



Council Agenda

11 October 2017

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city@busselton.wa.gov.au

CITY OF BUSSELTON

MEETING NOTICE AND AGENDA – 11 OCTOBER 2017

TO: THE MAYOR AND COUNCILLORS

NOTICE is given that a meeting of the Council will be held in the Council Chambers, Administration Building, Southern Drive, Busselton on Wednesday, 11 October 2017, commencing at 5.30pm.

Your attendance is respectfully requested.



CLIFF FREWING

**ACTING CHIEF EXECUTIVE
OFFICER**

29 September 2017

CITY OF BUSSELTON

AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 11 OCTOBER 2017

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1. **DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS**

2. **ATTENDANCE**

Apologies

Approved Leave of Absence

3. **PRAYER**

4. **PUBLIC QUESTION TIME**

Response to Previous Questions Taken on Notice

Public Question Time

5. **ANNOUNCEMENTS WITHOUT DISCUSSION**

Announcements by the Presiding Member

Announcements by other Members at the invitation of the Presiding Member

6. **APPLICATION FOR LEAVE OF ABSENCE**

7. **PETITIONS AND PRESENTATIONS**

8. **DISCLOSURE OF INTERESTS**

9. **CONFIRMATION AND RECEIPT OF MINUTES**

Previous Council Meetings

9.1 **Minutes of the Council Meeting held 27 September 2017**

RECOMMENDATION

That the Minutes of the Council Meeting held 27 September 2017 be confirmed as a true and correct record.

9.2 **Minutes of the Special Council Meeting held 8 September 2017**

RECOMMENDATION

That the Minutes of the Special Council Meeting held 8 September 2017 be confirmed as a true and correct record.

Committee Meetings

9.3 **Minutes of the Policy and Legislation Committee held 21 September 2017**

RECOMMENDATION

That the Minutes of the Policy and Legislation Committee held 21 September 2017 be confirmed as a true and correct record.

10. REPORTS OF COMMITTEE

10.1 Policy and Legislation Committee - 21/09/2017 - REVIEW OF POLICY 024 VOLUNTARY CONTRIBUTIONS, DONATIONS AND SPONSORSHIP

SUBJECT INDEX:	Policy Budget Administration
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Finance and Corporate Services
ACTIVITY UNIT:	Financial Services
REPORTING OFFICER:	Manager Financial Services - Kim Dolzadelli
AUTHORISING OFFICER:	Director, Finance and Corporate Services - Cliff Frewing
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Policy 024 Voluntary Contributions, Donations and Sponsorship a

This item was considered by the Policy and Legislation Committee at its meeting on 21 September 2017, the recommendations from which have been included in this report.

PRÉCIS

As part of the ongoing policy review process a review of the existing Voluntary Contributions, Donations and Sponsorship Policy 024 has been conducted. The current policy was originally adopted in 2010 and reviewed in July 2012 with minor amendments made.

BACKGROUND

The existing Policy deals with offers of voluntary contributions, donations or sponsorship proposals made by external parties in favour of the City of Busselton.

STATUTORY ENVIRONMENT

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

RELEVANT PLANS AND POLICIES

This report proposes to cancel the existing Voluntary Contributions, Donations and Sponsorship Policy as the policy currently duplicates the requirement for any amendments to the City's Annual Budget to be considered by Council.

FINANCIAL IMPLICATIONS

There are no financial implications with respect to the Officers recommendation.

Long-term Financial Plan Implications

There are no financial implications with respect to the Officers recommendation.

STRATEGIC COMMUNITY OBJECTIVES

Cancellation of this 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 is no associated risk with the cancellation of the Voluntary Contributions, Donations and Sponsorship Policy.

CONSULTATION

Consultation has occurred with relevant City Officers.

OFFICER COMMENT

The existing Voluntary Contributions, Donations and Sponsorship Policy duplicates the requirement for any amendments to the City's Annual Budget to be considered by Council.

CONCLUSION

The author believes that the existing Policy should be cancelled and that any offers of voluntary contributions, donations or sponsorship proposals made by external parties in favour of the City of Busselton be the subject of the required Budget Amendment process.

OPTIONS

The Council could:

1. Choose not to cancel the existing Voluntary Contributions, Donations and Sponsorship Policy and allow the policy to remain in place, or
2. Choose to seek further review and/or amendment to the existing Voluntary Contributions, Donations and Sponsorship Policy for presentation to Council at a later date.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The cancellation of the existing Voluntary Contributions, Donations and Sponsorship Policy would be effective immediately upon the adoption of the Officer's recommendation.

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

That the Council cancels Policy 024 Voluntary Contributions, Donations and Sponsorship Policy and remove it from the City's Policy Manual.

Last updated 25 July 2012

024	Voluntary Contributions, Donations and Sponsorship	V2 Current
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PURPOSE

This policy provides a guideline for Council members and employees of the City of Busselton in respect of the process required for addressing and reporting on offers of voluntary contributions, donations or sponsorship proposals made by external parties in favour of the City of Busselton.

Whilst this policy does not warrant that offers of voluntary contributions or donations be declined irrefutably, or sponsorship proposals not be supported, it does however require that a necessary process be undertaken prior to any such offer being accepted or declined on behalf of the City.

SCOPE

The Council's Code of Conduct Policy details the obligations that Council members and employees of the City of Busselton are to espouse. More specifically, any person acting in the aforementioned capacities shall observe, amongst others, the following obligations:

- To act with reasonable care and diligence;
- To act with honesty and integrity;
- To avoid damage to the reputation of the City of Busselton;
- To be open and accountable;
- To base decisions on relevant and factually correct information;
- To treat others with respect and fairness.

Analogous with the above, this policy reaffirms the manner in which offers of voluntary contributions, donations and sponsorship proposals are to be addressed.

Notwithstanding the above, this Policy does not include contributions offered to the City by developers in respect of funding direct costs associated with the expedition of planning, subdivision or associated engineering matters. All such arrangements are to continue to be formalised by way of a specific legal agreement that clearly details the terms and conditions of the agreement and the associated obligations applicable to each party to the agreement.

DEFINITIONS

"Council member" - Any person who holds the office of Councillor on the Council of the City of Busselton, including the Mayor and Deputy Mayor.

"Employee" - Any person who is employed by the City of Busselton. For the purposes of this policy, this shall include a person who, under a contract for services with the City of Busselton, will provide advice or report on a matter.

"Voluntary contribution, donation or sponsorship proposal" - Any offer, solicited or unsolicited, towards the operations of the City, in circumstances where there is not a legal obligation to pay the money or provide the service, or it is not part of a statutory process or it is not a government grant, contribution or donation.

STATEMENT

In acting in the capacity of a Council member or employee of the City of Busselton, all persons shall espouse the principles outlined in Regulation 3 of the *Local Government (Rules of Conduct) Regulations 2007*, and the Council's associated Code of Conduct Policy.

Last updated 25 July 2012

Furthermore, the Council has committed to be a responsible, accountable local government.

In recognition of the above, this policy reaffirms the requirement for Council members and employees of the City to observe their respective obligations when offers of voluntary contributions, donations or sponsorship proposals are made in favour of the City of Busselton.

POLICY CONTENT

The Council has committed to be a responsible, accountable local government. Furthermore, Council members and employees are required, as part of the Council's Code of Conduct Policy, to act with reasonable care and diligence, honesty and integrity, avoid damage to the reputation of the City and to be open and accountable.

It is acknowledged that in certain circumstances, offers of voluntary contributions or donations, or sponsorship proposals may be construed (legitimately or otherwise) as conflicting with the Council's Strategic Priorities and associated Code of Conduct obligations.

Whilst this policy does not advocate that offers of voluntary contributions or donations be declined, or sponsorship proposals not supported, it does require that an appropriate process is followed to ensure that any such offer can be fully considered and, if applicable, reported to the Council, prior to any formal determination being made whether to accept or decline the offer.

This process is as follows:

1. Advice received of offer of voluntary contribution, donation or sponsorship proposal

Should an offer of a voluntary contribution, donation or sponsorship proposal for the City be made to a Council member or employee, the offering party is to be advised that the offer cannot be accepted nor declined, without it being considered in line with the processes as detailed below.

2. Matter to be referred to the Chief Executive Officer

Any offer of a voluntary contribution, donation or sponsorship proposal for the City is to be reported to the Chief Executive Officer without delay. This advice is to include the following:

- The entity offering the contribution, donation or making the sponsorship proposal;
- The amount of the contribution, donation or sponsorship proposal;
- The specific reasons as to why the contribution or donation is being offered or the sponsorship proposal made;
- Any known associated dealings (past, current or imminent) between the City and the entity offering the contribution or donation or making the sponsorship proposal;
- Any other information that may be considered relevant.

Should the matter be of a minor 'non-cash' nature, the Chief Executive Officer is authorised to accept or decline the offer on behalf of the City. The Finance Committee is to be informed of any decision by the Chief Executive Officer, via an Information Only item, to be included as part of the next Finance Committee agenda.

Last updated 25 July 2012

3. Matter to be referred to the Mayor

Should any offer of a voluntary contribution or donation or sponsorship proposal for the City be either of a financial nature (i.e. cash), or not considered minor (non-cash), the Chief Executive Officer will advise the Mayor of the offer or proposal. The Mayor and Chief Executive Officer will jointly consider the offer, cognisant of their individual obligations pursuant to the Code of Conduct (both Regulations and Policy) and also the Council's associated Strategic Priority.

The Chief Executive Officer, in consultation with the Mayor, is authorised to jointly approve any offer (cash or non-cash), should it be considered minor in nature. The Chief Executive Officer, in consultation with the Mayor, is also authorised to decline any offer, should it be determined appropriate to do so.

The Finance Committee is to be informed of any decision by the Chief Executive Officer, in consultation with the Mayor, via an Information Only item, to be included as part of the next Finance Committee agenda.

Where an offer is believed to be worthy of further consideration, and is not considered minor in nature, the matter is to be referred to the Council for further consideration.

4. Matter to be referred to the Council

An offer of a voluntary contribution or donation, or sponsorship proposal for the City will be referred to the Council (via an appropriate Council Agenda item) in instances where the Mayor and Chief Executive Officer warrant the matter to be worthy of further consideration and final determination by the Council.

It is considered that the above process, whilst not overly onerous, will clearly demonstrate the Council's commitment to the community as being a responsible and accountable local government, whilst also advocating the principles of openness, honesty, integrity and diligence.

Policy Background

Policy Reference No. - 024
Owner Unit – Finance
Originator – Manager, Finance and IT
Policy approved by – Council
Date Approved – 22 September, 2010
Review Frequency – As required

History

Council Resolution	Date	Information
C1207/205	25 July, 2012	Version 2 – draft to include reference also to sponsorship proposals and update to City terminology
C1009/329	22 September, 2010	Date of implementation Version 1

10.2 Policy and Legislation Committee - 21/09/2017 - REPEAL OF POLICIES: COMMERCIAL HIRE SITES (#008) AND TRADING IN PUBLIC PLACES (#020)

SUBJECT INDEX:	Commercial opportunities
STRATEGIC OBJECTIVE:	Attractive parks and open spaces that create opportunities for people to come together, socialise and enjoy a range of activities.
BUSINESS UNIT:	Commercial Services
ACTIVITY UNIT:	Property and Business Development
REPORTING OFFICER:	Economic and Business Development Coordinator - Jon Berry
AUTHORISING OFFICER:	Director, Community and Commercial Services - Naomi Searle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Commercial Hire Sites (Policy #008) - (For repeal) ↓ Attachment B Trading in Public Places Standard Conditions of Approval (Policy #20) - (For repeal) ↓ Attachment C Non-Exclusive Use of Commercial Land (Policy #249) ↓

This item was considered by the Policy and Legislation Committee at its meeting on 21 September 2017, the recommendations from which have been included in this report.

PRÉCIS

In November 2016, Council adopted a new policy 'Non-exclusive Use of Commercial Land' (#249). This report recommends Council repeals two related policies that have guided non-exclusive commercial use of City owned and/or controlled land on a seasonal basis, namely, the Commercial Hire Sites Policy (#008) and the Trading in Public Places Policy (#020).

BACKGROUND

Council has previously administered commercial use of public land through a permit system guided by two separate Council policies and in accordance with the City's Property Local Law and the Activities in Thoroughfares and Public Places and Trading Local Law. The two policies are:

1. Commercial Hire Sites (Policy #008). This policy deals with recreational activities aimed at activating public land by issuing permits to tourist orientated seasonal businesses (e.g. climbing walls, water sports, bike hire etc.) (see Attachment A); and,
2. Trading in Public Places Standard Conditions of Approval (Policy #20). This policy dealt principally with the administration of mobile food and beverage vendors using public land. (see Attachment B).

On 9 November 2016, Council resolved (C1611/123) to adopt a new policy titled Non-Exclusive Commercial Use of City Land (Policy #249), which is in Attachment C. The objective of the policy was to provide a more uniform framework for commercial activities being undertaken or proposed to be undertaken on public land on a non-exclusive use basis. Council also supported Officers developing guidelines and procedures for certain types of seasonal commercial activities that align with the broad principles embodied in the new umbrella policy.

The new policy does not deal with exclusive use of public land such as leasehold tenure; events or markets; or with the short-term hiring of City property for functions or similar, which are the subject of other policies and guidelines. Rather, the policy relates to the following kinds of activities using City owned or controlled land:

- Mobile food/beverage traders;
- Itinerant food/beverage traders;
- Al fresco dining (other than where this is facilitated via a lease);
- Recreational activities of some kinds (i.e. 'exercise permits'), but not general sporting use of ovals or similar;
- Tours or similar;
- Traders engaged in the short-term hiring of recreational equipment; and
- Some trading that operates from more or less temporary premises and/or from fixed premises, but on the basis of relatively short-term arrangements, such as trading from a converted/adapted sea container, or from some other relocatable and/or low cost structure.

The need for the development of a new umbrella policy reflected increasing interest from businesses in commercial use of public land and a need to develop a coherent, fair and workable approach to managing current and future activities. It aimed to apply consistent principles to different kinds of activities and situations; be administratively simple and comprehensible; and achieve positive outcomes for the wider community.

STATUTORY ENVIRONMENT

The following legislation provides legal parameters for commercial use of public land:

- Land Administration Act 1997 and associated regulations
- Local Government Act 1995 and associated regulations
- Planning and Development Act 2005 and associated regulations
- Building Act 2012 and associated regulations
- Health Act 1911 and associated regulations
- Public Health Act 2016
- Food Act 2008 and associated regulations
- Local Planning Scheme 21 and associated structure plans and policies
- Activities in Thoroughfares and Public Places and Trading Local Law
- Property Local Law
- Jetties Local Law
- Airport Local Law

RELEVANT PLANS AND POLICIES

The following plans and policies reference commercial use of public land:

- Busselton Foreshore Master Plan
- Busselton City Centre Conceptual Plan
- Dunsborough Town Centre Conceptual Plan
- Mobile Vendors on the Busselton Jetty Policy – Reference No. 006
- Community Facilities Bookings Policy – Reference No. 027
- Markets Policy – Reference No. 074
- Events Policy – Reference No. 231
- Leases of City Land and Buildings Policy – Reference No. 248

- *Commercial Hire Site Policy – Reference No. 008**
- *Trading in Public Places Policy – Reference No. 020**
- Non-Exclusive Use of Commercial Land (Policy #249)

** the Officer recommendation in this report recommends these two policies be repealed and replaced with the single policy 'Non-Exclusive Use of Commercial Land (Policy #249)' .*

FINANCIAL IMPLICATIONS

There are no financial implications arising from the Officer recommendation. Relevant elements of the schedule of fees and charges have been updated in the preparation of the City's 2017/18 budget to reflect a more uniform approach to the striking of fees of charges for mobile vendors and commercial hire sites.

Long-term Financial Plan Implications

There is no impact on the Long Term Financial Plan arising from the Officer recommendation.

STRATEGIC COMMUNITY OBJECTIVES

This report aligns with the following City of Busselton Key Goal Areas identified in the City's 2017 Strategic Community Plan:

Key Goal Area 4: Economy

- 4.1 An innovative and diversified economy that provides a variety of business and employment opportunities as well as consumer choice.
- 4.2 A community where local business is supported and in turn drives our economy.
- 4.3 Events and unique tourism experiences that attract visitors and investment.

RISK ASSESSMENT

There are no risks rated medium or high associated with the Officer recommendation.

CONSULTATION

In the lead up to preparation of an Agenda report to Council on 9 November 2016, recommending a new policy framework for non-exclusive commercial use of City land, consultation was undertaken with mobile vendors and commercial hire site operators. Feedback from the consultation was considered in the development of the umbrella policy subsequently adopted by Council (C1611/123) and is in Attachment C.

No further consultation has been required relating to the Officer recommendation outlined in this report.

OFFICER COMMENT

As a result of Council adopting a new policy relating to non-exclusive use of city controlled land in November 2016, there is no longer a need for separate policies to facilitate trading in public places.

This report recommends Council repeals two existing policies that were used to facilitate specific commercial activities being mobile vendors and seasonal recreation hire sites.

Since the introduction of the new single policy, the City has administered mobile vendors and recreational hire sites using a uniform process. This process designates specific sites for these activities and seeks expressions of interest, with evaluation criteria being used to rate submissions, with the CEO issuing permits under delegated authority.

Uniform permit fees were set in the 2017/18 budget and each location is also subject to a licence fee based on the area of the land being used by the commercial business. These principles were embodied in the new policy Non-Exclusive Use of Commercial Land (#249), which is in Attachment C.

Specific governance to deal with nuances relating to food/beverage vendors and commercial hire sites are outlined in the permits recently issued.

CONCLUSION

On 9 November 2016 Council resolved to adopt an umbrella policy to guide processes related to non-exclusive use of City land for seasonal and/or temporary businesses providing goods and services on public land. The policy was prepared with the aim of providing a more uniform approach to issuing permits and licenses which historically were inconsistent, inequitable with regard to fees and charges, used different business recruitment processes and had inconsistent frameworks for control.

Officers recommend Council repeals two existing policies that have previously been used to facilitate non-exclusive commercial use of City land. These are the Commercial Hire Sites Policy (#008) in Attachment A and the Trading in Public Places Policy (#020) in Attachment B.

The new policy entitled Non-Exclusive Commercial Use of City Land (Policy #249) is in Attachment C and has been used by Officers as a framework to guide recruitment and selection of mobile food/beverage and seasonal recreational businesses seeking to trade on City land from 2017/18. Separate guidelines and control mechanisms are integrated into permits that have since been issued.

OPTIONS

Council may elect not to repeal the policies as recommended by Officers and request a further review of the policy framework for non-exclusive use of City land.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Should Council adopt the Officer recommendation, the two policies will be repealed immediately.

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

That the Council, with respect to the non-exclusive commercial use of City land:

1. Repeals the 'Commercial Hire Sites Policy (#008)', which deals with recreational activities aimed at activating public land by issuing permits to tourist orientated seasonal businesses (see Attachment A);
2. Repeals the 'Trading in Public Places Standard Conditions of Approval Policy (#20)' which deals principally with the administration of mobile food and beverage vendors (see Attachment B); and,
3. Notes that the 'Non-Exclusive Use of Commercial Land Policy (#249)' (see Attachment C), supersedes the above policies and is the principal framework for administering permits and licenses relating to mobile food/beverage and tourist orientated seasonal businesses on City land.

008	Commercial Hire Sites	Version 3
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1. PURPOSE

Temporary Businesses in recreational or tourist locations add further dimensions of character and vibrancy to a location. Furthermore, the prosperity achieved by the operators contributes to the overall economic success of the region and provides a source of income for the City.

This policy facilitates the promotion, approval and striking of fees of Commercial Hire Sites to accommodate Temporary Businesses within the City of Busselton. It aims to encourage and facilitate commercial operators to establish non-permanent businesses that enhance the tourism potential and recreational use of strategic locations throughout the region, and in doing so provide the City with a financial return. The Commercial Hire Sites policy applies to all trading at an approved 'Commercial Hire Site' regardless of the trading activity.

This policy is not intended to guide the operation of trading activities conducted at approved temporary activities such as a fair, function, or public event, or the operation of Mobile Food Premises that do not require a stationary designated location from which to trade, such as an ice-cream street vendor that drives the streets only stopping to serve customers.

2. DEFINITIONS

For the purposes of this policy, the following definitions apply;

'CEO' means the Chief Executive Officer or delegated Officer of the City of Busselton;

'City' means the City of Busselton;

'Commercial Hire Site' means a location in a public place, approved by the City of Busselton, where a business of a non-permanent nature is permitted to operate;

'Core Trading Period' means mid-December to mid-February;

'Extended Trading Period' means 15 October to mid-December, mid-February to 30 April, gazetted school holidays, public holidays and public holiday weekends AND regional events and special events, where approved by the City of Busselton;

'Mobile Food Premises' means a business operated from a vehicle, van, stand, cart or similar device that complies with ANZFA Food Safety Standards;

'Permit' means a permit issued under the Shire of Busselton Property Local Law 2010;

'Public Place' means any street, way or place which the public are allowed to use, whether the street way or place is or is not on private land;

'Tender' means an informal tender process including advertising, selection and recommendations;

'Temporary Business' means a business, which has non-permanent facilities and is operated from a site designated and approved by the City.

3. SCOPE

The policy covers the;

- a) promotion and selection of suitable Commercial Hire Sites in Public Places;
- b) criteria by which City officers will assess applications for the commercial hiring of those sites; and
- c) methods by which the City will establish an appropriate fee for the opportunity.

4. POLICY CONTENT

The City of Busselton recognises the social, cultural and economic value of commercial hire sites. It is committed to facilitating entrepreneurial opportunities on the sites that contribute to the wellbeing and prosperity of residents and to the overall experience of visitors to the region.

Upon termination or expiry, existing Recreational Hire Site Agreements to be replaced by new Commercial Hire Site Permits.

Allow existing permit holders to apply to extend the length of time of their current permit, up to a maximum period of three years to reflect an anticipated substantial investment in their commercial hire site business.

Promotion of Commercial Hire Site Opportunities

The City will publically advertise the availability of Commercial Hire Site opportunities twice per year (once in March and once in August) for a period of up to four weeks, where sites are available. If a tender is called for the letting of hire site opportunities, tender selection criteria will be set prior to advertising.

4.1 Site Locations

The City of Busselton can approve an application for a Permit in accordance with the Shire of Busselton Property Local Law 2010.

Commercial Hire Sites may be selected by the City due to their strategic location with the anticipation of attracting a particular activity to an area, or may be approved by the City as the result of an application from a commercial operator. When assessing suitability of locations for hire sites, consideration will be given to:

- a) the type and regularity of business that could operate from the nominated location/s;
- b) the impact the business will have on the surrounding amenity, and
- c) the strategic implications and impact the location may have on the local economy.

Consideration will also be given to the nature of adjoining Commercial Hire Site businesses, specifically; preference will be given to businesses that are not of an identical nature to an adjoining operator.

Where a proponent seeks a permit for a hire site that has not been previously designated, nor advertised, the site may be authorised by the CEO.

4.2 Term

The length of term of a permit for a Commercial Hire Site may be seasonal, for several weeks or up to three years depending on the nature of the business. Prior to expiry of an existing Commercial Hire Site permit, the site will be readvertised.

4.3 Assessment and Selection Process

Applications for Commercial Hire Site permits may be approved by the CEO or an authorised person and will be considered, in part, according to the appropriateness of the proposed activity in relation to the area and the social, cultural and economic benefits the business may bring to the City, residents and visitors.

Applications will be assessed using the evaluation criteria at Schedule 1 (Evaluation Criteria for Assessing Commercial Hire Site Permit Applications)

Applications for permits to sell food and / or beverages must also comply with conditions imposed either regulatory or discretionary, by the City's Environmental Health section.

Businesses requiring a structure to be placed on the land for storage or other operational purposes for in excess of 72 hours will most likely require Planning Approval and /or a Building Permit for that structure and this may also invoke other processes under the Local Government Act 1995.

The City may refuse an application on any one or more of the following grounds:

- i. the applicant is an undischarged bankrupt or is in liquidation;
- ii. the applicant has entered into any composition or arrangement with creditors; or
- iii. a manager, an administrator, a trustee, a receiver, or a receiver and manager has been appointed in relation to any part of the applicant's undertakings or property;

- iv. such other grounds the City may consider to be relevant in the circumstances of the case.

4.4 Trading Period

A permit allows the operator to trade within the Core and Extended Trading Periods as defined in Section 2 (Definitions). The City of Busselton CEO may revoke a permit should the operator not substantially trade within the Core Period.

4.5 Establishment of Fees

The permit fee will be set annually in consideration of market demand and as part of the City's review of the Fees and Charges schedule. The revenue will be received into a general revenue account and then transferred to the 'Jetty Maintenance Reserve'.

Commercial Hire Site permit holders requiring regular access to beaches/reserves are to be levied a beach / reserve vehicle access permit fee which is set annually as part of the City's review of the Fees and Charges schedule.

Policy Background

Policy Reference No. - 008

Owner Unit – Commercial Services

Originator – Property and Business Development Officer

Policy approved by – Council

Date Approved – Under Consideration

Review Frequency – Every two years, or as required.

Related Documents – Shire of Busselton Property Local Law 2010, Shire of Busselton Local Law Relating to Trading in Public Places 1992.

History

Council Resolution	Date	Information
C1111/359	23 November 2011	Commercial Hire Sites Policy to replace previous Recreational Hire Sites Policy
C1312/332	11 December 2013	Commercial Hire Sites Policy reviewed and updated.

Schedule 1

Evaluation Criteria for Assessing Commercial Hire Site Permit Applications

City officers will use the following evaluation criteria to assess the merits of each application.

- i. Does the business add something new to the foreshore? Score 1 to 10
- ii. Does the business have appeal to the general public? Score 1 to 10
- iii. Does the business target a specific audience that is seeking a recreational experience of the foreshore? Score 1 to 10
- iv. Intended period of trading. Score 1 to 10 (1= occasional weekend / weekday, 5= summer months Dec-March, 10=summer months and gazetted school holidays and public holiday weekend)
- v. Is the business weather dependent? Score 1 to 10 (1=totally dry / calm weather dependent, 10= not dependent on dry / calm weather)
- vi. Is it an existing business operating a successful commercial hire site? Weighted Score 1 to 20 (1=new business, to be established, 10=new business, set up, 20= established and well run seasonal commercial business)
- vii. Does the business compete or complement existing established permanent businesses in the locality? Score 1 to 10 (1 being direct competition, 10 being a totally complementary fit)
- viii. Does the business compete or complement existing established seasonal hire site businesses in the locality? Score 1 to 10 (1 being direct competition, 10 being a totally complementary fit)
- ix. Does the business require connections to existing utilities / infrastructure? Score 1 to 10 (1=complicated, new and expensive connection 10= no connections required)
- x. Does the business equipment need to be stored on the foreshore? Score 1 to 10 (1= storage required, e.g. sea container, 10=no storage, i.e. removed each day)
- xi. Does the business create vehicular congestion in the local vicinity? score 1 to 10 (1 = significant congestion anticipated, 5 = moderate congestion anticipated, 10 = no congestion anticipated)
- xii. Environmental considerations. Score 1 to 10 (1= potential significant adverse impact, 5= some potential adverse concerns, 10= no adverse impact.)

(It is to be noted in paragraph vi) above that a weighting is attached to existing seasonal hire site businesses that are successfully trading, and intend to re-apply for a permit.)

Additionally, the following checklist will be used:

1. Does the application include a Risk and Safety Management Plans?
2. Is there a requirement for a Development Application? If yes, refer to Planning Directorate.
3. Does the application need to be referred to other State Agencies? E.g. DPaW, DoT, Dept. of Lands
4. Does the applicant have a valid National Police Clearance certificate?
5. Does the applicant have a valid Working With Children certificate?
6. Has a valid Public Liability certificate of currency been submitted?
7. If applicable, has a valid Workers Compensation certificate of currency been submitted?
8. Is a beach / Reserve vehicle access permit required? If yes, applicant is to apply to Rangers Dept. for permit.
9. Does the business proposal include the retail of food and/or drink? – If yes, refer to Health and recommend TiPPs application.
10. Two Character references.
11. Bond Requirement Assessment. (\$ amount)



020 Trading in Public Places – Standard Conditions of Approval Version 2

1. PURPOSE

This policy will be used to set standard conditions of approval for licences issued in accordance with the "City of Busselton Local Law Relating to Trading in Public Places".

2. SCOPE

This policy applies to all applications for Trading in Public Place licences in the City of Busselton.

3. POLICY CONTENT

3.1 Objective

The purpose of this policy is to provide the Council with a consistent framework to encourage, control and regulate the location of mobile food vehicles and placement of goods and articles in public places across the City of Busselton.

This policy further aims to encourage a high standard of service delivery to our local community and visitors whilst supporting local economic development and commercial viability.

3.2 Definitions

Community Association means an institution, association, club, society or body, whether incorporated or not, the objects which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and the members of which are not entitled or permitted to receive any pecuniary profit from the transactions thereof.

Council means the Council of the Municipality of the City of Busselton. *Event* means an occurrence approved to be held within the City of Busselton on private or public land, either indoor or outdoor by a person(s)/group/organisation, where people assemble at a given time for entertainment, recreation or community purposes. *Facility or Reserve* means any property owned by the City of Busselton and includes buildings, recreation centres, community centres, halls, reserves (passive and active).

Public Place means any street, way or place which the public are allowed to use, whether street, way or place is or is not on private land.

Trading means selling or hiring of goods, wares, merchandise or services, or offering of goods, wares merchandise or services for sale or hire in a street or other public place and includes displaying goods, wares or merchandise for the purpose of offering them for sale or hire, inviting offers for sale or hire, soliciting orders or carrying out of any other transaction therein, it includes the setting up of a stall, or the conducting of business at a stall.

3.3 Standard Conditions of Approval for Location of Mobile Food Vehicles/Stalls/ Goods

- a) Mobile food vehicles/vendors are not permitted to operate in the business district of Busselton or Dunsborough as defined by the 'business' zoning in the current Town Planning Scheme except where approved at events.
- b) Mobile food vehicles/vendors are only permitted to operate in locations preapproved by the City.
- c) Mobile food vehicles/vendors are not be permitted to operate within 300m of any retail premises or permanent place of business that has for sale any goods or services of the kind being offered for sale by the mobile trader;
 - 1) without prior approval to operate in such locations being sought,
 - 2) submitting a written letter of support from the proprietor(s) of such retail premises or permanent place(s) of business.
- d) Mobile food vehicles/vendors are not approved to park in a public area, reserve, facility or space unless it can be demonstrated to the satisfaction of the City that the location of the vehicle will not pose a traffic impediment or danger to the safety of the general public.
- e) Trading is permitted for a maximum of 4 hours per day in any approved location.
- f) Displayed goods on footpaths must be at least 2 metres away from a truncation, crossover or street corner.
- g) Goods will not be permitted on footpaths where access to a loading zone or disabled parking bay may be impeded.
- h) The licensee must not deposit or store any container, vehicle or structure containing goods on any part of a thoroughfare so as to obstruct the movement of pedestrians or vehicles.

3.4 Special Conditions of Approval for Location of mobile Food Vehicles/Stalls/Goods at Yallingup

- a) Trading will only be permitted for a maximum of 2 hours per day between 1 May and 30 November in any year with condition 3.3e) above applying at other times.
- b) Trading will not be permitted in the Torpedo Rocks car park illustrated in Appendix A.

3.5 General Standard Conditions

- a) The licensee is responsible for compliance with the Environment Protection (Noise) Regulations 1997.
- b) Food vehicles and food operations must comply with the Food Act 2008, Food Regulations 2009 and the Food Safety Standards.
- c) Food vehicles are not permitted to set up or provide external tables or chairs for customers.
- d) The licensee must maintain a minimum of \$10 million Public Liability insurance. The policy must be able to meet any possible claim which may be sustained against the licensee or the City in relation to the death or injury to any person or property arising out of anything authorised by the licence.
- e) Solicitation of customers by touting or the use of public address systems is prohibited.
- f) The licensee must ensure that the area is kept clean and tidy at all times. The permit holder is responsible for the disposal of litter and cleaning of footpaths.

- g) The licensee must ensure that no debris or litter is swept into the street gutter and/or subsequently washed down the storm water drainage system. No detergents and cleaning agents shall be washed into the street, gutter or drainage system.
- h) The licensee is responsible for the maintenance of the permit area and shall maintain all display stands/equipment to a high standard.
- i) The licensee must not display or allow to be displayed any advertisement, placard, poster, streamer, sign or signboard other than attached to and forming part of the vendor's vehicle or display stand.
- j) A trading in public places licence is not transferable.

3.6 Policy Provisions for Events

- a) Traders may be approved to operate for the duration of an event/festival during the hours it is open to the public.
- b) Food vehicles garaged or located within the City of Busselton seeking approval to operate at events will be required to demonstrate registration under the Food Act 2008 prior to being approved. An application for temporary food stalls/vans will not be required for those businesses registered by the City of Busselton.
- c) Food businesses registered by a municipality other than the City of Busselton seeking approval to operate at events will be required to provide a copy of their Food Act 2008 registration and complete and submit a complete application for temporary Food Stalls/Vans associated with events and tender the appropriate fee prior to being approved.

3.7 Policy Provisions for Community Associations

- a) Community associations are entitled to a fifty percent fee reduction for trading in public place applications.

3.8 Enforcement

In the event that the licence conditions are breached, and in accordance with the Local Law provisions;

- a) a licence may be revoked, or
- b) compliance action taken.

3.9 Administration of this Policy

The Chief Executive Officer (CEO) has the authority to administer the requirements of the Trading in Public Places Policy on behalf of Council.

Policy Background

Policy Reference No. – 020

Owner Unit – Environmental Health

Originator – Coordinator Environmental Health

Policy approved by – Council

Review Frequency – As required

Related Documents – Local Law relating to Trading in Public Places

Implemented 09/11/2016

249	NON-EXCLUSIVE COMMERCIAL USE OF CITY LAND	V1 Current
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PURPOSE

This Policy provides a consistent framework and methodology to facilitate, control and regulate the non-exclusive commercial use of City owned and managed land across the District.

BACKGROUND

Prior to development of this Policy, the City had been managing a significant amount of non-exclusive of commercial land, but without an overarching or integrated policy framework. Because of the level of interest in the subject, the potential implications of such activity, both positive and negative, and the need to provide for administrative fairness, consistency, efficiency and robust decision-making, this policy was developed. Further background to the development of this Policy can be found in the report to the Council that supported the Policy's consideration and adoption by the Council.

SCOPE

The Policy relates to the following kinds of non-exclusive commercial use of City land -

- Mobile traders (i.e. traders that operate from particular locations for certain periods of time);
- Itinerant traders (i.e. traders that offer goods and services by travelling around the District, stopping only for as long as it takes to serve customers in a particular location);
- *Al fresco* dining on footpaths or other City land adjacent or close to a permanent, fixed business (other than where this is facilitated via a lease);
- Recreational activities of various kinds (including fitness classes or similar - i.e. 'exercise permits' - and things like mobile climbing walls or water playgrounds);
- The running of tours or similar, which wholly or partly take place on City land and/or using City infrastructure;
- Businesses involved in the short-term hiring of recreational equipment, such as bikes, kayaks or jet skis; and
- Trading that operates from more or less temporary premises and/or from fixed premises, but on the basis of relatively short-term arrangements, such as trading from a converted/adapted sea container, or from some other relocatable and/or relatively low cost structure (although note that once there is a significant degree of 'permanence' associated with a business and/or structure in this kind of example, it becomes indistinguishable from a more conventional leasehold situation, and is therefore not subject of this policy).

Implemented 09/11/2016

The Policy does not relate to the following kinds of activities –

- Events, and the trading activity associated with events;
- Markets;
- Buskers/street entertainers;
- Activities associated with the short-term hiring of City property;
- General sporting use of ovals or similar; or
- Leasehold use/development of City land.

STATUTORY/POLICY ENVIRONMENT

- *Land Administration Act 1997* and associated regulations
- *Local Government Act 1995* and associated regulations
- *Planning and Development Act 2005* and associated regulations
- *Building Act 2012* and associated regulations
- *Health Act 1911* and associated regulations
- *Public Health Act 2016*
- *Food Act 2008* and associated regulations
- *Local Planning Scheme 21* and associated structure plans and policies
- *Activities in Thoroughfares and Public Places and Trading Local Law*
- *Property Local Law*
- *Jetties Local Law*
- *Airport Local Law*
- *Busselton Foreshore Master Plan*
- *Busselton City Centre Conceptual Plan*
- *Dunsborough Town Centre Conceptual Plan*
- *Commercial Hire Site Policy* – Reference No. 008*
- *Trading in Public Places Policy* – Reference No. 020*
- *Mobile Vendors on the Busselton Jetty Policy* – Reference No. 006*
- *Community Facilities Bookings Policy* – Reference No. 027
- *Markets Policy* – Reference No. 074
- *Events Policy* – Reference No. 231
- *Leases of City Land and Buildings Policy* – Reference No. 248

Implemented 09/11/2016

OBJECTIVES

1. Achieving fair outcomes, in both procedural and outcome terms, in relation to the treatment of different businesses, business models and activities;
2. Preserving and enhancing the vibrancy and attractiveness of City, Town and other activity centres, and other important public spaces, such as the Busselton and Dunsborough Foreshores;
3. Providing convenient and attractive services to residents and visitors;
4. Encouraging innovation, new business development, and economic and employment growth;
5. Generating financial return to ratepayers associated with use of City land and infrastructure;
6. Supporting the delivery of other City strategies and objectives; and
7. Ensuring legal robustness, simplicity and comprehensibility, and administrative efficiency and workability.

GUIDING PRINCIPLES FOR IMPLEMENTATION

1. Where there is competition for space/sites (including with other kinds of uses, such as general public recreation or public car parking requirements) and/or concerns that activity should be managed carefully and/or not be supported in certain locations, applications will only be considered as part of an expression-of-interest process and not as a result of *ad hoc* applications;
2. Expression-of-interest sites and assessment criteria will be periodically reviewed and updated, including through appropriate Council consultation/consideration and industry/community consultation;
3. Novel proposals or *ad hoc* proposals may, however, be considered where it is clear they are supportable, given the broader policy direction, and/or to trial a new kind of activity and/or location;
4. Where there is more than one regulatory option, once it is clear that a particular activity or proposal is broadly supported, the most administratively simple option, or combination of options, will be used; and
5. Where there is identified to be a need to ensure a return on the value of City land and/or infrastructure, there will be a requirement for an 'agreement' and/or 'licence', in addition to a 'permit', with a 'licence' only being required where there is a need for a registerable interest in land.

ADMINISTRATION OF THIS POLICY

The Chief Executive Officer (CEO) has the authority (including through necessary delegations and/or authorisations) to administer the requirements of the Non-Exclusive Commercial Use of City Owned or Vested Land Policy on behalf of Council.

Implemented 09/11/2016

Policy Background

Policy Reference No – 249

Owner Unit – Environmental Health

Originator – Manager Environmental Services

Policy considered by Policy and Legislation Committee and approved by – Council

Date Approved – 9 November 2016

Review Frequency – As required

Related Documents –

- Activities in Thoroughfares and Public Places and Trading Local Law 2015
- Properties Local Law
- Jetties Local Law
- Busselton Foreshore Master Plan
- *Busselton City Centre Conceptual Plan*
- *Dunsborough Town Centre Conceptual Plan*
- *Commercial Hire Site Policy* – Reference No. 008
- *Trading in Public Places Policy* – Reference No. 020
- *Mobile Vendors on the Busselton Jetty Policy* – Reference No. 006
- *Community Facilities Bookings Policy* – Reference No. 027
- *Markets Policy* – Reference No. 074
- *Events Policy* – Reference No. 231
- *Leases of City Land and Buildings Policy* – Reference No. 248

Background/History –

Implementation of new policy to facilitate, control and regulate the non-exclusive commercial use of City owned and managed land across the District.

History

Council Resolution	Date	Information
C1611/123	9 November 2016	Date of Implementation Version 1

10.3 Policy and Legislation Committee - 21/09/2017 - STANDING ORDERS LOCAL LAW

SUBJECT INDEX:	Local Laws
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Corporate Services
ACTIVITY UNIT:	Legal Services
REPORTING OFFICER:	Legal Officer - Briony McGinty
AUTHORISING OFFICER:	Director, Finance and Corporate Services - Cliff Frewing
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Proposed Local Law ↓ Attachment B Current Local Law with Changes Marked-Up ↓

This item was considered by the Policy and Legislation Committee at its meeting on 21 September 2017, the recommendations from which have been included in this report.

PRÉCIS

Under the *Local Government Act 1995* (**the Act**) local governments are required to carry out periodic reviews of their local laws to determine whether they should be repealed or amended. As part of the City's ongoing review of its local laws, the City's current *Standing Orders Local Law 2010* (**current local law**) has been identified as in need of review.

The City's current local law has been compared against the WALGA model Local Government (Council Meetings) Local Law (**WALGA model**) and other Standing Orders/Meeting Procedures Local Laws recently adopted by various other Councils.

A new *Standing Orders Local Law 2017* (**proposed local law**) has been prepared for consideration by the Council. Various changes, ranging from grammatical to substantive, have been made. It is recommended that Council initiate the law-making process and authorise the CEO to commence advertising the proposed local law.

BACKGROUND

The Western Australian Local Government Association (**WALGA**) provides assistance to local governments in the implementation of local laws by creating "model" local laws. These model local laws provide a starting point in which to develop local laws suitable to the locality of the local government whilst ensuring that local laws across the State are generally similar when dealing with a particular subject matter.

The current local law is based on an old WALGA model, which has since been amended. Given the current local law has not been reviewed for 7 years (with the Act requiring a review every 8 years) it is considered appropriate to determine if recent revisions to the WALGA model are appropriate for the City to adopt, as well as considering other avenues for improvement.

STATUTORY ENVIRONMENT

Section 3.5 of the Act provides the head of power for the Council to make the proposed local law.

The procedure for making local laws is set out in section 3.12 of the Act and regulation 3 of the *Local Government (Functions and General) Regulations 1996*. The person presiding at a council meeting is to give notice of the purpose and effect of a proposed local law by ensuring that —

- (a) the purpose and effect of the proposed local law is included in the agenda for that meeting; and
- (b) the minutes of the meeting of the council include the purpose and effect of the proposed local law.

The purpose and effect of the proposed local law is as follows:

Purpose: The purpose of the proposed local law is to provide for the orderly conduct of the proceedings and business of the Council.

Effect: The effect of the proposed local law is that all Council meetings, committee meetings, and other meetings as described in the Act, shall be governed by the proposed local law unless otherwise provided in the Act, regulations or other written law.

As part of the statutory consultation process, the proposed local law is advertised in accordance with section 3.12(3) of the Act, by giving state wide public notice of the local law and allowing at least six weeks for the public to make submissions. A copy of the local law is also provided to the Minister for Local Government.

Following this process, the proposed local law will then be referred back to the Council for consideration of any submissions received in relation to the local law and for the Council to resolve whether or not to make the local law by absolute majority decision.

The *Local Government Act 1995*, *Local Government (Rules of Conduct) Regulations 2007*, *Local Government (Administration) Regulations 1996* all interact with and complement the standing orders of the City.

RELEVANT PLANS AND POLICIES

The City has adopted a Code of Conduct to be observed by Council members in accordance with Section 5.103(1) of the *Local Government Act 1995*.

The policy '005 - Meetings, Information Sessions and Decision-making Processes' sets out the guidelines for provision of information to Councillors and the Council and other matters relating to the various forums utilised.

FINANCIAL IMPLICATIONS

Costs associated with the advertising and gazettal of the local law will come from the legal budget. These costs are unlikely to exceed \$2,000 and there are sufficient funds in the legal budget for this purpose.

Long-term Financial Plan Implications

There are no implications for long-term financial planning.

STRATEGIC COMMUNITY OBJECTIVES

The proposal aligns with the City of Busselton Strategic Community Plan 2013 as follows:

6.1 Governance systems that deliver responsible, ethical and accountable decision making.

RISK ASSESSMENT

The proposed local law does not involve major departures from current practices and is therefore considered low risk.

CONSULTATION

If the Council resolves to initiate the local law-making procedure, the City is required by the Act to place notices in *The West Australian* newspaper, locally circulating newspapers and on City notice boards, containing details of the proposed local law and an invitation to the public to make submissions in relation to it.

The submission period must run for a minimum period of six weeks after which, the Council having considered any submissions received, may resolve to adopt the proposed local law or a law which is not significantly different.

OFFICER COMMENT

Various grammatical and minor stylistic changes have been made to the current local law. In addition, more substantive changes have been made, as outlined further below.

Attachment A shows a “clean version” of the proposed local law, in the correct formatting for the State Law Publisher, but with boxed notes referring to the Act and various regulations, to assist in interpretation of the local law. Boxed notes are generally not permissible by the Joint Standing Committee on Delegated Legislation (JSC) and would need to be removed prior to adoption. The JSC is a committee of State parliamentarians from both houses of the WA Parliament, and has delegation from Parliament to scrutinise and recommend the disallowance of local laws to the Parliament of Western Australia. Attachment B shows the current local law, in its current formatting, with no boxed notes, and with proposed changes “marked-up” to enable comparison of the two.

Order of Business (clause 5.2)

The Order of Business has been amended to reflect the WALGA model, with the exception that the Prayer has been retained. This has resulted in a slight rearrangement of certain business as well as the introduction of new business. For example, “Disclosure of interests” has been brought forward. “Items brought forward for the convenience of those in the public gallery” and “Urgent business” have been introduced. An ‘Acknowledgement of Country’ has also been included in the proposed local law.

An Acknowledgement of Country is an opportunity to show respect for Traditional Owners and the continuing connection of Aboriginal and Torres Strait Islander peoples to Country. It can be given by both non-Indigenous people and Aboriginal and Torres Strait Islander people. It may take the following terms, for example: *I’d like to begin by acknowledging the Traditional Owners of the land on which we meet today. I would also like to pay my respects to Elders past and present.*

Leave of Absence (clause 5.5)

A new clause has been inserted regarding the procedures for seeking a leave of absence. Proposed clause 5.5 requires members seeking leave to give written notice to the CEO prior to the commencement of the meeting. The notice must include the period of leave and the reasons for seeking the leave. The intent is to ensure members do not fall foul of section 2.25(4) of the Act under which members have been disqualified for failing to obtain a resolution of the Council to grant the leave of absence.

Questions by members (clauses 5.6 and 7.1)

Clause 7.1 of the current local law deals concurrently with both questions during debate, and general questions regarding good governance of the district. The proposed local law separate these concepts into new clauses 5.6 and 7.1.

New clause 5.6, taken from the WALGA model, requires questions relating to matters not on the agenda, to be provided in writing to the CEO 3 days prior to the Council meeting. This allows the CEO or his delegate to conduct research and provide a meaningful response on the matter at the meeting.

New clause 7.1 deals with questions by members during debate on a motion. In this case, a question may be asked at any point prior to the right of reply commencing and no notice is required.

Motions of which previous notice has been given (clause 5.8)

A notice of motion requires 21 days' notice under the current local law. It is proposed to change this requirement to 7 days in line with the WALGA model.

Lapsed Notices of Motion (clause 5.8(6))

Where a notice of motion is lost, a notice in the same terms or to the same effect, must not be given again for 3 months, unless with the support of an absolute majority.

Urgent Business (clause 5.9)

This clause of the proposed local law reflects a similar clause taken from the City of Canning's standing orders. Currently, items not on the agenda, can be introduced with the consent of the Presiding Member (old clause 5.1.(1)). The proposed local law requires:

1. the consent of the Presiding Member;
2. the matter cannot await consideration at the following meeting or the delay may have adverse legal, reputational or financial consequences for the City; and
3. the item is in the form of an employee report, provided to members prior to the commencement of the meeting (unless it is a motion to revoke a decision).

This may appear to be a difficult hurdle to overcome in some circumstances. However, it may be overcome by an appropriate motion to suspend the standing orders.

This clause would not apply to "late items". Late items can still be included on the agenda with 72 hours' notice (as per s 5.5(1) of the Act and Reg 14 of the *Administration Regulations*).

En Bloc Resolutions (clause 5.10)

This clause has been amended to allow decisions requiring an absolute majority to be included in the "adoption by exception resolution" of the Council.

Participation at Committee Meetings (clause 6.12(2))

The ability of members to attend (but not participate) in committee meetings of which he or she is not a member is clarified in this clause.

Foreshadowing alternative motions (clause 10.18)

This clause deals with how alternative motions are to be dealt with at Council meetings. Further, those items excluded from the adoption by exception resolution, with a motion different to the employee recommendation, shall be the motion that is first considered by the Council. Where the alternative motion is different to a recommendation by a committee, the members are first to be given the option to debate the Committee recommendation.

Member be no longer heard (clause 11.8)

From the WALGA model, this clause prevents a speaker from speaking further on the substantive motion or any amendment to it, except to exercise the right of reply if he or she is the mover of the substantive motion.

CONCLUSION

The proposed local law incorporates improvements to the current local law, which are based on the new WALGA model, other local governments which have recently updated their standing orders, and other changes deemed suitable specifically for the locality of the City of Busselton. For these reasons it is recommended that the Council authorise the CEO to advertise the proposed local law for comment.

OPTIONS

In addition to the Officer's recommendations (as per Officer Recommendations 1, 2 and 3 below), the Council has the following alternative options regarding standing orders:

Option 1

Not to proceed with the local law-making process and rely on the current local law to regulate meeting procedures. However, certain provisions have been identified as in need of change, for example in relation to "en Bloc" resolutions, and it is recommended to update and improve the current local law for the reasons stated in the report.

Option 2

Council could choose to vary the provisions of the proposed local law in any number of ways. This is, however, the form of local law recommended at this stage for the reasons stated in the report. There will be further opportunity for making changes to the proposed local law following advertising and consultation, provided the changes are not significantly different from what is currently proposed. If any changes are of a significant nature the amended proposed local law would need to be re-advertised.

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

- (1) That the Council commences the law-making process, for the *City of Busselton Standing Orders Local Law 2017*, the purpose and effect of the local law being as follows:

Purpose: The purpose of the proposed local law is to provide for the orderly conduct of the proceedings and business of the Council.

Effect: The effect of the proposed local law is that all Council meetings, committee meetings, and other meetings as described in the Act, shall be governed by the proposed local law unless otherwise provided in the Act, regulations or other written law.

- (2) That the Council authorises the CEO to carry out the law-making procedure under section 3.12(3) of the *Local Government Act*, by –
 - (i) giving Statewide public notice and local public notice of the proposed local law; and
 - (ii) giving a copy of the proposed local law and public notice to the Minister for Local Government.
- (3) That the CEO, after the close of the public consultation period, submits a report to the Council on any submissions received on the proposed local law to enable the Council to consider the submissions made and to determine whether to make the local law in accordance with section 3.12(4) of the Act.

City of Busselton

STANDING ORDERS LOCAL LAW 2017

Local Government Act 1995

City of Busselton

Standing Orders Local Law 2017

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Local Government Act 1995

City of Busselton

STANDING ORDERS LOCAL LAW 2017

Under the powers conferred on it by the *Local Government Act 1995* and under all other relevant powers, the Council of the City of Busselton resolved on **[add date]** to make this local law.

Part 1 - Preliminary

1.1 Short title

This local law is the *City of Busselton Standing Orders Local Law 2017*.

1.2 Commencement

This local law will come into operation on the 14th day after the day on which it is published in the *Government Gazette*.

1.3 Application and intent

- (1) This local law provides rules and guidelines which apply to the conduct of meetings of the Council and its committees and to meetings of electors.
- (2) All meetings are to be conducted in accordance with the Act, the Administration Regulations and this local law.
- (3) This local law is intended to result in—
 - (a) better decision-making by the Council and committees;
 - (b) the orderly conduct of meetings dealing with Council business;
 - (c) better understanding of the process of conducting meetings; and
 - (d) the more efficient and effective use of time at meetings.

1.4 Terms used

In this local law unless the context otherwise requires—

75% majority has the meaning given to it in the Act;

“75% majority” means a majority comprising enough of the members for the time being of the council for their number to be at least 75% of the number of offices (whether vacant or not) of member of the council.

[Section 1.4 of the Act]

absolute majority has the meaning given to it in the Act;

“absolute majority” means –

- (a) in relation to a council, means a majority comprising enough of the members for the time being of the council for their number to be more than 50% of the number of offices (whether vacant or not) of member of the council;
- (b) in relation to any other body, means a majority comprising enough of the persons for the time being constituting the body for their number to be more than 50% of the number of offices (whether vacant or not) on the body.

[Section 1.4 of the Act]

Administration Regulations means the *Local Government (Administration) Regulations 1996*;

Act means the *Local Government Act 1995*;

CEO means the chief executive officer of the City;

City means the City of Busselton;

Code of Conduct means the City’s code of conduct, applying to members and employees, as in force from time to time;

committee means a committee of the Council established under section 5.8 of the Act;

Council means the council of the City;

Deputy Mayor means the deputy mayor of the City;

employee means an employee of the City;

“employee” means a person employed by a local government under section 5.36.

[See section 1.4 of the Act]

Mayor means the mayor of the City;

meeting means a meeting of the Council or a committee, as the context requires;

member means—

- (a) in relation to the Council, an elected member of the City;
- (b) in relation to a committee, a member of that committee;

Minister means the Minister responsible for administering the Act;

presiding member means—

- (a) in respect of the Council, the person presiding under section 5.6 of the Act; and
- (b) in respect of a committee, the person presiding under sections 5.12, 5.13, and 5.14 of the Act;

Rules of Conduct Regulations means the *Local Government (Rules of Conduct) Regulations 2007*;

simple majority means more than 50% of the members present and voting;

special majority has the meaning given to it in the Act;

Section 1.10 of the Act states –

1.10. Decisions by special majority

The footnote “**Special majority required**” applying to a power conferred in this Act on a local government, means that —

- (a) if there are more than 11 offices of member of the council, the power can only be exercised by, or in accordance with, a decision of a 75% majority of the council; or
- (b) if there are not more than 11 offices of member of the council, the power can only be exercised by, or in accordance with, a decision of an absolute majority of the council.

substantive motion means an original motion or an original motion as amended, but does not include an amendment or a procedural motion; and

these standing orders means the provisions of this local law.

Note; unless otherwise defined in this local law, the terms used in this local law have the meaning given to them in the Act, the Administration Regulations and the Rules of Conduct Regulations (see section 44 of the Interpretation Act 1984).

Note: Provisions of the Act, regulations and other legislation

- (1) In this local law –
 - (a) provisions of the Act and regulations, and of other legislation, are reproduced in a boxed format; and
 - (b) various notes are also included.
- (2) The purpose of reproducing these provisions, and of including the notes, is to assist the reader in the interpretation or administration of this local law.
- (3) The reproduced provisions of the Act and regulations and other legislation, and the notes –
 - (a) are to be treated as footnotes and are not part of this local law (see section 32(2) of the *Interpretation Act 1984*); and,
 - (b) reproduce only the provisions, or refer only to the provisions, that were in force at the time that the Council resolved to adopt this local law and, therefore, may not necessarily be accurate at a future date.

1.5 Repeal

The *Shire of Busselton Standing Orders Local Law 2010*, published in the *Government Gazette* on 9 May 2011, is repealed.

Part 2 - Establishment and membership of committees

2.1 Establishment of committees

- (1) The establishment of committees is dealt with in the Act.

A local government may establish* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

**Absolute majority required.*

[Section 5.8 of the Act]

- (2) A Council resolution to establish a committee under section 5.8 of the Act is to include—

- (a) the terms of reference of the committee;
- (b) either—
 - (i) the names or titles of the members, employees and any other persons to be appointed to the committee; or
 - (ii) the number of members, officers and any other persons to be appointed to the committee and a provision that they be appointed under a separate resolution; and
- (c) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.

2.2 Types of committees

The types of committees are dealt with in the Act.

- (1) In this section –

 'other person' means a person who is not a council member or an employee.
- (2) A committee is to comprise –
 - (a) council members only;
 - (b) council members and employees;
 - (c) council members, employees and other persons;
 - (d) council members and other persons;
 - (e) employees and other persons; or

- (f) other persons only.

[Section 5.9 of the Act]

2.3 Delegation of some powers and duties to certain committees

The delegation of some powers and duties to certain committees is dealt with in the Act.

- (1) Under and subject to section 5.17, a local government may delegate* to a committee any of its powers and duties other than this power of delegation.

**Absolute majority required.*
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* –
 - (a) a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and
 - (b) any decision to amend or revoke a delegation under this section is to be by an absolute majority.
- (4) Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.

[Section 5.16 of the Act]

2.4 Limits on delegation of powers and duties to certain committees

The limits on the delegation of powers and duties to certain committees are dealt with in the Act.

- (1) A local government can delegate –
 - (a) to a committee comprising council members only, any of the council's powers or duties under this Act except –
 - (i) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and
 - (ii) any other power or duty that is prescribed;
 - (b) to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and
 - (c) to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of –
 - (i) the local government's property; or

- (ii) an event in which the local government is involved.
- (2) A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).

[Section 5.17 of the Act]

2.5 Appointment of committee members

The appointment of committee members is dealt with in the Act.

- (1) A committee is to have as its members –
- (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
- (b) persons who are appointed to be members of the committee under subsection (4) or (5).
- * Absolute majority required.*
- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the *Interpretation Act 1984* applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish –
- (a) to be a member of the committee; or
- (b) that a representative of the CEO be a member of the committee,
- the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

[Section 5.10 of the Act]

2.6 Tenure of committee membership

Tenure of committee membership is dealt with in the Act.

- (1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until –
- (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be;
 - (b) the person resigns from membership of the committee;
 - (c) the committee is disbanded; or
 - (d) the next ordinary elections day,
- whichever happens first.
- (2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until –
- (a) the term of the person's appointment as a committee member expires;
 - (b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant;
 - (c) the committee is disbanded; or
 - (d) the next ordinary elections day,
- whichever happens first.

[Section 5.11 of the Act]

2.7 Appointment of deputies

The appointment of a person to be a deputy of a member of a committee is dealt with in the Act.

- (1) The local government may appoint* a person to be a deputy of a member of a committee and may terminate such an appointment* at any time.
- *Absolute majority required.
- (2) A person who is appointed as a deputy of a member of a committee is to be –
- (a) if the member of the committee is a council member – a council member; or
 - (b) if the member of the committee is an employee – an employee; or
 - (c) if the member of the committee is not a council member or an employee- a person who is not a council member or an employee; or
 - (d) if the member of the committee is a person appointed under section 5.10(5) – a person nominated by the CEO.
- (3) A deputy of a member of a committee may perform the functions of the member

when the member is unable to do so by reason of illness, absence or other cause.

- (4) A deputy of a member of a committee, while acting as a member, has all the functions of and all the protection given to a member.

[Section 5.11A of the Act]

2.8 Resignation of committee members

The resignation of committee members is dealt with in the Administration Regulations.

A committee member may resign from membership of the committee by giving the CEO or the committee's presiding member written notice of the resignation.

[Regulation 4 of the Administration Regulations]

2.9 Register of delegations to committees

The register of delegations to committees is dealt with in the Act.

A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.

[Section 5.18 of the Act]

2.10 Committees to report

A committee—

- (a) is answerable to the Council;
- (b) is to report on its activities when, and to the extent, required by the Council; and
- (c) is to prepare and submit to the Council reports containing recommendations.

Part 3 - Calling and convening meetings

3.1 Ordinary and special Council meetings

- (1) Ordinary and special Council meetings are dealt with in the Act.

- (1) A council is to hold ordinary meetings and may hold special meetings.
- (2) Ordinary meetings are to be held not more than 3 months apart.
- (3) If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.

[Section 5.3 of the Act]

- (2) An ordinary meeting of the Council is for the purpose of considering and dealing with the ordinary business of the Council.

- (3) A special meeting of the Council may be held for the purpose of considering and dealing with Council business that is urgent, complex in nature, for a particular purpose or confidential.

3.2 Calling Council meetings

The calling of Council meetings is dealt with in the Act.

An ordinary or a special meeting of a Council is to be held -

- (a) if called for by either -
 - (i) the mayor; or
 - (ii) at least 1/3 of the councillors, in a notice to the CEO setting out the date and purpose of the proposed meeting; or
- (b) if so decided by the Council.

[Section 5.4 of the Act]

3.3 Convening Council meetings

- (1) The convening of a Council meeting is dealt with in the Act.

- (1) The CEO is to convene an ordinary meeting by giving each council member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.
- (2) The CEO is to convene a special meeting by giving each council member notice, before the meeting, of the date, time, place and purpose of the meeting.

[Section 5.5 of the Act]

Sections 9.50 to 9.54 of the *Local Government Act 1995* and sections 75 and 76 of the *Interpretation Act 1984* deal with how documents can be given to a person. Under these provisions, notice of a meeting may be given to a council member by –

- (a) personally handing the notice to the member;
- (b) sending it by post to the last known address of the member; or
- (c) leaving it for the member at his or her usual or last known place of abode or, if he or she is the principal of a business, at his or her usual or last known place of business.

- (2) Subject to subclause (3), the CEO is to give at least 72 hours notice, for the purposes of section 5.5 of the Act, in convening a special meeting of the Council.
- (3) Where, in the opinion of the Mayor or at least one-third of the members, there is a need to meet urgently, the CEO may give a lesser period of notice of a special Council meeting.

3.4 Calling committee meetings

A meeting of a committee is to be held—

- (a) if called for in a verbal or written request to the CEO by the Mayor or the presiding member of the committee, advising the date and purpose of the proposed meeting;
- (b) if called for by at least one-third of the members of the committee in a notice to the CEO, setting out the date and purpose of the proposed meeting; or
- (c) in accordance with a decision of the Council or the committee.

3.5 Public notice of meetings

Public notice of meetings is dealt with in the Administration Regulations.

- | | |
|---|--|
| <ul style="list-style-type: none">(1)(2)(3)(4) | <p>At least once each year a local government is to give local public notice of the dates on which and the time and place at which –</p> <ul style="list-style-type: none">(a) the ordinary council meetings; and(b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months. <p>A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).</p> <p>Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.</p> <p>If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable.</p> |
|---|--|

[Regulation 12 of the Administration Regulations]

Part 4 - Presiding member and quorum

Division 1 - Presiding member

4.1 Who presides

Who presides at a Council meeting is dealt with in the Act.

- | | |
|-----|--|
| (1) | The mayor or president is to preside at all meetings of the council. |
| (2) | If the circumstances mentioned in section 5.34(a) or (b) apply the deputy mayor or deputy president may preside at a meeting of the council in accordance with that section. |
| (3) | If the circumstances mentioned in section 5.34(a) or (b) apply and – <ul style="list-style-type: none">(a) the office of deputy mayor or deputy president is vacant; or(b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president, then, the council is to choose one of the councillors present to preside at the meeting. |

[Section 5.6 of the Act]

4.2 When the Deputy Mayor can act

When the Deputy Mayor can act is dealt with in the Act.

- | | |
|---|---|
| If – | |
| (a) | the office of mayor or president is vacant; or |
| (b) | the mayor or president is not available or is unable or unwilling to perform the functions of the mayor or president, |
| then the deputy mayor may perform the functions of mayor and the deputy president may perform the functions of president, as the case requires. | |

[Section 5.34 of the Act]

4.3 Who acts if no Mayor or Deputy Mayor

Who acts if there is no Mayor or Deputy Mayor is dealt with in the Act.

- | | |
|-----|--|
| (1) | If the circumstances mentioned in section 5.34(a) or (b) apply and – <ul style="list-style-type: none">(a) the office of deputy mayor or deputy president is vacant; or(b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president, and the mayor or president or deputy will not be able to perform the functions of the mayor or president for a time known to the council, then the council may appoint a councillor to perform during that time the functions of the mayor or president, as the case requires. |
| (2) | If the circumstances mentioned in section 5.34(a) or (b) apply and - (a) the office of deputy mayor or deputy president is vacant; or (b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president, and a person has not been appointed under subsection (1), the CEO, after consultation with, and obtaining the agreement of, 2 councillors selected by the CEO, may perform the functions of mayor or |

president, as the case requires.

[Section 5.35 of the Act]

4.4 Election of presiding members of committees

The election of presiding members of committees is dealt with in the Act.

- (1) The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule –
- (a) to 'office' were references to 'office of presiding member';
 - (b) to 'council' were references to 'committee'; and
 - (c) to 'councillors' were references to 'committee members.'

[Section 5.12(1) of the Act]

Clauses 2 to 5 inclusive of Schedule 2.3 provide as follows:

2. When the council elects the mayor or president

- (1) The office is to be filled as the first matter dealt with —
- (a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
 - (b) at the first meeting of the council after an extraordinary vacancy occurs in the office.
- (2) If the first ordinary meeting of the council is more than 3 weeks after an extraordinary vacancy occurs in the office, a special meeting of the council is to be held within that period for the purpose of filling the office.

3. CEO to preside

The CEO is to preside at the meeting until the office is filled.

4. How the mayor or president is elected

- (1) The council is to elect a councillor to fill the office.
- (2) The election is to be conducted by the CEO in accordance with the procedure prescribed.
- (3) Nominations for the office are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.
- (3a) Nominations close at the meeting at a time announced by the CEO, which is to be a sufficient time after the announcement by the CEO that nominations are about to close to allow for any nominations made to be dealt with.
- (4) If a councillor is nominated by another councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.

- (5) The councillors are to vote on the matter by secret ballot as if they were electors voting at an election.
 - (6) Subject to clause 5(1), the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with the procedures set out in Schedule 4.1 (which deals with determining the result of an election) as if those votes were votes cast at an election.
 - (7) As soon as is practicable after the result of the election is known, the CEO is to declare and give notice of the result in accordance with regulations, if any.
- 5. Votes may be cast a second time**
- (1) If when the votes cast under clause 4(5) are counted there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and the meeting is to be adjourned for not more than 7 days.
 - (2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes.
 - (3) When the meeting resumes the councillors are to vote again on the matter by secret ballot as if they were electors voting at an election.
 - (4) The votes cast under subclause (3) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.
- [Clauses 2 to 5 inclusive of Schedule 2.3]

4.5 Election of deputy presiding members of committees

The election of deputy presiding members of committees is dealt with in the Act.

The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule –

- (a) to 'office' were references to 'office of deputy presiding member';
- (b) to 'council' were references to 'committee';
- (c) to 'councillors' were references to 'committee members'; and
- (d) to 'mayor or president' were references to 'presiding member'.

[Section 5.12(2)]

Division 2 (clauses 6, 7 and 8) of Schedule 2.3 provides as follows:

6. Definitions

In this Division —

“extraordinary vacancy” means a vacancy that occurs under section 2.34(1);

“the office” means the office of deputy mayor or deputy president.

7. When the council elects the deputy mayor or deputy president

- (1) If the local government has an elector mayor or president the office of deputy mayor or deputy president is to be filled as the first matter dealt with —
 - (a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
 - (b) at the first meeting of the council after an extraordinary vacancy occurs in the office.
- (2) If the local government has a councillor mayor or president the office of deputy mayor or deputy president is to be filled —
 - (a) as the next matter dealt with after the mayor or president is elected at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
 - (b) subject to subclause (3), as the first matter dealt with at the first meeting of the council after an extraordinary vacancy occurs in the office.
- (3) If at a meeting referred to in clause 2(1)(b) the deputy mayor or deputy president is elected to be the mayor or president, the resulting extraordinary vacancy in the office is to be filled as the next matter dealt with at the same meeting.

8. How the deputy mayor or deputy president is elected

- (1) The council is to elect a councillor (other than the mayor or president) to fill the office.
- (2) The election is to be conducted in accordance with the procedure prescribed by the mayor or president, or if he or she is not present, by the CEO.
- (3) Nominations for the office are to be given to the person conducting the election in writing before the meeting or during the meeting before the close of nominations.
- (3a) Nominations close at the meeting at a time announced by the person conducting the election, which is to be a sufficient time after the announcement by that person that nominations are about to close to allow for any nominations made to be dealt with.
- (4) If a councillor is nominated by another councillor the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, orally or in writing, that he or she is willing to be nominated for the office.
- (5) The council members are to vote on the matter by secret ballot as if they were electors voting at an election.

- (6) Subject to clause 9(1) the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.
- (7) As soon as is practicable after the result of the election is known, the person conducting the election is to declare and give notice of the result in accordance with regulations, if any.

[Division 2 (clauses 6, 7 and 8) of Schedule 2.3]

4.6 Functions of deputy presiding members

The functions of deputy presiding members are dealt with in the Act.

If, in relation to the presiding member of a committee –

- (a) the office of presiding member is vacant; or
- (b) the presiding member is not available or is unable or unwilling to perform the functions of presiding member,

then the deputy presiding member, if any, may perform the functions of presiding member.

[Section 5.13 of the Act]

4.7 Who acts if no presiding member

Who acts if no presiding member is dealt with in the Act.

If, in relation to the presiding member of a committee –

- (a) the office of presiding member and the office of deputy presiding member are vacant; or
- (b) the presiding member and the deputy presiding member, if any, are not available or are unable or unwilling to perform the functions of presiding member,

then the committee members present at the meeting are to choose one of themselves to preside at the meeting.

[Section 5.14 of the Act]

Division 2 - Quorum

4.8 Quorum for meetings

The quorum for meetings is dealt with in the Act.

The quorum for a meeting of a council or committee is at least 50% of the number of offices (whether vacant or not) of member of the council or the committee.

[Section 5.19 of the Act]

4.9 Reduction of quorum for Council meetings

The power of the Minister to reduce the number for a quorum and certain majorities is dealt with in the Act.

- (1) The Minister may reduce the number of offices of member required for a quorum at a council meeting specified by the Minister if there would not otherwise be a quorum for the meeting.
- (2) The Minister may reduce the number of offices of member required at a council meeting to make a decision specified by the Minister if the decision is one which would otherwise be required to be made by an absolute majority and a sufficient number of members would not otherwise be present at the meeting.

[Section 5.7 of the Act]

4.10 Reduction of quorum for committee meetings

The reduction of a quorum for committee meetings is dealt with in the Act.

The local government may reduce* the number of offices of committee member required for a quorum at a committee meeting specified by the local government if there would not otherwise be a quorum for the meeting.

*Absolute majority required.

[Section 5.15 of the Act]

4.11 Procedure where no quorum to begin a meeting

The procedure where there is no quorum to begin a meeting is dealt with in the Administration Regulations.

If a quorum has not been established within the 30 minutes after a council or committee meeting is due to begin then the meeting can be adjourned –

- (a) in the case of a council, by the mayor or president or if the mayor or president is not present at the meeting, by the deputy mayor or deputy president;
- (b) in the case of a committee, by the presiding member of the committee or if the presiding member is not present at the meeting, by the deputy presiding member;
- (c) if no person referred to in paragraph (a) or (b), as the case requires, is present at the meeting, by a majority of members present;
- (d) if only one member is present, by that member; or
- (e) if no member is present or if no member other than the CEO is present, by the CEO or a person authorized by the CEO.

[Regulation 8 of the Administration Regulations]

4.12 Procedure where quorum not present during a meeting

If, at any time during a meeting, a quorum is not present—

- (a) the presiding member is immediately to suspend the proceedings of the meeting for a period of up to 15 minutes;
- (b) if a quorum is not present at the expiry of the suspension period under paragraph (a), the presiding member may either adjourn the meeting to some future time or date or may extend the extension period for a further period of up to 30 minutes; and
- (c) if a quorum is not present at the expiry of the extended period of suspension under paragraph (b), the presiding member is to adjourn the meeting to a later time on the same day or to another day.

4.13 Names to be recorded

At any meeting—

- (a) at which there is not a quorum present; or
- (b) which is adjourned for want of a quorum,

the names of the members then present are to be recorded in the minutes.

4.14 Adjourned meeting procedures

Where a meeting is adjourned for want of a quorum—

- (a) the names of members who have spoken on a matter that was interrupted by the adjournment are to be recorded in the minutes and clause 8.10 applies when the debate on the matter is resumed; and
- (b) the resumed meeting is to continue from the point at which it was adjourned, unless the presiding member or the meeting determines otherwise.

Part 5 - Business of a meeting

5.1 Business to be specified

- (1) With the exception of urgent business under clause 5.9, no business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda.
- (2) No business is to be transacted at a special meeting of the Council other than that given in the notice as the purpose of the meeting.
- (3) No business is to be transacted at a committee meeting other than that specified in the agenda, or in the notice of the meeting as the purpose of the meeting, without the approval of the presiding member or a decision of the committee.
- (4) Where a Council meeting is adjourned to the next ordinary meeting of the Council then, unless the Council resolves otherwise, the business unresolved at the adjourned meeting is to be dealt with before considering Reports at that ordinary meeting.
- (5) Where a committee meeting is adjourned to the next ordinary committee meeting, the business unresolved at the meeting that is adjourned is to be given precedence at that ordinary meeting.

- (6) Where a Council or committee meeting is adjourned to a meeting not described in subclause (4) or (5), no business is to be transacted at that later meeting other than that—
- (a) specified in the notice of the meeting that is adjourned; and
 - (b) which remains unresolved.

5.2 Order of business

- (1) Unless otherwise decided by the presiding member or the Council, the order of business at any ordinary meeting of the Council is to be as follows—
- 1. Declaration of opening/Acknowledgement of visitors/ Disclaimer
 - 2. Attendance
 - 2.1 Apologies
 - 2.2 Approved leave of absence
 - 3. Prayer/Acknowledgment of country
 - 4. Disclosure of interests
 - 5. Announcements by the presiding member (without discussion)
 - 6. Question time for public
 - 6.1 Response to previous questions taken on notice
 - 6.2 Question time for public
 - 7. Confirmation of minutes
 - 8. Receiving of petitions, presentations and deputations
 - 8.1 Petitions
 - 8.2 Presentations
 - 8.3 Deputations
 - 9. Applications for leave of absence
 - 10. Questions by members of which due notice has been given (without discussion)
 - 11. Items brought forward for the convenience of those in the public gallery
 - 12. Reports of committee meetings
 - 13. Reports
 - 14. Motions of which previous notice has been given
 - 15. Urgent business
 - 16. Confidential matters
 - 17. Closure
- (2) Unless otherwise decided by the presiding member or the members present, the order of business at any special meeting of the Council or at a committee meeting is to be the order in which that business stands in the notice of, or agenda for, the meeting.
- Note: in exercising its discretion relating to the order of business under subclause (1) and (2), a meeting must comply with the requirements of the Act and Administration Regulations relating to public question time (see clauses 6.3-6.6 below).*
- (3) Despite subclauses (1) and (2), the CEO may include on the agenda of a Council or committee meeting in an appropriate place within the order of business any matter which must be decided, or which he or she considers is appropriate to be decided, by that meeting.

5.3 Grant of leave of absence

The grant of leave of absence is dealt with in the Act.

(1) A council may, by resolution, grant leave of absence, to a member.
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| (2) | Leave is not to be granted to a member in respect of more than 6 consecutive ordinary meetings of the council without the approval of the Minister. |
| (3) | The granting of the leave, or refusal to grant the leave and reasons for that refusal, is to be recorded in the minutes of the meeting. |
| ... | |

[Section 2.25 of the Act]

5.4 Announcements without discussion

Announcements made by the presiding member at a Council meeting are—

- (a) to inform the Council of matters of importance to the Council;
- (b) to be brief and concise; and
- (c) not to be the subject of any discussion.

5.5 Leave of absence

- (1) A member seeking the Council's approval to take leave of absence must give written notice to the CEO prior to the commencement of the meeting.
- (2) The notice referred to in subclause (1) must include the period of leave of absence required and the reasons for seeking the leave.

5.6 Questions on notice

- (1) A member who wishes to ask a question at a meeting of the Council on a matter that is not included in the agenda for that meeting is to give written notice of the specific question to the CEO at least 3 clear working days before the meeting of the Council.
- (2) The CEO may, after consultation with the member where this is practicable, and with the concurrence of the Mayor, make such amendments to the question so as to clarify the intent of the question and bring the question into due form.
- (3) If the question referred to in subclause (1) relates to a matter within the responsibility of the Council, and is respectful and temperate in its language, it must be tabled at the meeting at item 10 of the order of business as outlined in clause 5.2 and the answer is, as far as practicable, to be provided at that meeting of the Council.
- (4) Every question and answer is to be submitted as briefly and concisely as possible, and no discussion on the question or answer is permitted.

5.7 Items brought forward for the convenience of those in the public gallery

Any items on the agenda which are either the subject of a question by members of the public, or where requested by others in attendance, may, with the consent of the presiding member, be brought forward to item 11 of the order of business.

5.8 Motions of which previous notice has been given

- (1) Unless the Act, Administration Regulations or this local law otherwise provide, a member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included on the agenda.
- (2) A notice of motion under subclause (1) is to be given at least 7 clear days before the meeting at which the motion is moved.
- (3) A notice of motion is to be accompanied by supporting reasons, must relate to the good government of the district and must be within the lawful responsibilities of the Council.
- (4) The CEO—
 - (a) with the concurrence of the Mayor, may exclude from the agenda any notice of motion deemed to be, or likely to involve, a breach of any of these standing orders or any other written law;
 - (b) is to inform members on each occasion that a notice has been excluded and the reasons for that exclusion; and
 - (c) may, after consultation with the member where this is practicable, make such amendments to the form but not the substance as will bring the notice of motion into due form.

Note: under section 5.41(b) of the Act, the CEO may provide to members any information that he or she considers relevant to the notice of motion.

- (5) A motion of which notice has been given is to lapse unless—
 - (a) the member who gave notice of it, or some other member authorised by the originating member in writing, moves the motion when called on and the motion is seconded; or
 - (b) the Council or the committee on a motion agrees to defer consideration of the motion to a later stage or date.
- (6) If a notice of motion is given and lost, notice of a motion in the same terms or to the same effect must not be given again for at least 3 months from the date of such loss, unless supported by an absolute majority of members in writing.

5.9 Urgent business

- (1) A member may move a motion to consider an item of urgent business that is not included in the agenda for that meeting provided that—
 - (a) the presiding member has first consented to the business being raised;
 - (b) the presiding member considers that either—
 - (i) the urgency of the business is such that the business cannot await inclusion in the agenda for the next meeting of the Council; or

- (ii) the delay in referring the business to the next meeting of the Council could have adverse legal, reputational or financial implications for the local government; and
 - (c) other than a motion to revoke a decision, the item of urgent business is presented in the form of a report generated by an employee, a copy of which is to be provided to members prior to the commencement of the meeting.
- (2) Where the Council agrees to consider such item of urgent business, then it is to be dealt with at item 15 of the order of business as outlined in clause 5.2.

5.10 Adoption by exception resolution

- (1) In this clause ***adoption by exception resolution*** means a resolution of the Council that has the effect of adopting, for a number of specifically identified reports, the committee or employee recommendation as the Council resolution.
- (2) The Council may pass an adoption by exception resolution.
- (3) An adoption by exception resolution may not be used for a matter—
 - (a) that requires a 75% majority or a special majority;
 - (b) in which an interest has been disclosed;
 - (c) that is a matter on which a member wishes to ask a question;
 - (d) that is a matter on which a member wishes to make a statement; or
 - (e) that is a matter on which a member wishes to move a motion that is different to the recommendation.
- (4) A member who wishes to ask a question or make a statement in relation to a matter that would otherwise be within an adoption by exception motion should, as far as practicable, notify the CEO by 3pm on the day before the meeting.
- (5) A member who wishes to move a motion that is different to the recommendation in a matter that would otherwise be within an adoption by exception resolution must give notice of the motion that –
 - (a) is in writing;
 - (b) identifies the matter and gives the reason or reasons for the motion; and
 - (c) is given to the CEO by 3pm on the day before the meeting.

Part 6 - Public participation

6.1 Meetings generally open to the public

Meetings being generally open to the public is dealt with in the Act.

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| (1) | Subject to subsection (2), the following are to be open to members of the public— |
| (a) | all council meetings; and |

	(b)	all meetings of the committee to which a local government power or duty has been delegated.
(2)		If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following –
	(a)	a matter affecting an employee or employees;
	(b)	the personal affairs of any person;
	(c)	a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
	(d)	legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
	(e)	a matter that if disclosed, would reveal –
	(i)	a trade secret;
	(ii)	information that has a commercial value to a person; or
	(iii)	information about the business, professional, commercial or financial affairs of a person,
		where the trade secret or information is held by, or is about, a person other than the local government;
	(f)	a matter that if disclosed, could be reasonably expected to –
	(i)	impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
	(ii)	endanger the security of the local government's property; or
	(iii)	prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
	(g)	information which is the subject of a direction given under section 23(1a) of the <i>Parliamentary Commissioner Act 1971</i> ; and
	(h)	such other matters as may be prescribed.
(3)		A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.
[Section 5.23 of the Act]		

6.2 Meetings not open to the public

- (1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public.

- (2) The Council or a committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close to members of the public a meeting or part of a meeting.
- (3) If a resolution under subclause (2) is carried—
 - (a) the presiding member is to direct everyone to leave the meeting except -
 - (i) the members;
 - (ii) any employee of the City unless specified in a resolution; and
 - (iii) any other person specified in a resolution; and
 - (b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the Council or the committee, by resolution, decides otherwise.
- (4) A person who fails to comply with a direction under subclause (3)(a) may, by order of the presiding member, be removed from the meeting.
- (5) While the resolution under subclause (2) remains in force, the operation of clause 8.10 is to be suspended unless the Council or the committee, by resolution, decides otherwise.
- (6) A resolution under this clause may be made without notice of the relevant motion.
- (7) Once the meeting is reopened to members of the public, the presiding member is to ensure that, if any member of the public returns to the meeting, any resolution made while the meeting was closed is to be read out or summarised, including the details of any voting recorded.

6.3 Question time for the public

Question time for the public is dealt with in the Act.

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| (1) | Time is to be allocated for questions to be raised by members of the public and responded to at – <ul style="list-style-type: none">(a) every ordinary meeting of a council; and(b) such other meetings of councils or committees as may be prescribed. |
| (2) | Procedures and the minimum time to be allocated for the asking of and responding to questions raised by members of the public at council or committee meetings are to be in accordance with regulations. |

[Section 5.24 of the Act]

6.4 Question time for the public at certain meetings

Question time for the public at certain meetings is dealt with in the Administration Regulations.

For the purposes of section 5.24(1)(b), the meetings at which time is to be allocated for

questions to be raised by members of the public and responded to are –

- (a) every special meeting of a council;
- (b) every meeting of a committee to which the local government has delegated a power or duty.

[Regulation 5 of the Administration Regulations]

6.5 Minimum question time for the public

Minimum question time for the public is dealt with in the Administration Regulations.

- (1) The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is 15 minutes.
- (2) Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in subregulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.

[Regulation 6 of the Administration Regulations]

6.6 Procedures for question time for the public

Procedures for question time for the public are dealt with in the Administration Regulations.

- (1) Procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) are to be determined –
 - (a) by the person presiding at the meeting; or
 - (b) in the case where the majority of members of the council or committee present at the meeting disagree with the person presiding, by the majority of those members,

having regard to the requirements of subregulations (2) and (3).
- (2) The time allocated to the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) is to precede the discussion of any matter that requires a decision to be made by the council or the committee, as the case may be.
- (3) Each member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and receive a response.
- (4) Nothing in subregulation (3) requires –
 - (a) a council to answer a question that does not relate to a matter affecting the local government;
 - (b) a council at a special meeting to answer a question that does not relate to the purpose of the meeting; or

(c)	a committee to answer a question that does not relate to a function of the committee.
(5)	If, during the time allocated for questions to be raised by members of the public and responded to, a question relating to a matter in which a relevant person has an interest, as referred to in section 5.60, is directed to the relevant person, the relevant person is to —
(a)	declare that he or she has an interest in the matter; and
(b)	allow another person to respond to the question.
[Regulation 7 of the Administration Regulations]	

6.7 Other procedures for question time for the public

- (1) A member of the public who wishes to ask a question during question time must first state his or her name and address.
- (2) A question may be taken on notice for later response.
- (3) When a question is taken on notice the CEO is to ensure that—
 - (a) a response is given to the member of the public in writing prior to the next meeting; and
 - (b) a summary of the response is presented to, and recorded in the minutes of, the next meeting.
- (4) Where a question relating to a matter in which a relevant person has an interest is directed to the relevant person, the relevant person may -
 - (a) declare that he or she has an interest in the matter; and
 - (b) allow another person to respond to the question.
- (5) Each member of the public with one or more questions is to be given an equal and fair opportunity, to be determined by the presiding member, to ask the question or questions.
- (6) The presiding member may decide that a question is not to be responded to where—
 - (a) the same or similar question was asked at a previous meeting, a response was provided and the member of the public is directed to the minutes of the meeting at which the response was provided;
 - (b) the member of the public uses public question time to make a statement, provided that the presiding member has taken reasonable steps to assist the member of the public to phrase the statement as a question;
 - (c) the member of the public asks a question that is offensive or defamatory in nature or is one which, if asked by a member, would be in breach of these standing orders or any other law; and
 - (d) the presiding member is of the view that the question or questions have already been answered or the matter adequately dealt with.

6.8 Distinguished visitors

If a distinguished visitor is present at a meeting of the Council or a committee, the presiding member may acknowledge the presence of the distinguished visitor at an appropriate time during the meeting, and the presence of that visitor is to be recorded in the minutes.

6.9 Petitions

- (1) A petition, in order to be considered by the Council, is to—
 - (a) be addressed to the Mayor;
 - (b) be made by electors of the district;
 - (c) state the request on each page of the petition;
 - (d) contain the name, address and signature of each elector making the request;
 - (e) contain a summary of the reasons for the request;
 - (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given; and
 - (g) be respectful and temperate in its language.
- (2) Despite subclause (1), the presiding member may allow a petition to be considered in circumstances where the petition complies with the majority of the requirements in subclause (1).
- (3) In response to a petition presented to it, the Council may determine—
 - (a) that the petition be received;
 - (b) that the petition be rejected;
 - (c) that the petition be received and referred to the CEO to prepare a report to the Council or a committee; or
 - (d) that the petition be received and referred to the CEO for action.
- (4) At any meeting, the Council is not to vote on any matter that is the subject of a petition presented to that meeting, unless—
 - (a) the matter is the subject of a report included in the agenda; and
 - (b) the Council has considered the issues raised in the petition.

6.10 Presentations by parties with an interest

- (1) Once an agenda of a meeting of the Council has been issued, parties with a demonstrable interest in any item listed on the agenda for discussion may seek to present to the Council at the time during the meeting allocated for this purpose.
- (2) A person must demonstrate that they are a party with an interest in an item on the agenda by stating their name, the item to which they wish to speak, whether or not they are in agreement with the recommendation in the agenda and they are—

- (a) the applicant or one duly authorised representative of the applicant;
 - (b) an adjoining neighbour sharing a common length of boundary or directly opposite neighbour of the affected property;
 - (c) one person duly representing a community-based organisation where an item on the agenda has broad community impact and is associated with the objectives of the organisation; or
 - (d) such other person as in the opinion of the presiding member has a significant direct interest or is duly representing those that have a significant direct interest in the item.
- (3) A person addressing the Council on an agenda item will be limited to a period of 5 minutes unless the person is granted an extension by the presiding member.
- (4) Where multiple parties wish to present on an item, the applicant (or their duly authorised representative) is to be given the opportunity to give the final presentation on the item.
- (5) Members may, through the presiding member, question a person addressing the Council on the item but no debate or general discussion will be permitted.

6.11 Deputations

- (1) Any person or group wishing to be received as a deputation by the Council is to either—
 - (a) apply, before the meeting, to the CEO for approval; or
 - (b) with the approval of the presiding member, at the meeting, address the Council.
- (2) The CEO may either—
 - (a) approve the request and invite the deputation to attend a meeting of the Council; or
 - (b) refer the request to the Council to decide by simple majority whether or not to receive the deputation.
- (3) Unless the Council resolves otherwise, a deputation invited to attend a Council meeting—
 - (a) is not to exceed 5 people, only 2 of whom may address the Council although others may respond to specific questions from members;
 - (b) is not to address the Council for a period exceeding 10 minutes without the agreement of the Council; and
 - (c) may seek leave of the presiding member for additional members of the deputation to be allowed to speak.
- (4) Any matter which relates to an item on the agenda and which is the subject of a deputation to the Council is not to be decided by the Council until the deputation has completed its presentation.

6.12 Participation at committee meetings

- (1) In this clause a reference to a *person* is to a person who—

- (a) is entitled to attend a committee meeting;
 - (b) attends a committee meeting; and
 - (c) is not a member of that committee.
- (2) A member may attend, as an observer, any meeting of a committee of which he or she is not a member or the deputy of a member, but is to sit in an area set aside by the CEO for observers separated from the committee members.
- (3) Without the consent of the presiding member, a person must not address a committee meeting.
- (4) The presiding member of a committee may allow a person to make an oral address to the committee for up to 5 minutes.
- (5) A person addressing the committee with the consent of the presiding member must cease that address immediately after being directed to do so by the presiding member.
- (6) A person who fails to comply with a direction of the presiding member under subclause (4) may, by order of the presiding member, be removed from the committee meeting.

6.13 Confidentiality of information withheld

- (1) Information withheld by the CEO from the public under regulation 14(2) of the Administration Regulations is to be -
 - (a) identified in the agenda of a Council or committee meeting under the item “Confidential matters”, along with the reason for the confidentiality as dealt with in the Act; and
 - (b) kept confidential by employees and members until, in the opinion of the CEO, or the Council or the committee (as the case may be), the reason for confidentiality ceases to exist.
- (2) A member or an employee in receipt of confidential information under subclause (1), or information that is provided or disclosed during a meeting or part of a meeting that is closed to the public, must not disclose any of that information to any person other than another member or an employee to the extent necessary for the purpose of carrying out his or her duties.
- (3) Subclause (2) does not apply where a member or employee discloses the information to a legal practitioner or government officer for the purpose of seeking advice in order to lawfully fulfil his or her role and responsibilities, or where disclosure is required or permitted by law.

Note: Regulation 6 of the Rules of Conduct Regulations states -

6. Use of information

- (1) In this regulation —

“**closed meeting**” means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;

	<p>“confidential document” means a document marked by the CEO to clearly show that the information in the document is not to be disclosed;</p> <p>“non-confidential document” means a document that is not a confidential document.</p>
(2)	<p>A person who is a council member must not disclose —</p> <p>(a) information that the council member derived from a confidential document; or</p> <p>(b) information that the council member acquired at a closed meeting other than information derived from a non-confidential document.</p>
(3)	<p>Subregulation (2) does not prevent a person who is a council member from disclosing information —</p> <p>(a) at a closed meeting; or</p> <p>(b) to the extent specified by the council and subject to such other conditions as the council determines; or</p> <p>(c) that is already in the public domain; or</p> <p>(d) to an officer of the Department; or</p> <p>(e) to the Minister; or</p> <p>(f) to a legal practitioner for the purpose of obtaining legal advice; or</p> <p>(g) if the disclosure is required or permitted by law.</p>

6.14 Recording of proceedings

- (1) A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of a meeting without the permission of the presiding member.
- (2) If the presiding member gives permission under subclause (1), the presiding member must advise the meeting, immediately before the recording is commenced, that such permission has been given and the nature and extent of that permission.
- (3) Subclause (1) does not apply if the recording is taken by or at the direction of the CEO for the purpose of taking minutes.

6.15 Prevention of disturbance

- (1) A reference in this clause to a *person* is to a person other than a member.
- (2) A person addressing a meeting must extend due courtesy and respect to the Council or the committee and the processes under which it operates and must comply with any direction by the presiding member.
- (3) A person present at or observing a meeting must not create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.

- (4) A person must ensure that his or her mobile telephone, pager or other audible device is not switched on or used during any meeting.
- (5) The presiding member may warn a person who fails to comply with this clause.
- (6) If—
 - (a) after being warned, the person again acts contrary to this clause, or to any of these standing orders; or
 - (b) a person refuses or fails to comply with a direction by the presiding member,the presiding member may expel the person from the meeting by ordering him or her to leave the meeting room.
- (7) A person who is ordered to leave the meeting room and fails to do so may, by order of the presiding member, be removed from the meeting room and, if the presiding member orders, from the premises.

Note: section 75 of the *Criminal Code* states -

Any person who by violence, or by threats or intimidation of any kind, hinders or interferes with the free exercise of any political right by another person, is guilty of a crime, and is liable to imprisonment for 3 years.

Part 7 - Questions during debate

7.1 Questions during debate

- (1) At any time during debate on a motion prior to the mover of the motion commencing the right of reply, a member may ask a question in relation to the motion and, with the consent of the presiding member, may ask one or more further questions.
- (2) Where possible the CEO or the CEO's nominee is to answer the question to the best of his or her knowledge and ability, however, if the information is unavailable or the answer requires research or investigation, the respondent may ask that—
 - (a) the question is taken on notice; and
 - (b) the answer to the question is given to the members as soon as practicable.
- (3) Every question and answer—
 - (a) is to be brief and concise; and
 - (b) is not to be accompanied by argument, expression of opinion or statement of facts, except to the extent necessary to explain the question or answer.
- (4) In answering any question, a respondent may qualify his or her answer and may at a later time in the meeting or at a subsequent meeting, correct, add to or otherwise amend the original answer.

Part 8 - Conduct of members

8.1 Members to be in their proper places at Council meetings

- (1) At the first meeting held after each election day, each member is to be allocated a position at the Council table by a ballot conducted by the CEO after considering requests for a specific allocation for special circumstances.
- (2) Each member is to occupy his or her allotted position at each Council meeting.

8.2 Respect to the presiding member

After the business of a meeting has commenced, a member must not enter or leave the meeting without first paying due respect to the presiding member.

8.3 Titles to be used

A speaker, when referring to the Mayor, Deputy Mayor or presiding member, or a member or employee, must use the title of that person's office.

8.4 Entering or leaving a meeting

During the course of a meeting, a member must not enter or leave the meeting without first giving an appropriate indication, in order to facilitate the recording in the minutes of the time of entry or departure.

8.5 Members to indicate their intention to speak

A member who wishes to speak at a meeting must indicate his or her intention to speak by raising his or her hand or by another method agreed by the presiding member.

8.6 Members to rise

A member, other than the presiding member, asking a question or taking part in discussion or a debate at a meeting must stand, except when prevented from doing so by sickness or infirmity.

8.7 Priority of speaking

- (1) Where 2 or more members indicate, at the same time, their intention to speak, the presiding member is to decide which member is entitled to be heard first.
- (2) A decision of the presiding member under subclause (1) is not open to discussion or dissent.
- (3) A member must cease speaking immediately after being asked to do so by the presiding member.

8.8 Presiding member may take part in debates

The presiding member may take part in a discussion of any matter before the meeting, subject to compliance with this local law.

8.9 Relevance

- (1) A member must restrict his or her remarks to the motion under discussion, or to a personal explanation or point of order.

- (2) The presiding member, at any time, may—
 - (a) call the attention of the meeting to—
 - (i) any irrelevant, repetitious, offensive or insulting language by a member;
or
 - (ii) any breach of order by a member; and
 - (b) direct that member, if speaking, to discontinue his or her speech.
- (3) A member must comply with the direction of the presiding member under subclause (2) by immediately ceasing to speak.

8.10 Speaking twice

- (1) A member must not address the meeting more than once on any motion or amendment except—
 - (a) as the mover of a substantive motion or an amendment, to exercise a right of reply;
 - (b) to raise a point of order; or
 - (c) to make a personal explanation.
- (2) A member who asks a question, or who makes a request or responds to a request under clause 10.7, has not addressed the meeting for the purpose of this clause.
- (3) This clause does not apply to a committee meeting unless the committee by resolution decides that it is to apply to the meeting or a part of the meeting.

8.11 Duration of speeches

- (1) A member must not speak on any matter for more than 5 minutes without the consent of the members which, if given, is to be given without debate.
- (2) An extension under this clause cannot be given to allow a member's total speaking time to exceed 10 minutes.

8.12 No speaking after conclusion of debate

A member must not speak on any motion or amendment—

- (a) after the mover has replied; or
- (b) after the motion or amendment has been put.

8.13 No interruption

A member must not interrupt another member who is speaking unless—

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clause 8.14; or

- (d) to move a procedural motion that the member be no longer heard.

8.14 Personal explanations

- (1) A member who wishes to make a personal explanation relating to a matter referred to by another member who is then speaking is to indicate to the presiding member his or her intention to make a personal explanation.
- (2) The presiding member is to determine whether the personal explanation is to be heard immediately or at the conclusion of the speech by the other member.
- (3) A member making a personal explanation is to confine his or her observations to a succinct statement relating to a specific part of the speech at which he or she may have been misunderstood.

8.15 No reopening of discussion

A member must not reopen discussion on any decision, except to move that the decision be revoked or changed (see Part 16).

8.16 Adverse reflection

- (1) A member must not reflect adversely on a decision of the Council or committee except on a motion that the decision be revoked or changed (see Part 16).
- (2) A member must not—
 - (a) reflect adversely on the character or actions of another member or employee; or
 - (b) impute any motive to a member or employee,unless the meeting resolves, without debate, that the matter then before the meeting cannot otherwise be adequately considered.
- (3) A member must not use offensive or objectionable expressions in reference to any member, employee or other person.
- (4) If a member or CEO specifically requests, immediately after their use, that any particular words used by a member that are in breach of this clause be recorded in the minutes, the member making the request is to provide the words to the meeting for verification and the presiding member is to cause the words used to be taken down and recorded in the minutes.

Note: Regulation 10 of the Local Government (Rules of Conduct) Regulations 2007 states:

10. Relations with local government employees

- (1) A person who is a council member must not —
 - (a) direct or attempt to direct a person who is a local government employee to do or not to do anything in the person's capacity as a local government employee; or
 - (b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a person who is a local government employee in the person's capacity as a local government employee.

- (2) Subregulation (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.
- (3) If a person, in his or her capacity as a council member, is attending a council meeting, committee meeting or other organised event and members of the public are present, the person must not, either orally, in writing or by any other means —
 - (a) make a statement that a local government employee is incompetent or dishonest; or
 - (b) use offensive or objectionable expressions in reference to a local government employee.
- (4) Subregulation (3)(a) does not apply to conduct that is unlawful under The Criminal Code Chapter XXXV.

8.17 Withdrawal of offensive language

A member who, in the opinion of the presiding member, uses an expression which—

- (a) in the absence of a resolution under clause 8.16(2)—
 - (i) reflects adversely on the character or actions of another member or an employee; or
 - (ii) imputes any motive to another member or an employee; or
- (b) is offensive or objectionable,

must, when directed by the presiding member, withdraw the expression and make a satisfactory apology.

Part 9 - Preserving order

9.1 Presiding member to preserve order

- (1) The presiding member is to preserve order, and, whenever he or she considers necessary, may call any member to order.
- (2) When the presiding member speaks during a debate, any member then speaking, or indicating that he or she wishes to speak, must immediately sit down and every member present must preserve strict silence so that the presiding member may be heard without interruption.
- (3) Subclause (2) is not to be used by the presiding member to exercise the right provided in clause 8.8, but to preserve order.

9.2 Point of order

- (1) A member may at any time, draw the attention of the presiding member (including as an objection, by way of a point of order), to a breach of—
 - (a) any of these standing orders; or
 - (b) any other written law.

- (2) Examples of valid points of order are –
 - (a) a speaker's remarks not being relevant to the motion being debated (see clause 8.9); and
 - (b) a speaker's use of offensive or objectionable expressions (see clause 8.16(3)).
- (3) Despite anything in this local law to the contrary, a point of order—
 - (a) takes precedence over any discussion; and
 - (b) until determined, suspends the consideration or discussion of any other matter.

9.3 Procedures on a point of order

- (1) A member who is addressing the presiding member must not be interrupted except on a point of order.
- (2) A member interrupted on a point of order must cease speaking and resume his or her seat until—
 - (a) the member raising the point of order has been heard; and
 - (b) the presiding member has ruled on the point of order,and, if permitted, the member who has been interrupted may then proceed.

9.4 Ruling by the presiding member

- (1) The presiding member is to rule on any point of order which is raised by either upholding or rejecting the point of order.
- (2) A ruling by the presiding member on a point of order—
 - (a) is not to be the subject of debate or comment; and
 - (b) is to be final unless the majority of members then present and voting, on a motion moved immediately after the ruling, dissent from the ruling.
- (3) Subject to a motion of dissent being carried under subclause (2), if the presiding member rules that—
 - (a) any motion, amendment or other matter before the meeting is out of order, it is not to be considered further; and
 - (b) a statement made or act done by a member is out of order, the presiding member may direct the member to make an explanation, retraction or apology.

9.5 Continued breach of order

If a member—

- (a) persists in any conduct that the presiding member had ruled is out of order; or
- (b) refuses to comply with a direction from the presiding member (such as a direction under clause 8.9(2)(b) or 9.4(3)(b)),

the presiding member may direct the member to refrain from taking any further part in the debate on the matter then before the meeting, other than by voting, and the member must comply with that direction.

9.6 Right of presiding member to adjourn

- (1) For the purpose of preserving or regaining order, the presiding member may adjourn the meeting for a period of up to 15 minutes.
- (2) On resumption, the debate is to continue at the point at which the meeting was adjourned.
- (3) If, at any one meeting, the presiding member adjourns the meeting more than once for the purpose of preserving or regaining order, the second or subsequent adjournment may be to a later time on the same day or to another day.

Part 10 - Debate of substantive motions

10.1 Motions to be stated and in writing

A member who wishes to move a substantive motion or an amendment to a substantive motion—

- (a) is to state the substance of the motion before speaking to it; and
- (b) is to put the motion or amendment in writing if he or she is required to do so by the presiding member.

10.2 Motions to be supported

- (1) A substantive motion or an amendment to a substantive motion is not open to debate until it has been seconded.
- (2) A motion to revoke or change a decision made at a Council or committee meeting is not open to debate unless the motion has the support required under regulation 10 of the Administration Regulations.

10.3 Unopposed business

- (1) Immediately after a substantive motion has been moved and seconded, the presiding member may ask the meeting if any member opposes it.
- (2) If no member opposes the motion, the presiding member may immediately proceed to put the matter to the vote.

10.4 Only one substantive motion at a time

The presiding member is not to accept a substantive motion while another substantive motion is being debated.

10.5 Complex motions

The presiding member may require that a complex substantive motion, or a complex amendment to a substantive motion, is to be broken down and put in the form of more than one motion, each of which is to be put in sequence.

10.6 Order of call in debate

- (1) The presiding member is to call speakers to a substantive motion in the following order—
 - (a) the mover to state the motion;
 - (b) a seconder to the motion;
 - (c) the mover to speak to the motion;
 - (d) the seconder to speak to the motion;
 - (e) a speaker against the motion;
 - (f) a speaker for the motion;
 - (g) other speakers against and for the motion, alternating where possible; and
 - (h) mover takes right of reply which closes debate.
- (2) When called on to speak, the seconder to a motion may elect to reserve that right and speak to the motion at a later time when a speaker for the motion is called.

10.7 Member may require motion or amendment to be read

A member may require the motion or amendment or matter under discussion to be read at any time during a debate, but not so as to interrupt any other member who is speaking.

10.8 Consent of seconder required for alteration

The mover of a substantive motion may not alter the wording of the motion without the consent of the seconder.

10.9 Number and order of amendments

- (1) No more than three amendments may be proposed to a substantive motion unless the presiding member determines that further amendments are to be permitted.
- (2) Where an amendment is moved to a substantive motion, a second or subsequent amendment is not to be moved or considered until the first amendment has been withdrawn, carried or lost.
- (3) An amendment may be proposed to a substantive motion either in its original terms or as subsequently amended.

10.10 When amendment may be moved

A member may move an amendment to a motion during the debate on the motion, except—

- (a) when the mover has been called by the presiding member to exercise the right of reply; or
- (b) during debate on a procedural motion.

10.11 Form of an amendment

An amendment must add, delete, or substitute words to the substantive motion.

10.12 Amendment must not negate original motion

An amendment to a substantive motion cannot negate the original motion or the intent of the original motion.

10.13 Relevance of amendments

Each amendment must be relevant to the motion in respect of which it is moved.

10.14 Mover of motion may speak on amendment

Any member, including the mover of a motion, may speak during debate on an amendment.

10.15 Effect of an amendment

If an amendment to a substantive motion is carried, the motion as amended then becomes the substantive motion, on which any member may speak and a further amendment may be moved, subject to the limitation on the number of amendments in clause 10.9.

10.16 Withdrawal of motion or amendment

- (1) Subject to subclause (2), the Council or a committee may, without debate, grant leave to withdraw a motion or amendment on the request of the mover of the motion or amendment and with the approval of the seconder.
- (2) Where an amendment has been proposed to a substantive motion, the substantive motion is not to be withdrawn, except by consent of the majority of members present, until the amendment proposed has been withdrawn or lost.

10.17 Right of reply

- (1) The mover of a substantive motion has the right of reply.
- (2) The right of reply under subclause (1) may be exercised only—
 - (a) where no amendment is moved to the substantive motion—at the conclusion of the discussion on the motion; or
 - (b) where one or more amendments have been moved to the substantive motion—at the conclusion of the discussion on the substantive motion and any amendments.
- (3) The mover of an amendment to a substantive motion has the right of reply in relation to that amendment.
- (4) The right of reply under subclause (3) may be exercised only at the conclusion of the discussion on that amendment.
- (5) After the mover of the substantive motion has commenced the reply—
 - (a) no other member is to speak on the motion;

- (b) there is to be no further discussion on, question about or any further amendment to, the motion.
- (6) The right of reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.
- (7) At the conclusion of the right of reply under subclause (2), the substantive motion, or the substantive motion as amended, is immediately to be put to the vote, subject to any requirement to read the motion under clause 10.7 before the vote.

10.18 Foreshadowing alternative motions

- (1) In this clause, *Alternative Motion* means an alternative substantive motion that negates the terms and intent of a substantive motion that is being considered, or is to be considered, by the Council.
- (2) A member who wishes the Council to consider an Alternative Motion, the member must foreshadow the Alternative Motion before the right of reply in respect of the substantive motion has commenced.
- (3) If the substantive motion is lost, the presiding member must call on the member who foreshadowed the Alternative Motion to move the Alternative Motion.
- (4) Once moved and seconded, the foreshadowed Alternative Motion becomes the substantive motion and the same procedures and rules of debate apply to this motion as any other substantive motion.
- (5) If more than one foreshadowed Alternative Motion is proposed for any item before the Council, the presiding member must deal with them in the order in which they were foreshadowed.
- (6) Where a member has identified an item for exclusion from the adoption by exception resolution under clause 5.10(5), and includes a motion that is different to the employee recommendation, that motion is taken to be a foreshadowed Alternative Motion and is to be the substantive motion that is first considered by the Council.
- (7) Where a member has identified an item for exclusion from the adoption by exception resolution under clause 5.10(5), and includes a motion that is different to the committee recommendation, that motion is taken to be a foreshadowed Alternative Motion and members are first to be given the option to debate the committee recommendation.

Part 11 - Procedural motions

11.1 Permissible procedural motions

In addition to the right to move an amendment to a substantive motion (under Part 10), a member may move the following procedural motions—

- (a) that the item be referred or adjourned to a Council or a committee meeting;
- (b) that the meeting now adjourn;
- (c) that the motion be now put;
- (d) that the ruling of the presiding member be disagreed with;

- (e) that the member be no longer heard;
- (f) that the meeting be closed to the public (see clause 6.2).

11.2 No debate

- (1) A procedural motion is not open to debate until it has been seconded.
- (2) The mover of a motion specified in paragraph (a), (b), (d) or (f) of clause 11.1 may speak to the motion for not more than 5 minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.
- (3) The mover of a motion specified in paragraph (c) or (e) of clause 11.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

11.3 Who may move

A member who has moved, seconded, or spoken for or against the substantive motion, or any amendment to the substantive motion, cannot move any procedural motion which, if carried, would close the debate on the substantive motion or amendment.

11.4 Procedural motions—right of reply on substantive motion

The carrying of a procedural motion which closes debate on the substantive motion or amendment and forces a decision on the substantive motion or amendment does not deny the right of reply to the mover of the substantive motion.

11.5 Item to be referred or adjourned

- (1) A motion “that the item be referred or adjourned”—
 - (a) is, in the case of a referral, to state the Council or committee meeting to which the item is to be referred and the time of that meeting (and the reasons for the motion);
 - (b) is, in the case of an adjournment, to state the time to which the debate on the item is to be adjourned (and the reasons for the motion); and
 - (c) if carried, has the effect that all debate on the substantive motion or amendment ceases immediately, but is to continue at the meeting, and at the time, stated in the motion.
- (2) If a motion “that the item be adjourned” is carried at a meeting—
 - (a) the name of each member who has spoken on the item before the adjournment is to be recorded in the minutes; and
 - (b) clause 8.10 is to apply when the debate on the item is resumed.

11.6 Meeting now adjourn

- (1) A member is not to move or second more than one motion of adjournment during the same meeting.

- (2) Before putting the motion for the adjournment, the presiding member may seek leave of the meeting to deal first with matters that may be the subject of an adoption by exception resolution (see clause 5.6).
- (3) A motion “that the meeting now adjourn”—
 - (a) is to state the time and date to which the meeting is to be adjourned; and
 - (b) if carried, has the effect that the meeting is adjourned to the time and date specified in the motion.
- (4) The Council or a committee may adjourn any meeting—
 - (a) to a later time on the same day; or
 - (b) to any other time on any other day, including a time which coincides with the conclusion of another meeting or event.
- (5) A meeting adjourned under subclause (3) –
 - (a) is to continue from the point at which it was adjourned, unless the presiding member or the meeting determines otherwise; and
 - (b) in case of a Council meeting –
 - (i) the name of each member who has spoken on any item that is adjourned is to be recorded in the minutes; and
 - (ii) clause 8.10 is to apply when the debate on that item is resumed.

11.7 Motion to be put

- (1) If the motion “that the motion be now put”, is carried during debate on a substantive motion without amendment, the presiding member is to offer the right of reply and then put the motion to the vote without further debate.
- (2) If the motion “that the motion be now put” is carried during discussion of an amendment, the presiding member is to offer the right of reply in relation to the amendment and then put the amendment to the vote without further debate.
- (3) If the motion “that the motion be now put” is lost, the debate is to continue.

11.8 Member to be no longer heard

If the motion “that the member be no longer heard” is carried, the speaker against whom the motion has been moved cannot speak further on the current substantive motion, or any amendment relating to it, except to exercise the right of reply if he or she is the mover of the substantive motion or amendment.

11.9 Ruling of the presiding member to be disagreed with

If the motion “that the ruling of the presiding member be disagreed with” is carried, that ruling is to have no effect and the meeting is to proceed accordingly.

Part 12 - Disclosure of interests

12.1 Disclosure of interests

The requirements for members and employees to disclose financial and other interests, the nature of the interests that must be disclosed, and related matters are dealt with in the Act, the Administration Regulations, the Rules of Conduct Regulations and the Code of Conduct.

12.2 Separation of committee recommendations

Where, at a committee meeting -

- (a) a member discloses a financial interest in a matter; and
- (b) the matter is included in the recommendations (or part of the recommendations) of the committee to a Council or committee meeting that will or may be attended by the member,

the agenda of that Council or committee meeting is to separate the relevant recommendation (or the relevant part of the recommendation) from other recommendations of the committee.

Note: the purpose of this clause is to enable the member to declare the interest and leave the room before the consideration of the matter in which he or she has the interest.

Part 13 - Voting

13.1 Motion—when put

- (1) Immediately after the debate on any motion is concluded and the right of reply has been exercised, the presiding member—
 - (a) is to put the motion to the meeting; and
 - (b) if requested by any member, is to again state the terms of the motion.
- (2) A member is not to leave the meeting when the presiding member is putting any motion.

13.2 Voting

Voting is dealt with in the Act and the Administration Regulations.

- | | |
|-----|--|
| (1) | Each council member and each member of a committee who is present at a meeting of the council or committee is entitled to one vote. |
| (2) | Subject to section 5.67, each council member and each member of a committee to which a local government power or duty has been delegated who is present at a meeting of the council or committee is to vote. |
| (3) | If the votes of members present at a council or a committee meeting are equally divided, the person presiding is to cast a second vote. |
| (4) | If a member of a council or a committee specifically requests that there be recorded — <ul style="list-style-type: none">(a) his or her vote; or |

(b) the vote of all members present,

on a matter voted on at a meeting of the council or the committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes.

(5) A person who fails to comply with subsection (2) or (3) commits an offence.

[Section 5.21 of the Act]

Voting at a council or committee meeting is to be conducted so that no voter's vote is secret.

[Regulation 9 of the Administration Regulations]

13.3 Majorities required for decisions

The majorities required for decisions of the Council and committees are dealt with in the Act.

(1) A decision of a council does not have effect unless it has been made by a simple majority or, if another kind of majority is required under any provision of this Act or has been prescribed by regulations or a local law for the particular kind of decision, by that kind of majority.

(2) A decision of a committee does not have effect unless it has been made by a simple majority or, if another kind of majority has been prescribed by regulations or a local law for the particular kind of decision, by that kind of majority.

(3) This section does not apply to elections —

(a) by a council of the local government's mayor or president under section 2.11;

(b) by a council of the local government's deputy mayor or president under section 2.15; or

(c) by a committee of the committee's presiding member or deputy presiding member under section 5.12.

[Section 5.20 of the Act]

13.4 Method of taking vote

(1) In taking the vote on any motion the presiding member—

(a) is to put the motion, first in the affirmative, and then in the negative;

(b) may put the motion in this way as often as may be necessary to enable him or her to determine whether the affirmative or the negative has the majority of votes;

(c) is to count and determine the votes of members in any way (such as electronically or by a show of hands) that enables a record to be taken of each member's vote; and

- (d) subject to this clause, is to declare the result.
- (2) The CEO is ensure that the minutes record whether or not the motion is carried unanimously, and if the motion is not carried unanimously—
 - (a) the name of each member who voted; and
 - (b) whether he or she voted in the affirmative or negative.

Part 14 - Minutes of meetings

14.1 Keeping of minutes

The keeping and confirmation of minutes are dealt with in the Act.

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|-----|--|
| (1) | The person presiding at a meeting of a council or a committee is to cause minutes to be kept of the meeting's proceedings. |
| (2) | The minutes of a meeting of a council or a committee are to be submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation. |
| (3) | The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation. |

[Section 5.22 of the Act]

14.2 Content of minutes

The content of minutes is dealt with in the Administration Regulations.

- | | |
|---|---|
| The content of minutes of a meeting of a council or a committee is to include — | |
| (a) | the names of the members present at the meeting; |
| (b) | where a member enters or leaves the meeting during the course of the meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting; |
| (c) | details of each motion moved at the meeting, the mover and the outcome of the motion; |
| (d) | details of each decision made at the meeting; |
| (da) | written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70 (but not a decision to only note the matter or to return the recommendation for further consideration); |
| (e) | a summary of each question raised by members of the public at the meeting and a summary of the response to the question; and |
| (f) | in relation to each disclosure made under section 5.65 or 5.70 in relation to the meeting, where the extent of the interest has also been disclosed, the extent of the interest". |

[Regulation 11 of the Administration Regulations]

14.3 Public inspection of unconfirmed minutes

The public inspection of unconfirmed minutes is dealt with in the Administration Regulations.

A local government is to ensure that unconfirmed minutes of each council and committee meeting are available for inspection by members of the public —

- (a) in the case of a council meeting, within 10 business days after the meeting; and
- (b) in the case of a committee meeting, within 5 business days after the meeting.

[Regulation 13 of the Administration Regulations]

14.4 Confirmation of minutes

- (1) If a member is dissatisfied with the accuracy of the draft minutes, he or she is to provide to the CEO a written copy of the alternative wording to amend the draft minutes no later than 3 clear business days before the meeting where the minutes are to be confirmed.
- (2) At that meeting, during the item dealing with the confirmation of minutes, the member who provided the alternative wording—
 - (a) is to state the item or items with which he or she is dissatisfied; and
 - (b) is to propose a motion clearly outlining the alternative wording to amend the minutes.

Part 15 - Revoking or changing decisions

15.1 Requirements to revoke or change decisions

The requirements to revoke or change a decision made at a meeting are dealt with in regulation 10 of the Administration Regulations.

- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported
 - (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or
 - (b) in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.

- | | |
|-----|---|
| (2) | If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made |
| (a) | in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or |
| (b) | in any other case, by an absolute majority. |
| (3) | This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different. |

[Regulation 10 of the Administration Regulations]

Part 16 - Suspension of standing orders

16.1 Suspension of standing orders

- (1) A member may at any time move that the operation of one or more of these standing orders be suspended.
- (2) A motion under subclause (1) which is seconded and carried is to suspend the operation of the standing order or orders to which the motion relates for the duration of the meeting or such other part of the meeting specified in the motion, unless the meeting earlier resolves otherwise.

16.2 Where standing orders do not apply

- (1) In situations where—
 - (a) one or more of these standing orders have been suspended; or
 - (b) a matter is not regulated by the Act, the Administration Regulations or this local law, the presiding member is to decide questions relating to the conduct of the meeting.
- (2) The decision of the presiding member under subclause (1) is final, except where a motion is moved and carried under clause 11.7.

Part 17 - Meetings of electors

17.1 Electors' general meetings

Electors' general meetings are dealt with in the Act.

- | | |
|-----|---|
| (1) | A general meeting of the electors of a district is to be held once every financial year. |
| (2) | A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year. |
| (3) | The matters to be discussed at general electors' meetings are to be those prescribed. |

[Section 5.27 of the Act]

17.2 Matters for discussion at electors' general meetings

The matters to be discussed at electors' general meetings are dealt with in the Administration Regulations.

For the purposes of section 5.27(3), the matters to be discussed at a general electors' meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business.

[Regulation 15 of the Administration Regulations]

17.3 Electors' special meetings

Electors' special meetings are dealt with in the Act.

- (1) A special meeting of the electors of a district is to be held on the request of not less than –
 - (a) 100 electors or 5% of the number of electors - whichever is the lesser number; or
 - (b) 1/3 of the number of council members.
- (2) The request is to specify the matters to be discussed at the meeting and the form or content of the request is to be in accordance and regulations.
- (3) The request is to be sent to the mayor or president.
- (4) A special meeting is to be held on a day selected by the mayor or president but not more than 35 days after the day on which he or she received the request.

[Section 5.28 of the Act]

17.4 Requests for electors' special meetings

Requests for electors' special meetings are dealt with in the Administration Regulations.

A request for a special meeting of the electors of a district is to be in the form of Form 1.

[Regulation 16 of the Administration Regulations]

17.5 Convening electors' meetings

Convening electors' meetings is dealt with in the Act.

- (1) The CEO is to convene an electors' meeting by giving –
 - (a) at least 14 days' local public notice; and
 - (b) each council member at least 14 days' notice,

of the date, time, place and purpose of the meeting.

- (2) The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.

[Section 5.29 of the Act]

17.6 Who presides at electors' meetings

Who presides at electors' meetings is dealt with in the Act.

- (1) The mayor or president is to preside at electors' meetings.
- (2) If the circumstances mentioned in section 5.34(a) or (b) apply the deputy mayor or deputy president may preside at an electors' meeting in accordance with that section.
- (3) If the circumstances mentioned in section 5.34(a) or (b) apply and –
- (a) the office of deputy mayor or deputy president is vacant; or
- (b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president,
- then the electors present are to choose one of the councillors present to preside at the meeting but if there is no councillor present, able and willing to preside, then the electors present are to choose one of themselves to preside.

[Section 5.30 of the Act]

17.7 Procedure for electors' meetings

- (1) The procedure for electors' meetings is dealt with in the Act and the Administration Regulations.

The procedure to be followed at, and in respect of, electors' meetings and the methods of voting at electors' meetings are to be in accordance with regulations.

[Section 5.31 of the Act]

Subject to regulations 15 and 17, the procedure to be followed at a general or special meeting of electors is to be determined by the person presiding at the meeting.

[Regulation 18 of the Administration Regulations]

- (2) In exercising his or her discretion to determine the procedure to be followed at an electors' meeting, the presiding member is to have regard to this local law.

17.8 Participation of non-electors

A person who is not an elector of the City must not take part in any discussion at an electors' meeting unless the meeting, by resolution, permits the person do so.

Note: A person who is not an elector of the City cannot vote at an electors' meeting (see clause 18.9).

17.9 Voting at electors' meetings

Voting at electors' meetings is dealt with in the Administration Regulations.

- (1) Each elector who is present at a general or special meeting of electors is entitled to one vote on each matter to be decided at the meeting but does not have to vote.
- (2) All decisions at a general or special meeting of electors are to be made by a simple majority of votes.
- (3) Voting at a general or special meeting of electors is to be conducted so that no voter's vote is secret.

[Regulation 17 of the Administration Regulations]

17.10 Minutes of electors' meetings

Minutes of electors' meetings are dealt with in the Act.

The CEO is to –

- (a) cause minutes of the proceedings at an electors' meeting to be kept and preserved; and
- (b) ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered.

[Section 5.32 of the Act]

17.11 Decisions made at electors' meetings

Decisions made at electors' meetings are dealt with in the Act.

- (1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable –
 - (a) at the first ordinary council meeting after that meeting; or
 - (b) at a special meeting called for that purpose, whichever happens first.
- (2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.

[Section 5.33 of the Act]

Part 18 - Enforcement

18.1 Penalty for breach

A person who breaches a provision of this local law commits an offence. Penalty—\$5,000.00 and a daily penalty of \$500.00.

18.2 Who can prosecute

Who can prosecute is dealt with in the Act.

A prosecution for an offence against a local law may be commenced by —

- (a) a person who is acting in the course of his or her duties as an employee of the local government or regional local government that made the local law; or
- (b) a person who is authorised to do so by the local government or regional local government that made the local law.

[Section 9.24(2) of the Act]

Dated: **[add date]** 2017.

The Common Seal of the City of Busselton was affixed by the authority of a resolution of Council in the presence of—

GRANT DOUGLAS
HENLEY, Mayor.

MICHAEL S. L. ARCHER,
Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

SHIRECITY OF BUSSELTON

**STANDING ORDERS LOCAL
LAW 20170**

V9 31/08/17

LOCAL GOVERNMENT ACT 1995

~~SHIRE~~CITY OF BUSSELTON

STANDING ORDERS LOCAL LAW 2010~~7~~

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LOCAL GOVERNMENT ACT 1995

SHIRECITY OF BUSSELTON

STANDING ORDERS LOCAL LAW 2017~~0~~

Under the powers conferred by the *Local Government Act 1995* and under all other relevant powers, the Council of the ShireCity of Busselton resolved on ~~27 April 2011~~ *[add date]* to make this local law.

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PART 1 - PRELIMINARY

1.1 ~~Citation~~**Short title**

This local law ~~may be cited as~~ the ShireCity of Busselton Standing Orders Local Law 2017~~0~~.

1.2 **Commencement**

This local law comes into operation on the 14th day after the day on which it is published in the *Government Gazette*.

1.3 **Application and intent**

- (1) This local law provides rules and guidelines which apply to the conduct of meetings of the Council and its committees and to meetings of electors.
- (2) All meetings are to be conducted in accordance with the Act, the Administration Regulations and this local law.
- (3) This local law is intended to result in—
 - (a) better decision-making by the Council and committees;
 - (b) the orderly conduct of meetings dealing with Council business;
 - (c) better understanding of the process of conducting meetings; and
 - (d) the more efficient and effective use of time at meetings.

1.4 ~~Terms used~~**Interpretation**

~~(1)~~ In this local law unless the context otherwise requires—

~~“75% majority” has the meaning given to it in the Act;~~

~~“absolute majority” has the meaning given to it in the Act;~~

~~“Administration Regulations” means the Local Government (Administration) Regulations 1996;~~

~~“75% majority” has the meaning given to it in the Act;~~

~~“Act” means the Local Government Act 1995;~~

~~“CEO” means the Chief Executive Officer of the ShireCity;~~

~~“City” means the City of Busselton;~~

~~“Code of Conduct” means the City’s code of conduct, applying to members and employees, as in force from time to time;~~

~~“committee” means a committee of the Council established under section 5.8 of the Act;~~

~~“Council” means the Council of the ShireCity;~~

~~“councillor” has the same meaning as is given to it in the Act;~~

~~“deputy president/mayor” means the deputy president/mayor of the ShireCity;~~

~~“employee” means an employee of the ShireCity;~~

~~“president/mayor” means the president/mayor of the ShireCity;~~

~~“meeting” means a meeting of the Council or a committee, as the context requires;~~

~~“member” means—~~

~~(a) in relation to the Council, an elected member of the ShireCity;~~

~~(b) in relation to a committee, a member of that committee;~~

~~“Minister” means the Minister responsible for administering the Act;~~

~~“president/mayor” means the president/mayor of the ShireCity;~~

~~“presiding member” means—~~

~~(a) in respect of the Council, the person presiding under section 5.6 of the Act; and~~

~~(c) in respect of a committee, the person presiding under sections 5.12, 5.13, and 5.14 of the Act;~~

~~“Rules of Conduct Regulations” means the Local Government (Rules of Conduct) Regulations 2007;~~

~~“Shire” means the Shire of Busselton;~~

~~“simple majority” means more than 50% of the members present and voting;~~

~~“special majority” has the same meaning as is given to it in the Act;~~

~~“standing orders” means the meeting proceedings and/or rules on the conduct and behaviour of persons at a meeting of the Council, committee or electors;~~

~~“substantive motion” means an original motion or an original motion as amended, but does not include an amendment or a procedural motion; and~~

~~these standing orders means the provisions of this local law.~~

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- (2) *Note: Unless otherwise defined in this local law, the terms and expressions used in this local law are to have the meaning given to them in the Act, and the Administration Regulations and the Rules of Conduct Regulations (see section 44 of the Interpretation Act 1984).*
- 1.5 Repeal**
The Proceedings and Business of Council Local Law 2004, published in the Government Gazette on 23 March 2004; Shire of Busselton Standing Orders Local Law 2010, published in the Government Gazette on 9 May 2011, is repealed.
- PART 2 - ESTABLISHMENT AND MEMBERSHIP OF COMMITTEES**
- 2.1 Establishment of committees**
(1) The establishment of committees is dealt with in the Act.
(2) A Council resolution to establish a committee under section 5.8 of the Act is to include—
(a) the terms of reference of the committee;
(b) either—
(i) the names or titles of the members, employees and any other persons to be appointed to the committee; or
(ii) the number of members, officers and any other persons to be appointed to the committee and a provision that they be appointed under a separate resolution; and
(c) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.
- 2.2 Types of committees**
The types of committees are dealt with in the Act.
- 2.3 Delegation of some powers and duties to certain committees**
The delegation of some powers and duties to certain committees is dealt with in the Act.
- 2.4 Limits on delegation of powers and duties to certain committees**
The limits on the delegation of powers and duties to certain committees are dealt with in the Act.
- 2.5 Appointment of committee members**
The appointment of committee members is dealt with in the Act.
- 2.6 Tenure of committee membership**
Tenure of committee membership is dealt with in the Act.
- 2.7 Appointment of deputies**
The appointment of a person to be a deputy of a member of a committee is dealt with in the Act.
- 2.8 Resignation of committee members**
The resignation of committee members is dealt with in the Administration Regulations.
- 2.9 Register of delegations to committees**
The register of delegations to committees is dealt with in the Act.
- 2.10 Committees to report**
A committee—
(a) is answerable to the Council;
(b) is to report on its activities when, and to the extent, required by the Council; and
(c) is to prepare and submit to the Council reports containing recommendations.
- PART 3 - CALLING AND CONVENING MEETINGS**
- 3.1 Ordinary and special Council meetings**
(1) Ordinary and special Council meetings are dealt with in the Act.
(2) An ordinary meeting of the Council is for the purpose of considering and dealing with the ordinary business of the Council.
(3) A special meeting of the Council may be held for the purpose of considering and dealing with Council business that is either urgent, complex in nature, for a particular purpose or confidential.
- 3.2 Calling Council meetings**
The calling of Council meetings is dealt with in the Act.
- 3.3 Convening Council meetings**
(1) The convening of a Council meeting is dealt with in the Act.
(2) Subject to subclause (3), the CEO is to give at least 72 hours notice, for the purposes of section 5.5 of the Act, in convening a special meeting of the Council.
(3) Where, in the opinion of the presidentMayor or at least one-third of the members, there is a need to meet urgently, the CEO may give a lesser period of notice of a special Council meeting.
- 3.4 Calling committee meetings**
A meeting of a committee is to be held—
(a) if called for in a verbal or written request to the CEO by the presidentMayor or the presiding member of the committee, advising the date and purpose of the proposed meeting;
(b) if called for by at least one-third of the members of the committee in a notice to the CEO, setting out the date and purpose of the proposed meeting; or
(c) in accordance with a decision of the Council or the committee.
- 3.5 Public notice of meetings**
Public notice of meetings is dealt with in the Administration Regulations.

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PART 4 - PRESIDING MEMBER AND QUORUM

Division 1—Presiding Member

- 4.1 **Who presides**
Who presides at a Council meeting is dealt with in the Act.
- 4.2 **When the deputy president can act**
When the deputy president can act is dealt with in the Act.
- 4.3 **Who acts if no president or Deputy Mayor**
Who acts if there is no president or Deputy Mayor is dealt with in the Act.
- 4.4 **Election of presiding members of committees**
The election of presiding members of committees is dealt with in the Act.
- 4.5 **Election of deputy presiding members of committees**
The election of deputy presiding members of committees is dealt with in the Act.
- 4.6 **Functions of deputy presiding members**
The functions of deputy presiding members are dealt with in the Act.
- Division 2—Quorum*
- 4.7 **Who acts if no presiding member**
Who acts if no presiding member is dealt with in the Act.
- 4.8 **Quorum for meetings**
The quorum for meetings is dealt with in the Act.
- 4.9 **Reduction of quorum for Council meetings**
The power of the Minister to reduce the number for a quorum and certain majorities is dealt with in the Act.
- 4.10 **Reduction of quorum for committee meetings**
The reduction of a quorum for committee meetings is dealt with in the Act.
- 4.11 **Procedure where no quorum to begin a meeting**
The procedure where there is no quorum to begin a meeting is dealt with in the Administration Regulations.
- 4.12 **Procedure where quorum not present during a meeting**
If, at any time during a meeting, a quorum is not present—
- (a) the presiding member is immediately to suspend the proceedings of the meeting for a period of up to 15 minutes;
 - (b) if a quorum is not present at the expiry of the suspension period under paragraph (a), the presiding member may either adjourn the meeting to some future time or date or may extend the extension period for a further period of up to 30 minutes; and
 - (c) if a quorum is not present at the expiry of the extended period of suspension under paragraph (b), the presiding member is to adjourn the meeting to a later time on the same day or to another day.
- 4.13 **Names to be recorded**
At any meeting—
- (a) at which there is not a quorum present; or
 - (b) which is adjourned for want of a quorum,
- the names of the members then present are to be recorded in the minutes.
- 4.14 **Adjourned meeting procedures**
Where a meeting is adjourned for want of a quorum—
- (a) the names of members who have spoken on a matter that was interrupted by the adjournment are to be recorded in the minutes and clause 8.9-10 applies when the debate on the matter is resumed; and
 - (b) the resumed meeting is to continue from the point at which it was adjourned, unless the presiding member or the meeting determines otherwise.

PART 5 - BUSINESS OF A MEETING

- 5.1 **Business to be specified**
- (1) ~~With the exception of urgent business under that provided for in clause 5.9-10, n~~ No business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda, ~~without the approval of the presiding member or the Council.~~
 - (2) No business is to be transacted at a special meeting of the Council other than that given in the notice as the purpose of the meeting.
 - (3) No business is to be transacted at a committee meeting other than that specified in the agenda, or in the notice of the meeting as the purpose of the meeting, without the approval of the presiding member or a decision of the committee.
 - (4) Where a Council meeting is adjourned to the next ordinary meeting of the Council then, unless the Council resolves otherwise, the business unresolved at the adjourned meeting is to be dealt with before considering Reports at that ordinary meeting.
 - (5) Where a committee meeting is adjourned to the next ordinary committee meeting, the business unresolved at the meeting that is adjourned is to be given precedence at that ordinary meeting.
 - (6) Where a Council or committee meeting is adjourned to a meeting not described in subclause (4)

or (5), no business is to be transacted at that later meeting other than that—

- (a) specified in the notice of the meeting that is adjourned; and
- (b) which remains unresolved.

5.2 Order of business

(1) Unless otherwise decided by the presiding member or the Council, the order of business at any ordinary meeting of the Council is to be as follows—

1. Declaration of Opening/Announcement-Acknowledgement of Visitors/ Disclaimer
2. Attendance
 - 2.1 Apologies
 - 2.2 Approved leave of absence
3. Prayer/Acknowledgment of Country
4. Disclosure of interests
5. Announcements by the Presiding Member (without discussion)
6. Question time for public
 - 6.1 Response to previous questions taken on notice
 - 6.2 Question time for public
7. Confirmation of minutes
8. Receiving of petitions, presentations and deputations
 - 8.1 Petitions
 - 8.2 Presentations
 - 8.3 Deputations
9. Applications for leave of absence
10. Questions by Members of which due notice has been given (without discussion)
11. Items brought forward for the convenience of those in the public gallery
12. Reports of Committee Meetings
13. Reports
14. Motions of which previous notice has been given
15. Urgent business
16. Confidential matters
17. Closure

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- * Declaration of opening/announcement of visitors
- * Attendance
 - Apologies
 - Approved leave of absence
- * Prayer
- * Public question time
 - Response to previous public questions taken on notice
 - Public question time
- * Announcements without discussion
 - Announcements by the presiding member
 - Announcements by other members at the invitation of the presiding member
- * Applications for Leave of Absence
- * Presentations
 - Petitions
 - Presentations by parties with an interest
- * Confirmation of minutes
- * Disclosure of interests
- * Reports
 - Reports of committees
 - Reports of the CEO
- * Motions of which previous notice has been given
- * Meeting closed to public
 - Matters for which the meeting may be closed
 - Public reading of resolutions that may be made public
- * Questions from members
 - Response to previous questions from members taken on notice
 - Questions from members
- * Public question time
- * Closure.

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(2) Unless otherwise decided by the presiding member or the members present, the order of business at any special meeting of the Council or at a committee meeting is to be the order in which that business stands in the notice of, or agenda for, the meeting.

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Note: in exercising its discretion relating to the order of business under subclause (1) and (2), a meeting must comply with the requirements of the Act and Administration Regulations relating to public question time (see clauses 6.3-6.6 below).

- (3) Despite subclauses (1) and (2), the CEO may include on the agenda of a Council or committee meeting in an appropriate place within the order of business any matter which must be decided, or which he or she considers is appropriate to be decided, by that meeting.

5.3 Grant of leave of absence

The grant of leave of absence is dealt with in the Act.

5.4 Announcements without discussion

Announcements made by the presiding member at a Council meeting are—

- (a) to inform the Council of matters of importance to the Council;
- (b) to be brief and concise; and
- (c) not to be the subject of any discussion.

5.5 Leave of absence

- (1) A member seeking the Council's approval to take leave of absence must give written notice to the CEO prior to the commencement of the meeting.
- (2) The notice referred to in subclause (1) must include the period of leave of absence required and the reasons for seeking the leave.

5.6 Questions on notice

- (1) A member who wishes to ask a question at a meeting of the Council on a matter that is not included in the agenda for that meeting is to give written notice of the specific question to the CEO at least 3 clear working days before the meeting of the Council.
- (2) The CEO may, after consultation with the member where this is practicable, and with the concurrence of the Mayor, make such amendments to the question so as to clarify the intent of the question and bring the question into due form.
- (3) If the question referred to in subclause (1) relates to a matter within the responsibility of the Council affecting the local government, and is respectful and temperate in its language, it must be tabled at the meeting at item 10 of the order of business as outlined in clause 5.2 and the answer is, as far as practicable, to be provided at that meeting of the Council.
- (4) Every question and answer is to be submitted as briefly and concisely as possible, and no discussion on the question or answer is permitted.

5.7 Items brought forward for the convenience of those in the public gallery

Any items on the agenda which are either the subject of a question by members of the public, or where requested by others in attendance, may, with the consent of the presiding member, be brought forward to item 11 of the order of business.

5.15.8 Motions of which previous notice has been given

- (2)(1) Unless the Act, Administration Regulations or this local law otherwise provide, a member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included on the agenda.
- (3)(2) A notice of motion under subclause (1) is to be given at least 2+7 clear days before the meeting at which the motion is moved.
- (4)(3) A notice of motion is to be accompanied by supporting reasons and must relate to the good ~~governance~~ government of the district and must be within the lawful responsibilities of the Council.
- (5)(4) The CEO—
 - (a) with the concurrence of the ~~president~~ Mayor, may exclude from the agenda any notice of motion deemed to be, or likely to involve, a breach of any of these ~~standing orders~~ local laws ~~standing orders~~ or any other written law, ~~contrary to good government, or otherwise ultra vires;~~
 - (b) is to inform members on each occasion that a notice has been excluded and the reasons for that exclusion; and
 - (c) may, after consultation with the member where this is practicable, make such amendments to the form but not the substance as will bring the notice of motion into due form, ~~and~~
 - (e) *Note: under section 5.41(b) of the Act, the CEO may provide to members any information that he or she considers relevant to the notice of motion.*
 - (d) ~~may provide relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.~~
- (6)(5) A motion of which notice has been given is to lapse unless—
 - (a) the member who gave notice of it, or some other member authorised by the originating member in writing, moves the motion when called on and the motion is seconded; or
 - (b) the Council or the committee on a motion agrees to defer consideration of the motion to a later stage or date.
- (6) If a notice of motion is given and lost, notice of a motion in the same terms or to the same effect must not be given again for at least 3 months from the date of such loss, unless supported by an absolute majority of members in writing.

5.9 Urgent business

- (1) A member may move a motion to consider an item of urgent business that is not included in the agenda for that meeting provided that—

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Comment [McL1]: The importance of having clear procedures in place for leave of absence has been illustrated by recent SAT cases where Council members have been disqualified for being absent from 3 consecutive meetings without formal Council approval (eg *Diehm v Ellis*, DR 305/2016).

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- (a) ~~the presiding member has first consented to the business being raised;~~
(b) ~~the presiding member considers that either—~~
(i) ~~the urgency of the business is such that the business cannot await inclusion in the agenda for the next meeting of the Council; or~~
(ii) ~~the delay in referring the business to the next meeting of the Council could have adverse legal or financial implications for the local government; and~~
(c) ~~other than a motion to revoke a decision, the item of urgent business is presented in the form of a report generated by an employee, a copy of which is to be provided to members prior to the commencement of the meeting.~~
(2) ~~Where the Council agrees to consider such item of urgent business, then it is to be dealt with at item 15 of the order of business as outlined in clause 5.2.~~
(a) ~~5.25.10 Adoption by exception resolution~~
(7)(1) In this clause “***adoption by exception resolution***” means a resolution of the Council that has the effect of adopting, for a number of specifically identified reports, the committee or employee recommendation as the Council resolution.
(8)(2) The Council may pass an adoption by exception resolution.
(9)(3) An adoption by exception resolution may not be used for a matter—
(a) that requires ~~an absolute majority~~, a 75% majority or a special majority;
(b) in which an interest has been disclosed;
(c) that is a matter on which a member wishes to ask a question;
(d) that is a matter on which a member wishes to make a statement; or
(e) that is a matter on which a member wishes to move a motion that is different to the recommendation.
(4) ~~A member who wishes to ask a question or make a statement in relation to a matter that would otherwise be within an adoption by exception motion should, as far as practicable, notify the CEO by 3pm on the day before the meeting.~~
(5) ~~A member who wishes to move a motion that is different to the recommendation in a matter that would otherwise be within an adoption by exception resolution must give notice of the motion that —~~
(a) ~~is in writing;~~
(b) ~~identifies the matter and gives the reason or reasons for the motion; and~~
(c) ~~is given to the CEO by 3pm on the day before the meeting.~~
(10) ~~Subject to subclause (5), a member is to identify an item for exclusion from the adoption by exception resolution and the reason for the exclusion by the provision of written notification, including the motion that is different to the recommendation if applicable, by 3pm on the day before the meeting.~~
(11) ~~A member can seek the permission of the Presiding Member at the meeting to be allowed to move a motion of which notice has not been given in accordance with subclause (4), however, any motion of which notice has been given in accordance with subclause (4) will take priority.~~
(12) ~~Where a matter is excluded from the adoption by exception resolution in accordance with subclause 3(c) or subclause (5) and it contains a recommendation from a committee, members shall first be given the option to debate the committee recommendation.~~
- PART 6 - PUBLIC PARTICIPATION**
- 6.1 Meetings generally open to the public**
Meetings being generally open to the public is dealt with in the Act.
- 6.2 Meetings not open to the public**
(1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public.
(2) The Council or a committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close to members of the public a meeting or part of a meeting.
(3) If a resolution under subclause (2) is carried—
(a) ~~the presiding member is to direct everyone to leave the meeting except - all members of the public and any employees specified to leave the meeting;~~
(i) ~~the members;~~
(ii) ~~any employee of the City unless specified in a resolution; and~~
(~~iii~~) ~~any other person specified in a resolution; and~~
(b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the Council or the committee, by resolution, decides otherwise.
(4) A person who fails to comply with a direction under subclause (3)(a) may, by order of the presiding member, be removed from the meeting.
(5) While the resolution under subclause (2) remains in force, the operation of clause 8.910 is to be suspended unless the Council or the committee, by resolution, decides otherwise.
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- (6) A resolution under this clause may be made without notice ~~of the relevant motion~~.
- (7) Once the meeting is reopened to members of the public, the presiding member is to ensure that, if members of the public return to the meeting, any resolution made while the meeting was closed is to be read out or summarised, including the details of any voting recorded.

6.3 Question time for the public

Question time for the public is dealt with in the Act.

6.4 Question time for the public at certain meetings

Question time for the public at certain meetings is dealt with in the Administration Regulations.

6.5 Minimum question time for the public

Minimum question time for the public is dealt with in the Administration Regulations.

6.6 Procedures for question time for the public

Procedures for question time for the public are dealt with in the Administration Regulations.

6.7 Other procedures for question time for the public

- (1) A member of the public who wishes to ask ~~raises~~ a question during question time, ~~must be first~~ state his or her name and address.
- (2) A question may be taken on notice for later response.
- (3) When a question is taken on notice the CEO is to ensure that—

- (a) a response is given to the member of the public in writing prior to the next meeting; and
- (b) a summary of the response is presented to, and recorded in the minutes of, the next meeting.

(4) Where a question relating to a matter in which a relevant person has an interest is directed to the relevant person, the relevant person ~~is to say~~ :

- (a) declare that he or she has an interest in the matter; and
- (b) allow another person to respond to the question.

- (4)(5) Each member of the public with one or more questions is to be given an equal and fair opportunity, to be determined by the presiding member, to ask the question or questions.

(5)(6) The presiding member may decide that a ~~public~~ question is not to be responded to where—

- (a) the same or similar question was asked at a previous meeting, a response was provided and the member of the public is directed to the minutes of the meeting at which the response was provided;
- (b) the member of the public uses public question time to make a statement, provided that the presiding member has taken all reasonable steps to assist the member of the public to phrase the statement as a question;
- (c) the member of the public asks a question that is offensive or defamatory in nature, or is one which, if asked by a member, would be in breach of these standing orders or any other law provided that the presiding member has taken all reasonable steps to assist the member of the public to phrase the question in a manner that is not offensive or defamatory; and
- (d) ~~the member of the public has asked a number of questions about the same or a similar matter and the Presiding mMember is of the view that the question or questions have already been answered or the matter adequately dealt with.~~

6.8 Distinguished visitors

If a distinguished visitor is present at a meeting of the Council or a committee, the presiding member may acknowledge the presence of the distinguished visitor at an appropriate time during the meeting, and the presence of that visitor is to be recorded in the minutes.

6.9 Petitions

- (1) A petition, in order to be considered by the Council, is to—

- (a) be addressed to the ~~president~~Mayor;
- (b) be made by electors of the district;
- (c) state the request on each page of the petition;
- (d) contain the name, address and signature of each elector making the request;
- (e) contain a summary of the reasons for the request;
- (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given; and
- (g) be respectful and temperate in its language.

- (2) ~~Notwithstanding these requirements, Despite subclause (1), the pPresiding mMember may allow the a petition to be considered in circumstances where the petition complies with the majority of the requirements in subclause (1).~~

(2)(3) In response to a petition presented to it, the Council may determine—

- (a) that the petition be received;
- (b) that the petition be rejected; ~~or~~
- (c) that the petition be received and referred to the CEO to prepare a report to the Council or a committee; or,

- (e)(d) that the petition be received and referred to the CEO for action.

- (3)(4) At any meeting, the Council is not to vote on any matter that is the subject of a petition presented

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to that meeting, unless—

- (a) the matter is the subject of a report included in the agenda; and
- (b) the Council has considered the issues raised in the petition.

6.10 Presentations by parties with an interest

- (1) Once an agenda of a meeting of the Council has been issued, parties with a demonstrable interest in any item listed on the agenda for discussion may seek to present to the Council at the time during the meeting allocated for this purpose.
- (2) A person must demonstrate that they are a party with an interest in an item on the agenda by stating their name, the item to which they wish to speak, whether or not they are in agreement with the recommendation in the agenda and they are—
 - (a) ~~The~~ applicant or one duly authorised representative of the applicant; ~~or~~
 - (b) ~~An~~ adjoining neighbour sharing a common length of boundary or directly opposite neighbour of the affected property; ~~or~~
 - (c) ~~One~~ person duly representing a community-based organisation where an item on the agenda has broad community impact and is associated with the objectives of the organisation; or
 - (d) ~~Such~~ other person as in the opinion of the presiding member has a significant direct interest or is duly representing those that have a significant direct interest in the item.
- (3) A person addressing the Council on an agenda item will be limited to a period of 5 minutes unless the person is granted an extension by the presiding member.
- ~~(4)~~ Where multiple parties wish to present on an item, the applicant (or their duly authorised representative) is to be given the opportunity to give the final presentation on the item.
- ~~(4)(5)~~ Members may, through the presiding member, question a person addressing the Council on the item but no debate or general discussion will be permitted.

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6.11 Deputations

- (1) Any person or group wishing to be received as a deputation by the Council is to either—
 - (a) apply, before the meeting, to the CEO for approval; or
 - (b) with the approval of the presiding member, at the meeting, address the Council.
- (2) The CEO may either—
 - (a) approve the request and invite the deputation to attend a meeting of the Council; or
 - (b) refer the request to the Council to decide by simple majority whether or not to receive the deputation.
- (3) Unless the Council resolves otherwise, a deputation invited to attend a Council meeting—
 - (a) is not to exceed 5 people, only 2 of whom may address the Council although others may respond to specific questions from members;
 - (b) is not to address the Council for a period exceeding 10 minutes without the agreement of the Council; and
 - (c) may seek leave of the presiding member for additional members of the deputation to be allowed to speak.
- ~~(5)(4)~~ Any matter which relates to an item on the agenda and which is the subject of a deputation to the Council is not to be decided by the Council until the deputation has completed its presentation.

6.12 Participation at committee meetings

- (1) In this clause a reference to a person is to a person who—
 - (a) is entitled to attend a committee meeting;
 - (b) attends a committee meeting; and
 - (c) is not a member of that committee.
- (2) A member may attend, as an observer, any meeting of a committee of which he or she is not a member or the deputy of a member, but is to sit in an area set aside by the CEO for observers separated from the committee members
- ~~(2)(3)~~ Without the consent of the presiding member, ~~no~~ a person must not address a committee meeting.
- ~~(3)(4)~~ The presiding member of a committee may allow a person to make an oral submission ~~address~~ to the committee for up to 5 minutes.
- ~~(4)(5)~~ A person addressing the committee with the consent of the presiding member is to ~~is to~~ must ~~must~~ cease that address immediately after being directed to do so by the presiding member.
- ~~(5)(6)~~ A person who fails to comply with a direction of the presiding member under subclause (4) may, by order of the presiding member, be removed from the committee meeting.

6.13 Confidentiality of information withheld

- (1) ~~(4)~~ Information withheld by the CEO from the public under regulation 14(2) of the Administration Regulations is to be marked "Confidential" in the agenda.
 - (a) identified in the agenda of a Council or committee meeting under the item "Confidential matters", along with the reason for the confidentiality as dealt with in the Act; and
 - (b) kept confidential by employees and members until, in the opinion of the CEO, or the Council or the committee (as the case may be), the reason for confidentiality ceases to exist.
- (2) A member or an employee in receipt of confidential information under subclause (1), or information

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that is provided or disclosed during a meeting or part of a meeting that is closed to the public, must not disclose any of that information to any person other than another member or an employee to the extent necessary for the purpose of carrying out his or her duties.

- (3) Subclause (2) does not apply where a member or employee discloses the information to a legal practitioner or government officer for the purpose of seeking advice in order to lawfully fulfil his or her role and responsibilities, or where disclosure is required or permitted by law.

6.136.14 Recording of proceedings

- (1) A person must not use any electronic, visual or ~~audiovisual~~ recording device or instrument to record the proceedings of a meeting without the permission of the presiding member.

- (2) If the presiding member gives permission under subclause (1), the presiding member must advise the meeting, immediately before the recording is commenced, that such permission has been given and the nature and extent of that permission.

- (3) Subclause (1) does not apply if the recording is taken by or at the direction of the CEO for the purpose of taking minutes.

6.146.15 Prevention of disturbance

- (1) A reference in this clause to a person is to a person other than a member.
- (2) A person addressing a meeting must extend due courtesy and respect to the Council or the committee and the processes under which it operates and must comply with any direction by the presiding member.
- (3) A person present at or observing a meeting must not create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.
- (4) A person must ensure that his or her mobile telephone, ~~or audible pager or other audible device~~ is not switched on or used during any meeting.
- (5) The presiding member may warn a person who fails to comply with this clause.
- (6) If—
- (a) after being warned, the person again acts contrary to this clause, or to any of these standing orders; or
- (b) a person refuses or fails to comply with a direction by the presiding member, the presiding member may expel the person from the meeting by ordering him or her to leave the meeting room.
- (7) A person who is ordered to leave the meeting room and fails to do so may, by order of the presiding member, be removed from the meeting room and, if the presiding member orders, from the premises.

PART 7 - QUESTIONS BY MEMBERS DURING DEBATE

7.1 Questions without notice during debate

- (1) ~~At any time during debate on a motion prior to the mover of the motion commencing the right of reply, a Member may ask a question in relation to the motion and, with the consent of the Presiding Member, may ask one or more further questions.~~

- (1) Subject to clause 10.16(4), members may ask questions without notice—

- (a) In relation to an item on the notice paper during discussion or debate on the matter; or
- (b) In relation to the good government of persons in the district during the agenda item questions from members.

- (1)(2) A member requesting general information at a meeting may ask a question without notice and, with the consent of the presiding member, may ask one or more further questions.

- (2)(3) Where possible the respondent CEO or the CEO's nominee is to endeavour to answer the question to the best of his or her knowledge and ability, however, if the information is unavailable or the answer requires research or investigation, the respondent may ask that—

- (a) the question is taken on notice; and
- (b) the answer to the question be given to the members as soon as practicable.

- (2)(4) Every question and answer—

- (a) is to be brief and concise; and
- (b) is not to be accompanied by argument, expression of opinion or statement of facts, except to the extent necessary to explain the question or answer.

- (2)(5) In answering any question, a respondent may qualify his or her answer and may at a later time in the meeting or at a subsequent meeting, correct, add to or otherwise amend the original answer.

PART 8 - CONDUCT OF MEMBERS

8.1 Members to be in their proper places at Council meetings

- (1) At the first meeting held after each election day, ~~the each~~ members ~~will~~ ~~is~~ to be allocated a position at the Council table by a ballot conducted by the CEO after considering requests for a specific allocation for special circumstances.

- (2) Each member is to occupy his or her allotted position at each Council meeting.

8.2 Respect to the presiding member

- After the business of a meeting has commenced, a member ~~is~~ ~~must~~ ~~to~~ enter or leave the meeting without first paying due respect to the presiding member.

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8.3 Titles to be used

A speaker, when referring to the ~~president~~Mayor, ~~d~~Deputy ~~president~~Mayor or presiding member, or a member or employee, ~~is to~~must use the title of that person's office.

8.4 Entering or leaving a meeting

During the course of a meeting, a member ~~must~~is not to enter or leave the meeting without first giving an appropriate indication, in order to facilitate the recording in the minutes of the time of entry or departure.

8.5 Members to indicate their intention to speak

A member who wishes to speak at a meeting ~~is to~~must indicate his or her intention to speak by raising his or her hand or by another method agreed by the presiding member.

8.6 Members to rise

~~Any member, other than the Ppresiding Mmember, asking a question or taking part in discussion or a debate at a meeting shall~~must stand, except when prevented from doing so by sickness or infirmity.

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8.6.8.7 Priority of speaking

- (1) Where ~~two~~2 or more members indicate, at the same time, their intention to speak, the presiding member is to decide which member is entitled to be heard first.
- (2) A decision of the presiding member under subclause (1) is not open to discussion or dissent.
- (3) A member ~~is to~~must cease speaking immediately after being asked to do so by the presiding member.

8.7.8.8 Presiding member may take part in debates

The presiding member may take part in a discussion of any matter before the meeting, subject to compliance with this local law.

8.8.8.9 Relevance

- (1) A member must restrict his or her remarks to the motion ~~or amendment~~ under discussion, or to a personal explanation or point of order.
- (2) The presiding member, at any time, may—
 - (a) call the attention of the meeting to—
 - (i) any irrelevant, repetitious, offensive or insulting language by a member; or
 - (ii) any breach of order by a member; and
 - (b) direct that member, if speaking, to discontinue his or her speech.
- (3) A member must comply with the direction of the presiding member under subclause (2) by immediately ceasing to speak.

8.9.8.10 Speaking twice

- (1) A member must not address the meeting more than once on any motion or amendment except—
 - (a) as the mover of a substantive motion or an amendment, to exercise a right of reply;
 - (b) to raise a point of order; or
 - (c) to make a personal explanation.

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- (2) A member who asks a question, or who makes a request or responds to a request under clause 10.7, has not addressed the meeting for the purpose of this clause.

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- (2)(3) This clause does not apply to a committee meetings unless the committee by resolution decides that it is to should apply to ~~a the~~ meeting, ~~part~~ or ~~a parts~~ of ~~the~~ meeting.

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8.10.8.11 Duration of speeches

- (1) A member must not speak on any matter for more than 5 minutes without the consent of the members which, if given, is to be given without debate.
- (2) An extension under this clause cannot be given to allow a member's total speaking time to exceed 10 minutes.

8.11.8.12 No speaking after conclusion of debate

A member must not speak on any motion or amendment—

- (a) after the mover has replied; or
- (b) after the motion or amendment has been put.

8.12.8.13 No interruption

A member must not interrupt another member who is speaking unless—

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum; ~~or~~
- (c) to make a personal explanation under clause 8.14.8; or,
- (d) to move a procedural motion that the member be no longer heard.

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8.13.8.14 Personal explanations

- (1) A member who wishes to make a personal explanation relating to a matter referred to by another member who is then speaking is to indicate to the presiding member his or her intention to make a personal explanation.
- (2) The presiding member is to determine whether the personal explanation is to be heard immediately ~~or~~ at the conclusion of the speech by the other member.
- (3) A member making a personal explanation is to confine his or her observations to a succinct

statement relating to a specific part of the speech at which he or she may have been misunderstood.

8.14.8.15 No reopening of discussion

A member must not reopen discussion on any decision, except to move that the decision be revoked or changed (see Part 16).

8.15.8.16 Adverse reflection

- (1) A member must not reflect adversely on a decision of the Council or committee except on a motion that the decision be revoked or changed (see Part 16).
- (2) A member must not—
 - (a) reflect adversely on the character or actions of another member or employee; or
 - (b) impute any motive to a member or employee, unless the meeting resolves, without debate, that the matter then before the meeting cannot otherwise be adequately considered.
- (3) A member must not use offensive or objectionable expressions in reference to any member, employee or other person.
- (4) If a member ~~or CEO~~ specifically requests, immediately after their use, that any particular words used by a member that ~~are in breach of this clause~~ reflect adversely on another member or employee be recorded in the minutes, the member making the request is to provide the words to the meeting for verification and the presiding member is to cause the words used to be taken down and recorded in the minutes.

8.16.8.17 Withdrawal of offensive language

- (1) A member who, in the opinion of the presiding member, uses an expression which—
 - (a) in the absence of a resolution under clause 8.16.5(2)—
 - (i) reflects adversely on the character or actions of another member or an employee; or
 - (ii) imputes any motive to another member or an employee; or
 - (b) is offensive or objectionable, must, when directed by the presiding member, withdraw the expression and make a satisfactory apology.
- (2) ~~If a member fails to comply with a direction of the presiding member under subclause (1), the presiding member may refuse to hear the member further on the matter then under discussion and call on the next speaker.~~

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Comment [McL2]: If this subclause is deleted, the presiding member's powers under clause 9.5 (which are wider) would apply.

PART 9 - PRESERVING ORDER

9.1 Presiding member to preserve order

- (1) The presiding member is to preserve order, and, whenever he or she considers necessary, may call any member to order.
- (2) When the presiding member speaks during a debate, any member then speaking, or indicating that he or she wishes to speak, must immediately sit down and every member present must preserve strict silence so that the presiding member may be heard without interruption.
- (3) Subclause (2) is not to be used by the presiding member to exercise the right provided in clause 8.7, but to preserve order.

9.2 Point of order

- (1) A member may object, by way of a point of order, only to a breach of—
 - (a) any of these standing orders; or
 - (b) any other written law.
- (2) ~~Examples of valid points of order are —~~
 - (a) ~~a speaker's remarks not being relevant to the motion being debated (see clause 8.9); and~~
 - (b) ~~a speaker's use of offensive or objectionable expressions (see clause 8.16(3)).~~
- (3) Despite anything in this local law to the contrary, a point of order—
 - (a) takes precedence over any discussion; and
 - (b) until determined, suspends the consideration or discussion of any matter.

9.3 Procedures on a point of order

- (1) A member who is addressing the presiding member must not be interrupted except on a point of order.
- (2) A member interrupted on a point of order must ~~cease speaking and~~ resume his or her seat until—
 - (a) the member raising the point of order has been heard; and
 - (b) the presiding member has ruled on the point of order, and, if permitted, the member who has been interrupted may then proceed.

9.4 Calling attention to breach

~~A member may, at any time, draw the attention of the presiding member to any breach of this local law.~~

Comment [McL3]: This clause is unnecessary, see cl 9.2.

9.5.9.4 Ruling by the presiding member

- (1) The presiding member is to rule on any point of order which is raised by either upholding or rejecting the point of order.
- (2) A ruling by the presiding member on a point of order—

- (a) is not to be the subject of debate or comment; and
- (b) is to be final unless the majority of members then present and voting, on a motion moved immediately after the ruling, dissent from the ruling.
- (3) Subject to a motion of dissent being carried under subclause (2), if the presiding member rules that—
 - (a) any motion, amendment or other matter before the meeting is out of order, it is not to be considered further; and
 - (b) a statement made or act done by a member is out of order, the presiding member may direct the member to make an explanation, retraction or apology.

9.69.5 Continued breach of order

If a member—

- (a) persists in any conduct that the presiding member had ruled is out of order; or
- (b) refuses to comply with a direction from the presiding member (such as a direction under clause ~~8.8(2)(b)~~, ~~8.16(1)8.9(2)(b)~~ or 9.45(3)(b)),

the presiding member may direct the member to refrain from taking any further part in the debate on the matter then before the meeting, other than by voting, and the member must comply with that direction.

9.79.6 Right of presiding member to adjourn

- (1) For the purpose of preserving or regaining order, the presiding member may adjourn the meeting for a period of up to 15 minutes.
- (2) On resumption, the debate is to continue at the point at which the meeting was adjourned.
- (3) If, at any one meeting, the presiding member adjourns the meeting more than once for the purpose of preserving or regaining order, the second or subsequent adjournment may be to a later time on the same day or to another day.

PART 10 - DEBATE OF SUBSTANTIVE MOTIONS

10.1 Motions to be stated and in writing

~~(1)~~ A member who wishes to move a substantive motion or an amendment to a substantive motion—

- (a) is to state the substance of the motion before speaking to it; and
- (b) is to put the motion or amendment in writing if he or she is required to do so by the presiding member.

10.2 Motions to be supported

- (1) A substantive motion or an amendment to a substantive motion is not open to debate until it has been seconded.
- (2) A motion to revoke or change a decision made at a Council or committee meeting is not open to debate unless the motion has the support required under regulation 10 of the Administration Regulations.

10.3 Unopposed business

- (1) Immediately after a substantive motion has been moved and seconded, the presiding member may ask the meeting if any member opposes it.
- (2) If no member opposes the motion, the presiding member may immediately proceed to put the matter to the vote.

10.4 Only one substantive motion at a time

The presiding member is not to accept a substantive motion while another substantive motion is being debated.

10.5 Complex motions

The presiding member may require that a complex substantive motion, or a complex amendment to a substantive motion, is to be broken down and put in the form of more than one motion, each of which is to be put in sequence.

10.6 Order of call in debate

- (1) The presiding member is to call speakers to a substantive motion in the following order—

- (a) the mover to state the motion;
- (b) a seconder to the motion;
- (c) the mover to speak to the motion;
- (d) the seconder to speak to the motion;
- (e) a speaker against the motion;
- (f) a speaker for the motion;
- (g) other speakers against and for the motion, alternating where possible; and
- (h) mover takes right of reply which closes debate.

- (2) When called on to speak, the seconder to a motion may elect to reserve that right and speak to the motion at a later time when a speaker for the motion is called.

10.7 Member may require motion or amendment to be read

A member may require the motion or amendment or matter under discussion to be read at any time during a debate, but not so as to interrupt any other member who is speaking.

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10.8 Consent of seconder required for alteration

The mover of a substantive motion may not alter the wording of the motion without the consent of the seconder.

10.9 Number and order of amendments

- (1) No more than three amendments may be proposed to a substantive motion unless the presiding member determines that further amendments are to be permitted.
- (2) Where an amendment is moved to a substantive motion, a second or subsequent amendment is not to be moved or considered until the first amendment has been withdrawn, carried or lost.
- (3) An amendment may be proposed to a substantive motion either in its original terms or as subsequently amended.

10.10 Who can move amendment may be moved to a motion

~~Any member may move an amendment to a motion during the debate on the motion, except—~~

- (a) ~~when the mover has been called by the presiding member to exercise the right of reply; or~~
- (b) ~~during debate on a procedural motion.~~

10.10.11 Form of an amendment

An amendment must add, delete, or substitute words to the substantive motion.

10.10.12 Amendment must not negate original motion

An amendment to a substantive motion cannot negate the original motion or the intent of the original motion.

10.10.13 Relevance of amendments

Each amendment ~~is to~~**must** be relevant to the motion in respect of which it is moved.

10.10.14 Mover of motion may speak on amendment

Any member, including the mover of a motion, may speak during debate on an amendment.

10.10.15 Effect of an amendment

If an amendment to a substantive motion is carried, the motion as amended then becomes the substantive motion, on which any member may speak and a further amendment may be moved, subject to the limitation on the number of amendments in clause 10.9.

10.10.16 Withdrawal of motion or amendment

- (1) Subject to subclause (2), the ~~members~~**Council or a committee** may, without debate, grant leave to withdraw a motion or amendment on the request of the mover of the motion or amendment and with the approval of the seconder.
- (2) Where an amendment has been proposed to a substantive motion, the substantive motion is not to be withdrawn, except by consent of the majority of members present, until the amendment proposed has been withdrawn or lost.

10.10.17 Right of reply

- (1) The mover of a substantive motion has the right of reply.
- ~~(2) The mover of any amendment to a substantive motion has a right of reply.~~
- ~~(3)(2)~~ The right of reply under subclause (1) may be exercised only—
 - (a) where no amendment is moved to the substantive motion—at the conclusion of the discussion on the motion; or
 - (b) where one or more amendments have been moved to the substantive motion—at the conclusion of the discussion on the substantive motion and any amendments.
- ~~(4)(3)~~ After the mover of the substantive motion has commenced the reply—
 - (a) no other member is to speak on the motion;
 - (b) there is to be no further discussion on, question about or any further amendment to, the motion.
- ~~(5)(4)~~ The right of reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.
- ~~(5) The mover of an amendment to a substantive motion has the right of reply in relation to that amendment.~~
- ~~(6) The right of reply under subclause (3) may be exercised only at the conclusion of the discussion on that amendment.~~
- ~~(7) At the conclusion of the right of reply under subclause (2), the substantive motion, or the substantive motion as amended, is immediately to be put to the vote, subject to any requirement to read the motion under clause 10.7 before the vote.~~

10.18 Foreshadowing alternative motions

- (1) In this clause, **Alternative Motion** means an alternative substantive motion that negates the terms and intent of a substantive motion that is being considered, or is to be considered, by the Council.
- (2) A member who wishes the Council to consider an Alternative Motion, the member must foreshadow the Alternative Motion prior to the right of reply in respect of the substantive motion has commenced.
- (3) If the substantive motion is lost, the presiding member must call on the member who foreshadowed the Alternative motion to move the Alternative Motion.
- (4) Once moved and seconded, the foreshadowed Alternative Motion becomes the substantive motion and the same procedures and rules of debate apply to this motion as any other substantive motion.
- (5) If more than one foreshadowed Alternative Motion is proposed for any item before the Council, the

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Comment [McL4]: This clause applies only to Council meetings.

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- presiding member must deal with them in the order in which they were foreshadowed.
- (6) Where a member has identified an item for exclusion from the adoption by exception resolution under clause 5.10(5), and includes a motion that is different to the employee recommendation, that motion is taken to be a foreshadowed Alternative Motion and is to be the substantive motion that is first considered by the Council.
- (4)(7) Where a member has identified an item for exclusion from the adoption by exception resolution under clause 5.10(5), and includes a motion that is different to the committee recommendation, that motion is taken to be a foreshadowed Alternative Motion and members are first to be given the option to debate the committee recommendation.

PART 11 - PROCEDURAL MOTIONS

11.1 Permissible procedural motions

In addition to the right to move an amendment to a substantive motion (under Part 10), a member may move the following procedural motions—

- (a) that the item be referred or adjourned to a Council or a committee meeting;
- (b) that the meeting now adjourn;
- (c) that the motion ~~or amendment~~ be now put;
- (d) that the ruling of the presiding member be disagreed with;
- (4)(e) that the member be no longer heard;
- (e)(f) that the meeting be closed to the public (see clause 6.2).

11.2 No debate

- (1) A procedural motion is not open to debate until it has been seconded.
- (2) The mover of a motion specified in paragraph (a), (b), (d) or (f) of clause 11.1 may speak to the motion for not more than 5 minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.
- (3) The mover of a motion specified in paragraph (c) or (e) of clause 11.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

11.11.3 Who may move

A member who has moved, seconded, or spoken for or against the substantive motion, or any amendment to the substantive motion, cannot move any procedural motion which, if carried, would close the debate on the substantive motion or amendment.

11.21.4 Procedural motions—right of reply on substantive motion

The carrying of a procedural motion which closes debate on the substantive motion or amendment and forces a decision on the substantive motion or amendment does not deny the right of reply to the mover of the substantive motion.

11.311.5 Item to be referred or adjourned

- (1) A motion “that the item be referred or adjourned”—
 - (a) is, in the case of a referral, to state the Council or committee meeting to which the item is to be referred and the time of that meeting (and the reasons for the motion);
 - (b) is, in the case of an adjournment, to state the time to which the debate on the item is to be adjourned (and the reasons for the motion); and
 - (c) if carried, has the effect that all debate on the substantive motion or amendment ceases immediately, but is to continue at the meeting, and at the time, stated in the motion.
- (2) If a motion “that the item be adjourned” is carried at a meeting—
 - (4)(a) the names of each members who have spoken on the item before the adjournment is are to be recorded in the minutes; and
 - (e)(b) clause 8.910 is to apply when the debate on the item is resumed.

11.411.6 Meeting now adjourn

- (2)(1) A member is not to move or second more than one motion of adjournment during the same meeting.
- (4)(2) Before putting the motion for the adjournment, the presiding member may seek leave of the meeting to deal first with matters that may be the subject of an adoption by exception resolution (see clause 5.6).
- (3) A motion “that the meeting now adjourn”—
 - (a) is to state the time and date to which the meeting is to be adjourned; and
 - (b) if carried, has the effect that the meeting is adjourned to the time and date specified in the motion.
- (4) The Council or a committee may adjourn any meeting—
 - (a) to a later time on the same day; or
 - (b) to any other time on any other day, including a time which coincides with the conclusion of another meeting or event.
- (5) A meeting adjourned under subclause (3) —

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- (a) is to continue from the point at which it was adjourned, unless the presiding member or the meeting determines otherwise; and
- (b) in case of a Council meeting –
- (i) the name of each member who has spoken on any item that is adjourned is to be recorded in the minutes; and
- (ii) clause 8.10 is to apply when the debate on that item is resumed.
- 11.511.7 Motion or amendment to be put**
- (1) If the motion “that the motion be now put”, is carried during debate on a substantive motion without amendment, the presiding member is to offer the right of reply and then put the motion to the vote without further debate.
- (4)(2) If the motion “that the ~~amendment-motion~~ be now put” is carried during discussion of an amendment, the presiding member is to offer the right of reply in relation to the amendment and then put the amendment to the vote without further debate.
- (5)(3) This motion “~~that the motion be now put~~”; if ~~is~~ lost, ~~causes the~~ debate ~~is~~ to continue.
- 11.8 Member to be no longer heard**
- If the motion “that the ~~Member~~ be no longer heard” is carried, the speaker against whom the motion has been moved cannot speak further on the current substantive motion, or any amendment relating to it, except to exercise the right of reply if he or she is the mover of the substantive motion or amendment.
- 11.411.9 Ruling of the presiding member to be disagreed with**
- If the motion “that the ruling of the presiding member be disagreed with”, is carried, that ruling is to have no effect and the meeting is to proceed accordingly.
- PART 12 - DISCLOSURE OF INTERESTS**
- 12.1 Disclosure of interests**
- The requirements for members and employees to disclose financial and other interests, the nature of the interests that must be disclosed, and related matters are dealt with in the Act, the Administration Regulations, the Rules of Conduct Regulations and the Code of Conduct.
- 12.2 Separation of committee recommendations**
- Where, at a committee meeting,
- (a) a member discloses a financial interest in a matter; and
- (b) the matter is included in the recommendations (or part of the recommendations) of the committee to a Council or committee meeting that will or may be attended by the member, the agenda of that Council or committee meeting is to separate the relevant recommendation (or the relevant part of the recommendation) from other recommendations of the committee.
- Note: the purpose of this clause is to enable the member to declare the interest and leave the room before the consideration of the matter in which he or she has the interest.*
- PART 13 - VOTING**
- 13.1 Motion—when put**
- (1) Immediately after the debate on any motion is concluded and the right of reply has been exercised, the presiding member—
- (a) is to put the motion to the meeting; and
- (b) if requested by any member, is to again state the terms of the motion.
- (2) A member is not to leave the meeting when the presiding member is putting any motion.
- 13.2 Voting**
- Voting is dealt with in the Act and the Administration Regulations.
- 13.3 Majorities required for decisions**
- The majorities required for decisions of the Council and committees are dealt with in the Act.
- 13.4 Method of taking vote**
- (1) In taking the vote on any motion ~~or amendment~~ the presiding member—
- (a) is to put the motion ~~or amendment~~, first in the affirmative, and then in the negative;
- (b) may put the motion ~~or amendment~~ in this way as often as may be necessary to enable him or her to determine whether the affirmative or the negative has the majority of votes;
- (c) is to count and determine the votes of members in any way (such as electronically or by a show of hands) that enables a record to be taken of each member's vote; and
- (d) subject to this clause, is to declare the result.
- PART 14 - MINUTES OF MEETINGS**
- 14.1 Keeping of minutes**
- (1) The CEO is to ensure that the minutes record whether or not the motion is carried unanimously, and if the motion is not carried unanimously—
- (a) the name of each member who voted; and
- (b) whether he or she voted in the affirmative or negative.
- The keeping and confirmation of minutes are dealt with in the Act.
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14.2 Content of minutes

The content of minutes is dealt with in the Administration Regulations.

14.3 Public inspection of unconfirmed minutes

The public inspection of unconfirmed minutes is dealt with in the Administration Regulations.

14.4 Confirmation of minutes

- (1) If a member is dissatisfied with the accuracy of the draft minutes, he or she is to provide to the CEO a written copy of the alternative wording to amend the draft minutes no later than 3 clear business days before for consideration of the members present at the meeting where the minutes are to be confirmed.
- (2) At that meeting, during the item dealing with the confirmation of minutes, the member who provided the alternative wording shall, at the time for confirmation of minutes—
 - (a) is to state the item or items with which he or she is dissatisfied; and
 - (b) is to propose a motion clearly outlining the alternative wording to amend the minutes.

~~PART 15 – Adjournment of meeting~~

~~15.1 Meeting may be adjourned~~

~~The Council or a committee may adjourn any meeting—~~

- (a) ~~to a later time on the same day; or~~
- (b) ~~to any other time on any other day, including a time which coincides with the conclusion of another meeting or event.~~

~~15.2 Effect of adjournment~~

~~Where any matter, motion, debate or meeting is adjourned under this local law—~~

- (a) ~~the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes;~~
- (b) ~~debate is to be resumed at the next meeting at the point where it was interrupted; and~~
- (c) ~~the provisions of clause 8.9 apply when the debate is resumed.~~

~~PART 16 – PART 15 - REVOKING OR CHANGING DECISIONS~~

~~16.15.1 Requirements to revoke or change decisions~~

The requirements to revoke or change a decision made at a meeting are dealt with in regulation 10 of the Administration Regulations.

~~PART 17 – PART 16 - SUSPENSION OF STANDING ORDERS~~

~~17.16.1 Suspension of standing orders~~

- (1) A member may at any time move that the operation of one or more of these standing orders be suspended.
- (2) A motion under subclause (1) which is seconded and carried is to suspend the operation of the standing order or orders to which the motion relates for the duration of the meeting or such other part of the meeting specified in the motion, unless the meeting earlier resolves otherwise.

~~17.216.2 Where standing orders do not apply~~

- (1) In situations where—
 - (a) one or more of these standing orders have been suspended; or
 - (b) a matter is not regulated by the Act, the Administration Regulations or this local law, the presiding member is to decide questions relating to the conduct of the meeting.
- (2) The decision of the presiding member under subclause (1) is final, except where a motion is moved and carried under clause 11.7.

~~PART 18 – PART 17 - MEETINGS OF ELECTORS~~

~~18.417.1 Electors' general meetings~~

Electors' general meetings are dealt with in the Act.

~~18.217.2 Matters for discussion at electors' general meetings~~

The matters to be discussed at electors' general meetings are dealt with in the Administration Regulations.

~~18.317.3 Electors' special meetings~~

Electors' special meetings are dealt with in the Act.

~~18.417.4 Requests for electors' special meetings~~

Requests for electors' special meetings are dealt with in the Administration Regulations.

~~18.517.5 Convening electors' meetings~~

Convening electors' meetings is dealt with in the Act.

~~18.617.6 Who presides at electors' meetings~~

Who presides at electors' meetings is dealt with in the Act.

~~18.717.7 Procedure for electors' meetings~~

- (1) The procedure for electors' meetings is dealt with in the Act and the Administration Regulations.
- (2) In exercising his or her discretion to determine the procedure to be followed at an electors'

Comment [McL5]: Substantive provisions relocated to clause 11.6.

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meeting, the presiding member is to have regard to this local law.

~~18.8~~~~17.8~~ **Participation of non-electors**
A person who is not an elector of the ShireCity must not take part in any discussion at an electors' meeting unless the meeting, by resolution, permits the person do so.

Note: A person who is not an elector of the ShireCity cannot vote at an electors' meeting (see clause 18.9).

~~18.9~~~~17.9~~ **Voting at electors' meetings**
Voting at electors' meetings is dealt with in the Administration Regulations.

~~18.10~~~~17.10~~ **Minutes of electors' meetings**
Minutes of electors' meetings are dealt with in the Act.

~~18.11~~~~17.11~~ **Decisions made at electors' meetings**
Decisions made at electors' meetings are dealt with in the Act.

~~PART 19~~~~PART 18~~ - ENFORCEMENT

~~19.1~~~~18.1~~ **Penalty for breach**
A person who breaches a provision of this local law commits an offence. Penalty—\$~~15~~5,000.00 and a daily penalty of \$~~15~~500.00.

~~19.2~~~~18.2~~ **Who can prosecute**
Who can prosecute is dealt with in the Act.

~~PART 20~~ - COMMON SEAL

~~20.1~~ **Custody of the common seal**
~~The CEO is to have charge of the common seal of the Shire, and is responsible for the safe-custody and proper use of it.~~

~~20.2~~ **Register**
~~The CEO is to maintain a register that is to record, in respect of each occasion when the common seal is affixed to a document—~~
~~(a) the date that the common seal was affixed;~~
~~(b) the nature of the document; and~~
~~(c) the parties described in the document.~~

~~20.3~~ **Use of common seal**
~~The use of the common seal is dealt with in the Act.~~

Dated: 27 April add date 20147.

The Common Seal of the ShireCity of Busselton was affixed by the authority of a resolution of Council in the presence of—

HENLEY IAN. W. STUBBS, President
GRANT DOUGLAS
Mayor.

MICHAEL S. L. ARCHER,
Chief Executive Officer.

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10.4 Policy and Legislation Committee - 21/09/2017 - COUNCIL POLICY 016 RANGER & 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 & 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 CP016 Ranger & Emergency Services Approach to Regulatory Functions Version 1 (with track changes) ↓ Attachment B CP016 Ranger & Emergency Services Approach to Regulatory Functions Version 2 ↓

This item was considered by the Policy and Legislation Committee at its meeting on 21 September 2017, the recommendations from which have been included in this report.

PRÉCIS

A review of Council Policy 016 Ranger and Emergency Services Approach to Regulatory Functions has been completed. Recommended changes to the policy are minor in nature and do not alter the intent of the original policy. The purpose of this report is to seek the Council's adoption of the revised policy.

BACKGROUND

Council Policy 016 Ranger and Emergency Services Approach to Regulatory Functions was adopted by Council on 26 June 2013. As the name suggests the policy sets out the City's approach to regulatory functions exercised by Ranger and Emergency Services.

The Policy and Legislation Committee has endorsed an ongoing policy review process, whereby individual policies are reviewed with a view to determining their ongoing applicability along with standardisation and reduction. This report presents the review of Council Policy 016.

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

This policy supplements and supports Council's *Enforcement and Prosecutions* Policy (015) as adopted by Council on 9 August 2017.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the adoption of this policy.

Long-term Financial Plan Implications

There are no Long Term Financial Plan implications associated with the adoption of this policy.

STRATEGIC COMMUNITY OBJECTIVES

Key Goal Area

6 Leadership: visionary, collaborative and accountable.

Community Objective

6.1: governance systems, processes and practices are responsible, ethical and transparent.

RISK ASSESSMENT

An assessment of the potential implications of implementing the Officer Recommendation has been undertaken using the City's risk assessment framework. There are no significant risks identified.

CONSULTATION

The review of the policy is a routine administrative process to ensure it remains applicable and relevant which it does. Changes to the original policy are minor in nature and do not alter the intent of the original policy. A copy of the version 1 of the policy showing track changes for version 2 is attached (Attachment A).

OFFICER COMMENT

It is seen as appropriate that the Council adopts and maintains a policy that sets out the City's objectives and intent with respect to its regulatory functions. These are important functions for the City, our residents and visitors to the District. If these functions were not undertaken in a professional manner, or at all, there may be negative consequences.

It is important that the City sets out how and why these functions are being exercised, and communicates that to the community as a whole, as well as individual members of the public. Adoption of the policy would play a significant part in doing that.

CONCLUSION

The policy would provide for the continuation of a transparent, consistent, accountable and respectful approach to the exercising of regulatory functions by Rangers and Emergency Services, and it is recommended that the Council formally adopts the policy as attached to this report (Attachment B).

OPTIONS

Council may amend or reject the new draft policy.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

If adopted by the Council, version 2 of Council Policy 016 Rangers and Emergency Services Approach to Regulatory Functions would come into immediate effect.

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

That the Council adopts version 2 of Council Policy 016 Ranger and Emergency Services Approach to Regulatory Functions as attached (Attachment B)

~~Implemented 26/06/13~~

016	Ranger & Emergency Services Approach to Regulatory Functions	V1 Current V2 Draft
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~~(Including Parking, Dogs/Cats/Animals, Fire Management, Litter, Unauthorised Camping and related matters)~~

1.0 PURPOSE

The purpose of this policy is to –

- 1.1 Outline the City's approach to the implementation of the regulatory framework controlling parking, dog/cats/animals, fire management, litter, unauthorised camping and related matters (all of which are primarily handled by the City's Ranger and Emergency Services);~~);~~
- 1.2 Supplement relevant requirements, direction and advice already set out in the City's *Prosecutions Policy* and relevant Acts, Regulations, Local Laws and/or other relevant documents;~~and.~~
- 1.3 Support transparent, consistent, accountable and respectful guidance and processes associated with implementing the relevant regulatory framework, including decisions to issue work orders and infringements, pursue prosecution and respond to requests for withdrawal/cessation of work orders, infringements and prosecutions.

2.0 GENERAL PRINCIPLES

- 2.1 The CEO will prepare more detailed internal procedures/protocols to supplement this Policy and to guide operational staff in the exercise of these functions. The CEO will consult with Councillors as appropriate in the development of those procedures/protocols.
- 2.2 The City will enforce the regulatory framework relating to parking, dogs/cats/animals, fire management, litter, unauthorised camping and related matters in a consistent, fair and objective manner, whilst at the same time, promoting positive resident and customer relations, and providing a conscientious and respectful service.
- 2.3 Officers are expected to use their reasonable judgement and discretions whilst enforcing the regulatory framework relating to parking, dogs/cats/animals, fire management, litter, unauthorised camping and related matters.
- 2.4 Once there has been a decision to prosecute, or an infringement notice or work order has been issued, it will only be withdrawn following the submission and consideration of a written request for withdrawal as set out in more detailed protocols/procedures developed by the CEO.
- 2.5 'Mutual respect ~~in everything we do~~' is one of the City's values ~~of the City of Busselton~~. That value is of particular importance to the exercising of regulatory functions and applies to both the City itself and the community. Respect is due to both a person who may have been issued an infringement or similar, as well as to the people who have complied with the relevant legislation, or may have been affected by the failure of someone else to do so. Behaviour disrespectful to the City, its employees or the community as a whole is inappropriate and will not be tolerated.

3.0 PARKING – OBJECTIVES/STATEMENT OF INTENT

The following sets out the key objectives/statement of intent in relation to the City's enforcement of parking controls –

Implemented 26/06/13

- 3.1 The aim of parking controls and their enforcement is to ensure the efficient and equitable use and management of parking in the City, especially in the Busselton City Centre and Dunsborough Town Centre.
- 3.2 The City will aim to provide consistent enforcement of parking controls, ~~throughout any given year and across any given week,~~ but available staffing resources and workload demands ~~at any given time~~ may affect the City's capacity to enforce parking controls from time-to-time. Notwithstanding ~~that this~~, residents and visitors are responsible for ensuring they are complying with parking controls at all times.
- 3.3 The City will review parking controls periodically and adjust parking controls as appropriate and following completion of appropriate consultation and applicable legal/administrative processes. The City will be conscious of available resources and the need to provide for consistent enforcement in determining when, where and what parking controls should be applied.
- 3.4 The City's parking local law provides for control of both public car parking (on-street and public car parks) and, where requested by the landowners, private car parking (e.g. some shopping centre car parks). The City encourages landowners to request that the City manage private car parking areas in and around the Busselton City Centre and Dunsborough Town Centre, and will generally support requests to manage private parking areas where the controls are to be applied are consistent with the approach to managing public parking and the City's capacity to consistently enforce those controls. If the landowner wishes to have parking controls that are not considered to be appropriate or enforceable by the City, then the City will not agree to manage the relevant parking area. The City also does not have the capacity to manage private car parking outside the Busselton City Centre and the Dunsborough Town Centre.
- 3.5 The City will engage in community education and provision of information as appropriate and as resources allow, assisting residents and visitors to determine what and where parking is available to meet their needs.

4.0 ANIMALS – OBJECTIVES/STATEMENT OF INTENT

The following sets out the key objectives/statement of intent in relation to the City's enforcement of dog, cat and other animal controls –

- 4.1 The City promotes responsible pet ownership and recognises that pets can substantially add to the wellbeing and quality of life of their owners.
- 4.2 The aim of dog, cat and other animal controls is to promote responsible pet ownership, avoid nuisance being created for members of the community and visitors, limit damage to and loss of wildlife, and protect the welfare and safety of dogs, cats and other animals.
- 4.3 The City will aim to provide consistent enforcement of dog, cat and other animal controls, ~~throughout any given year and across any given week,~~ but available staffing resources and workload demands ~~at any given time~~ may affect the City's capacity to enforce these controls from time-to-time. Notwithstanding that, residents and visitors are responsible for ensuring they are complying with relevant regulations at all times.
- 4.4 The City will review dog, cat and other animal controls periodically and adjust these controls as appropriate and following completion of appropriate consultation and applicable legal/administrative processes. The City will be conscious of available resources and the need to provide for consistent enforcement in determining when, where and what controls should be applied.

~~Implemented 26/06/13~~

- 4.5 The City will respond to reasonable requests for assistance with protecting the welfare of dogs, cats and other animals by the public and other agencies and investigate as necessary. When the matter is found to be of a serious nature it will be handed over to the RSPCA ~~or Parks and Wildlife Services (Department of Biodiversity, Conservation and Attractions)~~ for ~~their~~ further action.
- 4.6 The City will engage in community education as appropriate and as resources allow, promoting responsible pet ownership, whilst ensuring that the primary responsibility always rests with pet and other animal owners.

5.0 FIRE MANAGEMENT – OBJECTIVES/STATEMENT OF INTENT

The following sets out the key objectives/statement of intent in relation to the City's enforcement of fire management controls –

- 5.1 The City recognises that bush fire safety is a shared and collective responsibility involving the whole of the community. Bush fires do not respect property boundaries and an elevated bush fire risk on one property does not just affect the property in question, it increases risk for the whole of the community.
- 5.2 The City promotes individual, landowner and community management for the management of bush fire risk and, in particular, strongly encourages all residents in bush fire prone areas to have their own bush fire response plan, join their local Bushfire Ready Action Group (BRAG) and/or become an emergency services volunteer with a Fire & Rescue Service or Bush Fire Brigade.
- 5.3 The City supports and works with the Department of Fire and Emergency Services, Department of ~~Environment and Biodiversity~~, Conservation ~~and Attractions~~, Fire and Rescue Service and Bush Fire Brigades as well as many others, to ensure that our community is adequately resourced and prepared to fight fires, but recognises that a major component of protecting our community is through mitigation of bush fire risk, especially through the creation and maintenance of fire breaks and low fuel areas on both public and private land.
- 5.4 The aim of fire management controls and their enforcement is to reduce the risks of and from bush fires to both life and property, including the lives of emergency services volunteers and others involved in fire fighting.
- 5.5 The City will aim to provide consistent enforcement of fire management controls, but available staffing resources and workload demands ~~at any given time~~ may affect the City's capacity to enforce fire management controls from time-to-time. Notwithstanding ~~that this~~, residents and visitors are responsible for ensuring they are complying with fire management controls at all times.
- 5.6 During the 'bush fire season' (generally 1 December to 12 May), enforcement of fire management controls will be the highest priority for the City's Ranger and Emergency Services, other than responding to emergencies that may occur from time-to-time. The priority areas for enforcement of fire management controls are areas identified as being bush fire prone.
- 5.7 The City will review fire management controls periodically and adjust controls as appropriate and following completion of appropriate consultation and applicable legal/administrative processes. The City will be conscious of available resources and the need to provide for consistent enforcement in determining when, where and what controls should be applied. The City will consider cost implications for landowners and potential environmental impacts as and when it is deemed necessary to review fire management controls, but will always place the greatest weight on the protection of human life.

~~Implemented 26/06/13~~

- 5.8 The City will engage in community education as appropriate and as resources allow, promoting individual, ~~and~~ landowner and community responsibility for protecting our community from bush fire risk.

6.0 LITTER – OBJECTIVES/STATEMENT OF INTENT

The following sets out the key/objectives/statement of intent in relation to the City's enforcement of litter controls –

- 6.1 The aim of the enforcement of litter controls is to control the unlawful disposal of litter and to maintain an attractive and healthy environment and protect the safety of the community.
- 6.2 The City will aim to provide consistent enforcement of litter controls, ~~at all times,~~ but available staffing resources and workloads ~~at any given time~~ may affect the City's capacity to enforce controls from time-to-time. Notwithstanding ~~that this,~~ residents and visitors are responsible for ensuring they comply with litter controls at all times.
- 6.3 The City will review litter controls periodically as appropriate and with appropriate consultation. The City will be conscious of available resources and the need to provide for consistent enforcement in determining when, where and what controls should be applied.

7.0 UNAUTHORISED CAMPING (OTHER THAN AT A LICENCED CARAVAN PARK AND/OR CAMPING GROUND) – OBJECTIVES/STATEMENT OF INTENT

The following sets out the key objectives/statement of intent in relation to the City's enforcement of unauthorised camping (other than at a licenced caravan park and/or camping ground) –

- 7.1 The aim of the enforcement of unauthorised camping controls is to ensure that people sleeping/camping in moveable dwellings, tents or their vehicles within the City comply with the relevant legislation, and to protect the health, the environment and community amenity.
- 7.2 The City will aim to provide consistent enforcement of unauthorised camping controls, ~~at all times,~~ but available staffing resources and workloads ~~at any given time~~ may affect the City's capacity to enforce controls from time-to-time. Notwithstanding ~~that this,~~ residents and visitors are responsible for ensuring they comply with unauthorised camping controls at all times.
- 7.3 The City aims to promote responsible and sustainable caravanning and camping, reduce the impact on the natural environment and any nuisance to the community caused by irresponsible caravanning and camping.
- 7.4 The City will review relevant controls in relation to caravanning and camping periodically as appropriate and with appropriate consultation. The City will be conscious of available resources and the need to provide for consistent enforcement in determining when appropriate controls should be applied.

History

Council Resolution	Date	Information
CXXXX/XXX	TBA	Scheduled review Version 2
C1306/160	26 June 2013	Date of Implementation Version 1

016	Ranger & Emergency Services Approach to Regulatory Functions	V2 Draft
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1.0 PURPOSE

The purpose of this policy is to –

- 1.1 Outline the City's approach to the implementation of the regulatory framework controlling parking, dog/cats/animals, fire management, litter, unauthorised camping and related matters (all of which are primarily handled by the City's Ranger and Emergency Services).
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History

Council Resolution	Date	Information
CXXXX/XXX	TBA	Scheduled review Version 2
C1306/160	26 June 2013	Date of Implementation Version 1

10.5 Policy and Legislation Committee - 21/09/2017 - REVIEW OF LOCAL PLANNING POLICY 6B PERCENT FOR ART

SUBJECT INDEX:	Percent for Art - contributions
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Development Services and Policy
ACTIVITY UNIT:	Development Services and Policy
REPORTING OFFICER:	Manager, Development Services and Policy - Anthony Rowe
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Advertised: Percent for Art with marked changes ↓ Attachment B Summary of Submissions ↓ Attachment C Final draft: with post advertising changes highlighted ↓

This item was considered by the Policy and Legislation Committee at its meeting on 21 September 2017, the recommendations from which have been included in this report.

PRÉCIS

Council at its meeting 10 May 2017 resolved:

1. Pursuant to clause 5 of Part 2 of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, proceeds with the amendment to Local Planning Policy 6B Percent for Art Provisions as outlined in Attachment B of this report, further modified through the removal of clause 8.4 and the renumbering of subsequent clauses accordingly;
2. Pursuant to clause 4 of Part 2 of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, advertises the amendment to Local Planning Policy 6B Percent for Art Provisions; and
3. In parallel with point 2 above, undertakes community consultation to assist in developing new themes/ideas/locations for projects which contributions collected under the Policy in the Busselton and Dunsborough Precincts shall be allocated towards in the future.

The Local Planning Policy 6B *Percent for Art Provisions* (LPP6B), has been circulated for community consultation. Two community responses were received and are addressed in the report. No change is recommended as a consequence of the submissions.

The Local Planning Policy 6B *Percent for Art Provisions* (LPP6B) has been modified to provide a framework for consultation, to maintain the purpose of item 3. The basis for the change is addressed in the report.

Council's approval is sought to adopt the City of Busselton Local Planning Policy 6B Percent for Art Provisions (LPP6B) as modified.

BACKGROUND

The City of Busselton Local Planning Policy 6B Provisions Provisions (LPP6B) originated in 2008 to enhance the amenity and identity of key public places such as town/village centres, commercial nodes, main streets, entry points, squares, foreshores and parks.

The current policy identifies two precincts, the Busselton Precinct and the Dunsborough Precinct, and these are the only project destinations that contributions earned for public art can be directed to.

Since then it has become apparent and desirable to also include the destinations of Yallingup and Vasse. Yallingup Foreshore is an important public place/area and the Vasse Village Centre is now developing into the third town centre in the District.

It was also recognised that given the funds derived in the Busselton Precinct were to be directed to the Settlement Art Project, now nearing completion, it is timely to now enable funds to be directed towards other projects, as identified in item 3 of Council's resolution 10 May 2017.

Further to the above considerations, an inconsistency in process was identified, principally the way the contribution is currently derived. Under the current Policy, proposals with a value greater than \$1M are required to make a public art contribution of 1% on the value/cost (which can be delivered either as cash or, more commonly, as on-site works). This includes multiple dwellings, grouped dwellings, mixed use developments, as forms of dwellings, and in addition to these, contributions are required from commercial, civic, institutional, and educational projects. Single houses, as one dwelling type, are exempt from making the contribution regardless of value.

This presents an unfairness across dwelling 'types' rather than on the nature of the land use. Even affordable housing units as a combined development, may often exceed a value of \$1M, and as such require the contribution. This is, in turn, passed onto the costs to purchaser.

The inconsistency also manifested itself in the structure of a development. This is highlighted when comparing a built residential complex (retirement village), with a park home concept (retirement village).

In the case of the park home development, the project value only includes creating the site, notwithstanding the resident may choose from a limited number of the developer's building types. Technically the new resident brings their own single house, and as such the value of the house is exempt from the public art contribution. Alternatively a retirement village complex, which constructed the dwelling that was then purchased, has to pass on the public art contribution into the value/purchase price of the dwelling.

STATUTORY ENVIRONMENT

Part 2 - Local Planning Framework of Schedule 2 - Deemed provisions for local planning schemes of the *Planning and Development (Local Planning Schemes) Regulations 2015* enables the City to make, amend and/or repeal a local planning policy.

The procedure of amending a local planning policy requires, if the amendment is not considered minor, advertising in accordance with the procedure described in clause 4 of Part 2. It requires advertising of the proposed policy (or amendment) for a period of not less than 21 days via notice in a newspaper circulating within the Scheme area.

At the conclusion of the advertising period the Council may resolve to -

- (i) proceed with the policy without modification; or
- (ii) proceed with the policy with modification; or
- (iii) not to proceed with the policy.

The amendment to the City of Busselton Local Planning Policy 6B Percent for Art Provision is not considered to be a minor amendment as it affects new locations and changes the eligibility requirements for certain development.

RELEVANT PLANS AND POLICIES

City of Busselton Local Cultural Planning Strategy 2011

The City of Busselton adopted a Local Cultural Planning Strategy (LCPS) on 24 August 2011, which was then noted by the Western Australian Planning Commission on 25 May 2012. The aim of the strategy is to conserve the key cultural elements of the City's towns and rural areas and to maintain these elements over time.

The LCPS forms a component of the City's local planning framework and is a strategic tool informing the development and interpretation of the Local Planning Strategy. Due regard to the Strategy's recommendations is to be given in making planning decisions as well as policy formulation and review.

The City of Busselton Local Planning Policy 6B Percent for Art Provisions is a practical mechanism that delivers, at the determination of a development application, the intent of the City of Busselton Local Cultural Planning Strategy 2011. The proposed amendment is consistent with the intent of the Strategy.

State Planning Policy 3.6 Development Contributions for Infrastructure

The policy provides that local governments should have the capacity to recoup infrastructure costs by way of provisions in local planning schemes. It provides that local government must have a methodical approach based on determined catchments and allocation of costs to meet the needs of the catchment.

The City of Busselton Local Planning Policy 6B Percent for Art Provisions is not encompassed in the scope of the State Planning Policy; but it does reflect a consistent approach with its methodology, particularly, to identify catchments and return expenditure to those catchments, and in providing certainty for the purpose of the contribution. It should also be noted that the Percent for Art Provisions Policy provides the option of providing art on site or making a financial contribution to a project within the locality/catchment.

An important consideration about any local planning policy, and it is required to be acknowledged (cl. 4(1)(b)), is that it must not be in conflict or contravene a State planning policy. The City of Busselton Local Planning Policy 6B Percent for Art Provisions is not inconsistent with a State planning policy.

FINANCIAL IMPLICATIONS

The proposed amendments to the Policy will result in changes to the manner in which the Percent for Art Provisions contributions are collected and distributed. It is considered that the changes to the eligible development are in keeping with previous decisions made by the Council in relation to similar applications and, therefore, the amount of contributions collected will not alter; however, the provisions within the Policy will provide clarity for developers.

Long-term Financial Plan Implications

No significant implications.

STRATEGIC COMMUNITY OBJECTIVES

The recommendation in this report reflects Community Objective 2.2 of the City's Strategic Community Plan 2013 – 'A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections'.

RISK ASSESSMENT

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk assessment framework, and no risks were identified where the residual risk, once controls are considered, is medium or greater level. No such risks have been identified.

CONSULTATION

The amendment to Local Planning Policy 6B Percent for Art Provisions was advertised from 24 May 2017 to 15 June 2017.

Advertisement was placed in a newspaper circulating the City of Busselton's Scheme area, which is the same as the City of Busselton municipal area.

Two submissions were received during this time, they have been summarised in Attachment B.

1. Yallingup Art Group - support
2. Toby's Inlet Estate Pty Ltd – in the situation of a retirement village, it is opposed to the calculation of the liability based upon the commercial component and associated works, but supports changes to not apply percent for art requirements to the residential component.

OFFICER COMMENT

The key features of the amendment to the Local Planning Policy 6B *Percent for Art Provisions* are:

1. Changing the precinct boundary to include an area corresponding with the townships of Vasse and Yallingup – displayed on a map;

It is considered appropriate in allowing funds collected in Vasse to be spent on projects within the Village Centre. It is anticipated that would be done in partnership with the Vasse Joint Venture developers, and if a clear strategy were articulated, it may assist in encouraging the developers of individual sites to meet their Percent for Art Provisions obligations via the cash-in-lieu option, and deliver an integrated and high quality approach to public art in the Village Centre.

2. Clarifying the requirement for public arts contribution; and

All development greater than \$1M is subject to contribution except for, permanently occupied residential development extractive industry, and agriculture production. Commercial activities/service, associated with an exempted item will be required to make a contribution. The purpose is to treat all dwelling types equally.

3. Clarifying the requirement for retirement villages.

The Public Art Contribution Rate is now to be based on the overall development value excluding the cost of the dwellings as a building. All costs attributed to providing the lot or site for the dwelling to be placed or constructed upon is included

A concern was expressed by Toby's Inlet Estate Pty Ltd on this aspect and in particular that the associated works and infrastructure, was complicated to calculate and would deter the provision of high standard works that may contribute to the overall amenity. It has requested that the provision be narrowed to remove the reference to the calculation being based on supporting infrastructure works.

The intent of this provision is to treat, equally, a park home type retirement village with that of a constructed retirement village. With a park home retirement village, the capital cost is the communal facilities and the infrastructure to create the lots for the park home to be located upon. A constructed retirement village instead has the communal facilities, infrastructure to create the sites plus the construction cost of the dwellings. The policy response, in this amendment, is to discount the value of the dwelling and the infrastructure that supports its placement; to place all dwellings on the same obligation.

Whilst it is agreed that the policy will be difficult to calculate, this difficulty nonetheless does not outweigh the merit of treating all retirement villages, and all dwellings, evenly.

4. A framework for identifying future projects for contributions to be allocated.

The Council resolution 10 May 2017 identified at item 3

“In parallel with point 2 above, undertakes community consultation to assist in developing new themes/ideas/locations for projects which contributions collected under the Policy in the Busselton and Dunsborough Precincts shall be allocated towards in the future.”

A concurrent identification of specific themes through community consultation has not been undertaken at this time.

The process of determining the themes and canvassing the community will be iterative and take time. The Local Planning Policy 6B Percent for Art Provisions has been separated to proceed, ahead of nominating specific themes and projects, because of the immediate need to provide clarification to the development industry on the requirement for contribution.

To maintain the purpose of Council’s resolution, 10 May 2017, the provisions addressing the allocation of contributions has been clarified. It now includes the ability for the City to nominate specific themes and projects from time to time following consultation with the community. Attachment C, Final draft, includes the changes made post Advertising, in highlighted text. The changes maintain the Council’s intent for the policy.

CONCLUSION

The proposed changes will improve consistency and fairness in the manner in which the contributions are applied.

It establishes an arrangement for community involvement prioritising public artwork and it recognises the value of placing art in the City’s town centres, to include Vasse and Yallingup.

OPTIONS

The Council may choose to:

1. Proceed with the policy without modification; or
2. Proceed with the policy with modification; or
3. Not proceed with the policy.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

A notice of the amendment will be published within four weeks of Council's decision to proceed with the amendment. No further notifications are required.

The amendment will be made available the day following Council's resolution and will be published on the website within two weeks of the resolution.

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

That the Council –

1. Pursuant to clause 4(1)(b) is of the opinion that the amendment to Local Planning Policy 6B Percent for Art Provisions is not inconsistent with a State planning policy.
2. Pursuant to clause 4(3) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, having considered the submissions received, (Attachment B) resolves to proceed with the amendment to Local Planning Policy 6B Percent for Art Provisions, as provided in Attachment C of this report;
3. Pursuant to clause 4(4) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to publish a notice of the amendment to Local Planning Policy 6B Percent for Art Provisions, in a newspaper circulating in City of Busselton Scheme area; and
4. Pursuant to 4(6) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to make a copy available for public inspection during business hours, and publish it on its website.

6B PERCENT FOR ART PROVISIONS

1.0 Preliminary

1.1 Purpose

The City of Busselton Cultural Plan 2005 identified the need to develop a Percent for Art Policy. The City of Busselton Local Cultural Planning Strategy 2011 (LCPS) builds on the relevant recommendations of the Cultural Plan and states the following objectives for the Percent for Art Provisions:

- a) promotion of civic, community and cultural identity by introducing public art which makes streets, open spaces and buildings more locally distinctive;
- b) enhancing a sense of place by encouraging public art forms which reinforce and highlight European and indigenous history, cultural heritage and contemporary traditions;
- c) promotion of community reflection, inspiration, celebration and wellbeing;
- d) improving visual amenity by use of public art to screen unattractive views and improve the appearance of places; and
- e) improving the functionality of the public domain through the use of public art to provide appropriate street furniture functions.

These Percent for Art Provisions were originally adopted in 2008 and respond to the City's desire to protect and enhance the utility, amenity and identity of the public domain of places such as town/village centres, commercial nodes, main streets, entry points, squares, foreshores and parks within its municipality.

2.0 Definitions

2.1 Public Art

For the purposes of these provisions 'Public Art' is defined as being site-related and place-responsive art in the public domain. It includes the process of engaging artists' ideas, enhances the built and natural environments and adds value to character and cultural identity through the use of a diverse range of art forms and design applications.

2.1.1 Exclusions to Public Art

Art projects ineligible for consideration include:

- commercial promotions in any form;
- directional elements such as supergraphics, signage or colour coding;
- 'art objects' which are mass produced such as fountains, statuary or playground equipment;
- most art reproductions;
- landscaping or generic hardscaping elements which would normally be associated with the project; and
- services or utilities necessary to operate or maintain artworks.



2.2 Professional Artist

Only professional artists will be eligible to carry out public art commissions. As the term 'artist' is self-referencing, for the purposes of these provisions a professional visual artist can be defined as a person who fits into at least two of the following categories:

- a person who has a university degree or minimum 3 year full time TAFE Diploma in visual arts, or when the brief calls for it, other art forms such as multimedia;
- a person who has a track record of exhibiting their artwork at reputable art galleries that sell the work of professional artists;
- a person who has had work purchased by major public collections, including (but not limited to) the Art Gallery of Western Australia, any of the university collections or Artbank;
- a person who earns more than 50% of their income from arts related activities, such as teaching, selling artwork or undertaking public art commissions;
- an artist who is a member of Artsource and / or holds public liability and professional indemnity insurance.

Sometimes it will be appropriate to be more flexible and seek people other than professional artists to carry out artwork commissions. In addition to the above, the City supports art teachers and students from recognised educational institutions taking on and fulfilling the obligations, subject to meeting general criteria.

3.0 Application

3.1 Public Art to be Required

The City of Busselton shall require eligible proposals to provide public art in accordance with the described method for determining Public Art contributions described hereunder.

3.2 Proposals Eligible for Public Art Contributions

3.2.1 Proposals Eligible

All development proposals with a value greater than \$1,000,000 excluding:

- Permanently occupied (i.e. lawfully able to be permanently occupied) residential development, including single house, grouped dwellings, aged persons dwellings and multiple dwellings;
- Extractive Industry; and
- Agricultural development, excluding wineries, cellar doors, restaurants or similar development on rural land that is not directly associated with agricultural pursuits (i.e. the actual growing of crops or rearing of livestock).

for multiple dwellings, grouped dwellings, mixed use commercial, civic, institutional, educational projects or public works of a value greater than \$1,000,000 (one million dollars) shall be regarded as eligible proposals under these provisions.



3.2.2 Prescribed Zones

These provisions apply to those development proposals listed in 3.2.1 above where they are situated within the municipality of the City of Busselton.

3.2.3 Proponents

These provisions shall apply to all proponents, except those exempt from obtaining local authority planning approval under other legislation. Those proponents so exempted should utilise these provisions as a guide for the implementation of their respective percent for art obligations where applicable.

4.0 Method of Determining Public Art Contribution

4.1 Public Art Contribution Rate

The cost of any Public Art provided under these provisions shall be no less than one percent of the value of the eligible proposal.

For any eligible proposals comprising a permanently occupied residential component, including but not limited to, mixed use development, aged persons dwellings and/or retirement villages, the Public Art Contribution Rate is to be based only on the value of the non-residential component, central/municipal facilities, and the proportionate value of supporting infrastructure works, such as the costs of fill, drainage, wastewater, water, electricity, telecommunications, pedestrian and vehicular accessways, parking and landscaping.

4.2 Form of Public Art Contribution

Public Art required pursuant to these provisions shall be provided on site by the proponent. Alternatively, the proponent may choose to satisfy the contribution through a cash in lieu payment towards precinct public artwork.

In cases where the proponent chooses a cash in lieu payment as their preferred method of satisfying their obligation, the funds collected from their contribution shall be expended by the City on public artwork in the Precinct in which the funds were collected. Cash-in-lieu contributions in the Busselton (east) Precinct may be paid directly into the charitable trust established for the Settlement Artwork Project.

4.3 Precincts

There are ~~two~~ four Percent for Art Precincts, Busselton (east), Yallingup, Vasse and Dunsborough (west). The precinct map is attached as Appendix A. Funds collected within the Busselton Precinct will be expended on the Settlement Artwork project. ~~Funds collected within the Dunsborough, Yallingup and Vasse Precincts will be expended on an artwork within their respective precinct.~~ Dunsborough Town Centre and / or Foreshore.

Unless otherwise determined by the City, cash in lieu contributions for public artwork shall be collected and expended in the manner and on the artwork set out above.

5.0 Implementation of Percent for Art Policy Provisions



5.1 Location of Public Art

Public Art provided pursuant to these provisions shall be provided on site, or on crown land immediately adjacent to the site, in a location approved by the City.

5.2 Separate approval generally not required for Public Art

Public Art provided under these provisions, in fulfilment of a condition of Planning Approval, shall not require a further Development Application.

5.3 Cash In Lieu

Although it is desirable that the proponent fulfil their Percent for Art obligations through on-site artwork, their obligation may be satisfied by a cash-in-lieu contribution based on the rate described in these provisions. Such cash-in-lieu payments are to be paid to the City of Busselton Public Arts Fund (Percent for Public Art) and expended in accordance with sections 4.2 and 4.3 above.

5.3.1 Eligible Costs

Costs associated with the production of an art project may include:

- professional artist's budget, including artist fees, Request for Proposal, material, assistants' labour costs, insurance, permits, taxes, business and legal expenses, operating costs, and art consultant's fees if these are necessary and reasonable;
- fabrication and installation of artwork;
- site preparation;
- structures enabling the artist to display the artwork;
- documentation of the artwork; and
- acknowledgment plaque identifying the artist, artwork and development(s) from which funding was obtained.

5.4 Equity, Safety and Universal Access

Public art should be made accessible to all members of the community, irrespective of their age and abilities. While art in public spaces might be considered primarily a visual experience, it can provide a range of sensory experiences for people with disabilities – artwork can be tactile, aural and give off pleasant smells as well as being visual. Artwork need not be monumental, but can be at heights suitable for people in wheelchairs to touch, move through and explore. Artwork can be interactive play objects for family groups and children. Interpretive signage in an easy to read format, including Braille, will ensure that artworks are inclusive of all members of the community. Where feasible and appropriate to the site and community, the City of Busselton will commission artworks that can be enjoyed as an interactive experience, irrespective of age, mobility or ability. Issues of public safety will be considered and addressed during design and installation of the artworks.

5.5 Design Documentation

The artist will be required to prepare detailed documentation of the artwork at various stages of the commission, design, fabrication and implementation processes. Such documentation shall



demonstrate the structural viability and suitability of the materials and fabrication processes for the proposed location. Depending upon the project, the documentation may include concept drawings, maquettes, structural and other engineering drawings, photographic images of works in progress, photographic images of completed and installed work and a maintenance schedule.

5.6 Clearance Process

The approval of the City shall be required prior to the creation and installation of the Public Art. For this purpose, the Council may delegate authority to grant approval to the Public Art to an appropriate Officer, or duly appointed panel.

Details of works shall be submitted to and approved by the City of Busselton prior to issue of a building permit. The detail submitted shall be assessed against the requirements of these provisions and associated *Step by Step Guide for Developers*. The public artwork must be completed and installed prior to occupation of the development and/or issue of a Permit to Use, and maintained thereafter by the owner(s). It is recommended that the artist be contracted early in the design process to avoid any delays to final clearance. Alternatively, the City may accept a suitable agreement, prepared at the applicant's expense, binding the proponent to complete the works within a specified time frame and indicating that the works will be maintained by the owner for the life of the artwork.

Where agreement has been reached for the contribution to be met by way of a cash in lieu payment, this shall be satisfied prior to issue of a building permit.

6.0 Following Completion of Artwork

6.1 Maintenance Schedule

Artworks that are low maintenance, robust, durable and resistant to vandalism will be encouraged and this will form part of the assessment of all proposals. Proponents will be required to present the City with a maintenance schedule at the completion of the commission.

6.2 Decommissioning

In the case of artworks located on Crown Land, the City may decide to remove an artwork because it is in an advanced state of disrepair or damage, because the artwork is no longer considered suitable for the location or for other reasons such as safety risk. In such cases, the City will consult with the artist, where possible, prior to making a decision to remove and prepare a documented archival record of the artwork prior to its removal.

In the case of artworks located on private property, the developer must contact the City and the artist at least 28 days ahead of any relocation, sale, alteration or removal of an artwork. In the case that an artist has moved and the developer cannot find them, evidence that a reasonable attempt to find the artist must be provided on request.

7.0 Creative Development Process

7.1 Creative Design Process

The proponent (or City where the public art is situated on City managed land) will consult with the City's Cultural Development Officer to identify appropriate locations, themes and materials from



which the proponent will develop an Artists' Brief. This document will be used to select and commission a professional artist to design, fabricate and install the artwork. The proponent may, at their discretion, coordinate and manage the process by which the artist works as part of the design team, alongside architects, landscape architects, planners and engineers. Alternatively, they may engage the services of a specialist art consultant whose fees may be considered as part of the public art contribution within the general intent of these provisions and on application by the proponent

7.2 Consultation with the Community

Where appropriate, an invitation should be extended to community members to participate in the artwork process. This can be facilitated through, but not limited to, drawing sessions, cultural mapping processes to identify themes, or representation on a selection panel.

Some groups in the community are not comfortable with the expression of interest and tender processes, and will not enter into them without assistance. While artists from these groups will be encouraged to apply for all publicly advertised commissions, there may be opportunities for designating specific commissions for them. In such cases, the selection processes outlined above may be modified and more assistance given to the artists submitting Expressions of Interest or Requests for Proposals.

7.3 Collaboration

There is an expectation that commissioned artists will work in collaboration with other consultants engaged by the proponent (most commonly, but not exclusively, landscape architects, urban planners and engineers) and that the conceptual and technical requirements of these professionals will be duly regarded by the artist when designing and installing the artwork.

There is an equal expectation that the artists' aesthetic judgement will be respected by other consultants engaged by the proponent. Changes to an artwork, even at concept stage, can only be made with the full knowledge and approval of the artist.

8.0 Artists Rights

8.1 Artist Contract

The proponent will be required to forward copies of the artist's contract, maintenance schedule and artist contact details to the City at the commencement of the project. In the case where the proponent is the City, it shall satisfy itself that these requisites have been met.

The artist's contract or letter of agreement should, in general, follow the provisions of the ArtsLaw Centre of Australia pro forma Design and Commission Agreement or other similar contractual document such as the WA State Government Percent for Art Agreement.

8.2 Moral Rights

Since 2000, moral rights legislation has protected artists. In brief, an artist's moral rights are infringed if:

- their work is not attributed or credited;



- their work is falsely attributed to someone else; or
- their work is treated in a derogatory way by distorting, modifying or removing it without their knowledge or consent.

In practical terms this means that all artworks should have the artist's name on or attached it, that the City cannot change an artwork in any way without seeking the artist's permission; likewise, cannot remove or re-locate the artwork without seeking the artist's permission. In the case that an artist has moved and the City cannot find them, evidence that a reasonable attempt to find the artist must be provided on request.

The City will take special care to ensure that acts of restoration or preservation (of artworks) will be conducted in a sensitive manner with prior consultation with the artists. Wherever possible, preservation or restorative works should be carried out by professional conservators. Special care will also be taken with the moral rights associated with works created by more than one artist, in that it is acknowledged that collaborators on artistic creations can take different views on issues such as relocation and restoration.

8.3 Acknowledgement of Artwork

In line with moral rights legislation, the proponent (or City where the artwork is situated on Crown Land) will install a plaque or plate near each artwork, acknowledging the name of the artist, and the name of the person, agency or company who funded the artwork.

8.4 ~~Copyright of Artwork~~

~~Once an artwork has been completed and accepted by the City, copyright will be held jointly by the City and the artist. In practical terms this means that the City has the right to reproduce extracts from the design documentation and photographic images of the artwork for non-commercial purposes, such as annual reports, information brochures about the City and information brochures about the artwork. The artist will have the right to reproduce extracts from the design documentation or photographic images of the artwork in books or other publications associated with the artist or artwork.~~

8.5 Fees to Artists

A fee may be paid to artists invited to submit a Request for Proposal (RFP) and this may be credited to the value of the Public Art required under the Policy. The amount will be at the discretion of the proponent and in proportion to the overall artwork budget. The fee will be paid after the proposal had been submitted, deemed to comply with the requirements and the artist has attended their interview.

9.0 Reference Documentation

Relevant documents to be referenced by these provisions include but are not limited to:

- City of Busselton Local Cultural Planning Strategy 2012
- Busselton Town Centre Guide Plan 2004
- City of Busselton Cultural Plan 2005
- Dunsborough Townscape Plan 2002



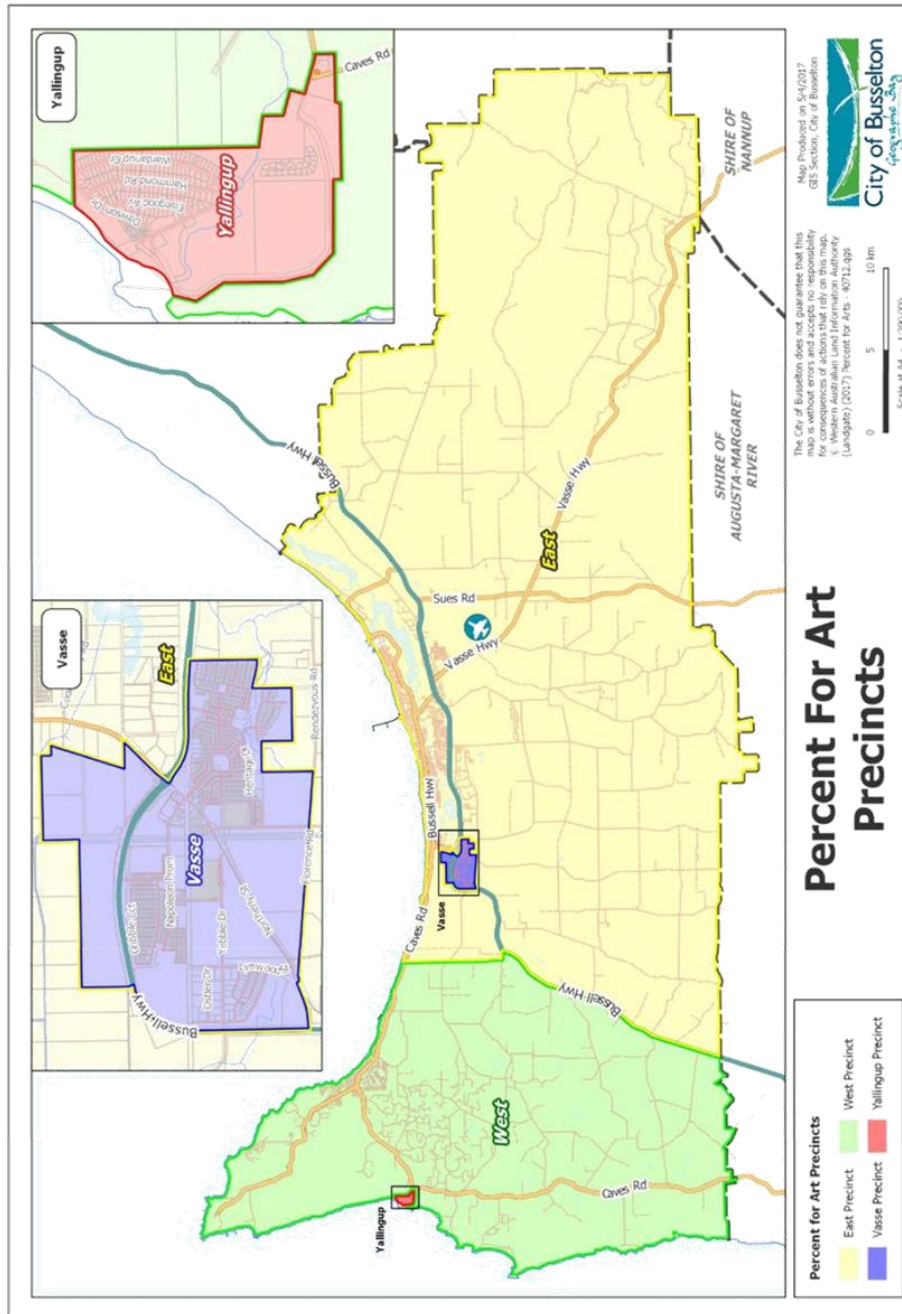
- Liveable Neighbourhoods WAPC 2009

10.0 Review

A five yearly review of these provisions will be undertaken to allow evaluation of processes and procedures and identify any required amendments. If such amendments are deemed to be necessary, a report will be referred to Council for consideration.



FIGURE 1 - PRECINCTS



SUMMARY OF SUBMISSIONS – FILE No. PO17/01
PROPOSAL: Revised Percent for Art Policy Provisions
SUBMISSIONS CLOSE: 15th June 2017
OFFICER: Anthony Rowe

No	NAME & ADDRESS	Nature of Submission	Comment	Action	Acknowledged
1	Yallingup Art Project Group sloots52@westnet.com.au	Support	Noted	No change	07/07/2017
2.	RPS on behalf of Toby's Inlet Estate Pty Ltd PO Box 749 Busselton WA 6280	1. Agrees that the charge based on the building component of the communal facilities within an aged care or retirement facility is a reasonable methodology for calculating a contribution based on the scale of the facility and is an amount which is relatively easy to determine.	Noted	No change	07/07/2017
		2. Construction often occurs in stages making the determination of a proportionate construction value at any one time difficult to determine and it may change over the course of the project, if plans change.	Application can be made at the time of determination to require contributions to be made proportionate to the stage value.	No change	
		3. In regard to a retirement village, clause 4.1, it objects to the calculation including the value of associated works and infrastructure. The calculation of contributions associated with aged care/retirement facilities based on engineering and infrastructure works is not a reasonable or relevant methodology for determining appropriate levels of contributions towards public art.	The intention is to capture all costs with the development of the communal and commercial parts of a retirement village, excluding the individual dwellings. This is intended to create the same expectation and liability that applies to all dwellings, and even the approach between park home type villages and constructed unit retirement village. The later having a higher value because it includes the building when compared	No change	

SUMMARY OF SUBMISSIONS – FILE No. PO17/01
PROPOSAL: Revised Percent for Art Policy Provisions
SUBMISSIONS CLOSE: 15th June 2017
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		<p>It is requested the reference to the calculation being based on supporting infrastructure works, be removed.</p>	<p>to the park home arrangement where only the cost of creating the site attracts the contribution.</p> <p>Common to both are communal facilities.</p> <p>It is acknowledged that the calculation will be difficult to determine, but the intended purpose is to achieve a fair approach between park home arrangements and constructed dwellings in a retirement village.</p> <p>Due to variations in the scale and arrangement of park homes and retirement villages a clearer/simpler formula or method has not been found, other than to consider each on its merits, particular features and proportions.</p>		
		<p>4. The Percent for Art Policy costs are not fairly shared between all retirement or aged care facilities, as those with a not for profit status such as churches and charitable organisations, are generally exempt from development contributions. This situation impacts on the ability of private developers to provide</p>	<p>The assertion that churches and charities are exempt from developer contributions is incorrect. This however is not unique to the requirement to contribute a Percent to Art. There is again no necessity to make a payment for the purpose of contributing to external artwork. The artwork can be provided on site to the benefit of the amenity for the</p>	No change	
		<p>competitive pricing on their projects that reflects the extreme price sensitivity of the aged/care retirement living market.</p>	<p>residents. In a commercial sense it can also be used to contribute to the perceived value that translates in to sales - demand/price.</p>		



Local Planning Scheme No. 21

Local Planning Policy

6 - Development Contributions Policy

Adopted Date:
Operative Date:

6B PERCENT FOR ART PROVISIONS

1.0 Preliminary

1.1 Purpose

The City of Busselton Cultural Plan 2005 identified the need to develop a Percent for Art Policy. The City of Busselton Local Cultural Planning Strategy 2011 (LCPS) builds on the relevant recommendations of the Cultural Plan and states the following objectives for the Percent for Art Provisions:

- a) promotion of civic, community and cultural identity by introducing public art which makes streets, open spaces and buildings more locally distinctive;
- b) enhancing a sense of place by encouraging public art forms which reinforce and highlight European and indigenous history, cultural heritage and contemporary traditions;
- c) promotion of community reflection, inspiration, celebration and wellbeing;
- d) improving visual amenity by use of public art to screen unattractive views and improve the appearance of places; and
- e) improving the functionality of the public domain through the use of public art to provide appropriate street furniture functions.

These Percent for Art Provisions were originally adopted in 2008 and respond to the City's desire to protect and enhance the utility, amenity and identity of the public domain of places such as town/village centres, commercial nodes, main streets, entry points, squares, foreshores and parks within its municipality.

2.0 Definitions

2.1 Public Art

For the purposes of these provisions 'Public Art' is defined as being site-related and place-responsive art in the public domain. It includes the process of engaging artists' ideas, enhances the built and natural environments and adds value to character and cultural identity through the use of a diverse range of art forms and design applications.

2.1.1 Exclusions to Public Art

Art projects ineligible for consideration include:

- commercial promotions in any form;
- directional elements such as supergraphics, signage or colour coding;
- 'art objects' which are mass produced such as fountains, statuary or playground equipment;
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- services or utilities necessary to operate or maintain artworks.

2.2 Professional Artist

Only professional artists will be eligible to carry out public art commissions. As the term 'artist' is self-referencing, for the purposes of these provisions a professional visual artist can be defined as a person who fits into at least two of the following categories:

- a person who has a university degree or minimum 3 year full time TAFE Diploma in visual arts, or when the brief calls for it, other art forms such as multimedia;
- a person who has a track record of exhibiting their artwork at reputable art galleries that sell the work of professional artists;
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Sometimes it will be appropriate to be more flexible and seek people other than professional artists to carry out artwork commissions. In addition to the above, the City supports art teachers and students from recognised educational institutions taking on and fulfilling the obligations, subject to meeting general criteria.

3.0 Application

3.1 Public Art to be Required

The City of Busselton shall require eligible proposals to provide public art in accordance with the described method for determining Public Art contributions described hereunder.

3.2 Proposals Eligible for Public Art Contributions

3.2.1 Proposals Eligible

All development proposals with a value greater than \$1,000,000 excluding:

- Permanently occupied (i.e. lawfully able to be permanently occupied) residential development, including single house, grouped dwellings, aged persons dwellings and multiple dwellings;
- Extractive Industry; and

- Agricultural development, excluding wineries, cellar doors, restaurants or similar development on rural land that is not directly associated with agricultural pursuits (i.e. the actual growing of crops or rearing of livestock).

3.2.2 Prescribed Zones

These provisions apply to those development proposals listed in 3.2.1 above where they are situated within the municipality of the City of Busselton.

3.2.3 Proponents

These provisions shall apply to all proponents, except those exempt from obtaining local authority planning approval under other legislation. Those proponents so exempted should utilise these provisions as a guide for the implementation of their respective percent for art obligations where applicable.

4.0 Method of Determining Public Art Contribution

4.1 Public Art Contribution Rate

The cost of any Public Art provided under these provisions shall be no less than one percent of the value of the eligible proposal.

For any eligible proposals comprising a permanently occupied residential component, including but not limited to, mixed use development, aged persons dwellings and/or retirement villages, the Public Art Contribution Rate is to be based only on the value of the non-residential component, central/communal facilities, and the proportionate value of supporting infrastructure works, such as the costs of fill, drainage, wastewater, water, electricity, telecommunications, pedestrian and vehicular access ways, parking and landscaping.

4.2 Form of Public Art Contribution

Public Art required pursuant to these provisions shall be provided on site by the proponent. Alternatively, the proponent may choose to satisfy the contribution through a cash in lieu payment towards precinct public artwork.

In cases where the proponent chooses a cash in lieu payment as their preferred method of satisfying their obligation, the funds collected from their contribution shall be expended by the City on public artwork in the Precinct in which the funds were collected. Cash-in-lieu contributions in the Busselton (east) Precinct may be paid directly into the charitable trust established for the Settlement Artwork Project.

4.3 Precincts

There are four Percent for Art Precincts; Busselton (east), Yallingup, Vasse and Dunsborough (west). The precinct map is attached as Appendix A.

Funds collected within the Busselton Precinct will be expended on the Settlement Artwork project **until completion and then after within the Town Centre and / or Foreshore.**

Funds collected within the Dunsborough, Yallingup and Vasse Precincts will be expended on an artwork within their respective precinct Town Centre and / or Foreshore.

The City may from time to time, in consultation with the community, determine a specific theme or project, towards which the cash in lieu contributions for public artwork is directed, or otherwise the cash in lieu contributions for public artwork shall be collected and expended in the manner set out above.

5.0 Implementation of Percent for Art Policy Provisions

5.1 Location of Public Art

Public Art provided pursuant to these provisions shall be provided on site, or on crown land immediately adjacent to the site, in a location approved by the City.

5.2 Separate approval generally not required for Public Art

Public Art provided under these provisions, in fulfilment of a condition of Planning Approval, shall not require a further Development Application.

5.3 Cash In Lieu

Although it is desirable that the proponent fulfil their Percent for Art obligations through on-site artwork, their obligation may be satisfied by a cash-in-lieu contribution based on the rate described in these provisions. Such cash-in-lieu payments are to be paid to the City of Busselton Public Arts Fund (Percent for Public Art) and expended in accordance with sections 4.2 and 4.3 above.

5.3.1 Eligible Costs

Costs associated with the production of an art project may include:

- professional artist's budget, including artist fees, Request for Proposal, material, assistants' labour costs, insurance, permits, taxes, business and legal expenses, operating costs, and art consultant's fees if these are necessary and reasonable;
- fabrication and installation of artwork;
- site preparation;
- structures enabling the artist to display the artwork;
- documentation of the artwork; and
- acknowledgment plaque identifying the artist, artwork and development(s) from which funding was obtained.

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Public art should be made accessible to all members of the community, irrespective of their age and abilities. While art in public spaces might be considered primarily a visual experience, it can provide a range of sensory experiences for people with disabilities – artwork can be tactile, aural and give off pleasant smells as well as being visual. Artwork need not be monumental, but can be at heights suitable for people in wheelchairs to touch, move through and explore. Artwork can be interactive play objects for family groups and children. Interpretive signage in an easy to read format, including Braille, will ensure that artworks are inclusive of all members of the community. Where feasible and appropriate to the site and community, the City of Busselton will commission artworks that can be enjoyed as an interactive experience, irrespective of age, mobility or ability. Issues of public safety will be considered and addressed during design and installation of the artworks.

5.5 Design Documentation

The artist will be required to prepare detailed documentation of the artwork at various stages of the commission, design, fabrication and implementation processes. Such documentation shall demonstrate the structural viability and suitability of the materials and fabrication processes for the proposed location. Depending upon the project, the documentation may include concept drawings, maquettes, structural and other engineering drawings, photographic images of works in progress, photographic images of completed and installed work and a maintenance schedule.

5.6 Clearance Process

The approval of the City shall be required prior to the creation and installation of the Public Art. For this purpose, the Council may delegate authority to grant approval to the Public Art to an appropriate Officer, or duly appointed panel.

Details of works shall be submitted to and approved by the City of Busselton prior to issue of a building permit. The detail submitted shall be assessed against the requirements of these provisions and associated *Step by Step Guide for Developers*. The public artwork must be completed and installed prior to occupation of the development and/or issue of a Permit to Use, and maintained thereafter by the owner(s). It is recommended that the artist be contracted early in the design process to avoid any delays to final clearance. Alternatively, the City may accept a suitable agreement, prepared at the applicant's expense, binding the proponent to complete the works within a specified time frame and indicating that the works will be maintained by the owner for the life of the artwork.

Where agreement has been reached for the contribution to be met by way of a cash in lieu payment, this shall be satisfied prior to issue of a building permit.

6.0 Following Completion of Artwork

6.1 Maintenance Schedule

Artworks that are low maintenance, robust, durable and resistant to vandalism will be encouraged and this will form part of the assessment of all proposals. Proponents will be required to present the City with a maintenance schedule at the completion of the commission.

6.2 Decommissioning

In the case of artworks located on Crown Land, the City may decide to remove an artwork because it is in an advanced state of disrepair or damage, because the artwork is no longer considered suitable for the location or for other reasons such as safety risk. In such cases, the City will consult with the artist, where possible, prior to making a decision to remove and prepare a documented archival record of the artwork prior to its removal.

In the case of artworks located on private property, the developer must contact the City and the artist at least 28 days ahead of any relocation, sale, alteration or removal of an artwork. In the case that an artist has moved and the developer cannot find them, evidence that a reasonable attempt to find the artist must be provided on request.

7.0 Creative Development Process

7.1 Creative Design Process

The proponent (or City where the public art is situated on City managed land) will consult with the City's Cultural Development Officer to identify appropriate locations, themes and materials from which the proponent will develop an Artists' Brief. This document will be used to select and commission a professional artist to design, fabricate and install the artwork. The proponent may, at their discretion, coordinate and manage the process by which the artist works as part of the design team, alongside architects, landscape architects, planners and engineers. Alternatively, they may engage the services of a specialist art consultant whose fees may be considered as part of the public art contribution within the general intent of these provisions and on application by the proponent

7.2 Consultation with the Community

Where appropriate, an invitation should be extended to community members to participate in the artwork process. This can be facilitated through, but not limited to, drawing sessions, cultural mapping processes to identify themes, or representation on a selection panel.

Some groups in the community are not comfortable with the expression of interest and tender processes, and will not enter into them without assistance. While artists from these groups will be encouraged to apply for all publicly advertised commissions, there may be opportunities for designating specific commissions for them. In such cases, the selection processes outlined above may be modified and more assistance given to the artists submitting Expressions of Interest or Requests for Proposals.

7.3 Collaboration

There is an expectation that commissioned artists will work in collaboration with other consultants engaged by the proponent (most commonly, but not exclusively, landscape architects, urban planners and engineers) and that the conceptual and technical requirements of these professionals will be duly regarded by the artist when designing and installing the artwork.

There is an equal expectation that the artists' aesthetic judgement will be respected by other consultants engaged by the proponent. Changes to an artwork, even at concept stage, can only be made with the full knowledge and approval of the artist.

8.0 Artists Rights

8.1 Artist Contract

The proponent will be required to forward copies of the artist's contract, maintenance schedule and artist contact details to the City at the commencement of the project. In the case where the proponent is the City, it shall satisfy itself that these requisites have been met.

The artist's contract or letter of agreement should, in general, follow the provisions of the ArtsLaw Centre of Australia pro forma Design and Commission Agreement or other similar contractual document such as the WA State Government Percent for Art Agreement.

8.2 Moral Rights

Since 2000, moral rights legislation has protected artists. In brief, an artist's moral rights are infringed if:

- their work is not attributed or credited;
- their work is falsely attributed to someone else; or
- their work is treated in a derogatory way by distorting, modifying or removing it without their knowledge or consent.

In practical terms this means that all artworks should have the artist's name on or attached it, that the City cannot change an artwork in any way without seeking the artist's permission; likewise, cannot remove or re-locate the artwork without seeking the artist's permission. In the case that an artist has moved and the City cannot find them, evidence that a reasonable attempt to find the artist must be provided on request.

The City will take special care to ensure that acts of restoration or preservation (of artworks) will be conducted in a sensitive manner with prior consultation with the artists. Wherever possible, preservation or restorative works should be carried out by professional conservators. Special care will also be taken with the moral rights associated with works created by more than one artist, in that it is acknowledged that collaborators on artistic creations can take different views on issues such as relocation and restoration.

8.3 Acknowledgement of Artwork

In line with moral rights legislation, the proponent (or City where the artwork is situated on Crown Land) will install a plaque or plate near each artwork, acknowledging the name of the artist, and the name of the person, agency or company who funded the artwork.

8.4 Fees to Artists

A fee may be paid to artists invited to submit a Request for Proposal (RFP) and this may be credited to the value of the Public Art required under the Policy. The amount will be at the discretion of the proponent and in proportion to the overall artwork budget. The fee will be paid after the proposal had been submitted, deemed to comply with the requirements and the artist has attended their interview.

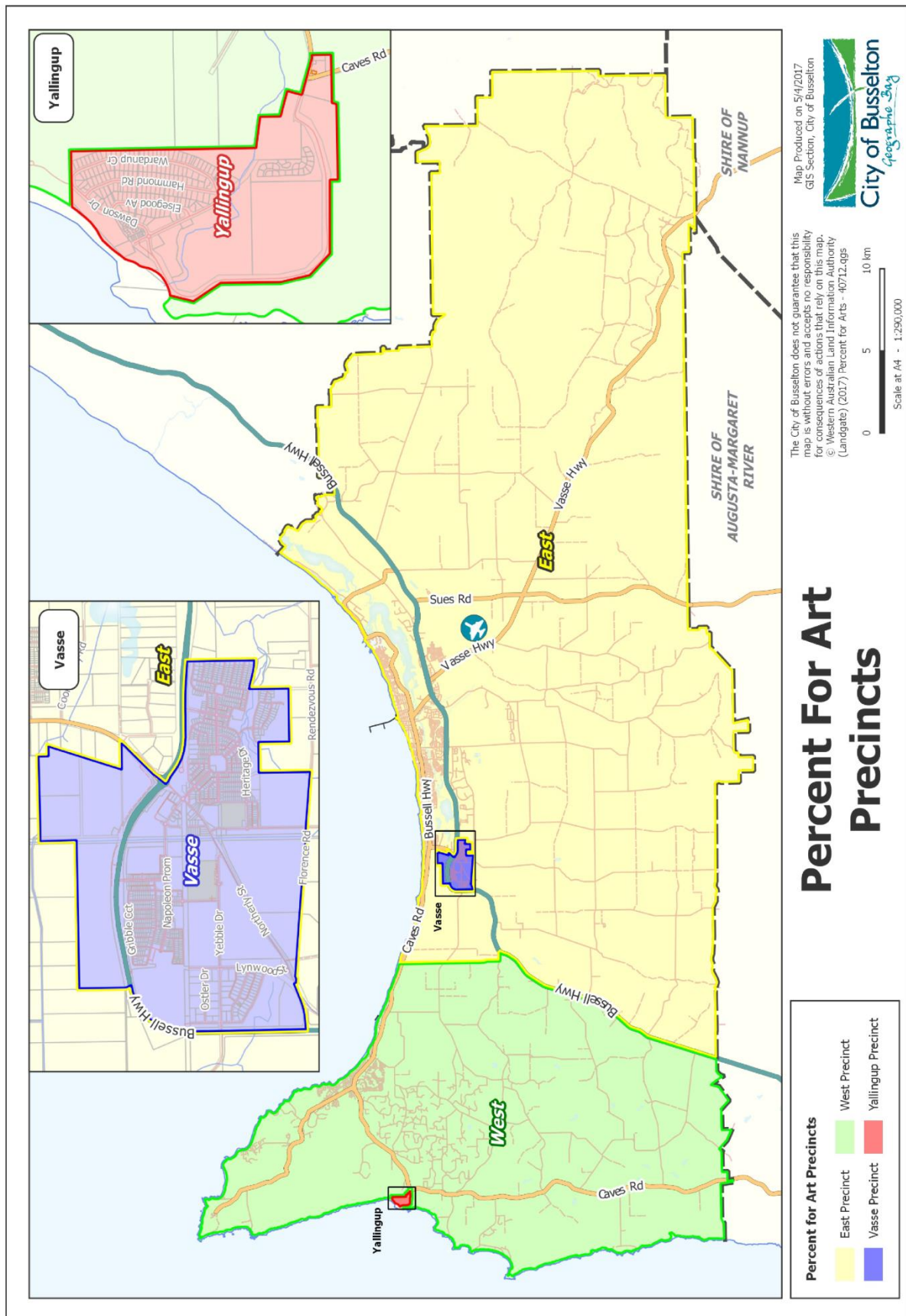
9.0 Reference Documentation

Relevant documents to be referenced by these provisions include but are not limited to:

- City of Busselton Local Cultural Planning Strategy 2012
- Busselton Town Centre Guide Plan 2004
- City of Busselton Cultural Plan 2005
- Dunsborough Townscape Plan 2002
- Liveable Neighbourhoods WAPC 2009

10.0 Review

A five yearly review of these provisions will be undertaken to allow evaluation of processes and procedures and identify any required amendments. If such amendments are deemed to be necessary, a report will be referred to Council for consideration.



10.6 Policy and Legislation Committee - 21/09/2017 - MEELUP REGIONAL MANAGEMENT COMMITTEE GOVERNANCE ARRANGEMENTS

SUBJECT INDEX:	Council and Committee Meetings
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Finance and Corporate Services
ACTIVITY UNIT:	Governance Services
REPORTING OFFICER:	Director, Finance and Corporate Services - Cliff Frewing
AUTHORISING OFFICER:	Director, Finance and Corporate Services - Cliff Frewing
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENTS:	Attachment A Meelup Regional Park Management Committee Governance arrangements and terms of reference - Tracked Changes ↓ Attachment B Meelup Regional Park Management Committee Governance arrangements and terms of reference ↓

This item was considered by the Policy and Legislation Committee at its meeting on 21 September 2017, the recommendations from which have been included in this report.

PRÉCIS

The purpose of this report is to further review the Governance Arrangements of the Meelup Regional Park Management Committee that were last reviewed by Council on 28 June 2107. At this time, the Council reviewed the Terms of Reference of the Committee as well as the Governance Arrangements in place for this Committee.

The Governance Arrangements need to be further reviewed as it has been established that the Council cannot delegate the function of appointing a Committee member as it conflicts with the Local Government Act 1995 - Delegations cannot be made where a decision is required to be made by Council by an Absolute Majority which is the case for appointing members of a Committee. The opportunity has also been taken to further review the level of staff involvement in the selection process.

BACKGROUND

The purpose of the Meelup Regional Park Management Committee is to :

- 2.1 Purpose
- 2.2 To assist the Council in managing and promoting Meelup Regional Park.
- 2.3 To ensure that the full range of issues relevant to the making of decisions about the management and promotion of the Park are considered, including environmental, amenity, recreational, community, social, economic and financial considerations.
- 2.4 To build and maintain productive working relationships between the Council, City officers, volunteers and users of the Park, as well as other stakeholders.

The Policy & Legislation Committee at its meeting on 17 August 2017 considered revised Governance Arrangements for the Meelup Regional Park Management Committee but felt that further changes were necessary and as a consequence deferred the matter for further consideration.

In accordance with normal practice, Council recently reviewed the Terms of Reference of Council's Standing Committees established under the Local Government Act 1995. In addition, Council also reviewed the Governance Arrangements for the Meelup Regional Park Management Committee.

At the Council meeting held on 28 June 2107, Council resolved (in part) as follows:

Resolution: C1706/152

That the Council:

Adopts the revised Governance Arrangements for the Meelup Regional Park Management Committee as shown in Attachment K;

The contents of the Governance Arrangements were reviewed with a view to making the contents more streamlined. One particular change made at the June 2017 meeting relating to appointment of members of the community to the committee and stated at paragraph 5 & 6:

5. The Mayor, the Presiding Member of the Committee and the Chief Executive Officer or Chief Executive Officer's nominee shall meet again to assess the expressions-of- interest that have been received, identify and agree the preferred candidates to fill one or more of the positions that are vacant at that time and are authorised to make the appointment to the Committee.
6. If there are still vacant positions following the completion of the process set out above, the Mayor, the Presiding Member of the Committee and the Chief Executive Officer or Chief Executive Officer's nominee are authorised to identify suitable members of the community with relevant qualifications and / or interest and invite them to submit an expression of interest and if acceptable, make the appointment to the Committee.
It was subsequently ascertained that as a Standing Committee of Council, Council was required to make the appointment - hence the need to change the Governance Arrangements back to the way they previously were worded.

Attachment K referred to above in the Council resolution is now provided as Attachment B to this report and which is subject to tracked changes.

The August report proposed to modify the Governance Arrangements (to revert back to the original position regarding member appointments and staff involvement in the process) noting that the Council must make the appointment of members to this committee as this action cannot be delegated. Other changes to the Governance Arrangements are consistent with the Act.

In acknowledging the above, the Committee at it August meeting also thought that the Mayor should not be involved in the early part of the selection process as the Mayor would by necessity, be involved in the final decision making process as part of a Council decision.

STATUTORY ENVIRONMENT

Under Section 5.8 of the Local Government Act 1995 (LG Act), a local government, by absolute majority, may establish Committees of three or more persons to assist the Council, and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

Separately, Section 5.10 and 5.11A of the LG Act relates to the appointment of Committee members and Deputy Committee members.

Part 2 of the Standing Orders Local Law relates to the establishment and membership of Committees. Specifically, a Council resolution to establish a committee under section 5.8 of the Act is to include –

- (a) the terms of reference of the committee;
- (b) either –
 - the names or titles of the members, employees and any other persons to be appointed to the committee; or
 - the number of members, officers and any other persons to be appointed to the committee and a provision that they be appointed under a separate resolution; and
- (c) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.

The Terms of Reference of the Meelup Regional Park Management Committee were modified at the June 2017 Council meeting and no further changes are proposed.

RELEVANT PLANS AND POLICIES

Appointing members of the Council to Committees is subject to the provisions of the Local Government Act as detailed above.

FINANCIAL IMPLICATIONS

Nil

Long-term Financial Plan Implications

STRATEGIC COMMUNITY OBJECTIVES

Strategic Plan Key Goal Area 6

6.1 Governance systems, processes and practices are responsible, ethical and transparent.

RISK ASSESSMENT

No risks have been identified with the contents this report.

CONSULTATION

No consultation is required as the Council needs to comply with the requirements of the Local Government Act.

OFFICER COMMENT

A review of the Terms of Reference of the Meelup Regional Park Management Committee was conducted in June 2107. At the same time, changes were proposed to be made to the Governance Arrangements of the Management Committee.

One of the changes made to the Governance Arrangements was the way in which community members are appointed to the Committee. On further review the change was found not to be consistent with the Act and needed to be reversed to be compliant with the requirements of the Act.

The need for the change was accepted by the Committee but the Committee agreed that further changes were necessary to reduce the involvement of the Mayor in the early part of the selection process as the Mayor would by necessity, be involved in the final decision making process as part of a Council decision.

Proposed changes to the Governance Arrangements have reflected in the “tracked changes” version of the document – see Attachment B.

CONCLUSION

Consistent with best practice, it is beneficial to review the operation of the City’s main Committees in order to maximise efficiencies and ensure best outcomes. A further review of the Governance Arrangements of the Meelup Regional Park Management Committee has been conducted and proposed changes are presented to Council for consideration.

OPTIONS

The Committee may resolve to not accept the proposed changes to the Governance Arrangements or make other changes.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The decision will become effective immediately after it has been adopted by Council.

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the Council adopts the revised Governance Arrangements for the Meelup Regional Park Management Committee as shown in Attachment B.

Meelup Regional Park Management Committee Governance
arrangements and terms of reference - Tracked Changes

Meelup Regional Park Management Committee

Governance arrangements and terms of reference

Process associated with appointing community members to the Committee

The process associated with appointing community members to the Committee shall be generally as follows -

1. The ~~Mayor~~, Presiding Member of the Committee and Chief Executive Officer or Chief Executive Officer's nominee shall meet to discuss and agree the aims/objectives in terms of the skills, background or interests, or mix of skills, background and interests, of the person(s) that it would be most appropriate and desirable to include on the Committee at that time, and the agreed direction in that regard shall be reflected in the process associated with the attraction and assessment of potential community members;

2. City officers shall arrange to publicly advertise community member vacancies, seeking expressions-of-interest from suitable members of the community;

—Interested members of the community shall be required to submit an expression-of-interest (1-2 pages long only) setting out what value they believe they would bring to the Committee and why they are interested in becoming a member;

3.

4. If the vacancy is not for a deputy community member, in addition to considering those persons that have submitted expressions-of-interest, shall identify whether any existing deputy community member is interested in becoming a community member, and shall generally give priority to filling a community member vacancy with an existing deputy community member.

5. The ~~Mayor, the~~ Presiding Member of the Committee and the Chief Executive Officer or Chief Executive Officer's nominee shall meet again to assess the expressions-of-interest that have been received, identify and agree the preferred candidates to fill one or more of the positions that are vacant at that time following which City officers will present a report to the Council reflecting the assessment and the preferred candidates, and are authorised to make the appointment to the Committee.

5.

6. If there are still vacant positions following the completion of the process set out above, ~~the Mayor~~, the Presiding Member of the Committee and the Chief Executive Officer or Chief Executive Officer's nominee are authorised to identify suitable members of the community with relevant qualifications and / or interest and invite them to submit an expression of interest and if acceptable, City officers will present a report to the Council reflecting the assessment and the preferred candidates, make the appointment to the Committee.

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Meelup Regional Park Management Committee Governance
arrangements and terms of reference

Meelup Regional Park Management Committee

Governance arrangements and terms of reference

Process associated with appointing community members to the Committee

The process associated with appointing community members to the Committee shall be generally as follows -

1. The Presiding Member of the Committee and Chief Executive Officer or Chief Executive Officer's nominee shall meet to discuss and agree the aims/objectives in terms of the skills, background or interests, or mix of skills, background and interests, of the person(s) that it would be most appropriate and desirable to include on the Committee at that time, and the agreed direction in that regard shall be reflected in the process associated with the attraction and assessment of potential community members;
2. City officers shall arrange to publicly advertise community member vacancies, seeking expressions-of-interest from suitable members of the community;
3. Interested members of the community shall be required to submit an expression-of-interest (1-2 pages long only) setting out what value they believe they would bring to the Committee and why they are interested in becoming a member;
4. If the vacancy is not for a deputy community member, in addition to considering those persons that have submitted expressions-of-interest, shall identify whether any existing deputy community member is interested in becoming a community member, and shall generally give priority to filling a community member vacancy with an existing deputy community member.
5. The Presiding Member of the Committee and the Chief Executive Officer or Chief Executive Officer's nominee shall meet again to assess the expressions-of-interest that have been received, identify and agree the preferred candidates to fill one or more of the positions that are vacant at that time following which City officers will present a report to the Council reflecting the assessment and the preferred candidates.
6. If there are still vacant positions following the completion of the process set out above, the Presiding Member of the Committee and the Chief Executive Officer or Chief Executive Officer's nominee are authorised to identify suitable members of the community with relevant qualifications and / or interest and invite them to submit an expression of interest and if acceptable, City officers will present a report to the Council reflecting the assessment and the preferred candidates.

10.7 Policy and Legislation Committee - 21/09/2017 - REVIEW OF TERMS OF REFERENCE FOR THE LOCAL EMERGENCY MANAGEMENT COMMITTEE, AND THE BUSH FIRE ADVISORY COMMITTEE

SUBJECT INDEX:	Council and Committee Meetings
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Environmental Services
ACTIVITY UNIT:	Ranger & Emergency Services
REPORTING OFFICER:	Ranger & Emergency Services Coordinator - Ian McDowell
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENTS:	Attachment A Revised Proposed Terms of Referenced for the Local Emergency Management Committee ↓
	Attachment B Revised Proposed Terms of Reference for the Local Emergency Management Committee (showing track changes) ↓
	Attachment C Revised Proposed Terms of Reference for the Bush Fire Advisory Committee ↓
	Attachment D Revised Proposed Terms of Reference for the Bush Fire Advisory Committee (showing track changes) ↓

This item was considered by the Policy and Legislation Committee at its meeting on 21 September 2017, the recommendations from which have been included in this report.

PRÉCIS

The purpose of this report is to request the Council to adopt the revised proposed Terms or Reference for the Local Emergency Management Committee (LEMC), and the Bush Fire Advisory Committee (BFAC).

BACKGROUND

The Terms of Reference of the LEMC and the BFAC have been reviewed and where necessary revised.

The Terms of Reference for these committees are now in the standard Council format consistent with other Committees of Council.

STATUTORY ENVIRONMENT

Local Emergency Management Committee

Pursuant to section 38 of the *Emergency Management Act 2005* (the EM Act) a local government is to establish one or more local emergency management committees for the local government's district. The City has established one LEMC for its District: the City of Busselton Local Emergency Management Committee.

The establishment of the LEMC is a statutory requirement of the EM Act.

Section 39 of the EM Act sets out the following functions of the LEMC, in relation to the district for which it is established:

- a. to advise and assist the local government in ensuring that local emergency management arrangements are established for its district;
- b. to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and
- c. to carry out other emergency management activities as directed by the State Emergency Management Committee (SEMC) or prescribed by the regulations.

Bush Fire Advisory Committee

Pursuant to section 67 of the *Bush Fires Act 1954* (the BF Act), a local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires, the planning of the layout of fire-breaks in the district, prosecutions for breaches of the BF Act, the formation of bush fire brigades and the grouping thereof under group brigade officers, the ensuring of cooperation and coordination of bush fires brigades in their efforts and activities, and any other matter relating to bush fire control whether of the same kind as, or a different kind from, those specified in this subsection.

A committee established under this section of the BF Act shall include a member of the council of the local government nominated by it for that purpose.

In respect to a committee so appointed, the local government shall fix the quorum for the transaction of business at meetings and may:

- a. make rules for the guidance of the committee;
- b. accept the resignation in writing, or remove, any member of the committee; and
- c. where for any reason a vacancy occurs in the office of a member of the committee, appoint a person to fill that vacancy.

It is the decision of the local government as to whether or not it establishes a BFAC.

RELEVANT PLANS AND POLICIES

Appointing members of the Council to committees is subject to the requirements of Council Policy 014 – Convening the Council Following an Election. Both the LEMC and BFAC contain members of the Council in their committee membership.

A Special Meeting of the Council shall be convened for this purpose and whenever possible it shall occur on the Monday evening immediately following the ordinary Election Day. The proceedings shall commence with the “Swearing In” ceremony for new Councillors to be followed by the Special Meeting for the election of the Mayor and Deputy Mayor and consideration of membership of the Council’s Committee’s and the appointment of Council delegates to other various groups.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the adoption of the Terms of Reference of the LEMC or BFAC.

Long-term Financial Plan Implications

There are no Long Term Financial Plan implications associated with the adoption of the Terms of Reference of the LEMC or BFAC.

STRATEGIC COMMUNITY OBJECTIVES

Key Goal Area

6 Leadership: visionary, collaborative and accountable.

Community Objective

6.1: governance systems, processes and practices are responsible, ethical and transparent.

RISK ASSESSMENT

An assessment of the potential implication of implementing the Officer Recommendation has been undertaken using the City's risk assessment framework.

<i>Risk</i>	<i>Controls</i>	<i>Consequence</i>	<i>Likelihood</i>	<i>Risk Level</i>
Committees consider matters outside of their scope or committee members fail to recognise interests	Provision of advice and officer attendance at LEMC and BFAC meetings	Minor	Possible	Medium

CONSULTATION

It is standard governance for committees to have terms of reference to establish their areas of responsibility and powers. The Terms of Reference for the LEMC and BFAC seek to define those matters in a manner consistent with the functions of those committees as established by the City under the appropriate Acts.

The Terms of Reference for the LEMC (Attachment A) were presented to, and endorsed by the LEMC at its meeting on 5 September 2017.

The Terms of Reference for the BFAC (Attachment C) were presented to, and endorsed by the BFAC at its meeting on 12 September 2017

OFFICER COMMENT

Local Emergency Management Committee

The Terms of Reference for the LEMC have been reviewed and reformatted to the City's current standard format for terms of reference.

The LEMC is a mandatory committee established under the EM Act, and is likely to be ongoing in nature for the foreseeable future. In line with the recent review of Committees of Council in June 2017, reference to the LEMC having a termination date have been removed from the terms of reference. This will avoid the practice of re-establishing the LEMC every two years. It is noted there is no statutory requirement for the life of the LEMC to be contained in the terms of reference. The termination relates to membership of the LEMC, not the LEMC itself.

Other changes are shown in the “tracked changed” copy of the LEMC Terms of Reference as attached (Attachment B). These include:

- Inclusion of the Local Emergency Coordinator (as appointed by the State Emergency Coordinator (the Commissioner of Police) as a member of the committee as required by section 37 of the EM Act; and
- Revision of the membership list including specifying recent name changes for some State Government Departments.

Bush Fire Advisory Committee

The Terms of Reference for the BFAC have been reviewed and reformatted to the City’s current standard format for terms of reference.

The BFAC is likely to be ongoing in nature for the foreseeable future and reference to the BFAC having a termination date has been removed. This will avoid the practice of re-establishing the BFAC every two years. It is noted there is no statutory requirement for the life of the BFAC to be contained in the terms of reference. The termination relates to membership of the BFAC, not the BFAC itself.

Other changes are shown in the “tracked changed” copy of the LEMC Terms of Reference as attached (Attachment D). These include:

- Nominating representatives of the Department of Fire and Emergency Services (DFES) and the Department of Biodiversity, Conservation and Attractions (DBCA) as ‘advisory members’ with no voting rights, rather than members of the committee with voting rights. This change was suggested by DFES and had the full support of DBCA and the BFAC Committee. Both DFES and DBCA see their role as one of only providing professional advice and guidance to the Committee.
- Specifying the process and timeframe for election of the presiding member;
- Appointment of the City’s Community Emergency Services Manager (CESM) as the executive officer for the BFAC.
- Changing the quorum for the Committee from 50% of members to 40% in line with the Local Emergency Management Committee (LEMC).

CONCLUSION

Consistent with best practice, it is beneficial to review the operation of the LEMC and BFAC in order to maximise efficiencies and ensure best outcomes. A periodic review of the Terms of Reference for these committees will ensure this is achieved and maintained.

OPTIONS

The Council may amend the Terms of Reference for the LEMC (Attachment A).

The Council may determine it does not require the BFAC, or may amend the Terms of Reference for the BFAC (Attachment C).

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

If adopted by the Council the Terms of Reference for the LEMC and BFAC will come into immediate effect.

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

That the Council adopts the revised proposed Terms of Reference for:

1. The Local Emergency Management Committee (LEMC) as shown in Attachment A; and
2. The Bush Fire Advisory Committee (BFAC) as shown in Attachment C.

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

That the Council adopts the revised proposed Terms of Reference for:

1. The Local Emergency Management Committee (LEMC) as shown in Attachment A with the change to point 3.0 Membership of LEMC as follows:
 - Two elected members, being the Mayor and Deputy Mayor, shall be appointed to the Committee by the Council.
 - One deputy elected member shall be appointed to the Committee by the Council; and
2. The Bush Fire Advisory Committee (BFAC) as shown in Attachment C.

Reason: The Committee thought it was appropriate that the Mayor and Deputy Mayor should be Councils automatic members on this Committee.

LOCAL EMERGENCY MANAGEMENT COMMITTEE

Terms of Reference

1.0 Introduction

The Council of the City of Busselton establishes a Local Emergency Management Committee (LEMC) under the powers given in Section 38 of the *Emergency Management Act 2005* (the Act).

The Council appoints to the Committee those persons whose names (*shall*) appear in Section 4.0 below.

The Committee shall act for and on behalf of the Council in accordance with all relevant provisions of the Act, local laws and policies of the City of Busselton and this document.

2.0 Objectives

Pursuant to Section 39 of the Act the functions of a local emergency management committee are, in relation to its district or the area for which it is established:

- a. to advise and assist the local government in ensuring that local emergency management arrangements are established for its district;
- b. to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and
- c. to carry out other emergency management activities as directed by the State Emergency Management Committee (SEMC) or prescribed by the regulations.

Pursuant to Section 40 of the Act after the end of each financial year the Committee is to prepare and submit to the District Emergency Management Committee (DEMC) for the district and annual report on activities undertaken by it during the financial year. The annual report is to be prepared within such a reasonable time, and in the manner, as is directed in writing by the SEMC.

3.0 Membership

Two elected members, being the Mayor and Deputy Mayor, shall be appointed to the Committee by the Council.

One deputy elected member shall be appointed to the Committee by the Council.

As recommended by *State Emergency Management Preparedness Procedure 7.0* (the EM Procedure) membership of the Committee shall comprise:

- The Local Emergency Coordinator (as appointed by the State Emergency Coordinator (the Commissioner of Police) pursuant to Section 37 of the Act)
- The Local Recovery Coordinator (as appointed by the local government)
- The following officers of the City of Busselton:
 - Manager Environmental Services
 - Environmental Health Coordinator

- Airport Operations Coordinator
- Community Emergency Services Manager (CESM)
- Chief Bush Fire Control Officer
- Representatives from the following Emergency Management Agencies, welfare support agencies or non-government organisations, and other industry agencies and organisations:
 - Department of Fire and Emergency Services (DFES) – Fire and Rescue Service
 - DFES – State Emergency Service
 - DFES – Volunteer Marine Rescue Service
 - St John Ambulance
 - Department of Agriculture and Food
 - Department of Community Services
 - Department of Transport
 - Department of Biodiversity, Conservation and Attractions
 - WA Country Health Service – South West
 - Surf Life Saving Western Australia
 - ATCO Gas
 - Busselton Water
 - NBN Co
 - Telstra
 - Water Corporation
 - Western Power

4.0 Advisory Members

In addition to the voting members above, staff from the City of Busselton and from other external state government and non-government organisations may attend meetings regularly or on an ad-hoc basis in an advisory and networking role only. Advisory members shall not have voting rights.

5.0 Presiding Member

The Presiding Member shall be an elected member of Council as per the recommendation of the EM Procedure. The election of the Presiding Member shall occur every two years immediately following the Council election.

The Committee shall appoint a Presiding Member to conduct its business. The Presiding Member shall ensure that minutes of the proceedings are kept and that business is conducted in accordance with the *City of Busselton Standing Orders Local Law 2010*.

The Deputy Presiding Member shall be the Local Emergency Coordinator as recommended by the EM Procedure.

6.0 Executive Officer

The Committee shall be supported by an Executive Officer. The Executive Officer as appointed by the Chief Executive Officer of the City of Busselton shall be the Ranger and Emergency Services Coordinator.

7.0 Meetings

Committee meetings shall be held at three monthly intervals normally in March, June, September and December. If a scheduled meeting is cancelled, the reason for cancelling the meeting shall be noted in the Minutes of the next meeting.

Notice of meetings shall be given to members at least 3 days prior to each meeting.

All members of the Committee shall have one vote. If the vote of the members present is equally divided, the person presiding shall cast a second vote.

8.0 Quorum

Quorum for a meeting shall be at least 50% of the number of offices, whether vacant or not. A decision of the Committee does not have effect unless it has been made by the required majority.

9.0 Delegated Powers

The Local Emergency Management Committee has been established as an advisory committee only and does not have any delegated powers. Committee recommendations shall be referred to the Council.

<u>History</u>	
TBA	CXXXX/XXX Review and revision (Mayor and Deputy Mayor appointed to the LEMC by the Council)
28 September 2016	C1609/261 Establishment

LOCAL EMERGENCY MANAGEMENT COMMITTEE

Terms of Reference

1. TITLE OF COMMITTEE

The Committee shall be known as the City of Busselton Local Emergency Management Committee.

1.0 Introduction

The Council of the City of Busselton establishes a Local Emergency Management Committee (LEMC) under the powers given in Section 38 of the *Emergency Management Act 2005* (the Act).

The Council appoints to the Committee those persons whose name (*shall*) appear in Section 4.0 below.

The Committee shall act for and on behalf of Council in accordance with all relevant provisions of the Act, local laws and policies of the City of Busselton and this document.

2. HEAD OF POWER

The Committee is established pursuant to Section 39 of the *Emergency Management Act 2005*.

3. PURPOSE

The purpose of the Committee is to provide the network of skills, knowledge, and advice to assist the City of Busselton in ensuring that local emergency management arrangements are established for the district.

4. OBJECTIVES

2.0 Objectives

Pursuant to Section 39 of the Act the functions of a local emergency management committee are, in relation to its district of the area for which it is established:

- a. to advise and assist the local government in ensuring that local emergency management arrangements are established for its district;
- b. to liaise with public authorities and other persons in the development, review and testing of the local emergency management arrangements; and
- c. to carry out other emergency management activities as directed by the State Emergency Management Committee (SEMC) or prescribed by the regulations.

Pursuant to Section 40 of the Act after the end of each financial year the Committee is to prepare and submit to the District Emergency Management Committee (DEMC) for the district an annual report on activities undertaken by it during the financial year. The annual report shall be prepared within such a reasonable time, and in the manner as is directed in writing by the SEMC.

The objectives (Emergency Management Act (2005) s.39) of the Local Emergency Management Committee (LEMC) are to:

- Develop for adoption by the City of Busselton an Annual Business Plan consistent with the objectives of the State Emergency Management Committee

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- Advise and assist the City of Busselton in ensuring that local emergency management arrangements are established for its district
- Liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements
- Carry out other emergency management activities as directed by the State Emergency Management Committee
- Prepare and submit to the district emergency management committee an annual report on activities undertaken by the LEMC during the financial year (EM Act s.40).

5. COMMITTEE STRUCTURE

The voting membership of the Committee shall be as determined by resolution of the Council from time to time.

3.0 Membership

Two elected members, being the Mayor and Deputy Mayor, shall be appointed to the Committee by the Council.

One deputy elected member shall be appointed to the Committee by the Council.

As recommended by the State Emergency Management Preparedness Procedure 7.0 (the EM procedure) membership of the Committee shall comprise:

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- The Local Emergency Coordinator (as appointed by the State Emergency Coordinator (the Commissioner of Police) pursuant to section 37 of the Act)
- The Local Recovery Coordinator (as appointed by the City)
- The following officers of the City:
 - Manager Environmental Services
 - Environmental Health Coordinator
 - Airport Operations Coordinator
 - Community Emergency Services Manager (CESM)
 - Chief Bushfire Control Officer (CBFCO)

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Representatives from the following Emergency Management Agencies, welfare support agencies or non-government organisations, and other industry agencies and organisations:

- Department of Fire and Emergency Services (DFES) – Fire and Rescue Service
- DFES – State Emergency Service
- DFES – Volunteer Marine Rescue Service
- St John Ambulance
- Agriculture and Food – Department of Primary Industries and Regional Development
- Child Protection and Family Support – Department of Communities
- Department of Transport
- Parks and Wildlife Services – Department of Biodiversity, Conservation and Attractions
- WA Country Health Service – South West
- Surf Life Saving Western Australia
- ATCO Gas
- Busselton Water
- Water Corporation
- Western Power

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5.2 Advisory Staff

4.0 Advisory Members

In addition to the ~~above~~-voting members ~~above~~, ~~the CEO shall direct such staff as are considered necessary to assist the Committee in their duties~~ staff from the City and from other external state government and non-government organisations may attend meetings regularly or on an ad-hoc basis in an ~~Staff shall attend in an~~ advisory and networking role only, ~~and shall not vote on any matter before the Committee.~~

~~5.3 Term of membership of Committee~~

Persons shall be appointed as members of the City of Busselton for a term not exceeding 2 years but ceasing on the day before the ordinary biennial election of the Council.

5.0 Presiding Member

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The Presiding Members shall be an elected member of the Council as per the recommendation of the EM Procedure. The election of the Presiding Member shall occur every two years immediately following the Council election.

The Committee shall appoint a Presiding Member to conduct its business. The Presiding Member shall ensure that minutes of the proceedings are kept and that business is conducted in accordance with the City of Busselton Standing Orders Local Law 2010.

The Deputy Presiding Member shall be the Local Emergency Coordinator as recommended by the EM Procedure.

6.0 Executive Officer

The Committee shall be supported by an Executive Officer. The Executive Officer as appointed by the Chief Executive Officer of the City shall be the Ranger and Emergency Services Coordinator.

7.0 Meetings

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Committee meetings shall be held at three monthly intervals normally in March, June, September and December. If a scheduled meeting is cancelled, the reason for cancelling the meeting shall be noted in the Minutes of the next meeting.

Notice of meetings shall be given to members at least 3 days prior to each meeting.

All members of the Committee shall have one vote. If the vote of members present is equally divided, the person presiding shall cast a second vote.

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6. PROXIES

~~If a Committee member is unable to attend a meeting, a proxy may be sought from the area represented to act and vote on behalf of the representative.~~

7. EXECUTIVE OFFICER

~~The Committee shall be supported by an Executive Officer. The Executive Officer shall be a member of the staff of the City of Busselton appointed by the Chief Executive Officer of the City.~~

~~The Executive Officer for the LEMC shall:~~

- ~~• Arrange meeting times and venue~~
- ~~• Record meeting minutes~~
- ~~• Ensure minutes are distributed within one week of the last meeting~~
- ~~• Redistribute minutes with proposed changes, as necessary~~
- ~~• Prepare agenda items for any matters requiring consideration by the Committee~~
- ~~• Report on status of recommendations and ongoing action items~~
- ~~• Distribution of reports~~
- ~~• Develop Annual Business Plan~~
- ~~• Prepare Annual Report~~

8. RESIGNATION

~~Committee members who wish to resign must do so in writing to the Executive Officer.~~

9. VISITORS

~~Persons may be invited to attend the meetings at the request of Committee members. Visitors may provide advice or assistance during meetings upon the request of the Chairperson. Visitors have no voting rights and may be requested to leave the meeting at any time by the Chairperson.~~

10. MEETING FORMAT

10.1 Quorum

8.0 Quorum

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~~The minimum number of voting Committee members or proxies required to be present prior to a meeting taking place is 40%.~~

~~Quorum for a meeting shall be at least 40% of the number of offices, whether vacant or not. A decision of the Committee does not have effect unless it has been made by the required majority.~~

10.2 Frequency of Meetings

~~Committee meetings will be held at three monthly intervals. If any Committee meeting is cancelled or rescheduled, the details as to why the meeting did not take place or was changed will be noted in the minutes of the next meeting.~~

~~Any Committee member may request that the Executive Officer call an extraordinary meeting in order to discuss an issue requiring urgent attention.~~

10.3 Order of Meetings

Revised Proposed Terms of Reference for the Local Emergency
Management Committee (showing track changes)

~~Discussion at the regular Committee meetings shall be controlled through an agenda. Any individual wishing a specific item to be included in the agenda shall advise the Executive Officer at least 10 working days before the meeting to enable the matter to be fully reported upon. Matters of urgency, which for reasons of late occurrence, or urgency may require immediate consideration by the Committee may be discussed under Matters of Urgency~~

~~The Order of Business for the agenda for the meeting shall be:~~

- ~~1. Opening of Meeting~~
- ~~2. Confirmation of Minutes of Previous Meeting~~
- ~~3. Business Arising from the minutes of the previous meeting~~
- ~~4. Matters as listed in the Agenda~~
- ~~5. Matters of Urgency~~

~~At the conclusion of the order of Business, the Committee shall also give consideration to matters relevant to emergency management, similar to the following matters; reports on which will be tabled by the Executive Officer:~~

- ~~• Confirmation of local emergency management arrangements contact details~~
- ~~• Exercises that test the LEMA~~
- ~~• Review of any post incident reports and post exercise reports generated since last meeting~~
- ~~• Progress of emergency risk management process~~
- ~~• Progress of treatment strategies arising from emergency risk management process~~
- ~~• Progress of development or review of local emergency management arrangements.~~

10.4 Recording of Minutes

~~Accurate and concise minutes shall be recorded at each meeting and all agreed actions shall include the responsible person's name and an action date.~~

~~Draft minutes shall be distributed to each Committee member within one week of the last meeting. Proposed minute amendments shall be forwarded to the Executive Officer within one week of receiving the minutes. If there are no discrepancies, it is to be noted that "the minutes are accepted as a true and accurate record" at the next meeting. If there are discrepancies they should be resolved prior to the commencement of the next meeting.~~

~~As the Committee does not have delegated authority (pursuant to the Local Government Act 1995), Minutes of the meeting of the LEMC shall be submitted direct to the next available meeting of the Council for consideration and adoption as appropriate of recommendations of the Committee.~~

10.5 Decision Making

~~The Committee shall, wherever possible, reach any decision by consensus. Where this is not possible, the Chairperson shall call for a vote, a minimum of 60% of members present shall be required to carry any motion. Reasons for dissent shall be recorded in the minutes.~~

11. RESPONSIBILITIES

11.1 Chairperson

- ~~• Direct and guide discussion at meetings~~
- ~~• Ensure all agenda items are discussed with appropriate actions noted~~
- ~~• Ensure all Committee members have an opportunity to contribute~~
- ~~• Ensure the meeting adheres to the terms of reference~~

11.2 Committee Members

- ~~• Attend meetings~~

- ~~Actively participate in meetings~~
- ~~Make presentations as requested by the Committee~~
- ~~Assist in maintaining the local emergency management arrangements by submitting plans relevant to their agency for consideration by the LEMC.~~

12. EVALUATION OF COMMITTEE'S EFFECTIVENESS

~~At the meeting of the LEMC prior to the ordinary biennial Council elections, the Committee shall undertake a review to evaluate its effectiveness, and as a guide the following should be determined:~~

- ~~Are the LEMC's purpose and objectives being met?~~
- ~~Should the purpose and objectives be amended?~~
- ~~Is the LEMC making decisions and completing action items?~~
- ~~Are the LEMC members regularly attending meetings?~~
- ~~Review the Terms of Reference, including membership.~~

13. STANDING ORDERS

~~In the event that there are circumstances regarding meeting procedure or protocol, the Chairperson shall have regard for the City of Busselton Standing Orders Local Law 2010 and the Local Government Act 1995.~~

9.0 Delegated Powers

~~The Local Emergency Management Committee has been established as an advisory committee only and does not have any delegated powers. Committee recommendations shall be referred to Council.~~

<u>History</u>	
TBA	CXXXX/XXX Review and Revision
28 September 2016	C1609/261 Establishment

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BUSH FIRE ADVISORY COMMITTEE

Terms of Reference

1.0 Introduction

The Council of the City of Busselton establishes a Bush Fire Advisory Committee (BFAC) under the powers given in Section 67 of the *Bush Fires Act 1954*.

The Council appoints to the Committee those persons whose names (*shall*) appear in Section 4.0 below.

The Committee shall act for and on behalf of the Council in accordance with all relevant provisions of the *Bush Fire Act 1954*, local laws and policies of the City of Busselton and this document.

2.0 Objectives

- To provide advice to Council in regard to all matters relating to bush fire control, prevention and management, including recommendation on the annual firebreak requirements, capital equipment purchase, review of firefighting/prevention practices and firefighting training.
- To develop a bush fire strategic plan incorporating plant, firebreak order development process and strategic firebreak development, to be endorsed by Council.
- To care for, control and manage the bush fire risk within the district of the City of Busselton.

3.0 Membership

One elected member shall be appointed to the Committee.

One deputy elected member shall be appointed to the Committee.

The Fire Control Officers from each of the City's Bush Fire Brigades shall be, by virtue of the office held, appointed to the Committee.

Representatives of the Department of Fire and Emergency Services (DFES) and Parks and Wildlife Services (Department of Biodiversity, Conservation and Attraction (DBCA)) will be advisory members of the Committee. Such persons will not be entitled to vote on any matter brought before the Committee.

Other persons, or representatives of organisations, may participate in meetings of the Committee (or any sub-committees the Committee may establish) as determined by a majority of the Committee. Such persons will not be entitled to vote on any matter brought before the Committee.

4.0 Presiding Member

The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business. The election of the Presiding Member and Deputy Presiding Member shall be held every two years at the first meeting of the Committee immediately following the Council election.

The Presiding Member shall ensure that Minutes of the proceedings are kept.

5.0 Executive Officer

The Committee shall be supported by an Executive Officer. The Executive Officer as appointed by the Chief Executive Officer of the City of Busselton shall be the Community Emergency Services Manager (CESM).

6.0 Meetings

The Committee may meet from time to time as the Committee thinks fit but, shall meet as a minimum twice annually, once at the beginning and once at the end of the bush fire season.

7.1 Notice of meetings shall be given to members at least 3 days prior to each meeting.

7.2 All members of the Committee shall have one vote. If the vote of the members present is equally divided, the person presiding shall cast a second vote.

7.0 Quorum

Quorum for a meeting shall be at least 40% of the number of offices. A decision of the Committee does not have effect unless it has been made by the required majority.

8.0 Delegated Powers

The Bush Fire Advisory Committee has been established as an advisory committee only and does not have any delegated powers. Committee recommendations shall be referred to the Council.

<u>History</u>	
TBA	CXXXX/XXX Review and revision
14 October 2016	C1510/294 Establishment of New Members
21 October 2013	SC1310/186 Membership
9 October 2013	C1310/267 Establishment
12 October 2011	C1110/315

Revised Proposed Terms of Reference for the Bush Fire
Advisory Committee (showing track changes)

BUSH FIRE ADVISORY COMMITTEE

Terms of Reference

1.0 Introduction

The Council of the City of Busselton establishes a Bush Fire Advisory Committee (BFAC) under the powers given in Section 67 of the *Bush Fires Act 1954*.

The Council appoints to the Committee those persons whose names (*shall*) appear in Section ~~43.0~~ below.

The Committee shall act for and on behalf of the Council in accordance with all relevant provisions of the *Bush Fire Act 1954*, local laws and policies of the City of Busselton and this document.

~~2.0~~ Name

~~The name of the Committee shall be the Bush Fires Advisory Committee.~~

~~3.02.0~~ Objectives

- To provide advice to Council in regard to all matters relating to bush fire control, prevention and management, including recommendation on the annual firebreak requirements, capital equipment purchase, review of firefighting/prevention practices and firefighting training.
- To develop a bush fire strategic plan incorporating plant, firebreak order development process and strategic firebreak development, to be endorsed by Council.
- To care for, control and manage the bush fire risk within the district of the City of Busselton.

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~~4.03.0~~ Membership

One elected member shall be appointed to the Committee.

Councillor

One deputy elected member shall be appointed to the Committee.

The Fire Control Officers from each of the City's Bush Fire Brigades shall be, (by virtue of the office held,) appointed to the Committee. ~~Other members of the Committee will be a representative from each of FESA and CALM (to nominate representatives).~~

Representatives of the Department of Fire and Emergency Services (DFES) and Parks and Wildlife Services (Department of Biodiversity, Conservation and Attractions (DBCA)) will be advisory members of the Committee. Such persons will not be entitled to vote on any matter brought before the Committee.

Other persons, ~~(or representatives of organisations)~~, may participate in meetings of the Committee ~~(or any sub-committees the Committee may establish)~~, as determined by an ~~ordinary~~ majority of the Committee. Such persons will not be entitled to vote on any matter brought before the Committee.

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Revised Proposed Terms of Reference for the Bush Fire
Advisory Committee (showing track changes)

5.04.0 Presiding Member

The Committee shall appoint a ~~Chairman-Presiding Member~~ and Deputy ~~Chairman-Presiding Member~~ to conduct its business. ~~The election of the Presiding Member and Deputy Presiding Member shall be held every two years at the first meeting of the Committee immediately following the Council election.~~

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The Chairman shall ensure that Minutes of the proceedings are kept.

5.0 Executive Officer

~~The Committee shall be supported by an Executive Officer. The Executive Officer as pointed by the Chief Executive Officer of the City of Busselton shall be the Community Emergency Services Manager (CESM).~~

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6.0 Meetings

The Committee may meet from time to time as the Committee thinks fit but, shall meet ~~as a minimum~~ at least twice annually, once at the beginning and once at the end of the bush fire season, ~~as a minimum~~.

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- Notice of meetings shall be given to members at least 3 days prior to each meeting.
- All members of the Committee shall have one vote. If the vote of the members present is equally divided, the person presiding shall cast a second vote.

7.0 Quorum

Quorum for a meeting shall be at least ~~50~~40% of the number of offices. A decision of the Committee does not have effect unless it has been made by the required majority.

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8.0 Delegated Powers

~~The Bush Fire Advisory Committee has been established as an advisory committee only and does not have any delegated powers. Committee recommendations shall be referred to the Council.~~

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History	
TBA	CXXXX/XXX Review and revision
14 October 2016	C1510/294 Establishment of New Members
21 October 2013	SC1310/186 Membership
9 October 2013	C1310/267 Establishment
12 October 2011	C1110/315

10.8 Policy and Legislation Committee - 21/09/2017 - REVIEW OF POLICY 001 - FEES, ALLOWANCES AND EXPENSES FOR ELECTED MEMBERS

SUBJECT INDEX:	Clothing/Corporate Attire
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Finance and Corporate Services
ACTIVITY UNIT:	Governance Services
REPORTING OFFICER:	Director, Finance and Corporate Services - Cliff Frewing
AUTHORISING OFFICER:	Director, Finance and Corporate Services - Cliff Frewing
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENTS:	Attachment A Revised Policy 001 Fees, Allowances and Expenses for Elected Members ↓

This item was considered by the Policy and Legislation Committee at its meeting on 21 September 2017, the recommendations from which have been included in this report.

PRÉCIS

The purpose of this report is to consider options in relation to clause 3.1.7.2 relating to Corporate Attire which is part of Policy 001 – Fees, Allowances and Expenses for Elected Members.

BACKGROUND

At the Policy and Legislation Committee held on 17 August, 2017 Council considered a revised Policy 001 - Fees, Allowances and Expenses for Elected Members. The Policy was adopted other than clause 3.1.7.2 of the policy relating to Corporate Attire.

At the Council meeting held on 13th September 2017, it was resolved (in part):

That Council:

1.
2. *Consider a further report relating to clause 3.1.7.2 Corporate Attire at a future meeting.*

Further to this resolution, officers have proposed changes to clause 3.1.7.2 of the Policy to reflect the discussions around the topic from the Committee meeting for consideration by the Policy and Legislation Committee.

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.

RELEVANT PLANS AND POLICIES

This report recommends that Policy 001 - Fees, Allowances and Expenses for Elected Members be updated to take into account informal discussions held at recent Meetings and changes to reflect the appropriate actions.

FINANCIAL IMPLICATIONS

A budget provision is made in each budget adopted in relation to payment of elected member allowances including provision of equipment and clothing. There are only minor financial implications associated with the changes proposed to the Policy.

Long-term Financial Plan Implications

Nil.

STRATEGIC COMMUNITY OBJECTIVES

This 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'.

The Strategic Community Plan includes the community objective of having an effectively managed organisation that achieves positive outcomes for the community. One of the key ways for this to occur is to provide financial recognition of the extensive responsibilities performed by Elected Members.

RISK ASSESSMENT

Not required for this policy review.

CONSULTATION

External consultation is not considered necessary.

OFFICER COMMENT

Clause 3.1.7.2 of the policy relating to Corporate Attire currently reads as follows:

Each elected member is eligible to claim up to \$1,000 reimbursement for the purchase of Corporate Attire, which may include a brief case or travel case. Payment will be made on the production of receipts for clothing, shoes or a case, but will be limited to \$500 for the period November to April and a further \$500 for the period May to October.

At the Policy and Legislation Committee held on 17 August, 2017, the Committee considered a proposal which sought to modify this clause to read as follows:

3.1.7.2 Corporate Attire allowance

Each elected member is eligible to be provided Corporate Attire with City logo up to the value of the amount provided in the annual budget (currently \$750pa), which may include:

- *Corporate suit (male – Trousers and Jacket)*
- *Corporate suit (female – Skirt, Dress, Pants and Jacket)*
- *Corporate shirts/blouses etc*
- *Casual/Light weight Fleecy Jacket*
- *Polo top*
- *City tie/scarf*
- *Shoes (up to the value of \$150)*
- *Dry cleaning and maintenance of Corporate Attire*

All of the above clothing attire acquisitions (other than shoes) should be acquired through the City's approved uniform suppliers.

As it is likely that on election as an elected member, a full suite of attire will be required soon after being sworn in, the entire allowance is available in the first year (commencing October). In relation to the second and subsequent years following election, the use of the allowance will be limited to two thirds of the allowance for the period October to April and one third of the allowance for the period May to October.

At the August Committee meeting, Councillors requested further options of this clause be presented for further consideration.

The differences between the existing and proposed clauses above are as follows:

- The amount was reduced as (a) the briefcase or travel case was moved to another section of the policy and (b) other than in the first year of being elected, it was thought that \$1,000pa for clothing was not required;
- The proposed policy provided greater flexibility as to how the allowance could be spent;
- The proposed policy provided clarity as to what the Corporate uniform consists of; and
- Clarified that the Corporate suit and shirts would need to be acquired from the City's Corporate uniform supplier.

There are obviously many options that Council could consider when reviewing a policy on this subject. The first issue is whether or not a Corporate Uniform is required. If it is thought appropriate that a Corporate uniform is required the main options are as follows:

1. Make no change to the existing Policy clause as shown above;
2. Re-consider the clause submitted to the August Policy & Legislation Committee also shown above;
3. Assuming that option 2 above was generally acceptable, variations could include:
 - Increasing the amount in the first year of a term to \$1,000 with the allowance for the following 3 years being set at \$750; and
 - Having acquired a Corporate suit (usually in the first term), any balance of funds from the allowance could be used to purchase a Business suit of the Councillors preference;
 - Consider, if a Corporate suit is selected, whether or not it should be returned on expiry of office.

One option is to base a new clause on the previously proposed clause (considered at the August Policy and Legislation Committee meeting) and further modified taking into account the features described in point 3 above:

3.1.7.2 Corporate Attire allowance

Each elected member is eligible to be provided Corporate Attire with City logo up to an amount of \$1,000 in the first year of being elected and an amount of \$750 for each successive year.

In the first year, the allowance must be used to purchase a Corporate suit with City logo and other attire which may include:

- *Corporate suit (male – Trousers and Jacket)*
- *Corporate suit (female – Skirt, Dress, Pants and Jacket)*
- *Corporate shirts/blouses etc*

The City would issue the following items of clothing with City logo (at cost and charged against the allowance):

- *Casual/Light weight Fleecy Jacket*
- *Polo top*
- *City tie/scarf*

Other (and charged against the allowance):

- *Shoes (up to the value of \$150)*
- *Dry cleaning and maintenance of Corporate Attire*

All of the above clothing attire acquisitions (other than shoes) should be acquired through the City's approved uniform supplier.

As it is likely that on election as an elected member, a full suite of attire will be required soon after being sworn in, the entire allowance is available in the first year (commencing October). In relation to the second and subsequent years following election, the use of the allowance will be limited to two thirds of the allowance for the period October to April and one third of the allowance for the period May to October.

Any balance of funds may be used to purchase Business suits that are not "Corporate suits".

On expiry of office the Corporate Attire be returned to the City.

Alternatively, If Council decides that the use of "Corporate Attire" is no longer appropriate; the clause could be reworded as follows:

3.1.7.2 Clothing allowance

Each elected member is eligible to be provided a Clothing allowance up to an amount of \$1,000 in the first year of being elected and an amount of \$750 for each successive year and may be used to purchase:

- *Business suit (male – Trousers and Jacket)*
- *Business suit (female – Skirt, Dress, Pants and Jacket)*
- *Business shirts/blouses etc*

The City would issue the following items of clothing (at cost and charged against the allowance) with City logo:

- *Casual/Light weight Fleecy Jacket*
- *Polo top*
- *City tie/scarf*

Other (and charged against the allowance):

- *Shoes (up to the value of \$150)*
- *Dry cleaning and maintenance of Clothing*

As it is likely that on election as an elected member, a full suite of attire will be required soon after being sworn in, the entire allowance is available in the first year (commencing October). In relation to the second and subsequent years following election, the use of the allowance will be limited to two thirds of the allowance for the period October to April and one third of the allowance for the period May to October.

Both avenues allow for Elected Members to have access to the clothing allowance to assist in the performance of the various functions as required by the role. The first option where Elected Members can acquire a City Logo branded formal business attire allows the opportunity for members to be highly recognisable at formal functions and portray a uniform look during events. There would be some benefit to this approach as Elected Members would be easily recognisable by other attendees of events and the opportunity would exist for Elected Members to engage with a large variety of people as the formal representative of the Council. A Corporate uniform is also a strong visual aid to demonstrate a 'team' approach to business.

The second option would allow for Elected Members to still have access to appropriate formal attire, but to express their own individual style. If Council selects to move away from a 'Corporate Attire' towards the 'Clothing allowance' the need to remove any City branded attire when an Elected Member ceases to act in the position of Councillor would be reduced to the City issued clothing only.

CONCLUSION

As shown above benefits exist for both approaches to the Corporate Attire. It should be noted the biggest change in the proposed options is around the formal business attire only, the informal issued attire, shoes and dry-cleaning and maintenance of clothing remains consistent across all the proposed outcomes. The proposed fee structure changes are also consistent across both options, therefore the proposed point of consideration comes down to the Council's desire to have City branded formal wear or not.

The policy is presented for updating, noting that an Absolute Majority is required as this Policy as it includes reference to the annual allowance paid to the Mayor and the percentage of the Mayor's allowance to which the Deputy Mayor will be entitled. However no changes are proposed to be made to these particular Policy provisions.

The proposed changes have been discussed with elected members on a number of occasions in recent months.

OPTIONS

Various options exist for consideration of Clause 3.1.7.2 of the policy relating to Corporate Attire. Through the discussion process it has been noted the following options have shown the most relevant and Council can select to:

1. Make no changes to the original Policy and reconsider adopting the proposed amendments as submitted to Council at the meeting held 13 September 2017;
2. Keep the principle of "Corporate Attire" and implement the proposed changes to the fee structure and uniform issue to comply with a consistent City branded approach;

3. Select to change from a “Corporate Attire” approach to a “Clothing allowance” approach, which will have the same fee structure as option 2 but allow Elected Members to acquire non City branded attire;
4. Make any other change to the Clause as required.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The new policy adopted will be effective immediately.

OFFICER RECOMMENDATION

That the Council:

1. Adopt the revised Council Policy 001 - Fees, Allowances and Expenses for Elected Members as shown in Attachment A noting the changes to clause 3.1.7.2 Corporate Attire.

COMMITTEE RECOMMENDATION

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the Council adopt the revised Council Policy 001 - Fees, Allowances and Expenses for Elected Members as shown below noting the changes to clause 3.1.7.2 Corporate Attire.

3.1.7.2 Corporate attire allowance

Each elected member is eligible to be provided with a range of Corporate attire (with City logo) on being elected as Councillor and is entitled to an additional amount of \$750pa for business attire for each year of the election term.

Upon election, elected members will be entitled to be issued with the following items:

Corporate attire with City logo (and not charged against the allowance):

- Corporate suit (male – Trousers and Jacket)
- Corporate suit (female – Skirt, Dress, Pants and Jacket)
- Corporate shirts/blouses etc
- Casual/Light weight Fleecy Jacket
- Polo top
- City tie/scarf

Other (charged against the allowance):

- Business attire (which may consist of a suit, jacket and shirts / blouses)
- Shoes (up to the value of \$150)
- Dry cleaning and maintenance of Corporate and business attire

All of the Corporate attire acquisitions (should be acquired through the City’s approved uniform supplier.

All items of Corporate attire which are branded with the City of Busselton’s logo should be returned to the City on expiry of office.

Reason: The Committee felt this was a more appropriate and equitable use of funds allocated for clothing allowance.

Last updated 13/09/2017

001	Fees, Allowances and Expenses for Elected Members	V9 Current
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1. PURPOSE

In accordance with Division 8 of Part 5 of the *Local Government Act 1995* elected members are entitled to receive a fee for meeting attendance, be reimbursed for expenses and/or be paid an allowance for certain types of expenses. Certain payments are an automatic entitlement in accordance with the Act, while others require specific local government approval. The Fees, Allowances and Expenses for Elected Members policy provides the approval framework under which all fees, allowances and reimbursements to elected members will be made.

2. SCOPE

"Elected member" - Any person who holds the office of Councillor on the Council of the City of Busselton, including the Mayor and Deputy Mayor;

"Schedule" – Information describing the current Local Government Band Allocation and fees and allowances established within that Band in accordance with any *Local Government Elected Council Members Determination* under the *Salaries and Allowances Act 1975*.

The Fees, Allowances and Expenses for Elected Members policy is to apply to the purchase of all local government-owned equipment for the specific and individual use of an elected member, the reimbursement of any expenses incurred by an elected member in the performance of their functions and duties, and fees and allowances provided to all elected members.

This policy provides the approval framework to enable the provision of equipment and certain payments to be made to elected members to enable them to carry out their role as an elected member effectively. All matters approved in this policy are in accordance with the relevant legislation and determinations, being the *Local Government Act 1995* and *Local Government Elected Council Members Determinations* in accordance with the *Salaries and Allowances Act 1975*.

All allowances in relation to elected members are reviewed annually by the City and become effective following adoption of the annual budget.

3. POLICY CONTENT

3.1 Elected members

3.1.1 Provision of equipment

Without limiting the application of any other clause in this policy, the local government will provide to elected members of the City of Busselton access to resources to enable them to carry out their duties efficiently and effectively. In accordance with Section 3.1 of the *Local Government Act 1995*, in order to provide for the good government of persons in the District, any newly elected member will have the opportunity to be furnished with the following equipment:

- A brief case up to the value of \$150;
- A standard-issue mobile telephone;
- A standard issue mobile device that will be upgraded from time to time, inclusive of standard equipment associated with the day-to-day use of the device.

Any equipment provided in accordance with this policy can be retained by the elected member at the completion of their term of office or if they serve a minimum of 24 months as an elected member.

Last updated 13/09/2017

3.1.2 Meeting attendance fees

An elected member is entitled to receive an annual fee for attending Council and Committee meetings in accordance with the *Local Government Act 1995*. This payment is in lieu of any entitlement established for a fee per meeting under that Act.

The annual fee will be established during the annual budget process within the Band established in the relevant *Local Government Elected Council Members Determination*.

The annual meeting attendance fee is full and final satisfaction of an elected member's meeting entitlements and no other claims can be made for attendance at meetings, with the exception that an elected member's expenses incurred for travelling to and from the meeting can be reimbursed in accordance with clause 3.1.5 of this policy or childcare expenses incurred can be reimbursed in accordance with clause 3.1.4 of this policy.

Meeting attendance fees will be paid monthly or quarterly in arrears. The fee will be calculated on a pro-rata basis for any elected member who commences or ceases office during the month or quarter. Upon commencement of office, elected members, for the purposes of budget development, will be requested to indicate whether it is their intention to claim meeting attendance fees and their preferred payment method. Nothing in the relevant legislation or this policy prevents an elected member from changing their intention at any time.

3.1.3 Information and Communications Technology allowance

In accordance with the relevant *Local Government Elected Council Members Determination*, all elected members are eligible to claim an annual information and communications technology allowance the amount of which will be included in the Schedule.

This allowance is to cover an elected member's costs in relation to expenses that relate to information and communications technology, for example telephone rental and call charges and internet service provider fees and that are a kind of expense prescribed by regulation 32(1) of the *Local Government (Administration) Regulations 1996*.

The information and communications technology allowance will be paid monthly or quarterly in arrears. The allowance will be calculated on a pro-rata basis for any elected member who commences or ceases office during the month or quarter. Upon commencement of office, elected members, for the purposes of budget development, will be requested to indicate whether it is their intention to claim the information and communications technology allowance and their preferred payment method. Nothing in the relevant legislation or this policy prevents an elected member from changing their intention at any time.

3.1.4 Reimbursement of childcare expenses

In accordance with the *Local Government Act 1995* an elected member who incurs childcare expenses due to their attendance at a Council meeting or a meeting of a formally constituted Council Committee of which they are a member is entitled to be reimbursed. The extent to which the childcare expenses incurred will be reimbursed will be in accordance with the relevant *Local Government Elected Council Members Determination*. For the purposes of this section, the number of hours claimed shall be limited to the actual length of the meeting, with a nominal time allowance for partaking in refreshments and travel to and from the place of care.

Last updated 13/09/2017

3.1.5 Reimbursement of travel expenses

In accordance with the *Local Government Act 1995* an elected member who incurs expenses to travel to a Council meeting or a meeting of a formally constituted Council Committee of which they are a member is entitled to be reimbursed. Elected members can also be reimbursed for other types of travel in accordance with Regulation 32 of the *Local Government (Administration) Regulations 1996*. The extent to which travel expenses can be reimbursed is in accordance with the State Salaries and Allowances Tribunal. The following list represents the meetings and events at which the attendance of an elected member is required for which the elected member will be able to claim reimbursement in accordance with the State Salaries and Allowances Tribunal for incurring travel expenses.

- Council meetings - ordinary and special;
- Committee meetings of a formally constituted Council committee of which they are a member or a deputy member acting in the capacity of a member;
- Electors' meetings - annual and special;
- Civic receptions hosted by the City of Busselton;
- Visits by Ministers of the Crown or other distinguished visitors of similar status;
- City organised inspection tours of matters arising before the Council or as a JDAP member;
- Any City-convened meeting by the Mayor or CEO requiring elected member attendance, including briefing sessions, workshops and other forums;
- Elected member training courses;
- City organised meetings with ratepayers;
- Attendance at "Flagship" functions and events held within the boundaries of the City and as determined by the Mayor and CEO at the commencement of each calendar year or as determined during the year*;
- Where the Mayor is unable to attend a function or event and has requested another elected member to attend on his behalf;
- Seminars and conferences attended in the capacity of an elected member as approved by the City in accordance with Policy 08 "Councillors Induction, Training and Professional Development";
- Meetings of community groups or other external organisations of which the elected member has been appointed the Council's representative / delegate by Council resolution (except where the other body pays the elected member for meeting attendance and/or travel eg ministerial appointment to State Advisory Boards).

*Flagship events and functions will be published in the Friday factsheet or will be the subject of a specific invitation sent by the City's administration.

Where large distances are involved and when practicable a City-owned motor vehicle should be used in the first instance.

The reimbursement will be made available to the elected member on the receipt of a certified claim form and in accordance with the rates determined by the State Salaries and Allowances Tribunal. Elected members are encouraged to use a City-owned motor vehicle (subject to availability) for the types of travel approved under this section

Subject to the approval of the Chief Executive Officer or delegate, the elected member is entitled to use the City-owned motor vehicle for travel for personal reasons during the time when the vehicle is being used for City purposes, provided such use does not go beyond use of a minor incidental nature. Where a City vehicle is utilised, the travel reimbursement or travel allowance cannot be claimed.

3.1.6 Reimbursement of expenses while away from home on sanctioned activities

Expenses incurred for conferences, training, seminars and similar occasions requiring an elected member to stay overnight away from their place of residence will be reimbursed to the elected member or paid directly by the City in accordance with the following guidelines.

Last updated 13/09/2017

Air travel and accommodation will be arranged and paid for by the City in consultation with the elected member and the key considerations will be cost effectiveness and for accommodation also proximity to the location at which the conference, training, seminar or similar occasion is being held.

While staying in the accommodation provided by the City for the purpose of enabling attendance at the approved conference, training or seminar, the expenses to be met by the City will be:

Expenses and Restrictions	Elected Member	Spouse
Laundry > 2 nights	Y	Y
Taxi fares or other public transport - only where these directly relate to the activity and no other transport is provided	Y	Y when with Member
Daily sustenance per day allowance in accordance with the <i>Public Service Award 1992</i>	Y	N
Specific conference related dinners/meals	Y	Y

3.1.7 Reimbursement of other expenses

3.1.7.1 Reimbursement of hospitality expenses

Elected members may seek reimbursement of the reasonable costs of beverages or snack items provided during any meeting or networking opportunity that relates to City activities, subject to the provision of receipts.

3.1.7.2 Corporate attire allowance

Corporate attire reimbursement

Each elected member is eligible to be provided with a range of Corporate attire (with City logo) on being elected as Councillor and is entitled to an additional amount of \$750pa for business attire for each year of the election term.

Upon election, elected members will be entitled to be issued with the following items:

Corporate attire with City logo (and not charged against the allowance):

- Corporate suit (male – Trousers and Jacket)
- Corporate suit (female – Skirt, Dress, Pants and Jacket)
- Corporate shirts/blouses etc
- Casual/Light weight Fleecy Jacket
- Polo top
- City tie/scarf

Other (charged against the allowance):

- Business attire (which may consist of a suit, jacket and shirts / blouses)
- Shoes (up to the value of \$150)
- Dry cleaning and maintenance of Corporate and business attire

All of the Corporate attire acquisitions (should be acquired through the City's approved uniform supplier.

All items of Corporate attire which are branded with the City of Busselton's logo should be returned to the City on expiry of office.

Last updated 13/09/2017

3.2 Mayor

3.2.1 Mayoral allowance

In addition to their entitlements as an elected member under Section 3.1 of this policy, the Mayor is eligible for a Mayoral allowance in accordance with the *Local Government Act 1995*. In accordance with the relevant *Local Government Elected Council Members Determination* the Mayor of the City of Busselton shall be paid an allowance within the Band established as set by Council when the annual budget is adopted, payable monthly or quarterly in arrears.

The allowance will be calculated on a pro-rata basis for any Mayor who commences or ceases office during the month or quarter. Upon commencement of office, the Mayor, for the purposes of budget development, will be requested to indicate whether it is their intention to claim a Mayoral allowance and their preferred payment method. Nothing in the relevant legislation or this policy prevents the Mayor from changing their intention at any time.

3.2.2 Provision of a Mayoral vehicle

The Mayor shall be provided with a City-owned motor vehicle for use in his or her official capacity. The Mayor is entitled to use the City-owned motor vehicle for travel for personal reasons during the time when the vehicle is being used for City purposes, provided such use does not go beyond use of a minor incidental nature. Nothing in this section prevents the vehicle from being utilised in accordance with City fleet guidelines by other elected members with the agreement of the Mayor or CEO.

The Mayor may also use the vehicle for private use for convenience or necessity on a cost recovery basis. Details of private use shall be recorded in a log book which shall be provided to the City on a quarterly basis.

The Mayor is permitted to use the vehicle for private use without further authorisation on the basis that the cost reimbursement is made to the City by agreement in one of the following ways:

- By deduction from the quarterly members allowance payment ; or
- An invoice be given to the Mayor for reimbursement.

The mileage rate would be calculated at the rate determined by the State Salaries and Allowances Tribunal for Local Government Elected Council Members.

Unless Council approves otherwise, the mayoral vehicle may only be used for private purposes for travel within the State of WA.

3.3 Deputy Mayor

3.3.1 Deputy Mayor's allowance

In addition to their entitlements as an elected member under Section 3.1 of this policy, the Deputy Mayor may be paid a Deputy Mayor's allowance in accordance with the *Local Government Act 1995*. In accordance with the relevant *Local Government Elected Council Members Determination* the Deputy Mayor can be paid up to 25% of the Mayoral allowance. The Deputy Mayor of the City of Busselton shall be paid the maximum percentage of the Mayoral allowance of 25%, payable monthly or quarterly in arrears.

The allowance will be calculated on a pro-rata basis for any Deputy Mayor who commences or ceases office during the month or quarter. Upon commencement of office, the Deputy Mayor, for the purposes of budget development, will be requested to indicate whether it is their intention to claim a Deputy Mayor's allowance and their preferred payment schedule. Nothing in the relevant legislation or this policy prevents the Deputy Mayor from changing their intention at any time.

Last updated 13/09/2017

4. APPLICATION OF THE POLICY

Any request for reimbursement in accordance with the relevant clauses of this policy must be accompanied by an original supplier receipt or other relevant documentation.

Policy Background

Policy Reference No. - 001

Owner Unit – Governance

Originator – Director of Finance and Corporate Services

Policy approved by – Council

Date Approved – 13 September

Review Frequency – As required

Related Documents –

Local Government Act 1995

Local Government Department Circular 9-2011

Local Government (Administration) Regulations 1996

Local Government Elected Council Members Determinations

Background/History - Initiated June 2008 to replace former policies:

054/1 - Councillors' Travelling Expenses;

055/1 - Attendance at Conferences, Training and Seminars;

193 - Communications Allowances - Councillors;

212/1 - Vehicle for Use by Shire President and Councillors;

226 - Laptop Computers - Councillors and Officers;

227 - Printer Consumables.

Last Policy Change

Council Resolution	Date	Information
C1709/220	13 September 2017	
C1612/156	14 December 2016	Adjustments of the Policy to reflect current practice and to allow the Mayor private use of vehicle. Version 9
C1608/200	10 August, 2016	Adjustments to state that fees and allowances to be determined in accordance with the relevant <i>Local Government Elected Council Members Determination</i> . Version 8

11. PLANNING AND DEVELOPMENT SERVICES REPORT

11.1 LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS

SUBJECT INDEX:	Emergency Management
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Environmental Services
ACTIVITY UNIT:	Ranger & 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 Local Emergency Management Arrangements (September 2017) ↓ Attachment B Appendix 3 Special Needs Groups, City Events, & Critical Infrastructure Lists (Redacted Copy) ↓ Attachment C Appendix 4 Emergency Contacts & Resources Directory (Redacted Copy) ↓ Attachment D Appendix 6 Local Evacuation Plan ↓

PRÉCIS

It is a requirement of the *Emergency Management Act 2005* for a local government to ensure that effective local emergency management arrangements are prepared and maintained for its district.

The City has reviewed its local emergency management arrangements and is now proposing Council endorsement of the following documents:

- a. Local Emergency Management Arrangements (LEMA) (Attachment A);
- b. Special Needs Groups, City Events & Critical Infrastructure Lists (Appendix 3 of the LEMA) (Attachment B);
- c. Emergency Contacts & Resources Directory (Appendix 4 of the LEMA) (Attachment C); and
- d. Local Evacuation Plan (Appendix 6 of the LEMA) (Attachment D).

BACKGROUND

The term local emergency management arrangements (LEMA) refers to the collection of all of the emergency management documentation, systems, processes, agreements and memorandums of understanding which affect the local government district. The LEMA are the overarching document and associated plans that the local government is responsible for developing, maintaining and testing.

The previous version of the City's LEMA was endorsed by the Council in June 2007 and was last amended in May 2010. It is recommended that a full review of the LEMA is carried out every five years. The City has completed its review of the LEMA for its District and is now seeking Council endorsement of the revised LEMA and associated Appendices.

STATUTORY ENVIRONMENT

Pursuant to section 36(a) of the *Emergency Management Act 2005* (the Act), it is a function of local government, subject to the Act, to ensure that effective local emergency management arrangements are prepared and maintained for its district.

Pursuant to section 38(1) of the Act, a local government is to establish one or more local emergency management committees for the local government's district.

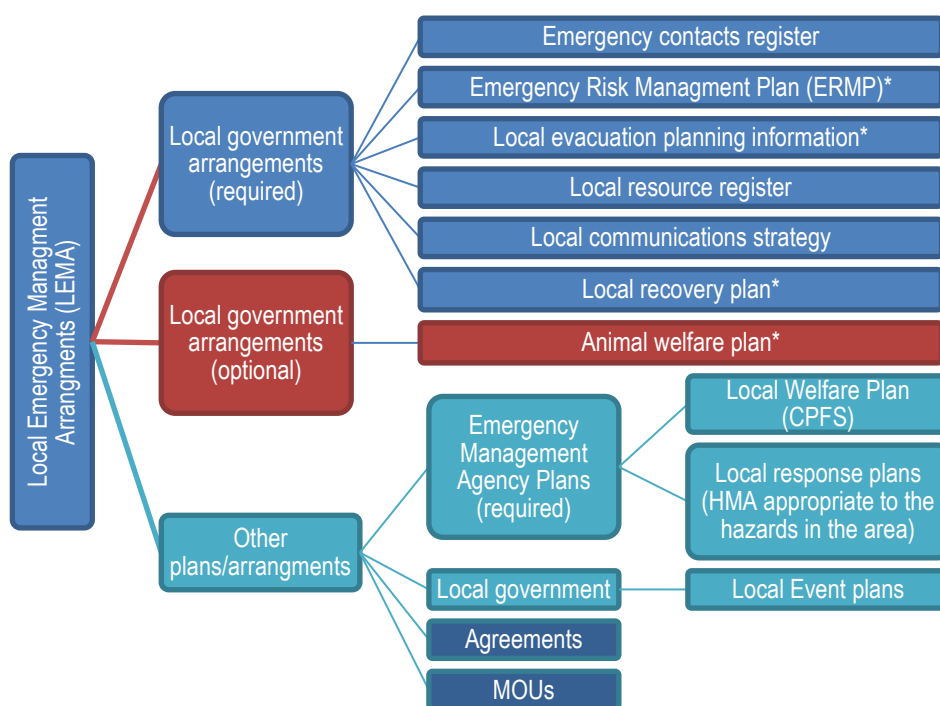
Pursuant to section 39 of the Act, the functions of a local emergency management committee are, in relation to its district:

- a. to advise and assist the local government in ensuring local emergency management arrangements are established for its district; and
- b. to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements.

RELEVANT PLANS AND POLICIES

The City of Busselton LEMA have been reviewed and revised in accordance with the State Emergency Management Local Emergency Management Arrangements Guideline and Model (the Guideline).

The Guideline suggests the following design for a modular LEMA:



FINANCIAL IMPLICATIONS

There are no financial implications associated with the Officer Recommendations of this report or with the LEMA.

Long-term Financial Plan Implications

There are no Long Term Financial Plan implications associated with the Officer Recommendations of this report or with the LEMA.

STRATEGIC COMMUNITY OBJECTIVES

Key Goal Area

6 Leadership: visionary, collaborative and accountable.

Community Objective

6.1: governance systems, processes and practices are responsible, ethical and transparent.

RISK ASSESSMENT

An assessment of the potential implications of implementing the Officer Recommendation has been undertaken using the City's risk assessment framework. There are no identified risks associated with the implementation of the Officer Recommendation.

The only risk is if the City does not have current LEMA in which case it would be non-compliant with its statutory obligations under the Act, and may suffer reputational harm should a major incident occur within its district.

CONSULTATION

The LEMA have been developed by the City in consultation with the Local Emergency Management Committee (LEMC). The LEMC endorsed the LEMA at its meeting dated 5 September 2017.

The LEMC membership comprises:

- Two elected members of the Council (currently Cr Grant Henley, and Cr Robert Reekie)
- The Local Emergency Coordinator (WAPOL) as appointed by the State Emergency Coordinator (the Commissioner of Police)
- The Local Recovery Coordinator as appointed by the City
- The following representatives as appointed by the City:
 - Manager Environmental Services
 - Environmental Health Coordinator
 - Airport Operations Coordinator
 - Chief Bush Fire Control Officer
- Representatives from the following emergency management agencies, welfare support agencies or non-government organisations, and other industry agencies and organisations:
 - Department of Fire and Emergency Services (DFES) – Fire and Rescue Service
 - DFES – State Emergency Services (SES)
 - DFES – Volunteer Marine Rescue (VMR)
 - St John Ambulance
 - Agriculture and Food (Department of Primary Industries and Regional Development)
 - Child Protection and Family Support (Department of Communities)
 - Department of Transport
 - Parks and Wildlife Services (Department of Biodiversity, Conservation and Attractions)
 - WA Country Health Service – South West
 - ATCO Gas
 - Busselton Water
 - NBN Co
 - Telstra
 - Water Corporation
 - Western Power

All of the agencies listed above were provided with copies of the draft LEMA and associated appendices and those agencies were provided with an opportunity to provide feedback. Draft copies were also provided to the Office of Emergency Management – District Emergency Management Advisor, South West.

Where appropriate, agency feedback has been incorporated into the draft documents as attached to this report. Consultation with the agencies and organisations listed above satisfies the requirements of the Act (s.39(b)).

OFFICER COMMENT

Composition of the LEMA

The format of the draft LEMA is based on the model recommended by the State Emergency Management Local Emergency Management Arrangements Guideline and is considered industry best practice. The City's LEMA comprises the following:

1. Local Emergency Management Arrangements (September 2017): this is the overarching document and is attached to this report (Attachment A) and is proposed for endorsement by the Council.
2. City of Busselton Localities Map: Appendix 1 of the LEMA and included in the main body of the LEMA.
3. Local Emergency Management Structure: Appendix 2 of the LEMA and included in the main body of the LEMA.
4. Special Needs Groups, Events and Critical Infrastructure Lists: Appendix 3 of the LEMA and attached to this report (Attachment B) and is proposed for endorsement by the Council. Parts of this document contain confidential contact details including mobile numbers that are not available for public distribution. The attached copy has been redacted to remove those confidential details.
5. Emergency Contacts and Resources Directory: Appendix 4 of the LEMA and attached to this report (Attachment C) and is proposed for endorsement by the Council. The attached copy is also a redacted copy for the same reasons as those listed above.
6. Local Emergency Management Plan for the Provision of Welfare Support: Appendix 5 of the LEMA. This report is owned and maintained by Child Protection and Family Support within the Department of Communities. It was adopted by the LEMC in September 2010 and last updated in May 2015. This appendix is not attached to this report as it does not require Council's endorsement.
7. Local Evacuation Plan: Appendix 6 of the LEMA and attached to this report (Attachment D) and is proposed for endorsement by the Council.
8. Emergency Management Recovery Plan: Appendix 7 of the LEMA and dated April 2014. This appendix is not attached to this report as it was endorsed by Council in April 2014 and will be and is next due for review, and subsequent endorsement by Council, in 2018.

The City also intends to develop an Animal Welfare Plan that will form Appendix 8 of the LEMA. The intent of the Animal Welfare Plan is to provide guidance to City staff, Hazard Management Agencies, and Combat and Support Agencies to assist the community with the care and management of domestic animals and wildlife during an emergency within our District. The development of an Animal Welfare Plan is optional and as such, its development should not delay the proposed endorsement of the LEMA and associated Appendices.

The Approvals Process

The suite of documents (LEMA) must be endorsed by the LEMC and the Council, and then noted by the District Emergency Management Committee (DEMC) and State Emergency Management Committee (SEMC), before the City is deemed compliant with the requirements of the EM Act and Policy.

The LEMC endorsed the LEMA at its meeting on 5 September 2017. The next meeting of the DEMC will be on 25 October 2017. The City is proposing endorsement of the LEMA and associated appendices by the Council at this meeting to enable the documents to be presented to the DEMC on 25 October 2017.

CONCLUSION

It is a statutory requirement for the City to ensure effective local emergency management plans are prepared and maintained for its District. In accordance with State Emergency Management Procedure 8, LEMA (including Recovery Plans) are to be reviewed in their entirety every five years.

In consultation with the LEMC, the City has conducted a complete review of the LEMA for its District and has developed a revised draft document in accordance with the format recommended by the State Emergency Management Guidelines. The review has included the development of the Special Needs Groups, City Events and Critical Infrastructure Lists (Appendix 3); the Emergency Contacts and Resources Directory (Appendix 4); and the Local Evacuation Plan (Appendix 6).

This report proposes endorsement of the LEMA (including Appendices 1 and 2 which are incorporated in the main document) and Appendices 3, 4 and 6 of the LEMA.

OPTIONS

The Council may amend or not support the Officer Recommendation. Council may also recommend changes to the LEMA and its associated Appendices as long as those changes do not result in the City failing to meet its statutory obligations under the Act or State Emergency Management Policy and Procedures.

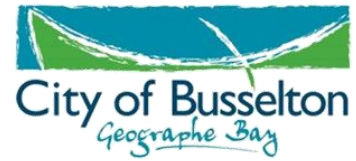
TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Following endorsement by the Council, it is proposed to present the LEMA to the DEMC for noting on 25 October 2017. If the LEMA is not presented to the DEMC on 25 October 2017, the next DEMC meeting is not scheduled until early 2018.

OFFICER RECOMMENDATION

That the Council endorses the following documents:

1. Endorses the draft Local Emergency Management Arrangements (September 2017) as attached to this report (Attachment A);
2. Endorses the draft Special Needs Groups, City Events and Critical Infrastructure Lists as attached to this report (Appendix 3 of the LEMA) (Attachment B);
3. Endorses the draft Emergency Contacts and Resources Directory as attached to this report (Appendix 4 of the LEMA) (Attachment C);
4. Endorses the draft Local Evacuation Plan as attached to this report (Appendix 6 of the LEMA) (Attachment D); and
5. Notes copies of the draft Special Needs Groups, City Events and Critical Infrastructure Lists (Attachment B), and the draft Emergency Contacts and Resources Directory (Attachment C) are redacted copies following the removal of confidential contact information.



LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS

(September 2017)

Events Capital WA

Local Emergency Management Arrangements

These Arrangements have been produced and issued under the authority of s.41(1) of the [Emergency Management Act 2005](#), endorsed by the City of Busselton Local Emergency Management Committee and the Council of the City of Busselton. The Arrangements have been tabled for noting with the South West District Emergency Management Committee and the State Emergency Management Committee.

Mayor Grant Henley
Chair
City of Busselton
Local Emergency Management Committee

Date

Endorsed by Council on <insert date>
Council Resolution <insert resolution number>

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1.0 Distribution List

This is a list of controlled versions of the Arrangements, all other copies are considered uncontrolled. Before using any other copy verify it is the current copy by comparing to the copy published on the City's [website](#).

Distribution	Electronic (E) or Hardcopy (H)	Number of Copies
City of Busselton		
Senior Management Group	E	5
Managers Group	E	14
Coordinators Group	E	28
Director Planning & Development Services	H	1
Manager Environmental Services	H	1
Ranger & Emergency Services Coordinator	E	1
Busselton Airport	E	1
Community Emergency Services Manager	E/H	2
Chief Bush Fire Control Officer	H	1
Administration Office	H	1
City of Busselton website	E	1
Busselton Public Library	H	1
Dunsborough Public Library	H	1
Emergency Management Committees		
State Emergency Management Committee	E	1
South West District Emergency Management Committee	H	1
Western Australia Police (WAPOL)		
WAPOL Web EOC (through Busselton Police)	E	1
Department of Fire & Emergency Services (DFES)		
Lower South West Regional Offices (Manjimup)	E/H	1
Fire & Rescue Service Busselton	E/H	1
Fire & Rescue Service Dunsborough	E/H	1
State Emergency Service Busselton Unit	E/H	1
Volunteer Marine Rescue Busselton	E/H	1
Volunteer Marine Rescue Naturaliste	E/H	1

Other External Agencies		
Agriculture and Food – Department of Primary Industries and Regional Development	E	1
ATCO Gas	E	1
Australian Red Cross Busselton Unit	E	1
Busselton Health Campus	E	1
Busselton Water	E	1
Child Protection and Family Support – Department of Communities (DC)	E	1
Department of Transport (DoT)	E	1
Main Roads Western Australia (MRWA)	E	1
NBN Co	E	1
Parks & Wildlife Services – Department of Biodiversity, Conservation & Attractions (DBCA)	E	1
St John Ambulance Busselton	E	1
St John Ambulance Dunsborough	E	1
Surf Life Saving WA	E	1
Telstra Corporation	E	1
WA Country Health Service	E	1
Water Corporation	E	1
Western Australian Local Government Association	E	1
Western Power	E	1

2.0 Amendment Record

Number	Date	Details of Amendment	Amended by
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

Feedback from Stakeholders will help to improve and ensure the accuracy and effectiveness of these Arrangements. Should you have any feedback please forward your comments to:

Ranger & Emergency Services Coordinator
City of Busselton
Locked Bag 1
BUSSELTON WA 6280

Or via email to: city@busselton.wa.gov.au

3.0 Glossary of Terms

Terminology used throughout this document shall have the same meaning as prescribed in either Part 3 of the [Emergency Management Act 2005](#) or as defined in the [State Emergency Management Glossary](#).

Community Emergency Risk Management: see risk management in the [State Emergency Management Glossary](#).

District: means an area of the State that is declared to be a district under Section 2.1 of the [Local Government Act 1995](#).

Evacuation: the planned relocation of persons from dangerous or potentially dangerous areas to safer areas and eventual return.

Local Emergency Coordinator (LEC): the person appointed by the State Emergency Coordinator (the Commissioner of Police) to provide advice and support to their local emergency management committee in the development and maintenance of emergency management arrangements, assist hazard management agencies in the provision of a coordinated response during an emergency in the district and carry out other emergency management functions under the direction of the State Emergency Coordinator. The LECs for the City of Busselton are the Officers In Charge (OIC) of Busselton and Dunsborough Police Stations.

Local Emergency Management Committee (LEMC): a local emergency management committee established under section 38 of the [Emergency Management Act 2005](#).

Municipality: means the district of the local government and may be referred to as 'the City' or 'the district'

Preparedness: preparations for response to an emergency. Arrangements to ensure, should an emergency occur, all resources and services needed to cope with the effects can be efficiently mobilised and deployed; and measures to ensure resources and services are capable of coping with the effects. See also **comprehensive approach** in the [State Emergency Management Glossary](#).

Risk Register: a register of the risks within the local government identified through the Community Emergency Risk Management process.

Risk Statement: identifies the hazard, the element at risk, and the source of the risk.

Safer Place: a nearby location where members of the community can relocate or evacuate to quickly that is safer than the location being threatened by the hazard.

Self Evacuation: the voluntary evacuation of community members who have assessed their risk and have decided to move to a safer place; either a place established for the hazard or a place of their choosing.

Temporary Accommodation: accommodation provided over an extended period of days, weeks or even months, for individuals or families affected by an emergency. It is different from an emergency shelter.

Treatment Options: a range of options identified through the emergency risk management process, to select appropriate strategies that minimise the potential harm to the community.

Vulnerability: the characteristics and circumstances of a community, system or asset that make it susceptible to the damaging effects of a hazard. There are many aspects of vulnerability, arising from various physical, social, economic, and environmental factors that vary within a community and over time.

4.0 Acronyms & Abbreviations

Acronym / Abbreviation	Meaning
BFS	Bush Fire Service
CEO	Chief Executive Officer
CESM	Community Emergency Services Manager
DC	Department of Communities
DEMC	District Emergency Management Committee
DFES	Department of Fire and Emergency Services
ECC	Emergency Coordination Centre
ECM doc set ID	The City's electronic document management system reference
EM	Emergency Management
ERM	Emergency Risk Management
FRS	Fire and Rescue Service
HMA	Hazard Management Agency
ISG	Incident Support Group
LEC	Local Emergency Coordinator
LEMA	Local Emergency Management Arrangements (the Arrangements)
LEMC	Local Emergency Management Committee
LG	Local Government
LGLO	Local Government Liaison Officer
LGWO	Local Government Welfare Officer
LRC	Local Recovery Coordinator
LRCC	Local Recovery Coordinating Committee
OASG	Operational Area Support Group
OEM	Office of Emergency Management
OIC	Officer in Charge
PaWS	Parks & Wildlife Services (Department for Biodiversity, Conservation and Attractions)
SEC	State Emergency Coordinator
SEMC	State Emergency Management Committee
SES	State Emergency Service
SEWS	Standard Emergency Warning Signal
SOP	Standard Operating Procedure
WAPOL	Western Australian Police

5.0 Introduction

5.1 Community Consultation

These Arrangements have been developed by the City of Busselton in consultation with the City of Busselton Local Emergency Management Committee. Information of the identified local risks and likelihood and consequences of these risks to the community will be determined as part of the State Risk Project.

In 2013 the State Emergency Management Committee (SEMC) initiated the [State Risk Project](#), which was designed to gain a comprehensive and consistent understanding of the risks faced at state, district and local levels. Consequently, a series of state level risk assessment workshops were held to assess the risks posed by seven sudden onset natural hazards. The initial hazards assessed were heatwave, flood, bushfire, cyclone, tsunami, earthquake and storm. The results were reported to the Commonwealth in 2013 and an update of the state's risk profile will be delivered in 2017.



The local risk assessment component of the State Risk Project has been initiated by the Office of Emergency Management. OEM will be facilitating a series of joint Emergency Risk Management (ERM) workshops attended by key agencies and LEMC/local government representatives from the South West region of the State.

5.2 Document Availability

Copies of these Arrangements shall be distributed as per the distribution list. Public copies will be available free of charge from:

- The City of Busselton Administration Office – 2 Southern Drive, Busselton
- The City of Busselton [website](#)

5.3 Area Covered

The City is located in the south west corner of Western Australia, 232 kilometres south of Perth. It covers an area of 1454 km² and is bounded by the Shires of Capel to the north-east, Donnybrook-Balingup to the east, Augusta-Margaret River to the south, and Nannup to the south-east. It has a population of 36,686 (2016) however, numbers significantly increase during the various peak tourism periods).

The City consists of two main town sites, Busselton and Dunsborough, and a surrounding blend of rural residential, rural and agricultural land, national park and coastal areas. A localities map of the City is at [Appendix 1](#).

5.4 Access

The major access road to the City from Perth is the Bussell Highway via the City of Bunbury. Bussell Highway continues south to the township of Margaret River and terminates in the township of Augusta. The most direct road linking Busselton to the towns of Dunsborough and Yallingup is Caves Road. Caves Road continues south to Margaret River and Augusta and provides a popular scenic route for tourists.

5.5 Topography

The landscape of the City consists of low lying coastal plain, the Swan Coastal Plain, which runs parallel to the coast line of Geographe Bay to Dunsborough in the west where it meets the Margaret River Plateau. At the extreme west of the City, situated between the Margaret River Plateau and the western coastline of the Indian Ocean is the Leeuwin-Naturaliste Ridge, a narrow limestone formation that runs parallel with the coast and extends from Cape Naturaliste to the South. It is on this ridge that the township of Yallingup is located.

The combined appeal of the City's attractive rural environment, proximity to the coast and a mild climate has brought an increase in demand for country lifestyle housing and tourist accommodation.

5.6 Demographics

As at the 2016 Census the city's population was 36,686 and predicted to reach 50,000 by 2030 and 68,000 by 2050. Over the past five years our annual growth rate has been 3.5%, well above the average for the Capes sub-region (3.3%), the South West (2.4%), and Western Australia (2.5%) over the same period. Our growing population is producing some noticeable demographic changes. Busselton has for many years been known as a place to retire or spend some holiday time, but between 2009 and 2014, there was an increase in the total population share of the City across all age groups. The estimated median age of our residential population is 40.4 suggesting our district has become a place where young families are settling.

In 2016 agriculture accounted for 436 of the 3,646 businesses in the district, second only to construction businesses which totalled 915 in the same year. Rental, hiring and real estate businesses totalled 407, followed by 306 professional, scientific and technical businesses. We have also experienced an increasing number of health care and social service providers in our district, rising from 119 in 2011 to 134 by 2016.

5.7 Aim

The aim of the City of Busselton Local Emergency Management Arrangements (LEMA) is to:

- (a) ensure there is a written understanding between agencies involved in managing emergencies within the City; and
- (b) document the management of identified risks within the City including the specific details on prevention, preparedness, response and recovery activities.

5.8 Purpose

Pursuant to section 41(2) of the Emergency Management Act 2005, the purpose of the City of Busselton LEMA are to set out:

- (a) the City's policies for emergency management;
- (b) the roles and responsibilities of public authorities and other persons involved in emergency management in the City;
- (c) provisions about the coordination of emergency operations and activities relating to emergency management performed by the persons mentioned in sub-paragraph(b) ;
- (d) a description of emergencies that are most likely to occur in the City;
- (e) strategies and priorities for emergency management in the City;
- (f) relevant matters about emergency management in the City as prescribed by *Emergency Management Regulations 2006*; and
- (g) other matters about emergency management in the district that the City deems appropriate.

5.9 Scope

These Arrangements are to ensure the community is prepared to deal with the identified emergencies should they arise. It is not the intent of this document to detail the procedures for HMAs or Combat Agencies when dealing with an emergency. These are detailed in the HMAs' and Combat Agencies individual plans.

Furthermore these Arrangements:

- (a) apply to the local government district of the City of Busselton;
- (b) covers areas where the City of Busselton provides supports to HMAs and Combat Agencies in the event of an emergency;
- (c) detail the City's capacity to provide resources in support of an emergency, while still maintaining business continuity, and meeting its statutory responsibilities in relation to recovery management; and
- (d) are to serve as a guideline to be used at the local level noting that incidents may arise that require assistance from district, state or federal level.

5.10 Local Emergency Management Structure

A quick guide to the Local Emergency Management Structure for these Arrangements is shown at [Appendix 2](#). A more detailed copy of the structure is also available as part of the Emergency Contacts and Resource Directory at [Appendix 4](#) (the information contained in this directory is confidential and not intended for public distribution or display).

6.0 Related Documents and Arrangements

6.1 Existing Plans and Arrangements

Document	Owner	Location	Expiry Date
Bush Fire Response Plan	City of Busselton	Council Doc Set ID 2970794	Annual Review
Busselton Jetty Railway, Security, Fire Safety & Emergency Plan	City of Busselton	Council Doc Set ID 1538134	Biennial Review
Busselton Margaret River Regional Airport – Aerodrome Emergency Plan May 2015 Amendment No 4	City of Busselton	Council Doc Set ID 2981933	Annual Review
Emergency Management Recovery Plan	City of Busselton	Public Copy Council Doc Set ID 2143980	March 2019
Local Emergency Management Plan for the Provision of Welfare Support	Communities (previously Department for Child Protection and Family Support)	DCS Council Doc Set ID 2860310	June 2017
MOU for the Provision of Mutual Aid During Emergencies and Post Incident Recovery	Member Councils of the South West Zone Western Australian Local Government Association	Council Doc Set ID 2646464	April 2018 (option to extend for a further 3 years)

7.0 Local Agreements, Understandings and Commitments

7.1 Provision of Mutual Aid during Emergencies and Post Incident Recovery

In 2015 the City of Busselton along with 11 other south west regional local governments signed a memorandum of understanding (MOU) for the provision of mutual aid during emergencies and post incident recovery.

The purpose of the MOU is to:

- (a) facilitate the provision of mutual aid between member councils of the South West Zone of the Western Australian Local Government Association (WALGA) during emergencies and post incident recovery;
- (b) enhance the capacity of our communities to cope in times of difficulty; and
- (c) demonstrate the capacity and willingness of participating councils to work cooperatively and share resources within the region.

Local governments that are signatories to the MOU are:

- Shire of Augusta Margaret River
- Shire of Boyup Brook
- Shire of Bridgetown Greenbushes
- City of Bunbury
- City of Busselton
- Shire of Capel
- Shire of Collie
- Shire of Dardanup
- Shire of Donnybrook-Balingup
- Shire of Harvey
- Shire of Manjimup
- Shire of Nannup

7.2 South West Emergency Management Alliance

The City of Busselton in conjunction with 11 other south west councils has formed an alliance to increase information and resource sharing in relation to emergency management in the region.

7.3 GIVIT – Memorandum of Understanding

The City of Busselton intends to sign a memorandum of understanding ([insert hyperlink to mou when established](#)) with GIVIT who provide a free emergency recovery service that supports charities, front-line services, agencies and governments by coordinating the deluge of donations that commonly occur post-emergency. GIVIT facilitate the allocation of good quality goods and services to meet the specific needs of people affected by local emergencies.

The goals of the MOU are to:

- (a) reduce the amount of unsolicited donations received by the City in times of an emergency; and
- (b) meet the immediate material needs of the local community in times of an emergency.

Please note: GIVIT does not manage spontaneous donations during an emergency; which will usually be managed by the local government (they are an online service only and do not accept physical donations). The Department of Communities provides an "Offer of Assistance" form that will be available at the welfare evacuation centre as a means of collecting information relating to offers for the donation of goods, or people wishing to volunteer their services to assist the community recover from the disaster.

8.0 State Legislation, Policy, Plans, Procedures and Guidelines

8.1 Legislation

Emergency management in Western Australia is underpinned by the [Emergency Management Act 2005](#) and the [Emergency Management Regulations 2006](#).

8.2 Policy

The [State Emergency Management Policy](#) provides a strategic framework for emergency management in Western Australia. The framework identifies the roles and responsibilities of Emergency Management Agencies (EMAs) and other public authorities and organisations for the management of adverse effects from emergencies across the four aspects of emergency management (EM) — prevention, preparation, response and recovery (PPRR).

8.3 Plans

The [State EM Plan](#), Westplans, Support Plans and Local Emergency Management Arrangements (LEMA) support the [EM Arrangements](#) for the State. The WA EM Plan aligns with the National EM plan where necessary.

8.4 Procedures

[State EM Procedures](#) are developed when a procedural activity needs to be explained through a step by step process, allowing Emergency Management Agencies and personnel to complete tasks in compliance with State Emergency Management Policy.

8.5 Guidelines

[State EM Guidelines](#) are informal instructions designed to provide detailed assistance to Emergency Management Agencies in undertaking their role by proposing specific methods for conducting activities.

State policy, plans, procedures and guidelines are available on the Office of Emergency Management (OEM) website www.oem.wa.gov.au.

8.6 Special Considerations

The City of Busselton has a number of considerations that may impact on the implementation of these Arrangements and other related plans during an emergency.

Description	Time of Year	Impact/Number of People
Severe storms and flooding	May to September	The size of the emergency may impact on the availability of emergency service staff and volunteers
Bush fire	November to May	As above
Major road transport accidents	Anytime	An incident of this type during an emergency may restrict access to an incident or impede evacuations

Description	Time of Year	Impact/Number of People
Influx of tourists (intrastate, interstate and international) visiting and travelling throughout the City	Summer and school holiday periods, and key public holidays such as Australian Day and Easter	During peak holiday periods the City's population can double with the consequences of placing greater demands on the resources of the City and emergency services, and potentially increasing the number of people at risk during an emergency
The City is known as the 'Events Capital WA'	A list of public events is at Appendix 3	The influx of visitors to the City for public events places greater demands on the resources of the City and emergency services, and potentially increasing the number of people at risk during an emergency

8.7 Special Needs Groups, City Events and Critical Infrastructure

Please refer to [Appendix 3](#) for a full list of identified special needs groups and detailed information on the facilities and contact details for groups in the community that may require assistance or special consideration during an emergency incident or evacuation.

The appendix also includes information regarding City events and critical infrastructure in the district. The information contained in this appendix is confidential and is not intended for public distribution or display.

9.0 Emergency Resources and Contacts Register

The Emergency Resources and Contacts Register is available at [Appendix 4](#). The LEMC Executive Officer shall have the register checked and updated on a quarterly basis.

The list of available plant and equipment from the City may vary and is dependent on serviceability, maintenance schedules, and the availability of operators.

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10.0 Roles and Responsibilities

10.1 Local Roles and Responsibilities

10.1.1 Local Government

Under section 36 of the [EM Act 2005](#) the functions of the local government are to:

- (a) ensure that effective LEMA are prepared and maintained for the district;
- (b) manage recovery following an emergency affecting the community in its district; and
- (c) perform other functions given to the local government under the Act.

10.1.2 Local Emergency Coordinator (LEC)

The LEC is appointed for a local government district by the State Emergency Coordinator (WA Police Commissioner) under section 37 of the [EM Act 2005](#).

At a local level the LEC is responsible for providing advice and support to the LEMC in the development and maintenance of LEMA, and assisting HMAs in the provision of a coordinated multi-agency response during an emergency in the district.

10.1.3 Local Recovery Coordinator (LRC)

The LRC is an officer appointed by the local government to undertake the following roles and responsibilities:

- (a) to ensure the development and maintenance of effective recovery management arrangements for the local government; and
- (b) in conjunction with the local recovery committee, implement a post-incident recovery action plan and manage the recovery phase of an incident.

10.1.4 Local Government Welfare Officer (LGWO)

During an evacuation where a local government facility is utilised as a welfare centre by DC a Local Government Welfare Officer may be appointed by the local government to:

- (a) open and establish a welfare centre at the nominated facility until the arrival of DC;
- (b) establish the registration process of evacuees until the arrival of DC;
- (c) provide advice, information and resources in support of the facility; and
- (d) assist with maintenance requirements for the facility.

10.1.5 Local Government Liaison Officer (LGLO)

During a major emergency the Local Government Liaison Officer (or CESM) provides a vital link between the Incident Management team (IMT) and Incident Support Group (ISG) by:

- (a) attending ISG meetings as a representative of the City;
- (b) providing local knowledge and input for the IMT; and
- (c) providing details of the LEMA.

10.1.6 Community Emergency Services Manager (CESM)

Prior to and during emergencies the roles and responsibilities of the CESM may include the following:

- (a) to ensure planning and preparation for emergencies is undertaken;

- (b) to implement procedures that assist the community and emergency services deal with incidents;
- (c) to ensure all personnel responsible for emergency planning, preparation, response and recovery responsibilities are properly trained;
- (d) to keep appropriate records of incidents that have occurred to ensure continual improvement of the local government's emergency response capability;
- (e) to liaise with the incident controller; and
- (f) to participate in the ISG and provide local support.

In circumstances where the CESM has been seconded to a role within the IMT during an emergency, the local government may appoint a senior local government officer to fulfil these duties.

10.2 LEMC Roles and Responsibilities

The City has established a Local Emergency Management Committee (LEMC) under section 38(1) of the [EM Act 2005](#) to oversee, plan and test the LEMA. The LEMC has representatives from agencies, organisations and community groups that are relevant to the identified risks and emergency management arrangements for the community.

The LEMC is not an operational committee but rather the committee established by the local government to assist in the development of LEMA for the district. The LEMC plays a vital role in assisting our communities become more prepared for major emergencies by:

- (a) developing, enhancing and testing preparedness planning from a multi-agency perspective having local knowledge of hazards, demographic, and geographical issues;
- (b) providing advice to HMAs to develop localised hazard management plans;
- (c) providing a multi-agency forum to identify, analyse and treat local risk; and
- (d) providing a forum for multi-agency stakeholders to share issues and learnings to ensure continuous improvement.

The LEMC membership must include at least one local government representative and the LEC. Relevant government agencies and other statutory authorities will nominate their representatives to be members of the LEMC.

The term of appointment of LEMC members shall be determined by the local government in consultation with the parent organisations of the members.

10.2.1 LEMC Chair

The LEMC Chair, an elected member of Council, provides leadership and support to the LEMC to ensure effective meetings and high levels of emergency management planning and preparedness is undertaken for the district.

10.2.2 LEMC Executive Officer

The LEMC Executive Officer provides executive support to the LEMC by:

- (a) providing secretariat support to the LEMC by:
 - i. the preparation of the meeting agenda;
 - ii. the preparation of meeting minutes and action lists;
 - iii. the preparation and distribution of correspondence; and
 - iv. the establishment and maintenance of the LEMC contact register;

- (b) coordinating the development and submission of LEMC documents in accordance with legislative and policy requirements including:
 - i. the preparation and submission of the Annual and Preparedness Report;
 - ii. the preparation of the annual business plan; and
 - iii. the preparation and maintenance of the LEMA;
- (c) facilitates the provision of relevant emergency management advice to the Chair and LEMC as required; and
- (d) participating as a member of sub-committees and groups as required.

10.3 Agency Roles and Responsibilities

10.3.1 Incident Controller (IC)

In accordance with section 5.2 of the [State EM Policy](#), the IC or their delegate is responsible for:

- (a) the overall control of an incident within a defined incident area, that may include the whole State in some incidents;
- (b) leading the IMT;
- (c) assessing the incident level and, if the incident is assessed as a Level 2 or Level 3 incident, make an incident level declaration in accordance with the [State Emergency Response Procedure 2](#);
- (d) ensuring the accuracy of the emergency public information and approving its release in coordination with all relevant agencies and terminating its broadcast;
- (e) in consultation with the HMA, ensuring effective strategies for evacuation are implemented;
- (f) activation of the ISG when an incident requires the coordination of multiple agencies or a Level 2 incident is declared ([Emergency Response Procedure 2](#));
- (g) once a decision is made to evacuate an area, in consultation with the HMA, is responsible for ensuring effective communications strategies are implemented (s.5.7 of the [State EM Policy](#)); and
- (h) the management of traffic during an emergency response until the road is returned to the asset owner (s.5.7 of the [State EM Policy](#)).

10.3.2 Operational Area Manager (OAM)

A person designated by the relevant HMA to undertake the following:

- (a) facilitation control across an operational area during the response to an emergency;
- (b) convening an Operational Area Support Group (OASG); and
- (c) responsibility for the overall management of an operation within a defined operational area and the provision of strategic direction and operational coordination to agencies and the IC in accordance with the needs of the situation.

10.3.3 Controlling Agency

The Controlling Agency is the agency nominated to control the response activities to a specified type of emergency. Their function is to:

- (a) undertake all responsibilities as prescribed in agency specific legislation for Prevention and Preparedness; and

- (b) control all aspects of the response to an incident.

During Response the Controlling Agency will facilitate an effective transition to Recovery.

10.3.4 Hazard Management Agency

A public authority or other person who or which, because of that agency's functions under any written law or specialised knowledge, expertise and resources, is responsible for emergency management, or the prescribed emergency management aspect, in the area prescribed of the hazard for which it is prescribed.

HMA's are prescribed in the [EM Regulations 2006](#), their function is to:

- (a) undertake functions where prescribed for these aspects;
- (b) appoint Hazard Management Officers (s.55 of [the Act](#));
- (c) declare/revoke emergency situations (s.50 & 53 of [the Act](#));
- (d) coordinate development of the Westplan for that hazard (s.1.5 of the [State EM Policy](#));
and
- (e) ensure effective transition to Recovery by local government.

10.3.5 Combat Agency

As prescribed under subsection 1 of [the Act](#) is to be a public authority or other person who or which, because of the agency's functions under any written law or specialised knowledge, expertise and resources, is responsible for performing an emergency management activity prescribed by [the Regulations](#) in relation to that agency.

10.3.6 Support Organisation

A public authority or other person who or which, because of the agency's functions under any written law or specialised knowledge, expertise and resources is responsible for providing support functions in relation to that agency ([State EM Glossary](#)).

10.3.7 Incident Support Group (ISG)

The function of ISG members is to assist the IC through the provision of information, expert advice, support and resources relevant to their organisation (s.5.1.7 of the [State EM Plan](#)).

10.3.8 Operational Area Support Group (OASG)

A group of agency liaison officers convened by an OAM that assists in the strategic support of an operational area for an incident through the provision of agency specific information, expert advice, resources and support. Activated by the HMA when multiple agencies need to be coordinated at a district level or multiple incidents are occurring simultaneously in one operational area.

11.0 Managing Risk

11.1 Emergency Risk Management (ERM)

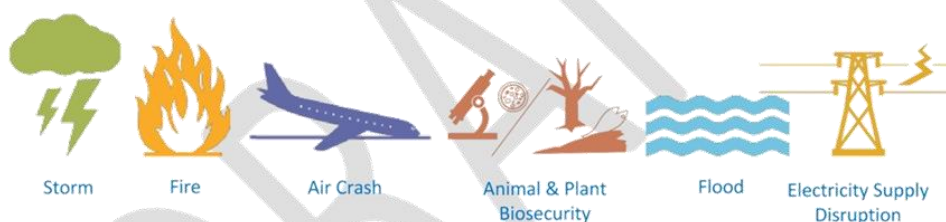
Risk management is a critical component of the emergency management process. Building a sound understanding of the hazards and risks likely to impact the community enable local governments and LEMCs to work together to implement treatments. This process helps to build the capacity and resilience of the community and organisations which enable them to better prepare for, respond to and recover from a major emergency. The process and mandate local government to undertake risk management is detailed in [State EM Policy](#) section 3.2.

The SEMC has developed a number of [risk tools](#) to assist local government undertake the risk assessment process. The tools are available on the SEMC website at www.semc.wa.gov.au.

Local risks and the likelihood and consequences of these risks to the community will be further identified in 2017 when the OEM undertakes the [State Risk Project](#) across the three levels of State, District and Local resulting in a uniformed and nationally agreed approach to the ERM process. This process will ensure the City's Risk Register and Treatment Schedule are completed in line with best practice.

11.2 Description of Emergencies Likely to Occur

Western Australia is exposed to a range of potential hazards of which [27 hazards](#) have been prescribed in legislation. The City of Busselton has identified its top six hazards as:



Five of the identified hazards (storm, fire, animal and plant biosecurity, flood and electricity supply disruption) are aligned with the top five hazards of the South West District Emergency Management Committee. These are detailed further in the table below and based on the premise that the Controlling Agency is responsible for the hazards, and will develop, test and review appropriate emergency management plans for their hazard.

Hazard	Controlling Agency	HMA	Combat Agency	Support Agencies	Westplan	Local Plans
Storm	DFES	DFES	SES	Western Power WA Police Main Roads WA City of Busselton	Storm	
Fire	DFES	DFES	DFES DPaW City of Busselton	Plantation Industries Western Power Water Corporation SES WA Police Main Roads WA	Fire	Bush Fire Response Plan 2014
Air Crash	WA Police	Commissioner of Police	DFES Australian Transport Safety Bureau	Department of Mines and Petroleum Department of Transport Department of Environment Regulation St John Ambulance WA Police City of Busselton	Air Crash	Busselton Regional Airport Emergency Plan
Animal and Plant Biosecurity	Agriculture & Food – Department of Primary Industries and Regional Development	Agriculture & Food – Department of Primary Industries and Regional Development	Agriculture & Food – Department of Primary Industries and Regional Development	Department of Health Water Corporation DFES City of Busselton	Animal & Plant Biosecurity	
Flood	DFES	DFES	SES	Department of Water Water Corporation Busselton Water WA Police Main Roads WA City of Busselton	Flood	
Electricity Supply Disruption	Western Power	Department of Finance – Public Utilities Office	Western Power	Synergy	Electricity Supply Disruption	Draft Business Continuity Plan

11.3 Emergency Management Strategies and Priorities

From the identified top six hazards (storm, fire, air crash, animal and plant biosecurity, flood, and electricity supply disruption) the City has identified and prioritised the following strategies and treatments to reduce the likelihood and consequence of any of the hazards occurring within the district.

Priority	Strategy/Treatment
1	Fire – Bushfire Risk Management Plan: in conjunction with all stakeholders, develop a cross tenure bushfire risk management plan for the district
2	Fire – Review and update the Bush Fire Response Plan 2014
3	State Risk Project – more treatment strategies to be advised on completion of the state risk project ERMs

Following the completion of the State Risk Project additional strategies and treatment options will be identified to mitigate the top five hazards. As a result, this will build upon community and organisational resilience to emergency incidents within the district.

11.4 Coordination of Emergency Operations

It is recommended that HMAs and Combat Agencies may require local government resources and assistance in emergency management. The City is committed to providing assistance and support when resources are available and where the City is able to maintain satisfactory levels of business continuity.

HMAs and Combat Agencies requiring assistance from the City should in the first instance contact the City's CESM or the Local Government Liaison Officer at the ISG when and if formed.

11.5 Incident Management Systems

Incident management systems provide a common operating framework. This allows for a structured and coordinated response within which agencies can work together affectively to manage an incident. In WA, two incident management systems are predominantly used: the Australasian Inter-Service Incident Management System (AIIMS), and Incident Command and Control System (ICCS) Plus.

11.6 Incident Levels

In accordance with incident management principles, incidents are broadly classified into three levels: Level 1, Level 2, Level 3 incidents. This ensures all agencies involved have a common understanding of the potential and/or actual severity of the incident and ensures the provision of effective assistance to the controlling agency. Typical conditions for Level 1, 2 and 3 incidents are described in section 5.1.5 of the [State EM Plan](#).

11.7 Incident Support Group

The ISG is convened by the Controlling Agency appointed Incident Controller to assist in the overall coordination of services and information during a major incident. Coordination is achieved through clear identification of priorities by agencies sharing information and resources.

The role of the ISG is to provide support to the Incident Management Team. The ISG is a group of people representing different agencies that have involvement in the incident.

11.7.1 Triggers for Convening an ISG

The triggers for an ISG are defined in [State EM Policy](#) Statement 5.2.2 and [State EM Plan](#) section 5.1 and are:

- (a) where an incident is designated Level 2 or higher; and
- (b) where multiple agencies need to be coordinated.

11.7.2 Membership of an ISG

The ISG is made up of representatives of agencies that provide support to the Controlling Agency. Emergency Management Agencies may be called on to be liaison officers on the ISG. Agencies providing staff for the ISG must ensure their representatives have the necessary authority to commit resources and/or direct tasks. Representation on the ISG may change regularly depending on the nature of the incident, agencies involved and the consequences caused by the emergency.

To ensure consistency of information flow, situational awareness and handover to Recovery, the City's Local Recovery Coordinator will be a member of the ISG from the onset for incidents within our district.

11.7.3 Frequency of Meetings

The frequency of the meetings will be determined by the IC and will generally depend on the nature and complexity of the incident. As a minimum, there should be at least one meeting per incident. Coordination is achieved through clear identification of priorities and objectives by agencies sharing information and resources.

11.7.4 Location of the ISG Meetings

The ISG meets during an emergency and provides a focal point for a coordinated approach. The following table identifies suitable locations where it can meet within the district.

Busselton Civic & Administration Centre Disaster Recovery Room 2 Southern Drive, Busselton		Busselton Community Resource Centre Meeting Rooms 21 Cammilleri Street, Busselton
1 st Contact	Community Emergency Services Manager	0427 202 717
2 nd Contact	Ranger and Emergency Services Coordinator	0459 476 676

It should be noted that in after-hours or fast paced emergencies that the IC may choose to hold ISG meetings onsite at the incident, at another facility not listed, or via teleconference as an alternative to the two identified locations.

11.8 Media Management and Public Information

Communities threatened or impacted by emergencies have an urgent and vital need for information and direction. Such communities require adequate, timely information and instructions in order to be aware of the emergency and to take the appropriate actions to safeguard life and property. The provision of this information is the responsibility of the Controlling Agency.

Emergency Public Information is information provided to the community during emergencies with instructions on how to get assistance to protect personal health and safety, and property. Information can be provided through the media and a range of other tools to reach intended stakeholders. The emergency public information is a Response and Recovery activity whereby information relating to a specific emergency, including actions that need to be taken by the public as a whole, is disseminated to the community. It is also a Preparedness activity, as it establishes protocols and procedures prior to an emergency.

If an emergency arises, a strategy will be developed that is specific to the situation and will direct the communication response. The communication strategy will be prepared by the City's Public Relations Coordinator in collaboration with the Mayor and Chief Executive Officer of the City, and the IC. Both internal and external communication will be directed by the strategy, which will ensure the communication is in alignment with advice from the HMA or Controlling Agency.

The [State Emergency Public Information Plan](#) details the arrangements and responsibilities for the emergency public information function relating to emergencies in Western Australia.

11.9 City Media Process in Emergencies

The City has a documented process for dealing with the media which extends to emergency situations. These guidelines are implemented in order to avoid miscommunication and confusion regarding roles and responsibilities which is particularly important in an emergency.

The City of Busselton Media Guidelines lists those officers with authorisation to deal directly with the media; the processes for approving and relaying information to the community via the media; and the management of media enquiries including official media releases.

With regard to the management of media enquiries, all requests for interviews, background information, official statements and photo shoots must, in the first instance, be directed to the Public Relations team. The Public Relations Coordinator has responsibility for responding to the query with input from the relevant officer(s) where necessary. Comments are generally attributed to the Mayor, CEO or relevant Director unless specifically delegated to a relevant officer on approval of the Mayor, CEO or relevant Director.

With regard to authorisation to speak to the media and provide media comment, the Mayor is the official public spokesperson for the City of Busselton on all matters of policy and external relations (as per Section 2.8 of the Local Government Act). The Mayor may refer media enquiries to the CEO generally relating to operational issues or the relevant Director. On approval of the Mayor, the CEO and / or their relevant Director, a small number of City Officers who have a particularly high community profile, are authorised to speak to the media, or be directly quoted in the media on issues relating to their specific area of expertise. In Emergency Response situations this extends to the Community Emergency Services Manager.

With regard to the process for issuing media releases and corporate statements, these are compiled by the Public Relations Team and distributed to media outlets on approval of the CEO and Mayor and with the authorisation of any other individual directly quoted in the release. Where appropriate, information is also relayed on City of Busselton social media platforms and the City's website. However, it should be noted that in most emergency situations the City is not the lead organisation (except for fire in some circumstances). To ensure consistent and accurate information is relayed, the City will direct members of the public to the appropriate emergency response website and media will be directed to the media arm of the relevant emergency response agency.

11.10 General Enquiries to the City during an Emergency

During an emergency, frontline staff of the City should be prepared to receive enquiries from a range of stakeholders in relation to the emergency. Frontline staff will be provided with scripts based on the key messages, and will be briefed on the City's media process and protocols. Other than approved spokespersons, no other staff are authorised to make comment to any stakeholder beyond the scope of these scripts.

11.11 Public Warning Systems

During times of an emergency one of the most critical components of managing an incident is getting information to the public in a timely and efficient manner. Information is available from one or more of the following:

Source	Link / Number	Details
ABC Emergency	www.abc.net.au/news/emergency/state/wa	<ul style="list-style-type: none"> • Current alerts, warnings and information updates
ABC Radio	Local frequency ABC South West 684	<ul style="list-style-type: none"> • Current alerts, warnings and information updates
Bureau of Meteorology	www.bom.gov.au/wa	<ul style="list-style-type: none"> • Weather forecasts and warnings
Department of Fire and Emergency Services	www.dfes.wa.gov.au 133 337 (public information line)	<ul style="list-style-type: none"> • Current warnings and incidents • Preparing for emergencies (bush fire, storm, flood, and cyclones)
Emergency Alert	www.emergencyalert.gov.au	<ul style="list-style-type: none"> • The automated national telephone warning system used by emergency services to send voice messages to landlines and text messages to mobile phones within a defined area about likely or actual emergencies
Emergency Aus	Mobile Phone Application www.emergencyaus.info	<ul style="list-style-type: none"> • Current alerts and warnings
Emergency WA	www.emergency.wa.gov.au	<ul style="list-style-type: none"> • Current warnings and incidents • How to prepare your property for bush fire • How to recover from an emergency
Standard Emergency Warning Signal (SEWS)	<ul style="list-style-type: none"> • A distinctive audio signal that has been adopted to alert the community to the broadcast of an urgent safety message or warning relating to an emergency • It is used as an alert system on public media such as radio, television, or public address systems to draw the listener's attention to the warning message 	

12.0 Finance Arrangements

[State EM Policy](#) section 5.12, [State EM Plan](#) section 5.4 and 6.10, and [State EM Recovery Procedures](#) 1-2 outlines the responsibilities for funding during multi-agency emergencies. While recognising the above, the City is committed to expending such necessary funds within its current budgetary constraints as required to ensure the safety of its residents, visitors and staff. The CEO will be approached immediately an emergency event requiring resourcing by the City occurs to ensure the desired level of support is achieved.

Information regarding the management of public fundraising and donations, volunteering and emergency management funding (WADRRA) is at Part Five of the [State EM Recovery Procedures](#).

12.1 Management of Donated Goods and Volunteers

Public generosity and care during and following an emergency plays a significant role in individual and community recovery. It reflects broader community sentiment and helps those affected to feel supported and more positive about the rebuilding task ahead.

The City encourages the donation of money to approved fundraising agencies because it provides flexibility and choice to meet immediate needs. It also circulates in the affected community stimulating faster recovery for the local economy.

12.2 City Finance Processes

Under section 6.8 of the [Local Government Act](#) 1995, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by the Mayor or President in an emergency. Following the decision to incur expenditure for an emergency the City's Manager Finance, or Financial Accountant should be contacted to obtain an emergency cost string that will be used to capture all costs associated with the emergency including:

- (a) the cost of materials;
- (b) the cost of any goods and/or services;
- (c) labour costs via internal timesheets; and
- (d) any other costs that would not normally have been incurred outside of the emergency.

13.0 Evacuation and Welfare

13.1 Evacuation

The evacuation of people and/or animals from an area affected by an emergency is one of the strategies for protective action that may be employed by emergency management agencies to mitigate the potential loss of, or harm to, life. This is consistent with the State's core objective to "protect the lives and wellbeing of persons".

The overall responsibility for a community evacuation rests with the Controlling Agency. This encompasses the risk assessment and decision making that evacuating a community represents the best option available for community safety and ensuring that appropriate action is taken across all phases to meet the evacuees' needs.

The City has four (4) primary and two (2) secondary welfare centres as identified at Appendix 4 of the DC Local Emergency Management Plan for the Provision of Welfare Support ([Appendix 5](#)). Where these facilities are unavailable or unsuitable due to the risks associated with the emergency, the Controlling Agency in conjunction with the City and DC will identify alternate facilities.

13.2 Special Needs Groups

Please refer to [Appendix 3](#) for a full list of identified special needs groups including address and contact details, the number of people who may be in the facility during an emergency, and details of their emergency plans.

13.3 Evacuation Routes and Maps

The City has/will develop a detailed set of evacuation maps in conjunction with WA Police and DFES that identify the location of emergency services facilities and special needs groups, as well as suggested evacuation routes for each of the main communities within the district.

Further information on evacuations can be found in the City's Evacuation Plan ([Appendix 6](#)) or in the [Community Evacuation in Emergencies Guideline](#) (as endorsed by the SEMC).

13.4 Welfare

The Department of Communities (DC) has the role of coordinating welfare. Welfare can be described as "the provision of both the physical and psychological needs of a community affected by an emergency". This includes the DC functional areas of personal services, accommodation, financial assistance, registration and enquiry services, personal requisites and emergency catering. Welfare activities are the responsibility of DC who will coordinate resources and undertake functions together with partnering agencies as found in the following support plans:

- (a) the [State Emergency Welfare Plan](#); and
- (b) DC Local EM Plan for the Provision of Welfare Support ([Appendix 5](#))

It should be noted that in the first stages of an emergency DC may take time to establish and conduct welfare activities within the City due to multiple incidents within the state, restricted access to the designated welfare centre or time required for the deployment of appropriate team members. As such, the City in consultation with DC may undertake the management of welfare activities until such time as DC is ready to assume control.

13.5 Local Welfare Coordinator

The Local Welfare Coordinator is appointed by the DC District Director to:

- (a) establish, chair and manage the activities of the Local Welfare Emergency Committee (LWEC);

- (b) prepare, promulgate, test and maintain Local Welfare Plans;
- (c) represent DC and the emergency welfare function on the LEMC and LRC;
- (d) establish and maintain the Local Welfare Emergency Coordination Centre;
- (e) ensure personnel and organisations are trained and exercised in their welfare responsibilities;
- (f) coordinate the provision of emergency welfare services during Response and Recovery phases of an emergency; and
- (g) represent DC on the ISG when required.

13.6 Local Welfare Liaison Officer (LWLO)

The LWLO is nominated by the City to coordinate welfare response during emergencies and liaise with the LWC. This role provides assistance to the LWC, including the management of emergency evacuation centres such as building opening, closing, security and maintenance.

Welfare contact details are located in the Emergency Contacts and Resources Directory ([Appendix 4](#)).

13.7 Register, Find, Reunite

When a large scale emergency occurs and people are evacuated or displaced, one of the responsibilities of DC is to record who has been displaced onto a State or National Register. This primarily allows relatives or friends to locate each other but also has other applications. DC has reciprocal arrangements with the Australian Red Cross to assist with the registration process.

13.8 Welfare Centres

The City's local welfare centres are listed below. More detail is available in the DC Local Emergency Management Plan for the Provision of Welfare Support ([Appendix 5](#)).

Primary Welfare Centre	Address
Geographe Leisure Centre	1 Recreation Lane, West Busselton
Georgiana Molloy Anglican School	2 Hawker Approach, Yalyalup
Baptist Community Centre	2 Recreation Lane, West Busselton
Cornerstone Church	1 Grace Court, West Busselton
Secondary Welfare Centre	Address
Naturaliste Community Centre	21 Dunsborough Lakes Drive, Dunsborough
Naturaliste Sports Club Pavilion	Dunsborough Lakes

14.0 Recovery

Recovery is about enabling and supporting community sustainability during and after a disaster. The recovery process must begin during the response phase in order to both identify community needs as affected by the disaster or response activities and to begin planning for the transition from response to recovery. Recovery can also provide opportunity to improve community resilience to disaster by enhancing social infrastructure, natural and built environments, and economies.

Effective and lasting recovery occurs when a community works together and recognises the personal, social, financial health, industry and economic factors that need to be considered and planned for. Comprehensive recovery requires private, health, infrastructure, lifeline services, and government and non-government sectors to work together, as a community is affected and supported at different levels by each of those sectors.

Successful recovery:

- (a) is based on an understanding of the community context;
- (b) acknowledges the complex and dynamic nature of emergencies and communities;
- (c) is responsive and flexible, engaging communities and empowering them to move forward;
- (d) requires a planned, coordinated and adaptive approach based on continuing assessment of impacts and needs;
- (e) is built on effective communications with affected communities and other stakeholders; and
- (f) recognises, supports and builds upon community, individual and organisational capacity.

The City's Recovery Plan is located at [Appendix 7](#).

14.1 Local Recovery Coordinator

The appointed Local Recovery Coordinator for the City is the Risk and Occupational Health and Safety Officer and is required to undertake the following roles and responsibilities:

- (a) to ensure the development and maintenance of effective recovery management arrangements for the City; and
- (b) in conjunction with the LRCC, implement a post-incident recovery action plan and manage the recovery phase of an incident.

Local Recovery Coordinators are to advise and assist local government and coordinate local recovery activities as outlined in [State EM Policy](#) section 6, [State EM Plan](#) section 6, and [State EM Recovery Procedures](#) 1-4.

15.0 Animal Welfare

15.1 Animal Welfare Plan

Animal owners are responsible for the welfare of their pets and livestock at all times, including disaster situations. However, the City acknowledges that disasters are complex events that can often limit the ability of people to fulfil these obligations. Furthermore, their inability to provide care for their animals can lead to significant distress in already trying situations.

The City has developed an Animal Welfare Plan to assist the community with the care and management of domestic and native animals during an emergency. A copy of the Animal Welfare Plan is at [Appendix 8](#).

16.0 Exercising, Reviewing and Reporting

16.1 The Aim of Exercising

Testing and exercising is essential to ensure that emergency management arrangements are workable and effective. Testing and exercising is important to ensure individuals and organisations remain aware of what is required of them during an emergency response situation.

The exercising of a HMA or Combat Agency's response to an incident is their responsibility however, it may be incorporated into a LEMC exercise.

Exercising the emergency management arrangements will allow the LEMC to:

- (a) test the effectiveness of the local arrangements;
- (b) bring together members of emergency management agencies and give them knowledge of, and confidence in, their roles and responsibilities;
- (c) help educate the community about local arrangements and programs;
- (d) allow participating agencies an opportunity to test their operational procedures and skills in simulated emergency conditions; and
- (e) test the ability of separate agencies to work together on common tasks, and to assess the effectiveness of coordination between them.

16.2 Frequency of Exercises

[State EM Policy](#) section 4.8, [State EM Plan](#) section 4.7, and [State EM Preparedness Procedure](#) 19 outline the State's arrangements for emergency management exercising, including the requirements for LEMCs to exercise their arrangements on at least an annual basis.

16.3 Exercise Types

Examples of the types of exercises are:

- (a) desktop or discussion exercise;
- (b) a phone tree recall exercise;
- (c) opening and closing procedures for evacuation centres or any other facilities that may be operating in an emergency;
- (d) operating procedures of an Emergency Coordination Centre; or
- (e) locating and activating resources on the Emergency Resources Register.

16.4 Reporting of Exercises

Each LEMC is to report their exercise schedule to the relevant DEMC each year for inclusion in the DEMC report to the Exercise Management Advisory Group (EMAG). Once the exercise has been completed, post exercise reports should be forwarded to the DEMC to be included in reporting for the SEMC annual report.

16.5 Review of LEMA

The LEMA shall be reviewed in accordance with [State EM Preparedness Procedure](#) 8 and amended or replaced whenever the local government considers it appropriate (s.42 of [the EM Act](#)).

In accordance with [State EM Preparedness Procedure](#) 8, LEMA (including recovery plans) are to be reviewed and amended as follows:

- (a) after an event or incident requiring activation of an ISG or after every incident requiring significant recovery coordination;
- (b) an entire review every five years; and
- (c) whenever the local government considers it necessary (eg. after training that exercises the Arrangements).

In addition to this, contact lists are to be reviewed and updated on a quarterly basis.

Where a major or entire review takes place, a full approvals process is required. If the amendments are minor, the local government is to make the amendments and ensure that these are distributed to members of the LEMC, the DEMC and the SEMC.

17.0 Preparedness and Annual Reporting

The LEMC is to prepare and submit to the DEMC for the district an annual report on activities undertaken by it during the year. To minimise multiple reporting requirements, SEMC has combined preparedness and annual reporting questions into a single online survey, the Annual and Preparedness Report Capability Survey.

This fulfils the legislative requirements of LEMCs and HMAs as detailed in s.33 and s.40(1) of [the EM Act](#).

Localities of the City of Busselton

Legend:

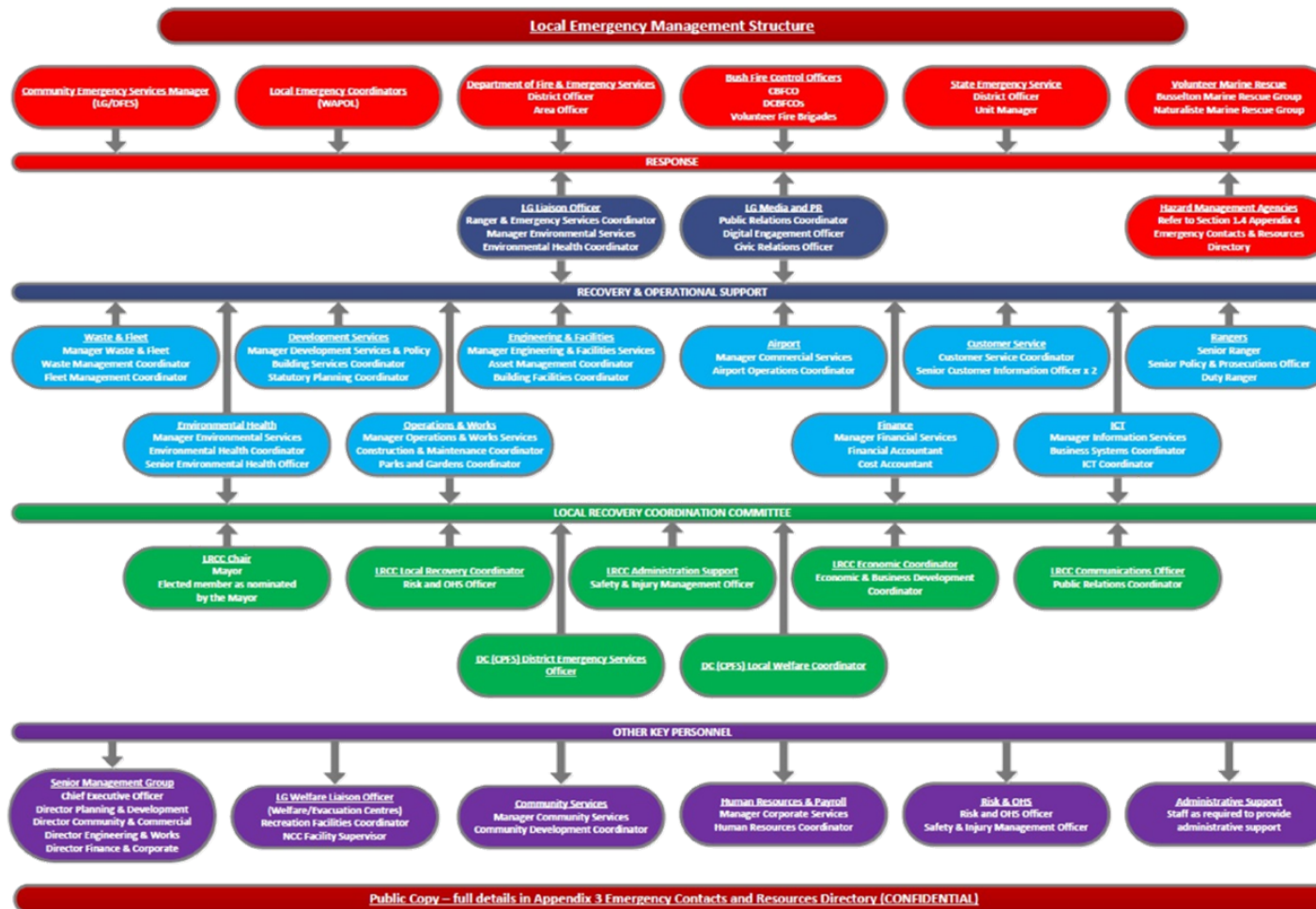
- City Boundary
- Locality Boundary
- River
- Highway
- Main Road
- Local Road

Scale: 0 to 20 km

Map Produced on 27/10/2016
GIS Section, City of Busselton

City of Busselton
Geographic Bay

Appendix 2 – Local Emergency Management Structure



[Appendix 3 – Special Needs Groups, Events & Critical Infrastructure](#)

Information contained in the
Emergency Contacts and Resources Directory
contains personal contact details of staff from various agencies and is

CONFIDENTIAL

The plan is available under separate cover
and is saved in the City's electronic records keeping system
(ECM doc set ID 3053724)

[Appendix 4 – Emergency Contacts and Resources Directory](#)

Information contained in the
Emergency Contacts and Resources Directory
contains personal contact details of staff from various agencies and is

CONFIDENTIAL

The plan is available under separate cover
and is saved in the City's electronic records keeping system
(ECM doc set ID 3053725)

[Appendix 5 – The Provision of Welfare Support](#)

The Department of Communities (DC)
(previously the Department for Child Protection and Family Support)
are the owners of the
Local Emergency Management Plan for the Provision of Welfare Support
(Updated May 2015)

The plan is available under separate cover
and is saved in the City's electronic records keeping system
(ECM doc set ID 2860310)

[Appendix 6 – Local Evacuation Plan](#)

Local Evacuation Plan
(September 2014)

The plan is available under separate cover
and is saved in the City's electronic records keeping system
(ECM doc set ID 3053726)

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[Appendix 7 – Recovery Plan](#)

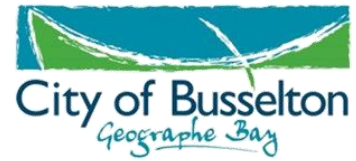
Emergency Management Recovery Plan
(April 2014)

The plan is available under separate cover
and is saved in the City's electronic records keeping system
(ECM doc set ID 2143980)

[Appendix 8 – Animal Welfare Plan](#)

(To be developed)

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LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS

(September 2017)

Events Capital WA

Local Emergency Management Arrangements

These Arrangements have been produced and issued under the authority of s.41(1) of the [Emergency Management Act 2005](#), endorsed by the City of Busselton Local Emergency Management Committee and the Council of the City of Busselton. The Arrangements have been tabled for noting with the South West District Emergency Management Committee and the State Emergency Management Committee.

Mayor Grant Henley
Chair
City of Busselton
Local Emergency Management Committee

Date

Endorsed by Council on <insert date>
Council Resolution <insert resolution number>

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1.0 Distribution List

This is a list of controlled versions of the Arrangements, all other copies are considered uncontrolled. Before using any other copy verify it is the current copy by comparing to the copy published on the City's [website](#).

Distribution	Electronic (E) or Hardcopy (H)	Number of Copies
City of Busselton		
Senior Management Group	E	5
Managers Group	E	14
Coordinators Group	E	28
Director Planning & Development Services	H	1
Manager Environmental Services	H	1
Ranger & Emergency Services Coordinator	E	1
Busselton Airport	E	1
Community Emergency Services Manager	E/H	2
Chief Bush Fire Control Officer	H	1
Administration Office	H	1
City of Busselton website	E	1
Busselton Public Library	H	1
Dunsborough Public Library	H	1
Emergency Management Committees		
State Emergency Management Committee	E	1
South West District Emergency Management Committee	H	1
Western Australia Police (WAPOL)		
WAPOL Web EOC (through Busselton Police)	E	1
Department of Fire & Emergency Services (DFES)		
Lower South West Regional Offices (Manjimup)	E/H	1
Fire & Rescue Service Busselton	E/H	1
Fire & Rescue Service Dunsborough	E/H	1
State Emergency Service Busselton Unit	E/H	1
Volunteer Marine Rescue Busselton	E/H	1
Volunteer Marine Rescue Naturaliste	E/H	1

Other External Agencies		
Agriculture and Food – Department of Primary Industries and Regional Development	E	1
ATCO Gas	E	1
Australian Red Cross Busselton Unit	E	1
Busselton Health Campus	E	1
Busselton Water	E	1
Child Protection and Family Support – Department of Communities (DC)	E	1
Department of Transport (DoT)	E	1
Main Roads Western Australia (MRWA)	E	1
NBN Co	E	1
Parks & Wildlife Services – Department of Biodiversity, Conservation & Attractions (DBCA)	E	1
St John Ambulance Busselton	E	1
St John Ambulance Dunsborough	E	1
Surf Life Saving WA	E	1
Telstra Corporation	E	1
WA Country Health Service	E	1
Water Corporation	E	1
Western Australian Local Government Association	E	1
Western Power	E	1

2.0 Amendment Record

Number	Date	Details of Amendment	Amended by
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

Feedback from Stakeholders will help to improve and ensure the accuracy and effectiveness of these Arrangements. Should you have any feedback please forward your comments to:

Ranger & Emergency Services Coordinator
City of Busselton
Locked Bag 1
BUSSELTON WA 6280

Or via email to: city@busselton.wa.gov.au

3.0 Glossary of Terms

Terminology used throughout this document shall have the same meaning as prescribed in either Part 3 of the [Emergency Management Act 2005](#) or as defined in the [State Emergency Management Glossary](#).

Community Emergency Risk Management: see risk management in the [State Emergency Management Glossary](#).

District: means an area of the State that is declared to be a district under Section 2.1 of the [Local Government Act 1995](#).

Evacuation: the planned relocation of persons from dangerous or potentially dangerous areas to safer areas and eventual return.

Local Emergency Coordinator (LEC): the person appointed by the State Emergency Coordinator (the Commissioner of Police) to provide advice and support to their local emergency management committee in the development and maintenance of emergency management arrangements, assist hazard management agencies in the provision of a coordinated response during an emergency in the district and carry out other emergency management functions under the direction of the State Emergency Coordinator. The LECs for the City of Busselton are the Officers In Charge (OIC) of Busselton and Dunsborough Police Stations.

Local Emergency Management Committee (LEMC): a local emergency management committee established under section 38 of the [Emergency Management Act 2005](#).

Municipality: means the district of the local government and may be referred to as 'the City' or 'the district'

Preparedness: preparations for response to an emergency. Arrangements to ensure, should an emergency occur, all resources and services needed to cope with the effects can be efficiently mobilised and deployed; and measures to ensure resources and services are capable of coping with the effects. See also **comprehensive approach** in the [State Emergency Management Glossary](#).

Risk Register: a register of the risks within the local government identified through the Community Emergency Risk Management process.

Risk Statement: identifies the hazard, the element at risk, and the source of the risk.

Safer Place: a nearby location where members of the community can relocate or evacuate to quickly that is safer than the location being threatened by the hazard.

Self Evacuation: the voluntary evacuation of community members who have assessed their risk and have decided to move to a safer place; either a place established for the hazard or a place of their choosing.

Temporary Accommodation: accommodation provided over an extended period of days, weeks or even months, for individuals or families affected by an emergency. It is different from an emergency shelter.

Treatment Options: a range of options identified through the emergency risk management process, to select appropriate strategies that minimise the potential harm to the community.

Vulnerability: the characteristics and circumstances of a community, system or asset that make it susceptible to the damaging effects of a hazard. There are many aspects of vulnerability, arising from various physical, social, economic, and environmental factors that vary within a community and over time.

4.0 Acronyms & Abbreviations

Acronym / Abbreviation	Meaning
BFS	Bush Fire Service
CEO	Chief Executive Officer
CESM	Community Emergency Services Manager
DC	Department of Communities
DEMC	District Emergency Management Committee
DFES	Department of Fire and Emergency Services
ECC	Emergency Coordination Centre
ECM doc set ID	The City's electronic document management system reference
EM	Emergency Management
ERM	Emergency Risk Management
FRS	Fire and Rescue Service
HMA	Hazard Management Agency
ISG	Incident Support Group
LEC	Local Emergency Coordinator
LEMA	Local Emergency Management Arrangements (the Arrangements)
LEMC	Local Emergency Management Committee
LG	Local Government
LGLO	Local Government Liaison Officer
LGWO	Local Government Welfare Officer
LRC	Local Recovery Coordinator
LRCC	Local Recovery Coordinating Committee
OASG	Operational Area Support Group
OEM	Office of Emergency Management
OIC	Officer in Charge
PaWS	Parks & Wildlife Services (Department for Biodiversity, Conservation and Attractions)
SEC	State Emergency Coordinator
SEMC	State Emergency Management Committee
SES	State Emergency Service
SEWS	Standard Emergency Warning Signal
SOP	Standard Operating Procedure
WAPOL	Western Australian Police

5.0 Introduction

5.1 Community Consultation

These Arrangements have been developed by the City of Busselton in consultation with the City of Busselton Local Emergency Management Committee. Information of the identified local risks and likelihood and consequences of these risks to the community will be determined as part of the State Risk Project.

In 2013 the State Emergency Management Committee (SEMC) initiated the [State Risk Project](#), which was designed to gain a comprehensive and consistent understanding of the risks faced at state, district and local levels. Consequently, a series of state level risk assessment workshops were held to assess the risks posed by seven sudden onset natural hazards. The initial hazards assessed were heatwave, flood, bushfire, cyclone, tsunami, earthquake and storm. The results were reported to the Commonwealth in 2013 and an update of the state's risk profile will be delivered in 2017.



The local risk assessment component of the State Risk Project has been initiated by the Office of Emergency Management. OEM will be facilitating a series of joint Emergency Risk Management (ERM) workshops attended by key agencies and LEMC/local government representatives from the South West region of the State.

5.2 Document Availability

Copies of these Arrangements shall be distributed as per the distribution list. Public copies will be available free of charge from:

- The City of Busselton Administration Office – 2 Southern Drive, Busselton
- The City of Busselton [website](#)

5.3 Area Covered

The City is located in the south west corner of Western Australia, 232 kilometres south of Perth. It covers an area of 1454 km² and is bounded by the Shires of Capel to the north-east, Donnybrook-Balingup to the east, Augusta-Margaret River to the south, and Nannup to the south-east. It has a population of 36,686 (2016) however, numbers significantly increase during the various peak tourism periods).

The City consists of two main town sites, Busselton and Dunsborough, and a surrounding blend of rural residential, rural and agricultural land, national park and coastal areas. A localities map of the City is at [Appendix 1](#).

5.4 Access

The major access road to the City from Perth is the Bussell Highway via the City of Bunbury. Bussell Highway continues south to the township of Margaret River and terminates in the township of Augusta. The most direct road linking Busselton to the towns of Dunsborough and Yallingup is Caves Road. Caves Road continues south to Margaret River and Augusta and provides a popular scenic route for tourists.

5.5 Topography

The landscape of the City consists of low lying coastal plain, the Swan Coastal Plain, which runs parallel to the coast line of Geographe Bay to Dunsborough in the west where it meets the Margaret River Plateau. At the extreme west of the City, situated between the Margaret River Plateau and the western coastline of the Indian Ocean is the Leeuwin-Naturaliste Ridge, a narrow limestone formation that runs parallel with the coast and extends from Cape Naturaliste to the South. It is on this ridge that the township of Yallingup is located.

The combined appeal of the City's attractive rural environment, proximity to the coast and a mild climate has brought an increase in demand for country lifestyle housing and tourist accommodation.

5.6 Demographics

As at the 2016 Census the city's population was 36,686 and predicted to reach 50,000 by 2030 and 68,000 by 2050. Over the past five years our annual growth rate has been 3.5%, well above the average for the Capes sub-region (3.3%), the South West (2.4%), and Western Australia (2.5%) over the same period. Our growing population is producing some noticeable demographic changes. Busselton has for many years been known as a place to retire or spend some holiday time, but between 2009 and 2014, there was an increase in the total population share of the City across all age groups. The estimated median age of our residential population is 40.4 suggesting our district has become a place where young families are settling.

In 2016 agriculture accounted for 436 of the 3,646 businesses in the district, second only to construction businesses which totalled 915 in the same year. Rental, hiring and real estate businesses totalled 407, followed by 306 professional, scientific and technical businesses. We have also experienced an increasing number of health care and social service providers in our district, rising from 119 in 2011 to 134 by 2016.

5.7 Aim

The aim of the City of Busselton Local Emergency Management Arrangements (LEMA) is to:

- (a) ensure there is a written understanding between agencies involved in managing emergencies within the City; and
- (b) document the management of identified risks within the City including the specific details on prevention, preparedness, response and recovery activities.

5.8 Purpose

Pursuant to section 41(2) of the Emergency Management Act 2005, the purpose of the City of Busselton LEMA are to set out:

- (a) the City's policies for emergency management;
- (b) the roles and responsibilities of public authorities and other persons involved in emergency management in the City;
- (c) provisions about the coordination of emergency operations and activities relating to emergency management performed by the persons mentioned in sub-paragraph(b) ;
- (d) a description of emergencies that are most likely to occur in the City;
- (e) strategies and priorities for emergency management in the City;
- (f) relevant matters about emergency management in the City as prescribed by *Emergency Management Regulations 2006*; and
- (g) other matters about emergency management in the district that the City deems appropriate.

5.9 Scope

These Arrangements are to ensure the community is prepared to deal with the identified emergencies should they arise. It is not the intent of this document to detail the procedures for HMAs or Combat Agencies when dealing with an emergency. These are detailed in the HMAs' and Combat Agencies individual plans.

Furthermore these Arrangements:

- (a) apply to the local government district of the City of Busselton;
- (b) covers areas where the City of Busselton provides supports to HMAs and Combat Agencies in the event of an emergency;
- (c) detail the City's capacity to provide resources in support of an emergency, while still maintaining business continuity, and meeting its statutory responsibilities in relation to recovery management; and
- (d) are to serve as a guideline to be used at the local level noting that incidents may arise that require assistance from district, state or federal level.

5.10 Local Emergency Management Structure

A quick guide to the Local Emergency Management Structure for these Arrangements is shown at [Appendix 2](#). A more detailed copy of the structure is also available as part of the Emergency Contacts and Resource Directory at [Appendix 4](#) (the information contained in this directory is confidential and not intended for public distribution or display).

6.0 Related Documents and Arrangements

6.1 Existing Plans and Arrangements

Document	Owner	Location	Expiry Date
Bush Fire Response Plan	City of Busselton	Council Doc Set ID 2970794	Annual Review
Busselton Jetty Railway, Security, Fire Safety & Emergency Plan	City of Busselton	Council Doc Set ID 1538134	Biennial Review
Busselton Margaret River Regional Airport – Aerodrome Emergency Plan May 2015 Amendment No 4	City of Busselton	Council Doc Set ID 2981933	Annual Review
Emergency Management Recovery Plan	City of Busselton	Public Copy Council Doc Set ID 2143980	March 2019
Local Emergency Management Plan for the Provision of Welfare Support	Communities (previously Department for Child Protection and Family Support)	DCS Council Doc Set ID 2860310	June 2017
MOU for the Provision of Mutual Aid During Emergencies and Post Incident Recovery	Member Councils of the South West Zone Western Australian Local Government Association	Council Doc Set ID 2646464	April 2018 (option to extend for a further 3 years)

7.0 Local Agreements, Understandings and Commitments

7.1 Provision of Mutual Aid during Emergencies and Post Incident Recovery

In 2015 the City of Busselton along with 11 other south west regional local governments signed a memorandum of understanding (MOU) for the provision of mutual aid during emergencies and post incident recovery.

The purpose of the MOU is to:

- (a) facilitate the provision of mutual aid between member councils of the South West Zone of the Western Australian Local Government Association (WALGA) during emergencies and post incident recovery;
- (b) enhance the capacity of our communities to cope in times of difficulty; and
- (c) demonstrate the capacity and willingness of participating councils to work cooperatively and share resources within the region.

Local governments that are signatories to the MOU are:

- Shire of Augusta Margaret River
- Shire of Boyup Brook
- Shire of Bridgetown Greenbushes
- City of Bunbury
- City of Busselton
- Shire of Capel
- Shire of Collie
- Shire of Dardanup
- Shire of Donnybrook-Balingup
- Shire of Harvey
- Shire of Manjimup
- Shire of Nannup

7.2 South West Emergency Management Alliance

The City of Busselton in conjunction with 11 other south west councils has formed an alliance to increase information and resource sharing in relation to emergency management in the region.

7.3 GIVIT – Memorandum of Understanding

The City of Busselton intends to sign a memorandum of understanding ([insert hyperlink to mou when established](#)) with GIVIT who provide a free emergency recovery service that supports charities, front-line services, agencies and governments by coordinating the deluge of donations that commonly occur post-emergency. GIVIT facilitate the allocation of good quality goods and services to meet the specific needs of people affected by local emergencies.

The goals of the MOU are to:

- (a) reduce the amount of unsolicited donations received by the City in times of an emergency; and
- (b) meet the immediate material needs of the local community in times of an emergency.

Please note: GIVIT does not manage spontaneous donations during an emergency; which will usually be managed by the local government (they are an online service only and do not accept physical donations). The Department of Communities provides an "Offer of Assistance" form that will be available at the welfare evacuation centre as a means of collecting information relating to offers for the donation of goods, or people wishing to volunteer their services to assist the community recover from the disaster.

8.0 State Legislation, Policy, Plans, Procedures and Guidelines

8.1 Legislation

Emergency management in Western Australia is underpinned by the [Emergency Management Act 2005](#) and the [Emergency Management Regulations 2006](#).

8.2 Policy

The [State Emergency Management Policy](#) provides a strategic framework for emergency management in Western Australia. The framework identifies the roles and responsibilities of Emergency Management Agencies (EMAs) and other public authorities and organisations for the management of adverse effects from emergencies across the four aspects of emergency management (EM) — prevention, preparation, response and recovery (PPRR).

8.3 Plans

The [State EM Plan](#), Westplans, Support Plans and Local Emergency Management Arrangements (LEMA) support the [EM Arrangements](#) for the State. The WA EM Plan aligns with the National EM plan where necessary.

8.4 Procedures

[State EM Procedures](#) are developed when a procedural activity needs to be explained through a step by step process, allowing Emergency Management Agencies and personnel to complete tasks in compliance with State Emergency Management Policy.

8.5 Guidelines

[State EM Guidelines](#) are informal instructions designed to provide detailed assistance to Emergency Management Agencies in undertaking their role by proposing specific methods for conducting activities.

State policy, plans, procedures and guidelines are available on the Office of Emergency Management (OEM) website www.oem.wa.gov.au.

8.6 Special Considerations

The City of Busselton has a number of considerations that may impact on the implementation of these Arrangements and other related plans during an emergency.

Description	Time of Year	Impact/Number of People
Severe storms and flooding	May to September	The size of the emergency may impact on the availability of emergency service staff and volunteers
Bush fire	November to May	As above
Major road transport accidents	Anytime	An incident of this type during an emergency may restrict access to an incident or impede evacuations

Description	Time of Year	Impact/Number of People
Influx of tourists (intrastate, interstate and international) visiting and travelling throughout the City	Summer and school holiday periods, and key public holidays such as Australian Day and Easter	During peak holiday periods the City's population can double with the consequences of placing greater demands on the resources of the City and emergency services, and potentially increasing the number of people at risk during an emergency
The City is known as the 'Events Capital WA'	A list of public events is at Appendix 3	The influx of visitors to the City for public events places greater demands on the resources of the City and emergency services, and potentially increasing the number of people at risk during an emergency

8.7 Special Needs Groups, City Events and Critical Infrastructure

Please refer to [Appendix 3](#) for a full list of identified special needs groups and detailed information on the facilities and contact details for groups in the community that may require assistance or special consideration during an emergency incident or evacuation.

The appendix also includes information regarding City events and critical infrastructure in the district. The information contained in this appendix is confidential and is not intended for public distribution or display.

9.0 Emergency Resources and Contacts Register

The Emergency Resources and Contacts Register is available at [Appendix 4](#). The LEMC Executive Officer shall have the register checked and updated on a quarterly basis.

The list of available plant and equipment from the City may vary and is dependent on serviceability, maintenance schedules, and the availability of operators.

DRAFT

10.0 Roles and Responsibilities

10.1 Local Roles and Responsibilities

10.1.1 Local Government

Under section 36 of the [EM Act 2005](#) the functions of the local government are to:

- (a) ensure that effective LEMA are prepared and maintained for the district;
- (b) manage recovery following an emergency affecting the community in its district; and
- (c) perform other functions given to the local government under the Act.

10.1.2 Local Emergency Coordinator (LEC)

The LEC is appointed for a local government district by the State Emergency Coordinator (WA Police Commissioner) under section 37 of the [EM Act 2005](#).

At a local level the LEC is responsible for providing advice and support to the LEMC in the development and maintenance of LEMA, and assisting HMAs in the provision of a coordinated multi-agency response during an emergency in the district.

10.1.3 Local Recovery Coordinator (LRC)

The LRC is an officer appointed by the local government to undertake the following roles and responsibilities:

- (a) to ensure the development and maintenance of effective recovery management arrangements for the local government; and
- (b) in conjunction with the local recovery committee, implement a post-incident recovery action plan and manage the recovery phase of an incident.

10.1.4 Local Government Welfare Officer (LGWO)

During an evacuation where a local government facility is utilised as a welfare centre by DC a Local Government Welfare Officer may be appointed by the local government to:

- (a) open and establish a welfare centre at the nominated facility until the arrival of DC;
- (b) establish the registration process of evacuees until the arrival of DC;
- (c) provide advice, information and resources in support of the facility; and
- (d) assist with maintenance requirements for the facility.

10.1.5 Local Government Liaison Officer (LGLO)

During a major emergency the Local Government Liaison Officer (or CESM) provides a vital link between the Incident Management team (IMT) and Incident Support Group (ISG) by:

- (a) attending ISG meetings as a representative of the City;
- (b) providing local knowledge and input for the IMT; and
- (c) providing details of the LEMA.

10.1.6 Community Emergency Services Manager (CESM)

Prior to and during emergencies the roles and responsibilities of the CESM may include the following:

- (a) to ensure planning and preparation for emergencies is undertaken;

- (b) to implement procedures that assist the community and emergency services deal with incidents;
- (c) to ensure all personnel responsible for emergency planning, preparation, response and recovery responsibilities are properly trained;
- (d) to keep appropriate records of incidents that have occurred to ensure continual improvement of the local government's emergency response capability;
- (e) to liaise with the incident controller; and
- (f) to participate in the ISG and provide local support.

In circumstances where the CESM has been seconded to a role within the IMT during an emergency, the local government may appoint a senior local government officer to fulfil these duties.

10.2 LEMC Roles and Responsibilities

The City has established a Local Emergency Management Committee (LEMC) under section 38(1) of the [EM Act 2005](#) to oversee, plan and test the LEMA. The LEMC has representatives from agencies, organisations and community groups that are relevant to the identified risks and emergency management arrangements for the community.

The LEMC is not an operational committee but rather the committee established by the local government to assist in the development of LEMA for the district. The LEMC plays a vital role in assisting our communities become more prepared for major emergencies by:

- (a) developing, enhancing and testing preparedness planning from a multi-agency perspective having local knowledge of hazards, demographic, and geographical issues;
- (b) providing advice to HMAs to develop localised hazard management plans;
- (c) providing a multi-agency forum to identify, analyse and treat local risk; and
- (d) providing a forum for multi-agency stakeholders to share issues and learnings to ensure continuous improvement.

The LEMC membership must include at least one local government representative and the LEC. Relevant government agencies and other statutory authorities will nominate their representatives to be members of the LEMC.

The term of appointment of LEMC members shall be determined by the local government in consultation with the parent organisations of the members.

10.2.1 LEMC Chair

The LEMC Chair, an elected member of Council, provides leadership and support to the LEMC to ensure effective meetings and high levels of emergency management planning and preparedness is undertaken for the district.

10.2.2 LEMC Executive Officer

The LEMC Executive Officer provides executive support to the LEMC by:

- (a) providing secretariat support to the LEMC by:
 - i. the preparation of the meeting agenda;
 - ii. the preparation of meeting minutes and action lists;
 - iii. the preparation and distribution of correspondence; and
 - iv. the establishment and maintenance of the LEMC contact register;

- (b) coordinating the development and submission of LEMC documents in accordance with legislative and policy requirements including:
 - i. the preparation and submission of the Annual and Preparedness Report;
 - ii. the preparation of the annual business plan; and
 - iii. the preparation and maintenance of the LEMA;
- (c) facilitates the provision of relevant emergency management advice to the Chair and LEMC as required; and
- (d) participating as a member of sub-committees and groups as required.

10.3 Agency Roles and Responsibilities

10.3.1 Incident Controller (IC)

In accordance with section 5.2 of the [State EM Policy](#), the IC or their delegate is responsible for:

- (a) the overall control of an incident within a defined incident area, that may include the whole State in some incidents;
- (b) leading the IMT;
- (c) assessing the incident level and, if the incident is assessed as a Level 2 or Level 3 incident, make an incident level declaration in accordance with the [State Emergency Response Procedure 2](#);
- (d) ensuring the accuracy of the emergency public information and approving its release in coordination with all relevant agencies and terminating its broadcast;
- (e) in consultation with the HMA, ensuring effective strategies for evacuation are implemented;
- (f) activation of the ISG when an incident requires the coordination of multiple agencies or a Level 2 incident is declared ([Emergency Response Procedure 2](#));
- (g) once a decision is made to evacuate an area, in consultation with the HMA, is responsible for ensuring effective communications strategies are implemented (s.5.7 of the [State EM Policy](#)); and
- (h) the management of traffic during an emergency response until the road is returned to the asset owner (s.5.7 of the [State EM Policy](#)).

10.3.2 Operational Area Manager (OAM)

A person designated by the relevant HMA to undertake the following:

- (a) facilitation control across an operational area during the response to an emergency;
- (b) convening an Operational Area Support Group (OASG); and
- (c) responsibility for the overall management of an operation within a defined operational area and the provision of strategic direction and operational coordination to agencies and the IC in accordance with the needs of the situation.

10.3.3 Controlling Agency

The Controlling Agency is the agency nominated to control the response activities to a specified type of emergency. Their function is to:

- (a) undertake all responsibilities as prescribed in agency specific legislation for Prevention and Preparedness; and

- (b) control all aspects of the response to an incident.

During Response the Controlling Agency will facilitate an effective transition to Recovery.

10.3.4 Hazard Management Agency

A public authority or other person who or which, because of that agency's functions under any written law or specialised knowledge, expertise and resources, is responsible for emergency management, or the prescribed emergency management aspect, in the area prescribed of the hazard for which it is prescribed.

HMA's are prescribed in the [EM Regulations 2006](#), their function is to:

- (a) undertake functions where prescribed for these aspects;
- (b) appoint Hazard Management Officers (s.55 of [the Act](#));
- (c) declare/revoke emergency situations (s.50 & 53 of [the Act](#));
- (d) coordinate development of the Westplan for that hazard (s.1.5 of the [State EM Policy](#));
and
- (e) ensure effective transition to Recovery by local government.

10.3.5 Combat Agency

As prescribed under subsection 1 of [the Act](#) is to be a public authority or other person who or which, because of the agency's functions under any written law or specialised knowledge, expertise and resources, is responsible for performing an emergency management activity prescribed by [the Regulations](#) in relation to that agency.

10.3.6 Support Organisation

A public authority or other person who or which, because of the agency's functions under any written law or specialised knowledge, expertise and resources is responsible for providing support functions in relation to that agency ([State EM Glossary](#)).

10.3.7 Incident Support Group (ISG)

The function of ISG members is to assist the IC through the provision of information, expert advice, support and resources relevant to their organisation (s.5.1.7 of the [State EM Plan](#)).

10.3.8 Operational Area Support Group (OASG)

A group of agency liaison officers convened by an OAM that assists in the strategic support of an operational area for an incident through the provision of agency specific information, expert advice, resources and support. Activated by the HMA when multiple agencies need to be coordinated at a district level or multiple incidents are occurring simultaneously in one operational area.

11.0 Managing Risk

11.1 Emergency Risk Management (ERM)

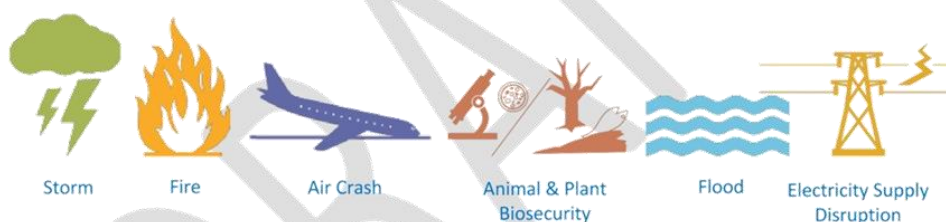
Risk management is a critical component of the emergency management process. Building a sound understanding of the hazards and risks likely to impact the community enable local governments and LEMCs to work together to implement treatments. This process helps to build the capacity and resilience of the community and organisations which enable them to better prepare for, respond to and recover from a major emergency. The process and mandate local government to undertake risk management is detailed in [State EM Policy](#) section 3.2.

The SEMC has developed a number of [risk tools](#) to assist local government undertake the risk assessment process. The tools are available on the SEMC website at www.semc.wa.gov.au.

Local risks and the likelihood and consequences of these risks to the community will be further identified in 2017 when the OEM undertakes the [State Risk Project](#) across the three levels of State, District and Local resulting in a uniformed and nationally agreed approach to the ERM process. This process will ensure the City's Risk Register and Treatment Schedule are completed in line with best practice.

11.2 Description of Emergencies Likely to Occur

Western Australia is exposed to a range of potential hazards of which [27 hazards](#) have been prescribed in legislation. The City of Busselton has identified its top six hazards as:



Five of the identified hazards (storm, fire, animal and plant biosecurity, flood and electricity supply disruption) are aligned with the top five hazards of the South West District Emergency Management Committee. These are detailed further in the table below and based on the premise that the Controlling Agency is responsible for the hazards, and will develop, test and review appropriate emergency management plans for their hazard.

Hazard	Controlling Agency	HMA	Combat Agency	Support Agencies	Westplan	Local Plans
Storm	DFES	DFES	SES	Western Power WA Police Main Roads WA City of Busselton	Storm	
Fire	DFES	DFES	DFES DPaW City of Busselton	Plantation Industries Western Power Water Corporation SES WA Police Main Roads WA	Fire	Bush Fire Response Plan 2014
Air Crash	WA Police	Commissioner of Police	DFES Australian Transport Safety Bureau	Department of Mines and Petroleum Department of Transport Department of Environment Regulation St John Ambulance WA Police City of Busselton	Air Crash	Busselton Regional Airport Emergency Plan
Animal and Plant Biosecurity	Agriculture & Food – Department of Primary Industries and Regional Development	Agriculture & Food – Department of Primary Industries and Regional Development	Agriculture & Food – Department of Primary Industries and Regional Development	Department of Health Water Corporation DFES City of Busselton	Animal & Plant Biosecurity	
Flood	DFES	DFES	SES	Department of Water Water Corporation Busselton Water WA Police Main Roads WA City of Busselton	Flood	
Electricity Supply Disruption	Western Power	Department of Finance – Public Utilities Office	Western Power	Synergy	Electricity Supply Disruption	Draft Business Continuity Plan

11.3 Emergency Management Strategies and Priorities

From the identified top six hazards (storm, fire, air crash, animal and plant biosecurity, flood, and electricity supply disruption) the City has identified and prioritised the following strategies and treatments to reduce the likelihood and consequence of any of the hazards occurring within the district.

Priority	Strategy/Treatment
1	Fire – Bushfire Risk Management Plan: in conjunction with all stakeholders, develop a cross tenure bushfire risk management plan for the district
2	Fire – Review and update the Bush Fire Response Plan 2014
3	State Risk Project – more treatment strategies to be advised on completion of the state risk project ERMs

Following the completion of the State Risk Project additional strategies and treatment options will be identified to mitigate the top five hazards. As a result, this will build upon community and organisational resilience to emergency incidents within the district.

11.4 Coordination of Emergency Operations

It is recommended that HMAs and Combat Agencies may require local government resources and assistance in emergency management. The City is committed to providing assistance and support when resources are available and where the City is able to maintain satisfactory levels of business continuity.

HMAs and Combat Agencies requiring assistance from the City should in the first instance contact the City's CESM or the Local Government Liaison Officer at the ISG when and if formed.

11.5 Incident Management Systems

Incident management systems provide a common operating framework. This allows for a structured and coordinated response within which agencies can work together affectively to manage an incident. In WA, two incident management systems are predominantly used: the Australasian Inter-Service Incident Management System (AIIMS), and Incident Command and Control System (ICCS) Plus.

11.6 Incident Levels

In accordance with incident management principles, incidents are broadly classified into three levels: Level 1, Level 2, Level 3 incidents. This ensures all agencies involved have a common understanding of the potential and/or actual severity of the incident and ensures the provision of effective assistance to the controlling agency. Typical conditions for Level 1, 2 and 3 incidents are described in section 5.1.5 of the [State EM Plan](#).

11.7 Incident Support Group

The ISG is convened by the Controlling Agency appointed Incident Controller to assist in the overall coordination of services and information during a major incident. Coordination is achieved through clear identification of priorities by agencies sharing information and resources.

The role of the ISG is to provide support to the Incident Management Team. The ISG is a group of people representing different agencies that have involvement in the incident.

11.7.1 Triggers for Convening an ISG

The triggers for an ISG are defined in [State EM Policy](#) Statement 5.2.2 and [State EM Plan](#) section 5.1 and are:

- (a) where an incident is designated Level 2 or higher; and
- (b) where multiple agencies need to be coordinated.

11.7.2 Membership of an ISG

The ISG is made up of representatives of agencies that provide support to the Controlling Agency. Emergency Management Agencies may be called on to be liaison officers on the ISG. Agencies providing staff for the ISG must ensure their representatives have the necessary authority to commit resources and/or direct tasks. Representation on the ISG may change regularly depending on the nature of the incident, agencies involved and the consequences caused by the emergency.

To ensure consistency of information flow, situational awareness and handover to Recovery, the City's Local Recovery Coordinator will be a member of the ISG from the onset for incidents within our district.

11.7.3 Frequency of Meetings

The frequency of the meetings will be determined by the IC and will generally depend on the nature and complexity of the incident. As a minimum, there should be at least one meeting per incident. Coordination is achieved through clear identification of priorities and objectives by agencies sharing information and resources.

11.7.4 Location of the ISG Meetings

The ISG meets during an emergency and provides a focal point for a coordinated approach. The following table identifies suitable locations where it can meet within the district.

Busselton Civic & Administration Centre Disaster Recovery Room 2 Southern Drive, Busselton		Busselton Community Resource Centre Meeting Rooms 21 Cammilleri Street, Busselton
1 st Contact	Community Emergency Services Manager	0427 202 717
2 nd Contact	Ranger and Emergency Services Coordinator	0459 476 676

It should be noted that in after-hours or fast paced emergencies that the IC may choose to hold ISG meetings onsite at the incident, at another facility not listed, or via teleconference as an alternative to the two identified locations.

11.8 Media Management and Public Information

Communities threatened or impacted by emergencies have an urgent and vital need for information and direction. Such communities require adequate, timely information and instructions in order to be aware of the emergency and to take the appropriate actions to safeguard life and property. The provision of this information is the responsibility of the Controlling Agency.

Emergency Public Information is information provided to the community during emergencies with instructions on how to get assistance to protect personal health and safety, and property. Information can be provided through the media and a range of other tools to reach intended stakeholders. The emergency public information is a Response and Recovery activity whereby information relating to a specific emergency, including actions that need to be taken by the public as a whole, is disseminated to the community. It is also a Preparedness activity, as it establishes protocols and procedures prior to an emergency.

If an emergency arises, a strategy will be developed that is specific to the situation and will direct the communication response. The communication strategy will be prepared by the City's Public Relations Coordinator in collaboration with the Mayor and Chief Executive Officer of the City, and the IC. Both internal and external communication will be directed by the strategy, which will ensure the communication is in alignment with advice from the HMA or Controlling Agency.

The [State Emergency Public Information Plan](#) details the arrangements and responsibilities for the emergency public information function relating to emergencies in Western Australia.

11.9 City Media Process in Emergencies

The City has a documented process for dealing with the media which extends to emergency situations. These guidelines are implemented in order to avoid miscommunication and confusion regarding roles and responsibilities which is particularly important in an emergency.

The City of Busselton Media Guidelines lists those officers with authorisation to deal directly with the media; the processes for approving and relaying information to the community via the media; and the management of media enquiries including official media releases.

With regard to the management of media enquiries, all requests for interviews, background information, official statements and photo shoots must, in the first instance, be directed to the Public Relations team. The Public Relations Coordinator has responsibility for responding to the query with input from the relevant officer(s) where necessary. Comments are generally attributed to the Mayor, CEO or relevant Director unless specifically delegated to a relevant officer on approval of the Mayor, CEO or relevant Director.

With regard to authorisation to speak to the media and provide media comment, the Mayor is the official public spokesperson for the City of Busselton on all matters of policy and external relations (as per Section 2.8 of the Local Government Act). The Mayor may refer media enquiries to the CEO generally relating to operational issues or the relevant Director. On approval of the Mayor, the CEO and / or their relevant Director, a small number of City Officers who have a particularly high community profile, are authorised to speak to the media, or be directly quoted in the media on issues relating to their specific area of expertise. In Emergency Response situations this extends to the Community Emergency Services Manager.

With regard to the process for issuing media releases and corporate statements, these are compiled by the Public Relations Team and distributed to media outlets on approval of the CEO and Mayor and with the authorisation of any other individual directly quoted in the release. Where appropriate, information is also relayed on City of Busselton social media platforms and the City's website. However, it should be noted that in most emergency situations the City is not the lead organisation (except for fire in some circumstances). To ensure consistent and accurate information is relayed, the City will direct members of the public to the appropriate emergency response website and media will be directed to the media arm of the relevant emergency response agency.

11.10 General Enquiries to the City during an Emergency

During an emergency, frontline staff of the City should be prepared to receive enquiries from a range of stakeholders in relation to the emergency. Frontline staff will be provided with scripts based on the key messages, and will be briefed on the City's media process and protocols. Other than approved spokespersons, no other staff are authorised to make comment to any stakeholder beyond the scope of these scripts.

11.11 Public Warning Systems

During times of an emergency one of the most critical components of managing an incident is getting information to the public in a timely and efficient manner. Information is available from one or more of the following:

Source	Link / Number	Details
ABC Emergency	www.abc.net.au/news/emergency/state/wa	<ul style="list-style-type: none"> • Current alerts, warnings and information updates
ABC Radio	Local frequency ABC South West 684	<ul style="list-style-type: none"> • Current alerts, warnings and information updates
Bureau of Meteorology	www.bom.gov.au/wa	<ul style="list-style-type: none"> • Weather forecasts and warnings
Department of Fire and Emergency Services	www.dfes.wa.go.au 133 337 (public information line)	<ul style="list-style-type: none"> • Current warnings and incidents • Preparing for emergencies (bush fire, storm, flood, and cyclones)
Emergency Alert	www.emergencyalert.gov.au	<ul style="list-style-type: none"> • The automated national telephone warning system used by emergency services to send voice messages to landlines and text messages to mobile phones within a defined area about likely or actual emergencies
Emergency Aus	Mobile Phone Application www.emergencyaus.info	<ul style="list-style-type: none"> • Current alerts and warnings
Emergency WA	www.emergency.wa.gov.au	<ul style="list-style-type: none"> • Current warnings and incidents • How to prepare your property for bush fire • How to recover from an emergency
Standard Emergency Warning Signal (SEWS)	<ul style="list-style-type: none"> • A distinctive audio signal that has been adopted to alert the community to the broadcast of an urgent safety message or warning relating to an emergency • It is used as an alert system on public media such as radio, television, or public address systems to draw the listener's attention to the warning message 	

12.0 Finance Arrangements

[State EM Policy](#) section 5.12, [State EM Plan](#) section 5.4 and 6.10, and [State EM Recovery Procedures](#) 1-2 outlines the responsibilities for funding during multi-agency emergencies. While recognising the above, the City is committed to expending such necessary funds within its current budgetary constraints as required to ensure the safety of its residents, visitors and staff. The CEO will be approached immediately an emergency event requiring resourcing by the City occurs to ensure the desired level of support is achieved.

Information regarding the management of public fundraising and donations, volunteering and emergency management funding (WADRRA) is at Part Five of the [State EM Recovery Procedures](#).

12.1 Management of Donated Goods and Volunteers

Public generosity and care during and following an emergency plays a significant role in individual and community recovery. It reflects broader community sentiment and helps those affected to feel supported and more positive about the rebuilding task ahead.

The City encourages the donation of money to approved fundraising agencies because it provides flexibility and choice to meet immediate needs. It also circulates in the affected community stimulating faster recovery for the local economy.

12.2 City Finance Processes

Under section 6.8 of the [Local Government Act](#) 1995, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by the Mayor or President in an emergency. Following the decision to incur expenditure for an emergency the City's Manager Finance, or Financial Accountant should be contacted to obtain an emergency cost string that will be used to capture all costs associated with the emergency including:

- (a) the cost of materials;
- (b) the cost of any goods and/or services;
- (c) labour costs via internal timesheets; and
- (d) any other costs that would not normally have been incurred outside of the emergency.

13.0 Evacuation and Welfare

13.1 Evacuation

The evacuation of people and/or animals from an area affected by an emergency is one of the strategies for protective action that may be employed by emergency management agencies to mitigate the potential loss of, or harm to, life. This is consistent with the State's core objective to "protect the lives and wellbeing of persons".

The overall responsibility for a community evacuation rests with the Controlling Agency. This encompasses the risk assessment and decision making that evacuating a community represents the best option available for community safety and ensuring that appropriate action is taken across all phases to meet the evacuees' needs.

The City has four (4) primary and two (2) secondary welfare centres as identified at Appendix 4 of the DC Local Emergency Management Plan for the Provision of Welfare Support ([Appendix 5](#)). Where these facilities are unavailable or unsuitable due to the risks associated with the emergency, the Controlling Agency in conjunction with the City and DC will identify alternate facilities.

13.2 Special Needs Groups

Please refer to [Appendix 3](#) for a full list of identified special needs groups including address and contact details, the number of people who may be in the facility during an emergency, and details of their emergency plans.

13.3 Evacuation Routes and Maps

The City has/will develop a detailed set of evacuation maps in conjunction with WA Police and DFES that identify the location of emergency services facilities and special needs groups, as well as suggested evacuation routes for each of the main communities within the district.

Further information on evacuations can be found in the City's Evacuation Plan ([Appendix 6](#)) or in the [Community Evacuation in Emergencies Guideline](#) (as endorsed by the SEMC).

13.4 Welfare

The Department of Communities (DC) has the role of coordinating welfare. Welfare can be described as "the provision of both the physical and psychological needs of a community affected by an emergency". This includes the DC functional areas of personal services, accommodation, financial assistance, registration and enquiry services, personal requisites and emergency catering. Welfare activities are the responsibility of DC who will coordinate resources and undertake functions together with partnering agencies as found in the following support plans:

- (a) the [State Emergency Welfare Plan](#); and
- (b) DC Local EM Plan for the Provision of Welfare Support ([Appendix 5](#))

It should be noted that in the first stages of an emergency DC may take time to establish and conduct welfare activities within the City due to multiple incidents within the state, restricted access to the designated welfare centre or time required for the deployment of appropriate team members. As such, the City in consultation with DC may undertake the management of welfare activities until such time as DC is ready to assume control.

13.5 Local Welfare Coordinator

The Local Welfare Coordinator is appointed by the DC District Director to:

- (a) establish, chair and manage the activities of the Local Welfare Emergency Committee (LWEC);

- (b) prepare, promulgate, test and maintain Local Welfare Plans;
- (c) represent DC and the emergency welfare function on the LEMC and LRC;
- (d) establish and maintain the Local Welfare Emergency Coordination Centre;
- (e) ensure personnel and organisations are trained and exercised in their welfare responsibilities;
- (f) coordinate the provision of emergency welfare services during Response and Recovery phases of an emergency; and
- (g) represent DC on the ISG when required.

13.6 Local Welfare Liaison Officer (LWLO)

The LWLO is nominated by the City to coordinate welfare response during emergencies and liaise with the LWC. This role provides assistance to the LWC, including the management of emergency evacuation centres such as building opening, closing, security and maintenance.

Welfare contact details are located in the Emergency Contacts and Resources Directory ([Appendix 4](#)).

13.7 Register, Find, Reunite

When a large scale emergency occurs and people are evacuated or displaced, one of the responsibilities of DC is to record who has been displaced onto a State or National Register. This primarily allows relatives or friends to locate each other but also has other applications. DC has reciprocal arrangements with the Australian Red Cross to assist with the registration process.

13.8 Welfare Centres

The City's local welfare centres are listed below. More detail is available in the DC Local Emergency Management Plan for the Provision of Welfare Support ([Appendix 5](#)).

Primary Welfare Centre	Address
Geographe Leisure Centre	1 Recreation Lane, West Busselton
Georgiana Molloy Anglican School	2 Hawker Approach, Yalyalup
Baptist Community Centre	2 Recreation Lane, West Busselton
Cornerstone Church	1 Grace Court, West Busselton
Secondary Welfare Centre	Address
Naturaliste Community Centre	21 Dunsborough Lakes Drive, Dunsborough
Naturaliste Sports Club Pavilion	Dunsborough Lakes

14.0 Recovery

Recovery is about enabling and supporting community sustainability during and after a disaster. The recovery process must begin during the response phase in order to both identify community needs as affected by the disaster or response activities and to begin planning for the transition from response to recovery. Recovery can also provide opportunity to improve community resilience to disaster by enhancing social infrastructure, natural and built environments, and economies.

Effective and lasting recovery occurs when a community works together and recognises the personal, social, financial health, industry and economic factors that need to be considered and planned for. Comprehensive recovery requires private, health, infrastructure, lifeline services, and government and non-government sectors to work together, as a community is affected and supported at different levels by each of those sectors.

Successful recovery:

- (a) is based on an understanding of the community context;
- (b) acknowledges the complex and dynamic nature of emergencies and communities;
- (c) is responsive and flexible, engaging communities and empowering them to move forward;
- (d) requires a planned, coordinated and adaptive approach based on continuing assessment of impacts and needs;
- (e) is built on effective communications with affected communities and other stakeholders; and
- (f) recognises, supports and builds upon community, individual and organisational capacity.

The City's Recovery Plan is located at [Appendix 7](#).

14.1 Local Recovery Coordinator

The appointed Local Recovery Coordinator for the City is the Risk and Occupational Health and Safety Officer and is required to undertake the following roles and responsibilities:

- (a) to ensure the development and maintenance of effective recovery management arrangements for the City; and
- (b) in conjunction with the LRCC, implement a post-incident recovery action plan and manage the recovery phase of an incident.

Local Recovery Coordinators are to advise and assist local government and coordinate local recovery activities as outlined in [State EM Policy](#) section 6, [State EM Plan](#) section 6, and [State EM Recovery Procedures](#) 1-4.

15.0 Animal Welfare

15.1 Animal Welfare Plan

Animal owners are responsible for the welfare of their pets and livestock at all times, including disaster situations. However, the City acknowledges that disasters are complex events that can often limit the ability of people to fulfil these obligations. Furthermore, their inability to provide care for their animals can lead to significant distress in already trying situations.

The City has developed an Animal Welfare Plan to assist the community with the care and management of domestic and native animals during an emergency. A copy of the Animal Welfare Plan is at [Appendix 8](#).

16.0 Exercising, Reviewing and Reporting

16.1 The Aim of Exercising

Testing and exercising is essential to ensure that emergency management arrangements are workable and effective. Testing and exercising is important to ensure individuals and organisations remain aware of what is required of them during an emergency response situation.

The exercising of a HMA or Combat Agency's response to an incident is their responsibility however, it may be incorporated into a LEMC exercise.

Exercising the emergency management arrangements will allow the LEMC to:

- (a) test the effectiveness of the local arrangements;
- (b) bring together members of emergency management agencies and give them knowledge of, and confidence in, their roles and responsibilities;
- (c) help educate the community about local arrangements and programs;
- (d) allow participating agencies an opportunity to test their operational procedures and skills in simulated emergency conditions; and
- (e) test the ability of separate agencies to work together on common tasks, and to assess the effectiveness of coordination between them.

16.2 Frequency of Exercises

[State EM Policy](#) section 4.8, [State EM Plan](#) section 4.7, and [State EM Preparedness Procedure](#) 19 outline the State's arrangements for emergency management exercising, including the requirements for LEMCs to exercise their arrangements on at least an annual basis.

16.3 Exercise Types

Examples of the types of exercises are:

- (a) desktop or discussion exercise;
- (b) a phone tree recall exercise;
- (c) opening and closing procedures for evacuation centres or any other facilities that may be operating in an emergency;
- (d) operating procedures of an Emergency Coordination Centre; or
- (e) locating and activating resources on the Emergency Resources Register.

16.4 Reporting of Exercises

Each LEMC is to report their exercise schedule to the relevant DEMC each year for inclusion in the DEMC report to the Exercise Management Advisory Group (EMAG). Once the exercise has been completed, post exercise reports should be forwarded to the DEMC to be included in reporting for the SEMC annual report.

16.5 Review of LEMA

The LEMA shall be reviewed in accordance with [State EM Preparedness Procedure](#) 8 and amended or replaced whenever the local government considers it appropriate (s.42 of [the EM Act](#)).

In accordance with [State EM Preparedness Procedure](#) 8, LEMA (including recovery plans) are to be reviewed and amended as follows:

- (a) after an event or incident requiring activation of an ISG or after every incident requiring significant recovery coordination;
- (b) an entire review every five years; and
- (c) whenever the local government considers it necessary (eg. after training that exercises the Arrangements).

In addition to this, contact lists are to be reviewed and updated on a quarterly basis.

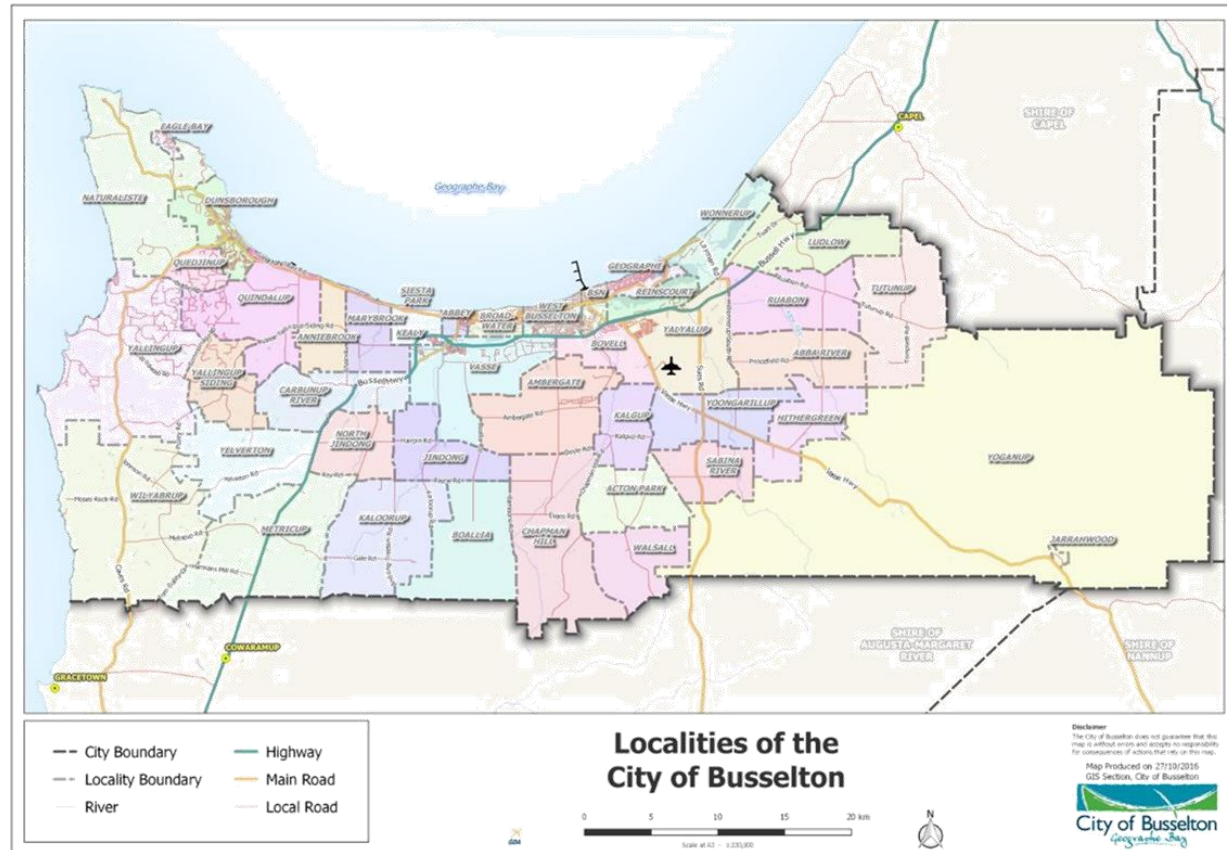
Where a major or entire review takes place, a full approvals process is required. If the amendments are minor, the local government is to make the amendments and ensure that these are distributed to members of the LEMC, the DEMC and the SEMC.

17.0 Preparedness and Annual Reporting

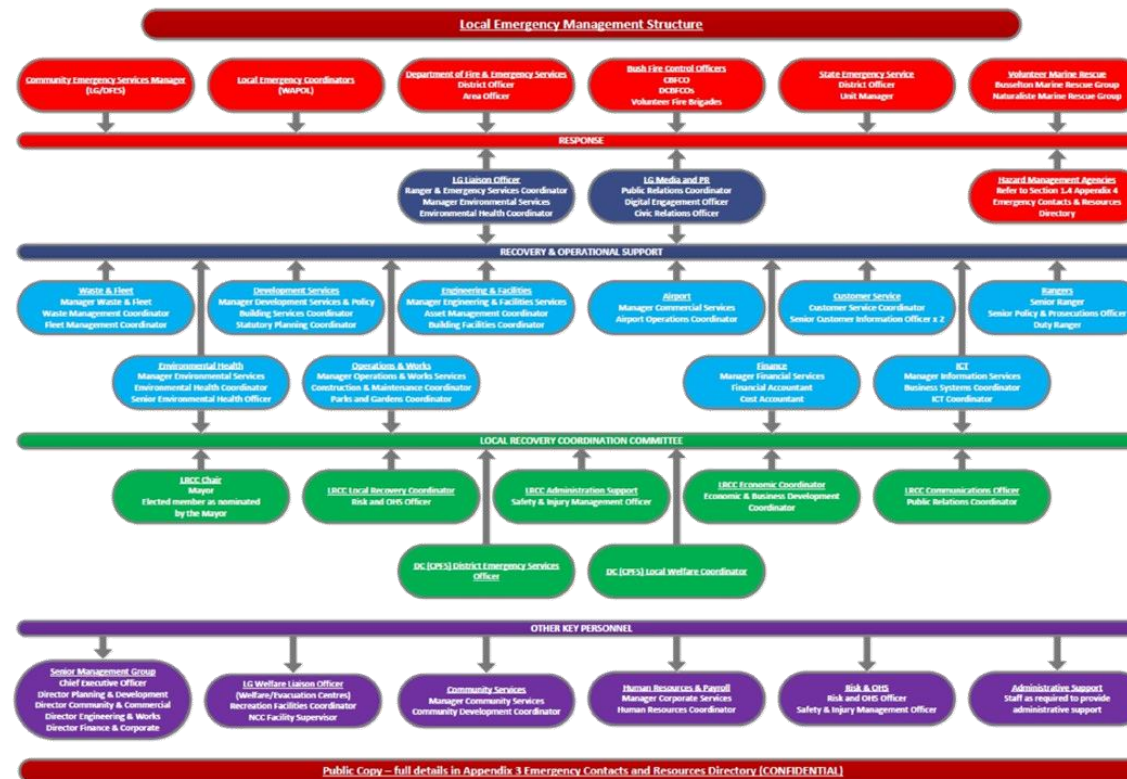
The LEMC is to prepare and submit to the DEMC for the district an annual report on activities undertaken by it during the year. To minimise multiple reporting requirements, SEMC has combined preparedness and annual reporting questions into a single online survey, the Annual and Preparedness Report Capability Survey.

This fulfils the legislative requirements of LEMCs and HMAs as detailed in s.33 and s.40(1) of [the EM Act](#).

Appendix 1 – City of Busselton Localities Map



Appendix 2 – Local Emergency Management Structure



[Appendix 3 – Special Needs Groups, Events & Critical Infrastructure](#)

Information contained in the
Emergency Contacts and Resources Directory
contains personal contact details of staff from various agencies and is

CONFIDENTIAL

The plan is available under separate cover
and is saved in the City's electronic records keeping system
(ECM doc set ID 3053724)

[Appendix 4 – Emergency Contacts and Resources Directory](#)

Information contained in the
Emergency Contacts and Resources Directory
contains personal contact details of staff from various agencies and is

CONFIDENTIAL

The plan is available under separate cover
and is saved in the City's electronic records keeping system
(ECM doc set ID 3053725)

[Appendix 5 – The Provision of Welfare Support](#)

The Department of Communities (DC)
(previously the Department for Child Protection and Family Support)
are the owners of the
Local Emergency Management Plan for the Provision of Welfare Support
(Updated May 2015)

The plan is available under separate cover
and is saved in the City's electronic records keeping system
(ECM doc set ID 2860310)

[Appendix 6 – Local Evacuation Plan](#)

Local Evacuation Plan
(September 2014)

The plan is available under separate cover
and is saved in the City's electronic records keeping system
(ECM doc set ID 3053726)

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[Appendix 7 – Recovery Plan](#)

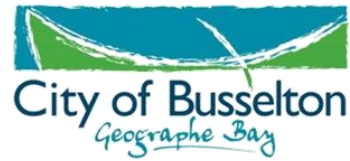
Emergency Management Recovery Plan
(April 2014)

The plan is available under separate cover
and is saved in the City's electronic records keeping system
(ECM doc set ID 2143980)

[Appendix 8 – Animal Welfare Plan](#)

(To be developed)

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Appendix 4
(Local Emergency Management Arrangements)

EMERGENCY CONTACTS AND RESOURCES DIRECTORY

(September 2017)

REDACTED COPY

Personal contact details are provided for emergency use only
and should not be disclosed under any circumstances

Events Capital WA

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1.0 Emergency Contacts

1.1 City of Busselton Officers

Position	Name	Telephone
Chief Executive Officer	Mike Archer	[REDACTED]
Director Community and Commercial Services	Naomi Searle	[REDACTED]
Director Engineering and Works Services	Oliver Darby	[REDACTED]
Director Finance and Corporate Services	Cliff Frewing	[REDACTED]
Director Planning and Development Services	Paul Needham	[REDACTED]
Manager Commercial Services (Airport)	Jennifer May	[REDACTED]
Manager Community Services	Maxine Palmer	[REDACTED]
Manager Corporate Services	Sarah Pierson	[REDACTED]
Manager Engineering and Facilities Services	Daniel Abrahamse	[REDACTED]
Manager Environmental Services	Tanya Gillett	[REDACTED]
Manager Information Services	Hendrik Boshoff	[REDACTED]
Manager Financial Services	Kim Dolzadelli	[REDACTED]
Manager Operations Services	George Workman	[REDACTED]
Manager Waste and Fleet Services	Vitor Martins	[REDACTED]
Airport Operations Coordinator	David Russell	[REDACTED]
Asset Manager Coordinator	Dan Hall	[REDACTED]
Building Facilities Coordinator	Shawn Lombard	[REDACTED]

Position	Name	Telephone
Construction and Maintenance Coordinator	Matthew Twyman	[REDACTED]
Customer Services Coordinator	Diane Hamilton	[REDACTED]
Environmental Health Coordinator	Dimity Hargraves	[REDACTED]
Fleet Management Coordinator	Linda Kusal	[REDACTED]
Human Resources Coordinator	Karen Box	[REDACTED]
Parks and Gardens Coordinator	Craig Ashley	[REDACTED]
Public Relations Coordinator	Meredith Dixon	[REDACTED]
Ranger and Emergency Services Coordinator (LG Liaison Officer)	Ian McDowell	[REDACTED]
Recreation Facilities Coordinator (LG Welfare Liaison Officer)	Dave Goodwin	[REDACTED]
Waste Management Coordinator	Greg Miller	[REDACTED]
Risk and Occupational Health and Safety Officer (Local Recovery Coordinator)	Brian McCarroll	[REDACTED]
Depot Maintenance (after-hours)	Various	[REDACTED]
Duty Ranger (after-hours)	Various	[REDACTED]

1.2 Elected Members

Name	Mobile Phone
Councillor Grant Henley (Mayor)	0450 281 200
Councillor Coralie Tarbotton	0427 600 830
Councillor Terry Best	0409 684 763
Councillor Gordon Bleechmore	0427 651 326
Councillor John McCallum	0428 939 027
Councillor Rob Bennett	0427 252 295
Councillor Paul Carter	0418 951 584
Councillor Robert Reekie	0439 939 446
Councillor Ross Paine	0405 340 343

1.3 Local Emergency Coordinators

OIC Busselton Police Station	9754 9555 [REDACTED] (OIC) [REDACTED] (Duty Supervisor)
OIC Dunsborough Police Station	9781 3030 [REDACTED] (OIC) [REDACTED] (Duty Supervisor)

1.4 Emergency Incident Contacts

Hazard	HMA	Telephone
Air Transport Incident	WAPOL	000 Busselton Police 9754 9555 Dunsborough Police 9781 3030
Cliff Collapse	DFES – SES	132 500
Cyclone	DFES – SES	132 500
Dam Failure (including major hydraulic structures)	Water Corporation	131 375
Earthquake	DFES – SES	132 500
Emergency Animal Diseases	Agriculture and Food – Department of Primary Industries and Regional Development	1800 675 888
Exotic Plant Disease		1800 084 881
Fire – Parks & Wildlife Managed Land	Parks and Wildlife Services – Department of Biodiversity, Conservation & Attractions	000 District Duty Officer (Busselton) 9752 5555
Fire – Rural Land	DFES City of Busselton Volunteer Bush Fire Brigades	000
Fire – Urban	DFES – Fire and Rescue	000
Flood	DFES – SES	132 500
Hazardous Materials (HAZMAT) Incident	DFES – Fire and Rescue	000
Human Epidemic/Pandemic	Department of Health	9222 4222 1800 022 222 (24 hrs)
Land and Sea Search and Rescue	WAPOL	000 Busselton Police 9754 9555 Dunsborough Police 9781 3030
Landslide	DFES – SES	132 500
Marine (Oil) Pollution	Department of Transport (Maritime Environmental Emergency Response)	9480 9924 (24 hrs)

Hazard	HMA	Telephone
Road Transport Incident	WAPOL	000 Busselton Police 9754 9555 Dunsborough Police 9781 3030
Shark Sighting/Attack	WAPOL (Water Police) Department of Fisheries (Busselton)	9442 8600 9752 2152
Storm / Tsunami	DFES – SES	132 500

1.5 Emergency Services Contacts

Agency	Telephone	Local/2 nd Contact	Address
Ambulance St John – Busselton	000	9752 3866	203 Mill Road, Busselton
Ambulance St John – Dunsborough	000	9759 1499	1 Marri Drive, Dunsborough
Community Emergency Services Manager (CESM)	[REDACTED]	[REDACTED]	2 Southern Drive, Busselton
DFES – District Officer	[REDACTED]	[REDACTED]	
DFES – Area Officer	[REDACTED]		
DFES Rescue Helicopter Base	9796 2101		71 Hawker Drive, Bunbury
DFES – State Emergency Service Unit Busselton	132 500	9753 7300	Lot 5515 Queen Elizabeth Avenue, Vasse
DFES – SES District Officer	[REDACTED]		
DFES – SES Local Manager	[REDACTED]		
Fire (bush) City of Busselton	000	9781 0444	2 Southern Drive, Busselton
Fire (bush) DPaW	000	9752 5555	14 Queen Street, Busselton
Fire (urban) Fire & Rescue – Busselton	000	9752 2713	Lot 417 Albert Street, Busselton
Fire (urban) Fire & Rescue – Dunsborough	000	9756 8605	Marri Drive, Dunsborough
Volunteer Marine Rescue – Busselton	0467 577 001	9754 7777	Geographe Bay Road, Busselton
Volunteer Marine Rescue – Naturaliste	0438 553 594	9756 8262	Lot 4820 Geographe Bay Road, Quindalup
WAPOL – Busselton	000 or 131 444	9754 9555	12-20 Stanley Street, Busselton
WAPOL – Dunsborough	000 or 131 444	9781 3030	1 Leslie Pearce Court, Dunsborough

1.6 Local Government Contacts

Local Government	Address	Telephone	Emergency
Shire of Augusta Margaret River	41 Walcliffe Road, Margaret River	9780 5255	[REDACTED]
Shire of Boyup Brook	55 Abel Street, Boyup Brook	9765 1200	[REDACTED]
Shire of Bridgetown Greenbushes	1 Steere Street, Bridgetown	9761 1555	[REDACTED]
City of Bunbury	4 Stephen Street, Bunbury	9792 7000	[REDACTED]
City of Busselton	2 Southern Drive, Busselton	9781 0444	[REDACTED]
Shire of Capel	31 Forrest Road, Capel	9727 0222	[REDACTED]
Shire of Collie	87 Throssell Street, Collie	9734 9000	[REDACTED]
Shire of Dardanup	1 Council Drive, Eaton	9724 0000	[REDACTED]
Shire of Donnybrook-Balingup	Corner Collins and Bentley Streets, Donnybrook	9780 4200	[REDACTED]
Shire of Harvey	102 Uduc Road, Harvey	9729 0300	[REDACTED]
Shire of Manjimup	37-39 Rose Street, Manjimup	9771 7777	[REDACTED]
Shire of Murray	1915 Pinjarra Road, Pinjarra	9531 7777	[REDACTED]
Shire of Nannup	15 Adam Street, Nannup	9756 1018	[REDACTED]

1.7 Fire Brigades and Fire Control Officers

Brigade / Title	Name	Telephone
Chief Bush Fire Control Officer	Allan Guthrie	0417 176 656
Deputy Chief Bush Fire Control Officer	Oscar Negus	0409 109 009
Deputy Chief Bush Fire Control Officer	Chris Payne	0427 554 523
Zone 1 - Cape		
Dunsborough	Andrew Hunt	0427 479 856
Lot 172 Marri Drive, Dunsborough	John Vitale (interim)	0408 095 395
Eagle Bay	Colin Sanderson	0417 921 426
32 Fern Road, Eagle Bay		
Yallingup Coastal	Paul Blight	0427 522 233
Lot 4720 Valley Road, Yallingup		

Brigade / Title	Name	Telephone
Zone 2 - West		
Metricup Lot 1567 Metricup Road, Metricup	Ray Fokkema	0419 911 120
Wilyabrup 697 Puzey Road, Wilyabrup	Mark Joliffe	0408 933 623
Yallingup Rural 2928 Caves Road, Yallingup	Chris Ayers	0429 904 266
	Mark Fisher	0419 945 348
Yallingup Siding 167 Thornton Road, Yallingup	David Hunt	0438 223 207
Zone 3 – Central		
Ambergate 556 Queen Elizabeth Avenue, Ambergate	Ken Sue	0417 986 467
Carbanup	Wally Lewis	9755 1155
Sussex 75 Tall Tree Crescent, Reinscourt	Mark Smith	0439 989 203
Vasse 25 Pries Avenue, Abbey	Peter Dawson	0407 524 724
Zone 4 – East		
Hithergreen District	Oscar Negus	0409 109 009
Tutunup	Oscar Negus	0409 109 009
Ruabon 910 Ludlow Hithergreen Road, Abba River	Todd Johnson	0418 929 801
Yalyalup	Tim O'Neill	0437 533 217
Jarrahwood Lot 2 Old Vasse Highway, Jarrahwood	Mark Cannon	9756 2031 / 9756 2065
Yoongarillup	Ian Slee	0427 533 275
Zone 5 – South		
North Acton Park 23 Walsall Road, Walsall	Douglas Walters	0400 931 155
South Acton Park	Ian McGregor	0429 825 082
Kaloorup District 335 Payne Road, Jindong	Chris Payne	0427 554 523

1.8 State Government and Other Agencies

Agency	Name	Title	Telephone
Agriculture & Food – Department of Primary Industries and Regional Development	[REDACTED]	Site Manager & Biosecurity Officer	9780 6175 / [REDACTED]
Australian Red Cross	[REDACTED]		9225 8888
Baptist Care, William Carey Court	[REDACTED]	Manager	9752 1111
BESS – Busselton Home & Community Care	Busselton Office	Administration	9754 4716
Busselton Water	[REDACTED]	Technical Officer – Asset and Risk Management	[REDACTED]
Child Protection and Family Support – Department of Communities	[REDACTED]	District Emergency Services Officer – SW	[REDACTED]
	[REDACTED]	Local Welfare Coordinator	[REDACTED]
Department of Fisheries	[REDACTED]	Marine Supervisor	9752 2152 / [REDACTED]
Department of Human Services - Centrelink	[REDACTED]	Manager, Busselton	132 468 / [REDACTED]
Department of Transport	[REDACTED]	Operations Manager	9792 6615 / [REDACTED]
GIVIT – Emergency Recovery Service	[REDACTED]	WA Manager	[REDACTED]
Main Roads Western Australia	[REDACTED]	Customer Service Manager	9724 5626 / [REDACTED]
NBN Co	[REDACTED]	Senior Manager Community Affairs	[REDACTED]
Office of Emergency Management (SEMC)	[REDACTED]	District Emergency Management Advisor	9780 1976
Parks and Wildlife Services – Department of Biodiversity, Conservation and Attractions	Duty Officer	District Duty Officer	9752 5555
	[REDACTED]	District Parks & Visitor Services Coordinator	9752 5500
Surf Life Saving WA	[REDACTED]	Lifesaving Services Contract Manager	[REDACTED] / 13SURF (24hr emergency)
Telstra	[REDACTED]	Team Manager Field Service Delivery SW	[REDACTED]

Agency	Name	Title	Telephone
WA Country Health Services		Acting Operations Manager – Coastal	9753 6371 /
Water Corporation		District Operations Manager - Leeuwin	9781 1501
Western Power		Field Services Coordinator	
Western Power		Team Leader	

1.9 Local Media

Media	Name	Telephone
Radio	ABC – Regional	9792 2711
	Radio West	9726 5555
Television	GWN	9721 4466
	WIN	9721 9900
Print	Busselton Dunsborough Mail	9754 3330
	Busselton Dunsborough Times	9482 9700

1.10 Public Hospitals

Hospital	Address	Telephone	Beds
Boyup Brook Soldiers Memorial Hospital	Hospital Road, Boyup Brook	9765 0222	<50
Bridgetown Hospital	16-18 Peninsula Road, Bridgetown	9782 1222	<50
Busselton Health Campus	Mill Road, Busselton	9753 6000	50-99
Collie Hospital	Cnr Steere & Deakin Streets, Collie	9735 1333	<50
Donnybrook Hospital	Bentley Street, Donnybrook	9780 4333	<50
Harvey Hospital	42 Hayward Street, Harvey	9782 2222	<50
Margaret River Hospital	Farrelly Street, Margaret River	9757 0400	<50
Nannup Hospital	Carey Street, Nannup	9756 3800	<50
Peel Health Campus	110 Lakes Road, Mandurah	9531 8000	100-199
South West Health Campus	Cnr Robertson Drive & Bussell Highway, Bunbury	9722 1000	100-199

1.11 Animal Welfare

Name	Address	Telephone
Department of Primary Industries and Regional Development	Verschuer Place, Bunbury	1800 675 888
Department of Biodiversity, Conservation and Attractions	12/14 Queen Street, Busselton	9752 5555
RSPCA	108 Malaga Drive, Malaga	9209 9300
FAWNA		0438 526 660
Wildcare		9474 9055
Busselton Vet Hospital	60 Bussell Highway, Busselton	9752 1433
Dunsborough Veterinary Hospital	5 Clark Street, Dunsborough	9755 3931
Geo Vet	89 Bussell Highway, Busselton	9754 4422
Heritage Vet	41 Bussell Highway, Busselton	9751 3800
Vasse Vets	3/22 Burler Drive, Vasse	9755 4455
Busselton Stockfeeds & Pet Supplies	92 Strelly Street, Busselton	9754 2434
City Farmers	115 Strelly Street, Busselton	6430 5428
South West Pets	1 Strelly Street, Busselton	9751 5700

2.0 Resources

2.1 Accommodation

Abbey Beach Resort	Amalfi Resort
Hotel and apartment accommodation Address: 595 Bussell Highway, Busselton Telephone: 9755 4600 Fax: 9755 4610 Web: www.abbeybeach.com.au Email: info@abbeybeach.com.au	Self-contained apartments Address: 15 Earnshaw Road, West Busselton Telephone: 9754 3311 Fax: 9754 3322 Web: www.amalfiresort.com.au Email: stay@amalfiresort.com.au
Amaroo	Aqua Resort
Motel rooms Address: 25-31 Bussell Highway, West Busselton Telephone: 9752 1544 Fax: 9752 1979 Web: www.amaroomotel.com.au Email: rooms@amaroomotel.com.au	Self-contained apartments Address: 605 Bussell Highway, Broadwater Telephone: 9750 4200 Fax: 9750 4722 Web: www.theaquaresort.com.au Email: info@theaquaresort.com.au
Bayview Geographe Resort	Broadwater Beach Resort
Motel rooms Address: 555 Bussell Highway, Broadwater Telephone: 9755 4166 Web: www.bayviewhotels.com/geographe Email: mailto:reservations.bgr@bayviewhotels.com	Self-contained apartments Address: 11 Holgate Road, Busselton Telephone: 9754 1633 Fax: 9754 1151 Web: www.broadwaters.com.au Email: reservations.beach@broadwaters.com.au
Busselton Beach Resort	Busselton Ithaca Motel
Self-contained villas Address: Corner Guerin St & Marine Tce, Busselton Telephone: 9752 3444 Web: www.busseltonbeach.com.au Email: bsnbeach@compwest.net.au	Motel rooms Address: 110 Adelaide Street, Busselton Telephone: 9758 4858 Web: www.busseltonithacamotel.com.au Email: busseltonithacamotel@gmail.com
Cape View Beach Resort	Comfort Inn Busselton River Resort
Self-contained apartments Address: 12 Little Colin Street, Broadwater Telephone: 9755 4388 Fax: 9755 4044 Mobile: 0427 554 388 Web: www.capeviewbeachresort.com.au Email: bookings_fortec@thefreelader.com.au	Hotel and motel accommodation Address: 70 Causeway Road, Busselton Telephone: 9752 3000 Fax: 9752 2554 Web: www.choicehotels.com.au
The Esplanade Hotel	Gale Street Motel and Villas
Hotel rooms, motel units, and family apartments Address: Marine Terrace, Busselton Telephone: 9752 1078 Fax: 9754 1069 Web: www.esplanadehotelbusselton.com.au Email: enquiries@thenard.com	Motel and villa accommodation Address: 40 Gale Street, Busselton Telephone: 9754 1200 Fax: 9754 2187 Web: www.galestvillas.com.au Email: galest@cmmails.com

Mandalay Holiday Resort	Paradise Motor Inn
Self-contained apartments Address: 652 Geographe Bay Road, Busselton Telephone: 9752 1328 Fax: 9752 2835 Web: www.mandalayresort.com.au Email: info@mandalay.com.au	Motel accommodation Address: 6 Pries Avenue, Busselton Telephone: 9752 1200 Fax: 9752 1348 Web: www.paradisemotorinn.com.au Email: paradisemotorinn@bigpond.com
Ramada Resort, Dunsborough	Restawile Motel
Studio and self-contained apartments Address: 700 Caves Road, Dunsborough Telephone: 9756 9777 Web: www.wyndhamap.com Email: dunsborough.reservations@wyn.com	Motel accommodation Address: 340 Bussell Highway, Broadwater Telephone: 9754 7600 Web: www.restawilemotel.com Email: restawilemotel@bigpond.com
The Sebel Busselton	Siesta Park Holiday Resort
Studio and self-contained apartments Address: 553 Bussell Highway, Busselton Telephone: 9754 9800 Fax: 9754 9900 Web: www.accorhotels.com Email: busseltonres@accorvacationclub.com.au	Self-contained units Address: 368 Caves Road, Siesta Park Telephone: 9755 4016 Web: www.siestapark.com Email: siesta@siestapark.com
The Ship Inn and Royal Palms Resort	
Self-contained suites Address: 8 Albert Street, Busselton Telephone: 9752 3611 Web: www.royalpalmsresort.com.au Email: royalpalmsresort@alhgroup.com.au	

2.2 Plant and Equipment (City of Busselton)

The following is a list of the City of Busselton plant and equipment available from the Works Depots located in Busselton (Barlee Street), and Dunsborough (Busselton and Vidler Road). The list of available plant and equipment from the City may vary and is dependent on serviceability, maintenance schedules, and the availability of operators.

Item	Description	Number of Items
1	Minor plant and equipment (eg. chainsaws, blowers, generators, welders etc.)	█
2	Front End Loader	█
3	Loader / Backhoe	█
4	Road Grader	█
5	Road Broom/Sweeper	█
6	Road Roller	█
7	2 Axle Rigid Truck	█
8	3 Axle Prime Mover	█
9	3 Axle Rigid Truck	█
10	4 Axle Prime Mover	█
11	4 Axle Rigid Truck	█

Item	Description	Number of Items
12	Rubbish Compactor truck	1
13	4x4 Mule (Ranger Services)	1
14	Single Axle / Tandem Axle Trailers	1
15	Quintrex Aluminium Boat & Motor	1
16	Allycraft Boat	1
17	Fibreglass Water Cartage Tank 11,800 Litre	1

2.3 Plant and Equipment (Hire)

Busselton Equipment Hire – 9 Fairlawn Road, Busselton	
Telephone: 9752 4600 Fax: 9752 2033 Website: www.bsnequiphire.com.au Email: bsnequiphire@gmail.com	Earthmoving plant, trailers, generators, pumps, compressors, trucks
Busselton Trade Hire – 122 Strelly Street, Busselton	
Telephone: 9754 8844 Fax: 9751 3340 Mobile: 0407 512 566 (Branch Manager)	Earthmoving plant, trailers, generators, hoists, lighting, water pumps, portable toilets/showers
Coates Hire – 5 Fairlawn Road, Busselton	
Telephone: 9752 3757 Fax: 9752 3143 Mobile: 0417 974 281 (Branch Manager) Website: www.coates.com.au Email: Busselton@coates.com.au	Earthmoving plant, trailers, generators, hoists, lighting, water pumps, portable toilets/showers

2.4 Transport

Name	Address	Telephone
Bay Bus Charters	Busselton	0413 966 252
Busselton Taxis	8 Peel Terrace, Busselton	131 008
Cape to Cape Wine Tours & Charters	39 King Street, Busselton	0427 294 212
Dunsborough Taxis, Buses & Charters	7 Inverness Avenue, Yallingup	9756 8688
Gannaways School and Bus Charters	38 Cook Street, Busselton	9752 3036
South West Coach Lines	39 Albert Street, Busselton	9753 7700

2.5 Restaurants & Takeaway

Name	Address	Telephone
Albies Bar and Bistro	117 Queen Street, Busselton	9752 1166
Al Fornos Italian	19 Bussell Highway, West Busselton	9751 3775
Barlee Food Spot	29 Barlee Street, Busselton	9752 3151
Busselton Chinese Restaurant	31 Queen Street, Busselton	9754 1688

Name	Address	Telephone
Busselton Fish'n'Chips	9 Albert Street, Busselton	9752 4429
Cena Pizzeria	59 Queen Street, Busselton	9754 2066
Central Bakery Busselton	91 Queen Street, Busselton	9754 6789
Chicken Treat Dunsborough	Caves Road, Dunsborough	9755 3575
Coco's Thai Restaurant	55 Queen Street, Busselton	9754 7222
Codrocks Fish and Chips	27 Queen Street, Busselton	9754 1881
Domino's Pizza, Busselton	1 Albert Street, Busselton	9752 7111
Domino's Pizza Dunsborough	6/26-34 Dunn Bay Road, Dunsborough	9750 5953
Dunsborough Bakery	243 Naturaliste Terrace, Dunsborough	9755 3137
Dynasty Chinese Restaurant	20 Queen Street, Busselton	9752 2668
Emerald Chinese Restaurant	23 Queen Street, Busselton	9754 6668
Equinox Restaurant and Bar	1 Foreshore Parade, Busselton	9752 4641
The Esplanade Hotel	Marine Terrace, Busselton	9752 1078
The Fire Station	68 Queen Street, Busselton	9752 3113
The Goose	Geographe Bay Road, Busselton	9754 7700
The Grace of India	53 Queen Street, Busselton	9751 4270
Groper's Fish and Chips	5/539 Bussell Highway, Broadwater	9752 4241
Il Primo Modern Italian	2/70 Causeway Road, Busselton	0414 863 262
Hummingbird	60-66 Queen Street, Busselton	9751 2399
Hungry Jack's	16 Albert Street, Busselton	9752 3882
Jewel of India	3/50 Queen Street, Busselton	9754 2850
Mr Kebab	65 Queen Street, Busselton	9754 6666
Kent Street Bakery	5/60 Kent Street, Busselton	9754 2978
KFC Busselton	2 Bussell Highway, West Busselton	9754 2811
McDonald's Busselton	18 Albert Street, Busselton	9754 4100
McDonald's Dunsborough	6008 Bussell Highway, Vasse	9755 0410
Red Rooster	Gale Street, Busselton	9752 3407
The Ship Inn	8 Albert Street, Busselton	9752 3611
Spice Odyssey Mobile Indian	33 Southern Drive, Busselton	0448 392 509
Squid Lips Fish and Chips	27a/55 Dunn Bay Road, Dunsborough	9759 1799
Star Sushi and Noodles	3/44 Queen Street, Busselton	9751 4888
Subway Busselton	17 Bussell Highway, Busselton	9754 1222
Subway Dunsborough	19/55 Dunn Bay Road, Dunsborough	9759 1995

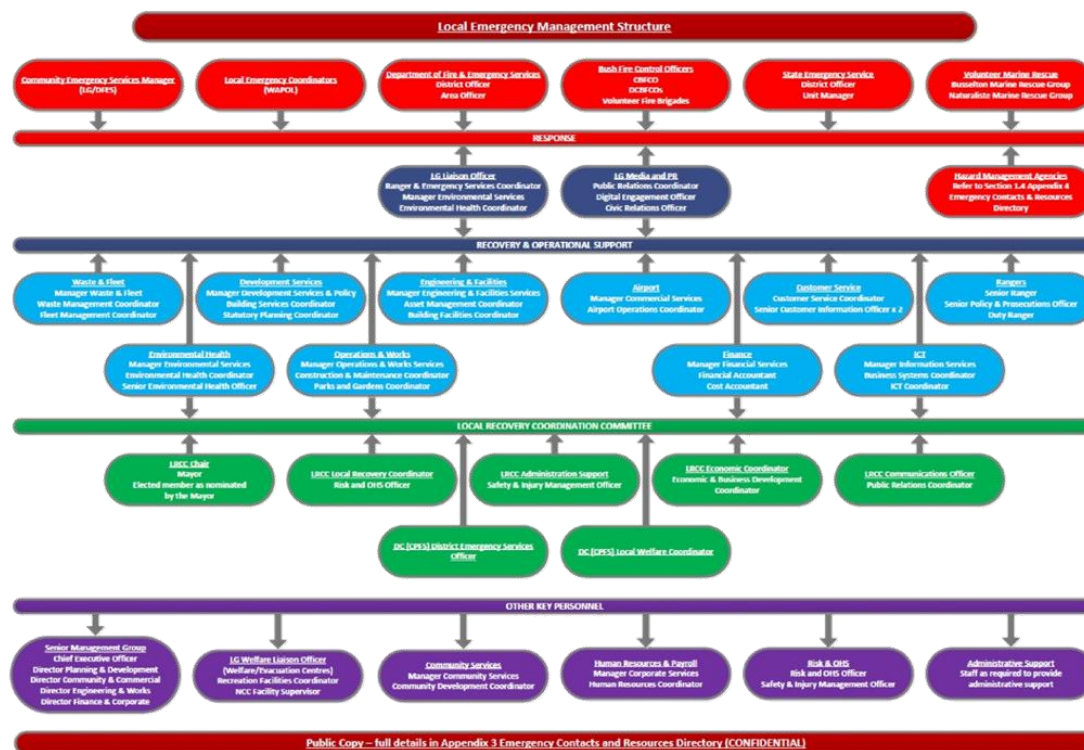
Name	Address	Telephone
Tas's Bakery	18/34 Dunn Bay Road, Dunsborough	9756 7122
Vasse Bar and Kitchen	44 Queen Street, Busselton	9754 8560

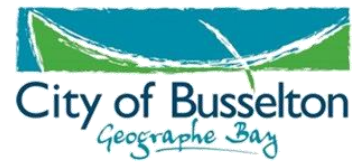
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Appendix 1 – Local Emergency Management Structure





Appendix 6
(Local Emergency Management Arrangements)

LOCAL EVACUATION PLAN

(September 2017)

Events Capital WA

Local Evacuation Plan

The decision to evacuate is the first of the five stages of the evacuation process. Many complex issues need to be considered in making this decision and often with only limited information available. The decision to evacuate or not is an important stage to take into account during the planning process. When an emergency occurs and the time to comes to make the decision, the people and the agencies involved are in a better position to make informed decisions because they have planned.

(Evacuation Planning Handbook 4)

Local Emergency Management Arrangements

These Arrangements have been produced and issued under the authority of s.41(1) of the [Emergency Management Act 2005](#), endorsed by the City of Busselton Local Emergency Management Committee and the Council of the City of Busselton. The Arrangements have been tabled for noting with the South West District Emergency Management Committee and the State Emergency Management Committee.

Mayor Grant Henley
Chair
City of Busselton
Local Emergency Management Committee

Date

Endorsed by Council on <insert date>
Council Resolution <insert resolution number>

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1.0 Distribution List

The Distribution List is the same as for the Local Emergency Management Arrangements (LEMA) and is the list of controlled versions, all other copies are considered uncontrolled. Before using any other copy verify it is the current copy by comparing to the copy published on the [City's Website](#).

2.0 Glossary of Terms

The Glossary of Terms for the Evacuation Plan is the same as for the LEMA.

3.0 Acronyms and Abbreviations

The list of Acronyms and Abbreviations is the same as for the LEMA.

4.0 Amendment Record

Number	Date	Details of Amendment	Amended by
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

Feedback from Stakeholders will help to improve and ensure the accuracy and effectiveness of the Evacuation Plan. Should you have any feedback please forward your comments to:

Ranger & Emergency Services Coordinator
City of Busselton
Locked Bag 1
BUSSELTON WA 6280

Or via email to: city@busselton.wa.gov.au

5.0 Introduction

5.1 Area Covered

The City is located in the south west corner of Western Australia, 232 kilometres south of Perth. It covers an area of 1454 km² and is bounded by the Shires of Capel to the north-east, Donnybrook-Balingup to the east, Augusta-Margaret River to the south, and Nannup to the south-east. It has a population of 36,686 (2016) however, numbers significantly increase during the various peak tourism periods).

The City consists of two main town sites, Busselton and Dunsborough, and a surrounding blend of rural residential, rural and agricultural land, national park and coastal areas. A localities map of the City is at Appendix 1 of the LEMA.

5.2 Topography

The landscape of the City consists of low lying coastal plain, the Swan Coastal Plain, which runs parallel to the coast line of Geographe Bay to Dunsborough in the west where it meets the Margaret River Plateau. At the extreme west of the City, situated between the Margaret River Plateau and the western coastline of the Indian Ocean is the Leeuwin-Naturaliste Ridge, a narrow limestone formation that runs parallel with the coast and extends from Cape Naturaliste to the South. It is on this ridge that the township of Yallingup is located.

The combined appeal of the City's attractive rural environment, proximity to the coast and a mild climate has brought an increase in demand for country lifestyle housing and tourist accommodation.

5.3 Aim

The aim of the Evacuation Plan is to assist emergency management agencies within the City of Busselton with the planning for and conduct of community evacuations for all hazards. It includes guidance across the five stages of evacuation and is therefore, applicable to all emergency management agencies involved in community protection where evacuation is a consideration and may be implemented.

5.4 Purpose

The purpose of this document is not to develop plans for every evacuation scenario, but to provide assistance to HMAs, Controlling Agencies or Authorised Officers (as stipulated by the [Emergency Management Act 2005](#)) to rapidly develop an evacuation plan to cover an approaching threat.

5.5 Checklists

The checklists provided as Annexes to this Evacuation Plan are suggested considerations only and by no means are they intended to be all-encompassing. They may be expanded or amended depending on the hazard and type of evacuation.

5.6 Scope

The Evacuation Plan has been developed to provide HMAs, Controlling Agencies, or Authorised Officers who may have to implement an evacuation due to an incident that may have severe consequences on the local community. It is not the intent of this plan to detail the procedures for HMAs or Combat Agencies on how to deal with an emergency. That level of detail will be provided in the HMAs and Combat Agencies individual plans.

Furthermore, this document:

- (a) applies only to the City's Local Emergency Management Committee (LEMC) district;

- (b) covers areas where the City provides support to HMAs and Combat Agencies in the event of an incident;
- (c) details the City's capacity to provide resources in support of an emergency with consideration given to the need to maintain business continuity; and
- (d) details the City's responsibilities in relation to evacuations.

The Evacuation Plan will serve as a guideline to be used at a local level. It should be recognised that the impact of the hazard or emergency may cross local government boundaries, and that neighbouring local government evacuation plans may be more suitable with incidents possibly requiring action and/or assistance from District, State, or Federal level.

5.7 Interface with other Plans

This Local Evacuation Plan is a sub-plan (Appendix 6) of the City's Local Emergency Management Arrangements (LEMA) and as such should not be read in isolation to the LEMA. They are part of the City's Emergency Risk Management process and interface with other emergency management and recovery plans at District and State level.

Consideration should also be given to the [Traffic Management During Emergencies Guidelines](#) with regard to the management and closure of roads during an emergency and/or evacuation.

5.8 What is Evacuation

Evacuation is a risk management strategy that may be used to mitigate the effects of an emergency on a community. It involves the movement of people to a safer location and their return (when it is safe to do so). For an evacuation to be effective it must be appropriately planned and implemented.

5.9 Types of Evacuation

For planning purposes, any evacuation can be categorised as one of the following types:

Immediate evacuation: this results from a hazard impact that forces immediate action, thereby allowing little or no warning and limited preparation time. Hazmat emergencies, air crash, bushfire or earthquakes are examples that may require immediate action.

Pre-warned evacuation: this follows the receipt of sufficient and reliable information that prompts a decision to evacuate ahead of a hazard impact. Examples include cyclone and storm surges.

Self-evacuation: this is a spontaneous type of evacuation involving the self-initiated movement of people such as individuals, family or community groups.

5.10 Alternative to Evacuation

On some occasions it may be assessed that people would be safer to stay and shelter in place rather than evacuate. Shelter in place should be considered as an alternative where the risk associated with evacuation is seen as greater than that of sheltering in place. For example: cyclones or hazardous materials plumes, or where time does not permit for a safe evacuation.

5.11 Risk Assessment

Evacuation planning is an integral part of emergency planning and an evacuation plan should supplement and complement the main emergency management plan. The starting point for developing an evacuation plan is where the risk assessment identifies evacuation as an appropriate risk management strategy.

6.0 The Five Stages of Evacuation

A key consideration in evacuation planning is the five stage evacuation process:



6.1 Stage 1 – Decision

Evacuation of a community, large or small, is a complex task normally undertaken in highly stressful circumstances with little time to develop arrangements to achieve the process in a timely and efficient manner that allows for a safe and coordinated approach to keeping the community safe.

For these reasons the decision making process needs to be as simplified as possible to allow the Incident Controller of the Controlling Agency or HMA to make a clear and informed decision as to the need and management of an evacuation.

6.2 Emergency Situation or State Emergency Declaration

Prior to the Incident Controller undertaking an evacuation an Emergency Situation or State of Emergency Declaration needs to be approved pursuant to Section 50 of the [Emergency Management Act 2005](#) which states:

- The State Emergency Coordinator may, in writing, declare that an emergency situation exists in an area of the State in respect of any hazard; or
- A hazard management agency may, in writing, declare that an emergency situation exists in an area of the State in respect of a hazard of which it is the HMA for emergency management.

6.3 Legislative Powers

There are several acts of State Government legislation that allow the Incident Controller or HMA to implement an evacuation plan during an Emergency Situation or State of Emergency Declaration including:

- (a) section 14B(2)(b) of the [Bush Fires Act 1954](#) - powers of authorised persons and police officers during authorised periods; and
- (b) sections 61 and 71 of the [Emergency Management Act 2005](#) - powers concerning movement and evacuation.

Under [State Emergency Policy Section 5.7](#) and [State Emergency Management Plan Section 5.3.2](#), each emergency management agency is required to be familiar with the evacuation powers that are available to them for the hazards they are responsible for.

6.4 Risk Management

The Incident Controller's decision to recommend or direct an evacuation will reflect a consideration of the relative risk associated with the decision. In making the decision whether or not to evacuate the Incident Controller should consider the safety of the affected community, emergency responders and representatives of support agencies.

The following risk management factors may influence that decision:

- (a) the nature and probability of the threat presented by the hazard;

- (b) any risk management strategies that may be in place (e.g. community and/or asset preparedness);
- (c) the potential consequences of an evacuation when compared with taking shelter in place (e.g. building characteristics, community and individual vulnerability);
- (d) engagement with other relevant key stakeholders including those who may be required to assist with the evacuation, or who may have responsibility for groups within the community (e.g. aged care facilities, schools, hospitals);
- (e) the wellbeing and safety of vulnerable individuals or groups within the community that may require special consideration (e.g. unaccompanied children, schools, aged care facilities, hospitals, and tourists or visitors to the district);
- (f) the potential consequences of making a decision to evacuate too early or too late;
- (g) determination of appropriate trigger points for action, including time constraints;
- (h) the direct and indirect risk to evacuees, and emergency service and support agency staff in undertaking the evacuation;
- (i) the potential or likely loss of infrastructure that may affect the communities capacity to remain in place (e.g. essential services, roads and bridges);
- (j) whether a full or partial evacuation is required, and whether it should be phased or prioritised; and
- (k) any other relevant information such as weather conditions/forecast and historical data.

The Incident Controller should ensure that all factors influencing the decision whether to evacuate or not should be recorded in the event the information is required for the Post Incident or Inquiry.

6.5 Resource Availability

The availability and capacity of resources will influence the Incident Controller's decision whether or not to evacuate. These may include:

- (a) personnel and equipment requirements;
- (b) traffic management plans including safest routes to get evacuees out, and emergency services and support agencies in and out;
- (c) transport options with and external to the community;
- (d) suitable welfare and accommodation options; and
- (e) communication channels for public information and within and across participating agencies.

There may also be external factors influencing the Incident Controller's decision such as competing priorities/tasks, external pressures, and the availability or access to adequate knowledge and experience. The HMA or relevant advisory group may provide hazard specific guidance to assist the Incident Controller make the decision. This may be documented in the relevant [Westplan](#) or internal agency procedures or guidelines.

A list of resources that may be utilised during an evacuation are listed in the Emergency Resources and Contacts Register (Appendix 4 of the LEMA).

6.6 Operational Evacuation Plan

An Operational Evacuation Plan is included at [Annex A](#) and may assist with determining the type of evacuation that is best suited to the circumstances, and the relationship between this and subsequent stages of the evacuation process.

Once the decision to evacuate has been made, the details of the Operational Evacuation Plan should be communicated to all agencies involved with coordination of the evacuation.

6.7 Evacuation Sub-committee

To facilitate a timely and efficient evacuation it is recommended that some or all of the following agencies/officers, as appropriate, be approached (possibly from within the Incident Support Group) to form an Evacuation Sub-committee:

- Incident Controller or Deputy Incident Controller
- Officer in Charge of the Busselton or Dunsborough Police Station (or their representative)
- The City's Mayor and/or Chief Executive Officer
- The City's Director Community and Commercial Services and/or Manager Community Services
- Local Welfare Coordinator (Child Protection and Family Support – Department of Communities)
- Department of Fire and Emergency Service
- Department of Transport
- WA Country Health Services
- St John Ambulance
- Main Roads WA

Contact details are listed in the Emergency Resources and Contacts Register (Appendix 4 of the LEMA).

6.8 Evacuation/Welfare Centres

The City's local welfare centres are listed below. More detail is available in the DC Local Emergency Management Plan for the Provision of Welfare Support (Appendix 5 of the LEMA).

Primary Welfare Centre	Address
Geographe Leisure Centre	1 Recreation Lane, West Busselton
Georgiana Molloy Anglican School	2 Hawker Approach, Yalyalup
Baptist Community Centre	2 Recreation Lane, West Busselton
Cornerstone Church	1 Grace Court, West Busselton
Secondary Welfare Centre	Address
Naturaliste Community Centre	21 Dunsborough Lakes Drive, Dunsborough
Naturaliste Sports Club Pavilion	Dunsborough Lakes

Contact details are listed in the Emergency Resources and Contacts Register (Appendix 4 of the LEMA).

6.9 Stage 2 – Warning

Warning is the second of the five stages of the evacuation process. The purpose of a warning is to provide public information in the form of advice or recommendations from the responsible agency. Warnings are intended to achieve two primary outcomes:

- (a) to inform the community of an impending or current threat; and
- (b) to promote appropriate protective actions of which evacuation could be an outcome.

A warning must be structured to provide timely and accurate information: the effectiveness of the evacuation will depend largely on the quality of the warning.

It is the responsibility of the Controlling Agency or HMA to provide community warnings and timely advice on the likely threat of an emergency and any recommended or required actions that the community should take. This should be taken in accordance with the [State Emergency Public Information Plan](#).

6.10 Public Information Strategy

The establishment of the public information strategy for a specific emergency, including determination of the most appropriate methods, is the responsibility of the Controlling Agency. This may be included in the [Operational Evacuation Plan](#) or separately documented where this has been delegated to the Public Information Function of the Incident Management Team (IMT). The Controlling Agency may consider the following message content when an evacuation is recommended or directed:

- (a) what is known/not known about the incident;
- (b) information about the action being taken to combat the hazard;
- (c) what the community is being asked to do;
- (d) any recommendation or direction to evacuate;
- (e) the expected duration of the evacuation as far as can be predicted;
- (f) what evacuees should take with them (e.g. important documents, identification, medication);
- (g) what they should not bring (e.g. pets or livestock to mainstream evacuation centres);
- (h) advice on how to secure premises and personal effects as they leave (ideally leaving gates to properties unlocked to allow access for emergency services if needed);
- (i) advice to restrict the use of phones to emergencies only so as to avoid system overload;
- (j) the recommended evacuation route(s);
- (k) advice on how to obtain updates (e.g. www.emergency.wa.gov.au, or local frequency 684 ABC radio);
- (l) details of the nominated evacuation centres including details of whether the centre can accommodate pets;
- (m) available assistance to transport and health services;
- (n) information about any registration systems that have been activated such as the Red Cross "Register.Find.Reunite";
- (o) information on any systems for flagging evacuated properties; and

- (p) a reminder that those that choose to remain behind cannot be expected to be rescued if the situation worsens, or be provided with assistance to protect property and livestock.

6.11 Community Warning Levels

Community warnings (i.e. messages in suitable formats to communicate an imminent hazard and information about protective action) will normally have three levels as well as “All Clear” when the threat has passed. These are:

- **ADVICE:** general information about a potential hazard and advice to keep up to date with developments
- **WATCH AND ACT:** the community is likely to be impacted and should take action to protect themselves
- **EMERGENCY WARNING:** the community will be impacted and must take action immediately

This terminology is derived from bushfire warnings and may be extended to other hazards. Other terminology that may be used in Western Australia includes: blue, yellow and red alert for cyclone; and get ready, prepare now and take action for flood. Although different words may be used, there is commonality in the use of the three escalating levels.

6.12 Public Warning Systems

During times of an emergency one of the most critical components of managing an incident is getting information to the public in a timely and efficient manner. Information is available from one or more of the following:

Source	Link / Number	Details
ABC Emergency	www.abc.net.au/news/emergency/state/wa	<ul style="list-style-type: none"> • Current alerts, warnings and information updates
ABC Radio	Local frequency ABC South West 684	<ul style="list-style-type: none"> • Current alerts, warnings and information updates
Bureau of Meteorology	www.bom.gov.au/wa	<ul style="list-style-type: none"> • Weather forecasts and warnings
Department of Fire and Emergency Services	www.dfes.wa.gov.au 133 337 (public information line)	<ul style="list-style-type: none"> • Current warnings and incidents • Preparing for emergencies (bush fire, storm, flood, and cyclones)
Emergency Alert	www.emergencyalert.gov.au	<ul style="list-style-type: none"> • The automated national telephone warning system used by emergency services to send voice messages to landlines and text messages to mobile phones within a defined area about likely or actual emergencies
Emergency Aus	Mobile Phone Application www.emergencyaus.info	<ul style="list-style-type: none"> • Current alerts and warnings
Emergency WA	www.emergency.wa.gov.au	<ul style="list-style-type: none"> • Current warnings and incidents • How to prepare your property for bush fire • How to recover from an emergency

Standard Emergency Warning Signal (SEWS)	<ul style="list-style-type: none"> • A distinctive audio signal that has been adopted to alert the community to the broadcast of an urgent safety message or warning relating to an emergency • It is used as an alert system on public media such as radio, television, or public address systems to draw the listener's attention to the warning message
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Contact details for local media outlets are listed in the Emergency Resources and Contacts Register (Appendix 4 of the LEMA). Details of special needs groups in the district are available in Appendix 3 of the LEMA.

6.13 Shelter in Place Warnings

If shelter in place is recommended or directed, the Controlling Agency may consider additional message content that could include:

- advice to maximise personal safety;
- guidance to support self-sufficiency for the duration of the hazard, particularly if the duration can be estimated with some level of confidence;
- any specific protective actions in relation to the hazard (e.g. close windows, isolate air-conditioning systems);
- information regarding supply/re-supply of food, water, power or other essential services;
- how to assess the suitability of shelter based on location or type, which can be a building or open space; and
- consideration of mental (psychological) and physical fitness to remain (relevant to recommended rather than directed evacuations).

6.14 Stage 3 – Withdrawal

Withdrawal is the third of the five stages of the evacuation process and involves the orderly movement of people from a dangerous or potentially dangerous area to one that is safer.

6.15 Self-Evacuation

Self-evacuation may occur in response to general awareness of, or information about an emergency either prior to, or in the absence of a recommendation or direction to leave. It may occur as the result of an 'advice' or other first level of community warning, or in response to a perceived risk through personal observation or other source of information.

A Controlling Agency may receive requests to assist those who choose to self-evacuate and, whilst it is unlikely that formal arrangements will be in place to provide welfare and support, it should be supported when it occurs. It tends to be orderly, reasonable from the evacuees' perspective and generally effective in removing people from danger. Self-evacuees do not usually panic or behave in a chaotic or disorderly manner.

The key to maximising self-evacuation is ensuring affected community members have sufficient timely and relevant information to assist them recognise the threat so they feel able to make an informed decision as to whether to evacuate.

6.16 Controlled Evacuation

Controlled evacuation is generally easier to manage where significant numbers of a community are involved. It also allows for the planned provision of suitable welfare and support for evacuees and allows the withdrawal process to be phased, normally prioritising those most at risk. A controlled

evacuation may involve either a recommendation or direction to leave and may target all or part of a community.

6.17 Recommended Evacuation

A decision to recommend the evacuation of a community will be initiated by the Controlling Agency's Incident Controller or other authorised person when there is a possible threat to life or property, and where the threat is not believed to be imminent or significant and it is believed that community members have the capacity and capability to make an informed decision.

A recommended evacuation is most likely to be incorporated into a 'watch and act' or other second level of community warning where advising the community to leave for a safer place is seen as the most appropriate action in the circumstances. A recommended evacuation is associated with the use of words such as "you should" in the message content.

6.18 Direction to Evacuate

Should a situation worsen, the issuing of a recommendation to evacuate does not preclude a later direction to evacuate (a compulsory evacuation). The decision to direct the evacuation of a community will be initiated by the Controlling Agency's Incident Controller or other authorised person when it is believed that members of the community either do not have the capacity or capability to make an informed decision or that there is a significant and/or imminent threat to human life.

The Controlling Agency will, as far as is practicable, take steps to:

- (a) notify community members of the most suitable location to evacuate to, based on the prevailing situation (e.g. safer place, evacuation centre, refuge site);
- (b) establish a traffic management system making reference to [Traffic Management During Emergencies Guidelines](#);
- (c) assist with the egress and prevent unauthorised persons from entering the evacuated area; and
- (d) facilitate transportation of evacuees, including evacuation by water and accessing suitable vehicles, with consideration to people with special needs.

A directed evacuation may be incorporated into either a 'watch and act' or 'emergency warning' level of community warning where evacuation is seen as the most appropriate action in the circumstances. A directed evacuation is associated with words such as "you must" in the message content. It is important to note that sometimes when an 'emergency warning' level of community warning is issued it may be too late to evacuate safely and that other urgent action may be required.

6.19 Access to an Evacuated Area

Access to an evacuated area is not likely to be authorised by the Incident Controller for anyone other than emergency services, and even then subject to an appropriate and documented risk assessment.

6.20 Refusal to Evacuate

Although it is an offence for people to refuse a direction to evacuate, there is discretion for the person issuing the direction to remove a person refusing to leave or to take punitive action for failure to comply with the direction. Factors that may be taken into account when dealing whether to forcibly remove a person failing to comply with a direction to evacuate include:

- (a) the resources that may need to be diverted from responding to the emergency in order to force the evacuation; and

- (b) the safety of personnel.

6.21 Bushfire Message Template

An example of a bushfire message template and handout that may be used by personnel delivering a door to door message in a controlled evacuation is at [Annex B](#). This was developed by the Department of Biodiversity, Conservation and Attractions (Parks and Wildlife Services) in consultation with DFES and WAPOL for use in a bushfire and to enhance and/or reinforce the level of information that may be provided verbally to residents. This template can be easily adapted to suit emergencies other than bushfire.

6.22 Relationship between the Types of Evacuation

The following table summarised the relationship between the types of evacuation and the expectation of compliance, associated warning and public access likely to be permitted for each type.

Name	Compliance	Fire Warning Level	Public Access
Self-evacuation	Voluntary	Advice	Unrestricted or limited access
Recommended evacuation	Voluntary	Watch and Act or Emergency Warning	Restricted – Incident Controller authorisation required
Directed evacuation	Compulsory	Watch and Act or Emergency Warning	Denied

6.23 Securing the Evacuated Area

The Controlling Agency should ensure, as far as is practicable, the security of the evacuated area and the protection of remaining people and property. This may be undertaken by regular patrols of the affected areas when it is safe and practicable to do so, and through the continuation of controlled access to the affected areas until evacuees are able to safely return. The controlling agency may seek assistance with this function from the Police, local government, and security or contracted traffic management staff.

6.24 Stage 4 – Shelter

Shelter is the fourth of the five stages of evacuation process and involves provision of basic needs for affected people away from the immediate or potential effects of the hazard. Shelter provides for the temporary respite of evacuees and is regarded as a dynamic social process. The needs of individuals may vary over time and the different phases of sheltering may not necessarily be sequential.

Phases of sheltering may include immediate sheltering where there is limited time to take protective action, temporary sheltering (e.g. evacuation centres), and temporary housing for longer term evacuations. Not all phases are applicable to all emergencies.

6.25 Responsibility for Evacuation Facilities

Where the Controlling Agency establishes one or more evacuation centre, they must take all reasonable steps to ensure evacuees are properly received and supported via welfare agencies and/or the local government.

Child Protection and Family Support (Department of Communities) will coordinate the provision of welfare support for evacuated persons attending evacuation/welfare centres based in any of the approved centres set out in the LEMA, in accordance with the [State Emergency Welfare Plan](#). This will include specific arrangements for unaccompanied children, nursing mothers, and other at risk persons as far as practicable and as required.

It is important to consult with CPFS and local government as soon as practicable when considering the most appropriate centre or centres to activate to ensure the most suitable of facilities is selected, and that welfare support can be provided expediently, effectively, and efficiently. The management of other facilities such as agricultural grounds or other facilities where people with animals may evacuate to, will need to be determined independently. In most cases this will be supported by local government or facility staff.

An Animal Welfare Plan for the management of domestic animals and livestock in emergencies is yet to be developed for the City however, when it is developed it will be at Appendix 8 of the LEMA.

6.26 Stage 5 – Return

Return is the fifth and final stage of the evacuation process. The decision to allow evacuees to return to the evacuated area will depend on a number of factors. In particular it will be necessary to:

- (a) assess the evacuated area to determine if it is possible and safe to return; and
- (b) identify any special conditions that may need to be imposed on return.

In most circumstances, the return of evacuees will be the responsibility of the Controlling Agency that determined the need to evacuate in the first place. However, in some circumstances, particularly where the impacts of a hazard have had lasting effects, the incident may have been handed over to the Local Recovery Coordinator and/or Local Recovery Coordination Group (LRCG) at either the State or Local level.

The responsible agency should ensure there is an effective plan in place for returning the displaced community in a safe and controlled manner as part of the [Operational Evacuation Plan](#) or other documented process.

6.27 Safety Assessment

The relevant person from the Controlling Agency or LRCG will need to ensure an appropriate assessment has been carried out to confirm the area is safe and it is possible to return, and to identify any special conditions that may need to be applied. Factors to consider include:

- (a) the hazard itself (or any consequential hazards);
- (b) the conditions to which evacuees would be returning such as access to food, water, sanitation and health care;
- (c) a consideration of the physical and emotional wellbeing of evacuees;
- (d) economic factors relating to short and long term viability of the of the evacuated area;
- (e) support services for those returning;
- (f) the continuing need for public information, particularly with regard to essential services; and
- (g) whether or not the area is a protected forensic area or a restricted access area.

The return of a community is most appropriate after an 'all clear' for the emergency warning is issued.

6.28 Staged Return

The return phase of evacuation should be thoroughly discussed with the Evacuation Sub-committee (if formed) and/or the LRCG and may be executed in stages. The [Operational Evacuation Plan](#) for this stage should consider issues such as community safety, restoration of essential services and provision of welfare support services.

6.29 Conflict

Conflict may arise where evacuees and people outside the evacuated area at the time of the evacuation are prevented from entering or re-entering before the area has been formally re-opened but other residents have remained against either a recommendation or direction to leave. This will need to be carefully managed and may extend to the provision of escorts, by agreement, for returning evacuees.

The Controlling Agency or LRCG may seek assistance from the Police or local government with the orderly return of evacuees to the evacuated area.

7.0 Evacuation Roles and Responsibilities

The following details agency roles and responsibilities in the evacuation process. This list is by no means exhaustive with other agencies and organisations providing assistance as and when required.

7.1 Controlling Agency

The overall responsibility for any evacuation rests with the Controlling Agency. This encompasses the risk assessment that gives rise to the decision to evacuate a community, and ensuring appropriate measures are put in place across all phases of the evacuation to ensure the safety and wellbeing of evacuees.

7.2 Hazard Management Agency

Where an evacuation is being undertaken for a hazard which is prescribed under the [Emergency Management Regulations 2006](#), the Regulations also prescribe an agency or individual has the HMA for that hazard. In these circumstances the HMA can access powers to direct the movement of people and animals under the provisions of section 67 of the [EM Act 2005](#) following the declaration of an emergency. An emergency can also be declared for any hazard by the State Emergency Controller (SEC). In most circumstances the HMA will also be the Controlling Agency for an emergency arising from that hazard.

7.3 State Emergency Coordinator

Should the Minister declare a state of emergency those persons appointed as Authorised Persons by the Commissioner of Police, in his/her capacity as the SEC, may access part 6 powers under the [EM Act 2005](#).

7.4 Police

WA Police are often requested to assist the Controlling Agency and/or HMA with an evacuation. With roles ranging from undertaking specific activities during the withdrawal phase of an evacuation, to undertaking the full operational evacuation planning process on behalf of the Controlling Agency. It is important to note that WA Police may not always be in a position to assist. In remote regions SES or other DFES volunteers or other groups may be better placed to assist.

7.5 Child Protection and Family Support (Department of Communities)

CPFS is a crucial partner in the shelter phase of an evacuation as they will coordinate welfare and other support for evacuees at agreed evacuation centres. The operational details that relate to the welfare function are available in the CPFS Local Emergency Management Plan for the Provision of Welfare Support (Appendix 5 of the LEMA).

Australian Red Cross has a key role with regard to the provision of a registration and reunification service when requested by CPFS. This may include the use of the "Register.Find.Reunite" system.

7.6 Local Government (the City of Busselton)

In consultation with the Controlling Agency, the City makes available suitable buildings (and where required staff) to establish as evacuation centres by CPFS to coordinate welfare support during the emergency, and where necessary establishing additional facilities where those with animals may evacuate to.

The City will also provide relevant local information/knowledge with regard to the community, infrastructure and the environment. The City will keep informed during the response phase of the emergency so as to achieve a smooth transition to recovery.

7.7 Main Roads WA

Main Roads WA has an integral role to play regarding any traffic management plans for the withdrawal phase, and as a source of information relating to road network and infrastructure capabilities. In some circumstances they may also provide staff and/or contractors to assist with vehicle control points or undertaking detailed traffic management plans for major emergencies.

7.8 WA Country Health Services

In accordance with section 5.6 of the [State Emergency Management Plan](#), WA Country Health will coordinate medical support, including the services of St John Ambulance or Royal Flying Doctor Services, for evacuees requiring medical care.

7.9 Department of Defence

In certain circumstances (e.g. where the capabilities of agencies are insufficient or unavailable) the Department of Defence may provide assistance in accordance with section 5.10 of the [State EM Policy](#) and section 5.6 of the [State Emergency Management Plan](#).

7.10 Department of Education

The Department of Education will liaise with the HMA or Controlling Agency to provide current information about schools in the affected area, including appropriate contact information and ensuring evacuations plans are in place for each school. Contact details for schools in our district are also included in the Special Needs Groups, Events and Critical Infrastructure list (Appendix 3 of the LEMA).

7.11 Organisations Responsible for At Risk/Special Needs Groups

These various organisations provide current information about their location and contact information to the City and ensure evacuation plans are in place. Information regarding these groups is also available in the Special Needs Groups, Events and Critical Infrastructure list (Appendix 3 of the LEMA).

8.0 Exercising and Reviewing the Local Evacuation Plan

Testing, exercising and reviewing the City's Local Evacuation Plan will be conducted in accordance with the exercising and reviewing arrangements detailed in section 16.0 of the Local Emergency Management Arrangements.

Annex A – Operational Evacuation Plan

Operational Evacuation Plan			
All aspects of the evacuation are the responsibility of the Controlling Agency Incident Controller (another agency/person may assist if required). This may include developing an evacuation plan and/or undertaking activities in support of the plan. This template may be used to develop a plan or documenting decisions and strategies from another agency where time permits (or as an aide-memoire when urgent action is required).			
This plan compiled by: Name:		Position:	
Time:	Date:	Signature:	
Are details of the evacuation entered onto a crisis information management system: (e.g. Web EOC, <i>please specify</i>)			Yes / No
Incident Name / Reference:			
Situation			
A brief description of the situation or emergency which has, or may cause a recommendation to evacuate the affected community:			
Summary of Key Risks			
Issue(s)	Likelihood	Consequences	Mitigation Strategy
	Low / Medium / High	Low / Medium / High	
Mission			
A brief description of the Mission of the evacuation or potential evacuation:			
Specified objectives:			

Execution	
KEY ROLES	
HMA / Controlling Agency and Incident Controller:	
Agency:	Incident Controller:
Contact Number(s):	Email:
Operational Area Manager (If appointed):	
Agency:	Operational Area Manager:
Contact Number(s):	Email:
Police Commander:	
Agency: WA Police	Name:
Contact Number(s):	Email:
Emergency Coordinator(s): <i>(local officer-in-charge and/or district superintendent perform whole of government coordination function at local and/or district levels)</i>	
Agency: WA Police	Name:
Contact Number(s):	Email:
Agency: WA Police	Name:
Contact Number(s):	Email:
Evacuation Manager: <i>(where appointed, this position will usually sit under Operations in the incident management system (e.g. A/IMS))</i>	
Agency:	Name:
Contact Number(s):	Email:
Other:	
MAJOR FACILITIES	
Location of the Incident Control Centre:	
Name of the ICC:	Location:
Contact Number(s):	Email:
Location of the Incident Control Point / Forward Control Centre (if applicable):	
Name of the ICP:	Location:
Contact Number(s):	Email:
Location of the Incident Support Groups:	
Name of the ISG site:	Location:
Contact Number(s):	Email:
Location of the Operational Area Support Group (if activated):	
Name of the OASG site:	Location:
Contact Number(s):	Email:

Location of the Primary Evacuation Centre (if activated):	
Name of the Centre:	Location:
Contact Name:	Capacity:
Contact Number(s):	Facilities:
Location of the Secondary Evacuation Centre (if activated):	
Name of the Centre:	Location:
Contact Name:	Capacity:
Contact Number(s):	Facilities:
Other:	
Stage 1 – Decision (to evacuate is the best option)	
<i>The decision to recommend the evacuation of a community is the responsibility of the Controlling Agency Incident Controller. The decision may be made in consultation with:</i>	
Controlling Agency	WA Police
Name(s):	Name(s):
Other Experts:	
Name / Agency:	
Name / Agency:	
Does the person making the decision to evacuate have the legislated authority	Yes / No / Unknown
If yes, give details:	If no/unknown, why:
Relevant Issues (affecting the decision to the evacuate / potentially evacuate)	
Time pressures	Yes / No
Information source / validity	Yes / No
Competing tasks	Yes / No
Ability / risk to evacuate	Yes / No
Safety of the community	Yes / No
Safety of vulnerable and/or other at-risk individuals or groups	Yes / No
Staff resources	Yes / No
Community preparedness	Yes / No
Communications processes	Yes / No
Sufficient shelter provisions	Yes / No
Safety of emergency responders	Yes / No
Other (please specify)	Yes / No

Trigger Points (are there identified trigger points for the evacuation to be recommended or commenced? please specify below):		Yes / No
Trigger Point:	Activity:	
Alternatives (by necessity, are there any alternatives to an evacuation)		
Shelter in place	Yes / No	
Identified community refuge	Yes / No	
Private shelter	Yes / No	
Other (please specify)		
Other (please specify)		
Other (please specify)		
Stage 2 – Warning (communicating the need to leave)		
<i>The issuing of a warning/recommendation to those affected by an impending emergency is the responsibility of the Controlling Agency Incident Controller. Where the Incident Controller has requested assistance with related tasks for a community evacuation (e.g. door knocks), they are to advise who is required to facilitate provision of the required information.</i>		
Actual messaging to contain the following information:		
Identification of the HMA / Controlling Agency	Yes / No	
Location of area affected by the emergency	Yes / No	
Predicted impact time	Yes / No	
Predicted severity	Yes / No	
How people should respond (recommended or directed action)	Yes / No	
Where to get further information	Yes / No	
If the answer to any of the above is no , enter reasons:		
Other information to include (if appropriate):		
Instructions for vulnerable or other at-risk groups or people	Yes / No	
Ancillary issues such as pets, medications, or identification	Yes / No	
Limitations (e.g. oversize items, livestock)	Yes / No	
Recommended personal items (e.g. toiletries, clothing, baby needs)	Yes / No	
Recommended transport routes / transport options	Yes / No	
Security of evacuated areas (assurance patrols or similar – if safe to do so)	Yes / No	
Advice on utilities and airconditioning (e.g. turn off gas, electricity, aircon)	Yes / No	
Advice to inform relatives or friends of evacuee intentions / destinations	Yes / No	

Information about "Register.Find.Reunite"	Yes / No
Other (please specify)	
Other (please specify)	
Other (please specify)	
Methods available to facilitate public information / warning (consider resources, specialist support and emergency services personnel safety):	
Media (television)	Yes / No
Media (radio)	Yes / No
Telephone contact	Yes / No
Short Message Service (SMS)	Yes / No
Emergency Alert	Yes / No
Standard Emergency Warning Signal (SEWS)	Yes / No
Door knocks	Yes / No
Verbal messages	Yes / No
Community meetings	Yes / No
Public address systems	Yes / No
Agency websites	Yes / No
Email	Yes / No
Social network sites (e.g. Facebook, Twitter)	Yes / No
Print material/media	Yes / No
Other (please specify)	
Stage 3 – Withdrawal (getting people out)	
<p><i>The responsibility for evacuating a community remains with the Controlling Agency Incident Controller. The Incident Controller may request assistance with specific parts activities as part of their documented evacuation strategy or the development/execution of an evacuation may be delegated by agreement. Where the plan is completed by another agency, the appointment of an 'Evacuation Manager' is recommended and the resultant evacuation strategy should be endorsed by the Incident Controller where practicable. Consultation with Main Roads WA, available resources, specialist support, personnel safety and possible exclusions to evacuation direction are key considerations.</i></p>	
Key elements of an evacuation strategy to consider:	
Does a plan already exist for all or part of the affected area	Yes / No
Sectoring of the affected area and phased evacuation activity	Yes / No
Vulnerable and/or other at-risk individuals or groups	Yes / No
Consideration of assembly areas if required	Yes / No
Evacuation Centres identified (in conjunction with CPFS)	Yes / No
Forecast need for registration and reunification	Yes / No
Identify transport options	Yes / No
Develop traffic management plans	Yes / No

Multi-agency communication arrangements / plan	Yes / No
Flagging of evacuated properties (if used)	Yes / No
Security of evacuated area	Yes / No
Actions on people declining to evacuate	Yes / No
Other considerations not identified above	Yes / No
Outline of the evacuation strategy:	
<i>Does a plan already exist:</i>	
<i>Sectorise / Phase the affected area if appropriate:</i>	
<i>Vulnerable and other at-risk groups or individuals (e.g. CALD, children, walking wounded, people with disabilities, aged care facilities):</i>	
<i>Consider assembly areas if required:</i>	
<i>Evacuation centres identified (in conjunction / consultation with CPFS):</i>	
<i>Forecast need for registration and reunification (Register.Find.Reunite):</i>	
<i>Identify transport options (including by land, sea or air if applicable/required):</i>	
<i>Develop traffic management plan(s) (consider ingress and egress routes, sole use of route for evacuees and/or emergency services):</i>	

<i>Identify multi-agency communication arrangements/plans:</i>	
<i>Flagging of evacuated properties (any strategies in place for flagging by residents or responders):</i>	
<i>Security of evacuated area:</i>	
<i>Actions on people declining to evacuate (e.g. register/list of properties):</i> <i>Note: unaccompanied children to be evacuated to CPFS centre.</i>	
<i>Other considerations:</i>	
Stage 4 – Shelter (where people can go/provision of welfare and other support)	
<i>The Controlling Agency Incident Controller is responsible for ensuring evacuees are appropriately cared for. Identification of a suitable evacuation centre and coordination of community welfare services is supported by CPFS on request. Where this plan has been delegated, confirm whether CPFS has been activated by the Controlling Agency or if this is a task requested as part of the delegation of the planning. In addition, if facilities are required that accept animals, the City should be able to give advice.</i>	
Considerations of evacuation centres:	
Safe location	Yes / No
Effective shelter from elements	Yes / No
Toilets/showers	Yes / No
Provision for people with disabilities (access, eating, toileting, transportation, bathing and dressing)	Yes / No
Heating/cooling	Yes / No
Private areas/space	Yes / No
Kitchen facilities (food, water and dining)	Yes / No
Sleeping areas	Yes / No
Car parking	Yes / No
Registration facilities	Yes / No
Reunion location	Yes / No

General information and updates	Yes / No
Financial assistance	Yes / No
Insurance enquiries	Yes / No
Counselling	Yes / No
First aid	Yes / No
Legal services	Yes / No
Child minding/ personal support	Yes / No
Interpreters	Yes / No
Entertainment	Yes / No
Cleaning/rubbish removal	Yes / No
General security	Yes / No
Traffic management plan	Yes / No
Have the following actions been taken:	
Registration and reunification process (Register.Find.Reunite)	Yes / No
Welfare response requested (through CPFS)	Yes / No
Other resources are in place to commence registration of evacuees (pre Red Cross attendance)	Yes / No
Recommended appendices:	
Incident Management Team (IMT) contact list	Yes / No
Residents contact list	Yes / No
Record of warning messaging (date, time and method)	Yes / No
Risk assessment matrix	Yes / No
Traffic management plans	Yes / No
Maps	Yes / No
Record of advice provided to affected areas and/or people	Yes / No
List of vulnerable and other at-risk groups or individuals	Yes / No
Stage 5 – Return (where people can go/provision of welfare and other support)	
<i>The decision and planning to allow a community or individuals to return to the evacuated area is the responsibility of the Controlling Agency Incident Controller as is providing accurate and timely information to the displaced community. Where other agencies are assisting it is important that this is confirmed and those decisions are quickly disseminated to relevant personnel and the community.</i>	
Considerations of evacuation centres:	
The affected area is declared safe	Yes / No
Preservation of forensic evidence (crime scene):	Yes / No
Availability of health and welfare services, and support mechanisms	Yes / No
Availability of key services and utilities (gas, electricity, water, roads)	Yes / No
Evacuees' psychological and physical health and wellbeing	Yes / No

Transport for people with disabilities or other special needs	Yes / No
Economic factors involved in the return of evacuees	Yes / No
Possible need for a phased return (traffic management / VCPs / permit system)	Yes / No
Local Recovery Coordinator / Local Recovery Coordination Group included in planning	Yes / No
Other (please specify)	Yes / No
Informing other stakeholders of the decision to return:	
Community representatives	Yes / No
Child Protection and Family Support (Department of Communities)	Yes / No
Agriculture and Food (Department of Primary Industries and Regional Development)	Yes / No
Department of Fire and Emergency Services	Yes / No
Parks and Wildlife Services (Department of Biodiversity, Conservation and Attractions)	Yes / No
WA Country Health Services	Yes / No
Department of Water and Environmental Regulation	Yes / No
Department of Mines, Industry Regulation and Safety	Yes / No
Department of Transport	Yes / No
Other Local Government Authorities	Yes / No
WALGA	Yes / No
Main Roads WA	Yes / No
Utility Service Providers	Yes / No
Water Authorities	Yes / No
WA Police	Yes / No
Other (please specify)	Yes / No
Other (please specify)	Yes / No
Other (please specify)	Yes / No
Other (please specify)	Yes / No
Verification of Return Process (the decision to return is authorised by):	
Name/Position:	Time: Date:
Organisation:	
Administration and Logistics	
Communications	

Safety	
Records Management	
Transport	
Equipment	
Medical	
Meals	
Other (please specify)	
Other (please specify)	
Other (please specify)	
Other (please specify)	

[Annex B – Bushfire Evacuation Message Template](#)

Bushfire Evacuation Message

- A bushfire [EMERGENCY WARNING/ WATCH AND ACT] has been issued for people in [AREA]
- The bushfire is burning in [NAME/AREA] between [ROAD/LANDMARK] and [ROAD/LANDMARK] and is burning towards [LANDMARK] (*refer to map if available*).
- [The Department of Fire and Emergency Services / Parks and Wildlife Services] recommend you and your family leave immediately **OR** direct you and your family to leave immediately under the [BUSHFIRES ACT 1954/EMERGENCY MANAGEMENT ACT 2005]. Directed evacuation is compulsory for your safety despite your level of bushfire preparedness.
- Today's Fire Danger Rating is [SEVERE/EXTREME/CATASTROPHIC] which means it may not be possible to actively defend your home.
- This will be the only door knock warning. There is a threat to lives and homes. You need to act immediately. Your best chance of survival is to leave now.
- You should leave via [DIRECTIONS].
- Child Protection and Family Support has established an evacuation centre at [PLACE].
- If you have small animals, the City of Busselton has arranged that you can go to [PLACE].
- If you have family or friends away from the area, you may prefer to go there **OR** you should go to family and friends who live away from the area (i.e. no evacuation centre has been established).

Note: unaccompanied children without direct parental or responsible adult supervision should be evacuated into the care of Child Protection and Family Support at the evacuation centre.

- If you need to leave, contact someone who can help you now. If you can't get hold of them or they can't help you immediately, tell us.
- If you care for anyone in the evacuation area, are you able to collect them safely on the way out? If not, tell us.

Incident Controller

Signed _____

Date _____

Time _____

WA Police

Signed _____

Date _____

Time _____

Bushfire Evacuation Message

If you leave your home for a safer place:

- It is important that you take everything you need when you leave such as your bushfire survival kit containing important papers, medications and personal supplies
- Road blocks and other controls are in place and once you leave it is unlikely you will be allowed to return home under any circumstances (until at least the 'all clear' is given)

In the case of a recommended evacuation, if you disregard this recommendation to evacuate and stay in place:

- You need to get ready to actively shelter in your home and actively defend it
- Your home needs to be prepared to the highest level and constructed to bushfire protection levels (i.e. enclosed eaves, covers over external air conditioners, metal flyscreens). It is too late to do that now
- You will need to be self-sufficient if you are planning to actively defend your property. You cannot rely on firefighters to protect you and your property
- You need to be prepared emotionally, mentally and physically to actively defend your property and consider your family members
- You should protect yourself from radiant heat with long sleeves, long trousers and strong leather boots. The majority of people who die in bushfires from the radiant heat
- You may need to defend your house from spot fires and embers for several hours and may not be able to keep up to date with a changing situation
- You need to have adequate supplies of necessary items such as food, drinking water and petrol. If you leave your property during the fire to restock, it is unlikely you will be allowed to return home
- You are likely to lose power, water, gas, and phone services. It may be days or even weeks before these services are restored
- You will need to have an independent water supply. This should be a concrete or steel tank with a 20,000 litre capacity to ensure adequate defence of your home
- You will need a generator with more than 1.5kVA capacity to drive a home pressure pump or petrol or diesel firefighting pump in order to have water supply for actively defending your home
- You must stay in the house when the fire front is passing. This usually takes 5-15 minutes. You need to actively defend while sheltering
- You need to take shelter inside. Go to a room that is furthest from the fire front. Make sure you can easily escape from the building, preferably in a room with two exits and a water supply (e.g. a laundry or kitchen). People have died sheltering in bathrooms and other rooms without a door going outside
- If your house catches on fire and the conditions inside become unbearable you need to get out and go to an area that has already been burned. Close all internal doors and leave through the door furthest from the approaching fire. Many people have died from toxic smoke and fumes when their house has caught fire.
- **In the event of a directed evacuation, if you disregard the direction and say, you will be committing an offence.**

If you require more information you can call 1300 657 209, log onto the Emergency WA website www.emergency.wa.gov.au and listen to local ABC radio on frequency 684.

11.2 DA16/0503 - DEVELOPMENT APPLICATION FOR A MARKET - LOT 400 (NO.24) DUNN BAY ROAD, DUNSBOROUGH

SUBJECT INDEX:	Development/Planning Applications
STRATEGIC OBJECTIVE:	An innovative and diversified economy that provides a variety of business and employment opportunities as well as consumer choice.
BUSINESS UNIT:	Development Services and Policy
ACTIVITY UNIT:	Statutory Planning
REPORTING OFFICER:	Senior Development Planner - Andrew Watts
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Location Plan ↓ Attachment B Independent Peer Review of Noise Impact Assessment ↓ Attachment C Noise Impact Assessment (attached separately) Attachment D Revised Development Plans (attached separately)

PRÉCIS

The City has been invited by the State Administrative Tribunal (SAT) to reconsider a decision made by Council at its 8 February 2017 meeting to refuse an application seeking approval for a Market on Lot 400 (No.24) Dunn Bay Road, Dunsborough.

The City has been invited to reconsider a revised proposal which endeavours to address the previous areas of concern that lead to the refusal decision. The most significant changes to the proposal are the inclusion of a solid Colorbond metal roof with Anticon insulation underneath, and a 4.0m high tilt-up concrete parapet wall to the boundary adjoining Bay Village Resort.

It is considered that the revised proposal is consistent with the relevant planning framework and it is recommended for approval subject to conditions including a temporary approval timeframe of ten years.

BACKGROUND

Lot 400 (No.24) Dunn Bay Road, is bound by Dunn Bay Road to the north-west, Seymour Boulevard to the south-west, Chieftain Crescent to the south-east and Lot 200 Dunn Bay Road (Bay Village Resort) to the north-east.

The following attachments accompany this report:

- Location Plan
- Revised Development Plans (including Noise Management Plan)
- Noise Impact Assessment (including Noise Management Plan)
- Independent Peer Review of Noise Impact Assessment

At the time that the original application was considered by Council, under Local Planning Scheme 21 the site was zoned 'Special Purposes – Mixed Use' and subject to Special Provision 49. Special Provision 49 in respect to commercial uses stated that:

“Land-use permissibility shall be the same as for the ‘Business’ Zone...”

Subsequently through Local Planning Scheme 21 Amendment No.1 (Omnibus Amendment) the site has been rezoned to 'Business'.

The proposal was previously presented to Council at its meeting of 8 February 2016 where it was resolved:

That the Council resolve that application DA16/0503 submitted for development of a Market on Lot 400 (Hse No 24) Dunn Bay Road, Dunsborough is considered by the Council to be inconsistent with Local Planning Scheme No. 21 and is refused, for the following reasons –

- 1. The appearance of the proposed development is not compatible with the prevailing pattern of development in the surrounding area to the detriment of the character of the area.*
- 2. Noise created by the proposal is likely to be audible from surrounding residential properties as well as guests of the Bay Village Resort and it is considered that this will likely have an adverse environmental impact upon the amenity of these properties;*

Approval of this development would be inconsistent with the orderly and proper planning of the locality for the reasons noted above.

Following refusal, the applicant on 1 March 2017 made an application to the SAT for review of the Council decision.

City staff and the applicant (and representative) attended a SAT mediation conference on 22 March 2017. As a result of the mediation the SAT invited the applicant to provide additional and amended information for the City to consider. The SAT also, pursuant to s31 of the *State Administrative Tribunal Act 2004* issued an order inviting the City to reconsider its decision, with the aim being to achieve a resolution without needing a formal hearing and a determination to be issued by SAT. Initially the order issued by SAT required the applicant to provide the additional information and for the City to reconsider its decision prior to a further SAT directions hearing on 23 June 2017. Due to the intended timeline not being met, that directions hearing has been adjourned several times, and it is now scheduled for 20 October 2017.

The applicant provided the City with a revised Noise Impact Assessment and revised plans on 27 April 2017 indicating a reduced setback to the boundary with Bay Village Resort to prevent the setback area being used as rubbish and general storage area or a significant thoroughfare.

The City reviewed the revised information and revised plans and referred the noise impact assessment report to the Department of Environment Regulation (DER) for assessment.

Following receipt of comments and recommendations from DER in respect to noise impacts of the proposal, the DER information was provided to the applicant and advice given that the information provided to date was insufficient to allow Council reconsideration of the application. Due to the applicant not providing sufficient information for Council to reconsider its decision, it was agreed by mutual consent of all parties to defer the matter further.

A further revision of their Noise Impact Assessment, inclusive of noise management recommendations, and a further set of revised plans, was received by the City on 11 August 2017. A summary of the changes to the plans is as follows: -

- Inclusion of a 4.0m height tilt panel parapet wall to the common boundary with Bay Village Resort;
- Colourbond roof at a maximum height of approx. 5.6m, with minimum 50mm Anticon insulation layer applied to the underside of the roof;
- Enclosed gable ends to Dunn Bay Rd and Chieftain Cr frontages;
- Closing direct access from the car park to minimise noise leakage to Chieftain Cr; and
- Relocation of the bin area away from the common boundary with Bay Village Resort.

STATUTORY ENVIRONMENT

The key elements of the statutory environment that relate to the proposal are set out in Local Planning Scheme No.21.

The site is zoned 'Business'. The objectives of the 'Business' zone are as follows -

- (a) To provide for conveniently-located shopping and other service associated commercial activities to service each centre's catchment area, as determined by the relevant planning framework.
- (b) To maintain and reinforce the viability of existing commercial centres, including those supporting adjoining agricultural areas.

Policies of the 'Business' zone relevant to this application are -

- (a) To encourage the provision of retail and other business services and associated development to add to the strength and diversity of existing centres.
- (b) As far as is practical and appropriate to allow market forces to influence the location of retail and office uses within existing centres with minimal intervention by the local government.
- (c) To allow for medium to high residential development within the Busselton City Centre and Dunsborough Town Centre.
- (d) Within neighbourhood and local centres, to allow residential development only where it is a component of commercial development.
- (d) To utilise and strengthen the existing town centres of Busselton and Dunsborough as the primary retail and commercial centres of the City by active discouragement of any new "out of town" shopping centres other than neighbourhood shopping centres, convenience stores and the like.
- (e) The consolidation of land to assemble larger land parcels suitable for integrated development or redevelopment is encouraged and supported. Fragmentation of land, unless it is part of an overall plan for integrated development or redevelopment, will generally not be supported.

In considering the application, the Council needs to consider the 'Matters to be considered' set out in clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, particularly relevant considerations in relation to this application are the following –

- (a) *the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) *the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*
- ...
- (g) *any local planning policy for the Scheme area;*
- (h) *any structure plan, activity centre plan or local development plan that relates to the development;*
- ...

- (m) *the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) *the amenity of the locality including the following —*
 - (i) *environmental impacts of the development;*
 - (ii) *the character of the locality;*
 - (iii) *social impacts of the development;*
- ...
- (u) *the availability and adequacy for the development of the following —*
 - (i) *public transport services;*
 - (ii) *public utility services;*
 - (iii) *storage, management and collection of waste;*
 - (iv) *access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
 - (v) *access by older people and people with disability;*
- ...
- (w) *the history of the site where the development is to be located;*
- (x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) *any submissions received on the application;*
- ...
- (zb) *any other planning consideration the local government considers appropriate.*

RELEVANT PLANS AND POLICIES

Assessment of the parking needs for the development has been made based on the City's *Local Planning Policy 8A: Carparking Provisions*. The applicable parking rate for Business Zoned properties in the Busselton and Dunsborough CBD's is 4 car parking bays per 100m² Net Lettable Area (NLA). The NLA does not include service areas, toilets, areas set aside as public space or general thoroughfare areas that are not for the exclusive use of occupiers of a building. The total NLA has been determined to be approximately 300m², which generates the need for 12 bays. The development plan indicates 11 bays onsite, including 1 disabled bay, resulting in a shortfall of 1 on-site parking bay.

The Car Parking Provisions Policy and Scheme 21 include provisions for the option of a payment of cash-in-lieu of the shortfall of parking bays where considered appropriate by the City

The applicant is seeking that the cash-in-lieu be accepted by Council. The City's current cash-in-lieu payment figure is \$ 10,400 per bay.

FINANCIAL IMPLICATIONS

This application may result in financial implications in respect to the payment of cash-in-lieu of required parking bays.

Long-term Financial Plan Implications

No significant implications.

STRATEGIC COMMUNITY OBJECTIVES

The recommendation of this report reflects Community Objectives 2.3 and 4.1 of the Strategic Community Plan 2017, which are –

- 2.3 Creative urban design that produces vibrant, mixed-use town centres and public spaces.
- 4.1 An innovative and diversified economy that provides a variety of business and employment opportunities as well as consumer choice.

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.

It is identified that there is a risk that the application could be determined by SAT at a formal hearing, with the potential for an outcome that is not favourable to the City.

<i>Risk</i>	<i>Controls</i>	<i>Consequence</i>	<i>Likelihood</i>	<i>Risk Level</i>
Reputational risk - Community perception that final developments not in keeping with character of Dunsborough Town Centre.	Ensure detailed conditions to manage/control appearance and issue time limited approval as recommended.	Minor	Possible	Medium Risk – M8

CONSULTATION

Prior to being refused by Council the previous proposal concept underwent a public consultation process. Details of previous public consultation on this development application were outlined in the officer's report for the 14 December 2016 Council meeting.

The revised proposal has made some changes to the design of the development with the endeavour to address the two key issues of noise impacts and aesthetics of the development, which were previously identified by Council and public submissions as being of most concern.

The invitation by the SAT for Council to reconsider its decision based on a revised proposal does not include an additional public consultation period, however in respect to noise issues the City has referred the revised proposal to Department of Water and Environment Regulation (DWER) Noise Branch, and engaged Lloyd George Acoustics to undertake an independent peer review of the submitted Noise Impact Assessment. At the time of writing of this report, DWER comments have not been received. The details of any DWER comments will be provided to Council as soon as possible after they have been received.

OFFICER COMMENT

Comments on the general issues related to this development proposal were included in the Officer reports for the 14 December 2016 and 8 February 2017 Council meetings and therefore the discussion contained therein has not been repeated here.

Revisions made to the plans by the applicant have been made with the aim to address previous concerns regarding the form and layout of the development proposed and noise impacts on neighbouring land.

From past public consultation and previous Council consideration of the proposal to develop a market utilising sea containers, it is clear that the key issues of concern are noise impacts and design/aesthetic impacts on the amenity of the surrounding area.

Noise

The applicant believes that the revised noise impact assessment report with recommendations included indicates how, with the revised plans, the proposed development will be able to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*.

Staff have sought an independent peer review of the submitted noise impact assessment. The peer review has been completed by Lloyd George Acoustics. As a summary of the review, it found that the noise assessment has considered the key noise sources, being patrons within the market and mechanical plant however, the overall impact of the proposal on nearby receivers has potentially been under-estimated on the basis that:

- Noise emissions from the west alfresco areas, vehicle doors closing in the car park and deliveries have not been included in the noise model and assessment.
- It is noted that the market stalls will operate “*with extended hours of operation during long weekends [...] and special events.*” and therefore may operate after 10pm on occasions. This scenario doesn’t seem to have been assessed.
- The Town Planning Scheme No. 21 *Business* zoning can allow for sensitive uses to be developed e.g. grouped or multiple dwelling, guest house, as such, it is noted the receiver at 29 Dunn Road may be considered as sensitive depending on its current and future use. While this may have been discussed with the City, the assessment report does not consider this eventuality.

It is recommended by staff that the alfresco area (‘umbrella area’ on plans) located outside of container 12 is removed and replaced with extended landscaping. This is the closest alfresco area to residential zoned properties on Chieftain Crescent and is located away from the proposed food businesses, such that it may not be particularly necessary or practical.

The Dunsborough Park Shopping Centre carpark and parking at the rear of Bay Village Resort are equally close to the residential properties on Chieftain Crescent as the carpark for the proposed development and given the relatively small number of parking bays proposed it is unlikely that there would be a significant increased impact due to noise from car doors.

It is recommended that a condition of approval be that the Permitted opening hours for the development are limited to Monday – Sunday 7am -10pm.

The property at 29 Dunn Bay Road has in recent times been used for office purposes. Whilst recognising that future development of the property could include a residential component, it is difficult to quantify that the proposed market development at Lot 400 Dunn Bay Road will have any significant additional noise impact than that already created by the two existing mixed-use developments that are located immediately either side of 29 Dunn Bay Road.

Whilst the property does have residential properties immediately opposite on Chieftain Crescent and noise sensitive tourist accommodation on the adjoining lot at Bay Village Resort, it is necessary to be mindful that the proposed development is zoned 'Business' and is located in a Town Centre environment. Further, those residential properties are now zoned to allow mixed-use, medium density development. The revised plans to include a solid roof structure with closed gable ends and a concrete panel wall on the boundary make the development proposed much closer in effect to a more conventional building or indeed closer to the commercial development associated with DA15/0476 that was previously approved by Council for the site.

Ongoing implementation of the recommendations of the noise impact assessment report forms part of the conditions of the officer recommendation.

Design/Aesthetics

Staff have liaised with the applicant in respect to design issues and whilst officers still have some minor concerns in respect to aesthetic issues of the revised development plans, these have been addressed as best as possible in the recommended conditions of approval.

Design issues that have been identified and discussed with the applicant are set out below.

Stormwater

Officers sought to have a better understanding of how stormwater management is addressed and where stormwater will go, with a preference for the use of landscaped areas developed as rain gardens.

The applicant advised that the design of the stormwater management system will be prepared by his engineers to comply with City requirements. This information can be required via a condition of approval.

Bin storage size and location

Development plans indicated a bin store designed for wheelie bins. It has been assessed that for the number of general waste and recycle bins that will be required, that the bin store is significantly undersized. The location of the bin store also raised concern in respect to amenity impact on residential premises on the opposite side of Chieftain Cres and is also a concern with respect to how can it practically be accessed when located behind parking bays.

The applicant advised that he is now liaising with a commercial waste contractor in respect to the use of skip bins rather than wheelie bins and in respect to the requirements for truck access.

The use of skip bins if emptied at a suitable frequency allows the development of a bin store with a lesser footprint than that required for wheelie bins. The need for approval of details of the waste collection arrangements, and the design and location of the bin store are recommended to be included as conditions of approval.

Alfresco area closest to residential properties

It is recommended by staff that the alfresco area ('umbrella area' on plans) located outside of container 12 is removed and replaced with extended landscaping. This is the closest alfresco area to residential properties on Chieftain Crescent and is located away from the proposed food businesses, such that it may not be particularly necessary or practical.

The applicant advised that the lawn area adjacent is the most likely place where children will play and the seating area is provided to allow passive supervision by parents.

It is not considered by staff that the use of the grass area as a children's play area is practical and potentially raises safety concern when located between a road and a carpark, particularly if the area is not fenced. It is considered that the area would be better used for extended landscaping for stormwater retention purposes and potentially a relocated bin store area. The removal of this alfresco area is included as a condition in the officer recommendation.

Bicycle parking location

Bike parking would be better for user convenience and prevention of bike theft if located nearer to the entry off Seymour Boulevard, between containers K5 and K6, or near K2.

The applicant comments that the only area available is the landscape area opposite K2. However, bike access to this area is via a seating area which is not ideal. The applicant has further commented that as is the case with 'Meal-Up' across the road, The City could place a bike rack on the footpath close to the proposed retaining wall.

Unfortunately, there appears to be insufficient space on the road reserve to provide sufficient bike parking without affecting pedestrian accessibility. Given that and given the scale of the proposed development it is considered bike parking should be provided on site, in a suitable location.

Appearance of elevations to Seymour Blvd and Chieftain Cres

The City is not comfortable with the current aesthetic of the elevations of the proposal. Cladding of blank sections of Seymour Boulevard and Chieftain Crescent elevations is recommended and may be able to form part of a condition. It has been suggested by the applicant that a future possibility is to provide artwork to create a suitable aesthetic treatment. If a subsequent proposal for artwork is received then the City is prepared to entertain such a proposal, and the recommended conditions would allow that to be considered.

CONCLUSION

Previous concerns regarding the form and layout of the development proposed and noise impacts on neighbouring land have been addressed to an extent such that City officers are prepared to recommend conditional approval of the proposed Market development at 24 Dunn Bay Road, Dunsborough.

It is recommended that the Council grant a time limited approval to the development, and subject to a range of detailed conditions.

OPTIONS

The Council could:

1. Refuse the proposal, setting out reasons for doing so.
2. Apply additional or different conditions.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The decision of Council is to be communicated to the applicant and the SAT on or prior to directions hearing scheduled for 20 October 2017.

OFFICER RECOMMENDATION

That the Council resolve:

1. That application DA16/0503 submitted for development at Lot 400 (No.24) Dunn Bay Road, Dunsborough is considered by the Council to be generally consistent with Local Planning Scheme No. 21 and the objectives and policies of the zone within which it is located.
2. That Development Approval is issued for the proposal referred to in 1. above subject to the following conditions:

General Conditions:

1. Development is to be in accordance with the approved Development Plan (Attachment B), including any amendments placed thereon by the City and except as may be modified by the following conditions:
2. The development hereby approved is permitted for a period of ten years from the date of this Decision Notice.
3. The placement of all sea containers, roof structure and external finish of sea containers with a street front presentation is to be completed in one stage.
4. Construction of the development hereby approved shall be completed within two years from the date of the first building permit issued pursuant to this approval.

Prior to Commencement of Any Works Conditions:

5. The development hereby approved, or any works required to implement the development, shall not commence until the following plans or details have been submitted to the City and have been approved in writing:
 - 5.1 A Construction Management Plan.
 - 5.2 Details for the final finished appearance of each of the buildings facing (i.e. those that will trade into areas visible from) Dunn Bay Road and Seymour Boulevard, and of all of the externally visible aspects of the development including the Chieftain Crescent elevation, to ensure the development is compatible with the amenity of its setting, presents a coherent aesthetic appearance and in this context that it represents a high architectural standard. The details should include:
 - external cladding of the buildings (sea containers) - the materials, colours, textures and projections including any verandas/awnings that are proposed to extend over a road or public place;
 - activation of Dunn Bay Road and Seymour Boulevard frontages through the use of openings in buildings, businesses trading out to the street, lighting, and artwork;
 - cladding or artwork details for walls without openings on the Seymour Boulevard and Chieftain Crescent elevations;
 - removal of the 'umbrella area' outside of container 12, which shall be replaced with landscaping; and
 - external signage – location and dimensions.

- 5.3 Details of bin storage and collection arrangements. Bin storage areas shall be screened from public view at all times, other than when refuse collection is taking place. The Bin Storage Area shall be not less than 10m², with a minimum internal dimension of 3.5m and is to be relocated to provide greater separation from residential premises on Chieftain Crescent.
 - 5.4 Details of bin wash facilities.
 - 5.5 A Drainage Management Plan setting out details of stormwater and surface water drainage works. The Plan shall include but not be limited to the following:
 - 5.5.1 Stormwater to be retained for use and/or infiltration within the lot at a rate of 1m³ per 40m² of impervious area;
 - 5.5.2 Kerbing or grade changes for paved areas;
 - 5.5.3 Installing and maintaining stormwater collection systems, such as bio-retention gardens and soak wells to intercept roof and general runoff; and
 - 5.5.4 Establishing soaks that collect and permit infiltration of stormwater.
 - 5.6 Details of the finished treatment of all hard surfaced areas to be used for the construction of the parking and maneuvering areas and pedestrian footpaths as shown on the Approved Development Plans.
 - 5.7 Details of the bicycle parking facilities. The details shall include, as a minimum, the location, design and materials to be used in their construction.
 - 5.8 A Landscape Plan providing details of onsite landscaping works.
 - 5.9 A plan detailing footpaths and other hard landscaping works to be undertaken on street verges adjacent to the site.
6. The development hereby approved, or any works required to implement the development, shall not commence until the following contributions have been paid to the City:
 - 6.1 A contribution of \$ 10,400 to the City in lieu of a shortfall of one on-site parking bay.

Prior to Occupation/Use of the Development Conditions:

7. The development hereby approved shall not be occupied or used until all plans, details of works required by Conditions(s) 1, 3 and 5 have been implemented and the following conditions have been complied with:
 - 7.1 Landscaping and reticulation shall be implemented in accordance with the approved Landscape Plan and shall thereafter be maintained to the satisfaction of the City. Unless otherwise first agreed in writing, any trees or plants which, within a period of five years from first planting, are removed, die, or are assessed by the City as being seriously damaged, shall be replaced within the next available planting season with others of the same species, size and number as originally approved.
 - 7.2 A minimum number of 11 car parking bays (including 1 disabled bay) shall be provided on site. The parking area(s), driveway(s) and point(s) of ingress and egress [including crossover(s)] shall be designed, constructed, sealed, drained and marked.
 - 7.3 The development being connected to a reticulated water supply.
 - 7.4 The development being connected to reticulated sewerage.

On-going Conditions:

8. The works undertaken to satisfy Condition(s) 1, 5.1-5.9 and 7 shall be subsequently maintained for the life of the development and subject to the following conditions:
 - 8.1 Recommendations in the approved Noise Management Plan shall be implemented in accordance with the approval details, specifically the following recommendations should be followed in order to reduce noise disturbance to neighbours and generally comply with the *Environmental Protection (Noise) Regulations 1997* -
 - Music, including acoustic or amplified performances or other electronic music devices and playback or public address systems are not permitted.
 - Acoustic treatments to be permanently installed, as described in the Noise Impact Assessment Report.
 - On-site manager to be present at all times during the operation of the development. Name and contact details of the on-site manager to be displayed at all times to immediately address any issues.
 - Staff members are to be sensitive of depositing waste into containers outside of 0700 and 1900 hours from Monday to Saturday, and between 0900 and 1900 hours on Sundays.
 - Rubbish, including bottles and recyclables, are not to be deposited in bins between the hours of 07:00 and 09:00 on Sundays or Public Holidays (acoustics).
 - Any moveable furniture is fitted with rubber pads to avoid dragging noise, especially in the outdoor areas. Pads to be regularly inspected and maintained by staff to ensure they are effective at reducing noise.
 - If furniture is stackable or moveable, staff are ensure that it is stacked or moved in such a way that noise is minimised.
 - In order to reduce potential disturbance to residents, waste collections should occur between 0900 and 1700 whenever possible.
 - Management shall use best efforts to avoid loitering outside the development after 2200.
 - Loading activities are to occur from a loading bay to be located on Seymour Boulevard for deliveries, and not the development site.
 - 8.2 Noise emissions from mechanical plant such as kitchen exhaust fans, compressors and air conditioning systems shall comply with assigned noise levels at the nearest noise sensitive receiver in accordance with the Environmental Protection (Noise) Regulations 1997.
 - 8.3 Buildings with openings facing onto Dunn Bay Road or Seymour Boulevard must, at all times they are open, trade towards the street.
 - 8.4 No more than one vendor is permitted to sell alcohol for consumption on the premises. Additional vendors who hold a producer's licence may only be permitted to sell alcohol in sealed containers for consumption off the premises.
 - 8.5 Permitted opening hours are Monday – Sunday 7am -10pm.
 - 8.6 All buildings and structures are to be removed from the site, by the owner or his successor, within 6 months of the expiry of this Development Approval and the condition of the land made good.





Lloyd George Acoustics

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To:	City of Busselton	From:	Olivier Mallié
Attention:	Andrew Watts	Date:	15 September 2017
Email:	Andrew.Watts@busselton.wa.gov.au	Pages:	4
Our Ref:	17094122-01.docx		
Re:	Peer review of Noise Impact Assessment - Lot 400 Dunn Bay Road, Dunsborough		

Dear Andrew

As requested, Lloyd George Acoustics has conducted a peer review of the noise impact assessment for the proposed Dunsborough Container Market (the DCM) to be located at Lot 400 (#24) Dunn Bay Road, Dunsborough, against the *Environmental Protection (Noise) Regulations 1997* (the Regulations).

In conducting our review we refer to the following documentation provided by the City of Busselton:

- Assessment report prepared by Wood and Grieves (WGE project 30490, dated 31 July 2017),
- Sheet 1 of 2, drawing A01, dated 19 Sept 16, showing the proposed site plan of the DCM.

As a summary of our review, we find the noise assessment has considered the key noise sources being patrons within the market and mechanical plant however, the overall impact of the proposal on nearby receivers has potentially been under-estimated on the basis that:

- Noise emissions from the west alfresco areas, vehicle doors closing in the car park and deliveries have not been included in the noise model and assessment.
- It is noted that the market stalls will operate “with extended hours of operation during long weekends [...] and special events.” and therefore may operate after 10pm on occasions. This scenario doesn’t seem to have been assessed.
- The Town Planning Scheme No. 21 *Business* zoning can allow for sensitive uses to be developed e.g. grouped or multiple dwelling, guest house, as such, it is noted the receiver at 29 Dunn Road may be considered as sensitive depending on its current and future use. While this may have been discussed with the City, the assessment report does not consider this eventuality.

Our detailed review is presented in the following sections, which considered individual items in the assessment report.

We trust the below is satisfactory however, should you require further information, please do not hesitate in contacting us.

Regards,

A handwritten signature in blue ink, appearing to read 'Olivier Mallié', is written over a light blue horizontal line.

Olivier Mallié

Lloyd George Acoustics

Section 1.3 Proposed Site Operations

It is noted that the market stalls will operate “with extended hours of operation during long weekends [...] and special events.” More details in relation to these *extended hours* should be provided as it is unclear whether this means that operations may extend past 10pm on occasions, which is then within the night-time period.

Section 1.4 Site Description

The last sentence of the second paragraph is not finished. It was assumed that sentence to mean that commercial premises are located to the north of the development, which is somewhat discussed in the following paragraph.

However, it is stated that: “29 & 31 Dunn Bay Road is currently zoned as business therefore is a commercial receiver”. From our review of the text for Town Planning Scheme No. 21, sensitive premises may be allowed on these lots. This is relevant here since the premises at No. 29 Dunn Road appear to be a residential building. Depending on its current use, this therefore may be, or become, a sensitive receiver. Some discussions should be provided on this matter e.g. any discussions held with the City, knowledge of the actual area, etc, which would justify why a commercial use has been deemed applicable.

Section 2.1.1 Assigned Noise Levels

Given the proposed hours of operations, and the potential for “extended hours” during public holidays, the most stringent assigned noise level is the night-time L_{A10} of 37 dB and not 42 dB.

The last sentence on page 4 states that the assigned noise levels apply at: “the boundary of the nearest noise sensitive receiver”. This is not always the case, and in particular in this instance where the nearest receiver is a multi-storey development and with a solid fence/wall along the boundary. In such cases the noise emissions are generally assessed 1 metre from building facades. From the noise maps in Appendix 2, it seems receivers have been located near the facade however, there is no details in the report how far from the facade these receivers were located, and whether any correction for facade reflection was applied.

Section 2.1.3 Noise Emissions from Mechanical Plant

The last paragraph prescribes that the mechanical plant noise should not significantly contribute to the noise levels, and therefore shall be designed to comply with a level that is 5 dB below the assigned noise level.

In our view, this is misinterpreting regulation 7(2), which applies to the overall noise emissions from a premises. Instead, and while we agree the mechanical plant noise data is very rarely provided in 1/3 octave bands, a discussion in regard to why noise from mechanical plant may or may not be tonal at individual receivers should be provided based on previous experience and the local environment.

Section 2.1.4 Exemptions to Assigned Noise Levels (Regulation 3)

Reference is made to the specific noise emission that are exempt from the Regulations however, no context is given as to why the specific sources as prescribed in regulations (a), (b) and (h) are mentioned here.

It is noted that regulation (h) is, in our view, often misinterpreted in that *reversing alarms* are required under another written law. This is not technically the case even under *Occupational Safety and Health* laws and therefore this exemption only applies in few specific conditions.

As such, the noise from reversing alarms fitted to commercial vehicles such as delivery trucks or waste collection trucks are not technically exempt from the Regulations and this should be noted.

Lloyd George Acoustics

It was also noted that waste collections will be performed by the City and, although not specifically exempt from the Regulations, Regulation 14A is applicable to waste collection and other works and should be referenced, either in this section or other, as this can impact the Noise Management Plan for the premises.

Section 3.1 Noise Model Inputs

This section presents the various modelling inputs used in the assessment. In relation to noise sources considered, we note that the following noise sources have not been included:

- Western alfresco areas - while one alfresco area appears to be located under the roof structure, many others are located outside. When fully occupied, the noise emissions from these areas should be considered and it is not clear whether all these areas were considered in the assessment. Figure 4 under section 3.5, and the noise contour maps in Appendix 2, show the location of various point sources, none of them appear to be on the west side outside of the containers, where some alfresco areas are located according to the site plan provided to us. This is relevant as the alfresco areas on the west side could affect the sensitive receivers to the south along Chieftain Crescent.
- Vehicle doors closing in the car park - although vehicle noise entering/leaving and moving within the car park is generally considered exempt under regulation 3(a), the noise from vehicle doors closing is assessed in impact assessments of similar developments. Such emissions could impact the sensitive receivers to the south and east.
- Deliveries - food and beverages deliveries are expected to occur given the nature of the development, including 'cold deliveries', where truck mounted refrigeration units are used. The noise impact from all deliveries should be assessed e.g. refrigeration units, palettes/milk crates being stacked, against the relevant criteria. Such emissions could impact the sensitive receivers to the south and east and inform the Noise Management Plan for the premises.
- Waste collection - such activity can be considered under regulation 14A and some discussions should be provided in relation to the requirements of this regulation. Given the bin store is located on the south side of the development, the sensitive receivers to the south along Chieftain Crescent would be impacted by this activity.

Section 3.1.2 Ground Absorption

Given the proposed development appears to contain significant amount of reflective ground surfaces e.g. bitumen and/or brick paving, the selected ground absorption factor of 0.6, except for roads, is considered too low.

A ground factor of 0.0 is deemed more appropriate given the surroundings, with the exception of the lawn areas where a ground factor of 1.0 could be used. Such change may increase the predicted noise levels by 1-2 dB at most receivers.

Section 3.1.4 Patrons Noise Levels

The assumptions made in relation to patrons noise levels are consistent with other studies. We do note however that *corrections for non-synchronised speech and random orientation of individual sources* were made however, no reference is made as to what these corrections are and how they were derived.

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Section 3.3 Noise Sensitive Receivers

Some details of where the elevated receivers are located in relation to building facades should be provided.

Further discussions in relation to receiver at 29 Dunn Bay Road should be provided as to why it has been assumed to be only a commercial receiver.

Section 3.4 Predicted Noise Levels

It is noted the *Applicable Criteria* column in Table 8 includes penalties where deemed relevant e.g. -5 dB tonal penalty at receiver to the east, but not at 41 Chieftain Crescent. This can lead to confusion in assessing noise levels and is not how results are generally be presented, as is prescribed in the *Department of Environment Regulation Draft Guideline on Environmental Noise for Prescribed Premises (May 2016)*.

The results presented in Appendix 3 should have been incorporated in this section for clarity and sake of completeness.

As previously mentioned, the noise emissions from the west alfresco areas, vehicle door closing in the car park and deliveries should have also been considered in the assessment and their results presented in this Section.

No results and assessment are presented in relation to the market stalls operating “*with extended hours of operation during long weekends [...] and special events.*”

Section 4

Several recommendations are made to ensure the proposed Dunsborough Container Market can comply with the Regulations. While these recommendations are sound, in our view the following recommendations could be amended:

- Line item 5 - a stronger point should be made to ensure that glass is not to be emptied in bins outside of the daytime hours.
- Line item 8 - waste collection is covered by regulation 14A and reference to this regulation should be made in relation to the pick-up hours and other requirements set in regulation 14A (2) or (3).
- Line item 10 - the fact a loading bay will be provided on Seymour Boulevard does not solely negate the potential noise impact from deliveries, especially should refrigerated trucks be used. The noise emissions from deliveries should be assessed and any mitigation requirements presented here.
- New line item to reflect management of the south access doors, as per item 10 in Appendix 3.

12. ENGINEERING AND WORKS SERVICES REPORT

Nil

13. COMMUNITY AND COMMERCIAL SERVICES REPORT

Nil

14. FINANCE AND CORPORATE SERVICES REPORT

Nil

15. CHIEF EXECUTIVE OFFICER'S REPORT

15.1 COUNCILLORS' INFORMATION BULLETIN

SUBJECT INDEX:	Councillors Information
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Executive Services
ACTIVITY UNIT:	Governance Services
REPORTING OFFICER:	Reporting Officers - Various
AUTHORISING OFFICER:	Chief Executive Officer - Mike Archer
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Planning Applications Received ↓ Attachment B Planning Applications Determined ↓ Attachment C State Administrative Tribunal Appeals ↓ Attachment D WALGA August/September Summary ↓

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

15.1.1 Planning and Development Statistics

Planning Application

Attachment A is a report detailing all Planning Applications received by the City between 1 September, 2017 and 15 September, 2017. 32 formal applications were received during this period.

Attachment B is a report detailing all Planning Applications determined by the City between 1 September, 2017 and 15 September, 2017. A total of 29 applications (including subdivision referrals) were determined by the City during this period with 29 approved / supported and 0 refused / not supported.

Attachment C is a list showing the current status of State Administrative Tribunal Appeals involving the City of Busselton as at 15 September, 2017.

Scheme Amendments

Scheme Amendment No. 10

The above scheme was published in the Western Australian Government Gazette on 1st September 2017.

The purpose of this amendment is to amend the Scheme Text introduce a requirement to obtain development approval for development comprising Re-purposed dwellings and Second-hand dwellings.

Scheme Amendment No. 23

The above scheme was published in the Western Australian Government Gazette on 1st September 2017.

The purpose of this amendment is to Rezoning of Lot 9507 Layman Road, Geographe.

15.1.2 WALGA August/September Summary

Attachment D shows the WALGA State Council and Zone Agenda Summary and Recommendations.

OFFICER RECOMMENDATION

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

- 15.1.1 Planning and Development Statistics
- 15.1.2 WALGA August/September Summary

Applications Received (Deemed Complete) Report									
Application Number	Description	Primary Property Address	Primary Property Legal Desc	Application Received Date	Date Application Deemed Complete	Estimated Cost	Primary Property Owners	Applicant Name	Clock Days
Development Applications									
DA17/0665	Envelope to Accommodate a Swimming Pool and	26 Cornerstone Way~QUEDJINUP WA 6281	Lot 16 PLAN 74289	6/09/2017		18000	Kane Davies & Chelsea Narelle Davies	Kane Davies, Chelsea Narelle Davies	0
DA17/0670	Sea Container	1 Artisan Street~BUSSELTON WA 6280	Lot 61 PLAN 13808	1/09/2017	15/09/2017	1	Russell John Chinnery & Elsie Joy Chinnery	Elsie Joy Chinnery, Russell John Chinnery	6
DA17/0671	Holiday Home (Single House) 8 people	162 Geographe Bay Road~QUINDALUP WA 6281	Lot 33 DIAGRAM 47792	4/09/2017	15/09/2017	1	Marie Louise Zoller & Simon Lorenzo Zoller	Marie Louise Zoller, Simon Lorenzo Zoller	12
DA17/0672	Single House (Port Geographe Development Area)	32 Gunwale Elbow~GEOGRAPHE WA 6280	Lot 132 PLAN 59251	4/09/2017	6/09/2017	497000	Thomas Elliott Sibson & Caitlin Joan Hughes	Thomas Elliott Sibson, Caitlin Joan Hughes	17
DA17/0673	Oversized Outbuilding and Water Tank (Reduced Rear Setback)	23 Frigatebird Way~VASSE WA 6280	Lot 55 PLAN 54896	4/09/2017	20/09/2017	70000	Malcolm Trevor Alcock & Edna Dorothy Alcock	Busseilton Sheds Plus	15
DA17/0676	Tree Removal (Special Character Area)	22B Bay View Crescent~DUNSBOROUGH WA 6281	Lot 1 SSPLN 57477	1/09/2017	6/09/2017	1000	Clive James McDonnell & Nee Phua	DMG Australia	17
DA17/0677	Single House (Reduced Setback)	11 Durban Way~DUNSBOROUGH WA 6281	Lot 1272 PLAN 407774	1/09/2017		214720	Brooke Small	Tangent Nominees Pty Ltd	5
DA17/0678	Single House (Vehicular Access) - Lot 1278 Hse 1 Durban Way Dunsborough	1 Durban Way~DUNSBOROUGH WA 6281	Lot 1278 PLAN 407774	1/09/2017	18/09/2017	233020	Lee Paul Macklin & Chia-Yen Lin	Tangent Nominees Pty Ltd	17
DA17/0679	Holiday Home (Single House) 12 People	44 Cape Clairault Road~YALLINGUP WA 6282	Lot 22 SSPLN 43812	4/09/2017	6/09/2017	1	Julian Philip Leaver	Private Properties Services	10
DA17/0680	Second Storey Addition to Existing Single House (Reduced Setback)	21 King Street~WEST BUSSELTON WA 6280	Lot 2 SSPLN 53566	5/09/2017		125178	Stephen Blackwell	Tangent Nominees Pty Ltd	13
DA17/0681	Overheight Outbuilding (Reduced Setback)	37 Angus Close~BOVELL WA 6280	Lot 189 PLAN 52786	5/09/2017	6/09/2017	20000	Jennifer Anne Fisher & Trevor James Fisher	Busseilton Sheds Plus	1

DA17/0682	Grouped Dwelling Patio Addition	7/33 Davies Way~BROADWATER WA 6280	Lot 23 STPLN 17464	5/09/2017	6/09/2017	4190	Robyn Earl Court	CPR Outdoor Centre	13
DA17/0683	Single House (Reduced Setback)	4 Camargo Loop~DUNSBOROUGH WA 6281	Lot 220 PLAN 407786	5/09/2017	6/09/2017	288066	Wendy Ann Francis & Bevan Trevor Francis	Dale Alcock Homes South West Pty Ltd	1
DA17/0684	Single House - Replace Existing Roof (Municipal Heritage Inventory)	33 Duchess Street~BUSSELTON WA 6280	Lot 2 DIAGRAM 5348	7/09/2017	18/09/2017	25000	Carolyn Jane Donnelly & Peter Geoffrey Donnelly	Peter Geoffrey Donnelly, Carolyn Jane Donnelly	9
DA17/0685	Extension to Existing Single House (Landscape Value)	532 Caves Road~MARYBROOK WA 6280	Lot 34 PLAN 8009	4/09/2017		600000	David Arthur Couch & Jennifer Lee Couch	David Arthur Couch, Jennifer Lee Couch	17
DA17/0687	Addition to Single House (Reduced Setback)	80 Everwood Glade~AMBERGATE WA 6280	Lot 92 PLAN 52943	5/09/2017		50000	Rohan William Miller & Tania-Marie Josephine Miller	Keith Cramer	11
DA17/0688	Showroom (Extension to Existing Building)	62 West Street~WEST BUSSELTON WA 6280	Lot 37 DIAGRAM 59650	12/09/2017		1100000	Dorsett Investments Pty Ltd	Cotan Pty Ltd	1
DA17/0689	Change of Use - Managers Residence to Single House	35/12 Dunn Bay Road~DUNSBOROUGH WA 6281	Lot 35 STPLN 29439	12/09/2017		1	Dunsborough Bay Village Resort Trust Fund The Bay Village Unit Trust & Kimberly Royston Hancock	T/A Dunsborough Bay Village Resort Trust Fund The Bay Village Unit Trust, Kimberly	7
DA17/0690	Modification to Existing Industrial Unit for Storage Facility	1/32 Faure Lane~DUNSBOROUGH WA 6281	Lot 1 STPLN 59674	12/09/2017		150000	Hooper Storage Co Pty Ltd	Kenneth Michael Hooper	2
DA17/0691	Change of Use - Holiday Home (Grouped Dwelling) 6 people	2/33 Spinnaker Boulevard~GEOGRAPH WA 6280	Lot 2 SSPLN 55723	12/09/2017	18/09/2017	1	Frederick George Pope & Laurie-Paula Pope	Frederick George Pope, Laurie-Paula Pope	0
DA17/0692	Single House (Landscape Value Area)	Wildwood Road~YALLINGUP WA 6282	Lot 206 PLAN 409262	5/09/2017		450000	Mark Douglas Nelson	Mark Douglas Nelson	12
DA17/0693	Garage Addition to Single House (Special Control Areas)	11 Koorinal Retreat~MARYBROOK WA 6280	Lot 206 DIAGRAM 94786	6/09/2017		15000	Nicole Gayle Donachie	Busselton Sheds Plus	11
DA17/0694	Public Amenities & Canopy (Vasse Piazza)	Napoleon Promenade~VASSE WA 6280	Lot 120 PLAN 405345	6/09/2017	13/09/2017	650000	State of WA	Roxby Architects	7

DA17/0695	Enclose Existing Carport	1/89 Gifford Road~DUNSBOROUGH WA 6281	Lot 1 SSPLN 38802	8/09/2017	12/09/2017	8000	Dylan Jan Leeuwenburg & Kate Louise Leeuwenburg	Mark Webster Design	9
DA17/0696	Single House Alterations/Additions (reduced rear setback)	301A Bussell Highway~WEST BUSSELTON WA 6280	Lot 2 STPLN 5256	13/09/2017	13/09/2017	18940	Ian Patrick Simpson & Karen Liane Simpson	Karen Liane Simpson	6
DA17/0697	Addition to Existing Outbuilding (Landscape Value and Wetland Area)	73 Ballarat Road~WONNERUP WA 6280	Lot 20 PLAN 223219	8/09/2017	13/09/2017	3800	Ann Chantal Evans	Ann Chantal Evans	6
DA17/0698	Outbuilding (Landscape Value Area) - Lot 262 No 25 Hebrides Close Quindalup	25 Hebrides Close~QUINDALUP WA 6281	Lot 262 PLAN 68461	11/09/2017	20/09/2017	19000	Steven Michael James & Heidi Elizabeth James	Steven Michael James, Heidi Elizabeth James	2
DA17/0699	Verandah Addition to Existing Single House (Reduced Primary Street Setback)	4 Ashbrook Green~DUNSBOROUGH WA 6281	Lot 235 DIAGRAM 87159	11/09/2017	13/09/2017	19000	Matthew Leigh Fields & Chloe Louise Fields	Stephen Paul Palmer	2
DA17/0700	Holiday Home (Single House) 10 people	11 Lomond Court~QUINDALUP WA 6281	Lot 204 PLAN 68461	14/09/2017		1	Timothy Tan	Timothy Tan	0
DA17/0702	Chalet	613 Abbeys Farm Road~YALLINGUP SIDING WA 6282	Lot 102 PLAN 72645	13/09/2017		250000	Carleton David Freeman & Alison Belinda Freeman	Chandeliers On Abbey Pty Ltd	2
DA17/0705	Private Recreation (Adventure Playground)	1710 Caves Road~DUNSBOROUGH WA 6281	Lot 111 PLAN 230892	11/09/2017		400000	Santino Nominees Pty Ltd & Crossgold Pty Ltd	Paul Edmund Martin	4
WAPC17/0026	Form 24 (Strata Plan 76582) 7 Lots	16 Cyrilleen Way~DUNSBOROUGH WA 6281	Lot 106 PLAN 36824	6/09/2017		0	Barka Pty Ltd	SurvCon Pty Ltd	15

Applications Determined Report										
Application Number	Description	Primary Property Address	Primary Property Legal Desc	Applic Determined Date	Application Determined Result	Decision	Clock Days	Estimated Cost	Primary Property Owners	Applicant Name
Development Applications										
DA17/0157	Outbuilding on property on the State Heritage Register	71 Tall Tree Crescent~REINSCOURT WA 6280	Lot 115 PLAN 23470	6/09/2017	Approved	Approved	184	0	Ruth Macpherson	Ruth Macpherson
DA17/0383	Holiday Home (Single House) 10 People	56 Spindrift Cove~QUINDALUP WA 6281	Lot 28 PLAN 23252	8/09/2017	Approved	Approved	104	0	Amanda Kate Montagu Walker, Mark Raymond Walker, Kathryn Peta Montagu, John Damian Montagu	Amanda Kate Montagu Walker
DA17/0410	Single House and Ancillary Dwelling (Landscape Value Area)	Biddle Road~YALLINGUP WA 6282	Lot 56 PLAN 62117	1/09/2017	Approved	Approved	24	400000	Jack Mason	Jack Mason
DA17/0420	Grouped Dwelling (Strata Lot 12)	6/48 Harris Road~BUSSELTON WA 6280	Lot 12 SSPLN 73721	12/09/2017	Approved	Approved	15	167319	Jonty Garard Adams	Tangent Nominees Pty Ltd
DA17/0421	Grouped Dwelling (Strata Lot 11)	7/48 Harris Road~BUSSELTON WA 6280	Lot 11 SSPLN 73721	12/09/2017	Approved	Approved	20	167319	Denby Southey Adams	Tangent Nominees Pty Ltd
DA17/0443	Mixed Use Development : Holiday Home (Single House) and Bed and Breakfast	10 Panoramic Close~QUINDALUP WA 6281	Lot 2 PLAN 41226	8/09/2017	Approved	Approved	82	0	John Barry Wilson & Anne-Marie Therese Wilson	Anne-Marie Therese Wilson, John Barry Wilson
DA17/0477	Relocated Building Envelope (to accommodate an over-height and oversized outbuilding)	52 Drovers Road~BOVELL WA 6280	Lot 507 PLAN 402928	8/09/2017	Approved	Approved	72	0	Wesley Tomas Zerna Baker & Maureen Elizabeth Baker	Sheds Down South
DA17/0487	Grouped Dwelling (Special Control Area)	7A Turner Street~DUNSBOROUGH WA 6281	Lot 2 SSPLN 71416	11/09/2017	Approved	Approved	67	303600	Simon Timothy Bingham & Yvonne Charlotte Bingham	Plunkett Homes (1903) Pty Ltd
DA17/0493	Outbuilding (Landscape Value Area)	107 Glover Road~YALLINGUP SIDING WA 6282	Lot 18 PLAN 38061	12/09/2017	Approved	Approved	40	30000	Jane Marie Power	Busselton Sheds Plus

DA17/0501	Outbuilding (over-height with reduced setbacks)	7 Wallaby Gardens~WEST BUSSELTON WA 6280	Lot 142 PLAN 17762	4/09/2017	Approved	Approved	55	18000	Beth Joanne Donaldson & Neil Donaldson	Sheds Down South
DA17/0527	Single House (Deck Addition in Special Control Area)	37 Hammond Road~YALLINGUP WA 6282	Lot 83 PLAN 8037	12/09/2017	Approved	Approved	52	19969	Julian Joshua Beaumont	Mark Kerrigan
DA17/0542	Single House (Special Control Areas)	58 Fern Road~EAGLE BAY WA 6281	Lot 207 PLAN 28889	13/09/2017	Approved	Approved	23	1500000	Sheral Gladys Wright & Natalie Jane Maynard Wright	Holst Design
DA17/0548	Holiday Home (Grouped Dwelling) 6 People	16B Gull Court~DUNSBOROUGH WA 6281	Lot 1 STPLN 20275	14/09/2017	Approved	Approved	53	0	Phillip James Cyril Brockman & Julie Elizabeth Brockman	Phillip James Cyril Brockman, Julie Elizabeth Brockman
DA17/0551	Modified Building Envelope - Outbuilding (Landscape Value Area)	211 Biddle Road~QUEDJINUP WA 6281	Lot 121 PLAN 21712	6/09/2017	Approved	Approved	18	38000	Susan Mary Warren	Mark Warren
DA17/0585	Single House and Ancillary Dwelling (Reduced Setback)	9 Camargo Loop~DUNSBOROUGH WA 6281	Lot 221 PLAN 407786	12/09/2017	Approved	Approved	28	316482	Michael Andre Townsend	Dale Alcock Homes South West Pty Ltd
DA17/0597	Single House, Ancillary Accommodation & Building Envelope (Landscape Value Area)	63 O'Byrne Road~QUINDALUP WA 6281	Lot 205 PLAN 406421	12/09/2017	Approved	Approved	4	650000	Brendan John Wood & Lisa Jane Pickering	Brendan John Wood, Lisa Jane Pickering
DA17/0599	Holiday Home (Single House) 10 people	498 Geographe Bay Road~ABBEEY WA 6280	Lot 109 DIAGRAM 49323	13/09/2017	Approved	Approved	31	0	Craig Thomas Briggs	Craig Thomas Briggs
DA17/0600	Extension of Planning Consent - DA15/0559 (Rural Workers Dwelling)	203 Wilyabrup Road~WILYABRUP WA 6280	Lot 733 PLAN 131940	8/09/2017	Approved	Approved	0	1	Jessica Michele Cullen	Jessica Michele Cullen
DA17/0604	Outbuilding (Reduced Setback)	2 Grevillea Cove~DUNSBOROUGH WA 6281	Lot 170 DIAGRAM 85887	1/09/2017	Approved	Approved	18	8500	Lee Pettengell & Shannon Christie Pettengell	Lee Pettengell, Shannon Christie Pettengell
DA17/0606	Industry - Primary Production (Workshop)	10 Commerce Road~VASSE WA 6280	Lot 5 PLAN 52479	6/09/2017	Approved	Approved	8	270000	Nathan Day Holdings Pty Ltd	Busseilton Sheds Plus
DA17/0607	Single House Extension (Professional Consulting Rooms)	198 Bussell Highway~WEST BUSSELTON WA 6280	Lot 111 PLAN 8731	12/09/2017	Approved	Approved	27	200000	Red Okra Pty Ltd	Big Ben Builders Pty Ltd

DA17/0614	Flat patio (reduced setback)	4 Dunsborough Lakes Drive~DUNSBOROUGH WA 6281	Lot 63 PLAN 50441	13/09/2017	Approved	Approved	27	11700	Michelle Yvette Philpott & Bruce William Philpott	Cape Shades
DA17/0616	Shed (Reduced Setback)	4 Lenamont Court~DUNSBOROUGH WA 6281	Lot 62 PLAN 19168	8/09/2017	Approved	Approved	21	13000	Jeremy Peter Lambert & Pennie Michelle Lambert	Busseton Sheds Plus
DA17/0623	Over-height Outbuilding (reduced setback)	9 Bendjar Grove~VASSE WA 6280	Lot 56 PLAN 407511	13/09/2017	Approved	Approved	23	19250	Bradley John Baggetta	Sheds Down South
DA17/0626	Mezzanine Addition to an Existing Industrial Unit	4/1 Congressional Drive~DUNSBOROUGH WA 6281	Lot 4 STPLN 62314	8/09/2017	Approved	Approved	0	38181	Melissa Kylie Lamanna	Melissa Kylie Lamanna
DA17/0663	Holiday Home (Single House) 8 People	8 Swallow Cove~DUNSBOROUGH WA 6281	Lot 154 PLAN 16745	8/09/2017	Approved	Approved	14	1	Malcolm Henry George Shepherd & Jennifer Megan Songhurst Shepherd	Malcolm Henry George Shepherd, Jennifer Megan Songhurst Shepherd
DA17/0675	Single House (Landscape Value Area)	60 Tall Tree Crescent~REINSCOURT WA 6280	Lot 122 DIAGRAM 98514	11/09/2017	Approved	Approved	9	299787	Daniel Ross Armer	Dale Alcock Homes South West Pty Ltd
WAPC17/0022	2 Lot Survey Strata (+ 1 Common Property)	66 Gale Street~WEST BUSSELTON WA 6280	Lot 39 PLAN 32550	11/09/2017	Approve	Approved	41	0	Valma Barrett	Able Planning & Project Management
WAPC17/0027	Amalgamation of Lots 35 & 36 Caves Road, Siesta Park	436 Caves Road~SIESTA PARK WA 6280	Lot 35 DIAGRAM 23925	14/09/2017	Support	WaitWAP C	45	0	Catherine Rachel Watson	Survcon Surveying Services

(Note: All applications (excluding WAPC matters) are managed by the legal services section of Finance and Corporate Services in conjunction with the responsible officer below.)

As at 27 September 2017

APPEAL (Name, No. and Shire File Reference)	PROPERTY	DATE COMMENCED	DECISION APPEAL IS AGAINST	RESPONSIBLE OFFICER	STAGE COMPLETED	NEXT ACTION AND DATE OF ACTION AS PER SAT ORDERS	DATE COMPLETED / CLOSED
CITY OF BUSSELTON APPEALS							
24DB Pty Ltd v City of Busselton	24 Dunn Bay Road, Dunsborough	March, 2017	Market	Paul Needham	<ul style="list-style-type: none"> • Notice of Directions Hearing on 17 March, 2017 against City of Busselton decision to refuse application. • Mediation on 22 March 2017 where it was resolved that by 28 April 2017 the applicant must provide additional and amended information. The City is invited to reconsider its decision at its meeting on 14 June 2017; • Directions hearing further vacated 20 October 2017. • Assessment / reconsideration report to Council for 11 October 2017 	Directions hearing 20 October, 2017 pending reconsideration.	
Lissa Wypynaszko & Andrew Blee vs City of Busselton	Lot 2653 No 995 Gale Road, Kaloorup	April, 2017	Review of a decision to give a direction under s214		<ul style="list-style-type: none"> • Directions hearing listed at 2pm on 28 April, 2017 was vacated. • Further directions hearing scheduled to be held on the 21 July, 2017. • Vacated further directions hearing to be held on 1 September 2017. • Vacated, further directions hearing to be held on 29 September 2017. 	Directions hearing on 29 September, 2017.	
JOINT DEVELOPMENT ASSESSMENT PANEL APPEALS							
DCSC vs Southern JDAP	Lot 108 No 57 Dunn Bay Road, Dunsborough	January 2016	Appeal against refusal of Development application for Service Station	State Solicitors Office / Anthony Rowe / Paul Needham	<ul style="list-style-type: none"> • Determination – Appeal upheld on 23 August 2017 	<ul style="list-style-type: none"> • JDAP has formally requested a judicial review of the SAT determination at the Supreme Court. 	

WESTERN AUSTRALIAN PLANNING COMMISSION APPEALS							
Rapsey v Western Australian Planning Commission	Lot 7 Caves Road, Quedjinup		Appeal against conditions of subdivision	State Solicitors Office / Justin Biggar	<ul style="list-style-type: none"> • Notice of Directions Hearing on 31 March, 2017 against conditions of a subdivision. • Mediation hearing 20 April 2017. • Directions hearing on 2 June 2017 where it was decided to vacate the appeal for 6 months to provide both parties time to carry out investigations. 	Direction hearing to be set.	

**WALGA State Council and Zone Agenda
Agenda Summary and Recommendations**

**South West Zone WALGA: 25 August 2017
State Council WALGA: 8 September 2017**

Agenda Summary and Recommendations

The City of Busselton is a member of the WALGA South West Zone which meets approximately five times each year. The SW Zone comprises of twelve local governments being the Shire of Augusta - Margaret River, Shire of Boyup Brook, Shire of Bridgetown-Greenbushes, City of Bunbury, City of Busselton, Shire of Capel, Shire of Collie, Shire of Dardanup; Shire of Donnybrook-Balingup, Shire of Harvey, Shire of Manjimup and the Shire of Nannup.

The Zone meeting was held at the City of Busselton on 25 August 2017. The City was represented on the Zone Committee by Councillor Grant Henley with administrative support provided by Cliff Frewing, Director Finance & Corporate Services and Kate Dudley, Governance Administration Officer.

The Zone employs a secretariat to prepare the Zone agenda, take minutes and action Zone adopted resolutions.

Each Agenda is in two parts:

1. Items raised by Zone Members for consideration; and
2. The WALGA State Council Agenda

The reports raised by the Zone Members and those contained in the WALGA State Council Agenda "for decision" are reviewed by City officers and are reported in the following manner for Councillor information:

- A summary of the report is provided;
- The WALGA recommendation is repeated;
- The relevant City officer comments on the report;
- The City Officer comments on the recommendation;
- The Zone decision is recorded; and
- The WALGA State Council decision is recorded.

In this way, Council can track the progress of the report and recommendation as it flows through the system.

**WALGA State Council and Zone Agenda
Agenda Summary and Recommendations**

South West Zone: 25 August 2017

9.1 Local Government Act Review (WALGA)

The Minister for Local Government has announced a review of the Local Government Act and Regulations. The process will be in two (2) stages and the Minister's office has advised that there may be some flexibility as to what issues are to be considered in stage 1 or stage 2. Based on this the Association will consult the sector on all potential Act amendment issues this year.

A WALGA Governance & Organisational Services officer provided an overview of the Act review process.

11.1 Cat Act 2011 Review– (Shire of Capel)

Recommendation

That WALGA be requested to lobby the State Government to seek amendments to the Cat Act 2011 to make it an offence under the Cat Act 2011 to have an uncontrolled, untethered cat in a public place and to provide the power for local governments to designate certain public places where cats are prohibited.

Background paper provided in Agenda.

The Motion was supported.

11.2 ESL FUNDING–DFES OPERATIONS (Shire of Capel)

Recommendation

That WALGA be requested to lobby the State Government for:

1. A maximum contribution of 70% from the ESL to fund the administrative operations of DFES, with the other 30% coming from state government general revenue; and
2. The Office of Emergency Management to take over the role of advising Treasury how ESL funds should be distributed.

Background material to this subject is provided in the Agenda and is also contained at item 5.3 of the State Council Agenda where these matters are also mentioned.

The Motion was supported.

**WALGA State Council and Zone Agenda
Agenda Summary and Recommendations**

WALGA State Council: 8 September 2017

5.1 AGM Minutes

Summary of report:

The 2017 WALGA Annual General Meeting was held on 2 August 2017. In accordance with the WALGA Constitution, all carried motions from the AGM are first referred to State Council for consideration. Two motions were carried at the AGM and these are detailed in the following section

WALGA Recommendation:

That Annual General Meeting Items 4.1B and 4.2B be noted and referred to the relevant WALGA policy unit for consideration.

City Officer Comment:

The minutes of the AGM refer to two motions where WALGA has been requested to take up with the State Government on behalf of the sector:

- Item 4.1B – The motion seeks exemption from the Requirements of AASB 124 Related Party Disclosures

Comment : Totally agree, the issue has already been raised at a Red Tape Reduction forum where the need for further disclosure was questioned.

- Item 4.2B – Road Funding Cuts to Direct Grants

Comment : The annual loss of road grant to the City of Busselton is \$142,455. WALGA has indicated that the matter will be taken up further with the State.

The sector would reasonably expect that WALGA would take up these matters with the State as the subjects are considered important. It is appropriate that WALGA considers the matters further through their Policy Committee in the first instance and this is the normal process when dealing with motions from the AGM.

City Officer Recommendation:

The Zone recommendation is supported.

Zone Recommendation to State Council:

That the recommendation be endorsed.

State Council Decision:

The recommendation was carried.

**WALGA State Council and Zone Agenda
Agenda Summary and Recommendations**

5.2 State Budget Submission

Summary of report:

Each year, WALGA prepares a submission to the State Government outlining the sectors' priorities for the upcoming budget. For WALGA's submission to be considered in the 2018-19 Budget process it must be submitted to Government in September 2017. Given the State's significant financial challenges, and the McGowan Government's focus on reducing spending, there is a significant risk that funding to the sector will be cut in coming years. The submission therefore focusses on preserving important funding to the sector, rather than seeking any major new spending commitments. The submission has been prepared on the basis of feedback provided by the Zones and State Council.

WALGA Recommendation:

That WALGA's submission to the State Government in advance of the 2018-19 Budget be endorsed.

City Officer Comment:

Because of the financial position the State is in the submission focusses on preserving important funding to the sector, such as road grants, rather than seeking any major new spending commitments. The submission covers many of the financial issues that are important to local government and in particular makes reference to the fact that fees determined by State Government legislation are of real concern to Local Governments and represent significant revenue leakage. This is because of:

- lack of indexation;
- lack of regular review (fees may remain at the same nominal levels for many years); and
- lack of transparent methodology in setting the fees (fees do not appear to be set with regard to appropriate costs recovery levels).

Whether the State pays any attention to the submission will soon be known but it is likely that there will be further imposts on the sector by the State when it adopts its budget in September.

City Officer Recommendation:

The Zone recommendation is supported.

Zone Recommendation to State Council:

That WALGA's submission to the State Government in advance of the 2018-19 Budget be endorsed subject to the inclusion of the following:

- a) include the Goldfields Esperance Revitalisation Funding commitments. That WALGA's submission to the State Government in advance of the 2018-19 Budget be endorsed subject to the inclusion of the following:
- b) retention of the third instalment of \$32,000 due 2017/2018 under the Community Pools Revitalisation Program to enable projects already in train to be completed.

State Council Decision:

That WALGA's submission to the State Government in advance of the 2018-19 Budget be endorsed subject to the inclusion of the following:

- a) retention of the third instalment of \$32,000 due 2017/2018 under the Community Pools Revitalisation Program to enable projects already in train to be completed.

**WALGA State Council and Zone Agenda
Agenda Summary and Recommendations**

5.3 Review of the Emergency Services Levy

Summary of report:

The Economic Regulation Authority (ERA) has been tasked with reviewing the Emergency Services Levy (ESL) arrangements and released the draft report of the Review of the on Friday 7 July 2017. WALGA has provided an interim response (pending resolution by State Council at its meeting on 8 September). WALGA either supports or partially supports all 37 recommendations contained in the review.

WALGA Recommendation:

That the interim submission to the Economic Regulation Authority (ERA) on the Review of the Emergency Services Levy (ESL) Draft Report be endorsed.

City Officer Comment:

The Sector has been involved in the review and provided comment to WALGA for consideration in its response. Because of timelines, the response by WALGA has been lodged with the ERA as it is required to report back to the State in late September. Given that WALGA either totally support or partially support the 37 recommendations contained in the ERA review, the recommendation is supported.

City Officer Recommendation:

The Zone recommendation is supported.

Zone Recommendation to State Council:

That the recommendation be endorsed.

State Council Decision:

The recommendation was carried.

**WALGA State Council and Zone Agenda
Agenda Summary and Recommendations**

5.4 Outcomes of Consultation – Third Party Appeal Rights in Planning

Summary of report:

In December 2016, WALGA State Council resolved to undertake research on third party appeals around Australia and further consult with members regarding the current policy position. The Association prepared a discussion paper which provided background on the development of WALGA's current policy position and a review of the arguments both for and against third party appeals.

WALGA Recommendation:

Recommendation That:

1. *WALGA maintain its current policy position on Third Party Appeal rights; that the Local Government sector does not support the introduction of Third Party Appeal rights.*
2. *State Council notes that while there is increased support for the introduction of some form of Third Party Appeal rights, there is no consistent agreement on the form and scope any such rights should take.*
3. *WALGA undertakes further consultation with members on Third Party Appeal Rights, to discuss the various concerns and suggestions raised in response to the discussion paper, to determine if a consensus on a new policy position could be reached.*
4. *WALGA continue to advocate that an independent review of decision making within the WA planning system is required, including the roles and responsibilities of State and Local Government and other decision making agencies, Development Assessment Panels and the State Administrative Tribunal appeal process.*

City Officer Comment:

The discussion paper was circulated to the Local Government sector for feedback. The submissions were split 53% to 42%; with 53% of submissions in favour of some form of Third Party Appeals and 42% against, with an additional 5% requesting further investigation. The review has been completed and has resulted in no clear direction – hence the recommendation for further research.

The LG sector does not have a common view of the benefits or otherwise of *Third Party Appeal Rights* in Western Australia. The Council at a recent briefing indicated a degree of support for 3rd party appeal rights. WALGA is of the view that further research and investigation is required before any firm decision is made.

City Officer Recommendation:

The Zone recommendation is supported.

Zone Recommendation to State Council:

That the recommendation be endorsed.

**WALGA State Council and Zone Agenda
Agenda Summary and Recommendations**

State Council Decision:

That:

1. State Council notes that there is increased support for the introduction of some form of Third Party Appeal rights.
2. WALGA undertakes further consultation with members on Third Party Appeal Rights, including Elected Member workshops, discuss the various concerns and suggestions raised in response to the discussion paper, the form and scope of any such appeal right should include the appropriate jurisdiction including JDAPS, SAT and WAPC to determine a preferred model.
3. The findings to be distributed for comment and the Item then be reconsidered by State Council.
4. WALGA continue to advocate that an independent review of decision making within the WA planning system is required, including the roles and responsibilities of State and Local Government and other decision making agencies, Development Assessment Panels and the State Administrative Tribunal appeal process.

**WALGA State Council and Zone Agenda
Agenda Summary and Recommendations**

**5.5 Interim Submission – Development Control Policy 2.2 – Residential
Subdivision**

Summary of report:

On the 9 May 2017, the WA Planning Commission (WAPC) released a revised Development Control Policy 2.2 – Residential Subdivision policy for public comment. The revised Development Control Policy aims to provide greater guidance in the Commission's assessment of subdivision applications, where the average lot size variation is greater than five per cent. The WA Planning Commissions public comment period closed on the 10 July, therefore an interim submission was prepared.

WALGA Recommendation:

That the interim submission to the WA Planning Commission on Development Control Policy 2.2– Residential Subdivision be endorsed.

City Officer Comment:

The City's Planning staff have reviewed the draft WALGA response to the WAPC and are generally satisfied with the content and have nothing further to add. Because of timelines, the response by WALGA has been lodged with the WAPC but is able to be amended if necessary following the State Council meeting to be held on 8 September.

City Officer Recommendation:

The Zone recommendation is supported.

Zone Recommendation to State Council:

That the recommendation be endorsed.

State Council Decision:

The recommendation was carried.

**WALGA State Council and Zone Agenda
Agenda Summary and Recommendations**

5.6 National Disability Insurance Scheme (NDIS) Costs position paper submission

Summary of report:

In January 2017 the Federal Government announced the Productivity Commission would review the National Disability Insurance Scheme costs consistent with the Heads of Agreements with the states and territories and the Commonwealth. The Productivity Commission released the National Disability Insurance Scheme (NDIS) Costs position paper on 14 June 2017. WALGA has provided a submission to the position paper noting the impacts of the NDIS on Local Government.

WALGA Recommendation:

That the interim submission to the Productivity Commission's National Disability Insurance Scheme (NDIS) position paper be endorsed.

City Officer Comment:

Now that a commitment has been made to introduce the NDIS across Australia, emphasis has been placed on planning and preparing for the introduction of the scheme. WALGA has appointed a consultant to liaise with Local Governments in Western Australia to determine what level of services could be provided by the sector (and what level of funding would be made available) and the Interim submission to the Productivity Commission's National Disability Insurance Scheme is based on the consultant's findings.

City Officer Recommendation:

The Zone recommendation is supported.

Zone Recommendation to State Council:

That the recommendation be endorsed.

State Council Decision:

The recommendation was carried.

WALGA State Council and Zone Agenda
Agenda Summary and Recommendations

5.7 Informed User Choice into Human Services: Reforms to Human Services

Summary of report:

The Productivity Commission released an inquiry in May 2017 into Human Services on Introducing Competition and Informed User Choice into Human Services: Reforms to Human Services. WALGA prepared a submission and provided comment at a public hearing on 31 July 2017 on the areas of interface with Local Government and WALGA's interim submission, which was endorsed by the Executive Committee on an interim basis prior to submission, supports the intent of the Inquiry recommendations to be smarter in the design and delivery of human services.

WALGA Recommendation:

That the interim submission to the Productivity Commission Inquiry on Introducing Competition and Informed User Choice into Human Services – Reforms to Human Services, be endorsed.

City Officer Comment:

WALGA has prepared a submission on a wide range of issues in relation to provision of human services that Local Governments are involved in throughout Western Australia. In relation to the specific area of 'Social Housing' (Page 4 of the submission), there is no mention of the State Housing Authority (Homeswest) continued push transfer management of housing assets to "Community Housing Associations". These associations are often declared "Charitable" and as a consequence obtain rate exemptions from Local Governments. This has the effect of making other Ratepayers foot the bill. Whilst it is known that WALGA is aware of the impact of this has on Local Government, it is considered that this subject should at least be mentioned in the submission.

City Officer Recommendation:

That the submission be supported but that WALGA consider including reference in the submission the continuing practice of Housing Authority to 'contract out' its social housing obligations to "Charitable organisations" to obtain rate exemption status. As a consequence, it is proposed that the following motion be considered by the Zone:

That the WALGA submission be supported and that WALGA give consideration to including comment in their submission relating to the declining rate revenue caused by the practice of the Housing Authority "contracting out" management of its properties to rate exempt charitable Community Housing organisations.

Zone Recommendation to State Council:

That the WALGA submission be supported and that WALGA give consideration to including comment in their submission relating to the declining rate revenue caused by the practice of the Housing Authority "contracting out" management of its properties to rate exempt charitable Community Housing organisations.

State Council Decision:

That the interim submission to the Productivity Commission Inquiry on Introducing Competition and Informed User Choice into Human Services – Reforms to Human Services, be endorsed with the addition of comment relating to the declining rate revenue caused by the practice of the Housing Authority "contracting out" management of its properties to rate exempt charitable Community Housing organisations.

**WALGA State Council and Zone Agenda
Agenda Summary and Recommendations**

5.8 Impacts of Climate Change

Summary of report:

The Senate referred to the Environment and Communications References Committee an inquiry into the impacts of climate change on housing, buildings and infrastructure. Information about the Inquiry and WALGA's proposal to make a submission were circulated widely to Local Government for input. A number of teams within WALGA were involved in the drafting of the submission, as well as LGIS. WALGA has prepared an 'interim submission' until it has been considered by State Council.

WALGA Recommendation:

That the interim submission in response to the Inquiry into the impacts of climate change be endorsed.

City Officer Comment:

The interim submission contends that Local Government recognises the climate is changing, and as the closest sphere of Government to the community, is expected to manage the impacts of climate change, such as increased fire risk, extreme weather events and sea level rise that increases the potential for erosion and inundation in coastal and estuarine areas. Local Government requires effective and consistent legislation, policy and regulatory frameworks at the State and Commonwealth Government levels to support Local Government policy frameworks in order to deliver a coordinated approach to tackling the risks and impacts of climate change. It is noted that the City of Busselton is in the process of preparing a Coastal Hazard Risk Management and Adaption Plan (CHRMAP).

City Officer Recommendation:

The Zone recommendation is supported.

Zone Recommendation to State Council:

That the recommendation be endorsed.

State Council Decision:

The recommendation was carried.

**WALGA State Council and Zone Agenda
Agenda Summary and Recommendations**

5.9 Interim Submission - Possible Amendments to Telecommunications Powers and Immunities

Summary of report:

The Commonwealth Government recently released a public consultation paper seeking feedback to proposed changes to the telecommunications carrier powers and immunities laws. The amendments include proposals for the addition of various activities and functions to be listed as "Low Impact Facilities". The amendments will allow for the additional functions and activities to be executed with immunity from a range of State and Territory laws and allow execution under a notification as opposed to obtaining approval from the affected land owners. There is concern that the new powers could allow the execution of these functions and activities without due consideration by Local Government and may result in obstructions or interfere with the present and future functionality of a structure including bridges, signs, poles, roads, walls and buildings.

WALGA Recommendation:

That the interim submission to the Department of Communications and the Arts on the 'Possible Amendments to Telecommunications Powers and Immunities' be endorsed.

City Officer Comment:

The proposal provides telecommunications carriers with the powers to enter land (including public areas of buildings) for inspections, installation and maintenance of certain types of facilities. It also provides immunities from a range of State and Territory laws when carrying out these activities. Given that Local Government is responsible for the application of many pieces of relevant legislation in this area such as Town Planning and Heritage as well as having a primary responsibility for infrastructure it is considered appropriate that Local Government is properly consulted on proposals initiated by the telecommunications carriers. The WALGA submission generally does not support the proposal.

City Officer Recommendation:

Zone Recommendation to State Council:

That the recommendation be endorsed.

State Council Decision:

The recommendation was carried.

**WALGA State Council and Zone Agenda
Agenda Summary and Recommendations**

5.10 Submission in Response to the Inquiry into Airfare Pricing in Regional Western Australia

Summary of report:

The Economics and Industry Standing Committee of the Legislative Assembly is undertaking an 'Inquiry into Airfare Pricing in Regional Western Australia' and will table the findings on 28 November. Concern is widely expressed that intrastate airfares in Western Australia are high. Based on the feedback from Local Governments across the State it would appear that the market conditions and underlying factors driving costs and prices differ between the regions. The routes served by a monopoly (or occasionally duopoly) provider are where there are the greatest concerns about high airfares. This inquiry should commission research that will provide an evidence based assessment of the degree to which market structure and other factors influence the cost of providing air services on each route, the pricing structure offered and the actual prices paid. The State Government should provide oversight of airfares ensuring transparency, encourage partnerships between Local Governments and airline carriers to grow the market and provide subsidies in some situations.

WALGA Recommendation:

That the interim submission in response to the 'Inquiry into Airfare Pricing in Regional Western Australia' be endorsed.

City Officer Comment:

It is seldom questioned that the cost of airfares to and from Regional Centres within Western Australia are very costly and are not comparable to those of other states. Because of the vast distances involved, air travel is often essential. WALGA is concerned that the terms of reference of the Inquiry does not go far enough and that a more detailed review of the cost of airfares within Regional WA is appropriate.

City Officer Recommendation:

The Zone recommendation is supported.

Zone Recommendation to State Council:

That the recommendation be endorsed.

State Council Decision:

The recommendation was carried.

**WALGA State Council and Zone Agenda
Agenda Summary and Recommendations**

5.11 Interim Submission to the National Freight and Supply Chain Priorities Inquiry

Summary of report:

The Federal Government is undertaking an inquiry into National Freight and Supply Chain Priorities to inform the development of a national freight and supply chain strategy.

The Association has prepared an interim submission identifying the important roles of Local Government in movement of freight;

- as the responsible authority for the majority of the nation's road network;
- in driving sustainable economic development including through the provision of infrastructure and access; and
- in developing land use plans that manage the interface between freight corridors and sensitive land uses.

The submission highlights the critical importance of the "first and last mile" for an efficient supply chain and the support required by Local Governments to enable the benefits from investments in other parts of the freight supply chain to be realised. Thirteen recommendations are made that if adopted will support Local Government to enable more efficient supply chains. Five specific infrastructure project proposals from Western Australia are highlighted.

WALGA Recommendation:

That the interim submission in response to the Australian Government Inquiry into National Freight and Supply Chain Priorities be endorsed.

City Officer Comment:

On 24 November 2016, the Australian Government announced it will develop a national freight and supply chain strategy to increase the productivity and efficiency of Australia's freight supply chain. The strategy is in response to Infrastructure Australia's Australian Infrastructure Plan. The WALGA submission refers to input from WALGA Zones and also refers to 5 regional freight routes including the proposed Albany and Bunbury outer ring roads.

City Officer Recommendation:

The Zone recommendation is supported.

Zone Recommendation to State Council:

That the recommendation be endorsed.

State Council Decision:

That The interim submission in response to the Australian Government Inquiry into National Freight and Supply Chain Priorities be endorsed, with the addition of recommendation 14:

Request Federal and State Government invest in the completion of the planning and commence construction of the "Orange Route" from Roe Highway to Northam as part of the Perth-Adelaide National Highway to improve the safety and access for Heavy Vehicles entering the Perth Metropolitan area from the Wheatbelt and as the major access to freight from the Eastern States.

**WALGA State Council and Zone Agenda
Agenda Summary and Recommendations**

State President's Report August 2017

Local Government Week Convention

The Convention is arguably the most significant event that we undertake in any year and "Convention 2017" was a great success, with more than 600 delegates and 250 Local Government Officers in attendance along with 106 trade exhibitors who populated the display space.

Staff conducted a "Members First" survey in the foyer areas in between sessions and captured some valuable information, which is currently being collated.

Initial assessments of the Convention indicate that the sessions and speakers were both popular and relevant, although a more detailed review will be undertaken by the organising committee prior to the commencement of planning for 2018.

I encourage all those who attended to give us your constructive feedback, speaker and session and suggestions for next year so that we can continue to improve the Convention.

Partnership Agreement Signed!

The State Government has kept to its election promise and signed a new State / Local Government Partnership Agreement. Premier Mark McGowan, Minister David Templeman, WALGA President Lynne Craigie and LG Professionals (WA) President Jonathon Throssell all put their signatures to the formal document at the opening session of this year's AGM.

Central to the Agreement is an indicative consultation framework which specifies that, where appropriate and practicable, consultation should be for:

- 12 weeks — for proposals that will have a significant impact on Local Government responsibilities or operations. Examples include:
 - New legislation and amendments to existing legislation that will impact Local Government; and
 - Proposals and policy decisions that will have an impact on Local Government expenditure.
- 8 weeks — for proposals to amend regulations or other compliance requirements that will have an impact on Local Government's responsibilities or operations. Examples include:
 - Regulatory change that will affect Local Governments — for example, regulations relating to the *Local Government Act 1995*, *Planning and Development Act 2005*, *Public Health Act 2016*, etc.
- 4 weeks — for proposals relating to changes in operating procedure or practice which will have a limited impact. Examples include:
 - Changes to operating guidelines; and
 - Circulars or policies clarifying or codifying existing responsibilities or arrangements.

Copies of the Agreement will be distributed to all Local Governments, Members of Parliament and Government Departments and Agencies.

Local Government Act Review Process

During August and September 2017, WALGA staff are attending Zone and Regional Group meetings on the Local Government Act Review. Local Governments can choose to contribute in conjunction with a Zone/Regional Group meeting, separately by lodging a Council endorsed submission, or both.

WALGA State Council and Zone Agenda
Agenda Summary and Recommendations

The final collated feedback will be prepared as a State Council Agenda Item for Zone consideration during the November/December 2017 round of Zone meetings. State Council will ultimately determine its position at its meeting of 6 December 2017.

Council endorsed submissions responding to the WALGA Discussion Paper distributed in July should be forwarded to WALGA's Governance & Organisational Services Team by Friday 20th October 2017.

Rates – Exploration Companies

Efforts continue to be made to find a solution to the problem of unpaid rates by some mining exploration companies.

Following unsuccessful advocacy to the previous government for changes to the procedure for the renewal of exploration licences to require the payment of outstanding rates, the issue was raised with the new government through new Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian engagement, the Hon. Bill Johnston MLA.

The Minister has advised that he is unable to require the payment of Local Government Rates as a condition of licence renewal, and in doing so, cautions that Local Governments should consider the burden being placed on exploration activity by unsustainable increases in rates. In response, WALGA will be reminding the Minister of the sector's cognisance of the economic conditions in WA, particularly as these are largely the result of the actions of other spheres of government, and seek his commitment to working with the sector to develop a workable solution.

We will continue to pursue this issue for Local Governments and will look to list it for discussion under the terms of the new Partnership Agreement.

Risk Register

A parliamentary question by Opposition Local Government spokesperson Tony Krsticevic has again drawn attention to the existence of an internal "Risk Register" being maintained by the Department of Local Government, Sport and Cultural Industries. The Register first came to public attention when given as evidence in the Dowerin and Exmouth Inquiries.

Since the change of Government both WALGA and LG Professionals have been asking for details of the Local Governments identified in the Register, together with information on the assessment criteria used to determine their level of risk. The Department has agreed to this and provided the relevant details, so that we can offer assistance to the Local Governments concerned.

The Department is also forming a reference group with both WALGA and LG Professionals to review and update the risk criteria.

2018-19 State Budget Submission

Each year, WALGA prepares a submission to the State Government outlining the sectors' priorities for the upcoming budget.

WALGA's 2018-19 State Budget Submission takes a different approach to previous years in light of the state's financial position. Rather than seeking extensive funding for new programs, the submission focuses on ensuring that the sector is not worse off and that key sources of funding for the sector are maintained.

**WALGA State Council and Zone Agenda
Agenda Summary and Recommendations**

WALGA consulted with local Governments, Zones and State Councillors over recent months seeking support for this approach, and to identify the key programs and areas of funding that are critical to the sector in terms of funding retention. The submission reflects these consultations and the input received.

Once endorsed we will begin a process of advocacy to key decision makers based on the submission, an important component of which will be asking Local Governments to "localise" the submission by advocating local examples of the funding needs expressed within it to local MPs and key local and regional agency staff.

16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

17. CONFIDENTIAL REPORTS

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

RECOMMENDATION

That the meeting is closed to members of the public to discuss the following items which are confidential for the reasons as shown.

17.1 BUSSELTON CENTRAL SHOPPING CENTRE REDEVELOPMENT PROJECT

This report contains information of a confidential nature in accordance with Section 5.23(2)(e)(ii) of the Local Government Act 1995, as it contains information relating to a matter that if disclosed, would reveal information that has a commercial value to a person, where the information is held by, or is about, a person other than the local government

RECOMMENDATION

That the meeting is closed to members of the public to discuss the following items which are confidential for the reasons as shown.

17.2 WASTE LOCAL LAW

This report contains information of a confidential nature in accordance with Section 5.23(2)(e)(ii) of the Local Government Act 1995, as it contains information relating to a matter that if disclosed, would reveal information that has a commercial value to a person, where the information is held by, or is about, a person other than the local government

18. QUESTIONS FROM MEMBERS**19. PUBLIC QUESTION TIME****20. NEXT MEETING DATE**

Wednesday, 8 November 2017

21. CLOSURE