of trialing a coastal node shuttle bus service; and
 - b) Developed visitor dispersion ideas
5. Request the CEO schedule a workshop with elected members and relevant City officers before 31 March 2025 to reflect on the 2024/2025 peak period and identify improvement areas that may require consideration within the 2025/2026 annual budget.

EXECUTIVE SUMMARY

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

STRATEGIC CONTEXT

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

BACKGROUND

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

"That the Council:

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

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

OFFICER COMMENT

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

The City of Busselton has long been regarded as a tourism destination of choice, most recently being recognised as Western Australia Top Tourism Town in the 2024 Australia's Top Tourism Town awards. Strategic marketing of the local government area as the *'Events Capital of WA'*, destination marketing by tourism bodies and the commencement of interstate flights into Busselton Margaret River Airport has seen overnight visitation increase by 11% from ~809,000 in 2013 to 895,000 in 2023. During the same period the population of the City has also increased by approximately 30% from 34,000 in 2013 to an estimated 43,969 in 2023.

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

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

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

Peak period

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

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

The following definition of peak period is proposed:

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

Opportunities and impacts

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

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

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

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

Existing governance framework

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

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

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

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

Identified challenges	Governance/enforcement tools	Management Controls
Event Management	<i>City of Busselton Activities in Thoroughfares & Public Places & Trading Local Law 2015</i> <i>City of Busselton Property Local Law 2010</i> <i>Council Policy: Events</i> <i>Council Policy: Commercial use of City Land and Facilities</i> <i>Council Policy: Community Hire of City Property</i>	Permits and approval requirements Parking controls and restrictions
Community amenity impact	<i>City of Busselton Activities in Thoroughfares & Public Places & Trading Local Law 2015</i> <i>City of Busselton Property local Law</i> <i>Holiday Homes Local Law 2012</i> <i>Council Policy: Regulation of Holiday Homes</i>	Infringement notices Noise and land use restrictions and conditions of use Ability to withdraw use rights
Anti-social behaviours	<i>City of Busselton Activities in Thoroughfares & Public Places & Trading Local Law 2015</i> <i>City of Busselton Property Local Law 2010</i> <i>Holiday Homes Local Law 2012</i>	Infringement notices

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

Improvement actions

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

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

Identified issued	Proposed Action	Justification	Implementation Status
Illegal camping	Implementation of parking restrictions in key coastal carparks	Provides an alternative enforcement approach for management of large volumes of illegal campers.	Council adopted On track for implementation by 30 November 2023
Illegal camping	Trial free RV camping areas	There are no locations within the Capes region where free RV roadside camping is permitted. Trialling provision of such areas can support in reducing illegal camping in locations within the LG where this is not supported.	Proposal developed. Information briefing for elected members planned – if supported community consultation on proposed locations to follow.
Bushfire concerns	Implementation of additional Fire danger rating (FDRS) signage. Increased promotion of restrictions that apply. Some parking restrictions	Concerns related to bushfire primarily were associated with campfires or vehicles parking on dry, densely vegetated road verges. Improving education on the significant bushfire risks of the region will assist in changing visitor behaviour.	Council adopted parking changes. On track for implementation by 30 November 2023. City has received DRF grant for installation of 5 additional FDRS and procurement processes are underway.

Identified issued	Proposed Action	Justification	Implementation Status
Event parking congestion	Trial of specified parking areas, kiss and drop and volunteer parking for key events, communication and agreed messaging to event participants.	Concerns related to parking issues associated with key significant events are impacting the amenity of surrounding community. Working with event organisers to communicate behaviour expectations and approved all day parking locations will support education of visitors.	On-track, trialling improvement strategies 2 key events.
Dog management	Review of dog exercise areas over summer. Community consultation undertaken to identify issues. Improved signage, education and ranger presence for period seasonal areas in force.	Through community consultation issues were identified in relation to responsible animal ownership practices, and confusion on beach exercise areas due to poor signage and lack of education of dog owner responsibilities. Community feedback indicated the management controls when applied are working but a lack of visibility of Ranger staff to enforce controls is impeding effectiveness.	On-track Report for Council consideration on 18 September 2024 agenda.
Access to boat ramps and trailer parking	Identification of parking areas restricted for boat trailers only between certain times	There are only a limited number of boat ramps distributed throughout the City with limited volumes of associated boat trailer parking. A recurring issue last summer was utilisation of these bays by other vehicles. Formalisation of restriction of use by vehicles without boat trailers may reduce this issue.	Council adopted parking changes. On track for implementation by 30 November 2023.
Access to coastal parking	Implementation of parking restrictions/controls in key coastal carparks.	Improve turn-over of parking or availability of specific parking in key locations.	Council adopted parking changes. On track for implementation by 30 November 2023.

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

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

Additional actions identified within workshop:

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

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

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

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

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

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

Within the workshop four alternative future management options were identified:

Option 1: Development of a Peak Period Council Policy

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

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

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

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

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

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

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

Statutory Environment

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

Relevant Plans and Policies

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

Plan:

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

Policy:

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

[Community Engagement](#)

[Community Hire of City Property](#)

[Environment](#)

[Events](#)

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

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

Financial Implications

Not Applicable

External Stakeholder Consultation

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

Risk Assessment

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

Options

As an alternative to the proposed recommendation the Council could:

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

CONCLUSION

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

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

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

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



City of Busselton Peak Periods Workshop Record

Date	Wednesday 28 August 2024, 12.30pm to 3.30pm (3 hours)
Facilitator	Stacey Hutt, The Collab Effect
Attended	<ul style="list-style-type: none"> • Mayor Phil Cronin • Cr Anne Ryan • Cr Kate Cox • Cr Val Kaigg • Cr Mikayla Love • Cr Jodie Lee • Tony Nottle, Chief Executive Officer • Gary Barbour, Director Community Planning • Sarah Pierson, Director Corporate Strategy and Performance • Maxine Palmer, Director Economic and Business Development • Oliver Darby, Director Infrastructure and Environment • Rachel Runco, Manager Community Safety • Daniell Abrahamse, Manager Engineering and Facilities • Trevor Ayers, Economic Development Manager
Apologies	<ul style="list-style-type: none"> • Cr Andrew Macnish • Cr Jarrod Kennedy • Cr Richard Beecroft
Workshop purpose	To explore and seek consensus around the key elements of Peak Periods for the City of Busselton, to inform drafting of a Peak Periods Policy.
Background	<ul style="list-style-type: none"> • At the OCM March 2024 Council supported scheduling of a workshop in relation to the Peak visitor period to better prepare and plan for improved management of the impacts this population surge has on the local community. • The outcomes of the workshop will be presented to the Policy Committee meeting following this planned workshop. • Link to Notice of Motion (page 178): https://www.busselton.wa.gov.au/documents/13228/20240320-minutes-council-meeting-20-march-2024

Workshop notes

What	Notes
Session opens	Welcome, and Acknowledgement of Country.
	Check in on session objectives:



-
- We note the need to balance tourism (being a welcoming place) with the impact on community infrastructure, and the importance of community trust in the City to manage this.
 - Discussion held regarding Cr Macnish not being present at the workshop, and concern given his initial tabling of the notion of motion. Staff members Gary Barbour and Rachel Runco explained they have received direction from Cr Macnish regarding his concerns on this topic to ensure we covered this well today.
 - The group agree there is great importance in how we use this time together wisely to gain clarity and consensus together, for the Council to take forward today's outcomes into next steps (no delays).

Participants check in – the key issues we want to explore today:

- Ranger functions and applying learnings from last summer – especially managing carpark capacity and access to coastal nodes.
 - Economic development, tourism, and major events. Noting the focus on events has historically been to support year-round events (off-peak too).
 - Known as the events capital, huge influx of visitors every year: *“Need to show community we are mindful, and that we doing something.”*
 - Balancing visitation, with needs of our growing population and community: *“We need to balance tourist activity and everyday life in the city.”*
 - Eagerness to ensure we are prepared and proactive for every peak period; to have the right funding and resources in place across similar times each year.
 - Is a policy what is needed here to support staff? *“We already have policies for events, parking, waste, compliance and enforcement– what’s the hierarchy? ...needs to be a fluid document.”*
 - Or is there another mechanism/tool to help manage ‘peak periods’. E.g., A Destination Management Plan, potentially with MRBTA, to clarify who are we marketing ourselves towards and are we leaning into over-tourism.
 - This discussion is an important part of our focus on continuous quality improvement.
 - Benefit of how we explain to the community how we deal with this as an organisation. *“Managing community expectations of what City can do.”*
 - City Executive shares:
 - The organisation regularly gears up for heightened periods – across camping, dogs, beach management, and parking. Workforce Plan captures this and enables seasonal workers who come in to help.
 - More clarity is desired on what Elected Members consider ‘peak periods’ to be, and what are we trying to achieve with a policy.
-



	<ul style="list-style-type: none"> ○ Operationally, there are numerous peak periods and resourcing implications we are constantly juggling. Growing seasons, fire compliance and management, winter storm damage, and capital works happening in summer period due to weather: <i>“Peak period doesn’t go away. Summer extra hard.”</i> ● Key concerns: <ul style="list-style-type: none"> ○ Illegal overnight camping ○ Access in summer to coastal nodes (parking) ○ No 24 hour stop over points in Busselton ○ Unaffordable camping facilities ○ Events and foreshore congestion (Busselton) ○ Ways to promote other parking place ○ Dispersing visitation to other areas and attractions ○ Being prepared and proactive
Scope of potential policy	<p>Potential policy scope:</p> <ul style="list-style-type: none"> ● Check in on the intended ‘scope’ of this policy, including the proposed locations and timing for policy application. <p>Policy considerations:</p> <ul style="list-style-type: none"> ● Policy purpose is important. Clarity needed on what council is trying to achieve, complex topic and interrelated parts. Struggle on how we are going to do a single policy which resolves all issues. ● What would this policy aim to do, and how would it fit into other processes, without being too prescriptive? ● Function of events policy - we are the “Events Capital of WA” – does the consideration of funding allocations and events sponsorship adequately consider the real impasse on community? E.g., Parking. Is there an adequate guiding policy around this? Offering more money for winter events than summer events? ● Overall, this topic involves both strategic considerations, and operational considerations as part of this issue.
Definition	Small group work – a definition of ‘peak periods’.
<i>Group 1</i>	<p>Peak periods are when the pressure on services and infrastructure exceeds service levels ordinarily provided.</p> <p>This requires:</p> <ul style="list-style-type: none"> ● Informing the community ● Communications strategy ● Additional resources ● To drive future needs ● Question: Paid parking? ● Managing growth <p>How we understand it:</p> <ul style="list-style-type: none"> ● Free camping



-
- Historical data
 - When the complaints start
 - School holidays (Christmas, Easter)
 - Big events (hallmark)
 - Leavers
 - Staff are under pressure
 - MRBTA figures

Rangers peak:

- Camping
- Dog beaches
- Parking
- More rubbish

Group 2

Peak periods are a time period during which we have the highest population (supported by statistics).

Predicted as:

- November to February
- Easter
- Local hallmark events

Group 3

Peak period runs from 1 November to 31 April, which includes school holidays, leavers and long weekends.

How we understand it:

- Camping - trends (and low housing stock)
- Events – timing, location, smooth peaks, funding
- Parking – strategy, education
- Resourcing – ability to recruit when required, and levels of service requests coincide with busy periods
- Residents - lack of tolerance

Whole group discussion:

The group agree similarities across small group discussions:

- Sentiment around use of tourist tax / bed tax. Differential rates are similar.
 - Are we still the events capital of WA? Pressures and stretches. Key strategic and competitive edge.
 - Capping / managing tourism – major events. What we say no to.
 - Original concept was events in winter to keep the city vibrant all year round – noting businesses reliant on council funding for event
 - Events policy E.g., \$30k in kind of parking and ranger costs associated with event.
 - Lack of indoor venues E.g., Saltwater – will then be able to increase focus.
-



**How we manage
“peak periods”**

What makes ‘busy’ an actual issue?

- What are the indicators? MRBTA visitor numbers.
- We note a reduction in numbers, although people still *feel* it is growing: *“Feels like bursts of chaos.”*
- Understanding formal complaints, vs. grumblings/online discussions.
- Understanding perceived **impacts** (inconveniences), vs. actual **issues** which must be addressed.
- We note the flow on effects of busy periods can impact many areas of the organisation, some more .
- Managing community expectations. Unable to meet everyone’s need: *“If you live in tourist town, may need to accept the realities of this.”*

Service quality:

- Discussion held around how service quality is monitored and managed, and where the city uses this to kick into gear with extra resourcing.
- Good systems to centralise and capture sentiment and educate officers to review corrective actions and improvement opportunities.
- Some feedback can come through service requests, vs. grumblings on Facebook.
- Discussion held on lessons learned from last summer.
- Council receiving report on dog management in September.
- Housing, and camping on vacant lots. Mechanism to do this. Hip camping abit of an issue. Need to have a license to be a caravan park. Audit done last summer.

Rangers - extra resourcing:

- For the upcoming peak period, we have a new Rangers roster being implemented:
 - Service hours 6am-6pm and in summer looking at 5-7pm. Differing start and end times 9.5/10-hour days.
 - Changed model of casual resourcing. Usually have beach inspector that patrols dog beaches and firebreak ranger that comes on for fixed period to respond to fire compliance. Now will be bringing on two general rangers (junior rangers) Fri/Sat/Sun – especially for parking issues, camping and seasonal dog beaches -making sure people compliance. This will free up operational rangers to do fire compliance.
 - Operational geographical areas for staff – onus on them to be more proactive, adapt for parking officers, strategic positioning.
- We have 25 car parks around coastal – and no parking overnight – where start seeing noise or mess, when staff do normal patrols. Bring in staff to start at different time and deal with vehicles in different locations, so quickly being dealt with.



-
- Good relationships with WAPOL. Coordinated responses when amenity bad. Authorised to issue infringements where appropriate.
 - It is noted the idea of volunteer rangers would have challenges including Workplace Health and Safety legislative requirements and insurance perspective (seen by law as employees), and risk they would be dealing with difficult community backlash, or not acting appropriately, and exposed to harm.
 - From time to time the City does take on work experience students and other placements.
 - Rangers are given many authorisations and where we are authorising staff, they do need to be confident in the application of local laws. Important to manage the intent of people in these roles.
 - Focus on educating - giving out brochures. Or seen by Council to have enforcement role. E.g., Bushfire Ready volunteers in preparedness space works effectively.
 - No issue with recruiting rangers – entry level roles. Popular, not an issue.
 - Note Augusta Margaret River adapted a few years ago with a level 2 compliance / regulatory services – driver that tag teamed with authorised ranger. Due to not being able to fill the roles.
 - Potential gap: Jetty –desire for ranger checks every so often. All year round – bikes and anti-social behaviour. Rangers do this within work hours. For afterhours, Jetty could pay – how much is their responsibility? Sense this is a nice to have. The City has a landlord relationship with the jetty. What is a risk to them vs. what is a risk to us. The role of police.

Access to coast and parking:

- Usage needs to be looked at as a long-term strategy: *“People are parking all along roads, anywhere they can find a spot.”*
 - Study done a few years ago – generally influenced by the surf conditions, not just major events.
 - Some weekends can be chocas – especially in the summer period. Boat ramp parking spots: *“We get so many complaints about access to boat ramps.”*
 - Large amount of maintenance of boat ramps – experienced boat users, vs not. Can be down there everyday cleaning sand: *“Aggression and frustration of this group.”*
 - Funding of boat ramps –not just locals paying for this stuff. Idea for paid boat ramp parking.
 - Two significant events where parking is an issue: Busselton Swim and Iron Man events. These create the most noise over the weekend. Working with event organisers on this E.g., Kiss and drop. Signal Park overflow area for events mixed overflow. Being clear on managing expectations.
 - In other cities – townsite gets locked down for those with permits. Seasonal. Visitors don’t get to go in. Free event shuttle bus.
-



- Used to be a bus for the kids to go the beach – good option to reduce reliance on cars. Runway bus. Used to do the buses. Relies on demand.
- Idea for new lot in Dunsborough to act as short term overflow parking.
- Priority: Public transport advocacy with state government.
- City is looking at townsites parking strategy (including coastal nodes) this year.
- We note there is no transport available from the airport.

What does this all tell us?

- Tourist towns will always have this issue.
- Managing people's expectations.
- Understanding when the peaks are and putting out information on how to manage, deal, utilise it.
- You don't design your business around your peak – aim is to build more of peak to become permanent.
- We need to set our definition on 'peak periods' and then link to strategies.
- Changes to Yallingup carpark complex, requires detailed community consultation, removal of trees etc.
- Shuttle bus idea is worth investigating.

Agreements

Recapping what we have talked about today:

- We want a proactive approach: how we are managing growth, how we are prepared for summer, then easter.
- Balance of tourism and locals needs (including that of businesses).
- Balance of population growth and tourism growth.
- Balance of being prescriptive (policy) and being flexible /responsive.
- A communications campaign is critical for these priorities.

Policy options:

1. Could be its own policy - encompassing elements of other policies – events, parking, when the complaints start, or
2. Each policy could have a key statement that integrates position on 'peak periods', or
3. Be more of a strategy – e.g., Destination Management, and consider as a key thread of the City's Council Plan.
4. No policy – but define peak periods and then recognise through operational planning process (noting a policy is not an operational document).

Next steps

Facilitator tables key themes from the session, which group generally agrees with:

- This issue is not new, rather it is part of our everyday life here at the City, and what we sense is most important is integration of our position across all of our strategies and plans – this is the thread.



-
- There is a theme of what we are listening to as community leaders, and how we proactively communicate with community around this topic i.e., grumblings vs. *actual* complaints, impacts vs. *actual* issues.
 - There is a theme regarding our strategic focus now around being an events capital – potential further consideration of what is our tourism cap? How do we manage destination marketing? What is driving our local economy?

The next step from here is:

- Staff will prepare a report for the Policy Committee to consider, with options for next steps and strengths/weaknesses for each option.
-

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

Strategic Theme:	Key Theme 2: Lifestyle 2.1 Recognise, respect and support community diversity and cultural heritage. 2.12 Provide well maintained community assets through robust asset management practices.
Directorate:	Economic and Business Development
Reporting Officer:	Manager Events and Culture - Peta Pulford
Authorised By:	Director Economic and Business Development - Maxine Palmer
Nature of Decision:	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	1. Council Policy: City of Busselton Art Collection [6.3.1 - 2 pages] 2. Council Policy: City of Busselton Art Collection - tracked changes [6.3.2 - 3 pages]

OFFICER RECOMMENDATION

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

EXECUTIVE SUMMARY

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

STRATEGIC CONTEXT

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

BACKGROUND

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

OFFICER COMMENT

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

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

The proposed amendments to the Policy are:

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

Statutory Environment

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

Relevant Plans and Policies

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

Plan:

Not applicable.

Policy:

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

Financial Implications

Not Applicable

External Stakeholder Consultation

Not Applicable

Risk Assessment

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

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

Options

As an alternative to the proposed recommendation the Council could:

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

CONCLUSION

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

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

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

Milestone	Completion Date
Adopted Council Policy updated on the City's website	Within two weeks of adoption



Council Policy

Council Policy Name: City of Busselton Art Collection

Responsible Directorate: Economic & Business Development

Version: **DRAFT** officer recommendation

1. PURPOSE

- 1.1. The purpose of this Policy is to provide strategic guidance for the development of the City's art collection, with a focus on enhancing the educational and cultural experience of community and visitors to the City of Busselton.

2. SCOPE

- 2.1. This Policy applies to all movable Artworks accessioned into the City of Busselton Art Collection. It does not apply to objects listed in the Register of Public Art Works.

3. DEFINITIONS

Term	Meaning
Artwork	Defined as an object (painting, sculpture, photograph, etc) that is created for aesthetics or to express an important idea or feeling.
Acquisition	Refers to the act of acquiring an item/Artwork for an art collection.
Deaccession	Refers to the official removal of an item/Artwork from the collection.
Media	Refers to the type of Artwork or the way it is made – for example, painting, sculpture, video art, photography
Policy	This City of Busselton Council policy titled "City of Busselton Art Collection"

4. STRATEGIC CONTEXT

- 4.1. This Policy links to Key Theme 2 – Lifestyle of the City's Strategic Community Plan June 2021 and specifically Strategic Priority 2.12: Provide well maintained community assets through robust asset management practices.

5. POLICY STATEMENT

- 5.1. The City's art collection serves as a significant social and cultural resource, demonstrating historical and contemporary Australian Art, able to be promoted internationally, nationally and regionally.
- 5.2. The City aims to build a collection of works, using the following principle collection criteria:
- has a focus on original South West and West Australian Artworks;
 - represents notable examples of the region's fine art crafts;
 - springs from the creative response to the South West environment, as well as works that refer to and interpret issues on the environment in society; and
 - supports the City of Busselton's journey of reconciliation by increasing works by Aboriginal artists, including works by Wadandi Noongar artists from the South West.
- 5.3. Acquisitions of Artwork will be made subject to the City approved budget and capacity to exhibit and store the Artwork appropriately.

- 5.4. An annual acquisitive prize, judged by an appointed panel will be open to Western Australian artists and will form the main basis of growing the collection. All Media are eligible for consideration in this area.
- 5.5. In order to be accepted as part of the City's art collection, donations, gifts and bequests must meet the principle collection criteria of this Policy, as assessed by the curator/collection manager. The condition and value of the work will also be considered and Artworks in poor condition may not be accepted.
- 5.6. A deed of gift or formal acknowledgement of donation must provide proof of ownership to the City of Busselton.
- 5.7. The commissioning of Artwork by the City of Busselton is a decision of Council following advice from the Cultural Precinct Manager, Collection Curator and/or Cultural Development Officer.
- 5.8. The Deaccession of Artworks from the collection is at the discretion of the Chief Executive Officer following recommendation from the Cultural Precinct Manager or Collection Curator.
- 5.9. Deaccessioning is not normally recommended but may occur in the following instances:
 - a. damage or serious deterioration in condition;
 - b. lack of relevance to the collection;
 - c. no evidence of clear legal title;
 - d. theft or loss;
 - e. inferior workmanship.
- 5.10. Only those works acquired by purchase would normally be considered appropriate for Deaccession by sale.
- 5.11. The City of Busselton Art Collection will be stored, maintained and transported with care and consideration and within appropriate conditions to ensure the longevity of the artworks.
- 5.12. The loan of pieces from the City of Busselton Art Collection may only take place for cultural purposes and finite periods with the approval of the CEO.
- 5.13. The collection will be valued periodically and appropriate insurance will be maintained.

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. *Local Government Act 1995*
- 6.2. *Copyright Act (Commonwealth) 1968*

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE		Resolution #	
Previous Adoption	DATE	21 December 2022	Resolution #	C2212/302



Council Policy

Council Policy Name: ~~Art Collection~~ – City of Busselton Art ~~Gallery~~ Collection

Responsible Directorate: ~~Community and Commercial Services~~ Economic & Business Development

Version: ~~ADOPTED~~ DRAFT

1. PURPOSE

- 1.1. The purpose of this Policy is to provide strategic guidance for the development of the City's art collection ~~at the City of Busselton Art Gallery~~, with a focus on enhancing the educational and cultural experience of community and visitors to the City of Busselton.

2. SCOPE

- 2.1. This Policy applies to all movable Artworks accessioned into the City of Busselton Art ~~Gallery~~ Collection. It does not apply to objects listed in the Register of Public Art Works.

3. DEFINITIONS

Term	Meaning
Artwork	Defined as an object (painting, sculpture, photograph, etc) that is created for aesthetics or to express an important idea or feeling.
Acquisition	Refers to the act of acquiring an item/Artwork for an art collection.
Deaccession	Refers to the official removal of an item/Artwork from the collection.
Media	Refers to the type of Artwork or the way it is made – for example, painting, sculpture, video art, photography
Policy	this <u>This</u> City of Busselton Council policy titled " Art Collection – City of Busselton Art Gallery <u>Collection</u> "

4. STRATEGIC CONTEXT

- 4.1. This Policy links to Key Theme 2 – Lifestyle of the City's Strategic Community Plan June 2021 and specifically Strategic Priority 2.12: Provide well maintained community assets through robust asset management practices.

5. POLICY STATEMENT

- 5.1. The City's art collection ~~at the City of Busselton Art Gallery~~ serves as a significant social and cultural resource, demonstrating historical and contemporary Australian Art, able to be promoted internationally, nationally and regionally.
- 5.2. The City aims to build a collection of works, using the following principle collection criteria, ~~which:~~
- a. has a focus on original South West and West Australian Artworks;
 - b. represents notable examples of the region's fine art crafts;
 - c. springs from the creative response to the South West environment, as well as works that refer to and interpret issues on the environment in society; and
 - d. supports the City of Busselton's journey of reconciliation by increasing works by Aboriginal artists, including works by Wadandi Noongar artists from the South West.

- 5.3. Acquisitions of Artwork will be made subject to the City approved budget and capacity to exhibit and store the Artwork appropriately.
- 5.4. An annual acquisitive prize, judged by an appointed panel will be open to Western Australian artists and will form the main basis of growing the collection. All Media are eligible for consideration in this area.
- 5.5. In order to be accepted as part of the City's art collection, donations, gifts and bequests must meet the principle collection criteria of this Policy, as assessed by the curator/collection manager. The condition and value of the work will also be considered and Artworks in poor condition may not be accepted.
- 5.6. A deed of gift or formal acknowledgement of donation must provide proof of ownership to the City of Busselton.
- 5.7. The commissioning of Artwork by the City of Busselton is a decision of Council following advice from the Cultural Precinct Manager, Collection Curator and/or Cultural PlanningDevelopment Officer.
- 5.8. The Deaccession of Artworks from the collection is at the discretion of the Chief Executive Officer following recommendation from the Cultural Precinct Manager or Collection Curator.
- 5.9. Deaccessioning is not normally recommended but may occur in the following instances:
- damage or serious deterioration in condition;
 - lack of relevance to the collection;
 - no evidence of clear legal title;
 - theft or loss;
 - inferior workmanship.
- 5.10. Only those works acquired by purchase would normally be considered appropriate for Deaccession by sale.
- 5.11. The City of Busselton Art Collection will be stored, maintained and transported with care and consideration and within appropriate conditions to ensure the longevity of the artworks.
- 5.12. The loan of pieces from the City of Busselton Art Collection may only take place for cultural purposes and finite periods with the approval of the CEO.
- 5.13. The collection will be valued periodically and appropriate insurance will be maintained.

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. *Local Government Act 1995*
- 6.2. *Copyright Act (Commonwealth) 1968*

7. REVIEW DETAILS

Review Frequency		3 yearly		
<u>Council Adoption</u>	<u>DATE</u>		<u>Resolution #</u>	
<u>CouncilPrevious Adoption</u>	DATE	21 December 2022	Resolution #	C2212/302

10.6 Council Policy Review: Asset Management

Strategic Theme:	Key Theme 2: Lifestyle 2.12 Provide well maintained community assets through robust asset management practices.
Directorate:	Infrastructure and Environment
Reporting Officer:	Asset Planning Coordinator – Trent Van Beem
Authorised By:	Director Infrastructure and Environment – Oliver Darby
Nature of Decision:	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	<ol style="list-style-type: none"> 1. Council Policy: Asset Management [6.4.1 - 2 pages] 2. Council Policy: Asset Management - tracked changes [6.4.2 - 3 pages]

This item was referred back to the Policy and Legislation Committee at the Council meeting held 21 August 2024 (C2408/230).

OFFICER RECOMMENDATION

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

EXECUTIVE SUMMARY

The Council considered at its Ordinary Council Meeting on 21 August 2024 a recommendation from the Policy and Legislation Committee (the Committee) that the Council adopt a revised Council Policy: Asset Management (the Policy), as per Attachment 1 to this report, which was inclusive of Committee amendments to point 1.1 and 5.5. The Council resolved to refer the policy back to the Committee. Accordingly, this report presents the Policy recommended by officers for further consideration.

The Policy is of ongoing relevance as a strategic guidance document and is recommended for adoption by Council as presented.

STRATEGIC CONTEXT

An Asset Management Policy is a key component of an Asset Management Framework as set out in the Department of Local Government, Sport and Cultural Industries (DLGSC) Integrated Planning and Reporting Framework (IPRF). The aim of the Framework is “to enhance the sustainable management of local government assets by encouraging ‘whole of life’ and ‘whole of organisation’ approaches and the effective identification and management of risks associated with the use of assets”.

A robust Asset Management Framework can assist the City in planning and managing its assets to achieve long-term aspirations of the community and has direct linkages with the City's Long Term Financial Planning.

BACKGROUND

An asset management policy was first adopted by the Council on 8 October 2008 (C0810/303) and subsequently reviewed and updated in 2016 (C1609/233). In November 2019, the policy was further reviewed and resolved upon by the Council (resolution C1911/235), taking into account the results of the Governance System Review conducted in 2017. This review recommended that the Council's policies should be revised to eliminate operational details and serve as strategic guidance documents.

In July 2024 the Policy and Legislation Committee considered, as part of the City's policy review cycle, a recommendation from officers to re-adopt an asset management policy with amendments to reflect the City's evolving approach to asset management. The Committee recommended to the Council:

That the Council adopts the Asset Management Policy as per Attachment 1 to replace the current policy, inclusive of Committee amendments so that the following points read as follows:

1.1 The purpose of this Policy is to outline the principles which guide the City of Busselton in the management of its infrastructure assets, with the objective being to ensure they are well maintained, and responsibly and sustainably managed.

5.5 The Chief Executive Officer has overall responsibility for developing an asset management strategy to be adopted by the Council and advising the Council of the status and effectiveness of asset management within the City.

At its ordinary Council meeting on 21 August 2024 the Council resolved (C2407/230):

That the Council refer item 10.6 Council Policy Review: Asset Management to the Policy and Legislation Committee for further consideration at its next meeting on 18 September 2024 at 10am.

OFFICER COMMENT

The Policy is considered of ongoing relevance and strategic importance, providing overarching guidance and direction for the development of an asset management strategy and asset management plans. The Policy as presented aligns with the City's Policy Framework, which sets out the strategic (the 'what' and the 'why'), as opposed to operational ('the how') nature of a Council policy.

The Policy principles remain relevant; primarily that the acquisition, maintenance and renewal of assets to meet current community expectations should not pass a burden to future generations in terms of maintenance and renewal backlogs, and that whole of life costs are considered when making decisions in relation to assets.

Minor amendments have been made to streamline the Policy's readability – for instance removing defined terms where something has a common meaning or can be described in the body of the Policy and to better align with the recommendations of the DLGSC Integrated Planning and Reporting Asset Management Framework Guidelines.

The policy scope has been refined by removing point 2.2, with point 2.1 considered to be sufficient: *“the management of all infrastructure assets owned and / or directly managed by the City”*.

Clause 5.6 has been updated to reflect the commitment of Council to ensure sustainable management of City infrastructure in line with long term community needs, with reference to specific plans and strategies removed as these are components of the overarching Integrated Planning and Reporting Framework which the City operates under.

The Policy incorporates requested amendments made by the Committee at its July meeting, which officers are comfortable with.

Statutory Environment

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

Relevant Plans and Policies

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

Plan:

[Corporate Business Plan 2022-2026](#)
[Asset Management Plan](#)

Policy:

[Footpaths and Cycleways Funding](#)

Financial Implications

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

External Stakeholder Consultation

Not applicable

Risk Assessment

An assessment of the potential implications has been undertaken using the City’s risk assessment framework, with risks associated considering any controls already in place. There are no direct risks of a medium or greater level.

Options

As an alternative to the proposed recommendation the Council could:

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

CONCLUSION

The Policy reflects and guides the City's strategic asset management approach, with an ongoing focus on continuous improvement and development of its asset management capability. Readoption of the Policy will reaffirm the Council's commitment to the long-term sustainability of its infrastructure assets.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

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

Milestone	Completion Date
Adopted Council Policy updated on the City's website	Within two weeks of adoption



Council Policy

Council Policy Name: Asset Management

Responsible Directorate: Infrastructure and Environment

Version: **DRAFT** officer recommendation

1. PURPOSE

- 1.1. The purpose of this Policy is to outline the principles which guide the City of Busselton in the management of its infrastructure assets, with the objective being to ensure they are well maintained, and responsibly managed.

2. SCOPE

- 2.1. This Policy is applicable to the management of all infrastructure assets owned and / or directly managed by the City, whether constructed, purchased or donated. This includes roads, bridges, footpaths, cycle ways, stormwater drains, park and recreation space components, and buildings.

3. DEFINITIONS

Term	Meaning
Policy	this City of Busselton Council policy titled "Asset Management"

4. STRATEGIC CONTEXT

Strategic Theme	Strategic Priority
KEY THEME 2 LIFESTYLE	2.12: Provide well maintained community assets through robust asset management practices.

5. POLICY STATEMENT

- 5.1. The City recognises its responsibility to provide and maintain infrastructure assets that service the needs of the community in a manner that does not place undue economic, social, or environmental burden on future generations.
- 5.2. Asset management is the systematic and coordinated activities and practices of an organisation to deliver on the management of its assets optimally and sustainably through the cost-effective lifecycle management of its assets.
- 5.3. This Policy and the following principles will inform the City's strategic asset management planning:
- assets are to be acquired, maintained and renewed to adequately meet present-day community expectations and pass to future generations with minimal backlog of maintenance and renewal works;
 - asset management plans will be informed by service standards determined by the City for the construction, maintenance and operations of assets technical lifecycle requirements and statutory requirements for local government financial planning and reporting;
 - decisions to implement new assets, major upgrades or accept donated assets are to be informed by whole of life costs; and

- d. the City will continuously develop its asset management capability through the implementation of resourcing, systems and practices enabling effective data collection, storage, sharing and evaluation of asset data, knowledge, and information.
- 5.4. Asset management strategy and plans will form part of an iterative Integrated Planning, Budgeting and Reporting framework with reviews generally undertaken on a three yearly cycle.
- 5.5. The Chief Executive Officer has overall responsibility for developing an asset management strategy and plans and advising Council of the status and effectiveness of asset management within the City.
- 5.6. Council will continue to provide stewardship for asset management by supporting allocation of resources and funding to achieve the principles of the Policy and long-term community needs.

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. Local Government Act 1995 (WA), Section 5.56(1) and (2)
- 6.2. WA Local Government (Administration) Regulations 1996
- 6.3. International Infrastructure Management Manual (IPWEA)
- 6.4. Australian Accounting Standards Board AASB13 Fair Value Measurement
- 6.5. Asset Management Strategy and Overall Asset Management Plan
- 6.6. Strategic Community Plan, Corporate Business Plan, Workforce Plan and Long-Term Financial Plan
- 6.7. Policy: Footpaths and Cycleways Funding

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE		Resolution #	
Previous Adoption	DATE	27 November 2019	Resolution #	C1911/235



Council Policy

Council Policy Name: Asset Management
Responsible Directorate: Engineering and Works Services
Infrastructure and Environment

Version: Adopted~~Draft~~

1. PURPOSE

- 1.1. The purpose of this Policy is to outline the principles which guide the City of Busselton in the management of its infrastructure assets, with the objective being to ensure they are well maintained and responsibly and sustainably managed.

2. SCOPE

- 2.1. This Policy is applicable to the management of all infrastructure assets owned and /or directly managed by the City, whether constructed, purchased or donated. This includes roads, bridges, footpaths, cycle ways, stormwater drains, park &and recreation space components, buildings, and facilities.
- ~~2.2. Reserve (land) areas under management order with the City are not included in the scope of this policy, however, included is the physical infrastructure they contain such as footpaths, furniture, roads, seawalls, jetties, boat ramps, drains, and any facilities.~~

3. DEFINITIONS

Term	Meaning
Service Standards	defines standards for the construction, maintenance and operation of types of assets (i.e. roads, footpaths)
Asset Management Capability	the combined capacity and ability of a system to meet a specified objective in all its aspects. This includes all the assets and associated personnel, resources and services which are required to meet the objective (i.e. Service Standard)
Policy	this City of Busselton Council policy titled "Asset Management"

4. STRATEGIC CONTEXT

Strategic Theme	Strategic Priority
<u>KEY THEME 2</u> <u>LIFESTYLE</u>	<u>2.12: Provide well maintained community assets through robust asset management practices.</u>

- ~~4.1. This Policy links to Strategic Theme 2. — LIFESTYLE — A place that is relaxed, safe and friendly with services and facilities that support healthy lifestyles and wellbeing, of the City's Strategic Community Plan June 2021 and specifically the following Strategic Priority:~~
- ~~a. 2.12: Provide well maintained community assets through robust asset management practices.~~

5. POLICY STATEMENT

- 5.1. The City recognises its responsibility to provide and maintain infrastructure assets that service the needs of the community in a manner that does not place undue economic, social, or environmental burden on future generations.

~~5.2. In order to achieve this objective the City is committed to implementing a coordinated and integrated approach to asset management that aligns with and supports the City to achieve its Strategic Community Plan objectives.~~

~~5.2. Asset management is the systematic and coordinated activities and practices of an organisation to deliver on the management of its assets optimally and sustainably through the cost-effective lifecycle management of its assets.~~

~~5.3. This Policy is to be used as a guide for strategic asset management, with and the following principles will inform the City's strategic to guide the development of the City's asset management planning strategy:~~

- ~~a. assets are to be acquired, maintained and renewed to adequately meet present-day community expectations and pass to future generations with minimal backlog of maintenance and renewal works;~~
- ~~b. community expectations will be quantified informed through the implementation of Sservice Sstandards determined for the construction, maintenance and operations of assets' technical lifecycle requirements and statutory requirements for local government financial planning and reporting informed by asset lifecycle activities and incorporated into the asset management and long term financial plans;~~
- ~~c. decisions to on implementation of new assets, major upgrades or acceptance of donated assets are is to be informed by whole of life costslifecycle costing analysis to determine the true cost of operating and maintaining the asset;~~
- ~~d. the City will continuously develop its-it's Aasset mManagement Ccapability (to meet statutory obligations and reporting requirements) through the implementation of resourcing, systems and practices enabling effective data collection, storage, sharing and evaluation of asset data, knowledge and information.~~

~~5.4. This Policy and asset management strategy will be supported by Aasset management strategy and plans covering the City's infrastructure assets. These documents will form part of an iterative Integrated Planning Budgeting and Reporting framework with living process, subject to ongoing review and update. Rreviews generally will be undertaken on a three yearly cycle, unless otherwise stated for a particular item.~~

~~5.5. The Chief Executive Officer and Senior Management Group have overall responsibility for developing an asset management strategy and, to be adopted by the Council plans and operational practices and for informing and advising the Council on the status and effectiveness of asset management within the City.~~

~~5.5.5.6. Council will continue to provide stewardship for asset management by supporting allocation of resources and funding to achieve the principles of this Policy and long term community needs.~~

~~5.6. Council will formalise the short, medium and long term strategic direction of asset management through adoption of its Strategic Community Plan, Corporate Business Plan, Long Term Financial Plan, annual budget, asset management strategy and asset management plans.~~

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. International Infrastructure Management Manual – 2015
- 6.2. Australian Accounting Standards Board AASB13 Fair Value Measurement
- 6.3. Asset Management Strategy and Overall Asset Management Plan
- 6.4. Strategic Community Plan, Corporate Business Plan, Workforce Plan and Long Term Financial Plan
- 6.5. Policy: Footpaths and Cycleways Funding

7. REVIEW DETAILS

Review Frequency	3 yearly
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Council Adoption	DATE	27 November 2019	Resolution #	C1911/235
Previous Adoption	DATE	27 November 2019 14 September 2016	Resolution #	C1911/235 C1609/233

6.5 Council Policy Review: AASB 124 Related Party Disclosures

Strategic Theme:	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
Directorate:	Corporate Strategy and Performance
Reporting Officer:	Director Corporate Strategy and Performance - Sarah Pierson
Authorised By:	Director Corporate Strategy and Performance - Sarah Pierson
Nature of Decision:	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	<ol style="list-style-type: none"> 1. Council Policy: Related Party Disclosures [6.5.1 - 3 pages] 2. Council Policy: Related Party Disclosures - track changes [6.5.2 - 3 pages]

OFFICER RECOMMENDATION

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

EXECUTIVE SUMMARY

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

STRATEGIC CONTEXT

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

BACKGROUND

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

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

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

OFFICER COMMENT

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

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

Statutory Environment

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

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

Relevant Plans and Policies

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

Plan:

Not applicable.

Policy:

[AASB 124 Related Party Disclosures](#)

Financial Implications

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

External Stakeholder Consultation

No external consultation has been undertaken as part of this current review of the Policy.

Risk Assessment

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

Options

As an alternative to the proposed recommendation the Council could decide to retain the Policy in its current form.

CONCLUSION

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

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

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

Milestone	Completion Date
Policy will be removed from the City's website	Within two weeks of adoption



Council Policy

Council Policy Name: AASB 124 Related Party Disclosures

Responsible Directorate: Corporate Strategy and Performance

Version: **DRAFT officer recommendation**

1. PURPOSE

- 1.1. The purpose of this Policy is to stipulate compliance with the Australian Accounting Standard AASB 124 – Related Party Disclosures, and provide guidance on the identification of the City's Related Parties and the recording and disclosures of Related Party Transactions.

2. SCOPE

- 2.1. This Policy is applicable to Key Management Personnel (KMP) at the City of Busselton.

3. DEFINITIONS

Term	Meaning
Key Management Personnel	AASB 124 defines Key Management Personnel as those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any director (whether executive or otherwise) of that entity. Key Management Personnel for the City of Busselton are: <ul style="list-style-type: none"> Elected Members; Persons employed under section 5.36 of the Local Government Act 1995 in the capacity of the Chief Executive Officer or Director.
Ordinary Citizen Transaction	A transaction that an ordinary member of the community would undertake in the ordinary course of business with the City of Busselton. For example using a City facility after paying the normal fee, paying rates, paying fines on normal terms and conditions.
Policy	This City of Busselton Council policy titled "AASB 124 Related Party Disclosures"
Related Party	A person or entity that is related to the local government that is preparing its financial statements. For the City of Busselton, a related party is <ul style="list-style-type: none"> KMP, close family members of KMP (typically the KMP's spouse, domestic partner, children or children of the spouse or partner, or other dependants) entities that are controlled or jointly controlled by KMP or their close family members
Related Party Transactions	Transfer of resources, services or obligations between a reporting entity and a related party, regardless of whether a price is charged.

4. STRATEGIC CONTEXT

Strategic Theme	Strategic Priority
Key Theme 4: LEADERSHIP	4.2: Deliver governance systems that facilitate open, ethical and transparent decision making.

5. POLICY STATEMENT

- 5.1. Under the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*, all local governments in Western Australia must produce annual financial statements that comply with Australian Accounting Standards.
- 5.2. The City is required, in accordance with AASB 124, to disclose Related Party relationships, Related Party Transactions, and KMP compensation in its Annual Financial Statements.
- 5.3. KMP must comply with AASB 124 by filling out an annual Related Party declaration in the format stipulated and supplied by the City, as part of the year-end financial statement preparation process.
- 5.4. All Related Party Transactions that do not satisfy the definition of an Ordinary Citizen Transaction must be disclosed. Examples include:
 - a. purchases or sales of good, property or other assets;
 - b. rendering or receiving of services;
 - c. leases;
 - d. transfers under licence or finance agreements;
 - e. commitments to do something if a particular event occurs or does not occur in the future;
 - f. settlement of liabilities on behalf of the City or by the City on behalf of the Related Party.
- 5.5. Related Party Transactions will be considered for their materiality and significance.
- 5.6. The following persons are permitted to access, use and disclose the information provided in a Related Party disclosure or contained in a register of Related Party Transactions for the purposes of paragraph 5.5:
 - a. the Chief Executive Officer;
 - b. Director, Corporate Strategy and Performance;
 - c. Manager Financial Services;
 - d. an Auditor from, or appointed by, the WA Auditor General's Office;
 - e. an external or internal Auditor appointed by the City; and
 - f. other officers as determined by the Chief Executive Officer.
- 5.7. Persons specified in paragraph 5.4 may access, use and disclose information in a Related Party disclosure or contained in a register of Related Party Transactions for the following purposes:
 - a. assess and verify the disclosed Related Party transaction;
 - b. reconcile identified Related Party Transactions against those disclosed in the Related Party disclosure or contained in a register of Related Party Transactions;
 - c. comply with the disclosure requirements of AASB 124; or
 - d. verify compliance with the disclosure requirements of AASB 124.
- 5.8. The following information is classified as confidential and is not available for inspection by or disclosure to the public:
 - a. information (including personal information) provided by KMP in a Related Party disclosure; and
 - b. personal information contained in a register of Related Party Transactions.

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. *Local Government Act 1995*
- 6.2. *Australian Accounting Standards AASB 124 – Related Party Disclosures*

- 6.3. *AASB 10 Consolidated Financial Statement*
- 6.4. *AASB 11 Joint Arrangements*
- 6.5. *AASB 128 Investments in Associates and Joint Ventures*
- 6.6. City of Busselton Code of Conduct

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE		Resolution #	
Previous Adoption	DATE	10 March 2021	Resolution #	C2103/041



Council Policy

Council Policy Name: AASB 124 Related Party Disclosures

Responsible Directorate: ~~Finance and Corporate Services~~ Corporate Strategy and Performance

Version: ~~Adopted~~ Draft

1. PURPOSE

- 1.1. The purpose of this Policy is to stipulate compliance with the Australian Accounting Standard AASB 124 – Related Party Disclosures, and provide guidance on the identification of the City's Related Parties and the recording and disclosures of Related Party Transactions.

2. SCOPE

- 2.1. This Policy is applicable to Key Management Personnel (KMP) at the City of Busselton.

3. DEFINITIONS

Term	Meaning
Key Management Personnel	AASB 124 defines Key Management Personnel as those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any director (whether executive or otherwise) of that entity. Key Management Personnel for the City of Busselton are: <ul style="list-style-type: none"> Elected Members; Persons employed under section 5.36 of the Local Government Act 1995 in the capacity of the Chief Executive Officer or Director.
<u>Ordinary Citizen Transaction</u>	<u>A transaction that an ordinary member of the community would undertake in the ordinary course of business with the City of Busselton. For example using a City facility after paying the normal fee, paying rates, paying fines on normal terms and conditions.</u>
Policy	This City of Busselton Council policy titled "AASB 124 Related Party Disclosures"
<u>Related Party</u>	<u>A person or entity that is related to the local government that is preparing its financial statements. For the City of Busselton, a related party is</u> <ul style="list-style-type: none"> <u>KMP,</u> <u>close family members of KMP (typically the KMP's spouse, domestic partner, children or children of the spouse or partner, or other dependants)</u> <u>entities that are controlled or jointly controlled by KMP or their close family members</u>
<u>Related Party Transactions</u>	<u>Transfer of resources, services or obligations between a reporting entity and a related party, regardless of whether a price is charged.</u>

4. STRATEGIC CONTEXT

Strategic Theme	Strategic Priority
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Key Theme 4: LEADERSHIP	4.2: Deliver governance systems that facilitate open, ethical and transparent decision making.
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5. POLICY STATEMENT

5.1. Under the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*, all local governments in Western Australia must produce annual financial statements that comply with Australian Accounting Standards.

5.2. ~~The Australian Accounting Standards Board has determined that from 1 July 2016, AASB 124 Related Party Disclosures (AASB 124) will apply to government entities, including local governments.~~ The City is required, in accordance with AASB 124, to disclose Related Party ~~R~~relationships, Related Party Transactions, and KMP compensation in its Annual Financial Statements.

5.3. KMP must comply with AASB 124 by filling out an annual ~~R~~related ~~P~~party declaration in the format stipulated and supplied by the City, as part of the year-end financial statement preparation process.

5.4. All Related Party Transactions that do not satisfy the definition of an Ordinary Citizen Transaction must be disclosed. Examples include:

a. purchases or sales of good, property or other assets;

b. rendering or receiving of services;

c. leases;

d. transfers under licence or finance agreements;

e. commitments to do something if a particular event occurs or does not occur in the future;

a-f. settlement of liabilities on behalf of the City or by the City on behalf of the Related Party.

5.5. Related Party Transactions will be considered for their materiality and significance.

5.3.5.6. The following persons are permitted to access, use and disclose the information provided in a ~~R~~related ~~P~~party disclosure or contained in a register of ~~R~~related ~~P~~party ~~T~~transactions for the purposes of paragraph 5.5:

- the Chief Executive Officer;
- Director, ~~Finance and Corporate~~ Strategy and Performance Services;
- Manager Financial Services;
- an Auditor from, or appointed by, the WA Auditor General's Office;
- an external or internal Auditor appointed by the City; and
- other officers as determined by the Chief Executive Officer.

5.4.5.7. Persons specified in paragraph 5.4 may access, use and disclose information in a ~~R~~related ~~P~~party disclosure or contained in a register of ~~R~~related ~~P~~party ~~T~~transactions for the following purposes:

- assess and verify the disclosed ~~R~~related ~~P~~party transaction;
- reconcile identified ~~R~~related ~~P~~party ~~T~~transactions against those disclosed in the ~~R~~related ~~P~~party disclosure or contained in a register of ~~R~~related ~~P~~party ~~T~~transactions;
- comply with the disclosure requirements of AASB 124; or
- verify compliance with the disclosure requirements of AASB 124.

5.5.5.8. The following information is classified as confidential and is not available for inspection by or disclosure to the public:

- information (including personal information) provided by KMP in a ~~R~~related ~~P~~party disclosure; and
- personal information contained in a register of ~~r~~Related ~~P~~party ~~T~~transactions.

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. *Local Government Act 1995*
- 6.2. *Australian Accounting Standards AASB 124 – Related Party Disclosures*
- 6.3. *AASB 10 Consolidated Financial Statement*
- 6.4. *AASB 11 Joint Arrangements*
- 6.5. *AASB 128 Investments in Associates and Joint Ventures*
- 6.6. *City of Busselton Code of Conduct*

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE	10 March 2021	Resolution #	C2103/041
Previous Adoption	DATE	<u>10 March 2021</u> 13 September 2017	Resolution #	<u>C2103/041</u> C1709/215

6.6 Council Policy Review: Risk Management

Strategic Theme:	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
Directorate:	Corporate Strategy and Performance
Reporting Officer:	Director Corporate Strategy and Performance - Sarah Pierson
Authorised By:	Director Corporate Strategy and Performance - Sarah Pierson
Nature of Decision:	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	<ol style="list-style-type: none"> 1. Council Policy: Risk Management [6.6.1 - 2 pages] 2. Council Policy: Risk Management - tracked changes [6.6.2 - 3 pages]

OFFICER RECOMMENDATION

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

EXECUTIVE SUMMARY

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

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

STRATEGIC CONTEXT

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

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

BACKGROUND

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

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

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

OFFICER COMMENT

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

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

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

Statutory Environment

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

Relevant Plans and Policies

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

Plan:
Not applicable.

Policy:
Not applicable.

Financial Implications

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

External Stakeholder Consultation

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

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's Risk Management Framework, with risks assessed considering any controls already in place. No risks of a medium or greater level have been identified.

Options

As an alternative to the proposed recommendation the Council could:

1. Propose further revisions to the Policy; or
2. Choose not to adopt the Policy.

CONCLUSION

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

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

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

Milestone	Completion Date
Policy updated on the City's website	Within two weeks of adoption



Council Policy

Council Policy Name: Risk Management

Responsible Directorate: Corporate Strategy and Performance

Version: **DRAFT** officer recommendation

1. PURPOSE

- 1.1. As a public authority the City of Busselton is exposed to a broad range of risks which, if not managed appropriately, could adversely impact on the achievement of its strategic community objectives.
- 1.2. Risk Management supports sound corporate governance and effective decision making. This Policy establishes the City's commitment to risk management and continuous improvement in terms of embedding risk management practices with the objectives of ensuring that risks are managed to remain within acceptable levels and opportunities to deliver the City's strategic community objectives are realised.

2. SCOPE

- 2.1. This Policy is applicable to all City operations.

3. DEFINITIONS

Term	Meaning
Operational Risk	Risks associated with developing or delivering operational plans, functions or the day-to-day activities of the City
Policy	this City of Busselton Council policy titled "Risk Management"
Standard	Australian Standard AS ISO 31000:2018 Risk Management Guidelines
Strategic Risk	Macro-level or systemic risks associated with the City meeting its long-term strategic objectives

4. STRATEGIC CONTEXT

Strategic Theme	Strategic Priority
KEY THEME 4 LEADERSHIP	4.2: Deliver governance systems that facilitate open, ethical and transparent decision making

5. POLICY STATEMENT

- 5.1. Risk management is defined in the Standard as the coordinated activities to direct and control an organisation with regard to risk.
- 5.2. The City of Busselton is committed to the effective management of risk and will implement risk management systems and processes based on the Standard to achieve this, that is by:
 - a. Consulting and communicating with relevant stakeholders to promote awareness and understanding of risk, and obtain feedback and information to support decision making;
 - b. Establishing the context for risk management;
 - c. Identifying risk;
 - d. Analysing risk and current controls to determine a risk rating;

- e. Evaluating risk against acceptance criteria;
 - f. Treating risk where a risk is not acceptable;
 - g. Recording and reporting on risk;
 - h. Monitoring and reviewing risk over time.
- 5.3. The Council recognises that adequate resources are needed to implement a risk management framework that effectively manages risk.
- 5.4. The City will apply a three lines of defence model to ensure effective management of risk and to distribute responsibilities for the management of risk:
- a. The first line of defence is formed by managers and staff who are responsible for identifying assessing, evaluating and treating risk within their own area as part of their accountability for day-to-day activities and controls;
 - b. The second line of defence is formed by functions that oversee or who specialise in compliance or the management of risk. The second line owns the risk management framework and practices, and provide tools, support, oversight and monitoring; and
 - c. The third line of defence provides independent assurance, through functions such as internal audit, to ensure that risk management governance and internal control processes are adequate and effective.
- 5.5. As part of its third line of defence, the Council has established an Audit and Risk Committee to assist it in fulfilling its corporate governance, and stewardship responsibilities in relation to risk management, as well as an internal audit function.
- 5.6. The CEO is responsible for:
- a. establishing a Risk Management Framework;
 - b. identifying and evaluating Strategic and Operational Risks;
 - c. managing Operational Risks within the City's risk appetite and tolerance; and
 - d. reporting to the Audit and Risk Committee on the City's Strategic Risk profile, the appropriateness and effectiveness of the City's systems and procedures,

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. Australian Standard AS ISO 31000: 2018 - Risk Management - Guidelines
- 6.2. City of Busselton Risk Management Framework
- 6.3. Audit and Risk Committee Terms of Reference
- 6.4. *Local Government (Audit) Regulations 1996*

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE		Resolution #	
Previous Adoption	DATE	8 September 2021	Resolution #	C2109/197



Council Policy

Council Policy Name: Risk Management
Responsible Directorate: ~~Finance and Corporate Services~~ Strategy and Performance
Version: Adopted

1. PURPOSE

1.1. The purpose of this Policy is to demonstrate As a public authority the City of Busselton's Busselton is exposed to a broad range of risks which, if not managed appropriately, could adversely impact on the achievement of its strategic community objectives.

1.1.1.2. Risk Management supports sound corporate governance and effective decision making. This Policy establishes the City's commitment to a culture of risk based decision making directed towards the effective management and continuous improvement in terms of potential embedding risk management practices with the objectives of ensuring that risks are managed to remain within acceptable levels and opportunities and reduction of the potential impacts of risk to deliver the City's strategic community objectives are realised.

2. SCOPE

2.1. This Policy is applicable to all City operations.

3. DEFINITIONS

Term	Meaning
<u>Operational Risk</u>	<u>Risks associated with developing or delivering operational plans, functions or the day-to-day activities of the City</u>
Policy	this City of Busselton Council policy titled "Risk Management"
<u>Standard</u>	<u>Australian Standard AS ISO 31000:2018 Risk Management Guidelines</u>
<u>Strategic Risk</u>	<u>Macro-level or systemic risks associated with the City meeting its long-term strategic objectives</u>

4. STRATEGIC CONTEXT

4.1. This Policy links to Strategic Key Theme 4. LEADERSHIP—A Council that connects with the community and is accountable in its decision making—of the City's Strategic Community Plan 2021—2031 and specifically the following Strategic Priority:

a. 4.2: Deliver governance systems that facilitate open, ethical and transparent decision making.

Strategic Theme	Strategic Priority
<u>KEY THEME 4 LEADERSHIP</u>	<u>4.2: Deliver governance systems that facilitate open, ethical and transparent decision making</u>

5. POLICY STATEMENT

5.1. Risk management is defined in the ~~ISO 31000~~ Standard as the coordinated activities to direct and control an organisation with regard to risk.

5.1.5.2. The City of Busselton is committed to the effective management of risk and will implement risk management systems and processes based on the ~~International~~ Standard ~~ISO 31000~~ to achieve this, that is by:

- a. Consulting and communicating with relevant stakeholders to promote awareness and understanding of risk, and obtain feedback and information to support decision making;
- b. Establishing the context for risk management;
- c. Identifying risk;
- d. Analysing risk and current controls to determine a risk rating;
- e. Evaluating risk against acceptance criteria;
- f. Treating risk where a risk is not acceptable;
- g. Recording and reporting on risk;
- h. Monitoring and reviewing risk over time.

5.2.5.3. The Council recognises that adequate resources are needed to implement a risk management framework that effectively manages risk.

5.4. ~~The~~ The City will apply a three lines of defence model to ensure effective management of risk and to distribute responsibilities for the management of risk:

- a. The first line of defence is formed by managers and staff who are responsible for identifying assessing, evaluating and treating risk within their own area as part of their accountability for day-to-day activities and controls;
- b. The second line of defence is formed by functions that oversee or who specialise in compliance or the management of risk. The second line owns the risk management framework and practices, and provide tools, support, oversight and monitoring; and
- c. The third line of defence provides independent assurance, through functions such as internal audit, to ensure that risk management governance and internal control processes are adequate and effective.

5.3.5.5. ~~As part of its third line of defence, the~~ Council has established an Audit and Risk Committee to assist it in fulfilling its corporate governance, and stewardship responsibilities in relation to risk management, as well as an internal audit function.

5.6. The CEO is responsible for:

- a. establishing a Risk Management Framework;
- b. identifying and ~~for~~ evaluating Strategic and Operational Risks;
- c. managing Operational Risks within the City's risk appetite and tolerance; and
- a.d. reporting to the Audit and Risk Committee on ~~risk and~~ the City's Strategic Risk profile, the appropriateness and effectiveness of the City's systems and procedures;

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. ~~International~~Australian Standard AS ISO 31000: 2018 - Risk Management - Guidelines
 6.2. City of Busselton Risk Management Framework
 6.3. Audit and Risk Committee Terms of Reference
~~6.3.6.4.~~ Local Government (Audit) Regulations 1996

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE	8 September 2021	Resolution #	C2109/197
Previous Adoption	DATE	8 September 2021 12 December 2018	Resolution #	C2109/197 C1812/259

6.7 Council Policy Review: Sponsorship Policy

Strategic Theme:	Key Theme 3: Opportunity 3.1 Work with key partners to facilitate the activation of our town centres, creating vibrant destinations and consumer choice. 3.2 Facilitate an innovative and diversified economy that supports local enterprise, business, investment and employment growth.
Directorate:	Corporate Strategy and Performance
Reporting Officer:	Director Economic and Business Development - Maxine Palmer
Authorised By:	Director Economic and Business Development - Maxine Palmer
Nature of Decision:	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	1. Council Policy: Sponsorship Arrangements [6.7.1 - 3 pages] 2. Council Policy: Sponsorship Arrangements - tracked changes [6.7.2 - 4 pages]

OFFICER RECOMMENDATION

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

EXECUTIVE SUMMARY

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

STRATEGIC CONTEXT

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

BACKGROUND

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

- Event Sponsorship – to assist in the funding and attraction of year-round events to the region. This is guided by the Council policy Events.

- Community Bids (inclusive You Choose) – to provide financial assistance to organisations that provide services or activities to the community, of a value greater than that provided under the Minor Donations program; and
- Minor Donations – to provide minor grants of financial assistance to eligible groups and individuals for the pursuit of personal endeavours which may have benefit to the broader community.

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

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

OFFICER COMMENT

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

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

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

Statutory Environment

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

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

Relevant Plans and Policies

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

Plan:

[City of Busselton Community Development Plan 2022-2027](#)

Policy:

Events

Financial Implications

Not Applicable

External Stakeholder Consultation

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

Risk Assessment

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

Options

As an alternative to the proposed recommendation the Council could:

1. Request changes to the Policy prior to adopting it; or
2. Choose not to adopt the Policy.

CONCLUSION

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

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

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

Milestone	Completion Date
Policy updated on City's website	Within two weeks of adoption



Council Policy

Council Policy Name: Sponsorship Arrangements

Responsible Directorate: Economic and Business Development / Community Planning

Version: **DRAFT officer recommendation**

1. PURPOSE

- 1.1. The purpose of this policy is to outline the framework under which the City will enter into Sponsorship arrangements.

2. SCOPE

- 2.1. This Policy applies to sponsorship arrangements where:
- a. the City of Busselton agrees to provide a Sponsorship to an external Person/s; and
 - b. the City agrees to receive a Sponsorship from an external Person

3. DEFINITIONS

Term	Meaning
City Sponsorship	a Sponsorship proposed or provided by the City to or requested by a Person in support of a Sponsorship Activity of a person other than the City.
External Sponsorship	a Sponsorship proposed or provided by a Person to or requested by the City in support of a City Sponsorship Activity.
Policy	This policy entitled Sponsorships Arrangements.
Person	a natural person or legal entity (including an association, a partnership, joint venture or the City), as determined by the context.
Sponsorship	an arrangement under which a Person provides a contribution in money, in-kind support, and/or promotional opportunities of another Person's Sponsorship Activity in return for agreed benefits.
Sponsorship Activity	includes an activity (eg award, event, program, initiative, service) or facility (eg. building, venue, sports facility) or asset (eg. Music instrument, artwork or motor vehicle) for which monetary or in-kind support or contribution is being requested or proposed.

4. STRATEGIC CONTEXT

Strategic Theme	Strategic Priority
Key Theme 2: LIFESTYLE	2.1: Recognise, respect and support community diversity and cultural heritage
	2.2: Work with key partners to facilitate a safe, healthy and capable community
	2.5: Facilitate events and cultural experiences that provide social connection
Key Theme 3: OPPORTUNITY	3.1: Work with key partners to facilitate the activation of our town centres, creating vibrant destinations and consumer choice
	3.2: Facilitate an innovative and diversified economy that supports local enterprise, business investment and employment growth.
	3.3 Continue to promote the District as the destination of choice for events and unique tourism experiences.

5. POLICY STATEMENT

- 5.1. Sponsorships provide the City with an opportunity to work with key partners in the provision of a range of services and programs aligned to the social, economic, environmental and/or civic objectives of the City as outlined in the City's Strategic Community Plan.
- 5.2. The primary benefits for the provision of City Sponsorships is to support community programs, to meet the City's social responsibility goals and/or to benefit the City and the broader community. In addition to these primary benefits, the City may require additional benefits, including:
 - a. acknowledgement of the City's Sponsorship
 - b. reports and data related to the Sponsorship Activity
- 5.3. The primary benefits for Persons providing External Sponsorships is to reach key target audiences and/or meet corporate social responsibility goals. In addition to these primary benefits, the City may provide such a Person additional benefits, including:
 - a. use of the City's logos, content and imagery;
 - b. branding (including naming rights) on infrastructure and event marketing;
 - c. opportunities to develop co-branded marketing and/or promotional initiatives;
 - d. acknowledgement of the sponsors contribution; and/or
 - e. ceremonial involvement, including attendance at events, functions or programs.
- 5.4. A Sponsorship proposal, on balance, must:
 - a. benefit the City, its ratepayers, residents, visitors and/or the community at large; and
 - b. be consistent with the City's strategic objectives and policies.
- 5.5. The City will not provide a City Sponsorship or agree to accept an External Sponsorship that:
 - a. could reasonably be perceived to compromise or actually compromise the City's reputation;
 - b. requires the City's endorsement of commercial products, services, business, political parties, religious groups or individuals;
 - c. limits the City's ability to carry out its legislative functions fully and impartially;
 - d. in an improper way, influences decisions or actions of the City;
 - e. unreasonably restricts community or visitor access to the City's Sponsorship Activities;
 - f. is inconsistent with social justice principles of equity, participation, rights and accessibility for all persons and groups within the community;
 - g. personally benefits individual City employees, or their friends and/or family;
 - h. allows ownership and control of assets that form part of Sponsorship Activities to be removed from the City;
- 5.6. The CEO may outline further criteria and procedures in operational practices or guidelines for the purpose of assessing and determining Sponsorship proposals.
- 5.7. The City may:
 - a. identify and explore opportunities for potential Sponsorships; and
 - b. may initiate contact (either directly or via third parties) with Persons who satisfy the requirements under this Policy.
- 5.8. The City reserves the right not to provide a City Sponsorship or to decline to accept External Sponsorship from any Person for any reason.
- 5.9. Council approval is required for External Sponsorship where the value of External Sponsorship received by the City [i.e. the aggregate of both monetary and in-kind contributions] exceeds or is expected to exceed \$250,000.

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. *Local Government Act 1995*
- 6.2. Council Policy: Events

- 6.3. Events Sponsorship Guidelines
- 6.4. Community Assistance Program Guidelines
- 6.5. Guidelines – Minor Donations Program
- 6.6. [Economic Development & Marketing Grants Guidelines](#)
- 6.7. City of Busselton Community Development Plan 2022-2027

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE		Resolution #	
Previous Adoption	DATE	11 March 2020	Resolution #	C2003/081



Council Policy

Council Policy Name: Corporate Sponsorship Arrangements
Responsible Directorate: Community and Commercial Services **Version:** AdoptedDRAFT
Business & EconomicEconomic and Business Development

1. PURPOSE

- 1.1. ~~The purpose of this Policy is to~~ outline the framework under which the City will enter into a Sponsorship arrangement ~~Arrangements for the purposes of facilitating the provision of a service, program, event, activity or endeavour that may contribute to the economic, social, environmental or cultural development of the City with an external Person.~~

2. SCOPE

- 2.1. ~~This Policy applies to sponsorship arrangements where:~~
- ~~The City of Busselton agrees to provide a Sponsorship to an external Person/s; and~~
 - ~~The City agrees to receive a Sponsorship from an external Person~~
- 2.1. ~~This Policy is applicable to applications for sponsorship from the City of Busselton.~~

3. DEFINITIONS

Term	Meaning
<u>City</u>	<u>the City of Busselton</u>
<u>City Sponsorship</u>	<u>a Sponsorship proposed or provided by the City to or requested by a Person in support of a Sponsorship Activity of a person other than the City.</u>
<u>External Sponsorship</u>	<u>a Sponsorship proposed or provided by a Person to or requested by the City in support of a City Sponsorship Activity.</u>
<u>Policy</u>	<u>this City of Busselton Council policy titled "Sponsorship Arrangements" the policy detailed in this document</u>
<u>Person Recipient</u>	<u>a natural person or legal entity (including an association, a partnership, joint venture or the City), as determined by the context. an individual or organisation that receives a contribution in cash and/or in kind from the City</u>
<u>Sponsorship Sponsorship Arrangement</u>	<u>a commercial arrangement under which a Person provides a contribution in money, in-kind support, and/or promotional opportunities of another Person's Sponsorship Activity in return for agreed benefits. an arrangement under which the City provides a contribution in cash and/or in kind to a Recipient for the provision of a service, program, event, activity or endeavour that may contribute to the economic, social, environmental or cultural development of the City</u>
<u>Sponsorship Activity</u>	<u>includes an activity (eg award, event, program, initiative, service) or facility (eg. Building, venue, sports facility) or asset (eg. Music instrument, artwork or motor vehicle) for which monetary or in-kind support or contribution is being requested or proposed.</u>
	<u>tickets accepted by elected members and the CEO that are necessary for the fulfilment of the civic responsibility or as a means of reinforcing the City's strategic positioning as the 'Events Capital WA', and to ensure Events are properly assessed for their benefit and ongoing relevance</u>

4. STRATEGIC CONTEXT

This Policy aligns with the following Key Goals and Council strategies in the City's Corporate Business Plan 2020/2024:

- 4.1. ~~links to~~ Strategic Theme 2. LIFESTYLE - A place that is relaxed, safe and friendly with services and facilities that support healthy lifestyles and wellbeing, ~~of the City's Strategic Community Plan June 2021~~ and specifically the following Strategic Priorities:

- 2.1: Recognise, respect and support community diversity and cultural heritage.
- 2.2: Work with key partners to facilitate a safe, healthy and capable community;
- 2.5: Facilitate events and cultural experiences that provide social connection.

a.

- 4.2. ~~This Policy links to~~ Strategic Theme 3. – OPPORTUNITY – A vibrant City with diverse opportunities and a prosperous economy, ~~of the City's Strategic Community Plan June 2021~~ and specifically the following Strategic Priorities:

- a. 3.1: Work with key partners to facilitate the activation of our town centres, creating vibrant destinations and consumer choice;

- ~~a.b.~~ 3.2: Facilitate an innovative and diversified economy that supports local enterprise, business investment and employment growth.

- ~~b.c.~~ 3.3 Continue to promote the District as the destination of choice for events and unique tourism experiences.

5. POLICY STATEMENT

5.

Objective

- 5.1. Sponsorship anticipates a negotiated exchange between the City and external Persons of money, in-kind support and/or promotional opportunities for purposes of achieving mutual benefits for both parties that are tangible and material.

- ~~5.2 The City has a strategic objective~~ Sponsorships provide the City with an opportunity to work with key partners in the provision of a range of services and programs that support people of all ages and backgrounds, which is a City strategic objective. ~~One of the ways in which the City does this is in the provision of sponsorship. in the form of:~~

~~a.;~~

- ~~5.1. — b.~~

- ~~5.2. — 5.3 Applications for Sponsorship Arrangements should~~ The objective with Sponsorship is to maximise opportunities for collaboration with Persons that demonstrate an alignment to the social, economic, environmental and/or civic objectives of the City as outlined in the City's Strategic Community Plan.

- 5.4 To achieve the objectives in 5.1 – 5.3, the City may:

- 1) Provide a City Sponsorship to an external Person: or
- 2) Accept an External Sponsorship from a Person to the City

- 5.3. ~~Sponsorship Arrangements may be provided through the following programs:~~

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

- ~~5.4 Sponsorship Arrangements will only be entered into where a budget allocation exists or, where there is no budget allocation, where it has been approved by Council.~~

Sponsorship Criteria

5.5 A Sponsorship proposal, on balance, must:

- 1) Benefit the City and its workers, ratepayers, residents, visitors and/or the community at large; and
- 2) Be consistent with the City's strategic objectives and policies. Specific criteria outlined in the relevant Operational Practice and/or Guideline will be applied against each Sponsorship Arrangement proposal

5.6 In particular, the City will not provide a City Sponsorship or agree to accept an External Sponsorship that:

- 1) Compromises the City's reputation;
- 2) Requires the City's endorsement of commercial products, services, business, political parties, religious groups or individuals;
- 3) Limits the City's ability to carry out its legislative functions fully and impartially;
- 4) In an improper way influence decisions or actions of the City
- 5) Restricts community or visitor access to the City's Sponsorship Activities by the widest audience possible;
- 6) Are inconsistent with social justice principles of equity, participation, rights and accessibility for all persons and groups within the community;
- 7) Personally benefit individual City officials or employees, or their friends and/or family;
- 8) Allows ownership and control of assets that form part of Sponsorship Activities to be removed from the City;
- 9) Create, or risk to create a conflict between the objectives and values of the City and a Person providing or receiving a Sponsorship; or
- 10) Is proposed or requested by a potential sponsor whose interests, objectives and/or mission does not align with broader community expectations.

~~or~~

~~c. an established and solvent unincorporated community group that is auspiced by an eligible organisation.~~

5.7 The City may outline further criteria and procedures in City Operational Practices and/or Guidelines for purposes of assessing and determining Sponsorship proposals.

5.8 The City retains the discretion not to provide a City Sponsorship to or to decline to accept an External Sponsorship from any Person for any reason.

~~the Events or as a means of reinforcing the City's strategic positioning as the 'Events Capital WA', and to ensure Events are properly assessed for their benefit and ongoing relevance~~

Attracting Sponsorships

The City may:

- 1) Identify and explore opportunities for potential Sponsorships; and
- 2) For purpose of (1) above, initiate contact (either directly or via third parties) with Persons who satisfy the requirements under this Policy.

Sponsorship Benefits

5.9 Benefit for Persons providing External Sponsorships

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

- (1) Use of the City's logos, content and imagery;
- (2) Branding (including naming rights) on infrastructure and event marketing;
- (3) Opportunities to develop co-branded marketing and/or promotional initiatives;
- (4) Acknowledgement of the sponsors contribution; and/or
- (4) Ceremonial involvement, including attendance at events, functions or programs.

5.10 Benefits to the City from City Sponsorships

The primary benefits for the City providing City Sponsorships to external Persons, is to support the City's community programs, to meet the City's social responsibility goals and/or to benefit the City and the broader community financially. In addition to these primary benefits, the City may require additional benefits, including:

- (1) Acknowledgement of the City's Sponsorship
- (2) Reports and data related to the Sponsorship Activity

Approval of Sponsorship arrangements

5.11 Council approval of Sponsorship by the City is only required where there is no budget allocation.

5.12 Council approval is required where the value of Sponsorship received by the City [i.e the aggregate of both monetary and in-kind contributions] exceeds or is expected to exceed \$250,000.

The City will demonstrate the required standard of accountability for expenditure of public funds on Sponsorship arrangements.

For agreements entered into by the City, sponsorship will only be entered into where a budget allocation exists or, where there is no budget allocation, where it has been approved by Council.

1.6 RELATED DOCUMENTATION / LEGISLATION

1.1.6.5 Local Government Act 1995

1.2.6.6 Council Policy: Events

1.3.6.7 Events [Application Operational Practice Sponsorship Guidelines](#)

1.4.6.8 Community [Bids Operational Guidelines 2019-20](#) [Assistance Program Guidelines](#)

6.9 [Donations, Contributions and Subsidies Guidelines](#) [Guidelines – Minor Donations Program](#)

6.10 [Economic Development & Marketing Grants Guidelines](#)

1.5.6.11 [City of Busselton Community Development Plan 2022-2027](#)

2.7 REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE	11 March 2020	Resolution #	C2003/081
Previous Adoption	DATE	14 October 2015	Resolution #	C1510/284

7 CONFIDENTIAL MATTERS

Nil

8 NEXT MEETING DATE

Wednesday, 20 November 2024.

9 CLOSURE