



Ordinary Council Meeting

Minutes

Wednesday 20 September 2023

MINUTES

Minutes of a meeting of the Busselton City Council held in the Council Chambers, Administration Building, Southern Drive, Busselton, on Wednesday 20 September 2023 at 5:30pm.

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1. OFFICIAL OPENING

The meeting opened at 5:30pm.

The Presiding Member welcomed Councillors, staff, guests and members of the public to the Ordinary Council Meeting of 20 September 2023.

The Presiding Member acknowledged the Wadandi and Bibbulmun people as the traditional custodians of this region and paid respects to Elders past and present.

This meeting was audio recorded for minute taking purposes and was live streamed on the City of Busselton YouTube channel. This recording will be available for three months after the meeting date.

Pastor Paul Colyer from Busselton Baptist Church read a prayer as part of the opening of this meeting.

2. ATTENDANCE

PRESIDING MEMBER		MEMBERS	
Cr Grant Henley	Mayor	Cr Paul Carter	Deputy Mayor
		Cr Anne Ryan	
		Cr Jodie Richards	
		Cr Kate Cox	
		Cr Phill Cronin	
		Cr Sue Riccelli	
		Cr Ross Paine	

OFFICERS	
Mr Tony Nottle	Chief Executive Officer
Mr Oliver Darby	Director, Engineering and Works Services
Mr Paul Needham	Director, Planning and Development Services
Ms Maxine Palmer	Director, Economic and Business Development
Ms Sarah Pierson	Director, Corporate Strategy and Performance
Ms Tegan Robertson	Governance and Risk Coordinator
Ms Jo Barrett-Lennard	Governance Officer

APOLOGIES
Nil

LEAVE OF ABSENCE	
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Cr Mikayla Love	C2305/077
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APPLICATION FOR LEAVE OF ABSENCE

Nil

MEDIA

Busselton- Dunsborough Times

PUBLIC

5

3. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil

4. DISCLOSURES OF INTEREST

DISCLOSURES OF FINANCIAL INTEREST

Nil

DISCLOSURES OF IMPARTIALITY INTEREST

Nil

5. CONFIRMATION AND RECEIPT OF MINUTES

5.1. Ordinary Council Meeting 16 August 2023

COUNCIL DECISION

C2309/105 Moved Cr Anne Ryan, seconded Cr Phill Cronin

That the Minutes of the Ordinary Council Meeting 16 August 2023 be confirmed as a true and correct record.

CARRIED 8 / 0

**FOR: Cr Grant Henley, Cr Paul Carter, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox,
Cr Phill Cronin, Cr Sue Riccelli and Cr Ross Paine**

AGAINST: Nil

5.2. Special Council Meeting 18 August 2023

COUNCIL DECISION

C2309/106 Moved Cr Anne Ryan, seconded Cr Paul Carter

That the Minutes of the Special Council Meeting 18 August 2023 be confirmed as a true and correct record.

CARRIED 8 / 0

**FOR: Cr Grant Henley, Cr Paul Carter, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox,
Cr Phill Cronin, Cr Sue Riccelli and Cr Ross Paine**

AGAINST: Nil

6. PUBLIC QUESTION TIME

6.1. RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

The following questions were taken on notice at the 16 August 2023 Ordinary Council Meeting.

Below is a summary of the question and response provided by the CEO.

Mr Keith Sims

Question

In reference to the proposed Amendment 56 to Local Planning Scheme 21 Special Character Area, listed at item 11.2 on the current agenda, the report states the following: "*discretionary decision making is at the core of good planning practice and rightly allows for individual context to be taken into consideration*". Why aren't all discretionary decisions taken by a peer group in the Planning Department, rather than a single person, and the discussions recorded, thus ensuring the community and neighborhood are consulted?

Response

(Mr Tony Nottle, Chief Executive Officer)

In WA's planning system, if discretion is not required the development usually won't require a development approval (DA). As a result, discretion is required when assessing most DA applications. If discretion may have an impact on the amenity of nearby residents, consultation is also usually required.

City planning staff have different levels of delegation, reflecting their skills, experience, and seniority. Planning staff, regardless of their seniority, also seek advice and input from other City staff, and in some cases State Government agencies, before determining DA applications. As such, whilst a particular member of the planning staff will ultimately be the decision-maker, the decision-making process does involve the seeking of feedback from peers and others, prior to the making of final decisions.

Mr Bill Kilner

Question

I have been speaking with other planners who have stated there are other parcels of land that can be developed, why are we not developing those?

Response

(Mr Tony Nottle, Chief Executive Officer)

Future urban growth areas in the City are identified in the City's Local Planning Strategy. Once future urban growth areas are identified at a strategic level, it is generally for the landowners/developers to undertake more detailed planning and ultimately develop the land.

There are a number of other urban growth areas identified in the City of Busselton. That includes: significant additional growth potential around Vasse; the Yalyalup urban growth area (where development has proceeded, in the shape of the Provence/Embark and Via Vasse Estates); the Ambergate North urban growth area (where development has not yet commenced); Port

Geographe; Dunsborough Lakes (the development of which is nearly complete); and the Dunsborough East urban growth area (the planning of which has recently commenced).

To meet medium to longer term demand for housing and provide housing choice in the City of Busselton, development will need to occur in all of those identified urban growth areas. To meet longer term demand and provide for housing choice, redevelopment of some existing urban areas will also be required.

Question

Regarding infill for the [Abbey South] site, estimates indicate 800,000 cubic tonnes of sand needs to be brought into the site from Scott River, and will be brought in by 25m trucks. There is a statement about the movement of the trucks and that the community must be consulted about the movement of those trucks. Why has no-one in Abbey been consulted?

Response

(Mr Tony Nottle, Chief Executive Officer)

Urban development in the City of Busselton, and in fact in most of Western Australia, involves significant earthworks and, in most cases, the import of sand or other fill material. Relative to most other urban growth areas in the City, less imported fill is required per new dwelling at Abbey South. When the City assesses an application for development approval for extractive industry (such as sand extraction), it will assess the impact of that extraction on the local road network. Fill being imported into the Abbey South urban growth area, however, once it has reached the regional road network, will then also be able to access Abbey South via the regional road network. Note that Caves Road is part of the regional road network, managed by Main Roads WA and not by the City of Busselton.

When significant volumes of fill material are being transported to the site, however, the City and/or Main Roads WA will often require a Traffic Management Plan. That is something that commonly occurs and it is also noted that many of the other urban growth areas across the City involve haulage of sand along local roads, whilst that will not be required at Abbey South.

6.2. QUESTION TIME FOR PUBLIC

5.1 Mr Keith Sims

Question

In item 14.1 of this evenings agenda, the Corporate Business Plan 2023 - 2027 is listed for adoption. The Plan states that Saltwater will be completed and operations commissioned in the 2024/2025 financial year. Can you please advise why it won't be until 2024/2025 before Saltwater is completed and opened?

Response

(Mayor Grant Henley)

The construction timeline indicated that Saltwater will be completed in the second half of 2024, being the 2024/2025 financial year.

(Ms Sarah Pierson, Director Corporate Strategy and Performance)

This date reflects not only construction, but also the commissioning process of Saltwater.

7. RECEIVING OF PETITIONS, PRESENTATIONS AND DEPUTATIONS

7.1. PETITIONS

Nil

7.2. PRESENTATIONS BY PARTIES WITH AN INTEREST

Ms Glenda Kirby spoke in relation to Item 11.1 'DA 22/0817 - Bed and Breakfast (Change of Use of Existing Single House and New Development)'. Ms Kirby spoke in support of Cr Riccelli's alternative recommendation.

Mrs Teena Smith and Mr Lee Smith spoke in relation to Item 11.1 'DA 22/0817 - Bed and Breakfast (Change of Use of Existing Single House and New Development)'. Mr and Mrs Smith spoke in support of the officer recommendation.

7.3. DEPUTATIONS

Nil

8. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN (WITHOUT DISCUSSION)

Nil

9. ITEMS BROUGHT FORWARD FOR THE CONVENIENCE OF THOSE IN THE PUBLIC GALLERY

ADOPTION BY EXCEPTION RESOLUTION EN BLOC

COUNCIL DECISION

C2309/109 Moved Cr Anne Ryan, seconded Cr Paul Carter

That the Committee Recommendations for items 10.1 and 10.2, and Officer Recommendations for items, 11.2, 11.3, 11.4, 13.1, 13.2 and 15.1 be carried en bloc.

Item	Report
10.1	Finance Committee – 06/09/2023 – List of Payments Made – July 2023
10.2	Finance Committee - 06/09/2023 – Financial Activity Statements – year to Date 30 July 2023
11.2	Application for Development Approval (DA23/0270) - Single House (Outbuilding) - Lot 43 (9) Campion Way Quindalup
11.3	Application for Development Approval (DA23/0194) - Single House (Drive Way Addition) - Lot 61 (40) Campion Way, Quindalup
11.4	Application for Development Approval (DA23/0133) - Grouped Dwelling (Alterations and Additions) - Lot 1 (17A) Gibney Street Dunsborough
13.1	Youth Plan
13.2	2023/2024 Community Assistance Program Round 1 Outcomes
15.1	Councillors Information Bulletin

CARRIED 8 / 0

FOR: Cr Grant Henley, Cr Paul Carter, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, Cr Phill Cronin, Cr Sue Riccelli and Cr Ross Paine

AGAINST: Nil

EN BLOC

10. REPORTS OF COMMITTEE

10.1 List of Payments Made - July 2023

Strategic Theme:	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making. 4.5 Responsibly manage ratepayer funds to provide for community needs now and in the future.
Directorate:	Finance and Corporate Services
Reporting Officer:	Manager Financial Services - Paul Sheridan
Authorised By:	Acting Director Finance and Corporate Services - Sarah Pierson
Nature of Decision:	Noting: The item is simply for information purposes and noting.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	1. List of Payments for Council July 2023 [6.1.1 - 10 pages]

This item was considered by the Finance Committee at its meeting on 6 September 2023, the recommendations of which have been included in this report.

The committee recommendation was moved and carried.

COUNCIL DECISION

C2309/107 Moved Cr Anne Ryan, seconded Cr Paul Carter

That the Council notes payment of voucher numbers for the month of July 2023 as follows:

CHEQUE PAYMENTS	119717 - 119736	111,510.18
ELECTRONIC FUNDS TRANSFER PAYMENTS	96756 - 97224	5,535,583.15
TRUST ACCOUNT PAYMENTS	EFT# T1 - T3	56,110.69
PAYROLL PAYMENTS	01.07.23 - 31.07.23	1,750,327.57
INTERNAL PAYMENT VOUCHERS	DD# 5350 - 5383	136,904.92
TOTAL PAYMENTS		7,590,436.51

CARRIED 8 / 0

FOR: Cr Grant Henley, Cr Paul Carter, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, Cr Phill Cronin, Cr Sue Riccelli and Cr Ross Paine

AGAINST: Nil

EN BLOC

OFFICER RECOMMENDATION

That the Council notes payment of voucher numbers for the month of July 2023 as follows:

CHEQUE PAYMENTS	119717 - 119736	111,510.18
ELECTRONIC FUNDS TRANSFER PAYMENTS	96756 - 97224	5,535,583.15
TRUST ACCOUNT PAYMENTS	EFT# T1 - T3	56,110.69
PAYROLL PAYMENTS	01.07.23 - 31.07.23	1,750,327.57
INTERNAL PAYMENT VOUCHERS	DD# 5350 - 5383	136,904.92
TOTAL PAYMENTS		7,590,436.51

EXECUTIVE SUMMARY

This report provides details of payments made from the City's bank accounts for the month of July 2023 for noting by the Council and recording in the Council Minutes.

STRATEGIC CONTEXT

Provision of the list of payments, while a statutory requirement, also supports open and accountable governance.

BACKGROUND

The *Local Government (Financial Management) Regulations 1996* (the Regulations) requires that, when the Council has delegated authority to the CEO to make payments from the City's bank accounts, a list of payments made is prepared each month for presentation to, and noting by, the Council.

OFFICER COMMENT

In accordance with regular custom, the list of payments made for the month of July 2023 is presented for information.

The List of Payments now includes supplementary lists corresponding to the payments made to suppliers in relation to transactions accumulated via store purchasing cards (totals shown in bold italics). This is in accordance with amendments to the Regulations gazetted on 30th June 2023.

Statutory Environment

Section 6.10 of the *Local Government Act 1995* and more specifically Regulation 13 of the Regulations refer to the requirement for a listing of payments made each month to be presented to the Council.

Relevant Plans and Policies

Not applicable.

Financial Implications

Not applicable.

External Stakeholder Consultation

Not applicable.

Risk Assessment

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

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

Options

Not applicable.

CONCLUSION

The list of payments made for the month of July 2023 is presented for information.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Not applicable.

10.2 Financial Activity Statements - Year to Date 30 July 2023

Strategic Theme:	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making. 4.5 Responsibly manage ratepayer funds to provide for community needs now and in the future.
Directorate:	Finance and Corporate Services
Reporting Officer:	Manager Financial Services - Paul Sheridan
Authorised By:	Acting Director Finance and Corporate Services - Sarah Pierson
Nature of Decision:	Legislative: adoption of "legislative documents" such as local laws, local planning schemes and local planning policies. Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
Voting Requirements:	Absolute Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	<ol style="list-style-type: none"> 1. Monthly Financial Report - July 2023 [6.2.1 - 27 pages] 2. Investment Report - July 2023 [6.2.2 - 1 page] 3. Loan Schedule - July 2023 [6.2.3 - 1 page]

This item was considered by the Finance Committee at its meeting on 6 September 2023, the recommendations of which have been included in this report.

The committee recommendation was moved and carried.

COUNCIL DECISION

C2309/108 Moved Cr Anne Ryan, seconded Cr Paul Carter

That the Council receives the statutory financial activity statement reports for the period ending 31 July 2023, pursuant to Regulation 34(4) of the *Local Government (Financial Management) Regulations 1996*.

CARRIED 8 / 0

FOR: Cr Grant Henley, Cr Paul Carter, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, Cr Phill Cronin, Cr Sue Riccelli and Cr Ross Paine

AGAINST: Nil

EN BLOC

OFFICER RECOMMENDATION

That the Council receives the statutory financial activity statement reports for the period ending 31 July 2023, pursuant to Regulation 34(4) of the *Local Government (Financial Management) Regulations 1996*.

EXECUTIVE SUMMARY

Pursuant to Section 6.4 of the *Local Government Act 1995* (the Act) and Regulation 34(4) of the *Local Government (Financial Management) Regulations 1996* (the Regulations), a local government is to prepare, on a monthly basis, a statement of financial activity that reports on the City's financial performance in relation to its adopted / amended budget.

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, while also providing the Council with an overview of the City's financial performance on a year to date basis, for the period ending 31 July 2023.

STRATEGIC CONTEXT

Provision of the financial activity statements, while a statutory requirement, also supports open and accountable governance.

BACKGROUND

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

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

Additionally, and pursuant to Regulation 34(5) of the Regulations, a local government is required to adopt a material variance reporting threshold in each financial year. At its meeting on 26th July 2023, the Council adopted (C2305/57) the following material variance reporting threshold for the 2023/24 financial year:

That pursuant to Regulation 34(5) of the Local Government (Financial Management) Regulations, the Council adopts a material variance reporting threshold with respect to financial activity statement reporting for the 2023/24 financial year as follows:

- *Variances equal to or greater than 10% of the year to date budget amount as detailed in the Income Statement by Nature and Type/Statement of Financial Activity report, however variances due to timing differences and/or seasonal adjustments are to be reported only if not to do so would present an incomplete picture of the financial performance for a particular period; and*

- *Reporting of variances only applies for amounts greater than \$50,000.*

OFFICER COMMENT

In order to fulfil statutory reporting requirements and to provide the Council with a synopsis of the City's overall financial performance on a year to date basis, the following financial reports are attached hereto (Attachment 1):

Statement of Financial Activity

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

Statement of Financial Position

A statement of financial position is a financial statement that summarises the reporting entities assets (what it owns), liabilities (what it owes), and equity (assets less liabilities) on a particular date.

Basis of Preparation Note (Note 1)

Explains the regulatory framework upon which the financial statements have been prepared.

Statement of Financial Activity Note (Note 2)

Explains the non-cash items that have been excluded from the calculation of the Net Current Position in the Statement of Financial Activity.

Explanation of Exclusions from Net Current Position calculations in the Statement of Financial Activity (Note 2)

This note provides details of the exclusions from the calculations of the net current position on a year to date basis, and reconciles with the net current position as per the Statement of Financial Activity.

Explanation of Material Variances Note (Note 3)

Provides a breakdown by directorate and cost centre of each of the variances on the face of the Statement of Financial Activity that meet Councils adopted material variance threshold for 2023/24.

Capital Acquisition & Construction Report

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

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

This report outlines the actual and budgeted movement from the start of the financial year to date, that result in the balances listed in the Statement of Financial Position for Property, Plant & Equipment.

Reserve Movements Report

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

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

Net Current Position Chart

Tracks the net Current Position over the year in comparison to previous 4 years.

Comments on Financial Activity to 31st July 2023

The Statement of Financial Activity (FAS) for the year to date (YTD) shows an overall Net Current Position (NCP) of \$3.2M as opposed to the YTD budget of **(\$6.1M)**.

The YTD NCP is showing a negative figure due to technical cashflow timing issues with a much higher spend forecast on capital projects and more transfers to reserves allocated into the July month than was realistically expected. This will rectify in the coming months.

The following table summarises the major YTD variances that appear on the face of the FAS, which, in accordance with Council's adopted material variance reporting threshold, collectively make up the above difference. Each numbered item in this lead table is explained further in note 3 of the attached Monthly Financial Report.

Description	2023/24 Actual YTD \$	2023/24 Budget YTD \$	2023/24 Budget \$	2023/24 YTD Bud Variance %	2023/24 YTD Bud Variance \$	Change in Variance Current Month \$
Amount Attributable to Operating Activities				44.86%	1,935,778	1,935,778
Revenue from Operating Activities				32.64%	560,305	560,305
1. Operating Grants, Subsidies and Contributions	324,858	165,737	5,325,685	96.01%	159,121	159,121
2. Fees & Charges	1,385,522	1,198,854	22,404,393	15.57%	186,668	186,668
3. Interest Earnings	413,295	336,362	4,305,492	22.87%	76,933	76,933
Expenses from Operating Activities				14.40%	1,181,538	1,181,538
4. Materials & Contracts	(944,432)	(2,360,048)	(29,072,925)	59.98%	1,415,616	1,415,616
5. Other Expenditure	(201,806)	(257,914)	(6,823,844)	21.75%	56,108	56,108

Description	2023/24 Actual YTD \$	2023/24 Budget YTD \$	2023/24 Budget \$	2023/24 YTD Bud Variance %	2023/24 YTD Bud Variance \$	Change in Variance Current Month \$
Amount Attributable to Investing Activities				91.41%	4,249,429	4,249,429
6. Land & Buildings	(983,695)	(3,274,029)	(29,976,325)	69.95%	2,290,333	2,290,333
7. Furniture & Equipment	(2,311)	(176,621)	(1,510,209)	98.69%	174,310	174,310
8. Infrastructure	372,774	(1,203,508)	(21,896,530)	130.97%	1,576,283	1,576,283
9. Proceeds from Sale of Assets	187,530	800	863,800	23341.22%	186,730	186,730
Amount Attributable to Financing Activities				370.87%	3,199,817	3,199,817
10. Transfer to Restricted Assets	(748,094)	(11,180)	(11,180)	(6591.36%)	(736,914)	(736,914)
11. Transfer from Restricted Assets	405,556	1,713,590	20,563,074	(76.33%)	(1,308,034)	(1,308,034)
12. Transfer to Reserves	(10,922,325)	(14,829,196)	(39,002,737)	26.35%	3,906,871	3,906,871

Investment Report

Pursuant to the Council's Investment Policy, a report (Attachment 2) is to be provided to the Council on a monthly basis, detailing the investment portfolio in terms of performance and counterparty percentage exposure of total portfolio. The report is also to provide details of investment income earned against budget, whilst confirming compliance of the portfolio with legislative and policy limits.

As at 31st July 2023 the value of the City's invested funds decreased to \$108M from \$111.8M as at 30th June 2023. The decrease is a result of funds used for standard operational needs.

As at 31st July 2023 the 11AM account balance is \$12.7M, being a decrease of \$1.8M from 30th June 2023. The decrease of \$1.8M to the 11am account is due to funds needed for standard operational needs.

During the month of July six term deposits totalling the amount of \$18.5M matured. These were re-invested for a further 223 days at 5.31% on average.

The official cash rate stayed steady during the month of July 2023 at 4.10%. Further movement in the cash rate is currently uncertain.

Borrowings Update

During the month no new loans were drawn, with \$100K in principal and \$4K in interest paid on existing loans. The attached Loan Schedule (Attachment 3) outlines the status of all existing loans YTD.

Chief Executive Officer – Corporate Credit Card

Details of transactions made on the Chief Executive Officer’s corporate credit card during July 2023 are provided below to ensure there is appropriate oversight and awareness.

Date	Payee	Description	\$ Amount
3/07/2023	IPWEA	ONLINE TRAINING - RECYLING-OPERATIONS MANAGER	451.00
4/07/2023	LGIS	CEO BREAKFAST	66.50
5/07/2023	LGIS	CEO BREAKFAST GUEST-HR COORDINATOR	66.50
6/07/2023	WEST AUSTRALIAN	DIGITAL SUBSCRIPTION-PR	28.00
13/07/2023	NATIONAL REGIONAL ECONOMIC DEVELOPMENT SUMMIT-TOOWOOBMA	REFUND OF TICKET-MAYOR HENLEY	-792.00
13/07/2023	CROWN PROMENADE PERTH	TRAINING ACCOMODATION - EWS STAFF -WATERWISE EXPO	1,325.17
22/07/2023	PEARSON AUSTRALIA GROUP	STUDY ASSISTANCE-CEO*	123.16
28/07/2023	DUXTON HOTEL-PERTH	MEETING ACCOMMODATION-CEO	370.00
31/07/2023	WILSON PARKING AUSTRALIA PERTH	MEETING PARKING-CEO	21.00
31/07/2023	DUXTON HOTEL-PERTH	MEETING ACCOMMODATION-CEO	376.57
31/07/2023	ONE RUSTIC BLOOM	BABY CONGRATULATIONS	100.00
31/07/2023	LG PROFESSIONALS	PROFESSIONAL MEMBERSHIP - CEO	531.00
		TOTAL	2,694.90

**professional development allowance*

Donations & Contributions Received

During the month no non-infrastructure asset (bridges, roads, POS etc), donations or contributions were received.

Statutory Environment

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

Relevant Plans and Policies

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

Plan:

Annual Adopted Budget 2022-2023

[Strategic Community Plan 2021-2031](#)

[Corporate Business Plan 2022-2026](#)

[Long Term Financial Plan 2022/23 - 2031/32](#)

Policy:

There are no relevant policies for this report.

Financial Implications

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

External Stakeholder Consultation

Not applicable.

Risk Assessment

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

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

Options

The Statements of Financial Activity are presented in accordance with Section 6.4 of the Act and Regulation 34 of the Regulations and are to be received by Council. Council may wish to make additional resolutions as a result of having received these reports.

CONCLUSION

As at 31st July 2023, the City's net current position stands at \$3.2M, and cash reserve balances remain sufficient for their purposes.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Not Applicable.

11. PLANNING AND DEVELOPMENT SERVICES REPORTS

11.1. DA22/0817 - Bed and Breakfast (Change of Use of Existing Single House and New Development)

Strategic Theme:	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
Directorate:	Planning and Development Services
Reporting Officer:	Planning Officer - Devin Moltoni
Authorised By:	Director Planning and Development Services - Paul Needham
Nature of Decision:	Regulatory: To determine an application/matter that directly affects a person's right and interests e.g. development applications, applications for other permits/licences, and other decisions that may be reviewable by the State Administrative Tribunal.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	Attachment 1 Location Plan Attachment 2 Development Plans Attachment 3 Planning Assessment Report Attachment 4 Schedule of Submissions Attachment 5 Applicant Lawyer Submission Attachment 6 Legal Advice Obtained by the Local Government

Prior to the meeting, Cr Riccelli foreshadowed a motion that was different to the officer recommendation. In accordance with clause 10.18(6) of the City of Busselton *Standing Orders Local Law 2018*, it was taken to be an alternative recommendation and moved first.

The motion was put, there was opposition and debate ensued. The alternative recommendation was carried.

COUNCIL DECISION

C2309/110 Moved Cr Sue Riccelli, seconded Cr Anne Ryan

That the Council determines:

- A. That application DA22/0817 submitted for development of Bed and Breakfast (Change of Use of Existing Single House and New Development) on Lot 301 (No. 29) Carnarvon Castle Drive, Eagle Bay, is considered by the Council to not be consistent with Local Planning Scheme No. 21 and the objectives of the zone within which it is located.**
- B. To refuse to grant development approval, for the following reasons:**
 - 1. Uncertainty exists around whether lawful discretion exists.**
 - 2. The proposal is considered to have excessive landscape and visual**

elements particularly in relation to:

- a) Dwelling is proposed to reach a height of 8.45m, inclusive of a chimney height, in lieu of the development standard permitted height of 7.5m.
- b) Upper store floor area covers 89% of the ground floor footprint in lieu of 50% permitted by the Development Standard.
- c) Outbuilding wall height (shed) of 3.34m in lieu of permitted Residential Design Codes - 2.4m, LPS 21 - 2.7m and LPP 4.10 - 3.1m.

CARRIED 5 / 3

FOR: Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, Cr Phill Cronin and Cr Sue Riccelli

AGAINST: Cr Grant Henley, Cr Paul Carter and Cr Ross Paine

Reasons: There is a lack of certainty around whether lawful discretion is able to be used for this proposal because of the issue of which setback standards apply is critical to the determination of the application. There appears to be overdevelopment of the built form on site.

OFFICER RECOMMENDATION

That the Council determines:

1. That application DA22/0817 submitted for development of Bed and Breakfast (Change of Use of Existing Single House and New Development) on Lot 301 (No. 29) Carnarvon Castle Drive, Eagle Bay, is considered by the Council to be generally consistent with Local Planning Scheme No. 21 and the objectives of the zone within which it is located.
2. Grant development approval for the proposal subject to the following conditions subject to the following conditions:

GENERAL CONDITIONS:

1. The development hereby approved shall be substantially commenced within two years of the date of this decision notice.
2. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plans and Endorsed Bushfire Management Plan prepared by Envision Fire Protection dated 4 November 2022 (Version 1) (enclosed).
3. The use hereby approved shall at all times comply with the definition of Bed and Breakfast as provided in Schedule 1 of the City of Busselton Local Planning Scheme No. 21, as follows:

"Bed and Breakfast" means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast.

Notwithstanding the above interpretation, the approved use is restricted to a maximum of four (4) persons.

4. Advertising signage associated with the approved use shall be no greater than or 0.6m², located within the subject site.
5. A minimum number of four (4) car parking bays shall be provided on the site (Advice Note 7).
6. The window dimensions on the elevations of the hereby approved Single House shall be constructed in accordance with the stamped approved Window Schedule.

PRIOR TO COMMENCEMENT CONDITIONS

7. The development hereby approved, or any works required to implement the development, shall not commence until the following plans or details have been submitted to the City and approved in writing:
 - 7.1 Details of stormwater and surface water drainage. Stormwater to be retained for use and/or infiltration within the lot at a rate of 1m³ per 65m² of impervious area.

PRIOR TO OCCUPATION/USE OF THE DEVELOPMENT CONDITIONS:

8. The development hereby approved shall not be occupied, or used, until all plans, details or works required by Conditions 3, 4, 5 and 6 and 7 have been implemented.

ONGOING CONDITIONS:

9. The works undertaken to satisfy Conditions 3, 4, 5, 6 and 7 shall be subsequently maintained for the life of the development and the following complied with:
 - 9.1 The owner must implement the approved Bushfire Management Plan and Bushfire Emergency Evacuation Plan prepared by Bushfire Prone Planning dated 20 July 2022 for the duration of the development (Advice Note 11).

EXECUTIVE SUMMARY

The City has received a development application proposing a Bed and Breakfast (Change of Use of Existing Single House and New Development) (the Proposal) at Lot 301 (No. 29) Carnarvon Castle Drive, Eagle Bay (the Site).

The application is being brought into Council for determination due to recent changes in delegation.

Having considered the application, including submissions received, City officers consider that the proposed development is generally consistent with the City of Busselton Local Planning Scheme No. 21 ("Scheme") and the broader, relevant planning framework. The application is recommended for approval subject to conditions.

STRATEGIC CONTEXT

As per Objective 4.2 of the Strategic Community Plan and in accordance with the recent change in CEO delegations, the application has been referred to Council to facilitate transparent decision making, specifically in the Special Character Areas (SCA's) of the City.

BACKGROUND

The Council is asked to consider a development application for a proposed Bed and Breakfast (Change of Use of Existing Single House and New Development) at Lot 301 (No. 29) Carnarvon Castle Drive, Eagle Bay (the Proposal).

Key information regarding the application is set out below:

1. **Landowner:** Teena and Lee Smith
2. **Applicant:** MNB Residential
3. **General description of the site:** Lot 301 (No. 29) Carnarvon Castle Drive ('the Site') is a corner lot on a 90-degree corner bend of Carnarvon Castle Drive.

The site is zoned 'Residential' by Local Planning Scheme No. 21 (the Scheme, or LPS21) with a density coding of R2.5. The adjoining properties to the south and east are similarly zoned 'Residential' with a density of coding of R2.5, while the properties to the west on the opposite side of Carnarvon Castle Drive are zoned 'Rural Residential'. A Location Plan is provided in Attachment 1.

The site was formerly zoned 'Rural Residential'. That was changed by Amendment 29, which was gazetted on 7 June 2019. This amendment rezoned Lots 301-304 Carnarvon Castle Drive and Lots 305-310 Vixen Close from Rural Residential to Residential R2.5.

4. **Current development/use:**

Existing development on the site includes a Holiday Home (Single House) - 4 People that is currently under construction and considered to be substantially commenced. This development was approved under DA21/0250 in 2021 and this approval was subsequently modified under DA21/0250.01 in 2022. This approval included access to the site being taken from the western Carnarvon Castle Drive frontage. The approval was also supported by a Bushfire Management Plan (BMP) prescribing the management of the entire site to Asset Protection Zone (APZ) standard.

5. **Applicable zoning and special control area designations:**

- Residential R2.5 zoning;
- Landscape Value Special Control Area; and
- Eagle Bay Special Character Area Special Control Area.

6. Land use Permissibility: Pursuant to the City of Busselton Local Planning Scheme No. 21 (“Scheme”), the site is zoned ‘Residential’. Under the zoning table:

- Single House is a ‘P’- permitted use. All development included in the development application is ancillary to the Single House use, with the exception of the proposed Bed and Breakfast use.
- Bed and Breakfast is a ‘D’ discretionary use, meaning the use is not permitted unless the local government has exercised its discretion by granting development approval.

7. Brief description of the proposed development:

On 22 November 2022, the applicant lodged an application with the City seeking development approval for ‘Bed and Breakfast (Change of Use of Existing Single House and New Development)’. The proposal consists of the following elements:

- Proposed dwelling;
- Change of use of existing Holiday Home (Single House);
- All development on the site to be a single land use ‘Bed and Breakfast’ accommodating a maximum of four guests; and
- Ancillary buildings consisting of a water tank and outbuilding.

8. Discretions proposed:

1. Bed and Breakfast is a ‘D’- discretionary use class which is not permitted unless the Local Government has exercised its discretion by granting development approval;
2. Change of use of existing Single House to Ancillary Dwelling with a plot ratio area of 82.7m² in lieu of the permitted 70m² under the deemed-to-comply standards of Residential Design Codes (R-Codes) clause 5.5.1;
3. The dwelling is proposed to reach a height of 8.45m, inclusive of a chimney height, in lieu of the Eagle Bay Structure Plan (the Structure Plan) development standard 8 and Development Guide Plan for Lot 50 Eagle Crescent and Portion Location 1348 Carnarvon Castle Drive, Eagle Bay (the DGP) development standard 4 permitted height of 7.5m above natural ground level;
4. An upper storey floor area covering 89% of the ground floor building footprint in lieu of 50% permitted by the DGP development standard 4 and Structure Plan development standard 8;
5. 1.1m high earthworks are proposed to support the slab in lieu of 0.5m permitted under Local Planning Policy 3.3 Eagle Bay Special Character Area (LPP 3.3) Element I Site Works;
6. An outbuilding wall height wall height of 3.34m is proposed in lieu of Residential Design Codes deemed-to-comply limit of 2.4m, Local Planning Scheme No. 21 wall height of 2.7m deemed to meet the Residential Design Codes design principles, and Local Planning Policy 4.10 Outbuildings and Other Non-Habitable Buildings 3.1m wall height limit deemed to meet the Residential Design Codes Design Principles.

This report is supported by the following attachments –

1. Attachment 1 – Location Plan
2. Attachment 2 – Development Plans
3. Attachment 3 – Planning Assessment Report (Note this report assumes the City has the lawful discretion to approve the development, and that the Officer Comment section of this report and other attachments address the question of lawful discretion. Also note that, given the complexity of some of the assessment issues, a custom template has been used for this planning assessment report)
4. Attachment 4 – Schedule of Submissions
5. Attachment 5 – Lawfield Letter to City on behalf of applicants
6. Attachment 6 – Thompson Geer legal advice to City of Busselton (confidential)

OFFICER COMMENT

As set out in the Planning Assessment Report at Attachment 3, if the legal discretion exists to approve the development, it is considered that an approval should be granted. The officer recommendation is on the basis that legal discretion does exist, although it is also noted that the situation in that regard is not entirely clear or simple. The determination of applicable setback standards is the critical matter in relation to the legal discretion question.

Information addressing that issue is set out in Attachments 5 and 6. Key matters related to that issue are also outlined below. Firstly, there is a discussion around the determination of the land use classification for the proposed development. Secondly, considering the determination of the land use, key matters related to determining applicable setback standards are outlined and discussed.

Determination of Land Use

The existing development on the site includes a Holiday Home (Single House) approved for use for up to four guests. This approved Holiday Home (Single House) 4 People is currently under construction and has a floor of just over 80 square metres.

The proposal seeks approval for new development consisting of a house with a total floor area around 340 square metres, plus an outbuilding and a water tank. It is proposed that the new development be used for the permanent accommodation of the owners/residents, with the building already approved being used either for accommodation of family, or for paying guests, but only when the new development is occupied by the owners/residents. Given the pattern of proposed use and development, there are number of ways in which the land use could be classified.

One is that the new house is a Single House, and the existing house is an Ancillary Dwelling, also able to be used as a Holiday Home. That is, however, problematic. Principally that is because a Holiday Home is ‘unhosted’ accommodation, but the intention is that short stay use of the existing house only occur when the owners/residents are in occupation, and therefore it would constitute hosted accommodation. Note that, should this land use classification approach be taken, it is considered that the existing house may become incidental development.

Another option is that the new house is a Single House, and the existing house is a Bed and Breakfast. That is also problematic, because it is not a resident of the existing house that will be hosting the short-term occupants of that house. Instead, the occupants of the new house will be

their hosts. Note that, should this land use classification approach be taken, it is considered that the existing house may become incidental development.

Given the above, and despite the fact that there are two physically distinct buildings involved, the most appropriate land use classification is considered to be Bed and Breakfast for the whole of the development. Note that, should this land use classification approach be taken, it is considered that the proposed outbuilding and water tank may become incidental development, but the existing house may not.

Determination of Setback Standards

The City has considered which of two potential interpretations of LPS21 Schedule 4 Clause 5 (a) in conjunction with Table 1- Setbacks by Sector (Table 1) and Clause 5 (b) for development incidental to the Single House with respect to what setback standards apply to the site. One interpretation is that development on the site is subject to setbacks in accordance with the building envelope provided by the Endorsed Building Envelope Plan and Development Guide Plan for Lot 50 Eagle Crescent and Portion Location 1348 Carnarvon Castle Drive, Eagle Bay (the DGP). The other is that LPS21 Schedule 4 Clause 5 (a) and (b) in conjunction with Table 1- Setbacks by Sector (Table 1) setback standards for 'sector 3' apply.

As provided in Attachment 3, the proposal is considered to comply with the setback standards provided by the Endorsed Building Envelope Plan and the DGP. The DGP was stamped and endorsed as a structure plan level document on 27 June 2007. The fundamental issue is whether the DGP and associated Endorsed Building Envelope Plan take precedence as the primary documents providing setback standards for the site, or if the setback standards provided by LPS21 Schedule 4 Clause 5 (a) in conjunction with Table 1- Setbacks by Sector (Table 1) for 'sector 3' apply to the Site.

The issue of which setback standards apply is critical to the determination of the application. This is because the City has no lawful discretion to approve any non-compliance with the setback standards that are directly set out in Schedule 4 of the Scheme. The interpretation of Schedule 4 clause 5 (a), Table 1 and 5 (b) is critical as it determines whether the proposal is compliant or non-compliant with the Schedule 4 setback standards.

If the proposal is deemed to be subject to the DGP and Endorsed Building Envelope Plan setback standards, then the application is capable of approval. If a position is taken that the setback standards of Schedule 4 Table 'sector 3' apply, then Council may not be capable of lawfully approving the proposal. This is because the setback standards provided for 'sector 3' are greater than those provided by the Endorsed Building Envelope. Were the 'sector 3' standards deemed to apply to the site, then the proposal would fail to comply.

The City has received advice in relation to interpretation of Schedule 4 Clause 5 (a), Table 1- Setbacks by Sector, and 5 (b), included in Attachment 6, and has received a submission from the applicant's legal representative on the matter which is included in Attachment 5. The advice in both Attachments 5 and 6 have been considered.

For clarity of the discussion, LPS1 Schedule 4 Clause 5 (a), Table 1, and 5 (b) is included below:

'The following provisions shall apply to subdivision and development within the Eagle Bay Special Character Area as identified on the Scheme map –

- a. Other than provided for in a Structure Plan, Approved Building Envelope Plan or Structure Plan, development within the various planning sectors, as outlined in the Eagle Bay Special Character Area Local Planning Policy, shall comply with the following setback requirements:

Table 1 - Setbacks by Sector	Density	Minimum Setbacks for Development (in metres)		
		Front	Rear	Secondary Street
Sector 1	R5 Density	9.0*	6.0	4.5
Sector 2	R5 Density	15.0	6.0	6.0
	R2 Density	15.0	10.0	10.0
Sector 3	R2.5 Density	20.0	6.0	12.0
	R2 Density	20.0	10.0	12.0
Sector 4	Rural Residential	As per Structure Plan	As per Structure Plan	

**In determining the appropriate front setback, consideration shall be given to the setback of dwellings on neighbouring/nearby properties and the impact a 9.0 m front setback may have on the existing streetscape.*

- b. Incidental development shall be setback from front and neighbouring boundaries, including boundaries which interface with coastal foreshore and other public reserves, to protect the prevailing amenity of the locality in accordance with Table 1'.

The interpretation of which 'sector' applies to the Site is not entirely clear, as the land is identified as being in 'Precinct 4' in the Local Planning Policy, but it is no longer zoned Rural Residential. Prior to the Pennock decision, the implications of that uncertainty were not fundamental to the question of legal discretion, but they are now. Note that it is envisaged that remaining uncertainty will be resolved through the broader review of the Special Character Area controls.

The City is of the view that the most reasonable interpretation is to classify the site as being subject to the DGP and Endorsed Building Envelope Plan, and falling within 'sector 4'. This interpretation follows the following three fundamental premises:

1. LPS21 clause 5 (a) explicitly opens with the statement that 'Other than provided for in a Structure Plan, Approved Building Envelope Plan or Structure Plan' before referring to the requirement for development to comply with Table 1. As a result, clause 5 (a) gives precedence to the DGP and Endorsed Building Envelope Plan as the primary documents over and above Table 1. In summary, Table 1 only becomes relevant to a site within the Eagle Bay Special Character area if no structure plan or endorsed building envelope plan applies to the subject site regardless of the 'sector' that it falls within.
2. Clause 5 (a) refers to 'development within the various planning sectors, as outlined in the Eagle Bay Special Character Area Local Planning Policy'. Table 1 column 1 is also headed by 'Setbacks by Sector'. It is stated that setbacks are provided by 'sector', not by zoning and density coding.

Were any argument to be made for the interpretation of the setback standards of Table 1 'sector 3' applying to the site, it would need to be founded on an assumption that the R2.5 density coding subjects the Site to 'sector 3' setback standards. However, there is no link in the clause 5(a) or Table 1 text provided between zoning and density coding and which setbacks apply. Premise 3 clarifies that the 'sectors' are specifically designated by Local Planning Policy 3.3 Eagle Bay Special Character Area (LPP 3.3), and it is the 'sectors' that designate which setbacks apply.

3. Clause 5 (a) provides that 'sectors' of the Eagle Bay Special Control Area are designated by the LPP. LPP 3.3 provides the sectors in Appendix 5.

Appendix 5 refers to 'precincts' rather than specifically to 'sectors'. However, LPP 3.3 uses the terms 'sector' and 'precinct' interchangeably. Were the interchangeable use of these terms to be rejected, then there would be no designation of 'sectors' for Table 1 at all, nor would there ever have been, which would undermine the entirety of Table 1.

LPP 3.3 Appendix 5 designates the site as falling within 'sector 4'. Table 1 provides that setback standards for sites within 'sector 4' are 'as per the Structure Plan'. Therefore, the setback standards of the DGP and Endorsed Building Envelope Plan are considered to apply. Additionally, it is on this basis that 'incidental development', such as the water tank and outbuilding, which are subject to Table 1 are therefore subject to the DGP and Endorsed Building Envelope Plan. This is given that 'sector 4' refers the setback standards to the applicable structure plan, being the DGP and the associated Endorsed Building Envelope Plan.

Following the above discussion above, the assessment of the setbacks in Attachment 3 have been founded upon the application of the DGP and the associated Endorsed Building Envelope Plan. As provided in the discussion within Attachment 3, the proposal is compliant with setback standards these documents provide.

Statutory Environment

Legislation

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Local Planning Scheme No. 21

State Government Policies

State Planning Policy 7.3 Residential Design Codes

State Planning Policy 3.7 Planning in Bushfire Prone Areas

Structure Plans/Development Guide Plans

Eagle Bay Structure Plan

Development Guide Plan for Lot 50 Eagle Crescent and Portion Location 1348 Carnarvon Castle Drive, Eagle Bay

Relevant Plans and Policies

Local Planning Policy 2.1 Car Parking

Provides the guidance on the parking bays required for the Bed and Breakfast land use.

Local Planning Policy 3.1 Reflective Building Materials

Provides guidance on the control reflective building materials to protect the visual amenity of residential living environments.

Local Planning Policy 3.3 Eagle Bay Special Character Area

Provides development guidelines specific to the designated Eagle Bay Special Character Area.

Local Planning Policy 4.2 Bushfire

Provides guidance on the City's assessment of development addressing the requirements of State Planning Policy 3.7 Planning in Bushfire Prone Areas to achieve acceptable bushfire protection.

Local Planning Policy 4.10 Outbuildings and Other Non-Habitable Buildings

Provides guidance on the assessment of outbuildings.

Local Planning Policy 6.1 Stormwater Management

Provides guidance on acceptable stormwater management. A condition is recommended that demonstration of compliance with this local planning policy being achieved.

Financial Implications

There are no financial implications associated with the officer recommendation.

External Stakeholder Consultation

Consultation on the proposed development was undertaken by mailing letters to surrounding land owners. The concerns in the submissions related to:

1. Overdevelopment of the built form on the site;
2. Non-compliance with setback standards and which setback standards apply to the site;
3. Building Height and Bulk;
4. Provision of Parking;
5. Use of the site for short-stay accommodation;
6. Bushfire risk; and
7. Removal of vegetation.

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. The key risks are considered to be reputational and financial, should a third party contest the lawfulness of an approval in the Supreme Court.

Options

As an alternative to the proposed recommendation the Council could:

1. Refuse the proposal, setting out reasons for doing so; or
2. Apply additional or different conditions.

CONCLUSION

Subject to appropriate conditions, the proposal is considered appropriate to support and accordingly is recommended for approval.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The officer recommendation will be implemented in full, or in stages as per the following table:

Milestone	Completion Date
Applicant and Submitters advised of Council Decision	Within 2 weeks of Council Decision

11.2. Application for Development Approval (DA23/0270) - Single House (Outbuilding) - Lot 43 (9) Campion Way Quindalup

Strategic Theme:	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
Directorate:	Planning and Development Services
Reporting Officer:	Strategic Planner - Justin Biggar
Authorised By:	Director Planning and Development Services - Paul Needham
Nature of Decision:	Regulatory: To determine an application/matter that directly affects a person's right and interests e.g. development applications, applications for other permits/licences, and other decisions that may be reviewable by the State Administrative Tribunal.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	1. Attachment 1 - Location Plan [11.2.1 - 1 page] 2. Attachment 2 - Development Plans [11.2.2 - 4 pages] 3. Attachment 3 - Planning Assessment Report [11.2.3 - 10 pages]

The officer recommendation was moved and carried.

COUNCIL DECISION

C2309/111 Moved Cr Anne Ryan, seconded Cr Paul Carter

That the Council:

- 1. Consider that the application for a Single House (Outbuilding) is generally consistent with Local Planning Scheme No. 21 and the objectives of the zone in which it is located; and**
- 2. Grant development approval for the proposal subject to the following conditions:**

GENERAL CONDITIONS:

- 1. The development hereby approved shall be substantially commenced within two years of the date of this decision notice.**
- 2. The development hereby approved shall be undertaken in accordance with the signed and stamped Approved Development Plans(s), including any notes placed thereon in red by the City of Busselton.**

PRIOR TO COMMENCEMENT OF ANY WORKS CONDITIONS:

- 3. The development hereby approved, or any works required to implement the development shall not commence until the following plans or details have been submitted to the City and approved in writing:**
 - 3.1 A minimum of two (2) *Agonis flexuosa* (WA peppermint trees) with a minimum age of 2 years and height of 2m at the time of planting are to be planted within**

the site in accordance with the Approved Development Plan. Unless otherwise first agreed in writing, any trees which, within a period of five years from first planting are removed, die or are assessed by the City as being seriously damaged, shall be replaced within the next available planting season with others of the same species, size and number as originally approved.

PRIOR TO OCCUPATION/USE OF THE DEVELOPMENT CONDITIONS:

4. The development hereby approved shall not be occupied or used, until all plans, details or works required by Condition 3 have been implemented.

ON-GOING CONDITIONS

5. The works undertaken to satisfy Condition 3 shall be subsequently maintained for the life of the development.

CARRIED 8 / 0

**FOR: Cr Grant Henley, Cr Paul Carter, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox,
Cr Phill Cronin, Cr Sue Riccelli and Cr Ross Paine**

AGAINST: Nil

EN BLOC

OFFICER RECOMMENDATION

That the Council:

1. Consider that the application for a Single House (Outbuilding) is generally consistent with Local Planning Scheme No. 21 and the objectives of the zone in which it is located; and
2. Grant development approval for the proposal subject to the following conditions:

GENERAL CONDITIONS:

1. The development hereby approved shall be substantially commenced within two years of the date of this decision notice.
2. The development hereby approved shall be undertaken in accordance with the signed and stamped Approved Development Plans(s), including any notes placed thereon in red by the City of Busselton.

PRIOR TO COMMENCEMENT OF ANY WORKS CONDITIONS:

3. The development hereby approved, or any works required to implement the development shall not commence until the following plans or details have been submitted to the City and approved in writing:
 - 3.1 A minimum of two (2) *Agonis flexuosa* (WA peppermint trees) with a minimum age of 2 years and height of 2m at the time of planting are to be planted within the site in accordance with the Approved Development Plan. Unless otherwise first agreed in writing, any trees which, within a period of five years from first planting are removed, die or are assessed by the City as being seriously damaged, shall be replaced within the next available planting season with others of the same species, size and number as originally approved.

PRIOR TO OCCUPATION/USE OF THE DEVELOPMENT CONDITIONS:

4. The development hereby approved shall not be occupied or used, until all plans, details or works required by Condition 3 have been implemented.

ON-GOING CONDITIONS

5. The works undertaken to satisfy Condition 3 shall be subsequently maintained for the life of the development.

EXECUTIVE SUMMARY

The City has received a development application for an outbuilding at Lot 43 (No 9) Campion Way Quindalup that proposes a variation to the side and rear setback standards of the Residential Design Codes of WA (R-Codes). Following consultation and assessment against the relevant elements of the planning framework, the development is considered suitable for approval subject to conditions.

This development application is being brought to the Council due to recent changes to officer delegations.

STRATEGIC CONTEXT

As per Objective 4.2 of the Strategic Community Plan and in accordance with the recent change in CEO delegations, the application has been referred to Council to facilitate transparent decision making, specifically in the Special Character Areas (SCA's) of the City.

BACKGROUND

The subject lot is zoned Residential (R12.5) and is included within the QSCA. The site is relatively flat and rectangular and features several large peppermint trees. It is proposed to locate the outbuilding in the rear western corner of the lot, adjacent to existing outbuildings on the neighbouring lots to the rear. The enclosed outbuilding has a footprint of 54m² and includes an additional 58.5m² of unenclosed area to be utilised as a carport and patio. In discussion with the applicant, the original proposal was reduced in height and overall area to mitigate potential impacts on neighbouring properties. A location plan and development plans are provided at Attachment(s) 1 and 2 respectively.

OFFICER COMMENT

The below section identifies the elements of the planning framework where assessment is sought and discusses the appropriateness of the City applying discretion. It is noted that most new development in the SCA's and in many other parts of the City require the exercise of discretion.

Special Character Area Provisions (Quindalup):

Schedule 4 and Local Planning Policy 3.5 – Quindalup Special Character Area (LPP 3.5) establish the baseline development standards for the QSCA. The development does not propose any variations to these standards.

It is noted an existing mature peppermint tree is proposed to be removed to accommodate the development. While clause 4.1.2 of the policy contains a generally expressed preference for the retention of vegetation, there is no prohibition on removal; however, the policy does state a requirement for replacement planting where removal is proposed. As such it is considered appropriate to require the planting of two advanced peppermint trees to offset the vegetation loss and satisfy this requirement.

State Planning Policy 7.3 – Residential Design Codes Volume 1 (R-Codes)

During assessment of the proposal, two variations to the deemed to comply standards of the R-Codes were identified, being a reduction in the side and rear lot boundary setbacks. Where a development does not satisfy a deemed to comply standard, the R-Codes provides for a design principle assessment as an alternative approval pathway.

It should be noted that the deemed to comply measures are not requirements but conservative design standards which provide the most straightforward method of satisfying the objectives and principles of the R-Codes. The R-Codes adopts a performance approach to residential design and failure to satisfy a deemed to comply standard does not indicate a development is inappropriate. Rather, it indicates that assessment against the design principles is required. Where a decision maker is of the opinion that a proposal reasonably meets the design principles, approval should be granted. Only where it can be reasonably demonstrated that a proposal does not satisfy the design principles, should refusal be issued.

Attachment 3 provides an assessment against the relevant design principles of the R-Codes where a variation has been proposed. It is the officer's recommendation that the subject proposal satisfies the design principles and is suitable for approval.

Statutory Environment

The key statutory documents relevant to this proposal include the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) and the relevant objectives and provisions of the Scheme. Each is discussed below under the relevant subheadings:

Planning and Development (Local Planning Schemes) Regulations 2015:

Schedule 2 of the Regulations, (the Deemed Provisions) are to be read in conjunction with the Scheme with clause 67 setting out the matters to be considered by a local government in the

determination of any development application. Attachment C provides a detailed assessment against the relevant elements of clause 67.

Local Planning Scheme No. 21

The proposal is consistent with the objectives of the 'Residential' zone as defined by the Scheme, specifically "to facilitate and encourage high quality design, built form and streetscapes." Further, the application complies with Schedule 4 of the Scheme which sets out the area specific development controls for the QSCA.

The R-Codes are the over-arching planning document guiding built form outcomes in the 'Residential' zone and are to be read as part of the Scheme. The compliance of the proposal with the requirements of the R-Codes has been discussed above and in Attachment C.

Relevant Plans and Policies

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

State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7)

SPP 3.7 directs how land use and development should address bushfire risk management and applies to all land which has been designated as 'bushfire prone' by the Fire and Emergency Services Commissioner as per the 'Map of Bushfire Prone Areas.' While the site is in a bushfire prone area, the proposed development is a non-habitable building on a lot of less than 1100m² and is thus exempt from further bushfire planning requirements.

Local Planning Policy 3.5 – Quindalup Special Character Area (LPP 3.5)

LPP 3.5 in conjunction with Schedule 4, establishes the baseline development controls for the QSCA with the principal objective of preserving the unique and specific character of the Quindalup strip. Compliance with the policy has been discussed previously in the report.

Local Planning 4.10 - Outbuilding and Other Non-habitable Buildings (LPP 4.10)

LPP 4.10 establishes development standards for outbuildings and non-habitable buildings (i.e – carports, patios etc) within the City. The proposal satisfies the height and size requirements of the policy however proposes a variation in regard to setbacks which are to be in accordance with the R-Codes. The appropriateness of the proposed setbacks is discussed in the assessment provided at Attachment C.

Financial Implications

There are no direct financial implications associated with the officer recommendation.

External Stakeholder Consultation

The application was referred to the neighbouring landowner at 7 Campion Way from 4 July to 20 July with no submission received.

Risk Assessment

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

Options

As an alternative to the proposed recommendation the Council could:

1. Resolve to refuse the application and provide reasons for such a decision; or
2. Resolve to seek further information before making a decision.

CONCLUSION

The development is considered to satisfy the relevant elements of the planning framework and is of a scale consistent with the residential character of the area. The variations proposed are minor and meet the design principles of the R-Codes. Accordingly, the application is recommended for approval subject to conditions.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The officer recommendation will be implemented in full, or in stages as per the following table:

Milestone	Completion Date
Issue the development approval to the applicant.	Within two weeks of council decision.

11.3. Application for Development Approval (DA23/0194) - Single House (Drive Way Addition) - Lot 61 (40) Campion Way, Quindalup

Strategic Theme:	Key Theme 2: Lifestyle 2.8 Plan for and facilitate the development of neighbourhoods that are functional, green and provide for diverse and affordable housing choices.
Directorate:	Planning and Development Services
Reporting Officer:	Coordinator Strategic Planning – David Sands
Authorised By:	Director Planning and Development Services - Paul Needham
Nature of Decision:	Regulatory: To determine an application/matter that directly affects a person's right and interests e.g. development applications, applications for other permits/licences, and other decisions that may be reviewable by the State Administrative Tribunal.
Voting Requirements:	Simple Majority
Disclosures of Interests:	No officers preparing this item have an interest to declare.
Attachments:	1. DA23 - 00194 - Location Plan [11.3.1 - 1 page] 2. DA23 - 00194 - Development Plans [11.3.2 - 1 page] 3. DA23 - 00194 - Officer Report [11.3.3 - 6 pages]

The officer recommendation was moved and carried.

COUNCIL DECISION

C2309/112 Moved Cr Anne Ryan, seconded Cr Paul Carter

That the Council:

- 1. Consider that the application for a Single House (Driveway Addition) DA23/0194 is generally consistent with Local Planning Scheme No. 21 and the objectives of the zone in which it is located; and**
- 2. Grant development approval for the proposal subject to the following conditions:**

GENERAL CONDITIONS:

- 1. The development hereby approved shall be substantially commenced within two years of the date of this decision notice.**
- 2. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plan(s), including any notes placed thereon in red by the City.**

PRIOR TO COMMENCEMENT OF ANY WORKS CONDITIONS:

- 3. The development hereby approved, or any works required to implement the development shall not commence until the following plans or details have been submitted to the City and approved in writing:**

- 3.1 A minimum of two (2) *Agonis flexuosa* (WA peppermint trees) with a minimum age of 2 years and height of 2m at the time of planting are to be planted within the site in accordance with the Approved Development Plan. Unless otherwise first agreed in writing, any trees which, within a period of five years from first planting are removed, die or are assessed by the City as being seriously damaged, shall be replaced within the next available planting season with others of the same species, size and number as originally approved.**

PRIOR TO OCCUPATION/USE OF THE DEVELOPMENT CONDITIONS:

- 4. The development hereby approved shall not be occupied or used, until all plans, details or works required by Condition 3 have been implemented.**

ON-GOING CONDITIONS

- 5. The works undertaken to satisfy Condition 3 shall be subsequently maintained for the life of the development.**

CARRIED 8 / 0

FOR: Cr Grant Henley, Cr Paul Carter, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, Cr Phill Cronin, Cr Sue Riccelli and Cr Ross Paine

AGAINST: Nil

EN BLOC

OFFICER RECOMMENDATION

That the Council:

1. Consider that the application for a Single House (Driveway Addition) DA23/0194 is generally consistent with Local Planning Scheme No. 21 and the objectives of the zone in which it is located; and
2. Grant development approval for the proposal subject to the following conditions:

GENERAL CONDITIONS:

1. The development hereby approved shall be substantially commenced within two years of the date of this decision notice.
2. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plan(s), including any notes placed thereon in red by the City.

PRIOR TO COMMENCEMENT OF ANY WORKS CONDITIONS:

3. The development hereby approved, or any works required to implement the development shall not commence until the following plans or details have been submitted to the City and approved in writing:
 - 3.1 A minimum of two (2) *Agonis flexuosa* (WA peppermint trees) with a minimum age of 2 years and height of 2m at the time of planting are to be planted within the site in accordance with the Approved Development Plan. Unless otherwise first agreed in writing, any trees which, within a period of five years from first planting are removed, die or are assessed by the City as being seriously damaged, shall be replaced within the next available planting season with others of the same species, size and number as originally approved.

PRIOR TO OCCUPATION/USE OF THE DEVELOPMENT CONDITIONS:

4. The development hereby approved shall not be occupied or used, until all plans, details or works required by Condition 3 have been implemented.

ON-GOING CONDITIONS

5. The works undertaken to satisfy Condition 3 shall be subsequently maintained for the life of the development.

EXECUTIVE SUMMARY

The City has received a development application for a Single House (Driveway Addition) at Lot 63 (No. 40) Campion Way Quindalup which seeks discretionary approval under Local Planning Policy 3.5 - Quindalup Special Character Area (LPP 3.5) for the removal of vegetation within the road reserve. Following an assessment against the relevant elements of the planning framework, the development is considered suitable for approval subject to conditions.

The proposal is within the Quindalup Special Character Area (QSCA) and requires the exercise of discretion, the application is being brought to the Council due to recent changes to officer delegations.

STRATEGIC CONTEXT

As per Objective 4.2 of the Strategic Community Plan and in accordance with the recent change in CEO delegations, the application has been referred to Council to facilitate transparent decision making, specifically in the Special Character Areas (SCA's) of the City.

BACKGROUND

The subject lot is zoned Residential (R12.5) and is included within the QSCA. It is proposed to construct an additional driveway which connects Campion Way to the existing parking and other driveway at Lot 61. The works will be undertaken within the verge of the road reserve and will allow for an in/out loop access to Lot 61 and additional parking. In discussions with the applicant, the original location of the driveway proposed was modified to avoid native vegetation and the width

reduced from 5 to 4m. A location plan and development plans are provided at Attachment(s) 1 and 2 respectively.

OFFICER COMMENT

The below section identifies the elements of the planning framework where discretion is sought and discusses the appropriateness of the City applying discretion.

Special Character Area Provisions - Quindalup:

Schedule 4 and Local Planning Policy 3.5 – Quindalup Special Character Area (LPP 3.5) establish the baseline development standards for the QSCA. The development does not propose any variations to these standards. However, the proposal will result in non-indigenous trees being removed to accommodate the development which requires planner discretion to consider if appropriate under clause 4.1.4 of LPP 3.5.

LPP 3.5 clause 4.1.4 generally expresses a preference for the retention of vegetation within the road reserve other than for safety reasons or other significant reasons, however there is no prohibition on removal. Clause 4.1.6 provides for replacement planting of native species where removal is proposed and supported. The policy does not address the circumstances of driveways or removal of non-indigenous trees. The removal of the pine tree towards the boundary of No 40 will not visually impact on the road reserve and the Norfolk Island Hibiscus adjacent the road is considered an invasive species. The removal of these trees will also allow for the planting of two advanced peppermint trees to offset the vegetation loss. It is considered acceptable to support the proposal based on the above assessment of LPP 3.5.

State Planning Policy 7.3 – Residential Design Codes Volume 1 (R-Codes)

The proposal satisfies the requirement for a 9m aggregate width of driveways pursuant to clause 5.3.5 of the R-Codes.

Statutory Environment

The key statutory documents relevant to this proposal include the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) and the relevant objectives and provisions of the Scheme. Each is discussed below under the relevant subheadings:

Planning and Development (Local Planning Schemes) Regulations 2015:

Schedule 2 of the Regulations, (the Deemed Provisions) are to be read in conjunction with the Scheme with clause 67 setting out the matters to be considered by a local government in the determination of any development application. Attachment C provides a detailed assessment against the relevant elements of clause 67.

Local Planning Scheme No. 21

The proposal is consistent with the objectives of the 'Residential' zone as defined by the Scheme, specifically "to facilitate and encourage high quality design, built form and streetscapes." Further, the application complies with Schedule 4 of the Scheme which sets out the area specific development controls for the QSCA.

The over-arching planning document guiding built form outcomes in the 'Residential' zone is the R-Codes, which are to be read as part of the Scheme. The compliance of the proposal with the requirements of the R-Codes has been discussed above and in Attachment 3.

Relevant Plans and Policies

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

State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7)

SPP 3.7 directs how land use and development should address bushfire risk management and applies to all land which has been designated as 'bushfire prone' by the Fire and Emergency Services Commissioner as per the 'Map of Bushfire Prone Areas.' While the site is in a bushfire prone area, the proposal is development which is non-habitable on a lot of less than 1100m² and is thus exempt from further bushfire planning requirements.

Local Planning Policy 3.5 – Quindalup Special Character Area (LPP 3.5)

LPP 3.5 in conjunction with Schedule 4, establishes the baseline development controls for the QSCA with the principal objective of preserving the unique and specific character of the Quindalup strip. Compliance with the policy has been discussed previously in the report.

Plan:

[City of Busselton Local Planning Scheme No. 21](#)

Policy:

[Crossovers](#)

Financial Implications

There are no direct financial implications associated with the officer recommendation.

External Stakeholder Consultation

Not Applicable.

Risk Assessment

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

Options

As an alternative to the proposed recommendation the Council could:

1. Resolve to refuse the application and provide reasons for such a decision; or
2. Resolve to seek further information before making a decision.

CONCLUSION

The development is considered to satisfy the relevant elements of the planning framework and is of a scale consistent with the residential character of the area. The variations proposed are minor and meet the design principles of the R-Codes. Accordingly, the application is recommended for approval subject to conditions.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The officer recommendation will be implemented in full, or in stages as per the following table:

Milestone	Completion Date
Issue the development approval to the applicant.	Within two weeks of council decision.

11.4. Application for Development Approval (DA23/0133) - Grouped Dwelling (Alterations and Additions) - Lot 1 (17A) Gibney Street Dunsborough

Strategic Theme:	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
Directorate:	Planning and Development Services
Reporting Officer:	Planning Officer – Jaymee Daff
Authorised By:	Director Planning and Development Services - Paul Needham
Nature of Decision:	Regulatory: To determine an application/matter that directly affects a person’s right and interests e.g. development applications, applications for other permits/licences, and other decisions that may be reviewable by the State Administrative Tribunal.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	<ol style="list-style-type: none"> 1. Attachment 1 - Location Plan [11.4.1 - 1 page] 2. Attachment 2 - Development Plans [11.4.2 - 3 pages] 3. Attachment 3 - Planning Assessment Report [11.4.3 - 15 pages]

The officer recommendation was moved and carried.

COUNCIL DECISION

C2309/113 Moved Cr Anne Ryan, seconded Cr Paul Carter

That the Council:

- 1. Consider that the application for a Grouped Dwelling (Alterations/Additions) is generally consistent with Local Planning Scheme No. 21 and the objectives of the zone in which it is located; and**
- 2. Grant development approval for the proposal subject to the following conditions:**

GENERAL CONDITIONS:

- 1. The development hereby approved shall be substantially commenced within two years of the date of this decision notice.**
- 2. The development hereby approved shall be undertaken in accordance with the signed and stamped Approved Development Plans(s), including any notes placed thereon in red by the City of Busselton.**

ONGOING CONDITIONS:

- 3. The works undertaken to satisfy Condition 2 shall be subsequently maintained for the life of the development, and the following Condition(s) complied with:**
 - 3.1 Stormwater to be retained for use and/or infiltration within the lot at a rate of**

1m³ per 40m² of impervious area.

CARRIED 8 / 0

**FOR: Cr Grant Henley, Cr Paul Carter, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox,
Cr Phill Cronin, Cr Sue Riccelli and Cr Ross Paine**

AGAINST: Nil

EN BLOC

OFFICER RECOMMENDATION

That the Council:

1. Consider that the application for a Grouped Dwelling (Alterations/Additions) is generally consistent with Local Planning Scheme No. 21 and the objectives of the zone in which it is located; and
2. Grant development approval for the proposal subject to the following conditions:

GENERAL CONDITIONS:

1. The development hereby approved shall be substantially commenced within two years of the date of this decision notice.
2. The development hereby approved shall be undertaken in accordance with the signed and stamped Approved Development Plans(s), including any notes placed thereon in red by the City of Busselton.

ONGOING CONDITIONS:

3. The works undertaken to satisfy Condition 2 shall be subsequently maintained for the life of the development, and the following Condition(s) complied with:
 - 3.1 Stormwater to be retained for use and/or infiltration within the lot at a rate of 1m³ per 40m² of impervious area.

EXECUTIVE SUMMARY

The City has received a development application for Grouped Dwelling (Alterations/Additions) at Lot 1 (No. 17A) Gibney Street Dunsborough which is located within the Old Dunsborough Special Character Area (ODSCA).

The application has been brought to Council due to recent changes in officer delegations.

Following assessment against the relevant elements of the planning framework, the development is considered suitable for approval subject to conditions.

STRATEGIC CONTEXT

As per Objective 4.2 of the Strategic Community Plan and in accordance with the recent change in CEO delegations, the application has been referred to Council to facilitate transparent decision making, specifically in the Special Character Areas (SCA's) of the City.

BACKGROUND

The subject site (the Site) is zoned 'Residential' under the *Scheme* with a density coding of R15 and located within the Old Dunsborough Special Character Area (ODSCA).

The Site is a corner lot, bounded by Gibney Street to the north and Gifford Road to the west. The land is rectangular in shape and a sloping site with highest elevation at the northern boundary falling towards the southern boundary.

The existing dwelling forms part of a two (2) grouped dwelling development (duplex) constructed circa 1987 and approved under a strata scheme or 'built strata' (Strata Plan 15693). The existing development may be described as modest single storey grouped dwellings with an appearance reflective of the 1980's era, featuring face brickwork and low-pitched gable roof with skillion verandahs extending along the front and side elevations.

In February 2023, the applicant lodged development application with the City for proposed alterations and additions to the northern grouped dwelling. The proposed development is described as an approximate 9.9m long x 5.3m wide addition on the western aspect of the dwelling. The addition consists of sitting room, bedroom, ensuite and storeroom, which is connected via a physical link, and provides a total additional floor space of 59.55m². Other improvements to the existing building are also proposed to refresh the overall appearance of the development, including rendering the face brickwork and the installation of a new front door addressing Gibney Street.

The proposed addition incorporates composite construction methods consisting rammed earth and timber framed walls with James Hardie 'Axon' cladding, and a low-pitched skillion roof with colorbond roof (colour to match existing).

A location plan and development plans are provided at Attachment(s) 1 and 2 respectively.

OFFICER COMMENT

Under the *Scheme* Table 1 – Zoning Table, a Grouped Dwelling is a Discretionary (D) land use in the Residential zone, and alterations and/or additions to grouped dwellings are not exempt under the *Planning Regulations* cl 61, therefore the local government is required to exercise discretion by granting development approval.

An assessment of the proposed development concluded that the proposal satisfies the relevant elements of the planning framework and is considered fundamentally consistent with the objectives and development standards of the ODSCA. The compliance of the proposal has been discussed in Attachment 3.

As such, the exercise of discretion is only required by virtue of the nature of the development, being alterations and additions to a Discretionary (D) land use.

Special Character Area Provisions (Old Dunsborough):

Schedule 4 and Local Planning Policy 3.4 – Old Dunsborough Special Character Area (LPP 3.4) establish the baseline development standards for the ODSCA. The development does not propose any variations to these standards.

The proposed development is well-integrated with the existing dwelling and ensures that the massing of the development is appropriate to its setting and successfully negotiates between built form and the character of the area.

The design responds appropriately to the natural contour of the land and presents an attractive interface to both Gifford Road and Gibney Street. The building style, materials and colours are in keeping with an established streetscape character and is reflective of the desirable urban form and character which is integral to the retention of Old Dunsborough’s “special character”.

Established landscaping within the street setback area and Gifford Road reserve will also assist in further softening the development from the streetscape.

Having regard to the objectives of the Old Dunsborough Special Character Area (LPP 3.4), it is the assessing officer’s opinion that the proposal is fundamentally consistent with the relevant development standards, objectives and design elements of the ODSCA, and the development is complementary of its contextual setting.

State Planning Policy 7.3 – Residential Design Codes Volume 1 (R-Codes)

The development does not propose any variations to the deemed-to-comply standards applicable to a R15 building density.

Statutory Environment

The key statutory documents relevant to this proposal include the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) and the relevant objectives and provisions of the *Scheme*. Each is discussed below under the relevant subheadings:

Planning and Development (Local Planning Schemes) Regulations 2015:

Schedule 2 of the Regulations, (the Deemed Provisions) are to be read in conjunction with the *Scheme* with clause 67 setting out the matters to be considered by a local government in the determination of any development application. Attachment 3 provides a detailed assessment against the relevant elements of clause 67.

Local Planning Scheme No. 21

The proposal is consistent with the objectives of the ‘Residential’ zone as defined by the *Scheme*, specifically “to facilitate and encourage high quality design, built form and streetscapes.” Further, the application complies with Schedule 4 of the *Scheme* which sets out the area specific development controls for the ODSCA.

The R-Codes are the over-arching planning document guiding built form outcomes in the ‘Residential’ zone and are to be read as part of the *Scheme*. The compliance of the proposal with the requirements of the R-Codes has been discussed in Attachment 3.

Relevant Plans and Policies

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

State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7)

SPP 3.7 directs how land use and development should address bushfire risk management and applies to all land which has been designated as ‘bushfire prone’ by the Fire and Emergency Services Commissioner as per the ‘Map of Bushfire Prone Areas.’ While the site is within a designated bushfire prone area, the proposed alterations and additions will not result in intensification of land-use nor increase the bushfire threat, therefore the development is considered exempt from further bushfire planning requirements.

Local Planning Policy 3.4 – Old Dunsborough Special Character Area (LPP 3.4)

LPP 3.4 in conjunction with Schedule 4, establishes the baseline development controls for the ODSCA with the principal objective of preserving the unique and specific character of the Old Dunsborough strip. Compliance with the policy has been discussed previously in the report.

Financial Implications

There are no direct financial implications associated with the officer recommendation.

External Stakeholder Consultation

The application was not referred to adjoining landowners.

Risk Assessment

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

Options

As an alternative to the proposed recommendation the Council could:

1. Resolve to refuse the application and provide reasons for such a decision; or
2. Resolve to seek further information before making a decision.

CONCLUSION

The development is considered to satisfy the relevant elements of the planning framework and is of a scale consistent with the residential character of the area. Accordingly, the application is recommended for approval subject to conditions.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The officer recommendation will be implemented in full, or in stages as per the following table:

Milestone	Completion Date
Issue the development approval to the applicant.	Within two weeks of council decision.

12. ENGINEERING AND WORKS SERVICES REPORTS

Nil

13. COMMUNITY AND COMMERCIAL SERVICES REPORTS

13.1. Youth Plan

Strategic Theme:	Key Theme 2: Lifestyle 2.6 Provide for youth development through activities, programs and events.
Directorate:	Community and Commercial services
Reporting Officer:	Youth Development Supervisor- Angela Griffin
Authorised By:	Acting Director - Community and Commercial Services - Maxine Palmer
Nature of Decision:	Advocacy: to advocate on its own behalf or on behalf of its community to another level of government/body/agency.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	1. Draft Youth Plan [13.1.1 - 18 pages]

The officer recommendation was moved and carried.

COUNCIL DECISION

C2309/114 Moved Cr Anne Ryan, seconded Cr Paul Carter

That the Council adopt the Youth Plan 'What's up in your world' (Attachment 1) as a guiding document for the delivery of youth services for the City of Busselton.

CARRIED 8 / 0

FOR: Cr Grant Henley, Cr Paul Carter, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, Cr Phill Cronin, Cr Sue Riccelli and Cr Ross Paine

AGAINST: Nil

EN BLOC

OFFICER RECOMMENDATION

That the Council adopt the Youth Plan 'What's up in your world' (Attachment 1) as a guiding document for the delivery of youth services for the City of Busselton.

EXECUTIVE SUMMARY

Over the five-month period November 2022 to April 2023, the Youth team have completed research into demographics, State and Federal plans and have consulted with local youth. After conducting a variety of consulting methodologies, which included survey, group consultations and one on one deep dives, the team have formulated the inaugural City of Busselton Youth Plan.

STRATEGIC CONTEXT

The Youth Plan directly supports achievement of Key Theme 2 – Lifestyle of the City’s Strategic Community Plan and strategic priority 2.6 which is to provide for youth development through activities, programs and events. It also supports more broadly key themes 3 and 4 and priorities of the strategic community plan aligned to the provision of opportunities for youth and encouraging youth leadership and engagement.

BACKGROUND

The delivery of in-house youth services began in 2013 and in the 10-year period since several achievements can be highlighted:

1. Development and construction of:
 - Busselton Skatepark
 - Youth and Community Activity Building
 - The Break - Dunsborough Youth Space
2. Youth services received a Department of Communities grant in 2022 to consult with youth and formulate a youth plan. This plan is a guiding document to develop actions in the business and operational plan.
3. Securing the 3 year Rio Tinto sponsorship agreement of \$80k per year to support the provision of youth services.

OFFICER COMMENT

Investment in young people is a key component to ensuring the community values of opportunity, safety, volunteering, kindness and caring for the environment continue into the next generations. Young people face a range of new challenges and have great awareness of global issues that affect the lifestyle of Busselton. Ensuring we involve and develop young people to show leadership in the community at an earlier age, be engaged in community and provide opportunities to prosper will not only benefit them but also greater society.

The Youth Plan is proposed as the driving document for the vision of youth services which is

“To inspire, engage and empower youth to become resilient valued community members by providing them spaces to thrive, opportunities, health and wellbeing support, and mentoring.”

A dedicated Youth Plan captures young people's concerns and challenges and provides the City with a guiding document to assist in overcoming these issues. The plan recognises the role of multiple stakeholders in this and that the City is not always the lead in delivery on the solutions. Outlined against each action is the role the city will undertake. These correlate with those identified in the Community Development Plan as either:

- Deliver – Lead the delivery of the action;
- Facilitate – Assist in the delivery by removing barriers;
- Partner – Assist others in delivering an action; and / or
- Advocate – Raise awareness to the responsible custodian

Statutory Environment

Not applicable. The City does not have a statutory requirement to provide youth services but considers it a priority to do so.

Relevant Plans and Policies

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

Plan:

[City of Busselton Community Development Plan 2022-2027](#)

[Sport and Recreation Facilities Strategy 2020-2023](#)

[Reconciliation Action Plan](#)

Policy:

Not applicable.

Financial Implications

A large proportion of youth service delivery is reliant on the current funding agreement with Rio Tinto. If this sponsorship is not renewed, the quality of the services delivered will be reduced. Youth services is further reliant on grants and contributions for the delivery of any additional programs and events.

To support the Youth Plan to deliver youth services in the Vasse region, expand Dunsborough services and create a youth council, Council may be asked to consider, along with other organisational priorities, additional budget be allocated in future financial years.

External Stakeholder Consultation

A variety of methodologies were implemented to consult with the community, particularly youth and youth organisations. External consultants YACWA (Youth Advisory Council of Western Australia) undertook the consultation to ensure it was fair and impartial, excluding the deep dives.

The methodologies utilised were:

- Youth survey
- Youth Leadership forum community consultations
- Youth organisation consultation
- Deep dives – one on one

The findings were collated and are presented in the Youth Plan.

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City’s risk management framework, with risks assessed considering any controls already in place.

Risk			
The delivery of Youth Service programs is currently reliant on securing external funding. Failure to secure funding could result in a reduction in service delivery and inability to achieve the outcomes of the Youth Plan.			
Category	Consequence	Likelihood	Rating
Operational	Minor	Possible	Medium

Options

As an alternative to the proposed recommendation the Council could choose not to endorse the Youth Plan. This will require youth services to continue with a year-to-year delivery model with no strategic long-term approach.

CONCLUSION

Endorsement of the ‘What’s up in your world’ Youth Plan will provide the City with further guidance and strategic direction for the delivery of youth services and communicate to residents and the local community how the City will engage and empower youth over the next four years.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The officer recommendation will be implemented in full, or in stages as per the following table:

Milestone	Completion Date
Publication and distribution of youth plan	November 2023

13.2. 2023/2024 Community Assistance Program Round 1 Outcomes

Strategic Theme:	Key Theme 2: Lifestyle 2.1 Recognise, respect and support community diversity and cultural heritage. 2.2 Work with key partners to facilitate a safe, healthy and capable community.
Directorate:	Community and Commercial Services
Reporting Officer:	Community Development Officer - Jessica Watts
Authorised By:	Acting Director - Community and Commercial Services - Maxine Palmer
Nature of Decision:	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	Nil

The officer recommendation was moved and carried.

COUNCIL DECISION

C2309/115 Moved Cr Anne Ryan, seconded Cr Paul Carter

That the Council endorses the following funding allocation, to be funded from the 2023/2024 Community Assistance Program budget:

Applicant	Requested	Recommendation
Cape Mountain Bikers	\$30,000	\$0
Advocacy WA	\$10,000	\$0
Busselton City Football Club	\$6,000	\$6,000
West Busselton Primary School	\$9,600	\$0
RSPCA WA	\$5,400	\$3,500
TOTAL	\$61,000	\$9,500

CARRIED 8 / 0

FOR: Cr Grant Henley, Cr Paul Carter, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, Cr Phill Cronin, Cr Sue Riccelli and Cr Ross Paine

AGAINST: Nil

EN BLOC

OFFICER RECOMMENDATION

That the Council endorses the following funding allocation, to be funded from the 2023/2024 Community Assistance Program budget:

Applicant	Requested	Recommendation
Cape Mountain Bikers	\$30,000	\$0
Advocacy WA	\$10,000	\$0
Busselton City Football Club	\$6,000	\$6,000
West Busselton Primary School	\$9,600	\$0
RSPCA WA	\$5,400	\$3,500
TOTAL	\$61,000	\$9,500

EXECUTIVE SUMMARY

Each year the City of Busselton provides financial assistance to community groups and not-for-profit organisations through the Community Assistance Program. This assistance is provided for programs, services and projects that contribute to the social, environmental and cultural development of the City of Busselton. This report provides a summary of recommendations from the Community Assistance Advisory Panel meeting held on 9 August 2023 and seeks formal endorsement of the submissions to be funded in the first round of the 2023/2024 financial year.

STRATEGIC CONTEXT

Recommendations of this report furthers achievements of the City's strategic community plan aspirations and priorities, through continuing to support projects that facilitate a safe, healthy and capable community.

BACKGROUND

In April 2020 (C2004/104), Council endorsed a refocused financial assistance program, the Community Assistance Program, in response to the COVID-19 pandemic and its repercussions on the City of Busselton community.

In September 2021 (C2109/201), Council endorsed the establishment of a Community Assistance Advisory Panel to assess and make recommendations to Council on the applications received through the Community Assistance Program. The program was also reviewed and updated into the following three funding categories:

1. Assistance Grant – for programs, services or activities that aim to assist residents with a focus on the following sectors of the community; seniors, youth, disadvantaged, early childhood and families, volunteers, sport, recreation and environment.
2. Revitalisation Grant – for infrastructure development, facility maintenance, facility upgrades, and the revitalisation of places and spaces.
3. Revitalisation Plus Grant – for contributions towards significant infrastructure development and when external funding is being sourced.

Applications for Round 1 of the Community Assistance Program 2023/2024 closed on 28 July 2023 with a total of five (5) applications received and considered. This included three (3) applications for

Assistance Grants (up to \$10,000), one (1) application for a Revitalisation Grant (up to \$10,000), and one (1) application for a Revitalisation Plus Grant (over \$10,000).

Applications were assessed by the Community Assistance Advisory Panel on 9 August 2023 with representation from two (2) Councillors (Mayor Grant Henley and Councillor Paul Carter), Community Development Officer, and Recreation and Community Development Coordinator. The outcomes of the Panel Assessment meeting form the basis of the officer recommendations in this report.

OFFICER COMMENT

Supporting the social, environmental and cultural development of the City of Busselton, the Community Assistance Program promotes capacity building amongst community groups and not-for-profit organisations. At the Community Assistance Advisory Panel meeting held on 9 August 2023 five (5) requests for funding were received, as outlined below:

1. Assistance Grants

Advocacy WA

The applicant is seeking funding to conduct disability access audits of local businesses to provide feedback on how these businesses can make adjustments to improve their accessibility. The audits will be conducted by young people with disability, providing them a platform to develop their skills in preparation for employment.

The applicant received an evaluation score of 21 out of 25. Funds are sought for core organisation costs such as vehicle costs, travel, phone and laptop which do not meet the funding criteria. On that basis, funding is not recommended.

West Busselton Primary School

The applicant is seeking funding for furniture and resources to further establish the no-cost child and parent Bindi Bindi 3-year-old program. Funding is not provided for this program by Department of Education and currently operates using existing early childhood classrooms which do not have age-appropriate resources.

The applicant received an evaluation score of 17 out of 25. Schools are not considered a not-for-profit and therefore ineligible to apply. On that basis, funding is not recommended.

RSPCA WA

The applicant is seeking to deliver a Community Action Day in Busselton to support families who are struggling financially to care for their pets and assist with education around responsible pet ownership. Funds will be used to provide free services and advice including health checks, microchipping, parasite treatments, pet food, and dog training advice.

The applicant received an evaluation score of 20 out of 25. Funding of \$3,500 is recommended.

2. Revitalisation Grants

Busselton City Football Club

The applicant is seeking funding to replace the club's front door, due to requirements by the City of Busselton to ensure the door's locking system is compliant for the patronage capacity of the club. The new door will ensure compliance and also improve disability access to the venue.

The applicant received an evaluation score of 19 out of 25. Funding of \$6,000 is recommended.

3. Revitalisation Plus Grants

Cape Mountain Bikers

The applicant is seeking funding to complete the second part of the third and final stage of the Trails Master Plan for a mountain bike trail network on rehabilitated land within Zone 6 of the Meelup Regional Park. Funds will be used to construct 2 trails, including the movement of 500 tonnes of soil and the installation of timber trail features.

The applicant received an evaluation score of 23 out of 25. The applicant's clearing permit has lapsed and needs to be re-applied for before work commences. On that basis funding is not recommended. The applicant will be encouraged to re-apply for the next funding round.

Statutory Environment

Not Applicable.

Relevant Plans and Policies

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

Plan:

[City of Busselton Community Development Plan 2022-2027](#)

Policy:

[Sponsorship Arrangements](#)

The City's Sponsorship Arrangements Council Policy sets out the Community Bids Program (now known as Community Assistance Program) as one of the programs through which sponsorship may be provided.

The Community Assistance Program is an opportunity for community groups and not-for-profit organisations to seek assistance to implement initiatives that benefit the wider community and is a program contained within the City's Community Development Plan.

If all funding recommendations included in this report are accepted, a balance of \$171,298 will remain. There will be a further two funding rounds this financial year, opening in September 2023 and February 2024.

External Stakeholder Consultation

Not Applicable

Risk Assessment

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

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

Options

As an alternative to the proposed recommendation the Council could choose not to support the recommendations made by the Community Assistance Advisory Panel and resolve not to endorse part or all of the recommendations.

CONCLUSION

The Community Assistance Program is constantly evolving and aims to meet community needs with funding available to progress priority goals and objectives identified in the Community Development Plan. All recommendations support the City’s strategic community plan aspirations and priorities, through continuing to support projects that facilitate a safe, healthy and capable community. It is recommended that Council endorse the funding allocations outlined in the officer recommendation, as supported by the Community Assistance Advisory Panel.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The officer recommendation will be implemented in full, or in stages as per the following table:

Milestone	Completion Date
Applicants notified of outcomes following Council’s resolution	September 2023
Fully executed grant funding agreements completed with recommended funding recipients	September 2023

14. FINANCE AND CORPORATE SERVICES REPORTS

14.1. Adoption of Corporate Business Plan 2023-2027

Strategic Theme:	Key Theme 4: Leadership 4.3 Make decisions that respect our strategic vision for the District.
Directorate:	Finance and Corporate Services
Reporting Officer:	Director of Corporate Strategy and Performance - Sarah Pierson
Authorised By:	Director of Corporate Strategy and Performance - Sarah Pierson
Nature of Decision:	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
Voting Requirements:	Absolute Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	1. Corporate Business Plan 2023-2027 [14.1.1 - 48 pages]

Prior to the meeting, officers foreshadowed an amendment to the officer recommendation. The amended recommendation was moved first and carried.

COUNCIL DECISION

C2309/116 Moved Cr Ross Paine, seconded Cr Anne Ryan

That the Council adopts the Corporate Business Plan 2023-2027 in the form attached to this report, subject to:

- the following action being added to Key Theme 2 Lifestyle:**

Action	Strategic Priority Link	Supporting Plans and Strategies	Action Owners	Action Type / Budget	Delivery			
					23-24	24-25	25-26	26-27
Holiday Homes Regulations Further to outcomes of the State Government’s review, consider further changes to the City’s Holiday Homes Regulatory Framework.	2.8		Strategic Planning	Program Operational	X			

- the retiring action ‘Holiday Homes Regulations’ being removed.**

CARRIED 8 / 0

FOR: Cr Grant Henley, Cr Paul Carter, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, Cr Phill Cronin, Cr Sue Riccelli and Cr Ross Paine

AGAINST: Nil

BY ABSOLUTE MAJORITY

Reasons: Council indicated a desire to retain an action associated with the regulation of holiday homes, with stage 3 of the initiated review pending State Government action.

OFFICER RECOMMENDATION

That the Council adopts the Corporate Business Plan 2023-2027 in the form attached to this report.

EXECUTIVE SUMMARY

This report presents the attached City of Busselton Corporate Business Plan 2023–2027 (CBP) and seeks Council’s adoption of the plan.

STRATEGIC CONTEXT

The Corporate Business Plan is a core component of the City’s ‘Plan for the Future’ under the Local Government Act 1995 and guides the good governance of the district and the responsible management of ratepayer funds through the delivery of services and key deliverables that meet the City’s strategic direction as set out in the City’s Strategic Community Plan.

BACKGROUND

The *Local Government Act 1995* (the Act) sets out requirements for the ‘Plan for the Future’ which requires all Local Government Authorities to have a strategic community plan spanning a minimum ten-year period, and a corporate business plan, spanning a four year period. The legislation also requires a local government to have in place a number of informing plans being:

- a) asset management plans for key asset classes;
- b) a four year workforce plan; and
- c) a ten year long term financial plan.

This report focuses on the City’s Corporate Business Plan (CBP).

It is noted that, through reform of the Act, there will be new requirements for the ‘Plan for the Future’, with a Council Plan to replace the Strategic Community Plan and service plans likely to replace the Corporate Business Plan. The regulations are still being drafted and so the exact requirements of the new planning framework are still unknown. Timeframes are also uncertain, but it is possible that this CBP will be the City’s last, at least in this format and structure.

The proposed CBP 2023-2027 was presented in draft to Councillors at a briefing on 6 September 2023. As a result, minor amendments were made and the plan is now presented for formal adoption.

OFFICER COMMENT

The CBP 2023-2027 supports the direction of the City’s Strategic Community Plan 2021-2031 (SCP), adopted on 9 June 2021, and is reviewed annually to determine the priority initiatives for the ensuing four years.

The CBP is based on the four key themes of the SCP - Environment, Lifestyle, Opportunity and Leadership, and details City services and priority actions that contribute to achievement of each theme, linked on a best fit basis. Each priority action is also aligned to a Council strategic priority (as contained in the SCP), again on a best fit basis.

In total the CBP contains 59 priority actions:

- 6 in Key Theme 1: Environment
- 24 in Key Theme 2: Lifestyle
- 16 in Key Theme 3: Opportunity
- 13 in Key Theme 4: Leadership

Many actions have been carried over, with some minor amendments as required to reflect the current status of the action. In some instances an action has changed more significantly in its direction and so the action has been retired and a new action, more reflective of the current position, has been created. Retiring actions are documented within each key theme of the plan, providing transparency between plans. The reason for each action being retired has been provided – generally they have either been substantially or fully completed, supplanted by other priority actions or are considered ‘business as usual’.

In total there are 27 retired actions:

- 6 in Key Theme 1: Environment
- 14 in Key Theme 2: Lifestyle
- 3 in Key Theme 3: Opportunity
- 4 in Key Theme 4: Leadership

There are then 22 new actions included in the CBP this year. The new actions are outlined below. Where there is a corresponding retired action that is indicated.

Key Theme 1 – Environment

An environment that is valued, conserved and enjoyed by current and future generations.

Action Description	Action Owner / Budget / Type	Delivery			
		23/24	24/25	25/26	26/27
<p>Strategic Waste Planning Develop a strategic waste management plan looking at strategies, both local and regional, for the reduction of waste into landfill.</p>	Waste Management, Operational Project	•			

Action Description	Action Owner / Budget / Type	Delivery			
		23/24	24/25	25/26	26/27
Energy Strategy Review Review the City's Energy Strategy to drive sustainable energy options.	Sustainability, Operational Program	•	•		

Key Theme 2 – Lifestyle

A place that is relaxed, safe and friendly with services and facilitates that support positive lifestyles and wellbeing.

Description	Action Owner / Budget / Type	Delivery			
		23/24	24/25	25/26	26/27
Special Character Area Review Progress review of the City's Special Character Area Local Planning Policies	Statutory Planning, Operational Program	•	•		
Bushfire Notice Review Undertake a review of the City's Bushfire Notice.	Ranger Services, Operational Project	•	•		
Geographe Leisure Centre (GLC) Masterplan Review Review the GLC masterplan to determine future direction in light of development constraints on the current site.	Recreation and Community Development, Operational Project	•			
Sport and Recreation Facilities Strategy (SRFS) Review Review the SRFS to determine the prioritisation of future priorities for the District.	Recreation and Community Development, Operational Project	•			
Saltwater Construction Complete construction of Saltwater in the Busselton Precinct and commission operations. <i>Previous Retiring Action</i>	Engineering and Works Services, Capital and External Funds Project	•	•		
Busselton War Memorial Construct a new war memorial and memorial park at Rotary Park. <i>Previous Retiring Action</i>	Engineering and Works Services, Capital and External Funds Project	•			

Description	Action Owner / Budget / Type	Delivery			
		23/24	24/25	25/26	26/27
<p>Dunsborough to Yallingup Shared Path Undertake a feasibility study to determine the viability of a shared path between Dunsborough and Yallingup.</p>	Design and Survey, Operational and External Funds Project	•			
<p>Emergency Asset Management Planning In consultation with DFES develop a strategic asset management plan for the effective maintenance and renewal of emergency management facilities and equipment.</p>	Emergency Services, Operational Program	•	•		
<p>Municipal Heritage List Undertake a review of the City's Municipal Heritage List.</p>	Statutory Planning, Operational Program	•	•		

Key Theme 3 – Opportunity

A vibrant City with diverse opportunities and a prosperous economy.

Description	Action Owner / Budget / Type	Delivery			
		23/24	24/25	25/26	26/27
<p>Eco-destination Accreditation Explore the establishment of the City as an accredited eco-destination.</p>	Economic Development, Operational Program	•			
<p>Venue Bookings Implement improved systems for the hire of City facilities.</p>	Venue Services, Operational Program	•			
<p>Busselton Jetty Tourist Park Undertake a strategic business review to guide the ongoing operations of the Busselton Jetty Tourist Park Master Plan.</p>	Busselton Jetty Tourist Park, Operational Program	•	•		
<p>Busselton Jetty Partner with Busselton Jetty Inc. to develop experiences that attract new and returning visitors to the Busselton Jetty</p>	Economic Development, Operational Program	•			

Description	Action Owner / Budget / Type	Delivery			
		23/24	24/25	25/26	26/27
<p>Busselton Margaret River Airport (BMRA) Masterplan Develop a masterplan to guide the future strategic direction of the BMRA</p>	Airport Services, Operational Program	•			
<p>South West Cities Strategy Finalise development of a South West Cities Strategy identifying economic and social investment opportunities for the City of Busselton and the City of Bunbury to pursue collaboratively.</p>	Economic Development, Operational Project	•			

Key Theme 4 – Leadership

A Council that connects with the community and is accountable in its decision making.

Action Description	Action Owner / Budget / Type	Delivery			
		23/24	24/25	25/26	26/27
<p>Performance Reporting Framework Develop a performance reporting framework and system to drive strategic alignment and organisational performance. <i>Previous Retiring Action</i></p>	People and Performance, Operational Project	•			
<p>Organisational Review Outcomes Develop a plan for the implementation of the outcomes of the 2023 Organisational Review.</p>	People and Performance, Operational Program	•			
<p>Enterprise Agreement Negotiations Work with relevant unions and employees to negotiate a new Enterprise Agreement for the City withing the State Industrial Relations System.</p>	People and Performance, Operational Project	•	•		
<p>Classification Structure Review Complete review of the City’s Classification Structures ahead of the City’s enterprise agreement negotiations.</p>	People and Performance, Operational Project	•			
<p>Internal Audit Develop an Internal Audit Plan for adoption and monitoring by the Audit and Risk Committee.</p>	Governance and Risk, Operational Program	•			

Expected timeframes for delivering the actions are shown, with the dots denoting the years over which the action will be progressed, with the final dot denoting the year of scheduled completion. Dots across all 4 years indicate an ongoing action. As noted in the 'Understanding the Corporate Business Plan' section of the CBP, these timeframes are subject to regular review. Where an action is noted as requiring external funding within the plan, progress is also dependent on receipt of the external funding (e.g. grant funding).

The CBP includes a list of the organisational corporate performance indicators. These help to measure the progress and trends of organisational performance, as well as the progress of corporate business plan actions. Changes have been proposed to the measures associated with the Geographe Leisure Centre and Development Assessment. The GLC membership retention measure has been recommended for deletion, as the number of members (already a measure) adequately measures overall membership. With respect to Development Assessment, acknowledging the sustained development levels experienced by the City, it is felt that a simplified measure looking at the number of outstanding development applications will more meaningfully measure workload and assessment trends, with a trend of decreasing numbers being sought. Beyond these changes it is recognised that the measures need a more holistic review; this will however be included in the development of a performance reporting framework, to be progressed in the first year of the plan.

Statutory Environment

Section 5.56 of the Local Government Act 1995 (the Act) requires a local government to plan for the future of the district and to ensure that any such plans are in accordance with regulatory requirements.

Regulation 19(D)(A) of the Local Government (Administration) Regulations 1996 (the Regulations) requires a corporate business plan to be created, adopted and relate to the whole of the district over a term of at least four financial years.

A corporate business plan must:

- have a minimum four year outlook;
- identify and prioritise the principal strategies and activities the Council will undertake in response to the aspirations and objectives stated in the Strategic Community Plan;
- state the services, operations and projects that a local government will deliver over the period of the plan;
- reference resourcing considerations such as asset management plans, finances and workforce plans; and
- be adopted by an Absolute Majority of the Council.
- Relevant Plans and Policies

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

Plans and Policies

Plan:

[Corporate Business Plan 2022-2026](#)

Policy:

Not applicable.

Financial Implications

There are no budget implications associated with the adoption of the proposed CBP, with the cost of professional publication of the approved plan being provided for within the annual budget.

External Stakeholder Consultation

Not Applicable.

Risk Assessment

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

Options

As an alternative to the proposed recommendation the Council could choose to alter any of the components or wording of the proposed CBP.

CONCLUSION

The City’s CBP is a key component of the IPR framework. The proposed CBP supports the Council’s strategies as outlined in the SCP. It also advances many of the key initiatives that the City is working towards. Importantly, the proposed CBP continues to provide a solid work program to assist with realising the community’s aspirations and objectives.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The officer recommendation will be implemented in full, or in stages as per the following table:

Milestone	Completion Date
Plan professionally published	Within 6 weeks of its adoption
CBP adopted it will come into effect immediately with the services and actions contained implemented over the life of the plan as identified	Within 4 years as specified

15. CHIEF EXECUTIVE OFFICERS REPORTS

15.1. Councillors Information Bulletin

Strategic Theme:	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
Directorate:	Finance and Corporate Services
Reporting Officer:	Executive Assistant to Council - Katie Banks
Authorised By:	Chief Executive Officer - Tony Nottle
Nature of Decision:	Noting: The item is simply for information purposes and noting.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	<ol style="list-style-type: none">1. Current Active Tenders - September 2023 [15.1.1 - 1 page]2. Current State Administrative Tribunal Reviews [15.1.2 - 4 pages]3. Minutes South West Country Zone 25 August 2023 [15.1.3 - 32 pages]4. SWALGA Meeting Presentation Optimised [15.1.4 - 21 pages]5. Council Resolution Register [15.1.5 - 14 pages]

The officer recommendation was moved and carried.

COUNCIL DECISION

C2309/117 Moved Cr Anne Ryan, seconded Cr Paul Carter

That the items from the Councillors Information Bulletin be noted:

- **Minutes of Committee Meetings**
- **Minor Donations Program**
- **Current Active Tenders**
- **State Administrative Tribunal Reviews Update**
- **Council Resolution Status Update**

CARRIED 8 / 0

**FOR: Cr Grant Henley, Cr Paul Carter, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox,
Cr Phill Cronin, Cr Sue Riccelli and Cr Ross Paine**

AGAINST: Nil

EN BLOC

OFFICER RECOMMENDATION

That the items from the Councillors Information Bulletin be noted:

- Minutes of Committee Meetings
- Minor Donations Program
- Current Active Tenders
- State Administrative Tribunal Reviews Update
- Council Resolution Status Update

EXECUTIVE SUMMARY

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

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

INFORMATION BULLETIN

Minutes of Committee Meetings

Unconfirmed Minutes of the following Committee Meetings listed in the table below are to be noted as received:

Committee	Meeting Date	Minutes
Finance Committee	9 August 2023	Minutes 9 August
Airport Advisory Committee	9 August 2023	Minutes 9 August
Finance Committee	6 September 2023	Minutes 6 September

Minor Donations Program – August 2023

The Council allocates an annual budget allowance to the Minor Donations Program. This is provided such that eligible groups and individuals can apply for and receive sponsorship to assist them in the pursuit of endeavours that bring direct benefit to the broader community. Allocation of funds is delegated to the Chief Executive Officer, in accordance with the published guidelines and funding availability.

2 additional applications were approved in July 2023 and 17 applications approved throughout August 2023 totaling \$13,300 as outlined below:

Recipient	Purpose	Amount
Sharene Blake	Sharene will be competing in the IAU World Championships being held in Taiwan. This donation will help with travel-related expenses.	\$500
Tankia Dunlop	Tankia will be competing in the U15 Netball National Championships. This donation will help with travel-related expenses.	\$500

Recipient	Purpose	Amount
Jensen Barbour	Jensen will be competing in the U12 Boys AFL State Team. This donation will help with travel-related expenses.	\$500
Kade Martin	Kade will be competing in the 2023 Phillip Island Junior Pro Surfing. This donation will help with travel-related expenses.	\$500
Busselton Netball Association	Busselton Netball Association are holding the Southwest Peel Regional Championship Event in Busselton. This donation will help with the lighting costs of the event as games are scheduled until 7pm.	\$1,000
St Mary's Anglican Church	St Mary's Church are holding their Poverty Week BBQ which is in October & their annual Christmas Dinner in December. They are expecting to serve a full meal to approx. 200 people. This donation will help with the cost of food expenses for both events.	\$1,000
Indianna Godridge	Indianna will be competing in the U18 Basketball Team. This donation will help with travel-related expenses.	\$500
Susan Isaacson	Susan is competing in the AFL Masters National Carnival in QLD. This donation will help with travel-related expenses.	\$500
Busselton Pride Alliance	Busselton Pride Alliance are holding a Pride Wellbeing Week Event. This is a free community event to help promote physical activities. This donation will be used to fund a Pride round of Hockey and Soccer, Roller Skating Event and a Yoga Class.	\$1,000
Estelle Dragstra	Estelle is competing in the AFL Masters National Carnival in QLD. This donation will help with travel-related expenses.	\$500
Sarah Lang	Sarah is competing in the AFL Masters National Carnival in QLD. This donation will help with travel-related expenses.	\$500
Kalen Bennet	Kalen will be competing in the WA Cross Country Team. This donation will help with travel-related expenses.	\$500
Bree Smith	Bree is competing in the AFL Masters National Carnival in QLD. This donation will help with travel-related expenses.	\$500
Larissa Treagus	Larissa is competing in the AFL Masters National Carnival in QLD. This donation will help with travel-related expenses.	\$500
Aria Clarke	Aria is competing in the Gymnastics Championships - Bigham Cup. This donation will help with travel-related expenses.	\$500

Recipient	Purpose	Amount
Lamp Incorporated	Lamp Incorporated are holding a Mental Health Week Expo Event in conjunction with Radiance. This event is designed to bring mental health to the forefront of community thinking and local community groups and organisations can showcase their services they provide. This is a free community event for all. This donation will help with the cost associated to run event.	\$1,000
Jessica Hayes	Jessica is competing in the School Sports Swimming Nationals in NSW. This donation will help with travel-related expenses.	\$500
Laney Lovegrove	Laney is competing in the U14 Soccer Gold Fields WA Team, Singa Cup which is being held in Singapore. This donation will help with travel-related expenses.	\$500
Busselton Primary Busselton Senior High Cape Naturaliste College Dunsborough Primary Cornerstone Christian College GMAS Geographe Education Support Centre Geographe Primary Our Lady of the Cape Primary St Mary Mackillop Vasse Primary West Busselton Primary	Annual donation to the Local Primary and High Schools for their End of Year School Awards.	\$2,300
TOTAL		\$13,300

Donations approved as of 31st August 2023 total \$18,557. Total budget remaining \$11,443.

Current Active Tenders

The Tender update as at 4 September 2023 is provided at Attachment 1.

State Administrative Tribunal Reviews Update

The Current State Administrative Tribunal Reviews is at Attachment 2.

WALGA South West Country Zone Meeting – 25 August 2023

The minutes from the WALGA South West Country Zone Meeting held on 25 August 2023 is provided at Attachment C and meeting presentation at Attachment 2.

Council Resolution Status Update

The current Council Resolution Status Review is provided at Attachment 5.

16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

16.1. Notice of Motion - Recognition of Nina Kennedy

COUNCIL DECISION

C2307/118 Moved Cr Grant Henley, seconded Cr Anne Ryan

That the Council requests the CEO to prepare a report outlining potential recognition of Nina Kennedy.

CARRIED 8 / 0

**FOR: Cr Grant Henley, Cr Paul Carter, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox,
Cr Phill Cronin, Cr Sue Riccelli and Cr Ross Paine**

AGAINST: Nil

NOTICE OF MOTION

Cr Grant Henley has given notice that at the meeting on 20 September 2023, he will move the following motion:

That the Council requests the CEO to prepare a report outlining potential recognition of Nina Kennedy.

REASONS

Nina Kennedy recently received a gold medal at the 2023 World Athletics Championships in Budapest, Hungary. Having added the title of world champion to Nina's growing resume, it is felt that appropriate recognition of this significant achievement is warranted by the City to celebrate Nina's connection to Busselton and recent success at a global level.

OFFICER COMMENT

Council does have an 'Honorary Freeman of the City of Busselton' Council policy to recognise an individual that has displayed outstanding and meritorious service to the City of Busselton. However this policy does not necessarily recognise the significant achievements of an individual such as Nina Kennedy's recent triumph.

Having said that, should Council endorse the Notice of Motion, a report will be presented to Council outlining the options available for recognition of Nina Kennedy.

16.2. Notice of Motion - Introduction of Recreation Facilities Reserve

COUNCIL DECISION

C2309/119 Moved Cr Grant Henley, seconded Cr Anne Ryan

That Council requests the CEO to prepare a report that considers the introduction of a dedicated Recreation Facilities Reserve as part of budget preparations and review of the Long-Term Financial Plan.

CARRIED 8 / 0

**FOR: Cr Grant Henley, Cr Paul Carter, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox,
Cr Phill Cronin, Cr Sue Riccelli and Cr Ross Paine**

AGAINST: Nil

NOTICE OF MOTION

Cr Grant Henley has given notice that at the meeting on 20 September 2023, he will move the following motion:

That Council requests the CEO to prepare a report that considers the introduction of a dedicated Recreation Facilities Reserve as part of budget preparations and review of the Long-Term Financial Plan.

REASONS

Council has previously developed plans and estimated costs for the delivery of the infrastructure requirements of the Sport and Recreation Facilities Strategy 2020 – 2030 (the Strategy). These costs were factored into the City's previous Long Term Financial Plan (LTFP). Since this time, certain elements of the Strategy are outdated, and costs need to be revised.

The availability of funding through the State Government's Community Sport & Recreation Facilities Fund has not kept pace with the escalation of costs to replace, upgrade and develop these facilities. There is a significant shortfall in available funding to deliver the revised costs of the Strategy and loan programs are under pressure from cost and interest increases.

It is therefore prudent that Council establishes a specific Reserve to fund the strategy over a period of time, to reduce the impact on ratepayers. This could be funded by an additional 1% of rates over the next 4 financial years and could then be used to leverage additional funding to deliver much needed projects in the future for our fast-growing community.

OFFICER COMMENT

At present, there is no specific Reserve established under the City's Reserves for the purpose proposed by Mayor Henley, although the purpose of the New Infrastructure Development Reserve,

which is to set aside, hold and provide funding in order to facilitate the identification, design, development and construction of new infrastructure and other capital projects does more broadly provide funding for new infrastructure.

Since the adoption of the Strategy, both costs and priorities have significantly changed, with the City currently undertaking a review of the Strategy and the increased costs to deliver it. Additionally, a review of the City's masterplan for the Geographe Leisure Centre is planned, and a review of community / recreation needs in Dunsborough is ongoing.

While ultimately a decision for Council on review and adoption of a future Long Term Financial Plan, it would be appropriate for Council to set aside funds over a period of time to create a source of funding to assist in the delivery of the Strategy.

17. CONFIDENTIAL MATTERS

Nil

18. URGENT BUSINESS

Nil

19. CLOSURE

The Presiding Member closed the meeting at 6:22 pm.

These minutes for the Ordinary Council Meeting 20 September 2023 were confirmed as a true and correct record on 18 October 2023.

Date:

Presiding Member:

