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CITY OF BUSSELTION

MINUTES FOR THE COUNCIL MEETING HELD ON 25 JULY 2018

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MINUTES

MINUTES OF A MEETING OF THE A MEETING OF THE BUSSELTON CITY COUNCIL HELD IN THE COUNCIL CHAMBERS, ADMINISTRATION BUILDING, SOUTHERN DRIVE, BUSSELTON, ON 25 JULY 2018 AT 5.30PM.

1. DECLARATION OF OPENING/ACKNOWLEDGEMENT OF COUNTRY/ACKNOWLEDGEMENT OF VISITORS/DISCLAIMER

The Presiding Member open the meeting at 5.30pm.

2. ATTENDANCE

Presiding Member:

Cr Grant Henley Mayor

Members:

Cr John McCallum Deputy Mayor
Cr Coralie Tarbotton
Cr Ross Paine
Cr Rob Bennett
Cr Paul Carter
Cr Robert Reekie
Cr Kelly Hick
Cr Lyndon Miles

Officers:

Mr Mike Archer, Chief Executive Officer
Mr Oliver Darby, Director, Engineering and Works Services
Mr Paul Needham, Director, Planning and Development Services
Mr Cliff Frewing, Acting Director, Community and Commercial Services
Mr Tony Nottle, Director, Finance and Corporate Services
Ms Sarah Pierson, Manager, Governance and Corporate Services
Miss Kate Dudley, Administration Officer, Governance

Apologies:

Nil

Approved Leave of Absence:

Nil

Media:

“Busselton-Dunsborough Times”
“Busselton-Dunsborough Mail”

Public:

10

3. PRAYER

The prayer was delivered by Pastor Tony Peak of Abundant Life Centre (Assemblies of God).

4. APPLICATION FOR LEAVE OF ABSENCE

Nil

5. DISCLOSURE OF INTERESTS

Nil

6. ANNOUNCEMENTS BY THE PRESIDING MEMBER

Nil

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

Nil

Question Time For Public**7.1 Mr Peter Kyle**

The following question was asked at the 25 July 2018 Ordinary Council Meeting.

Question:

Has the City been able to ascertain details on the appeal that was submitted by the Southern Joint Development Assessment Panel for the proposed Puma Energy petrol station development?

Answer:

The Presiding Member expressed and agreed with Mr Kyle's concerns that no notification of the submission had been received, not only as a panel member but as a member of the community. The City intends to have a discussion with the Presiding Member of the Southern Joint Development Assessment Panel.

8. CONFIRMATION AND RECEIPT OF MINUTES**Previous Council Meetings****8.1 Minutes of the Council Meeting held 27 June 2018****COUNCIL DECISION**

C1807/136

Moved Councillor J McCallum, seconded Councillor R Reekie

That the Minutes of the Council Meeting held 27 June 2018 be confirmed as a true and correct record.

CARRIED 9/0

Committee Meetings**8.2** Minutes of the Policy and Legislation Committee Meeting held 26 June 2018**COUNCIL DECISION****C1807/137**

Moved Councillor C Tarbotton , seconded Councillor P Carter

That the Minutes of the Policy and Legislation Committee Meeting held 26 June 2018 be noted.

CARRIED 9/0**9. RECEIVING OF PETITIONS, PRESENTATIONS AND DEPUTATIONS****PETITIONS**

Nil

PRESENTATIONS

Mr Dean Smith presented as a party with an interest on item 12.4 – “Policy and Legislation Committee - 26/06/2018 - Al Fresco Areas and Street Activation in the Busselton City Centre (Especially Queen Street) - Report on Outcomes of Recent Consultation and Proposed Direction”, on behalf of Mr Ivan Nash, business owner on Queen Street and was generally in support of the Officer Recommendation.

DEPUTATIONS

Nil

10. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN (WITHOUT DISCUSSION)**11. ITEMS BROUGHT FORWARD FOR THE CONVENIENCE OF THOSE IN THE PUBLIC GALLERY**

Nil

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, that the remaining reports, including the Committee and Officer Recommendations, will be adopted en bloc, i.e. all together.

En Bloc Motion**COUNCIL DECISION/COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION**

C1807/138 Moved Councillor C Tarbotton , seconded Councillor P Carter

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


- 12.2 Policy and Legislation Committee - 26/06/2018 - RESCISSION OF COUNCIL POLICY 077 INTERNET USE WITHIN THE BUSSELTON AND DUNSBOROUGH PUBLIC LIBRARIES
- 14.1 AWARD OF CONTRACT TO ACTIV FOUNDATION INCORPORATED FOR GENERAL PARKS & GARDENS MAINTENANCE SERVICES
- 16.2 COUNCILLORS' INFORMATION BULLETIN

CARRIED 9/0

EN BLOC

12. REPORTS OF COMMITTEE MEETINGS

12.2 Policy and Legislation Committee - 26/06/2018 - RESCISSION OF COUNCIL POLICY 077 INTERNET USE WITHIN THE BUSSELTON AND DUNSBOROUGH PUBLIC LIBRARIES

SUBJECT INDEX:	Council Policies
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Community Services
ACTIVITY UNIT:	Library Services
REPORTING OFFICER:	Manager, Community Services - Maxine Palmer
AUTHORISING OFFICER:	Director, Community and Commercial Services - Cliff Frewing
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Council Policy 077 Internet use within the Busselton and Dunsborough Public Libraries 

This item was considered by the Policy and Legislation Committee at its meeting on 26 June 2018, the recommendations from which have been included in this report.

PRÉCIS

The purpose of this report is to recommend rescission of Council Policy 077 - Internet use within the Busselton and Dunsborough Public Libraries (the Policy) (Attachment A). The Policy outlines Council's position with respect to the provision of free computer / internet access to all members of the Busselton and / or Dunsborough Library and details a range of operational user guidelines for such use.

In August 2017 the CEO commissioned a high level independent review of the City's governance systems - the Governance Systems Review (GSR). Included in the scope of the review was the City's policy and procedure framework with recommendations made in relation to the nature and intent of Council policies, namely that Council policies should deal with higher level strategies and objectives.

In accordance with the recommendations of the GSR, it is recommended that the Policy be rescinded.

BACKGROUND

The Policy was originally created in 1997 and was last reviewed in July 2016. It is assumed that the Policy, given its original creation date, was developed at a time when the provision of public access to technology within public places such as libraries was very new. It is also likely that Council policy documents were also more operational in their focus than is expected currently.

The GSR was undertaken over a 3 month period by Mr John Woodhouse LLB B.Juris and made the following recommendations with respect to the City's policy and procedure framework:

1. *There should be a review of the Council Policies with the intent that a Council Policy:*
 - a. *Should deal with higher level objectives and strategies;*
 - b. *Should not deal with operational matters, employee matters, or other matters which are the responsibility of the CEO; and*
 - c. *Should, where appropriate provide sufficient direction to the CEO to develop OPPs which deal with the implementation of the Council Policy or other detailed matters.*

2. *As part of that review, any existing Council Policy should be deleted where it could, more sensibly, be dealt with by an OPP adopted by the CEO.*
3. *Consideration should be given to developing a new Council Policy which sets out the 'framework' for Council Policies, OPPs and other procedures. The new Policy would explain the role to be played by each level of document. It could, for example, be called a Policy Framework Policy.*

In response a Policy Framework has been developed and endorsed by Council, setting out the intent of Council policies, as opposed to operational documents such as Staff Management Practices and operational procedures.

In accordance with the recommendations of the GSR, this report recommends that the Policy be rescinded.

STATUTORY ENVIRONMENT

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

RELEVANT PLANS AND POLICIES

There are no plans or other policies directly relevant.

FINANCIAL IMPLICATIONS

The recommendation to rescind the policy has no financial implications.

Long-term Financial Plan Implications

The recommendation to rescind the policy has no long term financial plan implications.

STRATEGIC COMMUNITY OBJECTIVES

The Officers Recommendation will not impact adversely on the achievement of any of the community objectives contained within the Strategic Community Plan 2017 and will instead serve to meet the objectives of Key Goal Area 6, specifically community objective 6.1 - Governance systems, processes and practices are responsible, ethical and transparent, by streamlining the City's governance approach with respect to strategic planning.

RISK ASSESSMENT

The City's libraries have been providing public access to computers and the internet for many years and have well established operational processes that govern that access. Therefore there are no identified risks of a medium or greater level associated with the Officers Recommendation

CONSULTATION

No consultation was considered necessary in relation to this matter.

OFFICER COMMENT

The Policy scope states that Busselton and Dunsborough public libraries provide free internet access to all library members. The content then details the rules or conditions applicable to that use, including for instance:

- that printing from the internet is available and is charged in accordance with Council's Schedule of Fees and Charges;
- that latecomers will forfeit the unused portion of reserved time, or if they are more than fifteen minutes late will forfeit the entire booking;
- that users must read and agree to the "Conditions of Public Access – Internet Use";
- that a maximum of two public users per internet computer is allowed at any one time

As can be seen from above and from review of the attached Policy the matters it deals with are very operational and are more appropriate as a set of usage terms provided to users at the time they make a booking / use a computer.

While the Policy was probably necessary at the time it was adopted, the City's libraries have been providing public access to computers and the internet for many years and have well established processes in relation to how that access is provided and controlled. Hence the Policy is not considered necessary, or, in light of the recommendations of the GSR and the newly adopted Policy Framework, appropriate.

In the event that Council does want to retain a policy outlining their commitment to the provision of free internet access in public facilities (including the City's libraries) then the Policy could be revised to provide a simple statement to that effect.

CONCLUSION

It is recommended that the Policy be rescinded, as it is of an operational nature and is sufficiently covered by current operational practices and procedures.

OPTIONS

Council could instead require that the Policy is reviewed and updated to reflect a more strategic statement with respect to their commitment to the provision of free computer / internet access within public places, including the City's libraries.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Policy will be rescinded immediately upon adoption of the Officers Recommendation.

COUNCIL DECISION/COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION**C1807/139**

Moved Councillor C Tarbotton , seconded Councillor P Carter

That the Council rescinds Council Policy 077 – Internet use within the Busselton and Dunsborough Public Libraries.

CARRIED 9/0**EN BLOC**

14. ENGINEERING AND WORKS SERVICES REPORT**14.1 AWARD OF CONTRACT TO ACTIV FOUNDATION INCORPORATED FOR GENERAL PARKS & GARDENS MAINTENANCE SERVICES**

SUBJECT INDEX:	Award of Contract to ACTIV Foundation Incorporated for General Parks & Gardens Maintenance Services
STRATEGIC OBJECTIVE:	Assets are well maintained and responsibly managed.
BUSINESS UNIT:	Operation and Works Services
ACTIVITY UNIT:	Parks and Gardens
REPORTING OFFICER:	Manager, Operation and Works Services - Matthew Twyman
AUTHORISING OFFICER:	Director, Engineering and Works Services - Oliver Darby
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Confidential Rate Comparison

PRÉCIS

The purpose of this report is to seek the Councils endorsement to award a contract to ACTIV Foundation Incorporated (ACTIV), the value of which is above the Chief Executive Officers delegated authority.

BACKGROUND

Under RFT05/14 Supply and Delivery of Horticultural, Landscaping, Revegetation and Turf Services the City established a panel of suppliers, which expired 13 June 2018. Since 2012 ACTIV have been and are currently engaged through this panel to provide services such as, mowing, litter control, weed control, garden maintenance, furniture cleaning and playground surrounds maintenance (General Parks and Gardens Maintenance Services).

Officers have reviewed the procurement arrangements for the expired RFT05/14 panel and, specifically in relation to General Parks and Gardens Maintenance Services, determined it would be advantageous to enter into a contract with ACTIV.

ACTIV have provided an excellent service to the City and have been found to be reliable and adaptable to the City's operational needs, providing valued additional support to the City Parks and Gardens teams.

ACTIV is an Australian Disability Enterprise as detailed under the Local Government (Functions and General) Regulations 1996 (Tender Regulations) the City is exempt from inviting tenders if the relevant services are to be procured from ACTIV. However the value of the contract over a period of three years will be in excess of the Chief Executive Officer delegated authority of \$500,000. Therefore a Council resolution is required.

STATUTORY ENVIRONMENT

Under the Tender Regulations and the City's Purchasing Policy, tenders are normally to be invited before the City enters into a contract for the supply of services where the consideration is expected to be more than \$150,000. Under Regulation 11(2)(i) tenders do not have to be invited if the goods or services are to be supplied by an Australian Disability Enterprise. ACTIV is an Australian Disability Enterprise as detailed under the Tender Regulations and therefore the City is exempt from inviting tenders in this instance.

Noting that the value of the contract over a period of three years will be in excess of the Chief Executive Officer delegated authority and therefore in order to award a contract to ACTIV, a Council resolution is required.

RELEVANT PLANS AND POLICIES

Policy 239 – Purchasing has relevance to the procurement process. This procurement process complies with this policy.

FINANCIAL IMPLICATIONS

Historically, the average annual spend over the last six years in relation to General Parks and Gardens Maintenance Services has been \$265,000 per annum, and it is expected that this trend will continue. On this basis it is expected that the contract value over a period of three years will be in the region of \$795,000.

The hourly rates shown in Attachment A provide a comparison between ACTIV and commercial operator hourly rates. As demonstrated from the comparison the City will benefit financially from procuring services from ACTIV.

The expenditure pursuant to the proposed contract with ACTIV forms part of the City's annual budget for parks and gardens maintenance.

Long Term Financial Plan Implications

There are no long term financial implications associated with the Officer's recommendation.

STRATEGIC COMMUNITY OBJECTIVES

The officer's recommendation aligns principally with Key Goal Area 2 – Places and Spaces and Key Goal Area 6 – Leadership, and specifically the following community objective/s:

- 2.2: Attractive parks and open spaces that create opportunities for people to come together, socialise and enjoy a range of activities
- 6.4: Asset are well maintained and responsibly managed

RISK ASSESSMENT

There are no identified risks associated with the officer's recommendation of a medium or greater level.

CONSULTATION

As an exemption applies to the tendering requirements when utilising an Australian Disability Enterprise, no consultation or advertising is required in relation to this item.

OFFICER COMMENT

The RFQ for General Parks and Gardens Maintenance Services was issued to ACTIV through Vendor Panel (VP109809) on 29 May 2018. The request closed on 8 June 2018.

ACTIV submitted a rate per hour with a rate for travel exceeding 10km from their depot. The City then clarified the application of the rate for travel and, upon clarification, it was decided to enter into negotiation to have the hourly rate include any travel to minimise administrative requirements. ACTIV responded with a revised rate per hour, with no travel to be claimed.

As outlined in the Financial Implications section of this report, ACTIV's proposal represents an advantageous one for the City as compared to comparative commercial rates. The engagement of ACTIV also provides a social benefit to the community.

ACTIV has demonstrated through their previous work with the City that they are capable of delivering a quality service. Their teams are supervised by suitably qualified staff enabling them to carry out weed control, tree pruning, playground cleaning and operation of various plant and equipment. Many of the team members have been with ACTIV for a number of years and are very experienced with the City's requirements under the contract. Further team members can be sourced from Bunbury if required.

Both teams have modern dual cab trucks with large trays for transport and cartage as well as minor plant and equipment. They also have caged trailers to carry out-front ride on mowers and waste material as required. Equipment is well maintained and serviced with little down time reported. ACTIV staff also have access to a well-equipped workshop and facilities within the Busselton LIA.

As ACTIV have been providing services to the City for a number of years they have a thorough understanding of the requirements of the contract.

CONCLUSION

It is recommended that the Council resolve to enter into a three year contract with the option of two, one year extensions with ACTIV for the supply of General Parks and Garden Maintenance Services.

OPTIONS

The Council may decide not to engage ACTIV directly for provision of General Parks and Gardens Maintenance Services, but to publicly invite tenders for the supply of these services. Officers do not consider that this will represent best value for money for the City.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

ACTIV will receive formal written notification within seven (7) days of the decision being handed down.

COUNCIL DECISION AND OFFICER RECOMMENDATION

C1807/140 Moved Councillor C Tarbotton , seconded Councillor P Carter

That the Council award a contract to ACTIV Foundation Incorporated for General Parks and Gardens Maintenance, within the City of Busselton for a period of three (3) years with an option of two (2), one (1) year extensions.

CARRIED 9/0

EN BLOC

16. FINANCE AND CORPORATE SERVICES REPORT**16.2 COUNCILLORS' INFORMATION BULLETIN****SUBJECT INDEX:**

STRATEGIC OBJECTIVE: Governance systems, process and practices are responsible, ethical and transparent.

BUSINESS UNIT: Governance Services





ACTIVITY UNIT:

REPORTING OFFICER: Administration Officer - Governance - Kate Dudley

AUTHORISING OFFICER: Chief Executive Officer - Mike Archer

VOTING REQUIREMENT: Simple Majority

ATTACHMENTS:

- Attachment A Planning Applications received by the City between 1 June, 2018 and 30 June, 2018 
- Attachment B Planning Applications determined by the City between 1 June, 2018 and 30 June, 2018 
- Attachment C State Administrative Tribunal Appeals 
- Attachment D Meelup Regional Park Management Committee 

PRÉCIS

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**16.2.1 Planning Applications**

Attachment A is a report detailing all Planning Applications received by the City between 1 June, 2018 and 30 June, 2018. A total of 67 formal applications were received during this period.

Attachment B is a report detailing all Planning Applications determined by the City between 1 June, 2018 and 30 June, 2018. A total of 75 applications (including subdivision referrals) were determined by the City during this period with 75 approved / supported and 0 refused / not supported.

16.2.2 2017/2018 TENDERS**RFT24/17 PROVISION OF TRAFFIC MANAGEMENT SERVICES**

Council resolved on 11 April 2018 to decline to accept any tender on the basis that the tenders received did not present best value for money. Council requested the CEO establish a panel of pre-qualified suppliers for the provision of traffic management services to the City pursuant to Part 4 Division 3 of the Local Government (Functions and General) Regulations 1996 and the City's Purchasing Policy.

On 16 May 2018 Council was briefed regarding potential issues relating to the operation of panels of pre-qualified suppliers. The CEO is proceeding with the establishment of a panel of pre-qualified suppliers for the provision of traffic management services to the City. The panel tender is to be advertised on Saturday 14th July for a period of 17 days.

RFT03/18 CRUSHING SERVICES FOR CONSTRUCTION AND DEMOLITION MATERIAL WITHIN CITY OF BUSSELTON

The City of Busselton invited tenders for crushing services for construction and demolition material within the City of Busselton. The tender was advertised on 3 February 2018 with a closing date of 27 February 2018. A total of 2 tenders were received. The evaluation has been completed and a contract awarded by the CEO under delegated authority to Peel Resources Recovery Pty Ltd.

RFT04/18 SUPPLY AND DELIVERY OF IRRIGATION COMPONENTS

The City of Busselton invited tenders for the supply and delivery of irrigation components to the City. The tender was advertised on 24 February 2018, with a closing date of 20 March 2018. A total of 2 tenders were received. The evaluation has been completed and a contract awarded by the CEO under delegated authority to Total Eden Pty Ltd.

RFT05/18 CONSTRUCTION OF DUNSBOROUGH TOWNSCAPE STAGE 4

The City of Busselton invited tenders for the construction of Downsborough Townscape Stage 4. The tender was advertised on 7 April 2018 with a closing date of 1 May 2018. A total of 2 tenders were received. Under Regulation 18(5) of the Local Government (Functions and General) Regulations 1996 a local government may decline to accept any tender. The evaluation was completed and under Delegation LG3J the CEO declined to accept any tender as it was considered that the tenders received did present best value for money.

Tender Documents will be reissued in August 2018 with a revised/updated specification and new timelines.

RFT06/18 DESIGN AND CONSTRUCTION OF AMBERGATE FIRE STATION

The City of Busselton invited tenders for the design, fabrication and installation of a fire station and amenities facility to be located at Apex Reserve, Ambergate. The tender was advertised on 14 April 2018 with a closing date of 3 May 2018. A total of 5 tenders were received. The evaluation has been completed and a contract awarded by the CEO under delegation to Big Ben Builders Pty Ltd.

RFT07/18 LANDSCAPING FOR PUBLIC OPEN SPACES AT LAYMAN ROAD AND BURGEE COVE, BUSSELTON

The City of Busselton invited tenders for the landscaping of land comprising the public open space at Layman Road and Burgee Cove, Port Geographe. The tender was advertised on 21 April 2018, with a closing date of 10 May 2018. A total of 4 tenders were received. The evaluation has been completed and a contract awarded by the CEO under delegation to Phase 3 Landscape Construction Pty Ltd.

PQS01/18 SUPPLY OF QUARRY PRODUCTS – REQUEST FOR APPLICATIONS TO JOIN A PANEL OF PRE-QUALIFIED SUPPLIERS

The City of Busselton requested applications to join a panel of pre-qualified suppliers (PQS) for the provision of quarry products to the City. The PQS was advertised on 21 April 2018 with a closing date of 8 May 2018. A total of 7 applications were received. In accordance with delegation LG3M the CEO has authority to appoint applicants to be part of a panel of pre-qualified suppliers. It is anticipated that the evaluation will be completed and a recommendation report made to the CEO in late July 2018.

RFT08/18 SUPPLY OF SOILS AND MULCH

The City of Busselton invited tenders for the supply and delivery of soils and mulch within the City of Busselton. The tender was advertised on 9 June 2018 with a closing date of 26 June 2018. A total of 4 tenders were received. The value of the contract is not expected to exceed the CEO's delegated authority. It is anticipated the evaluation will be completed and a recommendation report presented to the CEO in July/August 2018.

RFT09/18 PROVENCE ESTATE LANDSCAPE MAINTENANCE

The City of Busselton invited tenders for the provision of maintenance services for 4 landscaped public open spaces located at Provence Estate (excluding trees, medians and roundabouts). The tender was advertised on 30 June 2018 with a closing date of 17 July 2018. The value of the contract is not expected to exceed the CEO's delegated authority. It is anticipated the evaluation will be completed and a recommendation report presented to the CEO in August 2018.

RFT10/18 PROVISION OF EQUIPMENT FINANCE LEASE FOR COMPUTER DESKTOP REPLACEMENT PROGRAM

The City of Busselton invited tenders for the provision of an equipment finance lease for the City's Computer Desktop Replacement Program. The tender was advertised on 16 June 2018 with a closing date of 2 July 2018. Pursuant to Council Resolution C1802/019 the CEO is authorised to procure the funding for the City of Busselton Desktop Computer Replacement Program subject to various conditions, including that the acceptance of a tender is not to exceed \$700,000. It is anticipated the evaluation will be completed and a recommendation report presented to the CEO in July 2018.

RFT11/18 TURF MAINTENANCE SERVICES

The City of Busselton invited tenders for the provision of turf maintenance services to the City of Busselton, including maintaining healthy turf grass on broadacre sites such as playing fields and other public open spaces. The tender was advertised on 30 June 2018 with a closing date of 26 July 2018. The value of the contract is not expected to exceed the CEO's delegated authority. It is anticipated the evaluation will be completed and a recommendation report presented to the CEO in August 2018.

16.2.3 Scheme Amendments

Scheme Amendment No. 27

The above scheme was published in the Western Australian Government Gazette on 29 June, 2018
The purpose of this amendment is to amend Local Planning Scheme No. 21 to:

1. Rezone Lot 10 Commonage Road Dunsborough from 'Public Purpose' reserve to 'Special Purpose: Dunsborough Lakes Development Area' zone.
2. Amending the Scheme Map to include Lot 10 Commonage Road Dunsborough within 'Special Provision Area No. 42 (SP42).
3. Amending Schedule 3 – Special Provision Areas' to include Lot 10 Commonage Road Dunsborough with 'Special Provision No. 42 (SP42)' and to include the following text:

With respect to Lot 10 Commonage Road, Dunsborough approved measures are to be put in place to ensure the retention protection and ongoing management of those remnant vegetated areas having recognised environmental values within 'public open space' areas (as identified on an endorsed structure plan). Such measures are required to also address linkages and connectivity with contiguous areas of similarly important remnant vegetation on land adjoining Lot 10. This would include, as a prospective condition of subdivision, the preparation of vegetation retention and management plan, the primary objective of which would be to ensure the protection and ongoing management of remnant vegetation having significant environmental, biodiversity, habitat and/or cultural values.

16.2.4 State Administrative Tribunal Appeals

Attachment C is a list showing the current status of State Administrative Tribunal Appeals involving the City of Busselton as at 7 June, 2018.

16.2.5 Meelup Regional Park Management Committee

Attachment D is a copy of the informal Meelup Regional Park Management Committee minutes for the meeting held on 25 June 2018.

COUNCIL DECISION AND OFFICER RECOMMENDATION

C1807/141 Moved Councillor C Tarbotton , seconded Councillor P Carter



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

- [16.2.1 Planning Applications](#)
- [16.2.2 2017/2018 TENDERS](#)
- [16.2.3 Scheme Amendments](#)
- [16.2.4 State Administrative Tribunal Appeals](#)
- [16.2.5 Meelup Regional Park Management Committee](#)

CARRIED 9/0

EN BLOC

ADOPTION BY EXCEPTION RESOLUTION ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED**12. REPORTS OF COMMITTEE MEETINGS****12.1 Policy and Legislation Committee - 26/06/2018 - REVIEW OF COUNCIL DELEGATION LG3C**

SUBJECT INDEX:	Authorised Delegation of Power/Authority
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Corporate Services
ACTIVITY UNIT:	Property Services
REPORTING OFFICER:	Property Management Coordinator - Sharon Woodford-Jones
AUTHORISING OFFICER:	Director Finance and Corporate Services - Tony Nottle
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENTS:	Attachment A Amended Delegation LG3C  Attachment B New Instrument of Delegation LG3C 

This item was considered by the Policy and Legislation Committee at its meeting on 26 June 2018, the recommendations from which have been included in this report.

PRÉCIS

It is proposed to amend Delegation LG3C, Disposing of Property, to broaden the scope of the delegation to include leases or licences over minor portions of land or buildings which may not have been leased before. This would be subject to the introduction of an informal reporting process. The intention of the delegation will not change.

BACKGROUND

Council has the ability to delegate powers and the discharge of duties to its Chief Executive Officer. These delegations are required to be reviewed by the delegator (in this case the Council) at least once in every financial year.

In June 2017 Council were asked to consider changes to Council Delegation LG3K – Acquiring and Disposing of Property. The desired outcomes were to distinguish between acquisition and disposal and place parameters around the disposition of property by way of lease or licence and the sale of other property.

Council therefore resolved (**C1706/151**) to cancel delegation LG3K – Acquiring and Disposing of Property and adopt two new Delegations LG3B – Acquiring of Property and Delegation LG3C - Disposal of Property.

Delegation LG3C is specific to the disposal of property by way of sale, lease or licence and the sale of other non-land or building related property. It prescribes the circumstances in which the delegation can be exercised through limitations on the value and purpose and by excluding the leasing or licencing of property that has not previously been leased.

Whilst the scope of Delegation LG3C is considered to be reasonable and practical in the exercise of the delegation, City Officers have recently encountered a number of scenarios which could have been properly and efficiently dealt with under delegation had the scope of LG3C been wider.

In response to recent direction from Council on the subject, City Officers are proposing amendments to the delegation, the reasons for which are expanded on in the Officer Comment section of this report.

STATUTORY ENVIRONMENT

Section 5.42 of the *Local Government Act 1995* (the Act) provides the Council with the ability to delegate powers and duties to its CEO; such delegation must be in writing. Some powers and duties cannot be delegated in accordance with Section 5.43 of the Act, such as matters that require an Absolute Majority decision of the Council.

In accordance with Section 5.18 of the Act requires the local government to keep a register of delegations and that they be reviewed on an annual basis. Wherever a decision has been made under delegated authority, records of the decision must be kept in accordance with the *Local Government (Administration) Regulations 1996*.

RELEVANT PLANS AND POLICIES

The Department of Local Government Sport and Cultural Industries (LGSCI) Operational Guidelines Number 17 – ‘Delegations’.

FINANCIAL IMPLICATIONS

There are no financial implications involved in reviewing this delegation, however, utilisation of delegated authority creates organisational efficiencies. Without a system of delegated authority in place, a significant number of day-to-day local government decisions would need to be referred to Council as agenda reports. Having an effective delegated authority system in place reduces the turnaround time for some matters which allows for the Council to use its time to undertake its more strategic role.

Long-term Financial Plan Implications

There are no direct Long-term Financial Plan implications associated with this review.

STRATEGIC COMMUNITY OBJECTIVES

This delegation review aligns with and supports the **Council’s Key Goal Area 6** – ‘Leadership’ and more specifically **Community Objective 6.1** – ‘Governance systems, process and practices are responsible, ethical and transparent’.

RISK ASSESSMENT

There are no risks associated with the Officer Recommendation identified as being of a medium or greater level.

CONSULTATION

It is not considered that external consultation is necessary to vary the terms of the existing Delegation.

OFFICER COMMENT

As the population of the district continues to expand, it can be expected that the demand for City land and buildings will increase commensurately. New facilities are being constructed to accommodate the increasing need for social and sporting activities and the related associations are being relocated either temporarily or permanently to accommodate longer term strategies.

Delegation LG3C presently applies only to situations involving leases to community groups over 'property' that has been leased before and where the permitted use is ancillary or consistent with the designated purpose. However, the Delegation does not extend to the less significant and smaller scale disposals such as leases of storage facilities, land or buildings where the land or building in question has not been leased previously. Council have indicated that they are supportive of making changes to the delegation to include such scenarios.

It is therefore proposed that the scope of Delegation LG3C be expanded to include scenarios such as those recently encountered at Churchill Park and the Sir Stewart Bovell Park. These scenarios concerned the need to lease part of an existing shed for temporary storage to the Girl Guides of WA at Churchill Park and four leases to user groups constructing new storage facilities on a small portion of Bovell Park. In each scenario, leases over other parts of the land (or 'property') already exist. Such leases could have been entered into under Delegation had the restriction in respect of property that had been leased before been given similar consideration.

Amending parts of Delegation LG3C will mean that leases or licences can be granted over land or buildings that have not been the subject of a lease or licence previously, provided they form part of land or a building that has already been leased or licenced. It is proposed that where this is the case, such land or buildings must form part of a recognised sporting or community facility.

Further amendments are recommended to reflect the direction of Council in relation to instances involving small portions of land or buildings in other scenarios i.e. not involving a community or sporting facility or land that has previously been leased. Thus it is proposed that the Delegation specifically includes leases or licences of land or buildings with a maximum area of 100 square meters provided that other conditions, such as a the value of the disposition and consistency of purpose are applied.

The Delegation will also include a requirement that Council are notified periodically of the circumstances under which the delegation is exercised.

Review of the delegation for this purpose also presents an opportunity to make some minor changes to the composition and wording.

CONCLUSION

The proposed changes to Delegation LG3C will assist in streamlining the process of issuing leases or licences where the impact is negligible in terms of the extent of the land or building in question. Controls will continue to apply in the form of conditions to which each lease or licence is subject and Council will be kept informed of the exercise of the delegation.

OPTIONS

Council could decide to retain the delegation in its current form, may decide that it requires changes to the powers and discharge of duties to the Chief Executive Officer or choose to place alternative conditions on the delegation.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Delegation will become effective the day following the decision of Council.

OFFICER RECOMMENDATION

That the Council:

1. Under section 5.42 of the Local Government Act 1995, agrees to amend Instrument of Delegation LG3C (Disposal of Property) in accordance with the revocations and additions as indicated within Attachment A; and
2. Adopts the amended Instrument of Delegation LG3C (Disposal of Property) within Attachment B as the delegation of those powers and duties to the CEO.

COUNCIL DECISION AND COMMITTEE RECOMMENDATION**C1807/142**

Moved Councillor P Carter, seconded Councillor J McCallum


ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the Council:

1. Under section 5.42 of the Local Government Act 1995, agrees to amend Instrument of Delegation LG3C (Disposal of Property) in accordance with the revocations and additions as indicated within Attachment A; and
2. Adopts the amended Instrument of Delegation LG3C (Disposal of Property) within Attachment B as the delegation of those powers and duties to the CEO with amendment to 1.a changing “and” to “or”.

CARRIED 9/0**BY ABSOLUTE MAJORITY**

16. FINANCE AND CORPORATE SERVICES REPORT**16.1 ADOPTION OF CORPORATE BUSINESS PLAN 2018/2019 - 2021/2022**

SUBJECT INDEX:	Corporate Business Planning
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Corporate Services
ACTIVITY UNIT:	Governance Services
REPORTING OFFICER:	Manager Governance and Corporate Services - Sarah Pierson Corporate Planning Officer - Cathy Burton
AUTHORISING OFFICER:	Director Finance and Corporate Services - Tony Nottle
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENTS:	Attachment A Corporate Business Plan 2018/2019 - 2021/2022 

PRÉCIS

This report presents the attached City of Busselton Corporate Business Plan 2018/2019 – 2021/2022 (Attachment A) (CBP) and seeks Council's approval and formal adoption of the plan.

BACKGROUND

The *Local Government Act 1995* sets out requirements for the 'Plan for the Future' which requires all Local Government Authorities to have a strategic community plan spanning a minimum ten year period, and a corporate business plan, spanning a four year period. Local governments are also required to have in place a number of informing plans being –

- a) asset management plans for key asset classes;
- b) a four year workforce plan; and
- c) a ten year long term financial plan.

The suite of plans cited above is collectively referred to as the Integrated Planning and Reporting (IPR) framework. The City of Busselton adopted all of its initial IPRF plans within the mandatory timeframe for their introduction (1 July 2013) and since then has regularly reviewed each plan to ensure it remains compatible with the community's aspirations and objectives and clearly articulates and provides for the delivery of core services and identified priority initiatives.

The direction and focus of the City's corporate business plan, and other IPR plans, is guided by the higher level strategic community plan. The strategic community plan undergoes a major review every four years and a minor (desktop) review every two years. The corporate business plan is reviewed annually, with each review considering the ongoing relevance of services delivered, assessing the priority actions and projects and establishing the medium term direction of the organisation.

Guidelines pertaining to the content and standard of IPR plans are provided in the IPR Advisory Standard, published in September 2016 by the then Department of Local Government and Communities (replacing the first Advisory Standard released in 2010). The Advisory Standard prescribes categories for assessing the competency of IPR plans; that is 'Achieving', 'Intermediate' and 'Advanced'. These standards are described in more detail under the Relevant Plans and Policies section of this report.

STATUTORY ENVIRONMENT

Section 5.56 of the *Local Government Act 1995* (the Act) requires a local government to plan for the future of the district and to ensure that any such plans are in accordance with regulatory requirements.

Regulation 19(D)(A) of the *Local Government (Administration) Regulations 1996* (the Regulations) requires a corporate business plan to be created, adopted and relate to the whole of the district over a term of at least four financial years. A corporate business plan must:

- a) have a minimum four year outlook;
- b) identify and prioritise the principal strategies and activities the Council will undertake in response to the aspirations and objectives stated in the Strategic Community Plan;
- c) state the services, operations and projects that a local government will deliver over the period of the plan, the method for delivering these and the associated cost;
- d) reference resourcing considerations such as asset management plans, finances and workforce plans; and
- e) be adopted by an Absolute Majority of the Council.

RELEVANT PLANS AND POLICIES

A corporate business plan must satisfy the minimum 'Achieving' standard as outlined in the IPR Advisory Standard.

Achieving standard

The Achieving standard is met when:

- A Council has adopted a corporate business plan that meets all of the listed regulatory requirements;
- Year 1 of the corporate business plan establishes the Annual Budget; and
- The local government also has in place:
 - a workforce plan that meets the Achieving standard;
 - asset management key performance indicators that meet the Standards; and
 - a long term financial plan.

'Intermediate' and 'Advanced' standard documents reflect the higher levels of planning and integration practices that a local government should be moving steadily through on a pathway of continuous improvement.

Intermediate standard

The Intermediate standard is met when:

- The corporate business plan meets the Achieving Standard;
- Core informing strategies (workforce plan, asset management plans, long term financial plan) have been integrated to drive activities and service delivery;
- The workforce plan meets Intermediate standard;
- Asset key performance indicators are at "Standard is improving";
- Financial management key performance indicators meet "Achieving" standards.

Advanced standard

The Advanced standard is met when:

- The corporate business plan meets the Achieving and Intermediate Standard;
- All activities and services delivered are integrated through the corporate business plan;
- Asset key performance indicators are at “Standard is Improving” and all financial performance indicators meet Advanced Standards (where applicable); and
- The workforce plan meets Advanced Standard.

Officers consider that the City’s proposed CBP satisfies the ‘Achieving’ standard with progress being made toward achievement of the ‘Intermediate’ standard.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the adoption of the proposed CBP. While a cost will be incurred for the professional publication of the approved plan, this cost is provided for within the annual budget.

Long-term Financial Plan Implications

The financial implications of the proposed CBP are reflected in the first four years of the Long Term Financial Plan 2018/2019 - 2027/2028 (LTFP) and in the annual budget for 2018/2019. The successful roll out and completion of other projects and activities identified in the plan will be substantially delivered by City municipal funds and reserves and in some cases depend on the availability of loans, Government grants or other sources of external funding. Actions relying on external funding sources are noted as such in the draft Plan.

STRATEGIC COMMUNITY OBJECTIVES

The corporate business plan is the City’s response to the community objectives listed in the Strategic Community Plan 2017. Adoption of the proposed CBP links primarily to Key Goal Area six “Leadership” and specifically Community Objective 6.3 – ‘Governance systems, process and practices are responsible, ethical and transparent’.

RISK ASSESSMENT

The key risk to delivery of the CBP is the availability of external funding and the potential for funding to be reduced. However, as the proposed plan reflects largely actions and projects that have already commenced and have been considered as part of the LTFP, the risk is considered low. Additionally actions that depend on external funding are denoted as such in the plan to ensure transparency and accountability.

CONSULTATION

There is no legislative provision requiring the CBP to be advertised for public consultation.

During the months of May and June 2017, the City conducted a community survey to enhance our understanding of community priorities and community perceptions of Council’s performance. The results of this survey validated the direction of the City’s current strategic community plan (2017) (SCP). Given that the proposed CBP seeks to achieve the goals and objectives of the SCP, Officers remain confident that it is aligned with the community’s expectations.

OFFICER COMMENT

The proposed CBP upholds the strategic direction of the SCP and integrates all relevant information contained in the LTFP, the workforce plan and asset management plans.

The plan outlines by key goal area, all of the services that Council delivers to the community and the priority actions that the organisation intends to complete over the four year life of the plan. A “best fit” approach to the linking of services and actions to SCP goals and objectives has been maintained (with specific links added to each of the services). Priority actions also link to one or more of the Council strategies.

In total the proposed CBP contains 96 priority actions, comprising –

- 23 in Key Goal Area 1: *Community*
- 14 in Key Goal Area 2: *Places and Spaces*
- 20 in Key Goal Area 3: *Environment*
- 15 in Key Goal Area 4: *Economy*
- 7 in Key Goal Area 5: *Transport*
- 17 in Key Goal Area 5: *Leadership*

The format for listing the corporate actions and projects is similar to previous years but notably a new heading, ‘Milestones’ has been introduced into the action table to provide more information on the expected significant stages of an action.

Several new actions are included in the proposed CBP. Other actions have been carried over from the previous plan unchanged or have been amended to better describe the action. Actions have also been excluded because they have been completed, supplanted by other priority actions or have a lower profile.

Significant actions carried over include the –

- Continued expansion of the Busselton-Margaret River Regional Airport and establishing significant infrastructure at the airport to assist with economic development opportunities;
- Continued redevelopment of the Busselton foreshore and work toward the establishment of accommodation and microbrewery establishments;
- Advancing of road and traffic improvements to improve traffic flow in and around the Busselton City centre;
- Progression of work towards the design and development of a performing arts and convention facility; and
- Continuation of recreation and active open space planning.

All actions in the plan are accounted for in the LTFP. Actions relying on the availability of external funding rather than or in addition to the City's own funds are identified as such in the 'External Funding Required' column of the action tables. A high level summary of the City's projected financial position for the period 2018/2019 – 2021/2022 is provided in the 'Funding Our Plan' section.

Table 1 below provides a high level summary of the differences between the 2017/2018 – 2020/2021 Corporate Business Plan actions and the proposed CBP actions.

Table 1:

New Actions	Actions significantly amended	Actions excluded from draft plan	Actions reassigned to a different Key Goal Area and/or objective
20	24	23	3

Table 2 below provides more detail about the new, excluded and significantly amended actions of the proposed CBP. Note that an action is not included in Table 2 if it has been carried over into the proposed plan with only minor wording amendment to improve or refine the action description.

Table 2.

Key Goal Area 1: Community - Welcoming, Friendly, Healthy

STATUS	Action description	18/19	19/20	20/21	21/22
1.1 A community with access to life long health and education opportunities.					
Amended	Disability Access and Inclusion Plan Complete the review of the City's Disability Action and Inclusion Plan and Implement as a guide for ensuring City operations and services are inclusive of all members of the community. <i>17/18 action description:</i> <u>Disability Access and Inclusion Plan</u> <i>Review the Disability Access and Inclusion Plan.</i>	✓	✓	✓	✓
Excluded	Need a Hand Directory Update the Need a Hand Directory to assist with locating local and regional support and health services.	Action completed in 17/18			
Amended	Support community initiatives and facilities Promote and administer two rounds of community grants each financial year. Provide an annual information session prior to each community grants program. <i>17/18 action description:</i> <u>Community Bids</u> <i>Promote and administer the community bids funding program.</i>	✓	✓	✓	✓
Amended	Community Safety and Security Strategy Review update and implement Social Plan initiatives to address community safety in the Busselton City Centre, Dunsborough Town Centre and surrounding districts. <i>17/18 action description:</i> <u>Community Safety and Security Strategy</u> <i>Implement the Safety and Security strategy.</i>	✓	✓	✓	✓
Excluded	Emergency Management Review the City's local emergency management arrangements.	Action completed in 17/18			
Excluded	CCTV Deployments Provide CCTV services in high profile areas.	CCTV services will be provided as part of ongoing service provision on an as needs basis			
Amended and shifted from 1.3	Enhance cultural awareness and relationships with Aboriginal people In partnership with the District's local Aboriginal community develop and implement a Reconciliation Action Plan. <i>17/18 action description</i> <u>Cultural Reconciliation</u> <i>In partnership with the District's Noongar people develop and implement a Reconciliation Action Plan to develop cultural awareness and relationships with Aboriginal people.</i>	✓	✓	✓	✓
1.2 A community with access to life-long health and education opportunities					
New	Public Health Plan Prepare a Public Health Plan that meets the requirements of the Public Health Act 2016 and guides the City's overall planning for public health delivery.	✓	✓	✓	✓
New	Mosquito Monitoring, Control and Treatment Implement the Mosquito Control Strategy and conduct public education programs with respect to the dangers of mosquitoes.	✓	✓	✓	✓

1.3 A community with access to a range of cultural and art, social and recreational facilities and experiences.						
Excluded	Higher Education Support and facilitate the establishment of higher education services in Busselton including a university presence in the District.	Absorbed into Economic Development Strategy action in Key Goal Area 4				
Excluded	Busselton Youth and Community Activities Building Construct a new facility to house the Surf Living Saving Club and facilitate a central youth activity precinct.	Action completed in 17/18				
Amended	Port Geographe Floating Jetty Construct a floating jetty at Port Geographe. <i>17/18 action description:</i> <u>Port Geographe Finger Jetty and Boar Ramp Renewal</u> Carry out upgrades to the Port Geographe Finger jetty.	✓				
Excluded	Active Sports Pavilion Complete the construction of a sports pavilion and change rooms on the original alignment of Milne Street (between Marine Terrace and Geographe Bay Road) and establish an incorporated user group for the facility.	Action completed in 17/18				
Amended	Geographe Leisure Centre Master Plan Complete planning in relation to the upgrade of the Geographe Leisure Centre. <i>17/18 action description</i> <u>Geographe Leisure Centre</u> Develop a whole of facility master plan to expand and improve services and facilities at the centre.	✓				
Amended	Naturaliste Community Centre Master Plan Upgrade the Naturaliste Community Centre in accordance with the master plan and as funding allows. <i>17/18 action description:</i> <u>Naturaliste Community Centre</u> Develop a whole of facility master plan to expand and improve services and facilities at the centre.	✓	✓	✓		
Excluded	International Relationships Encourage both formal and informal relationships with international communities for the cultural and social benefit of the City of Busselton	Not currently considered a key focus				
Amended	Lou West Oval upgrade Upgrade the club facilities at Lou Weston Oval according to the approved detailed design. <i>17/18 action description:</i> <u>Lou Weston Oval</u> Develop a concept design for rationalising and upgrading the club and change room facilities at Lou Weston Oval.	✓	✓			
Amended and shifted from 2.1	Recreation Facilities Strategy Prepare a recreational facilities strategy to guide future development of Sir Stewart Bovell Park and other sporting venues. <i>17/18 action description</i> <u>Regional Active Open Space</u> Assess the potential for the development of a regional active open space facility at Bovell Park	✓				
Excluded	Vasse Integrated Sport and Recreation Precinct Construct a second oval at the Vasse Integrated Sport and Recreation Precinct.	Action completed in 17/18				

Amended and shifted from 2.1	Vasse Integrated Sporting Precinct Pavilion Continue planning for the development of hard courts and a future pavilion at the Vasse Integrated Sporting Precinct. <i>17/18 action description:</i> <u>Vasse Sports Pavilion</u> <i>Seek funding for the establishment of a pavilion at the Vasse Integrated Sport and Recreation Precinct.</i>	✓	✓	✓	✓
Excluded	Regional Boating Facility Continue to advocate for the potential development of a preferred site for a regional boating facility.	Ongoing advocacy as the opportunity arises			
1.4 Community services and programs that support people of all ages and backgrounds.					
New	Busselton Senior Citizens Centre expansion Lead the project to expand the Busselton Senior Citizens Centre.	✓	✓		
Excluded	Busselton Youth and Community Activities Building Complete the new community activities building on the Busselton foreshore.	Project completed 17/18			
Amended	Youth and community activities building activation Provide weekly and school holiday activities at the Youth and Community Activity Building. <i>17/18 action description</i> <u>Youth and Community Activities Building Activation</u> <i>In partnership with user groups, develop and implement programs and activities that activate the youth precinct.</i>	✓	✓	✓	✓

Key Goal Area 2: Places and Spaces - Vibrant, Attractive, Affordable

STATUS	Action description	18/19	19/20	20/21	21/22
2.1 Planning Strategies that foster the development of neighbourhoods that meet our needs as we grow.					
Amended	Scheme Review Complete review of the Town Planning Scheme. <i>17/18 action description</i> <u>Town Planning Scheme</u> <i>Review the Town Planning Scheme to ensure it remains relevant and comprehensive</i>		✓		
Amended	Dunsborough Lakes Sporting Facilities Construct stage 1 of a new sport and recreation complex for the Dunsborough district. <i>17/18 action description</i> <u>Dunsborough Lakes Sporting Facilities</u> <i>Continue negotiations with the developer, State government departments, and agencies to plan for the development of a sport and recreation complex for the Dunsborough District</i>		✓		
Amended	Yalyalup Oval Development Construct a sport and recreation oval in Yalyalup. <i>17/18 action description</i> <u>Yalyalup Development</u> <i>Continue negotiations with the developer to ensure that the proposed plan for the future development of community facilities at Yalyalup is compliant with Council's endorsed Developer Contribution Plan</i>				✓
New	Non-Potable Water Supply Dunsborough Secure a non-potable water supply to facilitate the development of	✓			✓

	sporting ovals beyond Stage 1 of the Dunsborough Lakes Sporting Facilities.				
2.2 Attractive parks and open spaces that create opportunities for people to come together, socialise and enjoy a range of activities.					
New	Dunsborough Nature Based Playground Design and construct a nature based playground in Dunsborough.		✓	✓	
2.3 Creative urban design that produces vibrant, mixed use town centres and public spaces.					
New	Busselton War Memorial Relocation Relocate the Busselton War Memorial to Rotary Park near to the Busselton sub-branch of the Returned and Services League Australia WA.	✓	✓		
Excluded	Public Car Parking Investigate the acquisition and creation of more public car parking within the Dunsborough Town Centre.	Considered an ongoing matter to be progressed as opportunity arises			

Key Goal Area 3: Environment – Valued, Conserved, Enjoyed

STATUS	Action description	18/19	19/20	20/21	21/22
3.1 Development is managed sustainable and our environment valued.					
Excluded	Waste Strategy Implement the Local Waste Strategy to ensure an effective and environmentally sound approach to waste minimisation and management.	Strategy has expired.			
Excluded	Dunsborough Waste Facility Landfill Expansion Complete the expansion of the waste facility at Vidler Road.	Project completed 17/18			
3.2 Natural areas and habitats are cared for and enhanced for the enjoyment of current and future generations.					
New	Meelup Regional Park Management Plan Review the Meelup Regional Park Management Plan to ensure park values continue to be responsibly managed.	✓	✓		
New	Corella Management Implement the regional strategy for the management and control of Little Corella (<i>Cacatua sanguine gymnopsis</i>) and the Eastern Long Billed Corella (<i>Cacatua tenuirostris</i>).	✓	✓	✓	✓
Amended	Western Ringtail Possum Working Group Through the formation of this group and working with key stakeholders, research and make recommendations as to the approach and actions the City should take in relation to preserving the Western Ringtail Possum <i>17/18 action description:</i> <u>Western Ringtail Possum Protection</u> <i>Work with state agencies to progress the protection of the Western Ringtail Possum (WRP) and the recovery of WRP populations.</i>	✓	✓	✓	✓
3.3 The health and attractiveness of our waterways and wetlands is improved.					
New	Geographe Waterways Management Plans Complete management plans for both the Lower Vasse and Toby Inlet.	✓			
Excluded	Geographe Waterways Stormwater Upgrades Install gross pollutant traps and prepare construction and maintenance guidelines to assist with the revitalization of Geographe waterways.	Project complete			

3.4 Climate change risks and impacts are understood, acknowledged and responded to through appropriate planning and community education.

New	Energy Action Plan Complete the development of an energy action plan identifying actions for energy reduction and re-use.	✓	✓	✓	✓
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Key Goal Area 4: Economy – Diverse, Robust, Prosperous

STATUS	Action description	18/19	19/20	20/21	21/22
4.1 An innovative and diversified economy that provides a variety of business and employment					
Amended	Busselton- Margaret River Airport General Aviation Precinct <i>Progress the Expression of Interest process for allocating hangar leases in the new general aviation precinct.</i> <i>17/18 action description:</i> <u>Busselton Margaret River Airport General Aviation Precinct</u> <i>Develop the general aviation precinct to include opportunities for aircraft hangar and services facilities.</i>	✓			
New	Busselton-Margaret River Airport Light Industrial and Commercial Areas <i>Plan and develop airport light industrial and commercial areas to include freight logistics and other enterprise opportunities.</i>	✓	✓	✓	✓
New	Digital / Smart City Plan Develop a digital / smart City plan for the district.	✓	✓	✓	✓
4.2 A community where local business is supported and in turn drives our economy					
New	VendorPanel Marketplace Promote and continue to embed the use of VendorPanel Marketplace as the City's online procurement tool to promote increased opportunity for local business.	✓			
Excluded	Seasonal Business Development Encourage and facilitate the establishment of temporary commercial food vendors to enhance the tourism potential and recreational use of strategic locations throughout the City.	Action completed in 17/18			
4.3 Events and unique tourism experiences that aid in attractive visitors and investment					
New	Events prospectus Prepare an events/film industry prospectus to actively target and attract new high profile events and film makers to the City.	✓			
New	Online event application facility Progress the development of an online event application platform to streamline the processing of event applications.	✓			
Amended	Busselton Jetty Tourist Park Complete a master plan for the Busselton Jetty Tourist Park for continual upgrade of the Park. <i>17/18 action description:</i> <u>Kookaburra Caravan Park</u> <i>Prepare a master plan for the future development of Kookaburra Caravan Park to provide patrons with cost effective short stay and longer term options.</i>	✓			
Excluded	Dedicated Sporting Venue Liaise with stakeholders with regard to identifying a site for a future international standard noisy sport and events venue.	This is an ongoing matter which is involving and at this point there is no firm parameters for the action			

Key Goal Area 5: Transport –Smart, Connective, Accessible

STATUS	Action description	18/19	19/20	20/21	21/22
5.1 Public transport services that meet the needs of the community.					
Amended	Public Transport Continue to work with key stakeholders towards improving public transport services in the District that provide connections across the district. <i>17/18 action description:</i> <u>Public Transport</u> Develop a business case for presentation to public transport service providers to support improvements to public bus services within the District.	✓	✓	✓	✓
5.2 Road networks that provide for a growing population and the safe movement of all users.					
Amended	Roads Maintenance and Upgrades Implement the roads maintenance programs with a focus on narrow country road upgrades. <i>17/18 action description:</i> <u>Roads Program</u> Implement the roads maintenance program to provide a safe and effective road system across the District.	✓	✓	✓	✓
Amended	Busselton Traffic Improvements Subject to the outcome of consultation and approval from relevant government agencies, implement prioritised traffic improvements to improve the flow of traffic and around Busselton City Centre. <i>17/18 action description:</i> <u>Busselton Traffic Study</u> Undertake details design, traffic modelling and agency approvals for local road network upgrades, including the development of the Eastern Link, duplication of Causeway Road and Bridge (Stage 1), modifications to the Victoria Square intersections and upgrades to Strelly Street, Barlee Street and West Street.	✓	✓		
5.3 Cycle ways that connect our communities and provide alternative transport choices.					
Amended	Cycleway and Shared Path Networks Improvements Finalise the review of the Bike Plan and upon adoption, implement the plan within funding provisions. <i>17/18 action description:</i> <u>Bike Plan</u> Review the City of Busselton Bike Plan within annual resource allocations	✓	✓	✓	✓

Key Goal Area 6: Leadership –Visionary, Collaborative, Accountable

STATUS	Action description	18/19	19/20	20/21	21/22
6.1 Governance systems, process and practices are responsible, ethical and transparent.					
New	Governance Systems Review Implement agreed recommendations of the Governance Systems Review.	✓	✓		
Amended	Fair Value Assess the worth of all asset classes every three years. <i>17/18 action description:</i> <u>Fair Value</u> Continue Fair Value reporting for all asset classes in accordance with legislative requirements.	✓	✓	✓	✓

Excluded	Organisational Reporting Continue to monitor and measure progress of the City’s Strategic Community Plan and corporate performance.	Considered part of ongoing operational activity			
Excluded	Customer Service Facilities Continue to investigate the provision of extended customer service facilities to better serve the community including online options and a facility at the Naturalist Community Centre in Dunsborough.	A trial of customer services at the Naturaliste Community Centre has been completed.			
6.2 Council engages broadly and proactively with the community.					
New	Busselton Traffic Improvement Survey Conduct a survey to assess the level of community support for various medium term traffic initiatives to improve traffic flow in the vicinity of Busselton.	✓			
Excluded	Community Engagement Embed the Your Say Busselton website as the primary community engagement medium to raise awareness of Council projects and encourage community participation and feedback	Successfully achieved and considered part of ongoing operational activity			
6.3 Accountable leadership that is supported by a skilled and professional workforce.					
New	Financial Reporting System Enhancements Design and implement improved financial reporting capabilities within existing business systems.	✓	✓		
Amended	Integrate asset data into core business system Finalise the implementation of asset register data within existing business systems <i><u>17/18 action description:</u></i> <i><u>Implement works and assets IT business software</u></i> <i><u>Develop a business case for the implementation of works and assets across the organisation and progress the same.</u></i>	✓	✓		
Amended	Workforce Planning Implement strategies and actions contained in the workforce plan <i><u>17/18 action description:</u></i> <i><u>Workforce Planning</u></i> <i><u>Improve the integration of strategic, operational and workforce planning through the annual review of the Workforce Plan.</u></i>	✓	✓	✓	✓
6.4 Assets are well maintained and responsibly managed.					
Excluded	Asset Management Plan Develop and implement an Asset Improvement Plan summarising the current status of assets and upcoming tasks required.	Action covered under existing “Overall Asset Management Plan” action			
Excluded	Asset Management Standards Implement an integrated asset management system to improve asset data management across the organsiation.	Action covered under existing “Overall Asset Management Plan” action			
New	Art Collection Management Prepare a policy and procedures document for the management of the City of Busselton art collection.	✓			
New	Business Systems Review Commence review of the City’s core business systems software to ensure it continues to be most advantageous to the City.	✓			
Excluded	Fleet Replace the City’s fleet in accordance with the 10 year fleet management plan.	Considered part of ongoing service delivery			
Excluded	Pathways program Implement the pathways maintenance and upgrades program to provide a safe and serviceable path network.	Considered part of ongoing service delivery			

The final section of the proposed CBP outlines 11 corporate performance indicators which assist to measure our progress with respect to organisational performance and achievement of the plan's actions. Key changes to note are removal of the cash cost per tonne of waste processed from indicator eight (waste), the inclusion of new targets in relation to indicator 9 (development assessment) and indicator 11 (safety), and an amendment to the measure for indicator 10 (energy use).

The cash cost per tonne measure is proposed for removal as it is in conflict with the other measure for the same indicator – 'percent of solid waste diverted from landfill (recycled/reused)'. As we seek to divert waste from landfill, the cash cost per tonne will naturally increase. Regardless, it is likely that for this coming financial year the cash-cost per tonne will go up or at best remain stable not because of increased diversion from landfill but because of increased net processing costs as a result of the Cleanaway recycling contract price increase and the additional cost of the Bunbury/Dardanup waste transfer and disposal trial. For these reasons, and given reducing waste to landfill is seen as the primary objective, it is proposed that cash cost per tonne is removed from the CBP.

The new targets in relation to development assessments have been established after an internal review of development application processing requirements and see us move away from using deemed refusal timeframes to measure performance.

The LTIFR (lost Time Injury Frequency Rate) is a measure used by industries to determine the number of lost-time injuries within a period, relative to the total number of hours worked in that period. The number of lost-time injuries per hour worked is always a very small number. To make it easy to interpret, a multiplier of one million is used and LTIFR are reported as the number of lost-time injuries per million hours worked. A target of less than 15 has been included in the proposed CBP, noting our LTIFR for 2017/2018 is approximately 18 due to a high number of unrelated lost time injuries in the early part of the period. We expect an LTIFR of less than 15 to be achievable.

In relation to indicator 10 – energy use – it is proposed that the measure be adjusted to reflect the need to set targets by the end of 2018/2019.

CONCLUSION

The City's corporate business plan is a key component of the IPR framework. The proposed CBP meets the "Achieving" standard required by the Department of Local Government, Sport and Cultural Industries Advisory Standard and integrates relevant information from the City's current LTFP, asset management plans and workforce plan.

The proposed CBP supports the Council's strategies outlined in the SCP and advances many of the key initiatives that the City has made progress on over the previous financial year. Importantly, the proposed plan continues provides a solid work program to assist with realising the community's aspirations and objectives.

OPTIONS

1. The Council may choose to alter any of components or wording of the proposed CBP as it sees fit.
2. The Council may choose not to adopt the proposed CBP and seek further more significant changes.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Once the CBP is adopted, it will come into effect immediately with the services and actions contained implemented over the four year life of the plan as identified. The plan will be professionally published within six weeks of its adoption.

COUNCIL DECISION AND OFFICER RECOMMENDATION**C1807/143**

Moved Councillor J McCallum, seconded Councillor C Tarbotton

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED



That the Council adopts the Corporate Business Plan 2018/2019 – 2021/2022 in the form attached to this report (Attachment A).

CARRIED 9/0**BY ABSOLUTE MAJORITY**

ITEMS FOR DEBATE

12. REPORTS OF COMMITTEE MEETINGS

12.3 Policy and Legislation Committee - 26/06/2018 - REVIEW OF PURCHASING RELATED POLICIES AND DELEGATIONS

SUBJECT INDEX:	Procurement
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Corporate Services
ACTIVITY UNIT:	Legal and Property Services
REPORTING OFFICER:	Manager Governance and Corporate Services - Sarah Pierson Manager Legal and Property Services - Martyn Cavanagh
AUTHORISING OFFICER:	Director Finance and Corporate Services - Tony Nottle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Current Purchasing Policy 
	Attachment B Current Regional Price Preference Policy 
	Attachment C Current Tender Selection Criteria Policy 
	Attachment D Current Tender Pre Selection Criteria Policy 
	Attachment E Current Delegation LG3J 
	Attachment F Current Delegation LG3K 
	Attachment G Current Delegation LG3M 
	Attachment H Proposed Purchasing Policy 
	Attachment I Proposed Regional Price Preference Policy 
	Attachment J Proposed SMP - Procurement Selection Criteria 
	Attachment K Proposed Instrument of Delegation LG3K 
	Attachment L LG3J Track Changes 
	Attachment M Proposed Instrument of Delegation LG3J 
	Attachment N LG3K Tracked Changes 

This item was considered by the Policy and Legislation Committee at its meeting on 26 June 2018, the recommendations from which have been included in this report.

PRÉCIS

In August 2017 the CEO commissioned a high level independent review of the City's governance systems and processes – the Governance Systems Review (GSR). The review was undertaken by Mr John Woodhouse and was completed on 30 October 2017. The review considered the City's policy and procedure framework generally. The review also considered certain specific policy matters, including the City's policy approach to procurement and tenders.

The City has acknowledged the recommendations in the GSR and given consideration to the City's current policies, processes and delegations in relation to procurement and tenders.

The purpose of this report is to advise Council of the outcomes of the City's considerations, and to make recommendations to Council about the City's procurement policies and delegations.

BACKGROUND

The GSR recommendations as to policy framework (generally)

In relation to Council policies more broadly, the GSR made the following recommendations:

1. *There should be a review of the Council Policies with the intent that a Council Policy:*
 - a. *Should deal with higher level objectives and strategies;*
 - b. *Should not deal with operational matters, employee matters, or other matters which are the responsibility of the CEO; and*
 - c. *Should, where appropriate provide sufficient direction to the CEO to develop OPPs which deal with the implementation of the Council Policy or other detailed matters.*
2. *As part of that review, any existing Council Policy should be deleted where it could, more sensibly, be dealt with by an OPP adopted by the CEO.*
3. *Consideration should be given to developing a new Council Policy which sets out the 'framework' for Council Policies, OPPs and other procedures. The new Policy would explain the role to be played by each level of document. It could, for example, be called a Policy Framework Policy.*

In response a Policy Framework has been developed and endorsed by Council, along with a new (adopted) Council Policy template. A new approach and template has also been put in place for the development of Staff Management Practices (SMP) (previously referred to as Operational Practices and Procedures).

GSR Recommendations as to procurement policy

In relation to procurement and tenders, the GSR made the following recommendations:

1. *One single procurement/purchasing policy should be developed by the CEO for adoption by the Council.*
2. *"The new council policy should:*
 - a. *replace 3 of the existing council policies referred to above;*
 - b. *focus on the strategic approach to procurement and the overall goals to be achieved; and*
 - c. *not descend into unnecessary detail.*
3. *The new council procurement policy should be consistent with contemporary policies adopted by the major metropolitan local governments.*
4. *The CEO should develop and put in place an internal policy or OPP which covers all matters of detailed implementation including:*
 - a. *selection criteria and how criteria are to be used according to the nature of the tender;*
 - b. *how and by whom (e.g. a panel) the evaluation is to be prepared.*
5. *The new internal policy or OPP should be consistent with similar, contemporary policies or practices in the major metropolitan local governments.*
6. *The existing Regional Price Preference Policy – Policy 049 should be revised with a view to it being simpler and clearer for both prospective tenderers and City employees to understand. There is no need to change the underlying intent that the maximum percentages are to be allowed where a regional location or regional content is established.*
7. *I recommend that consideration be given to the delegation to the CEO of the authority to make the purchasing policy (required by Regulation 11A).*
8. *The new purchasing policy should, of course, be reported to the Council and be made available on the City's website.*

GSR findings as to supporting local business

The GSR further considered under the heading “Supporting local business” the ‘perceived need by some that there should be greater emphasis put on local content’. While the GSR made no recommendations in relation to this, Mr Woodhouse made the following comments:

- *“In this regard I found that the Policies and OPPs of the City of Busselton are generally consistent with those of most other local governments in regional Western Australia”*
- *“In this respect I did not find that the City was out of kilter with contemporary practice”.*
- *“... if a decision is taken that the matter is worthy of consideration, then, in my view, a thorough review should first be done and that any review should not start from the premise that a change to existing policies is needed or that the existing policies lead to an undesirable outcome”*

The following were provided by Mr Woodhouse as suggested considerations for any review:

- *“Is the current approach “broken” or in need of improvement or does it serve the community well?”*
- *What do the figures show is the result of the current approach?*
- *How does that approach compare with comparable local governments (if comparisons can sensibly be made)?*
- *What if any quantifiable impact might a proposed change make?*
- *If other local governments in the region were to do likewise then what impact might that have?*
- *Putting aside any possible change to the existing policies, what other measures might be introduced or strengthened by the City to address the root causes of the issue or the perceived issue?*
- *Are there recurring reasons why some tenders from “local” suppliers (and perhaps others) are reducing their chances of being recommended?*
- *If so, can the City assist in educating or informing those suppliers of the reasons and how they might be addressed?*
- *If one were to focus on that portion of the procured works and services which are not awarded to local businesses, what are the reasons for that being the case and are those reasons good reasons?*
- *If one of the reasons that a local supplier cannot submit a tender is that the supplier does not have the ability to provide all components of the required works or services, then is there scope for the City to divide one tender into a number of tenders for differing components? ”*

The City’s Current Procurement Framework

The City’s current procurement policy framework is comprised of the four (4) separate Council policies and three (3) delegations of powers and duties. These are:

1. Purchasing Policy (Policy 239) – adopted 9 March 2016 (**Attachment A**)
2. Regional Price Preference Policy (Policy 049) – adopted 8 November 2017 (**Attachment B**)
3. Tender Selection Criteria Policy (Policy 031) – adopted 11 March 2011 (**Attachment C**)
4. Tender Pre Selection Criteria Policy (Policy 247) – adopted 8 June 2016 (**Attachment D**)
5. Delegation instrument LG3J (relating to tenders and associated contracts) (**Attachment E**)
6. Delegation instrument LG3K (preliminary selection of tenderers) (**Attachment F**).
7. Delegation instrument LG3M (establishing panels of pre-qualified suppliers) (**Attachment G**)

The delegation instrument LG3C is subject to certain conditions, one of which is that the standard selection criteria under Policy 031 is used, and further that the (Purchasing) Policy 239 is complied with.

STATUTORY ENVIRONMENT

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

Regulation 11A(1) of the Regulations requires a local government to implement a purchasing policy in relation to contracts for supply of goods or services where the consideration under the contract is, or is expected to be, \$150,000 or less. Such a policy must, among other things, make provision in respect of:

- the form of quotations acceptable;
- the minimum number of oral and written quotations that must be obtained; and
- the recording and retention of purchasing records.

Under Regulation 24AC(1)(a) a local government may adopt and implement a policy for panels of pre-qualified suppliers. The City's Purchasing Policy (current and revised) includes provisions to meet all of the requirements for a policy on establishing panels of pre-qualified suppliers.

Section 3.57 of the Act requires a local government to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services. Regulations 11 through 21(A) of the Regulations deal with matters relating to tenders, including when tenders have to be publicly invited, requirements for publicly inviting tenders (essentially determining of criteria for deciding which tender should be accepted), and rejecting and accepting tenders.

Part 4A of the Regulations enables a local government to give a regional price preference in connection with assessing tenders, where it has a regional price preference policy made in accordance with the Regulations.

RELEVANT PLANS AND POLICIES

Outside of the policies which are the subject of this report, there are no other applicable policies or plans.

FINANCIAL IMPLICATIONS

Adoption of the officer's recommendation will not have any financial implications.

Long-term Financial Plan Implications

Adoption of the officer's recommendation will not have any long term financial implications.

STRATEGIC COMMUNITY OBJECTIVES

Adoption of the officer's recommendation aligns to the following Key Goal Areas of the City of Busselton Strategic Community Plan 2017:

Key Goal Area 6 –Leadership

6.1: Governance systems, process and practices are responsible, ethical and transparent.

Key Goal Area 4 – Economy

4.2: A community where local business is supported and in turn drives our economy

RISK ASSESSMENT

There are no risks associated with the Officer Recommendation identified as being of a medium or greater level.

CONSULTATION

In reviewing the procurement policy framework, and specifically in considering aspects related to the establishment of panels of pre-qualified suppliers, officers have consulted with the Western Australian Local Government Association (WALGA) and the Department of Local Government, Sport and Cultural Industries (DLG). The revised Purchasing Policy reflects the advice received from both with respect to the operation of such panels.

Officers have also consulted with the Shire of Augusta-Margaret River with respect to the Regional Price Preference (RPP) Policy, with the aim of exploring a reciprocal price preference arrangement where each local government would provide a preference to suppliers located within the other's district. Correspondence received from the Shire of Augusta –Margaret River indicates that a reciprocal arrangement is not supported. As such, the policy has been drafted only preferencing businesses located within the City of Busselton District.

The Busselton Chamber of Commerce and Industry (BCCI) have been provided with copies of the proposed new policies and practices along with an overview of the rationale in relation to amendments to the RPP Policy, the inclusion of a local benefit criterion for assessment of tenders and quotations (where a formal assessment is required), and the recommendation to rescind the Tender Selection Criteria Policy and the Tender Pre Selection Criteria Policy in favour of a SMP setting out selection criteria.

OFFICER COMMENT

Following the release of the GSR findings, a review of the City's procurement policy framework was undertaken by City officers, with a small project team formed comprising of officers from legal and property services, governance services and operations services.

This report makes a number of recommendations in relation to the procurement policy framework, with each recommendation addressed below under a relevant heading.

Adoption of a revised Purchasing Policy (Attachment H)

The City's Purchasing Policy provides the framework for purchasing decisions made by the City. In particular it details the procedures that must be followed for purchasing in accordance with the estimated value of the transactions. While officers feel it is necessary to provide some broad detail around how purchasing decisions are to be carried out (both for the purposes of setting high level direction for City staff and for informing suppliers), the current policy is considered to be too detailed.

As per the recommendations of the GSR, the policy has therefore been reviewed to focus more on the strategic approach to procurement and the overall goals to be achieved. Operational and administrative aspects have been removed. These include matters such as how to obtain a verbal quotation, re-statements of the Act and Regulations, and procedures for opening tenders. If considered appropriate by the CEO, these types of matters may be incorporated into a SMP or other operational procedure.

The revised policy that has been developed is similar in nature and focus to other local government policies that were reviewed, with officers noting that like Councils including Albany, Bunbury, Fremantle, Geraldton, Joondalup and Rockingham, all have a similar policy relating to purchasing.

It is not considered that the Council should delegate to the CEO the power to make the purchasing policy required by Regulation 11A. It is considered that Council should provide the broad strategic direction of a policy that deals with purchases under \$150,000, tenders and panels of pre-qualified supplies. The following GSR recommendations have not therefore been implemented and it is proposed that a Council policy be retained (noting that in effect this will satisfy recommendation 8).

- 7. I recommend that consideration be given to the delegation to the CEO of the authority to make the purchasing policy (required by Regulation 11A).*
- 8. The new purchasing policy should, of course, be reported to the Council and be made available on the City's website.*

Adoption for advertising of a revised Regional Price Preference Policy (Attachment I)

While the City's current RPP Policy was only adopted in November 2017, it was included in this review given the GSR recommendation:

- 1. The existing Regional Price Preference Policy – Policy 049 should be revised with a view to it being simpler and clearer for both prospective tenderers and City employees to understand. There is no need to change the underlying intent that the maximum percentages are to be allowed where a regional location or regional content is established*

It was also considered prudent to explore the possibility of a reciprocal price preference arrangement as discussed earlier in this report as well as consideration of a local content / benefit selection criteria.

The proposed revised policy provides the same price preference percentages as the existing policy however officers have sought to simplify and, in contrast to the changes made in November 2017, refine the policy with respect to its application.

Under the Regulations a policy may provide for a price preference for a tenderer that has been operating a business continuously out of a premises within the region (as defined in the policy) for at least six months, or if they are from outside of the region but supply goods or services from within the region. The current policy allows for a price preference to be provided in both situations.

While aligning to the Regulations, in practice this can result in a price preference being applied to non-local suppliers who have for example indicated they will use local sub-contractors. Calculating the value of the sub contracted works in such a scenario can be difficult, and overall there is some confusion amongst both staff and suppliers with regards to applying the policy.

It is therefore proposed that the revised policy apply only to a Local Supplier defined as a supplier who has had for more than 6 months prior to the closing date of the tender a physical presence by way of a shop, depot, outlet, headquarters or other premises from which they operate within the City of Busselton district). This will narrow the application of the policy and will reduce the opportunity for those located outside of the district but who source local goods or services to be provided a preference. It is recommended however that a local benefit selection criteria be introduced, as discussed under the next heading, with this continuing to provide some benefit to suppliers who operate from outside the district but who source local goods and services.

The GSR recommended that

1. *One single procurement/purchasing policy should be developed by the CEO for adoption by the Council.*
2. *"The new council policy should:*
 - a. *replace 3 of the existing council policies referred to above;*

Officers are of the view that the RPP Policy should remain a separate policy as there is a statutory requirement to advertise the RPP Policy that does not exist for the broader Purchasing Policy. Additionally the Purchasing Policy, while simplified, already addresses a number of matters and adding more content and complexity to it is not considered to be the best approach.

Rescission of the Tender Selection Criteria Policy and Tender Pre Selection Criteria Policy in favour of a new SMP: Purchasing – Procurement Selection Criteria.

The City's current Tender Selection Criteria Policy sets out four qualitative criteria which are to be used in the assessment of all tenders. The policy sets parameters for the weighting of each criterion (0% to 20%) and also sets parameters for the weighting of price in conjunction with the qualitative criteria (20% to 80%). Delegation LG3J sets out that use of the standard selection criteria as outlined in this policy is as a condition to the delegated power of determining the written criteria for deciding which tender should be accepted; requiring the CEO to seek a formal Council decision if he wishes to use an alternative criterion or set of criterion for a particular tender.

Similarly the Tender Pre Selection Criteria Policy sets out a similar set of qualitative criteria in relation to pre tender Expressions of Interest (EOI) processes and it is a condition of Delegation LG3K that this policy is complied with in such processes.

To date there have been no operational practices underpinning the application of these policies, with the policies drafted almost as instructions to officers. While not specifically intended to be used for the formal assessment of quotations (below tender level), in the absence of any other operational practice, the same criteria have generally also been applied for this purpose.

In addition to recommendation 1 noted above, the GSR recommended that

8. *The CEO should develop and put in place an internal policy or OPP which covers all matters of detailed implementation including:*
 - a. *selection criteria and how criteria are to be used according to the nature of the tender;*
 - b. *how and by whom (e.g. a panel) the evaluation is to be prepared.*

A new SMP has been prepared, Purchasing – Procurement Selection Criteria (PSC SMP) (**Attachment J**), setting out a range of selection criteria and how they are to be applied in the assessment of tenders, EOIs, invitations to join a panel of pre-qualified suppliers, and request for quotations. It is recommended that the Tender Selection Criteria Policy and the Tender Pre Selection Criteria Policy be rescinded and that Council notes the new PSC SMP as the mechanism by which selection criteria are applied. It is also therefore recommended that amendments are made to the current delegation containing conditions relating to the current policies. This is discussed further below.

While still imposing some clear parameters and processes for officers to follow, the PSC SMP provides flexibility by giving officers a broader range of criteria to select from. Additionally, in the event that a criterion not included under the practice was considered appropriate to a particular tender the CEO could make a determination to include it. The PSC SMP also sets out a slightly more moderate range for price being 30% to 70%. Again however if the CEO deemed it appropriate this could be adjusted for particular or unusual circumstances.

In order to provide appropriate levels of support for local business and enhance the local benefits generated through procurement, a local benefit criterion is proposed as a fixed selection criterion, weighted of 5%. The criterion proposed is:

Local Benefit

The respondent is to describe how they will contribute to the local community (social, economic, environmental, or other) over and above being a local supplier operating within the district.

Respondents would be required to demonstrate through their tender submission the level of community benefit they or their proposal generates. This is intended to be benefit beyond just being a Local Supplier as per the RPP policy. Benefits such as employing or contracting locally, contributing to the community through engagement in sporting or cultural groups, or contributing to vocational and education advancement (work experience programs, scholarships or awards) would be considered under this criterion. Officers would then score each submission using the scoring guide set out in the SMP. Until now, while a common scoring guide has been used, it has not been formalised in any standard practice documentation, and of course it has not contained factors relevant to a local benefit criterion.

While inclusion of a local benefit criterion is recommended in order to enhance the ability for procurement decisions to positively impact on the community, officers do not feel it should play a significant role in the assessment of whether a respondent can fulfil the requirements of an unduly significant specification / contract. Hence it is proposed that the criterion be weighted at 5%, noting that the benefits provided under the RPP Policy apply independently. Procurement decisions should be guided by the principle of 'best value for money' and achieving the most advantageous outcome to the City (and its ratepayers). It is considered that selection criteria related directly to the respondents' ability to carry out the required works or deliver the required services will be the dominant considerations in achieving this principle.

More broadly with respect to supporting local business, the City is also pursuing other initiatives. In March a new procurement tool called VendorPanel Marketplace was launched. While still in its infancy, it is intended that this tool will improve the City's ability to engage with and support local suppliers. Some additional promotion and education is required in order to ensure suppliers are registered within the Marketplace, however once they are, City staff will be more readily able to locate them and engage by way of quotations. The opportunity exists for local business to actively engage in this initiative.

In the past six to eight months the City has also presented at information sessions and forums about its procurement processes including Procure South West in Bunbury and a Meet the Buyer session arranged by the BCCI and held here at the City's offices. As detailed in those sessions, in the 2016/17 year 63% of the City's total spend (excluding nett pays to employees, transactions related to utility providers, inter-government agency and other similar payments, and term bank deposits) was in the South West Region, with 54% of that in the Busselton district. While we are keen and working hard to see this increased, it represents a good base to build on.

Amendments to Delegation instruments LG3J and LG3K

Finally, in line with the recommendation to rescind the two selection criteria policies, it is proposed that amendments are made to Delegation instruments LG3J and LG3k to remove the conditions which reference the policies.

In relation to Delegation instrument LG3J it is also recommended that the delegation of powers and duties more comprehensively and explicitly identify the scope of the delegation. The instrument is to be amended to refer to the CEO's powers to purchase goods and services under the exceptions to the tender requirements. The revised delegation is presented as **Attachment K**, with the track changes version provided as **Attachment L**.

In relation to Delegation instrument LG3K it is recommended, subject to Council rescinding the Pre-Tender Selection Criteria Policy, that the instrument be correspondingly amended. The revised delegation is presented as **Attachment M**, with the track changes version provided as **Attachment N**.

CONCLUSION

A review of the City's procurement policy framework has identified a number of improvements which will assist the City in obtaining the most advantageous outcome with respect to its procurement while also supporting local business to in turn drive the local economy. The proposed amendments to the policies and procedures aim to support this, while also implementing a better balance between Council's strategic function and the CEO's administrative functions. The improvements are also aimed at ensuring the City's procurement policies and processes are in line with the City's new Policy Framework, and meeting a number of the recommendations of the GSR.

OPTIONS

The Council may choose not to adopt the officer's recommendation and instead may seek to do one or more of the following:

1. Request further or different amendments be made to the Purchasing Policy;
2. Retain the RPP Policy in its current form;
3. Request that the Tender Selection Criteria Policy and Tender Pre Selection Criteria Policy be retained and / or amended to reflect the content of the proposed SMP or amended in other ways;
4. Request that the Delegation condition with respect to the Tender Selection Criteria Policy and Tender Pre Selection Criteria Policy be retained.

It is noted that the above options would not accord with the recommendations of the GSR.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Purchasing Policy will come into force immediately upon Council's endorsement of the officer recommendation, with the PSC SMP coming into force within a week.

The Tender Selection Criteria Policy and the Tender Pre Selection Criteria Policy will also be immediately rescinded and the Delegations updated.

The RPP Policy will be advertised for public submissions within a week upon adoption of the proposed policy (for advertising purposes) and if submissions are received the subject will need to be further considered by Council.

OFFICER RECOMMENDATION

That the Council after taking into consideration the Governance Systems Review

1. Adopts the proposed Purchasing Policy as per Attachment H, replacing the current Purchasing Policy (shown as Attachment A).
2. Adopts the proposed Regional Price Preference Policy as shown in Attachment I for the purpose of giving notice to the public in accordance with section 24E of the Local Government (Functions and General Regulations) 1996; and
3. If there are no submissions received after the expiration of the public notice period referred to in 2 above, adopts the Regional Price Preference Policy as per Attachment I, replacing the current Regional Price Preference Policy (shown as Attachment B).
4. Rescinds the Tender Selection Criteria Policy shown as Attachment C.
5. Rescinds the Tender Pre Selection Criteria Policy shown as Attachment D.
6. Notes the content of the Staff Management Practice: Purchasing – Procurement Selection Criteria as per Attachment J.

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

7. Adopts the amended Delegation LG3J as per Attachment K, replacing the current delegation (shown as Attachment E).
8. Adopts the amended Delegation LG3K as per Attachment M, replacing the current delegation (shown as Attachment F).

COUNCIL DECISION AND AMENDED OFFICER RECOMMENDATION**C1807/144**

Moved Councillor J McCallum, seconded Councillor C Tarbotton

That the Council after taking into consideration the Governance Systems Review

1. Adopts the proposed Purchasing Policy as per Attachment H with the following changes where words struck through are removed and words bolded are added, replacing the current Purchasing Policy (shown as Attachment A):
 - a) Amending paragraph 5.14 as follows - “From time to time there will be circumstances where it is not appropriate or not reasonably practicable to adhere to the requirements to obtain quotations as set out in this Policy”;
 - b) Amending paragraph 5.15 as follows - “In such circumstances, the Chief Executive Officer (or such other employee of the City to whom such power has been delegated) may waive the requirements to obtain quotations as set out in this Policy”;
 - c) Amending paragraph 5.27(c) as follows - “For purchases up to \$150,000 the purchasing requirements in section 5.10 – 5.13 of this Policy apply and for purchases over \$150,000 three quotes must be sought, subject in all cases to sections 5.14 and 5.15 of this Policy
 - d) Deleting paragraph 5.27(d) in its entirety as follows -
 - e) Amending paragraph 5.34 as follows - “A Panel established by the City may be operated in a manner that applies the principles of the Regional Price Preference Policy when assessing quotations”.
 - f) Removing the word “either” from the second line of paragraph 5.36; and
 - g) Amending paragraph 5.40 as follows - “Written quotations from Panel members are to be sought and assessed on the basis of criteria determined in accordance with the City’s practices and procedures”.
2. Adopts the proposed Regional Price Preference Policy as shown in Attachment I for the purpose of giving notice to the public in accordance with section 24E of the Local Government (Functions and General Regulations) 1996; and

3. If there are no submissions received after the expiration of the public notice period referred to in 2 above, adopts the Regional Price Preference Policy as per Attachment I, replacing the current Regional Price Preference Policy (shown as Attachment B).
4. Rescinds the Tender Selection Criteria Policy shown as Attachment C.
5. Rescinds the Tender Pre Selection Criteria Policy shown as Attachment D.
6. Notes the content of the Staff Management Practice: Purchasing – Procurement Selection Criteria as per Attachment J.

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

7. Adopts the amended Delegation LG3J as per Attachment K with the following changes where words struck through are removed and words highlighted are added, replacing the current delegation (shown as Attachment E):
 - a) Amending condition (c) as follows “Not accepting any tender or entering into any contract having a value exceeding \$500,000”.
8. Adopts the amended Delegation LG3K as per Attachment M, replacing the current delegation (shown as Attachment F).

CARRIED 9/0

BY ABSOLUTE MAJORITY

- Reason: Changes to the proposed Purchasing Policy and Delegation LG3J are recommended to
1. clarify that the Waiver provisions may be applied to WALGA suppliers where they are used for purchases over \$150,000 and remove a redundant condition (d) - Paragraph 5.27;
 2. clarify the application of principles aligned to the City’s Regional Price Preference Policy – Paragraphs 5.34
 3. clarify the use of criteria under a Panel once it is established - Paragraphs 5.40;
 4. tidy up identified typos and inconsistencies with regards to wording – Paragraphs 5.14, 5.15 and 5.36
 5. ensure that the condition relating to the \$500,000 threshold applies only to the actual acceptance or entering into a contract, and that the CEO can continue to have delegated power to set the criteria for, and invite, all tenders (including those estimated to be above \$500,000).

12. REPORTS OF COMMITTEE MEETINGS

12.4 Policy and Legislation Committee - 26/06/2018 - AL FRESCO AREAS AND STREET ACTIVATION IN THE BUSSELTON CITY CENTRE (ESPECIALLY QUEEN STREET) - REPORT ON OUTCOMES OF RECENT CONSULTATION AND PROPOSED DIRECTION

SUBJECT INDEX:	Activity Centre Plan - Busselton
STRATEGIC OBJECTIVE:	Creative urban design that produces vibrant, mixed-use town centres and public spaces.
BUSINESS UNIT:	Planning and Development Services
ACTIVITY UNIT:	Strategic Planning & Development
REPORTING OFFICER:	Director, Planning and Development Services - Paul Needham
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Al Forno options  Attachment B 20-26 Queen Street proposal  Attachment C Al fresco examples  Attachment D Consultation Outcomes Report  Attachment E City Centre Aerial Photo  Attachment F Draft Policy 

This item was considered by the Policy and Legislation Committee at its meeting on 26 June 2018, the recommendations from which have been included in this report.

PRÉCIS

The Council is asked to consider issues related to al fresco dining in the Busselton City Centre, Queen Street in particular, but not exclusively. The report follows and sets out the outcomes of recent consultation on those issues.

Because it is seen as a sound strategy in and of itself, and also appears to broadly reflect community views, it is considered that the Council should indicate broad support for facilitating more al fresco space in the City Centre, but mainly in a reversible and incremental/demand-driven fashion, even though that has to be at the expense of on-street parking that some in the community value. It is also considered that 'container' options for providing al fresco space should generally not be supported, but that the preferred form rather be in the form of timber decking or custom designed and built 'drop-in' structures.

It is recommended that the Council adopt a draft policy that would provide for that, and also address and provide guidance on some of the more detailed issues that require consideration. Note that the policy is not proposed as a local planning policy, it is proposed as a Council policy, and would guide the City's property functions, not the City's planning (or other regulatory) functions. At this stage, it is recommended that the policy be adopted as a draft only, and that further consultation take place before the Council considers adoption of a final policy.

BACKGROUND

In recent times, the City has received several requests and proposals to accommodate al fresco areas associated with cafes/restaurants on Queen Street and/or premises where the owners are contemplating leases to cafes/restaurants. Because of the width and configuration of Queen Street (for most of its length), the only way that high usability al fresco areas can be accommodated is often through using space that is currently used for car parking. This can be seen by reference to the *Vasse Hotel*, which has an extensive al fresco area, but there is no on-street car parking in that section of the street.

Requests for al fresco areas that would require removal of car parking have been received from the proprietors of the *Al Forno* café/restaurant, in the section of Queen Street between Kent and Duchess Streets, and the owners of 20-26 Queen Street (which currently contains, amongst others, the *Dynasty Chinese* restaurant), in the section of Queen Street between Duchess and Adelaide Streets. Plans illustrating several options for provision of an al fresco area for *Al Forno* are provided as **Attachment A**. Plans for proposed modifications to 20-26 Queen Street, incorporating conversion of adjacent on-street car parking to al fresco area, are provided as **Attachment B**.

Over recent years, there have been informal discussions with several other proprietors and landowners. There has also been fairly consistent informal feedback from some in the general community and from many in the business community indicating that more should be done to facilitate and encourage al fresco and activation/activity in the City Centre generally. There are also concerns about car parking availability from some in the community, including from business owners.

The City and proprietor had spent some time investigating the options to accommodate an al fresco area for *Al Forno* (which currently has a small al fresco presence, consisting of tables and chairs on the footpath immediately in front of the premises). The City was looking to implement an option that would have involved the placement of a converted/adapted container, placed where there are currently parking bays adjacent to the pedestrian crossing point midway between Kent and Duchess Streets. The proposal would have involved the loss of two parking bays. It was expected that implementation would commence in late 2017. Because of the option being proposed, had it not been considered successful, it would have been relatively simple to remove the container.

Whilst in some other places, there are considered to be some successful and attractive container or other 'drop-in' al fresco arrangements, there are a number that City officers think are not particularly attractive. For that reason, it was envisaged that the first such proposal in Busselton would be best implemented by the City itself, rather than by a landowner or proprietor seeking the approval of the City to implement a proposal themselves. That was to ensure that the City would have direct control over the process and the design, and an essentially unfettered ability to remove the structure, should it be seen as appropriate to do so. Note that officers were of the view that the once preferred option for *Al Forno* required further refinement, and having given the matter further consideration, do not currently consider 'container' options are suitable for Queen Street, or generally in the City Centre more broadly.

Owing to concerns expressed by some other proprietors and landowners, the City decided not to proceed with the proposal in late 2017. Councillors requested that, before any further decisions were made, there be broader community consultation with respect to the value and priority to be attached to car parking relative to al fresco space on Queen Street generally. It was envisaged that the City would then consider the outcomes of that consultation and determine future strategy. This report provides the Council with information on the outcomes of recent consultation, undertaken using the City's *Your Say* platform, and proposes a future direction with respect to accommodating al fresco proposals within the City Centre in future, especially on Queen Street.

Some examples of different al fresco options are provided as **Attachment C**. Note that there are some that officers consider are good examples, and others that officers do not consider very successful. It also needs to be noted that the appropriateness and/or success of any option may depend upon the context.

STATUTORY ENVIRONMENT

Key statutory environment is set out in the City's *Activities in Thoroughfares and Public Places and Trading Local Law 2015* ('Thoroughfares Local Law') and town planning scheme, as well as in the *Land Administration Act 1997*. Those documents have been considered in the preparation of this report.

RELEVANT PLANS AND POLICIES

Relevant plans and policies include the City's *Economic Development Strategy 2016-2026* ('ED Strategy'), and *Local Planning Policy 4C: Busselton Town Centre Urban Design Provisions* (LPP4C). The ED Strategy identifies 'Place Making and Activation' as a key focus area, and sets out a number of related strategies, including 'Partner with business owners and managers to focus positive activity into streets and public spaces'. LPP4C identifies Queen Street as a 'Primary Street', and sets out that development on such streets should be 'highly activated' and that 'al fresco uses also encouraged'.

FINANCIAL IMPLICATIONS

There are no direct financial implications of the recommendations of this report. Depending on the direction that the Council chooses to take on these issues, there may be some financial implications, such as those associated with streetscape works that may be required to allow al fresco use of space currently allocated for car parking and/or with fees required to be paid by proprietors for use of road reserve (which is City land, although a very particular kind of City land) for al fresco trading.

Note that the Council has recently amended the guidelines of the Busselton and Dunsborough centres Façade refurbishment Subsidy Programme to include infrastructure associated with al fresco areas as eligible works. Under that Programme, funding of up to \$20,000 per project is available, up to maximum of 50% of the project cost above \$5,000 (for instance, the maximum funding available for a \$10,000 project is \$2,500, and the maximum funding available for a \$35,000 project is \$15,000). \$50,000 is allocated to that project in the City's current budget, and on an ongoing, annual basis as per the Long-Term Financial Plan.

It should be noted that the City's current schedule of fees and charges does not involve an ongoing fee for al fresco trading, with such fees having been removed in the adoption of the current financial year's fees and charges. Where the City is contemplating allowing landowners or proprietors to undertake streetscape works to convert car bays and/or place structures in existing car bays, there would be a capacity to require the costs of the work to be met by the proponent and/or charge ongoing licence fees.

On the basis of recent assessments of the market value of a licence for al fresco space, a value of around \$25-\$50/m²/annum is considered an indicative range for al fresco space on Queen Street. Given a parallel parking bay is around 15m² in area, that would equate to a licence fee of \$375-\$750 per annum for an al fresco area occupying the equivalent of one car parking bay.

Long-Term Financial Plan Implications

There are no Long-Term Financial Plan implications of the recommendations of this report.

STRATEGIC COMMUNITY OBJECTIVES

The recommendations of this report reflect Community Objective 2.3 of the *Strategic Community Plan 2017*, which is 'Creative urban design that produces vibrant, mixed-use town centres and public spaces'.

RISK ASSESSMENT

An assessment of the risks associated with implementation of the officer recommendation has been undertaken using the City's risk assessment framework. Risks are only identified where the residual risk, once controls are identified, is 'medium' or greater. Because the recommendation is for the adoption of a draft policy, which would then be subject of further consultation, the key risks with the draft policy are reputational. Given that the draft policy is, at least to some degree, reflective of community views, there is not considered to be a significant reputational risk.

CONSULTATION

Using the *Your Say* platform, the City ran an online survey seeking community views and information on a range of questions related to whether the City should support more al fresco areas on Queen Street, and, in particular a final question asked participants to indicate whether having more al fresco dining options or preserving on-street car parking was more important. The survey was promoted through various social media channels (Facebook, Twitter and Instagram), the City's electronic newsletter (*Bay to Bay*), notices in the *Busselton-Dunsborough Times*, as well as coverage in local media, both newspaper and radio. Hard copy versions of the survey were also provided through the Busselton Visitor Centre, with hard copy responses being entered into the *Your Say* platform by City staff (there were a total of 12 surveys entered in this way).

A summary of the outcomes of the survey is provided as **Attachment D**. Of the 373 responses to the final question, 269 (72.1%) indicated that al fresco was more important, with 104 (27.9%) indicating that parking was more important. Of the survey respondents, 81 (21.7%) identified themselves as being a property or business owner in the City Centre. If those responses were looked at on their own, 63% indicated that al fresco was more important, and 37% that parking was more important.

Given the scale and nature of the response, it is considered that there can be a reasonable degree of confidence that a significant portion of the community think that facilitating more al fresco is more important than preserving on street parking, although in a general sense, that does not necessarily translate into support for any particular proposal. The survey, as with any survey of this kind, represents a relatively small sample of the community. The sample does, however, look to be a fairly demographically balanced and representative sample, from both an age and residential status perspective (i.e. whether they are permanent or part-time residents).

Before the Council determines its final direction on this issue, it is considered that further consultation should take place – in particular in relation to a proposed draft policy. The draft policy presented for the Council's consideration seeks to address some of the detailed questions that may arise, and the consultation process could provide for further refinement of the policy direction. It is envisaged that consultation on the draft policy would involve a further online survey, hard copy survey options, as well as targeted consultation with the Busselton Chamber and through the City's Economic Development Taskforce and related groups.

OFFICER COMMENT

Broadly, officers are of the view that the City should be facilitating more al fresco space on Queen Street, but mainly in a reversible and in an incremental/demand-driven fashion, even though that has to be at the expense of on-street parking that some in the community value. In fact, from a broader urban design perspective, it is considered that the removal of some on-street parking and expansion of space for pedestrians may be a desirable thing in some locations, *even if the parking was not to be replaced by al fresco space*, although that is not proposed in this report. The rationale for those views is outlined and discussed below.

It is considered that a successful Busselton City Centre into the future will require an increase in the number and proportion of cafes, restaurants and/or bars. Most growing and successful centres have a significant proportion of such businesses, and most shopping centre managers and developers have been focused in recent times on attracting more of those kinds of businesses, and other businesses that provide entertainment and 'experience'. This in fact extends to the Busselton Central owners (whose expansion plans have a significant focus on café/restaurant/bar floor space, and associated al fresco areas) and the developers of the 'West Street' site (who are seeking to accommodate 'active' uses, including café/restaurant/bar offerings).

Whilst cafes, restaurants and the like and associated al fresco are not the only way to activate streets and centres, there are very few examples of centres that have become highly activated and vibrant without a significant café, restaurant and/or bar presence (noting that these are not fixed, discrete groups or classifications, but form part of a continuum) on their 'main street'. Examples of towns/centres with main streets activated in this way include Byron Bay, Noosa and, 'closer to home', even Dunsborough has a greater proportion of these kinds of businesses and associated al fresco (and there is potential to add to that, especially adjacent to Lions Park, action related to which is being progressed at present).

In terms of retail spend generally, turnover in WA has not grown consistently for a number of years, and has in fact experienced regular month on month declines over some periods, even when seasonally adjusted figures are looked at. The one area of spend that has experienced significant and fairly consistent growth is the 'cafes, restaurants and takeaway food' category. Most other parts of Australia have not experienced a 'post-mining boon slowdown' in recent years like WA has, and there has been growth in retail sales overall, but even in those states, like New South Wales, the rate of growth in the 'cafes, restaurants and takeaway food' category has been substantially greater than the overall rate of spending growth. Also of note in the Busselton context is that a significant proportion of the food and beverage spend, especially the visitor spend, takes place outside the City Centre, at wineries, breweries and/or restaurants in rural areas; whilst that is a strength of the region, it also means that the City Centre has not developed as an attractive destination for visitors to the extent that might otherwise be expected and would be desirable. There is seen to be potential to shift the balance over time more towards the City Centre. Given the above, it is seen as appropriate that the City, to the extent that it can and using the tools available to it, facilitate expansion in the number and scale of café/restaurant/bar premises on Queen Street.

An al fresco presence is often important to successful cafes, restaurants or bars in several respects. Firstly, it provides those businesses with a highly visible street presence, making people aware of the business. Secondly, it provides additional capacity for the business. Thirdly, and in many ways most importantly, in a place like Busselton, where some of the main attractions for both residents and visitors centre around the outdoor lifestyle, it provides an opportunity for people to eat, drink and socialise outdoors. The environment and ambience is often just as important as the food in determining where and whether people choose to eat, drink or socialise in a public setting.

Unfortunately, as has already been noted, due to the width and configuration of Queen Street, there is simply not enough space to have traffic lanes, sufficient footpath width/pedestrian space, on-street car parking and high usability al fresco. One-way traffic, even were it considered desirable, could not address this issue on its own; at least some on-street parking capacity would also need to be lost. Converting Queen Street to a functioning one-way street for most, or even a significant portion of its length, would also involve several million dollars' worth of streetscape works. Similarly, converting Queen Street to a pedestrian only space, even were it considered desirable, would also involve several million dollars' worth of streetscape works; and whilst it would undoubtedly provide sufficient space for al fresco and pedestrian movement, it would also involve removal of on-street parking by its very nature. It is not considered that pedestrianisation would make sense for any section of Queen Street at any time in any reasonably foreseeable future.

The experience of pedestrian malls in regional centres has more often than not been unsuccessful, with places like Townsville, which introduced malls in the 1980s or 1990s, in some cases earlier, looking to reintroduce vehicle traffic. Even in metropolitan locations, some malls have not been terribly successful. The City of Fremantle is thought to be considering the reintroduction of some traffic into the High Street Mall. The contrast between the 'Cappuccino Strip' on South Terrace, which has vehicle traffic, with the adjacent, pedestrianised, High Street Mall is instructive (although the nearby pedestrianised section of Henderson Street, adjacent to the Fremantle Markets, is rather more successful).

The reasons for the success or otherwise of a mall or of urban design generally can often be very subtle, and are not always able to be analysed in any quantitative or entirely 'objective' sense. One of the reasons that malls may not be successful, however, is the activity either side of and on the street is not actually sufficient to 'fill' the space, so the centre of the street can feel like a 'no man's land'. There can then be an attempt to 'fill the space', but this is difficult to do sensibly and consistently in many instances. The space can then either simply feel 'empty', or get 'filled' by things that are not very desirable. Malls and one way systems, whilst reducing traffic in one location, also necessarily increase traffic in other locations, unless they are in the centre of dense, largely pedestrianised precincts, that would usually also be well served by public transport.

At some point, one way traffic on a portion of Queen Street, perhaps from Prince or Kent Streets, through to perhaps Duchess or Adelaide Streets, may make sense. That is not because two-way traffic is problematic *per se*, but rather because, regardless of whether or not parking space is lost to make way for al fresco space, unless there is neither parking nor al fresco space, at a certain level of pedestrian traffic, in the context of Queen Street, and its 20 metre road reserve, the width of the footpaths on either side becomes insufficient for a high amenity pedestrian experience. If all of the on-street parking was removed from a section of street, or even from just one side of a street, it would also be possible to have a street in which the footpath is located adjacent to the roadway, and the al fresco space is located adjacent to the buildings, rather than the other way around. That kind of arrangement is also more useful for some other kinds of street activation, such as trade displays associated with shops. Whilst these are ideas that may be considered further as part of future planning, they are outside the scope of this report.

Returning to al fresco provision in Busselton in the current environment, requiring al fresco space to be provided on private land is also generally not workable in the City Centre, as there is rarely sufficient space to do so and the buildings are usually not configured for the purpose. Understandably, both landowners and tenants are often reluctant to substantially redevelop or retro-fit existing buildings to accommodate al fresco on private land. Conversion of parking bays to al fresco space, on the other hand, can conceivably and usefully be done in an incremental fashion, at relatively low cost, and can in fact be done in some ways that are relatively easily reversible.

The rationale then for the officer view that the City should be facilitating more al fresco space on Queen Street, but mainly in a reversible and in an incremental/demand-driven fashion, even though that has to be at the expense of on-street parking that some in the community value, is fundamentally as follows –

- It is generally not possible to provide additional and high usability al fresco space on Queen Street without occupying space currently used for on-street car parking bays (noting there are some issues to consider in terms of how that is done, including whether it can be done seasonally or with arrangements that vary through the day, and those issues are outlined and discussed further later in this report);
- A successful Busselton City Centre into the future will require an increase in the number and proportion of cafes, restaurants and/or bars, including and especially on the 'main street' (i.e. Queen Street);

- Providing more al fresco space will help to facilitate that increase, in fact it is highly likely to be critical to that occurring;
- Even then, that increase will only occur gradually and incrementally, and to avoid unnecessarily removing on-street car parking bays ahead of demand, it is best to also facilitate al fresco conversion of car parking bays in an incremental/demand-driven fashion; and
- Given that not all café, restaurant or bar businesses will continue indefinitely, it makes sense to consider al fresco options that are reversible and non-permanent.

Before moving on to set out what is proposed as a way forward, it is worth addressing some of the concerns and critiques that have been raised by some in the community. The following concerns/critiques have been identified –

- *Loss of on-street car parking capacity may affect viability of existing businesses.* As a proportion of the overall parking supply in the City Centre, the on-street car parking on Queen Street is a very small proportion. This is illustrated on the aerial image provided as **Attachment E**. The loss of a substantial portion of the on-street bays on Queen Street would not have a significant impact on car parking supply across the City Centre as a whole. From a business perspective, though, not all car parking will be equal, and parking immediately adjacent to the business will have more value than parking further away. It is considered by officers, though, that removing car parking in an incremental, demand-driven and reversible fashion will mean that parking supply would only be slowly reduced, with each reduction having very limited impact, but that the progressively greater activation of the City Centre will more than compensate over time (in terms of the overall trading environment). It should be noted that, if on-street parking capacity is to be reduced, it would be reasonable to ensure that ACROD bays were retained as long as possible, or even indefinitely. Parallel parking bays, such as those on Queen Street, though, are not well suited as ACROD bays, which are better accommodated as angled or perpendicular bays, such as those that exist on parts of Kent and Prince Streets especially.
- *Allowing use of al fresco space without payment is a subsidy of a particular business, arguably at the expense of other businesses.* This is correct to some extent, although it may in practice be ameliorated by broader benefits. If the aim is to encourage an activity that is seen as desirable, then, there are considered to be benefits in not requiring payment, as any payment would act as a disincentive. The provision of more al fresco is considered a form of activity that should be incentivised. There are, however, seen to be legitimate arguments against providing space without payment indefinitely. This issue is returned to later in this section of the report.
- *The City has no overall strategy for al fresco or the City Centre more generally.* Council has resolved to prepare 'Activity Centre Plans' (ACP) for both the Dunsborough Town Centre and Busselton City Centre. Earlier this year, the Council formally resolved to commence the Dunsborough project, and it is envisaged that the Busselton project would commence in the next 12-18 months, depending on workload and priorities. ACP's, though, are fundamentally statutory planning tools, not broader activation or town centre management plans. It is the observation of officers that successful town/city centre activation has often not been a result of implementation of detailed plans, but rather has been the outcome of an interplay between market forces, community and business initiative, and supportive and engaged local governments. In fact, some overall town centre plans or similar, often look to be after the fact reconstructions of strategies that have in fact developed in fairly 'organic' fashion.

Whilst there is considered to be a need for continued engagement with respect to the future of the City Centre and more planning, there is not considered to be a need to have a detailed plan before making decisions about allowing an incremental, demand-driven and reversible decision to facilitate al fresco dining.

- *The City has not set out how it will ensure businesses with al fresco areas are open in the evening or on the weekend, Sundays especially.* It is considered that the City could condition al fresco permits or similar to require that businesses are open, but the City has not done that with any of the existing business with on street al fresco, such as the *Vasse Hotel* or *More Café*. This issue is returned to later in this section of the report.

There have been some suggestions that the apparent conflict between the desire of some businesses to have al fresco areas and the desire of others to retain on-street parking could be resolved through allowing on-street parking during the day, which can then be used as al fresco space in the evening. There are also some variations on this idea, such as having car parking during the week and al fresco on the weekend. There are some places where this kind of arrangement has been successful. There may also be some circumstances in which it could work in the Busselton context. As a general principle or policy, though, it is not considered appropriate to the Busselton context. The reasons for that are set out below.

Firstly, if the café, restaurant or bar was open when the al fresco area was not in use, the chairs, tables and other things needed to set up the al fresco area would need to be stored somewhere during the day (or during the week, as relevant) in a fashion that still allowed the business to operate. In most instances, the necessary storage space will not be available. Secondly, the configuration of car parking bays on Queen Street, with a mountable kerb at the edge of the footpath, and the car parking surface consisting of asphalt, is not suited to a high amenity al fresco environment. Further, there would be safety concerns, as engineering advice indicates that, unless al fresco areas are approximately 600mm or more from the traffic lane, easily removable bollards would be required. Thirdly, whilst Busselton's climate is relatively dry and mild, having an ability to provide some weather protection will facilitate greater use of al fresco areas, and these kind of temporary arrangements are not well suited to providing weather protection, certainly not beyond that which can be provided with umbrellas or similar. Fourthly, car parking supply issues are not considered to be sufficiently great to warrant the complexity of this kind of approach. Finally, the City Centre is relatively busy and activated during the daytime in the week, and if the intention is to increase the presence of cafes, restaurants and bars, that will be helped if al fresco areas are in place, and open and operating when the City Centre is already busy.

Given the above, the following is proposed as a way forward on this issue –

- Adopt a Council policy setting out the approach (and a draft policy is provided as **Attachment F**);
- That policy would support removal of car parking to accommodate more al fresco space on Queen Street, but mainly in a reversible and in an incremental/demand-driven fashion;
- That would occur 'out the front' of the premises, or as close as possible to the premises, other than where there are banks or similar premises with very little street engagement or activation, where it could occur in those locations too, associated with businesses nearby but not adjacent to the location;
- The preferred form of al fresco would either be decking placed over car bays or a custom designed and built 'drop-in' structure (with bollards installed separating the al fresco area from the traffic lane), but not in the form of converted containers, with the design compromise that entails;

- The costs of providing such space be met by the proponent (proprietor and/or landowner), although as per currently, proposals can be subject of applications for funding under the City's façade upgrade subsidy programme;
- The land be provided at no cost for up to two years (i.e. sufficient time to assess the success or otherwise of the initiative, by both the proponent and the City), but that a licence fee apply thereafter, and subject to conditions requiring minimum trading periods, which are to include two or more of Saturdays 3pm-6pm, Sundays 9am-2pm, or three weeknights until 8.30pm, for a minimum of six months of the year (and that existing al fresco permits be transitioned to these arrangements); and
- The proponent shall be responsible for removal and decommissioning of al fresco infrastructure that is no longer required or supported; and
- The above should be reflected as necessary in a two to five year term (reflective of the level of up-front investment) licence agreement between the City and the proponent.

It is envisaged that the Policy, if adopted, would be subject of review as part of the preparation of the Busselton City Centre Activity Centre Plan, and that provision of similar guidance for other parts of the City Centre would also be considered at that time. It is also envisaged the policy may in future be integrated with broader policy related to management of City property, especially management of commercial activity on City property.

CONCLUSION

It is seen as important that the Council establish its direction on this issue, such that landowners, proprietors and officers can develop and consider proposals with some confidence. For the reasons set out in the report, it is considered that the Council should adopt a policy to support more al fresco space on Queen Street especially, but mainly in a reversible and in an incremental/demand-driven fashion. Further consultation is, though, seen as appropriate before the final direction is determined.

OPTIONS

The options available to the Council are fundamentally as follows –

- Not adopt a policy, and assess al fresco proposals on a case-by-case basis; or
- Adopt the draft policy without prior consultation; and/or
- Adopt the draft policy, subject to modifications.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Should the Council support the officer recommendation, it is expected that consultation would commence within one month, run for approximately one month, with a further report to the Council (via the Policy & Legislation Committee), 4-6 weeks later.

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION**C1807/145**

Moved Councillor R Paine, seconded Councillor L Miles

That the Council adopt the attached draft Policy for consultation purposes (Attachment F to the agenda report – *Al Fresco Dining in the Busselton City Centre*).

Cr Carter put the following amendments:

AMENDED MOTION**C1807/146**

Moved Councillor P Carter, seconded Councillor J McCallum

That the Council adopt the attached draft Policy for consultation purposes (Attachment F to the agenda report – *Al Fresco Dining in the Busselton City Centre*), subject to –

1. The replacement of clause 5.2 of the draft Policy with “Al fresco areas shall generally be provided ‘out the front’ of the associated premises, and shall generally be at a scale proportional to the floor area of the premises”.
2. The replacement of clause 5.5. of the draft Policy with “The land on which the al fresco space is to be provided subject to payment of an annual licence fee that reflects the commercial value of the space”.
3. In parallel with the consultation process, further assessment shall be undertaken to identify what level the annual licence fee would typically be set at, to reflect the commercial value of the space, and the Council will consider that information in considering the draft Policy after consultation.

As part of ensuing debate Cr Henley foreshadowed an amendment to the amendment under debate, which was to remove point 2 of the amendment with regards to inclusion of an annual licence fee in the policy, and adjust part 3 such that officers explore what, if any, might be an appropriate licence fee (if one was to be applied post the consultation).

This foreshadowed amendment was accepted by the mover and seconder.

Cr Hick foreshadowed a further amendment to remove the words “to reflect the commercial value of the space”.

This foreshadowed amendment was not accepted by the mover and seconder.

AMENDED MOTION**C1807/147**

Moved Councillor P Carter, seconded Councillor J McCallum

That the Council adopt the attached draft Policy for consultation purposes (Attachment F to the agenda report – *Al Fresco Dining in the Busselton City Centre*), subject to –

1. The replacement of clause 5.2 of the draft Policy with “Al fresco areas shall generally be provided ‘out the front’ of the associated premises, and shall generally be at a scale proportional to the floor area of the premises”.
2. In parallel with the consultation process, further assessment shall be undertaken to identify what, if any, level an annual licence fee would typically be set at, to reflect the commercial value of the space, and the Council will consider that information in considering the draft Policy after consultation.

Voting:

For the motion: Councillor G Henley, Councillor P Carter, Councillor R Paine, Councillor J McCallum and Councillor R Bennett.

Against the motion: Councillor L Miles, Councillor C Tarbotton, Councillor R Reekie and Councillor K Hick.

CARRIED 5/4

With the amendments carried the new substantive motion was put to the vote:

SUBSTANTIVE MOTION**C1807/148**

Moved Councillor R Paine, seconded Councillor L Miles

That the Council adopt the attached draft Policy for consultation purposes (Attachment F to the agenda report – *Al Fresco Dining in the Busselton City Centre*), subject to –

1. The replacement of clause 5.2 of the draft Policy with “Al fresco areas shall generally be provided ‘out the front’ of the associated premises, and shall generally be at a scale proportional to the floor area of the premises”.
2. In parallel with the consultation process, further assessment shall be undertaken to identify what, if any, level an annual licence fee would typically be set at, to reflect the commercial value of the space, and the Council will consider that information in considering the draft Policy after consultation.

As part of ensuing debate Cr Hick put the foreshadowed amendment to the new substantive motion:

AMENDED MOTION

C1807/149

Moved Councillor K Hick, seconded Councillor J McCallum

That the Council adopt the attached draft Policy for consultation purposes (Attachment F to the agenda report – *Al Fresco Dining in the Busselton City Centre*), subject to –

2. In parallel with the consultation process, further assessment shall be undertaken to identify what, if any, level an annual licence fee would typically be set, and the Council will consider that information in considering the draft Policy after consultation.

CARRIED 9/0

With the amendments above carried the new substantive motion was put to the vote:

COUNCIL DECISION AND AMENDED COMMITTEE RECOMMENDATION

C1807/150

Moved Councillor R Paine, seconded Councillor L Miles

That the Council adopt the attached draft Policy for consultation purposes (Attachment F to the agenda report – *Al Fresco Dining in the Busselton City Centre*), subject to –

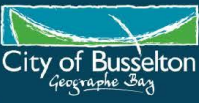
1. The replacement of clause 5.2 of the draft Policy with “Al fresco areas shall generally be provided ‘out the front’ of the associated premises, and shall generally be at a scale proportional to the floor area of the premises”.
2. In parallel with the consultation process, further assessment shall be undertaken to identify what, if any, level an annual licence fee would typically be set, and the Council will consider that information in considering the draft Policy after consultation.

Voting:

For the motion: Councillor G Henley, Councillor R Paine, Councillor L Miles, Councillor J McCallum, Councillor C Tarbotton , Councillor R Reekie, Councillor R Bennett and Councillor K Hick.

Against the motion: Councillor P Carter.

CARRIED 8/1

COUNCIL POLICY		 City of Busselton <i>Geographie Bay</i>
Council Policy Name:	Alfresco Trading in the Busselton City Centre	
Responsible Directorate:	Planning and Development Services	
		Version: Proposed

1. PURPOSE

- 1.1. This Policy supports the activation and sustainability of the Busselton City Centre through facilitating an expansion in the number and scale of al fresco areas associated with cafes, bars and restaurants.

2. SCOPE

- 2.1. This Policy is applicable to proposals for al fresco trading in the Busselton City Centre, on the road reserve (i.e. it does not relate to private property or other local government land).
- 2.2. The Policy guides the exercise of the City's property functions, and guides how City land will be managed, the policy is not a local planning policy or policy that guides the City's other regulatory functions. In exercising those other functions, however, the City will be conscious of this policy and its purpose.

3. DEFINITIONS

Term	Meaning
Policy	this City of Busselton Council policy entitled "Alfresco Trading in the Busselton City Centre"

4. STRATEGIC CONTEXT

- 4.1. This Policy links to Key Goal Area 2 (Places and Spaces) of the City's Strategic Community Plan 2017 and specifically the following Community Objective/s:
- a. 2.3: Creative urban design that produces, vibrant, mixed-use town centres and public spaces.

5. POLICY STATEMENT

- 5.1 The Council generally supports removal of car parking to accommodate more al fresco space on Queen Street, but mainly in a reversible and in an incremental/demand-driven fashion.
- 5.2 Al fresco areas should generally be provided 'out the front' of the associated premises, and shall generally be at a scale proportional to the floor area of the premises.
- 5.3 The preferred form of al fresco is decking placed over car bays, or a custom designed and built 'drop-in' structure, with bollards installed separating the al fresco area from the traffic lane, but not in the form of converted or adapted sea containers.
- 5.4 The costs of providing al fresco space be met by the proponent (proprietor and/or landowner), proposals can be subject of applications for funding under the City's façade upgrade subsidy programme.
- 5.5 The land on which the al fresco space is to be provided is at no cost for up to two years, but a licence fee shall apply thereafter.

- 5.6 A licence agreement will be subject to conditions requiring minimum trading periods, which are to include two or more of Saturdays 3pm-6pm, Sundays 9am-2pm, or three weeknights until 8.30pm, for a minimum of six months of the year (and existing al fresco permits shall be transitioned to these arrangements).
- 5.7 The proponent shall be responsible for removal and decommissioning of al fresco infrastructure that is no longer required or supported.
- 5.8 Prior to the commencement of works, the proponent shall enter into a licence agreement with the City, for an initial two to five year term (with the term to be reflective of the level of up-front investment), with further licences generally for five year terms, if a further term is considered appropriate by the City.

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. Town planning scheme and related legislation, regulations and policy.
- 6.2. Building Act and related regulations.
- 6.3. Public Health Act and related regulations.
- 6.4. Local Government Act and related regulations, notably the City's Property Local Law and Thoroughfares Local Law.
- 6.5. Busselton City Centre Conceptual Plan.
- 6.6. City of Busselton Economic Development Strategy.

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE		Resolution #	
Previous Adoption	DATE	N/A	Resolution #	N/A

13. PLANNING AND DEVELOPMENT SERVICES REPORT

Nil

14. COMMUNITY AND COMMERCIAL SERVICES REPORT

Nil

17. CHIEF EXECUTIVE OFFICER'S REPORT

Nil

18. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

19. URGENT BUSINESS

Nil

20. CONFIDENTIAL REPORTS

The reports listed below are of a confidential nature, in accordance with section 5.23(2) of the Local Government Act 1995. These reports have been provided to Councillors, the Chief Executive Officer and Directors only.

20.1 STANDING ORDERS LOCAL LAW - UNDERTAKING TO THE JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

SUBJECT INDEX:	Local Laws
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Corporate Services
ACTIVITY UNIT:	Legal Services
REPORTING OFFICER:	Legal Officer - Briony McGinty
AUTHORISING OFFICER:	Director Finance and Corporate Services - Tony Nottle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Nil

This item is confidential in accordance with section 5.23(2) (d) of the Local Government Act 1995, as it contains information relating to legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

COUNCIL DECISION AND OFFICER RECOMMENDATION

C1807/151 Moved Councillor J McCallum, seconded Councillor C Tarbotton

That the Council undertakes to the Joint Standing Committee on Delegated Legislation that:

1. within six months, the City will make the following amendments to the *City of Busselton Standing Orders Local Law 2018*:
 - (a) Amend clause 6.7(6)(c) to read as follows:

the member of the public asks a question that is offensive or defamatory in nature or is one which, if asked by a member, would be in breach of these standing orders or any other law, provided that the presiding member has taken all reasonable steps to assist the member of the public to phrase the question in a manner that is not offensive or defamatory, or does not breach these Standing Orders or any other law.
 - (b) Amend clause 5.10(6) by deleting the words 'Local Government'.
 - (c) Amend clause 8.16(1) by deleting the figure '16' and inserting '15' in its place.
 - (d) Amend clause 10.18(2) by deleting the phrase ', the member'.
 - (e) Amend clause 11.6(2) by deleting the figure '5.6' and inserting '5.10' in its place.

2. until the Local Law is amended in accordance with undertaking 1, the City will:
- (c) not enforce the Local Law in a manner contrary to undertaking 1.
 - (d) where the Local Law is made publicly available, whether in hard copy or electronic form (including on the City's website), ensure that it is accompanied by a copy of these undertakings.

CARRIED 9/0

21. CLOSURE

The meeting closed at 6.26pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 63 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON WEDNESDAY, 8 AUGUST 2018.

DATE: _____

PRESIDING MEMBER: _____