



Ordinary Council Meeting

# Minutes

Wednesday 15 November 2023

**CONFIRMED**

**MINUTES**

**Minutes of a meeting of the Busselton City Council held in the Council Chambers, Administration Building, Southern Drive, Busselton, on Wednesday 15 November 2023 at 5:30pm.**

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## 1. OFFICIAL OPENING

The meeting opened at 5:42pm

The Presiding Member welcomed Councillors, staff, guests and members of the public to the Ordinary Council Meeting of 15 November 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.

The meeting was live streamed on the City of Busselton YouTube channel, and will be available for three months from the meeting date.

Pastor Nick Costa from Cornerstone Church read out a prayer as part of the opening of this meeting.

## 2. ATTENDANCE

PRESIDING MEMBER	MEMBERS
Mayor Phill Cronin	Cr Anne Ryan
	Cr Andrew Macnish
	Cr Jodie Richards
	Cr Kate Cox
	Cr Jarrod Kennedy
	Cr Sue Riccelli

OFFICERS	
Mr Tony Nottle	Chief Executive Officer
Mr Oliver Darby	Director Infrastructure and Environment
Mr Paul Needham	Director Community Planning
Ms Maxine Palmer	Director Economic and Business Development
Ms Sarah Pierson	Director Corporate Strategy and Performance
Mr Ben Whitehill	Manager Legal and Governance
Ms Jo Barrett-Lennard	Governance Officer

APOLOGIES	
Cr Cherise Woodhams	<i>Until 6:59pm</i>

LEAVE OF ABSENCE	
Cr Mikayla Love	Parental Leave (as per s 2.25 (5B) <i>Local Government Act 1995</i> )
Cr Cherise Woodhams	<i>From 6:59pm</i>

**APPLICATION FOR LEAVE OF ABSENCE**

Cr Sue Riccelli

Cr Cherise Woodhams

**MEDIA**

Busseton- Dunsborough Times

**PUBLIC**

12

**COUNCIL DECISION**

**C2311/183** Moved Cr Kate Cox, seconded Cr Andrew Macnish

**That Cr Sue Riccelli be granted a leave of absence for the Ordinary Council Meeting to be held on 13 December 2023.**

**CARRIED 7 / 0**

**FOR: Mayor Phill Cronin, Cr Andrew Macnish, Cr Jarrod Kennedy, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, and Cr Sue Riccelli**

**AGAINST: Nil**

The Leave of Absence application from Cr Cherise Woodhams was considered after Item 14.1, as it pertained to meeting dates adopted at this item.

**COUNCIL DECISION**

**C2311/184** Moved Cr Andrew Macnish, seconded Cr Jodie Richards

**That Cr Cherise Woodhams be granted a leave of absence for the Ordinary Council Meetings to be held on 15 November 2023, 13 December 2023 and 31 January 2024.**

**CARRIED 7 / 0**

**FOR: Mayor Phill Cronin, Cr Andrew Macnish, Cr Jarrod Kennedy, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, and Cr Sue Riccelli**

**AGAINST: Nil**

**3. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)**

Nil

#### 4. DISCLOSURES OF INTEREST

##### DISCLOSURES OF FINANCIAL INTEREST

Nil

##### DISCLOSURES OF IMPARTIALITY INTEREST

The Presiding Member noted that a disclosure of impartiality interest has been received from Ms Maxine Palmer, Director Economic and Business Development, in relation to item 11.3 '2023/2024 Community Assistance Program Round 2 Outcomes'.

The Presiding Member noted that a disclosure of impartiality interest has been received from Cr Kate Cox, in relation to item 11.3 '2023/2024 Community Assistance Program Round 2 Outcomes'.

The Presiding Member advised that, in accordance with regulation 22(2)(b) of the *Local Government (Model Code of Conduct) Regulations 2021*, these disclosures would be read out immediately before this item was discussed.

## 5. CONFIRMATION AND RECEIPT OF MINUTES

### 5.1. Ordinary Council Meeting 18 October 2023

#### COUNCIL DECISION

**C2311/163** Moved Cr Anne Ryan, seconded Cr Jodie Richards

**That the Minutes of the Ordinary Council Meeting 18 October 2023 be confirmed as a true and correct record.**

**CARRIED 7 / 0**

**FOR: Mayor Phill Cronin, Cr Andrew Macnish, Cr Jarrod Kennedy, Cr Anne Ryan,  
Cr Jodie Richards, Cr Kate Cox, and Cr Sue Riccelli**

**AGAINST: Nil**

### 5.2. Special Council Meeting 25 October 2023

#### COUNCIL DECISION

**C2311/164** Moved Cr Kate Cox, seconded Cr Anne Ryan

**That the Minutes of the Special Council Meeting 25 October 2023 be confirmed as a true and correct record.**

**CARRIED 7 / 0**

**FOR: Mayor Phill Cronin, Cr Andrew Macnish, Cr Jarrod Kennedy, Cr Anne Ryan,  
Cr Jodie Richards, Cr Kate Cox, and Cr Sue Riccelli**

**AGAINST: Nil**

## 6. PUBLIC QUESTION TIME

### 6.1. RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

### 6.2. QUESTION TIME FOR PUBLIC

#### Mr Keith Sims

##### **Question**

The Department of Water and Environmental Regulation (DWER) has announced the Vasse River phoslock trial is to be completed over the next few months. Can the City provide further information about the phoslock application and what DWER is doing?

##### **Response**

##### **(Paul Needham, Director Community Planning)**

DWER and the City have a monitoring program in place for the duration of the trial. In May of this year, Council considered a report in relation to waterway management and indicated that it was supportive of DWER undertaking this large scale phoslock application, the results from which will be made available after this coming summer.

##### **Question**

What new actions, if any, has the City put in place for further restoration of the Vasse River?

##### **Response**

##### **(Tony Nottle, Chief Executive Officer)**

In May of this year, the City was looking at Stage 3 of the dredging program, which will go through the appropriate tender process in due course. The Phoslock trial is occurring now, and once the results of that trial are made available, officers will look at the results and reassess the options going forward.

##### **Question**

Is there nothing else planned other than the three stages of sediment removal and DWER's Phoslock trial?

##### **Response**

##### **(Mayor Phill Cronin)**

Correct, and once the results of the Phoslock trial have been determined, the results will be communicated with the public and further decisions made.

##### **(Paul Needham, Director Community Planning)**

The report that was endorsed by Council in May was quite comprehensive, including numerous recommendations. In broad terms the Council agreed to the City continuing to be the interim asset manager for the Lower Vasse River, and that the priority in terms of action for the City would be continued sediment removal to stage three, after which there would be a review point which will establish priorities going forward. There is also support for large scale Phoslock application by DWER, and also a more structured approach to assessing any other large-scale proposals for in situ management of the river.



**Question**

In tonight's agenda, there is a list of payments made under delegated authority that was made confidential. Why were 15 payments made over three days, why are they confidential amounts and who were they paid to?

**Response**

**(Mayor Phill Cronin)**

The item is confidential.

**(Sarah Pierson, Director Corporate Strategy and Performance)**

The item is confidential, and the City is not able to provide that information.

**Question**

Can the City advise on the policy regarding members of the public attending the [civic area] bar with Councillors after meetings?

**(Mayor Phill Cronin)**

There is no policy on this. Councillors use this time to catch up with each other as this is quite often the only time we are able to. Elected Members are available during the week should you wish to talk to them.

**(Tony Nottle, Chief Executive Officer)**

There is no written Council Policy in relation to community members being at the bar. It also comes down to protocol and tradition – if Council would like to consider amending the protocol in the future then they are able to do that.

**Mr Christopher Green**

**Question**

[In relation to Item 11.2 DA21/0659 - Vacant Land (Bulk Fill of Future Subdivision) Special Control Area]

There is currently bulk infill occurring on vacant land in Broadwater, and this is impacting the wetlands in the area. The development of the area is going ahead, with what appears to be no consideration for the environment. Is the City able to provide any further update on the development?

**Response**

**(Tony Nottle, Chief Executive Officer)**

This item is on the agenda for consideration by Council this evening.

## **7. RECEIVING OF PETITIONS, PRESENTATIONS AND DEPUTATIONS**

### **7.1. PETITIONS**

Nil

### **7.2. PRESENTATIONS BY PARTIES WITH AN INTEREST**

Mr Joe Algeri spoke in relation to Item 11.1 'DA22/0806 Single House Lots 41 & 42 Caves Road, Marybrook'. Mr Algeri spoke in opposition of the officer recommendation.

Mr Adrian Dhue spoke in relation to Item 11.1 'DA22/0806 Single House Lots 41 & 42 Caves Road, Marybrook'. Mr Dhue spoke in support of the officer recommendation.

Ms Adrienne Meakins spoke in relation to Item 11.1 'DA22/0806 Single House Lots 41 & 42 Caves Road, Marybrook'. Ms Meakins 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**

*The below recommendation is subject to any items subsequently removed in accordance with section 5.10(5) of the City of Busselton Standing Orders Local Law 2018.*

**Officer Recommendation Item**

**COUNCIL DECISION**

**C2311/165 Moved Cr Anne Ryan, seconded Cr Kate Cox**

**That the Committee Recommendations for items 10.1, 10.2 and 10.3 and Officer Recommendations for items 11.2 and 15.1 be carried en bloc.**

Item	Report
10.1	Busselton Margaret River Airport Operations Update
10.2	List of Payments Made - September 2023
10.3	Monthly Financial Report - Year to Date 30 September 2023
11.2	DA21/0659 - Vacant Land (Bulk Fill of Future Subdivision) Special Control Area
15.1	Councillors Information Bulletin

**CARRIED 7 / 0**

**FOR: Mayor Phill Cronin, Cr Andrew Macnish, Cr Jarrod Kennedy, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, and Cr Sue Riccelli**

**AGAINST: Nil**

## 10. REPORTS OF COMMITTEE

### 10.1 Busselton Margaret River Airport Operations Update

<b>Strategic Theme:</b>	Key Theme 3: Opportunity 3.4 Develop aviation opportunities at the Busselton Margaret River Airport.
<b>Directorate:</b>	Community and Commercial Services
<b>Reporting Officer:</b>	Executive Support Officer - Tiffany Sweatman
<b>Authorised By:</b>	Director of Economic and Business Development - Maxine Palmer
<b>Nature of Decision:</b>	Noting: The item is simply for information purposes and noting.
<b>Voting Requirements:</b>	Simple Majority
<b>Disclosures of Interest:</b>	No officers preparing this item have an interest to declare.
<b>Attachments:</b>	Nil

This item was considered by the Airport Advisory Committee at its meeting on 11 October 2023, the recommendations of which have been included in this report.

The committee recommendation was moved and carried.

#### **COUNCIL DECISION**

**C2311/166** Moved Cr Anne Ryan, seconded Cr Kate Cox

**That the Council receives and notes the Busselton Margaret River Airport Operations Report.**

**CARRIED 7 / 0**

**FOR: Mayor Phill Cronin, Cr Andrew Macnish, Cr Jarrod Kennedy, Cr Anne Ryan,  
Cr Jodie Richards, Cr Kate Cox, and Cr Sue Riccelli**

**AGAINST: Nil**

**EN BLOC**

#### **OFFICER RECOMMENDATION**

That the Council receives and notes the Busselton Margaret River Airport Operations Report.

#### **EXECUTIVE SUMMARY**

This report provides an overview of the operations and activities of the Busselton Margaret River Airport (BMRA) for the reporting period 1 July 2023 through 30 September 2023. This includes an update on passenger numbers, regular public transport services (RPT), closed charter and general airport operations.

#### **STRATEGIC CONTEXT**

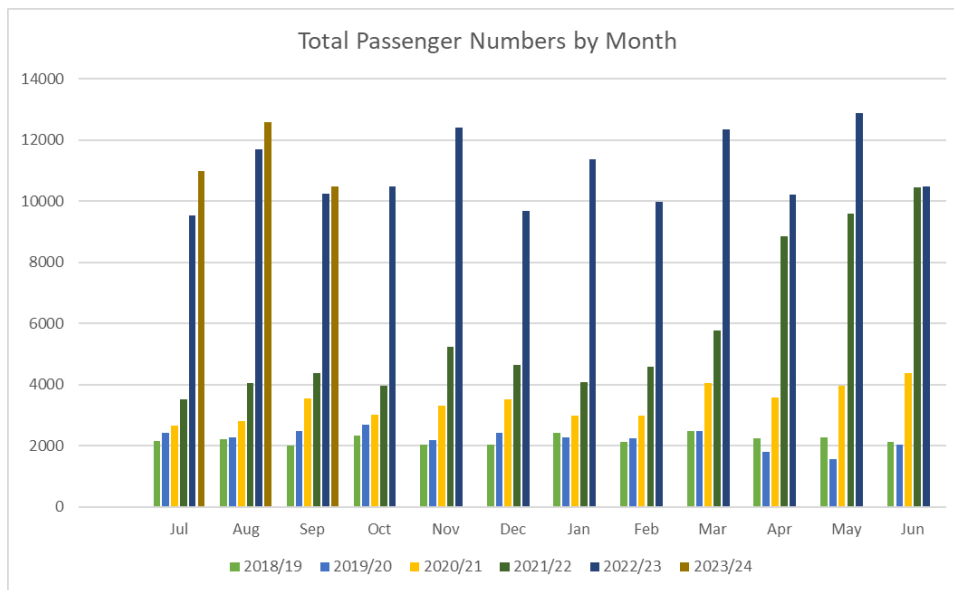
Regular updates on Busselton Margaret River Airport aids in the development of opportunities at the Busselton Margaret River Airport and aligns with Strategic Theme 3.4.

## BACKGROUND

The BMRA has seen consistent passenger numbers with Jetstar RPT services and closed charter flights operating during the reporting period. Officers have been concentrating on meeting compliance and strategic objectives for the BMRA.

### Passenger Numbers

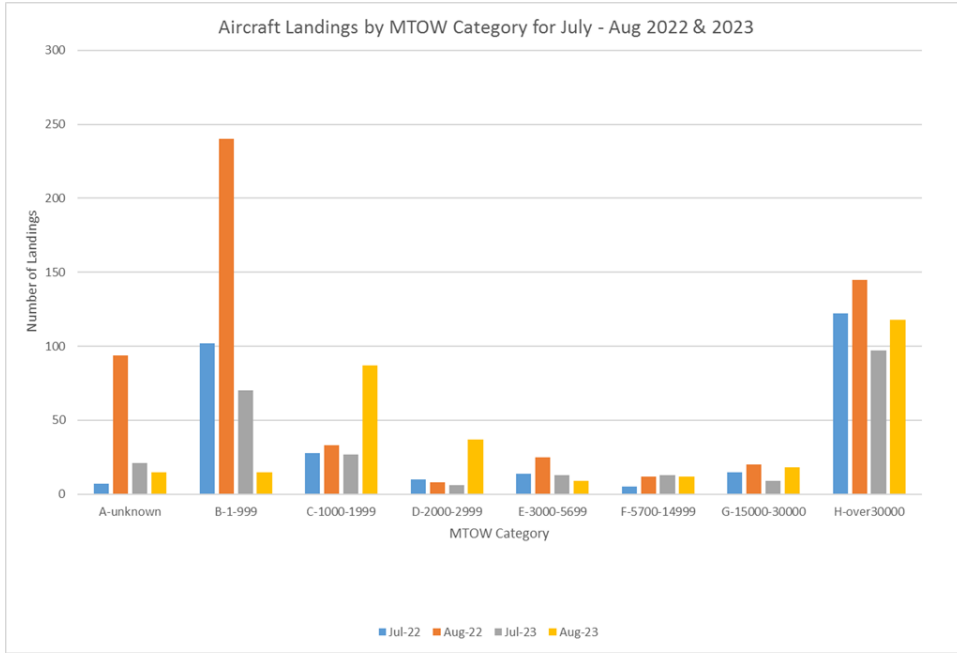
The estimated passenger numbers for the reporting period were 34,046 compared to 31,504 for the same period in 2022. Total passenger numbers have remained consistent over the reporting period compared to the same time in 2022, with a slight decrease in RPT passenger numbers (12,409 in 2022 compared to 11,210 in 2023) over the winter months.



### Aircraft Movements

The total number of scheduled services operating from the BMRA as of the end of the reporting period is 34 movements per week, with 31 Fly in Fly out (FIFO) closed charter and 3 RPT services. Jetstar will increase the number of Melbourne services to 4 flights per week from 4 November 2023. Five airlines are operating from the BMRA with RPT and closed charter services utilising aircraft types from Dash 8/300 to Airbus A320 and Boeing 737/700 aircraft servicing destinations such as Melbourne and multiple mining operations across Western Australia.

There has been a total of 567 landings during the July and August (September data is not available at the time of writing the report) compared to 880 landings for the same period in 2022. The following graph represents the breakdown of landings by Maximum Take Off Weight (MTOW) at BMRA for July and August in 2022 and 2023.



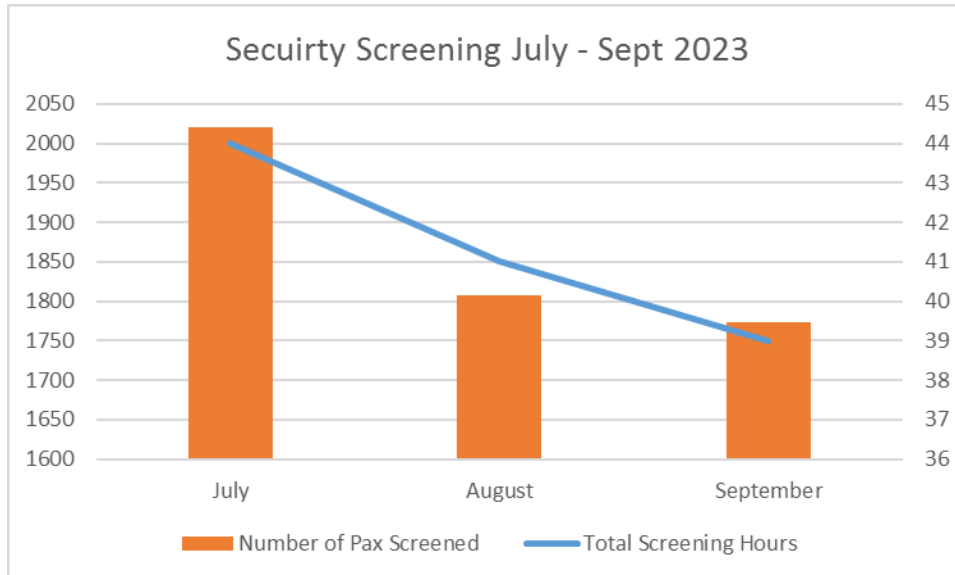
### Operations Update

The focus for the 2023/24 will be:

- Deliver the BMRA Master Plan 2023 and Aviation Strategy
- Prepare a BMRA Business Plan & financial model and integrate with the LTFP
- Prepare the BMRA Terminal Business Case
- Prepare BMRA Terminal Concept Designs
- External audit of the Transport Security Program
- Continue to implement AVCRM (Aviation paperless compliance & management system) functionality
- Develop and implement BMRA Performance Reporting
- RFDS relocation project - construction of new patient transfer hangar and apron in the general aviation precinct
- General Aviation precinct apron reseal
- Central Apron CCTV
- Progress the General Aviation precinct leases
- Runway strip compliance works
- Central Apron Bay 10 lighting project implementation
- Obstacle Limitation Surface infringement – management/trimming of vegetation

### Security Screening Activities

The graph below shows the number of people screened and screening point hours per month for the 23/24 FY.



Officers are currently investigating additional CBS and passenger x-ray training and x-ray equipment software improvements to ensure that the highest standard of screening is performed at the BMRA. Officers are also seeking quotes for an additional ETD machine to ensure that there is a contingent ETD in the event of an equipment failure.

#### OFFICER COMMENT

The 2022/23 FY was an extremely busy year for the BMRA, with increased aircraft movements and passenger throughput resulting in the Airport Reporting Officers spending more time airside with serviceability (runway) inspections, wildlife management dispersals and Jet (A1) refuelling. As a result, maintenance programs were behind schedule. A casual maintenance officer was recruited in August 2022 to assist with landside and some airside maintenance, enabling the Airport operations team to concentrate on airside compliance activities. Airside and landside mowing and maintenance programs are again a focus as the summer season approaches.

Increased visitation to the airport also results in additional car parking usage and the public car parking system has experienced a number of issues during the 2022/23 year. A system upgrade and new payment kiosk will be installed into the Arrivals Hall to provide more payment options for arriving passengers. Officers are also monitoring the car park numbers with the construction of an additional car park possibly being needed in the 2023/24 FY.

With the increase in services, improvements are needed in the Baggage Makeup Area (BMA) to assist with baggage loading. In conjunction with the BMRA ground handlers, Officers have prepared drawings to expand the asphalt area in the BMA to allow baggage tugs and trolleys to pull alongside the baggage roller beds for baggage loading. This will also enable baggage handling and processing of charter and RPT passenger baggage concurrently.

The draft BMRA Master Plan was delivered in late September will assist with some of the infrastructure improvement planning.

The Airport Manager will focus on the strategic direction of the BMRA and in particular the commercial development of the BMRA. This will include the following;

- Continue to work with the South West Development Commission on BMRA Terminal Business Case. A RFQ, closing on the 18 October is currently advertised for consultants to prepare a business case for the construction of a new passenger terminal at the BMRA. The business case will be used for State and Federal Government funding applications
- Finalise the BMRA Master Plan 2023

- Prepare a BMRA Business Plan including financial modelling, pricing and fee structure model, asset renewal and maintenance that can then be incorporated into the City's LTFF
- Investigate and identify new business and commercial opportunities for the BMRA
- Develop a KPI / performance reporting system for the BMRA

Department of Fire & Emergency Services (DFES) will mobilise to the BMRA during October and November for the start of the firefighting season from 1<sup>st</sup> December 2023. DFES plan to have the State Contracted large air tanker (LAT) for the duration of the season to respond to any fire emergencies in the South West region. The Helitacs will also mobilise to the BMRA prior to 1<sup>st</sup> December 2023.

### **Statutory Environment**

The BMRA operates in accordance with the following:

- *Aviation Transport Security Act 2004*
- *Aviation Transport Security Regulations 2005*
- CASA part 139 Manual of Standards (Aerodromes)
- City of Busselton Transport Security Plan
- Ministerial Statement 1088

### **Relevant Plans and Policies**

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

Plan:

BMRA Master Plan 2016-2036

Policy:

Not applicable.

### **Financial Implications**

The actual operating income for the July – September period was \$966,708, compared to YTD budget of \$1,161,295.

There are a few factors contributing to this result:

- Actual airline passenger fees are lower than expected , this is due in part to timing of invoicing for fees and airlines delay in payment of fees
- Outstanding Security screening fees for August and September
- Car parking continues to grow and an actual YTD of \$342,702 compared to a YTD budget of \$264,000
- Landings fess are also on track with an actual of \$408,073 compared to a YTD budget of \$325,000

The actual operating expenses for July – September period was \$206,494 compared to YTD budget of \$423,002 (excluding depreciation and airline attraction). The variance can mostly be attributed to timing of expenditure and some maintenance activities that have been slow to commence with contractor availability and winter weather.

The 2023/24 adopted budget included an allocation for the replacement of airside movement area guidance signs (MAGS) at a cost of \$17,000. officers have further investigated and have found a more cost effective solution to replace the MAGS. As such Officers can utilise the budget allocation



of \$17,000 (15060-1007) for the guidance signs to achieve the baggage make up area improvements which have been quoted as just under \$17,000 exclusive GST.

### **External Stakeholder Consultation**

Consultation has been occurring on a regular basis with Department of Transport, South West Development Commission, Tourism WA, Australia Southwest, airport stakeholders, Department of Home Affairs - Aviation Marine Security (AMS), Civil Aviation Safety Authority (CASA), Air Services Australia, Virgin Australia Regional Airline, Qantas Group, Southwest Aviation Services, the Busselton Aero Club, Albany, Esperance, Geraldton Airports and Australian Airports Association, concerning many topics and issues relating to the Airport.

### **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 receive and note the Busselton Margaret River Airport Operations Report.

### **CONCLUSION**

The 2022/23 financial year was a very busy year with increased services and significant growth in passenger numbers resulting in a shortage of resources and deferring / delaying of maintenance and capital works. With recruitment underway for a new compliance officer and a dedicated Airport Admin Officer appointed, planning of the coming years activities is underway. Officers will continue to strive to provide high levels of customer service at the BMRA, while ensuring the airport is compliant, safe and security is maintained throughout.

With a focus on business development and the anticipated growth in RPT and closed charter flights, further infrastructure improvements will be required over the coming year to support operations while a business case and funding strategy is developed for the new terminal. The Airport team will focus on implementation of the new BMRA Master Plan, achieving operational efficiencies and business and commercial development initiatives that have been deferred to date.

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

Milestone	Completion Date
Not Applicable.	-

**10.2 List of Payments Made - September 2023**

<b>Strategic Theme:</b>	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.
<b>Directorate:</b>	Corporate Strategy and Performance
<b>Reporting Officer:</b>	Manager Financial Services - Paul Sheridan
<b>Authorised By:</b>	Director Corporate Strategy and Performance - Sarah Pierson
<b>Nature of Decision:</b>	Noting: The item is simply for information purposes and noting.
<b>Voting Requirements:</b>	Simple Majority
<b>Disclosures of Interest:</b>	No officers preparing this item have an interest to declare.
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. List of Payments - September 2023 [7.1.1 - 11 pages]</li> <li>2. CONFIDENTIAL - Confidential List of Payments - September 2023 [7.1.2 - 1 page]</li> <li>3. List of Payments - September 2023 YTD Industry &amp; Regional Allocations [7.1.3 - 1 page]</li> </ol>

This item was considered by the Finance Committee at its meeting on 1 November 2023, the recommendations of which have been included in this report.

The committee recommendation was moved and carried.

**COUNCIL DECISION**

**C2311/167** Moved Cr Anne Ryan, seconded Cr Kate Cox

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

<b>CHEQUE PAYMENTS</b>	119771 - 119785	121,756.78
<b>ELECTRONIC FUNDS TRANSFER PAYMENTS</b>	97774 - 98369	9,906,904.89
<b>TRUST ACCOUNT PAYMENTS</b>	EFT# TR000008 - TR000010	42,238.50
<b>PAYROLL PAYMENTS</b>	01.09.23 - 30.09.23	1,700,124.88
<b>INTERNAL PAYMENT VOUCHERS</b>	DD #5422 - 5455	158,546.67
<b>TOTAL PAYMENTS</b>		<b>11,929,571.72</b>

**CARRIED 7 / 0**

**FOR: Mayor Phill Cronin, Cr Andrew Macnish, Cr Jarrod Kennedy, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, and Cr Sue Riccelli**

**AGAINST: Nil**

**EN BLOC**

## **OFFICER RECOMMENDATION**

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

CHEQUE PAYMENTS	119771 - 119785	121,756.78
ELECTRONIC FUNDS TRANSFER PAYMENTS	97774 - 98369	9,906,904.89
TRUST ACCOUNT PAYMENTS	EFT# TR000008 - TR000010	42,238.50
PAYROLL PAYMENTS	01.09.23 - 30.09.23	1,700,124.88
INTERNAL PAYMENT VOUCHERS	DD #5422 - 5455	158,546.67
<b>TOTAL PAYMENTS</b>		<b>11,929,571.72</b>

## **EXECUTIVE SUMMARY**

This report provides details of payments made from the City's bank accounts for the month of September 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 September 2023 is presented for information. Also attached is a separate confidential payment listing relating to matters confidential under section 5.23(2)(c) of the *Local Government Act 1995* (the Act).

As September is the last month of the first quarter of the 2023/24 financial year, a summary report of all payments grouped by industry and region has been attached for information purposes.

## **Statutory Environment**

Section 6.10 of the Act 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 September 2023 is presented for information.

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

Not applicable.

### 10.3 Monthly Financial Report - Year to Date 30 September 2023

<b>Strategic Theme:</b>	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.
<b>Directorate:</b>	Corporate Strategy and Performance
<b>Reporting Officer:</b>	Manager Financial Services - Paul Sheridan
<b>Authorised By:</b>	Director Corporate Strategy and Performance - Sarah Pierson
<b>Nature of Decision:</b>	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.
<b>Voting Requirements:</b>	Simple Majority
<b>Disclosures of Interest:</b>	No officers preparing this item have an interest to declare.
<b>Attachments:</b>	1. Monthly Financial Report - September 2023 [7.2.1 - 28 pages] 2. Investment Report - September 2023 [7.2.2 - 1 page] 3. Loan Schedule - September 2023 [7.2.3 - 1 page]

This item was considered by the Finance Committee at its meeting on 1 November 2023, the recommendations of which have been included in this report.

The committee recommendation was moved and carried.

#### **COUNCIL DECISION**

**C2311/168** Moved Cr Anne Ryan, seconded Cr Kate Cox

**That the Council receives the statutory monthly financial report for the period ending 30 September 2023, pursuant to Regulation 34(4) of the *Local Government (Financial Management) Regulations 1996*.**

**CARRIED 7 / 0**

**FOR: Mayor Phill Cronin, Cr Andrew Macnish, Cr Jarrod Kennedy, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, and Cr Sue Riccelli**

**AGAINST: Nil**

**EN BLOC**

## **OFFICER RECOMMENDATION**

That the Council receives the statutory monthly financial report for the period ending 30 September 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 monthly financial report that reports on the City's Statement of Financial Activity, Statement of Financial Position, and its performance in relation to its adopted / amended budget.

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the City's financial performance on a year-to-date basis, for the period ending 30 September 2023.

## **STRATEGIC CONTEXT**

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

## **BACKGROUND**

The Regulations detail the form and manner in which the monthly financial report is to be presented to the Council, and is 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); and
- Statement of Financial 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 26 July 2023, the Council adopted (C2305/57) the following material variance reporting thresholds 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**

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 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.

### Net Current Position Summary Report

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

### 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 30<sup>th</sup> September 2023

The Statement of Financial Activity (FAS) for the year to date (YTD) shows an overall Net Current Position (NCP) of \$52M as opposed to the YTD budget of \$43M.

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 \$
<b>Amount Attributable to Operating Activities</b>				<b>11.46%</b>	<b>6,243,905</b>	<b>(1,575,470)</b>
<b>Revenue from Operating Activities</b>				<b>2.65%</b>	<b>1,932,610</b>	<b>47,581</b>
1. Operating Grants, Subsidies and Contributions	1,052,907	507,385	5,325,685	107.52%	545,522	(91,691)
2. Other Revenue	128,734	48,673	334,932	164.49%	80,061	36,891
3. Interest Earnings	1,645,163	1,204,877	4,305,492	36.54%	440,287	181,318
<b>Expenses from Operating Activities</b>				<b>14.90%</b>	<b>3,692,965</b>	<b>785,574</b>
4. Materials & Contracts	(4,272,187)	(7,286,072)	(29,072,925)	41.37%	3,013,886	424,065
5. Other Expenditure	(123,221)	(1,356,322)	(6,823,844)	90.92%	1,233,101	560,530
<b>Amount Attributable to Investing Activities</b>				<b>71.71%</b>	<b>10,573,517</b>	<b>2,335,589</b>
6. Land & Buildings	(2,336,360)	(10,273,059)	(29,976,325)	77.26%	7,936,699	1,477,958



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 \$
7. Plant & Equipment	(172,997)	(429,059)	(6,078,421)	59.68%	256,062	42,073
8. Furniture & Equipment	(24,175)	(435,079)	(1,510,209)	94.44%	410,904	120,640
9. Infrastructure	(1,958,145)	(3,778,646)	(21,896,530)	(579.48%)	1,820,501	638,797
10. Proceeds from Sale of Assets	202,652	101,300	863,800	100.05%	101,352	12,123
<b>Amount Attributable to Financing Activities</b>				<b>(570.76%)</b>	<b>(7,520,310)</b>	<b>(4,103,235)</b>
11. Proceeds from New Loans	0	1,750,000	2,000,000	(100.00%)	(1,750,000)	(1,750,000)
12. Transfer to Restricted Assets	(3,844,926)	0	(11,180)	(100.00%)	(3,844,926)	(83,497)
13. Transfer from Restricted Assets	1,496,241	5,140,770	20,563,074	(70.89%)	(3,644,529)	(1,659,923)
14. Transfer from Reserves	16,648,765	14,552,054	52,392,260	14.41%	2,096,710	1,011,352

### Investment Report

Pursuant to the Council's Investment Policy, a report is to be provided to the Council monthly, 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. See Attachment 2.

As at 30 September 2023 the value of the City's invested funds increased to \$122M, from \$116M as at 31 August 2023. The increase is a result of grants & rates received.

As at 30 September 2023 the 11am account balance is \$26.9M, being an increase of \$6M from 31 August 2023. The increase of \$6M to the 11am account is due to funds received from grants and rates

During the month of September zero term deposits matured.

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

### Borrowings Update

During the month no new loans were drawn, with \$867K paid off the principal and \$402K paid in interest 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 September 2023 are provided below to ensure there is appropriate oversight and awareness.

<b>Date</b>	<b>Payee</b>	<b>Description</b>	<b>\$ Amount</b>
31/08/2023	WEST AUSTRALIAN	DIGITAL SUBSCRIPTION-PR	28.00
2/09/2023	SHELTER BREWING CO BUSSELTION	MEETING WITH MINISTER TEMPLEMAN	20.00
5/09/2023	CROWN PROMENADE PERTH	TRAINING ACCOMMODATION- WATERWISE EXPO- IRRIGATION TEAM	1,990.00
5/09/2023	ALEX HOTEL PERTH	POSTAGE FEE FOR IPHONE CHARGER- CEO	20.00
15/09/2023	WESTERN GROWERS	GIFT FOR GOVENOR GENERAL VISIT	30.25
17/09/2023	CROWN PROMENADE PERTH	WALGA LG CONVENTION	570.00
18/09/2023	CROWN PROMENADE PERTH	WALGA LG CONVENTION	285.00
19/09/2023	CROWN PROMENADE PERTH	WALGA LG CONVENTION	258.18
19/09/2023	ONE RUSTIC BLOOM	FLOWERS FOR GOVENOR GENERAL VISIT	539.00
21/09/2023	CAPE CELLARS	GIFT FOR GOVENOR GENERAL VISIT	52.99
28/09/2023	WEST AUSTRALIAN	DIGITAL SUBSCRIPTION-PR	28.00
30/09/2023	MAILCHIMP	ELECTRONIC NEWSLETTER PR	387.04
		<b>TOTAL</b>	<b>4,208.46</b>

### **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 30 September 2023, the City's net current position stands at \$52M, and cash reserve balances remain sufficient for their purposes.

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

Not Applicable.

## 10.4 Budget Amendments - Infrastructure and Environment

<b>Strategic Theme:</b>	Key Theme 2: Lifestyle 2.10 Provide local road networks that allow for the safe movement of people through the District. Key Theme 4: Leadership 4.5 Responsibly manage ratepayer funds to provide for community needs now and in the future.
<b>Directorate:</b>	Infrastructure and Environment
<b>Reporting Officer:</b>	A/Engineering Management Accountant - Ella McAlister
<b>Authorised By:</b>	Director Infrastructure and Environment - Oliver Darby
<b>Nature of Decision:</b>	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
<b>Voting Requirements:</b>	Absolute Majority
<b>Disclosures of Interest:</b>	No officers preparing this item have an interest to declare.
<b>Attachments:</b>	Nil

This item was considered by the Finance Committee at its meeting on 1 November 2023, the recommendations of which have been included in this report.

The committee recommendation was moved and carried.

### COUNCIL DECISION

**C2311/169** Moved Cr Jodie Richards, seconded Cr Andrew Macnish

**That the Council endorse the following requested budget amendments:**

Amendment Description					
Project Description					
Item #	Budgeted Municipal Net Current Position	Operational Expenditure Budget	Capital Expenditure Budget	Grant	Reserves or Restricted Assets
	Increase / (Decrease)	Increase / (Decrease)	Increase / (Decrease)	(Increase) / Decrease	Increase / (Decrease)
<b>1</b>	Increase Capital Budget				
	Project 15103 - Prince Street Laneway (C)				
	-	-	28,003	-	(28,003)
<b>2</b>	Reduce Capital Budget on Existing Project				
	Project 14859 Kershaw Street – Asphalt Overlay SLK 0 to 0.25 (C)				
	-	-	(18,825)	-	18,825

<b>3</b>	Reduce Capital Budget on Existing Project				
	Project 14858 Artisan Street – Asphalt Overlay SLK 0.02 to 0.16 (C)				
	-	-	(9,178)	-	9,178
<b>4</b>	Remove Capital Project				
	Project 14875 – Eagle Bay Boat Ramp Parking off Fern Road (C)				
	-	-	(30,000)	-	30,000
<b>5</b>	Add Budget to Existing Capital Project				
	Project 14876 Eagle Crescent on Road Parking – Footpath Alignment (C)				
	-	-	23,000	-	(23,000)
<b>6a</b>	Add Budget to Existing Capital Project				
	Project 11986 – Causeway Road Shared Path (C)				
	-	-	30,000	-	(30,000)
<b>6b</b>	Add Grant Revenue for Existing Capital Project				
	Project 11986 – Causeway Road Shared Path (C)				
	-	-	75,000	(75,000)	-
<b>7</b>	Increase Capital Budget				
	Project 11998 – Kaloorup Road Reseal SLK 0.82 to 8.76 (C)				
	-	-	60,000	-	(60,000)
<b>8</b>	Reduce Capital Budget				
	Project 14850 – Cook Street Asphalt Overlay SLK 0.39 to 1.25 (C)				
	-	-	(60,000)	-	60,000
<b>Totals</b>	-	-	98,000	(75,000)	(23,000)

**CARRIED 7 / 0**

**FOR: Mayor Phill Cronin, Cr Andrew Macnish, Cr Jarrod Kennedy, Cr Anne Ryan,  
Cr Jodie Richards, Cr Kate Cox, and Cr Sue Riccelli**

**AGAINST: Nil**

**BY ABSOLUTE MAJORITY**

**OFFICER RECOMMENDATION**

That the Council endorse the following requested budget amendments:

Amendment Description					
Project Description					
Item #	Budgeted Municipal Net Current Position	Operational Expenditure Budget	Capital Expenditure Budget	Grant	Reserves or Restricted Assets
	Increase / (Decrease)	Increase / (Decrease)	Increase / (Decrease)	(Increase) / Decrease	Increase / (Decrease)
1	Increase Capital Budget				
	Project 15103 - Prince Street Laneway (C)				
	-	-	28,003	-	(28,003)
2	Reduce Capital Budget on Existing Project				
	Project 14859 Kershaw Street – Asphalt Overlay SLK 0 to 0.25 (C)				
	-	-	(18,825)	-	18,825
3	Reduce Capital Budget on Existing Project				
	Project 14858 Artisan Street – Asphalt Overlay SLK 0.02 to 0.16 (C)				
	-	-	(9,178)	-	9,178
4	Remove Capital Project				
	Project 14875 – Eagle Bay Boat Ramp Parking off Fern Road (C)				
	-	-	(30,000)	-	30,000
5	Add Budget to Existing Capital Project				
	Project 14876 Eagle Crescent on Road Parking – Footpath Alignment (C)				
	-	-	23,000	-	(23,000)
6a	Add Budget to Existing Capital Project				
	Project 11986 – Causeway Road Shared Path (C)				
	-	-	30,000	-	(30,000)
6b	Add Grant Revenue for Existing Capital Project				
	Project 11986 – Causeway Road Shared Path (C)				
	-	-	75,000	(75,000)	-
7	Increase Capital Budget				
	Project 11998 – Kaloorup Road Reseal SLK 0.82 to 8.76 (C)				
	-	-	60,000	-	(60,000)
8	Reduce Capital Budget				
	Project 14850 – Cook Street Asphalt Overlay SLK 0.39 to 1.25 (C)				
	-	-	(60,000)	-	60,000
Totals	-	-	98,000	(75,000)	(23,000)

## EXECUTIVE SUMMARY

This report seeks Council approval of budget amendments for items within the Infrastructure and Environment Directorate, as detailed in this report. Adoption of the officer recommendation will have no impact on the City's budgeted net current position.

## STRATEGIC CONTEXT

The nature of these works supports the provision of a local road network that allows for the safe movement of people through the district, in alignment with Key Theme 2 of the City's Strategic Community Plan – Lifestyle and is also in support of Key Theme 4 – Leadership in terms of the responsible management of ratepayer funds.

## BACKGROUND

In accordance with section 6.8(1) of the *Local Government Act 1995*, a local government is not to incur expenditure from its Municipal fund for an additional purpose except where the expenditure:

- Is incurred in a financial year before the adoption of the annual budget by the local government; and
- Is authorised in advance by Council resolution – absolute majority required; or
- Is authorised in advance by the Mayor in an emergency.

Approval is therefore sought for budget amendments as outlined in the Officer Comment below.

## OFFICER COMMENT

Council adopted its 2023/24 Municipal budget on Wednesday 26 July 2023 and since then, officers have identified the following budget items that require adjustments within the Infrastructure and Environment Directorate. It is good management practice to revise the adopted budget when it is known that circumstances have changed. In keeping with this practice, budgets are reviewed on a regular basis.

Amendments to the budget are categorised into the three key types as listed below:

1. Adjustments impacting the budget balance or net position of the City;  
**Nil**
2. Adjustments with no impact on the budget balance; and  
**Items # 1,2,3,4,5,6,7,8,**
3. Adjustments to transfer budget between capital and operating undertakings.  
**Nil**

### Item 1 – Prince Street Laneway Resurfacing

Council approval is sought to add a new project budget valued at \$28,003 for resurfacing works at Prince Street Laneway. Following requests from adjacent business owners for the resurfacing to be completed at the same time as similar works planned. The required funds can be drawn from the Road Asset Renewal Reserve [1058].

**Item 2 - Kershaw Street – Asphalt Overlay SLK 0 to 0.25 (14859)**

This amendment seeks to reduce the 2023/24 budget allocation for Project 14859 - Kershaw Street – Asphalt Overlay SLK 0 to 0.25 by \$18,825. The asphalt overlay was successfully completed under budget. The budget saving in effect offsets project 15103 Prince Street Laneway.

**Item 3 - Artisan Street – Asphalt Overlay SLK 0.02 to 0.16 (14858)**

This amendment seeks to reduce the 2023/24 budget allocation for Project 14858 – Artisan Overlay SLK 0.02 to 0.16 by \$9,178. The project scope was delivered under budget. This budget saving could further offset project 15103 Prince Street Laneway.

**Item 4 – Eagle Bay Boat Ramp Parking Off Fern Road**

Council approval is sought to remove this project from the budget until 2024/25 budget year.

This project was originally staged into two components with the main carpark (stage 1) construction being undertaken in the 2020/21 budget. The project scope and forecasted costs have increased which can be attributed to the site inspections by the Design and Asset Planning Team, additional survey, and consultation with the Residents of Eagle Bay Association (REBA) identified additional requirements, resulting in an increased scope and a design amendment that requires extra fill material and drainage structures. This cannot be delivered with the current budget allocation for this project.

Works will be put on hold and re budgeted for the next financial budget year. Funds to be returned to City Carparking and Access Reserve [1014].

**Item 5 – Eagle Crescent On Road Parking (14876)**

Council approval is sought for additional budget to existing project 14876 – Eagle Crescent on Road Parking valued at \$23,000. The additional funds are required for the realignment of the adjacent footpath with the carpark to suit the current site conditions.

On review of the current project budget, it was identified that this year's allocation is inadequate to deliver the full scope. The project was added during the later stages of the budget development and was to be funded from the City Carparking and Access Reserve. The initial scope included the realignment of the adjacent footpath which was to be funded from the footpath reserve. The late inclusion into the carpark capital project list failed to reflect the footpath allocation requirements. The additional required funds can be sourced from the City Footpath Reserve [1035].

**Item 6a – Causeway Road Shared Path (11986)**

Council approval is sought to incorporate an additional \$75,000 in grant funding revenue which is unaccounted for in the current budget. The grant funding revenue forms part of an overall \$160,000 grant funding allocation secured from the Department of Transport. The construction of a shared pedestrian/bike path along Causeway Road was listed in the previous financial year. The project was delayed due to significant increases in cost, scope and difficult site conditions. However, the City was successful in renegotiating a variation to the grant agreement which allowed for the project to be completed in September of this financial year. The repercussions of the ongoing project delays were not accounted for during budget development and inadvertently caused the exclusion of the project and its grant revenue in the 2023/24 budget.



### **Item 6b – Causeway Road Shared Path (11986)**

This amendment seeks to add budget to the value of \$30,000 to existing project Causeway Road Shared Path. The funds are to cover the cost for additional scope discovered during the construction process.

At the time of the path construction, it became apparent that road drainage from Causeway Road and Koorden Place through Lot 1, 99 Causeway Road into the Public Transport Authority (PTA) reserve was not contained within an easement and had previously caused issues for the adjacent property owner.

To improve the drainage swale through Lot 1 and to stabilise the embankment around the corner fence posts, the existing basins were excavated, swale was connected withing the PTA reserve and a piped crossing was constructed under the shared path. It enables free drainage to the roadways of Causeway Road and Koorden Place and significantly reduces potential for property inundation. The additional budget can be drawn from the City Footpath Reserve [1035].

### **Item 7 – Kaloorup Road Reseal SLK 0.82 to 8.76 (11998)**

Council approval is sought to add budget to existing project 11998 – Kaloorup Road Reseal for the value of \$60,000. Kaloorup Road has been undertaken in four stages by multiple contractors due to funding arrangements. The latest stage – Kaloorup Road Reseal SLK 0.82 - 8.76 has some reseal works being completed under warranty. This amendment is requested to complete additional reseal in sections not included in under warranty to achieve consistency in surfacing and a practical outcome for the entire length of the road. This is consistent with the City's recent approach on Wildwood Road and the upcoming Jalbarragup Road project. The additional funds can be sourced from the Road Asset Renewal Reserve [1058].

### **Item 8 - Cook Street Asphalt Overlay SLK 0.39 to 1.25 (14850)**

This amendment seeks endorsement to reduce the budget for project 14850 – Cook Street Asphalt Overlay by \$60,000. The asphalt overlay was successfully completed under budget. This budget saving could offset project Kaloorup Road Reseal SLK 0.82 to 8.76 (11998), with funds to be returned to the Road Asset Renewal Reserve [1058].

### **Statutory Environment**

Section 6.8 of the *Local Government Act 1995* refers to expenditure from the Municipal fund that is not included in the annual budget. In the context of this report, where no budget allocation exists, expenditure is not to be incurred until such time as it is authorised in advance, by an absolute majority decision of the Council.

### **Relevant Plans and Policies**

There are multiple plans and policies that support the proposed budget amendments, in particular, the Asset Management Plans and the Long Term Financial Plan.

**Financial Implications**

The following table outlines the financial implications.

Item #	(Increase) / Decrease in Operational Revenue	Increase / (Decrease) in Operational Expenditure	(Increase) / Decrease in Capital Revenue	Increase / (Decrease) in Capital Expenditure	Increase / (Decrease) in Reserves and/or Restricted Assets	Increase / (Decrease) in Net Current Position
Item 1	-	-	-	28,003	(28,003)	-
Item 2	-	-	(18,825)	-	18,825	-
Item 3	-	-	(9,178)	-	9,178	-
Item 4	-	-	-	(30,000)	30,000	-
Item 5	-	-	-	23,000	(23,000)	-
Item 6a.	-	-	(75,000)	75,000	-	-
Item 6b.	-	-	-	30,000	(30,000)	-
Item 7	-	-	(60,000)	-	60,000	-
Item 8	-	-	60,000	-	(60,000)	-
	-	-	-	-	-	-
<b>TOTALS</b>	-	-	<b>(103,003)</b>	<b>126,003</b>	<b>(23,000)</b>	-

**External Stakeholder Consultation**

Nil Required

**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 Council could decide not to proceed with any or all the proposed budget amendment requests.

**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
Budget amendment processed	Within one month of Council endorsement

## 11. COMMUNITY PLANNING REPORTS

### 11.1. Application for Development Approval (DA22/0806) - Single House - Lots 41 & 42 Caves Road, Marybrook

<b>Strategic Theme:</b>	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.
<b>Directorate:</b>	Community Planning
<b>Reporting Officer:</b>	Senior Planning Officer – Lezia Ramsden
<b>Authorised By:</b>	Director Community Planning - Paul Needham
<b>Nature of Decision:</b>	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.
<b>Voting Requirements:</b>	Simple Majority
<b>Disclosures of Interest:</b>	No officers preparing this item have an interest to declare.
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Location Plan [<b>11.1.1</b> - 1 page]</li> <li>2. Aerial Photos [<b>11.1.2</b> - 3 pages]</li> <li>3. Revised Development Plans [<b>11.1.3</b> - 4 pages]</li> <li>4. Original Development Plans [<b>11.1.4</b> - 6 pages]</li> <li>5. Bushfire Management Plan [<b>11.1.5</b> - 26 pages]</li> <li>6. Technical Report [<b>11.1.6</b> - 24 pages]</li> <li>7. Site Photos June 2023 [<b>11.1.7</b> - 17 pages]</li> <li>8. Schedule of Submissions [<b>11.1.8</b> - 18 pages]</li> <li>9. Reponse to Submissions Applicant [<b>11.1.9</b> - 10 pages]</li> <li>10. Additional Information Covering Letter [<b>11.1.10</b> - 2 pages]</li> </ol>

Prior to the meeting, Cr Kate Cox 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 considered first.

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

#### **COUNCIL DECISION**

**C2311/170** Moved Cr Kate Cox, seconded Cr Anne Ryan

#### **That the Council determines:**

- 1. That application DA22/0806 submitted for development of a Single House on Lots 41 and 42 Caves Road, Marybrook 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; and**

**2. To refuse to grant development approval for the following reasons:**

- a) It can be reasonably demonstrated that this proposal does not meet the following Design Principles 3.1 – Building Setbacks of the R-Codes. This application fails to satisfy the deemed to comply criteria of the R-Codes by requesting a significant reduction in the East boundary (1.5m instead of the required 7.5m) and West boundary (1.6m instead of the required 7.5m) setbacks. This will result in the bulk of the buildings being located far too close to the neighbouring boundaries and further, the loss of significant areas of native vegetation on these lots which are located wholly within an area of high landscape value.
- b) This site is zone residential R2.5 which subsequently allows for the construction of a single dwelling (1 dwelling per 4000m<sup>2</sup>). This development application could not be considered to be a single dwelling and is therefore inconsistent with the minimum area required per dwelling.
- c) This application does not comply with cl.5.4.2 of LPS 21 as the size and location of the building footprint will require the removal of a substantial amount of native WA Peppermint trees (*Agonis Flexuosa*) which will adversely impact the Western Ringtail Possum habitat. In addition the requirement of additional siteworks and fill of up to 1.4m to achieve the finished floor of 3.4 AHD will also have a significantly detrimental effect on the flora located within these lots.

**CARRIED 7 / 0**

**FOR: Mayor Phill Cronin, Cr Andrew Macnish, Cr Jarrod Kennedy, Cr Anne Ryan,  
Cr Jodie Richards, Cr Kate Cox, and Cr Sue Riccelli**

**AGAINST: Nil**

Reasons: The proposed development does not adhere to the required setbacks as specified in the Design Principles and the single dwelling is functionally capable of being characterized as two separate buildings. A comprehensive flora and fauna survey has not been undertaken for the site.

**OFFICER RECOMMENDATION**

That the Council determines:

1. That application DA22/0806 submitted for development of a Single House on Lots 41 and 42 Caves Road, Marybrook 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. 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 Satisfactory arrangements shall be made with the City of Busselton for Lot 41 (570) and Lot 42 (572) Caves Road, Marybrook to be amalgamated.
  - 3.2 Details of stormwater and surface water drainage. Stormwater to be retained for use and/or infiltration within the lot at a rate of 1m<sup>3</sup> per 65m<sup>2</sup> of impervious area.
  - 3.3 A schedule of the final materials, finishes and colours, the schedule shall include details of the type of materials proposed to be used, including their colour and texture.
  - 3.4 A notification in the form of a section 70A notification, pursuant to the Transfer of Lands Act 1893 (as amended) is to be placed on the Certificate of Title of the lot advising that:

*"This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years"*

*"This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner. The approval of the Single House is conditional upon the details contained within the Bushfire Management Plan (BMP)"*

A copy of the Certificate of Title with section 70A notification registration against it, or a Landgate lodgement receipt, is to be submitted to the City.

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 2 and 3 have been implemented and the following conditions with:
  - 4.1 The redundant vehicle crossover to be removed and the verge reinstated with landscaping to the specifications of the local government.

#### ONGOING CONDITIONS:

5. The works undertaken to satisfy Condition 3 and 4 shall be subsequently maintained for the life of the development.

#### EXECUTIVE SUMMARY

The City has received an application for development approval for a proposed Single House at Lots 41 and 42 Caves Road, Marybrook. Due to the nature of a submission received, the application is being presented to Council for determination; rather than being determined by City officers acting under delegated authority.

During the assessment of the application, the following issues that require consideration have been raised in relation to the application:

- Variation to the Deemed-to-Comply element of *State Planning Policy 7.3 Residential Design Codes (R-Codes)*; and
- Land use consideration.

Having considered the application, including submissions received, it is considered that the application is generally consistent with the City of Busselton *Local Planning Scheme No.21* ("Scheme") and the broader, relevant planning framework.

The applicant has amended the development plans to remove the previously advertised nil boundary wall for the garage on the eastern boundary and increased the setback to a minimum of 1.5m.

It is recommended that the application be approved, subject to appropriate conditions.

#### STRATEGIC CONTEXT

The most important strategic context for this proposal is set out in the City's Coastal Hazard Risk Management and Adaptation Plan (CMRMAP) (See Relevant Plans and Policies below).

#### BACKGROUND

The subject site (Site) is Lots 41 and 42 Caves Road and is zoned 'Residential' under the Scheme with a density coding of R2.5.

To the north of the Site is a coastal foreshore reserve, to the south is Caves Road (Primary Distributor (Main Roads WA)) and beyond Caves Road is Four Seasons Caravan Park and wetlands. To the west of the Site are undeveloped existing beach shacks and to the east is redeveloped residential dwellings (Attachment 11.1.2- Aerial Photos).

The Site contains an existing dwelling, incidental structures, a building frame for a dwelling refurbishment which was previously approved to be developed (but is incomplete), established mature *Agonis flexuosa* (WA Peppermint Trees), native shrubs and planted non-native vegetation (Attachment 11.1.2 - Aerial Photos; and Attachment 11.1.7 Site Photos).

The eastern portion of the Site is bound by an established boundary fence supported by substantial retaining to support the adjoining two storey dwelling (Attachment 11.1.7 - Site Photos).

The western portion of the Site is open with no defined lot boundary except for a surveyor's site peg demarcating the boundary.

The Site is low-lying behind the dune system of R25150 to the north. Between the street and rear boundary varies in Natural Ground Level (NGL) with contour depressions as low as 2.0 Australian Height Datum (AHD) and an average height of 2.8AHD within the Site (Attachment 11.1.3 - Revised Development Plans). Australian Height Datum is the official vertical measurement of metres above sea level.

The Site has two vehicle access (one each per lot).

### Proposal

The applicant has submitted a proposal for a Single House. The Single House consists of two structures; to the east is the main living area and to the west a minor sleeping accommodation; functioning together as a Single House (Attachment 11.1.3 - Revised Development Plans). A Single House is defined in the Residential Design Codes:

**Single house** means ‘A *dwelling* standing wholly on its own green title or survey strata lot, together with any easement over adjoining land for support of a wall or for access or services and excludes dwellings on titles with areas held in common property.’

**Dwelling** means ‘A *building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family.*’

The development is proposed over two lots (41 and 42 Caves Road) owned by the same landowner. As part of this application the proposal includes the intention to apply to the Western Australian Planning Commission (WAPC) to amalgamate the lots together to create one lot with an area of 4696m<sup>2</sup> and one vehicle crossover to Caves Road.

The proposed house is single storey; however, requires additional fill to achieve the required Finished Floor Level (FFL) to address coastal inundation (Attachment 11.1.6 -Technical Report). The required FFL for the Site is 3.4 AHD which results in site works of up to 1.4m. The maximum building height from NGL is 5.3m with an average building height of 4.3m (Attachment 11.1.3 – Revised Development Plans).

The Single House design proposes a main structure with a 1.5m setback to the eastern lot boundary with various articulations and breaks in the 25.49m wall length and a 14.6m garage wall length with a 1.6m setback to the boundary. The minor sleeping accommodation is setback 1.5m (minimum) from the western lot boundary with various articulations and breaks in the 27.13m wall length.

A location plan and development plans are provided at Attachment(s) 11.1.1 and 11.1.3 respectively.

### **OFFICER COMMENT**

The following aspects of the development are considered relevant for further discussion and consideration in determining this application:

1. Variation to the Deemed-to-Comply element of the R-Codes; and
2. Land use consideration – Single House (two structures).

The Technical Officers Report provides the assessment of the relevant planning framework (Attachment 11.1.6 -Technical Report refers). Key elements of that assessment are outlined below.

### State Planning Policy 7.3 Residential Design Codes

The R-Codes is a State Planning Policy that controls residential development within the state of Western Australia. The document is a dual pathway tool to consider residential development: Deemed-to-Comply; and Design Principles.

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.

In this instance the following discretions following the deemed-to-comply criteria of the R-codes have not been met (and therefore require consideration against relevant Design Principles):

- Clause 5.1.3 Lot Boundary setback.
  - o West - 1.5 metre setback (deemed-to-comply 7.5 metre); and
  - o East – 1.6 metre boundary setback (garage) and 1.5m setback (dwelling) (deemed-to-comply 7.5m).

The relevant Design Principles for 5.1.3 are as follows:

- P3.1 Building setback from lot boundaries or adjacent buildings on the same lot so as to:*
- *Reduce impacts of building bulk on adjoining properties;*
  - *Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and*
  - *Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.*

The proposed design is single storey with building height that does not exceed 5.3m from Natural Ground Level (NGL). The proposed design initially will create change for the adjoining property as the lot has been undeveloped for a prolonged period. The context of the locality is characterised as coastal with large built forms and building bulk. The proposal is a conservative design, single storey with proposed setback in character with the surrounding properties.

While the Site and surrounding area is zoned Residential with a density of R.25 it is noted that the lots do not meet the minimum lot area of 4000m<sup>2</sup>, with the majority being 2000m<sup>2</sup> average. While the surrounding area, has a density of R2.5, many are not developed in a manner that is generally expected of a R2.5 area (Attachment 11.1.2 - Aerial Photos). Most of the redeveloped dwellings in



the surrounding lots are double storey and occupy both side boundaries of the lot, with manicured gardens, generous internal vehicles access and vista views of the coastal dunes and Indian oceans. The below table (Table 1) states the established side setback of the surrounding properties.

The reason for the R2.5 density coding is to prevent further subdivision. An unintended effect is that nearly all existing or proposed dwellings are unable to meet the deemed-to-comply side setback.

Table 1: Surrounding Properties Side Setback Distances		
Surrounding Properties - East	West Setback (m)	East Setback (m)
Lot 43 – Adjoining	1.5	1.5
Lot 46	1.7	3.4
Lot 47	3	3
Lot 32 (beach shack)	5	10
Lot 27	3	7
Lot 28	2.3	1
Lot 29	3.7	1

Surrounding Properties - West	West Setback (m)	East Setback (m)
Lot 40 (beach shack)- Adjoining	2	4
Lot 39 (beach shack)	6	6
Lot 802	0.5	1.6
Lot 801	8	0.5
Lot 800	3	2

*(The above setbacks are measure both from aerial mapping and City records)*

Furthermore, it is considered that there will be limited impact to the adjoining properties amenity as the development is low scale single story residential development within a coastal residential area. The design includes various breaks in the wall lengths and articulations to reduce building bulk.

The proposal has minimal impact to the existing streetscape as the development will require minimal vegetation removal in the southern, non-developed, portion of the Site. In addition, the proposed design complies with *Part 5.4.1 Visual Privacy Deemed-to-Comply* requirements.

Therefore, it is considered that the proposed design demonstrated the relevant Design Principles.

#### Land use Consideration

There is no set criteria to work through to determine a single house or grouped dwelling or ancillary dwelling. Each instance will require an evaluative judgement on the application [*Corp and Town of Cambridge [2019] WASAT 65*].

The proposal is for a Single House to be used by the occupier once constructed. It is noted that the development is two structures; A main dwelling and separate sleeping accommodation. The function of the sleeping accommodation is reliant on the main dwelling and significantly smaller in size with only bedrooms, bathroom and living area.

The argument that the sleeping accommodation could be retrofitted to be used independently as a dwelling, is not a relevant planning consideration. As potential non-compliance against the Development Approval (Conditions) or Scheme is a matter to be considered at the time if a non-compliance has occurred.

### **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. An assessment against the relevant elements of clause 67 is discussed in Attachment 11.1.6 -Technical Report.

#### ***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 Part 5 – Coastal Management Area which sets out the specific development controls of the coastal management area. It is proposed for the incidental development to encroach into the management area (decking), which would be constructed separately to not jeopardise the structural integrity of the dwelling. The consideration has been discussed in Attachment 11.1.6 -Technical Report.

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 11.1.6 -Technical Report.

### **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.' The compliance of the proposal with the requirements of the SPP3.7 has been discussed in Attachment 11.1.6 -Technical Report.

#### **State Planning Policy 2.6 - Coastal Planning (SPP 2.6)**

SPP 2.6 directs how land use and development should address coastal hazard risk management and adaptation planning guidelines. The compliance of the proposal with the requirements of the SPP2.6 has been discussed in Attachment 11.1.6 -Technical Report.

## **Coastal Hazard Risk Management and Adaptation Plan (CHRMAP)**

The CHRMAP is to identify areas and assets that could be potentially impacted by coastal erosion and inundation hazards (over the next years), due to storm events and currently projected sea level rise and makes recommendations about how the City's is to respond to those challenges. The relevant *Management Unit 08A –Marybrook West* has been discussed in Attachment 11.1.6 - Technical Report. In summary, the CHRMAP recommends development of an integrated coastal protection strategy for this section of the coast for coastal erosion hazard, and an accommodate strategy for coastal inundation hazard, with the minimum floor level of new development being set at a level above the design coastal flooding scenario. The proposal is consistent with the recommendations of the CHRMAP.

Scoping, design and costing work to in the future implement an integrated coastal protection strategy for this section of the coast is underway, in part utilising funds granted by the State Government through a programme administered by DPLH. DPLH was also involved in the development of the CHRMAP itself, both as part of the project steering group and as a funding partner. The CHRMAP was also referred to the Western Australian Planning Commission (WAPC) for their consideration post final adoption by the Council, with the WAPC noting the final adoption of the document.

In the context of the above, the submission from DPLH is somewhat concerning and quite confusing. City officers have taken up the matter with senior policy staff at DPLH to ensure that future submissions from that agency reflect the relevant planning framework, and do not include recommendations that do not have a clear planning rationale.

## **Local Planning Policy No.1.5 Coastal Setback (LPP 1.5)**

LPP 1.5 sets direction on low rise development residential character and reduce dominance of the built form in the coastal setting. LPP 1.5 has been discussed in Attachment 11.1.6 -Technical Report.

### **Financial Implications**

Not Applicable.

### **External Stakeholder Consultation**

The application was referred to both government agencies and adjoining landowners from the 26 July 2023 to 18 August 2023.

The City received submissions from:

- Department of Planning, Lands and Heritage (DPLH);
- Department of Biodiversity, Conservation and Attractions (DBCA); and
- B Gould, Marybrook (provided 3 submissions prepared by various parties).

The schedule of submissions and officer's comment are discussed in Attachment 11.1.8.

### **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:

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

**11.2. DA21/0659 - Vacant Land (Bulk Fill of Future Subdivision) Special Control Area**

<b>Strategic Theme:</b>	Key Theme 1: Environment 1.1 Ensure protection and enhancement of environmental values is a central consideration in land use planning 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.
<b>Directorate:</b>	Community Planning
<b>Reporting Officer:</b>	Major Development and Subdivision Officer – Andrew Watts
<b>Authorised By:</b>	Director Community Planning - Paul Needham
<b>Nature of Decision:</b>	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.
<b>Voting Requirements:</b>	Simple Majority
<b>Disclosures of Interest:</b>	No officers preparing this item have an interest to declare.
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. DA21-0659 - Location Plan [<b>11.2.1</b> - 1 page]</li> <li>2. DA21-0659 Plans - Vacant Land (Bulk Fill of Future Subdivision) Broadwater Boulevard Broadwater [<b>11.2.2</b> - 5 pages]</li> <li>3. DA21-0659 - Applicant Cover Letter [<b>11.2.3</b> - 6 pages]</li> <li>4. Geotechnical Study Proposed Residential Subdivision Lot 9003 Broadwater Blvd, Broadwater [<b>11.2.4</b> - 94 pages]</li> <li>5. DA21-0659 - City recommended Site Plan of reduced development area [<b>11.2.5</b> - 1 page]</li> <li>6. D A 21 0659 Summary of Submissions v 1 [<b>11.2.6</b> - 9 pages]</li> </ol>

The officer recommendation was moved and carried.

**COUNCIL DECISION**

**C2311/171** Moved Cr Anne Ryan, seconded Cr Kate Cox

**That the Council determines:**

- A. That application DA21/0659 submitted for Use Not Listed (Bulk Fill) Special Control Area at Lot 9003 Broadwater Boulevard, Broadwater is generally consistent with Local Planning Scheme No. 21 and the objectives of the zone within which it is located; and**
- B. 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, if not substantially commenced within this period, the approval will lapse and be of no further effect.**

- 2. The filling of land to design lot levels and implementation of post works conditions must be completed within three years of the date of this Decision Notice.**
- 3. The owner must ensure that the development hereby approved is undertaken in accordance with the Approved Development Plans (Attachment 2) including any conditions placed thereon by the City.**

**PRIOR TO COMMENCEMENT OF ANY WORKS CONDITIONS:**

- 4. 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:**
  - 4.1 Revised plans to show –**
    - a. The extent of excavation, backfilling and final levels;**
    - b. A reduced fill area footprint consistent with that depicted on Attachment 5, to avoid works intersecting with Aboriginal Heritage Sites, Drainage Easements and areas of significant vegetation; and**
    - c. Removal of the proposed western crossover adjacent to Lot 700 (114) Broadwater Boulevard.**
  - 4.2 A Dust Management Plan, which shall identify measures to be carried out prior to, during and following the undertaking of the works.**
  - 4.3 An Acid Sulfate Soils Management Plan.**
  - 4.4 Details of haul route and Traffic Management Plan that addresses the following:**
    - a. Maximum number of truck movements per day;**
    - b. Type of trucks to be used for haulage;**
    - c. Traffic management/control measures to be in place during haulage; and**
    - d. Confirmation in writing from the relevant provider of the school bus service within the area confirming the route and times of any school buses along any proposed haulage route within the City.**
  - 4.5 Details of the proposed crossover. The construction of the crossover shall be agreed to with the City, shall ensure that adequate sightlines are achieved and be sized sufficiently to accommodate the swept path of the largest vehicle expected to be used for haulage.**
  - 4.6 A Noise Management Plan and Vibration Management Plan.**
  - 4.7 A Pre-works Geotechnical and Hydrological Report, which shall identify maximum winter and typical summer groundwater levels, maximum depth of excavation and when excavation may occur.**
  - 4.8 A schedule providing intended daily import volumes, number of truck movements and vehicle types.**
  - 4.9 A \$5000 Dust Bond in the form of an unconditional bank guarantee which shall be**

held against satisfactory compliance with Condition No. 4.2.

- 4.10 A Condition Report to be prepared by the owner/applicant along the haulage route between Bussell Highway and the development site.**

The Condition Report must include photographic evidence, which may include dash camera footage, of the road conditions immediately prior to works and at the time the final report is prepared.

- 4.11 Further to condition 4.10 above, any damage caused to the haulage route subject to the Condition Report required under condition 4.10 above shall be repaired to the same standard as specified within the Condition Report (i.e. the standard of the haulage route immediately prior to the commencement of haulage) in accordance with the City's technical specifications. All associated works shall be at the full cost of the owner and to the satisfaction of the City.**

- 4.12 Further to Condition 4.2, 4.9, 4.10 and 4.11 above, an executed legal agreement with the City (with the costs of preparation of that agreement being borne by the owner or nominee). The legal agreement shall provide for:**

- a. The ability for the City to be able to use the Dust Bond, or part of the Dust Bond as appropriate, and any costs to the City including administrative costs of completing or rectifying any outstanding works in accordance with the conditions of this development approval and any further costs; and
- b. Written authorisation from the owner of the land that the City may enter the site at any time and permit the City to complete or rectify any outstanding work to the satisfaction of the City; and
- c. If at any time any part of the Dust Bond is called upon, used or applied by the City in accordance with the legal agreement, the restoration of the Dust Bond to the full amount required by these conditions; and
- d. Securing the obligations arising pursuant to conditions 4.10 and 4.11; and
- e. Lodging a caveat over the site to secure the City's interest.

**ONGOING CONDITIONS:**

- 5. The owner must ensure that the plans, details and works undertaken to satisfy Conditions 1, 2, 3 and 4 are implemented and maintained to the satisfaction of the City for the life of the development and, in addition, the following conditions must be complied with:**

- 5.1 Further to condition 4.4 d), the trucks are not to be on the approved haulage route that is also a school bus route 15 minutes prior and 15 minutes after the confirmed times that the school bus is along that route on a school day.**

- 5.2 Working hours within the site, including in respect of use of any vehicle or machinery or the transportation of materials, shall be restricted to the hours between:**

- a) 7.00am and 6.00pm Mondays to Fridays; and
- b) At no time on Saturdays, Sundays or Public Holidays.

**POST WORKS CONDITIONS:**

6. Subsequent to completion of filling of the land as approved by this development approval, the following works or provision of information is to be completed to the satisfaction of the City:

- 6.1 Within 30 days of the works to fill the land being completed, the applicant is to submit as-constructed data (being a topographic survey demonstrating final fill levels) including a post-works Geotechnical Report.

**CARRIED 7 / 0**

**FOR: Mayor Phill Cronin, Cr Andrew Macnish, Cr Jarrod Kennedy, Cr Anne Ryan,  
Cr Jodie Richards, Cr Kate Cox, and Cr Sue Riccelli**

**AGAINST: Nil**

**EN BLOC**

**OFFICER RECOMMENDATION**

That the Council determines:

- A. That application DA21/0659 submitted for Use Not Listed (Bulk Fill) Special Control Area at Lot 9003 Broadwater Boulevard, Broadwater is generally consistent with Local Planning Scheme No. 21 and the objectives of the zone within which it is located; and
- B. 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, if not substantially commenced within this period, the approval will lapse and be of no further effect.
2. The filling of land to design lot levels and implementation of post works conditions must be completed within three years of the date of this Decision Notice.
3. The owner must ensure that the development hereby approved is undertaken in accordance with the Approved Development Plans (Attachment 2) including any conditions placed thereon by the City.

**PRIOR TO COMMENCEMENT OF ANY WORKS CONDITIONS:**

4. 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:
  - 4.1 Revised plans to show –
    - a) The extent of excavation, backfilling and final levels;



- b) A reduced fill area footprint consistent with that depicted on Attachment 5, to avoid works intersecting with Aboriginal Heritage Sites, Drainage Easements and areas of significant vegetation; and
  - c) Removal of the proposed western crossover adjacent to Lot 700 (114) Broadwater Boulevard.
- 4.2 A Dust Management Plan, which shall identify measures to be carried out prior to, during and following the undertaking of the works.
- 4.3 An Acid Sulfate Soils Management Plan.
- 4.4. Details of haul route and Traffic Management Plan that addresses the following:
- a) Maximum number of truck movements per day;
  - b) Type of trucks to be used for haulage;
  - c) Traffic management/control measures to be in place during haulage; and
  - d) Confirmation in writing from the relevant provider of the school bus service within the area confirming the route and times of any school buses along any proposed haulage route within the City.
- 4.5 Details of the proposed crossover. The construction of the crossover shall be agreed to with the City, shall ensure that adequate sightlines are achieved and be sized sufficiently to accommodate the swept path of the largest vehicle expected to be used for haulage.
- 4.6. A Noise Management Plan and Vibration Management Plan.
- 4.7. A Pre-works Geotechnical and Hydrological Report, which shall identify maximum winter and typical summer groundwater levels, maximum depth of excavation and when excavation may occur.
- 4.8. A schedule providing intended daily import volumes, number of truck movements and vehicle types.
- 4.9 A \$5000 Dust Bond in the form of an unconditional bank guarantee which shall be held against satisfactory compliance with Condition No. 4.2.
- 4.10 A Condition Report to be prepared by the owner/applicant along the haulage route between Bussell Highway and the development site.
- The Condition Report must include photographic evidence, which may include dash camera footage, of the road conditions immediately prior to works and at the time the final report is prepared.
- 4.11 Further to condition 4.10 above, any damage caused to the haulage route subject to the Condition Report required under condition 4.10 above shall be repaired to the same standard as specified within the Condition Report (i.e. the standard of the haulage route immediately prior to the commencement of haulage) in accordance with the City's technical specifications. All associated works shall be at the full cost of the owner and to the satisfaction of the City.

- 4.12 Further to Condition 4.2, 4.9, 4.10 and 4.11 above, an executed legal agreement with the City (with the costs of preparation of that agreement being borne by the owner or nominee). The legal agreement shall provide for:
- a) The ability for the City to be able to use the Dust Bond, or part of the Dust Bond as appropriate, and any costs to the City including administrative costs of completing or rectifying any outstanding works in accordance with the conditions of this development approval and any further costs; and
  - b) Written authorisation from the owner of the land that the City may enter the site at any time and permit the City to complete or rectify any outstanding work to the satisfaction of the City; and
  - c) If at any time any part of the Dust Bond is called upon, used or applied by the City in accordance with the legal agreement, the restoration of the Dust Bond to the full amount required by these conditions; and
  - d) Securing the obligations arising pursuant to conditions 4.10 and 4.11; and
  - e) Lodging a caveat over the site to secure the City's interest.

**ONGOING CONDITIONS:**

5. The owner must ensure that the plans, details and works undertaken to satisfy Conditions 1, 2, 3 and 4 are implemented and maintained to the satisfaction of the City for the life of the development and, in addition, the following conditions must be complied with:
- 5.1 Further to condition 4.4 d), the trucks are not to be on the approved haulage route that is also a school bus route 15 minutes prior and 15 minutes after the confirmed times that the school bus is along that route on a school day.
  - 5.2 Working hours within the site, including in respect of use of any vehicle or machinery or the transportation of materials, shall be restricted to the hours between:
    - a) 7.00am and 6.00pm Mondays to Fridays; and
    - b) At no time on Saturdays, Sundays or Public Holidays.

**POST WORKS CONDITIONS:**

6. Subsequent to completion of filling of the land as approved by this development approval, the following works or provision of information is to be completed to the satisfaction of the City:
- 6.1 Within 30 days of the works to fill the land being completed, the applicant is to submit as-constructed data (being a topographic survey demonstrating final fill levels) including a post-works Geotechnical Report.

**EXECUTIVE SUMMARY**

The City has received a development application for a proposal for placement of bulk fill on an approximately 1.4Ha portion of Lot 9003 Broadwater Boulevard, Broadwater to facilitate the future land use intentions of the property owner to subdivide the land for the creation of residential lots.

Due to the nature of the issues requiring consideration and raised during the referral process, the application is being presented to Council for determination, rather than being determined by City officers acting under delegated authority.

Having considered the application, including submissions received in relation to the application, it is considered that the application is generally consistent with the City of Busselton Local Planning Scheme No. 21 (Scheme) and the broader, relevant planning framework.

It is therefore recommended that the application be approved, subject to conditions.

## STRATEGIC CONTEXT

In accordance with the City's Strategic Community Plan the application is considered in the context of ensuring protection and enhancement of environmental values is a central consideration in land use planning.

## BACKGROUND

Lot 9003 is vacant land located on the southern side of Broadwater Boulevard extending from opposite Milkman Avenue through to a point halfway between Darter Street and Lorikeet Loop. Lot 9003 is partly zoned 'Residential' and partly Recreation Reserve. The Scheme maps also show the lot as being subject to Special Control Areas for Wetland, Floodway and Landscape Value. The land is subject to the Broadwater Structure Plan – Precinct 1 approved by the WA Planning Commission in June 2005, which like the Scheme identifies the area as suitable for some level of future residential development.

The portion of land subject of the development application is located at the western end of Lot 9003, is zoned Residential and coded R20 pursuant to City of Busselton Local Planning Scheme No. 21 (LPS 21). The area intended to be filled is also included in the Wetland Special Control Area, though is outside the Floodway and Landscape Value Area affected portions of the Lot.

The northern side of the proposed development area intersects with both a drainage easement in the favour of the City and a lodged Aboriginal Heritage site which is located in a similar area to the easement.

The applicant proposes to undertake surcharging and filling of the site forward of subdivision works as it is their view that the time required (approx. 36 months) for settlement and testing of surcharge fill is too long for all subdivision works to be completed within the four-year period of a typical WAPC subdivision approval.

The applicant has summarised the proposed works as follows -

- *Construct sealed crossovers, culvert crossing to existing drainage lines and gravel driveways in the east and west;*
- *Install rural fences and gates for construction safety and site security in the east and west (site is currently subject to trespass and illegal dumping of unsuitable soil, rubbish and green waste);*
- *Remove existing illegally dumped rubbish and green waste, strip and remove all vegetation and topsoil from the site, including removal of all roots (topsoil and other unsuitable material to be disposed of off-site or stockpiled for re-use in stabilisation);*
- *Excavate the site as required to create a level surface;*
- *Redrill and install wick (vertical) drains at required spacings, if and where required;*
- *Install settlement monitoring plates;*
- *Place permanent fill to the required design levels using approved fill, placed and compacted in layers of no greater than 300 mm loose thickness;*

- *Grade and stabilise fill with either hydro-mulch or appropriate layer of topsoil (hydro-mulch is typical for surcharging so as not to compromise / contaminate fill); and*
- *Remove surcharge fill after required consolidation settlement has been achieved (likely once subdivision approval is granted for residential lots over this western portion), then compact the exposed finished surface level to the required depth.*

## **OFFICER COMMENT**

The proposed filling of vacant land does not constitute a change of land use, however the proposed works cannot be undertaken without the City exercising discretion to grant development approval.

A development application that is proposing earthworks ahead of seeking subdivision approval from the WAPC is somewhat unusual, however it is not unprecedented. In recent years development applications for bulk earthworks ahead of subdivision approval have been submitted and granted at Port Geographe (Newport), Dunsborough Lakes and Embark Estates.

The subject land has been zoned Residential and identified on the Broadwater Precinct 1 Structure Plan for future subdivision development since 2005. As a result of approximately 18 years having passed since rezoning and structure plan approval, many in the community have not previously had the opportunity to make comment on the inclusion of Lot 9003 (or portions of) in a zone that allows for urban development.

Once residential zoning is in place and a structure plan approved, however, there is no provision for public comment through the subsequent WAPC subdivision application process. Had the applicant applied for subdivision approval to the WAPC, rather than first submitting a development application to the City, no further community consultation process would take place. Whilst an opportunity to comment on the details of this particular proposal has been afforded to the community, because the more fundamental zoning decision has already been made, the Council, and therefore the community, are not involved in making a decision about the ultimate development potential of the land through this development application process.

In assessing the proposal, consideration is given to the potential impacts of the development and whether they can be suitably mitigated. The referral process highlighted a number of concerns relating to noise, dust, vibration, traffic management, vegetation clearing, impact on fauna and proximity to Aboriginal Heritage sites.

### **Environmental concerns**

Concern has been raised in most of the public submissions that the proposed development will have a detrimental impact on the Broadwater wetland area and the native wildlife that inhabit it. Anecdotally the site is home to a variety of water birds, quendas, western ringtail possums, long neck tortoises, lizards, snakes, and native frogs.

The proposed fill area, although near to the mapped Environmentally Sensitive Area (ESA) associated with the Broadwater wetland, does not intersect with the ESA.

The north western and north eastern part of the proposed filling area includes a number of mature melaleuca (paperbark) trees. Clearing of vegetation was a concern raised through the referral process by both surrounding landowners and in DBCA (Department of Biodiversity, Conservation and Attractions) referral comments.

DBCA and DPLH (Department of Planning, Lands and Heritage) officers have previously met on site to discuss avoidance of impact on large trees, mainly paperbarks. DBCA advised there should be room from the surcharge/fill perimeter to ensure embankment fill does not affect tree roots and that minimal adjustment of boundaries will protect the few trees that appear very close to the indicated boundary as shown on the submitted development plan.

The treed area north west, north and north east of the proposed surcharge area is mapped as very high habitat quality for the critically endangered Western Ringtail Possum. Provided there is no impact upon trees, DBCA advise it is expected there will be no impact on known threatened fauna in this locality. DWER advise that should any vegetation be proposed to be cleared from the site the proponent is to be advised that a clearing permit is required Under section 51C of the *Environmental Protection Act 1986* as there are no applicable exemptions.

Acid sulfate soils (ASS) risk mapping indicates that the site is located within an area identified as representing a high to moderate risk of ASS occurring within 3 metres of the natural soil surface. Due to the moderate risk of ASS occurring within 3 metres of the natural soil surface, DWER have recommended that an advice note accompany any approval of works over the site advising that the applicant should refer to Department of Water and Environmental Regulation's (DWER) acid sulfate soil guidelines for information to assist with the management of ground and/or groundwater disturbing works. Officers recommend inclusion of a requirement for the preparation and approval of an Acid Sulfate Soils Management Plan.

### **Traffic Management**

The proposed western crossover located immediately adjacent to Lot 700 (No.114) Broadwater Boulevard conflicts with an existing pram ramp providing pedestrian access to the public footpath running along the southern side of the street. Officers consider that the western crossover is not acceptable due to the impact on pedestrian convenience and safety, need for removal of trees and the impact of truck movements on the amenity of the residents immediately adjacent.

Should the development proposal be approved, a condition requiring a Traffic Management Plan to address the safe movement of trucks in and out of the site is recommended, as well as conditions controlling permitted truck movement times to avoid conflict with school buses and to reduce potential impacts on residential amenity.

### **Dust, Noise and Vibration Management**

Part 2 of the City's *Dust and Building Control Local Law 2010* stipulates that –

*“An owner or occupier of land must take effective measures to—*

*(a) stabilise dust on the land;*

*(b) ensure that no dust is released or escapes from the land whether by means of wind, water or any other cause; ....”*

The above local law requirements is applicable to all land regardless of whether there are earthworks or other development being undertaken or whether it is vacant land.

The proposed works are likely to generate dust that depending on weather conditions will, if unmanaged, cause an impact to the amenity of surrounding residential properties. Part 3 of the local law relates to the requirement for approval of a 'Dust Management Plan' for 'dust generating developments'. Development that involves or may involve a significant risk of the release or escape of dust affecting adjoining land, is considered to be a dust generating development.

Should the application be approved a condition of approval is recommended requiring the submission and approval of a dust, noise and vibration management plan which incorporates measures to mitigate the risk of dust generation and manage where required, adopting measures in accordance with the DEC (DWER) 2011 Guideline for Managing the Impacts of Dust and Associated Contaminants from Land Development Sites, Contaminated Sites Remediation and other Related Activities to manage impacts.

### **Aboriginal Heritage Site**

City mapping indicated the area of the site proposed to be filled is over a lodged Aboriginal Heritage site. Upon referral to the Aboriginal Heritage section of DPLH, it was confirmed that the proposed works intersect with more than one Heritage site and if the proponent wishes to conduct any ground disturbing activities within the boundary of Aboriginal Heritage sites or places, approvals under the *Aboriginal Heritage Act 1972* are required.

The area of the site that intersects with Aboriginal Heritage sites closely corresponds to the area that is also subject of a drainage easement. Officers do not support any filling of land within the boundaries of the drainage easement or that conflicts with an Aboriginal Heritage Site.

Officers recommend that the development area for any approved filling and/or future subdivision developments should be reduced to avoid all recognised Aboriginal Heritage sites and the drainage easement area.

### **Statutory Environment**

The key statutory environment is set out in the City of Busselton Local Planning Scheme 21 (Scheme), the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations), Schedule 2 of which is the 'deemed provisions', which also functionally form part of the Scheme. The key aspects of the Scheme and Regulations relevant to consideration of the application are set out below.

### **Zoning**

The development site is zoned 'Residential'. The objectives of the 'Residential' zone are as follows:

- a. To provide for a range of housing and a choice of residential densities to meet the needs of the community.
- b. To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.
- c. To provide for a range of non-residential uses, which are compatible with and complementary to residential development.

The proposal is considered to satisfy the objectives of the zone.

## Land-use and permissibility

The development is not proposing a change of land use, only works pursuant to Schedule 2, Part 7, clauses 60 and 61 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions)*.

In accordance with clause 60 of the of the deemed provisions –

*A person must not commence or carry out any works on, or use, land in the Scheme area unless –*  
*(a) the person has obtained the development approval of the local government under Part 8; or*  
*(b) development approval is not required for the development under clause 61.*

Development approval is required as it is not exempt under clause 61.

As the proposal is not for a land use the Zoning table of the scheme does not provide guidance on permissibility. Development of works only is therefore at the discretion of the decision maker to approve or refuse based on relevant planning considerations.

## Matters to be considered

Clause 67 of the deemed provisions within the Regulations sets out ‘matters to be considered’ by a local government in considering an application for development approval. The following matters are relevant to consideration of this application:

- (d) any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);*
- (g) any local planning policy for the Scheme area; (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance;*
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance;*
- (n) the amenity of the locality including the following –*
  - (i) environmental impacts of the development;*
  - (ii) the character of the locality;*
  - (iii) social impacts of the development;*
- (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;*

- (s) *the adequacy of —  
(i) the proposed means of access to and egress from the site; and  
(ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) *any submissions received on the application;*

### **Relevant Plans and Policies**

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

Plan:

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

[City of Busselton Local Planning Strategy 2019](#)

Policy:

Not applicable.

### **Financial Implications**

Not Applicable

### **External Stakeholder Consultation**

Clause 64 of the deemed provisions sets out circumstances in which an application for development approval must be advertised and sets out the means by which applications may be advertised.

The purpose of public consultation is to provide an opportunity for issues associated with a proposed development to be identified by those who potentially may be affected. A development application should not be approved or refused based on the number of submissions it receives, for or against, rather all applications must be determined on the merits of the proposal, including consideration of any relevant planning issues raised through consultation.

The application was open for submissions for a period of 28 days closing 5 November 2021. The application was advertised in the following manner:

1. Information regarding the application was posted on the City's website;
2. A portal was created using the City's YourSay platform for the online lodgement of submissions;
3. Letters were sent to the landowners and occupiers of every property within 200m of the site; and
4. A notice was placed in a local newspaper for four consecutive weeks.



Submissions were received from a total of 21 people. Four submissions received were in support of the proposal and 17 were objecting. A schedule of submissions is provided as Attachment 5. The schedule identifies who submissions were received from and summarises the submissions.

The relevant concerns raised within the submissions can generally be grouped as follows:

- Concerns regarding impact on the wetland and native wildlife;
- Concerns regarding traffic impact of trucks accessing the site;
- Concern with pedestrian safety of the proposed western crossover;
- Encroachment onto indigenous heritage site;
- Additional development will spoil the tranquil amenity of the area; and
- Concerns regarding construction noise and vibration impact upon residential amenity and causing damage to existing houses.

Reasons given in support of the proposal were as follows:

- Development of the land will prevent the current nuisance of people using the land for 4x4 driving;
- Development will help prevent illegal rubbish dumping; and
- It was understood that the land would be developed in the future to cater for housing demand.

In addition to the above, the application was referred to DWER, DBCA and DPLH Aboriginal Heritage. These agencies' comments are also provided within Attachment 5.

### **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 to the City are considered to be the potential reputational and environmental risk that may arise if the Site is not managed in a manner consistent with the conditions of approval. Mitigation of that risk requires proactive and appropriately resourced compliance activity.

### **Options**

As an alternative to the proposed recommendation the Council could:

1. Resolve to approve the application with additional or different conditions;
2. Resolve to refuse the application and provide reasons for such a decision; or
3. Resolve to seek further information before making a decision.

### **CONCLUSION**

For the reasons discussed above, it is recommended that the development application be approved subject to appropriate development 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 determination notice to the applicant.	Within two weeks of Council decision.

**11.3. 2023/2024 Community Assistance Program Round 2 Outcomes**

<b>Strategic Theme:</b>	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.
<b>Directorate:</b>	Community Planning
<b>Author</b>	Community Development Officer – Jessica Watts
<b>Authorised By:</b>	Director Planning and Development Services - Paul Needham
<b>Nature of Decision:</b>	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
<b>Voting Requirements:</b>	Simple Majority
<b>Disclosures of Interest:</b>	No officers preparing this item have an interest to declare.
<b>Attachments:</b>	Nil

DISCLOSURE OF INTEREST	
Date	15 November 2023
Meeting	Ordinary Council
Name/ Position	Ms Maxine Palmer, Director Economic and Business Development
Item No./ Subject	11.3 '2023/2024 Community Assistance Program Round 2 Outcomes'
Type of Interest	Impartiality Interest
Nature of Interest	I am the Vice Chair of the Board of The People Place.

DISCLOSURE OF INTEREST	
Date	15 November 2023
Meeting	Ordinary Council
Name/ Position	Cr Kate Cox
Item No./ Subject	11.3 '2023/2024 Community Assistance Program Round 2 Outcomes'
Type of Interest	Impartiality Interest
Nature of Interest	I am the Vice President of Zonta, Dunsborough branch.

The officer recommendation was moved and carried.

**COUNCIL DECISION**

**C2311/172 Moved Cr Sue Riccelli, seconded Cr Kate Cox**

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

Applicant		Allocation
1	Busselton Hospice Care	\$9,680.88
2	Busselton Squash Club	\$10,000.00
3	Dunsborough Community Men’s Shed	\$1,977.00
4	Dunsborough Cricket Club	\$5,912.00
5	Dunsborough Greenfield Community Group	\$5,591.97
6	Dunsborough Towners Football Club	\$8,342.28
7	Geographe Bay Yacht Club	\$10,000.00
8	Get Skilled Access	\$10,000.00
9	Smiths Beach Surf Lifesaving Club	\$10,000.00
10	Southwest Junior Windsurf School	\$5,000.00
11	The People Place Busselton	\$4,728.00
12	Therapy Focus	\$7,000.00
13	Vasse Community Garden	\$9,486.00
<b>TOTAL</b>		<b>\$97,718.13</b>

**CARRIED 7 / 0**

**FOR: Mayor Phill Cronin, Cr Andrew Macnish, Cr Jarrod Kennedy, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, and Cr Sue Riccelli**

**AGAINST: Nil**

**OFFICER RECOMMENDATION**

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9	Smiths Beach Surf Lifesaving Club	\$10,000.00
10	Southwest Junior Windsurf School	\$5,000.00
11	The People Place Busselton	\$4,728.00
12	Therapy Focus	\$7,000.00
13	Vasse Community Garden	\$9,486.00
	TOTAL	\$97,718.13

**EXECUTIVE SUMMARY**

Each year the City provides financial assistance to community groups and not-for-profit organisations through the Community Assistance Program (CAP). This assistance is provided for programs, services and projects that contribute to the social, environmental and cultural development of the District. This report provides a summary of recommendations from the CAP Advisory Panel meeting held on 18 October 2023 and seeks formal endorsement of the submissions to be funded in the second CAP round for the 2023/2024 financial year consideration.

**STRATEGIC CONTEXT**

Recommendations of this report support the Strategic Community Plan’s aspirations and priorities, in particular 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 CAP, in response to the COVID-19 pandemic and its repercussions on the community of the District.

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 CAP. The program was also reviewed and restructured around 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 2 of the Community Assistance Program 2023/2024 closed on 2 October 2023 with a total of 18 applications received and considered. Applications were assessed by the Community Assistance Advisory Panel on 18 October 2023 with representation from two Councillors

(former Mayor Grant Henley and former Councillor Paul Carter), Community Development Officer, and Manager Community and Recreation.

A total of 13 applications were recommended for funding. This included seven applications for Assistance Grants (up to \$10,000) and six applications for Revitalisation Grants (up to \$10,000). The outcomes of the 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 CAP promotes capacity building amongst community groups and not-for-profit organisations. At the CAP Advisory Panel meeting held on 18 October 2023, 18 requests for funding were considered with 13 applications recommended for funding, as outlined below.

<b>Applicant:</b>	Busselton Hospice Care
<b>Project Title:</b>	Ageing, dying, death and bereavement resource hub
<b>Project Description:</b>	The applicant is seeking funding to purchase furniture items as part of the fit-out of a new Ageing, Dying, Death and Bereavement Resource Hub to be housed at Busselton Hospice Care, inside the Geographe Bay Centre. These items would include a bookcase, lounge, table, and storage cabinetry.
<b>Request:</b>	\$10,000.00
<b>Panel Recommendation:</b>	\$9,680.88
<b>Comment:</b>	\$9,680.88 reflects quotes provided by applicant.

<b>Applicant:</b>	Busselton Squash Club
<b>Project Title:</b>	Busselton Squash feasibility study
<b>Project Description:</b>	The applicant is seeking funding to proceed with a feasibility study which will assess a proposal to build a squash facility. The feasibility study will analyse the social and financial impacts and identify the risks involved by studying the marketplace, usage and management issues, facility components, location options, and financial viability. Department of Local Government, Sport and Cultural Industries have confirmed a feasibility study is a key component of planning that is required prior to seeking any financial assistance from state or federal government.
<b>Request:</b>	\$12,000.00
<b>Panel Recommendation:</b>	\$10,000.00
<b>Comment:</b>	Maximum of \$10,000.00 can be granted under the Revitalisation grant category.

Applicant:	Dunsborough Community Men's Shed Inc
Project Title:	Paving and machinery
Project Description:	The applicant is seeking funding to purchase a metal cutting guillotine to support their active metal work program, and paving to complete the outside area which will benefit all four groups – Dunsborough Community Men's Shed, Dunsborough Lions, Dunsborough Community Gardens, and Dunsborough Greenfield Community Group.
Request:	\$6,000.00
Panel Recommendation:	\$1,977.00
Comment:	Panel recommend funding the guillotine but not the pavement due to lack of support letters from neighbouring community groups to indicate collective benefit of paving area. The recommendation is consistent with funding 60% of the total cost of the approved portion of the project

Applicant:	Dunsborough Cricket Club
Project Title:	Dunsborough Junior Cricket Club pitch revitalisation
Project Description:	The applicant is seeking funding on behalf of the Dunsborough Junior Cricket Club for the installation of new astroturf and concrete slab at Dunsborough Primary School to replace the current pitch which has degraded and is becoming a safety hazard and is no longer in line with current junior guidelines from Cricket Australia.
Request:	\$10,000.00
Panel Recommendation:	\$5,912.00
Comment:	\$5,912.00 reflects 60% of the less expensive quotes provided by applicant.

Applicant:	Dunsborough Greenfields Community Group Inc
Project Title:	Solar panels
Project Description:	The applicant is seeking funding for the supply and installation of a solar panel system to reduce electricity costs.
Request:	\$5,700.00
Panel Recommendation:	\$5,591.97
Comment:	\$5,591.97 reflects quotes provided by applicant.

Applicant:	Dunsborough Towners Football Club
Project Title:	Equipment
Project Description:	Replacement of damaged and irreparable goals/nets needed to participate in regional competitions and support the growth of the club
Request:	\$8,342.28
Panel Recommendation:	\$8,342.28

<b>Applicant:</b>	Geographe Bay Yacht Club
<b>Project Title:</b>	Improved outdoor spectator experience
<b>Project Description:</b>	The applicant is seeking funding for the installation of five shade sails to provide an improved outdoor spectator experience, reduce risk of sun damage and cancer, and benefit the variety of community groups who use this venue.
<b>Request:</b>	\$10,000.00
<b>Panel Recommendation:</b>	\$10,000.00
<b>Applicant:</b>	Get Skilled Access
<b>Project Title:</b>	Sport4All program
<b>Project Description:</b>	The applicant is seeking funding to deliver the Sport4All program as a pilot project in the City. Targeted at sports clubs, Sport4All engages a person with disability or lived experience of disability to work within the City of Busselton as an Inclusion Coach to ensure people with disability are welcome into local sporting programs. Funds sought from City of Busselton are for program induction training, resources, materials, , and staff support. Get Skilled Access cover 100% of staff wages for 12 months. This is likely to be the first Local Government in WA to partner in this project.
<b>Request:</b>	\$10,000.00
<b>Panel Recommendation:</b>	\$10,000.00
<b>Applicant:</b>	Smiths Beach Surf Lifesaving Club
<b>Project Title:</b>	Cadet program
<b>Project Description:</b>	The applicant is seeking funding to develop a cadet program to cater for U/14 to U/19 age range. Participation at the club is currently limited to children who are U/13 which is rare for surf lifesaving clubs. Funds would be used to purchase of new paddle boards and a timing system for monitoring cadet progress.
<b>Request:</b>	\$10,000.00
<b>Panel Recommendation:</b>	\$10,000.00
<b>Applicant:</b>	Southwest Junior Windsurf School (SJWS)
<b>Project Title:</b>	Support vessel
<b>Project Description:</b>	The applicant is seeking funding to purchase a safety support vessel (jet ski and trailer), after 8 years relying on a single volunteer's dedication to provide this. This volunteer can no longer commit to providing this service and leaves the club without safety support.
<b>Request:</b>	\$8,000.00
<b>Panel Recommendation:</b>	\$5,000.00
<b>Comment:</b>	\$5,000.00 reflects 60% of half of the project costs, as SJWS operate across both City of Busselton and Shire of Augusta-Margaret River.



Applicant:	The People Place Busselton Inc.
Project Title:	Barney's book nook
Project Description:	The applicant is seeking funding to develop a book as part of a larger project 'Barney's Book Nook'. Barney the owl is the mascot for Paint the Cape REaD, and the book nook will be developed at the front of the People Place, to be filled with children's book and accessible to families 7 days a week. The book will be about Barney and the Book Nook and how important reading, talking, singing, and playing every day is for early childhood development.
Request:	\$4,728.00
Panel Recommendation:	\$4,728.00
Applicant:	Therapy Focus
Project Title:	Non-verbal communication boards
Project Description:	The applicant is seeking funding for the installation of four communication boards across the City. These boards are a form of augmentative and alternative communication (AAC) to assist non-verbal individuals to communicate with others. The locations would include Busselton foreshore, Rotary Park, Dawson Estate Nature Playground, and Djiljit Mia Community Gathering Place in Dunsborough. Installation of communication boards will improve disability access and inclusion within the community and supports the City's Disability Access and Inclusion Plan.
Request:	\$4,584.00
Panel Recommendation:	\$7,000.00
Comment:	Total project costs were higher than indicated in original application, with \$7,000 a reflection of 60% of total revised costs. The panel considered this a very worthy initiative.

### **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 Sponsorship Arrangements Policy sets out the Community Bids Program (now known as CAP) as one of the programs through which sponsorship may be provided.

The CAP 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 Community Development Plan.

**Financial Implications**

The 2023/2024 budget for the CAP totals \$218,539. Funds currently committed totals \$32,505, leaving a balance of \$180,062 for any further grants.

If all funding recommendations included in this report are accepted, a balance of \$82,343.87 will remain. There will be one further funding round this financial year, opening in 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 CAP has evolved over time 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 Strategic Community Plan’s 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 CAP Advisory Panel.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

The officer recommendation will be implemented as per the following table:

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

## **12. INFRASTRUCTURE AND ENVIRONMENT REPORTS**

Nil

### 13. ECONOMIC AND BUSINESS DEVELOPMENT REPORTS

#### 13.1. Business Development, Events and Marketing Program Outcomes

<b>Strategic Theme:</b>	Key Theme 2: Lifestyle 2.5 Facilitate events and cultural experiences that provide social connection. Key Theme 3: Opportunity 3.3 Continue to promote the District as the destination of choice for events and unique tourism experiences.
<b>Directorate:</b>	Economic and Business Development
<b>Reporting Officer:</b>	Events Coordinator - Peta Pulford
<b>Authorised By:</b>	Director of Economic and Business Development - Maxine Palmer
<b>Nature of Decision:</b>	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
<b>Voting Requirements:</b>	Absolute Majority
<b>Disclosures of Interest:</b>	No officers preparing this item have an interest to declare.
<b>Attachments:</b>	Nil

The officer recommendation was moved and carried.

#### COUNCIL DECISION

**C2311/173** Moved Cr Jodie Richards, seconded Cr Jarrod Kennedy

**That the Council:**

1. Endorses the single year cash allocations towards the following economic focused events as per Column A to be funded from the 2023/2024 Events Budget, and notes the estimated in-kind support in Column B:

Event Name	Column A (cash allocation)	Column B (in-kind support)
Nautical Drive Festival	\$2,000	Approx. \$1,000 (ground hire, event fees)
Beer Farm Rodeo	\$15,000	\$0
South West Cup (Jiu Jitsu Championships)	\$0	\$680 (GLC venue hire)
<b>TOTALS</b>	<b>\$17,000</b>	<b>Approx. \$1,680</b>

2. Endorses the single year cash allocations towards the following community focused events as per Column A to be funded from the 2023/2024 Events Budget, and notes the estimated in-kind support in Column B:

Event Name	Column A (cash allocation)	Column B (in-kind allocation)
2024 Cadillac LaSalle Nationals	\$3,000	Approx. \$500 (ground hire, event fees)
International Women's Day 2024	\$3,000	Approx. \$1,080 (venue hire)
Block Party Boom	\$15,000	Approx. \$1,000 (ground hire, event fees)
Busselton Heritage Festival	\$5,000	Approx. \$2,000 (venue hire, event fees, traffic management as required)
Vasse Art Awards	\$5,000	Approx. \$500 (event fees)
Festival of Busselton – 60th anniversary celebrations	\$15,000	\$0
<b>TOTALS</b>	<b>\$46,000</b>	<b>Approx. \$5,080</b>

3. Endorses single year funding allocation towards the following economic focused event, to be funded from the 2024/2025 Events Budget:

Event Name	Officer Recommendation
Eco Fashion Week 2024	Up to \$20,000*
<b>TOTALS</b>	<b>Up to \$20,000</b>

*\*Combination of cash/in-kind to be determined based on venue availability*

**CARRIED 7 / 0**

**FOR: Mayor Phill Cronin, Cr Andrew Macnish, Cr Jarrod Kennedy, Cr Anne Ryan,  
Cr Jodie Richards, Cr Kate Cox, and Cr Sue Riccelli**

**AGAINST: Nil**

**BY ABSOLUTE MAJORITY**

**OFFICER RECOMMENDATION**

That the Council:

1. Endorses the single year cash allocations towards the following economic focused events as per Column A to be funded from the 2023/2024 Events Budget, and notes the estimated in-kind support in Column B:

Event Name	Column A (cash allocation)	Column B (in-kind support)
Nautical Drive Festival	\$2,000	Approx. \$1,000 (ground hire, event fees)
Beer Farm Rodeo	\$15,000	\$0
South West Cup (Jiu Jitsu Championships)	\$0	\$680 (GLC venue hire)
<b>TOTALS</b>	<b>\$17,000</b>	<b>Approx. \$1,680</b>

2. Endorses the single year cash allocations towards the following community focused events as per Column A to be funded from the 2023/2024 Events Budget, and notes the estimate in-kind support in Column B:

Event Name	Column A (cash allocation)	Column B (in-kind allocation)
2024 Cadillac LaSalle Nationals	\$3,000	Approx. \$500 (ground hire, event fees)
International Women's Day 2024	\$3,000	Approx. \$1,080 (venue hire)
Block Party Boom	\$15,000	Approx. \$1,000 (ground hire, event fees)
Busselton Heritage Festival	\$5,000	Approx. \$2,000 (venue hire, event fees, traffic management as required)
Vasse Art Awards	\$5,000	Approx. \$500 (event fees)
Festival of Busselton – 60th anniversary celebrations	\$15,000	\$0
<b>TOTALS</b>	<b>\$46,000</b>	<b>Approx. \$5,080</b>

3. Endorses single year funding allocation towards the following economic focused event, to be funded from the 2024/2025 Events Budget:

Event Name	Officer Recommendation
Eco Fashion Week 2024	Up to \$20,000*
<b>TOTALS</b>	<b>Up to \$20,000</b>

*\*Combination of cash/in-kind to be determined based on venue availability*

## EXECUTIVE SUMMARY

A meeting of the Business Development, Events and Marketing Program (BDEMP) was held on Wednesday 18 October 2023. This report presents the recommendations to be considered at this meeting.

## STRATEGIC CONTEXT

Recommendations of this report furthers achievement of the City's strategic community plan aspirations and priorities, through continuing to facilitate events and cultural experiences that provide social connection, and promoting the District as the destination of choice for events and unique tourism experiences.

## BACKGROUND

At the Ordinary Meeting of Council held 13 April 2011, Council resolved (C1104/114) to endorse the implementation of a differential rating system whereby properties rated industrial and commercial across the City would directly contribute toward the City's continued support of tourism, marketing and event activities. The City also established a key stakeholders reference group, now known as the 'Business Development, Events and Marketing Program' (BDEMP) – formerly 'Marketing and Events Reference Group' (MERG), to make recommendations to Council with respect to the marketing and events budget allocations.

At its meeting of 22 June 2011, Council resolved (C1106/201) to introduce a 3% Differential Rate on industrial and commercial rated properties which has increased over time to 10%. The proceeds from the differential rate are allocated towards funding events and marketing. The adopted 2023/2024 budget for marketing and events totals \$1,256,582. The breakdown of this budget is as follows:

- \$983,018 – Events
- \$273,564 – Marketing and economic development initiatives.

## OFFICER COMMENT

Supporting the development and attraction of new events throughout the year, the City's Events Sponsorship Program promotes the City of Busselton as an attractive event tourism destination. A range of requests for events funding to be considered are outlined below:

### Requests for Funding – 2023/2024 Events Sponsorship Program – Round 2

Round 2 of the 2023/2024 Events Sponsorship Program opened on 1 October 2023, closing 29 October 2023. Nine (9) applications for funding through the 2023/2024 Events Budget were received for a total of \$88,530.

Applications are separated into funding streams for the purpose of evaluation:

- Economic focused events – Aim to attract visitation to the region, bring economic return in the form of visitor and event spend with local business, attract significant media exposure, attract funding from other sources

- Community focused events - Provide social benefit and promote community connection, promote cultural diversity and inclusion, provide place making adding vibrancy and activation

The Events team evaluated all funding applications against criteria derived from the identified Diversity, Localise, Hallmark and Venues strategies of the City of Busselton Events Strategy 2022. An overall score was allocated and funding recommendations based on this. Funding was allocated on the following basis:

#### Economic Focused events

Events that score:

- 13 or more are to be considered for event sponsorship funding
- 8 - 12 funding to be considered if funds available in that round, potential partial funding
- 7 or less are not to be considered at all.

#### Community focused events

Events that score:

- 11 or more are to be considered for event sponsorship funding
- 6 - 10 funding to be considered if funds available in that round, potential partial funding
- 5 or less are not to be considered at all.

Applicants that have held their event for two or more years and been funded by the City, have demonstrated that they meet requested KPI's, and have indicated that they intend to continue holding the event in future years, may request or be offered a multi year agreement. This allows them to plan effectively for future events and reduces administration for both the event organiser and City staff. They will however still be required to meet KPI's and provide a post event report for each year of the event before any further funding is released in future years.

Applications for funding increases of more than 25% on previous funding levels will not be considered, unless it is demonstrated that the event will substantially diversify their event offerings to meet the City's strategic outcomes or dramatically increase their event attendance or economic outcomes as a result of increased funding.

**The following requests have been received for single year funding for economic focused events from the 2023/2024 Events Budget:**

#### **Nautical Drive Festival – 24-25 February 2024**

This is a touring car event by the Midnite Car Club, with participants from Perth and surrounds. The weekend consists of a Show and Shine event (including food vans and competitions), outdoor movie night, charity sausage sizzle, treasure hunt, and car cruise from Perth to Busselton and back.

All components of the event are open to the public to join in, either as a participant or spectator. This event was first held in February 2023, with organisers indicating they would like to make it an annual event.



Organisers are seeking funding of \$2k cash plus up to \$1k in-kind support, for ground hire, billboard and event fees. Based on the evaluation score of 13, it is recommended to support the requested funding amount.

**South West Cup presented by SW Jiu Jitsu Championships – 10 March 2024**

This event comes on the back of the first ever Brazilian Jiu-Jitsu Championship competition held in the South-West of WA in August 2023. They attracted 250 participants of all ages from Perth and further around the state, with a further 300 spectators attending throughout the day.

Organisers are seeking funding of \$5k cash plus in-kind support of \$680, which is for the one day hire of the GLC stadium. Although this event achieved an evaluation score of 11, with their previous event already held in this financial year, it is felt this is not in the interest of utilising funding to attract a variety of events. On that basis, it is not recommended to support the requested cash funding of \$5k, but just to support with the in-kind allocation of \$680 towards venue hire for the Geographe Leisure Centre.

**Beerfarm Rodeo – 1-3 March 2024**

Previously held successfully in 2017 and 2018, this is a 3 day Rodeo and Music Festival with camping option available onsite. The event is curated to speak to the rural communities of WA and celebrate local music, food and beverages. It is expected to attract more than 4000 people, with half of those from outside of the region.

Event organisers are seeking funding of \$20k cash towards costs of the event, including marketing, security and safety infrastructure. On evaluation this event scored 12 points, losing points due to the proposed date of the event (March long weekend). The Events team contacted the organisers to question whether they could run this on another date, unfortunately due to the rodeo’s schedule this is not able to be accommodated. On this basis, it is recommended to support the event for an amount of \$15k.

In summary, BDEMP support the officer recommendations for the following economic focused events, to be funded from the 2023/2024 Events Budget:

Event Name	Funding Request	Officer Recommendation (cash)	Officer Recommendation (in kind)
Nautical Drive Festival	\$2,000 cash (Plus up to \$1,000 in-kind)	\$2,000	Approx. \$1,000
Beerfarm Rodeo	\$20,000 cash	\$15,000	\$0
South West Cup - Jiu Jitsu Championships	\$5,000 cash (Plus up to \$680 in-kind)	\$0	\$680
<b>TOTALS</b>		<b>\$17,000</b>	<b>Approx. \$1,680</b>

**The following requests have been received for single year funding for community focused events from the 2023/2024 Events Budget:**

**2024 Cadillac LaSalle Nationals – 14 – 21 April 2024**

This is national car enthusiast event that will tour both Perth and the Busselton area over 8 days, with attendees from throughout Australia. This event was last held in Busselton in 2014. The program consists of 2 days in Perth followed by 6 days in the South West, with driving tours around the region along with a Show & Shine in Signal Park.

They are seeking funding of \$3,000 cash plus in-kind support through use of Signal Park, use of the billboard and promotional material. While they scored an evaluation score of 9, it is recommended to support the requested \$3,000 cash plus in-kind up to the value of \$500. This recommendation takes into account the extended stay participants will have in the region and the anticipated economic impact of this.

**International Women's Day Brunch – 10 March 2024**

The Zonta Club of Dunsborough is looking to partner with the City to host a brunch to mark International Women's Day (IWD).

IWD is a global day celebrating the social, economic, cultural and political achievements of women. The day also marks a call to action for accelerating gender parity. Globally groups come together to celebrate women's achievements and rally for women's equality.

Event organisers are requesting an amount of \$8,530 cash plus in-kind use of the Undalup Room and equipment to the value of \$1,080, which is their entire event budget. With an evaluation score of 8, it is recommended to allocate an amount of \$3,000 cash plus the requested in-kind support.

**Block Party Boom – 17 February 2024**

Flewn't's Boorloo Block Party has been a highlight of the Perth Festival calendar for the last two years. An epic celebration of First Nations music and culture with a line-up of some of WA's and Australia's best and most exciting artists, at the heart of Block Party is community pride and love. In 2024 organisers are seeking to bring the event to regional WA, continuing the objective of placing local talent alongside recognised hip-hop stars. Local artists will perform in their own community in Busselton with the free Block Party Boom concert on 17 February, with one artist selected from an onstage battle to join the line up for the Boorloo Block Party in Perth on 24 February 2024.

Event organisers have requested funding of \$20k cash plus in-kind support up to \$1k. With an evaluation score of 10, an amount of \$15k cash plus up to \$1k in-kind support is recommended.

**Busselton Heritage Festival – 1 – 30 March 2024**

This is a proposed new event, celebrating the heritage and history of Busselton with a series of activities held at a variety of venues over the month of March 2024. These include exhibitions, displays, music events, heritage crafts, author talks and tours of historic sites, with venues including the Cultural Precinct, CWA Hall, Old Butter Factory, Busselton Jetty and the Busselton Library.

Event organisers are requesting a funding amount of \$5k cash plus in-kind support up to \$2k. With an evaluation score of 11, it is recommended to support the requested amount.

### Vasse Art Awards – 30 March – 6 April 2024

This event is one of the Major Art Competitions, exhibitions and awards in Australia's South West with over 200 artworks from local artists to interstate artists. This is the 20th running of the event, which is a major fundraiser of the Vasse Primary School P&C.

Event organisers have requested a funding amount of \$10k, to assist with costs of hiring of a marquee, judges costs and a gala evening to celebrate the 20<sup>th</sup> anniversary. Based on an evaluation score of 9, it is recommended to fund a cash amount of \$5k plus offer in-kind use of the billboard and event fees up to the value of \$500.

### Festival of Busselton – 60<sup>th</sup> anniversary celebrations (additional funding)

Over 25 events are held every January within the City of Busselton attended by more than 30,000 people over the course of the Festival. This summer the festival will be celebrating it's 60th year. 60th year celebrations are proposed to include a digital screen at main event for playing a slideshow of historic images, a historic display in public space for viewing throughout the festival, extended fireworks display, and an open invite community gala to celebrate the 60th anniversary with the public.

The Festival of Busselton currently receive funding of \$25k cash plus in-kind support up to \$5k each year. They have requested an additional amount of \$15k to support their initiatives to celebrate their 60<sup>th</sup> anniversary. Given the volume of events that the committee achieve within their current small budget, and the magnitude of the achievement of 60 years, it is recommended to support their request of an additional \$15k for their 2024 event.

In summary, BDEMP support the officer recommendations for the following community focused events, to be funded from the 2023/2024 Events Budget:

Event Name	Funding Request	Officer Recommendation (cash)	Officer Recommendation (in kind)
2024 Cadillac LaSalle Nationals	\$3,000	\$3,000	Approx. \$500
International Women's Day Brunch 2024	\$8,530	\$3,000	Approx. \$1,080
Block Party Boom	\$20,000	\$15,000	Approx. \$1,000
Busselton Heritage Festival	\$5,000	\$5,000	Approx. \$2,000
Vasse Art Awards	\$10,000	\$5,000	Approx. \$500
Festival of Busselton – 60 <sup>th</sup> anniversary celebrations	\$15,000	\$15,000	\$0
<b>TOTALS</b>	<b>\$61,530</b>	<b>\$46,000</b>	<b>Approx. \$5,080</b>

## **Request for Funding – 2024/2025 Events Budget – Eco Fashion Week 2024**

The city received a request for funding from the organiser of the Eco Fashion Week 2024, to be held in Busselton in November 2024. This is the fourth instalment of Eco Fashion Week Australia, which has previously been held in Perth and Queensland.

The event celebrates eco-friendly and sustainable fashion, with a program including runway shows, fashion art exhibitions, workshops, clothes swaps, designer talks and academic seminars. It is proposed to open the event with ‘the world’s longest runway’, with models walking the length of the Busselton Jetty in a spectacular twilight fashion show.

Event organisers have already been in talks with international designers and have commitments from representatives of Canada, Spain and the UK. They have also secured collaborations with international media outlets to cover this event.

Ordinarily, with the timing of this event it would not be considered for funding until Round 1 of the 2024/2025 Event Sponsorship Program, however as they are seeking further international representation and require early commitment of funds, they have been permitted to apply now. Event organisers have requested funding of \$92,500 cash plus in-kind support entailing use of the City’s venues including the Busselton Cultural Precinct and Saltwater.

Given that this event is new for Busselton, BDMP members were not prepared to commit to that level of funding. It is recommended to support the event for a value up to \$20k, which will comprise of a combination of cash and in-kind, based on the level of use of City venues, which is yet to be agreed upon. Once the in-kind value is determined, the cash contribution will make up the balance of the \$20k sponsorship.

### **Statutory Environment**

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

### **Relevant Plans and Policies**

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

Plan:  
Events Strategy 2022

Policy:  
[Events](#)

The officer recommendation aligns with the City’s Events Policy and Events Strategy 2022 whereby the Business Development, Events and Marketing Program (BDMP) supports recommendations to Council with respect to the allocation of funds towards Events. Event sponsorship can be provided as cash and / or in-kind contributions, with sponsorship agreements entered into with Event organisers on either a single or multi-year basis.

## **Financial Implications**

The adopted 2023/2024 budget for marketing and events totals \$1,256,582. The breakdown of this budget is as follows:

- \$983,018 – Events
- \$273,564 – Marketing and economic development initiatives.

Funds currently committed from the 2023/2024 Events Budget through multi-year sponsorships and round 1 of the Events Sponsorship Program totals \$926,960. An amount of \$20,979 was rolled over from unspent events funding from the previous financial year, leaving a balance of \$77,037 for any further event sponsorships or other initiatives. If all recommendations within this report are supported, this will leave a balance of \$14,037. There are no further funding rounds for the 2023/24 financial year.

Funds currently committed from the 2023/2024 Marketing and Economic Development Initiatives Budget is \$152,800, leaving a balance of \$120,764. Additionally, an amount of \$97,229 was rolled over from the previous financial year, leaving a total balance of \$217,993 for the further three funding rounds of the Economic Development and Marketing Grants Program, which open in December 2023, March 2024 and June 2024.

## **External Stakeholder Consultation**

Consultation was undertaken with BDEMP members with representatives comprising the Busselton and Dunsborough Yallingup Chambers of Commerce and Industry, MRBTA (Margaret River Busselton Tourism Association) and the City of Busselton.

## **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 recommendations, Council could choose not to support the recommendations made by BDEMP and resolve not to endorse part or all of the recommendations.

## **CONCLUSION**

The BDEMP has been established by Council to make recommendations on the way in which funds raised through the industrial and commercial differential rate for the purposes of events, economic development and marketing are allocated.

This report contains the recommendations made at the 18 October 2023 BDEMP meeting, which if endorsed by Council, will result in activating industry-led economic development opportunities and the continuation of high quality events being held within the region, supported by successful marketing promotions. All recommendations support Council's vision of being recognised as the 'Events Capital WA' and delivering a place where 'Environment, Lifestyle and Opportunity Meet'.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

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

<b>Milestone</b>	<b>Completion Date</b>
All applicants advised of the outcome of funding decisions	17 November 2023
Fully executed grant funding agreements completed with approved funding recipients	30 December 2023

**14. CORPORATE PERFORMANCE AND STRATEGY REPORTS**

**14.1. 2024 Council and Committee meeting dates**

<b>Strategic Theme:</b>	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
<b>Directorate:</b>	Corporate Strategy and Performance
<b>Reporting Officer:</b>	Governance and Risk Coordinator - Tegan Robertson
<b>Authorised By:</b>	Director of Corporate Strategy and Performance - Sarah Pierson
<b>Nature of Decision:</b>	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
<b>Voting Requirements:</b>	Simple Majority
<b>Disclosures of Interest:</b>	No officers preparing this item have an interest to declare.
<b>Attachments:</b>	Nil

Prior to the meeting, Cr Andrew Macnish 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.

The motion was carried.

**COUNCIL DECISION**

**C2311/174** Moved Cr Andrew Macnish, seconded Cr Anne Ryan

That the Council adopts the following schedule for Ordinary Meetings of Council and Committees of Council in the 2024 calendar year:

	Ordinary Meeting of Council	Finance Committee*	Airport Advisory Committee*	Audit and Risk Committee*	Policy & Legislation Committee*	CEO Performance Review Committee*	Meelup Regional Park Committee*
<b>Jan</b>	31-Jan-24				24-Jan-24		
<b>Feb</b>	21-Feb-24	07-Feb-24	07-Feb-24				
<b>Mar</b>	20-Mar-24	06-Mar-24		13-Mar-24	20-Mar-24		06-Mar-24
<b>Apr</b>	17-Apr-24	03-Apr-24	03-Apr-24			10-Apr-24	
<b>May</b>	15-May-24	01-May-24		08-May-24	15-May-24		
<b>June</b>	19-Jun-24	05-Jun-24	05-Jun-24				
<b>July</b>	31-Jul-24	24-Jul-24		24-Jul-24	31-Jul-24	31-Jul-24	
<b>Aug</b>	21-Aug-24	07-Aug-24	07-Aug-24				
<b>Sept</b>	18-Sep-24	04-Sep-24			18-Sep-24		
<b>Oct</b>	16-Oct-24	02-Oct-24	02-Oct-24			09-Oct-24	
<b>Nov</b>	20-Nov-24	06-Nov-24		13-Nov-24	20-Nov-24		06-Nov-24
<b>Dec</b>	11-Dec-24	04-Dec-24	04-Dec-24				

\* The meeting dates represent the minimum number to be held as prescribed in the Terms of Reference for each committee. Clause 3.4 of the City of Busselton *Standing Orders Local Law 2018* allows for additional meetings to be convened throughout the year as required.

**CARRIED 7 / 0**

**FOR: Mayor Phill Cronin, Cr Andrew Macnish, Cr Jarrod Kennedy, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, and Cr Sue Riccelli**

**AGAINST: Nil**

Reasons: The Terms of Reference for each committee sets out the minimum number of meetings per year, additional meetings can be called if required. Dates for July amended with the previous Finance Committee date of 3 July 2024 being moved to 24 July 2024 to avoid Council recess and P&L Committee being moved to 31 July 2024.

**OFFICER RECOMMENDATION**

That the Council adopts the following schedule for Ordinary Meetings of Council and Committees of Council in the 2024 calendar year:

	Ordinary Meeting of Council	Finance Committee	Airport Advisory Committee	Audit and Risk Committee	Policy & Legislation Committee	CEO Performance Review Committee	Meelup Regional Park Committee
Jan	31-Jan-24				24-Jan-24		
Feb	21-Feb-24	07-Feb-24	07-Feb-24				
Mar	20-Mar-24	06-Mar-24		13-Mar-24	20-Mar-24		06-Mar-24
Apr	17-Apr-24	03-Apr-24	03-Apr-24			10-Apr-24	
May	15-May-24	01-May-24		08-May-24	15-May-24		
June	19-Jun-24	05-Jun-24	05-Jun-24				
July	31-Jul-24	03-Jul-24		24-Jul-24	24-Jul-24	31-Jul-24	
Aug	21-Aug-24	07-Aug-24	07-Aug-24				
Sept	18-Sep-24	04-Sep-24			18-Sep-24		
Oct	16-Oct-24	02-Oct-24	02-Oct-24			09-Oct-24	
Nov	20-Nov-24	06-Nov-24		13-Nov-24	20-Nov-24		06-Nov-24
Dec	11-Dec-24	04-Dec-24	04-Dec-24				

**EXECUTIVE SUMMARY**

This report presents the proposed dates for the 2024 Ordinary Meetings of Council, the Finance Committee, the Airport Advisory Committee, the Audit and Risk Committee, the Policy and Legislation Committee, the CEO Performance Review Committee and the Meelup Regional Park Committee for Council adoption.

**STRATEGIC CONTEXT**

Setting and publishing the meeting dates for Ordinary Meetings of Council and meetings of Committees of Council in the coming calendar year supports Strategic Priority 4.2, by delivering governance systems that facilitate open, ethical and transparent decision making.



## BACKGROUND

In the 2023 calendar year, the City of Busselton held one Ordinary Council Meeting (OCM) per month, on the third Wednesday of the month.

The schedule of Ordinary Council Meetings was supplemented by Community Access Sessions (CAS) conducted on the first Wednesday of the month, and Public Agenda Presentation (PAP) sessions on the second Wednesday of the month, which provided the public with additional opportunities to engage with the Council, generally (CAS) and on the agenda items for that month (PAP).

Additionally, the City held Agenda Briefing Sessions for Council prior to each Public Agenda Presentation and Ordinary Council Meeting to enable Elected Members to ask questions of officers on the agenda items for that month.

Committee meetings were generally held in the mornings on the first and second Wednesdays of each month, with Wednesday afternoons reserved for other information briefings, and strategic planning and workshops.

This schedule, in most part, effectively balanced the requirement for streamlined decision-making processes with managing the in person demands on Elected Members and the administrative overhead associated with meeting processes.

## OFFICER COMMENT

The 2023 meeting schedule was considered largely effective at delivering timely, efficient and effective decision making by Council. The proposed meeting schedule for 2024 follows the same pattern for Ordinary Council Meetings, with some adjustments recommended for Committee scheduling to continue to improve report preparation planning and timeframes, and the efficiency of meeting processes.

### Ordinary Council Meetings:

It is recommended that Council continue to conduct one Ordinary Council Meeting per month, to be held every third Wednesday of the month. Conducting one meeting per month generally enables timely decision making, while reducing the administrative overhead associated with Ordinary Council Meeting processes.

Where urgent decisions are required which cannot await the next Ordinary Council Meeting, it is recommended these matters continue to be dealt with through Special Council Meetings.

As has been practice, Council will take an end of year and mid-year recess period. It is proposed that the Ordinary Council Meeting dates in January, July and December shift to the fifth Wednesday of the month (January and July) and second Wednesday of the month (December) to accommodate the recess, with no Community Access Sessions in each of those months.

The recommended Ordinary Council Meeting and Council recess dates for 2024 are:

- Council end of year recess: 14 December 2023 – 15 January 2024
- 31 January 2024
- 21 February 2024
- 20 March 2024
- 17 April 2024

- 15 May 2024
- 19 June 2024
- Council mid year recess: 20 June 2024 – 21 July 2024
- 31 July 2024
- 21 August 2024
- 18 September 2024
- 16 October 2024
- 20 November 2024
- 11 December 2024
- Council end of year recess: 12 December 2024 – 19 January 2025

### **Community Access Sessions and Public Agenda Presentations**

In 2023, Community Access Sessions (CAS) were held on the first Wednesday of the month. CAS are an important community engagement forum and provide members of the public with an informal opportunity to present to Council about any issues or queries they may have.

In 2023, Public Agenda Presentations (PAP) were held on the second Wednesday of the month. PAP are a forum for members of the public to address Council on an item on the agenda for the next Ordinary Council Meeting. The style of PAP has been effective at providing structure to presentation and discussions on agenda items.

As CAS and PAP provide valuable opportunities for members of the public to engage with the City, it is suggested that they continue in some format in 2024. While not recommended by officers at this stage, Council may wish to further consider, dependent on attendance levels, the option to combine the CAS and PAP into a single forum (to be held on the second Wednesday each month). This would reduce the in person demands on Elected Members.

CAS and PAP will not be scheduled during the periods of Council recess.

### **Committee meetings:**

Committee meetings are recommended to be held on Wednesdays, in the morning wherever possible. While largely following the same pattern as the 2023 Committee meeting schedule, some minor adjustments are recommended to continue to improve report preparation planning and timeframes, and the efficiency of meeting processes.

### **Finance Committee: First Wednesday of the month**

Finance Committee is required to be held on the first Wednesday of the month to enable the City to meet requirements under the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996* that statements of financial activity be presented at an ordinary meeting of the council within 2 months after the end of the relevant month.

The recommended Finance Committee dates for 2024 are:

- 7 February 2024
- 6 March 2024
- 3 April 2024
- 1 May 2024
- 5 June 2024

- 3 July 2024
- 7 August 2024
- 4 September 2024
- 2 October 2024
- 6 November 2024
- 4 December 2024

#### **Airport Advisory Committee: First Wednesday of every second month**

In 2023 the Airport Advisory Committee was held on the second Wednesday of every second month. It is proposed that the Airport Advisory Committee is brought forward to occur on the first Wednesday of the month on alternate months in 2024. This is to better balance the demands on both officers (for reporting) and Elected Members (for meeting preparation and attendance) across the month.

The recommended Airport Advisory Committee dates for 2024 are:

- 7 February 2024
- 3 April 2024
- 5 June 2024
- 7 August 2024
- 2 October 2024
- 4 December 2024

#### **Audit and Risk Committee: Four times per year**

It is recommended the Audit and Risk Committee meet on 13 March 2024 to consider the outcomes of the annual Compliance Audit Return, and on 13 November 2024 to consider the annual financial audit report and findings. Additional meeting dates on 8 May and 24 July 2024 are also proposed to ensure the Committee meets four times during the year as required by the Terms of Reference.

#### **Policy and Legislation Committee: Third Wednesday of every month**

In 2023, the Policy and Legislation Committee was held on the second Wednesday of every second month. It is proposed that the Policy and Legislation Committee instead occurs on the third Wednesday of the month on alternate months in 2024. This is to better balance the demands on both officers (for reporting) and Elected Members (for meeting preparation and attendance) across the month. The recommendation to defer the Policy and Legislation Committee meetings to the third Wednesday of the month does not affect existing timeframes for the reporting of Policy and Legislation Committee recommendations to the Council, which currently go to the subsequent month's Ordinary Council Meeting meeting and will continue to do so.

The recommended Policy and Legislation Committee dates for 2024 are:

- 24 January 2024
- 20 March 2024
- 15 May 2024
- 24 July 2024
- 18 September 2024
- 20 November 2024

### **CEO Performance Review Committee:**

It is recommended the CEO Performance Review Committee meet on 10 April 2024 to consider the CEO's end of year performance review, and on 9 October 2024 for a mid year review of progress of achievement by the CEO against the agreed performance criteria.

The Terms of Reference for the CEO Performance Review Committee requires the Committee to meet formally twice per year. In order to facilitate increased performance monitoring of the CEO performance criteria, an additional meeting on 31 July 2024 is also proposed.

### **Meelup Regional Park Committee:**

Under its Terms of Reference, the Meelup Regional Park Committee is required to meet at least two times per year. The proposed meeting dates for 2024 are 6 March 2024 and 6 November 2024. The Committee will continue to be supported by the Meelup Regional Park Working Group which generally meets monthly.

### **Other Committees:**

The Behaviour Complaints Committee will continue to meet only on as needs basis in 2024.

The Local Emergency Management Committee, established pursuant to the *Emergency Management Act WA 1995*, meets a minimum of twice per year. Meetings will be called in accordance with the Local Emergency Management Committee Terms of Reference. Adoption of the meeting schedule by the Council is not required.

The Bush Fire Advisory Committee, established pursuant to the *Bush Fires Act 1954*, meets quarterly. Meetings will be called in accordance with the Bush Fire Advisory Committee Terms of Reference. Adoption of the meeting schedule by the Council is not required.

### **Other briefings:**

It is recommended that information sessions for Elected Members continue to be held on Wednesday afternoons as required to support the provision of information to Council. It is also recommended that the fourth Wednesday of the month remain reserved for strategic briefings and workshops, including (as required) long term financial plan workshops, budget workshops, integrated planning and reporting sessions, and development and planning sessions.

There will be no fixed schedule to the fifth Wednesday of each month.

### **Statutory Environment**

Pursuant to section 5.3 of the *Local Government Act 1995* (Act), a Council must hold Ordinary Meetings and may hold Special Meetings of Council. Ordinary Meetings of Council must be held no more than three months apart (as per section 5.3(2) of the Act).

Regulation 12 of the *Local Government (Administration) Regulations 1996* (the Regulations) requires a local government to publish on its official website at the beginning of the year:

- Meeting details for Ordinary Council Meetings in that year
- Meeting details for Committee meetings in that year, for Committees that are required under the Act be open to members of the public, or which are proposed to be open to members of the public.

### **Relevant Plans and Policies**

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

Plan:

Not applicable.

Policy:

[Meetings, Information Sessions and Decision Making Processes](#)

### **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**

As an alternative to the proposed recommendation, Council could choose to amend the proposed dates of the Ordinary Council Meetings and Committee Meetings for the 2024 calendar year.

It is noted that prior to 2023 Council met twice per month, on the second and fourth Wednesday of each month with a combined Community Access/PAP session on the first and third Wednesday of each month. While officers' view is that the current schedule of one meeting per month is adequate to provide for timely and effective decision making while maximizing resourcing efficiency (noting additional overhead cost would be incurred for more frequent Ordinary Council Meetings), Council could choose to revert to two meetings per month.

### **CONCLUSION**

It is recommended that Council adopt the proposed meeting schedule for Ordinary Meetings of Council and the above listed Committees of Council for the 2024 calendar year.

### 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
Advertising of Council and Committee meetings pursuant to Regulation 12 of the <i>Local Government (Administration) Regulations 1996</i>	Within 1 month of Council decision

## 15. CHIEF EXECUTIVE OFFICER REPORTS

### 15.1. Elected Member Information Bulletin

<b>Strategic Theme:</b>	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
<b>Directorate:</b>	Corporate Strategy and Performance
<b>Reporting Officer:</b>	Executive Assistant to Council - Katie Banks
<b>Authorised By:</b>	Chief Executive Officer - Tony Nottle
<b>Nature of Decision:</b>	Noting: The item is simply for information purposes and noting.
<b>Voting Requirements:</b>	Simple Majority
<b>Disclosures of Interest:</b>	No officers preparing this item have an interest to declare.
<b>Attachments:</b>	1. Council tender report November 2023 [ <b>15.1.1</b> - 1 page] 2. Council Resolution Status [ <b>15.1.2</b> - 17 pages]

The officer recommendation was moved and carried.

#### COUNCIL DECISION

**C2311/175** Moved Cr Anne Ryan, seconded Cr Kate Cox

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 7 / 0**

**FOR: Mayor Phill Cronin, Cr Andrew Macnish, Cr Jarrod Kennedy, Cr Anne Ryan,  
Cr Jodie Richards, Cr Kate Cox, and Cr Sue Riccelli**

**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

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

Committee	Meeting Date	Minutes
Airport Advisory Committee	11 October 2023	<a href="#">Minutes</a>
Finance Committee	1 November 2023	<a href="#">Minutes</a>

### Minor Donations Program – October 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.

Seven applications were approved throughout October 2023 totalling \$3,505.00 as outlined below:

Recipient	Purpose	Amount
Adam Dehring	Adam was selected to compete in the AFL Masters National Carnival in QLD in October 2023. This donation assisted with travel related expenses.	\$500.00
Nicola Fucile	Nicola was selected to compete in the AFL Masters National Carnival in QLD in October 2023. This donation assisted with travel related expenses.	\$500.00
Marshall Jennings	Marshall was selected to compete in the AFL Masters National Carnival in QLD in October 2023. This donation assisted with travel related expenses.	\$500.00
Michelle Moloney	Michelle was selected to compete in the AFL Masters National Carnival in QLD in October 2023. This donation assisted with travel related expenses.	\$500.00



Recipient	Purpose	Amount
Lesley Curtis	Leslie and her partner Raymond are organising a major art exhibition – ‘Inspired by Nature’, which is being held at the Old Courthouse Gallery. During this event Leslie is going to raffle off a limited edition print with the proceeds going to the Royal Flying Doctor Service. Raymond had been in discussions with the Mayor and approval was given to support this donation.	\$515.00
Paint the Town Red	The Paint the Cape REaD Group are organising ‘Barney’s Birthday’, a free community activity at Longlands Park, Geographe. Barney is the local mascot for the literacy program that supports parents and families to encourage a love of reading and learning from a young age. The ‘birthday’ will be open for all to attend, with fun activities for the early years age group. The organisers requested a donation of \$490 to cover the portaloos hire, cake and mascot wearer fee.	\$490.00
Troy Bennett	Troy was selected to compete in the AFL Masters National Carnival in QLD in October 2023. This donation assisted with travel related expenses.	\$500.00
<b>TOTAL</b>		<b>\$3,505.00</b>

Donations approved as of 31 October 2023 total \$26,112.00.

**Current Active Tenders**

The Tender update for November 2023 is provided at Attachment 1.

**State Administrative Tribunal Reviews Update**

The Current State Administrative Tribunal Reviews is at Attachment 2.

**Council Resolution Status Update**

The current Council Resolution Status update is at Attachment 3.

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

Nil

## 17. URGENT BUSINESS

The Presiding Member called on a member to move a motion to consider an item of urgent business on as it cannot practically wait inclusion in the Agenda of the next Council Meeting.

The motion was moved and carried.

### **COUNCIL DECISION**

**C2311/176** Moved Cr Andrew Macnish, seconded Cr Sue Riccelli

**That the Council consider the Item 'Committee Appointments' as urgent business on the basis it cannot wait inclusion in the agenda of the next Council Meeting.**

**This item will be considered at item 17.1.**

**CARRIED 7 / 0**

**FOR: Mayor Phill Cronin, Cr Andrew Macnish, Cr Jarrod Kennedy, Cr Anne Ryan,  
Cr Jodie Richards, Cr Kate Cox, and Cr Sue Riccelli**

**AGAINST: Nil**

## 17.1. COMMITTEE APPOINTMENTS

### 17.1 Committee Appointments

<b>Strategic Theme:</b>	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
<b>Directorate:</b>	Corporate Strategy and Performance
<b>Reporting Officer:</b>	Director of Corporate Strategy and Performance - Sarah Pierson
<b>Authorised By:</b>	Director of Corporate Strategy and Performance - Sarah Pierson
<b>Nature of Decision:</b>	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
<b>Voting Requirements:</b>	Absolute Majority
<b>Disclosures of Interest:</b>	No officers preparing this item have an interest to declare.
<b>Attachments:</b>	1. CONFIDENTIAL Legal Advice [17.1.1 11 Pages]

Prior to the meeting, Cr Sue 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 considered first.

The alternative recommendation was moved, there was opposition and debate ensued. The alternative recommendation was lost.

#### SUBSTANTIVE MOTION

**C2311/177** Moved Cr Sue Riccelli, seconded Cr Kate Cox

1. **ALL Councillors be requested to nominate for a minimum of two committees and/ or working and reference groups.**
2. **ALL Councillors be appointed to the ARC Committee**
3. **All Councillors be appointed to the Behaviour Complaints Committee**

**LOST 3 / 4**

**FOR: Mayor Phill Cronin, Cr Kate Cox, and Cr Sue Riccelli**

**AGAINST: Cr Andrew Macnish, Cr Jarrod Kennedy, Cr Anne Ryan and Cr Jodie Richards**

Prior to the meeting, Cr Andrew Macnish 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 considered second.

The alternative recommendation was moved, there was opposition and debate ensued.

### **SUBSTANTIVE MOTION**

Moved Cr Andrew Macnish, seconded Cr Anne Ryan

**That the council:**

- 1. Note the sought legal opinion and in particular its 'Narrow' view of the application of LGA s5.10(2).**
- 2. Accordingly and noting Cr Ryan's previous and still current nomination to the Audit and Risk Committee (ARC), appoint Cr Ryan to the ARC.**
- 3. Request the CEO to provide a further report on recommendations to the Council with the following elements;**
  - i. the relevance of retaining/replacing the BCC,**
  - ii. the implications of and brief for the attracting and appointment of an independent person to be an additional member of the ARC.**
  - iii. the relevance and implications for the ARC's Terms of Reference to be recast based on the Local Government Department's Audit Guidelines\* and its appended model terms of reference; [https://www.dlgsc.wa.gov.au/docs/default-source/local-government/operational-guidelines/operational-guideline-9-the-appointment-function-and-responsibilities-of-audit-committess.pdf?sfvrsn=77bf5a06\\_1](https://www.dlgsc.wa.gov.au/docs/default-source/local-government/operational-guidelines/operational-guideline-9-the-appointment-function-and-responsibilities-of-audit-committess.pdf?sfvrsn=77bf5a06_1)**
  - iv. What model options are available to the ARC to assess Risk in the local government governance context.**
  - v. The Terms of Reference number of positions of the ARC pursuant to the above.**

The alternative recommendation was partially carried by simple majority.

The Presiding Member noted that parts 1 and 3 of the motion was carried, requiring a simple majority.

### **COUNCIL DECISION**

**C2311/178** Moved Cr Andrew Macnish, seconded Cr Anne Ryan

**That the council:**

- 1. Note the sought legal opinion and in particular its 'Narrow' view of the application of LGA s5.10(2).**
  
- 3. Request the CEO to provide a further report on recommendations to the Council with the following elements;**
  - vi. the relevance of retaining/replacing the BCC,**
  - vii. the implications of and brief for the attracting and appointment of an independent person to be an additional member of the ARC.**
  - viii. the relevance and implications for the ARC's Terms of Reference to be recast based on the Local Government Department's Audit Guidelines\* and its appended model terms of reference; [https://www.dlgsc.wa.gov.au/docs/default-source/local-government/operational-guidelines/operational-guideline-9-the-appointment-function-and-responsibilities-of-audit-committess.pdf?sfvrsn=77bf5a06\\_1](https://www.dlgsc.wa.gov.au/docs/default-source/local-government/operational-guidelines/operational-guideline-9-the-appointment-function-and-responsibilities-of-audit-committess.pdf?sfvrsn=77bf5a06_1)**
  - ix. What model options are available to the ARC to assess Risk in the local government governance context.**
  - x. The Terms of Reference number of positions of the ARC pursuant to the above.**

**CARRIED 4 / 3**

**FOR: Cr Andrew Macnish, Cr Jarrod Kennedy, Cr Anne Ryan and Cr Jodie Richards**

**AGAINST: Mayor Phill Cronin, Cr Kate Cox, and Cr Sue Riccelli**

Reasons: Legal opinion should be noted for the consideration of this item (per part 1). Acknowledges officer recommendation for future report on Behaviour Complaints Committee, and requests additional context to inform the future Terms of Reference of the Audit and Risk Committee (part 3).

With part 1 and part 3 of the alternative recommendation carried by simple majority, the Presiding Member, under clause 10.5 of the City of Busselton *Standing Orders Local Law 2018*, asked for a member to move part 2 of the alternative recommendation only.

The motion was moved and there was opposition. The motion was lost, absolute majority for part 2 was not achieved.

### **COUNCIL DECISION**

**C2311/179** Moved Cr Andrew Macnish, seconded Cr Anne Ryan

**That the council:**

- 2. Accordingly and noting Cr Ryan's previous and still current nomination to the Audit and Risk Committee (ARC), appoint Cr Ryan to the ARC.**

**LOST 4 / 3**

**FOR: Cr Andrew Macnish, Cr Jarrod Kennedy, Cr Anne Ryan and Cr Jodie Richards**

**AGAINST: Mayor Phill Cronin, Cr Kate Cox, and Cr Sue Riccelli**

**ABSOLUTE MAJORITY NOT ACHIEVED**

### **OFFICER RECOMMENDATION**

That the Council:

1. In addition to the elected members appointed at the special meeting on 25 October 2023 appoint the following additional elected members to the Audit and Risk Committee:

*Enter names*

2. Appoint one independent position to the Audit and Risk Committee and request the CEO to undertake an expression of interest for a suitably qualified and experienced independent member and recommend an appointment to the Council.
3. Request the CEO to provide a further report on the relevance of the Behaviour Complaints Committee.

### **EXECUTIVE SUMMARY**

The purpose of this report is to deal with a request that Council appoint Councillor (Cr) Anne Ryan to a committee of Council specified in section 5.9(2)(a) or (b), in accordance with section 5.10(2) of the *Local Government Act 1995* (the Act). The report recommends the Council considers the appointment of additional elected members and an independent member to the Audit and Risk Committee. The report also makes recommendation about the Behaviour Complaints Committee.

### **STRATEGIC CONTEXT**

The finalisation of appointment of members to committees supports the good governance of the district.

## BACKGROUND

At a special meeting on 25 October 2023 Council appointed elected members to its established committees, after having considered nominations from elected members and undertaking a process of allocating members to committees, including conducting a secret ballot where there were more nominations than committee positions.

The endorsed Audit and Risk Committee Terms of Reference state that the Council will appoint four elected members to the committee. The endorsed Behaviour Complaints Committee Terms of Reference state that the Council will appoint all elected members to the committee.

Councillors Macnish, Ryan and Woodhams only nominated to be on the Audit and Risk Committee (out of all the s 5.9(2)(a) and (b) committees – discussed further below), with Cr Macnish and Cr Woodhams appointed as members to the Committee (along with Mayor Cronin and Cr Riccelli) following a secret ballot. Cr Ryan was not appointed as a member but was appointed as second deputy, with Cr Love as first deputy member.

No councillors were required to formally nominate for the Behaviour Complaints Committee (given the Council's Terms of Reference for that Committee) and Cr Macnish and Ryan expressed concerns about being appointed to a committee they had not nominated for (and in Cr Ryan's case not being appointed to the Audit and Risk Committee).

The Council resolved 7-2 (with Councillors Macnish and Ryan voting against) to make the committee appointments which included the Audit and Risk Committee appointments outlined above as well as appointing all elected members to the Behaviour Complaints Committee in accordance with the committee's terms of reference.

Since the 25 October 2023 special meeting, Cr Ryan has sought to resign from the Behaviour Complaints Committee, giving notice to the CEO on Friday 3 November 2023. Cr Macnish has also sought to resign from the Behaviour Complaints Committee, giving notice to the CEO on 6 November 2023.

Assuming Cr Ryan's resignation from the Behaviour Complaints Committee is valid (or if her appointment to the Behavioural Complaints Committee was invalid – see legal opinion attached and discussed in officer comment below) she is no longer a member of a committee comprised of council members only or council members and employees. Cr Ryan is seeking that she be appointed to the Audit and Risk Committee in accordance with an entitlement under s 5.10(2) of the Act.

Section 5.10(2) of the Act states:

*At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.*

The types of committees in s 5.9(2)(a) or (b) of the Act are those that comprise council members only or those that comprise council members and employees. Both the Audit and Risk Committee and Behaviour Complaints Committee are committees that comprise council members only.

## OFFICER COMMENT

The outcomes of the 25 October 2023 special meeting have given rise to several complex matters concerning committee appointments and specifically the interpretation of s 5.10 of the Act and the entitlement of an elected member to be appointed to a committee of their nomination (only).

### *Interpretation of s 5.10 of the Local Government Act 1995*

The City has sought external legal advice on the proper interpretation of section 5.10 of the Act as it relates to committee appointments. In particular the City has sought advice on, if an elected member nominates to be on such a committee or committees, and the elected member specifies the particular committee, is the local government required to appoint the elected member to the particular committee. That advice is attached at Attachment 1.

At issue is what is meant by the Council's obligation to 'appoint a council member to at least one of those committees as the [Council] decides'.

In particular, is the reference to 'one of those committees' intended to mean:

1. a 'committee referred to in section 5.9(2)(a) or (b)' as referred to in the first limb of section 5.10(2) (**Wider Interpretation**); or
2. 'a committee or committees' to which the Council member nominates himself or herself to be a member (as referred to in the second limb of section 5.10(2)) (**Narrower Interpretation**)?

The external legal advice acknowledges that the terms of s 5.10(2) of the Act are ambiguous and open to both interpretations. However, the advice concludes that the more prudent approach may be to adopt the Narrow Interpretation.

In adopting the Narrow Interpretation, it means Cr Ryan should be appointed to the Audit and Risk Committee.

To ensure that the Council can decide again on the composition of the Audit and Risk Committee it is recommended that nominations are reopened, and the Council determine which Council members be appointed to the Audit and Risk Committee (in addition to those Council members already appointed to the Audit and Risk Committee).

### *Inclusion of an independent member to the Audit and Risk Committee*

In addition to expanding the membership of elected members, officers are recommending that the Council include an independent member position on the committee. Officers were intending to bring a report in early 2024 with this recommendation however consider it is appropriate to do this now while the membership of the Audit and Risk Committee is being considered.

The inclusion of an independent member on the Audit and Risk Committee is consistent with:

1. The Department of Local Government, Sport and Cultural Industries guidelines which recommend that one or more persons, with requisite knowledge and skills, other than elected members be appointed to the audit committee (see pp 5-6 of Local Government



Operational Guideline Number 09: Audit in Local Government (The appointment, function and responsibilities of Audit Committees);

2. The Western Australian Public Sector Audit Committees – Better Practice Guide which states that for local governments (see pp 11-12):

*“having at least 1 appropriately skilled audit committee member who is completely independent of the board or council can bring fresh insight or bridge gaps in the experience needed by the audit committee to perform their duties”*

3. The adopted practice of other Western Australian local governments.
4. The State Government’s local government reform agenda which originally proposed that audit committees comprise a majority of independent members and an independent chair. Although the State Government’s original proposal is unlikely to be implemented it is highly likely there will be requirements for independent representation on audit committees.

If the Council accepts the officer recommendation to include an independent member, then it is recommended that the CEO seek expressions of interest for a suitably qualified and experienced independent member and that the CEO recommend an appointment to the Council. It is expected that this process would be concluded early in 2024. The term of appointment of the independent member would be until the next ordinary elections day.

An unintended consequence of including an independent member is that the Audit and Risk Committee would become a committee comprising council members and other persons which means that s 5.10(2) of the Act would no longer apply (s 5.10(2) only applies to committees that comprise council members only or those that comprise council members and employees). This means that the entitlement provided to Cr Ryan under the Narrow Interpretation would cease to exist for the Audit and Risk Committee. Despite this, noting that as it is an unintended consequence, officers are recommending that the Council consider appointing Cr Ryan, along with any other Council members who nominate, as well as an independent member.

### ***The Behaviour Complaints Committee***

If the Narrow Interpretation of s 5.10(2) is adopted, supported by s 52 of the *Interpretation Act 1984*, as set out in the external legal advice, then the Council may not have the power to appoint a Council member to be a member of a committee unless the Council member had nominated himself or herself to be a member of that committee. Given that no Council member formally nominated to be on the Behaviour Complaints Committee it is possible that the appointment of all Council members to the Behaviour Complaints Committee made at the 25 October 2023 special meeting was invalid.

It is therefore proposed that the CEO prepare a report to the Council for the Council to consider the ongoing relevance of the Behaviour Complaints Committee and its terms of reference.

### **Statutory Environment**

Part 5 Division 2 Sub-division 2 of the *Local Government Act 1995* (WA) deals with committees and their meetings.

Section 5.8 deals with establishment of committees:

*A local government may establish\* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

*\* by absolute majority*

Section 5.9 deals with the types of committees:

- (1) In this section — other person means a person who is not a council member or an employee.*
- (2) A committee is to comprise —
  - (a) council members only; or*
  - (b) council members and employees; or*
  - (c) council members, employees and other persons; or*
  - (d) council members and other persons; or*
  - (e) employees and other persons; or*
  - (f) other persons only.**

Section 5.10 of the Act deals with the appointment of committee members.

- (1) A committee is to have as its members —
  - (a) persons appointed\* by the local government to be members of the committee (other than those referred to in paragraph (b)); and*
  - (b) persons who are appointed to be members of the committee under subsection (4) or (5).**

*\* by absolute majority*

- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.*

### **Relevant Plans and Policies**

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

Plan:

Not applicable.

Policy:

[Meetings, Information Sessions and Decision Making Processes](#)

### **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**

As an alternative to the proposed recommendation the Council could choose to:

1. take the Wider Interpretation and appoint Cr Ryan to one of the committees referenced as 5.9(2)(a) and (b). While acknowledging that the advice leaves this interpretation open, it is not recommended given the conclusion of the advice;
2. appoint only an independent member position to the Audit and Risk Committee, with that committee then becoming a committee referenced at 5.9(2)(d), not 5.9(2)(a) or (b). For the reasons stated in the officer comment this is not recommended;
3. seek council members nomination for the Behaviour Complaints Committee and make appointments;
4. otherwise determine the composition of the Audit and Risk Committee and Behaviour Complaints Committee.

**CONCLUSION**

The officer recommendation is consistent with the external legal advice received and will ensure the good governance of the district.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

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

<b>Milestone</b>	<b>Completion Date</b>
Appointment of new Council members to Audit and Risk Committee	November 2023
Report on the Behaviour Complaints Committee	January 2023
Completion of Expression of Interest for Audit and Risk Committee independent member with recommendation to the Council	February 2024

## 18. CONFIDENTIAL MATTERS

The Presiding Member called on an Elected Member to move a motion to close the meeting to the public.

The motion was moved and carried.

### **COUNCIL DECISION**

**C2311/180** Moved Cr Kate Cox, seconded Cr Sue Riccelli

**That the meeting is closed to members of the public to discuss an item which is confidential under section 5.23(2)(c) of the *Local Government Act 1995*.**

**CARRIED 7 / 0**

**FOR: Mayor Phill Cronin, Cr Andrew Macnish, Cr Jarrod Kennedy, Cr Anne Ryan,  
Cr Jodie Richards, Cr Kate Cox, and Cr Sue Riccelli**

**AGAINST: Nil**

7:39pm At this time, the meeting was closed to the public and the livestreaming of the meeting ceased.

## 18.1 Saltwater Project Update

<b>Strategic Theme:</b>	Key Theme 2: Lifestyle 2.4 Establish a performing arts facility for the District.
<b>Directorate:</b>	Corporate Strategy and Performance
<b>Reporting Officer:</b>	Director of Corporate Strategy and Performance - Sarah Pierson
<b>Authorised By:</b>	Chief Executive Officer - Tony Nottle
<b>Nature of Decision:</b>	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
<b>Voting Requirements:</b>	Simple Majority
<b>Disclosures of Interest:</b>	No officers preparing this item have an interest to declare.
<b>Attachments:</b>	1. CONFIDENTIAL Attachment 1 [ <b>18.1.1</b> – 1 Page]

This report contains information of a confidential nature in accordance with Section 5.23(2)(c) of the *Local Government Act 1995*, as it contains information relating to a contract entered into, or which may be entered into, by the local government.

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

### **COUNCIL DECISION**

**C2311/181** Moved Cr Kate Cox, seconded Cr Jodie Richards

**That the Council adopt the Officer Recommendation as outlined in confidential Attachment 1.**

**CARRIED 7 / 0**

**FOR: Mayor Phill Cronin Cr Andrew Macnish, Cr Jarrod Kennedy, Cr Anne Ryan,  
Cr Jodie Richards, Cr Kate Cox, and Cr Sue Riccelli**

**AGAINST: Nil**

Reasons: Officers have amended the recommendation in response to commentary and requests for additional information from Councillors during the briefing session on this item.

The Presiding Member called on an Elected Member to move a motion to re-open the meeting to the public. The motion was moved and carried.

**COUNCIL DECISION**

**C2311/182** Moved Cr Anne Ryan, seconded Cr Jodie Richards

**That the meeting be re-opened to the members of the public.**

**CARRIED 7 / 0**

**FOR: Mayor Phill Cronin, Cr Andrew Macnish, Cr Jarrod Kennedy, Cr Anne Ryan,  
Cr Jodie Richards, Cr Kate Cox, and Cr Sue Riccelli**

**AGAINST: Nil**

7:40pm At this time the meeting reopened to the public and the livestream of the meeting was resumed.

The Presiding Member advised the gallery that the Council had adopted the amended officer recommendation for item 18.1.

**19. CLOSURE**

The meeting was closed at 7:41pm.

The minutes of the Ordinary Council Meeting held 15 November 2023 were confirmed as a true and correct record on 13 December 2023.

Date: 13.12.23

Presiding Member:

