



Policy and Legislation Committee

Agenda

Wednesday 20 November 2024

Our Vision

Where environment, lifestyle and opportunity meet



Community Aspirations



KEY THEME 1

Environment

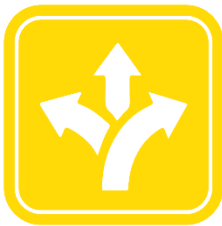
An environment that is valued, conserved and enjoyed by current and future generations.



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, 20 November 2024 commencing at 9am.

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

18 November 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 20 November 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 20 November 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
	Cr Anne Ryan (Deputy)

OFFICERS
Director Corporate Strategy and Performance
Acting Director Infrastructure and Environment
Director Community Planning
Director Economic and Business Development
Governance and Risk Coordinator
Governance 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 18 September 2024

RECOMMENDATION

That the minutes of the Policy and Legislation Committee meeting on 18 September 2024 be confirmed as a true and correct record (as published at 20 November 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 Council Policy Review: Shark Hazard Response

Strategic Theme:	Key Theme 4: Leadership 4.4 Govern a professional organisation that is healthy, capable and engaged.
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. Shark Hazard Response [6.1.1 - 2 pages]

OFFICER RECOMMENDATION

That the Council rescind Council Policy: Shark Hazard Response (attachment 1), effective immediately.

EXECUTIVE SUMMARY

This report recommends the rescission of Council Policy: Shark Hazard Response (the Policy), with the Policy having been reviewed as part of the City's periodic review of its Council policies. The matters set out in the Policy are considered largely operational in nature, hence the recommendation for rescission.

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

It is the function of the Policy and legislation Committee to consider and review new and existing Council policies. The City's Policy Framework sets out an ongoing cycle of policy review, aiming to review policies every 3 years to determine the ongoing strategic importance and applicability of the policy.

The policy was initially adopted October 2015 and last reviewed October 2020 following adoption of the City Shark Hazard Response Operational Practice (OP). The OP was approved by the City's Chief Executive Officer and came into force in March 2019 providing step by step detail for the implementation of the functions described in the policy.

OFFICER COMMENT

Under the City's policy framework and structure, a Council policy should provide a strategic statement of the Council's direction. Following a review of the Policy, it has been determined by officers that much of its content provides information more aligned to the operational functions of responding to shark attacks or shark sightings.

The City has a Risk Management Policy, reviewed in October 2024, that sets out the City's commitment to risk management and alignment to the Australian Standard AS ISO 31000 Risk Management Guidelines. As required by the Risk Management Policy, the City has adopted a Risk Management Framework which sets out the City's approach for the ongoing management of risk.

A review of the Policy, with consideration to the principles that are defined in the Risk Management Policy and Framework, has determined that an individual policy related to the risks associated with sharks is unnecessary as the operational components of the existing Policy are encompassed by the OP and the strategic principles of the approach are covered by the Risk Management Policy.

It is proposed a review of the OP is also undertaken following the rescinding of the Policy.

Statutory Environment

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

Relevant Plans and Policies

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

Plan:

Not applicable.

Policy:

[Risk Management](#)

[Shark Hazard Response](#)

The officer recommendation aligns to the City's Policy Framework. The Framework sets out the strategic intent of Council policies, as opposed to operational documents such as operational practices and work procedures.

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 decide not to rescind the Policy and retain it in its current format or require amendments to be made.

CONCLUSION

This report recommends that Council Policy: Shark Hazard Response is rescinded as part of the City's ongoing review of policies, with the Policy provisions adequately dealt with by the Risk Management Policy or being operational in nature.

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 removed from the City's website	Within two weeks of Council decision



Council Policy

Council Policy Name: Shark Hazard Response

Responsible Directorate: Planning and Development Services

Version: Adopted

1. PURPOSE

- 1.1. The purpose of this Policy is to guide the City's approach in response to shark attacks and shark sightings, water safety warnings and related information provided to the public.

2. SCOPE

- 2.1. This Policy is applicable to beach areas under the care, control and/or management of the City.

3. DEFINITIONS

Term	Meaning
Patrolled Beach	a beach that has a Surf Life Saving Western Australia beach safety and surveillance service in operation
Policy	this City of Busselton Council policy titled "Shark Hazard Response"

4. STRATEGIC CONTEXT

- 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. 2.2: Work with key partners to facilitate a safe, healthy and capable community.

5. POLICY STATEMENT

- 5.1. The City advocates to the State Government for a consistent state wide approach to the management of sharks including shark sightings and incidents, regardless of land tenure.
- 5.2. The City is informed of shark sightings by the Surf Life Saving Western Australia (SLSWA) helicopter surveillance and the shark monitoring network service when available.
- 5.3. Shark sighting reports generally provide details about the location of the shark, size, species and in some instances direction of travel, all of which inform decisions about swimmer safety and the City's response.
- 5.4. At a Patrolled Beach, a SLSWA life guard is the authorised person for responding to a shark sighting and for implementing the SLSWA response procedure; which may include sounding alarms to alert swimmers, clearing the water of swimmers and monitoring shark presence.
- 5.5. In the event of a shark attack fatality, WA Police are the lead agency. The City will provide assistance with the management of the shark attack and implement beach safety measures as necessary and under the direction of the WA Police.

- 5.6. Following a shark attack and a direction given to swimmers to leave the water, beaches will generally not be re-opened less than 24 hours after the shark attack occurred.
- 5.7. The decision to re-open a beach will be made by the City in consultation with the Department of Primary Industries and Regional Development (Fisheries branch).
- 5.8. General beach safety and community awareness of shark hazards will be promoted on the City's website and social media by:
- a. providing a link to the State Government Sharksmart website and mobile phone app;
 - b. "providing information on Patrolled Beaches within the City including patrol dates and times; and
 - c. encouraging swimmers to swim at Patrolled Beaches or within the beach enclosures at Busselton and Dunsborough.
- 5.9. Community awareness will also be promoted by the use of temporary signage to advise swimmers and beach users:
- a. of significant shark sightings at a specific beach; and
 - b. of increased shark activity at key locations during the annual salmon season from March to May each year.

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. Shark Hazard Response Operational Practice

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE	14 October 2020	Resolution #	C2010/109
Previous Adoption	DATE	14 October 2015	Resolution #	C1510/286

6.2 Council Policy Review: Commercial use of City Land and Facilities

Strategic Theme:	Key Theme 3: Opportunity 3.2 Facilitate an innovative and diversified economy that supports local enterprise, business, investment and employment growth.
Directorate:	Economic and Business Development
Reporting Officer:	Manager Economic Development and Property - Trevor Ayers
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:	<ol style="list-style-type: none"> 1. Council Policy: Commercial Use of City Land and Facilities [6.2.1 - 3 pages] 2. Council Policy: Commercial Use of City Land and Facilities - tracked changes [6.2.2 - 4 pages]

OFFICER RECOMMENDATION

That the Council adopts the updated Council Policy: Commercial Use of City Land and Facilities to replace the current policy

EXECUTIVE SUMMARY

This report presents for the Council's consideration a revised Council Policy: Commercial Use of City Land and Facilities as part of the City's ongoing policy review process.

STRATEGIC CONTEXT

The Commercial use of City Land and Facilities Policy (Policy) sets out a framework for managing the commercial use of City land and community facilities.

BACKGROUND

The Policy was originally adopted in May 2020. It provides direction with regards to the use of City land and community facilities for the purpose of trading with the exceptions of events, approved outdoor eating facilities, markets and buskers/street entertainers. It also does not apply to the use of City land by way of a lease, which is the subject of a separate Policy.

OFFICER COMMENT

The existing policy has provided good guidance to this point; with a full review planned for completion by the end of this financial year. The amendments recommended to the Policy at this stage are purely to bring it into line with changes within the operating environment that have occurred since it was originally adopted to enable continued use for a single year while the full review is being undertaken.

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:

Not applicable.

Policy:

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

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 require further amendments to the Policy.

CONCLUSION

A review of the Commercial Use of City Land and Facilities policy has been undertaken with no substantive changes proposed. The policy is recommended for adoption by Council.

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: Commercial Use of City Land and Facilities
Responsible Directorate: Economic and Business Development **Version:** Draft

1. PURPOSE

- 1.1. The purpose of this Policy is to provide support for the use of City Land in a manner that encourages and creates economic and community vibrancy, diversity and opportunity.

2. SCOPE

- 2.1. This Policy is applicable to the use of City Land and Community Facilities for Trading.
- 2.2. This Policy does not relate to events, approved outdoor eating facilities, markets, buskers / street entertainers, or use of City Land under a lease.

3. DEFINITIONS

Term	Meaning
Community Facilities	buildings managed by the City
City Land	land owned or managed by the City
Designated Site	pre-determined site for Fixed Trading outside of a Community Facility
Fixed Trading	trading that operates from a particular location for fixed periods of time
Itinerant Trading	trading that operates from place to place on a roaming basis with a set time limit at any one place e.g. an ice cream van
Policy	this City of Busselton Council policy titled Commercial Use of City Land and Facilities
Trading	<ul style="list-style-type: none"> the selling or hiring of, the offering for sale or hire of, or the soliciting of orders for goods or services; and the displaying of goods for the purpose of offering or inviting offers for their sale or hire, soliciting orders for them or carrying out any other transaction in relation to them; and the selling of a service for profit

4. STRATEGIC CONTEXT

Strategic Outcome	Objective
LIFESTYLE	3: Facilitate access to inclusive services, places and spaces to support community members to connect and thrive at every stage of life.
OPPORTUNITY	12: Facilitate an innovative and diversified economy that supports investment and employment growth.

5. POLICY STATEMENT

- 5.1. The objectives of this Policy are to set out a framework for managing the commercial use of City Land and Community Facilities which:
- encourages innovation, business development, and overall economic growth;
 - provides diversified goods and services to residents and visitors;

- c. value adds to the overall resident and visitor experience; and
- d. enhances the vibrancy and activation of public spaces.

- 5.2. Trading activities can generally be classified as Fixed Trading and Itinerant Trading.
- 5.3. Fixed Trading may occur at Community Facilities, on City Land at Designated Sites, and, with the exception of food based Trading, at other locations approved on an ad-hoc basis.
- 5.4. Fixed Trading at Community Facilities will generally only be supported where it does not conflict with community use of the facility, approved in accordance with Council Policy 'Community Hire of City Property'.
- 5.5. Designated Sites will be determined by the CEO, generally for a particular type of Trading, and will be periodically reviewed through appropriate community consultation.
- 5.6. Applications to use City Land for Fixed Trading outside of Designated Sites will be considered against the objectives of this Policy and the factors outlined in paragraph 5.9. Where there is a high level of interest in a particular location an expression of interest process may be undertaken.
- 5.7. Applications for Fixed Trading permits at Designated Sites and for Itinerant Trading permits will be sought publicly every two years. Permits will be issued for one year, with, at the City's discretion, a one year renewal. Permits may be issued for Trading at vacant Designated Sites, subject to the permit length aligning to the next round of public advertising.
- 5.8. The CEO at their discretion may limit the number of permits for Itinerant Traders.
- 5.9. Factors that will be considered when assessing applications to use City Land for Trading include:
 - a. the type and regularity of the activity as it relates to its location;
 - b. the potential economic benefit of the activity;
 - c. the potential impact on the surrounding existing businesses;
 - d. the impact of the activity on the surrounding amenity;
 - e. the cost to ratepayers of facilitating the activity;
 - f. the experience and capacity of the applicant to operate the activity; and
 - g. other considerations outlined in relevant City of Busselton local laws.
- 5.10. Fees for the use of City Land will be as per the City's Fees and Charges, reviewed annually.

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. *Local Government Act 1995*
- 6.2. *Activities in Thoroughfares and Public Places and Trading Local Law 2015*
- 6.3. *Property Local Law 2010*
- 6.4. *Jetties Local Law 2014*
- 6.5. *Council Policy 'Community Hire of City Property'*
- 6.6. *Council policy 'Leasing of City Premises'*
- 6.7. *Designated Sites Map*

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE		Resolution #	
Previous Adoption	DATE	13 May 2020	Resolution #	C2005/126



Council Policy

Council Policy Name: Commercial Use of City Land and Facilities

Responsible Directorate: ~~Community Services~~ Economic and Commercial Services ~~Planning and Business Development Services~~ **Version:** ~~Adopted~~ Draft

1. PURPOSE

- 1.1. The purpose of this Policy is to provide support for the use of City Land in a manner that encourages and creates economic and community vibrancy, diversity and opportunity.

2. SCOPE

- 2.1. This Policy is applicable to the use of City Land and Community Facilities for Trading.
- 2.2. This Policy does not relate to events, approved outdoor eating facilities, markets, buskers / street entertainers, or use of City Land under a lease.

3. DEFINITIONS

Term	Meaning
Community Facilities	buildings managed by the City
City Land	land owned or managed by the City
Designated Site	pre-determined site for Fixed Trading outside of a Community Facility
Fixed Trading	trading that operates from a particular location for fixed periods of time
Itinerant Trading	trading that operates from place to place on a roaming basis with a set time limit at any one place e.g. an ice cream van
Policy	this City of Busselton Council policy titled “Commercial Use of City Land and Facilities”
Trading	<ul style="list-style-type: none"> the selling or hiring of, the offering for sale or hire of, or the soliciting of orders for goods or services; and the displaying of goods for the purpose of offering or inviting offers for their sale or hire, soliciting orders for them or carrying out any other transaction in relation to them; and the selling of a service for profit

4. STRATEGIC CONTEXT

- 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. 2.5 Facilitate events and cultural experiences that provide social connection.~~
- 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; and~~

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

Strategic Outcome	Objective
<u>LIFESTYLE</u>	<u>3: Facilitate access to inclusive services, places and spaces to support community members to connect and thrive at every stage of life.</u>
<u>OPPORTUNITY</u>	<u>12: Facilitate an innovative and diversified economy that supports investment and employment growth.</u>

5. POLICY STATEMENT

- 5.1. The objectives of this Policy are to set out a framework for managing the commercial use of City Land and Community Facilities which:
 - a. encourages innovation, business development, and overall economic growth;
 - b. provides diversified goods and services to residents and visitors;
 - c. value adds to the overall resident and visitor experience; and
 - d. enhances the vibrancy and activation of public spaces.
- 5.2. Trading activities can generally be classified as Fixed Trading and Itinerant Trading.
- 5.3. Fixed Trading may occur at Community Facilities, on City Land at Designated Sites, and, with the exception of food based Trading, at other locations approved on an ad-hoc basis.
- 5.4. Fixed Trading at Community Facilities will generally only be supported where it does not conflict with community use of the facility, approved in accordance with Council Policy 'Community UseHire of City Property'.
- 5.5. Designated Sites will be determined by the CEO, generally for a particular type of Trading, and will be periodically reviewed through appropriate community consultation.
- 5.6. Applications to use City Land for Fixed Trading outside of Designated Sites will be considered against the objectives of this Policy and the factors outlined in paragraph 5.9. Where there is a high level of interest in a particular location an expression of interest process may be undertaken.
- 5.7. Applications for Fixed Trading permits at Designated Sites and for Itinerant Trading permits will be sought publicly every two years. Permits will be issued for one year, with, at the City's discretion, a one year renewal. Permits may be issued for Trading at vacant Designated Sites, subject to the permit length aligning to the next round of public advertising.
- 5.8. The CEO at their discretion may limit the number of permits for Itinerant Traders.
- 5.9. Factors that will be considered when assessing applications to use City Land for Trading include:
 - a. the type and regularity of the activity as it relates to its location;
 - b. the potential economic benefit of the activity;
 - c. the potential impact on the surrounding existing businesses;
 - d. the impact of the activity on the surrounding amenity;
 - e. the cost to ratepayers of facilitating the activity;
 - f. the experience and capacity of the applicant to operate the activity; and
 - g. other considerations outlined in relevant City of Busselton local laws.
- 5.10. Fees for the use of City Land will be as per the City's Fees and Charges, reviewed annually.

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. *Local Government Act 1995*
- 6.2. *Activities in Thoroughfares and Public Places and Trading Local Law 2015*

- 6.3. *Property Local Law 2010*
- 6.4. *Jetties Local Law 2014*
- 6.5. *Council Policy 'Community Hire of City Property'*
- 6.6. ~~*Commercial Use*~~ *Council policy 'Leasing of City Land Operational Practice Premises'*
- 6.7. *Designated Sites Map*

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE	13 May 2020	Resolution #	C2005/126
Previous Adoption	DATE	13 May 2020 N/A	Resolution #	C2005/126 N/A

6.3 Council Policy Review: Community Engagement

Strategic Theme:	Key Theme 4: Leadership 4.1 Provide opportunities for the community to engage with Council and contribute to decision making. 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
Directorate:	Office of the CEO
Reporting Officer:	Manager Stakeholder Relations - Stephanie Addison-Brown
Authorised By:	Chief Executive Officer - Tony Nottle
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: Community Engagement [6.3.1 - 2 pages] 2. Council Policy Community Engagement tracked changes [6.3.2 - 3 pages]

OFFICER RECOMMENDATION

That the Council adopts the revised Council Policy: Community Engagement as per attachment 1 to replace the current Council policy.

EXECUTIVE SUMMARY

The existing Community Engagement Policy (Policy) was adopted by the Council on 9 September 2020 and in 2021 an operational Community Engagement Framework was developed to guide engagement activities being undertaken by officers. The City's community engagement activities have been coordinated and undertaken in alignment with both the Policy and the associated Framework.

The 2021 Community Engagement Framework is currently under review and an updated version is due to be presented to the Council in February 2025 in line with CEO Key Focus Area 1 – Communication.

This report recommends that the Council adopt a revised Policy, with this review being important to enable the Framework review to be undertaken in alignment with the Council's current strategic engagement goals.

STRATEGIC CONTEXT

The Community Engagement Policy provides an overarching direction for community engagement activities and is supported by an operational Community Engagement Framework. Both are being reviewed in this financial year.

BACKGROUND

The existing Community Engagement Policy was adopted by the Council on 9 September 2020 and provides guiding principles for ensuring that stakeholders are informed of matters that affect them, that they have an opportunity to make informed comment and that they are advised of the outcomes, including how their feedback helped to inform the decision.

The Policy also sets out when the City will undertake engagement and when it may not be appropriate to engage.

In 2021, an operational Community Engagement Framework was developed to guide engagement activities being undertaken by officers. The City's community engagement activities have been undertaken in alignment with both the Policy and the Framework.

The Community Engagement Framework endorsed in 2021 is currently under review and an updated version is due to be presented to the Council in February 2025 in line with CEO Key Focus Area 1 – Communication.

It is critical that the Council review the Policy first to enable to the Framework review to be undertaken in alignment with the Council's strategic goals and aspirations.

OFFICER COMMENT

In early 2024, the City undertook a community perceptions survey through which feedback about communication and engagement was sought. The City received 1,363 responses which enabled elected members and officers to better understand the community's future priorities and any current concerns.

Relevant performance ratings (around engagement) were:

- How the community is consulted on local issues – 50% positive rating (excellent, good, okay)
- How the community is informed about what's happening in the local area – 62% positive rating (excellent, good, okay)
- City clearly explains reasons for decisions and how community views are taken into account – 16% total agree

Feedback received through this survey did not raise concerns with the general approach or practical methods used by the City to engage, but instead reflected a level of dissatisfaction when decisions of the Council did not reflect community sentiment and opinion. It is clear from the survey feedback that the role and purpose of engagement in Council decision-making processes remains unclear to a number of people in the community.

The existing Policy covers all aspects of engagement at a strategic level, so no significant changes are proposed, however, work will be undertaken to update the Community Engagement Framework to ensure it provides clarity around the role of engagement processes in decisions, the role of elected members and the inclusion of stronger explanatory feedback loops.

Minor administrative changes are proposed to update the Policy in line with the recently endorsed Council Plan 2024-2034 (i.e. Section 4 - STRATEGIC CONTEXT).

Statutory Environment

In accordance with section 2.7(2)(b) of the Local Government Act 1995 (the Act) it is the role of the Council to determine the local government's policies. The Council does this on the recommendation of its Policy and Legislation Committee which was established in accordance with section 5.8 of the Act.

There is pending a new requirement for local governments to prepare and adopt a community engagement charter. This Policy and the Community Engagement Framework are likely to satisfy this requirement once it is in force.

Relevant Plans and Policies

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

Plan:

Not applicable.

Policy:

[Community Engagement](#)

Financial Implications

Not Applicable

External Stakeholder Consultation

As outlined in the Officer Comment, the City undertook a community perceptions survey in early 2024 which did not raise concerns with the general approach or practical methods used by the City to engage with the community, but instead reflected a level of dissatisfaction when decisions of the Council did not reflect community sentiment and opinion.

Education as to the role and purpose of engagement processes in Council decision-making as well as stronger communication feedback loops explaining why decisions have been made will be incorporated into the new Framework when presented to the Council in February 2025.

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

The existing Policy has been reviewed and is being presented to the Council for consideration with only minor administrative changes being recommended as detailed above. The Community Engagement Framework is currently also under review and will reflect a range of updates and changes in response to community feedback in the Catalyse MARKYT Community Scorecard.

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: Community Engagement

Responsible Directorate: Office of the CEO

Version: DRAFT

1. PURPOSE

- 1.1. The purpose of this Policy is to provide guiding principles for Engagement to enable Stakeholders to stay informed of matters that affect them and have the opportunity to make informed comment.

2. SCOPE

- 2.1. This Policy is applicable, where relevant, to City Councillors, employees and contractors who engage with Stakeholders in relation to the delivery of services, projects or the implementation of policies.

3. DEFINITIONS

Term	Meaning
Engagement	connecting with community groups, organisations and individuals for the purpose of informed decision making. This may include some or all of the following objectives: <ul style="list-style-type: none"> • Informing Stakeholders • Consulting with Stakeholders • Involving Stakeholders in decision making • Collaborating with Stakeholders about decisions • Empowering Stakeholders to make a final decision
Policy	this City of Busselton Council policy titled "Community Engagement"
Stakeholders	community members, groups or individuals that have an interest in the business of the City of Busselton

4. STRATEGIC CONTEXT

Strategic Outcome	Objective
LEADERSHIP	18: Provide effective marketing, communications and community and stakeholder engagement.

5. POLICY STATEMENT

- 5.1. The City places high priority on Engagement which provides Stakeholders with the opportunity to participate in decision making processes at the appropriate level. Different levels of Engagement will be appropriate depending on the issue, Stakeholder objectives and characteristics, and the information to be relayed or obtained.
- 5.2. The City's Engagement objectives are:
- Stakeholders are informed of matters that affect them;
 - Stakeholders are provided with sufficient information to make informed comment on matters affecting them;
 - it is easy for Stakeholders to comment and access information at project milestones;

- d. all comments received are given due consideration by decision makers; and
- e. Stakeholders who provide comment are informed of the outcome.

5.3. The following principles guide the City in achieving its Engagement objectives:

- a. encourage broad Stakeholder representation;
- b. minimise barriers to participation by considering people's different needs;
- c. clearly state the purpose of the Engagement initiative and any associated limitations or constraints;
- d. make relevant information readily available, accurate and easy to understand;
- e. allow sufficient time and opportunity for Stakeholders to participate;
- f. listen to Stakeholders and provide feedback about how the information gathered is to be used to inform the outcome; and
- g. allocate appropriate resourcing for the development and implementation of effective and efficient Stakeholder Engagement.

5.4. As a general rule, the City will undertake Engagement when:

- a. a decision is likely to have significant impact on a particular individual or group in the community;
- b. a decision is likely to have a significant impact on the broad economy, lifestyle, or environment of the City and its residents;
- c. there is, or is likely to be, strong community concern or interest in the issue;
- d. the resolution of an issue or implementation of a proposal is likely to require a substantial redirection of ratepayer funds;
- e. the future use of a strategic area of land within the City is being decided;
- f. information is needed to inform future strategic and community planning;
- g. the City has statutory obligations to consult; or
- h. The Council otherwise determines it to be appropriate.

5.5. Engagement may not be undertaken where:

- a. a decision must be made quickly in the interests of the City;
- b. the City is bound by legal, commercial or legislative constraints;
- c. the City is unable to influence a decision being made by another agency or party;
- d. the decisions concern 'day to day' operational matters.

5.6. It is important that Councillors are made aware of Engagement occurring within the City. Councillor feedback will be sought prior to engagement commencing on projects that set a direction or define a position for the City, have a high level of media interest, or are considered high risk under the City's Risk Management Framework.

6. RELATED DOCUMENTATION / LEGISLATION

6.1. Media and Public Statements Policy

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE		Resolution #	
Previous Adoption	DATE	9 September 2020	Resolution #	C2009/106



Council Policy

Council Policy Name: Community Engagement

Responsible Directorate: Finance and Corporate Services Office of the CEO **Version:** Adopted DRAFT

1. PURPOSE

- 1.1. The purpose of this Policy is to provide guiding principles for Engagement to enable Stakeholders to stay informed of matters that affect them and have the opportunity to make informed comment.

2. SCOPE

- 2.1. This Policy is applicable, where relevant, to City Councillors, employees and contractors who engage with Stakeholders in relation to the delivery of services, projects or the implementation of policies.

3. DEFINITIONS

Term	Meaning
Engagement	connecting with community groups, organisations and individuals for the purpose of informed decision making. This may include some or all of the following objectives: <ul style="list-style-type: none"> • Informing Stakeholders • Consulting with Stakeholders • Involving Stakeholders in decision making • Collaborating with Stakeholders about decisions • Empowering Stakeholders to make a final decision
Policy	this City of Busselton Council policy titled "Community Engagement"
Stakeholders	community members, groups or individuals that have an interest in the business of the City of Busselton

4. STRATEGIC CONTEXT

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

- ~~a. 4.1 Provide opportunities for the community to engage with Council and contribute to decision-making.~~

Strategic Outcome	Objective
<u>LEADERSHIP</u>	<u>18: Provide effective marketing, communications and community and stakeholder engagement.</u>

5. POLICY STATEMENT

- 5.1. The City places high priority on Engagement which provides Stakeholders with the opportunity to participate in decision making processes at the appropriate level. Different levels of Engagement will be appropriate depending on the issue, Stakeholder objectives and characteristics, and the information to be relayed or obtained.

- 5.2. The City's Engagement objectives are:

- a. Stakeholders are informed of matters that affect them;
- b. Stakeholders are provided with sufficient information to make informed comment on matters affecting them;
- c. it is easy for Stakeholders to comment and access information at project milestones;
- d. all comments received are given due consideration by decision makers; and
- e. Stakeholders who provide comment are informed of the outcome.

5.3. The following principles guide the City in achieving its Engagement objectives:

- a. encourage broad Stakeholder representation;
- b. minimise barriers to participation by considering people's different needs;
- c. clearly state the purpose of the Engagement initiative and any associated limitations or constraints;
- d. make relevant information readily available, accurate and easy to understand;
- e. allow sufficient time and opportunity for Stakeholders to participate;
- f. listen to Stakeholders and provide feedback about how the information gathered is to be used to inform the outcome; and
- g. allocate appropriate resourcing for the development and implementation of effective and efficient Stakeholder Engagement.

5.4. As a general rule, the City will undertake Engagement when:

- a. a decision is likely to have significant impact on a particular individual or group in the community;
- b. a decision is likely to have a significant impact on the broad economy, lifestyle, or environment of the City and its residents;
- c. there is, or is likely to be, strong community concern or interest in the issue;
- d. the resolution of an issue or implementation of a proposal is likely to require a substantial redirection of ratepayer funds;
- e. the future use of a strategic area of land within the City is being decided;
- f. information is needed to inform future strategic and community planning;
- g. the City has statutory obligations to consult; or
- h. The Council otherwise determines it to be appropriate.

5.5. Engagement may not be undertaken where:

- a. a decision must be made quickly in the interests of the City;
- b. the City is bound by legal, commercial or legislative constraints;
- c. the City is unable to influence a decision being made by another agency or party;
- d. the decisions concern 'day to day' operational matters.

5.6. It is important that Councillors are made aware of Engagement occurring within the City. Councillor feedback will be sought prior to engagement commencing on projects that set a direction or define a position for the City, have a high level of media interest, or are considered high risk under the City's Risk Management Framework.

6. RELATED DOCUMENTATION / LEGISLATION

6.1. Media and Public Statements Policy

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE	9 September 2020	Resolution #	C2009/106

Previous Adoption	DATE	<u>9 September</u> <u>2020</u> N/A	Resolution #	<u>C2009/106</u> N/A
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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 - 2 pages]

OFFICER RECOMMENDATION

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

EXECUTIVE SUMMARY

The Policy and Legislation Committee (the Committee) considered at its September meeting a revised Asset Management Policy, with the Policy having been referred to the Committee for further consideration by the Council at its Ordinary Council meeting in August. The Committee then referred the Policy to officers requesting greater reference to the City's Council Plan and the role of asset management in supporting the delivery of community objectives. This report presents a further revised Policy for consideration and adoption.

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), considering 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.

A revised Policy inclusive of previous Committee amendments was presented to the September 2024 Policy and Legislation Committee meeting, with discussion ensuing around the strength of the Policy content with respect to asset management and its role in the delivery of Council Plan objectives. As a result, the Policy was referred to the CEO by the Committee for further review.

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 has the primary objective of outlining strategic principles to guide the City in the management of infrastructure assets, such that they are well maintained and responsibly managed. The primary guiding principle is 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.

The policy scope is management of all infrastructure assets owned and / or directly managed by the City, with infrastructure assets being the focus of asset management planning.

In response to feedback from the Finance Committee members, an opening purpose statement has been added to articulate the importance of effective asset management to the delivery of

community objectives outlined in the Council Plan. Additionally, the principles referred to above have been strengthened through reference to the City taking a coordinated and integrated approach to its asset management and planning.

The policy most directly supports and can be applied to the following objectives of the Council Plan:

1. Plan and deliver sport and recreation facilities to support healthy and active lifestyles.
10. Provide well maintained public facilities, open space, parks and playgrounds.
11. Provide safe roads and transport networks.
12. Facilitate an innovative and diversified economy that supports investment and employment growth.
16. Provide effective governance and organisational leadership.

Policy statement 5.2 recognises the City's responsibility to provide and maintain infrastructure services that meet the needs of the community whilst being economically and environmentally responsible; this particularly relates to the current strategic focus around the provision of future sport and recreation infrastructure.

Policy statement 5.3a requires that assets are to be acquired, maintained and renewed to adequately meet present day community objectives, which aligns with Council Plan objective 10 and 11.

Policy statements 5.1 and 5.2 support Council Plan objective 12, robust asset management systems can ensure assets are fit for purpose and provide the level of service required to support economic and employment growth.

Policy statements 5.3c and 5.4, 5.5 and 5.6 all align with Council Plan objective 16 in supporting the effective governance and organisation leadership by identifying the requirement to consider whole of life costs for new and upgraded infrastructure, linking the Integrated Planning framework to asset management strategy and plans and also identifying responsibilities of the Chief Executive Officer and Council.

Currently asset management and project planning is undertaken (as stated above) under the IPRF, with a team of 5.2 FTE. The Policy references the need to continually develop and implement appropriate resourcing and systems to improve overall asset management capabilities, as part of broad organisational budgeting and planning.

Other minor amendments have been made to streamline the Policy's readability (as previously presented to the Committee and to the Council) – 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.

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. Re-adoption 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. Effective asset management is critical for the delivery of sustainable infrastructure now and into the future; supporting the delivery of community objectives outlined in the City's Council Plan.
- 1.2. 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 safe, 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 Outcome	Objective
PLACE	10: Provide well maintained public facilities, open space, parks and playgrounds.
	11: Provide safe roads and transport networks.

5. POLICY STATEMENT

- 5.1. 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.
- 5.2. The City recognises its responsibility to provide and maintain infrastructure assets that service the needs of the community in a coordinated and integrated manner that does not place undue economic, social, or environmental burden on future generations.
- 5.3. This Policy and the following principles will inform the City's strategic asset management planning:
 - a. assets are to be acquired, maintained and renewed to adequately meet present-day community objectives and pass to future generations with minimal backlog of maintenance and renewal works;
 - b. 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;
 - c. 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 development and implementation of appropriate resourcing allocations, systems and practices enabling effective data collection, storage, sharing and evaluation of asset 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. Council Plan, Workforce Plan and Long-Term Financial Plan
- 6.2. Local Government Act 1995 (WA), Section 5.56(1) and (2)
- 6.3. WA Local Government (Administration) Regulations 1996
- 6.4. International Infrastructure Management Manual (IPWEA)
- 6.5. Australian Accounting Standards Board AASB13 Fair Value Measurement
- 6.6. Asset Management Strategy and Overall Asset Management 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: Infrastructure and Environment

Version: DRAFT

1. PURPOSE

1.1. Effective asset management is critical for the delivery of sustainable infrastructure now and into the future; supporting the delivery of community objectives outlined in the City's Council Plan.

1.1.1.2. 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 ThemeOutcome	Strategic PriorityObjective
KEY THEME 2 LIFESTYLEPLACE	2.1210: Provide well maintained community assets through robust asset management practices Provide well maintained public facilities, open space, parks and playgrounds.
	<u>11: Provide safe roads and transport networks.</u>

5. POLICY STATEMENT

5.1. 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.

~~5.1.~~ The City recognises its responsibility to provide and maintain infrastructure assets that service the needs of the community in a coordinated and integrated 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.~~

5.3.5.2. This Policy and the following principles will inform the City's strategic asset management planning:

- a. assets are to be acquired, maintained and renewed to adequately meet present-day community objectives-expectations and pass to future generations with minimal backlog of maintenance and renewal works;
- b. 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;
- c. 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 development and implementation of appropriate resourcing allocations, systems and practices enabling effective data collection, storage, sharing and evaluation of asset ~~data~~, knowledge, and information.

5.4.5.3. 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.

5.5.5.4. 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.

5.6.5.5. 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. Council Plan, Workforce Plan and Long-Term Financial Plan
- 6.2. Local Government Act 1995 (WA), Section 5.56(1) and (2)
- 6.3. WA Local Government (Administration) Regulations 1996
- 6.4. International Infrastructure Management Manual (IPWEA)
- 6.5. Australian Accounting Standards Board AASB13 Fair Value Measurement
- 6.6. Asset Management Strategy and Overall Asset Management 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

6.5 **Council Policy Review: Applications for Exploration or Mining / Extraction Licences for Coal or Gas Extraction**

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 Community Planning - Gary Barbour
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:	<ol style="list-style-type: none"> 1. Council Policy: Applications for Exploration or Mining / Extraction Licences for Coal or Gas Extraction with Hydraulic Fracturing [6.5.1 - 2 pages] 2. Council Policy: Applications for Exploration or Mining / Extraction Licences for Coal or Gas Extraction with Hydraulic Fracturing - tracked changes [6.5.2 - 2 pages]

OFFICER RECOMMENDATION

That the Council adopts the Council Policy: Applications for Exploration or Mining Extraction Licences for Coal or Gas Extraction with Hydraulic Fracturing as per attachment 1.

EXECUTIVE SUMMARY

This report presents for the Council's readoption Council Policy: Applications for Exploration or Mining Extraction Licences for Coal or Gas Extraction with Hydraulic Fracturing (Policy), with the Policy having been reviewed as part of the City's ongoing review process. No substantive changes are recommended.

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

It is the function of the Policy and Legislation Committee to consider new and review existing Council policies. The City's Policy Framework sets out an ongoing cycle of policy review, whereby all policies of the Council will be reviewed every 3 years, with the aim of determining the ongoing strategic importance and applicability of the policy.

The Policy relates to applications made under the Mining Act 1978 for the purposes of coal and related materials extraction for all land within the district of the City of Busselton. It was last reviewed in May 2020.

The Policy is considered relevant and applicable to officers in the assessment of applications for the exploration of coal. Before this type of licence is granted, the applicant is required to undergo a consultation process and notify the relevant local government of the application. The local government may object to the application; however the grounds of any objection are limited, particularly if the subject area lies outside a designated townsite (as defined by the Land Administration Act 1997). The Policy provides some guidance as to the grounds on which the City of Busselton may object to an application.

It should be noted that there are some gas reserves in the Whicher Range, and there has been exploratory drilling undertaken at times over the last few decades. At this stage, there has not been, and nor is there any active proposal for, commercial gas extraction. The current tenement owners have also indicated that, were they to proceed to commercial extraction, they would not use 'hydraulic fracturing' to do so.

OFFICER COMMENT

Having reviewed the Policy, no changes are recommended. Although it is rare for such applications to be made in the City of Busselton district, the Policy considered to be of continuing relevance. Minor administrative updates have been made to reflect alignment to the City's new Council Plan.

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's policies.

The Policy relates to applications made under section 8A of the Mining Act, as well as to applications made under applicable State petroleum legislation, which relates to onshore gas extraction. Offshore gas extraction is generally regulated under Federal law, and at this stage there have not been any proposals for offshore gas extraction within the region, although exploration permits have been sought in the past.

Relevant Plans and Policies

Not Applicable.

Financial Implications

Not Applicable.

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 risks identified of a medium or greater level associated with the officer recommendation.

Options

As an alternative to the proposed recommendation the Council could:

1. Choose to rescind the Policy; or
2. Adopt the Policy with further amendments.

CONCLUSION

A review of the Policy has been undertaken, with no substantive changes proposed. The Policy is recommended for readoption by the Council.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The officer recommendation will be implemented in full, 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: Applications for Exploration or Mining / Extraction Licences for Coal or Gas Extraction with Hydraulic Fracturing

Responsible Directorate: Community Planning **Version:** Draft

1. PURPOSE

- 1.1. The purpose of this Policy is to guide the City's response to notification of applications for exploration or mining licences for coal, or for extraction of gas using hydraulic fracturing.

2. SCOPE

- 2.1. This Policy is applicable to all land within the district of the City of Busselton and relates to applications under the Mining Act, whether wholly or partly over land within the district, for the purposes of coal and related materials extraction, or for extraction of gas using hydraulic fracturing under the Petroleum Legislation.
- 2.2. The Policy is not applicable to notification of applications that relate to mineral sands and related materials.

3. DEFINITIONS

Term	Meaning
Mining Act	<i>Mining Act 1978 (WA)</i>
Petroleum Legislation	means various State legislation relating to the extraction of petroleum and which applies to onshore gas extraction (offshore gas extraction is generally regulated at a Federal level)
Policy	this City of Busselton Council policy titled "Applications for Exploration or Mining / Extraction Licences for Coal or Gas Extraction with Hydraulic Fracturing"
Warden	as defined in section 8 of the Mining Act

4. STRATEGIC CONTEXT

Strategic Outcome	Objective
ENVIRONMENT	6: Care for and enhance our natural areas and habitats.

5. POLICY STATEMENT

- 5.1. The City of Busselton is committed to ensuring that the extraction of natural resources within the district is consistent with the economic, environmental and social sustainability of the area.
- 5.2. The mining of coal within the district is considered to be inconsistent with the objective in clause 5.1 due to the following:
- the potential for coal mining to jeopardise the quality and quantity of groundwater and surface water available in the district as is required for environmental and other uses;
 - the potential for coal mining to conflict with existing land uses in the district such as tourism, recreation, agriculture and viticulture; and
 - the significant community concern about proposed coal mining in the district and the potential for a coal mine to impact on the character, attraction and quality of life in the district.

- 5.3. With respect to a proposal that may be associated with exploration for or mining of coal, and which is referred to the City for comment, the City will, as appropriate to the circumstances, do the following things:
- lodge a letter of objection to any application for an exploration licence where it can be reasonably ascertained that coal is one of or the principal target mineral, and for which the City has received notification, with the reasons for that objection based on the City's concerns with coal mining identified in clause 5.2 above;
 - lodge a formal objection (Form 16) with the Warden to any application for a mining lease for coal for which the City has received notification, with the reasons for that objection based on the City's concerns with coal mining identified in clause 5.2 above;
 - in the case of either (a) or (b) above consider advocacy, both with the entity(s) involved in the proposal and at a political level, reflecting the concerns identified in clause 5.2 above, on behalf of the community.

Gas proposals that may involve hydraulic fracturing

- 5.4. The Council has significant concerns regarding the potential implications, particularly on groundwater resources, of any gas extraction activity in the district that may require hydraulic fracturing and therefore requires that any referral or advertising of an application or notification pertaining to this activity is to be reported to the Council for consideration of lodgement of a formal objection.

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. *Mining Act 1978 (WA)*

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE		Resolution #	
Previous Adoption	DATE	13 May 2020	Resolution #	C2005/129



Council Policy

Council Policy Name: Applications for Exploration or Mining / Extraction Licences for Coal or Gas Extraction with Hydraulic Fracturing

Responsible Directorate: Community Planning and Development **Version:** Draft~~Adopted~~
Services

1. PURPOSE

- 1.1. The purpose of this Policy is to guide the City's response to notification of applications for exploration or mining licences for coal, or for extraction of gas using hydraulic fracturing.

2. SCOPE

- 2.1. This Policy is applicable to all land within the district of the City of Busselton and relates to applications under the Mining Act, whether wholly or partly over land within the district, for the purposes of coal and related materials extraction, or for extraction of gas using hydraulic fracturing under the Petroleum Legislation.
- 2.2. The Policy is not applicable to notification of applications that relate to mineral sands and related materials.

3. DEFINITIONS

Term	Meaning
Mining Act	<i>Mining Act 1978 (WA)</i>
Petroleum Legislation	means various State legislation relating to the extraction of petroleum and which applies to onshore gas extraction (offshore gas extraction is generally regulated at a Federal level)
Policy	this City of Busselton Council policy titled "Applications for Exploration or Mining / Extraction Licences for Coal or Gas Extraction with Hydraulic Fracturing"
Warden	as defined in section 8 of the Mining Act

4. STRATEGIC CONTEXT

Strategic Theme Outcome	Objective
<u>Key Theme 2:</u> <u>ENVIRONMENT</u>	<u>6: Care for and enhance our natural areas and habitats.</u>

- 4.1. ~~This Policy links to Strategic Theme 1. — ENVIRONMENT — An environment that is valued, conserved and able to be enjoyed by current and future generations, of the City's Strategic Community Plan June 2021 and specifically the following Strategic Priority:~~
~~a. 1.1: Ensure protection and enhancement of environmental values is a central consideration in land use planning.~~
- 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 Priority:~~
- 4.3. ~~3.2: Facilitate and innovative and diversified economy that supports local enterprise, business investment and employment growth.~~

- ~~4.4. This Policy links to Strategic Theme 4- LEADERSHIP—A Council that connects with the community and is accountable in its decision-making, of the City’s Strategic Community Plan June 2021 and specifically the following Strategic Priority:~~
- ~~a. 4.2: Deliver governance systems that facilitate open, ethical and transparent decision-making.~~

5. POLICY STATEMENT

- 5.1. The City of Busselton is committed to ensuring that the extraction of natural resources within the district is consistent with the economic, environmental and social sustainability of the area.
- 5.2. The mining of coal within the district is considered to be inconsistent with the objective in clause 5.1 due to the following:
- a. the potential for coal mining to jeopardise the quality and quantity of groundwater and surface water available in the district as is required for environmental and other uses;
 - b. the potential for coal mining to conflict with existing land uses in the district such as tourism, recreation, agriculture and viticulture; and
 - c. the significant community concern about proposed coal mining in the district and the potential for a coal mine to impact on the character, attraction and quality of life in the district.
- 5.3. With respect to a proposal that may be associated with exploration for or mining of coal, and which is referred to the City for comment, the City will, as appropriate to the circumstances, do the following things:
- a. lodge a letter of objection to any application for an exploration licence where it can be reasonably ascertained that coal is one of or the principal target mineral, and for which the City has received notification, with the reasons for that objection based on the City’s concerns with coal mining identified in clause 5.2 above;
 - b. lodge a formal objection (Form 16) with the Warden to any application for a mining lease for coal for which the City has received notification, with the reasons for that objection based on the City’s concerns with coal mining identified in clause 5.2 above;
 - c. in the case of either (a) or (b) above consider advocacy, both with the entity(s) involved in the proposal and at a political level, reflecting the concerns identified in clause 5.2 above, on behalf of the community.

Gas proposals that may involve hydraulic fracturing

- 5.4. The Council has significant concerns regarding the potential implications, particularly on groundwater resources, of any gas extraction activity in the district that may require hydraulic fracturing and therefore requires that any referral or advertising of an application or notification pertaining to this activity is to be reported to the Council for consideration of lodgement of a formal objection.

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. *Mining Act 1978 (WA)*

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE		Resolution #	
Previous Adoption	DATE	13 May 2020	Resolution #	C2005/129

10.6 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 [6.6.1 - 3 pages] 2. Council Policy: Sponsorship Arrangements - tracked changes [6.6.2 - 3 pages]

OFFICER RECOMMENDATION

That the Council adopts 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. It follows a request from the Council to provide further consideration to paragraphs 5.5(b) and (g). 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.

The revised Policy was considered by the Policy and Legislation Committee on 18 September 2024 (PL2409/34) and by the Council on 16 October 2024 (C2410/270) where it resolved to:

“refer the draft Sponsorship Policy to the Policy and Legislation Committee to consider the merits and implications of the following matters and reasons:

- 1. cl. 5.5 b. rewrite the clause to be more specific about what is to be excluded and why.*
- 2. cl. 5.5 g. remove ‘or their friends and/or family’ and replace with ‘or closely associated persons.’”*

OFFICER COMMENT

The revised Policy presented with this report incorporates the committee recommendations from the 18 September 2024 meeting. This report considers the further requests made by the Council at the 16 October 2024 meeting.

The first request relates to paragraph 5.5(b) which deals with endorsements. The intent of paragraph 5.5(b) was to state that sponsorship will not be accepted where it requires the City to provide explicit endorsement of the sponsor or the sponsor’s activities, products or services. The term, endorsement, is widely used in sponsorship policies and is understood to mean something that goes beyond an acknowledgement and could for example be a request for a public recommendation or show of support. Concerns were raised that the previous paragraph 5.5(b) could be perceived a unlawfully discriminatory. As a consequence, paragraph 5.5(b) has been amended to attempt to alleviate any concerns relating to unlawful discrimination.

The second request relates to paragraph 5.5(g) which prohibits the provision of sponsorship or receipt of sponsorship in circumstances where it personally benefits City employees, or their friends or family. The intent of this paragraph was deal with conflicts of interest associated with sponsorship arrangements. Rather than amending clause 5.5(g) it is proposed that it is removed and that a separate conflicts of interest section is included in the Policy (see new paragraphs 5.10, 5.11 and 5.12).

A marked-up version of the Policy is attached at Attachment 2 comparing the Policy to the previous committee recommendation.

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 endorsing it; or
2. Choose not to endorse 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

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:
- 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

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 Outcome	Objective
LIFESTYLE	2: Recognise, respect and support arts, heritage and cultural diversity.
	3: Facilitate access to inclusive services, places and spaces to support community members to connect and thrive at every stage of life.
OPPORTUNITY	12: Facilitate an innovative and diversified economy that supports investment and growth.
	13: be a destination of choice for unique tourism experiences and events.

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. The City may have additional requirements, 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. 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 should demonstrate:
 - a. benefit to 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 compromise (perceived or actual) the City's reputation;
 - b. requires the City's endorsement of the Person or the Person's activities, products or services;
 - 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. 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.

Managing Conflicts of Interest

- 5.10. All City employees and elected members are bound by the relevant City of Busselton Codes of Conduct and are prohibited from receiving personal financial rewards for their involvement in the engagement of Sponsorship (including the solicitation, negotiation, authorisation or execution).

- 5.11. City employees and elected members receiving products, goods or services from sponsors, must disclose the receipt of such gifts in accordance with the City's policies and Code of Conduct.
- 5.12. City employees and elected members must also declare an interest if a closely associated person (as defined in the *Local Government Act 1995*) is negotiating or entering into Sponsorship with the City.

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
- 6.8. City of Busselton Employee Code of Conduct
- 6.9. City of Busselton Code of Conduct for Council Members, Committee Members and Candidates

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: Sponsorship Arrangements

Responsible Directorate: Economic and Business Development /
Community Planning

Version: **DRAFT**
committee
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:
- 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

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 ThemeOutcome	Strategic PriorityObjective
Key Theme 2: LIFESTYLE	2.1: <u>Recognise, respect and support arts, heritage and cultural diversity.</u> Recognise, respect and support community diversity and cultural heritage
	3.2.2: Work with key partners to facilitate a safe, healthy and capable community <u>Facilitate access to inclusive services, places and spaces to support community members to connect and thrive at every stage of life.</u>
	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 <u>12: Facilitate an innovative and diversified economy that supports investment and growth.</u>

	3.2: Facilitate an innovative and diversified economy that supports local enterprise, business investment and employment growth. <u>13: be a destination of choice for unique tourism experiences and events.</u>
	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. The City may have additional requirements, including:
 - a. acknowledgement of the City's Sponsorship;
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 - a. use of the City's logos, content and imagery;
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 - c. opportunities to develop co-branded marketing and/or promotional initiatives;
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- 5.4. A Sponsorship proposal should demonstrate:
 - a. benefit to 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 compromise (perceived or actual) the City's reputation;
 - b. requires the City's endorsement of ~~political parties, religious groups, commercial~~the Person or the Person's activities, products, ~~or~~ services, ~~businesses 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.g.~~ 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.

Managing Conflicts of Interest

5.10. All City employees and elected members are bound by the relevant City of Busselton Codes of Conduct and are prohibited from receiving personal financial rewards for their involvement in the engagement of Sponsorship (including the solicitation, negotiation, authorisation or execution).

5.11. City employees and elected members receiving products, goods or services from sponsors, must disclose the receipt of such gifts in accordance with the City's policies and Code of Conduct.

5.12. City employees and elected members must also declare an interest if a closely associated person (as defined in the *Local Government Act 1995*) is negotiating or entering into Sponsorship with the City.

6. RELATED DOCUMENTATION / LEGISLATION

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

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

7 CONFIDENTIAL MATTERS

Nil

8 NEXT MEETING DATE

To be confirmed.

9 CLOSURE