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## CITY OF BUSSELTON

### MINUTES FOR THE COUNCIL MEETING HELD ON 22 NOVEMBER 2017

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## MINUTES

MINUTES OF A MEETING OF THE A MEETING OF THE BUSSELTON CITY COUNCIL HELD IN THE COUNCIL CHAMBERS, ADMINISTRATION BUILDING, SOUTHERN DRIVE, BUSSELTON, ON 22 NOVEMBER 2017 AT 5.30PM.

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

The Presiding Member opened the meeting at 5.35pm.

### 2. ATTENDANCE

Presiding Member:

Cr Grant Henley Mayor

Members:

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

Officers:

Mr Oliver Darby, Acting Chief Executive Officer  
Mr Paul Needham, Director, Planning and Development Services  
Mrs Naomi Searle, Director, Community and Commercial Services  
Mr Cliff Frewing, Director, Finance and Corporate Services  
Miss Kate Dudley, Administration Officer, Governance

Apologies:

Mr Mike Archer, Chief Executive Officer

Approved Leave of Absence:

Nil

Media:

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

Public:

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### 3. PRAYER

The prayer was delivered by Pastor Lee Sykes Cornerstone Church.

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

Nil

**Public Question Time**

Nil

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

Nil

**Announcements by other Members at the invitation of the Presiding Member**

Nil

**6. APPLICATION FOR LEAVE OF ABSENCE**

Nil

**7. PETITIONS AND PRESENTATIONS**

Nil

**8. DISCLOSURE OF INTERESTS**

Nil

**9. CONFIRMATION AND RECEIPT OF MINUTES****Previous Council Meetings****9.1 Minutes of the Council Meeting held 8 November 2017****COUNCIL DECISION****C1711/280**

Moved Deputy Mayor J McCallum, seconded Councillor R Reekie

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

**CARRIED 9/0****Committee Meetings****9.2 Minutes of the Finance Committee Meeting held 2 November 2017****COUNCIL DECISION****C1711/281**

Moved Councillor C Tarbotton, seconded Councillor P Carter

That the Minutes of the Finance Committee Meeting held 2 November 2017 be confirmed as a true and correct record.

**CARRIED 9/0**

9.3 Minutes of the Audit and Governance Committee held on 2 November 2017**COUNCIL DECISION****C1711/282** Moved Deputy Mayor J McCallum, seconded Councillor K Hick

That the Minutes of the Audit and Governance Committee held on 2 November 2017 be confirmed as a true and correct record.

**CARRIED 9/0****ITEMS BROUGHT FORWARD AND ADOPTION BY EXCEPTION RESOLUTION**

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

**COUNCIL DECISION/COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION****C1711/283** Moved Deputy Mayor J McCallum, seconded Councillor  
C Tarbotton

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

- 10.1 Finance Committee - 2/11/2017 - FINANCIAL ACTIVITY STATEMENTS - PERIOD ENDING 30 SEPTEMBER 2017
- 10.2 Audit Committee - 2/11/2017 - CITY OF BUSSELTON 2016/2017 ANNUAL FINANCIAL REPORT, AUDITORS REPORT AND MANAGEMENT LETTER
- 10.3 Audit Committee - 2/11/2017 - CONDUCT OF MEETING WITH AUDITOR
- 13.1 BUSSELTON FORESHORE REDEVELOPMENT: HOTEL/SHORT STAY ACCOMMODATION PRECINCT
- 14.1 PROPOSED LEASE AND LICENCE TO DEPARTMENT OF FIRE AND EMERGENCY SERVICES FOR STORAGE SHED AND RUNNING TRACK ON BARNARD PARK
- 14.2 LEASE OF BLUE CLUB ROOMS DUNSBOROUGH
- 14.3 ACCESSIBILITY OF ONLINE DOCUMENTS
- 14.5 COUNCIL MEETING SCHEDULE FOR 2018
- 15.1 COUNCILLORS' INFORMATION BULLETIN

**CARRIED 9/0****EN BLOC**

## 10. REPORTS OF COMMITTEE

### 10.1 Finance Committee - 2/11/2017 - FINANCIAL ACTIVITY STATEMENTS - PERIOD ENDING 30 SEPTEMBER 2017

<b>SUBJECT INDEX:</b>	Budget Planning and Reporting
<b>STRATEGIC OBJECTIVE:</b>	Governance systems, process and practices are responsible, ethical and transparent.
<b>BUSINESS UNIT:</b>	Finance and Corporate Services
<b>ACTIVITY UNIT:</b>	Financial Services
<b>REPORTING OFFICER:</b>	Manager Financial Services - Kim Dolzadelli
<b>AUTHORISING OFFICER:</b>	Director, Finance and Corporate Services - Cliff Frewing
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Financial Activity Statements - Period Ending 30 September 2017 
	Attachment B Investment Report Period Ending 30 September 2017 

**This item was considered by the Finance Committee at its meeting on 2 November 2017, the recommendations from which have been included in this report.**

#### PRÉCIS

Pursuant to Section 6.4 of the Local Government Act ('the Act') and Regulation 34(4) of the Local Government (Financial Management) Regulations ('the Regulations'), a local government is to prepare, on a monthly basis, a statement of financial activity that reports on the City's financial performance in relation to its adopted/ amended budget.

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the City's financial performance on a year to date basis for the period ending 30 September 2017.

#### BACKGROUND

The Regulations detail the form and manner in which financial activity statements are to be presented to the Council on a monthly basis; and are to include the following:

- Annual budget estimates
- Budget estimates to the end of the month in which the statement relates
- Actual amounts of revenue and expenditure to the end of the month in which the statement relates
- Material variances between budget estimates and actual revenue/ expenditure/ (including an explanation of any material variances)
- The net current assets at the end of the month to which the statement relates (including an explanation of the composition of the net current position)

Additionally, and pursuant to Regulation 34(5) of the Regulations, a local government is required to adopt a material variance reporting threshold in each financial year. At its meeting of 26 July 2017, the Council adopted (C1707/163) the following material variance reporting threshold for the 2017/18 financial year:

*"That pursuant to Regulation 34(5) of the Local Government (Financial Management) Regulations, the Council adopts a material variance reporting threshold with respect to financial activity statement reporting for the 2017/18 financial year as follows:*

- *Variances equal to or greater than 10% of the year to date budget amount as detailed in the Income Statement by Nature and Type/ Statement of Financial Activity report, however variances due to timing differences and/or seasonal adjustments are to be reported on a quarterly basis; and*
- *Reporting of variances only applies for amounts greater than \$25,000.”*

## **STATUTORY ENVIRONMENT**

Section 6.4 of the Local Government Act and Regulation 34 of the Local Government (Financial Management) Regulations detail the form and manner in which a local government is to prepare financial activity statements.

## **RELEVANT PLANS AND POLICIES**

Not applicable.

## **FINANCIAL IMPLICATIONS**

Any financial implications are detailed within the context of this report.

### **Long-term Financial Plan Implications**

Any financial implications are detailed within the context of this report.

## **STRATEGIC COMMUNITY OBJECTIVES**

This matter principally aligns with Key Goal Area 6 – ‘Open and Collaborative Leadership’ and more specifically Community Objective 6.1 - ‘Governance systems, process and practices are responsible, ethical and transparent’. The achievement of the above is underpinned by the Council strategy to ‘ensure the long term financial sustainability of Council through effective financial management’.

## **RISK ASSESSMENT**

Risk assessments have been previously completed in relation to a number of ‘higher level’ financial matters, including timely and accurate financial reporting to enable the Council to make fully informed financial decisions. The completion of the monthly Financial Activity Statement report is a control that assists in addressing this risk

## **CONSULTATION**

Not applicable

## **OFFICER COMMENT**

In order to fulfil statutory reporting requirements, and to provide the Council with a synopsis of the City’s overall financial performance on a full year basis, the following financial reports are attached hereto:

- **Statement of Financial Activity**

This report provides details of the City’s operating revenues and expenditures on a year to date basis, by nature and type (i.e. description). The report has been further extrapolated to include details of non-cash adjustments and capital revenues and expenditures, to identify the City’s net current position; which reconciles with that reflected in the associated Net Current Position report.

▪ Net Current Position

This report provides details of the composition of the net current asset position on a full year basis, and reconciles with the net current position as per the Statement of Financial Activity.

▪ Capital Acquisition Report

This report provides full year budget performance (by line item) in respect of the following capital expenditure activities:

- Land and Buildings
- Plant and Equipment
- Furniture and Equipment
- Infrastructure

▪ Reserve Movements Report

This report provides summary details of transfers to and from reserve funds, and also associated interest earnings on reserve funds, on a full year basis.

Additional reports and/or charts are also provided as required to further supplement the information comprised within the statutory financial reports.

### COMMENTS ON FINANCIAL ACTIVITY TO 30 September 2017

The Statement of Financial Activity for the period ending 30 September 2017 shows a better than expect Net Current Position (Surplus) of \$35.8M being \$7.85M more than Year to Date Budget.

The following summarises the major variances in accordance with *Council's adopted material variance reporting threshold* that collectively make up the above difference:

Description	2017/2018 Actual	2017/2018 Amended Budget YTD	2017/2018 Amended Budget	2017/18 YTD Bud (A) Variance	2017/18 YTD Bud (A) Variance
	\$	\$	\$	%	\$
<b>Revenue</b>	<b>53,917,536</b>	<b>54,045,570</b>	<b>66,213,170</b>	<b>-0.24%</b>	<b>(128,034)</b>
<b>Expense</b>	<b>(15,765,085)</b>	<b>(17,881,803)</b>	<b>(68,380,282)</b>	<b>11.84%</b>	<b>2,116,718</b>

Non-Operating Grants, Subsidies and Contributions	1,394,862	5,935,994	43,437,175	-76.50%	(4,541,132)
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#### **Capital Revenue & (Expenditure)**

Land & Buildings	(2,187,877)	(4,784,028)	(16,556,693)	54.27%	2,596,151
Plant & Equipment	(701,794)	(410,176)	(4,029,400)	-71.10%	(291,618)
Furniture & Equipment	(127,287)	(337,931)	(830,212)	62.33%	210,644
Infrastructure	(7,195,138)	(14,547,152)	(60,472,821)	50.54%	7,352,014
Proceeds from Sale of Assets	193,828	55,000	635,150	252.41%	138,828
Total Loan Repayments - Principal	(574,732)	(517,780)	(2,780,982)	-11.00%	(56,952)
Transfer to Restricted Assets	(669,458)	(156,501)	(625,751)	327.77%	(512,957)
Transfer from Restricted Assets	4,028,120	3,354,556	27,808,739	20.08%	673,564



**Operating Revenue:**

Revenue from ordinary activities is \$128K less than expected when compared to Year to Date (YTD) Budget with the following items meeting the material variance reporting threshold set by Council for the 2017/2018 Financial Year.

Description	2017/2018 Actual	2017/2018 Amended Budget YTD	2017/2018 Amended Budget	2017/18 YTD Bud (A) Variance	2017/18 YTD Bud (A) Variance
	\$	\$	\$	%	\$
<b>Revenue from Ordinary Activities</b>					
Other Revenue	172,841	91,281	403,838	89.35%	81,560

The Officer notes that the above positive performance of "Other Revenue" is offset with a negative collective performance of \$209k for Rates, Operating Grants and Subsidies, Fees and Charges and Interest Earnings; these items fall below the Material Variance reporting thresholds. The above variations are considered to be that of a timing difference at this stage of the Budget Year.

**Operating Expenditure:**

Expenditure from ordinary activities is \$2.12M less than expected when compared to Year to Date (YTD) Budget with the following items meeting the material variance reporting threshold set by Council for the 2017/2018 Financial Year.

Description	2017/2018 Actual	2017/2018 Amended Budget YTD	2017/2018 Amended Budget	2017/18 YTD Bud (A) Variance	2017/18 YTD Bud (A) Variance
	\$	\$	\$	%	\$
<b>Expenses from Ordinary Activities</b>					
Materials & Contracts	(2,642,087)	(4,176,260)	(16,676,598)	36.74%	1,534,173
Utilities (Gas, Electricity, Water etc)	(506,464)	(652,414)	(2,580,822)	22.37%	145,950

**Materials and Contracts:**

The main items affected are list below, at this stage these variance are considered to be that of a timing nature:

Cost Code Description / GL Activity	Variance YTD
Geographe Leisure Centre	27,110
Preventative Services - CLAG	32,290
Miscellaneous Bridge Maintenance	33,352
Street Lighting Installations	37,500
Busselton Transfer Station	41,410
Kookaburra Caravan Park	49,256
Strategic Planning	52,842
BTS External Restoration Works	59,638
Business Systems	73,276
Domestic Recycling Collections	73,585
Engineering Services Administration	81,788
Road Maintenance Bal Of Budget	96,370
Transport - Fleet Management	105,294
Busselton Jetty	139,371
Information & Communication Technology Services	146,761

**Utilities:**

With over 345 individual accounts at an average better than expected result of \$506K, a favourable position of \$146K is considered likely to be a timing difference at this early stage of the reporting year.

Officers are monitory Utility charges each month and are also happy to note that the new Administration Building is tracking positively against YTD Budget expectations.

**Non-Operating Grants, Subsidies and Contributions:**

The main item impacting on the above result is the timing of the receipt of "Airport Development - Project Grant" with a current negative result of \$4.57M; this is a timing difference in nature only.

**Capital Expenditure**

As at 30 September 2017, there is a variance of -50.86% or -\$9.864M in total capital expenditure with YTD Actual at -\$10.2M against a YTD Budget of -\$20.07M; with the table below showing those categories exceeding the 10% material variance threshold. The Airport Development makes up for \$7.4M or 75% of the overall variance which also assists in explaining the above current YTD shortfall in Non-Operating Grants.

Description	2017/18 Budget YTD Variance
	\$
<b>Buildings</b>	
Major Project - Busselton Foreshore	● 321,534
Major Project - Administration Building	● (396,568)
Buildings (Other) including Airport Terminal	● (2,516,561)
<b>Plant &amp; Equipment</b>	● 291,618
<b>Furniture &amp; Office Equipment</b>	● (210,644)
<b>Infrastructure</b>	
Major Project - Busselton Foreshore	● (276,025)
Major Project - Administration Building	● (100,995)
Footpaths Construction	● (245,841)
Drainage Construction - Street	● (113,467)
Car Parking Construction	● (57,264)
Bridges Construction	● (72,000)
Cycleways Construction	● (56,851)
Townscape Construction	● (177,454)
Beach Restoration	● 75,086
Parks, Gardens & Reserves	● 141,073
Sanitation Infrastructure	● (361,282)
Airport Development	● (4,906,328)
Main Roads	● (368,176)
Roads to Recovery	● (332,735)
Council Roads Initiative	● (514,127)

The attachments to this report include detailed listings of the following capital expenditure (project) items, to assist in reviewing specific variances.

All capital expenditure variances are considered to be a timing adjustment at this time, with no impact expected against the net current position.

### **Investment Report**

*Pursuant to the Council's Investment Policy, a report is to be provided to the Council on a monthly basis, detailing the investment portfolio in terms of performance and counterparty percentage exposure of total portfolio. The report is also to provide details of investment income earned against budget, whilst confirming compliance of the portfolio with legislative and policy limits.*

As at 30 September 2017, the value of the City's invested funds totalled \$95.24M, increasing from \$85.99M as at 1st September. The increase is due to funds flowing in during the annual rate billing period.

During the month of September \$19.5M in term deposit funds matured. All deposits were renewed for an average of 164 days at an average rate of 2.45%. New deposits totalling \$16M were established for an average of 158 days at an average rate of 2.53%.

The balance of the 11am account (an intermediary account which offers immediate access to the funds compared to the term deposits and a higher rate of return compared to the cheque account) decreased by \$6.75M as the new term deposits were established. The balance of the Airport development ANZ cash account remained steady.

The RBA left official rates on hold during August and September with future rate movements are unclear at this stage.

#### **Chief Executive Officer – Corporate Credit Card**

Details of monthly (August) transactions made on the Chief Executive Officer’s corporate credit card are provided below to ensure there is appropriate oversight and awareness of credit card transactions made.

<b>Date</b>	<b>Amount</b>	<b>Payee</b>	<b>Description</b>
24-Aug-17	\$1,094.50	Think Tank Media	Regn Corporate PA Summit Nov 2017 - Corne Lombard

*\*Funds debited against CEO Annual Professional Development Allowance as per employment Contract Agreement*

*+ Allocated against CEO Hospitality Expenses Allowance*

#### **CONCLUSION**

As at 30 September 2017, the City’s financial performance is considered satisfactory.

#### **COUNCIL DECISION/COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION**



**C1711/284** Moved Deputy Mayor J McCallum, seconded Councillor C Tarbotton

That the Council receives the statutory financial activity statement reports for the period ending 30 September 2017, pursuant to Regulation 34(4) of the Local Government (Financial Management) Regulations.

**CARRIED 9/0**

**EN BLOC**

10.2 Audit Committee - 2/11/2017 - CITY OF BUSSELTON 2016/2017 ANNUAL FINANCIAL REPORT, AUDITORS REPORT AND MANAGEMENT LETTER

<b>SUBJECT INDEX:</b>	Financial Operations
<b>STRATEGIC OBJECTIVE:</b>	Governance systems, process and practices are responsible, ethical and transparent.
<b>BUSINESS UNIT:</b>	Finance and Corporate Services
<b>ACTIVITY UNIT:</b>	Financial Services
<b>REPORTING OFFICER:</b>	Manager Financial Services - Kim Dolzadelli
<b>AUTHORISING OFFICER:</b>	Director, Finance and Corporate Services - Cliff Frewing
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A 2016/2017 Annual Financial Report Including Auditors Report 
	Attachment B 2016/2017 Management Letter 

**This item was considered by the Audit Committee at its meeting on 2 November 2017, the recommendations from which have been included in this report.**

**PRÉCIS**

The 2016/17 Annual Financial Statement, Auditors Report and Management Letter was received from Council's appointed Auditor, Mr Tim Partridge from AMD Chartered Accountants on 12 October 2017, and is provided to Committee Members with the Agenda documents.

Pursuant to its Instrument of Appointment, it is relevant that the Audit Committee considers the 2016/17 Annual Financial Statement, Auditors Report and Management Letter and where appropriate, makes recommendation/s in respect of these reports.

**BACKGROUND**

Pursuant to Section 7.9 of the Local Government Act (the 'Act'), an Auditor is required to examine the accounts and annual financial report submitted by a local government for audit. The Auditor is also required, by 31 December following the financial year to which the accounts and report relate, to prepare a report thereon and forward a copy of that report to:

- (a) The Mayor or President
- (b) The Chief Executive Officer; and
- (c) The Minister

Furthermore, in accordance with Regulation 10 (4) of the Local Government (Audit) Regulations, where it is considered appropriate to do so, the Auditor may prepare a Management Report to accompany the Auditor's Report, which is also to be forwarded to the persons specified in Section 7.9 of the Act.

The Management Report provides an overview of the audit process and outcomes, whilst also identifying any matters that, whilst generally not material in relation to the overall audit of the financial report, are nonetheless considered relevant to the day to day operations of the City.

**STATUTORY ENVIRONMENT**

Matters pertaining to the financial audit of a local government authority are detailed within:

- Local Government Act 1995 Section 7.12A.
- Local Government (Financial Management) Regulations 1996.
- Local Government (Audit) Regulations 1996 – Regulation 16.

**RELEVANT PLANS AND POLICIES**

Not applicable.

**FINANCIAL IMPLICATIONS**

Not applicable.

**Long-term Financial Plan Implications**

Nil

**STRATEGIC COMMUNITY OBJECTIVES**

This matter principally aligns with Key Goal Area 6 – ‘Open and Collaborative Leadership’ and more specifically Community Objective 6.1 - ‘Governance systems, process and practices are responsible, ethical and transparent’.

**RISK ASSESSMENT**

Not applicable.

**CONSULTATION**

Not applicable.

**OFFICER COMMENT**

The Audit Committee should note the following Auditors comments that:

***“Opinion***

*In our opinion, the accompanying financial report of the City of Busselton:*

- (i) gives a true and fair view, in all material respects, of the financial position of the City of Busselton as at 30 June 2017, and of its financial performance and its cash flows for the year then ended;*
- (ii) complies with Australian Accounting Standards; and*
- (iii) is prepared in accordance with the requirements of the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996.*

***Statutory Compliance:***

*In accordance with the Local Government (Audit) Regulations 1996, we also report that:*

- (i) There are no matters that in our opinion indicate significant adverse trends in the financial position or the financial management practices of the City of Busselton:*
- (ii) There are no other matters indicating non-compliance with Part 6 of the Local Government Act 1995 (as amended), the Local Government (Financial Management) Regulations 1996 (as amended) or applicable financial controls of any other written law noted during the course of our audit, with exception of the following:*
  - a. The mid-year budget review was not completed prior to 31 March 2017 in accordance with Regulation 33A of the Local Government (Financial Management) Regulations 1996. The review was completed on 9 May 2017 and forwarded to the Department of Local Government 1 June 2017; and*

- b. *The monthly financial statements for November 2016 and May 2017 were not presented at an ordinary council meeting within two months after the end of the month to which the financial statements relate; as required by Regulation 34(4) of the Local Government (Financial Management) Regulations 1996.*
- (iii) *The asset consumption ratio and the asset renewal funding ratio included in the annual financial report are supported by verifiable information and reasonable assumptions;*
- (iv) *All necessary information and explanations were obtained by us; and*
- (v) *All audit procedures were satisfactorily completed during our audit.*

The officer notes the minor non-compliance issues raised in points a. and b. above and advises that a review of Committee meeting dates has been initiated to ensure timelines for reporting can be attained.

The Auditor's Management Report provides an overview of the approach undertaken in respect of the annual audit process, and the associated outcomes of the audit. The Management Report also identifies any findings that, whilst not material in relation to the overall audit of the financial report, are considered relevant to the day to day operations of the City.

As part of the 2016/17 Financial Audit, the Auditor made two findings, both of which have been ranked by the Auditor as "Minor":

- a) A finding relating to Policy Review; and
- b) A finding relating to excessive leave balances for key personnel;

The review of the City of Busselton's Policies and Procedures is an ongoing process; the Auditor has highlighted the following items.

These will be addressed in the coming months, as appropriate.

<b>Policy Description</b>	<b>Last reviewed</b>	<b>Review frequency noted within policy</b>
031 Tender selection Criteria	March 2011	As required
FIN100 Petty cash Procedure	January 2014	As required
FIN105 Operation of Business Customer Account Cards	October 2014	As required
HR224 Shire Motor Vehicles	June 2010	Annually
FIN104 Credit Facilities- Waste Disposal Sites	December 2013	As Required
Customer Service Procedure- Petty cash	February 2014	Not noted
HR406 Disciplinary Practice and Procedure	October 2009	Annually
HR301 Study Assistance Practice and Procedure	July 2014	Annually or as required

The finding in relation to excessive leave balances for some employees is acknowledged and a process has been put in place following similar findings over the last few years.

The City continues to adopt an approach of endeavoring to achieve an overall reduction in long outstanding leave balances while still meeting the needs of the organisation. It should be noted this is an issue in relation to a few employees only; and the City does not generally have a problem with excessive leave balances.

This issue will obviously be the subject of continual review prior to and at next year's financial audit.

**CONCLUSION**

The City achieved a clear audit for the financial year ending 30 June 2016 with only 2 minor areas of non-compliance relating to the timeframes with respect to presentation of the Annual Budget Review and Statements of Financial Activity. As previously noted *a review of Committee meeting dates has been initiated to ensure timelines for reporting can be attained.*

Whilst the Auditor has reported two audit findings in the Management Report, the Auditor has rated these as minor (i.e. not of primary concern however still warranting action being taken). Officers have addressed these minor issues as shown above.

**OPTIONS**

The Audit Committee may determine to make specific recommendations in relation to the audit findings and the actions identified by management in addressing these. Given the relatively minor nature of the issues that have arisen and the actions which are proposed or are underway, officers do not think specific resolutions are necessary.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

Not applicable.

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

**C1711/285** Moved Deputy Mayor J McCallum, seconded Councillor C Tarbotton

That the City of Busselton Audit Committee recommends to Council that the 2016/17 Annual Financial Report including Auditors Report be accepted.

**CARRIED 9/0**

**EN BLOC**



**10.3 Audit Committee - 2/11/2017 - CONDUCT OF MEETING WITH AUDITOR**

<b>SUBJECT INDEX:</b>	Compliance
<b>STRATEGIC OBJECTIVE:</b>	Governance systems that deliver responsible, ethical and accountable decision-making.
<b>BUSINESS UNIT:</b>	Finance and Corporate Services
<b>ACTIVITY UNIT:</b>	Financial Services
<b>REPORTING OFFICER:</b>	Manager Financial Services - Kim Dolzadelli
<b>AUTHORISING OFFICER:</b>	Director, Finance and Corporate Services - Cliff Frewing
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Nil

**This item was considered by the Audit Committee at its meeting on 2 November 2017, the recommendations from which have been included in this report.**

**PRÉCIS**

For the Audit Committee and Council's Auditor to meet.

**BACKGROUND**

The 2016/17 Annual Financial Statement, Auditors Report and Management Letter were received from Council's appointed Auditor, Mr Tim Partridge from AMD Chartered Accountants on 12 October 2017.

Pursuant to its Instrument of Appointment, the Audit Committee is to consider the 2016/17 Annual Financial Statement, Auditors Report and Management letter and is to meet with its Auditor at least once every year.

**STATUTORY ENVIRONMENT**

Local Government Act 1995 Section 7.12A(2)

*(2) Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year.*

**RELEVANT PLANS AND POLICIES**

N/A

**FINANCIAL IMPLICATIONS**

Nil

**Long-term Financial Plan Implications**

Nil

**STRATEGIC COMMUNITY OBJECTIVES**

This matter principally aligns with Key Goal Area 6 – 'Open and Collaborative Leadership' and more specifically Community Objective 6.1 - 'Governance systems, process and practices are responsible, ethical and transparent'.

**RISK ASSESSMENT**

N/A

**CONSULTATION**

The Annual Financial Report has been the subject of close examination by the appointed auditors, Mr Tim Partridge from AMD Chartered Accountants.

**OFFICER COMMENT**

An important function of the meeting is to discuss with the Auditor, the conduct of the audit, the audit findings, and the state of the City's financial affairs generally. This meeting provides the Audit Committee to undertake this important function as required by the *Local Government Act 1995* Section 7.12A(2).

**CONCLUSION**

That the Audit Committee meets with Council's Auditor on a regular basis and reports any findings to Council. The auditor has agreed to attend this meeting of the Audit and Governance Committee.

**OPTIONS**

The Audit Committee may determine to make specific recommendations in relation to the audit findings and the actions identified by management in addressing these.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

Immediate.

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

**C1711/286** Moved Deputy Mayor J McCallum, seconded Councillor C Tarbotton




That the Audit and Governance Committee advises Council that it has met with the Council's appointed Auditor, Mr Tim Partridge from AMD Chartered Accountants who attended the meeting.

**CARRIED 9/0**

**EN BLOC**

## 11. COMMUNITY AND COMMERCIAL SERVICES REPORT

### 13.1 BUSSELTON FORESHORE REDEVELOPMENT: HOTEL/SHORT STAY ACCOMMODATION PRECINCT

<b>SUBJECT INDEX:</b>	Busselton foreshore redevelopment
<b>STRATEGIC OBJECTIVE:</b>	Events and unique tourism experiences that attract visitors and investment.
<b>BUSINESS UNIT:</b>	Commercial Services
<b>ACTIVITY UNIT:</b>	Property and Business Development
<b>REPORTING OFFICER:</b>	Economic and Business Development Coordinator - Jon Berry
<b>AUTHORISING OFFICER:</b>	Director, Community and Commercial Services - Naomi Searle
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Advice of withdrawal from Singman Tourism Group (STG) 
	Attachment B Status report as at 30 September 2017 from Hotel Development Group (HDG) 
	Attachment C Letter from Pacifica Developments Pty Ltd 

#### PRÉCIS

This report provides a summary of City processes to recruit commercial interest in developing hotel/short-stay tourism accommodation on Crown land on the Busselton foreshore.

Officers recommend Council notes the expiry of the ‘preferred proponent’ status for sites 1 and 2 for hotel/short-stay accommodation developments. This report also recommends that Council nominates a preferred proponent (‘Pacifica Developments’) for Site 2 for a term of six months and authorises the CEO to negotiate a draft heads of agreement outlining terms and conditions for a potential future sub-lease of Crown land.

#### BACKGROUND

The Busselton Foreshore Master Plan (BFMP) was adopted by Council on 28 March 2012 (C1203/073) and identified potential sites for hotel/short-stay commercial development. The City of Busselton initiated an Expression of Interest (EoI) process to recruit hotel developers and/or operators to lease land for short-stay accommodation developments up to four storeys plus loft, with ground floor commercial retail. As part of the State Government investment into the Busselton Jetty, all revenue generated from the lease of the short-stay accommodation land is to be directed into maintenance, renewal and preservation of the Busselton Jetty.

Upon completion of a time-bounded EoI process, three submissions were received from hotel chains and three from developers. The submissions did not include design concepts or business plans (as was requested), rather they included feedback and commentary as summarized below:

- there will likely be a need for a long leasehold period to attract investment finance;
- a preference for a percentage of units to be able to be purchased under sub-lease arrangements (to also help facilitate financing);
- preference for a portion of the development to be able to be converted to residential should the tourism development fail (not necessarily as a condition for Busselton, but raised in the context of reducing risk should tourism returns lead to failure in the future);
- need for greater certainty on funding and timing of the proposed Busselton Regional Airport expansion to induce increased inbound tourism visitation to the region, which was deemed

necessary given the annual average occupancy rate for tourist accommodation in Busselton was around 51% at the time, and;

- greater certainty on the timing of the Busselton foreshore master plan delivery including utility headworks infrastructure connected to the proposed short-stay tourism sites.

Since the master plan was prepared by the City in 2012, it has been modified several times, resulting in changes to the location of the sites and the overall land area as follows:

- 2012 (10,040m<sup>2</sup> over three sites)
- 2014 (9,400m<sup>2</sup> over five sites)
- 2016 (7,195m<sup>2</sup> over three sites) – (adopted on 24 February 2016 in a Development Guide Plan (DGP))

The land area of the three hotel sites are:

- Site 1: 2,920sqm (existing Busselton Tennis courts - portion of Lot 418, Reserve 28535)
- Site 2: 2,265sqm (south of the new Railway House - portion of Lot 503, Reserve 38558)
- Site 3: 2,010sqm (south of the new skate park – portion of Lot 503, Reserve 38558)

On 11 May 2016, Council resolved (C1605/114) to authorise the CEO to again invite expressions of interest for development of the three short-stay accommodation sites with the aim of nominating 'preferred proponents' to negotiate Development Agreements.

Following a publicly advertised EoI process, on 27 July 2016 the Council resolved (C1607/182) to nominate two proponents to negotiate terms and develop design concepts over a 12 month period:

- Site 1  
Hotel Development Group Pty Ltd (HDG) for the development of a minimum 5 star hotel/short-stay accommodation.

*(Site 1 is the subject of an existing lease with the Busselton Tennis Club to 30 June 2021)*

- Site 2  
Singman Tourism Group Pty Ltd (STG) for the development of a minimum 4-star hotel/short-stay accommodation;

- Site 3  
Council resolved not to nominate a preferred proponent for Site 3.

*(A car-park has subsequently been developed on this land to service growing demand from visitors to the foreshore, particularly whilst development works were occurring).*

The Council also resolved to seek approval from the Minister for Lands to sub-lease the three sites for a period up to a maximum of 65 years, which was subsequently approved by the Minister.

Throughout the EoI recruitment process, the City has been proactive in creating a more conducive investment environment for the hotel/short-stay opportunity, and addressing several of the concerns expressed by respondents to the EoI's issued. Progress has included:

- Funding for the Busselton Margaret River Airport upgrade with construction well underway to facilitate interstate flights and, in the longer term, international visitation;

- Utility infrastructure upgrades have been completed with the support of the State Government providing increased services to the hotel/short-stay accommodation precinct;
- As sub-lessor of Crown land on the foreshore, the City has facilitated private investment into expanding the Equinox café, the Goose Café and the 'Blue Mile', a new venue to include a family restaurant, microbrewery and function centre to commence construction in early 2018. These developments will support an enhanced tourist experience on the Busselton foreshore;
- Progression of a Memorandum of Understanding between the City and the Busselton Tennis Club to relocate the tennis courts and build a new club-house proposed to be concluded by November 2019, thus allowing Site 1 to be progressed for a development;
- Delivery of key public components of the foreshore with Railway House and the Barnard Park Pavilion completed and the Youth and Community Activities building, central core landscaping and new coastal defences well underway; and,
- Unified marketing of the region under a single brand leading to more focussed promotion of the region to interstate and overseas visitor markets.

Notwithstanding the above progress by the City, both preferred proponents nominated by Council have been unable to demonstrate firm progress with their hotel proposals by the expiry date of 30 July 2017 (being 12 months from the nomination date). Upon their request, they were both subsequently afforded a further three months (to 30 September 2017) to provide a further report and to investigate capital finance raising, as this was the biggest concern expressed by both proponents.

Singman Tourism Group officially withdrew from the EoI process on 6 September 2017 (see letter of withdrawal in Attachment A), primarily citing difficulties raising capital finance.

The Hotel Development Group (HDG) was also unable to demonstrate progress on its development plans for Site 1. However, HDG has communicated interest in progressing a future development under a management agreement with Hilton Hotels for a Hilton Garden Inns development on Site 2 (See Attachment B) and is also seeking an undertaking from the City for an extension to its preferred proponent status.

In October 2017, the City was approached by Pacifica Developments Pty Ltd (Pacifica) who expressed interest in investigating opportunities at Busselton and is seeking Council support to be nominated as a preferred proponent for a period of six months to negotiate terms and conditions for a development on Site 2 (see attachment C). Pacifica has affiliations with major hotel groups including Mantra, Hilton Gardens and Peppers.

## **STATUTORY ENVIRONMENT**

There are no statutory issues relating to the Officer recommendation contained within this report. Any future proposals for lease of City property will be subject to s3.58(3) of the Local Government Act 1995, which states that before agreeing to dispose of property, the local government is required to:

- (a) give local public notice of the proposed disposition by:
  - describing the property concerned;
  - giving details of the proposed disposition (including names of the parties concerned; the consideration to be received by the local government and the market value of the disposition)

- inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than two weeks after the notice is first given
- (b) consider any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

Additionally, s3.59(2) of the Act states that before a Local Government enters into a major land transaction, it is to prepare a business plan and seek public comment by giving state-wide notice.

## **RELEVANT PLANS AND POLICIES**

### Busselton Foreshore Statement of Intent

On 8 June 2011 (C1106/180), the former Busselton Shire Council adopted a 'Statement of Intent' for the development of the Busselton Foreshore, recognising a balanced approach is required to ensure sustainable outcomes from public and private investment. The statement concluded *"the foreshore will be developed in a manner that respects Busselton's identity and heritage whilst providing economic, social, environmental and cultural benefits to the Shire (sic) and the South West region"*.

This statement was updated and reaffirmed by Council on 25 February 2015 (C1502/037).

### Busselton Foreshore Master Plan (BFMP)

The most recent amendment to the BFMP was adopted by Council (C1602/031) on 24 February 2016 and identified three sites for hotels/short-stay accommodation.

### Busselton Foreshore Development Guide Plan (BFDGP)

The BFDGP incorporates statutory controls relating to land use, building heights and floor areas that reflect the BFMP. The BFDGP was also endorsed (C1602/031) by Council on 24 February 2016 and has been approved by the Western Australian Planning Commission.

## **FINANCIAL IMPLICATIONS**

There are no financial implications arising from the Officer recommendation.

### Long-term Financial Plan Implications

There is no direct impact on the Long term Financial Plan (LTFP) as a result of the Officer recommendation.

The LTFP identifies revenue streams from ground leases for the hotel sites (Site 1: ~\$117k from 2020/21); and, Site 2: ~\$91k from 2019/20).

Should Council endorse the Officer recommendation the LTFP may need to be adjusted to reflect future development timeframes impacting on future cash in-flows.

## **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**

The table below describes identified 'downside' risks where the residual risk, once controls have been identified, is identified as 'medium' or greater;

<i>Risk</i>	<i>Controls</i>	<i>Consequence</i>	<i>Likelihood</i>	<i>Risk Level</i>
Potential lost alternative investment opportunities for a period of six months while negotiations are underway with a new 'preferred proponent'	Maintain a register of interest from alternative entities should they be forthcoming over the next six months	Moderate	Unlikely	Medium

#### **CONSULTATION**

Public consultation was conducted as part of Council's consideration of the revised Busselton Foreshore Master Plan adopted by Council on 24 February 2016. The consultation process included opportunity for public comment, an invitation for submissions from other commercial lessees on the Busselton foreshore and direct feedback from key Government agencies. Being Crown land, Officers are in regular contact with the Department of Lands Regional Manager.

#### **OFFICER COMMENT**

Following conclusion of an EoI process at 30 September 2017, Council's two nominated preferred proponents (STG for Site 2 and HDG for Site 1) were unable to demonstrate progress to the City's satisfaction. STG has officially withdrawn from the EoI process citing inability to raise capital finance.

Whilst HDG has expressed interest in Site 2, their progress on Site 1 as 'preferred proponents' was limited due to their inability to secure finance and as such Officers do not recommend that HDG be given the opportunity to progress Site 2 at this time when another proven hotel developer has expressed keen interest in the site. This developer is Pacifica Developments Pty Ltd who approached the City in October 2017 expressing interest in the Busselton foreshore and as such is seeking to enter into exclusive negotiations for a minimum 4.5 star hotel on Site 2. Pacifica is a privately owned, diversified property development and management company based in Brisbane. It has experience in developing hotel and short stay accommodation in Australia, Papua New Guinea and the Pacific and is currently planning a \$22 million, 120-bed resort on the Kalgoorlie Golf Course in a public/private partnership arrangement with the City of Kalgoorlie Boulder.

Officers recommend Council afford Pacifica a six month term as 'preferred proponent' for Site 2 and authorise the CEO to commence negotiating a heads of agreement to outline potential terms and conditions that may form the basis a future sub-lease of the Crown land. Once this is concluded a further Council report would be provided seeking confirmation of proposed terms and conditions and further direction.

Officers recommend Council do not progress the EoI process for Site 1 at this time.

## CONCLUSION

Difficulties raising capital finance for the proposed hotel sites has been cited as the main reason the City's two preferred proponents have been unable to progress a development on both Site 1 and Site 2 on the Busselton foreshore. Given the expiry of the EoI process for the two preferred proponents without substantive progress being demonstrated by HDG (Site 1) and the withdrawal by STG (Site 2) Officers recommend Council nominate a new proponent 'Pacifica Developments Pty Ltd to progress a proposal for Site 2.

Although HDG has also expressed interest in Site 2, it is considered prudent to allow a new entrant to prepare a proposal for Council consideration over a six month period.

## OPTIONS

Should Council not support the Officer recommendation it may resolve to:

- Re-advertise seeking further expressions of interest from the open market;
- Not progress the expression of interest process at this time; or,
- Provide preferred proponent status to the Hotel Development Group for a further six months for either Site 1 or Site 2.

## TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Should Council support the Officer recommendation, Officers will commence negotiations with the preferred proponent in early December and provide a further report to Council in late June 2018.

## COUNCIL DECISION AND OFFICER RECOMMENDATION

**C1711/287** Moved Deputy Mayor J McCallum, seconded Councillor C Tarbotton

That Council:

1. Notes the expiry of the 'preferred proponent' status for sites 1 and 2 for hotel/short-stay accommodation developments within the tourism accommodation precinct of the Busselton Foreshore Master Plan;
2. Nominates Pacifica Developments Pty Ltd as 'preferred proponents' to progress a proposal for hotel/short-stay accommodation development (minimum 4.5 star) on Site 2 for a period of six months;
3. Authorises CEO to negotiate and enter into a non-binding Heads of Agreement with Pacifica Development Pty Ltd with terms and conditions outlined in this report; and,
4. Does not progress with nominating a preferred proponent for Site 1 at this time.


**CARRIED 9/0**

**EN BLOC**



## **12. FINANCE AND CORPORATE SERVICES REPORT**

### **14.1 PROPOSED LEASE AND LICENCE TO DEPARTMENT OF FIRE AND EMERGENCY SERVICES FOR STORAGE SHED AND RUNNING TRACK ON BARNARD PARK**

<b>SUBJECT INDEX:</b>	Agreements and Contracts
<b>STRATEGIC OBJECTIVE:</b>	Assets are well maintained and responsibly managed.
<b>BUSINESS UNIT:</b>	Corporate Services
<b>ACTIVITY UNIT:</b>	Property and Corporate Compliance
<b>REPORTING OFFICER:</b>	Property Coordinator - Ann Strang
<b>AUTHORISING OFFICER:</b>	Director, Finance and Corporate Services - Cliff Frewing
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Plan Showing Lease and Licence Areas 

#### **PRÉCIS**

To facilitate the development of new district playing fields on Lot 505, Reserve 8485 (Barnard Park), the City, in consultation with the Busselton Volunteer Fire and Rescue Service (BVFRS) removed the BVFRS's clubrooms and relocated their running track to an alternative site at Barnard Park. A storage shed was also located with the running track.

The purpose of this report is to present a recommendation on the future tenure arrangement for the storage shed, running track and associated infrastructure.

#### **BACKGROUND**

Barnard Park is crown land vested with the City for the purpose of recreation. The City obtained a funding contribution through the Community Sport and Recreation Facilities Fund (CSRFF) to develop an active sporting precinct at Barnard Park, specifically playing fields for sports such as rugby, cricket and soccer, and a multi-user sports pavilion.

To facilitate the development of the playing fields it was necessary to remove the BVFRS clubrooms and running track. A new running track and a replacement storage facility were constructed as part of the first stage of the Barnard Park redevelopment. To service the running track, a water tank and compound area was also constructed adjacent to the storage shed.

In August 2017, the Council resolved (C1708/193) to enter into a lease with the Barnard Park Sports Association (BPSA) over the newly constructed sports pavilion. While the BVFRS were involved in the working group formed in relation to the pavilion, they chose not to become members of the BPSA due to their status as an unincorporated association. Given the impact that the redevelopment of Barnard Park has had on the BVFRS, the lease does however contain a clause providing the BVFRS the right to use the function room within the Pavilion up to four times a year for a nominal amount.

BVFRS are not an incorporated body and not therefore in a position to enter into a lease. As the overarching government agency responsible for the facilities of volunteer fire rescue services, it is recommended that Council enter into a lease with Department of Fire and Emergency Services (DFES). It is proposed that the lease will include the storage shed, water tank and compound and a licence (non-exclusive use) of the running track. The terms and conditions of the proposed lease and licence are detailed in the Officer Recommendation section of this report.

## **STATUTORY ENVIRONMENT**

When disposing of property whether by sale, lease or other means, a Local Government is bound by section 3.58 of the Local Government Act which requires giving local public notice when disposing of property. There are exemptions to this process under Regulation 30 (2)(c) (ii) of the Local Government (Functions & General) Regulations which states “disposal of land to a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth, are exempt from the advertising and tender requirements of section 3.58 of the Local Government Act”. This exemption would therefore apply to DFES.

Reserve 8485 being Lot 505, Deposited Plan 402933, Volume LR3166 Folio 953, Busselton is vested with the City with the power to lease for any term not exceeding 21 years, subject to the consent of the Minister of Lands (now the Minister for Planning, Lands and Heritage), for the designated purpose of “Recreation’.

## **RELEVANT PLANS AND POLICIES**

The recommendation to enter into a lease with DFES is generally consistent with the principles of Council Policy 248, Leases of City Land and Buildings.

## **FINANCIAL IMPLICATIONS**

The rent charged to community and sporting groups for City land and/or buildings is \$210 per annum (inclusive of GST), reviewed annually by CPI. It is proposed that this is the rent charged to DFES, and that DFES be liable for the building insurance and maintenance of the shed, the running track and water infrastructure as a result of the BVFRS use. The City will be responsible for maintenance and repair of the running track at other times. Damage caused to the track during City approved events would be the responsibility of the City or the event organisers, under agreements entered into with the City.

### **Long-term Financial Plan Implications**

Nil

## **STRATEGIC COMMUNITY OBJECTIVES**

The officer recommendation is consistent with Key Goal Area 6 of the City’s Strategic Community Plan 2017 and specifically Community Objective 6.4 ‘Assets are well maintained and responsibly managed’.

## **RISK ASSESSMENT**

There are no identified risks of a medium or greater level associated with the officer recommendation. The recommendation serves to mitigate the risks associated with there not being a lease in place.

## **CONSULTATION**

The City and key stakeholders have been working together for a number of years to develop Barnard Park. Discussions have been held with representatives from both the BVFRS and DFES in relation to the use of the storage shed and running track. Both parties are keen to enter into an agreement that provides clear guidelines around each party’s responsibilities.

**OFFICER COMMENT**

The BVFRS have operated running training and competitions for many years, predominantly to facilitate fitness and develop team based networks between fire brigades throughout the State.

While ideally DFES would have full responsibility for the maintenance of the running track, this is not practicable due to its high profile location and the level of public access. It is therefore proposed to enter into a licence with DFES for the running track as shown hatched red on Attachment A. Under the licence DFES would be responsible to maintain and keep clean the area when being used by them and be responsible for the ongoing maintenance of the plumbing associated with the water supply to the track and the upkeep of the line markings.

With respect to the storage shed, water tank and compound, these areas are used exclusively by the BVFRS. For this reason it is proposed that we enter into a lease for these facilities, as shown hatched blue on Attachment A, and that DFES be responsible for their maintenance and all outgoings.

Whilst generally the City enters into leases for a 5 year term with a further 5 year option, Council Policy 248 recommends that a longer term is considered when leasing to State Government Agencies. It is therefore recommended that the City enter into a lease with DFES for a term of 10 years with a further 10 year option. It is proposed that the rent be \$210 per annum increased annually by CPI.

As with other leasehold interests on Barnard Park, it is recommended that the lease include a provision allowing the City to restrict access to the land and leased area during a City approved event, such as Forrest Rally. This restriction will be limited to no more than 5 days per calendar year.

**CONCLUSION**

To provide clarity in terms of tenure and future obligations for the City, DFES and the BVFRS, it is recommended that the Council enter into a lease of the storage shed, water tank and compound and licence of the running track, with DFES on the terms and conditions outlined in the Officer Recommendation.

**OPTIONS**

1. Council can resolve not to enter into a lease and / or licence with DFES, noting the City would therefore accept the responsibility for management of the running track and facilities.
2. Council can resolve to enter into a different term of lease and licence with DFES; however the term offered could not exceed 21 years.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

It is anticipated that the lease and licence would be forwarded to DFES and executed by all parties no later than 30 December 2017.


**COUNCIL DECISION AND OFFICER RECOMMENDATION****C1711/288** Moved Deputy Mayor J McCallum, seconded Councillor C Tarbotton

That the Council:

1. Enter into a lease and licence, subject to the approval of the Minister for Lands, with the Department of Fire and Emergency Services for the occupation of a portion of Part Reserve 8485, Lot 505, Busselton, as shown hatched blue and red on Attachment on the following terms;
  - a) The term of the lease and licence to be 10 years with a further 10 year option, commencing on or before 30 December 2017;
  - b) The rent to commence at \$210.00 per annum inclusive of GST and to be increased on each anniversary by CPI;
  - c) The City may restrict access to the leased area up to 5 days per calendar year during approved City events held at Barnard Park;
  - d) All costs associated with the preparation of the lease and licence to be met by the Lessee; and
  - e) Other terms to be consistent with the City's standard community group lease.

**CARRIED 9/0****EN BLOC**

## 14.2 LEASE OF BLUE CLUB ROOMS DUNSBOROUGH

<b>SUBJECT INDEX:</b>	Agreement/Contracts
<b>STRATEGIC OBJECTIVE:</b>	Assets are well maintained and responsibly managed.
<b>BUSINESS UNIT:</b>	Corporate Services
<b>ACTIVITY UNIT:</b>	Property Services
<b>REPORTING OFFICER:</b>	Property Management Coordinator - Sharon Woodford-Jones
<b>AUTHORISING OFFICER:</b>	Director, Finance and Corporate Services - Cliff Frewing
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Blue Club Rooms Attachment 

### PRÉCIS

The City currently has under its care and management a building known as the Blue Club Rooms along with a storage shed located on land owned freehold by the City being Lot 3003 Dunsborough Lakes Drive, also known as Dunsborough Playing Fields. The sporting groups that currently use these buildings have requested to lease them from the City. The purpose of this report is to recommend that Council enter into a lease with the sporting groups and to make recommendations in relation to the terms of the proposed lease.

### BACKGROUND

On 24<sup>th</sup> July 2013 Council considered a report on the subject of a lease of the Blue Club Rooms and another building in the vicinity of the Dunsborough Playing Fields known as the John Edwards Pavilion. The proposal at the time followed a long period of consultation among the users of the buildings and the playing fields, resulting in the formation of one consolidated incorporated body, the Naturaliste Sports Club (the NSC). The NSC then sought security of tenure over the buildings for the benefit of the numerous clubs and their varied activities.

Council resolved in part (C1307/196):

*"...to enter into a lease with the Naturaliste Sports Club Incorporated for the occupation of a portion of Lot 3003, on Deposited Plan 19111... subject to the following:*

- (a) the lease shall be consistent with the City's standard community and sporting group lease;*
- (b) the term of the lease to be 5 years, commencing on 30 August 2013 with a further 5 year option; and*
- (c) the annual rent to be \$188 inclusive of GST with annual CPI rent reviews.*

Following a period of discord, the NSC unfortunately disbanded and the lease was never concluded. The City have therefore been managing the use of both the Blue Club Room and the John Edwards Pavilion by offering the users seasonal hire permits. The fee charged for these temporary permits is based on cost recovery for services and insurance but does not cover the cost of maintaining the buildings or carrying out any improvement or upgrade to the facilities.

With respect to the Blue Club Rooms, there are four sporting groups that predominantly use the facility:

- The Dunsborough Senior Cricket Club
- The Dunsborough Junior Cricket Club

- The Dunsborough Towners Football Club (Inc.) and
- The Dunsborough Soccer Club Inc.

The junior and senior cricket clubs operate under the banner of one incorporated association, the Dunsborough Cricket Club Inc.

The sporting groups listed above have expressed an interest in securing tenure over the Blue Club Rooms and the storage shed located on the land (the Premises). It is therefore proposed that a lease of the Premises be offered to the three incorporated associations on a joint tenancy basis.

### **STATUTORY ENVIRONMENT**

When disposing of property whether by sale, lease or other means, a Local Government is bound by the requirements of section 3.58 of the Local Government Act 1995 (LGA) to advertise the disposition and have regard to any submissions made. Section 3.58 of the LGA provides exemptions to this process. Regulation 30(2)(b) of the Local Government (Functions and General) Regulations exempts disposals of land to incorporated bodies who are not for profit. The constitutions of the three sporting groups are such that this exemption applies.

The Premises are located on Lot 3003, Plan 19111, Volume 1958, Folio 853, Dunsborough Lakes Drive, Dunsborough as indicated on Attachment 1. This is land owned freehold by the City.

### **RELEVANT PLANS AND POLICIES**

The proposals in relation to the recommended terms and provisions of the lease are consistent with Policy 248 – Leases of City Land and Buildings.

### **FINANCIAL IMPLICATIONS**

The rent charged to community and sporting groups leasing City owned or managed land is currently \$210.00 per annum (inclusive of GST), reviewed annually by CPI. The standard community lease terms include requirements for the tenants to pay outgoings including services and insurance as well as meet the cost of maintenance and repair of the buildings, including structural repairs.

As Council had previously resolved to grant a leases of the buildings to the NSC, no specific budget had been allocated for their maintenance and upkeep. Since the disbanding of the NSC, nominal sums have been spent on minor essential repair items but no significant maintenance items have been undertaken. The groups would like some urgent items of maintenance such as external repainting, electrical inspections, lighting and fire compliance to be addressed, the likely cost of which will be in the region of \$12,000.

City staff have also discussed with the groups the potential for community bids to assist with future improvements to the buildings

#### **Long-term Financial Plan Implications**

Nil

### **STRATEGIC COMMUNITY OBJECTIVES**

The recommendation in this report reflects Key Goal Areas 1 and 2 and specifically Community Objectives 1.3 and 6.4 of the City's Strategic Community Plan 2017 namely:

“A community with access to a range of social and recreational facilities and experiences”

And

“Assets are well maintained and responsibly managed”

### **RISK ASSESSMENT**

There are no identified risks of a medium or greater level associated with the officer recommendation, with the recommendation serving to mitigate the risks associated with there not being a formal lease in place.

### **CONSULTATION**

City officers have been in regular contact with the groups wishing to enter into a lease of the Premises. This has occurred both by virtue of issuing seasonal hire permits and attending meetings to discuss the tenure options available. At the most recent meeting between City officers and club representatives the benefits of securing tenure in the form of a lease were discussed. The groups are particularly motivated by the concept of control over the facility as well as the increased likelihood of grant or community bid funding for future improvements to the buildings.

It has been explained to the club representatives that the standard format of the City’s community group lease provides that if the tenant is paying a nominal rent (as would be the case here) the responsibility for maintenance and repair of the leased building falls to that tenant.

### **OFFICER COMMENT**

The disbanding of the NSC has resulted in something of a hiatus so far as formalising management arrangements for the Dunsborough sports facilities is concerned. Granting a lease of the Premises will address arrangements for the Blue Club Room and will bring to an end the interim, and not wholly satisfactory, measure of issuing seasonal hire permits.

The sporting groups using the Premises did consider whether it might be preferable to form one single incorporated association rather than have multiple entities sign a lease. Due to the additional administrative burden of establishing another incorporated body, the groups concluded that all three associated bodies should be parties to the lease. The groups have a good working relationship with each other and understand that they will be jointly and individually liable for the lessee obligations under the lease.

The clubs have confirmed to City officers that it is their intention to make future joint submissions for community bids or other grant funding to ensure the facilities are looked after. In the meantime, they would like the more urgent maintenance works addressed to prevent the buildings suffering from further deterioration.

Following a recent inspection of the building to assess its condition, it was identified that certain works are required to preserve the structure of the building. City staff are therefore in the process of obtaining quotations for external painting, electrical and fire equipment compliance works. It is anticipated that the cost of these works will be in the region of \$12,000. The desired result is to hand over a building to the lessees which is in a reasonable condition structurally and compliant so far as electrical and fire safety is concerned.

### **CONCLUSION**

Whilst administratively it is preferable to have a single lessee (as was originally proposed with the NSC before it disbanded) there is nothing preventing this joint arrangement from working well. The City will progress with certain works to the building. The groups plan to work together to seek funding for improvements to the facility via grants or community bids which will help foster a collaborate approach to management of the facility.

It is therefore recommended that Council consider offering a lease on the terms and conditions detailed in the officer recommendation.

#### **OPTIONS**

1. Council could resolve not to enter in a lease with the clubs but continue with the seasonal hire arrangement.
2. Council can resolve to enter into a lease on alternative terms and conditions.

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

A draft lease will be forwarded to the clubs with a view to commencement of the term by 30 December 2017.

#### **COUNCIL DECISION AND OFFICER RECOMMENDATION**

**C1711/289** Moved Deputy Mayor J McCallum, seconded Councillor C Tarbotton

That the Council:

Authorises the CEO to enter into a lease with the Dunsborough Cricket Club (Inc) , the Dunsborough Towners Football Club (Inc). and the Dunsborough Soccer Club (Inc) for the occupation of a portion of Lot 3003, Plan 19111, Volume 853 as shown on Attachment 1 subject to the following:


- a) The annual rent will be \$210 inclusive of GST with annual CPI rent reviews
- b) The term of the lease will be 5 years with a further 5 year option; and
- c) The lease shall be consistent with the City's standard community and sporting group lease

**CARRIED 9/0**

**EN BLOC**



### 14.3 ACCESSIBILITY OF ONLINE DOCUMENTS

<b>SUBJECT INDEX:</b>	Accessibility of Online Documents
<b>STRATEGIC OBJECTIVE:</b>	Council engages broadly and proactively with the community.
<b>BUSINESS UNIT:</b>	Information Services
<b>ACTIVITY UNIT:</b>	Business Systems
<b>REPORTING OFFICER:</b>	Manager, Information Services - Hendrik Boshoff
<b>AUTHORISING OFFICER:</b>	Director, Finance and Corporate Services - Cliff Frewing
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Website Documents Published 

#### **PRÉCIS**

This report provides information on the accessibility of documents published online by the City of Busselton. It describes current practice, changes in progress and where the changes might be most effective based on document usage through the public website. The report also details the process involved with document treatment for the visually disabled and the resource requirements associated.

#### **BACKGROUND**

At the Ordinary meeting of Council of 23 November 2016 a Notice of Motion was adopted (C1611/141) for the CEO to bring a report to Council within 12 months discussing how accessibility could be improved for documents that the City of Busselton publishes online. The motion originated after a Councillor raised concerns around the digital format of documents on the City's public website.

In particular the accessibility of the information for the visually impaired was raised in conjunction with documents published. It should be noted documents made available for the visually impaired could be categorised to a variety of levels, but the most basic being a document wherein the written text can be interpreted by an electronic system and read out as spoken words.

It was also discussed that the provision of attachments to Council and Committee meeting agendas would format the attachments as pictures when embedded into the agenda, which is not visually impaired compatible at the most basic level.

Even though all Council and Committee meeting agendas and minutes clearly state *"All Information Available in Various Formats on Request"* as part of the cover sheet, the City has no record of receiving a request for documents to be provided in alternative formats to assist the visually disabled over the past decade. That said other documents published on the City's website do not necessary consistently state the same as part of the document introduction page. Attachment A shows the current published documents as well as the ones actioned over the last six months, with Council/Committee meetings and development application consultations being the most active sections.

Accessibility of documents also includes the reader's ability to obtain the electronic document in the first place, in particular the file size of Council meeting agendas are noted:

<b>Council Agenda Date</b>	<b>Size (MB)</b>
27 July 2016	74
10 August 2016	87
24 August 2016	170
14 September 2016	80
28 September 2016	79
12 October 2016	39
26 October 2016	31
9 November 2016	108
23 November 2016	16
14 December 2016	53
8 February 2017	23
22 February 2017	14
8 March 2017	27
22 March 2017	32
12 April 2017	31
26 April 2017	60
10 May 2017	37
24 May 2017	26
14 June 2017	62
28 June 2017	137
26 July 2017	41
9 August 2017	45
22 August 2017	20
13 September 2017	76
27 September 2017	54
11 October 2017	108
8 November 2017	33

Average 58 MB

Even though the National Broadband Network (NBN) is progressively being rolled out throughout the Busselton and Dunsborough region, these files would be difficult to download for the average home internet user and even more challenging if done on a mobile device (like an iPad, smartphone, etc.).

The main reason for the file size is because the agenda document would include all relevant attachments embedded into the main document, resulting in a situation where the reader needs to download the entire document even though they might only have an interest in certain sections of the agenda. Development applications consultations might also consist of large documents due to the inclusion of maps and the like, but these documents are generally separated into relevant portions and are topic specific.

## STATUTORY ENVIRONMENT

As online publishing is the main means of advertising and document distribution for the City numerous legislation and regulations are applicable to this report. As identified above the two most active sections being Council/Committee reports and development applications consultations the following is seen as most relevant:

Local Government Act 1995 s. 5.25(1)(j)

5.25 Regulations about council and committee meetings and committees...

(1)....

- (j) the circumstances and time in which notice papers and agenda relating to any council or committee meeting and reports and other documents which could be —
  - (i) tabled at a council or committee meeting; or
  - (ii) produced by the local government or a committee for presentation at a council or committee meeting, are to be made available for inspection by members of the public.....

And

Planning and Development Act 2005

Planning and Development (Local Planning Scheme) Regulation 2015 cl.64

64. Advertising applications

(1) An application for development approval must be advertised under this clause if the proposed development —

- (a) relates to the extension of a non-conforming use; or
- (b) relates to a use if —
  - (i) the use is not specifically referred to in the zoning table for this Scheme in respect of the zone in which the development is located; and
  - (ii) the local government determines that the use may be consistent with the objective of that one and that notice of the application should be given;
- or
- (c) does not comply with a requirement of this Scheme; or
- (d) is a development for which the local government requires a heritage assessment to be carried out under clause 11(1); or
- (e) is of a type that this Scheme requires to be advertised.

## RELEVANT PLANS AND POLICIES

City of Busselton Disability Access and Inclusion Plan 2014-18 Outcome 3 details the City's current commitment to the provision of accessible information to the community:

*Outcome 3*

*People with disability receive information from City of Busselton in a format that will enable them to access the information as readily as other people are able to access it*

## Strategy

3.1	Improve community awareness that City information can be provided in alternative formats upon request
3.2	Improve staff awareness of accessible information needs and how to obtain information in other formats
3.3	Ensure that the City's website meets contemporary good practice
3.4	Ensure all promotional materials and documentation regarding services, facilities and customer feedback are in an accessible format using clear and concise language wherever possible.

As the topic includes the distribution of documents as a whole, all plans and policies produced by the City would be affected by system changes.

**FINANCIAL IMPLICATIONS**

As most of the proposed improvements are utilising existing systems and the changes are more process related there are only minimal financial impacts. That said, if Council selects to have a full review of all document creation processes undertaken or selects to have all documents professionally converted to various accessibility formats it would require significant financial and staff resources and as a consequence this course of action is not proposed.

The initial focus will be to make Council Agendas and Minutes more accessible.

**Long-term Financial Plan Implications**

Nil

**STRATEGIC COMMUNITY OBJECTIVES**

Consideration of this matter is consistent with Key Goal 6 – Leadership - Community Objective 6.2 Council engages broadly and proactively with the community.

**RISK ASSESSMENT**

The risk associated to this report is predominantly reputational, but is not deemed as a high level risk.

<i>Risk</i>	<i>Controls</i>	<i>Consequence</i>	<i>Likelihood</i>	<i>Risk Level</i>
Not exploring available technologies	City officers to keep abreast of new technologies and implement these where appropriate	The City might be criticised for not exploring every avenue available to assist with Outcome 3 of the Disability Access and Inclusion Plan	Medium	Low

**CONSULTATION**

No specific community consultation was undertaken during the development of this report. However, officers engaged with other Local Governments, the Access and Disability Working Group and Councillor Paine directly to source information and assist with researching the topic.

## OFFICER COMMENT

Transforming standard documents into specific accessibility enabled content is a task normally undertaken by organisations with the specialist skills to ensure the content conversion is appropriately done for the disability identified. There are various standards and systems utilised to meet the desired outcomes associated with different levels of disability. City officers requested a quote for a typical conversion service from various specialist vendors for the conversion of an average Council Agenda and estimations are that it would take five to six days and \$15 per page to convert the document to a fully compliant format. This is mostly due to:

- All images in the document lack alternative text and hence not readable by the screen reading software.
- The colour contrast used on certain portion of the document should be enhanced.
- Even though the document has an indexed structure it is not tagged accordingly, which means there is no proper reading structure implement for the document. Therefore, screen reader users will have difficulties to navigate through the document.
- Certain portion of the text is appearing as images.

During the review, officers also looked at the entire process of document generation at the City from initial idea through collaborative editing to complete published result. It was found a significant portion of the document produced by City officers are constructed using Microsoft Office software suite as the document editing tool. It should also be noted this behaviour is consistent with nearly all Local Governments, State Departments and private sector businesses, which can be seen as an unofficial industry standard for larger organisations of similar size and nature to the City of Busselton.

As part of the discussion during the debate of the notice of motion, there was a proposal that documents could be produced using a free editing tool *R Markdown for R Studio* or similar. If the City was to consider changing from the unofficial industry standard document editing software (Microsoft) to using the *R Markdown* or similar tool in its full capacity it would mean all City administration staff would need to be retrained and any value a new recruit might bring to the organisation in the document development space would be limited, which would be a costly and impractical exercise. Therefore officers looked to the capacities within the current systems and processes to achieve similar outcomes.

To this end officers found the production of a Hypertext Markup Language (HTML) version of the final published document bears the most significant value as it relates to document accessibility. As documents published in HTML format effectively turns the document into a mini webpage, with direct online navigation, web like search functionality and no need to download files to be able to access the reports, officers believe this format will have significant improvements to the navigation of large complex documents, in particular the Council meeting agendas and minutes. Furthermore documents published as HTML allow for various accessibility software systems to natively interpret the content and translate it into various other formats, like other languages or audio formats, with little to no involvement from the City.

As the production of well organised and structured HTML documents is not easily done within Microsoft's Office product, officers worked closely with the City's Agenda and Minute management software vendor (InfoCouncil) to determine if the software was able to leverage the inherent document structure built into the InfoCouncil system to deliver a structured and well organised HTML document. Tests revealed it is indeed possible to utilise the structure within the InfoCouncil system to leverage a well organised and structured document ready for web publishing, apart from report attachments which become individual downloadable documents associated to the report. Unfortunately this is only possible for documents constructed using the InfoCouncil Microsoft Word Add-In system, therefore at this time only Council and Committee agendas and minutes can readily be published in this way.

**CONCLUSION**

As noted above Council and Committee agenda and minutes are generally complex documents covering a large variety of topics and potentially have many different audiences, depending on the individual reports contained in any meeting. Therefore, even though the online publishing of HTML documents will initially be limited to Council and Committee agendas and minutes the City will proceed with dual document publishing of these documents.

The publishing mechanism will be the traditional file format and the second being the publishing of a HTML version of the same document. This way an interested party has the opportunity to download the entire meeting content in one record, which could be useful from a record keeping perspective, or the reader could choose to navigate directly to the report of their interest as web enable content and only choose to download the additional attachments after they had the opportunity to review the entire report.

In keeping with Outcome 3 of the Disability Access and Inclusion Plan City officers will also continue to look for opportunities within other business systems, upgraded technologies and business processes to improve the accessibility of online published documents, as these become available to the City.

**OPTIONS**

The Council could choose to not accept the report and request any other action deemed appropriate.

**COUNCIL DECISION AND OFFICER RECOMMENDATION**



**C1711/290** Moved Deputy Mayor J McCallum, seconded Councillor C Tarbotton

That the Council notes the document publishing changes proposed to improve documents that the City of Busselton publishes online.

**CARRIED 9/0**

**EN BLOC**

#### 14.5 COUNCIL MEETING SCHEDULE FOR 2018

<b>SUBJECT INDEX:</b>	Governance Services
<b>STRATEGIC OBJECTIVE:</b>	Governance systems, process and practices are responsible, ethical and transparent.
<b>BUSINESS UNIT:</b>	Governance Services
<b>ACTIVITY UNIT:</b>	Governance Support and Inter-Council Relations
<b>REPORTING OFFICER:</b>	Administration Officer - Governance - Katie Dudley
<b>AUTHORISING OFFICER:</b>	Director, Finance and Corporate Services - Cliff Frewing
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Proposed Council Meeting Dates 2018  Attachment B School Holidays/Public Holidays 2018 

#### **PRÉCIS**

This report is presented to enable the Council to determine its Ordinary Meeting dates for 2018. In accordance with the *Local Government (Administration) Regulations 1996*, a meeting schedule for the next 12 months must be advertised at least once each year.

#### **BACKGROUND**

The proposed meeting schedule generally continues with the Council's adopted approach to Council meetings ie: two Council meetings per month with briefing sessions and Community Access Sessions on two other occasions (with the exception of January, July and December when one meeting per month is proposed).

#### **STATUTORY ENVIRONMENT**

It is up to each Council to set its own meeting cycle, dates and procedures, provided that the Council meets at least once every three months in accordance with Section 5.3 of the *Local Government Act 1995*.

*Local Government (Administration) Regulation 12* requires a Council to give local public notice of the dates on which and the time and place at which the Ordinary Council meetings are to be held in the next 12 months. Council meeting dates are continually made available on the City's website.

#### **RELEVANT PLANS AND POLICIES**

Nil

#### **FINANCIAL IMPLICATIONS**

Nil

#### **STRATEGIC COMMUNITY OBJECTIVES**

This matter principally aligns with Key Goal Area 6 – 'Open and Collaborative Leadership' and more specifically Community Objective 6.1 - 'Governance systems, process and practices are responsible, ethical and transparent'.

**RISK ASSESSMENT**

Nil

**CONSULTATION**

Following Council's decision to adopt a meeting cycle, its meeting dates for the next 12 months must be advertised for public information. This will occur prior to the end of 2017.

**OFFICER COMMENT**

Council would normally hold two meetings each month, however there is one Council meeting in the proposed for January, July and December. Due to Anzac day public holiday the second council meeting in April will be held on Tuesday 24 April 2018. The official meeting days are generally recommended to remain as the second and fourth Wednesday of the month between February and November, excluding July, with the first and third Wednesdays for Community Access Sessions, Councillor briefings and other Councillor planning sessions, where required.

Attachment A shows the proposed 2018 dates for Council Meetings. Attachment B displays the WA School Holidays.

A similar meeting schedule was utilised throughout 2017, with the mid-year break being in line with school holidays as is proposed again for 2018.

The dates of the 10 Western Australian public holidays for 2018 have been checked and one of the holidays coincides with a proposed meeting date. This meeting date is Wednesday 25 April 2018 (Anzac Day).

**CONCLUSION**

The dates of the meetings for the next 12 months need to be advertised in advance. It is considered appropriate to conduct two council meetings each month, subject to a mid-year break in July to coincide with the school holidays and allowing for the December/January holiday period.

**OPTIONS**

In accordance with the *Local Government Act 1995*, there are a wide range of options available to the Council with regard to its meeting schedule, subject to a meeting occurring once every three months at the least.

The Council could also of course reduce its meeting cycle to three-weekly, monthly, every second month or quarterly with the requirement simply to meet every three months as a minimum.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

The advertising would necessarily occur prior to the end of the year.

**COUNCIL DECISION AND OFFICER RECOMMENDATION**

**C1711/291** Moved Deputy Mayor J McCallum, seconded Councillor C Tarbotton

That the council adopts the proposed Ordinary Council meeting schedule for 2018 and the meetings be advertised in accordance with *Local Government (Administration) Regulation 12*.

**CARRIED 9/0**

**EN BLOC**




## Attachment A

Council Meeting Schedule 2018  
Council Chambers Level 2, Civic and Administration Centre, Causeway Road, Busselton  
Meetings Commence at 5.30pm

DATE
Wednesday, 31 January
Wednesday, 14 February
Wednesday, 28 February
Wednesday, 14 March
Wednesday, 28 March
Wednesday, 11 April
Tuesday, 24 April
Wednesday, 9 May
Wednesday, 23 May
Wednesday, 13 June
Wednesday, 27 June
Wednesday, 25 July
Wednesday, 8 August
Wednesday, 22 August
Wednesday, 12 September
Wednesday, 26 September
Wednesday, 10 October
Wednesday, 24 October
Wednesday, 14 November
Wednesday, 28 November
Wednesday, 12 December

## **15. CHIEF EXECUTIVE OFFICER'S REPORT**

### **15.1 COUNCILLORS' INFORMATION BULLETIN**

<b>SUBJECT INDEX:</b>	Councillors' Information
<b>STRATEGIC OBJECTIVE:</b>	Governance systems, process and practices are responsible, ethical and transparent.
<b>BUSINESS UNIT:</b>	Executive Services
<b>ACTIVITY UNIT:</b>	Governance Services
<b>REPORTING OFFICER:</b>	Reporting Officers - Various
<b>AUTHORISING OFFICER:</b>	Chief Executive Officer - Mike Archer
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Planning Applications received by the City between 16 October, 2017 and 31 October, 2017 
	Attachment B Planning Applications determined by the City between 16 October, 2017 and 31 October, 2017 
	Attachment C State Administrative Tribunal (SAT) Appeals 
	Attachment D Economic Development Taskforce Meeting Minutes 

### **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**

Attachment A is a report detailing all Planning Applications received by the City between 16 October, 2017 and 31 October, 2017. A total of 50 formal applications were received during this period.

Attachment B is a report detailing all Planning Applications determined by the City between 16 October, 2017 and 31 October, 2017. A total of 67 applications (including subdivision referrals) were determined by the City during this period with 67 approved / supported and 0 refused / not supported.

#### **15.1.2 State Administrative Tribunal (SAT) Appeals**

Attachment C is a list showing the current status of State Administrative Tribunal Appeals involving the City of Busselton as at 2 November, 2017.

#### **15.1.3 Busselton Margaret River Airport Water Services Connection**

As part of the Busselton Margaret River Airport Development Project the City has engaged Busselton Water to undertake the design and construction of new infrastructure required for the connection of water services supply to the airport lot boundary.

**15.1.4 Economic Development Taskforce Meeting Minutes**

Attachments D is a copy of the Economic Development Taskforce meeting minutes, held on 26 October 2017.

**COUNCIL DECISION AND OFFICER RECOMMENDATION**

**C1711/292** Moved Deputy Mayor J McCallum, seconded Councillor C Tarbotton

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

- 15.1.1 Planning and Development Statistics
- 15.1.2 State Administrative Tribunal (SAT) Appeals
- 15.1.3 Busselton Margaret River Airport Water Services Connection
- 15.1.4 Economic Development Taskforce Meeting Minutes

**CARRIED 9/0**

**EN BLOC**

**16. ENGINEERING AND WORKS SERVICES REPORT**

Nil

**11. PLANNING AND DEVELOPMENT SERVICES REPORT****11.2 MEELUP REGIONAL PARK MANAGEMENT COMMITTEE -APPOINTMENT OF COMMUNITY MEMBERS**

<b>SUBJECT INDEX:</b>	Council and Committe Meetings
<b>STRATEGIC OBJECTIVE:</b>	Governance systems, process and practices are responsible, ethical and transparent.
<b>BUSINESS UNIT:</b>	Environmental Services
<b>ACTIVITY UNIT:</b>	Environmental Planning
<b>REPORTING OFFICER:</b>	Manager, Environmental Services - Greg Simpson
<b>AUTHORISING OFFICER:</b>	Director, Planning and Development Services - Paul Needham
<b>VOTING REQUIREMENT:</b>	Absolute Majority
<b>ATTACHMENTS:</b>	Nil

**PRÉCIS**

Further to the formal re-formation of the Committee and appointment of Councillor members (Crs McCallum and Hick, with Cr Miles as a deputy) at the Special Council Meeting on 23 October 2017 (i.e. immediately following the recent local government elections) this report recommends the reappointment of those community members that have expressed an interest in their continued involvement on the Meelup Regional Park Management Committee: That will allow Committee meetings/work to continue, allow the Committee to appoint their Presiding Member, and allow the process associated with filling of vacancies to commence.

**BACKGROUND**

In October 2015, the Council adopted revised governance arrangements for the City's management of Meelup Regional Park, including setting out revised terms of reference for the Meelup Regional Park Management Committee.

A further review of the Terms of Reference of the Meelup Regional Park Management Committee was conducted in October 2017 with amendments made to the Governance Arrangements of the Management Committee in respect to the appointment process for community members.

Membership of the Committee shall comprise six community members and four deputy community members as appointed by the Council. Subject to endorsement of the officer recommendation, the three deputy membership vacancies will be advertised and the expressions-of-interest from those interested community members seeking membership on the Committee will be assessed by the Committee Presiding Member and Chief Executive Officer or Chief Executive Officer's nominee, following which City officers will present a report to the Council reflecting the assessment and the preferred candidates.

**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.

## RELEVANT PLANS AND POLICIES

The continuation of the Committee is consistent with the Meelup Regional Park Management Plan.

## FINANCIAL IMPLICATION

There are no financial implications relating to the appointment of community members to fill MRPMC vacancies. Public advertising expenditure for the purpose of seeking community submission to fill Committee vacancies is incorporated within the City's Budget.

### Long-term Financial Plan Implications

No long term financial implications have been identified with the contents this report.

## STRATEGIC COMMUNITY OBJECTIVES

Strategic Plan Key Goal Area 6

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. The assessment sought to identify 'downside' risks only rather than 'upside' risks and where the risk, following implementation of controls, has been identified as medium or greater. No such risks were identified.

## CONSULTATION

The procedure for appointment of community members to reform the MRPMC follows the ordinary Council election, and in accordance with the adopted governance arrangements for the Committee, those community members of the Committee immediately prior to that time with an interest in a continuing involvement are generally expected to be reappointed by the Council.

Expressions of interest for continuing involvement and reappointment to the Meelup Regional Park Management Committee as a member and as a deputy member have been received from the following community members:

<b>Member (total of six required)</b>	<b>Deputy Member (total of four required)</b>
Mr Peter Randerson	Mr Robert Ginbey
Dr Bob Jarvis	
Mrs Shirley Fisher	
Mr Albert Haak	
Tony Smurthwaite	
Damien Jones	

The Committee deputy member vacancies were advertised in June 2017, in accordance with the Council adopted (resolution C1510/296) governance agreements and terms of reference, for the Meelup Regional Park Management Committee. There were no community nominations received to fill the deputy member vacancies on the Committee at the conclusion of the 28 day advertising period.

Further advertising of this Committee's deputy membership vacancies has been withheld until the Council finalised its review of the Governance Arrangements for the Meelup Regional Park Management Committee on 11 October 2017.

#### **OFFICER COMMENT**

The reappointment of previous Committee members that have expressed an interest in the Meelup Regional Park Management Committee will ensure continuity of the current work and projects that being undertaken within Meelup Regional Park.

#### **CONCLUSION**

In order to continue the valuable contribution to the City made by the Meelup Regional Park Management Committee, it is considered that community members with an interest in a continuing involvement be reappointed to allow the work of the Committee to continue.

#### **OPTION**

The Council may choose to review nominations for reappointment on the Committee and advertise some or all the community positions on the Committee.

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

Any decision of the Council in relation to this matter would be effective immediately

#### **COUNCIL DECISION AND OFFICER RECOMMENDATION**

**C1711/293** Moved Deputy Mayor J McCallum, seconded Councillor K Hick


**ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED**

That the Council appoints the following persons as members and deputy member of the Meelup Regional Park Management Committee:

Mr Peter Randerson - Member  
Dr Bob Jarvis - Member  
Mrs Shirley Fisher - Member  
Mr Albert Haak - Member  
Mr Tony Smurthwaite- Member  
Mr Damien Jones - Member  
Mr Robert Ginbey - Deputy Member

**CARRIED 9/0**

14.4 PROPOSED LEASE TO THE UNDALUP ASSOCIATION FOR A PORTION OF THE BUSSELTON YOUTH & COMMUNITY CENTRE

<b>SUBJECT INDEX:</b>	Agreements/Contracts
<b>STRATEGIC OBJECTIVE:</b>	Assets are well maintained and responsibly managed.
<b>BUSINESS UNIT:</b>	Corporate Services
<b>ACTIVITY UNIT:</b>	Property Services
<b>REPORTING OFFICER:</b>	Property Management Officer - Julie Oates
<b>AUTHORISING OFFICER:</b>	Director, Finance and Corporate Services - Cliff Frewing
<b>VOTING REQUIREMENT:</b>	Absolute Majority
<b>ATTACHMENTS:</b>	Attachment A Undalup Association Proposed Lease Plan Attachment A 

### PRÉCIS

The Busselton Youth & Community Centre (BYCC) is located on Lot 61 Bussell Highway and is owned freehold by the City. The BYCC is used by the community for a variety of purposes. Additionally the City's Youth Services team has been utilising the BYCC for carrying out of youth activities. With completion of the new Youth and Community Activity Building on the Busselton Foreshore imminent, this use will soon cease.

The Undalup Association Inc. (the Association) has met with the City seeking to lease a suitable space to operate their services from. The purpose of this report is to recommend to Council that a portion of the BYCC building be leased to the Association.

### BACKGROUND

The BYCC is located at the corner High Street and Bussell Highway, West Busselton and was one of the City's first community facilities. The Centre has a large hall, a smaller function room called the Blue Room, a small meeting room and store called the Youth Room, a generous kitchen and a foyer area containing an old ticket booth that has been converted to a storage facility.

The BYCC is hired out to a variety of groups who use the hall for gymnastics, dance, martial arts, badminton and events. The Blue Room is also hired for events and meetings.

The City has utilised the BYCC youth room as well as the hall and the Blue Room to run school holiday programs and other events. Completion of the new Youth and Communities Activity Building (YCAB) is imminent and from December 2017 the City's Youth Development Team will operate from this new facility leaving the BYCC Youth Room vacant.

The Association provides cultural awareness services, workshop and events that embrace and share the aboriginal culture, with an objective to create meaningful relationships, respect and a sense of belonging in our community. In June 2017, the City received a letter from the Association seeking discussions in relation to a space from which they could operate. The BYCC has been identified as suitable due to its central location, facilities, accessibility and car parking. The Association has also recently been using the Blue Room for activities.

It is therefore proposed that the Association be granted a lease of the Youth Room (the Premises) with non-exclusive use of the foyer and toilets (Common Area) and receive a 50% discount for bookings for other rooms at the BYCC (excluding the Premises).

The terms and conditions of the proposed new lease and reduced hire rates arrangement are detailed in the Officer Recommendation section of this report.

### **STATUTORY ENVIRONMENT**

When disposing of property whether by sale, lease or other means, a Local Government is bound by the requirements of section 3.58 of the Local Government Act (LGA) to advertise the disposition and have regard to any submissions made. Section 3.58 of the LGA provides exemptions to this process with Regulation 30 (2)(b) of the Local Government (Functions & General) Regulations exempting disposal of land to incorporated bodies who are not for profit from the advertising requirements. The constitution of the Association is such that this exemption applies.

The BYCC is located on Lot 61 Bussell Highway, West Busselton on Plan 10211, Volume 1321 and Folio 642 and is owned freehold by the City.

### **RELEVANT PLANS AND POLICIES**

The recommendation to enter into a lease with the Association is generally consistent with the principles of Policy 248, Leases of City Land and Buildings, adopted by Council on 27 July 2016.

### **FINANCIAL IMPLICATIONS**

The rent charged to community and sporting groups leasing City owned land and/or buildings is currently \$210.00 per annum (inclusive of GST), reviewed annually by CPI. It is proposed that this be the annual rent charged to the Association for the lease of the Premises. Additionally, it is proposed that a fifty percent (50%) discount be offered to the Association when hiring any other area of the BYCC.

Under the lease the Association will be responsible for internal repairs and maintenance and outgoings associated with the Premises. The City will continue to be responsible for structural repairs of the BYCC.

#### **Long-term Financial Plan Implications**

Nil

### **STRATEGIC COMMUNITY OBJECTIVES**

The officer recommendation is consistent with Key Goal Area 6 of the City's Strategic Community Plan 2017 and specifically the Community Objective 6.4 'Assets are well maintained and responsibly managed' and 1.4 'Community services and programs that support people of all ages and backgrounds'.

### **RISK ASSESSMENT**

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

### **CONSULTATION**

City Officers have met with members of the Association to discuss the proposal to lease the Youth Room and the use of the Blue Room and kitchen. The Association was provided with a copy of the City's Leasing Guidelines and the City's Community and Sporting Leasing Policy.



**OFFICER COMMENT**

It is recommended that the City enter into a lease with the Association for the Youth Room, under which they will have access to the foyer and toilet facilities.

The Association will continue to require use of the Blue Room. It is proposed that the lease enable them to hire the Blue Room, or any other area of the BYCC, at a fifty percent (50%) reduced hire rate. This is a similar arrangement to the ArtGeo Cultural Complex.

The Association plays an important role in promoting cultural awareness within our community and offers activities and programs centred on culture, respect and relationships. They have for some time been seeking suitable premises in Busselton to operate from, with location, accessibility, and space for events as well as storage being required.

Although the Youth Room itself is smaller than ideal for the activities of the Association, it provides a good location for them to operate from in terms of a work space, with the Blue Room, which is currently under-utilised, providing a good venue for the running of events and activities.

The proposed term is for an initial period of 2 years followed by a further 2 years plus 1 year option, exercisable by the Association. The commencement date of the lease is expected to be on or before the 30 December 2017.

The Associations use of the Blue Room, kitchen and main hall will continue to be through the City's booking system. This will enable the community to continue utilising the BYCC (excluding the Premises). Currently the Association is paying to hire the Blue Room for their activities; the proposed lease/ reduced rate arrangement will be significantly more cost effective.

It is recommended that the Association be responsible for maintenance and repair of the Premises and for keeping the common areas in a clean and tidy condition when used. The City will retain responsibility for structural maintenance of the building (excluding damage caused by the Association).

**CONCLUSION**

A lease of the Youth Room will provide certainty and security for the Association as they continue to grow their organisation and services. This proposal also provides an opportunity for the City to increase the utilisation of a valuable community asset, and to strengthen relationships with and generally support the social and economic development of our aboriginal community.

**OPTIONS**

Council may also consider the following options;

1. Council can resolve to enter into a different term of lease.
2. Council can resolve not to enter into a lease with the Association.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

It is anticipated that the lease would be entered into on or before the 30 December 2017.

**COUNCIL DECISION AND OFFICER RECOMMENDATION**

**C1711/294** Moved Deputy Mayor J McCallum, seconded Councillor C Tarbotton

**ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED**


That the Council:

1. Enter into a lease with Undalup Association Inc. for a portion of Lot 61, Plan 10211, Volume 1321, Folio 642, 47 Bussell Highway, West Busselton, as shown hatched on Attachment A, on the following terms:
  - a) The term of the lease to be 2 years commencing on or before the 30 December 2017, with a 2 year option followed by a further 1 year option.
  - b) The rent to commence at \$210.00 per annum inclusive of GST and to be increased each year by CPI;
  - c) The lease to be consistent with the City's standard community group lease with the exception of clauses requiring that:
    - (i) The lessee is responsible for internal repairs and maintenance of the leased area only;
    - (ii) The lessee is responsible for keeping the common areas in a clean and tidy condition when used; and
    - (iii) The Association receive a fifty percent (50%) discount on current hire rates when hiring any area of the BYCC, for the term of their lease.
  - d) All costs of the preparation of the lease are to be met by the lessee.

**CARRIED 9/0**

## 11. PLANNING AND DEVELOPMENT SERVICES REPORT

### 11.1 DEDICATION OF PROPOSED EASTERN LINK ROAD AS A 'PUBLIC ROAD'

<b>SUBJECT INDEX:</b>	Thoroughfares
<b>STRATEGIC OBJECTIVE:</b>	Road networks that provide for a growing population and the safe movement of all users through the District.
<b>BUSINESS UNIT:</b>	Strategic Planning and Development Services
<b>ACTIVITY UNIT:</b>	Strategic Planning and Development Services
<b>REPORTING OFFICER:</b>	Manager, Strategic Planning and Development Services - Matthew Riordan
<b>AUTHORISING OFFICER:</b>	Director, Planning and Development Services - Paul Needham
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Eastern Link Final Concept Design on PTA-Controlled Land (Subject to Survey) 

Note: This item was excluded from En Bloc by Cr Paine. Cr Paine made comment that his support for this recommendation didn't reflect further support for this project.

#### PRÉCIS

The City has adopted a strategic direction based on traffic modelling and studies, plans and policies expounded in the endorsed Busselton Traffic Study, as well as associated environmental advice and works priorities to address both current and future traffic demands in the City of Busselton.

Part of this strategic direction concerns the 'Eastern Link' project, which shall connect Causeway Road (between Strelly Street and Rosemary Drive) across the Vasse River to Peel Terrace (between Stanley Place and Camilleri Street). This project shall provide an alternative and more efficient route into the CBD and to destinations east of the CBD, and help alleviate congestion at Victoria Square.

In liaison with the Public Transport Authority of Western Australia (PTA), it has been agreed, inter alia, that certain processes and actions will be required to be undertaken by the City in compliance with the *Land Administration Act 1997* (the LAA) in order to enable the dedication and subsequent construction of the Eastern Link road across Crown land predominantly under the control of the PTA.

These actions and processes shall be the responsibility of the City to coordinate.

#### BACKGROUND

The proposed Eastern Link road will offer an alternative and efficient route for traffic into and out of the City Centre and other parts of the Busselton urban area, helping markedly reduce congestion and other traffic inefficiencies at and around the busy Victoria Square intersections.

Indicative costings for the Eastern Link route have been estimated by the City at around \$3.8 million (excluding any land acquisition, surveying, relocation of services, or drainage and landscaping requirements identified as being necessary), for which grant and other funding has already been predominantly secured.

This Eastern Link road will traverse:

- 1) Crown land currently controlled by the PTA, part of which has been licensed by that authority to the City for 'Community Purposes', most recently for a period of 10 years (1 August 2012 to 31 July 2022) and being portions of Crown reserves 2236 (Lots 37-41), 2237 (Lot 43), 2238 (Lot 380) Causeway Road, and part of Lot 231 (Reserve 2241) Peel Terrace;
- 2) Crown land currently controlled by the City, being portion of Lot 265 (Reserve 7443) Peel Terrace; and
- 3) Crown land currently dedicated and held for an (unnamed and undeveloped) road (ID 3474225).

PTA land requirements for the general Eastern Link road alignment (subject to survey) is shown at Attachment A.

The final alignment of the Eastern Link reservation will, of course, be subject to survey prior to the formal road dedication process being initiated.

For the information of Councillors, a 'dedicated road' is one that has been created by lawful process, whether by approval of a plan creating the road (e.g. a structure plan and/or subdivision plan), or by publication in the Government Gazette or State newspaper of a 'notice of dedication', or (as now required by the LAA in certain cases) by registration against a Crown Land Title or an order declaring that the land has been set aside for such purpose.

#### **STATUTORY ENVIRONMENT**

- Land Administration Act 1997
- Land Administration Regulations 1998

#### **RELEVANT PLANS AND POLICIES**

N/A

#### **FINANCIAL IMPLICATIONS**

There will be no significant financial outlays required beyond those for surveyed plans and detailed drawings/documents associated with the road alignment / construction (and lodgement for road dedication purposes), with these having been budgeted, commissioned and/or coordinated by the City as part of the endorsed Eastern Link project plan.

There are no document lodgement fees or other administrative fees of any significance required by the Department of Planning, Lands and Heritage or Landgate for the road dedication process.

#### **Long-term Financial Plan Implications**

Nil

#### **STRATEGIC COMMUNITY OBJECTIVES**

<b>Key Goal Area</b>	<b>Community objectives</b>
5.Transport: Smart, connective and accessible	5.1 Transport options that provide greater links within our district and increase capacity for community participation

## RISK ASSESSMENT

A potential risk in relation to this matter would have been if any of the PTA reserves affected were deemed to be 'Class A' reserves. This has not proven to be the case. There are no other environmental, monetary or administrative risks recognised.

## CONSULTATION

No public consultation is required in respect to the dedication of a 'public road'.

Consultation with the PTA has been necessary due to the majority of land affected by the proposed alignment of the Eastern Link being under the management control of that authority, ostensibly for 'Railway' purposes (and subject of the *Boyanup-Busselton Railway Enabling Act 1892*).

Consultation with the PTA has been conducted with Ms Leoni Wedge (Manager Land and Property Service) who has advised the City by email on 20 September 2017 that:

*'I confirm the PTA has reviewed the City of Busselton's proposed Eastern Link road and bridge alignment through the PTA's railway reserves. The PTA has approved the construction of the road through the PTA Reserves 2236, 2237, 2238 and 3370\* subject to the City:*

- *Completing all designs and plans for PTA's approval*
- *obtaining all relevant approvals including funding for the project*
- *complying with Section 56 of the Land Administration Act 1997 for dedication of the road and*
- *being responsible for all costs incurred in dedicating the road.*

*The community purpose licence L2589 will remain in place until the road is dedicated and will then be varied to exclude the Eastern Link road alignment, which will be under the City's control.*

*The road dedication will not require rail discontinuance legislation as the balance of land will remain under PTA's control'.*

**\*Note:** Reserve 3370 is in fact in the ownership of the City of Busselton. Land also required by the alignment is Reserve 2241 (Lot 231) Peel Terrace.

## OFFICER COMMENT

The PTA is prepared to facilitate the effective 'relinquishment' of part of the subject reserved land under its management control in order to accommodate the proposed Eastern Link strategic road alignment, subject to certain stipulated requirements (as outlined previously and including the requisite dedication of the road under the LAA being the full responsibility of the City).

The City has received strategic environmental advice that that the Eastern Link project was likely to be considered acceptable to the Department of Water and Environmental Regulation and Environmental Protection Agency subject to the following:

- The existing old railway embankment/footbridge would need to be utilised;
- Offsets would be required for any cleared vegetation;
- Following best practice in relation to stormwater treatment and construction environmental management;
- A field survey being required to establish the ecological value for both sides of the old railway embankment to determine which side has the greatest value and which should be infilled; and
- Undertaking rehabilitation opportunities in the immediate vicinity of the proposed bridge crossing, including removal of weeds, waste and rubbish.

Environmental approvals for the Eastern Link project from these peak governmental authorities are anticipated but, at the time of writing, have not as yet been received at the City.

## **CONCLUSION**

The City is committed to a series of endorsed strategic objectives expounded in the Busselton Traffic Study, as follows:

- Enhance road safety for all users
- Improve traffic efficiency for current and future traffic demands
- Support regional and local development
- Involve all stakeholders and consider their interests
- Provide value for money
- Minimise impact on the environment

Subject to all necessary environmental approvals, final securing of all target funding, and administrative functions concerning the dedication of the route as a 'public road', the Eastern Link project is anticipated to be ready for inauguration in 2018.

The matter reported here to the Council is necessary to ensure the commencement of the road dedication process, in compliance with the *Land Administration Act 1997 and Land Administration Regulations 1998*, for the Eastern Link strategic road connection from Causeway Road to the eastern side of the Busselton CBD.

## **OPTIONS**

Should the Council not wish to support the Officer Recommendation it could instead refuse to sanction dedication of the proposed Eastern Link as a 'public road' and explain the rationale behind that determination. However, as such a determination would be counter to the strategic direction previously endorsed by the Council in the Busselton Traffic Study, there would appear little rationale for such an option being exercised.

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

Should the Officer Recommendation be adopted by the Council, City officers shall commission the services of a Licensed Surveyor to survey the final design route of the Eastern Link road and subsequently arrange for the submission of this survey plan and formal request by the City to dedicate the route as a 'public road'.

It is anticipated that the survey and preparation of plan(s) would take around 30 days from engagement to be in order for formal lodgement with the road dedication request to the Minister for Transport; Lands; Planning.

The PTA has also required that it be advised of the completion of all steps in the process, ahead of formal lodgement of the request for dedication by the City.

**COUNCIL DECISION AND OFFICER RECOMMENDATION****C1711/295**

Moved Deputy Mayor J McCallum, seconded Councillor C Tarbotton

That the Council:

1. Endorses the dedication of that land generally shown in the City of Busselton final design concept shown at Attachment A for the proposed alignment and construction of the Eastern Link strategic road as a 'public road', pursuant to the requirements of s. 56 of the *Land Administration Act 1997*, and Regulation 8 of the *Land Administration Regulations 1998*, and further acknowledges that the City shall be responsible for coordinating this dedication process in compliance with that relevant legislation.
2. Commissions the survey of detailed design plans for the alignment and construction of the Eastern Link route needed in order to formally seek dedication of that road in compliance with the said legislation. All costs associated with the survey and dedication of the Eastern Link road will be met by the City.
3. Acknowledges that the Public Transport Authority 'Community Purpose' license (L2589, valid until 31 July 2022 and currently including land affected by the proposed Eastern Link strategic route) shall remain in place until the subject road dedication is finalised; at which time the license shall be varied by the Public Transport Authority to exclude that public road (Eastern Link) which, by then, shall be under the effective control of the City of Busselton.

**CARRIED 9/0**

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

Nil

**17. CONFIDENTIAL REPORTS**

Nil

**18. QUESTIONS FROM MEMBERS**

Nil

**19. PUBLIC QUESTION TIME**

Nil

**20. NEXT MEETING DATE**

Wednesday, 13 December 2017

**21. CLOSURE**

The meeting closed at 5.47pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 56 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON MONDAY, 27 NOVEMBER 2017.

DATE: \_\_\_\_\_

PRESIDING MEMBER: \_\_\_\_\_