

Please note: These minutes are yet to be confirmed as a true record of proceedings

**CITY OF BUSSELTON**

**MINUTES FOR THE COUNCIL MEETING HELD ON 11 NOVEMBER 2020**

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## MINUTES

MINUTES OF A MEETING OF THE BUSSELTON CITY COUNCIL HELD IN COUNCIL CHAMBERS,  
ADMINISTRATION BUILDING, SOUTHERN DRIVE, BUSSELTON, ON 11 NOVEMBER 2020 AT 5.30PM.

1. DECLARATION OF OPENING ACKNOWLEDGEMENT OF COUNTRY / ACKNOWLEDGEMENT OF VISITORS / DISCLAIMER / NOTICE OF RECORDING OF PROCEEDINGS

The Presiding Member opened the meeting at 5.30pm.

2. ATTENDANCE

Presiding Member:

Cr Grant Henley Mayor

Members:

Cr Kelly Hick Deputy Mayor  
Cr Sue Riccelli  
Cr Ross Paine  
Cr Kate Cox  
Cr Paul Carter  
Cr Phill Cronin  
Cr Jo Barrett-Lennard  
Cr Lyndon Miles

Officers:

Mr Mike Archer, Chief Executive Officer  
Mr Oliver Darby, Director, Engineering and Works Services  
Ms Lee Reddell, A/Director, Planning and Development Services  
Mrs Naomi Searle, Director, Community and Commercial Services  
Mr Tony Nottle, Director, Finance and Corporate Services  
Mrs Emma Heys, Governance Coordinator  
Ms Melissa Egan, Governance Officer

Apologies:

Nil

Approved Leave of Absence:

Nil

Media:

0

Public:

10

**3. PRAYER**

The prayer was delivered by Pastor Simon Holmes of the Busselton Baptist Church.

The Mayor delivered the Ode of Remembrance in honour of Remembrance Day.

**4. APPLICATION FOR LEAVE OF ABSENCE**

Nil

**5. DISCLOSURE OF INTERESTS**

The Mayor noted that a declaration of financial interest had been received from Mr Mike Archer, Chief Executive Officer, in relation to Confidential Agenda Item 20.1 'CEO Performance Review'.

The Mayor advised that in accordance with the *Local Government (Rules of Conduct) Regulations 2007* this declaration would be read out immediately before Item 20.1 was discussed.

**6. ANNOUNCEMENTS WITHOUT DISCUSSION****Announcements by the Presiding Member**

Nil

**7. QUESTION TIME FOR PUBLIC****Response to Previous Questions Taken on Notice**

Nil

**Question Time for Public**

The following questions were submitted by email prior to the meeting with Officers providing a response that was read out by the Mayor at the meeting:

**7.1 Mr Peter Robinson****Question**

Why is the City of Busselton Council not taking responsibility for your own rubbish in your own local government area?

**Response**

The City of Busselton's preference would be not to have to send waste to landfill. The City has provided leadership in this regard by coordinating the South West Local Government Regional Waste Strategy Group with a view to transitioning to other sustainable means of waste disposal in the future. Currently, City officers are investigating a range of new technologies and opportunities to recycle waste materials.

However, in the absence of no current alternative options in the interim, such as waste to energy thermal plants, waste to energy biological plants etc, continuance of landfilling is the only option.

The City is considering implementing FOGO (Food Organics Garden Organics) in the near future which we believe will reduce the amount of waste by 50% or more going to landfill.

The Cleanaway Dardanup Landfill facility is a Class III lined landfill. The facility has been approved by the State's Environmental Protection Agency and operates under a licence regulated by the Department of Water and Environmental Regulation. The City of Busselton, along with other businesses and local government authorities, are able to access this privately operated landfill facility, to dispose of waste material in accordance with their licence.

## 7.2 Mr David Birch

### **Question**

Is this City of Busselton Council comfortable directly contributing to and potentially promulgating the disruption and discomfort of the amenity and lifestyle of Dardanup residents and their wishes by supporting Cleanaway's relentless business model for the sake of saving your ratepayers a few dollars?

### **Response**

The Cleanaway Dardanup Landfill facility is a Class III lined landfill. The facility has been approved by the State's Environmental Protection Agency and operates under a licence regulated by the Department of Water and Environmental Regulation. The City of Busselton, along with other businesses and local government authorities are able to access this privately operated landfill facility, to dispose of waste material in accordance with their licence.

### **Question**

What is the expected life span of the Busselton's refuse site at its current waste acceptance rate and what would be the expected life span of the Busselton refuse site if the waste that the City of Busselton currently sends to Cleanaway's Dardanup waste site was directed to the Council's own site?

### **Response**

Waste from Dunsborough and Vasse is currently disposed into the City's Vidler Road Waste Disposal Site at Yallingup and the remaining life expectancy of the current cell is approximately three years at the current disposal rate. This lifespan would reduce to approximately one year if the Dardanup Landfill was not utilised.

## 7.3 Mr Andrew White (on behalf of Ms Jill Cross OAM)

### **Question**

How comfortable are you as Councillors with the fact that you are negatively impacting our tourism industry by allowing your large trucks to drive through our town towards Ferguson Valley when you as a City place great importance on tourism in your own City?

**Response**

In accordance with traffic counts performed by Main Roads WA in 2017/2018 for Ferguson Road, east of Waterloo Road, 587 trucks use this road on a weekly basis. The City has a total of eight trips (or 16 movements) per week, equating to less than 2.9% of the total truck movements. Use of the road for this purpose is not inappropriate, especially as the vehicles are “as of right” vehicles and are able to utilise the road. City of Busselton waste truck drivers are well experienced and abide by the *Road Traffic Act*, and we are not aware of any issues with driver behaviour.

7.4 Ms Fiona Moriarty**Question**

Given that the City of Busselton has had significant concerns with your own aquifer contamination and now that you are aware of the associated risks to the three aquifers beneath the Dardanup Landfill and that your rubbish is being dumped over aquifers that are drawn upon for mains drinking water, growing food, stock and irrigation, will the City of Busselton Council cease its contract with Cleanaway to transport its rubbish to this geologically most unsuitable landfill site?

**Response**

The Cleanaway Dardanup Landfill facility is a Class III lined landfill and has been approved by the State’s Environmental Protection Agency and operates under a licence regulated by the Department of Water and Environmental Regulation. The City of Busselton, along with other businesses and local government authorities are able to access this privately operated landfill facility, to dispose of waste material in accordance with their licence.

Having been involved in the regional waste facility conversation for many years, I am aware that we have had many hurdles put in our way to try to develop a regional waste facility, and have looked at various sites. Unfortunately, no-one wants to see one anywhere near themselves. We did have some other sites that we identified, including in the City of Busselton, but we have not been able to progress those at this stage. We will continue to work towards that.

**Question**

Given that the City of Busselton is likely to have contracts for rubbish receipt with Cleanaway, when is the earliest that your deliveries to the Banksia Road site can cease?

**Response**

Unless the regulators of Part V of the *Environmental Protection Act 1979* indicate otherwise, the City sees no need to discontinue the use of the Cleanaway Dardanup Landfill facility. However, as mentioned in answer to other questions, the City’s preference would be not to have to send waste to landfill. The City has provided leadership in this regard by coordinating the South West Local Government Regional Waste Strategy Group with a view to transitioning to other sustainable means of waste disposal in the future. Our City officers are investigating a range of new technologies and opportunities to recycle waste materials. However, in the absence of no current alternative options in the interim, then continuing of landfilling is the only option.

7.5 Ms Ellen Lilly**Question**

Why is the City of Busselton Council refusing to accommodate a child safety curfew with your truck movements?

**Response**

The City currently transports general waste to the Cleanaway Dardanup Landfill facility eight trips a week, of which three of these trips would occur during the school zone hours. The vehicles are “as of right” vehicles and can use Ferguson Road at any point in time of the day or night whilst adhering to speed limits and compliance with the relevant legislation.

The City is undertaking this transport activity in full compliance with the relevant legislations. Furthermore, it has installed a GPS based tracking system and dash cameras to all its refuse collection vehicles and has undertaken additional driver training. As no formal curfew exists for this section of road preventing the access of semi-trailers, along with the above-mentioned risk mitigation measures, the City is adhering to the road traffic requirements associated with the school zone with a 40km/h speed limit. The only way to completely mitigate risks to children would be a total ban of all vehicles through the school zone during the associated school hours. Our staff could look at our hours of operation to see if they can be amended.

**Question**

As Councillors, are you happy to be responsible for the pollutant emissions from the waste kilometres generated by your trucks?

**Response**

Waste collection is an essential service. The combined emissions total of various waste collection vehicles making multiple trips to the City’s Vidler Road Landfill facility outweigh the single prime mover semi-trailer set-up, transporting general waste to the Cleanaway Dardanup Landfill facility. The City is also currently investigating the use of electric trucks for waste collection to further reduce emissions.

**8. CONFIRMATION AND RECEIPT OF MINUTES****Previous Council Meetings**8.1 Minutes of the Council Meeting held 28 October 2020**COUNCIL DECISION****C2011/125** Moved Councillor L Miles, seconded Deputy Mayor K Hick**That the Minutes of the Council Meeting held 28 October 2020 be confirmed as a true and correct record.****CARRIED 9/0****Committee Meetings**8.2 Minutes of the Policy and Legislation Committee Meeting held 28 October 2020**COUNCIL DECISION****C2011/126** Moved Councillor R Paine, seconded Councillor K Cox**That the Minutes of the Policy and Legislation Committee Meeting held 28 October 2020 be noted.****CARRIED 9/0****9. RECEIVING OF PETITIONS, PRESENTATIONS AND DEPUTATIONS****Petitions**

Nil

**Presentations**

Nil

**Deputations**

Nil

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

Nil

**11. ITEMS BROUGHT FORWARD****ADOPTION BY EXCEPTION RESOLUTION**

At this juncture the Mayor advised the meeting that, with the exception of the items identified to be withdrawn for discussion, the remaining reports, including the Committee and Officer Recommendations, will be adopted en bloc, i.e. all together.

**COUNCIL DECISION**



**That the Committee and Officer Recommendations in relation to the following agenda items be carried en bloc:**

- 12.2 Policy and Legislation Committee - 28/10/2020 - REVIEW OF COUNCIL POLICY:  
AUDIO RECORDING OF COUNCIL MEETINGS**
- 16.1 COUNCIL MEETING DATES 2021**
- 17.1 COUNCILLORS' INFORMATION BULLETIN**

**CARRIED 9/0**



12.2 Policy and Legislation Committee - 28/10/2020 - REVIEW OF COUNCIL POLICY: AUDIO RECORDING OF COUNCIL MEETINGS

<b>STRATEGIC GOAL</b>	6. LEADERSHIP Visionary, collaborative, accountable
<b>STRATEGIC OBJECTIVE</b>	6.1 Governance systems, process and practices are responsible, ethical and transparent.
<b>SUBJECT INDEX</b>	Council Policies
<b>BUSINESS UNIT</b>	Governance Services
<b>REPORTING OFFICER</b>	Governance Officer - Melissa Egan
<b>AUTHORISING OFFICER</b>	Director Finance and Corporate Services - Tony Nottle
<b>NATURE OF DECISION</b>	Executive: substantial direction setting, including adopting strategies, plans and policies (excluding local planning policies), tenders, setting and amending budgets, funding, donations and sponsorships, reviewing committee recommendations
<b>VOTING REQUIREMENT</b>	Simple Majority
<b>ATTACHMENTS</b>	Attachment A Proposed Council Policy Recording and Livestreaming of Council Meetings  Attachment B Current Policy - Audio Recording of Council Meetings 

**This item was considered by the Policy and Legislation Committee at its meeting on 28/10/2020, the recommendations from which have been included in this report.**

OFFICER RECOMMENDATION

That the Council adopts the revised Council policy: 'Recording and Livestreaming of Council Meetings' at Attachment A, to replace the current Council policy 'Audio Recording of Council Meetings' at Attachment B.

COUNCIL DECISION AND COMMITTEE RECOMMENDATION

**C2011/127** Moved Councillor L Miles, seconded Councillor P Cronin

**That the Council adopts the revised Council policy: 'Recording and Livestreaming of Council Meetings' at Attachment A, to replace the current Council policy 'Audio Recording of Council Meetings' at Attachment B, with an amendment to delete the wording in paragraph 5.9 and replace it with the wording to read: "The City retains copyright over its livestreaming and recordings of its Council meetings".**

**CARRIED 9/0**

**EN BLOC**

Reasons: The Committee considered that paragraph 5.9 should be amended to refer in general to the copyright held by the City over its livestreaming and recordings, and its rights can be inferred from its copyrights and relevant legislation.

**EXECUTIVE SUMMARY**

This report presents a revised Council policy 'Recording and Livestreaming of Council Meetings' (Attachment A) (the Policy), with officers recommending it replace the current Council policy 'Audio Recording of Council Meetings' (Attachment B).

## **BACKGROUND**

The policy was originally adopted by Council at its Ordinary Meeting on 11 June 2019 (C1906/108) following a request from a member of the public for a copy of a recording of an Ordinary Council Meeting and pursuant to advice from the Western Australian Local Government Association (WALGA). The review of the policy also considered the recommendations of the Governance Services Review conducted in 2017.

The City's *Standing Orders Local Law 2018* (Standing Orders) provides for the Chief Executive Officer to audio record meetings for the purpose of taking minutes. Any such recordings are considered a record under the *State Records Act 2000* and are required to be retained for one year after the minutes are confirmed. These recordings are therefore considered to be available under the *Freedom of Information Act 1992*.

The City has, in the past, facilitated the electronic attendance of Councillors at meetings pursuant to regulation 14A of the *Local Government (Administration) Regulations* (Regulations), only on an as-needs basis and in accordance with the conditions of the applicable regulation. With the onset of COVID-19 and amendments made to the *Local Government Act 1995* (Act) to provide for circumstances of a natural disaster, public health emergency or state of emergency, officers have provided electronic means of attendance (i.e. Zoom meeting connection) and have developed meeting procedures that incorporates electronic attendance. The City also began livestreaming its meetings on a regular basis to allow the public to watch a meeting when personal attendance in Chambers was restricted.

Due to COVID, and the physical restrictions on attendance at Council meetings, the City facilitated the attendance of Councillors and the public through electronic means as a way to continue Council business and the engagement of the public in the Council's decision-making processes. This process also included receiving questions to Council via email to be responded to during Council meetings (as provided for by regulation 14E of the *Local Government (Administration) Amendment Regulations 2000*).

As an outcome of a briefing to Council on 14 October 2020, officers have prepared a revised Policy that incorporates Council's direction and extends the scope of the Policy to include video recordings and livestreaming of meetings, with the renaming of the Policy to reflect this extension of its scope.

## **OFFICER COMMENT**

Following a relaxation of physical distancing guidelines imposed as a result of COVID, Councillors and Senior Management have been attending meetings in person, with public attendance encouraged but carefully regulated to maintain social distancing and health guidelines. Officers are comfortable that the Act, Regulations and the City's Standing Orders are sufficient to guide the attendance of Councillors at meetings, by electronic means or otherwise. As the City has an obligation to encourage and enable public participation in Council meetings – and the increasing expectation that alternative (electronic) means of participation will be offered – officers have sought direction from Council as to providing these options to the public on a standard basis. Having obtained Council's direction at a briefing presented on 14 October 2020, officers recommend that the current policy is amended to provide for video as well as audio recordings and the livestreaming of meetings. This will give greater clarity for officers and enable further development of operational practices as required.

In revising the Policy, officers considered several relevant issues which are set out briefly below.

### Technical Requirements

The City has sufficient technical infrastructure to manage the electronic attendance of Councillors and the public at its meetings. The City's technical capabilities will continue to be developed into the future in conjunction with the implementation of the City's new website, which will assist in a more efficient process and ease of public access.

It will be important to manage expectations and the extent of the City's responsibility for a person's electronic connection to a meeting. Unless it is clear that a technical issue is caused and can be remedied by the City, a person should remain responsible for their technical and internet capabilities. This will be managed at an operational level, for example, when accepting a request for electronic attendance, the City's response will contain a disclaimer of the City's responsibilities to the extent a person is responsible for their own internet connection and computer technology, and that the City takes no responsibility if a person loses connection to a meeting.

### Confidentiality

There is a concern that a recording of a meeting will expose matters of confidentiality and that the City has less control over a broadcast of a meeting than it does with written minutes (which record only a summary of pertinent questions and responses, and the decisions made by Council). The *Local Government (Administration) Amendment Regulations 2000* deal with matters of confidentiality, in the sense that a recording and livestream of a meeting can be ceased in the same manner a meeting is closed to the members of the public. This provides clarity to officers to simply cease the audio and video stream of a meeting at the time a meeting is closed for reasons of confidentiality, so that any confidential matters heard behind closed doors are not broadcast or recorded.

### Defamation

There is also the concern that Councillors and members of the public may be conscious of being recorded and broadcast live, which in turn impacts on their ability speaking freely while in Chambers.

Section 9.57A of the *Local Government Legislation Amendment Act 2019* (WA) encourages local governments to livestream its proceedings and provides statutory protection for the local government from defamation for publishing Council proceedings on its website. This protection does not extend to the individual who made the comment, however, this is no different to circumstances if the meeting is not broadcast, as it is still deemed to be a statement made in a public forum.

### Record of Meeting

It is important to emphasise that a livestream and recording should not replace the Minutes as the formal record of a meeting. This can, again, be managed at an operational level with, for example, a written disclaimer on the City's streaming platform, and the ability to add a caption or watermark on the video which states that it is a broadcast only and not a formal record of the meeting.

It is also important to note that a video or audio recording of a meeting would be considered as a "record" under the *State Records Act 2000*, and that the publication and storage of the recording should be treated pursuant to the requirements of this Act. Officers are comfortable, having received internal advice from the City's Records officers, that the intention to retain the record on the City's streaming platform, with a link to the recording available on the City's website, provides sufficient access to, and storage of, the record to meet the requirements of the *State Records Act*. The file of the recording and its link will be removed or deleted after one year in accordance with the guidelines of the State Records Office.

### **Statutory Environment**

- The *Local Government Act 1995* and the City's Standing Orders provide for and encourage public attendance and transparency at meetings.
- The *Local Government (Administration) Amendment Regulations 2000* deal with matters of confidentiality and the closure of meetings.
- Section 9.57A of the *Local Government Legislation Amendment Act 2019* provides statutory protection for the local government from defamation for publishing Council proceedings on its website.

### **Relevant Plans and Policies**

There are no relevant plans or other policies to consider in relation to this matter.

### **Financial Implications**

There are no financial implications associated with the Officer Recommendation.

### **Stakeholder Consultation**

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

### **Risk Assessment**

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

### **Options**

As an alternative to the proposed recommendation, the Council could:

1. Make additional amendments to the Policy; or
2. Decline to endorse the Policy and rely on the current Policy. It is the opinion of officers that the scope of the current Policy does not sufficiently cover electronic means of attendance and the livestreaming of meetings, which is becoming an accepted practice for local government.

### **CONCLUSION**

A revised Policy 'Recording and Livestreaming of Council Meetings' is presented for Council's approval.

### **TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

The Policy will be placed on the City's website within one week of Council adoption.

COUNCIL POLICY		
		 City of Busselton <i>Geographic Bay</i>
Council Policy Name:	Recording and Livestreaming of Council Meetings	
Responsible Directorate:	Finance and Corporate Services	Version: Proposed

**1. PURPOSE**

- 1.1. The City of Busselton's *Standing Orders Local Law 2018* provides for the Chief Executive Officer to record the proceedings of a meeting for the purpose of taking minutes.
- 1.2. The purpose of this Policy is to outline the City's position with respect to the recording and Livestreaming of Council meetings and access to the recorded proceedings.

**2. SCOPE**

- 2.1. This Policy applies to the Livestreaming and recordings of Council meetings and all requests for such recordings.

**3. DEFINITIONS**

Term	Meaning
Act	<i>Local Government Act 1995</i>
Livestream	to transmit or receive live video and audio coverage of an event over the internet with the content simultaneously recorded and broadcast in real time to the viewer
Policy	this City of Busselton Council policy titled "Recording and Livestreaming of Council Meetings"

**4. STRATEGIC CONTEXT**

- 4.1. This Policy links to Key Goal Area 6 – Leadership of the City's Strategic Community Plan 2017 and specifically Community Objective 6:1: Governance systems, process and practices are responsible, ethical and transparent.

**5. POLICY STATEMENT**

- 5.1. All Ordinary and Special Council meetings will, wherever technically possible, be recorded on an audio device and will be made available by Livestream.
- 5.2. The primary purpose of recording and Livestreaming Council meetings is to:
  - a. assist in the preparation of the minutes of Council meetings; and
  - a. facilitate increased engagement of the community in the City's decision making processes.
- 5.3. The official record of the meeting will be the written minutes prepared in accordance with the requirements of the Act and the *Local Government (Administration) Regulations 1996*.

- 5.4. Council may resolve to close the meeting to the public in accordance with section 5.23 of the Act. Recording and the Livestream of the meeting will be ceased when the meeting is closed to the public.
- 5.5. Clear signage will be placed in the Council chamber advising members of the public that the meeting will be recorded and Livestreamed.
- 5.6. Other than in accordance with this Policy, a person must not use any recording device or instrument to record the proceedings of a meeting without the written permission of the Presiding Member.
- 5.7. The Presiding Member may rule at any time prior to or during a meeting that the Livestream be stopped.
- 5.8. Recordings of the Livestream of a meeting will be available on the City's You Tube page and / or website until such time as the minutes of that meeting have been confirmed.
- 5.9. A Livestream or recording must not be altered, reproduced or republished without the permission of the City.
- 5.10. Members of the public may, by written request to the CEO, purchase a copy of an audio recording of a meeting, with the fee for purchase set out in the City's fees and charges each year.
- 5.11. Members of the public are not entitled to receive a copy of the recording of any part of the meeting that was declared confidential and closed to the public.
- 5.12. Elected Members may request from the CEO an audio recording of a meeting at no charge.
- 5.13. All Elected Members are to be notified when requests for recordings have been received.
- 5.14. Recordings will not be transcribed.
- 5.15. Recordings will be stored and disposed of in accordance with the *State Records Act 2000*.
- 5.16. Under section 9.57A of the Act, the City is not liable for defamation in relation to a matter published on its website as part of a Livestream or recording of a Council meeting. Elected members and City Officers are not liable in defamation for any statements made in good faith or to which a defence is available under the *Defamation Act 2005*.

**6. RELATED DOCUMENTATION / LEGISLATION**

- 6.1 *City of Busselton Standing Orders Local Law 2018*
- 6.2 *Local Government Act 1995*
- 6.3 *Local Government (Administration) Regulations 1996*
- 6.4 *State Records Act 2000*

**7. REVIEW DETAILS**

<b>Review Frequency</b>		3 yearly		
<b>Council Adoption</b>	<b>DATE</b>		<b>Resolution #</b>	
<b>Previous Adoption</b>	<b>DATE</b>	26 June 2019	<b>Resolution #</b>	C1906/108

**COUNCIL POLICY**



Council Policy Name: Audio Recording of Council Meetings

Responsible Directorate: Finance and Corporate Services      Version: Current

**1. PURPOSE**

- 1.1. The City of Busselton's *Standing Orders Local Law 2018* provides for the Chief Executive Officer to audio record the proceedings of a meeting for the purpose of taking minutes.
- 1.2. The purpose of this Policy is to outline the City's position with respect to the audio recording of Council meetings and access to the recorded proceedings.

**2. SCOPE**

- 2.1. This Policy applies to all Council meetings, all recorded Council meeting proceedings and all requests for such recordings.

**3. DEFINITIONS**

Term	Meaning
Act	<i>Local Government Act 1995</i>
Policy	this City of Busselton Council policy entitled "Audio Recording of Council Meetings"

**4. STRATEGIC CONTEXT**

- 4.1. This policy links to Key Goal Area 6 – Leadership of the City's Strategic Community Plan 2017 and specifically the Community Objective 6:1: Governance systems, process and practices are responsible, ethical and transparent.

**5. POLICY STATEMENT**

- 5.1. All Ordinary and Special Council meetings will, wherever technically possible, be recorded by the City on sound recording equipment, including where Council has resolved to close the meeting to members of the public in accordance with Section 5.23 of the Act and the *City of Busselton's Standing Orders Local Law 2018*.
- 5.2. The primary purpose of recording Council meetings is to assist in the preparation of the minutes of Council meetings.
- 5.3. The official record of the meeting will be the written minutes prepared in accordance with the requirements of the Act and the *Local Government (Administration) Regulations 1996*.
- 5.4. Clear signage will be placed in the Council chamber advising members of the public that the meeting will be audio recorded. Signage will also alert members of the public to the use of any other recording, audio or visual devices in use from time to time.

- 5.5. Other than in accordance with this Policy, a person must not use any electronic, visual or audio recording device or instrument to record the proceedings of a Council (or committee) meeting without the written permission of the Presiding Member.
- 5.6. Members of the public may, by written request to the CEO, purchase a copy of the recorded proceedings, with the fee for purchase set out in the City's fees and charges each year.
- 5.7. Members of the public are not entitled to receive a copy of the recording of that part of the meeting that was declared confidential and closed to the public.
- 5.8. Elected Members may request from the CEO a copy of the recorded proceedings at no charge.
- 5.9. All Elected Members are to be notified when requests for recordings have been received.
- 5.10. Recordings will not be transcribed.
- 5.11. Recordings will be stored in accordance with the *State Records Act 2000*.

**6. RELATED DOCUMENTATION / LEGISLATION**



- 6.1. *Local Government Act 1995*
- 6.2. *State Records Act 2000*
- 6.3. *City of Busselton Standing Orders Local Law 2018*

**7. REVIEW DETAILS**

<b>Review Frequency</b>		3 yearly		
<b>Council Adoption</b>	<b>DATE</b>	26 June 2019	<b>Resolution #</b>	C1906/108
<b>Previous Adoption</b>	<b>DATE</b>	N/A	<b>Resolution #</b>	N/A



**16. FINANCE AND CORPORATE SERVICES REPORT****16.1 COUNCIL MEETING DATES 2021**

<b>STRATEGIC GOAL</b>	6. LEADERSHIP Visionary, collaborative, accountable
<b>STRATEGIC OBJECTIVE</b>	6.1 Governance systems, process and practices are responsible, ethical and transparent.
<b>SUBJECT INDEX</b>	Council Meetings
<b>BUSINESS UNIT</b>	Governance Services
<b>REPORTING OFFICER</b>	Governance Coordinator - Emma Heys
<b>AUTHORISING OFFICER</b>	Director Finance and Corporate Services - Tony Nottle
<b>NATURE OF DECISION</b>	Executive: substantial direction setting, including adopting strategies, plans and policies (excluding local planning policies), tenders, setting and amending budgets, funding, donations and sponsorships, reviewing committee recommendations
<b>VOTING REQUIREMENT</b>	Simple Majority
<b>ATTACHMENTS</b>	Attachment A Proposed 2021 Ordinary Council Meeting Dates  

**COUNCIL DECISION AND OFFICER RECOMMENDATION****C2011/128**

Moved Councillor L Miles, seconded Councillor P Cronin

**That Council adopts the Ordinary Council Meeting dates for the 2021 calendar year as follows:****Wednesday 27 January****Wednesday 10 February****Wednesday 24 February****Wednesday 10 March****Wednesday 24 March****Wednesday 14 April****Wednesday 28 April****Wednesday 12 May****Wednesday 26 May****Wednesday 9 June****Wednesday 23 June****Wednesday 28 July****Wednesday 11 August****Tuesday 24 August****Wednesday 8 September****Wednesday 22 September****Wednesday 13 October****Wednesday 27 October****Wednesday 10 November****Wednesday 24 November****Wednesday 8 December****CARRIED 9/0****EN BLOC**

## EXECUTIVE SUMMARY

Regulation 12 of the *Local Government (Administration) Regulations 1996* (the Regulations) requires a local government to, at least once per year, give local public notice of the dates on which, and the time and place at which, Ordinary Council Meetings are to be held for the following 12 months. This report presents the proposed Ordinary Council Meeting dates for the 2021 calendar year for adoption by Council, as shown in the meeting scheduled at Attachment A.

## BACKGROUND

Council currently holds its Ordinary Council Meetings on the second and fourth Wednesday of each month, with Community Access Sessions being held on the first and third Wednesday of each month. Agenda Briefing Sessions are held on each Wednesday immediately preceding a Community Access Session or Ordinary Council Meeting.

## OFFICER COMMENT

It is proposed that the Ordinary Council Meetings for 2021 continue to be held on the second and fourth Wednesday of each month, with the exception of January and July. The first Ordinary Council Meeting of 2021 will be held on the fourth Wednesday, following Council's return from its end of year recess.

It is then proposed that Council take a mid-year recess from 1 July through to 18 July (exclusive of the fifth week on 30 June – see below) to align to the Western Australia school holiday. The first Ordinary Council Meeting after this recess is proposed to be scheduled for 28 July 2021.

In addition, March, June and September are months which have five Wednesdays and as in previous years, it is proposed that no Ordinary Council Meetings or Community Access Sessions are scheduled on these weeks.

Customarily, the CinefestOZ Film Festival is held on the fourth month of August. As the City plays an integral part in CinefestOZ, and as its opening night is traditionally held on a Wednesday, it is proposed the Ordinary Council Meeting scheduled for this week be held on the Tuesday.

Council's end of year recess is scheduled from 9 December 2021 through to 16 January 2022.

For Council's information, the Western Australian school holiday dates in 2021 are as follows:

2 April 2021 – 18 April 2021

3 July 2021 – 18 July 2021

25 September 2021 – 10 October 2021

17 December 2021 – 30 January 2021

The Western Australian Public Holidays in 2021 are:

Friday, 1 January – New Year's Day

Tuesday, 26 January – Australia Day

Monday, 1 March – Labour Day

Friday, 2 April – Good Friday

Monday, 5 April – Easter Monday

Sunday, 25 April – Anzac Day

Monday, 26 April – Anzac Day Holiday

Monday, 7 June – Western Australia Day

Monday, 27 September – Queen's Birthday

Saturday, 25 December – Christmas Day

Monday, 27 December – Christmas Holiday

Tuesday, 28 December – Boxing Day

### **Statutory Environment**

Pursuant to clause 5.3 of the *Local Government Act* (Act), a Council is to hold Ordinary Council Meetings and may hold special meetings, with its Ordinary Council Meetings to be held no more than 3 months apart (as per clause 5.3(2) of the Act). Council is otherwise permitted to schedule the dates and times of its Ordinary Council Meetings as it sees fit.

Regulation 12 of the Regulations requires the Council, at least once a year, to give public local notice of the dates, times and location of its Ordinary Council Meetings for the following 12 months.

### **Relevant Plans and Policies**

There are no relevant plans or policies to consider in relation to this matter.

### **Financial Implications**

There are no financial implications associated with the Officer Recommendation.

### **Stakeholder Consultation**

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

### **Risk Assessment**

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

### **Options**

As an alternative to the proposed recommendation, Council could choose to amend the proposed dates of the Ordinary Council Meetings for the 2021 calendar year.

### **CONCLUSION**

It is proposed that Council will continue to hold its Ordinary Council Meetings on the second and fourth Wednesday of each month in 2021, with Community Access Sessions to be held on the first and third Wednesdays of each month. Agenda Briefing Sessions will continue to be held prior to a Community Access Session or Ordinary Council Meeting each Wednesday.

### **TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

The schedule of the Ordinary Council Meetings for the 2021 calendar year will be publicly advertised prior to the end of 2020.

## 2021

### DATES FOR ORDINARY COUNCIL MEETINGS AND COMMUNITY ACCESS SESSIONS

DATE	MEETING	TIME	DRAFT REPORTS TO BE FINALISED BY 10AM ON:	INTERNAL AGENDA SETTLEMENT:	FINAL AGENDA BUILT BY 12PM ON:
<i>End of Year Recess</i>	<i>10 December 2020 – 19 January 2021</i>				
Wednesday, 20 January Guest Speaker	Agenda Briefing	5.00pm			
	Community Access	5.30pm			
Wednesday, 27 January	Agenda Briefing	5.00pm	Friday, 8 January	Tuesday, 12 January	Friday, 15 January
	Council Meeting	5.30pm			
Wednesday, 3 February Guest Speaker	Agenda Briefing	5.00pm			
	Community Access	5.30pm			
Wednesday, 10 February	Agenda Briefing	5.00pm	Friday, 22 January	Monday, 25 January <i>(Australia Day 26 January)</i>	Friday, 29 January
	Council Meeting	5.30pm			
Wednesday, 17 February Guest Speaker	Agenda Briefing	5.00pm			
	Community Access	5.30pm			
Wednesday, 24 February	Agenda Briefing	5.00pm	Friday, 5 February	Tuesday, 9 February	Friday, 12 February
	Council Meeting	5.30pm			
Wednesday, 3 March Guest Speaker	Agenda Briefing	5.00pm			
	Community Access	5.30pm			
Wednesday, 10 March	Agenda Briefing	5.00pm	Friday, 19 February	Tuesday, 23 February	Friday, 26 February
	Council Meeting	5.30pm			
Wednesday, 17 March	Agenda Briefing	5.00pm			
	Community Access	5.30pm			

## 2021

### DATES FOR ORDINARY COUNCIL MEETINGS AND COMMUNITY ACCESS SESSIONS

DATE	MEETING	TIME	DRAFT REPORTS TO BE FINALISED BY 10AM ON:	INTERNAL AGENDA SETTLEMENT:	FINAL AGENDA BUILT BY 12PM ON:
Wednesday, 24 March	Agenda Briefing	5.00pm	Friday, 5 March	Tuesday, 9 March	Friday, 12 March
	Council Meeting	5.30pm			
Wednesday, 31 March - 5 <sup>th</sup> week – no Council Meeting or Community Access Session scheduled					
Wednesday, 7 April Guest Speaker	Agenda Briefing	5.00pm			
	Community Access	5.30pm			
Wednesday, 14 April	Agenda Briefing	5.00pm	Friday, 19 March	Tuesday, 23 March	Friday, 26 March
	Council Meeting	5.30pm			
Wednesday, 21 April Guest Speaker	Agenda Briefing	5.00pm			
	Community Access	5.30pm			
Wednesday, 28 April	Agenda Briefing	5.00pm	Thursday, 1 April <i>(Friday 2 April – Good Friday)</i>	Tuesday, 6 April	Friday, 9 April
	Council Meeting	5.30pm			
Wednesday, 5 May Guest Speaker	Agenda Briefing	5.00pm			
	Community Access	5.30pm			
Wednesday, 12 May	Agenda Briefing	5.00pm	Friday, 23 April	Tuesday, 27 April	Friday, 30 April
	Council Meeting	5.30pm			
Wednesday, 19 May Guest Speaker	Agenda Briefing	5.00pm			
	Community Access	5.30pm			
Wednesday, 26 May	Agenda Briefing	5.00pm	Friday, 7 May	Tuesday, 11 May	Friday, 14 May
	Council Meeting	5.30pm			

## 2021

### DATES FOR ORDINARY COUNCIL MEETINGS AND COMMUNITY ACCESS SESSIONS

DATE	MEETING	TIME	DRAFT REPORTS TO BE FINALISED BY 10AM ON:	INTERNAL AGENDA SETTLEMENT	FINAL AGENDA BUILT BY 12PM ON:
Wednesday, 2 June Guest Speaker	Agenda Briefing Community Access	5.00pm 5.30pm			
Wednesday, 9 June	Agenda Briefing Council Meeting	5.00pm 5.30pm	Friday, 21 May	Tuesday, 25 May	Friday, 28 May
Wednesday, 16 June Guest Speaker	Agenda Briefing Community Access	5.00pm 5.30pm			
Wednesday, 23 June	Agenda Briefing Council Meeting	5.00pm 5.30pm	Friday, 4 June	Tuesday, 8 June	Friday, 11 June
<b>Mid-Year Recess</b>	<b>24 June – 20 July 2021 (School holidays 3 July 2021 – 18 July 2021)</b>				
Wednesday, 21 July Guest Speaker	Agenda Briefing Community Access	5.00pm 5.30pm			
Wednesday, 28 July	Agenda Briefing Council Meeting	5.00pm 5.30pm	Friday, 9 July	Tuesday, 13 July	Friday, 16 July
Wednesday, 4 August Guest Speaker	Agenda Briefing Community Access	5.00pm 5.30pm			
Wednesday, 11 August	Agenda Briefing Council Meeting	5.00pm 5.30pm	Friday, 23 July	Tuesday, 27 July	Friday, 30 July
Wednesday, 18 August Guest Speaker	Agenda Briefing Community Access	5.00pm 5.30pm			

## 2021

### DATES FOR ORDINARY COUNCIL MEETINGS AND COMMUNITY ACCESS SESSIONS

DATE	MEETING	TIME	DRAFT REPORTS TO BE FINALISED BY 10AM ON:	INTERNAL AGENDA SETTLEMENT	FINAL AGENDA BUILT BY 12PM ON:
Tuesday, 24 August (CinefestOZ)	Agenda Briefing	5.00pm	Friday, 6 August	Tuesday, 10 August	Friday, 13 August
	Council Meeting	5.30pm			
Wednesday, 1 September Guest Speaker	Agenda Briefing	5.00pm			
	Community Access	5.30pm			
Wednesday, 8 September	Agenda Briefing	5.00pm	Friday, 20 August	Tuesday, 24 August	Friday, 27 August
	Council Meeting	5.30pm			
Wednesday, 15 September Guest Speaker	Agenda Briefing	5.00pm			
	Community Access	5.30pm			
Wednesday, 22 September	Agenda Briefing	5.00pm	Friday, 3 September	Tuesday, 7 September	Friday, 10 September
	Council Meeting	5.30pm			
Wednesday, 29 September - 5 <sup>th</sup> week – no Council Meetings or Community Access Sessions scheduled					
Wednesday, 6 October Guest Speaker	Agenda Briefing	5.00pm			
	Community Access	5.30pm			
Wednesday, 13 October	Agenda Briefing	5.00pm	Friday, 24 September	Tuesday, 28 September	Friday, 1 October
	Council Meeting	5.30pm			
Wednesday, 20 October Guest Speaker	Agenda Briefing	5.00pm			
	Community Access	5.30pm			
Wednesday, 27 October	Agenda Briefing	5.00pm	Friday, 8 October	Tuesday, 12 October	Friday, 15 October
	Council Meeting	5.30pm			

## 2021

### DATES FOR ORDINARY COUNCIL MEETINGS AND COMMUNITY ACCESS SESSIONS

DATE	MEETING	TIME	DRAFT REPORTS TO BE FINALISED BY 10AM ON:	INTERNAL AGENDA SETTLEMENT	FINAL AGENDA BUILT BY 12PM ON:
Wednesday, 3 November Guest Speaker	Agenda Briefing	5.00pm			
	Community Access	5.30pm			
Wednesday, 10 November	Agenda Briefing	5.00pm	Friday, 22 October	Tuesday, 26 October	Friday, 29 October
	Council Meeting	5.30pm			
Wednesday, 17 November Guest Speaker	Agenda Briefing	5.00pm			
	Community Access	5.30pm			
Wednesday, 24 November	Agenda Briefing	5.00pm	Friday, 5 November	Tuesday, 9 November	Friday, 12 November
	Council Meeting	5.30pm			
Wednesday, 1 December Guest Speaker	Agenda Briefing	5.00pm			
	Community Access	5.30pm			
Wednesday, 8 December	Agenda Briefing	5.00pm	Friday, 19 November	Tuesday, 23 November	Friday, 26 November
	Council Meeting	5.30pm			
End of Year Recess	9 December 2021 – 16 January 2022				



## 2021

### DATES FOR ORDINARY COUNCIL MEETINGS AND COMMUNITY ACCESS SESSIONS

#### **2021 School Holidays**

2 April 2021 – 18 April 2021

3 July 2021 – 18 July 2021

25 September 2021 – 10 October 2021

17 December 2021 – 30 January 2021

#### **2021 WA Public Holidays**

Friday, 1 January – New Year's Day

Tuesday, 26 January – Australia Day

Monday, 1 March – Labour Day

Friday, 2 April – Good Friday

Monday, 5 April – Easter Monday

Sunday, 25 April – Anzac Day

Monday, 26 April – Anzac Day Holiday

Monday, 7 June – Western Australia Day

Monday, 27 September – Queen's Birthday

Saturday, 25 December – Christmas Day

Monday, 27 December – Christmas Holiday





Tuesday, 28 December – Boxing Day

#### **2021 Council Commitments (unconfirmed dates)**

Local Government Week – 2- 6 August

CinefestOZ– 23 – 27 August

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

<b>STRATEGIC GOAL</b>	6. LEADERSHIP Visionary, collaborative, accountable
<b>STRATEGIC OBJECTIVE</b>	6.1 Governance systems, process and practices are responsible, ethical and transparent.
<b>SUBJECT INDEX</b>	Councillors' Information Bulletin
<b>BUSINESS UNIT</b>	Executive Services
<b>REPORTING OFFICER</b>	Reporting Officers - Various
<b>AUTHORISING OFFICER</b>	Director Finance and Corporate Services - Tony Nottle
<b>NATURE OF DECISION</b>	Noting: the item does not require a decision of Council and is simply for information purposes and noting
<b>VOTING REQUIREMENT</b>	Simple Majority
<b>ATTACHMENTS</b>	Attachment A Minutes - Australian Coastal Council Association Annual General Meeting 16 October 2020   Attachment B Current SAT Reviews  

**COUNCIL DECISION AND OFFICER RECOMMENDATION**

**C2011/129** Moved Councillor L Miles, seconded Councillor P Cronin

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

**17.1.1 Minutes – Australian Coastal Councils Association 2020 AGM**

**17.1.2 State Administrative Tribunal Reviews**

**17.1.3 Local Government Financial Management Regulations and Annual Report**

**CARRIED 9/0**

**EN BLOC**

**EXECUTIVE SUMMARY**

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

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

**INFORMATION BULLETIN**

**17.1.1 Minutes – Australian Coastal Councils Association 2020 AGM**

The minutes of the 2020 Annual General Meeting of the Australian Coastal Councils Inc. which was held by Zoom on Friday 16 October 2020 are provided at Attachment A.

**17.1.2 State Administrative Tribunal Reviews**

A summary of the current State Administrative Tribunal reviews is provided at Attachment B.

### **17.1.3 Local Government Financial Management Regulations and Annual Report**

The proposed amendments to the *Local Government (Financial Management) Regulations* for valuation of assets from 2019-20 onwards are expected to be considered at the Executive Council Meeting of 3 November.

The Department of Local Government, Sport and Cultural Industries anticipates the changes will be made in the Government Gazette of Friday 6 November or Tuesday 10 November 2020.

As the propose changes impact on the 2019-2020 financial statements, the Office of the Auditor General and other auditors are likely to continue to delay the issuing of the 2019-20 audit reports until the regulation amendments are gazetted.

It is a requirement under the *Local Government Act 1995* that the Audit report is included in the City's Annual Report. Given the delay in receipt of the Audit report, it is not expected that the Annual Report will be presented to the Council until the 9 December 2020 Council meeting. Under the Act a general electors meeting must be held within 56 days of the Annual Report being adopted by Council. Currently however there is an Order preventing local governments from holding general or special electors meetings. In the event that this Order is lifted, a general electors meeting will be held by 3 February 2021.



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**MINUTES**

**ANNUAL GENERAL MEETING**

**10.30am Australian Eastern Daylight Time  
Friday 16 October 2020**

Held Via Zoom

**In attendance**

Annie Browning	Councillor	Glamorgan Spring Bay Council
Sharon Cadwallader	Deputy Mayor	Ballina Shire Council
Bev Colomb	Councillor	Mornington Peninsula Shire Council
Steve Douglas	Councillor	City of Greater Geraldton
Richard Ellis	Councillor	East Gippsland Shire Council
Susan Faulkner	Secretariat	Australian Coastal Councils Association
Peter Flannery	Mayor	Moreton Bay Regional Council
Cathy Griff	Councillor	Bega Valley Shire Council
Zac Grimes	Officer	Mornington Peninsula Shire Council
Nick Hayles	Councillor	City of Victor Harbor
Grant Henley	Mayor	City of Busselton
Alice Howe	Officer	Bega Valley Shire Council
Mark Jones	Councillor	City of Rockingham
Jill Parker	Councillor	Moyne Shire Council
Keith Parkes	Mayor	Alexandrina Council
Alan Stokes	Secretariat	Australian Coastal Councils Association
James Thomson	Councillor	Eurobodalla Shire Council
Sharyn von Bertouch	Alderman	Clarence City Council
Frank Wilkie	Deputy Mayor	Noosa Council

Prior to the commencement of the meeting a count of delegates confirmed that a quorum was present.

**1. OPENING AND WELCOME**

Chair Sharon Cadwallader welcomed those in attendance on behalf of the Association Committee of Management.

**2. APOLOGIES**

Alan Stokes reported the following apologies:

Leanne Barnes – Bega Valley Shire Council (Proxy received)  
Peter Cox – Sunshine Coast Council  
Michael Dufour – City of Greater Geraldton (Proxy received)  
Bill Jamieson – City of Onkaparinga (Proxy received)  
Clare Stewart – Noosa Council

**3. MINUTES OF PREVIOUS MEETING**

MOVED: Dick Ellis/Peter Flannery

**THAT the minutes of the Australian Coastal Councils Association Inc. Annual General Meeting held via teleconference on Friday 22 November 2019 be confirmed as a true and accurate record of proceedings.**

CARRIED

**4.1 CHAIR'S REPORT**

Chair Sharon Cadwallader provided the following report on activities of the organisation in 2019-20:

### **Overview**

Over the course of the year the Association continued to advocate in support of initiatives to help coastal councils deal with a number of major challenges.

Highlights of the 2019-20 year included:

- The organization pursued an on-going advocacy campaign aimed at achieving additional support for coastal councils in their efforts to address widespread coastal hazards;
- As part of this advocacy campaign, the Association engaged with senior Federal and State Government representatives, seeking their support for a more effective national approach to managing coastal hazards;
- The Association planned to replace its annual Australian Coastal Councils Conference with a National Forum on Coastal Hazards, to be held at Fremantle, in Western Australia, in May. Due to restrictions introduced in response to the COVID-19 pandemic, this event had to be postponed;
- As part of its advocacy campaign, the Association developed a national survey to collect data on the extent and impact of coastal hazard issues around Australia and to identify options for addressing these hazards.

### **Advocacy**

Chair Sharon Cadwallader said the Association continued to advocate strongly for additional support for coastal councils in managing coastal erosion and other coastal hazards. This involved advocating directly with the leaders of Federal and State governments and with relevant Federal and State government Ministers, seeking their support for a coordinated national approach to managing coastal hazards.

In July last year the then Chair of the Association, Barry Sammels, accompanied by Treasurer Jill Parker and Alan Stokes from the Secretariat met with the Federal Minister for the Environment, Sussan Ley MP, to discuss the matter.

They indicated that while the Australian coastal zone plays a critical role in the life of the nation, it is under increasing threat from a complex range of issues including more frequent and severe extreme weather events, rising sea levels and widespread coastal erosion and other coastal hazards. The delegation made the point that the coast is not just a local asset for coastal communities. It is a national asset that is enjoyed by all Australians. They advocated in support of a coordinated national approach to managing coastal hazards, involving collaboration between all three levels of government.

Highlighting the importance of this issue, concern over the widespread impact of coastal erosion was subsequently raised by the West Australian Premier at a COAG meeting held in August 2019. Premier Mark McGowan proposed a national cross-government approach to managing coastal erosion. In a letter to the Prime Minister, the Premier said that "valued infrastructure, homes and livelihoods are at risk due to major storm events and the global rise of sea levels." He added this is not a problem exclusive to Western Australia, it is a national problem that needs a national response. The Prime Minister responded by referring the issue to the next Meeting of Environment Ministers, which was held in November 2019.

Chair Sharon Cadwallader said immediately following the COAG meeting, the Association initiated an advocacy campaign aimed at state premiers and environment ministers, calling on them to support the position advocated by the West Australian Premier. The Association made the point that coastal hazards are a major issue of concern to coastal councils in all states and require a collaborative approach, with the commitment and participation of all three levels of government.

The other point highlighted in these approaches was that coastal councils are at the forefront of dealing with these hazards but lack the resources to respond effectively.

At the Meeting of Environment Ministers, in November, it was decided to form a Coastal Hazards Working Group, comprising Federal and State officials, to “collate existing information on coastal erosion and inundation hazard risk management, and to propose a collaborative approach to coastal erosion for consideration by the ministers.”

Chair Sharon Cadwallader said the importance of the Association’s advocacy in relation to this issue was recently acknowledged by the President of the Australian Local Government Association, David O’Loughlin, who wrote in *ALGA News* on 24 July that:

*“the Australian Coastal Councils Association has done an outstanding job of advocating for greater investment in mitigation as well as commissioning research to better understand the risks going forward.”*

The National Forum on Coastal Hazards, which was planned to be held at Fremantle in May this year, was designed to feed into the process being undertaken by the Coastal Hazards Working Group and as a platform to strongly advocate for more support for coastal councils attempting to respond effectively to the impact of coastal hazards. However, with the outbreak of coronavirus it was decided to postpone the Forum until the event could be rescheduled at a later date with certainty.

#### **National Survey on Coastal Hazards**

Chair Sharon Cadwallader said another initiative developed by the Association during the year in support of our advocacy campaign, was a National Survey of Coastal Hazards. This was designed to collect data on the extent and impact of coastal hazard issues around Australia and to identify options for addressing these hazards.

The questionnaire for the survey was developed with extensive input from officials working with the Coastal Hazards Working Group. The final questionnaire for the survey was a comprehensive one consisting of 42 questions. Once the questionnaire was finalized it was distributed to all Australian coastal councils, with an invitation to submit data relating to the impact of coastal hazards on their local area. We are pleased to report that to date we have received 96 completed survey questionnaires from councils in all Australian states and from the Northern Territory, which are currently being analysed. The interim findings of the survey are expected to be made available within the next month.

#### **Future Earth Australia Expert Working Group**

One other matter I would like to report on is the development of a 10 Year Oceans and Coasts National Strategy by Future Earth Australia. Towards the end of the year in review, the Association received an invitation from Future Earth Australia, which is hosted by the Australian Academy of Science, to appoint Alan Stokes of the secretariat as a representative to the organisation’s national strategy Expert Working Group. The role of the Working Group is to oversee development of a 10 Year strategy which will outline the steps necessary to develop a blueprint for the sustainability of the nation’s oceans and coasts.

#### **The Year Ahead**

Chair Sharon Cadwallader said the members of the Association’s Committee of Management look forward to the remainder of the 2020-21 year with confidence. This is something we can take pride

in, given the challenges that the COVID-19 pandemic has presented to the organization over the second half of the year.

We can look forward in the months ahead to rescheduling the National Forum on Coastal Hazards, when the current restrictions are eased. The event will provide an opportunity to review the latest scientific advice in relation to managing coastal hazards and will present case studies from around Australia on the range of approaches being adopted by councils to deal with the risks. We also plan to use the Forum as an opportunity to develop a policy position in relation to coastal hazards. Planning for the program for the event is well advanced, and we look forward to announcing further details when available.

The Association will also continue to advocate for increased levels of funding for climate science research programs conducted by CSIRO and other relevant research organisations. This is essential to ensure Australia's coastal populations and assets are adequately prepared to address the adverse effects of climate change impacts, including the impact of rising sea levels and more severe extreme weather events.

At this point, I would like to acknowledge the tremendous effort and support of the members of the Association's Committee over the past year, in particular the contributions of Deputy Chair Sharyn von Bertouch and our Treasurer Jill Parker. I would also like to acknowledge the contribution and support of the other state representatives on the Committee:

James Thomson (NSW)  
Peter Flannery (QLD)  
Keith Parkes and Nick Hayles (SA)  
Annie Browning (TAS)  
Dick Ellis (VIC)  
Steve Douglas and Mark Jones (WA)

I would also like to acknowledge the contribution of former Queensland representative, Julia Leu, who missed out on being re-elected to Douglas Shire Council earlier in the year. We look forward to welcoming a new Queensland representative on the Committee – Cr Peter Cox of Sunshine Coast Council, who was elected this week to fill the casual vacancy.

And I would like to place on the record the Association's sincere appreciation for the tremendous contribution by Treasurer Jill Parker, who has had responsibility for managing the Association's finances for the past six years. Jill has decided not to stand for re-election to Moyne Shire Council at the forthcoming local government elections in Victoria. On behalf of the entire Committee I would like to commend Jill for the major contribution she has made to the work of the Association since being elected to the Committee in 2011, and particularly for her role as Treasurer, which she has performed since August 2014. Not only has she played a key role in the work of the Association over that time, she has also been closely involved as an advocate for the coast in her role as a member of the former Victorian Coastal Council and the Western Coastal Board in Victoria. Her wise counsel will be missed.

Chair Sharon Cadwallader said it is a privilege to work with such a group of people who are passionately committed to protecting the coastal environment and advocating in support of a better deal for coastal communities. And in closing this report, on behalf of the Committee, I would like to acknowledge the considerable efforts on behalf of the Association that have been made by Susan Faulkner and Alan Stokes of the Secretariat over the course of the year. That concludes my report.

Treasurer Jill Parker queried whether the Chair's report could be distributed to member councils because it provided a very good idea of the current position of the Association. Alan Stokes said the



minutes of the meeting, including all reports in full, would be distributed to the entire Association distribution list in the following week.

MOVED: Dick Ellis/Mark Jones

**THAT the Chair's Report be received.**

CARRIED

#### **4.2 Financial Report**

Treasurer Jill Parker presented the Financial Statements of the Australian Coastal Councils Association Inc. for the Financial Year ending 30 June 2020 and reported on the following key aspects contained in these Financial Statements:

- The total net assets of the Association as at 30 June 2020 were \$25,464.22.
- In addition, there were receivables of \$4,645.48 for a Related Third Party Loan
- Total income for the year was \$136,381.55.
- Total expenses were \$143,890.33
- The Financial Statements indicate total liabilities of \$10,301.26 for \$305.67 GST payable to the ATO and \$9,985.59 for advance payments of 2020-21 membership.
- The result for the financial year ending 30 June 2020 was an operating loss of \$7,508.78.
- The main source of income for the Association continues to be membership fees. Income during the year has been affected because the Forum could not be held as planned.

Treasurer Jill Parker said she had monitored the use of the monies received and spent by the Association to achieve maximum return that we are able to get for member councils. At each monthly meeting the Committee of Management receives reports on the year to date operating results compared to budget estimates for the financial year and Cash Flows are also prepared for Committee meetings on a regular basis. A final matter to be considered by the Annual General Meeting is the appointment of accountants for this financial year and I would recommend that we continue with Rothsay Chartered Accountants.

MOVED: Jill Parker/Cathy Griff

**THAT the financial statements be accepted and that Rothsay Chartered Accountants be appointed for the current financial year.**

CARRIED

#### **4.3 Membership Report**

Alan Stokes reported that membership of the Association had remained steady over the year. At the end of the 2019-20 year the Association had 42 financial member councils with a total population of 2,979,318. He said the Association is in the process of introducing the organization to potential member councils, many of which have completed the National Survey on Coastal Hazards and expressed interest in attending the National Forum on Coastal Hazards at Fremantle when it can proceed. He said the Forum will be a good opportunity to promote membership to non-member coastal councils.

MOVED: Grant Henley/Cathy Griff

**THAT the Membership Report be received**

CARRIED

## 5. GENERAL BUSINESS

Chair Sharon Cadwallader asked whether anyone wished to raise any item of General Business. Peter Flannery said he wished to move a motion of thanks to Jill Parker for her contribution to the work of the organisation in her role as Treasurer. He said she had done an amazing job for the Association.

MOVED: Peter Flannery/James Thomson

**THAT members of the Australian Coastal Councils Association place on the record their sincere appreciation to Jill Parker for her significant contribution to the Association in her role as Treasurer and as a member of the Committee of Management.**

CARRIED

Jill thanked the members present for their thoughts and said it had been a surprise to realise how long she had been Treasurer.

Chair Sharon Cadwallader thanked all those present for their attendance at the meeting.

There being no further business the meeting concluded at 10.55am Australian Eastern Daylight Time.

**As at 23 October 2020**

APPLICATION (Name, No. and City File Reference)	PROPERTY	DATE COMMENCED	DECISION BEING REVIEWED	RESPONSIBLE OFFICER	STAGE COMPLETED	NEXT ACTION AND DATE OF ACTION AS PER SAT ORDERS	DATE COMPLETED / CLOSED
<b>CITY OF BUSSELTON</b>							
Lindberg v City of Busselton	4822 Bussell Highway, Busselton	October 2019	Review of a decision to give a direction under s.214.	Ben Whitehill / Lee Reddell	<ul style="list-style-type: none"> <li>• Directions hearing on the 8 November 2019 against the decision of the City to give a direction under s.214.</li> <li>• The matter was adjourned to a further directions hearing on 29 November 2019 in order to determine whether the application is misconceived or lacking in substance pursuant to s.47 of the <i>State Administrative Tribunal Act 2004</i></li> <li>• Directions hearing on the 29 November 2019 where it was resolved:               <ul style="list-style-type: none"> <li>- The application is amended by substituting Mr Doug Hugh Lindberg as applicant in place of Mr Johnson.</li> <li>- The matter is listed for an on-site mediation on 6 January 2020.</li> <li>- Mr Michael Johnson is invited to attend and participate in the mediation.</li> </ul> </li> <li>• Mediation on 6 January 2020 where it was resolved that :               <ul style="list-style-type: none"> <li>- the applicant is to provide additional information to the respondent by 3 February 2020;</li> <li>- The matter is listed for mediation on 13 February 2020.</li> </ul> </li> <li>• Mediation on 13 February where, following further discussion with the landowners and Mr Johnson, it was resolved to adjourn the proceeding back to a further directions hearing on 17 April 2020.</li> <li>• Directions hearing on 17 April was vacated and listed for a directions hearing on 5 June 2020.</li> <li>• Directions hearing on 5 June was vacated and listed for a directions hearing on 7 August 2020.</li> <li>• Directions hearing on 7 August 2020 was vacated and listed for a directions hearing on 6 November 2020.</li> </ul>	Directions Hearing 6 November 2020	
Bishop v City of Busselton	545 Gale Road, Kaloorup	November 2019 - (DR 227 of 2019)  April 2020 – (DR 59 of 2020)	Review of a decision to give a direction under s.214 (concrete batching and dumping rubbish)  Review of a decision to refuse to grant develop approval for a 'Research Establishment'	Ben Whitehill / Joanna Wilson	<ul style="list-style-type: none"> <li>• Directions hearing on the 29 November 2019 against the decision of the City to give a direction under s.214</li> <li>• The matter was adjourned to a further directions hearing on 13 December 2019 in order for the applicant to seek legal advice</li> <li>• Directions hearing listed for 13 December 2019 was vacated</li> <li>• S 214 direction issued by the City is stayed until further orders are made.</li> <li>• The matter is listed for a directions hearing on 7 February 2020.</li> <li>• Directions hearing on 7 February 2020 where it was resolved that :</li> </ul>	N/A - Review dismissed on 16/10/20	16/10/20

APPLICATION (Name, No. and City File Reference)	PROPERTY	DATE COMMENCED	DECISION BEING REVIEWED	RESPONSIBLE OFFICER	STAGE COMPLETED	NEXT ACTION AND DATE OF ACTION AS PER SAT ORDERS	DATE COMPLETED / CLOSED
					<ul style="list-style-type: none"> <li>- adjourned to a further direction hearing on 4 March 2020;</li> <li>- By 6 March 2020, the respondent must file a statement of issues, facts and contentions and bundle of documents required under s 24 of the State Administrative Tribunal Act 2004.</li> <li>• Directions on 4 March 2020, where it was discussed that City likely to refuse Application for DA for Research Establishment, that the order for City to file documents be revoked, and adjourned to 3 April 2020</li> <li>• City refused Application for DA for Research Establishment on 12 March 2020</li> <li>• Mr Bishop has applied to the SAT to have refusal reviewed</li> <li>• Directions hearing on the 3 April 2020 adjourned to 17 April 2020 due to non-appearance of Mr Bishop.</li> <li>• Directions hearing on the 17 April was vacated and listed for a directions hearing on 24 April 2020.</li> <li>• Both review applications have now been listed for Mediation on 6 May 2020;</li> <li>• Directions hearing on 5 May 2020 in order for both parties to agree on vacating the mediation on 6 May 2020 and re-listing for 3 June 2020.</li> <li>• DR 277 of 2019 (relating to s214 notice for concrete batching) withdrawn and DR 59/2020 (relating to the refusal of the DA for Research Establishment) adjourned to a further mediation on 19 August 2020.</li> <li>• Mediation on 19 August 2020 where the matter was referred to a directions hearing on 4 September 2020.</li> <li>• Directions hearing on 4 September 2020 was vacated and listed for a directions hearing on 25 September 2020</li> <li>• Mr Bishop failed to attend the directions on 25 September 2020. The matter was listed for a further directions hearing on 16 October 2020.</li> <li>• Mr Bishop failed to attend the directions hearing on 16 October 2020. The matter was subsequently dismissed by SAT.</li> </ul>		
<b>JOINT DEVELOPMENT ASSESSMENT PANEL</b>							
NIL							
<b>WESTERN AUSTRALIAN PLANNING COMMISSION</b>							
NIL							

## ITEMS FOR DEBATE

### 12.1 Policy and Legislation Committee - 28/10/2020 - LOCAL PLANNING POLICY REVIEW - REVIEW OF LOCAL PLANNING POLICY 1.5 'COASTAL SETBACKS'

<b>STRATEGIC GOAL</b>	2. PLACE AND SPACES Vibrant, attractive, affordable
<b>STRATEGIC OBJECTIVE</b>	2.1 Planning strategies that foster the development of healthy neighbourhoods that meet our needs as we grow.
<b>SUBJECT INDEX</b>	Development Control Policy
<b>BUSINESS UNIT</b>	Statutory Planning
<b>REPORTING OFFICER</b>	Planning Officer - Joanna Wilkinson
<b>AUTHORISING OFFICER</b>	Director, Planning and Development Services - Paul Needham
<b>NATURE OF DECISION</b>	Legislative: to adopt legislative documents e.g. local laws, local planning schemes, local planning policies
<b>VOTING REQUIREMENT</b>	Simple Majority
<b>ATTACHMENTS</b>	Attachment A Existing LPP 1.5   Attachment B Proposed LPP 1.5   Attachment C Data Review   Attachment D Proposed LPP 1.5 with Committee  Amendments 

**This item was considered by the Policy and Legislation Committee at its meeting on 28/10/2020, the recommendations from which have been included in this report.**

#### OFFICER RECOMMENDATION

That the Council resolves to initiate for the purposes of public consultation an amendment to Local Planning Policy 1.5 Coastal Setbacks (Attachment A) by advertising Proposed LPP 1.5 (Attachment B) in accordance with clause 5 of Part 2 of Schedule 2 – Deemed Provisions for Local Planning Schemes of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

#### COMMITTEE RECOMMENDATION

That the Council resolves to initiate for the purposes of public consultation an amendment to Local Planning Policy 1.5 Coastal Setbacks (Attachment A) by advertising Proposed LPP 1.5 (Attachment B) in accordance with clause 5 of Part 2 of Schedule 2 – Deemed Provisions for Local Planning Schemes of the *Planning and Development (Local Planning Schemes) Regulations 2015*, with the addition of a definition of the term 'Policy Area' to the Proposed LPP 1.5.

#### COUNCIL DECISION AND AMENDED RECOMMENDATION

**C2011/130** Moved Deputy Mayor K Hick, seconded Councillor P Cronin

**That the Council resolves to initiate for the purposes of public consultation an amendment to Local Planning Policy 1.5 Coastal Setbacks (Attachment A) by advertising Proposed LPP 1.5 (Attachment B) in accordance with clause 5 of Part 2 of Schedule 2 – Deemed Provisions for Local Planning Schemes of the *Planning and Development (Local Planning Schemes) Regulations 2015*, with the addition of a definition of the term 'Policy Area' to the Proposed LPP 1.5, as shown with tracked changes in the following attachment (Attachment D).**

**CARRIED 9/0**

**Reasons:** It was considered by Officers that the recommendation of the Policy and Legislation Committee to add a definition of the Policy Area should be shown in tracked changes and that version of the Policy should be considered by Council for adoption. The opportunity has also been taken to address some minor editing errors.

## EXECUTIVE SUMMARY

The City is currently reviewing its suite of local planning policies. As part of this review, officers presented a general discussion item to the Policy and Legislation Committee at its meeting on 25 August 2020. The purpose of this discussion item was to raise awareness of some of the initial review findings and recommend that the Committee note that the review of *Local Planning Policy 1.5 Coastal Setbacks* (LPP 1.5) had commenced.

Officers have since undertaken a comprehensive review of how the existing policy (Attachment A) has been applied since it was adopted, whether the application of the policy has impacted streetscapes, and whether the objectives of the policy have been achieved. As a result of this review, officers have amended the content of the policy and recommend that amendments to LPP 1.5 be initiated for the purposes of public consultation (Attachment B).

A summary of the officers' review is contained in this report.

## BACKGROUND

The *Planning and Development (Local Planning Schemes) Regulations* (Regulations) provide that Local Planning Policies (LPPs) may be prepared by a local government in respect of any matter relating to planning and development within the *City of Busselton Local Planning Scheme No. 21* (Scheme) area.

The intention of an LPP is to provide guidance to applicants/developers and the community in regard to the decision-making process, as well as to the local government when exercising discretion under the Scheme. An LPP must be consistent with the intent of the relevant Scheme provisions, including *State Planning Policy 7.3 – Residential Design Codes* (R-Codes), and cannot vary development standards or requirements set out in a Scheme or impose other mandatory requirements upon development.

LPPs are given due regard in the assessment of development applications and are listed as a “matter to be considered” when making determination of a development application under Schedule 2, clause 67 of the Regulations.

In March 2019 the City commenced the first stage of the LPP review. This stage was policy neutral and did not alter the intent or provisions within the LPPs. The LPPs were re-formatted into an easier-to-read template, taking the policies from a single manual structure and separating them into individual policies. These changes were adopted by Council at its meeting on 27 March 2019 (C1903/053).

The City has now commenced the second stage of the review process and is currently reviewing the content and relevance of all LPPs. Due to the number of policies and complexity of issues which need to be addressed, this review has been broken down into a number of stages. It is proposed as part of this report that LPP 1.5 be amended. A detailed discussion is set out in the officer comment section of this report.

## OFFICER COMMENT

LPP 1.5 originally formed part of the broader *Residential Design Guidelines Policy* which was adopted by Council on 17 October 2007 (C0710/236). The policy applies to low density coastal nodes (coded R25 or less) that abut coastal foreshore reserves fronting Geographe Bay Road, or which directly abut Geographe Bay Road, but excludes Special Character Areas (e.g. Quindalup).

Broadly the policy provisions can be split into two main parts:

- Primary street setbacks; and
- Rear setbacks.

The policy varies the R-Codes in the following ways:

- For development less than five metres in height, the minimum setback is to be in accordance with Table 1 of the R-Codes (noting that reduced setbacks are not permitted); and
- For development greater than five metres in height, the minimum setback is to be in accordance with Table 1 of the R-Codes plus an additional three metres. A balcony that is unenclosed on three sides does not require the additional three metre setback.

This means that a reduced setback or “averaging” under the R-Codes (where a reduced setback is allowed provided it is compensated for by an equal area of open space behind the front setback line) is not encouraged, however it could be considered on a case by case basis through a development application. Where this has occurred, it is referred to below as a ‘discretion’.

Other provisions relate to rear setbacks only and address matters such as:

- Retention of reserve amenity, private access into a reserve;
- Filling and retaining at a reserve boundary;
- Fencing of the reserve boundary; and
- The setback of ancillary development (e.g. tennis court, gazebo etc.).

During 2006 and 2007, the draft *Residential Design Guidelines Policy* was advertised twice to the community, with a total of six submissions received. Of these, one submission objected to the coastal setbacks provisions. Officers provided rationale in support of the provisions, which aimed to strengthen and maintain the open landscape context of the coastal areas as a determinant of local character and identity.

The following policy review is broken down under the broad headings below:

1. Desktop data review (policy application and impact on streetscape);
2. Relevance of current policy provisions; and
3. Proposed policy amendments.

### **1. Desktop Data Review**

Officers carried out a desktop assessment of all lots to which the policy applies, with the findings collated into broader ‘streetscape’ and ‘locality’ assessments in order to determine the extent to which the policy has been applied, any resultant effect on the streetscape, and whether the objectives of the policy have been achieved. A breakdown of approvals, setbacks, building height and street block context for the localities within the policy area is provided at Attachment C.

#### Policy application

In total there are 587 Residential zoned lots within the policy area, of which:

- 111 or 19% of those lots have been subject to planning and/or building approvals since 2008;
- 60% of approvals were compliant with the LPP;
- 40% required a discretion; and
- 81% of lots have not been subject of any relevant approvals since the policy was introduced.

### Impact of built form on the streetscape - Setbacks

The density coding for lots to which the policy applies varies from R2 to R15. Front setbacks vary from 20m for R2 lots to 6m for R15 lots (which comprise the bulk of the policy area).

The data review revealed that there is very little consistency in front or rear setbacks within street blocks or localities, except where other planning controls such as easements, building envelopes or structure plans apply.

Closer analysis revealed that where the setbacks are substantially less or greater than required, the development pre-dates the LPP. It is likely that future development applications will seek to locate development closer to the relevant boundary to maximise views and the overall development potential of the lot, resulting in a more consistent setback line over time.

### Impact of built form on the streetscape - Building Height

Built form within the streetscape is also influenced by whether dwellings are single or double storey. The data review indicates that the majority of dwellings within the LPP area are double storey. A high percentage of approvals since 2008 have been for double storey dwellings, and it can be assumed that the majority of vacant lots will be developed as double storey given the high property values and access to sea views. In some localities such as Marybrook and Broadwater a significant percentage of dwellings that were constructed prior to 2008 are also double storey. In some areas subject of the policy, the broader strategic direction is towards greater density and urban consolidation, including apartment development of 3-5 floors in time.

### Rear setback provisions

The current rear setback provisions apply to one or more street blocks in almost all localities, except Dunsborough and Quindalup. In almost all cases, planning instruments and considerations other than the LPP are relevant. Various factors include the Coastal Management Special Control Area (CMSCA), easements, structure plans, presence and density of vegetation, and bushfire considerations. These factors tend to over-ride the LPP and in the case of rear setbacks it is considered that the LPP adds little value to the higher order planning framework. Instead it adds a layer of complexity that is not required.

## **2. Relevance of current policy objectives**

One of the purposes of this policy review is to determine whether the objectives of the policy have been achieved. This leads to a further two questions – are the objectives appropriate, and are they achievable? The following is a broad assessment against the policy objectives and assumptions.

### ***B1.1 To provide for development projects of a low rise residential character and reduce the dominance of the built form in the coastal setting outside key nodes which the Scheme zones or identifies land for more intensive residential development.***

Clause 4.8.1 of the Scheme includes controls relating to Building Height and states:

- “4.8.1 A person must not erect any building that -*
- (a) contains more than two storeys or exceeds a height of 9 metres where land is within 150 metres of the mean high water mark; or*
  - (b) contains more than three storeys or exceeds a height of 12 metres where land is more than 150 metres from the mean high water mark, except where otherwise provided for in the Scheme.”*



Sites to which this LPP applies are either wholly or partially subject to the 9 metre building height control however, it is also noted that Clause 4.8.3 of the Scheme provides discretion to vary the maximum heights. As demonstrated in the data referenced above, development across all localities is a mix of single and double storey. Given two storey development is anticipated by both the Scheme and the R-Codes in the areas to which the policy applies, this objective is considered unclear (e.g. what is low rise?) and redundant.

***B1.2 To ensure coastal processes are not adversely affected by the modification of ground levels for building purposes in the coastal management area.***

All development sites abut either the coastal reserve or a road reserve that abuts the coastal reserve. Impacts of development on coastal processes is a significant matter that is being addressed at a higher level through the City's Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) and does not need to be addressed through this LPP which carries limited statutory weight.

***B1.3 (a) Setbacks from coastal reserves are important to protect the intended use for which the adjoining land has been reserved, and to recognise coastal processes within coastal residential areas.***

All of the lots affected by the front setback provisions are separated from the coastal reserve by a road reserve. Factors that may affect the impact of development on the coastal reserve include:

- The width of the road and/or coastal reserve;
- The presence of vegetation within the reserves;
- The location of the dual use pathway (beside the road reserve or within the coastal reserve);
- Sections of streetscape that are intercepted by different zoning (e.g. Tourism); and
- The approximate 'era' that land parcels were created and dwellings constructed.

It is considered that the presence of mature vegetation such as peppermint trees and the location of the dual use pathway away from the road reserve are critical factors in 'softening' the impact of built form – this applies to localities such as Dunsborough, Quindalup, Abbey and Broadwater.

Mature vegetation contributes to the amenity of users of the coastal reserve by enhancing the streetscape; providing micro-climate, habitat and shade; and particularly where peppermint trees are present by maintaining a local 'sense of place'. There are many instances where the dual use path is located within coastal reserve vegetation and built form is either partially or wholly screened by vegetation.

This scenario is not evident in portions of West Busselton and Geographe, where the dual use path is located at the northern edge of the road reserve and there is very little mature vegetation to provide screening. These areas are addressed below.

West Busselton (between Craig Street and Dolphin Road)

In West Busselton, between Craig Street and Dolphin Road, the road and coastal reserves are generally narrow.

Between Craig Street and Earnshaw Road the dual use path is located on the back of kerb and there is only a very narrow stretch of coastal reserve with setbacks of approximately 20m – 38m from the front boundary of the affected lots and the edge of the beach as there is no, or very little, dune system. The impact of building bulk on these three street blocks is noticeable because of the proximity of dwellings to both the dual use path and the beach. It is considered reasonable in this location that additional setbacks be encouraged through the policy to reduce the impact of new development on the users of the adjacent dual use path and beach.

Between Earnshaw Road and Dolphin Road however, the dual use path moves off the back of kerb and the width of the coastal reserve widens. Setbacks of approximately 40m – 98m between the front boundary of the affected lots and the edge of the beach which lessens the building bulk impact associated with these two street blocks to a point where it is considered unlikely that any additional setback, over and above what is required by the R-codes, would have a significant impact on the coastal amenity.

#### Geographe (between Guerin Street and Ford Road)

In Geographe, while there is very little vegetation, the width of road reserve/verge depth varies and is generally wider than in West Busselton, in places substantially so with properties near to Ford Road having front verges of up to 37m. While the dual use path along this section of coast is generally located close to the road reserve, it is not located on the back of back of kerb (minimum setback of approximately 5m). Further, the dune system in Geographe is substantial in comparison to the section of West Busselton discussed above, with setbacks of approximately 80m - 150m between front property boundaries and the beach.

Given the wider road verges, the siting of the dual use path off the back of kerb and the significant distance provided between the front of the lots and the beach, the impact on the public realm posed by new residential development in this area is not considered significant enough to justify the imposition of additional setback requirements.

Further, it would be difficult to argue that there is a consistent character along this section of coast that is worth protecting through policy given the age, height, bulk, architectural style and setbacks of dwellings vary significantly.

***B1.3 (b) Setbacks from development should assist in ameliorating the impacts of building bulk when viewed from the coastal reserve and primary street.***

***B1.3 (c) The taller and longer a wall is, the further it should be setback from the coastal reserve or primary street.***

Apart from the various factors noted above, the impact of building bulk is also influenced by building design and the use of materials. Rather than bulky, buildings can be perceived as visually interesting through adopting a combination of articulation, horizontal and vertical elements, and use of different materials, openings, and other elements.

The setback provisions within the LPP may assist in ameliorating the impact of building bulk, but they may also contribute to poor design outcomes, for example when ‘visually interesting’ upper floors are setback behind ground floor garages which tend to provide little visual interest.

The policy requirement for an increased upper floor setback also conflicts with visual privacy requirements within the R-Codes, where an unenclosed balcony must be set back 7.5 metres from the side lot boundary. Use of good design elements can serve to both satisfy visual privacy requirements and provide a visually interesting building.

***B1.3 (d) The localities along Geographe Bay Road and associated foreshore areas, comprise predominantly single storey detached single dwellings on large lots with generous front and rear setbacks. These developments are low rise, contribute to the open landscape character along the beachfront locality and generally reflect a Western Australian seaside architectural vernacular.***

This objective is considered to be a statement containing a series of assumptions; it is broken down into parts and addressed below.

- Predominantly single storey detached single dwellings – it has been demonstrated above that dwellings within the policy area are not predominantly single storey.
- Large lots with generous front and rear setbacks – this assumption is, very broadly, correct.
- Low rise contributing to open landscape character – the terms ‘low rise’ and ‘open landscape character’ are subject to interpretation and neither term is defined within the policy.
- Western Australian seaside architectural vernacular – again this is a subjective term that isn’t defined within the policy. It is difficult to quantify any evidence of a ‘seaside vernacular’.

It is questionable whether the objectives of the policy have been achieved, and whether all of them are appropriate. Accordingly, the policy is proposed to be amended so that the two key and appropriate objectives are retained – the impact of built form when viewed from Geographe Bay Road and the coastal reserve, and contribution to/consistency with the established streetscape.

### **3. Proposed policy amendments**

As detailed above, it is recommended that the scope of the policy be reduced to cover only the section of West Busselton between Craig Street and Earnshaw Road. Further recommended modifications to the policy are as follows:

- The objectives (purpose) have been refined so that they are relevant and appropriate;
- Introduction of interpretations for clarification;
- Removal of all rear setback provisions;
- Clarification that the policy applies to all sites adjoining Geographe Bay Road, where previously corner lots where Geographe Bay Road was the secondary street were excluded;
- Introduction of a provision that allows for privacy screening;
- Introduction of diagrams to clarify setback provisions; and
- A change to the title, to reflect the much narrower scope proposed.

### **Statutory Environment**

The key statutory environment is set out in the *Planning and Development Act 2005* and related subsidiary legislation, including the City of Busselton Local Planning Scheme No. 21 (the Scheme) and the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), especially Schedule 2 (Deemed Provisions) of the Regulations, which form part of the Scheme.

Division 2, clauses 5 and 6 respectively set out the requirements for the amendment or revocation of a local planning policy.

### **Relevant Plans and Policies**

#### **State Planning Policy 7.3 Residential Design Codes Volume 1 (R-Codes)**

The purpose of the R-Codes is to provide a comprehensive basis for the control of residential development throughout Western Australia.

The R-Codes provide for residential development of an appropriate design for the intended residential purpose, density, context of place and Scheme objectives.

#### Local Planning Scheme No. 21 (the Scheme)

Relevantly, the purposes of the Scheme are to control and guide land use and development; and to set out procedures for the assessment and determination of applications for development approval.

#### Financial Implications

There are no financial implications associated with the Officer Recommendation.

#### Stakeholder Consultation

Should Council resolve to initiate for the purpose of public consultation the amended policy, then the following consultation will be undertaken:

Part 2, Division 2 of the Deemed Provisions requires that a local government undertake consultation before adopting or amending a local planning policy (although a minor amendment can be made without consultation). At least 21 days must be allowed for the making of submissions.

It is proposed that consultation will be for a period of four weeks and will be undertaken as follows:

- Targeted letters/emails to landowners within the policy area;
- Notices in the local newspaper for four consecutive weeks, as well as on the City's website, including the subject and nature as well as objectives of the proposed LPP; and
- A portal is to be created using the City's *YourSay* platform for the online lodgement of submissions.

#### Risk Assessment

An assessment of the potential implications of implementing the Officer Recommendation has been undertaken using the City's risk management framework. No risks of medium or greater level have been identified.

#### Options

As an alternative to the proposed recommendation the Council could:

1. Retain the existing policy;
2. Further modify the policy recommended to be initiated for the purposes of public consultation; or
3. Revoke the policy in its entirety.

#### **CONCLUSION**

It is recommended that Council consider the discussion set out in this report and resolve to support the amendments to LPP 1.5 and initiate for the purposes of public consultation.

#### **TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

Implementation of the Officer Recommendation would involve notification of the amended or revoked policy as outlined in the consultation section of this report. It is expected that this will commence within one month of the Council decision.

## Local Planning Policy No. 1.5 COASTAL SETBACKS



### 1. HEAD OF POWER

This Policy has been adopted pursuant to *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2 (Deemed Provisions), Clause 4 and applies to development across the whole of the City.

### 2. PURPOSE

- 2.1 To provide for development projects of a low rise residential character and reduce the dominance of the built form in the coastal setting outside key nodes which the Scheme zones or identifies land for more intensive residential development.
- 2.2 To ensure coastal processes are not adversely affected by the modification of ground levels for building purposes in the coastal management area.
- 2.3 This Policy recognises that:
- Setbacks for development from coastal reserves are important to protect the intended use for which the adjoining land has been reserved and to recognise ongoing coastal processes within coastal residential areas.
  - Setbacks for development should assist in ameliorating the impacts of building bulk when viewed from the coastal reserve and primary street.
  - The taller and longer a wall is, the further it should be setback from the coastal reserve or primary street.
  - The localities along Geographe Bay Road and associated foreshore areas, comprise predominantly single storey detached single dwellings on large lots with generous front and rear setbacks. These developments are low rise, contribute to the open landscape character along the beachfront locality and generally reflect a Western Australian seaside architectural vernacular.

### 3. INTERPRETATION

- 3.1 This policy provision applies to all low density (R 25 and below) residential lots that abut a coastal foreshore reserve fronting Geographe Bay; or which front a street that adjoins a coastal foreshore reserve immediately opposite the lot, and are outside any higher density coastal nodes which may be identified for specific design control through a development guide plan.
- 3.2 This policy provision does not apply to lots with canal frontage.
- 3.3 For the purposes of this Policy, a coastal foreshore reserve is defined as any Reserve for Recreation abutting the oceanfront of Geographe Bay, as depicted on the Scheme Map.

### 4. POLICY STATEMENT

The following provisions apply:

#### 4.1 Streetscape and Primary Street Setbacks

- 4.1.1 For all residential development up to five (5) metres in height, including the exterior face of any roofed, unroofed or partially roofed verandas, decks and balconies, carports and

## Local Planning Policy No. 1.5 COASTAL SETBACKS



garages, the minimum setback from the primary street shall be in accordance with the setbacks specified in Table 1 of the R Codes.

- 4.1.2 For the purpose of assessing applications against this policy, the Acceptable Development provisions of the R Codes at 6.2.1 (setbacks of buildings generally) and 6.2.3 (setbacks of garages and and carports from the primary street) are superseded by this policy and do not apply.
- 4.1.3 For all residential development above five (5) metres in height, including the exterior face of any roofed, or partially roofed verandas, decks and balconies the minimum setback from the primary street shall be calculated to be a value of the setback distance specified in Table 1 of the R Codes plus an additional three (3) metres. Notwithstanding the aforementioned provision, the exterior face of any roofed verandas, decks and balconies above five metres in height may be setback from the primary street in accordance with Table 1 of the R Codes provided the outdoor area is "open" (non-enclosed) on at least three sides.
- 4.1.4 The City may accept minor projections, and projecting sections of wall and roofs, such as gable ridges which do not meet the height and setback distances required in the preceding provisions provided any minor projection does not increase the building bulk or visual impact of the wall when viewed from the street.
- 4.1.5 In applying the foregoing provisions the City will consider the setback of adjoining buildings and the relationship of the proposal to the existing streetscape in the vicinity of the proposal.

### 4.2 **Lots abutting a Coastal Reserve - Rear Setbacks**

- 4.2.1 For all residential development up to five (5) metres in height, including the exterior face of any roofed, unroofed or partially roofed verandas, decks and balconies, carports and garages, the minimum setback from the rear boundary shall be in accordance with the R Codes having regard for setbacks prevailing in the locality and any requirement pursuant to the coastal management area of the Scheme.
- 4.2.2 For all residential development above five (5) metres in height, excluding the exterior face of any roofed, or partially roofed verandas, decks and balconies the minimum setback from the rear boundary shall be calculated to be a value of the setback distance specified in Table 1 of the R Codes plus an additional three (3) metres.
- 4.2.3 The exterior face of any unroofed or partially roofed verandas, decks and balconies above five metres in height may be setback from the rear boundary in accordance with Table 1 of the R Codes, provided the structure is open (non-enclosed) on at least three sides.
- 4.2.4 The City may accept minor projections, and projecting sections of wall and roofs, such as gable ridges which do not meet the height and setback distances required in the preceding provisions provided these do not increase the building bulk that is the purpose of these controls or basic impact of the wall when viewed from the coastal reserve.

## Local Planning Policy No. 1.5 COASTAL SETBACKS



- 4.2.5 Where a lot has one or more than one boundary abutting a foreshore or public open space reserve the setback to be applied to development from that reserve boundary shall be determined by the City following onsite inspection. In determining the required setback the City shall have regard to the existing development line, retaining the natural amenity of the Reserve and avoiding the encroachment of development on the amenity of the reserve area.
- 4.2.6 While private access from an adjoining property into a reserve is generally not supported, any intended access point from a lot onto a reserve is to be indicated on the submitted plans and will be considered in the context of the suitability of the access location, impact on the reserve and current management orders for the reserve. (note: breaches of management orders or indiscriminate access to reserves may be pursued by the City through its use of reserves regulatory system).
- 4.2.7 For lots which abut a coastal foreshore reserve, filling and retaining of the private land at the reserve boundary shall be limited to a maximum of 450mm above natural ground level, irrespective of the minimum finished floor level applicable to the dwelling.
- 4.2.8 Fencing of the reserve boundary will require approval and will be limited to open steel grill construction fencing with or without masonry piers, visually permeable and no higher than 1.5 m above natural ground level.
- 4.2.9 Fill should be minimised through pole or pier construction or alternative building or footing design to avoid vegetation loss and to ensure minimal disturbance to coastal areas.
- 4.2.10 Ancillary developments such as swimming pools (unless constructed at or below ground level), sun rooms, gazebos, tennis courts, prepared surfaces and outdoor decks shall be setback from the rear boundary in accordance with Table I of the R Codes.

### 4.3 PERFORMANCE CRITERIA

The provisions of this Policy may be varied where at least one of the following applies:

- 4.3.1 The physical dimension of the lot, that is its depth or width, prevents reasonable compliance with this policy in respect of rear setbacks.
- 4.3.2 The topography of the land or of the surrounding land does not make the required provisions practicable.

### 5. REVIEW DETAILS

Review Frequency	2 yearly		
Council Adoption	10/3/2010		C1003/069
Previous Adoption	DATE		Resolution #

\* Policy number changed from LPP 1B to LPP 1.5 on the 11th May 2020. The change is administrative only, no resolution by Council required.



## Local Planning Policy No. 1.5 Coastal Setbacks – West Busselton

Version: Draft

### 1. Head of Power and Scope

This Policy has been adopted pursuant to the *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2 ('Deemed Provisions') Part 2, Clause 4 and R-Codes Volume 1 clause 7.3 Scope of Local Planning Policies, Local Development Plans and Activity Centre Plans.

This Policy applies to all Residential Development on lots zoned Residential that adjoin Geographe Bay Road and are located:

- (a) between the intersections of Earnshaw Road and Craig Street (refer Appendix 1)

This Policy replaces the deemed-to-comply requirements of clause 5.1.2 (i – iv) Street Setbacks and clause 5.2.1 Setback of Garages and Carports for lots within the Policy Area as identified above and as such, accordance with Clause 61(c) of the 'Deemed Provisions' where a development does not comply with this Policy it is subject to development approval.

### 2. Purpose

The purpose of this Policy is to require additional setbacks for Residential Development within the Policy Area and adjacent to Geographe Bay Road to:

- 2.1. Reduce the impact of built form when viewed from Geographe Bay Road and the adjoining coastal reserve; and
- 2.2. Provide for development that contributes to, and is consistent with, the established streetscape.

### 3. Interpretation

Terms should be interpreted in the same way as they would be interpreted if they were contained or within the Scheme, other than those terms defined below:

**"Balcony"** as defined by the R-Codes and provided below:

*"A balustraded platform on the outside of a dwelling with access from an upper internal room."*

**"External Face"** means the same as a "Wall" as defined by the R-Codes and provided below:

*"The vertical external face of a constructed building comprising solid building material and including enclosures to verandahs and balconies."*

**"R-Codes"** means State Planning Policy 7.3 Residential Design Codes Volume 1 (as amended).

**"Residential Development"** means Single House, Ancillary Dwelling, Grouped Dwelling and/or Multiple Dwelling.





**4. Policy Statement**

4.1. For the purpose of assessing clause 5.1.2 ‘Street Setbacks’ and clause 5.2.1 ‘Setback of Garages and Carports’ of the R-Codes, all Residential Development subject to this Policy, the External Face:

- (a) up to five (5) metres in height, should be set back from the Geographe Bay Road lot boundary in accordance with the primary street setbacks specified in Table 1 of the R-Codes; and
- (b) five (5) metres or greater in height, should be set back from the Geographe Bay Road lot boundary in accordance with the primary street setbacks specified in Table 1 of the R-Codes, plus an additional three (3) metres.

*Note 1 : Parts 4.1 (a) and (b) are applicable irrespective of whether Geographe Bay Road is to be treated as the primary or secondary street (where applicable).*

4.2. Notwithstanding provision 4.1 above, where a Balcony is covered by an impermeable roof and any part of that roof is five (5) metres or greater in height, the Balcony may be set back in accordance with Table 1 of the R-Codes provided the Balcony is unenclosed by a solid wall on at least three sides.

If a privacy screen is proposed in order to comply with clause 5.4.1 Visual Privacy of the R-Codes, the screening should comply with the following -

- i) a maximum height of 1.6m; and
- ii) no greater than 75 per cent obscure; and
- iii) be restricted in size and design to only the extent that is necessary to restrict view in the direction of overlooking into any adjoining property.

*Note 2 : See explanatory diagrams at Appendix 2.*

4.3. Where a provision of this Policy is inconsistent with the City of Busselton Local Planning Scheme No. 21 (‘Scheme’), the provisions of the Scheme prevail.

**5. Review Details**

Review Frequency		2 yearly		
Council Adoption	DATE		Resolution #	
Previous Adoption	DATE		Resolution #	

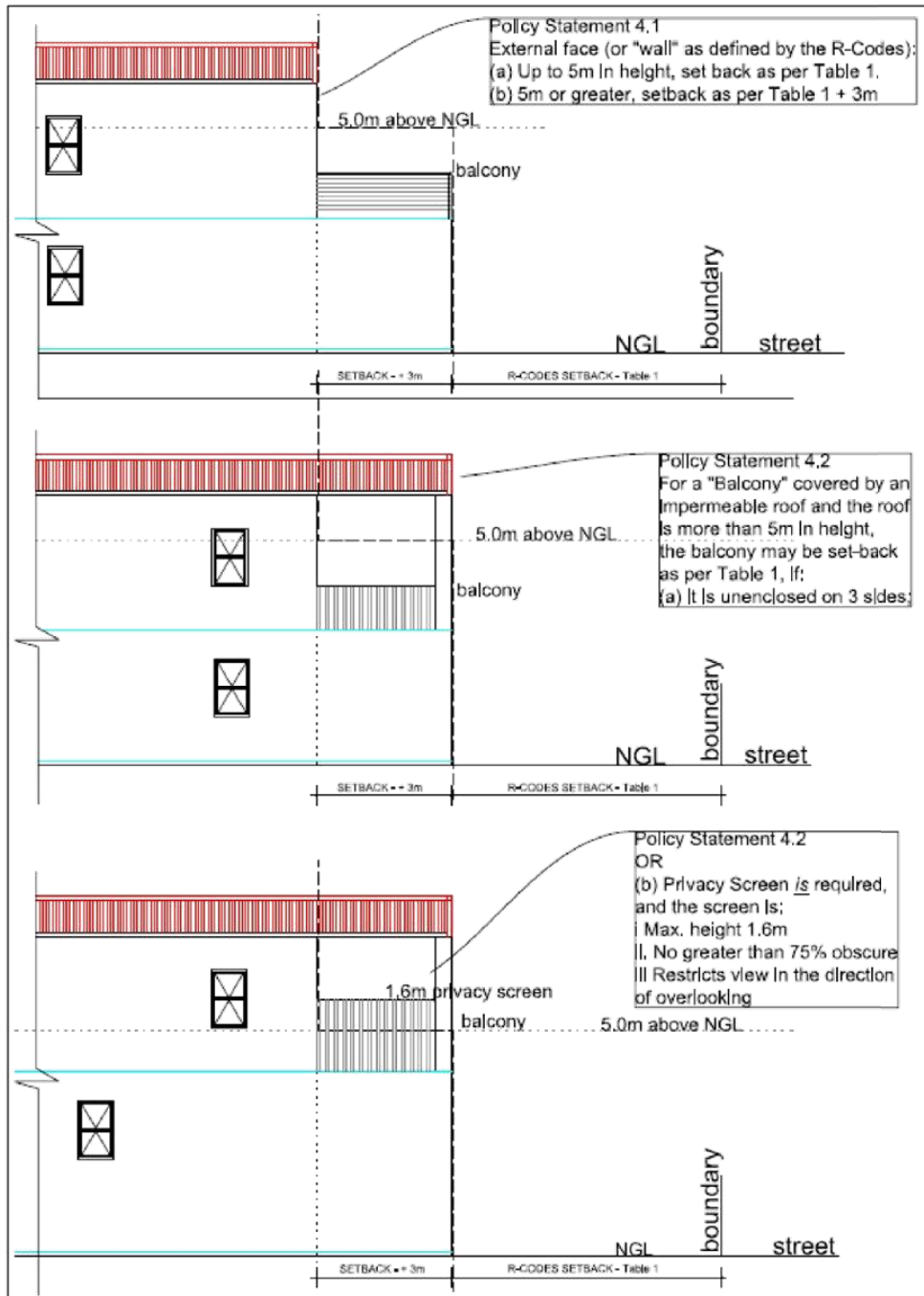


Appendix 1 – Policy Area





Appendix 2 – Explanatory Diagrams



## ATTACHMENT C - LOCAL PLANNING POLICY 1.5 REVIEW - DATA ANALYSIS

### Policy Application

The table below provides a break-down for each locality.

LOCALITY	TOTAL LOTS	APPROVALS SINCE 2008		COMPLIES		DISCRETION ALLOWED
DUNSBOROUGH	47	22	47%	13	59%	8
QUINDALUP	25	4	16%	4	100%	0
MARYBROOK	60	13	22%	12	92%	1
SIESTA PARK	57	8	14%	4	50%	4
ABBEY	73	8	11%	3	37%	5
BROADWATER	65	11	17%	4	36%	7
WEST BSN	88	17	19%	10	59%	7
GEOGRAPHE	141	25	18%	15	60%	9
WONNERUP	31	3	10%	1	33%	2
<b>TOTAL</b>	<b>587</b>	<b>111</b>	<b>19%</b>	<b>66</b>	<b>60%</b>	<b>45 (40%)</b>

These calculations demonstrate that in the majority of locations, the majority of development for which approvals were issued complied with the LPP provisions, noting that approximately 80% of sites have not been subject to any (relevant) development within the past 13 years.

### Impact of built form on the streetscape – Setbacks

The table below provides a summary of how front or rear setbacks (as applicable) can vary for each locality. The 'required setback' is what is required by Table 1 of the R-Codes.

The approximate minimums and maximums are setbacks that were calculated through the desktop assessment, although it should be noted that variations may be less extreme within a street block (i.e. one street block may have varied from 5m minimum setback to 10m maximum).

LOCALITY	R-CODING	REQUIRED SETBACK F = front R = rear	APPROX MINIMUM SETBACK	APPROX MAXIMUM SETBACK
DUNSBOROUGH	R15	F = 6m	4m	15.5m
QUINDALUP	R15	F = 6m	6.5m	19m
	R12.5	F = 7.5m	5m	13.5m
MARYBROOK	R2.5	R = 7.5m	0m	67m
	R5	R = 6m	6m	47m
SIESTA PARK	R2.5	R = 7.5m	0m	56m
ABBEY	R15	F = 6m	3m	41m
BROADWATER	R15	F = 6m	2m	14m
WEST BSN	R15	F = 6m	3m	17m
	R15	R = 6m	3m	52m
GEOGRAPHE	R15	F = 6m	3m	18m
	R15	R = 6m	1m	17m
WONNERUP	R2	F = 20m	13m	26m
	R15	F = 6m	3m	15m

**Impact of built form on the streetscape - Building Height**

The following table provides a snapshot of single and double storey dwellings in each locality, as well as vacant lots. In some instances it was not clear from the desktop review whether a dwelling was single or double storey – these dwellings have not been included in the data below.

LOCALITY	TOTAL LOTS	SINGLE STOREY		DOUBLE STOREY		VACANT	
DUNSBOROUGH	47	14	30%	32	68%	1	2%
QUINDALUP	25	7	28%	15	60%	3	12%
MARYBROOK	37	10	27%	24	65%	3	8%
SIESTA PARK	31	16	52%	12	39%	3	9%
ABBAY	65	31	48%	29	45%	5	7%
BROADWATER	56	20	36%	33	59%	3	5%
WEST BSN	81	38	47%	39	48%	4	5%
GEOGRAPHE*	124	52	42%	58	47%	14	11%
WONNERUP	29	9	31%	10	34.5%	10	34.5%
<b>TOTAL</b>	<b>495</b>	<b>197</b>	<b>40%</b>	<b>252</b>	<b>51%</b>	<b>46</b>	<b>9%</b>

\*It should be noted that there are a disproportionately high number of vacant lots in Spinnaker Boulevard (60%) – use of this outlier would lead to skewed data and an inaccurate overall conclusion. Therefore these lots have not been included.

**Rear Setbacks**

The majority of affected lots in Marybrook and Siesta Park are located within the Coastal Management Special Control Area (CMSCA). Any future development proposals will be subject to assessment under the CMSCA and SPP 2.6. These higher order planning instruments consider impact on proposed development from coastal processes, the impact on dunes, and the impact on the landscape or scenic and environmental quality of the land. The aims of these instruments are similar to those of the LPP and it is considered that the LPP adds little additional value.

A portion of a street block in Abbey is subject to a rear easement. The purpose of the easement is unknown however it is noted that the setback distance is 10m or greater. Enforcement of this easement means that the policy loses effect and is irrelevant in the assessment of an application.

Street blocks in Geographe and Wonnerup to which the rear setback provisions apply are subject to separate development guide plans (structure plans). Older development guide plans tend to have development controls relating to the context of the site. The original 2007 *Residential Design Guidelines Policy* explicitly stated that where a development guide plan or detailed area plan applied to a lot, then the provisions of that plan would prevail. It is clear that the intent of the policy was that it should not override planning controls put in place for a particular development guide plan area.

Many lots to which the rear setback provisions apply tend to be heavily vegetated at the rear and therefore are not visible from the dual use path or coastal reserve – as a result, there is no perceived impact on the amenity of the reserve from building bulk



## Local Planning Policy No. 1.5 Coastal Setbacks – West Busselton

Version: Draft

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~~This Policy applies to all Residential Development on lots zoned Residential that adjoin Geographe Bay Road and are located:~~

~~(a) between the intersections of Earnshaw Road and Craig Street (refer Appendix 1)~~

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*"The vertical external face of a constructed building comprising solid building material and including enclosures to verandahs and balconies."*

**"Policy Area"** means the area that the Policy applies to, which is all lots zoned Residential that adjoin Geographe Bay Road and are located between the intersections of Earnshaw Road and Craig Street, as identified in Appendix 1.

**"R-Codes"** means State Planning Policy 7.3 Residential Design Codes Volume 1 (as amended).



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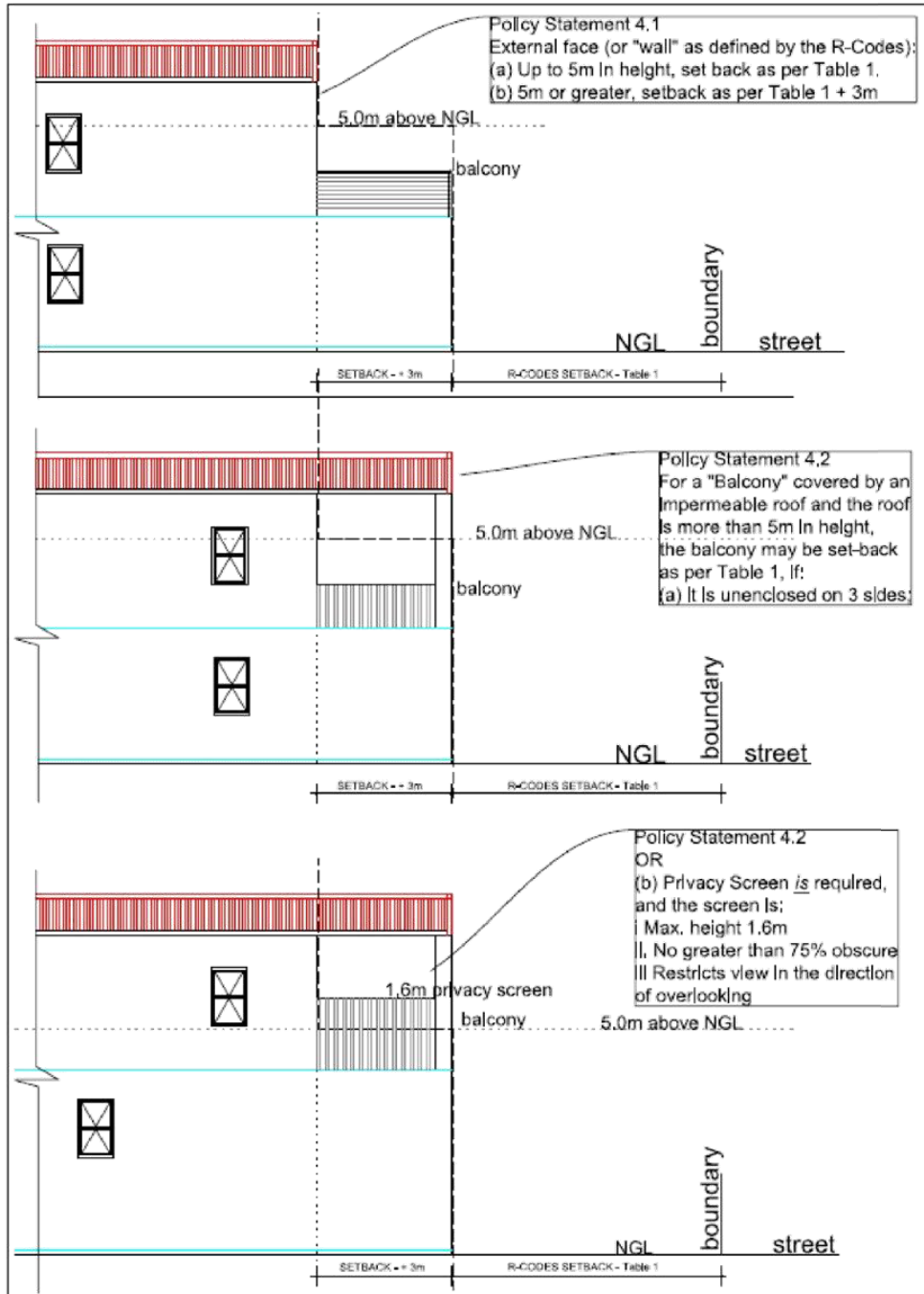
Appendix 1 – Policy Area







Appendix 2 – Explanatory Diagrams



**13. PLANNING AND DEVELOPMENT SERVICES REPORT**

Nil

**14. ENGINEERING AND WORK SERVICES REPORT**

Nil

**15. COMMUNITY AND COMMERCIAL SERVICES REPORT**

Nil

**18. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**19. URGENT BUSINESS**

Nil

**20. CONFIDENTIAL REPORTS****20.1 CEO PERFORMANCE REVIEW**

<b>STRATEGIC GOAL</b>	6. LEADERSHIP Visionary, collaborative, accountable
<b>STRATEGIC OBJECTIVE</b>	6.1 Governance systems, process and practices are responsible, ethical and transparent.
<b>SUBJECT INDEX</b>	Individual Personnel File
<b>BUSINESS UNIT</b>	Corporate Services
<b>REPORTING OFFICER</b>	Manager Governance and Corporate Services - Sarah Pierson
<b>AUTHORISING OFFICER</b>	Chief Executive Officer - Mike Archer
<b>NATURE OF DECISION</b>	Executive: substantial direction setting, including adopting strategies, plans and policies (excluding local planning policies), tenders, setting and amending budgets, funding, donations and sponsorships, reviewing committee recommendations
<b>VOTING REQUIREMENT</b>	Simple Majority
<b>ATTACHMENTS</b>	Attachment A Published Under Separate Cover Confidential CEO Performance Review Report

**This item is confidential in accordance with section 5.23(2)(a) and (b) of the *Local Government Act 1995*, as it contains information relating to a matter affecting an employee or employees, and the personal affairs of any person.**

DISCLOSURE OF INTEREST	
Date	11 November 2020
Meeting	Ordinary Council
Name/Position	Mr Mike Archer, Chief Executive Officer
Item No./Subject	20.1 CEO Performance Review
Type of Interest	Financial
Nature of Interest	I declare I have an interest in this Item 20.1 'CEO Performance Review' as it relates to the contract I hold in the position of Chief Executive Officer.

5.52pm: At this time, Mr Archer left the meeting.

**COUNCIL DECISION**

**C2011/131** Moved Councillor K Cox, seconded Councillor R Paine

**That the meeting is closed to members of the public to discuss this item which is confidential for the reasons as shown.**

**CARRIED 9/0**

5.52pm: At this time, Council moved into closed session and the live streaming of the meeting ceased.

**COUNCIL DECISION AND OFFICER RECOMMENDATION****C2011/132** Moved Councillor R Paine, seconded Councillor L Miles

That the Council:

1. Endorses the appointment of the Mayor and Deputy Mayor as the Reviewer under clause 3.3 of the CEO's contract of employment;
2. Endorses the performance review report at Attachment A as an accurate reflection of the CEO's performance during the review period;
3. Endorses the revised KPI's as set out in the review report at Attachment A; and
4. Endorses the confidential nature of this report.

**CARRIED 9/0****COUNCIL DECISION****C2011/133** Moved Councillor L Miles, seconded Councillor S Riccelli

That the meeting be re-opened to the members of the public.

**CARRIED 9/0**

5.54pm: At this time, the meeting was re-opened to members of the public and the live streaming of the meeting was resumed.

5.54pm: At this time, Mr Archer re-entered the meeting.

21. CLOSURE

The Presiding Member closed the meeting at 5.54pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 64 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON WEDNESDAY, 25 NOVEMBER 2020.

DATE: 25/11/2020 PRESIDING MEMBER: 