



City of Busselton

Geographe Bay

Council Agenda

8 June 2022

ALL INFORMATION AVAILABLE IN VARIOUS FORMATS ON REQUEST

city@busselton.wa.gov.au

CITY OF BUSSELTON

MEETING NOTICE AND AGENDA – 8 JUNE 2022

TO: THE MAYOR AND COUNCILLORS

NOTICE is given that a meeting of the Council will be held in the Council Chambers, Administration Building, Southern Drive, Busselton on Wednesday, 8 June 2022, commencing at 5.30pm.

Your attendance is respectfully requested.

DISCLAIMER

Statements or decisions made at Council meetings or briefings should not be relied on (or acted upon) by an applicant or any other person or entity until subsequent written notification has been given by or received from the City of Busselton. Without derogating from the generality of the above, approval of planning applications and building permits and acceptance of tenders and quotations will only become effective once written notice to that effect has been given to relevant parties. The City of Busselton expressly disclaims any liability for any loss arising from any person or body relying on any statement or decision made during a Council meeting or briefing.



MIKE ARCHER

CHIEF EXECUTIVE OFFICER

20 May 2022

CITY OF BUSSELTON

AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 8 JUNE 2022

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1. **DECLARATION OF OPENING, ACKNOWLEDGEMENT OF COUNTRY AND ANNOUNCEMENT OF VISITORS**

2. **ATTENDANCE**

Apologies

Approved Leave of Absence

Nil

3. **PRAYER**

4. **APPLICATION FOR LEAVE OF ABSENCE**

5. **DISCLOSURE OF INTERESTS**

6. **ANNOUNCEMENTS WITHOUT DISCUSSION**

Announcements by the Presiding Member

7. **QUESTION TIME FOR PUBLIC**

Response to Previous Questions Taken on Notice

Public Question Time For Public

8. **CONFIRMATION AND RECEIPT OF MINUTES**

Previous Council Meetings

8.1 **Minutes of the Council Meeting held 25 May 2022**

RECOMMENDATION

That the Minutes of the Council Meeting held 25 May 2022 be confirmed as a true and correct record.

Committee Meetings8.1 Minutes of the Behaviour Complaints Committee Meeting held 25 May 2022**RECOMMENDATION**

That the Unconfirmed Minutes of the Policy and Legislation Committee Meeting held 25 May 2022 be noted as received.

8.2 Minutes of the Policy and Legislation Committee Meeting held 25 May 2022**RECOMMENDATION**

That the Unconfirmed Minutes of the Policy and Legislation Committee Meeting held 25 May 2022 be noted as received.

9. **RECEIVING OF PETITIONS, PRESENTATIONS AND DEPUTATIONS****Petitions****Presentations****Deputations**10. **QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN (WITHOUT DISCUSSION)**11. **ITEMS BROUGHT FORWARD FOR THE CONVENIENCE OF THOSE IN THE PUBLIC GALLERY**12. **REPORTS OF COMMITTEE**12.1 Policy and Legislation – 25/05/2022 - HOLIDAY HOMES AMENDMENT LOCAL LAW

13. PLANNING AND DEVELOPMENT SERVICES REPORT

Nil

14. ENGINEERING AND WORK SERVICES REPORT

Nil

Draft

15. COMMUNITY AND COMMERCIAL SERVICES REPORT

15.1 CITY OF BUSSELTON ECONOMIC DEVELOPMENT STRATEGY 2022-2027

STRATEGIC THEME	OPPORTUNITY - A vibrant City with diverse opportunities and a prosperous economy
STRATEGIC PRIORITY	3.2 Facilitate an innovative and diversified economy that supports local enterprise, business, investment and employment growth.
SUBJECT INDEX	Economic and Business Development
BUSINESS UNIT	Economic and Business Development
REPORTING OFFICER	Economic and Business Development Project Officer - Danelle Dowding
AUTHORISING OFFICER	Manager Economic and Business Development Services - Jennifer May
NATURE OF DECISION	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations
VOTING REQUIREMENT	Simple Majority
ATTACHMENTS	Nil

OFFICER RECOMMENDATION

That the Council [enter text here](#) :

1. Enter text here
 - (a) Enter text here
 - (i) Enter text here

EXECUTIVE SUMMARY

This report seeks the Council to endorse the draft Economic Development Strategy 2022-2027 as a guide for future planning and note the Economic Development implementation plan. Officers are also seeking Council endorsement for the terms of reference for the Economic Development Advisory Group represented by government stakeholders to support Council deliver the Economic Development Strategy and initiatives identified in the draft Implementation Plan.

BACKGROUND

- Brief introduction as to why the City would need an ED strategy - promote investment/ development, growth, support services for local and regional economies
- Reference the existing ED Strategy and ED taskforce, mention that the existing strategy was very detailed and prescriptive and that economic environment has changed significantly since preparation of the last strategy in 2016
- Mention taskforce and working groups have become less effective over time and generally the City has grown/ developed beyond the scope of the existing strategy and implementation plan and time for a new one...
- New ED strategy identified through business planning and Council / CEO KPI's
- New position / officer recruited specifically to prepare and consult on draft ED strategy and imp. plan

OFFICER COMMENT

- This is the process taken to research, and prepare the strategy
- Can talk about consultation at a high level however there is a Stakeholder consultation section for the specific details about who, when and your say consultation

Statutory Environment

The officer recommendation supports the general function of a local government under the *Local Government Act 1995* to provide for the good government of persons in its district.

- No statutory requirement however best practice and good governance

Relevant Plans and Policies

The officer recommendation aligns to the following adopted plan or policy:

- Plan / Policy Title
- Talk about alignment and consistent approach with corporate business plan and strategic community plan

Financial Implications

The adopted 2021/22 budget includes resources for the Economic and Business Development Business Unit, including staff, administration and economic development initiatives. The preparation of the EDS and implementation plan has been completed by City Officers and public consultation has been advertised on the City's YourSay platform. Budget allocations for advertising and printing have totalled \$xxxx which were expended from the Economic and Business development budget.

Delivery of the proposed initiatives identified in the EDS and associated Implementation Plan will be prioritised and budget allocations for delivery will form part of the City's annual budgeting process and be approved by Council.

Stakeholder Consultation

No external stakeholder consultation was required or undertaken in relation to this matter.

- Add who was consulted with both internally and externally, including Council and advisory group
- Can be a table to make it easier

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. No risks of a medium or greater level have been identified.

Options

As an alternative to the proposed recommendation the Council could:

1. Council may choose not to endorse the EDS and note the implementation plan
2. Council may choose endorse the EDS subject to any proposed amendments

CONCLUSION

Summary of the need to review and revise the EDS and impl plan, the process, consultation and now requesting endorsement of the strategy and not impl plan. Include EDS launch at the forum

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Once Council have endorsed the EDS officers will publish the EDS on the City website, provide print copies and launch at the Forum on 17 June 2022

Draft

16. FINANCE AND CORPORATE SERVICES REPORT

16.1 LOCKE ESTATE SITE 16 LEASE

STRATEGIC THEME	LIFESTYLE - A place that is relaxed, safe and friendly with services and facilities that support healthy lifestyles and wellbeing
STRATEGIC PRIORITY	2.12 Provide well maintained community assets through robust asset management practices.
SUBJECT INDEX	Locke Estate
BUSINESS UNIT	Corporate Services
REPORTING OFFICER	Property Management Officer - Julie Oates
AUTHORISING OFFICER	Manager Legal and Property Services - Ben Whitehill
NATURE OF DECISION	Contractual: To enter into a contract e.g. a lease or the award of a tender etc.
VOTING REQUIREMENT	Simple Majority
ATTACHMENTS	Nil

OFFICER RECOMMENDATION

That the Council enter into a lease with the Legacy Club of Western Australia Inc. subject to the consent of the Minister for Lands for the occupation of a portion of Reserve 22674, Lot 5303, Deposited Plan 220583, Volume LR3088 Folio 423, Caves Road, Siesta Park as indicated in Attachment 'A', subject to the following;

- a) The lease being consistent with the City's standard Locke Estate Lease Agreement at Attachment B;
- b) The term of the lease commencing no later than 1 June 2022 and expiring on the 30 November 2032;
- c) The annual rent to commence at \$2500.00 plus GST with annual rent increase of CPI or 3% whichever is greater;
- d) The lessee is required to pay Council \$4,000, no GST per annum for a maximum of four years, to be placed in an interest- bearing Reserve for future coastal works adjoining the Locke Estate (with any unspent funds to be returned to the lessees) as negotiated; and
- e) All costs for the preparation of the lease to be met by the Lessee.

EXECUTIVE SUMMARY

Site 16 is one of 16 campsites on the land known as the Locke Estate (Estate). The Estate is an 'A class' Crown Reserve vested with the City for the designated purpose of 'Recreational Camp Sites and Group Holiday Accommodation'.

The purpose of this report is to seek a resolution of Council to enter into a lease with the Legacy Club of Western Australian (Incorporated) for Site 16, Locke Estate, subject to the approval of the Minister for Lands.

BACKGROUND

Reserve 22674, Lot 5303, Caves Road, Siesta park also known as the Locke Estate is an 'A' class reserve vested with the City for the designated purpose of "Recreational Camp Sites and Group Holiday Accommodation" to be leased or licenced for a term no longer than 21 years.

The campsites are managed and operated by various not-for-profit organisations through leases entered into with the City of Busselton, currently 14 of the campsites are lease with Campsites 7 & 16 under City management.

Since Council resolved in 2009 (C0909/332) to lease campsites by way of an EOI process, all unoccupied campsites have been leased this way. The most recent being campsite 7 that has recently closed with a total of four submissions now being assessed by officers.

In 2019 Site 16 became unoccupied after the previous lessee surrendered their lease. Since this time Council has continued to discuss potential uses of the Site. Consideration of the small size of the developable portion of the Site and the bushfire risk identified in the revised Locke Estate Bushfire Management Plan and the potential impact this may have on developing the Site are two significant factors. Continued costs of maintenance of the Site to the City, the relatively short lease term (approx. 10.5 years) and ensuring the use is aligned with the designated purpose as outlined in the management order are also factors to think about.

The expected income from the Site is based on \$2500 annual rent increasing by CPI or 3% annually, whichever is greater (plus GST). All lessee contribute annually towards the coastal protections works, this amount is \$4000 (no GST). This contribution would only be for four years noting the contributions paid by previous lessees of this Site.

Discussions with The Legacy Club of Western Australia Inc (Legacy) who lease the adjoining campsite 15, have resulted in Legacy noting their keenness to lease the Site as soon as possible for the terms as outlined in the draft lease at **Attachment B** of this report

OFFICER COMMENT

Leasing of the Site within a reasonable timeframe will assist the City by reducing the costs associated with maintaining the Site including officer time, whilst raising revenue from annual rent income and coastal protection contributions.

Historically, the campsites have been leased through an EOI process, however this can be lengthy and not guaranteed to result in an appropriate submission.

In this instance, Legacy has expressed their interest in leasing the Site and can enter into a lease before or on the 1 June 2022. If an EOI was to commence, a reasonable time for submissions would be no less than eight weeks plus another 8 weeks for administration and potentially entering into a lease. If so, we are looking at September to complete the process.

The size of the Sites developable area is the smallest of all of the campsites. This will have a bearing on what can be built on the Site and essentially what it may be used for. Legacy can enter the Site from their existing campsite and require limited infrastructure on the Site for it to enrich their existing programs on campsite 15.

Reduce unwanted use of the Site by the public which has a risk associated with it.

Statutory Environment

The officer recommendation supports the general function of a local government under the *Local Government Act 1995* to provide for the good government of persons in its district.

Section 3.54 of the Local Government Act 1995 (the 'Act') empowers the City to control and manage reserve land vested in it or placed under its control. Reserve 22674, Lot 5303, Deposited Plan 220583 Volume LR3088 Volume 423 known as the "Locke Estate" is vested with the City of Busselton with the power to lease for any term not exceeding 21 years for the designated purpose of "Recreational Camp Sites and Group Holiday Accommodation" subject to the consent of the Minister for Lands.

The objects and purposes of any association which would be considered eligible to lease a site of the Locke Estate are such that they should always be exempt from the land disposition requirements of section 3.58 of the Act. There is therefore no particular statutory requirement which the City must meet. The key legal requirement is the need to ensure any site is used for a purpose which is consistent with the designated purposes under the Reserve Management Order.

Relevant Plans and Policies

There are no relevant plans or policies to consider in relation to this matter.

Financial Implications

There are no financial implications associated with the officer recommendation.

Stakeholder Consultation

Staff have discussed leasing terms with Legacy and provided a draft lease for their perusal.

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. The following risks have been identified:

<Describe risk>			
Risk Category	Risk Consequence	Likelihood of Consequence	Risk Level

No risks of a medium or greater level have been identified.

Options

As an alternative to the proposed recommendation the Council could:

1. retain the Site
2. Lease the entire Site by an expression of interest process.
3. Lease the entire Site to the Legacy Club of Western Australia Inc.

CONCLUSION

We anticipate that Legacy will agree to enter into the terms of the lease as outlined in the Officer Recommendation and be able to development the Site in a short period of time lessening the unwanted use of the Site by the public and utilising the Site for the required benevolent purposes.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

It is expected to enter into a lease with Legacy on or before the 1 June 2022, subject to consent of the Minister for Lands.

17. CHIEF EXECUTIVE OFFICERS REPORT

17.1 COUNCILLORS' INFORMATION BULLETIN

STRATEGIC THEME	LEADERSHIP - A Council that connects with the community and is accountable in its decision making.
STRATEGIC PRIORITY	4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
SUBJECT INDEX	Councillors' Information Bulletin
BUSINESS UNIT	Executive Services
REPORTING OFFICER	Reporting Officers - Various
AUTHORISING OFFICER	Chief Executive Officer - Mike Archer
NATURE OF DECISION	Noting: The item is simply for information purposes and noting
VOTING REQUIREMENT	Simple Majority
ATTACHMENTS	Attachment A Current State Administrative Tribunal Reviews  Attachment B Letter from Director General 

OFFICER RECOMMENDATION

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

17.1.1 State Administrative Tribunals

17.1.2 Letter from Director General re: Order of Australia Awards

EXECUTIVE SUMMARY

This report provides an overview of a range of information that is considered appropriate to be formally presented to the Council for its receipt and noting. The information is provided in order to ensure that each Councillor, and the Council, is being kept fully informed, while also acknowledging that these are matters that will also be of interest to the community.

Any matter that is raised in this report as a result of incoming correspondence is to be dealt with as normal business correspondence, but is presented in this bulletin for the information of the Council and the community.

INFORMATION BULLETIN

17.1.1 State Administrative Tribunals

The current State Administrative Tribunal Reviews is at Attachment A.

17.1.2 Letter from Director General re: Order of Australia Awards

This letter notifies the City that the WA Government is encouraging more nominations for the Order of Australia Awards, particularly of women, Aboriginal people, those from culturally diverse backgrounds and the quiet achievers in the community.

See Attachment B.

18. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

19. URGENT BUSINESS

20. CONFIDENTIAL MATTERS

Nil

21. CLOSURE

Draft