



COUNCIL AGENDA

SUPPLEMENTARY ITEMS

10 November 2021

ALL INFORMATION AVAILABLE IN VARIOUS FORMATS ON REQUEST

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CITY OF BUSSELTON

LATE ITEMS FOR THE COUNCIL MEETING TO BE HELD ON 10 NOVEMBER 2021

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17. CHIEF EXECUTIVE OFFICERS REPORT

17.2 STRATEGIC ENGAGEMENT WITH THE DUNSBOROUGH COMMUNITY - PROPOSED SUPPORT FOR FORMATION OF 'DUNSBOROUGH REFERENCE GROUP'

STRATEGIC THEME	LEADERSHIP - A Council that connects with the community and is accountable in its decision making.
STRATEGIC PRIORITY	4.1 Provide opportunities for the community to engage with Council and contribute to decision making.
SUBJECT INDEX	Stakeholder Relationship Management
BUSINESS UNIT	Planning and Development Services
REPORTING OFFICER	Director, Planning and Development Services - Paul Needham Manager Governance and Corporate Services - Sarah Pierson
AUTHORISING OFFICER	Chief Executive Officer - Mike Archer
NATURE OF DECISION	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations
VOTING REQUIREMENT	Simple Majority
ATTACHMENTS	Attachment A Draft 'Dunsborough Reference Group' terms of reference, as prepared by Dunsborough 2030 members

OFFICER RECOMMENDATION

That the Council, in line with its adopted Community Engagement Framework, supports engagement with a 'Dunsborough Reference Group' on strategic planning and other issues or proposals of strategic importance to the long term future of the Dunsborough community, generally as described below:

1. Key aims from a City perspective are as follows:
 - a) Provision of greater opportunity for stakeholders to contribute to considered decision making with respect to the future development of Dunsborough;
 - b) Assisting in identifying current and future community needs, and identifying and assessing options to meet those needs; and
 - c) Assisting in building partnerships and two-way communication between the City and the community, and within the community.
2. Formation of a 'Dunsborough Reference Group' led by members of the community, and consistent with the following –
 - a) The Group endeavours to establish and maintain a diverse membership base, broadly representative of the Dunsborough community as a whole, including –
 - Representatives of the Dunsborough & Districts Progress Association;
 - Representatives of the Dunsborough Yallingup Chamber of Commerce & Industry;
 - Representatives of Dunsborough 2030;
 - Persons involved in community and sporting clubs and associations; and
 - Other residents and ratepayers from Dunsborough and nearby areas;
 - b) The Group forms an 'executive' or similar, and adopts terms of reference broadly consistent with this resolution;

- c) The Group's executive is able to provide feedback or other input to the City and other stakeholders on behalf of the Group;
 - d) When input is sought from the Group by the City or other stakeholders, the individual members of the Group involved identify and declare potential or perceived financial conflicts of interest that may arise, and not involve themselves in the providing of input through the Group in those cases (although they would remain able to provide input through other means, in the same ways as any other citizen);
 - e) In the narrow range of circumstances where input is sought from the Group by the City or other stakeholders on a confidential basis, that confidence is respected; and
 - f) The Group and its members understand and respect the fact that City officers and Councillors may be limited in what they can say with respect to a particular matter due to confidentiality requirements and the need to avoid 'apprehended bias'.
3. Subject to the formation and maintenance of a Group consistent with point 2 above, the City commits to engage with the Group on the following terms:
- a) The City shall seek the input of the Group, through the Group's executive, prior to making decisions or forming positions on strategic planning and other issues or proposals of strategic importance to the long term future of the Dunsborough community;
 - b) The City shall consider the input provided by the Group, but is not obligated to accept or agree with the views expressed by the Group;
 - c) Matters about which input shall be sought include:
 - Strategic planning matters, including planning strategies or amendments to such strategies (which includes both City of Busselton and WAPC planning strategies), town planning schemes and amendments, and structure plans (including precinct structure plans);
 - Major development proposals that may have strategic implications (with the preference being that input is sought at the pre-application phase, but noting that will only occur with the agreement of the proponent, which the City will actively seek to obtain, and noting that timeframes may mean that input may not be able to sought through a meeting with the Group's executive);
 - City plans or projects relating to new or modified community, recreation or other infrastructure or services; and
 - State-led infrastructure projects;
 - d) Input may be sought either through meetings with the Group's executive, or through written communications, and the City will seek to meet with the Group's executive approximately 4 times per year, or as reasonably required;
 - e) When the City meets with the Group's executive to seek input, the City shall be represented by the following delegates of the City –
 - Cr _____, and Cr _____;
 - Cr _____, and Cr _____, as deputies; and
 - City staff as determined by the CEO;
 - f) If, during the course of a meeting between the City and the Group's executive, attendees are asked to vote or similar, City delegates shall not participate; and

- g) **The key role of both Councillors and City staff in such meetings shall be to listen to the input provided, respond to and ask questions, and provide information.**
4. **These arrangements will be reviewed and potentially adjusted, in consultation with the Group, in approximately 12 months.**
5. **These arrangements do not preclude other means of engagement with the Dunsborough community.**

EXECUTIVE SUMMARY

The Council is asked to consider the establishment of a relationship between the City and a proposed Dunsborough Reference Group (the Group) for the purposes of improved community engagement. Officers are recommending the Council support the idea and that 2 councillors (plus deputies) are endorsed as City delegates, when the City meets with the Group.

BACKGROUND

Over the next few years, a range of important decisions about the future of Dunsborough may need to be made by the City and other stakeholders, including the State Government. There have also been recent community concerns about the nature and scale of change occurring in the area, or which may occur in the future, with a number of people in the community feeling that their views and values are not being fully considered.

Those facts have contributed to the formation of the 'Dunsborough 2030' group, and have also led to the City having informal discussions with members of that group around the potential formation of a 'Dunsborough Reference Group'. The (commonly agreed) aim of establishing such a reference group is to increase the level of community engagement in strategic decisions that may affect the long-term future of the community.

City officers have previously informally sought the input of Councillors with respect to the formation of such a group, and have considered that input in preparing this report. The Council is now asked to give consideration to a proposal for the establishment of a relationship between the City and a proposed Dunsborough Reference Group.

The kinds of decisions that may need to be made includes, but is not necessarily limited to:

- Planning and development controls applying to the Dunsborough Town Centre, in particular the planned preparation of a 'Dunsborough Town Centre Precinct Structure Plan';
- Implementation of the WAPC's *Leeuwin-Naturaliste Sub-regional Planning Strategy*, in particular work to identify a 'Planning Investigation Area', which may provide for future urban expansion;
- Potentially, the development of an overall 'Dunsborough Townsite Strategy', or similar, which may seek to provide planning direction for the settlement of Dunsborough as a whole;
- The preparation of a new town planning scheme for the City, as required of the City by the WAPC;
- Planning for future community and recreational facilities, including at the Dunsborough Playing Fields/Naturaliste Community Centre site, the planned Dunsborough Lakes Sporting Precinct site and the Dunsborough Country Club site; and
- Planning for coastal nodes within the Dunsborough townsite, including at Old Dunsborough and in Quindalup.

OFFICER COMMENT

Given the kinds of decisions that may need to be made over the next few years, the level of community interest in those decisions, and the City's commitment to engage with the community, the formation of a 'Dunsborough Reference Group' or similar to support considered decision-making is seen as appropriate. There are a number of different models for the establishment of such a group – and there is not necessarily one 'right' or 'correct' model. It is up to the Council, the City more broadly, and the broader community, to identify a preferred model, and then work to ensure that model is effective.

Initially, the City had envisaged that a 'Dunsborough Reference Group' may be formed by the City itself. Such a group might have been similar to some other reference or advisory groups that the City has formed, usually with the formal support of Council through a Council resolution, such as the Lower Vasse River Management Advisory Group (noting that and other similar groups are not formal 'committees' of the Council), but are led by the City.

Members of the Dunsborough 2030 group, however, have proposed a different model, whereby a group is formed by members of the community, with the aim of having input into decision-making by the City, and potentially the State Government and/or other stakeholders. Individual members of the community are obviously free to form such a group without any formal recognition of that by the City. The City may also choose to engage with such groups as part of its decision-making processes, again without any formal recognition or structure. Doing so would be consistent with the City's Council-adopted *Community Engagement Framework 2021*, as well as long-standing practice the City has taken with groups formed to represent the interests of particular areas or interests, such as the Dunsborough & Districts Progress Association, Yallingup Residents' Association, Toby Inlet Catchment Group or Dunsborough Bay Yacht Club, amongst many others.

What members of the Dunsborough 2030 group have proposed, however, goes beyond what occurs with some other groups currently. A draft terms of reference, prepared by members of that group, is provided as Attachment A. This report recommends that the Council indicates support for an approach thought to be broadly consistent with what has been proposed. The reasons for that recommendation are chiefly that:

- The proposal looks to be broadly workable and able to contribute to better decision-making and greater community engagement;
- Relative to the alternative model, it may assist in ensuring a greater sense of community ownership of the group;
- Relative to the alternative model, it may assist in avoiding perceptions that the City may seek to 'control' the group;
- In common with a City formed reference group or similar, it avoids the formality and constraints of a formal committee of the Council; and
- Relative to the alternative model, and relative to existing approaches, it potentially reduces the commitment of City resources necessary to obtain considered and broad input from the community.

A model of this kind would certainly be unique for the City of Busselton, and City officers have no direct experience of this kind of model. But especially given the enthusiasm of some in the community for pursuing a model of this kind, officers feel it is worth doing so. If the Council agrees that the model proposed is appropriate, a question then arises as to how the relationship between the City and the Group is to be defined or determined?

With the alternative model, of a group formed by the City itself, the Council would ordinarily be asked to consider and adopt a terms of reference. If the Group is not being formed by the City itself, however, that is not necessary, and the group itself would need to establish its terms of reference (or equivalent); noting that work is already very well advanced. Further, whilst the Group has, to a reasonable degree, already begun to form, that process is not complete. It is also understood that the Group may not necessarily become an incorporated entity, so the exact point at which the group has ‘formed’ may not be clear.

Given the above, there appear to be two fundamental options for determining the relationship between the City and the Group. One may involve an agreement (such as a Memorandum of Understanding) between the City and the Group. The other would involve the City setting out its aims, commitments and expectations for the relationship, as outlined in the Officer Recommendation. Whilst in this case it is proposed that the Council make that decision, there is actually no statutory reason why it is necessary to do so to establish such a relationship, in the case of either option.

It is, however, the second option that is recommended. The principal reasons for that are:

- It is considered that the City’s aims are broadly consistent with the proposal that has been developed by members of the community;
- It should enable the relationship to begin somewhat sooner;
- It is relatively informal and adaptable; and
- Entering into an ‘agreement’ with what may be an unincorporated entity would be somewhat unusual.

Reflecting and building upon that option, the officer recommendation consists of five parts:

1. Potential aims that the City is seeking to achieve through the relationship;
2. Confirming key expectations in terms of the membership and operations of the Group;
3. Setting out the commitments that the City is making to the Group in terms of how it will engage with the Group;
4. Providing for a review of the approach in approximately 12 months (which is seen as appropriate, especially given the relative novelty of the approach proposed); and
5. Confirming that the relationship with the Group does not preclude other means of engaging with the Dunsborough community.

Some commentary on key aspects of parts 1-3 of the officer recommendation is set out below.

Aims of the relationship (part 1 of the recommendation)

The draft terms of reference, prepared by members of the Dunsborough 2030 group, and provided as Attachment A, does set out some objectives for the Dunsborough Reference Group. Those objectives describe what the Group may seek to examine, rather than what it may seek to achieve in terms of outcomes. The things identified as objectives are also essentially reflected in part 3 (c) of the officer recommendation, which seeks to set out the matters regarding which the City would seek input from the Group.

With the model proposed, it is up to the Group itself to determine the details of its terms of reference, but it is considered that the Council may wish to explicitly set out what it is trying to achieve, from its perspective, and the following is recommended:

- Provision of greater opportunity for stakeholders to contribute to considered decision making with respect to the future development of Dunsborough;
- Assisting in identifying current and future community needs, and identifying and assessing options to meet those needs; and
- Assisting in building partnerships and two-way communication between the City and the community, and within the community.

Expectations of the Group (part 2 of the officer recommendation)

In drafting part 2 of the officer recommendation, officers have sought to generally reflect the draft terms of reference. Rationale for aspects of part 2 is set out briefly below –

- Part 2 recognises that, for the identified aims to be met, it is important that the Group is broadly representative of the community, which is intended to include from an age, interest and background perspective;
- Part 2 (d) and (e) recognises that it would be appropriate for financial interests to be declared and confidences respected, to ensure that parties other than the City especially, will be comfortable providing information to the Group; and
- Part 2 (f) asks that the Group recognise that City representatives will be bound by certain governance constraints, recognition and understanding of which is important.

Commitments of the City (part 3 of the officer recommendation)

As well as confirming what it may expect of the Group, it is important that the City set out what commitment it is making to the Group and the relationship. Some aspects of the proposed commitments and associated rationale are set out briefly below –

- Parts 3 (a) and (b) set out that the City shall seek input prior to making decisions, and will consider, but is not bound by, the input of the Group – which is a reflection of the fact that the City, including the Council, cannot delegate its decision-making responsibilities to the Group;
- Part 3 (c) sets out the matters regarding which input will be sought, which includes both ‘town planning’ matters, but also other kinds of strategic decisions, which are also important for the future of the community; and
- Part 3 (f) and (g) seek to clarify the role of City delegates at meetings with the Group.

Statutory Environment

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

Relevant Plans and Policies

The officer recommendation aligns to the adopted *City of Busselton Community Engagement Framework 2021*.

Financial Implications

There are no significant financial implications associated with the officer recommendation, other than with respect to the time of Councillors and City officers, some of which is likely to be required outside normal business hours. This can be accommodated within current City budget parameters.

Stakeholder Consultation

The recommendation of the report itself relates to approaches to future stakeholder consultation. In preparing this report, City officers have communicated with members of the Dunsborough 2030 group on several occasions. The Mayor and (now) Deputy Mayor, as well as the CEO and Director of Planning and Development services also attended a meeting organised by that group in October 2021, where this matter was discussed.

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.

It should be noted that a reputational risk exists in the event that Council chooses not to support engaging in manner outlined with an established Dunsborough Reference Group. This risk is assessed as medium, noting there is significant community interest in the future development of Dunsborough and there appears to be broad support for the establishment of a Reference Group such as this.

Options

As an alternative to the officer recommendation the Council could:

1. Not support engaging with formation of a Dunsborough Reference Group in the way outlined in this report;
2. Not express a view on the matter; or
3. Support an alternative model.

CONCLUSION

As already noted, given the kinds of decisions that may need to be made over the next few years, the level of community interest in those decisions, and the City's commitment to improve its engagement with the community, the formation of a 'Dunsborough Reference Group' or similar to support considered decision-making is seen as appropriate. Whilst the model proposed is somewhat novel, officers feel it is worth doing, especially given the enthusiasm of some in the community for pursuing a model of this kind. It is considered that the formation of such a group, and the building of an engaged and productive relationship between the City and the group, could make a significant contribution to better decision-making and greater engagement, to the long-term benefit of the Dunsborough community.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

It is anticipated that the Group could be formed prior to the end of the 2021 calendar year.

DUNSBOROUGH REFERENCE GROUP

TERMS OF REFERENCE

1. INTRODUCTION

- a) Dunsborough2030, The Dunsborough and Districts Progress Association Inc and The Dunsborough and Yallingup Chamber of Commerce Inc have proposed to the City of Busselton the establishment of a Dunsborough Reference Group ("the Group").
- b) It is proposed that the Group would consider and make recommendations to the City regarding significant and strategic plans for the town of Dunsborough and/or its surrounding areas (hereinafter called "Dunsborough").

2. OBJECTIVES

The objectives of the Group are to consider and make recommendations to the City Council in respect of:

- a) All proposed strategic planning documents affecting Dunsborough, including the Precinct Structure Plan for the town centre of Dunsborough and the Dunsborough Town Strategy Plan;
- b) Such proposed structure plans, development applications and subdivision proposals in respect of land in Dunsborough as may be considered by the City to have strategic impact upon Dunsborough;
- c) The required new Town planning scheme and amendments to the existing scheme of the City in so far as they impact upon Dunsborough;
- d) Proposals and decisions of the State Government, the Minister for Planning or the WA Planning Commission that may impact upon Dunsborough;
- e) All proposals for infrastructure or services or other proposals that may have a significant impact upon Dunsborough.
- f) Current and future community needs of Dunsborough.

3. CONSULTATION

It is intended that:

- a) The Group will consult the Community of Dunsborough and keep it informed of all matters the subject of its considerations and recommendations;
- b) The City will consult with and inform the Group of its considerations and decisions at all stages of proposals the subject of the Group's objectives; and
- c) The Group will keep the City informed of its views and the views of the community of Dunsborough in respect of all matters the subject of the Group's objectives.
- d) The Group will provide feedback to the City, State agencies, infrastructure providers, service providers and prospective developers on plans and priorities for development control and regulation, infrastructure development, property development and service provision.

4. MEMBERSHIP

The Group shall consist of the following:

- a) Two representatives of each of:
 - (i) The Dunsborough and Districts Progress Association Inc,
 - (ii) The Dunsborough and Yallingup Chamber of Commerce Inc,
 - (iii) Dunsborough2030;
- b) Two Elected Members of the Council of the City;
- c) Four representatives of other community clubs and associations in Dunsborough selected by the representatives referred to in subparagraph a) hereof;
- d) Four individuals who are residents of Dunsborough and appointed by the representatives referred to in subparagraph a) hereof.
- e) The Presiding member of the Group shall be chosen by the representatives referred to in subparagraph a) hereof;

5. MEETINGS

The Group shall meet at such times and in accordance with such rules as shall be determined from time to time by the Group.

6. PROFESSIONAL SUPPORT

The City shall instruct its Strategic planning staff to provide professional advice and support for the Group and to attend meetings of the Group.

7. REPORTS

The Group shall report to the City on its decisions and recommendation.

8. STATUS OF RECOMMENDATIONS

The recommendations of the Group shall be considered by the Council of the City prior to making any decisions on which recommendations have been made.

9. CONFIDENTIALITY

In recognition of the fact that on occasions it is appropriate that discussions regarding planning issues be kept confidential the Group will at the request of the City meet to discuss such issues at meetings that are closed to other members and members of the public and will keep confidential information provided by the City to such meetings until such time as the City shall determine that the confidentiality is no longer required.