

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

CITY OF BUSSELTON

MINUTES FOR THE GENERAL MEETING OF ELECTORS MEETING HELD ON 31 JANUARY 2022

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MINUTES

MINUTES OF GENERAL MEETING OF ELECTORS HELD IN THE UNDALUP ROOM, ADMINISTRATION BUILDING, SOUTHERN DRIVE, BUSSELTON, ON 31 JANUARY 2022 AT 5.30PM.

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

The Presiding Member opened the meeting at 5.32pm.

The Presiding Member noted this meeting is held on the lands of the Wadandi people and acknowledged them as Traditional Owners, paying respect to their Elders, past and present, and emerging.

2. ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Cr Grant Henley Mayor

Cr Paul Carter Deputy Mayor

Cr Ross Paine

Cr Kate Cox

Cr Phill Cronin

Cr Anne Ryan

Cr Mikayla Love

Cr Sue Riccelli

Officers

Mrs Naomi Searle, A/Chief Executive Officer

Ms Sarah Pierson, A/Director Finance and Corporate Services

Mr Oliver Darby, Director Engineering and Works Services

Mr Paul Needham, Director Planning and Development Services

Mr Paul Sheridan, Manager Financial Services

Mrs Emma Heys, Governance Coordinator

Apologies:

Cr Jodie Richards

Mr Mike Archer, Chief Executive Officer

Mr Tony Nottle, Director Finance and Corporate Services

Approved Leave of Absence:

Nil

Public:

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3. CONFIRMATION AND RECEIPT OF MINUTES

3.1 Minutes of the General Electors Meeting held 8 February 2021

RESOLUTION**C2201/013**

Moved Mr Tom Tuffin, seconded Mr Terry Best

That the Minutes of the General Electors Meeting held 8 February 2021 be received by Electors.**CARRIED**

4. ANNUAL REPORT FOR THE YEAR ENDED 30 JUNE 2021

4.1 Mayors Presentation

The Mayor presented an overview of the City's achievements in the 2020/2021 financial year.

4.2 Receive the 2020-2021 Annual Report

RESOLUTION**C2201/014**

Moved Mr Thompson, seconded Mr Rob Griffiths

That the City of Busselton 2020-2021 Annual Report be received by Electors.**CARRIED**

4.3 Receive the 2020-2021 Financial Report

RESOLUTION**C2201/015**

Moved Mr Tom Tuffin, seconded Mr Bryan O'Connor

That the City of Busselton 2020-2021 Financial Report be received by Electors**CARRIED**

As the seconder of the motion to receive the 2020-2021 Financial Report, Mr Bryan O'Connor exercised his right to speak to the motion:

Good evening and thanks for the opportunity. I would like to congratulate the City on the financial accounts before us. It's good to see you adopting all the new and revised Australian Accounting Standards. The changes you've made are clearly explained in the report, including prior year restatements. It's good to see that you addressed the independent auditors report prominently in the annual report. Well done on that.

You've responded positively to ratepayer concerns about negative comment in the independent, auditors reports, even though you have genuine misgivings about some aspects of the state government financial performance ratios.

Reaching a financial health indicator of 80 without compromising your established procedures is a welcome achievement and is highly commendable in my opinion. The current ratio of short term liquidity was the only one missed, but by a margin that could reasonably be regarded as immaterial. And finally, I agree that the new financial sustainability plan should further strengthen financial decision making in the years ahead. My compliments to all concerned.

5. **OTHER GENERAL BUSINESS**

Questions submitted prior to the meeting

Ms Jill Walsh

Question

How much money has been allocated in this budget to the continuation of the Lower Vasse River clean up and when and where will that work start?

Response

(Mr Paul Needham, Director Planning and Development Services)

\$640,000 has been allocated in this year's budget for the Vasse River Restoration project, which is intended to be allocated to the sediment removal project. That project will occur in the section of the river between the Butter Factory and the Causeway Road Bridge and is expected to commence in March and be completed within seven weeks, after which will be a period of dewatering.

Dr Andrew Dickie

Question

How many registered short term accommodation properties does the City of Busselton have? (Air BnB). And how much money did that provide to the current budget

Response

(Mr Paul Needham, Director Planning and Development Services)

We would have around 750 properties that are registered and those properties pay a higher differential rate than other residential properties. It's a 10% higher differential rate that generated circa \$150,000 in additional income relative to what would occur with just the ordinary rates. There are also registration fee. The budget for this financial year for registration fees is around \$256,000. The renewals don't go out to the providers until April, so we don't know what the actual figures are going to be until we get towards the end of the financial year, but on the basis of applications coming through the system, we would expect that the registration fees will be a little bit higher than budget and that there will probably be more properties that would have the higher differential rate applied to them in the next financial year, but we don't interim rate on the basis of changes through the year.

Questions from Electors present at the meeting

Mr Keith Sims

Question

The Planning Department is currently reviewing the short term holiday home rules and must be close to resubmitting for Community comment, I also understand that WA government has presented to you their draft, with proposed changes to include changing from 24 hours to 12 hours for the manager to respond to neighborhood complaints and the manager needs to live within 30 minutes of the rental. My question is, why doesn't the City consider a rule of 30 minutes response time by the manager and a 24/7 hotline for complaints?

Response

(Mayor Grant Henley)

I've had quite a few conversations over the years with Councillors from other coastal councils around Australia, including Noosa and Byron Bay, which are similarly impacted communities with commercial holiday homes, especially in their residential areas. I do note in Noosa, the 30 minute response time by a manager is to answer the phone and make contact with the guests, not to attend in person and there's a subsequent period of time which is longer than 30 minutes to attend in person.

Response

(Mr Paul Needham, Director Planning and Development Services)

There is a report on the current Council agenda which is asking the Council to determine the terms of our submission to the state review, and there are aspects of that we're quite concerned about that would undercut some of our existing regulation in terms of the response time etc.

Council has certain powers to prepare local laws, but those local laws are vetted by a parliamentary committee, and they will only approve local laws that they consider reasonable. The 24 hours was inserted, nearly ten years ago on the basis that was what was considered to be reasonable.

One of the things that's in the package of reforms that the Council supported going out for consultation on last year was requiring signage to be placed at properties and a registration number to be displayed on the sign, which could make the resolution of compliance simpler.

Question

In regards to the Art Geo Gallery, what is the cost to the City of preparing the building for lease as a bar. How long after the building is made available for lease, will a development application be available for community consultation?

Response

(Mrs Naomi Searle, Director Community and Commercial Services)

We would go out to expression of interest and seek proponents to make a submission on how they would contribute towards the upgrade of the building. Once the Council has determined who the preferred proponent would be, then the development application process would proceed.

Mr Rob Griffiths

Question

In regards to the article in the West Australian about Ngilgi Cave being located in Margaret River, will we correct them?

Response

(Mayor Grant Henley)

I spoke with MRTBA who run Ngilgi cave, about the article and they said they had nothing to do with the promotion and if a commercial operator [Bunker Bay] chooses to describe themselves as being in the South West or Margaret River Region or anywhere else, we cannot compel them otherwise. However the City's promotion is all about the City of Busselton and the settlements within that.

Question

The current location of the Busselton visitors centre prohibits caravans from pulling up in close proximity. I believe the Council should investigate the possibility of building a tourist bureau near the football oval in Bovell, where a big sign can be erected, to allow caravans to pull up and find out what's going on in our town.

I would ask Council to consider very, very strongly the re-establishment of the Busselton Tourist Bureau. If I could have that recorded to happen at Council.

Response

(Mayor Grant Henley)

We do provide assistance to the regional tourism organisation who operate with significantly increased visitation at the foreshore visitors center, after they had to close the in person visitors center at Augusta, and are also looking at the viability of continuing the Dunsborough visitors centre.

As we all know, it's an extremely digital world that we live in and most people's travel arrangements now are done well in advance of arriving in a town or city. However, I believe that we should have better information to attract people into Busselton at the entry to town and the area adjacent to Bovell lends itself to this with the existing pull off area, the information signage that's there and also the large billboard.

Question

As you travel out to Port Geographe, there is a sign in a paddock that looks like a small billboard. As a kid I was told it was a bombing site. I'm asking Council to speak to the RSL about removing it from the side of the road, bringing it into town and incorporating it at the RSL.

Response

(Mayor Grant Henley)

Its not something I am aware of. I will ask City staff to do some research and come back to you.

Ms Christina Newton

Question

My name is Christina and I've noticed in the City Connect there is an application for street sweeping, rubbish collection and drain cleaning up and I was wondering, does this City have a noise management plan for this to be carried out as we are being woken by equipment.

Response

(Mr Oliver Darby, Director Engineering and Works Services)

The City does have noise management plans associated with the use of sweepers in certain areas. Sweepers can be used in areas where there's no residential properties and or there are certain times where they're excluded from those particular areas.

Question

We can hear it from our house which is in a residential area.

Response

(Mr Oliver Darby, Director Engineering and Works Services)

In that instance I'd have to take that question on notice, however there are certain criteria where they can operate within a vicinity as long as it does not exceed the noise regulations.

Question

The City has tested noise from one of these particular vans and it exceeded the Noise regulations on three different distances from the operation of this vehicle so we actually get woken up at 4:30am. How many complaints does the city actually have to receive before they actually take any action?

Response

The city has received complaints with regards to this sweeper and I believe they've been actioned on every occasion. I'll take that on notice to confirm.

Mr Sadler

Question

I live on Gale Street and a lot of vehicles going along Busselton Highway near Red Rooster, turn right into the new shopping centre by going around the wrong side of the island and turning right through the Harvey Norman shop. It is very dangerous. Are there any plans by the City to put a roundabout in that area or traffic lights to stop this happening?

Response

(Mr Oliver Darby, Director Engineering and Works Services)

The movement that you've described is actually illegal and primarily it's a police action, but I'll take that on notice to have a look to see what improvement we can make in reducing that movement through traffic treatments.

In the long term, we're looking Bussell highway improvements at the Albert and Queen intersection, the Albert and West St intersection, and the whole length of the Bussell Highway through to Gale and High Street, etc.

Ms Midge Avery

Question

The City of Busselton has community housing. Does the City have plans to make more community housing available?

Response

(Ms Sarah Pierson, A/Director Finance and Corporate Services)

The City manages 7 units, with more additional units also managed in joint venture with the Department of Housing. The City is not intending at this stage to provide any additional Community Housing as that is the extent of the portfolio.

Question

So there is no help for the needy and those people that may need short term cheap rentals?

Response

(Ms Sarah Pierson, A/Director Finance and Corporate Services)

The City does our best to offer as much of the service as we can within the assets that we've got currently, and we do have some waiting lists for those, which we work through those with the Department of Housing guidelines at this stage we don't have any additional Infrastructure that we're looking at.

Question

Would the City consider allowing residents to have caravans or something similar parked in backyards for someone who cannot afford to live in a rental?

Response

(Mr Paul Needham, Director Planning and Development Services)

This is something that is regulated under State Regulations and in general, the City do not have the legal capacity to approve long term occupation of a caravan on a residential property.

Question

What is the maximum period of time then?

Response

(Mr Paul Needham, Director Planning and Development Services)

My understanding is up to a maximum of 30 days in any one year and beyond that it requires Ministerial approval.

Question

When will the proper toilets be built in Mitchell Park?

Response

(Mr Paul Needham, Director Planning and Development Services)

As part of the Busselton Central Redevelopment, the developers will be providing toilet facilities and they will be made available to the public at any time that the centre is open, which will generally be until 11pm each day, and also the City can require them to be open a certain number of times per year for later, if we have events in the park etc.

Question

Is there a deadline for the building of those new ablutions for the public?

Response

(Mr Paul Needham, Director Planning and Development Services)

No there is no deadline. The building of the ablutions is tied up with the construction of the redevelopment, however that construction is well under way.

Mr Rob Mildwaters

Question

Currently there is funding to work on an 800 meter section of the Lower Vasse River for approx. \$600,000. What funding avenues does the City have for the rest of the Lower Vasse River? What chances do we have to receive any more funding to work on the rest of the River to clean it up?

Response

(Mayor Grant Henley)

The City does not have capacity to work on 100% of the River in one year and there are not sufficient operators to do so.

Question

Solaire has offered to fix all of the river.

Response

(Mayor Grant Henley)

Solaire did not submit a tender for works on the river.

Response

(Councillor Sue Riccelli)

As a member of the Lower Vasse River Management Group I can advise that Solaire had the opportunity to put in a tender for this recent sediment removal project, which was publically advertised for 5 weeks and they did not put in a tender. Had they put a tender in, they would have been considered like any other contractor and considered for the role.

To clean up the river will take several steps and processes and a long term plan. Each step and process cannot be carried out at the same time, as you cannot determine the success of each step or process before moving to the next step. And many different stages need to be done at different times of the year.

Question

The section of the River you are dredging now has been dredged and it did not work before, why are we doing it there?

Response

(Mayor Grant Henley)

The City has money on the budget this year to do a stage, and we are also looking at extending that program into future years, both through our budget and through advocating and applying to the State Government. But there are logistics and there are availability issues the contractors who do this sort of work.

Mr Stuart Anderson

Question

Why is the War Memorial going to be moved when there is a high majority of people do not want the memorial to be moved.

Response

(Mayor Grant Henley)

Thank you for your question Mr Anderson and I'll make a impartiality declaration that I am a member of the Busselton sub branch of the RSL.

The memorial was built in that location in 1920, when it was a quiet paddock on the edge of town and a quiet and respectful place for people to commemorate occasions such as Anzac Day, Remembrance Day, and other commemorations.

The Busselton Sub Branch of the RSL and state branch of the RSL have been consistently consulted in this, and are desirous of both achieving funding and the delivery of a park in a location where services can be held where traffic isn't running 5 meters behind during a minute silence, which is extremely disrespectful.

We continue to work with the RSL to facilitate that work for grant funding and developing some plans. But there will be certainly some community consultation because it is an asset of the whole community, not just the RSL's.

Question

So as I understand it, there's no roundabout plan there at the moment, so why move the memorial?

Response

(Mr Oliver Darby, Director Engineering and Works Services)

We are beginning the modeling and assessment of the various different traffic treatments in that area. We are looking at the associated growth of the intersection and we will choose the appropriate future treatment that goes into that location.

Mr Don Evill

Question

Council policies are designed to provide a clear, unambiguous guideline and to provide continuity and a consistent point of accountability for council decisions. Is it your opinion that the City of Busselton have provided a clear and unambiguous guideline and a continuity and a consistent point of accountability in the decision to lease 30 car bays to the Hilton Hotel for their exclusive use for \$5000 a year, yet charge another business within the same precinct the amount of \$25,000 per year with no exclusive parking.

Response

(Mayor Grant Henley)

The policy you are talking about is a planning policy regarding the provision of car parking and the imposition of cash in lieu for non-delivery of car parking. There is flexibility around the delivery of car parking within our policy.

As detailed in the annual report, we delivered an extra 176 car parking bays on the foreshore and they are provided for a mix of commercial and private use and public use. There are also contributions from businesses, some of those are an upfront lump sum contribution at the time of development and some of those are over a longer time, and some of those are through provision of parking by the developer.

The exclusive area that is leased by the hotel development is leased for \$5000 a year over the term of the lease of 60 years, which will return \$300,000 to the car parking reserve in the City of Busselton.

Question

It also states in the Policy that any hotel development must supply one car bay per room and the hotel is a 100 room hotel, and they are supply 30 bays.

Response

(Mayor Grant Henley)

The development was approved by the Joint Development Assessment Panel who deemed that that was an adequate provision in the circumstances.

Question

Why is it such a differentiation between businesses?

Response

(Ms Sarah Pierson, A/Director Finance and Corporate Services)

The lease for the Hilton Hotel was a negotiated lease. The policy was simply used as a reference point.

The Hilton Hotel will bring in \$105,000 per annum in rent in total for the land and \$5000 per annum over the life of the term is approximately \$300,000. So it's not \$5000 per annum, it's \$300,000.

Question

Is it correct, as you confirmed last week that there will only be 30 car bays, no more priorities, for the hotel?

Response

(Ms Sarah Pierson, A/Director Finance and Corporate Services)

Yes, that is in the lease area.

Question

In a statement that was put out by the Hilton chain on November the 3rd 2020, Senior Vice President of the Hilton Group, Gary Phillips made a statement about the signing of the Hilton Garden, and I quote "The hotel will be built in the center of a 38 hectare commercial cultural and public precinct taking advantage of the City's strategic investment, in the area and includes the new entertainment, arts, arts and cultural hub". How did the Hilton know that the entertainment arts and cultural hub was going to be built some 11 months, before the City of Busselton approved the project?

Response

(Mayor Grant Henley)

The City received federal funding for the project in May 2019, so there was a fair assumption that the project was going to be completed, although there was no requirement the under agreement.

Dr Andrew Dickie

Question

My question to Cr Riccelli, do you recall the conversation at a meeting of the Lower Vasse River Management meeting, approximately 2 years ago, where there were formal and informal discussions, that Mr Needham told Solaire that they would never get work with the City of Busselton?

Response

(Cr Sue Riccelli)

Yes, it was an informal conversation afterwards. I can't remember the exact wording, but it was something similar.

Question

Given what you have just said, I would like to request then that Mr Paul Needham contact Jordan Parker from Solaire to let him know that he is very welcome to submit tenders for future stages of removing the sediment from the Vasse River.

Response

(Mr Paul Needham, Director Planning and Development Services)

Subsequent to that meeting, I had a meeting with Mr. Parker and gave him an overview of a range of matters, the City was considering in relation to the river. We discussed work going forward, the possibility of what sort of work we will be commissioning going forward. I'm certainly happy to have a discussion with Mr. Parker to confirm that like any other business, he is able to submit tenders or quotes or whatever the procurement process maybe. I certainly did not say to him that he would not get work from the City, what I indicated to him at the time was that the way that he had gone about pursuing work with the City was not how to go about getting work with a local government due to tender regulations.

Ms Michelle Shackleton

Question

Recently I was checking through the Council website to find some documents and came across the Pracsys document the City put forward on the investment strategy. I'd like to know what use that's been made of this report and where it's been used?

Response

(Mrs Naomi Searle, A/Chief Executive Officer)

We commissioned Pracsys to undertake an industry section analysis which has formed the basis of the review of our Economic Development Strategy.

We are drafting the Economic Development Strategy and will undertake further consultation with the public.

Question

Will Council consider implementing a caretaker policy to avoid decisions which could be perceived as intending to influence the result of the elections or otherwise have a significant impact on or impose a commitment upon the incoming Council?

Response**(Mayor Grant Henley)**

A caretaker policy has previously been considered through the Policy and Legislation Committee and at that time the committee determined not to proceed with it. It can be revisited by the Policy and Legislation Committee sometime this year.

Question

I believe the Council is looking at recording or live streaming Community Access Sessions and Council meetings to create a library where residents can go and have a look at them and check out what councils up to at any time is that correct?

Response**(Mayor Grant Henley)**

There is no statutory requirement to hold a Community Access Session, it is something the City of Busselton runs, essentially for people to come along and be able to present to council. We do not live stream Community Access Sessions.

Question

Would Council please consider passing a decision whereby votes that are published in minutes are published in a format that identifies each individual and the vote that they cast, even if it's by initials, so that the community can see how their Elected Members have voted?

Response**(Mayor Grant Henley)**

We do that in the Minutes. If there is a dissenting vote, then they are recorded.

Question

In reviewing the rating strategy, will the Council please consider families who aren't managing well financially and abolish unnecessary interest fees and administration charges for ratepayers once and for all?

Response**(Mayor Grant Henley)**

Council considers all of its fees and charges at the annual budget review and if people don't wish to pay the rates when they're due, there is a an interest fee at the moment.

I think our rate staff do a very good job in in trying to negotiate with people who are in hardship and we have hardship provisions. Those fees and charges are considered by Council each year and Councillors can suggest that we look at other ways of recouping those costs.

Question

Will the City provide a mediation service for aggrieved residents and ratepayers who do not believe they're receiving a fair or satisfactory resolution from the City?

Response**(Mayor Grant Henley)**

We do have processes and a customer service charter that we're required to adhere to and people do as a last resort, have the ability to go to the local government ombudsman if they feel they're being unfairly treated. And there are a small number of complaints that have escalated to that level.

Question

When is the business case for the BPACC going to be updated so that ratepayers can actually see what we're paying for?

Response**(Mrs Naomi Searle, A/Chief Executive Office)**

The financials and operational business plan that's in draft format on the City's website will not change. The business case that we're currently developing for the Building Better Regions round six program is due for submission this month and once that is finalised, it will be released.

Question

The City regularly engages consultants to identify business and tourism opportunities to increase the number of people living and visiting the region. Has the City ever engaged a consultant to consider the other side of the argument, recognising that the evidence of over tourism and the point where the population can no longer be safely and comfortably sustained under current resources without an adverse effect on the very environment that makes our region so desirable?

Response**(Mayor Grant Henley)**

No we haven't engaged a consultant to undertake that work. I have attended several tourism and planning forums recently where those issues are being addressed and legitimate concerns are being raised, especially by residents in Dunsborough. The City is undertaking a precinct structure plan and planning investigations are being undertaken into urban subdivision on the outskirts of Dunsborough by the WA Planning Commission.

Question

Going back to Ms Avery's question about housing, the City has Locke Estate, are there any plans to turn that into short term accommodation or to house people we need to work in our tourism or hospitality industries?

The City administers Locke Estate, which is crown land and managed for benevolent, educational, and religious purposes. To house people at the Estate would require connection to power, sewer and water. The site is highly vegetated and has a conservation covenant over it, which is quite restrictive, lending only a very small section of the Estate to occupy housing.

Mr Rob Griffiths

Question

Will you discuss at Council the possibility of the establishment of a tourist centre out near Bovell Oval?

Response**(Mayor Grant Henley)**

I will make an undertaking to certainly discuss it through our Economic Development Strategy. It is something that we can look at as part of that.

6. CLOSURE

The meeting closed at 7.58pm

THESE MINUTES CONSISTING OF PAGES 1 TO 15 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON _____ DATE: _____ PRESIDING MEMBER: _____
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