



Shire of Busselton
Geographe Bay

Council Agenda

28 January 2009

ALL INFORMATION AVAILABLE IN VARIOUS FORMATS ON REQUEST

SHIRE OF BUSSELTON

AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 28 JANUARY 2009

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SHIRE OF BUSSELTON

MEETING NOTICE AND AGENDA – 28 JANUARY 2009

TO: THE SHIRE PRESIDENT 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 28 January 2009 commencing at 5:30 pm.

Your attendance is respectfully requested.

MATTHEW SMITH
ACTING CHIEF EXECUTIVE OFFICER

13 January 2009

A G E N D A

1. **ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE**
2. **OPENING PRAYER**
3. **PUBLIC QUESTION TIME**
4. **SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**
5. **APPLICATIONS FOR LEAVE OF ABSENCE**

6. CONFIRMATION OF MINUTES

6.1 Minutes of a Special Meeting of the Council held on 2 December 2008 (Civic Precinct).

6.2 Minutes of an Ordinary Meeting of the Council held on 10 December 2008.

6.3 Minutes of a Special Meeting of the Council held on 17 December 2008 (GLC Flooring).

6.4 Minutes of a Special Meeting of the Council held on 17 December 2008 (Smith's Beach, Infrastructure Funding, Cow Parade).

7. **ANNOUNCEMENTS** by the Presiding Member without discussion

8. PETITIONS AND MEMORIALS**9. DECLARATION OF DUE CONSIDERATION**

The Presiding Member will request Councillors to acknowledge, in accordance with Clause 8.1 of the Standing Orders, that they have given due consideration to the matters contained within the Agenda.

10. DECLARATIONS OF INTERESTS**11. PRESENTATIONS BY PARTIES WITH AN INTEREST****12. BUSINESS FROM PREVIOUS MEETING**

13. LIFESTYLE DEVELOPMENT REPORT**13.1 DUNSBOROUGH FORESHORE MANAGEMENT PLAN (CONSIDERATION FOR FINAL ADOPTION)**

FILE NO:	12119
PROPOSAL:	Dunsborough Foreshore Management Plan (Consideration for Final Adoption)
POLICIES:	Environment Strategy
ATTACHMENT(S)	A. Draft Dunsborough Foreshore Management Plan B. Schedule of Submissions

PRÉCIS

A draft management plan for the foreshore between Tulloh Street and Hurford Road, Dunsborough, was adopted by the Council at its meeting on 9 April 2008 for the purposes of advertising for public comment. The draft management plan, prepared by Litoria Ecoservices, outlined management recommendations to maintain and improve the key qualities of the foreshore, namely: conservation values; recreational values; social values; and coastal erosion buffering functions.

The draft plan has been advertised for public comment with a total of 13 submissions being received. While there was general support for the intent and objectives of the draft plan, some issues were raised with some of the recommendations of the plan. The submissions are summarised and addressed in the attached Schedule of Submissions (Attachment B).

This report makes recommendations, based on the submissions received, for modifications to the Draft Dunsborough Foreshore Management Plan and seeks the Council's adoption of the modified plan.

BACKGROUND

9 April 2008, the Council resolved (C0808/257):

- 1. That the draft Dunsborough Foreshore Management Plan be adopted under Clause 3.54 of the Local Government Act for the purposes of formal consultation of 28 days involving advertising and inviting public comment on the document.*
- 2. That, in the event that advertising does not result in any objections being received or results in objections being received which can be resolved through negotiation to the satisfaction of the Shire of Busselton, then the Dunsborough Foreshore Management Plan be adopted for final approval without modification. This resolution is to take effect at 4.30pm on the last day of advertising.*

The draft Foreshore Management Plan was advertised for public comment for a 28 day period from 15 September to 10 October 2008.

CONSULTATION

The development of the draft foreshore management plan builds upon a number of previous community surveys including those undertaken during the preparation of the Design and Restoration of Dunsborough Town Beach (2000) report and the Geopraphe Bay Foreshore Management Plan 2001.

Consultation undertaken during the preparation of the plan included:

- * 'one-on-one' conversations with key stakeholders or residents who were identified as having a specific interest in the area;
- * discussions with locals and visitors encountered during site work;
- * submissions received by the Shire during the preparation of the plan; and
- * individual and group comments received during public consultation sessions held on-site on:
 - Sunday April 20, 2008;
 - Saturday May 3, 2008; and
 - Thursday May 8, 2008.

Adjacent landholders were notified by mail of the consultation sessions and notices were placed in the 'Council for Community' page of the *Busselton-Dunsborough Mail* and *Busselton-Dunsborough Times*. Additional promotion occurred through a number of media articles published during the process and an interview on local ABC radio. The preparation of the foreshore management plan attracted significant interest from the community and the media. Over 30 people attended the onsite community sessions.

Indigenous representatives were contacted for input and also representatives from the following organisations:

- * Department of Environment and Conservation;
- * Dunsborough – Coast and Land Care (D-CALC) Inc
- * Dunsborough Yallingup Chamber of Commerce and Industry;
- * Dunsborough Progress Association;
- * Shire of Busselton Environment Reference Group;
- * Geocatch; and
- * Busselton Dunsborough Environment Centre.

The following tourist accommodation providers were also consulted during the preparation of the foreshore management plan:

- * Waterfront Dunsborough;
- * Whalers' Cove;

- * Dunsborough Beach Cottages;
- * Halcyon Bay;
- * Geographe Cove Resort; and
- * Regency Beach Club Dunsborough.

Input from these discussions was considered in preparation of the draft Dunsborough Foreshore Management Plan.

Formal consultation occurred when the plan was released for public comment for a period of 28 days from 15 September to 10 October 2008. A notice was placed in the 'Council for Community' page and on the Shire website, a copy of the plan was sent to all previously identified stakeholders, including government agencies, and a letter stating the plan was out for public comment and available at the Shire Offices was sent to all property owners in the immediate area.

A total of 13 public submissions were received (including 4 late submissions), comprising of 1 submission from a community group, 1 submission from Shire staff, 1 submission from a Government Agency and 10 from, or on behalf of, landholders in the study area.

The schedule of submissions, Attachment A, documents the details of each submission.

STATUTORY ENVIRONMENT

The Management Plan is proposed to be adopted by the Council pursuant to Clause 3.54 of the Local Government Act which provides the Shire the head of power for the purpose of controlling and managing land vested in the Shire.

The Shire of Busselton District Town Planning Scheme No.20 identifies the land in question as Reserve for Public Recreation, and the draft management plan is in accordance with this purpose.

POLICY IMPLICATIONS

The draft Dunsborough Foreshore Management Plan is supported by the following Policies and Strategies:

- * *State Coastal Planning Policy SPP2.6, Western Australian Planning Commission 2003* provides guidance for the preparation of foreshore management plans under *5.2 Coastal Plan Requirements*.
- * *Shire of Busselton Environment Strategy* - Action 1.12 "Continue to prepare and implement reserve management plans" clearly supports the development and implementation of this plan. Actions 2.1 "Identify high risk and degraded foreshore areas" and 2.3 "Progressively prepare and implement coastal rehabilitation and management plans" also provide support to this plan.
- * *Friends of Reserves Strategy* – The draft plan has been developed in accordance with the Friends of Reserves Strategy.

FINANCIAL IMPLICATIONS

Additional funding requirements for implementation are most significant up front and once priority issues are addressed in the first two to three years of the plan, ongoing maintenance requirements and subsequent funding needs are reduced.

It is expected that most of these proposed works can be accommodated within the existing overall management plan implementation budget. Additional funding would also be available in the existing Community Infrastructure budget for maintenance of reserves. However it is anticipated that the implementation of some recommendations, in particular erosion control measures, construction of toilet blocks and minor modifications to the dual use pathway would need to be built into the Community Infrastructure five year financial plan together with applications to source external funding.

An existing community group 'Dunsborough Coast and Landcare Group' (D-CALC) is already actively assisting the Shire in managing foreshore reserves in Dunsborough. The group has been actively involved during the preparation of the draft foreshore management plan and is likely to play a key role in assisting with the implementation of the plan consistent with the group objectives, through voluntary assistance in rehabilitation work.

STRATEGIC IMPLICATIONS

Development and implementation of the Dunsborough Foreshore Management Plan supports multiple Natural and Environmental Well Being objectives under the Shire of Busselton's Strategic Plan 2006-2011 including:

- * "Foster a culture of environmental awareness, ownership and action within the community and the organisation";
- * "Ensure that communities are provided with a balance of active and passive open space"; and
- * "To minimise the adverse environmental impact of the activities of the Shire of Busselton and to encourage local businesses and the community to adopt practices that reduce their ecological footprint".

OFFICER COMMENT

While there is broad support for proposed weed control, vegetation rehabilitation and providing more infrastructure such as seating, bins, signage, the main concerns to arise from the submissions are outlined and discussed below.

1. Extension of the Dual Use Pathway in Vincent Street (3 submissions).

Following further investigation of the site by Shire staff, it was decided not to recommend the extension of the DUP in Vincent Street. The foreshore reserve is very narrow and unstable and highly used by various user groups. Vincent Street is currently limited at 20km/h and does not carry significant

traffic. It is therefore deemed suitable for cyclists and pedestrians. Retaining the full amount of grassed public open space is considered a better option.

2. Erosion of the car park at the end of Dunn Bay Road and associated pollution of the beach (3 submissions).

The Shire supports the removal of the car park at the end of Dunn Bay road, subject to the location and funding for replacement parking being finalised. The Shire is preparing a Car Parking Strategy for Dunsborough that will investigate these issues in more detail. The FMP will be amended to reflect this position.

3. Extension of the Dual Use Pathway from Point Dalling to Meelup Regional Park (1 submission).

The Department of Environment and Conservation raised some concerns that extending the DUP into Meelup Regional Park would encourage bikes entering the Park. It is also understood that the Meelup Regional Park Committee shares similar concerns. Bikes are currently not allowed in the Regional Park. The draft Meelup Regional Park Management Plan, published in April 2008, recognises that there is a need to "Consider development of mountain bike tracks and dual use paths in natural environmental use areas only". However potential locations are not currently known and may not be in the area close to town. To reduce the risks of bikes continuing into the park, it is recommended to only extend the DUP to the car park at the intersection of Bay View Crescent and Hurford Street, where Meelup Regional Park is not highly visible. This would still provide DUP facilities to those adjacent residents to ride into town and give better access to this section of the foreshore.

Other minor comments arising from submissions will be included in the Foreshore Management Plan where deemed appropriate as per the recommendations in the Schedule of Submissions (Appendix B).

TIMELINE/S FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Recommended management actions have been allocated high, medium and low priorities. It is anticipated that high priority actions will be implemented within 3 years of adoption. It is expected that the full implementation of the management plan will take place over several years, according to available budget and other competing demands.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That the Council adopt the Dunsborough Foreshore Management Plan pursuant to Clause 3.54 of the Local Government Act, subject to the amendments listed below:

- (a) Modify text under 2.9 Erosion and 3.3.2 Vehicle Access and Parking to state that the Shire supports the removal of the current car park at the end of Dunn Bay road, subject to the location and funding for replacement parking being finalised.
- (b) Include on Figure 3F that the location of the toilet block is approximate and will be finalised as part of more detailed planning processes for this area.
- (c) Modify text under section 2.6.5 by deleting "*In order to minimise the impact on the views from adjacent residences...only*" and "*impact on water views (where it is an issue) and"...*"by planting where sightlines are compromised (eg. Behind existing plants) and"...
- (d) Include a recommendation in 4.3 Recommended Actions to formalise beach access opposite Pimelia Parade. Modify figure 3H to reflect this.
- (e) Remove reference to Ford Rd under 3.3.2 Vehicle Access and Parking.
- (f) Include formal recognition of the use of this area for large events and the need to maintain required conditions under 3.2 *Recreational use*.
- (g) Modify text under 3.3.1 Pedestrian and Bicycle Access, recommendation R1 and maps 3C and 3D to reflect that the DUP will not be extended into Vincent Street.
- (h) Include *Spyridium globulosum* (Basket Bush) as a core species for understorey revegetation.
- (i) Include under 2.7 Native Fauna and Feral Animals that any feral animal trapping would have to be undertaken by qualified contractors, possessing a Regulation 17 Licence to Take Fauna for Scientific purposes under the *Wildlife Conservation Act* 1950. Modify Recommendation C21 under Management Actions to reflect this.
- (j) Modify text under 3.3.1 Pedestrian and Bicycle Access: "It is proposed to extend the DUP as follows: [...] from the Point Dalling boat ramp to the car park at the intersection of Bayview Crescent and Hurford Street". Modify Recommendation R1 under Management Actions and map 3A to reflect this.
- (k) Replace *Templetonia recurva* by *Templetonia retusa* in Appendix 1.
- (l) Include Metsulfuron methyl as chemical recommended in Appendix 2 for control of Arum Lily.

13.2 THE COFFEE SHED - TRADING IN PUBLIC PLACES APPROVAL FOR LOT 90 STRELLY STREET, BUSSELTON

FILE NO:	LAW29
PROPOSAL:	The Coffee Shed to operate a mobile food van at Lot 90 Strelly Street, Busselton, between the hours of 7.00 a.m. and 3.00 p.m., Monday to Friday.
POLICIES:	Trading in Public Places Standard Conditions of Approval Policy Local Laws Relating in Public Places
ATTACHMENT(S)	A. Trading in Public Places Standard Conditions of Approval Policy B. Local Laws Relating in Public Places

PRÉCIS

A Trading in Public Places application has been received to operate a mobile food van (Coffee and Food Trailer) in the light industrial area (LIA) car park at Lot 90 Strelly Street, Busselton between the hours of 7am and 3pm Monday to Friday.

This proposal is brought to the Council for a determination due to the nature of the application, the location of the site and the proposed hours of operation.

The proposal does not comply with the *Trading in Public Places Standard Conditions of Approval Policy* as adopted by the Council however, based on the merits of the case, it is recommended for a conditional approval for a trial period.

It is also further recommended that clause 1f of the *Trading in Public Places Standard Conditions of Approval Policy* be amended to assist in consistent application of the clause and less confusion amongst applicants and Council staff.

BACKGROUND

Under the *Local Laws Relating to Trading in Public Places*, no person shall carry on trading in any public place unless that person is acting in accordance with the specifications of a current licence including the conditions thereof issued under the local laws and for which all fees and charges are paid for.

A public place includes a street, way or place which the public are allowed to use, whether the street, way or place is or is not private property, thereby providing for Shire control of trading in places outside of permanent retail locations.

In considering an application for a licence the Council shall have regard to any relevant policy statements, the desirability of the activity, the location of the activity and the circumstances of the case. Furthermore the Council may issue a licence specifying such requirements, terms and conditions as in the opinion of the Council are appropriate.

The Council may grant the licence or renewal of licence, or may refuse to grant the licence on the following grounds:

- a) the applicant is not a desirable or suitable person to hold the licence;
- b) the applicant has committed a breach of any provision of these laws;
- c) the needs of the district or a portion of thereof for which the licence is sought is adequately catered for by established shops or by persons to whom licences have been issued;
- d) there is inadequate means of access to or from, or inadequate Parking space for a person trading in a public place; or
- e) such other grounds as may be relevant in the circumstances.

The *Trading in Public Places Standard Conditions of Approval Policy* was developed to support and guide decision making under the *Local Laws Relating to Trading in Public Places*. The policy was adopted by the Council in 1999 (C995/0211) and aids in ensuring consistency and to improve the regulatory aspect of trading in public places approvals.

The *Trading in Public Places Standard Conditions of Approval Policy* states the following:

3 b) Traders will only be approved to trade for a maximum of 2 hours per day in any one location except in accordance with clause 3 (g). (Clause 3g allows for trading at fairs, functions or festivals)

The rationale behind this clause is to restrict trading to not disadvantage permanent businesses and ensure sought after locations such as Coastal carparks, can be shared amongst numerous licence holders and not a single applicant obtaining a monopoly.

3 f) A mobile food van/vendor shall not conduct business within a distance of 300m of any retail premises or permanent place of business that has for sale any goods or services of the kind being offered for sale by the mobile trader.

The rationale behind this clause is to ensure support of local permanent business from itinerant vendors selling like goods or services. Approved trader locations are ideally designed to service the public where there are little or no permanent businesses or where those businesses that do exist are lacking in goods or services for which there is demand. The distance of 300m was adopted following benchmarking of other local government authorities.

The Authority to issue these licences has been delegated to the Manager Environmental Services.

PROPOSAL

This Trading in Public Places application proposes to operate a mobile food van within an existing car park at Lot 90 Strelly Street, Busselton in the Light Industrial Area between the hours of 7am and 3pm Monday to Friday.

The applicant seeks approval to trade within a 300m direct line distance of an existing business (Caltex Service Station) that sells goods of the kind being offered for sale by the mobile trader. The applicants proposed site is located directly 285 meters from a Service Station on Strelly Street, Busselton.

The proposed location of the mobile food van is in the car park adjacent to a dance studio, Jazz Attack. The building is currently used for dance classes which are conducted outside of the applicant's proposed hours of operation. The applicant has secured permission from the owners and primary tenant (Jazz Attack) to sub lease Lot 90 Strelly Street so they can operate from their chosen location between the hours of 7am and 3pm Monday to Friday.

POLICY IMPLICATIONS

This application is inconsistent with the *Trading in Public Places Standard Conditions of Approval Policy* on the following grounds:

- 1 Trading exceeds the maximum two hours per day in any one location; and
- 2 The proposed location of the mobile food van is situated within a 300m direct line distance from a permanent place of business that has for sale goods of a kind being offered for sale by the mobile trader

As this application is outside of the adopted policy, it has been referred for the Council to determine.

FINANCIAL IMPLICATIONS

Application and licencing fees are calculated and payable in accordance with the third and fourth schedule of the *Local Laws Relating to Trading in Public Places*.

STRATEGIC IMPLICATIONS

Approval of this application may set a precedent in regard to trading hours and locations which would be pursued by other operators. The *Trading in Public Places Standard Conditions of Approval Policy* conditions are set to protect existing businesses which pay rentals and business overheads in order to trade at their given business location from itinerant vendors, which do not have to pay such fees, all competing for the same customer dollar.

It is deemed prudent that this application, should it be approved, is only approved on a six month trial basis, so that the impact of the trader on surrounding like businesses can be assessed.

OFFICER'S COMMENT

Although the proposal does not comply with the *Trading in Public Places Standard Conditions of Approval Policy*, based on the merits of the case and in consideration of the grounds for determination of such applications, it is recommended for a conditional approval.

Conditions of approval would limit trading to between the hours of 7am and 3pm on a six month trial period. This trial period will provide opportunity for the Shire to gauge any effect resulting from the operation of the mobile van in this manner and determine public opinion on this operation based on any submission received by the Shire.

It is noted that in determining this application, there was some confusion around interpretation of clause 1 (f) of the Policy. This clause states: *"A mobile food van/vendor shall not conduct business within a distance of 300m of any retail premises or permanent place of business that has for sale any goods or services of the kind being offered for sale by the mobile trader."*

The current condition is unclear as to whether the distance is referred to as, a direct line "crow flies" or as travel distance, which could at times be the most reasonable and logical form of measuring. In relation to this application a direct 'as the crow flies' measurement between the service station and the application site is 285m, whereas the distance measured through taking access roads between the sites is greater than 300m. In this regard, the goods served by the applicant are not considered to be directly comparable to those served in the existing service station and may be utilized in part by a different market.

Given that the indirect line using access routes between the sites is greater than 300m, and that this measurement is the most reasonable and logical, this non-compliance with the standard condition is considered minor. To prevent reoccurrence of issues such as above, it is recommended that clause 1f of the *Trading in Public Places Standard Conditions of Approval Policy* be amended to assist in consistent application of the clause less confusion amongst applicants on the basis that it refer to a 'travel distance'.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Within five working days.

VOTING REQUIREMENTS

Single minority.

OFFICER RECOMMENDATION

1. That clause 1f of the *Trading in Public Places Standard Conditions of Approval* be amended to read as follows:
 - 1.f) "*A mobile food van shall not conduct business within a travel distance of 300m of any retail premises or permanent place of business that has for sale any goods or services of the kind offered for sale by the mobile trader.*"
2. That the Council approve the Trading in Public Places Application to operate at Lot 90 Strelly Street between the times of 7am to 3pm, Monday to Friday for a period of 6 months subject to compliance with the *Local Laws Relating to Trading in Public Places* and the *Trading in Public Places Standard Conditions of Approval Policy* as amended by this resolution.
2. The Council grant delegated authority to the Coordinator, Health Services to approve further applications to operate at Lot 90 Strelly Street subject to the *Trading in Public Places Standard Conditions of Approval* and taking into account any public comment received on the matter.

14. SYSTEMS AND INFORMATION REPORT**14.1 LIST OF ACCOUNTS PAID - AUGUST 2008**

FILE NO: FIN1
ATTACHMENT(S): List of Accounts Paid – August 2008

PRÉCIS

The purpose of this report is to provide details of cheques drawn and direct debit entries made to Council's bank accounts during the month to be noted by Council and formally recorded in its Minute Book.

BACKGROUND

The Financial Management Regulations [Regulation No. 13] require a list of accounts paid under delegated authority to be tabled before Council and noted in its minutes.

CONSULTATION

Not applicable

STATUTORY ENVIRONMENT

Local Government Financial Management Regulation 13 applies.

POLICY IMPLICATIONS

All payments are made within the constraints of Council Policy, if any.

FINANCIAL IMPLICATIONS

All payments are made for items for which a valid budget authority exists.

STRATEGIC IMPLICATIONS

Not Applicable.

STAFF COMMENT

The report details cheques and other payments drawn during the month of August 2008.

TIMELINES FOR IMPLEMENTATION OF OFFICER RECOMMENDATIONS

Not Applicable.

OFFICER RECOMMENDATION

That the voucher numbers M89271 - M89615, EF000061 – EFT000258, DD001008 – DD001021 together totalling \$2,907,156.91 be noted.

14.2 LIST OF ACCOUNTS PAID - SEPTEMBER 2008

FILE NO: FIN1
ATTACHMENT(S): List of Accounts Paid – September 2008

PRÉCIS

The purpose of this report is to provide details of cheques drawn and direct debit entries made to Council's bank accounts during the month to be noted by Council and formally recorded in its Minute Book.

BACKGROUND

The Financial Management Regulations [Regulation No. 13] require a list of accounts paid under delegated authority to be tabled before Council and noted in its minutes.

CONSULTATION

Not applicable

STATUTORY ENVIRONMENT

Local Government Financial Management Regulation 13 applies.

POLICY IMPLICATIONS

All payments are made within the constraints of Council Policy, if any.

FINANCIAL IMPLICATIONS

All payments are made for items for which a valid budget authority exists.

STRATEGIC IMPLICATIONS

Not Applicable.

STAFF COMMENT

The report details cheques and other payments drawn during the month of September 2008.

TIMELINES FOR IMPLEMENTATION OF OFFICER RECOMMENDATIONS

Not Applicable.

OFFICER RECOMMENDATION

That the voucher numbers M89622 - M89888, EF000259 – EFT000341, DD001022 – DD001034 together totalling \$3,610,403.25 be noted.

14.5 FINANCIAL ACTIVITY STATEMENTS - PERIOD ENDING 30 SEPTEMBER 2008

FILE NO: FIN7
ATTACHMENT(S): Financial Activity Statements to 30 September 2008

PRÉCIS

A local government is to prepare, on a monthly basis, a statement of financial activity that reports on the Shire's financial performance in relation to its adopted budget. The report is to include details of budget estimates and financial performance against those estimates to the end of the month to which the statement relates, is to disclose any material variances identified as a result of the above, and is also required to detail the net current asset position for the reporting period.

This report has been compiled to fulfil the statutory reporting requirements of the Local Government Act and associated Regulations and also to provide the Council with an overview of the Shire's financial performance on a year to date basis for the period ending 30 September 2008.

Additionally, Regulations require that in each year, a local government adopts a percentage or value, calculated in accordance with Accounting Standard AASB1031- Materiality, to be used in reporting material variances in respect of statutory financial activity statements.

This report recommends that the Council adopts a material variance reporting threshold for the 2008/09 financial year to comprise variances of equal to or greater than 10% of the relevant 'year to date' budget amount.

BACKGROUND

The Local Government (Financial Management) Regulations detail the form and manner in which financial activity statements are to be presented to the Council. 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 report 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, Regulation 34(5) of the Local Government (Financial Management) Regulations requires that in each year, a local government adopts a percentage or value, calculated in accordance with Accounting Standard AASB1031 - Materiality, to be used for reporting material variances.

Accounting Standard AASB1031 states that; *"general purpose financial reporting involves making decisions about the information to be included in general purpose financial reports and how it is presented. In making these judgements, considerations of materiality play an essential part. This is because the inclusion of information which is not material or the exclusion of information which is material may impair the usefulness of the information provided to users"*.

The Standard also suggests quantitative thresholds in the consideration of the materiality of variances, as follows:

- (a) *An amount which is equal to or greater than ten percent (10%) of the appropriate base amount may be presumed to be material unless there is evidence or convincing argument to the contrary; and*
- (b) *An amount which is equal to or less than five percent (5%) of the appropriate base amount may be presumed not to be material unless there is evidence or convincing argument to the contrary.*

The Standard do not confer on variances between five percent (5%) and ten percent (10%) and as such, it can be assumed that reporting variances between these thresholds is therefore at the discretion of the organisation.

Since the inception, some three years ago, of the requirement for the Council to adopt a material variance percentage or value threshold each financial year, the Council has, on an annual basis, adopted a ten percent (10%) threshold. This report recommends that the current threshold be re-adopted for the duration of the 2008/09 financial year.

CONSULTATION

Not Applicable

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 to prepare financial activity statements.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

This matter aligns with the Council's Strategic Plan 2006-2011 and principally the following Strategic Objective:

* *Organisational Well Being*

To manage the business of the Shire in a responsible and accountable manner utilising organisational sustainability principles

STAFF COMMENT

In order to fulfil statutory reporting requirements, the following reports, which include additional financial data considered relative, are attached:

* Operating Statement by Nature and Type

This report provides details of the Shire's operating revenues and expenditures on a year to date basis by nature and type (i.e. description). The respective totals in this report reconcile with the operating revenues and expenditures as contained within the Statement of Financial Activity (refer below) that is reported on a local government program basis.

* Statement of Financial Activity

This report provides details of operating revenues and expenses on a year to date basis (by local government program). The report is further extrapolated to include details of non-cash adjustments and capital revenues and expenditures. The resultant net current position in this report reconciles with that contained in the Net Current Asset Position report summary.

* Net Current Asset Position

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

In addition to the above reports, a number of capital expenditure budgets have been further itemised to provide greater detail on expenditure activity. These items are as follows:

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

COMMENTS ON FINANCIAL ACTIVITY TO 30 SEPTEMBER 2008

OPERATING ACTIVITY

As at 30 September 2008:

- * There is a favourable variance of some 3.8% in operating revenue
- * There is a favourable variance of some 9.5% in operating expenditure

A detailed summary of material variances within the operating revenue and expenditure activities (on a year to date basis) is provided within the body of this report.

CAPITAL ACTIVITY

As at 30 September 2008:

- * There is an adverse variance of some 97% in capital revenue
- * There is a favourable variance of some 36% in capital expenditure

Capital Revenue

As detailed above, as at 30 September 2008, there is an adverse variance in capital revenue in the order of 97%. The below table details the Shire's capital revenue budget and actual revenue on a year to date basis.

Description	Actual YTD	Budget YTD	Annual Budget	Variance YTD \$	Variance YTD %
Proceeds from Sale of Assets - Plant	0	5,000	536,000	-5,000	-100.00%
Proceeds from New Loans	0	0	12,100,000	0	0.00%
Self Supporting Loans -Principal Repayments	37,041	41,589	166,356	-4,548	-10.94%
Transfers from Restricted Assets	0	0	2,630,861	0	0.00%
Transfers from Reserves	0	1,117,365	4,469,452	-1,117,365	-100.00%
TOTAL	37,041	1,163,954	19,902,669	-1,126,913	-96.82%

At this time, the only significant year to date variance relates to 'Transfers from Reserves'. Due to the nature of this revenue item, transfers from reserves are only made subsequent to the related expenditure being incurred, and when cash-flow requirements necessitate. As such, the year to date budget in any month is based on a simple 'straight line' budgeting method (i.e. annual budget divided by the number of months that have elapsed). As the financial year progresses and related expenditures occur, transfers from reserve funds will be made.

Capital Expenditure

As at 30 September 2008, there is a favourable variance in capital expenditure in the order of 36%. The below table details the Shire's capital expenditure budget and actual expenditure on a year to date basis.

Description	Actual YTD	Budget YTD	Annual Budget	Variance YTD \$	Variance YTD %
Land & Buildings	516,881	332,295	3,204,675	184,586	55.55%
Plant & Equipment	329,983	450,000	3,040,000	-120,017	-26.67%
Furniture & Equipment	301,966	403,737	1,137,760	-101,771	-25.21%
Infrastructure	1,242,118	2,170,975	20,283,664	-928,857	-42.79%
Loan Repayments - Principal	159,806	173,644	694,656	-13,838	-7.97%
Transfers to Restricted Assets	333,696	440,951	1,763,805	-107,255	-24.32%
Transfers to Reserves	159,355	750,806	9,605,381	-591,451	-78.78%
TOTAL	3,043,805	4,722,408	39,729,941	-1,678,603	-35.55%

The current year to date variance in relation to the above items (approximately \$1.7M) can be attributed to a number of factors.

As detailed earlier in this report, the attachments hereto include categorised listing of the following capital expenditure activities that detail individual line item variances:

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

The current variances in relation to other capital expenditure activities are summarised as follows:

- * *Loan Repayments - Principal*
Timing differences only
- * *Transfers to Restricted Assets*
This item primarily represents contribution payments and (tied) government grants monies. As it is difficult to budget with certainty the level of contributions to be received in any year, it is expected that variances will occur in relation to this line item.

* *Transfers to Reserves*

With the exception of the budgeted transfer of unspent loan monies in relation to the Busselton Jetty reconstruction, transfers to reserves are budgeted to occur each month. Transfers to reserves for the period ending 30 September 2008 have not yet occurred due to the Shire's prevailing cash-flow position, albeit credit interest has been recognised.

VARIANCE REPORTING

As detailed within this report, it is recommended that the Council adopts a variance reporting threshold for the 2008/09 financial year to be set at 10% of the applicable year to date budget amount (as has been the case in previous years).

Furthermore, it is also considered appropriate that, commencing in the 2008/09 financial year, the Income Statement by Nature and Type be utilised for reporting purposes as this format provides more descriptive information than the previous reporting by Local Government Program.

Based on the assumption that the Council will re-adopt a reporting threshold of 10% or greater, there are numerous areas within the Income Statement by Nature and Type whereby the threshold is presently being exceeded.

The following table identifies and generally comments on operating revenues and expenditures (by nature and type) whereby the variance threshold of 10% is presently being exceeded on a year to date basis:

OPERATING REVENUE BY NATURE & TYPE					
Description	Actual YTD	Budget YTD	Variance YTD \$	Variance YTD %	Comments
Government Grants & Subsidies	725,322	979,020	-253,698	-25.91%	The current variance is primarily attributable to the later than anticipated receipt of MRWA road construction grant funding.
Contributions, Reimbursements and Donations	505,066	646,332	-141,266	-21.86%	The current variance is primarily due to timing differences in respect of the receipt of contributions (both operating and non-operating). As it is difficult to project monies to be received from contributions in any year, or the timing thereof, the annual budget in these areas is forecast on a straight line basis. As such, variances are expected to occur throughout the year.
Other Revenue	93,497	41,536	51,961	125.10%	The current variance is primarily due to higher than projected revenue from scrap

OPERATING REVENUE BY NATURE & TYPE					
Description	Actual YTD	Budget YTD	Variance YTD \$	Variance YTD %	Comments
					metal sales of \$60K.
Profit on Asset Disposals	0	5,000	-5,000	-100.00%	As at the reporting date, no assets (primarily small plant items) had been disposed of.

OPERATING EXPENDITURE BY NATURE & TYPE					
Description	Actual YTD	Budget YTD	Variance YTD \$	Variance YTD %	Comments
Materials & Contracts	1,712,466	2,604,758	-892,292	-34.26%	<p>The overall variance in this expenditure type comprises variances in a large number of individual activities.</p> <p>By definition, Material and Contracts comprises all expenditure on materials, supplies and contracts not specifically listed under any other heading and includes; the supply of goods and materials, consultancies, legal expenses, maintenance agreements, communication expenses and so forth.</p> <p>As part of the new corporate software implementation, a higher level of detail is now required in respect of the 'works' related material and contract expenses. As this detail was not able to be provided as part of the 2008/09 budget development, there will be ongoing budget variances in 2008/09, as higher level budgets may not accurately reflect actual expenditures. However, it is expected that the overall budget should balance during the course of the financial year.</p> <p>Notwithstanding the above, as at 30 September 2008, the current variance is primarily attributable to an underspend in consultancies of some \$325K, and also an underspend in works related material and contracts expenses of approx \$450K.</p>
Utilities (Gas, Electricity, Water etc)	186,936	289,335	-102,399	-35.39%	The current variance is primarily attributable to timing differences in relation to the payment of utilities charges (particularly Electricity - \$55K and Water - \$40K) and the YTD budget projections. It is anticipated that the current variance will fall over the

OPERATING EXPENDITURE BY NATURE & TYPE					
Description	Actual YTD	Budget YTD	Variance YTD \$	Variance YTD %	Comments
					ensuing months and once these charges are being expensed on a regular basis
Depreciation on Non-current Assets	1,919,220	1,699,507	219,713	12.93%	<p>As part of the new corporate software implementation, an extensive review was undertaken in relation to depreciation data. One of the aims of the review was to align 'like' asset depreciation rates wherever possible. As an outcome of that review, the actual depreciation expense for the Shire will exceed budget estimates by approx \$900K in 2008/09.</p> <p>Unfortunately as this review was not completed until after the annual budget was presented to the Council, the 2008/09 annual budget does not reflect the outcomes of the review process.</p> <p>Notwithstanding the above, it should be noted that whilst this 'non-cash' expense will affect the projected net result as at 30 June 2009, it will not affect the 'net current asset position' due to the offsetting adjustment for non-cash items.</p>
Interest Expenses	44,203	147,570	-103,367	-70.03%	This item relates to interest payments on borrowing facilities (shire and self-supporting). Due to the need to reflect the 2008/09 interest budget on a straight line basis, coupled with the fact that budgeted loans have not been drawn at this time, interest charges are presently lower than the YTD budget projection.
Insurance Expenses	293,993	188,789	105,204	55.73%	The current variance is primarily due to timing in relation to the earlier than anticipated payment of several insurance premium instalments. Additionally, a number of assets have subsequently been either re-valued or added to the Shire's insurance schedule, which will result in a higher than anticipated insurance expense for the full financial year.

SUMMARY

The Shire's financial performance for the period ending 30 September 2008 is considered to be in line with expectations at this early point in the financial year. The variances as reported above are, in many instances, simply due to timing differences between the year to date budget estimates and actual revenues and expenditures incurred.

Notwithstanding the above, and as detailed in the variance reporting, there are expected to be ongoing variances in both the Materials and Contracts expenditure and also the Depreciation on Non-current Assets expenditure throughout the financial year. Whilst the Depreciation expense is projected to remain above year to date budget estimates for the remainder of the financial year, it is envisaged that as projects/ works are completed, the Materials and Contracts expenditure will continue to move toward alignment with the proposed reporting threshold.

TIMELINE/S FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Not applicable

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

1. 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 2008/09 financial year to comprise variances equal to or greater than 10% of the year to date budget amount as detailed in the Income Statement by Nature and Type
2. That the statutory financial reports for the period ending 30 September 2008 be received

14.6 FINANCIAL ACTIVITY STATEMENTS - PERIOD ENDING 31 OCTOBER 2008

FILE NO: FIN7
ATTACHMENT(S): Financial Activity Statements to 31 October 2008

PRÉCIS

A local government is to prepare, on a monthly basis, a statement of financial activity that reports on the Shire's financial performance in relation to its adopted budget. The report is to include details of budget estimates and financial performance against those estimates to the end of the month to which the statement relates, is to disclose any material variances identified as a result of the above, and is also required to detail the net current asset position for the reporting period.

This report has been compiled to fulfil the statutory reporting requirements of the Local Government Act and associated Regulations and also to provide the Council with an overview of the Shire's financial performance on a year to date basis for the period ending 31 October 2008.

BACKGROUND

The Local Government (Financial Management) Regulations detail the form and manner in which financial activity statements are to be presented to the Council. 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 report 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, Regulation 34(5) of the Local Government (Financial Management) Regulations requires that in each year, a local government adopts a percentage or value, calculated in accordance with Accounting Standard AASB1031 - Materiality, to be used for reporting material variances.

As part of the report on the Financial Activity Statements for the period ending 30 September 2008, it was recommended to the Council that a reporting threshold of 10% be re-adopted in respect of the 2008/09 financial year. As this report is proposed to be presented to the Council concurrently with the above report, it is prepared on the assumption that the Council adopts a reporting threshold of 10% for 2008/09.

CONSULTATION

Not Applicable

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 to prepare financial activity statements.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

This matter aligns with the Council's Strategic Plan 2006-2011 and principally the following Strategic Objective:

- * *Organisational Well Being*
To manage the business of the Shire in a responsible and accountable manner utilising organisational sustainability principles

STAFF COMMENT

In order to fulfil statutory reporting requirements, the following reports, which include additional financial data considered relative, are attached:

- * Operating Statement by Nature and Type

This report provides details of the Shire's operating revenues and expenditures on a year to date basis by nature and type (i.e. description). The respective totals in this report reconcile with the operating revenues and expenditures as contained within the Statement of Financial Activity (refer below) that is reported on a local government program basis.

* Statement of Financial Activity

This report provides details of operating revenues and expenses on a year to date basis (by local government program). The report is further extrapolated to include details of non-cash adjustments and capital revenues and expenditures. The resultant net current position in this report reconciles with that contained in the Net Current Asset Position report summary.

* Net Current Asset Position

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

In addition to the above reports, a number of capital expenditure budgets have been further itemised to provide greater detail on expenditure activity. These items are as follows:

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

COMMENTS ON FINANCIAL ACTIVITY TO 31 OCTOBER 2008

OPERATING ACTIVITY

As at 31 October 2008:

- * There is a favourable variance of some 1.9% in operating revenue
- * There is a favourable variance of some 7.7% in operating expenditure

A detailed summary of material variances within the operating revenue and expenditure activities (on a year to date basis) is provided within the body of this report.

CAPITAL ACTIVITY

As at 31 October 2008:

- * There is a favourable variance of some 36% * in capital revenue
- * There is a favourable variance of some 45% in capital expenditure

Capital Revenue

As detailed above, as at 31 October 2008, there is a favourable variance in capital revenue in the order of 36%. *However, it must be noted that this variance includes an error in respect of restricted assets transfers that could not be rectified until the following reporting period. On adjustment, the variance for the period ending 31 October 2008 would otherwise equate to an adverse variance of 44%. The below table details the Shire's capital revenue budget and actual revenue on a year to date basis.

Description	Actual YTD	Budget YTD	Annual Budget	Variance YTD \$	Variance YTD %
Proceeds from Sale of Assets - Plant	0	5,000	536,000	-5,000	-100.00%
Proceeds from New Loans	0	0	12,100,000	0	0.00%
Self Supporting Loans -Principal Repayments	37,041	55,452	166,356	-18,411	-33.20%
Transfers from Restricted Assets	1,240,923*	0	2,630,861	1,240,923	0.00%
Transfers from Reserves	833,600	1,489,820	4,469,452	-656,220	44.05%
TOTAL	2,111,564	1,550,272	19,902,669	561,292	36.21%*

As at 31 October 2008, the significant variances in relation to capital revenue relate primarily to transfers from restricted assets and also transfers from reserves.

*The amount transferred from restricted assets represents an internal transfer of funds that passed through the Shire's municipal account in error. Unfortunately the error could not be rectified until November 2008, and hence the variance of some \$1.24M as reflected above.

With regards to the transfers from reserves, the annual budget has been extrapolated on a straight line basis. Consequently, variances will occur until such time as funded projects are completed or the Shire's cash-flow requires funds be transferred from (invested) reserve monies. Due to the later than anticipated issue of rates notices this year, it has been considered necessary to transfer reserve monies now to support the Shire's cash-flow requirements. The transfers from reserves processed to date include the reimbursement of monies spent on beachfront works, heavy plant purchases and also in relation to the drawdown of funds emanating from the CBD specified area rate.

As previously stated, the transfers from restricted assets figure reflected above is incorrect, and this transaction should not have been reported on via the financial activity statements. The deferral of this transfer would result in a reportable variance in capital revenue of 44% (adverse) for the reporting period. The rectification of this error will be reflected in the financial activity statements for the period ending 30 November 2008.

Capital Expenditure

As at 31 October 2008, there is a favourable variance in capital expenditure in the order of 45%. The below table details the Shire's capital expenditure budget and actual expenditure on a year to date basis.

Description	Actual YTD	Budget YTD	Annual Budget	Variance YTD \$	Variance YTD %
Land & Buildings	633,837	443,060	3,204,675	190,777	43.06%
Plant & Equipment	330,780	787,000	3,040,000	-456,220	-57.97%
Furniture & Equipment	462,838	505,466	1,137,760	-42,628	-8.43%
Infrastructure	1,937,241	2,961,300	20,283,664	-1,024,059	-34.58%
Loan Repayments - Principal	175,762	231,552	694,656	-55,790	-24.09%
Transfers to Restricted Assets	0	587,935	1,763,805	-587,935	-100.00%
Transfers to Reserves	33,320	1,001,438	9,605,381	-968,118	-96.67%
TOTAL	3,573,778	6,517,751	39,729,941	-2,943,973	-45.17%

The current year to date variance in relation to the above items (approximately \$2.9M) can be attributed to a number of factors.

As detailed earlier in this report, the attachments hereto include categorised listing of the following capital expenditure activities that detail individual line item variances:

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

The current variances in relation to other capital expenditure activities are summarised as follows:

- * *Loan Repayments - Principal*
Timing difference only
- * *Transfers to Restricted Assets*
This item primarily represents contribution payments and (tied) government grants monies. As it is difficult to budget with certainty the level of contributions to be received in any year, it is expected that variances will occur in relation to this line item.

* *Transfers to Reserves*

With the exception of the budgeted transfer of unspent loan monies in relation to the Busselton Jetty reconstruction, transfers to reserves are budgeted to occur each month. Transfers to reserves for the period ending 31 October 2008 have not yet occurred due to the Shire's prevailing cash-flow position, albeit interest movements have been recognised.

VARIANCE REPORTING

Based on the assumption that the Council re-adopts a material variance reporting threshold of 10% or greater in 2008/09, there are numerous areas within the Income Statement by Nature and Type whereby this threshold is presently being exceeded.

The following table identifies and generally comments on operating revenues and expenditures (by nature and type) whereby the variance threshold of 10% is presently being exceeded on a year to date basis:

OPERATING REVENUE BY NATURE & TYPE					
Description	Actual YTD	Budget YTD	Variance YTD \$	Variance YTD %	Comments
Contributions, Reimbursements and Donations	559,751	901,404	-341,653	-37.90%	The current variance is primarily due to timing differences in respect of the receipt of contributions (both operating and non-operating). As it is difficult to project monies to be received from contributions in any year, or the timing thereof, the annual budget in these areas is forecast on a straight line basis. As such, variances are expected to occur throughout the year.
Other Revenue	107,033	67,910	39,123	57.61%	The current variance is primarily due to higher than projected revenue from scrap metal sales.
Interest Earnings	215,400	474,540	-259,140	-54.61%	A number of factors have and will continue to impact upon the variance reporting of interest earnings during 2008/09. Firstly, current financial conditions have adversely affected investment returns, whilst recent interest rates cuts will reduce investment earnings on term deposit funds. Secondly, the later than anticipated issue of rates notices this year has impacted upon the funds available for investment. Finally, with a greater level of funds now being channelled to term deposits, interest will only be brought to account on maturity

OPERATING REVENUE BY NATURE & TYPE					
Description	Actual YTD	Budget YTD	Variance YTD \$	Variance YTD %	Comments
					<p>of those deposits. As such, there will be peaks and troughs throughout the financial year as term deposits mature.</p> <p>It is anticipated that interest earnings will fall short of annual budget estimates in 2008/09. A further review of the possible impact thereof will be undertaken as part of the annual budget review, at which time the Council will be requested to consider how the organisation plans to address this matter (from a budget perspective).</p>

OPERATING EXPENDITURE BY NATURE & TYPE					
Description	Actual YTD	Budget YTD	Variance YTD \$	Variance YTD %	Comments
Materials & Contracts	2,536,808	3,524,290	-987,482	-28.02%	<p>The overall variance in this expenditure type comprises variances in a large number of individual activities.</p> <p>By definition, Material and Contracts comprises all expenditure on materials, supplies and contracts not specifically listed under any other heading and includes; the supply of goods and materials, consultancies, legal expenses, maintenance agreements, communication expenses and so forth.</p> <p>As part of the new corporate software implementation, a higher level of detail is now required in respect of the 'works' related material and contract expenses. As this detail was not able to be provided as part of the 2008/09 budget development, there will be ongoing budget variances in 2008/09, as higher level budgets may not accurately reflect actual expenditures. However, it is expected that the overall budget should balance during the course of the financial year.</p> <p>Notwithstanding the above, as at 31 October 2008, the current variance is primarily attributable to an underspend in consultancies of some \$420K, and also an</p>

OPERATING EXPENDITURE BY NATURE & TYPE					
Description	Actual YTD	Budget YTD	Variance YTD \$	Variance YTD %	Comments
					underspend in works related material and contracts expenses of approx \$430K.
Utilities (Gas, Electricity, Water etc)	334,964	385,275	-50,311	-13.06%	The current variance is primarily attributable to timing differences in relation to the payment of utilities charges (particularly Water - \$40K) and the YTD budget projections. It is anticipated that the current variance will fall over the ensuing months and once these charges are being expensed on a regular basis
Depreciation on Non-current Assets	2,572,693	2,272,143	300,550	13.23%	<p>As part of the new corporate software implementation, an extensive review was undertaken in relation to depreciation data. One of the aims of the review was to align 'like' asset depreciation rates wherever possible. As an outcome of that review, the actual depreciation expense for the Shire will exceed budget estimates by approx \$900K in 2008/09.</p> <p>Unfortunately as this review was not completed until after the annual budget was presented to the Council, the 2008/09 annual budget does not reflect the outcomes of the review process.</p> <p>Notwithstanding the above, it should be noted that whilst this 'non-cash' expense will affect the projected net result as at 30 June 2009, it will not affect the 'net current asset position' due to the offsetting adjustment for non-cash items.</p>
Interest Expenses	74,410	196,760	-122,350	-62.18%	This item relates to interest payments on borrowing facilities (shire and self-supporting). Due to the need to reflect the 2008/09 interest budget on a straight line basis, coupled with the fact that budgeted loans have not been drawn at this time, interest charges are presently lower than the YTD budget projection.
Insurance Expenses	398,224	319,504	78,720	24.64%	The current variance is primarily due to timing in relation to the earlier than anticipated payment of several insurance premium instalments (including plant - \$69K). Additionally, a number of assets have been either re-valued or added to the Shire's insurance schedule, which will result in a higher than anticipated insurance expense for the full financial year.

OPERATING EXPENDITURE BY NATURE & TYPE					
Description	Actual YTD	Budget YTD	Variance YTD \$	Variance YTD %	Comments
Other Expenditure	538,969	647,125	-108,156	-16.71%	The current variance is primarily attributable to: <ul style="list-style-type: none"> ▪ A current underspend in donations and contributions of approximately \$40K (primarily approved public submissions) ▪ A current underspend in Elected Member related expenses of \$58K (including conferences expenses, other allowances and Sister City funding)

SUMMARY

As at 31 October 2008, the Shire's financial performance on a year to date basis is considered satisfactory. Whilst a number of variances are apparent, operating activities are generally in line with year to date budget estimates.

Whilst it is acknowledged that specific items have already been identified as areas of concern (e.g. interest earnings), it is envisaged that higher performance in other areas will either partially or fully offset these adverse trends during the course of the financial year.

Additionally, whilst larger variances are currently evident in capital activities, these can be attributed to a number of factors including; timing differences in respect of budget estimates and also the decision to defer significant expenditures until such time as rates revenue becomes available.

It is considered that should there be any significant adverse trends, they will become more apparent over the next two to three months and will be addressed as part of the annual budget review that is to be conducted early in the new calendar year.

TIMELINE/S FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Not applicable

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That the statutory financial reports for the period ending 31 October 2008 be received

14.7 FINANCIAL ACTIVITY STATEMENTS - PERIOD ENDING 30 NOVEMBER 2008

FILE NO: FIN7
ATTACHMENT(S): Financial Activity Statements to 30 November 2008

PRÉCIS

A local government is to prepare, on a monthly basis, a statement of financial activity that reports on the Shire's financial performance in relation to its adopted budget. The report is to include details of budget estimates and financial performance against those estimates to the end of the month to which the statement relates, is to disclose any material variances identified as a result of the above, and is also required to detail the net current asset position for the reporting period.

This report has been compiled to fulfil the statutory reporting requirements of the Local Government Act and associated Regulations and also to provide the Council with an overview of the Shire's financial performance on a year to date basis for the period ending 30 November 2008.

BACKGROUND

The Local Government (Financial Management) Regulations detail the form and manner in which financial activity statements are to be presented to the Council. 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 report 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, Regulation 34(5) of the Local Government (Financial Management) Regulations requires that in each year, a local government adopts a percentage or value, calculated in accordance with Accounting Standard AASB1031 - Materiality, to be used for reporting material variances.

As part of the report on the Financial Activity Statements for the period ending 30 September 2008, it was recommended to the Council that a reporting threshold of 10% be re-adopted in respect of the 2008/09 financial year. As this report is proposed to be presented to the Council concurrently with the above report, it is prepared on the assumption that the Council adopts a reporting threshold of 10% for 2008/09.

CONSULTATION

Not Applicable

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 to prepare financial activity statements.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

This matter aligns with the Council's Strategic Plan 2006-2011 and principally the following Strategic Objective:

- * *Organisational Well Being*
To manage the business of the Shire in a responsible and accountable manner utilising organisational sustainability principles

STAFF COMMENT

In order to fulfil statutory reporting requirements, the following reports, which include additional financial data considered relative, are attached:

Operating Statement by Nature and Type

This report provides details of the Shire's operating revenues and expenditures on a year to date basis by nature and type (i.e. description). The respective totals in this report reconcile with the operating revenues and expenditures as contained within the Statement of Financial Activity (refer below) that is reported on a local government program basis.

* Statement of Financial Activity

This report provides details of operating revenues and expenses on a year to date basis (by local government program). The report is further extrapolated to include details of non-cash adjustments and capital revenues and expenditures. The resultant net current position in this report reconciles with that contained in the Net Current Asset Position report summary.

* Net Current Asset Position

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

In addition to the above reports, a number of capital expenditure budgets have been further itemised to provide greater detail on expenditure activity. These items are as follows:

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

COMMENTS ON FINANCIAL ACTIVITY TO 30 NOVEMBER 2008

OPERATING ACTIVITY

As at 30 November 2008:

- * There is a favourable variance of some 1.6% in operating revenue
- * There is a favourable variance of some 5.6% in operating expenditure

A detailed summary of material variances within the operating revenue and expenditure activities (on a year to date basis) is provided within the body of this report.

CAPITAL ACTIVITY

As at 30 November 2008:

- * There is an adverse variance of some 71% in capital revenue
- * There is a favourable variance of some 26% in capital expenditure

Capital Revenue

As detailed above, as at 30 November 2008, there is an adverse variance in capital revenue in the order of 71%. The below table details the Shire's capital revenue budget and actual revenue on a year to date basis.

Description	Actual YTD	Budget YTD	Annual Budget	Variance YTD \$	Variance YTD %
Proceeds from Sale of Assets - Plant	0	0	536,000	0	0.00%
Proceeds from New Loans	0	0	12,100,000	0	0.00%
Self Supporting Loans -Principal Repayments	46,987	69,315	166,356	-22,328	-32.21%
Transfers from Restricted Assets	0	1,096,192	2,630,861	-1,096,192	-100.00%
Transfers from Reserves	833,600	1,862,275	4,469,452	-1,028,675	-55.24%
TOTAL	880,587	3,027,782	19,902,669	-2,147,195	-70.92%

As at 30 November 2008, the significant variances in relation to capital revenue relate primarily to transfers from restricted assets and also transfers from reserves.

As was discussed in the Financial Activity Statement Report for the period ending 31 October 2008, in that month an amount of \$1.2M was erroneously reported as a transfer from restricted assets. This error has now been rectified.

Transfers from restricted assets (e.g. contributions, grant funds) only occur subsequent to the completion of associated projects. Additionally, due to the nature of this item, it is presently being budgeted on a straight line basis. As such, it is expected that variances will continue to occur until such time that funded projects are completed.

With regards to the transfers from reserves, the annual budget has been extrapolated on a straight line basis. Consequently, variances will occur until such time as funded projects are completed or the Shire's cash-flow requires funds be transferred from (invested) reserve monies. Due to the later than anticipated issue of rates notices this year, it was considered necessary to transfer reserve monies to support the Shire's cash-flow requirements. The transfers from reserves processed to date include the reimbursement of monies spent on beachfront works, heavy plant purchases and also in relation to the draw-down of funds emanating from the CBD specified area rate.

Capital Expenditure

As at 30 November 2008, there is a favourable variance in capital expenditure in the order of 26%. The below table details the Shire's capital expenditure budget and actual expenditure on a year to date basis.

Description	Actual YTD	Budget YTD	Annual Budget	Variance YTD \$	Variance YTD %
Land & Buildings	776,556	653,825	3,204,675	122,731	18.77%
Plant & Equipment	330,780	1,309,000	3,040,000	-978,220	-74.73%
Furniture & Equipment	550,992	609,715	1,137,760	-58,723	-9.63%

Infrastructure	2,827,971	3,751,625	20,283,664	-923,654	-24.62%
Loan Repayments - Principal	199,914	289,440	694,656	-89,526	-30.93%
Transfers to Restricted Assets	664,749	734,919	1,763,805	-70,170	-9.55%
Transfers to Reserves	1,014,608	1,252,070	9,605,381	-237,462	-18.97%
TOTAL	6,365,570	8,600,594	39,729,941	-2,235,024	-25.99%

The current year to date variance in relation to the above items (approximately \$2.2M) can be attributed to a number of factors.

As detailed earlier in this report, the attachments hereto include categorised listing of the following capital expenditure activities that detail individual line item variances:

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

The current variances in relation to other capital expenditure activities are summarised as follows:

- * *Loan Repayments - Principal*
Loan repayments are generally raised on a quarterly basis, whereas in 2008/09, the budget has been forecast on a straight line basis. As such, the current variance is a timing issue only. Notwithstanding this, further variances will arise in the second half of the financial year should budgeted loan draw-downs not proceed.
- * *Transfers to Restricted Assets*
This item primarily represents contribution payments and (tied) government grants monies. As it is difficult to budget with certainty the level of contributions to be received in any year, it is expected that variances will occur in relation to this line item.
- * *Transfers to Reserves*
With the exception of the budgeted transfer of unspent loan monies in relation to the Busselton Jetty reconstruction, transfers to reserves are budgeted to occur each month. Subsequent to the receipt of rates revenue during November, all budgeted transfers to reserves, up until November 2008, have now been processed. The current variance in this line item is therefore primarily due to lower than expected interest earnings on invested funds.

VARIANCE REPORTING

Based on the assumption that the Council re-adopts a material variance reporting threshold of 10% or greater in 2008/09, there are numerous areas within the Income Statement by Nature and Type whereby this threshold is presently being exceeded.

The following table identifies and generally comments on operating revenues and expenditures (by nature and type) whereby the variance threshold of 10% is presently being exceeded on a year to date basis:

OPERATING REVENUE BY NATURE & TYPE					
Description	Actual YTD	Budget YTD	Variance YTD \$	Variance YTD %	Comments
Other Revenue	448,664	104,789	343,875	328.16%	<p>The current variance is primarily due to:</p> <ul style="list-style-type: none"> ▪ Higher than projected scrap metal sales that are presently exceeding YTD budget estimates by \$38K ▪ Receipt of Leavers Wristband sales revenue of approximately \$305K. It should be noted that these funds do not form part of the Shire's general revenue and will be restricted pending Leaver's Appreciation Fund donation payments.
Interest Earnings	257,129	632,720	-375,591	-59.36%	<p>A number of factors have and will continue to impact upon the variance reporting of interest earnings during 2008/09.</p> <p>Firstly, current financial conditions have adversely affected investment returns, whilst recent interest rates cuts will reduce investment earnings on (particularly) term deposit funds.</p> <p>Secondly, the later than anticipated issue of rates notices this year has impacted upon the funds available for investment.</p> <p>Finally, with a greater level of funds now being channelled to term deposits, interest will only be brought to account on maturity of those deposits. As such, there will be peaks and troughs throughout the financial year as term deposits mature.</p> <p>It is anticipated that interest earnings will fall short of annual budget estimates in 2008/09. A further review of the possible impact thereof will be undertaken as part of the annual budget review, at which time the Council will be requested to consider the organisation will deal with this matter</p>

OPERATING REVENUE BY NATURE & TYPE					
Description	Actual YTD	Budget YTD	Variance YTD \$	Variance YTD %	Comments
					(from a budget perspective).
Profit on Asset Disposal	4,653	38,500	-33,847	-87.91%	The current variance is primarily due to plant transactions being deferred until such time that rates revenue became available, at which time plant change-overs would commence.

OPERATING EXPENDITURE BY NATURE & TYPE					
Description	Actual YTD	Budget YTD	Variance YTD \$	Variance YTD %	Comments
Materials & Contracts	3,553,022	4,471,326	-918,304	-20.54%	<p>The overall variance in this expenditure type comprises variances in a large number of individual activities.</p> <p>By definition, Material and Contracts comprises all expenditure on materials, supplies and contracts not specifically listed under any other heading and includes; the supply of goods and materials, consultancies, legal expenses, maintenance agreements, communication expenses and so forth.</p> <p>As part of the new corporate software implementation, a higher level of detail is now required in respect of the 'works' related material and contract expenses. As this detail was not able to be provided as part of the 2008/09 budget development, there will be ongoing budget variances in 2008/09, as higher level budgets may not accurately reflect actual expenditures. However, it is expected that the overall budget should balance during the course of the financial year.</p> <p>Notwithstanding the above, As at 30 November 2008, the current variance is primarily attributable to an underspend in consultancies of some \$503K, and also an underspend in works related material and contracts expenses of approx \$280K.</p>
Utilities (Gas, Electricity, Water etc)	408,225	481,211	-72,986	-15.17%	The current variance is primarily attributable to timing differences in relation to the payment of utilities charges (particularly

OPERATING EXPENDITURE BY NATURE & TYPE					
Description	Actual YTD	Budget YTD	Variance YTD \$	Variance YTD %	Comments
					Electricity - \$43K and Water - \$28K) and the associated YTD budget projections. It is anticipated that the current variance will fall over the ensuing months and once these charges are being expensed on a regular basis.
Depreciation on Non-current Assets	3,205,542	2,826,378	379,164	13.42%	<p>As part of the new corporate software implementation, an extensive review was undertaken in relation to depreciation data. One of the aims of the review was to align 'like' asset depreciation rates wherever possible. As an outcome of that review, the actual depreciation expense for the Shire will exceed budget estimates by approx \$900K in 2008/09.</p> <p>Unfortunately as this review was not completed until after the annual budget was presented to the Council, the 2008/09 annual budget does not reflect the outcomes of the review process.</p> <p>Notwithstanding the above, it should be noted that whilst this 'non-cash' expense will affect the projected net result as at 30 June 2009, it will not affect the 'net current asset position' due to the offsetting adjustment for non-cash items.</p>
Interest Expenses	89,390	245,950	-156,560	-63.66%	<p>This item relates to interest payments on borrowing facilities (shire and self-supporting). Due to the need to reflect the 2008/09 interest budget on a straight line basis, coupled with the fact that loan repayments (including interest) are generally raised on a quarterly basis, variances will occur from time to time throughout the financial year.</p> <p>Additionally, where budgeted loans are either not drawn or deferred, further variances will occur during the second half of the financial year.</p>
Insurance Expenses	384,485	328,089	56,396	17.19%	The current variance is primarily due to timing in relation to the earlier than anticipated payment of several insurance premium instalments (including plant - \$60K). Additionally, a number of assets have been either re-valued or added to the Shire's insurance schedule, which will result in a higher than anticipated insurance expense for the full financial year.

SUMMARY

As at 30 November 2008, the Shire's financial performance on a year to date basis is generally consistent with expectations at this time of the year. Over the past three months, movements within the operating activities have resulted in the variance in the Net Result reducing from 10.4% in September to 8.8% in November. It is envisaged that this trend will now continue as expenditure activity increases over the coming months.

With regards to capital activities, the current variance in capital revenue is not unusual for this time of the year and the capital expenditure result is above current expectations, considering that major expenditures have been, on occasions, deferred pending the receipt of rates revenue in November.

Whilst there continues to be areas in which financial performance for the full financial year may be less than ideal, any adverse trends will become more apparent over ensuing months and will be addressed as part of the annual budget review that is to be conducted early in the new calendar year.

TIMELINE/S FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Not applicable

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That the statutory financial reports for the period ending 30 November 2008 be received.

14.8 BUSSELTON CENTRAL BUSINESS DISTRICT SPECIFIED AREA RATE - REPORT OF 2007/08 FINANCIAL YEAR ACTIVITIES

FILE NO:	RAT6
ATTACHMENT(S):	A. Copy of Busselton Chamber of Commerce (Inc) Audited Financial Statements for period ending 30 June 2008
	B. Busselton Chamber of Commerce (Inc) - Annual Report 2007/08
	C. Copy of Memorandum of Understanding - Shire of Busselton and Busselton Chamber of Commerce (Inc)

PRÉCIS

The Shire of Busselton ("the Shire") raises a specified area rate ("SAR") each year for the purposes of promotion and betterment of the Busselton Central Business District ("CBD"). The monies collected from the SAR are made available to the Busselton Chamber of Commerce Inc. ("the Chamber") for this purpose, pursuant to a Memorandum of Understanding ("MOU") between the Shire and the Chamber.

As detailed in Clause 4 of the MOU, each year the Chamber is to furnish the Shire with a programme of services (draft annual budget) that it proposes to provide within the prescribed area during the ensuing financial year. The Shire is required to consider the draft budget presented, and approve the budget, with or without amendment, and subject to the terms as outlined within Clause 4 of the MOU.

As further detailed in Clauses 6.4 & 6.5 of the MOU, each year the Chamber is to furnish the Shire with its audited accounts (for the financial year ending 30 June) in respect of the SAR monies, and also to provide a report detailing monies spent and how these related to the approved budget.

This report provides the Council with a brief report on the financial activities of the Chamber for the 2007/08 financial year, in respect of the SAR monies.

BACKGROUND

At its meeting of 25 July 2007, the Council endorsed (C0707/163) the 2007/08 draft annual budget as submitted by the Chamber, and in respect of the Busselton CBD SAR.

Pursuant to the requirements of the MOU, the Chamber has now submitted to the Shire a copy of its audited financial report (financial year ending 30 June 2008) in respect of the SAR monies, along with a copy of its 2007/08 Annual Report.

Clauses 6.4 and 6.5 of the MOU state:

6.4 That it (the Chamber) will furnish to the Shire true and fair accounts of and relating to the Specified Area Rate received by it for each year ending 30th June, no later than the 30th September next following, accompanied by a certificate of a registered auditor reporting on such accounts

6.5 The Chamber will provide a report to the Shire in September of each year of the Term detailing all Specified Area Rate monies spent during the previous financial year and purposes for which these monies were spent and how this relates to the Programme approved by the Shire for that year

A brief overview of the Chamber's expenditure in relation to the SAR, and how this aligned with the endorsed 2007/08 annual budget, is provided in the Officer Comment section of this report.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Section 6.37 of the Local Government Act refers specifically to SAR's. This section of the Act details as to how monies collected under an SAR are to be administered and accounted for.

The MOU between the Shire and the Chamber has been developed in such a manner as to ensure compliance with the requirements of this Section of the Act.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Monies raised under an SAR are in addition to general rates revenue and, as such, do not form part of the Shires operational funding requirements.

Financial implications for the Shire are essentially limited to administration costs in governing the specified area rate, cognisant of Local Government Act requirements and the MOU between the Shire and the Chamber.

Pursuant to Clause 7 of the MOU, the Shire is entitled to retain 2% of the specified area rate funds raised each year to offset its administration costs.

STRATEGIC IMPLICATIONS

The raising of the SAR, which funds the related activities of the Chamber, aligns with a number of the key result areas contained within the Councils Strategic Plan 2006-2011 including;

- * *Community and Social Well Being*
Foster vibrant cultural activities that celebrate diversity and a sense of community
- * *Business and Economic Well Being*
To promote the Shire of Busselton as the preferred destination within W A for visitors seeking to experience food and wine, recreation, culture, heritage and nature based attractions
- * *Organisational Well Being*
To manage the business of the Shire in a responsible and accountable manner utilising organisational sustainability principles

OFFICER COMMENT

The 2007/08 SAR budget as submitted by the Chamber, and as endorsed by the Council, reflected total expenditure of \$195K. As per the audited financial statements provided by the Chamber, expenditure (exclusive of the funds returned to the Shire as at 30 June 2008) equated to \$133K, a shortfall of some \$62K.

The budgeted and resultant actual expenditure is summarised in the following table:

Description	2007/08 Budget \$000's	2007/08 Actual \$000's	Variance \$000's
Administration/ Operating Expenses	19.0	18.3	-0.7
Events Sponsorship	41.0	55.9	+ 14.9
Marketing & Promotion	121.0	59.2	-61.8
Infrastructure	14.0	0	-14.0
TOTAL	195.0	133.4	-61.6

Each of the above expenditure categories is briefly discussed as follows:

- * Administration/ Operating Expenses

Administration and other operating expenses include, amongst others, a component of the Chamber CEO's salary, honorariums, office supplies, utilities and rental payments. As these essentially represent overhead costs, there is an immaterial budget variance.

- * Events Sponsorship

As detailed in the Chamber's Annual Report for the 2007/08 financial year, events sponsored in 2007/08 included, amongst others;

- Ironman WA
- Festival of Busselton
- The SouthBound Music Festival

- Geographe Bay Race Week
- WA State Volleyball Championships
- WA Country Water Polo Championships
- The Half Ironman Triathlon
- Bard on the Bay

As is also detailed in the Chamber's Annual Report, independent economic assessment studies have indicated that an economic return in 2007/08 of some \$20M in direct expenditure can be attributed to events held in the Shire, with the highest contributors being the Ironman events, Southbound and Geographe Bay Race Week.

As a consequence of the above, the Chamber is keen to continue to sponsor events that provide an economic benefit to those paying the SAR.

* Marketing & Promotion

This budget allocation primarily includes advertising and promotional activities, in addition to the maintenance and enhancement of the Chamber's Pro-Busselton Committee component of its web-site.

Of the \$59K expended on marketing and promotion in 2007/08, approximately \$40K was expended on Television advertising, with a further \$8K expended on radio advertising.

The variance against the annual budget was primarily due to the originally projected expenditure on television advertising not eventuating. Reasons for this included one local campaign (scheduled to commence early in the financial year) that did not proceed due to funding availability, and also a proposal to advertise on Perth television that do not eventuate.

* Infrastructure

The 2007/08 endorsed budget included allocations for further lighting and benches in the CBD area. These activities were not undertaken during the financial year.

SUMMARY

The Busselton CBD SAR was first collected during the 2001/2002 financial year. Since that time, the Chamber has been proactive in keeping CBD businesses informed of how the SAR monies are being expended. Additionally, the Chamber strives to maintain close liaisons with local business in order to seek feedback on other ways to improve and market the CBD. General indications are that those paying the SAR are satisfied with the outcomes from paying the SAR.

At its meeting of 23 July 2008, the Council endorsed (C0807/220) the draft programme of services as submitted by the Chamber for the 2008/09 financial year. As required by the MOU, a report on the financial activities of the Chamber (in respect of the SAR monies) for the 2008/09 financial year will be presented to the Council during October 2009.

It should also be noted that the current MOU between the Shire and the Chamber expires as at 30 June 2009. As such, and should the Chamber and its members seek to continue current arrangements, then the Council will be requested to consider renewing the MOU at which time the Chamber presents its 2009/10 draft budget (in relation to the SAR) for endorsement.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Not Applicable

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That the report on the financial activities of the Busselton Chamber of Commerce (Inc) and in respect of the Busselton CBD Specified Area Rate, for the financial year ending 30 June 2008, be noted by the Council.

15. COMMUNITY INFRASTRUCTURE REPORT**15.1 MEELUP REGIONAL PARK MANAGEMENT PLAN (CONSIDERATION FOR FINAL ADOPTION)**

FILE NO:	ENV1
ATTACHMENT(S):	A. Meelup Regional Park Management Plan (Draft) B. Schedule of Submissions

PRÉCIS

This report seeks the Council's adoption of a Management Plan for the Meelup Regional Park.

Meelup Regional Park ("the Park") is an A Class Reserve vested in the Shire of Busselton for the purposes of conservation and recreation. It has an area of 572 ha and is approximately 250 km south of Perth. The Park is highly valued for its unique natural environment and conservation values.

The Management Plan has now been through an extended formal community consultation process, which resulted in a total of 4 submissions. The Meelup Regional Park Advisory Committee has reviewed the submissions and this has resulted in there being no further modifications recommended to the draft Management Plan.

The Management Plan is now considered to be in its final form ready for adoption by the Council.

BACKGROUND

A report on the draft Management Plan prepared for Meelup Regional Park by environmental Consultant Todkee Aquascience was presented to the Council on 13 August 2008. The Council resolved (C0808/229):

- 1. That Council endorse the draft Meelup Regional Park Management Plan for the purpose of formal consultation of 28 days involving advertising and inviting public comment on the document.*
- 2. That following the 28 day consultation period, a further report be presented to Council outlining the results of the public consultation; and providing recommendations on possible amendments to the Plan.*

In accordance with the Council resolution (Part 1), advertisements were placed in Council for the Community on 3, 5, 10 and 12 September and a similar notification was posted on the Shires webpage; however following concerns expressed by MRPMC about the lack of public response, the closing date was extended to 10 October 2008, and another series of advertisement placed in the local media.

Prior to the closing date, four (4) separate submissions were received. Details of these submissions are contained in Attachment B.

CONSULTATION

Consultation to date in regard to the Management Plan has consisted of the following:

- * Close collaboration with Meelup Regional Park Management Committee;
- * Distribution of a stakeholder consultation letter to recipients listed as Appendix E in the Management Plan;
- * Meetings with key members of the community including the Progress Association and the Dunsborough / Yallingup Chamber of Commerce;
- * Meeting with Shire of Busselton staff;
- * Provision of draft Plan to DEC and Toby Inlet Catchment Group;
- * Notice(s) in the local media, and on the Shires webpage calling for public comment.

STATUTORY ENVIRONMENT

Meelup Regional Park is an A Class reserve managed under Management Order from the Minister for Planning and Infrastructure in accordance with the Land Administration Act 1997.

Management and operation of the Park is subject to one Commonwealth and eight State acts, and pursuant to Clause 3.54 of the Local Government Act which provides the Shire the head of power for the purpose of controlling and managing land vested in the Shire. The plan is also proposed to be adopted under Clause 2.7(2)(b) of the Local Government Act as the Council Policy.

The Shire of Busselton District Town Planning Scheme No 20 identifies the land in question as reserve for recreation, and the draft management plan is in accordance with this purpose. The scheme also identifies the park as being in a landscape value area which provides additional controls for protection of the landscape amenity of the park.

The Park is managed by the Shire appointed Meelup Regional Park Management Committee, set up under Section 180 of the Local Government Act.

These are listed in Section 6 of the Management Plan.

POLICY IMPLICATIONS

Preparation of Reserve management plans such as the Meelup Management Plan is supported by the Shire of Busselton Environmental Strategy:

- * *Shire of Busselton Environment Strategy* - Action 1.12 "Continue to prepare and implement reserve management plans".

FINANCIAL IMPLICATIONS

There are no additional financial implications in respect to the Council endorsing this Management Plan. MRPMC are allocated an annual budget for both operational and capital works. Capital works projects are identified in the 5 Year Plan, and depending on the nature and type of the project jointly funded. Major capital works which may result from the adoption of the Management Plan will be listed for consideration for inclusion in the Council's 5 Year Plan.

STRATEGIC IMPLICATIONS

Endorsement of the Meelup Management Plan supports multiple Natural and Environmental Well Being objectives under the Shire of Busselton's Strategic Plan 2006-2011 including:

- * 'Foster a culture of environmental awareness, ownership and action within the community and the organisation';
- * 'Ensure that communities are provided with a balance of active and passive open space'; and
- * 'To minimise the adverse environmental impact of the activities of the Shire of Busselton and to encourage local businesses and the community to adopt practices that reduce their ecological footprint'.

OFFICER COMMENT

The unique natural values and conservation values of the Park are recognised by State Planning Policy 6.1, in which the Park is allocated the status of "Conservation Reserve", and is subject to a policy which states: "Maintaining or enhancing the conservation and landscape values will be the primary determinant in decision-making on proposals for land use....."

The Park is managed by the Shire appointed Meelup Regional Park Management Committee, set up under Section 180 of the Local Government Act.

To date the management of the Park has been based on the 1993 Management Plan and subsequent draft updates prepared by the Management Committee. The 2008 Plan seeks to formalise and update the Park Management Plan and provide strategic and operational guidance and procedural requirements for management and decision making in relation to the Park.

The Council now has the opportunity to review the public comments provided in Attachment B, and provide direction on any changes to the Plan. To finalise the process, the Plan will be submitted to the Minister for the Environment for approval in accordance with the *Land Administration Act 1997*.

Public submissions:

A total of four (4) separate submission were received; of those three (3) were supportive of the use of mountain bikes within the Park; and the fourth supportive of a transfer of the Park to DEC. Further details along with the Officers comments are contained in Attachment B.

Meelup Management Plan:

MRPMC and Shire staff in consultation with the Environmental Consultants Todkee Aquascience, have been involved in development of the Management Plan over the past 2 years and are satisfied the current document meets the strategic and operational requirements for the long term management of the Park. The Plan has the added advantage of being modelled on DEC principals, and as such would be easily adopted should care, control and management of the Park be transferred at a later date.

TIMELINE/S FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Should the Council endorse the Management Plan as presented; noting the four public submissions, the next step will be to seek the Ministers approval. This process may take several months, and depending on the outcome may involve minor amendments recommended by the Ministers Department. These would be incorporated into the Plan and resubmitted for approval. Any recommendations for major changes would necessitate referral back to the Council.

VOTING REQUIREMENT

Simple majority.

OFFICER RECOMMENDATION

1. That the Council adopt the Meelup Regional Park Management Plan as the Council policy pursuant to Clauses 2.7 and 3.54 of the Local Government Act.
2. That the Council note the four (4) separate public submissions; and request the CEO to formally respond to those submissions thanking them for their input.
3. That the Council request the CEO to formally approach the Minister for the Environment seeking endorsement of the Meelup Regional Park Management Plan.

15.2 BUSSELTON REGIONAL AIRPORT - DRAFT NOISE MANAGEMENT PLAN - SECTION 46 (CHANGES TO ENVIRONMENTAL CONDITIONS)

FILE NO:	AIR2
ATTACHMENT(S)	A. Busselton Regional Airport Section 46 – Changes to Environmental Conditions (Draft) – Report prepared by Strategen January 2009. B. Noise Management Plan – Busselton Airport (Draft) – Report prepared by Strategen January 2009.

PRECIS

The management of Busselton Regional Airport (BRA) since its opening has generated interest from many different parties including public complaints. This has prompted the Shire of Busselton to engage with consultants (Strategen) with respect to noise monitoring, modelling and the first draft Noise Management Plan in 2002. Interest in additional Fly-in Fly-out operations from the BRA led to the provision of funds in the 2008/2009 budget to engage a consultant to prepare a revised draft Noise Management Plan and perform a public consultation for the BRA. This has also involved preparing a Section 46, Changes to Environmental Conditions, which will be presented to the EPA and Minister for the Environment once approved by the Council.

BACKGROUND

The Busselton Regional Airport (BRA) was opened in 1997 and is one of a number of regional airports that was part of the Western Australian State Government's Regional Airport's development scheme. At the time, this scheme had the primary objectives of improving tourism, business and medical access to the selected regions.

The BRA is located approximately 6.5 km from the town centre of Busselton. The airport has been operational since 1997 and has a single sealed runway (No 03/21) which is 1800 m in length and 30 m wide. The runway is capable of handling a wide range of aircraft up to and including medium sized jet passenger aircraft. In addition the airport is equipped for night operations.

The BRA currently supports a number of local flying operators such as a the Busselton Aero Club, Busselton Air Services, The Royal Flying Doctor Service, Fly-in / Fly out operations (FIFO), and private individuals. The BRA is also used by other operators (mainly based out of Jandakot and Perth Airports) for Flight training.

The BRA commenced operating in 1997 with the issuance of conditions in Statement 399 under Section 46 of the (EP Act) relating to the airport operating hours and the maximum allowable noise limits as follows:

Section 4 Noise Management

- 4.1 The proponent shall ensure that noise emissions from the aerodrome. Including emissions from aircraft using the aerodrome, are effectively managed.
- 4.2 To achieve the objectives of condition 4.1, at all times during the operation of the aerodrome, the proponent shall ensure that noise emissions from the aerodrome activities, including emissions from aircraft using the aerodrome, do not cause noise levels at any residential premises in occupation to exceed an average of 55 dB(A)Ldn or a maximum of 65 dB_{LA slow}, unless a specific variation to the maximum noise level is agreed to by the Minister for the Environment on advice of the Department of Environmental Protection, and following consultation with relevant agencies.
- 4.3 Where a variation has been granted by the Minister for the environment, as referred to in condition 4.2, the variation has been granted by the Minister for the Environment as referred to in condition 4.2, the variation may only apply for operation between 0700 hours and 2200 hours, and the proponent shall ensure that the maximum noise level does not exceed 80 dB_{LA slow} and that the number of flights is limited.

A variation to 4-2 of Statement 399 was applied and agreed to by the Minister for Environment in September 1997, stating the following:

"Pursuant to Condition 4-2 of Implementation Statement 399 given under Part IV of the Environmental Protection Act 1986 in respect of the Busselton Regional Aerodrome on 16 October 1995, variation is hereby granted to the Shire of Busselton to allow a limited number of flights per day at the Busselton Regional Aerodrome at a noise level above 65dB_{LA slow} subject to the following restrictions –

1. the variation applies between the hours of 0700 and 2200 hours on any day;
2. the number of flights is limited to two per day; and
3. the noise level of a flight conducted under the variation shall not exceed 80dB when measured as a _{LA slow} value within 15 metres of a building that is directly associated with a noise-sensitive use on a noise-sensitive premises, in accordance with Part 3 of the Environmental Protection (Noise) Regulations 1997."

Since its opening in 1997, the BRA has received complaints from residents living near the airport relating to aircraft noise. These complaints have been mostly related to the level (dB) noise and also continuance of noise. The operations that significantly contribute to the level of noise experienced from the BRA are the landing, take-off and circuit training. In response to complaints, the Shire of Busselton has in recent years performed noise monitoring and modelling and is now looking to implement a NMP.

Previous Noise Monitoring & Modelling

In 2002 Sinclair Knight Mertz (SKM) undertook noise modelling at the BRA in preparation for the development of a noise management plan. The modelling performed utilised the Integrated Noise Model to calculate Australian noise exposure forecast (ANEF) contours. The model requires the input of following data:

- * physical data such as descriptions of runways, flight paths and sites that require specific results;
- * detailed flight characteristics for any non –standard aircraft operations to be modelled;
- * detailed description of all aircraft flights for typical, or average day being modelled; and
- * any variations to the standard output metrics that are required.

The modelling was undertaken by SKM and an ANEF chart was prepared for the various aircraft types using the BRA. In addition, ANEF contour charts were prepared for 2002 levels of airport use and the projected use to 2022 outlining the various noise exposure levels for each aircraft type. Full charts are included in section 4.4.2 Noise Modelling, Busselton Regional Airport Section 46 (Strategen).

In 2007, as part of the resolution to prepare a NMP, the Shire of Busselton commissioned two noise monitoring surveys (full results are listed in the NMP). The first study performed in January 2008, monitored noise at the BRA runway and two surrounding residences. The existing noise condition of 65dB (A) was exceeded 23 times during the monitoring period but did not exceed 80dB (A).

The second survey performed in April 2008, monitored noise at four surrounding residences and the runway. The existing noise condition of 65dB (A) was exceeded 21 times during the monitoring period but did not exceed 80dB (A).

In 2008, noise acoustic specialists were asked to perform additional noise modeling to that done in 2002 and prepare more accurate ANEF contour charts based on current levels of the BRA and predicted future use. These results and ANEF contour charts can be seen in Section 4.4.2 Noise Modelling, Busselton Regional Airport Section 46 (Strategen).

Noise Management Plan & Section 46.

The Shire of Busselton (as owners/managers of the airport) are looking to develop and implement a Noise Management Plan (NMP), which will provide guidance and recommendations to the operation of the BRA and management and resolution of issues such as hours of operation, types of usage of the airport, aircraft noise and noise complaints. In addition to the NMP, the Shire of Busselton is also looking to apply to the EPA and Minister for Environment for a change of environmental conditions to the airport.

The Section 46 (Changes to Environmental Conditions) that are being applied for are;

Section 4 Noise Management

- 4.1 The proponent shall ensure that noise emissions from the aerodrome. Including emissions from aircraft using the aerodrome are effectively managed in accordance with the Busselton Regional Airport Noise Management Plan. The plan is to be reviewed every three years in consultation with the community and airport users
- 4.2 To achieve the objectives of condition 4.1, at all times during the operation of the aerodrome, the proponent shall ensure that noise emissions from the aerodrome activities, including emissions from aircraft using the aerodrome, do not cause noise levels at any residential premises in occupation to exceed those levels outlined in the Australian Standard AS 2021 , unless a specific variation to the maximum noise level is agreed to by the Minister for the Environment on advice of the Department of Environmental Protection, and following consultation with relevant agencies.
- 4.3 Where a variation has been granted by the Minister for the environment, as referred to in condition 4.2, the variation has been granted by the Minister for the Environment as referred to in condition 4.2, the variation may only apply for operation between 0500 hrs and 0700hours and between 2100 hours and 0100 hours the following day for specific purposes, and the proponent shall ensure that the maximum noise level does not exceed 80 dB _{LA slow} and that the number of flights is limited by permits issued by the Shire of Busselton as outlined in the Noise Management Plan and operated in accordance with the Busselton Airport Fly Neighbourly Agreement.
- 4.4 The proponent will revoke access to the airport by any airport operators found to be in breach of the permit conditions except in the case of an emergency.

CONSULTATION

Consultants (Strategen) were engaged in 2007 to prepare the NMP and to ensure that public consultation was performed. The list below shows the sequence of meetings and public consultation carried out;

- * 21 March 2008: Notice in Council for The Community on NMP Consultation, specifically the noise monitoring program, current & future use of the airport;
- * 9 April 2008: Notice in Council for The Community on NMP Consultation, specifically the noise monitoring program, current & future use of the airport;
- * 16 April 2008: Notice in Council for The Community on NMP Consultation, specifically the noise monitoring program, current & future use of the airport;
- * 8 May 2008: Local Community stakeholder workshop held in Busselton;

- * 27 May 2008: BRA user-group workshop held in Perth; and
- * 18 June 2008: Second stage of Community consultation workshop 26 June. Outline summary of responses from previous community workshops, present key features of the draft NMP, seek further input and comment on the draft NMP. 38 copies of the draft NMP were distributed at the meeting and emailed to 23 user groups and 26 individual community members.

A listing of the submissions received by Strategen during the public consultation can be viewed in the NMP.

STATUTORY ENVIRONMENT

The BRA currently operates under conditions prescribed by the Minister for the Environment in Section 4, Statement No. 399 of the Environmental Protection Act 1986.

In addition, the EPA guidance statement on noise is to;

"To protect the amenity of nearby residents from noise impacts resulting from activities associated with the BRA by ensuring noise levels meet statutory requirements and acceptable standards."

(Environmental Protection Authority 2007, Guidance for the Assessment of Environmental Factors, draft No 8 Environmental Noise)

The preparation of this Noise Management Plan for the Busselton Airport will support an application under section 46 or 46B of the *Environmental Protection Act 1986* (EP Act) to the Minister for Environment to seek a review of the current conditions that apply to the BRA.

The BRA is also regulated by CASA.

POLICY IMPLICATIONS

The NMP provides more detailed and specific guidelines to the existing Council Policy 124 – Busselton Regional Airport - Guiding Principles for Management of the Facility, and supports Council Policy 123/5 – Heliports.

FINANCIAL IMPLICATIONS

The NMP makes recommendations as to the future management of the BRA.

Recommended NMP actions with Financial implications are as follows:

- * Video surveillance of BRA airstrip to monitor aircraft activity;
- * Noise Monitoring recommended for noise sensitive residences to establish if acoustic insulation is appropriate;

- * Implement acoustic insulation at identified residences where BRA noise is considered a nuisance;
- * Noise monitoring performed at semi-annually intervals for a duration of 2 weeks to ensure noise levels are not being breached; and
- * Noise modelling at 3 year intervals to ensure that predicted growth equals actual growth (inline with NMP review).

Provisions for the above recommendations will need to be included in future financial year budgets. There is also the potential for further financial implications with the review of Section 46 application by the EPA and Minister for the Environment.

STRATEGIC IMPLICATIONS

This proposal is considered relevant to the Shire's Strategic Plan 2006 - 2011:

- 1. Strategic Focus:** **Community and Social Well Being:**
Strategic Objectives: Facilitate and assist in the development of quality community facilities and services.
Strategic Initiative: Nil, but does match objectives.
- 2. Strategic Focus:** **Built and Physical (Infrastructure) Well Being:**
Strategic Objective: To develop and maintain the Shire's assets and built environment to maximise public benefit now and into the future.
Strategic Initiative: Manage and maintain the Shire's assets for the amenity of the community.

OFFICER COMMENT

The BRA usage over recent years has increased not only with private usage but also now supporting Fly in-Fly out (FIFO) operations on a weekly basis. The potential for the BRA to grow and provide facilities for increased FIFO, charter flights, private use and economic growth and employment has already been established. Hence, it is necessary to ensure that the appropriate environmental conditions and guidelines are in place for the effective management of the BRA. To date, the results of the noise monitoring confirm that the current conditions in Statement 399 relating to noise are impracticable, as the use of the airport by a wide range of aircraft operating at the airport emit noise at levels outside of the 65dB level.

It is also extremely difficult to enforce the current environmental conditions, as to prove a noise level breach would entail calibrated noise monitoring equipment to be onsite and analysed by a qualified acoustic engineer on a continuous basis to capture such breaches which would prove expensive and time consuming.

Community complaints have highlighted that noise does represent an issue surrounding the airport and noise monitoring has proved that noise levels at a number of residences has exceeded those currently specified in Statement 399. This non-compliance and impracticality of the conditions for both current and future usage of the BRA has prompted the Shire of Busselton to develop the NMP and Section 46 for an amendment to the noise conditions under Statement 399 of the EP Act.

The NMP will provide a framework and guidelines for the Shire of Busselton to work within as the owner and manager of the BRA. It recommends that a Fly Neighbourly Agreement (FNA) be prepared which outlines a number of management actions or operational procedures which can be implemented to ensure the compliance with noise levels, hours of operation and use of the BRA. Fly Neighbourly Agreements have been adopted at many regional airports in Australia and Western Australia and involve input from key stakeholders as well as from the Shire of Busselton (e.g. airport users, noise modelling engineers and nearby residents) in their development. A FNA will be developed once the BRA NMP has been adopted.

The NMP will also provide guidance on the management and resolution of noise complaints as well as other operational issues that can arise.

The Section 46 (Change to Environmental Conditions) has been developed as an amendment to the current noise conditions in Statement 399. This is because the current noise levels of 65dB are considered overly conservative and unachievable with the current airport usage and types of aircraft using the BRA. The current noise levels do not allow for future growth of the airport (including FIFO or charter) and do not comply with the relevant Australian Standards or Air Services Australia environmental principles.

Hence, this report asks the Council to endorse the NMP and Section 46 so that defined guidelines and procedures are in place for Shire officers to effectively manage the future operations of the BRA.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The implementation of the NMP can start immediately once the Council have endorsed the NMP and Section 46.

VOTING REQUIREMENT

Simple majority is required for Officer Recommendations 1 and 2.

OFFICER RECOMMENDATION

1. That the Council endorse the Draft Noise Management Plan.
2. That the Council endorse the Draft Section 46 (Change to Environmental Conditions) and application to the EPA and Minister for Environment for review.

16. COMMUNITY AND ORGANISATIONAL DEVELOPMENT REPORT**16.1 SMALL LOCAL PROJECTS FUND 2008/09 - NOS. 9 & 10**

FILE NO: GRT8
ATTACHMENT(S): A. Supporting documentation from Above Water.
 B. Request from Shire of Busselton Brass Band Inc.

Note: Cr Bromell has advised that he has an Interest Affecting Impartiality in relation to SLP. Request No. 10, as the letter of request is from his Sister-in-Law.

PRÉCIS

The following allocations of funds for expenditure from the Small Local Projects Budget allocation have been proposed. Funds are available and expenditure is permissible under the Local Government Act 1995.

No	Councillor Making Request	Amount	Recipient	Purpose for which funds will be used
9.	Cr Hanran-Smith	\$500	Above Water	To help to purchase a mobile and interactive trailer.
	Cr Hastie	\$500		
10.	Cr Bromell	\$1,200	Busselton Shire Brass Band Inc.	To assist in the purchase of new music and instrumental maintenance

BACKGROUND

Council's Policy No. 202/1 is applicable.

CONSULTATION

Not applicable

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Council's Policy No. 202/1 is applicable.

FINANCIAL IMPLICATIONS

On 13 August 2008, the Council resolved (C0808/237) to amend Policy 202/1 to facilitate an equal portion of any monies budgeted for small local projects to be available to each Councillor.

There are sufficient funds available within the portion allocated in the 2008/09 financial year for recommendation for disbursement by Crs Hanran-Smith, Hastie and Bromell.

STRATEGIC IMPLICATIONS

Nil

STAFF COMMENT

Nil

TIMELINE/S FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Subject to receipt of all necessary information, funds will be provided as soon as practicable following this Council Meeting.

VOTING REQUIREMENT

Simple majority.

OFFICER RECOMMENDATION

That the following amounts be allocated from the Council's Small Local Projects Budget Allocation:

No	Councillor Making Request	Amount	Recipient	Purpose for which funds will be used
9.	Cr Hanran-Smith	\$500	Above Water	To help to purchase a mobile and interactive trailer.
	Cr Hastie	\$500		
10.	Cr Bromell	\$1,200	Busselton Shire Brass Band Inc.	To assist in the purchase of new music and instrumental maintenance

16.2 EXPRESSIONS OF INTEREST FOR LOCAL ENVIRONMENTAL PLANNING STRATEGY COMMUNITY AND INDUSTRY REFERENCE GROUP AND SMALL BUSINESS CENTRE - VASSE

FILE NO: COM1

ATTACHMENT(S): Nil

PRÉCIS

It has been identified that there is a vacancy for a Councillor on the Local Environmental Planning Strategy Community and Industry Reference Group following the resignation of former Councillor Wheeler.

The Small Business Centre - Vasse has requested a representative of the Shire of Busselton, in accordance with its constitution, is appointed as a member of its management committee. The request specifically seeks the Shire President or a proxy.

BACKGROUND

The Local Environmental Planning Strategy Community and Industry Reference Group was established to provide a formal forum for the planners and consultants developing the Local Environmental Planning Strategy to engage with the community and other relevant stakeholders in addressing relevant issues.

The Small Business Centre - Vasse has advised that its constitution dictates that the Management Committee is made up of two representatives each from the four Chambers of Commerce in the Vasse electorate and a representative from each of the two Shires.

CONSULTATION

External organisations who are seeking a Councillor representative or a replacement due to resignation have contacted the Shire for an appointment to be made.

STATUTORY ENVIRONMENT

Not applicable to appointments to organisations not constituted as Committees of Council.

POLICY IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Generally, when considering appointing members to external organisations, the Council is mindful of the role the organisation plays and whether it supports the Council's own strategic plan. Both the Local Environmental Planning Strategy Community and Industry Reference Group and the Small Business Centre - Vasse undertake tasks that are achieving or complementary to the Shire's Strategic Plan initiatives.

OFFICER COMMENT

Expressions of interest are sought for a Councillor to be appointed to the Local Environmental Planning Strategy Community and Industry Reference Group and either the Shire President or a proxy to be nominated to the Management Committee of the Small Business Centre - Vasse, as requested.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Immediate.

VOTING REQUIREMENT

Simple Majority.

OFFICER RECOMMENDATION

That the Council considers the expressions of interest from any Councillors wishing to take on the role on the Local Environmental Planning Strategy Community and Industry Reference Group and the Small Business Centre - Vasse.

17. CHIEF EXECUTIVE OFFICER'S REPORT

Nil

18. MOTIONS of which notice has been given**18.1 SHORT STAY ACCOMMODATION USE - 'RESIDENTIAL' ZONED PROPERTIES**

NoM NO: 08/09: 10

FILE NO: PAM11

Councillor Anne Ryan has given notice of her intention to move the following motion at the Council Meeting on 28 January 2009:

MOTION

"That no prosecution pertaining to the short stay use of residentially zoned property be undertaken by the Shire of Busselton without the prior consideration of Council. If a matter of this nature is to come before Council, the owner of the property must be given no less than three weeks notice in writing that the matter will be on the Council agenda."

REASONS

In some circumstances, it is possible that complaints made to the Shire about the short stay letting of properties in the residential zone are vexatious and the result of some other ongoing dispute between neighbours.

It would be a travesty for a case like this to go before a court if the owners of a property were not actually doing anything to affect the amenity of the area by allowing people to stay in their property, be it for monetary gain or not.

It must also be taken into account that sometimes, people staying in the property may be friends or relatives of the owners.

If it is decided by staff to bring a prosecution against an owner, it is absolutely essential that the facts and reasons justifying it be put before council to allow it to decide whether there is merit in pursuing what could be a very costly exercise for the Shire with significant policy implications that have the potential to affect a large number of ratepayers across the Shire as a whole.

It is also necessary to give the owner of the property adequate notice that the matter is to become before Council to allow them to make a representation to Councillors and three weeks is I believe fair and equitable.

STAFF COMMENT

As a result of staff being on leave over the Christmas/New Year period, it was not possible to provide a Staff Comment in relation to this Notice of Motion in time for publication with the Meeting Agenda. Staff Comments will be provided via an Addendum to the Agenda which will be published prior to 28 January 2009.

18.2 DEVELOPMENT APPLICATION - LOT 1 CAVES ROAD, ABBEY

NoM NO: 08/09: 11
FILE NO: 6216

Councillor Anne Ryan has given notice of her intention to move the following motion at the Council Meeting on 28 January 2009:

MOTION

“ That a report be brought to the Council for the meeting of 25 February 2009, on the current development application over Lot 1 Caves Road Abbey and the proponents application for ‘ten chalets in a conservation zone and modification to the existing site plan’ ”.

REASON

The Proponents of the award-winning Peppermint Park Eco Village have been awaiting determination of this application in various forms for a number of years. They are now asking that it be brought to Council for its determination.

STAFF COMMENT

As a result of staff being on leave over the Christmas/New Year period, it was not possible to provide a Staff Comment in relation to this Notice of Motion in time for publication with the Meeting Agenda. Staff Comments will be provided via an Addendum to the Agenda which will be published prior to 28 January 2009.

18.3 LOT 16 WEST STREET, BUSSELTON

NoM NO: 08/09: 12
FILE NO: 14696AMD

Councillor Anne Ryan has given notice of her intention to move the following motion at the Council Meeting on 28 January 2009:

MOTION

"That a report be brought to Council for the meeting of 25 February, 2009 on Lot 16 West Street, Busselton."

REASON

The owners of the land have been trying to obtain information from staff as to their land and have had no satisfactory responses to date. Mr Watts addressed Council on 3/12/2008 with his concerns and has had no contact since. Mr Watts expressed his dismay at the Director of Planning not attending the briefing session and despite the Acting Shire President advising that she would refer the matter on to Mr Bancroft nothing has eventuated.

STAFF COMMENT

As a result of staff being on leave over the Christmas/New Year period, it was not possible to provide a Staff Comment in relation to this Notice of Motion in time for publication with the Meeting Agenda. Staff Comments will be provided via an Addendum to the Agenda which will be published prior to 28 January 2009.

18.4 OLD FIRE STATION - QUEEN STREET, BUSSELTON

NoM NO: 08/09: 13
FILE NO: 3112

Councillor Anne Ryan has given notice of her intention to move the following motion at the Council Meeting on 28 January 2009. Further, she has made the following request: "I would appreciate the report being written in such a way as to not be confidential. I think Council is well aware of the history of the building with the last two applications of tenants. New Councillors can read previous documents)."

MOTION:

"That a report be brought to Council for the meeting of 11 March 2009, on the old Fire Station in Queen Street. The report to include but not be limited to:

- (a) the difficulties that have ensued in trying to get a private tenant for the site (in generic terms only);*
- (b) how much it would cost to restore the site similar to that of the Ag Building;*
- (c) any issues which may hinder its restoration by the Shire and an approximate cost;*
- (d) any government grants such as Heritage which may be available; and*
- (e) the pros and cons of having the GBTA take over the site showcasing our region's (ie the Shire of Busselton) wine/food tastings (and any other product deemed to be appropriate) to visitors in an effort to be fully self-sufficient (and indeed a paying tenant in three to five years)."*

REASON

It is apparent that the Old Fire Station has been under-utilised for a very long time. Our main street is the 'face' of the Busselton township and no-one would doubt that the Ag Building is now a credit to the town with its restoration to former glory.

I do not believe that it would be errant of Council to restore the building in an effort to showcase the site and indeed have the GBTA showcase its wares to visitors, but more importantly another asset that the locals can be proud of.

STAFF COMMENT

As a result of staff being on leave over the Christmas/New Year period, it was not possible to provide a Staff Comment in relation to this Notice of Motion in time for publication with the Meeting Agenda. Staff Comments will be provided via an Addendum to the Agenda which will be published prior to 28 January 2009.

18.5 RELOCATION OF JETTY MARKETS

NoM NO: 08/09: 14
FILE NO: 3112

Councillor Anne Ryan has given notice of her intention to move the following motion at the Council Meeting on 28 January 2009:

MOTION

"That a report be brought to Council for the meeting of 11 March 2009, on the relocation of the Jetty Markets to a suitable site which mimics other 'profitable' tip shop ventures throughout Western Australia or indeed Australia."

The report to include but not be limited to:

- (a) other 'tip shops' or "drop'n'shop' Reuse Centres such as Armadale;
- (b) their structure, overheads, profits/losses;
- (c) products sold/not sold (ie electrical goods);
- (d) insurance issues (if any); and
- (e) pros/cons of this venture.

REASON

The Jetty Markets is a prime contributor to the restoring of the Jetty and is solely run by volunteers. They have been, for many years, unsure of their future home. Council has already agreed to the private leasing of the site twice (but to date both have walked away). It would be a good exercise for Council to look at recycling and making a profit. The following is from the City of Armadale's Website:

"Drop 'n' Shop Reuse Centre

Help minimise waste and find a bargain at the City of Armadale's Drop 'n' Shop Reuse Centre at the Hopkinson Road Landfill and Recycling Facility in Brookdale.

Staffed by a team of volunteers and operated by the City of Armadale, the Drop 'n' Shop aims to return useable items to the community, rather than into landfill.

Forget throwing old or unused items into the rubbish bin – residents can take their reusable items for FREE to the Drop 'n' Shop and know they are helping the environment. Refurbishing and reusing household items and discarded building materials helps to conserve raw materials and save on the energy cost of producing new replacements. After sorting, cleaning, repairs or value-adding, Drop 'n' Shop goods are re-sold to the public at extremely competitive prices.

City of Armadale residents can bring a wide range of reusable goods to the shop, including furniture, kitchenware, garden items, bric-a-brac, building materials, equipment, tools, bikes, toys, books and clothing. Tyres, mattresses, computers or carpet are not accepted.

Stop in and browse among the huge range of items for a bargain buy!

The centre also runs a fun competition every second month with a prize for the person who has the most creative idea for reusing items they have bought at the Drop 'n' Shop.

Funds generated by the Drop 'n' Shop are used to operate the centre and for worthwhile community projects with an environmental theme. Volunteers for the Drop 'n' Shop are most welcome – phone manager Geoff Wheeler at the centre on 9399-6462 for details.

The City of Armadale Drop 'n' Shop is open Friday, Saturday and Sunday from 8.30am to 4.30pm.”

STAFF COMMENT

As a result of staff being on leave over the Christmas/New Year period, it was not possible to provide a Staff Comment in relation to this Notice of Motion in time for publication with the Meeting Agenda. Staff Comments will be provided via an Addendum to the Agenda which will be published prior to 28 January 2009.

19. CONFIDENTIAL REPORTS**19.1 IRONMAN WESTERN AUSTRALIA TRIATHLON (BUSSELTON) - RENEWAL OF THREE YEAR CONTRACT 2010-2012****FILE NO:** EVT9**ATTACHMENTS:** Nil

A report, confidential under s.5.23(2)e(ii) of the Local Government Act 1995, being information that has a commercial value to a person, was provided to Councillors, the Chief Executive Officer, Directors and the Executive Manager, Systems and Information only.

20. NOTICES OF MOTION proposed for consideration at a future Meeting

21. QUESTIONS FROM MEMBERS WITHOUT NOTICE

22. NEXT MEETING

Wednesday, 11 February 2008, commencing at 5.30 p.m.

23. CLOSURE

