

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

CITY OF BUSSELTON

MINUTES FOR THE COUNCIL MEETING HELD ON 12 DECEMBER 2018

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MINUTES

MINUTES OF A MEETING OF THE BUSSELTON CITY COUNCIL HELD IN COUNCIL CHAMBERS, ADMINISTRATION BUILDING, SOUTHERN DRIVE, BUSSELTON, ON 12 DECEMBER 2018 AT 5.30PM.

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

The Presiding Member opened the meeting at 5.30pm.

2. ATTENDANCE

Presiding Member:

Cr John McCallum Deputy Mayor

Members:

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
Mrs Naomi Searle, 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:

Cr Grant Henley

Media:

"Busselton-Dunsborough Times"
"Busselton-Dunsborough Mail"

Public:

3. PRAYER

The prayer was delivered by Emily Seinameier of Cornerstone Church.

4. APPLICATION FOR LEAVE OF ABSENCE

Nil

5. DISCLOSURE OF INTERESTS

The Presiding Member noted that a declaration of impartiality interest had been received from:

- Cr Rob Bennett and Cr John McCallum in relation to Agenda Item 15.2 - Community Bids 2018/19 Round 2 Allocations

The Presiding Member advised that in accordance with the Local Government (Rules of Conduct) Regulations 2007 this declaration would be read out immediately before Item 15.2 was discussed.

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

The Presiding Member advised that the Mayor is recovery well and sent best wishes.

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

Nil

Question Time for Public

Nil

8. CONFIRMATION AND RECEIPT OF MINUTES**Previous Council Meetings****8.1 Minutes of the Council Meeting held 28 November 2018****COUNCIL DECISION**

C1812/251

Moved Councillor C Tarbotton , seconded Councillor R Reekie

That the Minutes of the Council Meeting held 28 November 2018 be confirmed as a true and correct record.

CARRIED 8/0

8.2 Minutes of the Policy and Legislation Committee Meeting held 27 November 2018

COUNCIL DECISION

C1812/252

Moved Councillor K Hick, seconded Councillor P Carter

That the Minutes of the Policy and Legislation Committee Meeting held 27 November 2018 be noted.

CARRIED 8/0

8.3 Motion and Minutes of the Annual Electors Meeting held 3 December 2018

COUNCIL DECISION

C1812/253

Moved Councillor C Tarbotton , seconded Councillor R Paine

That the motion and the minutes of the Annual Electors meeting held on 3 December 2018 are received and noted.

MOTION

C1812/250

Moved Jenny Sheen, seconded Margaret Strong

That Electors thank the Council in relation to its deliverance of the Busselton foreshore as it is today and the public open space provided.

CARRIED

CARRIED 8/0

9. RECEIVING OF PETITIONS, PRESENTATIONS AND DEPUTATIONS

Petitions

Nil

Presentations

Nil

Deputations

Nil

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

Nil

11. ITEMS BROUGHT FORWARD

For the convenience of the Public

Nil

ADOPTION BY EXCEPTION RESOLUTION

At this juncture the Deputy 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.

COUNCIL DECISION/COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

C1812/254 Moved Councillor P Carter, seconded Councillor R Paine

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





- 12.1 Policy and Legislation Committee - 27/11/2018 - NAMING OF PLACES POLICY REVIEW
- 12.2 Policy and Legislation Committee - 27/11/2018 - REVISED COUNCIL POLICY: RANGER AND EMERGENCY SERVICES APPROACH TO REGULATORY FUNCTIONS
- 12.4 Policy and Legislation Committee - 27/11/2018 - AL FRESCO TRADING IN THE BUSSELTON CITY CENTRE - CONSIDERATION OF DRAFT POLICY FOLLOWING CONSULTATION (AS WELL AS INFORMATION ON OUTCOMES OF RELATED CONSULTATION)
- 12.5 Policy and Legislation Committee - 27/11/2018 - RECISSION OF FLAG PROTOCOL POLICY
- 12.6 Policy and Legislation Committee - 27/11/2018 - REVIEW OF COUNCIL POLICY 234 - RISK MANAGEMENT
- 12.7 Policy and Legislation Committee - 27/11/2018 - REVIEW OF CORPORATE ATTIRE ENTITLEMENTS
- 15.1 Proposed Disability Access and Inclusion Plan 2018-2022
- 16.1 VETERAN CAR CLUB OF WA (INC) LEASE
- 17.1 Councillors' Information Bulletin

CARRIED 8/0

EN BLOC

12. REPORTS OF COMMITTEE

12.1 Policy and Legislation Committee - 27/11/2018 - NAMING OF PLACES POLICY REVIEW

SUBJECT INDEX:	Policy Review
STRATEGIC OBJECTIVE:	Attractive parks and open spaces that create opportunities for people to come together, socialise and enjoy a range of activities.
BUSINESS UNIT:	Community Development
ACTIVITY UNIT:	Community Development
REPORTING OFFICER:	Community Development Coordinator - Vicki James
AUTHORISING OFFICER:	Director, Community and Commercial Services - Naomi Searle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Proposed Naming of City Roads and Assets Policy 
	Attachment B Current Naming of Parks, Gardens, Memorials, Sports Grounds Council Policy 237 
	Attachment C Current Street Names Policy 141 
	Attachment D Proposed Naming of City Roads and Assets Policy - Committee 

This item was considered by the Policy and Legislation Committee at its meeting on 27 November 2018, the recommendations from which have been included in this report.

PRÉCIS

The purpose of this report is to present a revised Naming of City Parks, Gardens, Reserves, Memorials, Sports Grounds and Buildings Policy, with the current policy (Attachment B) having been amended as part of the City's overall review of its Council policies, having regard to the recommendations of the Governance System Review (GSR) carried out by Mr John Woodhouse in 2017.

The new policy includes some minor updates to the current policy, as well as the inclusion of aspects of the Street Names Policy (Attachment C). It is considered that the Street Names Policy can be rescinded upon adoption of the proposed new policy; to be renamed Naming of City Roads and Assets (Attachment A) (the Policy).

BACKGROUND

In 2007, a report was presented to Council to adopt a policy that established clearly defined guidelines and selection criteria for the naming of City owned and managed facilities. The Council resolved (C0702/038) that Policy 237 "Naming of Parks, Gardens, Reserves, Memorials, Sports Grounds and Building" be adopted.

The adopted policy specifically dealt with any proposal for a facility or part thereof to be named after a person. On the 25 July 2012 a recommendation was made to Council to review this policy to include reference to the consideration of geographical and purpose driven names. The Council resolved (C1207/197) to adopt the updated policy.

On the 14 June 2017 a recommendation was made to Council to review the policy and specifically to delete a clause requiring a proposal be advertised for public comment for a 30 day period following its receipt. The Council resolved (C1706/126) to adopt the updated policy.

The Policy has now been amended with some minor updates as well as the inclusion of key aspects of the Street Names Policy, allowing that policy to be rescinded, and contributing to a more streamlined policy framework.

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 governments policies. The Council does this on recommendation of a Committee it has established in accordance with Section 5.8 of that Act.

RELEVANT PLANS AND POLICIES

In August 2017 the CEO commissioned a high level independent review of the City's governance systems - the GSR. Included in the scope of the review was the City's policy and procedure framework with the following recommendations made:

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, and a Council policy template developed.

The Policy aligns with this framework and adopted template.

The Policies and Standards for Geographical Naming in Western Australia is a relevant policy. The Geographic Names Committee, an appointed advisory committee, utilises the Landgate Policies and Standards for Geographical Naming in Western Australia, (version 01:2017) in regards to geographical naming issues.

FINANCIAL IMPLICATIONS

Adoption of the Policy has no financial implications.

LONG-TERM FINANCIAL PLAN IMPLICATIONS

Adoption of the Policy has no long term financial plan implications

STRATEGIC COMMUNITY OBJECTIVES

The Policy 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 identified of a medium or greater level associated with the Officers recommendation, with the Policy reiterating and maintaining Council's current direction for the naming of parks, gardens, reserves, memorials, sports grounds and buildings and naming of roads.

CONSULTATION

No external consultation is required in relation to this policy review.

OFFICER COMMENT

The Policy has been reviewed and the following minor changes have been incorporated:

1. Minor amendments to wording and reformatting of paragraphs throughout for the purposes of clarity;
2. The inclusion of aspects of the current Street Names Policy, which provides guidelines and criteria for the naming of City Roads; and
3. More detailed reference to the Geographic Names Committee (GNC) guidelines, including the provision that the naming guidelines as set out in Policies and Standards for Geographic Naming in Western Australia will be adhered to.

The proposed amendments aligns the Policy with the high level objectives and strategy of the GSR.

CONCLUSION

Officers consider that the current policy in relation to the naming of key infrastructure assets has been operating efficiently and effectively since adoption, with the recommended changes and inclusions contained in the Policy aimed at improving guidance and streamlining the policy framework.

With respect to the Street Names Policy, officers feel that by combining key aspects of this into the Policy, the Street Names Policy can be rescinded.

OPTIONS

The Council could choose not to endorse the Policy, or make additional changes to the Policy.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Policy would be effective immediately upon endorsement by Council.

OFFICER RECOMMENDATION

That the Council

1. Endorse the revised Council Policy – Naming of City Roads and Assets as shown in Attachment A to replace the Council Policy Naming of Parks, Gardens, Reserves, Memorials, Sports Grounds and Buildings (Attachment B).
2. Rescind the Street Names Policy (Attachment C) upon adoption of the Naming of City Roads and Assets Policy.

COUNCIL DECISION AND COMMITTEE RECOMMENDATION**C1812/255**

Moved Councillor P Carter, seconded Councillor R Paine



That the Council

1. Endorse the revised Council Policy – Naming of City Roads and Assets as shown in Attachment A to replace the Council Policy Naming of Parks, Gardens, Reserves, Memorials, Sports Grounds and Buildings (Attachment B) with the inclusions as shown in Attachment D:
 - add “subject to 5.11b” to the end of paragraph 5.10
 - removing the word “significant” from the definition under section 3 - City Asset
 - the word Indigenous being amended to Aboriginal in paragraph 5.4
 - removing word ‘must’ in 5.13 and adding must to the beginning of 5.13a and 5.13c
 - writing GNC in full in paragraph 5.14
2. Rescind the Street Names Policy (Attachment C) upon adoption of the Naming of City Roads and Assets Policy.

Reason: The committee felt that the amendments would make the proposed policy more consistent and clear.

CARRIED 8/0**EN BLOC**

12.2 Policy and Legislation Committee - 27/11/2018 - REVISED COUNCIL POLICY: RANGER AND EMERGENCY SERVICES APPROACH TO REGULATORY FUNCTIONS

SUBJECT INDEX:	Policy, Procedures and Manuals
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Environmental Services
ACTIVITY UNIT:	Ranger and Emergency Services
REPORTING OFFICER:	Ranger & Emergency Services Coordinator - Ian McDowell
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Proposed Policy - Ranger and Emergency Services Approach to Regulatory Functions  Attachment B Current Policy - Ranger & Emergency Services Approach to Regulatory Functions 

This item was considered by the Policy and Legislation Committee at its meeting on 27 November 2018, the recommendations from which have been included in this report.

PRÉCIS

This report presents a revised Ranger and Emergency Services Approach to Regulatory Functions Policy (Attachment A) (the Policy) for Council approval, with the current policy (Attachment B) having been amended with regard to the recommendations of the Governance System Review (GSR) carried out by Mr John Woodhouse in 2017.

The Policy, which has been moved into the new policy template and refined, is considered to be of continuing relevance and importance and is therefore recommended for Council approval.

BACKGROUND

The current policy was adopted by the Council in June 2013 and reviewed again in October 2017 (C1710/243) in line with the scheduled policy review.

Following a recent review of the Staff Management Practice (SMP) in dealing with the operational application of the policy, it was deemed appropriate by staff to again review the policy and to move it to the current policy template.

STATUTORY ENVIRONMENT

In accordance with section 27(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, the Policy and Legislation Committee, in accordance with section 5.8 of the Act.

RELEVANT PLANS AND POLICIES

In August 2017 the CEO commissioned a high level independent review of the City's governance systems - the GSR. Included in the scope of the review was the City's policy and procedure framework with the following recommendations made:

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, and a Council policy template developed. The Policy adheres to this framework and template.

The Policy supplements and supports the Compliance Policy adopted by the Council in September 2018 (C1809/182).

FINANCIAL IMPLICATIONS

There are no financial implications associated with the Officer Recommendation.

LONG-TERM FINANCIAL PLAN IMPLICATIONS

There are no long-term financial plan implications associated with the Officer Recommendation.

STRATEGIC COMMUNITY OBJECTIVES

The Policy links to Key Goal Area 6 of the City's Strategic Community Plan 2017 and specifically the Community Objective 6.1: Governance systems, process and practices are responsible, ethical and transparent.

RISK ASSESSMENT

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

CONSULTATION

No specific consultation was undertaken in relation to the Policy.

OFFICER COMMENT

Following a review of the SMP in relation to the Ranger and Emergency Services Approach to Regulatory Functions, it was deemed appropriate by staff to carry out a review of the Council policy relating to the same matter.

The current policy contains a level of information considered more operational in nature and as such, has been revised. Specifically, the objectives and statements of intent relative to each individual piece of legislation have been removed from the Policy but retained in the SMP.

The Policy provides higher level objectives and strategies relating to the City's overall approach to its regulatory functions, regardless of the legislation that is being enforced.

CONCLUSION

The Policy updates the current Ranger and Emergency Services Approach to Regulatory Functions and in doing so, continues to provide for a transparent, consistent, accountable and respectful approach to the exercising of regulatory function by Ranger and Emergency Services. It is recommended that the Policy is approved by Council.

OPTIONS

The Council may choose not to adopt the Policy and instead choose to amend or reject the Policy.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Policy would be effective immediately upon approval by Council.

COUNCIL DECISION/COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION**C1812/256**

Moved Councillor P Carter, seconded Councillor R Paine

That the Council adopts the revised Ranger and Emergency Services Approach to Regulatory Functions Policy as per Attachment A, to replace the current policy (Attachment B).

CARRIED 8/0**EN BLOC**

12.4 Policy and Legislation Committee - 27/11/2018 - AL FRESCO TRADING IN THE BUSSELTON CITY CENTRE - CONSIDERATION OF DRAFT POLICY FOLLOWING CONSULTATION (AS WELL AS INFORMATION ON OUTCOMES OF RELATED CONSULTATION)

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 Proposed Al Fresco Trading in Busselton City Centre Policy 
	Attachment B Project Detailed Report Busselton CBD Activation 
	Attachment C Published Under Separate Cover Confidential Valuation Advice
	Attachment D Proposed Al Fresco Trading in Busselton City Centre Policy - Committee Recommendation 

This item was considered by the Policy and Legislation Committee at its meeting on 27 November 2018, the recommendations from which have been included in this report.

PRÉCIS

Following a period of consultation, this report presents a draft Council Policy for Al Fresco Trading in the Busselton City Centre (the Policy). It is recommended that the Policy be formally adopted without modification.

BACKGROUND

At its ordinary meeting of 25 July 2018, the Council adopted, for consultation purposes, a draft 'Council Policy on Al Fresco Trading in the Busselton City Centre'. A copy of the Policy is included as Attachment A.

The Council also resolved that, in parallel with the consultation process, further assessment should be undertaken to identify what, if any, level an annual licence fee (for on street al fresco areas) would typically be set at, so that the Council could consider that information in considering the Policy after consultation.

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.

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 the Policy and 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 last 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. It should be noted that, as required by Council's 25 July resolution, further assessment has been undertaken to determine what level an annual licence fee may be set at, and it confirms that the indicative range above is supported by market assessment and is similar to the rates charged by other local governments in similar contexts.

It is worthwhile first understanding the nature of the tenure that would be provided. What is proposed is a licence form of tenure, and not a lease, and so it is a more limited form of tenure, and the rights that would ordinarily accrue to a leasehold tenant would not be present. Further, what is proposed is a licence for the use of the land, not for the use of a building. The licensee will be required to provide their own infrastructure, and will have only a relatively short licence period in which to recover that investment, should the City decide not to renew the licence.

More detailed advice on this matter has been provided as Attachment C (which is confidential because it contains commercially sensitive information).

LONG-TERM FINANCIAL PLAN IMPLICATIONS

There are no long-term financial plan implications of the recommendations of this report.

STRATEGIC COMMUNITY OBJECTIVES

The Policy links to Key Goal Area 2 of the City's Strategic Community Plan 2017 and specifically the Community Objective 2.1: 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. No such risks have been identified, although it should be noted that individual proposals for al fresco dining on City land would themselves need to be subject of appropriate risk assessment and management.

CONSULTATION

Using the *Your Say* platform, the City ran an online survey seeking community views and information on a range of questions related to the Policy, as well as some other questions related to the planning and management of the Busselton City Centre. A summary of the outcomes of the consultation is provided as Attachment B.

A total of 295 people viewed the survey, of whom 125 provided responses. On questions directly related to the Policy, some of the key things to note from the responses are considered to be –

- To the question 'What would bring you into the Busselton City Centre more often on the weekend or evening (choose all that apply)?', the most common responses were - 'more al fresco options' (86 respondents), 'more café, bar and restaurant options' (85 respondents) and 'if there were events taking place in the City Centre' (70 respondents); and
- Between 67% and 80% were supportive of the key elements of the Policy, between 6% and 15% were not supportive, with the balance being unsure – in short, there was substantial net support for all of the key elements of the Policy.

OFFICER COMMENT

The rationale for the Policy was set out in some detail in the report considered by the Council in July and, as such, there is not seen to be a need to do so in full again in this report. The key elements of the rationale then as now, however, are seen as being -

- It is generally not possible to provide additional and high usability al fresco space on Queen Street especially without occupying space currently used for on-street car parking bays;
- 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.

The consultation process is not considered to have raised any concerns with the Policy. It is therefore recommended that the Policy be formally adopted, without modification. That would then allow proposals for al fresco trading on City land to be submitted and assessed, pursuant to the Policy, and subsequently implemented.

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 considered by the Council in July, 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.

OPTIONS

The options available to the Council are fundamentally as follows –

- Not adopt the Policy, and assess al fresco proposals on a case-by-case basis; or
- Adopt the Policy, subject to modifications.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The officer recommendation is for the formal adoption of the Policy without modification. Implementation would involve publication of the adopted policy. That would occur within two weeks of the Council making a resolution consistent with the officer recommendation.

OFFICER RECOMMENDATION

That the Council adopts the Al Fresco Trading in the Busselton City Centre Policy, as per Attachment A.

COUNCIL DECISION AND COMMITTEE RECOMMENDATION**C1812/257**

Moved Councillor P Carter, seconded Councillor R Paine



That the Council adopts the Al Fresco Trading in the Busselton City Centre Policy, as per Attachment A, subject to paragraph 5.6 being rewritten as "A licence will be subject to conditions requiring minimum trading periods for a minimum of six months of each year, with those minimum periods including at least two of the following (and existing al fresco trading permits will be transitioned to these arrangements) as shown in Attachment D:

- (a) Saturday 3pm-6pm; or
- (b) Sunday 9am-2pm; or
- (c) 5pm-8.30pm, at least three nights per week.

Reason: The committee was in agreeance that paragraph 5.6 required a rewrite to ensure the policy was clear.

CARRIED 8/0**EN BLOC**

12.5 Policy and Legislation Committee - 27/11/2018 - RECISSION OF FLAG PROTOCOL POLICY

SUBJECT INDEX:	Policy Review
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Governance Services
ACTIVITY UNIT:	Governance Services
REPORTING OFFICER:	Governance Coordinator - Emma Heys
AUTHORISING OFFICER:	Manager Governance and Corporate Services - Sarah Pierson
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Council Policy 120 Flag Protocol  Attachment B Customer Service Protocol - Flags 

This item was considered by the Policy and Legislation Committee at its meeting on 27 November 2018, the recommendations from which have been included in this report.

PRÉCIS

The purpose of this report is to recommend rescission of Council Policy 120 Flag Protocol (Attachment A) (the Policy), which outlines the Council's authority for flags that can be flown at the City of Busselton Administration Offices.

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 outlines the City's authority for flags that can be flown at the City of Busselton Administration Offices. It was adopted in June 2012 and updated again in December 2016 (C1612/148) to include reference to the Department of Prime Minister and Cabinet Publication: Australian Flags – Part 2 – The protocols for the appropriate use and the flying of the flag, Commonwealth of Australia 2006.

The GSR was undertaken over a 3 month period by Mr John Woodhouse LLB Juris and made the following recommendations, including, but not limited 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.*

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.

For the reasons outlined in the Officer Comment section of this report, it is considered appropriate for the Policy to be rescinded.

STATUTORY ENVIRONMENT

In accordance with Section 2.7(2) 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 recommendation of a Committee it has established in accordance with Section 5.8 of that Act.

The Department of Prime Minister and Cabinet Publication: Australian Flags – Part 2 – The protocols for the appropriate use and the flying of the flag, Commonwealth of Australia 2006 provides for the protocols and precedence of flying the Australian National Flag. This is a comprehensive guideline document.

The Department of the Premier and Cabinet provides guidelines for flag protocols and flag precedence for the flying of the Western Australia State Flag and other flags as prescribed by the *Flags Act 1953*.

RELEVANT PLANS AND POLICIES

There are no plans or other policies directly relevant to this matter.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the Officer recommendation.

LONG-TERM FINANCIAL PLAN IMPLICATIONS

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

STRATEGIC COMMUNITY OBJECTIVES

The Officer 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 policy framework.

RISK ASSESSMENT

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

CONSULTATION

No external consultation is required in relation to this policy review.

OFFICER COMMENT

The Policy scope sets out the authority for flags that can be flown at the City of Busselton Administration Offices, with reference to the precedence of flying flags.

The Policy content further details the authority of the Chief Executive Officer to allow for other flags to be flown on other appropriate occasions, and for alternative flags to be flown in recognition of occasions, events, visits or the like for periods of time, but does not specify which occasions are appropriate or how they are to be determined, instead leaving it to the discretion of the CEO as an operational matter.

Upon review, the Policy is no longer considered necessary noting the recommendations of the GSR that Council policies should deal with high level objectives and strategies, while matters of an operational nature can be dealt with in Staff Management Practices. The Policy is not considered to set a strategic direction and is predominately operational in nature. Additionally the City has at an operational level a well-established procedural document in place in relation to flag protocols (Attachment B).

Through the review of other comparable Council's policies, only one was found to concern any type of flag protocol, relating to the treatment of applications to fly representative or special flags outside of the protocols already covered by the commonwealth and state guidelines. It is felt that this is a matter which can be appropriately dealt with by the CEO.

CONCLUSION

It is recommended that Council Policy 120 Flag Protocol be rescinded, as the City has an established operating procedure in place and there are federal and state guidelines which provide sufficient direction in relation to flag precedence and protocol.

OPTIONS

Council could instead require that the Policy is maintained and updated to the new template and / or further reviewed.

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

C1812/258




Moved Councillor P Carter, seconded Councillor R Paine

That the Council rescinds Council Policy 120 – Flag Protocol effective immediately.

CARRIED 8/0

EN BLOC

12.6 Policy and Legislation Committee - 27/11/2018 - REVIEW OF COUNCIL POLICY 234 - RISK MANAGEMENT

SUBJECT INDEX:	Risk Management
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
AUTHORISING OFFICER:	Director Finance and Corporate Services - Tony Nottle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Proposed Council Policy - Risk Management 
	Attachment B Current Council Policy - Organisation Wide Risk Management 
	Attachment C Proposed Council Policy - Risk Management - Committee 

This item was considered by the Policy and Legislation Committee at its meeting on 27 November 2018, the recommendations from which have been included in this report.

PRÉCIS

This report presents a revised Risk Management policy (Attachment A) (the Policy) for Council approval, with the current policy having been amended as part of the City's overall review of its Council policies, having regard to the recommendations of the Governance System Review (GSR) carried out by Mr John Woodhouse in 2017.

The Policy, which has been moved into the new policy template and updated to reference the current Australian Standard, is considered to be of continuing relevance and importance and is therefore recommended for Council approval. It is recommended that the Policy be renamed also to simply Risk Management.

BACKGROUND

A policy in relation to risk management was originally adopted in May 2006, in order to demonstrate the City's commitment to the development of a culture of risk based decision making aimed at the effective management of potential opportunities, and reduction of potential impacts of risk. Since then the current policy has been reviewed four times, most recently in 2016, with only minor changes made such as updating Shire to City.

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.

In accordance with regulation 17 of the *Local Government (Audit) Regulations 1996* (Regulation 17) the CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to risk management, as well as internal control and legislative compliance. The CEO is to report to the audit committee the results of that review at least once every three financial years. A report in this respect was last provided in October 2016.

RELEVANT PLANS AND POLICIES

In August 2017 the CEO commissioned a high level independent review of the City's governance systems - the GSR. Included in the scope of the review was the City's policy and procedure framework with the following recommendations made:

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. The Policy adheres to this framework.

As per the requirements of the Policy, the City has developed a risk management framework which was endorsed by the Senior Management Group in December 2017. The framework outlines the City's formal risk management system and processes for the management of risks. Specifically it outlines:

- The definition of risk and risk management
- The City's risk reference tables
- The risk tolerance levels
- The risk management processes and procedures

FINANCIAL IMPLICATIONS

Adoption of the Policy has no additional financial implications.

LONG-TERM FINANCIAL PLAN IMPLICATIONS

Adoption of the Policy has no additional long term financial plan implications.

STRATEGIC COMMUNITY OBJECTIVES

The Policy links to Key Goal Area 6 of the City's Strategic Community Plan 2017 and specifically the Community Objective 6.1: Governance systems, process and practices are responsible, ethical and transparent.

RISK ASSESSMENT

There are no risks identified of a medium or greater level associated with the Officer recommendation, with the Policy reiterating and maintaining Council's strategic direction in relation to the management of risk.

CONSULTATION

No specific consultation was undertaken in relation to the review of the Policy.

OFFICER COMMENT

The purpose of the Policy is to recognise the importance of risk management and Council's commitment to a culture of positive and pro-active risk management through the development and maintenance of appropriate and effective risk systems, frameworks and processes.

While Regulation 17 requires that the CEO provide a report in relation to its risk management systems (inclusive of systems relating to internal control and legislative compliance), this Policy serves to strengthen that outlining a commitment to the development of a risk management framework based on the ISO 3100 Standard (current as of 2018) and for communicating and establishing risk management processes.

The Policy also outlines the role of the Audit Committee in relation to risk management.

Due to the Policy being transferred into the new policy template a tracked changes version is not provided. The current policy is provided at Attachment B for reference. The key changes relate to removing operational aspects such as responsibilities of the Senior Management Group, the Risk Management Committee, management and employees, and updating reference to the applicable Standard.

CONCLUSION

The Policy updates the current Organisation Wide Risk Management Policy and in doing so maintains Council's strategic direction in relation to the development of a culture of risk based decision making directed towards the effective management of potential opportunities and reduction of potential impacts of risk.

OPTIONS

Council could decide not to adopt the Policy and instead choose to take a different position / approach in relation to risk management. Council could also require further amendments to the Policy.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Policy will be effective as of its adoption by Council.

OFFICER RECOMMENDATION

That the Council adopts the revised Risk Management Policy as per Attachment A, to replace the current policy (Attachment B).

COUNCIL DECISION AND COMMITTEE RECOMMENDATION**C1812/259**

Moved Councillor P Carter, seconded Councillor R Paine

That the Council adopts the revised Risk Management Policy as per Attachment A, to replace the current policy (Attachment B), subject to paragraph 5.4 being rewritten (shown in Attachment C) as per below:


5.4. The Chief Executive Officer is responsible for:

- a. Communicating the Risk Management Policy throughout the City;
- b. Establishing risk management processes across the City's operations;
- c. Reviewing the appropriateness and effectiveness of a local government's systems and procedures in relation to risk management, internal control and legislative compliance not less than once every 3 financial years and reporting the results of that review to the audit committee as per Regulation 17 of the Local Government (Audit) Regulations 1996.

Reason: The committee felt that to maintain consistency and readability of the Policy 5.4c, and 5.4d should be reworded to remove quoting from the Regulations.

CARRIED 8/0**EN BLOC**

12.7 Policy and Legislation Committee - 27/11/2018 - REVIEW OF CORPORATE ATTIRE ENTITLEMENTS

SUBJECT INDEX:	Governance
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
AUTHORISING OFFICER:	Director Finance and Corporate Services - Tony Nottle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Proposed Tracked Changes 

This item was considered by the Policy and Legislation Committee at its meeting on 27 November 2018, the recommendations from which have been included in this report.

PRÉCIS

This report presents and seeks Council's adoption of revised entitlements in relation to Elected Member corporate attire, with the proposed entitlements to be incorporated into the Council Policy - Fees Allowances and Expenses for Elected Members (the Policy), replacing clauses 5.25, 5.26, 5.27 and 5.28 of the Policy.

BACKGROUND

The Policy was updated in October 2018 to provide for improved clarity in relation to childcare reimbursements, travel reimbursements and reimbursements while Elected Members are away from home on sanctioned activities.

Officers additionally recommended some changes to corporate attire entitlements however Council resolved not to adopt those changes and to instead refer the relevant paragraphs of the Policy (5.25, 5.26, 5.27 and 5.28 of Attachment A) back to the Policy and Legislation Committee for further discussion.

At its meeting on 23 October 2018 the committee further discussed corporate attire expenses and it was agreed that Officers would table for consideration the outcomes of that discussion at the next Policy and Legislation Committee meeting.

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.

Section 5.98(2)(b) of the Act and Regulation 32 of the *Local Government (Administration) Regulations 1996* provides that a Council member may be reimbursed for an expense of a kind prescribed where it has been approved by the local government and where it is incurred in performing a function in his or her capacity as a council member with the express authority of the local government.

RELEVANT PLANS AND POLICIES

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

FINANCIAL IMPLICATIONS

Adoption of the Officer recommendation is expected to result in some minor cost savings and hence have a favourable (albeit small) impact on the City's annual budget.

LONG-TERM FINANCIAL PLAN IMPLICATIONS

Adoption of the Officer recommendation will have a minor, favourable impact on the long term financial plan.

STRATEGIC COMMUNITY OBJECTIVES

The proposed amendments to the Policy further support achievement of Key Goal Area 6 – Leadership of the City's Strategic Community Plan 2017 and specifically Community Objective 6.1: Governance systems, process and practices are responsible, ethical and transparent.

RISK ASSESSMENT

There are no risks identified of a medium or greater level associated with the Officer recommendation, with the Policy providing improved clarity in relation to a number of reimbursements.

CONSULTATION

Officers reviewed the policies of the City of Stirling, City of Joondalup, City of Bunbury, Shire of Capel and Shire of Augusta-Margaret River in relation to Elected Member entitlements and, with the exception of the City of Joondalup, found no entitlement to the provision or reimbursement of corporate / business attire or expenses.

The City of Joondalup provides Elected Members with an optional Elected Member uniform (one jacket, two trousers/skirts and three shirts/blouses) and a Driz-a-bone jacket or similar. Additionally Elected Members are entitled to an annual reimbursement limit of **\$1,170 (as at July 2018)** for reimbursement of costs (outside of child care and travel costs) incurred as a result of performing their duties as an Elected Member. Specified expenses include:

- business attire including footwear
- dry-cleaning
- stationery
- paid tickets to social functions, meetings or events where the Elected Member has been invited by a written invitation and the organiser is a civic / cultural organisation or a stakeholder of the City of Joondalup.

OFFICER COMMENT

The Policy provides Elected Members with a range of branded corporate attire (with City logo) on being elected and an additional amount of \$750pa for the purchase of business attire for each year of the election term.

Branded corporate attire consists of:

- a. corporate suit (male – Trousers and Jacket);
- b. corporate suit (female – Skirt, Dress, Pants and Jacket);
- c. corporate shirts/blouses etc.;
- d. casual/Light weight Fleecy Jacket;
- e. polo top;
- f. City tie/scarf.

Business attire is outlined as:

- a. business attire (which may consist of a suit, jacket and shirts/blouses);
- b. one pair of shoes (up to \$150);
- c. dry cleaning and maintenance of corporate and business attire.

After discussion with the committee it is recommended that the Policy be amended to provide each Elected Member upon election or re-election with business attire as outlined below; with all items to be purchased from a City approved provider:

- a. 1 x business suit (male – 2 x Trousers and 1 x Jacket; female – 2 x skirt, dress or pants and 1 x jacket)
- b. 3 x corporate shirt / blouse
- c. 1 x corporate casual / fleecy jacket (branded)
- d. 1 x corporate polo shirt (branded)
- e. 1 x corporate tie / scarf (branded)
- f. 1 x pair of business shoes up to a value of \$150

Additionally it is proposed that the cost of reasonable dry cleaning and maintenance costs be reimbursed. Provided at Attachment A is a copy of the Policy with the proposed amendments shown in track changes.

The proposed amendments to the Policy aim to provide Elected Members with access to suitable attire to perform their functions, while ensuring a financially responsible approach. It is recommended that the proposed amendments are effective as of 1 July 2019 to align with the budget cycle and to provide Elected Members with a period of transition.

CONCLUSION

Following discussion at the October Policy and Legislation Committee meeting, amendments are proposed in relation to Elected Member corporate attire expenses, with clauses 5.25, 5.26, 5.27 and 5.28 of the Policy being replaced as proposed in the Officer recommendation.

OPTIONS

Council could decide not to adopt the proposed amendments and leave the Policy unchanged or they could seek to make additional or different amendments.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

If adopted the Policy would be amended effective 1 July 2019.

OFFICER RECOMMENDATION

That the Council adopt the following to replace clauses 5.25, 5.26, 5.27 and 5.28 of the Council Policy Fees Allowances and Expenses for Elected Members, effective 1 July 2019:

- 5.25 Upon election or re-election, Elected Members will be entitled to the following business attire:
 - a. Business suit (male – 2 x Trousers and 1 x Jacket)
 - b. Business suit (female – 2 x Skirt/Dress/Pant and 1 x Jacket)
 - c. Business shirt / blouse – x 3
 - d. Corporate (City branded) casual / light weight fleecy jacket – x 1

- e. Corporate (City branded) polo top – x 1
 - f. Corporate (City branded) tie / scarf – x 1
 - g. Business shoes – x 1 pair (up to a value of \$150)
- 5.26 Elected Members will be reimbursed reasonable costs associated with the dry cleaning and maintenance of issued business attire.
- 5.27 With the exception of business shoes, all items of business attire must be purchased from the City's approved provider.
- 5.28 All items of business attire which are branded with the City of Busselton's logo should be returned to the City on expiry of office.

COUNCIL DECISION AND COMMITTEE RECOMMENDATION

C1812/260 Moved Councillor P Carter, seconded Councillor R Paine

That the Council adopt the following to replace clauses 5.25, 5.26, 5.27 and 5.28 of the Council Policy Fees Allowances and Expenses for Elected Members, effective 1 July 2019:

- 5.25 Upon election or re-election, Elected Members will be entitled to the following business attire:
- a. Business suit (male – 2 x Trousers and 1 x Jacket)
 - b. Business suit (female – 2 x Skirt/Dress/Pant and 1 x Jacket)
 - c. Business shirt / blouse – x 3
 - d. Corporate (City branded) casual / light weight fleecy jacket – x 1
 - e. Corporate (City branded) polo top – x 1
 - f. Corporate (City branded) tie / scarf – x 1
 - g. Business shoes – x 1 pair (up to a value of \$150)
- 5.26 Elected Members will be reimbursed reasonable costs associated with the dry cleaning and maintenance of business attire.
- 5.27 With the exception of business shoes, all items of business attire must be purchased from the City's approved provider.
- 5.28 All items of business attire which are branded with the City of Busselton's logo should be returned to the City on expiry of office.


Reason: The committee was in agreeance that the word issued should be removed from 5.26 to allow all business attire to be dry cleaned, subject to the cost being reasonable.

CARRIED 8/0

EN BLOC

15. COMMUNITY AND COMMERCIAL SERVICES REPORT

15.1 PROPOSED DISABILITY ACCESS AND INCLUSION PLAN 2018-2022

SUBJECT INDEX:	Disability Access and Inclusion
STRATEGIC OBJECTIVE:	A friendly safe and inclusive community with a strong community spirit.
BUSINESS UNIT:	Community Services
ACTIVITY UNIT:	Community Services
REPORTING OFFICER:	Community Development Officer - Naomi Davey
AUTHORISING OFFICER:	Director, Community and Commercial Services - Naomi Searle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Proposed City of Busselton Disability Access and Inclusion Plan 2018-2022 

PRÉCIS

The *Disability Services Act (1993)* contains the requirement for Local Government Authorities to develop and implement a Disability Access and Inclusion Plan that will further both the principles and the objectives of the Act.

The City of Busselton's proposed Disability Access and Inclusion Plan 2018-2022 (DAIP) provides a planned approach to improving the physical access for those with disability to services and facilities, as well as incorporating inclusion at a participatory and service level. Understanding that individuals have varied needs and expectations, the City has the resources and capabilities to make a difference on the quality of life of the people with disability, who live, work and spend time in our community.

This report seeks Council approval for the DAIP to be publicly advertised for a period of twenty one (21) days for community comment.

BACKGROUND

The City of Busselton (then Shire) first prepared an Access & Inclusion Plan in 2006, which reflected the amended legislative requirements of the *Disability Services Act (1993)*, amended in 2004. Prior to the current statutory requirement for a DAIP, the City had a Disability Services Plan.

The City's current Disability Access and Inclusion Plan was finalised in 2014, and reflects identified opportunities to remove or reduce barriers, encourage participation in a wide range of activities and functions in the community and make information, services and facilities accessible to all where possible. This plan has over the last five years provided direction for implementing accessibility improvements to City and community facilities as well as the inclusiveness of services, events and community life.

The Disability Services Commission provides a structured framework to identify and overcome the challenges faced in all aspects of access and inclusion; the seven (7) outcomes identified are:

1. People with disability have the same rights and opportunities as other people to access the services of, and any events organised by, City of Busselton.
2. People with disability have the same opportunities as other people to access the buildings and other facilities of City of Busselton.
3. People with disability receive information from the City of Busselton in a format that will enable them to access the information as readily as other people are able to access it.

4. People with disability receive the same level and quality of service from the staff at the City of Busselton as other people receive from the staff at City of Busselton.
5. People with disability have the same opportunities as other people to make complaints to the City of Busselton.
6. People with disability have the same opportunities as other people to participate in any public consultation by the City of Busselton.
7. People with disability have the same opportunities as other people regarding employment practices (recruitment and retention) by the City of Busselton.

The DAIP identifies overarching strategies that will guide the development of tasks in annual implementation planning from 2018 to 2022.

The purpose of this report is to request the DAIP be adopted for formal community consultation for a period of twenty one (21) days.

STATUTORY ENVIRONMENT

The Western Australian *Disability Services Act (1993)* requires all local governments to develop a Disability Access and Inclusion Plan, the purpose being to provide strategic direction for the implementation of improvements to access and inclusion across seven outcome areas. The City's DAIP has been prepared in accordance with these requirements, and reflects the City's intention to partner with the community to achieve the improvements captured in the DAIP.

There is a range of other legislation that guides and directs the City's delivery of services and facilities, including:

<i>Equal Opportunity Act 1984 (WA)</i>	The <i>Equal Opportunity Act</i> recognises that people with disability require and are entitled to the same level of service as is available to other members of the community. This Act makes it unlawful for a person to discriminate against any person on the grounds of impairment.
<i>Disability Services Act (1993)(WA)</i>	The <i>Disability Services Act</i> states that a person with a disability has the right to be respected for their human worth and dignity and has the same human rights as other community members, regardless of the degree and nature of their disability.
<i>Disability Discrimination Act 1992 (Commonwealth)</i>	The <i>Disability Discrimination Act (DDA)</i> is a Commonwealth Act that provides protection against discrimination based on any form of disability (i.e. Physical, Intellectual, Sensory, Psychiatric and Neurological) for everyone in Australia. Under the Act it is unlawful to discriminate against a person or their associates (partner, carers, friend, family member or business partner), if they have a disability.
<i>United Nations Convention on the Rights of People with Disability</i>	Australia is one of 50 countries to have both signed and ratified the <i>UN Convention of the Rights of Persons with Disability</i> , which came into effect in May 2008. As a party to the Convention, Australia is required to promote, protect, and ensure the full enjoyment of human rights by people with disability, and ensure that they enjoy full equality under the law.

RELEVANT PLANS AND POLICIES

The City has an Access and Inclusion Policy. The purpose of the policy is to recognise that people from diverse backgrounds are equally valued members of society and make a unique and valuable contribution to community wellbeing, community vibrancy and way of life. The policy acknowledges the varied needs and expectations of individuals and demonstrates the City's commitment to provide equal access to services and facilities, regardless of their backgrounds, beliefs or abilities. The policy is realised through the City's DAIP.

FINANCIAL IMPLICATIONS

Many of the actions in the DAIP will be funded from existing resources, with City staff incorporating the strategies into core business. The implementation of the strategies forms part of annual implementation planning and will be further reviewed and prioritised as part of the City's ongoing future financial and corporate planning. External funding may be sought for projects that are not able to be resourced by municipal funds.

LONG-TERM FINANCIAL PLAN IMPLICATIONS

Implementation of the strategies will be prioritised as part of the City's future financial planning.

STRATEGIC COMMUNITY OBJECTIVES

The Officer's recommendation aligns primarily to the following Key Goal Area and Community Objective of the Strategic Community Plan 2017:

Key Goal Area 1 – Community – Welcoming, friendly, healthy

1.1 A friendly safe and inclusive community with a strong community spirit

RISK ASSESSMENT

An assessment of the potential implications of implementing the Officer recommendations has been undertaken using the City's risk assessment framework. The assessment identifies 'downside' risks only, rather than 'upside' risks. Risks are identified where the residual risk, once controls have been identified, is identified as 'medium' or greater. There are no such risks identified.

CONSULTATION

In developing the DAIP community engagement was undertaken with key stakeholders including:

- City of Busselton Disability Access & Inclusion Reference Group
- Agencies and organisation working with or supporting people with disability or aged and their carers who live or work in the City of Busselton.
- People with disability or aged and their carers who live or work in the City of Busselton.

Comment was also sought from residents and ratepayers by way of written submissions, public workshops or by appointment. The opportunity to comment was promoted through media releases, public notices, the City's website and direct mail to identified stakeholders. Officers held two open meetings for community members and services providers attracting twenty five (25) participants and held four (4) one on one consultations with key stakeholders.

OFFICER COMMENT

Meeting the requirements of the *Disability Services Act (1993)*, the DAIP aims to remove or reduce barriers to participation in activities and functions of the community and to make information, services and facilities accessible where possible. It identifies how the City will initiate and implement strategies that align with the seven (7) outcomes mandated by the Disability Services Commission.

From the consultation conducted to date, the City has recognised the community priorities and has incorporated them into the strategies outlined in the DAIP. The City's DAIP provides the planned strategic direction to improving the physical access and inclusion to services and facilities at a participatory and service level.

CONCLUSION

The DAIP will assist the City to enhance and promote services that facilitate increased independence, opportunities and inclusion for people with a disability in our community.

Officers recommend the Council approve the DAIP to be publicly advertised for a period of twenty one (21) days, such that community feedback can be sought to further inform the completion of the plan. Any public comments that would significantly alter the outcomes and strategies identified in the DAIP will be reported back to Council for consideration.

OPTIONS

Should the Council not agree with the Officer Recommendation the following options are outlined:

Option 1: Not approve the DAIP for advertising.

Option 2: Approve the DAIP to be advertised subject to modifications as required.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The DAIP will be advertised to the public within three (3) weeks of the Council resolution and be advertised for a period of twenty one (21) days with any public comments that would significantly alter the outcome strategies identified in the DAIP to be reported back to Council for their consideration

COUNCIL DECISION AND OFFICER RECOMMENDTION

C1812/261 Moved Councillor P Carter, seconded Councillor R Paine

That the Council:




1. Endorses the proposed City of Busselton Disability Access and Inclusion Plan 2018-2022 to be advertised for public comment for a period of 21 days.
2. Subject to there being no adverse submissions received through the advertising process being referred back to Council for consideration, adopts the City of Busselton Disability Access and Inclusion Plan 2018-2022.

CARRIED 8/0

EN BLOC

16. FINANCE AND CORPORATE SERVICES REPORT

16.1 VETERAN CAR CLUB OF WA (INC) LEASE

SUBJECT INDEX:	Leasing
STRATEGIC OBJECTIVE:	Assets are well maintained and responsibly managed.
BUSINESS UNIT:	Corporate Services
ACTIVITY UNIT:	Property Management Services
REPORTING OFFICER:	Property Coordinator - Ann Strang
AUTHORISING OFFICER:	Director Finance and Corporate Services - Tony Nottle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Existing Lease Plan 
	Attachment B Concept Plan Lot 384 
	Attachment C Lot 384 Site Plan Development Application 

PRÉCIS

The Veteran Car Club of WA (Inc.) (VCC) currently leases a portion of Lot 503 (formerly Lot 3001), part Reserve 38558 adjacent to the existing Busselton Tennis Club's premises. The Busselton Branch of the larger Veteran Car Club of WA (BVCC) occupies the premises. The land is identified in the Busselton Foreshore Masterplan for redevelopment. The City has been in discussions with the VCC and the BVCC in relation to the relocation of their clubhouse to allow for the progression of the Busselton Foreshore Redevelopment Project (Foreshore Project).

The purpose of this report is to seek endorsement of the fundamental terms of the proposed surrender of the VCC's existing lease and grant a new lease on an alternative site and the means by which the development of, and relocation to, the new site will be facilitated. The report seeks endorsement to ratify the method by which funds will be allocated during the relocation project.

BACKGROUND

The BVCC clubhouse is located on the corner of Queen Street and Marine Terrace, Busselton. In 1998, the Council resolved to enter into a lease with the VCC to formalise the BVCC's occupation of this building. Their current lease commenced in 2010 for a term of 5 years with a further 5 year option, the second term is due to expire on the 14 March 2020 (Existing Lease). Under the Existing Lease the VCC holds exclusive possession over the clubhouse (outlined red) and a non-exclusive licence over the grassed area surrounding the clubhouse as shown outlined blue on Attachment A.

In order for the City to progress with the Foreshore Project within this area, it is essential that the BVCC relocate to an alternative location. To facilitate the relocation, the Existing Lease will need to be surrendered.

The City has been in communication with the BVCC since early 2014 regarding the relocation of the BVCC clubhouse and in December 2016 formed a working group to progress the relocation project. The working group included three (3) representatives from the BVCC and two (2) from the City. The primary role of the working group was to assist with the relocation of the BVCC from the existing site at the Busselton Foreshore to a new site working on; site identification and feasibility, relocation timeline and identification of potential funding or grant opportunities. The group has continued to meet regularly and work through the various aspects of the project.

The City formally wrote to the BVCC in November 2017 proposing a portion of Reserve 14519, Lot 384, H84 Causeway Road, Busselton (Lot 384) as the preferred site for the new BVCC clubhouse, which the BVCC accepted in correspondence dated 20 December 2017.

This parcel of land is crown land vested with the City for the purpose of 'Recreation and Community'. The City has a management order over this land with power to lease or licence for up to 21 years subject to obtaining prior written approval of the Minister for Lands.

The relocation to Lot 384 would be subject to the VCC entering into a lease of a portion of Lot 384 and entering into a Funding Agreement prior to the building construction, then surrendering their Existing Lease when the new clubhouse is suitable for occupation (Certificate of Occupancy). The terms and conditions of the proposed new lease is detailed in the Officer Recommendation section of this report.

STATUTORY ENVIRONMENT

When disposing of property whether by sale, lease or other means, a Local Government is bound by the requirement of section 3.58 of the Local Government Act which requires giving local public notice when disposing of property. There are exemptions to this process under Regulation 30 (2)(b) (i) and (ii) of the Local Government (Functions & General) Regulations which states "disposal of land to incorporated bodies with objects of benevolent, cultural, educational or similar nature and the members of which are not enlisted to receive any pecuniary profit from the body's transactions, are exempt from the advertising and tender requirements of section 3.58 of the Local Government Act". The constitution of the VCC is such that this exemption applies. The City is not able to enter into a lease direct with the BVCC as they are not an entity as such, but a sub-committee of the VCC.

The land proposed to be leased to the VCC is Lot 384, H84 Causeway Road, Busselton on Deposited Plan 214760, Volume LR3140, Folio 200, Reserve 14519. The land is Crown Land vested with the City. The City has the power to Lease for a term not exceeding 21 years for the designated purpose of 'Recreation and Community Purposes' subject to the consent of the Minister of Lands.

The land is identified in the City's town planning scheme as 'Reserve for Recreation'. The proposal is considered to be consistent with that purpose. As the works are intended to be undertaken by the Club and not the City, a development approval will be required – and at the time of writing, an application has been lodged and is being assessed.

RELEVANT PLANS AND POLICIES

The recommendation to enter into a lease with the VCC is generally consistent with the principles of the Leases of City Land and Buildings Policy, adopted by Council on 27 July 2016. Due to the need to terminate their Existing Lease early, it is proposed that the term of the lease be consistent with that offered to the Busselton Tennis Club (BTC) over their new site. On the 27 September 2017; the Council resolved (C1709/235) to enter into a 21 year lease with the BTC. The relocation is also consistent with the Busselton Foreshore Master Plan.

FINANCIAL IMPLICATIONS

When the Existing Lease was entered into, the annual rent charged to community and sporting groups leasing City owned and managed land was \$130 per annum. Further there was no annual rent review as part of standard lease terms. Effective from 1 July 2018, rent applied to community and sporting groups is \$220 per annum increased by \$5 on each anniversary (all amounts are inclusive of GST). It is recommended that this rental amount is applied to the new lease.

There would be no other financial implication in relation to the lease, as the VCC would remain responsible for all outgoings and the costs of managing and maintaining their leased premises.

The total cost of the redevelopment project is estimated to be \$290,000 exclusive of GST. The City's intended monetary contribution is \$250,000 exclusive of GST; the monies are contained in the current budget. The BVCC's intended monetary contribution is \$40,000; along with in kind contributions. The City has committed to the construction of the cross over; funds have been allocated in this financial years' budget for this purpose.

LONG-TERM FINANCIAL PLAN IMPLICATIONS

The proposal is consistent with the Long-Term Financial Plan.

STRATEGIC COMMUNITY OBJECTIVES

The recommendation in this report reflects Key Goal Area 6 of the City's Strategic Community Plan 2017 and specifically the Community Objective 6.4 – Assets are well maintained and responsibly managed.

RISK ASSESSMENT

There are no identified risks assessed as being of a medium or greater level associated with the Officer recommendation with the recommendation serving to mitigate the risks associated with the Existing Lease not being surrendered.

CONSULTATION

The BVCC has played an integral part in the community consultation undertaken for the Foreshore Project. As mentioned previously, the City and the BVCC have worked together for a number of years to identify an alternative location for their clubhouse. Lot 384 was identified as their preferred site. The BVCC and the City worked together to develop concept plans for Lot 384. An offer was presented to the BVCC in November 2017 and the BVCC wrote to the City in December 2017 accepting the offer in accordance with the concept plan shown on Attachment B.

OFFICER COMMENT

Under the Existing Lease, as shown outlined red on Attachment A, the VCC leases approximately 475m² which includes their clubhouse, veranda and enclosed outdoor area. The area shown outlined blue on Attachment A is used as a non-exclusive parking area, this area is approximately 900m².

The offer proposes that the City lease 2206m² on Lot 384 to the VCC. The concept shows sufficient space for them to conduct their activities, with room for a clubhouse, undercover area and exclusive car parking area. It also provides for a non-exclusive licence area for the purpose of overflow parking during special events.

The agreement between the City and the VCC is for the construction of a like for like clubhouse. As mentioned the City has allocated \$250,000 for the purpose of building a new clubhouse including head works and utility connections on Lot 384.

The BVCC however are seeking to construct a clubhouse that will cater for future growth. The BVCC wish to construct a 300m² clubhouse with a veranda of approximately 300m, estimated to be in the vicinity of \$290,000 exclusive of GST. The additional costs associated with this will be funded by the BVCC. They have advised that they will provide in kind works and commit \$40,000 towards the project.

A Development Application has been submitted for the larger clubhouse. The location of the proposed clubhouse is different to that shown on the concept plan however still within their proposed leased area. The proposed new Site Plan is shown as Attachment C.

It is proposed to enter into a Lease and Licence agreement with the VCC over a portion of Lot 384. The approximate extent of the area to be leased is referred to as Site 1 on Attachment B. The proposed licence area is shown hatched on Attachment B. It is proposed that the lease be for a term of 21 years, commencing as soon as practical following the resolution of Council, but no later than 30 March 2019.

Other than the variations mentioned above, such as the annual rent, rent increments and the term, it is proposed that all other terms and conditions of VCC's Existing Lease remain the same, including that they are to remain responsible for maintenance obligations of the leased area.

The VCC would be required to execute a surrender of their Existing Lease, the surrender to take effect 60 days following the issue of the Certificate of Occupancy of their new clubhouse or 31 December 2019, whichever is the earlier.

The project will involve works contracted by the BVCC. It is recommended that the allocation of funds be embodied in a Funding Agreement. This will enable funds to be drawn down by the VCC as and when required but subject to controls and parameters outlined in that agreement. The Funding Agreement will also require a commitment from the VCC to execute the surrender of their Existing Lease.

CONCLUSION

With less than 2 years left on their Existing Lease, the grant of a new lease to the VCC for 21 years is recommended to provide the VCC with security of tenure over Lot 384. The relocation to Lot 384 will provide greater opportunities for the VCC to expand their facilities and provides additional land to show case their cars.

OPTIONS

Council can resolve to enter into different lease terms with the VCC, however the term is limited to a maximum of 21 years under the management order.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The proposed Funding Agreement, Deed of Surrender of the Existing Lease and grant of new Lease will be entered into as soon as practical following the date of the resolution.

COUNCIL DECISION AND OFFICER RECOMMENDATION

C1812/262

Moved Councillor P Carter, seconded Councillor R Paine

That the Council;




1. Delegates to the that CEO the power to negotiate and authorises the CEO to enter into a lease, subject to the consent of the Minister for Lands, with the Veteran Car Club of WA (Inc.) for a portion of Lot 384, Deposited Plan 214760, Volume LR3140, Folio 200, 84 Causeway Road Busselton, as referred to as Site 1 (approximately 2206m²) on Attachment B, subject to the following terms:

- a) The grant of the lease will be conditional upon the surrender by the Veteran Car Club of WA (Inc.) of their lease of land comprising of a portion of Lot 503 (formerly Lot 3001), part Reserve 38558, dated 30 June 2010 between the City of Busselton and Veteran Car Club Inc. and the Veteran Car Club of WA (Inc.) entering into a Funding Agreement referred to in point 3 below.
 - b) The term of the lease to be 21 years commencing no later than 31 March 2019.
 - c) The rent to commence at \$220.00 inclusive of GST per annum and increased by \$5.00 on each rent commencement anniversary;
 - d) The permitted use will allow the Tenant to hire the Premises to other community groups, with hire to be incidental to the primary purpose of the lease. Additionally the Tenant are to ensure that their insurance covers such use; and
 - e) Other terms to be consistent with the City's standard community group lease.
2. Delegates to the CEO the power to enter into a Deed of Surrender of the Lease dated 30 June 2010 between the City of Busselton and the Veteran Car Club of WA (Inc.) in respect of land comprising Lot 503 (formerly Lot 3001), part Reserve 38558, the surrender to take effect 60 days following the issue of the Certificate of Occupancy of the new clubhouse on Lot 384, Causeway Road, Busselton or 31 December 2019, whichever is the earlier.
3. Authorises the CEO to enter into a Funding Agreement with the Veteran Car Club of WA (Inc.) up to a maximum of \$250,000 exclusive of GST which details the means by which funds can be drawn down by the Veteran Car Club of WA (Inc.) for the purpose of construction of the new veteran car club clubhouse.

CARRIED 8/0

EN BLOC

17. CHIEF EXECUTIVE OFFICER'S REPORT**17.1 COUNCILLORS' INFORMATION BULLETIN**

SUBJECT INDEX:	Councillors' Information Bulletin
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Governance Services
ACTIVITY UNIT:	Governance Services
REPORTING OFFICER:	Administration Officer - Governance - Kate Dudley
AUTHORISING OFFICER:	Director Finance and Corporate Services - Tony Nottle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Planning Applications received by the City between 1 November, 2018 and 15 November, 2018 
	Attachment B Planning Applications determined by the City between 1 November, 2018 and 15 November, 2018 
	Attachment C State Administrative Tribunal Reviews 

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**17.1.1 Planning & Development Services Statistics****Planning Applications**

Attachment A is a report detailing all Planning Applications received by the City between 1 November, 2018 and 15 November, 2018. A total of 45 formal applications were received during this period.

Attachment B is a report detailing all Planning Applications determined by the City between 1 November, 2018 and 15 November, 2018. A total of 23 applications (including subdivision referrals) were determined by the City during this period with 23 approved / supported and 0 refused / not supported.

17.1.2 State Administrative Tribunal Reviews

Attachment C is a list showing the current status of State Administrative Tribunal Reviews involving the City of Busselton as at 20 November, 2018.

COUNCIL DECISION AND OFFICER RECOMMENDATION**C1812/263**

Moved Councillor P Carter, seconded Councillor R Paine

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










- [17.1.1 Planning & Development Services Statistics](#)
- [17.1.2 State Administrative Tribunal Reviews](#)

CARRIED 8/0**EN BLOC**

ADOPTION BY EXCEPTION RESOLUTION ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

12. REPORTS OF COMMITTEE MEETINGS

12.3 Policy and Legislation Committee - 27/11/2018 - NEW DELEGATIONS OF AUTHORITY AND AMENDMENTS TO EXISTING DELEGATIONS OF AUTHORITY

SUBJECT INDEX:	Authorised Delegation of Power/Authority
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Governance Services
ACTIVITY UNIT:	Governance Services
REPORTING OFFICER:	Governance Coordinator - Emma Heys Ranger & Emergency Services Coordinator - Ian McDowell
AUTHORISING OFFICER:	Director Finance and Corporate Services - Tony Nottle
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENTS:	Attachment A BF3 Institute a prosecution, or to issue an infringement  Attachment B BF4 Variation of prohibited and restricted burning times  Attachment C LG3Q Authority to destroy an impounded sick or injured animal  Attachment D BF1 The performance of any of the functions of the local government  Attachment E BF1 Firebreak Order, Variation to (C1106/199) - Current Version  Attachment F BF2 Appointment of Bush Fire Control Officers  Attachment G BF2 Appointment of Bush Fire Control Officers (C1505/116) - Current Version  Attachment H LG3F Power to remove and impound; Abandoned vehicle wrecks  Attachment I LG3F Power to Remove and impound goods or abandoned vehicle wrecks (C1808/150) - Current Version 

This item was considered by the Policy and Legislation Committee at its meeting on 27 November 2018, the recommendations from which have been included in this report.

PRÉCIS

As part of an internal review of the City's delegations register, a number of new delegations and some minor amendments to existing delegations have been identified, all associated with functions carried out by the Ranger and Emergency Services area.

BACKGROUND

Under the *Local Government Act 1995*, and other Acts that provide for the powers and duties under which local government operate, Council has the ability to delegate some of those powers and discharge of duties to its Chief Executive Officer or other relevant officers.

The *Local Government Act 1995* requires these delegations to be reviewed by the delegator at least once every financial year, whilst other Acts, such as the *Bush Fires Act 1954* have no statutory requirement for review, but are typically reviewed on an annual basis.

A review has been undertaken of the various Acts enforced by Ranger and Emergency Services and the delegations register as it relates to these powers, with the aim of ensuring best practice governance structures and the maintenance of operational efficiencies.

As a result, a number of new delegations and some minor amendments to existing delegations are recommended. Commentary on the requests and the rationale for each is provided in the Officers comment section of this report.

STATUTORY ENVIRONMENT

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

Section 48 of the *Bush Fires Act 1954* provides local government with the ability to delegate powers and duties to its CEO and other relevant officers. Some powers and duties cannot be further sub-delegated in accordance with Section 48 of the *Bush Fires Act 1954*.

Various sections and subsections of the *Bush Fires Act 1954* provide for powers to be directly delegated from Council to Officers, specifically powers under s.59 and s.59A of the Bush Fires Act 1954 can only be delegated directly from Council (no opportunity to sub delegate from CEO to Officers); and in some instances, powers cannot be delegated and the authority to discharge remains with the local government, specifically the power to appoint a Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer, which requires a resolution of Council.

RELEVANT PLANS AND POLICIES

There are no plans or other policies directly relevant to this matter.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the Officer recommendation.

LONG-TERM FINANCIAL PLAN IMPLICATIONS

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

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

Following an assessment of the potential implications, there are no risks assessed as being medium or greater associated with the Officer recommendation.

CONSULTATION

There was no consultation undertaken or considered necessary in relation to the Officer recommendation.

OFFICER COMMENT

Many of the proposed new delegations and amendments to existing delegations are the result of gaps being identified in the current allocation of powers, as compared to best practice governance structures. The proposed changes are intended to provide officers with increased clarity and security in relation to decision making. The proposed new and amended delegations also aim to achieve and maintain organisational efficiencies.

The table below provides an overview of the new and amended delegations, as well as expanding on the rationale above where applicable. Proposed new delegations are BF3, BF4 and LG3Q and minor amendments are proposed to delegations BF1, BF2, and LG3F.

Relevant Act	Summary of proposal
<u>Bushfire Act</u> Institute a prosecution, or to issue an infringement	Proposed new delegation (BF3) Council to CEO and listed Officers To enable Rangers and Senior Rangers to issue infringements for an offence against this Act. To enable the CEO, Bush Fire Control Officer, Director Planning & Development and Manager Environmental Services to commence a prosecution for an offence and institute legal proceedings for an offence against this Act. This delegation can only be made from Council to CEO and listed Officers, not Council to CEO and CEO sub-delegation to Officers
<u>Bushfire Act</u> Variation of prohibited and restricted burning times	Proposed new delegation (BF4) Council to Mayor and CBFO To enable the Mayor and Chief Bush Fire Officer to vary prohibited and restricted burning times. The Act only allows for the local government to specifically delegate this power to the Mayor and Chief Bush Fire Officer in joint. <u>Additional Rationale:</u> To remove the need for a report to be presented to Council which can have an impact on timeliness of implementing restrictions and / or create the need for late / urgent items.
<u>Local Government Act</u> Authority to destroy an impounded sick or injured animal	Proposed new delegation (LG3Q) Council to CEO To delegate the power to CEO to ensure an immediate determination on the destruction of a sick or injured animal can be made. Note there is an argument that the reference to local government in this section of the Act does not preclude the administration from making what are often humanely necessary and time critical decisions however the proposed delegation is recommended by WALGA in their model delegation register as best practice.

<p><u>Bushfire Act</u></p> <p>The performance of any of the functions of the local government under the Act</p>	<p>Proposed amendments to existing delegation (BF1) Council to CEO</p> <p>The wording in this existing delegation is proposed to be amended in general to strengthen and clarify the delegation to be “all functions of the local government” under the Bush Fires Act 1954.</p> <p><u>Additional Rationale:</u> This is aligned to the way in which other delegations have been prepared and allows the CEO to delegate to officers in relation to all functions (except where expressly disallowed).</p>
<p><u>Bushfire Act</u></p> <p>Appointment of Bush Fire Control Officers</p>	<p>Proposed amendments to existing delegation (BF2) Council to CEO</p> <p>The wording in this existing delegation is proposed to be amended:</p> <ul style="list-style-type: none"> • Inclusion of s.38 as the Power/Duty and Act Reference; <p><u>Additional Rationale:</u> This strengthens and clarifies the delegation. Section 38 is the specific section of the Act which enables a Bush Fire Control Officer to be appointed by a local government (this was previously missing from the delegation), whereas s.48 is the power to delegate (already included and will stay).</p>
<p><u>Local Government Act</u></p> <p>Power to Remove and Impound; Abandoned Vehicle Wrecks</p>	<p>Proposed amendments to existing delegation (LG3F) Council to CEO</p> <p>The existing delegation essentially restricted the delegated powers to s.340A subsection (1) of the Act, thereby not allowing anyone to actually declare an abandoned vehicle as an “abandoned vehicle wreck” which is covered by s.340A subsection (5). The proposed delegation removes reference to subsection (1) and delegates all powers under s.340A.</p> <p>Addition of a condition that the disposal of the vehicle is to be undertaken in accordance with the Delegation LG3G Disposing of Uncollected Goods.</p> <p><u>Additional Rationale:</u> Because of the reference to subsection (1) of s.340A, Officers were unable to effectively take the first step of this delegation – declaring a vehicle abandoned.</p>

CONCLUSION

The proposed new or amended delegations serve to reduce risk, address identified gaps when compared to best practice and provide clarity and assurance to officers with regards to the powers and discharge of duties delegated to them.

In addition the proposed amendments aim to provide a sufficient level of authority to the CEO and/or relevant officers to ensure existing organisational efficiencies continue.

OPTIONS

Council may choose not to adopt the new or amended delegations or choose to place conditions on the delegations.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Any determinations on the delegations will be effective immediately following the Council's decision.

OFFICER RECOMMENDATION**ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED**

That the Council:

1. Adopts delegation BF3 – Institute a prosecution, or to issue an infringement as shown at Attachment A;
2. Adopts delegation BF4 – Variation of prohibited and restricted burning times as shown at Attachment B;
3. Adopts delegation LG3Q – Authority to destroy an impounded sick or injured animal as shown at Attached C;
4. Adopts the amended delegation BF1 – The performance of any of the functions of the local government under the Bushfires Act 1954 as shown at Attachment D;
5. Adopts the amended delegation BF2 – Appointment of Bush Fire Control Officers as shown at Attachment F;
6. Adopts the amended delegation LG3F – Power to remove and impound; Abandoned vehicle wrecks as shown at Attachment H

COUNCIL DECISION AND COMMITTEE RECOMMENDATION

C1812/264

Moved Councillor K Hick, seconded Councillor C Tarbotton

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the Council:

1. Adopts delegation BF3 – Institute a prosecution, or to issue an infringement as shown at Attachment A;
2. Adopts delegation BF4 – Variation of prohibited and restricted burning times as shown at Attachment B;
3. Adopts delegation LG3Q – Authority to destroy an impounded sick or injured animal as shown at Attached C;
4. Adopts the amended delegation BF1 – The performance of any of the functions of the local government under the *Bushfires Act 1954* as shown at Attachment D;
5. Adopts the amended delegation BF2 – Appointment of Bush Fire Control Officers as shown at Attachment F, subject to clarification being provided to the Committee in relation to condition 3;
6. Adopts the amended delegation LG3F – Power to remove and impound; Abandoned vehicle wrecks as shown at Attachment H

Reason: Officers noted clarification was required to BF2. The Committee agreed to the delegation being presented directly to Council inclusive of any clarification.

Clarification was sought and communicated to the Committee via email 28 November 2018.

BF2 was subsequently amended to remove any amendments to condition 3, with condition 3 remaining as per the current delegation. The report has been updated to reflect these agreed changes.

CARRIED 8/0

BY ABSOLUTE MAJORITY

15. COMMUNITY AND COMMERCIAL SERVICES REPORT**15.2 COMMUNITY BIDS 2018/19 ROUND 2 ALLOCATIONS**

SUBJECT INDEX:	Donations, Contributions and Subsidies
STRATEGIC OBJECTIVE:	A community with access to a range of cultural and art, social and recreational facilities and experiences.
BUSINESS UNIT:	Community Services
ACTIVITY UNIT:	Community Services
REPORTING OFFICER:	Community Development Officer - Naomi Davey
AUTHORISING OFFICER:	Director, Community and Commercial Services - Naomi Searle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Nil

DISCLOSURE OF INTEREST	
Date	12 December 2018
Meeting	Council
Name/Position	Councillor Rob Bennett
Item No./Subject	15.2 Community Bids 2018/19 Round 2 Allocations
Type of Interest	Impartiality Interest
Nature of Interest	I am a member of the Dunsborough and Districts Country Club Inc.

DISCLOSURE OF INTEREST	
Date	12 December 2018
Meeting	Council
Name/Position	Councillor John McCallum
Item No./Subject	15.2 Community Bids 2018/19 Round 2 Allocations
Type of Interest	Impartiality Interest
Nature of Interest	I am a member of the Dunsborough and Districts Country Club Inc.

PRÉCIS

Each year the City of Busselton provides financial assistance to community groups and not-for profit organisations through the Community Bids funding program. This assistance is provided for specific activities or projects proposed to be undertaken by that group or organisations within the forthcoming financial year.

This report provides a summary of the outcomes from a Councillor workshop held 7 November 2018, and seeks formal endorsement of the Community Bid submissions to be funded in the second round of the 2018/19 financial year.

BACKGROUND

In March 2011 the Council resolved (C1103/097) to allocate funding to the Community Bids program as follows:

- Council allocate a total of 0.5% of estimated rates to be levied to Major Project Assistance Grants to be determined as part of the Community Bids assessment process advertised in the first quarter of each year.*
- Allocate a total of \$50,000 to Minor Project Assistance Grants to be determined twice each year, once as part of the Community Bids process, and once again in September each year.*

3. *Increases the maximum amount of Minor Project Assistance Grants from \$3,000 to \$5,000 for any one project.*

Applications for the second round of Community Bids funding for the 2018/19 financial year opened in October 2018 and a total of sixteen (16) applications were received. This included five (5) applications for minor bids (\$5,000 and under) requesting a total of \$15,982 and eleven (11) applications for major bids (\$5,001 and over) requesting a total of \$242,559.

Applications were assessed by an officer working group, in accordance with the Community Bids guidelines, and recommendations were discussed with Councillors at a workshop held on 7 November 2018. The outcomes of the workshop forms the basis of the officer recommendations in this report.

STATUTORY ENVIRONMENT

Nil

RELEVANT PLANS AND POLICIES

The Community Bids funding program is an opportunity for community based organisations to seek assistance to implement initiatives that benefit the wider community and is a program contained within the City of Busselton Social Plan 2015-2025.

FINANCIAL IMPLICATIONS

Based on the current funding model, the total funds available for allocation for round two of the Community Bids program for 2018/19 is \$173,650. The proposed funding allocations detailed in the officer recommendation totals \$173,650 for minor and major projects for round 2 in 2018/19.

LONG-TERM FINANCIAL PLAN IMPLICATIONS

There are no long term financial implications associated with the officer recommendation.

STRATEGIC COMMUNITY OBJECTIVES

The officer recommendation aligns primarily to the following Key Goal Area and Community Objective of the Strategic Community Plan 2017:

Key Goal Area 1 – Community – Welcoming, friendly, healthy:

- 1.3 A community with access to a range of cultural and art, social and recreational facilities and experiences

RISK ASSESSMENT

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk assessment framework. The assessment identifies 'downside' risks only, rather than 'upside' risks as well. Risks are identified where the residual risk, once controls have been identified, is identified as 'medium' or greater. There are no such risks identified.

CONSULTATION

The Community Bids funding program was advertised in the Council for the Community page on 26 September, and 3 and 10 October 2018 and on the City of Busselton website. Recognised community groups and sporting clubs in the City of Busselton were also notified of the Community Bids program via email.

OFFICER COMMENT

Applications were initially assessed by an officer working group, who considered the following criteria:

- Does the project, program or activity meet the Community Bids criteria?
- Has the applicant outlined why the projects, programs or activities are needed by the community?
- Is there an expectation or risk to the community if the project, program or activity does not proceed?
- Did the organisation or group state the level of cash or in kind contribution they will make to the project, program or activity?
- Has the applicant demonstrated attempts at seeking funding from other sources?
- Has the applicant been successful in previous community bids applications and what was the funded amount?
- Does the project align with the City of Busselton's Strategic Community Plan?

Officers presented the applications to Councillors at a workshop on 7 November 2018, where the following recommendations were made:

APPLICANT		PROJECT TITLE	REQUEST	RECOMM ENDATION	SPECIAL CONDITIONS
Minor Application					
1	Geographe Bay Table Tennis Club	Junior Table Tennis	\$5,000	\$3,000	
2	Woodturners Association of WA Inc, Busselton Group	Defibrillator	\$1,840	\$1,840	
3	Cape Mountain Bikers Inc.	Dunsborough Mountain Bike Trails Master Plan	\$4,000	\$4,000	
4	Geographe Community Landcare Nursery	Weather Proofing Volunteers Area	\$3,000	\$3,000	
5	Australian Breastfeeding Association Capes Group	Replacement Breast Pump	\$1,740	\$1,740	
Major Application					
1	Ludlow Tuart Forest Restoration Group	Ludlow forestry settlement and sawmill restoration.	\$7,000	\$7,000	
2	Geographe Community Landcare Nursery Inc.	Perimeter Fencing	\$16,000	\$16,000	
3	Dunsborough and Districts Country Club Inc.	Access for all	\$28,600	\$28,600	

4	Busselton & Sportsman's Football Club Inc.	Female Change Room	\$35,000	\$35,000	In the event of the change rooms no longer being needed, ownership of the change rooms will revert to the City of Busselton
5	Busselton Hockey Stadium Club Inc.	Electronic Scoreboard	\$10,590	\$10,590	
6	Capecare	Cycling for the Aged	\$10,850	\$10,850	
7	Busselton Community Garden	New Shed	\$10,000	\$10,000	
8	Busselton Aero Club	Upgrade of Technam Aircraft Engine	\$20,000	\$10,000	
9	Busselton Bowling Club	Busselton Bowling Club Enhancement	\$54,892	\$10,000	For the purpose of installing Solar Panels only
10	Busselton Population Medical Research Institute	Equipment for the Busselton Health Study	\$23,622	Nil	
11	Smiths Beach Surf Lifesaving Club	Ablutions Block	\$26,000	\$22,030	Subject to meeting statutory requirements, all City approvals and secured tenure of land
			TOTAL	\$173,650	

CONCLUSION

The Community Bids funding program is constantly evolving and aims to meet community needs, with funding available to further priority goals and objectives identified in the City of Busselton Strategic Community Plan 2017.

It is recommended that Council adopts the funding allocations as outlined in the officer recommendation.

OPTIONS

Council may wish to consider different levels of funding proposed for all or some of the Community Bid applications. In pursuing this option the Council needs to consider budget availability and the immediacy for some funding items, and the effect this delay could have on organisations being able to finalise their plans and budgets for the 2018/19 year.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

All Community Bid applicants will be individually advised in writing of the outcome of the Council decision within 21 days. Successful applications will be required to sign a grant agreement with the City and meet any specific conditions of funding.

City officers will continue discussions with the various applicants regarding eligibility for other grant funding opportunities.

COUNCIL DECISION AND OFFICER RECOMMENDATION

C1812/265

Moved Councillor P Carter, seconded Councillor R Reekie

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the Council:

1. Endorses the provision of funding for round two of the 2018/19 Community Bids funding program as outlined in the table below, subject to the specific conditions as stated:

	APPLICANT	PROJECT TITLE	RECOMM ENDATION	SPECIAL CONDITIONS
1	Geographe Bay Table Tennis Club	Junior Table Tennis	\$3,000	
2	Woodturners Association of WA Inc, Busselton Group	Defibrillator	\$1,840	
3	Cape Mountain Bikers Inc.	Dunsborough Mountain Bike Trails Master Plan	\$4,000	
4	Geographe Community Landcare Nursery	Weather Proofing Volunteers Area	\$3,000	
5	Australian Breastfeeding Association Capes Group	Replacement Breast Pump	\$1,740	
6	Ludlow Tuart Forest Restoration Group	Ludlow forestry settlement and sawmill restoration.	\$7,000	
7	Geographe Community Landcare Nursery Inc.	Perimeter Fencing	\$16,000	
8	Dunsborough and Districts Country Club Inc.	Access for all	\$28,600	
9	Busselton & Sportsman's Football Club Inc.	Female Change Room	\$35,000	In the event of the change rooms no longer being needed, ownership of the change rooms will revert to the City of Busselton
10	Busselton Hockey Stadium Club Inc.	Electronic Scoreboard	\$10,590	
11	Capecare	Cycling for the Aged	\$10,850	
12	Busselton Community Garden	New Shed	\$10,000	
13	Busselton Aero Club	Upgrade of Technam Aircraft Engine	\$10,000	



14	Busselton Bowling Club	Busselton Bowling Club Enhancement	\$10,000	For the purpose of installing Solar Panels only
15	Busselton Population Medical Research Institute	Equipment for the Busselton Health Study	Nil	
16	Smiths Beach Surf Lifesaving Club	Ablutions Block	\$22,030	Subject to meeting statutory requirements, all City approvals and secured tenure of land
TOTAL			\$173,650	

CARRIED 8/0**BY ABSOLUTE MAJORITY**

ITEMS FOR DEBATE

13. PLANNING AND DEVELOPMENT SERVICES REPORT

13.1 WATERWAY MANAGEMENT PLANS FOR THE LOWER VASSE RIVER AND TOBY INLET

SUBJECT INDEX:	WATER003: WATER QUALITY
STRATEGIC OBJECTIVE:	The health and attractiveness of our waterways and wetlands is improved to enhance community amenity.
BUSINESS UNIT:	Environmental Services
ACTIVITY UNIT:	Environmental Management
REPORTING OFFICER:	Senior Sustainability/Environment Officer - Robyn Paice
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Lower Vasse River Water Management Plan  Attachment B Toby Inlet Management Plan 

PRÉCIS

This report presents draft Waterway Management Plans (WMPs) for the Lower Vasse River and Toby Inlet, prepared by the City as part of the Revitalising Geographe Waterways (RGW) Program. The draft WMPs have been developed with extensive community and stakeholder consultation. Release and advertising of the WMPs for public review is now recommended prior to development of the final documents.

BACKGROUND

The health of the Lower Vasse River and Toby Inlet are of significant concern to our community. Physical modifications, altered flow regimes, nutrient enrichment and sedimentation are serious issues in these waterways, impacting ecology and public amenity. The Lower Vasse River experiences algal blooms every summer, dominated by harmful blue-green algae. Toby Inlet has large accumulations of sediments, and is prone to macroalgal blooms due to poor water quality.

An independent review of waterways management in the Geographe Bay Catchment in 2014 highlighted the lack of a lead management body and comprehensive management planning for key water assets. The review led to the formation of the Vasse Ministerial Taskforce and the Revitalising Geographe Waterways (RGW) program, which focuses on improving water quality in key water assets. As part of the RGW program, the City committed to preparation of WMPs for the Lower Vasse River and Toby Inlet. These are two of 30 projects being undertaken as part of the RGW program. There have been several Council briefings since commencement of the WMPs to provide updates on progress. The Department of Water and Environmental Regulation (DWER) has also provided briefings on the overall RGW program on several occasions.

The RGW program requires that the WMPs are completed by June 2019. Release and advertising of the draft WMPs (see Attachments A and B) for formal public review and comment is seen as appropriate prior to finalising the documents to meet this milestone.

STATUTORY ENVIRONMENT

The Lower Vasse River and Toby Inlet waterways are mostly Crown Land with no designated manager. The only exception is a 2.5km section of the Toby Inlet water body at the most downstream end, which is in reserves managed by the City. The City also manages a number of foreshore reserves adjacent to both the Lower Vasse River and Toby Inlet.

The *Rights in Water and Irrigation Act 1914* (RIWI Act) concerns the management of watercourses, and the Department of Water and Environmental Regulation is the agency responsible for implementation of the RIWI Act. In part, the objects of the *Rights in Water and Irrigation Act 1914* are -

- a) *to provide for the management of water resources, and in particular-*
 - (i) *for their sustainable use and development to meet the needs of current and future users; and*
 - (ii) *for the protection of their ecosystems and the environment in which water resources are situated, including by the regulation of activities detrimental to them;*

The RIWI Act includes provisions to control interference with watercourses, which will apply to future implementation of the WMPs in regards to works that involve changes to the bed, banks and flow of these systems.

Other legislation that may apply to future implementation of some on-ground works components of the WMPs is:

- *Aboriginal Heritage Act 1972* (WA)
- *Fish Resources Management Act 1994* (WA)
- *Wildlife Conservation Act 1950* (WA)
- *Biodiversity Conservation Act 2016* (WA)
- *Environmental Protection and Biodiversity Conservation Act 1999* (Commonwealth)

RELEVANT PLANS AND POLICIES

In 2016 Council adopted the *Environment Strategy 2016 – 2021* with objectives for ‘Water Resources’ that include:

- To ensure proactive management of water assets within the Geographe catchment.
- To provide opportunity for the community to engage with and learn about water assets, and
- practical ways to minimise impacts at the individual level.

The *Environment Strategy* also identifies the following relevant strategic actions:

- Strategic Action 2.1 - Prepare management plans for the Lower Vasse River and Toby Inlet in close consultation with the local community and stakeholders.
- Strategic Action 2.2 - Continue to work with partners of the Vasse Taskforce to develop strategic and integrated approaches to management of Water Quality in the wetlands and waterways of Geographe catchment

FINANCIAL IMPLICATIONS

Adoption of the recommendation to advertise the draft Water Management Plans for the Lower Vasse River and Toby Inlet has no financial implications.

LONG-TERM FINANCIAL PLAN IMPLICATIONS

There are no direct Long Term Financial Plan (LTFP) implications associated with the report recommendation to release and advertise the draft WMPs for public comment.

As implementation of management actions in the WMPs occurs, and improvements are made to natural area management, however, there may be Long Term Financial Plan implications.

In particular, pursuing the 'Living Streams' approach outlined in the WMP for the Lower Vasse River would potentially require significant investment, in excess of \$2M. It would see staged works to alter the physical environment and undertake ecosystem restoration to create conditions less favourable to algal blooms.

An investment plan for the continuation of the RGW program during 2019-2024 has been drafted by DWER, with provisions for implementation of the WMPs. This includes a provisional annual commitment of \$100,000 from the City for remediation works in the Lower Vasse River, dependent on matching investment from the State Government. It should be noted that this not all 'new money' and nor is it a single budget line – there have been allocations of this order for waterways related projects over the last four years or so.

In the longer-term, however, beyond 2024, it is likely that an alternative funding model will be required. Significant and consistent funding is likely to be required to see a sustained improvement in water quality in the catchment, including the Lower Vasse River and Toby Inlet. The inconsistent, insecure and often project- rather than programme-based funding approaches common to natural resource management are unlikely to provide that. If the local community wants to see that change, however, it is likely that the local community will need to make a substantial commitment itself – which would support a base level of activity and leverage other funds. The City is involved in two other key RGW projects, related to future funding and governance models, and it is likely the Council will need to consider these issues seriously between now and 2024.

STRATEGIC COMMUNITY OBJECTIVES

The recommendation in this report links to Key Goal Area 3 – Environment of the City's *Strategic Community Plan 2017* and specifically the following Community Objective/s:

- 3.2: *Natural areas and habitats are cared for and enhanced for the enjoyment of current and future generations; and*
- 3.3: *The health and attractiveness of our waterways and wetlands is improved to enhance community amenity*

The WMPs also align directly with Strategy 3f of the Strategic Community Plan:

Continue to play a strong role as part of the Vasse Ministerial Taskforce to improve the health of waterways in the Geopraphe Catchment (including the Lower Vasse River, Toby Inlet and the Vasse-Wonnerup Wetlands).

The consultation process for the *Strategic Community Plan* identified waterways management as a priority issue for the community, particularly improving management of the Lower Vasse River.

RISK ASSESSMENT

An assessment of the potential implications of implementing the Officer Recommendation has been undertaken using the City's risk assessment framework. The assessment identifies 'downside' risks only, rather than 'upside' risks as well. Risks are only identified where the individual risk, once controls are identified, is medium or greater. No such risks have been identified.

CONSULTATION

Consultation to date

Extensive community consultation has been completed as an integral part of the planning process for the WMPs. This has included:

- Community information events “Focus on Toby Inlet” and “Focus on the Lower Vasse” to share information and identify key issues for community June 2015.
- Series of interviews to gather in-depth information regarding future management of both waterways March 2016.
- Community Views events in March 2016 to identify and rate management issues, valued characteristics and desired change.
- Public workshops to develop vision and management objectives February 2017.
- Formation of Community Reference Groups (CRG) for each WMP, by inviting membership from attendees to initial consultation sessions. With representation from the City, Department of Water and Environmental Regulation, and GeoCatch.
- CRG workshops to review and refine vision and management objectives April 2017.
- Presentation of draft management objectives to South West Boojarah Working Party May 2017.
- Public community update to review draft management objectives, and to present outcomes of RGW hydrological modelling June 2017.
- “Your Say” community survey on recreational activities for Toby Inlet.
- Update on progress to the South West Boojarah Working Party November 2017.
- Aboriginal Heritage Survey consultation bus tour of key sites February 2018.
- CRG workshops to develop management strategies and actions March 2018.
- Presentation of WMPs to Vasse Taskforce and review of management strategies and actions by Taskforce members and member agencies August 2018.
- Review of management strategies and actions by Project Team, with key stakeholder representatives, August 2018.
- Presentation of draft management strategies and actions to South West Boojarah Working Party October 2018.
- Review of working drafts of the WMPs by the CRG and Vasse Taskforce members October 2018.
- Ongoing representation on the Vasse Taskforce by staff and councillors 2016-2018.
- Consistent meetings of the Lower Vasse River and Toby Inlet Project Team, with representatives from City of Busselton, Department of Water and Environmental Regulation, GeoCatch, Water Corporation, Busselton Water, Department of Biodiversity, Conservation and Attractions.

The outcomes of consultation were used continually to develop the WMPs. Consultation provided direct input to visions, identifying and rating management issue, developing draft management objectives, and in developing management strategies and actions.

Recent review of the working drafts of both WMPs have indicated support for the draft documents from community members and agency stakeholders.

Proposed further consultation

Release of the WMPs for public comment, as recommended in this report, is the next consultation process required before the documents can be finalised. It is proposed to produce the WMPs as digital documents available for download from the City's web site. Limited printed copies would be produced for collection. Their availability would be advertised via *City Connect* and social media, and by direct communication with people that have registered for past consultation events.

Public information sessions will be held during the submission period to present and information in the plans to facilitate submissions. Submissions will be invited via written response, forms provided with the plans and via the *Your Say* platform.

OFFICER COMMENT

The WMPs for the Lower Vasse River and Toby Inlet were initiated through the RGW program. The RGW program was in substantial part a response to community concerns about water quality issues in these important water assets. Effective ongoing management of these systems requires clear leadership and comprehensive management planning, which can be guided by the WMPs.

The community have long held concerns for the health of these waterways and have been consulted extensively through the preparation of the WMPs. There has also been ongoing collaboration with key State Government partners through the Vasse Ministerial Taskforce.

Feedback provided has contributed directly to the vision, management objectives, management strategies and actions. This is intended to help ensure the WMPs align with community priorities, are well-understood and accepted, and have significant commitment to implementation.

The WMPs include an extensive review of the characteristics, management issues and potential management options for each system. A framework for implementation is provided, including defined management roles and an adaptive process for ongoing action planning.

The WMPs provide a description of the characteristics and management issues for each system, with visions and clear management objectives for the future. Broadly, the issues and management objectives fall into the following key focus areas for management-

- Water quality
- Ecology
- Water flow
- Sedimentation
- Amenity, recreation and education
- Toby Inlet ocean exchange (Toby Inlet only)
- Living Streams (Lower Vasse River only)
- Culture and heritage
- Governance

Through a review of available management options and consideration of stakeholder input, a comprehensive series of management strategies, each with specific actions, has been developed to guide works that will contribute to the objectives and overall visions.

For the Lower Vasse River, a 'Living Streams' approach to restoration has emerged as having significant potential to address water quality. This approach would involve significant changes to the physical environment and ecosystem restoration to create conditions less conducive to algal blooms. It would see creation of diverse habitats, including interconnected seasonal pools and seasonally dry areas, increased shading and in-stream planting. Seasonal separation of the river into compartments would facilitate targeted remediation, such as sediment removal and water treatment. Works would be staged to improve affordability and allow an adaptive approach based on outcomes. Further investigations are needed to inform this approach and develop concept plans for community consultation.

The WMPs do not include immediate commitments to implementation of specific management actions, but rather provide a framework for implementation that defines the roles and responsibilities of key stakeholders and outlines a process for action planning, works, evaluation and reporting. This will allow ongoing prioritisation and implementation of actions in line with available funding, and building on new information from research, monitoring and outcomes as management progresses.

CONCLUSION

The City has made a commitment to finalisation of the WMPs by June 2019. Now that the draft WMPs have been developed, the next step in the process is to release the documents for public comment. Public submissions can then be reviewed to finalise the WMPs. Given the extent of consultation that has already occurred, however, there may not be a significant number of submissions raising concerns with the draft WMPs per se (it is perhaps more likely that broader concerns may be raised). As a result, it is considered that Council could adopt the draft WMPs as guides to future planning (including LTFP review) and only require further formal consideration by the Council if adverse submissions are received.

OPTIONS

The Council could make changes to the draft WMPs before undertaking consultation and/or could require the draft WMPs to be formally considered by the Council after consultation, even if no adverse submissions is received.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Following approval by Council for release of the WMPs for public comment, the following process and timeline is proposed:

December 2018 – complete formatting of WMPs for online viewing and printing.

16 January 2019 – advertising of WMPs for a public comment period of six weeks.

Week commencing 11 February – public information session.

27 February – close of public comment period.

March/April 2019 – Council briefing on outcomes of public comment period.

May 2019 – Report to Council for adoption of final WMPs.

OFFICER RECOMMENDATION

That the Council resolves to adopt the following as guides to future planning, before undertaking further consultation and further Council consideration, should adverse submissions be received during the consultation period –

1. the draft Water Management Plan for the Lower Vasse River (Attachment A)
2. the draft Water management Plan for Toby Inlet (Attachment B).

COUNCIL DECISION AND AMENDED OFFICER RECOMMENDATION**C1812/266**

Moved Councillor K Hick, seconded Councillor C Tarbotton


That the Council -

1. Endorses as guides for future planning the Waterway Management Plans for -
 - a) Lower Vasse River (Attachment A); and
 - b) Toby Inlet (Attachment B); and
2. Undertakes consultation regarding the Waterway Management Plans, which shall be subject of further Council consideration, if significant adverse submissions are received.

Reason: Officers felt that the recommendation should be amended for clarity.

CARRIED 8/0

14. ENGINEERING AND WORKS SERVICES REPORT**14.1 LEEWIN NATURALISTE 2050 CYCLING STRATEGY PREPARED BY THE DEPARTMENT OF TRANSPORT**

SUBJECT INDEX:	Leeuwin Naturaliste 2050 Cycling Strategy
STRATEGIC OBJECTIVE:	Cycle ways that connect our communities and provide alternative transport choices.
BUSINESS UNIT:	Design and Survey
ACTIVITY UNIT:	Engineering & Works Services
REPORTING OFFICER:	Transport Sustainability Officer - Carolyn Ryder
AUTHORISING OFFICER:	Director, Engineering and Works Services - Oliver Darby
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Leeuwin Naturaliste 2050 Cycling Strategy 

PRÉCIS

This report seeks Council acknowledgement of the Department of Transport's (DoT) Leeuwin Naturaliste 2050 Cycling Strategy (the Strategy) as a key reference document for planning and delivery of future cycling and shared path infrastructure. The Strategy includes an action plan outlining 18 recommended priority actions to be progressed over the next five years. Integrating these priorities will strengthen future applications through DoT's Regional Bicycle Network (RBN) Grants Program.

BACKGROUND

The City of Busselton and Shire of Augusta Margaret River have delivered several strategically important cycling projects, however cycling in some areas remains unappealing due to the network's lack of coverage, connectedness and separation from motorised traffic.

The Strategy, funded by the DoT and developed by Consultants WSP Parsons Brinkerhoff, is designed to help guide investment in cycling in the Leeuwin – Naturalise subregion with the purpose of:

- addressing key opportunities which may have previously been overlooked, particularly in relation to future land use and transport developments.
- helping to guide investment between neighbouring local governments, and between local government and state government.
- facilitating the planning and development of long-distance (interregional) cycling routes, especially those which connect with other regions and subregions.
- ensuring that the standard of future cycling facilities meets current best-practice.

The development process included consultation with the community, government agencies, Shire of Augusta Margaret River and City of Busselton staff at the project inception, and on completion of the Strategy prior to finalisation.

The Strategy contains a total of 18 priority actions identified for the City, recommended for completion within a timeframe of between 2-5 years, with the actions helping to inform future investment through the Regional Bike Network (RBN) Grants Program. The current grant funding ratio is 50:50, shared by the City and the DoT.

STATUTORY ENVIRONMENT

The following legislation contains relevant sections for consideration:

Land Administration Act 1997

Section 55 Property in roads, etc.

(2) Subject to the Main Roads Act 1930 and the Public Works Act 1902, the local government within the district of which a road is situated has the care, control and management of the road.

Local Government Act 1995

Section 3.51 Affected owners to be notified of certain proposals

Section 3.54 Reserves under control of a local government

Main Roads Act 1930

Section 15 Property in and control of main roads

(1) *The absolute property in the land over which a highway or main road is declared shall vest in the Crown.*

(2) *The Commissioner shall have the care, control and management of the land over which a highway or main road is declared.*

RELEVANT PLANS AND POLICIES

The City has been progressing a review of the 2010 Bike Plan to develop the Cycling and Shared Path Network Plan 2018-2022. This document once finalised will guide staff in the provision of key Shared Path infrastructure for the community at both a local and strategic network levels.

FINANCIAL IMPLICATIONS

Adoption of the recommendation to receive and acknowledge the Leeuwin Naturaliste 2050 Cycling Strategy has no financial implications.

LONG-TERM FINANCIAL PLAN IMPLICATIONS

There are no direct Long Term Financial Plan (LTFP) implications associated with the report recommendation to receive and acknowledge the Leeuwin Naturaliste 2050 Cycling Strategy.

In the longer term, there may be opportunities to co-fund higher-level strategic projects, which may present LTFP implications.

STRATEGIC COMMUNITY OBJECTIVES

The Strategy aligns to Key Goal Area 5 – Transport of the City's Strategic Community Plan 2017 and specifically achievement of Community Objective 5.3: *Cycleways that connect our communities and provide alternative transport choices.*

RISK ASSESSMENT

The recommendations contained within this report are not considered to present any risks of a medium or greater level.

CONSULTATION

In developing the Strategy, consultation was undertaken with key stakeholders and the local community. This consultation endeavoured to establish the overarching aims and objectives for the Strategy, as well as identification of key routes, together with the requirements of different user groups.

Consultation was undertaken via two community “drop in sessions” conducted in the morning and evening within both the Shire of Augusta Margaret River and the City of Busselton districts, and attended by 100 people. In addition the community were invited to provide written submissions.

Various other government and non-government stakeholders were also consulted, including:

- South West Development Commission
- Department of Biodiversity, Conservation and Attractions
- Department of Local Government, Sport and Cultural Industries
- Main Roads WA
- Public Transport Authority
- Water Corporation
- Department of Water and Environmental Regulation
- Tourism WA
- Margaret River Busselton Tourism Association
- Road Safety Commission
- The National Trust WA
- WestCycle

Input was also sought and provided from the WA Trails Reference Group and WABN Implementation Reference Group.

The Strategy was presented to elected members in February 2018, prior to being released for public comment for a period of three weeks. The draft document was made available online, hosted by both the City Busselton and Shire of Augusta Margaret River’s YourSay digital feedback platforms. One hundred and seventy five submissions were received and these guided the finalisation of the Strategy.

OFFICER COMMENT

The Strategy is intended to create a blueprint for connecting a future regional network, and identifies some projects that are aspirational in nature.

The action plan also identifies several priority actions that were identified in consultation undertaken by the City in development of its draft Cycling and Shared Path Network Plan 2018-2022.

It is recommended that the Strategy is acknowledged as a guiding / reference document. It is important that before any proposed cycling infrastructure project within the City’s path network is considered, it is subject to a robust scoring matrix and thorough evaluation of its cost versus benefits.

CONCLUSION

The Strategy will assist the City in its planning by acting as a key reference document for planning and delivery of future cycling and shared path infrastructure.

OPTIONS

That Council does not receive or acknowledge the Leeuwin Naturaliste 2050 Cycling Strategy and does not consider the document as key reference material for planning and delivery of cycling and shared path infrastructure.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

There are no implementation actions should the Officer Recommendation be endorsed.

OFFICER RECOMMENDATION

That Council receives and acknowledges the Leeuwin Naturaliste 2050 Cycling Strategy as a key reference document for planning and delivery of cycling and shared path infrastructure.

Councillor Paine foreshadowed an amended motion which was put to Council as shown below:

COUNCIL DECISION AND AMENDED MOTION

C1812/267 Moved Councillor R Paine, seconded Councillor R Bennett

That the Council -

1. Receives and acknowledges the Leeuwin Naturaliste 2050 Cycling Strategy as a key reference document for planning and delivery of cycling and shared path infrastructure
2. Thanks the Department of Transport and their consultants for their work in producing the Leeuwin Naturaliste 2050 Cycling Strategy
3. Recognises the health, social, environmental and economic benefits of cycling for transport, recreation and tourism and
4. Calls on the State Government to increase the proportion of transport funding that is allocated to Cycling infrastructure.

Reason: Item one reflects the officer recommendation, with the reasoning outlined in the report.

Item two acknowledges that there has been a lot of work put into the development of the strategy and I think it's important to note our appreciation.

Item three acknowledges that there is broad benefits from encouraging a safe cycling friendly region which align with the existing Strategic Community Plan.

Item four is in response to the concern the strategy purports to address the cycling infrastructure needs of the next 32 years, whereas in reality most of what is proposed, with the exception of links to future subdivisions is needed in the present and near future.

CARRIED 8/0

18. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

19. URGENT BUSINESS

Nil

20. CONFIDENTIAL REPORTS

Nil

21. CLOSURE

The Presiding Member wished the councillors, staff, media and public a Merry Christmas and closed the meeting at 5.42pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 63 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON MONDAY, 24 DECEMBER 2018.

DATE: _____ PRESIDING MEMBER: _____