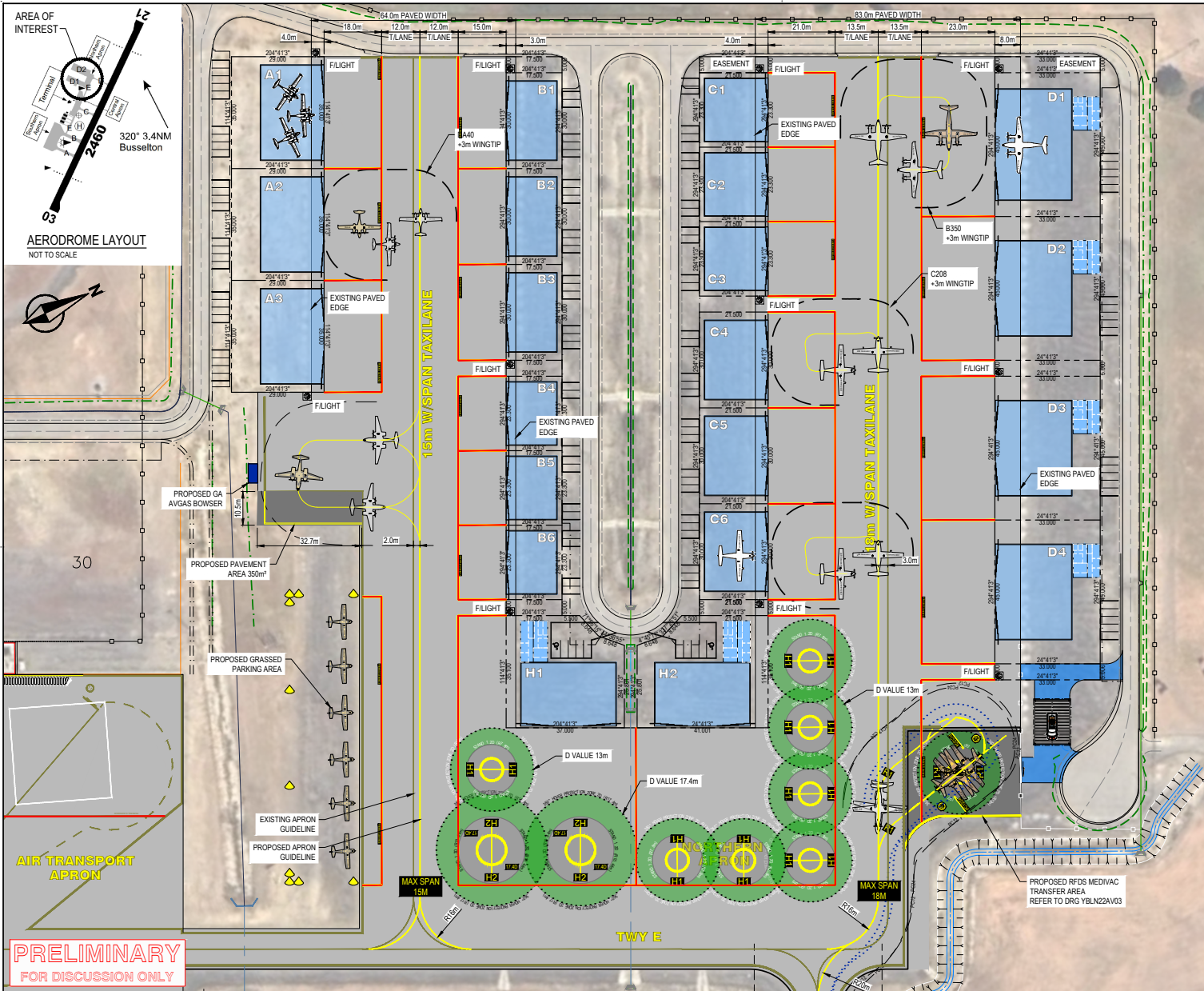


# ORDINARY COUNCIL MEETING 18 SEPTEMBER 2024 ATTACHMENTS

<b>10.1. BUSSELTON MARGARET RIVER AIRPORT GENERAL AVIATION PRECINCT LEASE.....</b>	<b>3</b>
10.1.1. DESIGN OPTION - LAYOUT 1.....	3
10.1.2. DESIGN OPTION - LAYOUT 2.....	4
<b>11.1. DA24/0125 – INDUSTRY EXTRACTIVE (GRAVEL) – LOT 1758 (NO.161) GULBERTI ROAD, RUABON – LOT 1757 (NO.49) GULBERTI ROAD, RUABON – LOT 61 (NO.755) LUDLOW-HITHERGREEN ROAD, RUABON.....</b>	<b>5</b>
11.1.1. STAGE 2 PROPOSAL PLAN LOT 61 REVISION C DATED 15 APRIL 24.....	5
11.1.2. DEVELOPMENT SITE PLAN DATED 6 MARCH 24.....	6
11.1.3. WORKS SUMMARY VERSION 3 DATED 11 JULY 2024.....	7
11.1.4. ACOUSTIC ASSESSMENT REVISION 5.....	12
11.1.5. SUMMARY OF SUBMISSIONS DA 24 0125 V2 002.....	28
<b>11.2. REVIEW OF DOG MANAGEMENT CONTROLS - CONSULTATION OUTCOMES.....</b>	<b>61</b>
11.2.1. TAILS OF THE CITY CONSULTATION REPORT.....	61
<b>13.1. PROPOSED MARINE DISCOVERY BUILDING LEASE TERMS.....</b>	<b>87</b>
13.1.1. ATTACHMENT 1 CONCEPT DRAWING SET.....	87
13.1.2. ATTACHMENT 2 LOT 501 RESERVE 38558.....	94
<b>13.2. BUDGET AMENDMENTS - AIRPORT ARTWORK.....</b>	<b>95</b>
13.2.1. EOI - BUSSELTON AIRPORT ARTWORK SEPT 2024.....	95
13.2.2. R E_ TOURISM WA - ABORIGINAL GATEWAY INFRASTRUCTURE CONFIRMATION OF FUNDS.....	109
13.2.3. TW A 2324177 - GA - CITY OF BUSSELTON ( FINAL SIGNED).....	122
<b>15.2. ELECTED MEMBER INFORMATION BULLETIN.....</b>	<b>148</b>

15.2.1. COUNCIL TENDER REPORT AUGUST 2024.....	148
15.2.2. CURRENT RUNNING SAT REVIEWS.....	150
15.2.3. COUNCIL RESOLUTION STATUS UPDATE.....	152
15.2.4. CIVIL LITIGATION REPORT AUGUST 2024 (1).....	211



- NOTES**
- DESIGN IN ACCORDANCE WITH PART 139 (AERODROMES) MANUAL OF STANDARDS 2019. ALL LINE MARKING & DESIGNATIONS IN ACCORDANCE WITH PART 139 MOS 2019 CHAPTER 8 DIVISION 5.
  - PLAN DRAWN TO GRID CO-ORDINATES MGA/SDA 94 ZONE 50 & GEOGRAPHIC CO-ORDINATES TO WGS-84.
  - LINE MARKING SHOWN PRELIMINARY ONLY AND SUBJECT TO FINAL REVIEW.
  - ALL AIRCRAFT REQUIRE A MINIMUM WINGTIP TO OBJECT = 3.0m FOR AIRCRAFT PARKING CLEARANCES:
  - HANGAR LOT DESIGN AIRCRAFT DETAILS:
    - A1, A2 & A3 - MAX 15M W/SPAN, MTOW <5700KG
    - B1, B2, B3, B4, B5, B6 - MAX 12M W/SPAN, MTOW <5700KG
    - C1, C2, C3, C4, C5, C6 - MAX 15/16M W/SPAN, MTOW <5700KG
    - D1, D2, D4, D5 - MAX 18M W/SPAN, MTOW SUBJECT TO AD APPROVAL
    - H1, H2 - ROTARY WING SITES

AIRCRAFT DATA						
MAKE	MODEL	ICAO	W/SPAN (m)	LENGTH (m)	MTOW (Kg)	
BEECHCRAFT	BONANZA	BE33	10.0	7.67	1418	
BEECHCRAFT	BARON 58	BE58	11.53	9.09	2495	
CESSNA	150	CT50	10.17	6.56	726	
CESSNA	SKYHAWK	CT172	11.0	8.20	1270	
CESSNA	CARDINAL	CT177	10.85	8.22	1270	
CESSNA	SKYLANE	CT182	10.97	8.84	1406	
CESSNA	CARAVAN	C208	15.88	12.67	3969	
CESSNA	210	C210	11.21	8.59	1860	
CESSNA	310	C310	11.25	9.74	2495	
CESSNA	402	C402	13.45	11.09	3107	
CESSNA	TITAN	C404	14.23	12.04	3810	
CESSNA	CONQUEST	C441	15.04	11.89	4468	
VICTA	AIRTOURER	TOUR	7.92	6.55	750	
DIAMOND	TWINSTAR	DA42	13.92	8.56	1700	
MOONEY	M20	M20P	11.0	8.15	1527	
PIPER	TWIN COMMANDER	PA30	11.22	7.67	1633	
PIPER	CHEROKEE 6	PA32	9.99	8.44	1633	
PIPER	SARATOGA	PA32	11.0	8.44	1633	
PIPER	SEMINOLE	PA44	11.77	8.41	1723	
PIPER	NAVAJO	PA31	12.40	10.52	3540	
PIPER	CHIEFTAIN	PA31	13.56	10.52	3175	
FLETCHER	FL24	FL24	12.81	11.07	3742	
ROCKWELL	AEROCOMMANDER	AC50	14.95	11.15	4082	
CITATION	BRAVO	C550	15.90	14.39	13000	
DASSAULT	FALCON 20	FA20	16.30	17.15	13000	
PILATUS	PC12	PC12	16.23	14.4	4500	
PILATUS	PC24	PC24	17.00	16.82	8150	
BEECHCRAFT	KINGAIR 200	BE20	16.6	14.22	5670	
BEECHCRAFT	KINGAIR 350	B350	17.65	14.22	6750	
BEECHCRAFT	B1900D	B190	17.64	17.62	7764	
BEECHCRAFT	HAWKER 400	BE40	13.26	14.76	7303	
BEECHCRAFT	HAWKER 800	H25B	16.50	15.6	12701	
DE HAVILLAND	TWIN OTTER	DHC6	19.8	15.77	5670	
FAIRCHILD	METRO23	SW4	17.37	18.05	7484	
AIR TRACTOR	AT-802	AT8T	18.06	10.95	7257	
BEECHCRAFT	HAWKER 800	H25B	16.50	15.6	12701	

- LEGEND**
- AREA OF EXISTING SEALED APRON/TAXILANE
  - AREA OF PROPOSED SEALED APRON/TAXILANE
- ROTARY WING NOTES**
- ALL DIMENSIONS IN METRES UNO.
  - DESIGN IN ACCORDANCE WITH:
    - CAAP 95-2/2
    - ANNEX 14 VOL II
    - MOS 139 - AERODROMES.
  - DESIGN HELICOPTER IS FOR 360° NON SIMULTANEOUS HOVER WITH D-VALUE AS INDICATED.

HELICOPTER DATA					
MAKE	MODEL	ICAO	ROTOR RD	MAX LENGTH D (m)	MTOW (Kg)
AUGUSTA	139	AW139	13.8	16.7	7000
BELL	206 / JETRANGER	B06	10.15	11.96	2054
BELL	206L / L RANGER	B06	11.28	12.91	1882
BELL	205	B205	14.63	17.4	4309
BELL	212	B212	14.69	17.46	5080
BELL	407	B407	10.70	12.70	2268
BELL	222	B222	12.80	15.23	2066
BELL	412	B412	14.02	17.10	5398
BELL	430	B430	12.80	15.32	4218
EUROCOPTER	AS355	AS55	10.69	12.94	2600
EUROCOPTER	EC130	EC30	10.69	10.68	2400
EUROCOPTER	EC135	EC35	10.20	12.20	2980
EUROCOPTER	EC225	EC25	16.20	19.50	11200
ROBINSON	R44 RAVEN	R44	10.1	11.65	1134
ROBINSON	R66	R66	10.0	11.65	1225
MBB/KAWASAKI	BK117	BK17	11.00	13.50	3350
SIKORSKY	S92	S92	17.17	20.88	12568

REV DATE AMENDMENTS

B	20.10.22	AMENDED HANGAR LOTS, AVGAS, GRASSED PARKING AREA
A	17.07.22	FOR INFORMATION

Includes: ZSH.A1  
Includes: YBLN X PLEX 220517  
Includes: YBLN X BASE 220519  
Includes: DRG YBLN22AV03-B

Images: Xlogo City of Busseton.PNG

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**Airworks**  
simon@airworksconsulting.com.au

CLIENT

**City of Busseton**  
Geographic Bay

DRAWN: AIRWORKS 17.07.22  
DESIGNED: AIRWORKS 17.07.22  
APPROVED: N COOPER  
COMPANY: AIRPORT OPERATIONS

**BUSSETON, WA**  
NORTHERN APRON GENERAL AVIATION  
PROPOSED LOT LAYOUT  
GENERAL ARRANGEMENT - OPTION 1

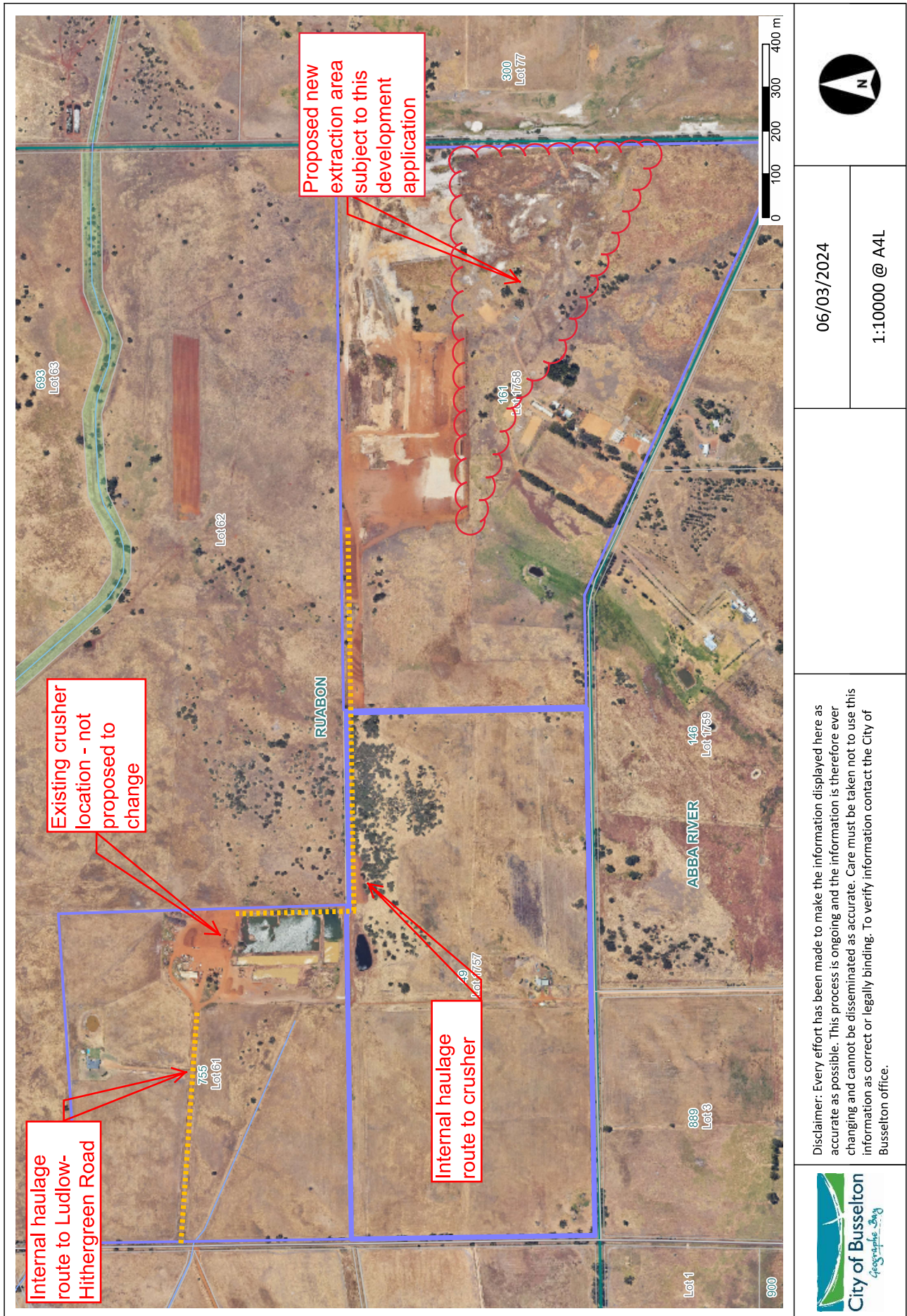
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0 6 12 18 24m  
A1 SCALE 1:600

DRAWING No.  
**YBLN22MP01**

REV  
**B**









## HARBECKS TRANSPORT GRAVEL SUPPLIES



755 Ludlow-Hithergreen Road  
WA 6280

Chris: 0407 992 068  
Office: 0467 467 976

Email: harbeckstransport@outlook.com

**RE: APPLICATION FOR EXTRACTIVE INDUSTRIES LICENCE, STAGE 2 ON LOT 1758 GULBERTI ROAD, RUABON**

### Works Summary

Mark and Claire Wright approached Harbecks Transport regarding improving their property, Lot 1758 Gulberti Road. They had watched our operation and were quite surprised by how quiet our methods were and requested a rehabilitation program, their main concern being the creation of an even and productive surface for the welfare of their horses.

As per the plan, you can see it is split into 8 stages. We will be starting in the most north western corner of the proposed extraction/rehabilitation area. The haul road and first two stages will be fenced off from west to east keeping all stock and vehicles out of the extraction area. Topsoil will be stripped completely off stage one and pushed into a windrow running east to west on the southern side creating a sound and visual barrier. We will then grind and remove rock in this area 300mm below finished surface, then will fill with surplus sand and replace topsoil bringing back to finished height. Although we do not plan to use a rock stockpile area, it is essential to have this area in place on the plan, as to ensure the rehabilitation program can continue.

Harbecks Transport has been involved in these type of extraction/rehabilitation projects for many years, creating a wealth of experience within our team. Our system to remove solid rock and turn it into premium gravel products is the only one of its kind in the South West and has been noted by Main Roads WA as an innovative, productive and extremely quiet method of extracting rock. Main Roads WA have used Harbecks Transport to create batters in solid rock boundaries in a gravel pit in State Forest to allow topsoil to be placed over them, allowing native animals to move freely without chance of injury.

We are a WALGA Preferred Supplier and supply the City of Busselton with MRWA specification gravel for road building. They have found the gravel we produce from this type of rock (being the same as current extraction on 755 Ludlow Hithergreen Road) to be the most user friendly in wetter conditions. We have also been employed by the City of Busselton to remove rock for culvert alignments with our rock grinding system, this was found to be very quiet and effective, producing no more noise than a standard excavator working.

In accordance with the adopted Extractive Industry Policy, the following information is enclosed:

- i) **Development Application Form;**
- ii) **A Copy of Site Plan;**
- iii) **A copy of Certificate of Title;**
- iv) **A Dust Management Plan;**
- v) **A Dieback Management Plan;**
- vi) **A Noise Management Plan.**

We will now address the details outlined within the Extractive Development Application Requirements.

**1. LOCATION AND SITE DETAILS**

**a. Property Details and Location on Property**

The enclosed location plan and site plan identify the proposed extraction areas quite clearly. Lot 1758 is located within *Extractive Industry Policy Area No. 3 – Extractive Industry Less Constrained*.

Extractive Industry will be expected to be approved within Policy Area 3, where such operations can meet the requirements of this Policy and the Scheme.

**b. Contoured Topography of Site and Surrounds**

The site plan is provided by Survcon Surveying Services.

No excavation shall be less than 24.7 AHD or closer than 300mm to the maximum seasonal ground water table (whichever is higher).

The final land surface (after rehabilitation) will be no less than 500mm above the maximum seasonal ground water table.

**c. Location and extent of any existing extractive industry within 1500 metres**

755 Ludlow-Hithergreen Road, currently operated by ourselves, Harbecks Transport, being 750 metres to the two closest boundaries.

**d. Existing and Surrounding Land uses.**

Refer to proposal plans and Acoustic Assessment.

**e. Property Access**

Access to the proposed extraction will be via 755 Ludlow – Hithergreen Road, which has a suitable bitumen standard. A suitable crossover has been constructed.

**f. Existing Vegetation**

The subject land contains a few individual paddock trees, a couple may be removed for the gravel extraction. Removal of these trees is considered appropriate to access this regionally important resource, and a clearing application is not considered necessary from the Department of Environment Regulation. Landowner has agreed to plant five trees for every one tree removed.

**g. Existing and Surrounding Watercourses, Dams and Wetlands – Drainage Management.**

Natural drainage and man-made improvements generally traverse the property in a northwesterly direction. This drainage system will not be compromised by the extraction operation. A stock dam exists on the southern section of the property, westwards of the dwelling.

We are committed to closely monitoring drainage/run-off within the excavation areas and will address any problems which may arise.

**2. SCALE AND NATURE OF OPERATON**

**a. Size and Depth of Pits**

It can be seen from the site plan that the extraction area comprises 13.6 hectares broken into 8 extraction zones, the greatest being two hectares.

There is very little top soil in this area, the ironstone cap rock is virtually on the surface. Please refer to the cross section details on the site plan, which indicate the proposed excavation floors and side slope batters (where required). It will be noted that the extraction area will be set back at least 20 metres from the property boundaries.

**b. Intended crushing, blasting and method of material extraction**

All crushing to be done at 755 Ludlow Hithergreen Road will continue as per current method. No Blasting will be conducted on site. There will be no high pitch noise resulting from the extraction method, e.g. Rock Breakers, Dozers, Ripper Picks will not be used. Rock grinders will be used to extract rock, then loaded onto haul trucks and carted via haul road to be processed.

**c. Timing and extent of crushing and blasting if proposed**

Crushing will happen five (5) days per week maximum if required, at 755 Ludlow Hithergreen Road. No crushing will take place on site of Lot 1758 (161) Gulberti Road. Rock Grinding onsite will happen 7am-5pm, Monday to Friday, excluding Public Holidays.

**d. Sand, gravel, rock or clay extraction**

Gravel Extraction

**e. Whether On-site maintenance of, or storage of vehicles or fuels is contemplated**

There will be no onsite maintenance or fuel storage

**f. If Storage and stockpiling of materials on-site is proposed, the height, perimeter, location and cubic capacity of the intended stockpile and the measures to be deployed to control dust dispersal.**

Stockpile area is a 200m x 20m strip along the northern boundary adjacent to the haul road. Removed product will not be stacked any higher than three (3) meters. As this is a rehabilitation project, as well as extraction, this stockpile area is essential, it will also work as a sound barrier for the haul road. Stockpile will be placed in a way that a water truck can access all sides and be side sprayed if needed.

**g. Proposed capacity and source of water to be made available to the site for dust management and general purposes**

Water will be drawn from dams on 755 Ludlow Hithergreen Road for dust suppression

**h. Period over which operation is to occur**

Five (5) years with possible extension of Five (5) years if needed

**i. Proposed operating times**

7am-5pm Monday to Friday, 8am-1pm Saturday (rehabilitation only)

**2. Scale and Nature of Operation Report - Continued**

- j. Type of equipment to be used**  
Rock Grinders, Excavators, Loaders, Graders, Scrapers and Haul Trucks
- k. Staging of operation**  
As Per Mapping
- l. The name and telephone number of the proposed operations manager for the site if known.**  
Chris Harbeck, phone 0407 992 068

**3. Resource Haulage Report, Including:**

- a. The maximum number of truck movements per day/week.**  
Maximum truck movements per working day will be seventy (70), as per approved extraction permit, Lot 62, Ludlow-Hithergreen Road
- b. The likely frequency of machinery and truck movements including the frequency of truck movements on private internal haul tracks and all public roads.**  
As above
- c. Type and size of trucks/machinery to be used**  
Semi Trailers, Loader
- d. Access to the site operation including any proposed new crossovers.**  
Access to site is a 17m wide asphalt entrance with a 400m long, 7m wide asphalt road, removing any chance of any dirt dust crossing onto Ludlow Hithergreen Road
- e. Haulage routes and destination(s), including all local and major roads**  
As a supplier, product will leave on various contractors trucks, including City of Busselton Trucks, onto Ludlow Hithergreen Road, as to where they go will be at the discretion/permits of the purchaser.
- f. Location of proposed and existing road signage**  
100m to each side of the driveway on 755 Ludlow Hithergreen Road
- g. Anticipated road maintenance and/or upgrade requirements (see provision 4)**
- h. Extent of roadside vegetation to be removed if road upgrade is required**
- i. Anticipated intersection upgrades**
- j. Anticipated drainage and or bridge upgrades**
- k. A completed Traffic Impact Assessment**  
As 755 Ludlow Hithergreen Road is currently running as a gravel extraction, point's **g to k** will remain the same
- l. School Bus Routes and Times**  
Existing School Bus Times to be advised

**4. Water Management Plan, Including:**

- a. **Drainage implications;**
- b. **Surface Water Management; and**
- c. **The stratification and absolute depth of the resource relative to the groundwater table, bedrock or underlying clay layer; and the proposed extraction depth.**

As the surface water will not be disturbed too much, as per plan working from East-West, any discoloured surface water will be retained in the works area. A topsoil bunding will be placed around works in progress to stop any flowing of surface water until rehabilitated, and so on, until the end of the project.

**Additional Information**

There is no acid sulphate soils on site.

There is no evidence of dieback but we have included a Dieback Management Plan and will implement it as it covers the surface water management plan.

**5. Proposed End Use of Site/Rehabilitation Concept Plan, Including Staging:**

The end use for this site will be primarily for horse farming. The rehabilitation plan and staging, as per mapping, is to transform the surface from an uneven, rocky and non-productive surface, to an even surface with an even coverage of sand and topsoil, to create user friendly and productive land for horses and general farming.



## **HARBECKS TRANSPORT**

EXTRACTIVE INDUSTRY  
LOT 1758 #161 GULBERTI ROAD, RUABON

## **ACOUSTIC ASSESSMENT**

JANUARY 2024

OUR REFERENCE: 32185-6-24027



Herring Storer Acoustics

## DOCUMENT CONTROL PAGE

# ACOUSTIC ASSESSMENT

## LOT 1758 #161 GULBERTI ROAD, RUABON, RUABON

Job No: 24027

Document Reference: 32185-6-24027

FOR

HARBECKS TRANSPORT

DOCUMENT INFORMATION				
Author:	Paul Daly	Checked By:	Tim Reynolds	
Date of Issue:	1 February 2024			
REVISION HISTORY				
Revision	Description	Date	Author	Checked
1	Revised modelling	28/02/2024	PLD	
2	Address DWER (NB) comments – cumulative modelling	13/06/2024	PLD	
3	Inclusion of crushing on Lot 61	4/7/2024	PLD	
4	Client Comments	4/7/2024	PLD	
5	Incorrect Lot number	5/7/2024	PLD	
DOCUMENT DISTRIBUTION				
Copy No.	Version No.	Destination	Hard Copy	Electronic Copy
1	6	HarbeckS Transport Att: Chris Harbeck Email: <a href="mailto:harbeckstransport@outlook.com">harbeckstransport@outlook.com</a>		✓

**Herring Storer Acoustics**

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**CONTENTS**

1.	INTRODUCTION	1
2.	SUMMARY	2
3.	CRITERIA	2
4.	CALCULATED NOISE LEVELS	4
5.	RESULTS	6
6.	ASSESSMENT	6
7.	CONCLUSION	7

**APPENDICES**

A	Site Layout
B	Noise Contours
C	Surface Miner Measure Noise Levels

## 1. INTRODUCTION

Herring Storer Acoustics have been commissioned by Harbecks Transport to undertake an acoustic assessment of noise emissions from the proposed gravel extraction operations located at Lot 1758 (#161) Gulberti Road, Ruabon.

This assessment is for the Stage 2 operations, with Stage 1 nearing completion. The proposed extraction operations will operate from 07:00 – 17:00 Monday to Friday, and Saturdays 08:00 to 13:00 (Rehabilitation Only). No operations would occur on Sundays or Public Holidays. The nearest residential premises are located to the south, west and east of the proposed operations, however the residential premises to the south is the most critical in terms of distance from the proposed operations.

This study assesses the noise emissions associated with the Stage 2 operations. It is noted that there is a crusher and screen in operation on Lot 61 (#755), a previously approved premise. The noise emissions for the Lot 61 operations have also been assessed as a cumulative impact for all the works occurring in at the Harbecks operations.

It is further understood that there is extractive industry of the same nature proposed at the neighbouring Lot (Lot 62) to the north of the Harbecks operations. Consideration as to the cumulative effect of all industries within the area have been undertaken as a part of the acoustic study.

The main access road is via Ludlow-Hithergreen Road as shown in Figure 1.1, along with the proposed operations.

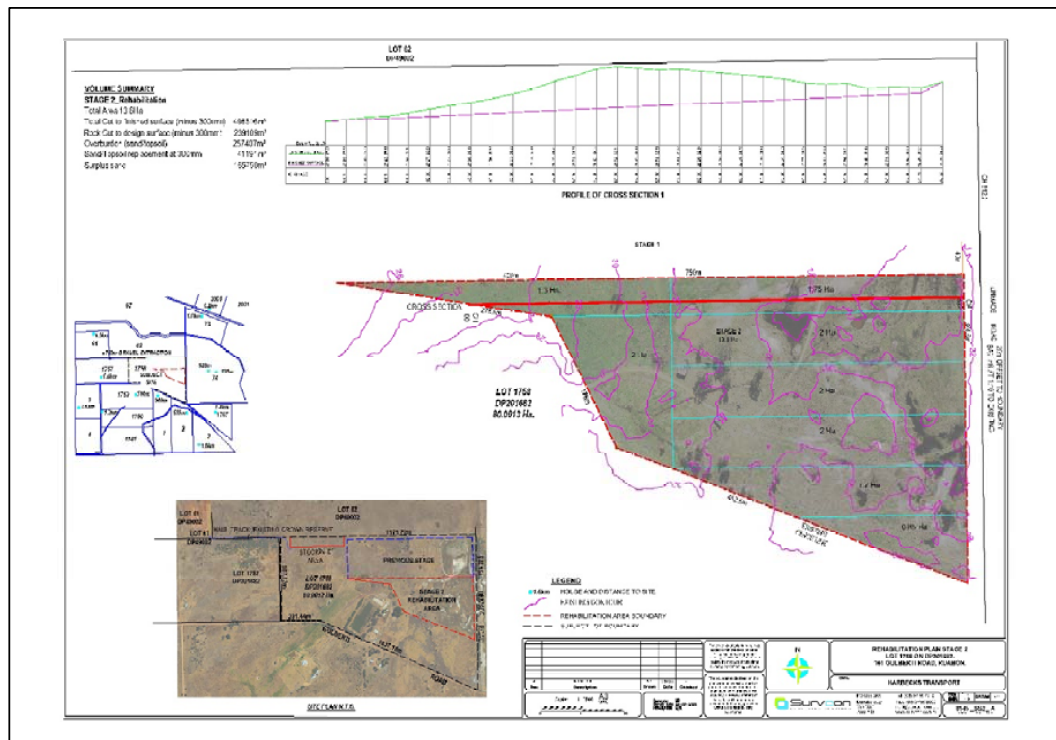


FIGURE 1.1 – EXTRACTION OPERATIONS

This assessment is provided to support the regulatory approvals processes and show that compliance with the requirements of the *Environmental Protection (Noise) Regulations 1997* can be achieved.

As part of the study, the following was carried out:

- Identification of individual operations and the associated noise levels.
- Assess the predicted noise levels at the nearest surrounding highly noise sensitive premises for compliance with the appropriate criteria.
- If exceedances are predicted, comment on possible noise amelioration options for compliance with the appropriate criteria.

For information, a locality plan is shown in Appendix A.

## 2. SUMMARY

Assessment has been conducted on the proposed gravel extraction operations for Lot 1758 (#161) Gulberti Road, Ruabon.

The facility would only operate during the day period (being Monday to Friday 07:00 to 17:00 hours, and Saturdays 08:00 to 13:00). Therefore, at the neighbouring residences, the applicable acoustic criterion for this assessment is the assigned  $L_{A10}$  day period noise level of 45 dB(A). However, as the extractive industry is located within an area where other proposed extractive industry could occur, noise received at the residences needs to be considered as NOT significantly contributing. Therefore, noise received at the surrounding residential premises needs to comply with 40 dB(A).

Noise received at the nearest residential premises has been determined, to be 40 dB(A) for the gravel extraction operations for the highest noise level at Stage 2.

The above assessable noise levels may be considered to contain tonal characteristics and therefore, a +5 dB(A) penalty for tonality would apply.

The dominant noise level from the operations is the noise emissions from the surface miner. For operations of the mobile plant, including the surface miner, there is sufficient distance from receivers, such that noise control is not required.

Given these operating parameters, noise levels received at the nearest premises has been calculated to comply with the *Environmental Protection (Noise) Regulations 1997* for the operating times as outlined in this assessment, even with the inclusion of a +5 dB(A) penalty for tonality.

## 3. CRITERIA

The allowable noise level for noise sensitive premises in the vicinity of the proposed site is prescribed by the *Environmental Protection (Noise) Regulations 1997*. Regulations 7 and 8 stipulate maximum allowable external noise levels or assigned noise levels that can be received at a premise from another premises. For residential premises, this noise level is determined by the calculation of an influencing factor, which is then added to the base levels shown below. The influencing factor is calculated for the usage of land within two circles, having radii of 100m and 450m from the premises of concern. The base noise levels for residential premises are listed in Table 3.1.

**TABLE 3.1 - BASELINE ASSIGNED OUTDOOR NOISE LEVEL**

Premises Receiving Noise	Time of Day	Assigned Level (dB)		
		L <sub>A 10</sub>	L <sub>A 1</sub>	L <sub>A max</sub>
Noise sensitive premises	0700 - 1900 hours Monday to Saturday (Day)	45 + IF	55 + IF	65 + IF
	0900 - 1900 hours Sunday and Public Holidays (Sunday / Public Holiday Day Period)	40 + IF	50 + IF	65 + IF
	1900 - 2200 hours all days (Evening)	40 + IF	50 + IF	55 + IF
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and Public Holidays (Night)	35 + IF	45 + IF	55 + IF

Note: L<sub>A10</sub> is the noise level exceeded for 10% of the time.  
L<sub>A1</sub> is the noise level exceeded for 1% of the time.  
L<sub>Amax</sub> is the maximum noise level.  
IF is the influencing factor.

It is a requirement that received noise be free of annoying characteristics (tonality, modulation and impulsiveness), defined below as per Regulation 9.

**“impulsiveness”** means a variation in the emission of a noise where the difference between L<sub>Apeak</sub> and L<sub>Amax Slow</sub> is more than 15 dB when determined for a single representative event;

**“modulation”** means a variation in the emission of noise that –

- (a) is more than 3dB L<sub>A Fast</sub> or is more than 3 dB L<sub>A Fast</sub> in any one-third octave band;
- (b) is present for more at least 10% of the representative assessment period; and
- (c) is regular, cyclic and audible;

**“tonality”** means the presence in the noise emission of tonal characteristics where the difference between –

- (a) the A-weighted sound pressure level in any one-third octave band; and
- (b) the arithmetic average of the A-weighted sound pressure levels in the 2 adjacent one-third octave bands,

is greater than 3 dB when the sound pressure levels are determined as L<sub>Aeq,T</sub> levels where the time period T is greater than 10% of the representative assessment period, or greater than 8 dB at any time when the sound pressure levels are determined as L<sub>A Slow</sub> levels.

We note that Regulation 7 - Prescribed Standard for noise emissions states under sub-regulation 1:

*Noise emitted from any premises or public place when received at other premises -*

- (a) *must not cause, or significantly contribute to, a level of noise which exceeds the assigned level.*

Additional, it also states that:

*For the purposes of subregulation (1) (a), a noise emission is taken to **significantly contribute to** a level of noise if the noise emission as determined under subregulation (3) exceeds a value which is 5 dB below the assigned level at the point of reception.*

Hence, if the noise received at a premises is 5 dB(A) or more below the assigned noise level, then noise received at that premises is considered to be NOT “significantly contributing” and deemed to comply with the requirements of the Environmental Protection (Noise) Regulations 1997 regardless of any other noise received at that premises from other sources.

The nearest potential noise sensitive premises to the proposed development have been identified using the area map in Figure 3.1.

The usage of the surrounding land use varies from intensive horticulture and residential land use. Therefore, the assigned noise levels for operational times are as noted in Table 3.2.

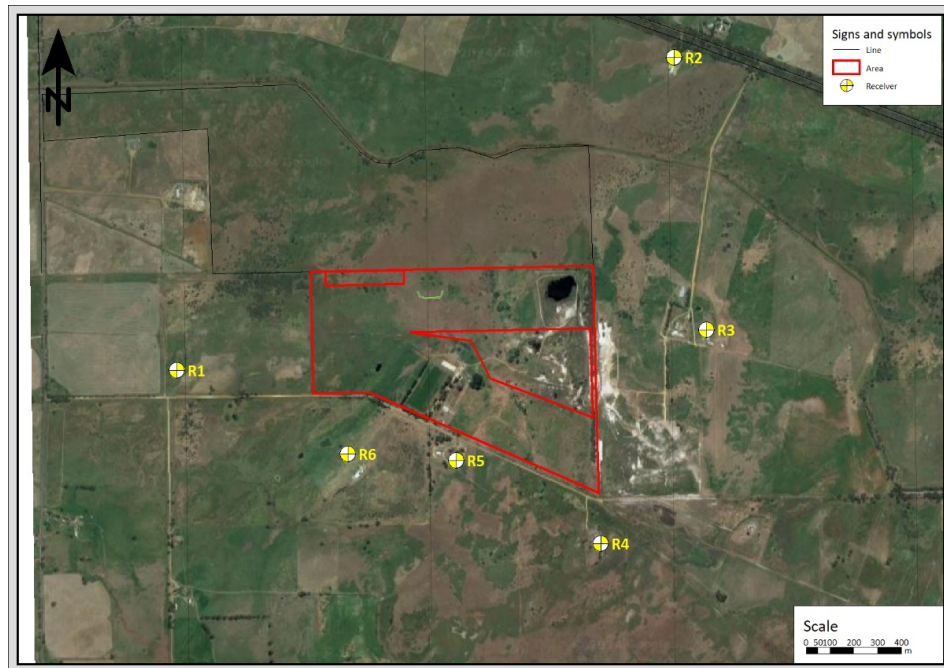


FIGURE 3.1 – RECEIVER LOCATION MAP

TABLE 3.2 – ASSIGNED NOISE LEVELS

Premises Receiving Noise	IF dB	Regulatory Time of Day	Assigned Level (dB)		
			L <sub>A</sub> 10	L <sub>A</sub> 1	L <sub>A</sub> max
Receiver R1 to R6	0	0700 - 1900 hours Monday to Saturday (Day)	45	55	65

#### 4. CALCULATED NOISE LEVELS

Noise immissions<sup>1</sup> at the nearest neighbouring residential premises, due to noise associated with the proposed operations, were modelled with the computer programme SoundPlan. Sound power levels used for the calculations are based on measured sound pressure levels of similar equipment proposed for use on site.

Appendix C contains the measured noise levels of a similar Wirtgen Surface Miner as proposed in this assessment.

The modelling of noise levels has been based on noise sources and sound power levels shown in Table 4.1.

<sup>1</sup> Immissions – noise received at a source

<sup>2</sup> Emissions – noise emanating from a source and / or location

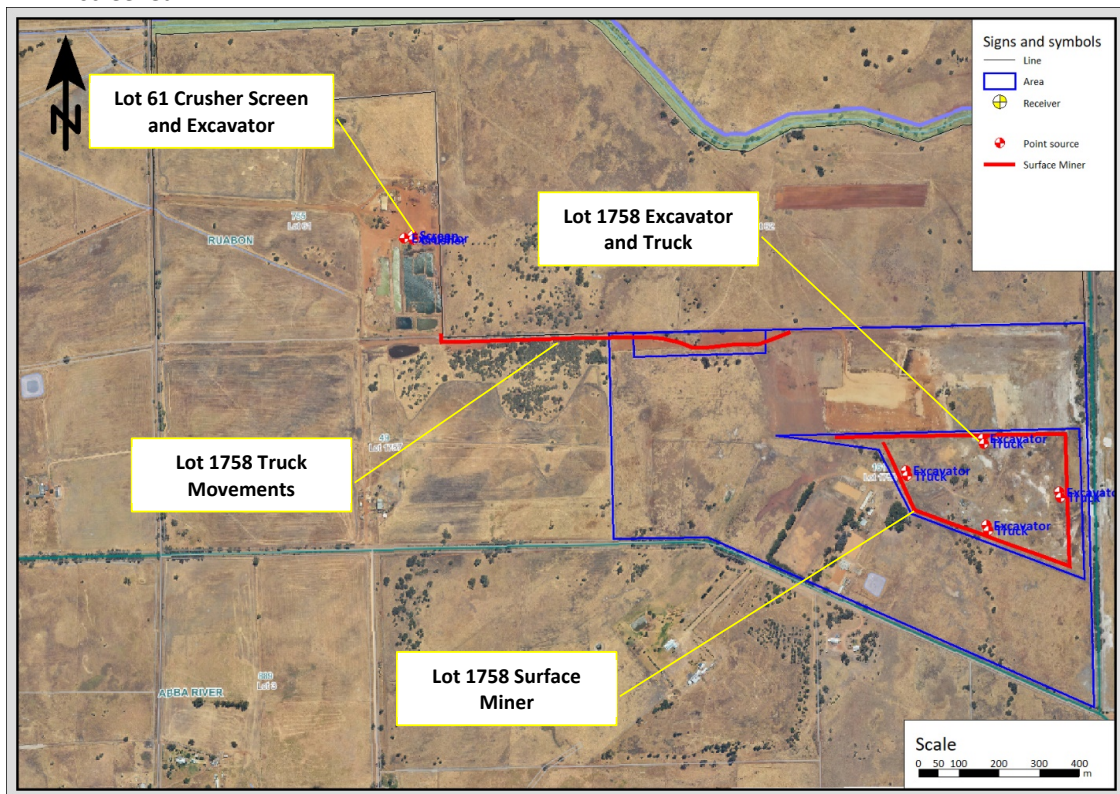
**TABLE 4.1 – SOUND POWER LEVEL - NOISE SOURCES dB(A)**

Source Name	Location	Quantity	SWL dB(A)
Loaders (Cat 980H or similar)	Lot 1758 Stage 2	1	105
Excavator (PC300 or similar)	Lot 61 Processing	1	98
Screening Plant (McCloskey S190 Screener or Similar)	Lot 61 Processing	1	101
Crusher (Terex J1175) or similar	Lot 61 Processing	1	113
Surface Miner - Wirtgen 2500 or similar	Lot 1758 Stage 2	1	98
Semi-trailer Truck	Lot 1758 Stage 2 and access road	Any point	95

Note: The above equipment models have been used to provide an indication of the size. Other models may be used although these have been assumed to have a similar sound power level.

Based on noise emissions from the above equipment, an overall operating scenario has been developed. Figure 4.1 details the noise sources assumed in the predictive modelling for the worst case locations (proximity to receiver) along with the proposed development of the pit.

It is understood that the operations would entail the surface miner removing the ore and leaving in windrows, or stockpiles within stage 2. The loader and truck combination would then load and transport the material to the processing area on Lot 61 (#755), where it will be crushed and screened.

**FIGURE 4.1 – SOURCE LOCATION AND PIT PROGRESSION**

For the initial modelling scenario, the noise sources have been placed at the existing surface level.

The following input data was used in the calculations:

- Provided area plots.
- Sound Power Levels listed in Table 4.1.
- Ground contours and receiver point provided by client (Appendix A).

Weather conditions for modelling were as stipulated in the Environmental Protection Authority's "Draft Guidelines on Environmental Noise for Prescribed Premises" and for the day period are as listed in Table 4.2.

**TABLE 4.2 – WEATHER CONDITIONS**

Condition	Day
Temperature	20°C
Relative humidity	50%
Pasquill Stability Class	E
Wind speed	4 m/s*

\* From sources, towards receivers.

## 5. RESULTS

Calculated noise levels associated with the noise emissions from the proposed operations for the assumed scenarios, are summarised below in Table 5.1. Appendix B contains the overall noise contour plots.

**TABLE 5.1 – CALCULATED NOISE LEVEL**

Receiver	Calculated Noise Level (L <sub>A10</sub> dB(A))
R1	37
R2	28
R3	38
R4	35
R5	40
R6	35

## 6. ASSESSMENT

For the day time operations, based on calculated noise levels at the nearest premises, noise levels could be considered as being tonal in characteristics. therefore, a +5 dB(A) penalty has been included to allow for a tonal component for the residence.

Hence, Table 6.1 summarises the applicable Assigned Noise Levels, and assessable noise level emissions, for the cumulative (all industry) scenario considered.

**TABLE 6.1 – APPLICABLE ADJUSTMENTS AND ASSESSABLE LEVEL OF NOISE EMISSIONS, dB(A)**

Receiver	Calculated Noise Level, dB(A)	Applicable Adjustments to Measured Noise Levels, dB(A)			Assessable Noise Level, dB(A)
		Where Noise Emission Is Not Music			
		Tonality	Modulation	Impulsiveness	
R1	37	+5	-	-	43
R2	28	+5	-	-	33
R3	38	+5	-	-	43
R4	35	+5	-	-	40
R5	40	+5	-	-	45
R6	35				40

Based on the assessable noise levels above, comparison against the relevant assigned noise level is contained in Table 6.2

TABLE 6.2 – ASSESSMENT OF NOISE LEVELS

Receiver	Premises Receiving Noise Assessable Noise Level dB(A)	Time of Day	Assigned Level (dB)	Compliance
R1	43	0700 - 1900 hours Monday to Saturday (Day)	45	Complies
R2	33			Complies
R3	43			Complies
R4	40			Complies
R5	45			Complies
R6	40			Complies

## 7. CONCLUSION

Assessment has been conducted on the proposed gravel extraction operations for Lot 1758 (#161) Gulberti Road, Ruabon.

The facility would only operate during the day period (being Monday to Friday 07:00 to 17:00 hours, and Saturdays 08:00 to 13:00 (Rehabilitation Only)). Therefore, at the neighbouring residences, the applicable acoustic criterion for this assessment is the assigned  $L_{A10}$  day period noise level of 45 dB(A). However, as the extractive industry is located within an area where other proposed extractive industry could occur, noise received at the residences needs to be considered as NOT significantly contributing. Therefore, noise received at the surrounding residential premises needs to comply with 40 dB(A).

Noise received at the nearest residential premises has been determined, to be 40 dB(A) for the gravel extraction operations for the highest noise level at Stage 2.

The above assessable noise levels may be considered to contain tonal characteristics and therefore, a +5 dB(A) penalty for tonality would apply.

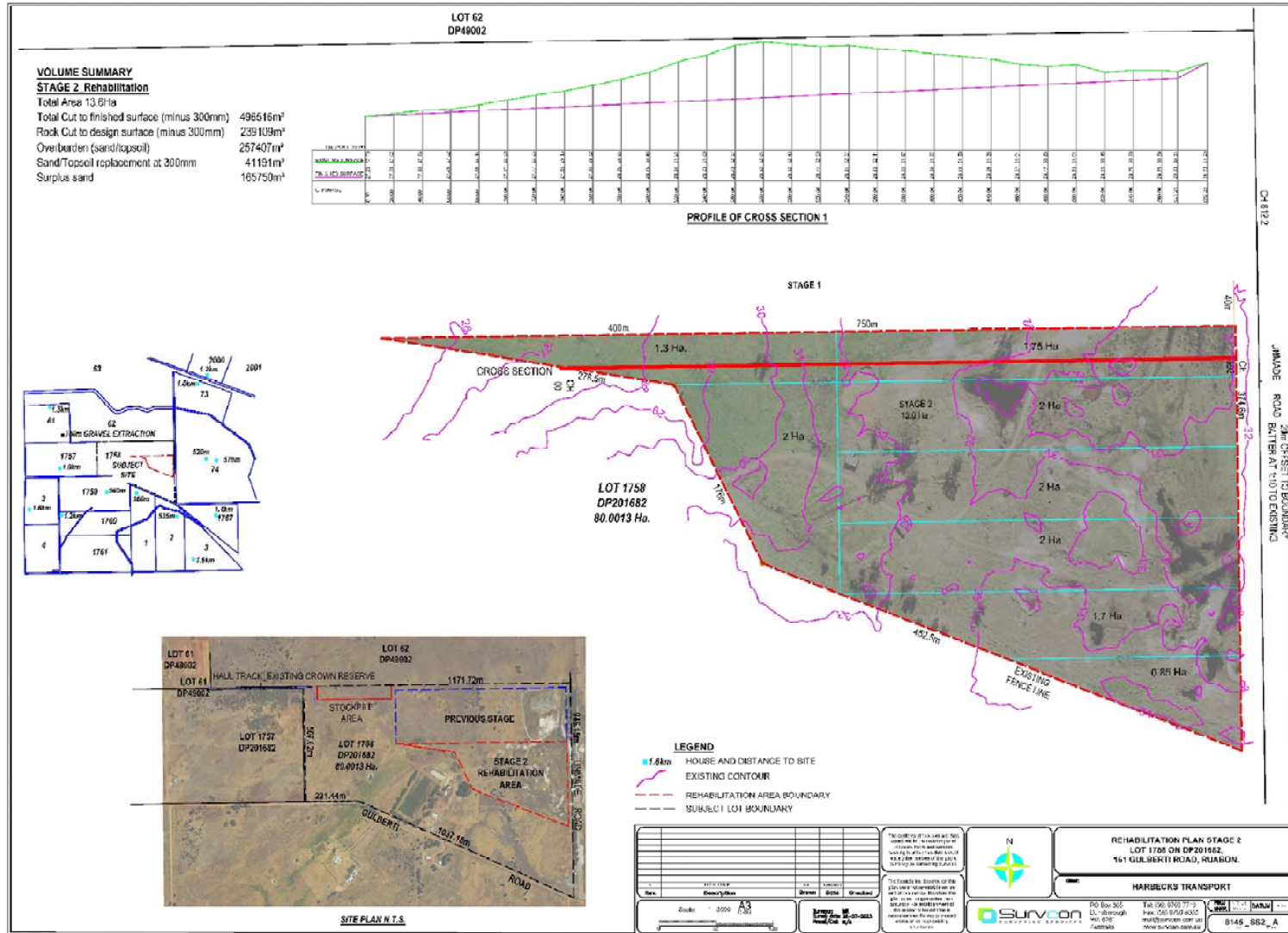
The dominant noise level from the operations is the noise emissions from the surface miner. For operations of the mobile plant, including the surface miner, there is sufficient distance from receivers, such that noise control is not required.

Given these operating parameters, noise levels received at the nearest premises has been calculated to comply with the *Environmental Protection (Noise) Regulations 1997* for the operating times as outlined in this assessment, even with the inclusion of a +5 dB(A) penalty for tonality.

## **APPENDIX A**

### **FIGURE A1 – LOCATION MAP**

Herring Storer Acoustics  
Our ref: 32185-6-24027

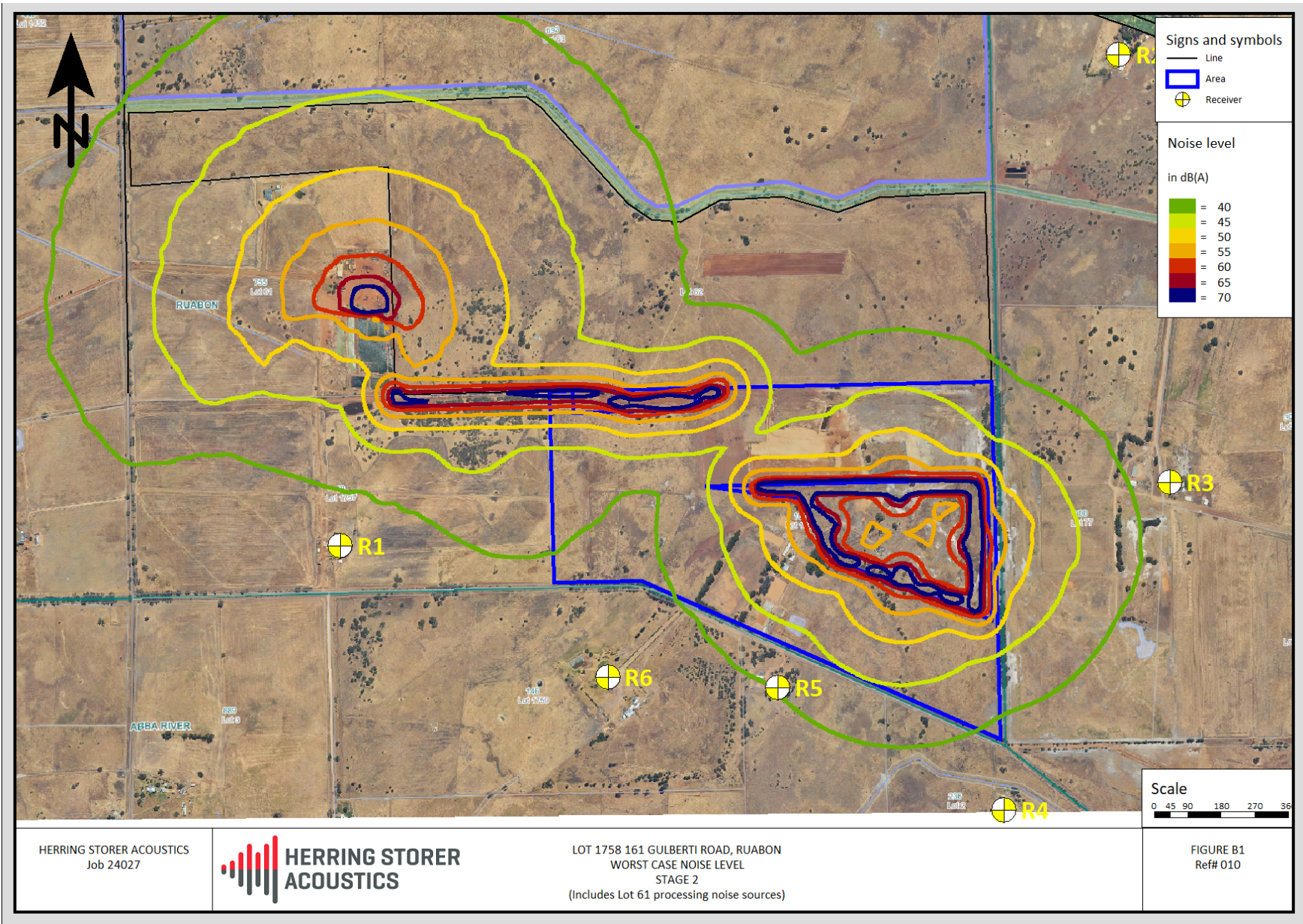
Page 1  
Appendix A

## **APPENDIX B**

### Noise Contours

Herring Storer Acoustics  
Our ref: 32185-6-24027

Page 1  
Appendix B



## **APPENDIX C**

### **SURFACE MINER NOISE LEVELS**

**4.0 Results**

TABLE 1. Short term sound pressure level measurements - 2500SM-Surface miner sampled (09/02/2012)

					OCCUPATIONAL EXPOSURE STANDARDS			
					L <sub>aeq</sub> 8h 85dB (A)	L <sub>aeq</sub> 10h 84dB (A)	L <sub>aeq</sub> 12h 83dB (A)	L <sub>cpeak</sub> 140dB (lin)
					Sound Level Monitoring, 9 Feb 2012			
NOISE SOURCE	MEASUREMENT POSITION (appendix 1)	OPERATING CONDITIONS	SAMPLE TIME (Sec)	L <sub>aeq</sub> dB(A)	L <sub>aeq</sub> 8h dB(A)	L <sub>aeq</sub> 10h dB(A)	L <sub>aeq</sub> 12h dB(A)	L <sub>cpeak</sub>
Surface Miner	Background Noise	Curragh North-WA surface Mining Yard, Sunny	30	47	47	48	50	64
			30	44	44	45	46	48
			30	44	44	45	47	50
			AVE	45	45	46	48	54
Surface Miner	16m (centre of front)	Curragh North-WA surface Mining Yard, Sunny	30	67	67	68	70	76
			30	67	67	68	69	68
			30	67	67	67	69	68
			AVE	67	67	68	69	71
Surface Miner	16m (centre of RHS)	Curragh North-WA surface Mining Yard, Sunny	30	67	67	68	70	69
			30	67	67	68	69	68
			30	67	67	68	69	68
			AVE	67	67	68	70	68
Surface Miner	16m (centre of rear)	Curragh North-WA surface Mining Yard, Sunny	30	60	60	61	63	63
			30	61	61	62	63	62
			30	60	72	73	75	61
			AVE	60	60	61	63	62
Surface Miner	16m (centre of LHS)	Curragh North-WA surface Mining Yard, Sunny	30	68	68	69	71	69
			30	68	68	69	70	69
			30	68	68	69	70	68
			AVE	68	68	69	70	69
Surface Miner	Operators cabin	Engine Idle	30	69	69	70	72	72
			30	69	69	70	72	71
			30	70	70	70	72	70
			AVE	69	69	70	72	71
Surface Miner	Operators cabin	Engine Revving (approx 2000rpm)	30	77	77	77	82	77
			30	76	76	77	79	77
			30	76	76	77	79	78
			AVE	76	76	77	79	77

PAGE NUMBER: 5 of 7  
REFERENCE NUMBER: BW26759875

KEY		Greater than L <sub>aeq</sub> 8h 85dB (A)
		Greater than L <sub>aeq</sub> 10h 84dB (A)
		Greater than L <sub>aeq</sub> 12h 83dB (A)

## Schedule of Submissions: Proposed Extractive Industry DA24/0125

Advertising Period April 2024			
	Agency	Comment	Officer Response
1	DMIRS	<ul style="list-style-type: none"> <li>The proposal overlies a Titanium-Zirconium resource on granted mining tenement M 70/1108 held by Doral Mineral Sands Pty Ltd. A similar request was made 29/09/2023. At the time, the tenement holders response was, "So long as the quarry stays above the seasonal water table, i.e. within the top ~5m of rocky strata and within the outlines shown to Doral by the proponent, Doral have no concerns regarding the application."</li> <li>This application has not been submitted to Doral, but as it affects the same tenement and same resource, and is an extension of the previous application we strongly recommend that the same advice is applied</li> </ul> <p>On condition that the request by Doral is followed, DEMIRS lodges no objections to the above development application</p>	<p>The comments of DMIRS are addressed by application of conditions recommended to any approval to require the extractive operation to maintain minimum separation distances to the ground water table of 500mm.</p> <p>Any approval granted is also recommended to be copied to DMIRS.</p>
2	Main Roads	No Issue (No objection to the proposed extractive industry)	Noted
3	DPIRD	<p>The Department of Primary Industries and Regional Development (DPIRD) does not object to the proposed extraction of gravel at the abovementioned lot, but would like to provide the following comments:</p> <ul style="list-style-type: none"> <li>The applicant indicated that no excavation will be closer than 300mm to the maximum seasonal groundwater table and the final land surface following rehabilitation will be no less than 500mm above the maximum seasonal groundwater table. It is important that these guidelines as stated in the application is followed during the extraction and rehabilitation phase of the project.</li> <li>DPIRD assessed the Weed Management Plan (rehabilitation) and found that it does fulfil the guidelines. This plan should also be implemented</li> </ul>	<p>See comments above.</p> <p>The Weed Management Plan is required to be implemented as a condition of any approval granted.</p>
4	DBCA	<p><b>Advice to City</b></p> <p>The application refers to a requirement to clear a few individual paddock trees and concludes that a Department of Water and Environmental Regulation (DWER) <i>Environmental Protection Act 1986</i> clearing permit is not required. The DWER "A guide to the exemptions and regulation for clearing native vegetation" (August 2019) Item 19 indicates that clearing of isolated trees is exempt if the trees are more than 50 metres from any other native vegetation.</p> <p>DBCA notes that several trees within the proposed extraction site are less than 50 metres apart. The proponent should seek advice from DWER in relation to clearing permit requirements. If a clearing permit is required, DBCA expects that the environmental values that are likely to be impacted by the proposed development will be adequately considered through the assessment of the clearing permit, through which DBCA may provide advice to DWER.</p> <p>The Harbecks Transport Gravel Supplies <i>Work Summary</i> Section 1f (existing vegetation) refers to a landowner commitment to plant five trees for every tree removed. DBCA recommends that the rehabilitation plan be updated to</p>	<p>The Rehabilitation Plan is required to be amended and implemented as a condition of any approval. Trees on site are required to be retained as a condition of any approval with application of an appropriate buffer distance and management measures required in the Staging and Excavation Plan.</p>

## Schedule of Submissions: Proposed Extractive Industry DA24/0125

Advertising Period April 2024			
	Agency	Comment	Officer Response
		include details of the tree planting commitment and include proposed tree planting locations. DBCA recommends the planted trees consist of local endemic species.	
5	DWER (Noise Branch)	<p>DWER's Environmental Noise Branch (ENB) reviewed the Acoustic Assessment prepared by Herring Storer Acoustics (HSA report) on 28 February 2024. Five nearby noise-sensitive premises were identified to the east, west and south.</p> <p>Due to such a short buffer distance, particularly in a rural area, noise impact on those neighbouring residences is likely. ENB is aware that there is a similar proposed gravel extraction operation on Lot 62 to the north, directly adjacent to the proposed operations on Lot 1758.</p> <p>The HSA report states that the proposed operation time will be between 7:00am and 19:00pm Monday to Friday (excluding Public Holidays). ENB agree that only the daytime assigned noise levels, as specified in the Environmental Protection (Noise) Regulations 1997 (Noise Regulations), are applicable for this proposed operation.</p> <p>The sound power levels (SWLs) of the noise sources presented in Table 4.1 generally appear reasonable, however note further comment on the surface miner below.</p> <p>No description of the proposed operations has been provided. The surface miner can be used in a number of ways: surface-miner-extracted material can be loaded directly from the surface miner into a following truck, or the material can be piled by the surface miner for later relocation, either via a loader only or loader and truck. While a SWL is provided for a loader (Cat 980H or similar) there is no loader source located in Figure 4.1, which purports to detail the locations of the noise sources. Excavator sources however are noted in Figure 4.1 but no SWL has been provided for them. It can be noted however that, depending on the model, the SWL for an excavator may be similar to that of a loader. While it is not clear in the HSA report, it appears from Figure 4.1 and Appendix B that the surface miner may be stockpiling extracted material that is to be loaded onto a truck with an excavator. Assuming this, it appears that this has been modelled to occur all at the same time at four points near the edges of the extraction area.</p> <p>Additionally, Figure 4.1 indicates that the screening plant is operating by itself, this would be unusual as the screen would have to be fed with material, this is usually done by a loader from a nearby stockpile, hence a loader source would be expected to be located nearby. The HSA report assumes that the sources would be tonal and includes an adjustment for tonality in their assessment. This is supported by ENB. While the HSA report indicates that the proposal would meet the LA10 assigned level in the Noise Regulations at the highly sensitive areas of all nearby noise sensitive premises, it does so marginally at R4 to the south.</p> <p>While Appendix C provides measured levels of the Wirtgen 2500 surface miner, it does not indicate if the machine was operating under conditions relevant to gravel extraction, hence the SWL quoted in Table 4.1 may not be appropriate. From the noise contours in Appendix B it appears that R4 is affected by the combination of noise from the surface miner,</p>	<p>The comments of the DWER Noise Branch were referred to HSA and the Acoustic Assessment was revised. See comments below in relation to the Acoustic Assessment (Revision 5 report dated 5 July 2024).</p> <p>The revised assessment includes:</p> <ul style="list-style-type: none"> <li>• Cumulative noise impacts including the impact of noise arising from the future operations on Lot 62 to the north.</li> <li>• Sound power level noise sources (Table 4.1) amended with sources from additional equipment including an excavator.</li> <li>• A description of the operations.</li> <li>• Noise levels in Appendix B have been amended.</li> </ul> <p>The Acoustic Assessment (Revision 5) was referred to the DWER Noise Branch with comments received as dated 3 August. The outcome of this referral is discussed further below.</p>

## Schedule of Submissions: Proposed Extractive Industry DA24/0125

Advertising Period April 2024			
	Agency	Comment	Officer Response
		<p>a truck and an excavator (or possibly a loader) operating at the same time. As the excavator/loader would be the dominant source, any increase in the noise level of the surface miner above the stated SWL would likely lead to a non-compliance at R4.</p> <p>The City may set a condition to limit the SWL of the surface miner (or alternate equipment performing a similar function) to be used for the proposed operation to be no higher than 98 dB(A). Additionally, an option could be for the surface miner to operate in a mode where a truck is following to collect the material directly and the use of an excavator/loader may not be necessary at the same time.</p> <p>This would reduce the noise level emitted in all directions.</p> <p>Note that should extraction operations occur on Lot 62 to the north at the same time as the extraction activities on Lot 1758, and the cumulative noise of both operations may lead to an exceedance of the assigned level. This potential issue of noise noncompliant with the assigned levels with both emitters operating together needs to be considered.</p>	
6	DWER (Planning Advice)	<p>The Department has identified that the extractive industry (EI) proposal has the potential for impact on environment and water resource values and management. Key issues and advice are provided below.</p> <p><b>General Advice</b> Advice: The proposed extraction is to be implemented in accordance with the Department's Water Quality Protection Note (WQPN) No. 15 'Basic raw materials extraction', where appropriate to the site situation, to ensure environmental risks are appropriately mitigated.</p> <p><b>Issue 1: Native Vegetation</b> Advice 1: Based on the information provided, the proposed clearing of native vegetation (paddock trees) is not exempt, and a valid clearing permit is required. An advice note should be attached to any approval informing the proponent of the need for a clearing permit.</p> <p><b>Issue 2: Noise Management</b> Advice 2: It is recommended that a Noise Management Plan be prepared and approved to the satisfaction of the City, based on the proponent's 'Acoustic Assessment', as reviewed by the Department.</p> <p><b>Issue 3: Water Supply</b> Advice 3: The proponent is to quantify their water requirements for all aspects of the proposed extraction and provide evidence of a secure water source, to the satisfaction of the City of Busselton.</p> <p><b>Issue 4: Water Management (Groundwater and Surface Water)</b></p>	<p><b>General Advice</b> WQPN No. 15 'Basic raw materials extraction' deals with water quality contamination risks, approval processes and makes a number of recommendations toward mitigating risks arising from extractive operations. WQPN 15 has been incorporated in the assessment process and recommendations for the subject application. A Stormwater Management Plan is a recommended requirement, by condition of approval, to be prepared in accordance with WQPN No. 15.</p> <p><b>Issue 1: Native Vegetation</b> Advice note reflecting DWER requirements is recommended in any approval granted. In any approval granted, existing vegetation is recommended by condition to be retained and subject to buffers to ensure its retention.</p>

## Schedule of Submissions: Proposed Extractive Industry DA24/0125

Advertising Period April 2024			
Agency	Comment	Officer Response	
	<p>Advice: The following conditions should apply -</p> <ul style="list-style-type: none"> <li>a) A Stormwater Management Plan is to be prepared and approved to the satisfaction of the Shire, in consultation with the Department, consistent with WQPN 15.</li> <li>b) At no stage shall the EI intercept groundwater.</li> <li>c) Subject to (a), the maximum pit floor depth shall not be below 24.7 metres AHD, unless otherwise approved by the City, in consultation with the Department.</li> <li>d) No dewatering works are to be undertaken without consultation with the Department.</li> <li>e) The Local Government is to be notified within 24 hours if the water table is intercepted.</li> <li>f) All surface water shall be managed onsite and within the approved EI area.</li> </ul> <p><b>Issue 5: Dieback Management</b> Advice 5: The EI operations shall be subject to commitments in the proponent's 'Dieback Management Plan', as approved and implemented to the satisfaction of the City, in consultation with the Department of Biodiversity, Conservation and Attractions (DBCA), consistent with the 'Best Practice Guidelines for Management of Phytophthora Dieback in the Basic Raw Materials Industries'.</p> <p><b>Issue 6: Crushing and Screening of Material</b> Advice 6: Based on the information provided it has been determined that the proposed operations may be categorised as Prescribed Premises as per Schedule 1 of the 'Environmental Protection Regulations 1987' (Regulations).</p> <p><b>Issue 7: Dust Management</b> Advice 7: The EI operations shall be subject to commitments in the proponent's 'Dust Management Plan' (Dust MP), as approved and implemented to the satisfaction of the City. More detail pertaining to the above items are provided in Table 1. Table 1 - Department of Water and Environmental Regulation detailed comments</p>	<p><b>Issue 2: Noise Management</b> A Noise Management Plan (NMP) is a recommended condition of any approval granted to ensure noise management measures are incorporated into operations.</p> <p><b>Issue 3: Water Supply</b> The Works Summary identifies water from existing dams on 755 Ludlow-Hithergreen Road for dust suppression. A licence to take and use ground water from the existing dams has been granted, however, this does not authorise the use of water for dust suppression activities. An application (as of 9 July 2024) has not been submitted to DWER to amend the existing licence for the purpose of dust suppression.</p> <p>A condition is recommended to any approval granted to ensure the DMP is amended with details of approved sources of water for the life of the development.</p> <p><b>Issue 4: Water Management</b> The DWER advice is included as recommended conditions to any approval granted.</p> <p><b>Issue 5: Dieback Management</b> DWER advice is reflected as a recommended condition of any approval</p>	

## Schedule of Submissions: Proposed Extractive Industry DA24/0125

Advertising Period April 2024									
Agency	Comment	Officer Response							
	<p>DWER Continued (Planning Advice)</p> <p><b>Table 1 - Department of Water and Environmental Regulation detailed comments.</b></p> <table><tr><th>Item No.</th><th>Reference</th><th>Reviewer comment/advice</th></tr><tr><td>1. Native Vegetation</td><td>'Works Summary' p.2, s.1.f 'Existing Vegetation'</td><td><p><b>Issue:</b> Native Vegetation</p><p><b>Advice:</b> Based on the information provided, the proposed clearing of native vegetation (paddock trees) <u>is not exempt</u>, and a valid clearing permit is required. An advice note should be attached to any approval informing the proponent of the need for a clearing permit.</p><p><b>Discussion:</b> The proponent's Works Summary (p.2 s.1.f) 'Existing Vegetation' states –</p><p>"The subject land contains a few individual paddock trees, a couple may be removed for the gravel extraction. Removal of these trees is considered appropriate to access this regionally important resource, and a clearing application is not considered necessary from the Department of Environment Regulation (sic)".</p><p><b>ADVICE NOTE</b></p><p>Under section 51C of the 'Environmental Protection Act 1986' (EP Act), clearing of native vegetation is an offence unless:</p><ul style="list-style-type: none"><li>• it is undertaken under the authority of a clearing permit,</li><li>• it is done after the person has received notice under Section 51DA (5) that a clearing permit is not required,</li></ul></td></tr></table>	Item No.	Reference	Reviewer comment/advice	1. Native Vegetation	'Works Summary' p.2, s.1.f 'Existing Vegetation'	<p><b>Issue:</b> Native Vegetation</p> <p><b>Advice:</b> Based on the information provided, the proposed clearing of native vegetation (paddock trees) <u>is not exempt</u>, and a valid clearing permit is required. An advice note should be attached to any approval informing the proponent of the need for a clearing permit.</p> <p><b>Discussion:</b> The proponent's Works Summary (p.2 s.1.f) 'Existing Vegetation' states –</p> <p>"The subject land contains a few individual paddock trees, a couple may be removed for the gravel extraction. Removal of these trees is considered appropriate to access this regionally important resource, and a clearing application is not considered necessary from the Department of Environment Regulation (sic)".</p> <p><b>ADVICE NOTE</b></p> <p>Under section 51C of the 'Environmental Protection Act 1986' (EP Act), clearing of native vegetation is an offence unless:</p> <ul style="list-style-type: none"><li>• it is undertaken under the authority of a clearing permit,</li><li>• it is done after the person has received notice under Section 51DA (5) that a clearing permit is not required,</li></ul>	<p>granted to ensure implementation of Dieback Management Plan.</p> <p><b>Issue 6: Crushing and Screening of Material</b></p> <p>The proposal may trigger a requirement for approval and licencing under Part V the <i>Environmental Protection Act 1986</i>. Advice is recommended to any approval granted reflecting this State Government requirement.</p> <p><b>Issue 7: Dust Management</b></p> <p>The Dust Management Plan (DMP) has been submitted and is recommended to be required to be amended by condition of any approval including to address:</p> <ul style="list-style-type: none"><li>• More timely implementation of dust mitigation in response to dust complaints (i.e. within 1 hour).</li><li>• Conditions when operations will cease, for example, during November and April (inclusive) when local wind conditions are predicted by the BOM to exceed 25 Kph (40 knots).</li><li>• Public notification prior to commencement of operations and regularly thereafter.</li><li>• Appropriate triggers for dust monitoring by operating staff with dust management measures, for example, identification of appropriate wind directions and speeds that</li></ul>	
Item No.	Reference	Reviewer comment/advice							
1. Native Vegetation	'Works Summary' p.2, s.1.f 'Existing Vegetation'	<p><b>Issue:</b> Native Vegetation</p> <p><b>Advice:</b> Based on the information provided, the proposed clearing of native vegetation (paddock trees) <u>is not exempt</u>, and a valid clearing permit is required. An advice note should be attached to any approval informing the proponent of the need for a clearing permit.</p> <p><b>Discussion:</b> The proponent's Works Summary (p.2 s.1.f) 'Existing Vegetation' states –</p> <p>"The subject land contains a few individual paddock trees, a couple may be removed for the gravel extraction. Removal of these trees is considered appropriate to access this regionally important resource, and a clearing application is not considered necessary from the Department of Environment Regulation (sic)".</p> <p><b>ADVICE NOTE</b></p> <p>Under section 51C of the 'Environmental Protection Act 1986' (EP Act), clearing of native vegetation is an offence unless:</p> <ul style="list-style-type: none"><li>• it is undertaken under the authority of a clearing permit,</li><li>• it is done after the person has received notice under Section 51DA (5) that a clearing permit is not required,</li></ul>							

## Schedule of Submissions: Proposed Extractive Industry DA24/0125

Advertising Period April 2024			
Agency	Comment		Officer Response
	<p>DWER Continued (Planning Advice)</p>		<p>trigger monitoring irrespective of dust complaints.</p> <ul style="list-style-type: none"> <li>• Details of mitigation measures and timeframes for implementation to the extractive operation, internal haulage road and crushing and screening operations.</li> <li>• Contingency arrangements specifying water cart availability on site at all times.</li> <li>• Commitments to implementation, assessment, monitoring and management by extractive operator and land owner (independently to local and State Government staff) in a timely manner.</li> </ul>
	<ul style="list-style-type: none"> <li>• the clearing is subject to an exemption.</li> </ul> <p>Exemptions for clearing that are a requirement of written law, or authorised under certain statutory processes, are contained in Schedule 6 of the EP Act. Exemptions for low impact routine land management practices outside of environmentally sensitive areas (ESA) are contained in the 'Environmental Protection (Clearing of Native Vegetation) Regulations 2004' (Clearing Regulations). However, this proposal falls within an ESA and as such the proposed clearing is not exempt, and a valid clearing permit is required.</p> <p>To date, the Department <u>has not received an application</u> for a clearing permit for this proposal. Application forms are available from:<a href="https://www.wa.gov.au/service/environment/environment-information-services/native-vegetation-clearing-permit-forms">https://www.wa.gov.au/service/environment/environment-information-services/native-vegetation-clearing-permit-forms</a></p> <p>If further clarification is required, please contact the Department's Native Vegetation Regulation section by email: <a href="mailto:admin.nvp@dwer.wa.gov.au">admin.nvp@dwer.wa.gov.au</a> or by telephone 63647098.</p>		

## Schedule of Submissions: Proposed Extractive Industry DA24/0125

Advertising Period April 2024			
Agency	Comment		Officer Response
	DWER Continued (Planning Advice)		
	2. Noise Management	<b>'Acoustic Assessment'</b>  <b>Issue:</b> Noise Management  <b>Advice:</b> It is recommended that a Noise Management Plan be prepared and approved to the satisfaction of the City, based on the proponent's 'Acoustic Assessment', as reviewed by the Department.  <b>Discussion:</b> A Noise Management Plan (NMP) contains management principles and specific noise management objectives, aligning with the 'Acoustic Assessment', to ensure that noise emissions from the EI meet with the requirements of the 'Environmental Protection (Noise) Regulations 1997' (Noise Regulations). The NMP shall specify all reasonable and practical measures to minimise noise emissions from the premises, including the high-level approaches, design features, operational controls and other measures, identified as necessary to achieve the purpose of the NMP and meet the Noise Regulations.	

## Schedule of Submissions: Proposed Extractive Industry DA24/0125

Advertising Period April 2024			
Agency	Comment		Officer Response
	DWER Continued (Planning Advice)		
	3. Water Supply	<div> <div> <b>'Works Summary'</b> p.3, s.2.g             </div> <div> <b>Issue: Water Supply</b>  <b>Advice:</b> The proponent is to quantify their water requirements for all aspects of the proposed extraction and provide evidence of a secure water source, to the satisfaction of the City of Busselton.  <b>Discussion:</b> Water required for the operation of the proposed extraction site is proposed to be sourced from groundwater resources. The Works Summary (p.3, s.2.g) states: "Water will be drawn from dams on 755 Ludlow Hithergreen Road for dust suppression" The property is located             </div> </div> <div>           within the Busselton-Capel Groundwater Area, proclaimed under the 'Rights in Water and Irrigation Act 1914' (RIWI), and as such an appropriate water licence will be required.  <b>ADVICE NOTE</b>            The applicant is advised to contact the Department's Busselton office (97810111) to ensure that any groundwater used for dust suppression, or otherwise used for the proposed EI, is appropriately authorised under the 'Rights in Water and Irrigation Act 1914'.         </div>	

## Schedule of Submissions: Proposed Extractive Industry DA24/0125

Advertising Period April 2024			
Agency	Comment		Officer Response
	DWER Continued (Planning Advice)		
	4. Water Management (Groundwater and Surface Water)	<b>WMP and SWMP</b>  <b>Issue:</b> Water Management <b>Advice:</b> The following conditions should apply - <ul style="list-style-type: none"> <li>a) A Stormwater Management Plan is to be prepared and approved to the satisfaction of the Shire, in consultation with the Department, consistent with WQPN 15.</li> <li>b) At no stage shall the EI intercept groundwater.</li> <li>c) Subject to (a), the maximum pit floor depth shall not be below 24.7 metres AHD, unless otherwise approved by the City, in consultation with the Department.</li> <li>d) No dewatering works are to be undertaken without consultation with the Department.</li> <li>e) The Local Government is to be notified within 24 hours if the water table is intercepted.</li> <li>f) All surface water shall be managed onsite and within the approved EI area.</li> </ul> <b>Discussion:</b> Environmental impacts arising from extractive industry activities include impacts on local groundwater flow regimes and the possible risk of groundwater pollution. Extractive industry operations must maintain an adequate vertical separation distance between the base of extraction and the highest groundwater level to protect water quality and ensure evaporation does not occur. It has been determined that a maximum permitted pit floor level of 24.7 metres AHD will likely provide an adequate separation distance from groundwater. However any interception of groundwater must be reported to the Shire for review and remediation.  <b>ADVICE NOTE</b> The Stormwater Management Plan shall cover the proposed extraction area, haulage routes and stockpiles within the property boundary, taking into account, but not limited to, the following:	

## Schedule of Submissions: Proposed Extractive Industry DA24/0125

Advertising Period April 2024			
Agency	Comment		Officer Response
	DWER Continued (Planning Advice)		
		<ul style="list-style-type: none"> <li>• compliance with the 'Rights in Water and Irrigation Act 1914',</li> <li>• compliance with the 'Environmental Protection Act 1986',</li> <li>• sediment and erosion control,</li> <li>• waterway/wetland impacts,</li> <li>• management of road infrastructure (e.g. crossings).</li> </ul>	
	5. Dieback Management	<b>Dieback MP</b>  <b>Issue:</b> Dieback Management <b>Advice:</b> The EI operations shall be subject to commitments in the proponent's 'Dieback Management Plan', as approved and implemented to the satisfaction of the City, in consultation with the Department of Biodiversity, Conservation and Attractions (DBCA), consistent with the 'Best Practice Guidelines for Management of Phytophthora Dieback in the Basic Raw Materials Industries' <b>Discussion:</b> The existing 'Dieback Management Plan' outlines hygiene management measures to reduce the potential for the spread of Dieback. These measures should be formalised into a 'Dieback Management Plan' that include implementation protocols for onsite plant operators and/or contractors.	

## Schedule of Submissions: Proposed Extractive Industry DA24/0125

Advertising Period April 2024			
Agency	Comment		Officer Response
	DWER Continued (Planning Advice)		
	6. Crushing and Screening of Material	<b>'Works Summary'</b> p.3, s.2.b, c	<p><b>Issue:</b> Crushing and Screening of Material</p> <p><b>Advice:</b> Based on the information provided it has been determined that the proposed operations may be categorised as Prescribed Premises as per Schedule 1 of the 'Environmental Protection Regulations 1987' (Regulations).</p> <p><b>Discussion:</b> The proponent has advised that the proposal involves the crushing and screening of gravel offsite, at Lot 61 (755) Ludlow Hithergreen Road (Lot 61). Activities such as crushing and screening during extractive industry operations, may cause the premises to become prescribed for the purposes of Part V Division 3 of the EP Act. This will occur if the proposed crushing and screening equipment has a design capacity (when operated 24/7 or at a capacity limited by a planning approval) that meets or exceeds the specified production or design capacity of the relevant category under Schedule 1 of the Regulations.</p> <p>The purpose of a works approval is to allow the Department to assess the environmental acceptability of a proposal's potential to cause emissions and discharges during construction and operation. Note that any works approval or licence issued under Part V of the EP Act will only</p>

## Schedule of Submissions: Proposed Extractive Industry DA24/0125

Advertising Period April 2024			
Agency	Comment		Officer Response
	DWER Continued (Planning Advice)	<p>regulate emissions associated with the crushing and screening operation (such as dust, noise and contaminated stormwater) and does not extend to the environmental impacts of extracting the material from the ground or transport off-site.</p> <p>It should also be noted that planning approvals may influence the Department's determination of production or design capacity, where an approval has the effect of restricting capacity (such as constraining hours of operation).</p> <p><b>ADVICE NOTE</b></p> <p>The applicant is advised that they may meet the requirement for Prescribed Premises as per Schedule 1 of the 'Environmental Protection Regulations 1987' (Regulations). As such, you may require a works approval to construct/install the crushing/screening equipment (mobile or otherwise) and a licence or registration to operate.</p> <p>The Department of Water and Environmental Regulation has no record of this premises and has not received any applications relating to this proposal. The applicant is therefore advised to refer to the information and Industry Regulation Guide to Licensing available at <a href="http://www.der.wa.gov.au/our-work/licences-and-works-approvals">http://www.der.wa.gov.au/our-work/licences-and-works-approvals</a> and / or if they have queries relating to works approvals and licences to contact the Department at <a href="mailto:info@dwer.wa.gov.au">info@dwer.wa.gov.au</a> or 6364 7000.</p>	

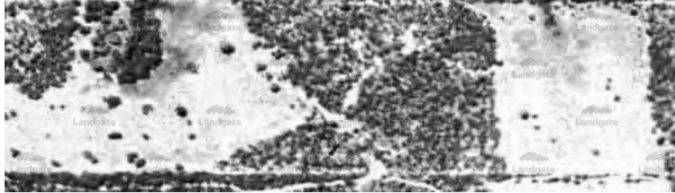

## Schedule of Submissions: Proposed Extractive Industry DA24/0125

Advertising Period April 2024			
Agency	Comment		Officer Response
	DWER Continued (Planning Advice)		
	7. Dust Management	<b>Dust MP</b>	<p><b>Issue:</b> Dust Management</p> <p><b>Advice:</b> The EI operations shall be subject to commitments in the proponent's 'Dust Management Plan' (Dust MP), as approved and implemented to the satisfaction of the City.</p> <p><b>Discussion:</b> The proponents are responsible for controlling and minimising the generation of dust from the EI site, stockpiles and haulage routes. Measures to control and limit dust and air pollution generated from the EI are outlined in the DMP from the commencement date to completion.</p>


## Schedule of Submissions: Proposed Extractive Industry DA24/0125

Public Advertising Period April 2024				
	Submitter	Submission	Comment	Officer Response
1	Ruabon	Support	I support my neighbours and what they choose to do with their land. I have had no issue with noise or dust or anything relating to the existing pit area or the crusher.	Noted
2	Ruabon	Support	Supporting local businesses, and contractors	Noted
3	Busselton	Opposed	<p>Please find attached the email I have sent to Tony Nottle in regards to this DA. There has not been enough done by the City of Busselton to ensure that the extraction industry actually comply with the conditions of their DA and rehabilitate the original DA before issuing new DAs. The City really needs to do better - this is NOT good enough!!! The past is the past - but the present and the future need to be better than what has been done by the city - the staff need to show the residents that they are capable of managing these DA and ensuring it does not impact neighbouring properties and the environment. If the city staff is not able to manage them to their full completion - REHABILITATION - than the community need to be asking for what are they doing?? why are they not ensuring this is done? Are these staff meeting their KPI?? On a different note - HOW is it fair for the [REDACTED] to have the dust from the original extraction area and than the new area all blowing towards them?? This is a huge health issue as the dust is carcinogenic. Plus it mean that they are not able to enjoy the full amenities of their property. [REDACTED] has told me that there has been days that the dust is so bad he can not sit on his patio and enjoy a cup of tea.</p> <p>Letter attached to submission</p> <p>This is why the city of Busselton should NOT even consider new applications from an extraction industry on a block until the rehabilitation of previous extraction has been completed. As it is currently happening at DA24/0125 where the applicant is asking for a new area to extract when they have not rehabilitated the area from the 1st DA</p>	<p>The City currently holds a rehabilitation, dust and road maintenance bond for the Previous Stage of extraction operations. This bond will be held pending completion of final rehabilitation and closure of the Previous Stage in accordance with conditions of approval. Alternatively, the bond will be expended in accordance with the terms of the legal agreement, by which it is secured, between the City and the landowner.</p> <p>It is noted that concerns have been raised about the adequacy of rehabilitation in the Previous Stage and the need for rehabilitation with stands of vegetation. The approved rehabilitation plan for the Previous Stage demonstrates return of the site to pasture which supports agricultural land uses including grazing and agistment. The Development Sites have been inspected as recently as mid-July 2024 and acceptable progress of the rehabilitation, namely seeding and establishment of pasture in the Previous Stage, is confirmed.</p> <p>Regarding historical clearing, the proposal has been referred to DWER who administer clearing permit requirements.</p> <p>The local government is obligated to assess the application before it based on its merits and relevant factors at the time. While the City will continue to investigate compliance of extractive industry operations, including those on the Development Sites, it is incumbent upon the City to assess and determine the subject application based on the details provided, the outcome of the consultation period, and with regard to the statutory environment.</p>

## Schedule of Submissions: Proposed Extractive Industry DA24/0125

Public Advertising Period April 2024				
Submitter	Submission	Comment	Officer Response	
		<p>This is an image of Lot P170490 4370 in 1996 where it still had bush.</p>  <p>In 2001 it was cleared for gravel extraction.</p>  <p>And still to this day – it remains unrehabilitated and with the gravel exposed to rain and washing away into surrounding areas. IS THIS A RESULT THE CITY CAN BE PROUD OF??? 22 years this site has sat like this!!! The Trees have not been put back. Tony Nottle, who owns the land? Why haven't they been made to rehabilitate? Not even to pasture that has been done??? The staff at the city would see this every year staying like this when they get the areal views done...and every year NOTHING has been done to make sure this is fixed? What is going on here???</p>		

## Schedule of Submissions: Proposed Extractive Industry DA24/0125

Public Advertising Period April 2024				
	Submitter	Submission	Comment	Officer Response
			 <p>So how can the city even consider a new DA from Harbecks without the rehabilitation being done??? And it is not enough to just plant trees – one has to make sure that they are done in at the right time of the year and that they actually survive. How can you ensure compliance if you just issue them another DA without the original area being rehabilitated? There has to be a reason for them to do the right thing. And the biggest card to have to play to get compliance is to NOT issue another license until the conditions of the original DA has been meet. Anyway, that is my input as I have spoken to Terry and his wife on many occasions and I think what the city has done to them has been unacceptable. Harbecks has been operating without a DWER license this entire time....how did the city approve their DA originally without that? ..... was not even notified of the extraction and the 1st he knew about it was it started...is this something the city can be proud of?? The least the city could do is ensure that the rehabilitation is done before even considering a new DA</p>	
4	Abba River	Support	It is important to be able to continue to supply gravel from local sources and small businesses in the south west	Noted
5	Marybrook	Support	Use their product for my business	Noted
6	Sabina River	Support	We have used gravel from this source. Being close to our location saved us on transport costs and kept the money local	Noted
7	Abba River	Oppose	Our objection relates to the proposal to significantly increase the traffic on Ludlow-Hithergreen Road to up to 70 truck movements per day. The current	The impact of truck movements has been assessed against the existing road standard, existing truck

## Schedule of Submissions: Proposed Extractive Industry DA24/0125

Public Advertising Period April 2024				
	Submitter	Submission	Comment	Officer Response
			traffic which includes 20 truck movements per day for gravel extraction as well as 20 road train movements per day to the Doral mineral sands mine site already impacts the amenity of local residents including the condition of the road, the impact to the bridge near the haulage road access and truck noise and traffic flow through the area	movements (in traffic count data) and approved movements. This assessment identified that the proposal would, if movements were limited to 20 north, not trigger a requirement for a road upgrade. Accordingly, haulage route limitations and limits to truck movements on each route is recommended as a condition of any approval.
8	Abba River	Oppose	While we do not object to the proposed new pit, we do not believe Ludlow-Hithergreen Road can support the proposed increase in truck movements.	See comments above.

## Schedule of Submissions: Proposed Extractive Industry DA24/0125

Public Advertising Period July 2024				
	Agency	Submission	Comment	Officer Response
1	Water Corporation	Comment only	<p>Reticulated water and sewerage are currently not available to the subject land.</p> <p>The subject area falls within the Busselton Drainage District, a rural drainage system. The Abba River Sub Drains are located close to the subject site (see plan below).</p> <p>Rural drains are not designed to give flood protection at all times and some inundation of adjacent land can be expected. Water Corporation maintains its existing drains to ensure they are capable of clearing water from adjacent rural properties within three days of a storm event, where contours and internal drainage make this physically possible.</p> <p>Developments within this catchment are required to contain the flows from a one in one-hundred-year storm event on site. Discharge to Water Corporation drains must be compensated to pre-development levels. But no adverse discharge or runoff from the subject land would be allowed into our drainage system.</p> <p>The information provided above is subject to review and may change. If the proposal has not proceeded within the next 6 months, please contact us to confirm that this information is still valid.</p> <p>Please provide the above comments to the landowner, developer and/or their representative.</p> <p>Regarding load limits for the bridge on Ludlow Hithergreen Road that crosses. It has been recommended that due to the design and condition of the bridge's U-beam superstructure the load carrying capacity should be under 11 tons. But the advice from the Main Roads has not been received yet and it is unknown when we will receive it to confirm the load limit. When Main Roads has confirmed the load limit this may restrict both existing and future heavy truck movements.</p>	<p>The referral response has been provided to the proponent for their information.</p> <p>There are four bridges along Ludlow-Hithergreen Road north from the approved crossover location and there are two bridges along Ludlow-Hithergreen Road south of the approved crossover location. All of these bridges at the time of the assessment of the development application did not have a gross load limit.</p> <p>The proponent has been notified of the potential for load limit restrictions to be placed on bridges that service the haulage route. It is a matter for the proponent to ensure their operation complies with the load limit restrictions.</p>

## Schedule of Submissions: Proposed Extractive Industry DA24/0125

2	DWER (Planning Advice)	Comment only	<i>"...there is a current licence to take water held by Mr Harbeck authorising the take and use of groundwater from the excavations/dams located on the above property. However, this licence does not authorise the use of water for dust suppression activities. To obtain authorisation to use the groundwater taken for dust suppression purposes, proposed on Lot 1758 (No 161) Gulberti Road, Mr Harbeck will need to submit an application to DWER to amend the licence where changes to the take and use of the water can be requested. Any application is subject to assessment and there is no guarantee that an application will be approved. To date, we have not received any application from Mr Harbeck to amend the licence for purposes of dust suppression relating to the proposed mining activity on Lot 1758 (No 161) Gulberti Road."</i>	The comments of DWER are noted and have been considered in the assessment of the Dust Management Plan (DMP). The DMP is required to be amended to identify a suitably approved source of water for dust management.
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## Schedule of Submissions: Proposed Extractive Industry DA24/0125

3	DWER (Planning Advice)	Comments	<p><b>Ground Water Monitoring</b> The Department supports ongoing groundwater monitoring in areas of extractive industry (EI) where there is uncertainty about local groundwater conditions. Previously, the Department suggested to the City that it request the proponent of this DA to provide professional hydrological advice, in order to compare current pit floor depths (on the property) with groundwater levels from adjacent shallow monitoring wells. This was to assist in determining that water currently in the pit voids is stormwater and not groundwater. Given the existing uncertainty, it is prudent that a condition requiring groundwater monitoring is applied through the DA process. Note that as an alternative, in the absence of certainty, the City could apply a conservative maximum pit depth. Suggested wording: The proponent shall design, conduct and maintain a groundwater monitoring program, under advice from the relevant approval authorities, to ensure that an appropriate vertical separation distance to groundwater is achieved during EI operations. And/or: Excavation shall be undertaken to the maximum depth of xxxx mAHD, unless otherwise approved by the LGA in consultation with the Department of Water and Environmental Regulation, following site specific groundwater monitoring being undertaken.</p> <p><b>Perched Water Table</b> The Department does not support extractive industry that might cause dramatic changes in hydrological regimes, including perched groundwater systems, where exposure of the groundwater table may lead to evaporation and provide a pathway for contamination to enter an aquifer system. Essentially the proponent should demonstrate the nature of the perched ground water system. Suggested wording: The maximum pit floor depth shall not be below xxxx mAHD and no dewatering works are to be undertaken without consultation with the Department of Water and Environmental Regulation. The Local Government is to be notified within 24 hours if the water table is intercepted.</p> <p><b>Ground Water Separation</b> Where there is any uncertainty about maximum groundwater levels, and the subsequent risk of dramatic changes in hydrological regimes, the Department takes a conservative approach and supports increased separation to maximum groundwater levels during EI operations. As noted above, in this case there is uncertainty about local groundwater conditions. In the absence of the</p>	<p><b>Ground Water Monitoring</b> A condition(s) requiring implementation of a ground water monitoring plan is recommended to any approval granted.</p> <p><b>Perched Water Table</b> The Surface Water Management Plan is recommended to be amended including with regard to identifying and addressing potential impacts to the perched water table.  Additional conditions are recommended that specify no dewatering is to occur and that ground levels shall at no point be less than 24.9 metres AHD or closer than 500mm to the maximum seasonal ground water table (whichever is higher).</p> <p><b>Ground Water Separation</b> Separation of 500mm to the maximum seasonal ground water table is recommended by condition of any approval.</p>
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## Schedule of Submissions: Proposed Extractive Industry DA24/0125

			proponent providing professional hydrological advice, the Department supports 500mm separation during operations as a precautionary approach.	
4	DWER (Noise Branch)	Comment only	<p>Comments were received from DWER regarding the Acoustic Assessment Revision 5:</p> <ol style="list-style-type: none"> <li>1. Based on the Noise Regulations, the same daytime assigned noise levels apply to the operation times proposed in both the original and updated reports. Hence, the proposed operation times in the updated report is acceptable;</li> <li>2. Although Lot 61 (#755) is a separate premises, the operations on this lot are also conducted by the proponent, and they form a part of the proponent's operations. Hence, cumulatively assessing the noise emissions and noise compliance from both Lot 61 and Lot 1785 seems correct. However, ENB notes that Lot 61 is being used as a gravel supplying yard by Harbecks Transport, the proponent, where the operations of material loading and transporting are also undertaken, not only the material processing. HSA does not seem to have included such other operations into the assessment;</li> <li>3. In the presence of other operations in the area (i.e. Lot 62), for the noise 'NOT to significantly contribute', it is correct that HSA assess the noise compliance against 40 dB(A), a level 5 dB below the daytime assigned noise level;</li> <li>4. SWLs quoted for the Excavator (PC300 or similar) and the Crusher (Terex J1175 or similar) seem reasonable;</li> <li>5. The description of the operations of the surface miner, as well as the associated loader and truck operations, is noted;</li> <li>6. HSA indicated that noise emissions from the project could be considered as being tonal in characteristic, and a +5 dB(A) penalty was included to allow for a tonal component for the compliance assessment at residences. However, HSA assessed the assessable noise level (including +5 dB for tonality) against the assigned noise level of 45 dB(A), instead of 40 dB(A) which is a level 5 dB below the assigned noise level as is required to indicate that it does NOT to significantly contribute to the overall noise received. This does not seem to be consistent with HSA's response as discussed above.</li> </ol> <p>Although ENB understands that in many practical situations, the tonal characteristic of a noise source might be masked by noise emissions from other operators in the area. In that situation, the proponent might not need to do both:</p> <ul style="list-style-type: none"> <li>• include a +5 dB(A) penalty for tonality, and</li> <li>• assess noise compliance against a level 5 dB below the assigned noise level to show that the noise does 'NOT significantly contribute'.</li> </ul> <p>HSA may be required to demonstrate that such a situation also applies to this operation.</p> <p>HSA states that the dominant noise level from the operations is the noise emissions from the surface miner and that it has sufficient distance from receivers such that noise control is not required. ENB notes two neighbouring sensitive receivers (R3 and R5) are not so distant away from the operation of the surface miner, particularly R5, where the predicted noise emission level only marginally complies with the assigned noise level, when either the tonality or 'NOT to significantly contribute' requirement (not both) is taken into consideration. The proponent may be required to look at the options to reduce the noise levels at R5.</p>	<p>Response to comments:</p> <ol style="list-style-type: none"> <li>1. Operating hours were updated.</li> <li>2. A condition is recommended to any approval requiring Stage 1 operations, which are the source of the activity on Lot 61, to cease before commencement of Stage 2.</li> <li>3. Noted – no change to the report is required.</li> <li>4. Noted – no change required.</li> <li>5. Noted – no change required.</li> <li>6. The Acoustic Assessment (Revision 5) was required to be reviewed with regard to the concerns raised in relation to the tonal characteristics.</li> </ol> <p>The Acoustic Assessment was required to be reviewed to provide options to reduce the noise levels at R5 (R5 being the shed used as an unauthorised dwelling). It is considered that this requirement is a prudent approach given no complaints or objections to the applications on the Development Sites or to the existing operations have been received from R5.</p> <p>The revised Acoustic Assessment will be reviewed with regard to any necessary referrals to the DWER Noise Branch and as enabled by recommended conditions of any approval. Any approval granted is recommended to require implementation of the revised Acoustic Assessment and a Noise Management Plan.</p>

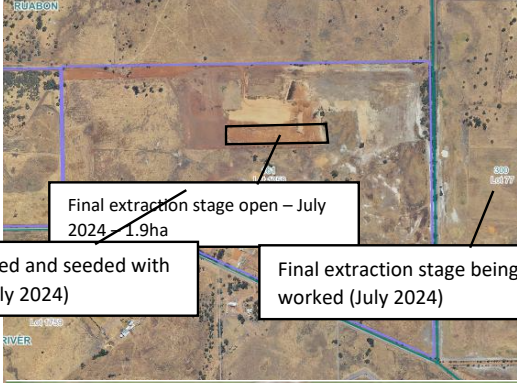

## Schedule of Submissions: Proposed Extractive Industry DA24/0125

Public Advertising Period July 2024				
	Submitter	Submission	Comment	Officer Response
1	Busselton	Support	We are very short of good gravel and I like to support the people that are having a go the city need more people to generate business to help our local community and economy.	Noted

## Schedule of Submissions: Proposed Extractive Industry DA24/0125

Public Advertising Period July 2024				
	Submitter	Submission	Comment	Officer Response
2	Ruabon	Object	<p><b>Submission dated 25 July 2024</b> (a summary of the issues raised in the submission is provided herein; emails and correspondence that are not made as part of this submission are not described and are considered to have been addressed separately).</p> <p>1. Rehabilitation in Stage 1 has not commenced. Tree planting has not commenced.</p> <p>2. Dust.</p> <p>3. Sequential staging of extraction in Stage 1 has not occurred. The current pit in Stage 1 is now more than 2ha.</p> <p>4. DA20/0438 should be completed and rehabilitated before Stage 2 is determined.</p> <p>5. The Acoustic Assessment (Revision 5) does not include the noise created in DA 20/0438.</p> <p>6. The Acoustic Assessment (Revision 5) does not include noise generated by excavators which are currently used on site. The noise assessment in DA 24/0125 is based on only Loaders, Surface Miner and semi-trailer trucks being used at this proposed site.</p> <p>7. Why are surrounding residences subjected noise and vibration impacts.</p> <p>7A. Have tenants on the Development Sites been made aware of the proposal?</p> <p>7B. The whole of the lot should be considered the relevant premises and, therefore, a higher influencing factor should apply.</p> <p>8. What amount of resource has been extracted in Stage 1 (DA20/0438).</p>	<p>1. See comments below regarding rehabilitation. The site is to be rehabilitated to pasture as per the Rehabilitation Plan and consistent with the agricultural use of the site for grazing and agistment. Notwithstanding the Rehabilitation Plan for Stage 2 is recommended to be amended by condition of any approval to including tree planting with endemic species.</p> <p>2. See comments above regarding dust.</p> <p>3. Regarding sequential staging and size of area open, condition 4.9 of the development approval DA20/0438 for Stage 1 states '<i>No more than 2 hectares shall be worked at any one time; this area shall then be rehabilitated in accordance with the approved details</i>'.</p> <p>The proponent has worked the western portion of the Previous Stage and extracted in this area, while the eastern portion has been kept open to use sand from this area for rehabilitation in the western portion. In this regard the City is satisfied that no more than 2 ha has been worked in extraction while the eastern portion of the Previous Stage is utilised for rehabilitation (see comments below). The Previous Stage has now been recontoured and seeded with the exception of the final extraction cell (see comments below).</p> <p>The final open and worked extraction cell in the Previous Stage is estimated to be 1.9ha (refer to aerial extracts below).</p>

## Schedule of Submissions: Proposed Extractive Industry DA24/0125

Public Advertising Period July 2024				
Submitter	Submission	Comment	Officer Response	
		<p>9. Stage 1 extraction is alleged to have intercepted the water table.</p> <p>10. Alleged backfilling in Stage 1 <i>"hoping that this backfill was not contaminated..."</i>.</p> <p>11. Object to any five year approval period for Stage 2.</p> <p>12. Water required from three extractive industries located within 823m will impact our water table.</p> <p>13. A lot of water will be required for dust suppression.</p> <p>14. Proposal plans don't show the shed occupied as a dwelling located 360m to the south of the extraction site (Stage 2).</p> <p>15. State Planning Policy 2.4 requires 'certain considerations' when a residence is within 500m from an extractive industry.</p> <p>16. Query separation distances on the proposal plans changed since the advertising period.</p> <p>An independent surveyor should prepare another proposal plan.</p> <p>17. School bus routes must be provided.</p> <p>18. A Social Impact Statement has not been provided.</p> <p>19. An acid sulphate soil (ASS) risk assessment should be conducted by a suitably qualified person.</p> <p>20. What screening will be provided from Gulberti and Ludlow-Hithergreen Road?</p> <p>21. Clearing permit is required.</p>	  <p>4. A condition is recommended to any approval to require closure of Previous Stage prior to commencement of Stage 2 in order to mitigate the potential for overlapping risks associated with both operations.</p> <p>In accordance with the <i>Environmental Protection (Noise) Regulations 1986</i>, it is a matter for the landowner(s) of the Development Sites to make necessary arrangements with their tenants regarding the development impacts.</p>	

## Schedule of Submissions: Proposed Extractive Industry DA24/0125

Public Advertising Period July 2024				
	Submitter	Submission	Comment	Officer Response
			<p>22. A Traffic Impact Assessment has not been provided and is required by LPP2.3 and should address bridge 3462 and be advertised for comments.</p> <p>23. The type and size of trucks/machinery to be used states “semi trailers, Loader”. This is not adequate.</p> <p>24. Bridge #3462 located between Ruabon Road and Gulberti Road has over 500 movements and is only approximately 5m wide and as our understanding of the RAV Guidelines should have minimum width of 7.2m. what is an adequate volume of traffic for this bridge</p>	<p>5. Any approval is recommended to be conditioned to ensure the closure of the Previous Stage operations, which are the sources of the activity on Lot 61, before commencement of Stage 2.</p> <p>6. The Acoustic Assessment (Revision 5) includes excavators as noise sources in Table 4.1.</p> <p>7. Surrounding approved residences are located more than 500m from the proposed extraction site, meeting setback distances under LPP2.3 section 4.2.2.2. Further, no objections have been received to the proposal from the closest neighbouring noise sensitive premises (setback 360m from the extraction site).</p> <p>7A. It is a matter for the landowner(s) of the Development Sites to advise tenants.</p> <p>7B. The DWER Environmental Noise Branch have not raised influencing factor as a concern in their assessment.</p> <p>8. The proponent advises that 136,192 cubic metres has been extracted from Stage 1 (July 2024).</p> <p>9. Evidence of this interception is not provided or evident during site inspection.</p> <p>10. Evidence of backfilling, including with contaminated material is not provided or evident. The proponent advises extraction stages are backfilled with sand from within the site after gravel has been removed.</p> <p>11. The City’s LPP2.3 provides for a five year approval timeframe (section 4.2.1) within Policy Area 3.</p> <p>12. The operation is not proposed to intercept the water table, assessment by DWER has been made with regard to this impact and relevant conditions are recommended to mitigate this risk.</p>

## Schedule of Submissions: Proposed Extractive Industry DA24/0125

Public Advertising Period July 2024				
	Submitter	Submission	Comment	Officer Response
				<p>13. The Dust Management Plan is required to be updated with an adequate and approved supply of water.</p> <p>14. The proposal plans identify the shed occupied as a dwelling. The Acoustic Assessment has considered the shed as a noise sensitive premises. This is not approved as a residence pursuant to the <i>Local Planning Scheme No. 21</i> and the LPP2.3. Further, it is noted the owner of the shed has not objected to the proposal.</p> <p>15. Separation distances are provided in LPP2.3. There are no residences within 500m of the proposed extractive industry. There is one shed alleged to be occupied as a residence and located 360m to the south. No objections to be proposal have been received from this landowner.</p> <p>16. The separation distance on the Revision C proposal plans are revised from those advertised in April. The 'Stage 2 Proposal Plan' has been prepared by a surveyor.</p> <p>17. School bus routes times have been provided to the City and an appropriate condition is recommended to any approval.</p> <p>18. A requirement for a Social Impact Statement is a discretionary matter for the City. In this case there are no approved dwellings located within 500m of the proposal and no objections have been submitted from the closest unauthorised dwelling located 360m to the south.</p> <p>19. An ASS investigation, by a suitably qualified professional, is recommended to be required as a condition of any approval followed by submission and implementation of a risk management plan as necessary.</p> <p>20. The proposed Stage 2 extraction area, would be located approximately 260m from Gulberti Road and approximately 490m from Ludlow-Hithergreen Road. With the staging of extraction cells and the distance from local roads, the proposal is considered to be acceptable with regard to the landscape character. Screening is not a recommended requirement in this case.</p>

## Schedule of Submissions: Proposed Extractive Industry DA24/0125

Public Advertising Period July 2024				
	Submitter	Submission	Comment	Officer Response
			Concern about standard of Ludlow-Hithergreen Road with regard to cumulative impacts and traffic speed.	<p>21. A clearing permit is required for tree removal as described in recommended advice. A condition has been recommended requiring retention of the trees in the absence of a clearing permit.</p> <p>22. It is a matter for the City to determine the sufficiency of the information provided. The City is able to determine the road upgrading requirements in this case based on the provisions of LPP2.3 and recent traffic count data. A TIA has not been required.</p> <p>23. See comments above – details of machinery are adequate.</p> <p>24. The suitability of bridges on local roads is a matter for the relevant State Government agency. Permits for restricted access vehicles are a matter for MRWA including bridge widths.</p> <p>Noted, see comments below.</p>

## Schedule of Submissions: Proposed Extractive Industry DA24/0125

Public Advertising Period July 2024				
	Submitter	Submission	Comment	Officer Response
3	Yallingup	Object	<p>I do not support this proposal as the applicant is yet to show they are able to comply to post-extractive site clean up and restorative works. Please ensure the applicant has completed the rehabilitation of their current DA and demonstrated that they are fully able and committed to restore a site, and any future proposed site(s) before considering approval for new one. Ratepayers do not want to be left with the responsibilities and expense after the business moves on. If the above consideration is met. Please ensure that a proper, logical, sequential process is followed, that any extractive work operations do not commence before clearing permits and works approval are fully completed.</p> <p>Letter attached to submission:</p> <ol style="list-style-type: none"> <li>1. Why does the City approve DA's without a works approval and clearing permit. The City is obligated to enforce the EP Act.</li> <li>2. Why won't the City investigate the Planning Department in regard to the extractive industry?</li> <li>3. Why doesn't the City create a local law to allow for road charges?</li> <li>4. Why are ratepayers being made to pay an increase of 7% when the City can't won't regulate this industry?</li> </ol> <p>References to EP Act in relation to offences and environmental harm, pollution, referral to EPA for a significant proposal or proposal of a prescribed class.</p>	<p>Noted, see comments above.</p> <p>Letter attached to submission:</p> <p>Enforcement regarding works approvals and clearing permits is a matter for DWER.</p> <p>Points 2 – 4 are not relevant to the subject application.</p> <p>The City deems that application does not warrant referral to EPA in this case.</p>
4	Yallingup	Object	<p>I do not support this proposal as the applicant is yet to show they are able to comply to post-extractive site clean up and restorative works. Please ensure the applicant has completed the rehabilitation of their current DA and demonstrated that they are fully able and committed to restore a site, and any future proposed site(s) before</p>	Noted, see comments above.

## Schedule of Submissions: Proposed Extractive Industry DA24/0125

Public Advertising Period July 2024				
	Submitter	Submission	Comment	Officer Response
			considering approval for new one. If the above consideration is met. Please ensure that a proper, logical, sequential process is followed, that any extractive work operations do not commence before clearing permits and works approval are fully completed.	
5	Abba River	Object	Noise - loud machinery noise all day. Constant and annoying. Which affects our mental health. We moved here to avoid loud noise and to have peace and quiet. We live in a rural agricultural zoning and do not want mining around us. Dust - during the summer the dust was bad every day. It is still dusty now even though we have had substantial rains. Longevity- there is no clear information in the application about how long the operation would go for. The lease holder worked out of hours last time. We moved here for peace and quiet, especially mornings. Today 29th July 2024 there is clear activity on the lease. Excavators breaking up the rock and land. Clearly not rehabilitation. Why is mining happening when the submission has not closed? Rehabilitation - does pushing down tree's count as rehabilitation? Large tree's have been bulldozed and burned. No rehabilitation appears to have been done. Water quality- we have heard reports that the lease does not pose an acid risk? We have proof that our property has a very high acid content in our groundwater. This would be on council records. Road safety - the bridge on ludlow-hithergreen road is dangerous. There is not enough room for a car and truck to use at the same time. With more trucks running extra hazardous. It is also a school bus run. We vehemently oppose the application DA24/0125. We do not want to live near a gravel pit. It will reduce the value of our property and ruin our peaceful lifestyle.	See comments above.
6	Busselton	Object	At a minimum, Harbeck should finish and rehabilitate the current DA before being given a new DA.  Attachment to submission:  It is hard to know if an unreasonable cumulative noise does not comply with EP Act as the noise modelling does not consider current DA on the premises and the new DA at Jamie Oats Property.	See comments above          Cumulative noise impacts have been included in the Acoustic Assessment and a condition is recommended requiring the existing operation on the Previous Stage to cease before commencement of proposed Stage 2 should it be approved.

## Schedule of Submissions: Proposed Extractive Industry DA24/0125

Public Advertising Period July 2024				
	Submitter	Submission	Comment	Officer Response
			<p>However even without including these other 2 DA the noise modelling puts 3 properties at above 40DB. (one of which has not been included in the modelling. The prescribed level on the report is 45DB – so this does not comply with the 5dB below the prescribed level.</p> <p>Additionally, R5 on Appendix B is sitting on the 40Db line which does not accurately align with table 6.2 in the Acoustic Assessment.</p>	<p>The Acoustic Assessment (Revision 5) is required to be reviewed with regarding the DWER advice as a recommended condition.</p>
7	Busselton	Object	<p>Health and environmental risks to the ..... and other nearby neighbours require more thorough assessment.</p> <p>Attachment to submission:</p> <p>It's 5 a.m., and here I am, drafting a submission to support Terry and his wonderful wife Bernie in their opposition to an additional gravel pit on the property across the road from them. I've spent the past two weeks delving into all the relevant laws and state planning guidelines to grasp how these developments should be assessed and approved. My weekends have been consumed by research and computer work in my office. I haven't had time to hit the gym, take the dogs for a walk, or even check on my garden—I'm not sure if anything is left after the snails have had their way with it. My focus has been solely on reading and researching.</p> <p>Then [REDACTED] tells me, "It doesn't really matter; the planning department will do whatever they want because they're desperate for gravel."</p> <p>I've spent countless hours talking with [REDACTED], exchanging stories and frustrations. It has been an incredibly trying couple of years.</p> <p>While I understand there is a significant demand for gravel and a perceived shortage, I don't believe the shortage is physical. Rather, the issue seems to be that the area is quickly running out of landowners willing to permit this industry on their property.</p> <p>Over the years, the city has neglected 'orderly and proper planning' by turning a blind eye to operators who flout the rules, simply because they need these resources. When city staff fail to enforce regulations in response to community complaints, it leads to a situation where landowners perceive these operators as lawless entities. Why would anyone not desperate for money welcome such operators onto their property? Consequently, gravel is hoarded on private land, exacerbating the shortage problem.</p> <p>So the question is what is orderly and proper planning??? My research has come up with the following definition from a Western Australian Supreme Court in <i>Marshall v Metropolitan Redevelopment Authority</i> [2015] WASC 226 (<i>Marshall</i>). Pritchard J held at [179] to [180]:</p>	<p>See comments above</p> <p>Attachment to submission:</p> <p>Development applications are assessed against the matters to be considered under the Regulations only including the relevant planning framework.</p> <p>See comments above and in the Council report.</p>

## Schedule of Submissions: Proposed Extractive Industry DA24/0125

Public Advertising Period July 2024				
	Submitter	Submission	Comment	Officer Response
			<p>... The ordinary meaning of the word 'proper' includes 'suitable for a specified or implicit purpose or requirement; appropriate to the circumstances or conditions; of the requisite standard or type; apt, fitting; correct, right'. The ordinary meaning of the word 'orderly' includes 'characterised by or observant of order, rule, or discipline'. In other words, to be orderly and proper, the exercise of a discretion within the planning context should be conducted in an orderly way - that is, in a way which is disciplined, methodical, logical and systematic, and which is not haphazard or capricious.</p> <p>The planning discretion should be directed to identifying the 'proper' use of land - that is, the suitable, appropriate, or apt or correct use of land. In order to do so, the exercise of discretion would clearly need to have regard to any applicable legislation, subsidiary legislation and planning schemes (such as region schemes, town planning schemes, local planning schemes) and policy instruments. The State Administrative Tribunal has observed that 'at the heart of orderly and proper planning' is a public planning process which permits the assessment of individual development applications against existing planning policies 'so that the legitimate aspirations found in the planning framework may be translated into reality'.</p>	

## Schedule of Submissions: Proposed Extractive Industry DA24/0125

Public Advertising Period July 2024				
	Submitter	Submission	Comment	Officer Response
			<p>In <i>Mount Lawley Pty Ltd and Western Australian Planning Commission</i> [2007] WASAT 59 (<i>Mt Lawley</i>) at [47], the Tribunal recognised that 'sustainability is now a core element of orderly and proper planning'. The Tribunal in <i>Mt Lawley</i> considered the meaning of the term 'sustainability,' and determined that (at [48]):</p> <p>Sustainability requires the integration of the social, economic and environmental consequences of land use and development in order to deliver a better quality of life now and for future generations.</p> <p>The planning department needs to consider not only local planning policies and schemes but also their obligations under state and federal legislation. Key acts that govern the principles of 'orderly and proper planning' include:</p> <ul style="list-style-type: none"> <li>• <b>The Environmental Protection Act (EP Act):</b> This includes guidelines for minimum separation distances. If these guidelines are not adhered to, comprehensive studies must be conducted to assess the impact of placing industry so close to residential areas. This includes ensuring clearing permits, water license, works approvals are acquired and that the planned activities do not have an adverse impact on surrounding properties through noise, dust and vibration.</li> <li>• <b>State Planning Policy for Extractive Industries:</b> This policy requires the evaluation of minimum separation buffers, especially if the area has been designated by the city's planning scheme as having high levels of Basic and Resource Material (BRM). It also necessitates the assessment of cumulative impacts on sensitive receptors if industry operations extend beyond five years.</li> <li>• <b>The Health Act:</b> This act mandates the city's responsibility to minimize health risks and hazards associated with industrial activities.</li> <li>• <b>Local Government Act:</b> Under the Local Government Act, the City of Brisbane (COB) is the designated authority responsible for issuing Development Applications (DAs) for extractive industries in our area. The Act grants local government the general power to ensure the good governance of its district, demanding accountability, efficiency, and effectiveness. Additionally, the COB has the authority to create specific regulations for extractive industries, including provisions for better monitoring and road use charges. Given the challenges in enforcing compliance with existing rules, it's time for the City to consider its responsibilities to all ratepayers and introduce such regulations. This would help cover the costs associated with road maintenance and the increased workload for staff dealing with non-compliant operators. The extracted Building and Resource Materials (BRM) are often transported out of the COB, placing a financial burden on our community through road usage and staff enforcement efforts.</li> <li>• <b>Planning Act:</b> This Act provides the framework for enforcing regulations against operators and anyone involved in unlawful development. Unlawful development is defined as any activity that does not adhere to the prescribed conditions of Development Applications (DAs). In the absence of specific extractive industry legislation, it is crucial that any DA for extractive industry operations includes stringent enforcement measures and clear consequences for non-compliance. This would ensure that operators adhere to established rules and regulations, maintaining accountability and safeguarding community interests.</li> </ul>	

## Schedule of Submissions: Proposed Extractive Industry DA24/0125

Public Advertising Period July 2024				
	Submitter	Submission	Comment	Officer Response
			As [REDACTED] mentioned, I'm uncertain if anyone will read or consider this. However, we have reached a critical juncture. The current approach has primarily benefited the operators, leaving the community feeling angry and frustrated. To rebuild community trust and potentially open up new areas for extraction, it is essential for the city to demonstrate effective compliance management. This is crucial for moving forward in a way that addresses community concerns and ensures fair and responsible development.	
8	Busselton	Object	The destruction of trees, wildlife, and wildlife habitat is not tolerated. We need to preserve what we have left.	See comments above
9	Abba River	Object	While we do not object to the proposed new pit, we do not believe Ludlow-Hithergreen Road can support the proposed increase in truck movements.	See comments above.

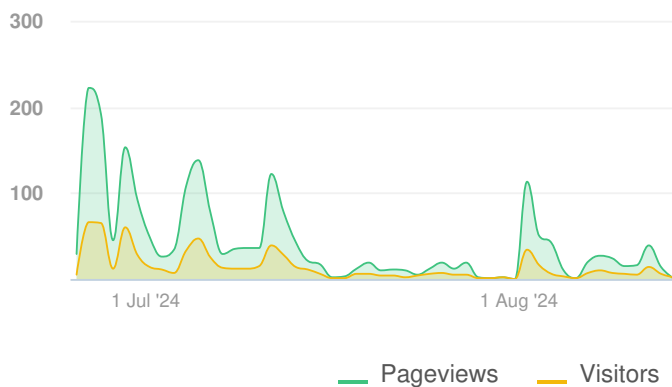
# Project Report

24 June 2024 - 12 August 2024

## Your Say Busselton Tails of the City



### Visitors Summary



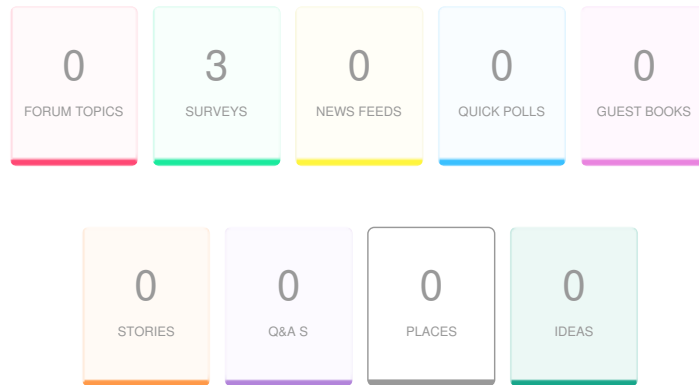
### Highlights

TOTAL VISITS	744	MAX VISITORS PER DAY	66
NEW REGISTRATIONS	110		
ENGAGED VISITORS	196	INFORMED VISITORS	462
		AWARE VISITORS	615

<b>Aware Participants</b>	<b>615</b>	<b>Engaged Participants</b>	<b>196</b>
<b>Aware Actions Performed</b>	<b>Participants</b>	<b>Engaged Actions Performed</b>	<b>Registered</b> <b>Unverified</b> <b>Anonymous</b>
Visited a Project or Tool Page	615		
<b>Informed Participants</b>	<b>462</b>	Contributed on Forums	0 0 0
<b>Informed Actions Performed</b>	<b>Participants</b>	Participated in Surveys	196 0 0
Viewed a video	0	Contributed to Newsfeeds	0 0 0
Viewed a photo	0	Participated in Quick Polls	0 0 0
Downloaded a document	43	Posted on Guestbooks	0 0 0
Visited the Key Dates page	1	Contributed to Stories	0 0 0
Visited an FAQ list Page	0	Asked Questions	0 0 0
Visited Instagram Page	0	Placed Pins on Places	0 0 0
Visited Multiple Project Pages	278	Contributed to Ideas	0 0 0
Contributed to a tool (engaged)	196		

Your Say Busselton : Summary Report for 24 June 2024 to 12 August 2024

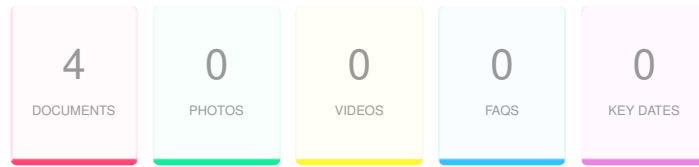
## ENGAGEMENT TOOLS SUMMARY



Tool Type	Engagement Tool Name	Tool Status	Visitors	Contributors		
				Registered	Unverified	Anonymous
Survey Tool	Tails of the City Survey	Archived	445	196	0	0
Survey Tool	Tails of the City Survey- old version	Draft	0	0	0	0
Survey Tool	Tails of the City Survey-test	Draft	0	0	0	0

Your Say Busselton : Summary Report for 24 June 2024 to 12 August 2024

## INFORMATION WIDGET SUMMARY



Widget Type	Engagement Tool Name	Visitors	Views/Downloads
Document	Handout on dog management	15	17
Document	Handout on cat management	14	14
Document	Dog Exercise Areas information	14	14
Document	City of Busselton Cat and Dog information	12	12
Key Dates	Key Date	1	1

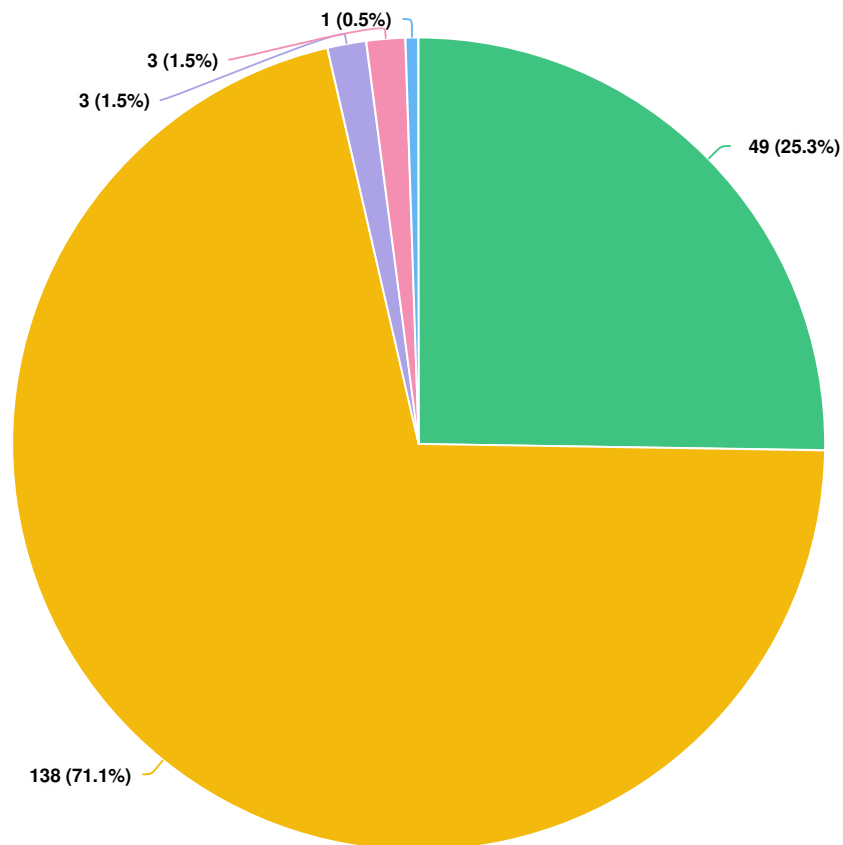
Your Say Busselton : Summary Report for 24 June 2024 to 12 August 2024

## ENGAGEMENT TOOL: SURVEY TOOL

### Tails of the City Survey

Visitors	445	Contributors	196	CONTRIBUTIONS	196
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How do you identify?



#### Question options

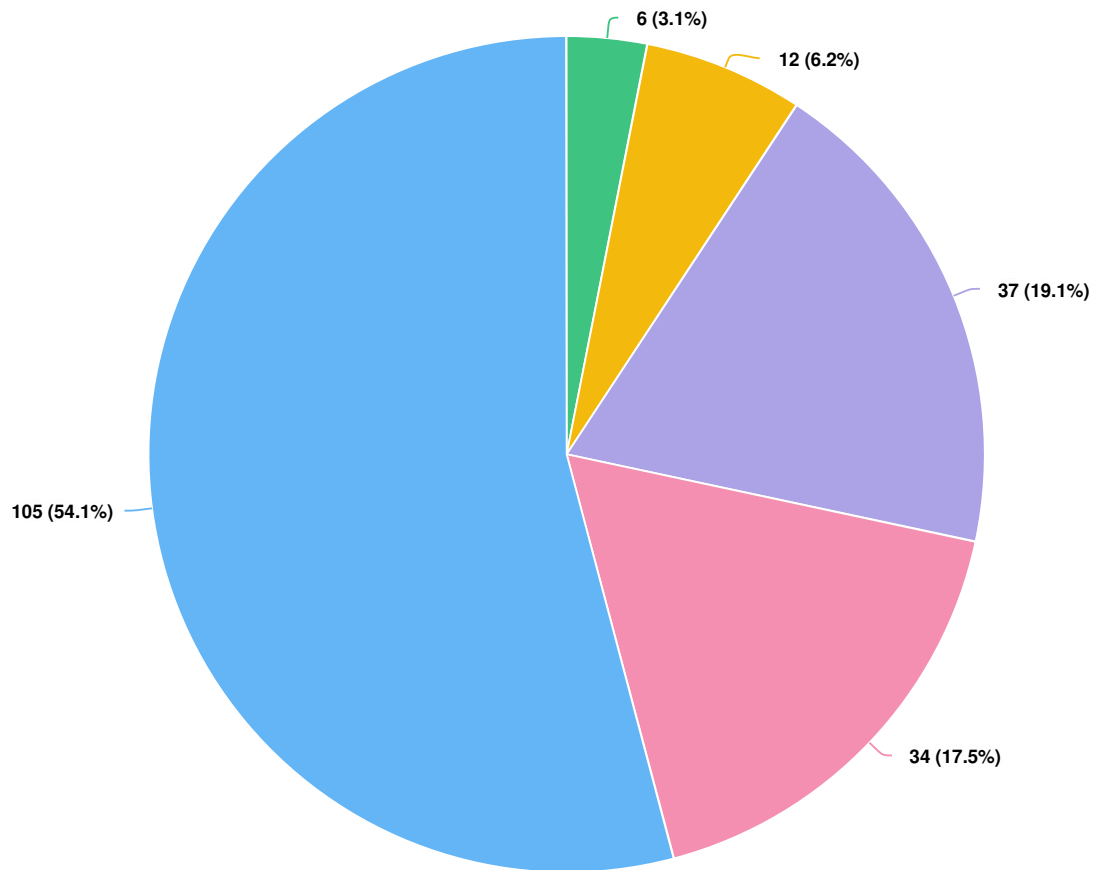
● Male
 ● Female
 ● Non-binary
 ● Prefer not to say
 ● Other (please specify)

Optional question (194 response(s), 2 skipped)

Question type: Dropdown Question

Your Say Busselton : Summary Report for 24 June 2024 to 12 August 2024

### What is your age bracket?



#### Question options

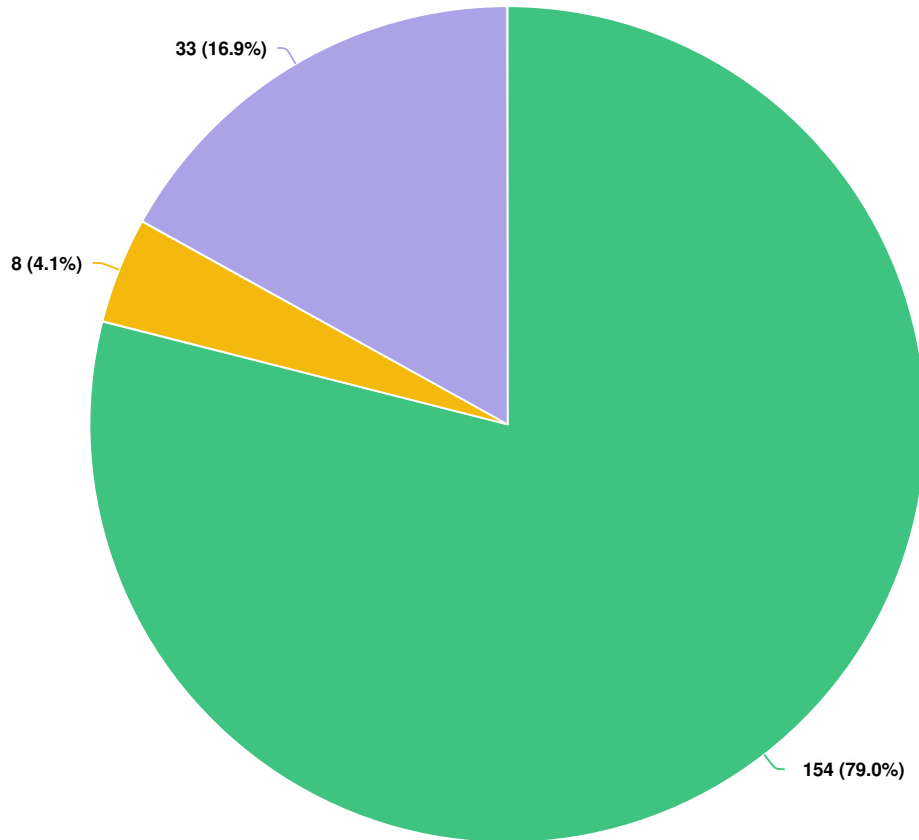
● 18-25
 ● 26-36
 ● 36-45
 ● 46-55
 ● Over 55

Optional question (194 response(s), 2 skipped)

Question type: Dropdown Question

Your Say Busselton : Summary Report for 24 June 2024 to 12 August 2024

Do you own or care for a pet?



**Question options**

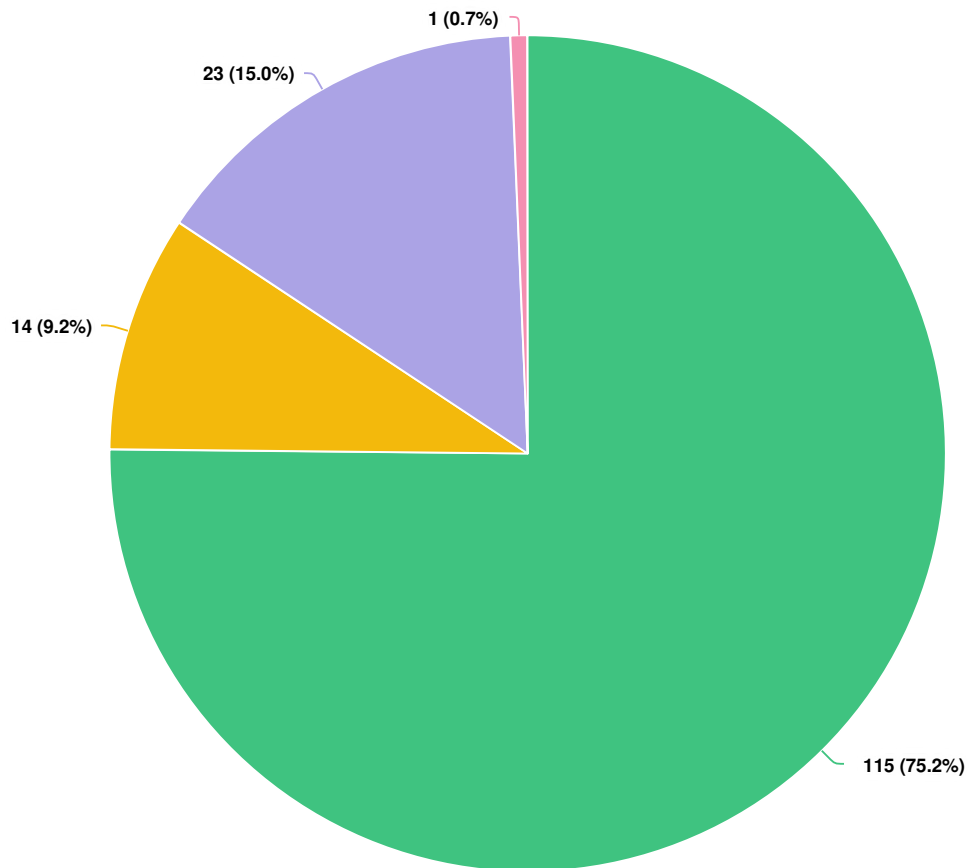
☒ Yes, I own a pet/s
 ☐ Yes, I care for someone else's pet/s
 ☐ No, I do not own or care for someone else's pet/s

Optional question (195 response(s), 1 skipped)

Question type: Radio Button Question

Your Say Busselton : Summary Report for 24 June 2024 to 12 August 2024

### What type of pet do you have?



#### Question options

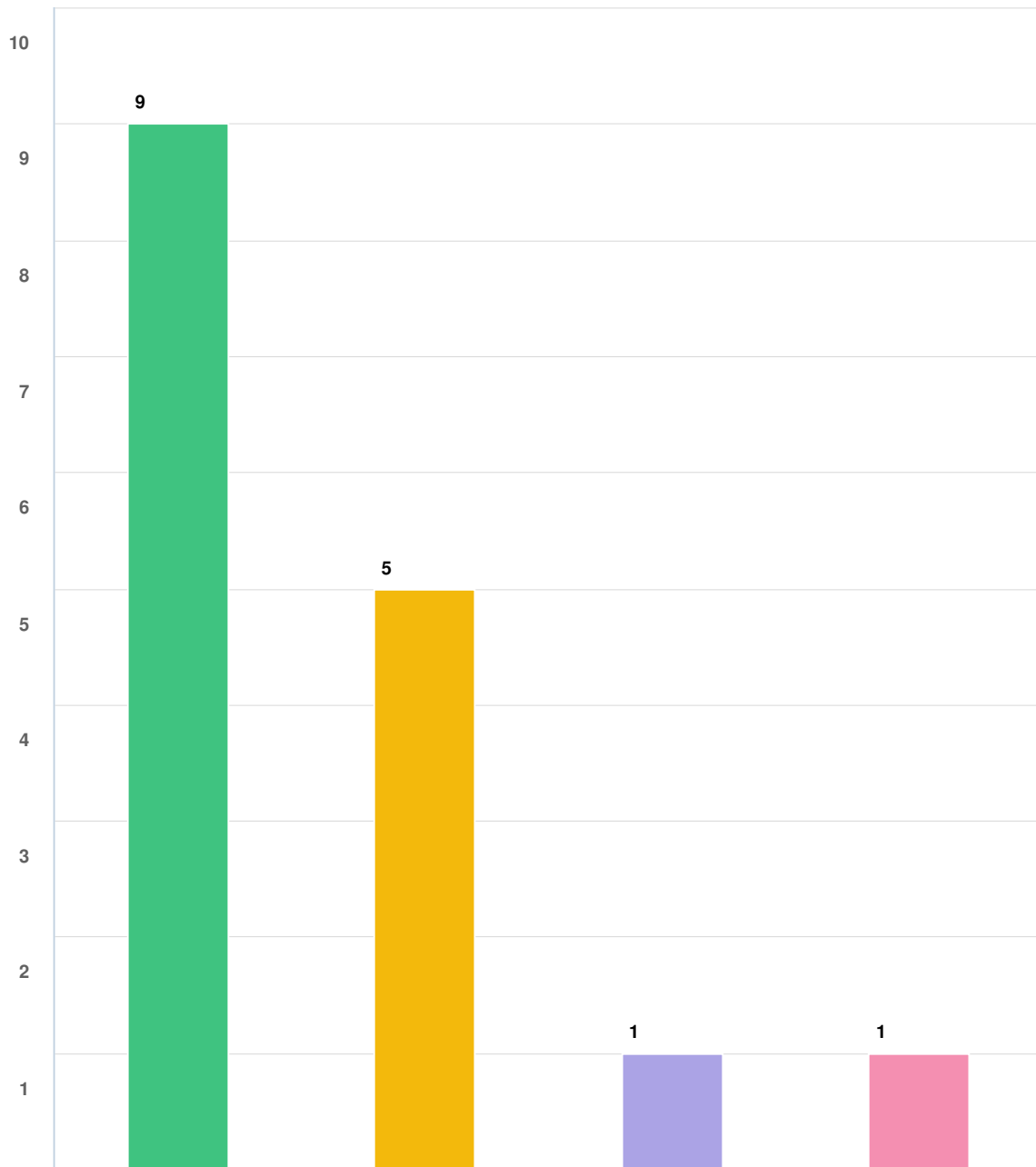
● Dog
 ● Cat
 ● Both
 ● Other (please specify)

Optional question (153 response(s), 43 skipped)

Question type: Dropdown Question

Your Say Busselton : Summary Report for 24 June 2024 to 12 August 2024

Is the cat you own or care for constricted to its property?



**Question options**

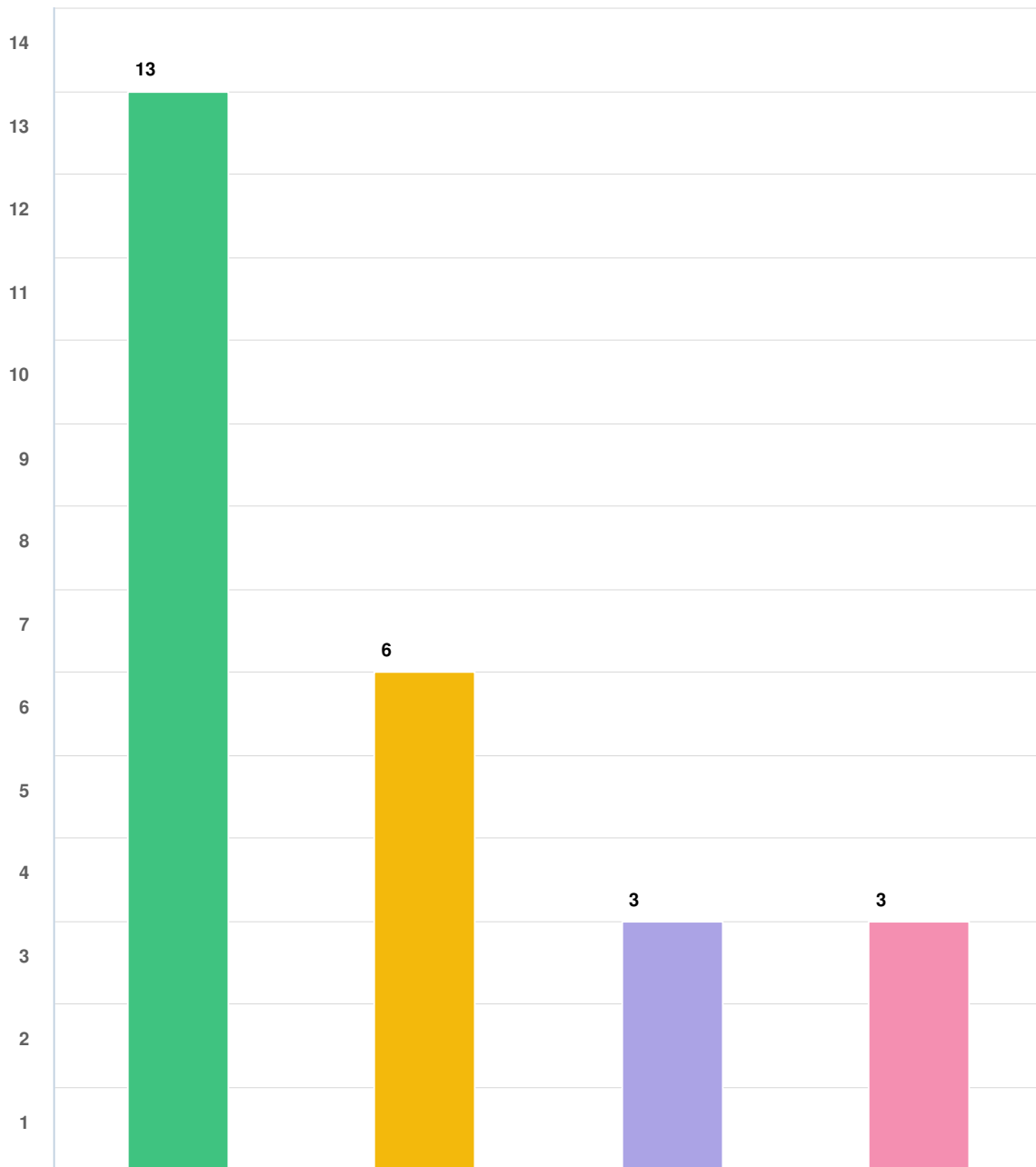
- Yes, Indoor only
 ● Yes, through a catio (fixed or portable)
 ● No, able to leave the confines of the property of it's own will
 ● Other (please specify)

Optional question (14 response(s), 182 skipped)

Question type: Checkbox Question

Your Say Busselton : Summary Report for 24 June 2024 to 12 August 2024

Is the cat you own or care for constricted to its property?



**Question options**

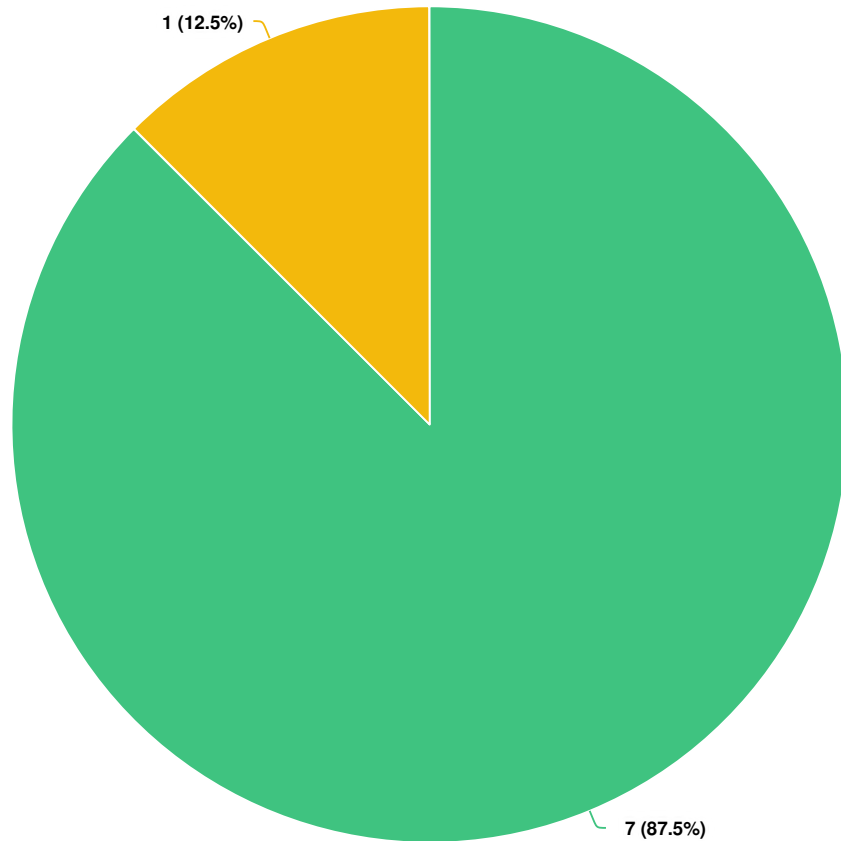
- Yes, Indoor only    ● Yes, through a catio (fixed or portable)    ● No, able to leave the confines of the property of it's own will
- Other (please specify)

Optional question (23 response(s), 173 skipped)

Question type: Checkbox Question

Your Say Busselton : Summary Report for 24 June 2024 to 12 August 2024

### What type of pet do you care for?



#### Question options

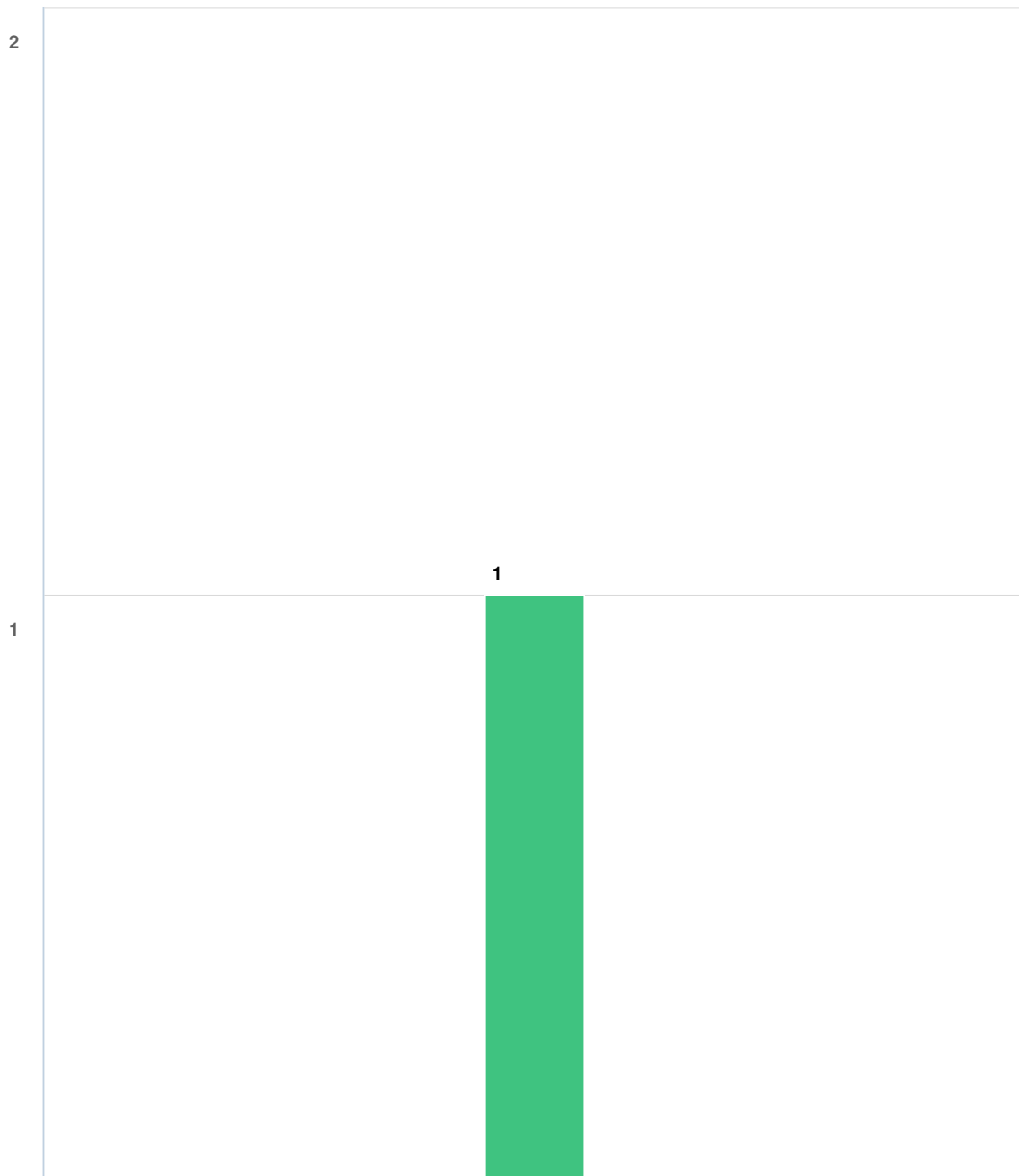
● Dog ● Cat

Optional question (8 response(s), 188 skipped)

Question type: Dropdown Question

Your Say Busselton : Summary Report for 24 June 2024 to 12 August 2024

### Is the cat you own or care for constricted to its property?



#### Question options

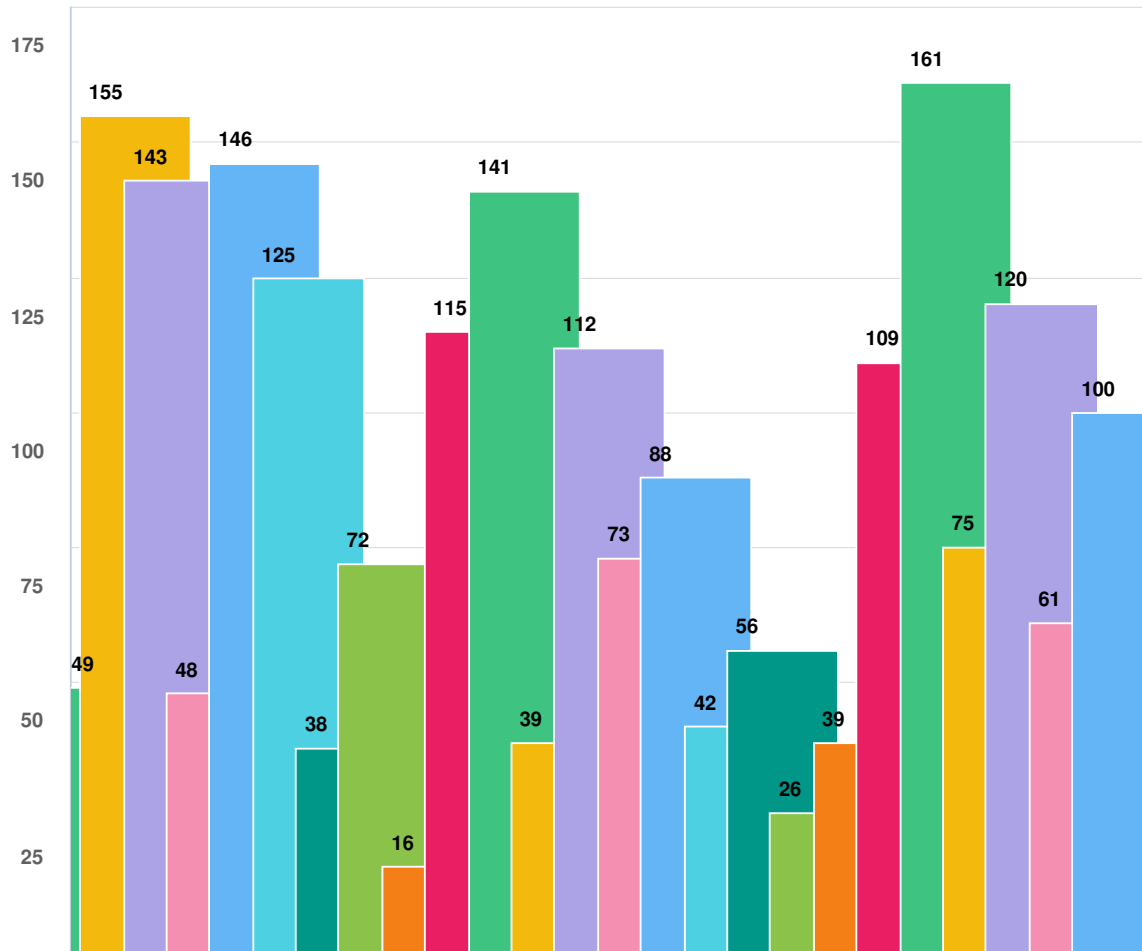
- Yes, Indoor only

Optional question (1 response(s), 195 skipped)

Question type: Checkbox Question

Your Say Busselton : Summary Report for 24 June 2024 to 12 August 2024

In the last 12 months, have you noticed or experienced any of the following when out and about in the City of Busselton area?



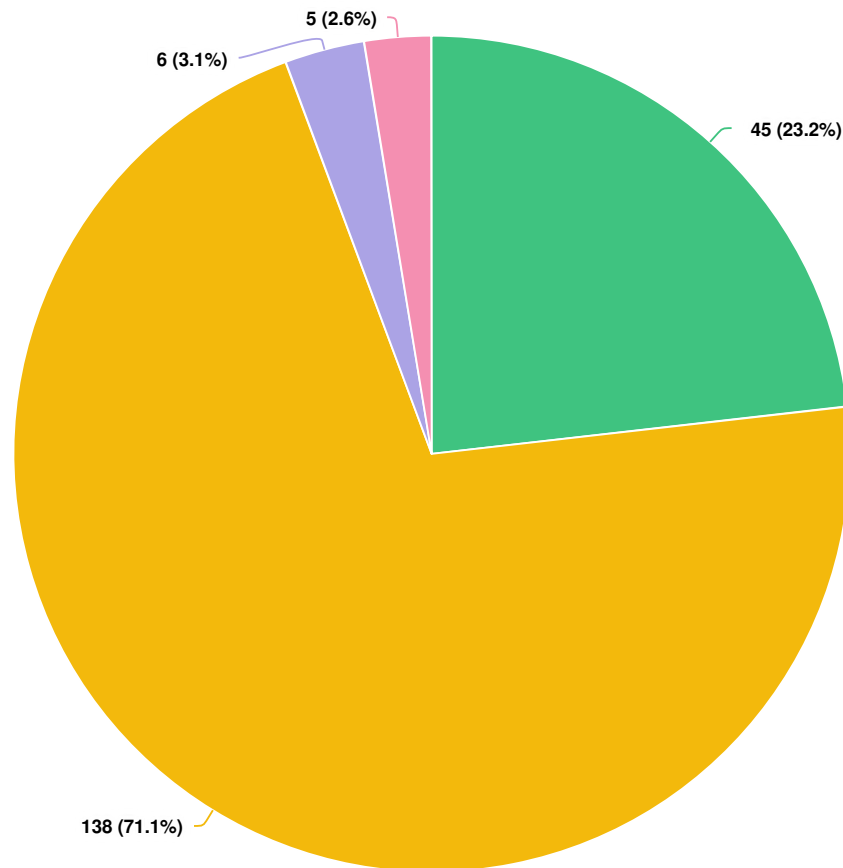
Question options

- Inadequate or confusing signage about dog restrictions
- Dogs in public spaces who are friendly and well behaved
- Dog owners picking up dog waste
- Dogs running from parks onto the road
- Dog owners walking a dog on a leash where they are meant to be
- Dogs off-leash when they shouldn't be
- Dogs running through or too close to sporting events
- Dogs annoying or intimidating people
- Dogs attacking people causing injury
- Dogs in off-leash areas who won't return to their owner when called
- Dogs happily playing under supervision
- Dogs attacking other dogs causing injury
- Trespassing or wandering cats
- Dogs annoying or intimidating other dogs
- Evidence of cats preying on wildlife
- Dog attacked by other dogs
- Felt you had a negative experience when walking a dog
- Dogs attacking wildlife
- Cats fighting with other cats in the street
- Felt you had a positive experience when walking a dog
- Dog waste that hasn't been picked up by dog owners
- Dogs wandering the street, seemingly without an owner
- Dog owners choosing not to pick up dog waste
- Dog owners following indicated signage (where applicable)
- Nuisance dog barking

Optional question (195 response(s), 1 skipped)

Question type: Checkbox Question

**Did you report any of the above observations to the City of Busselton Rangers team?**



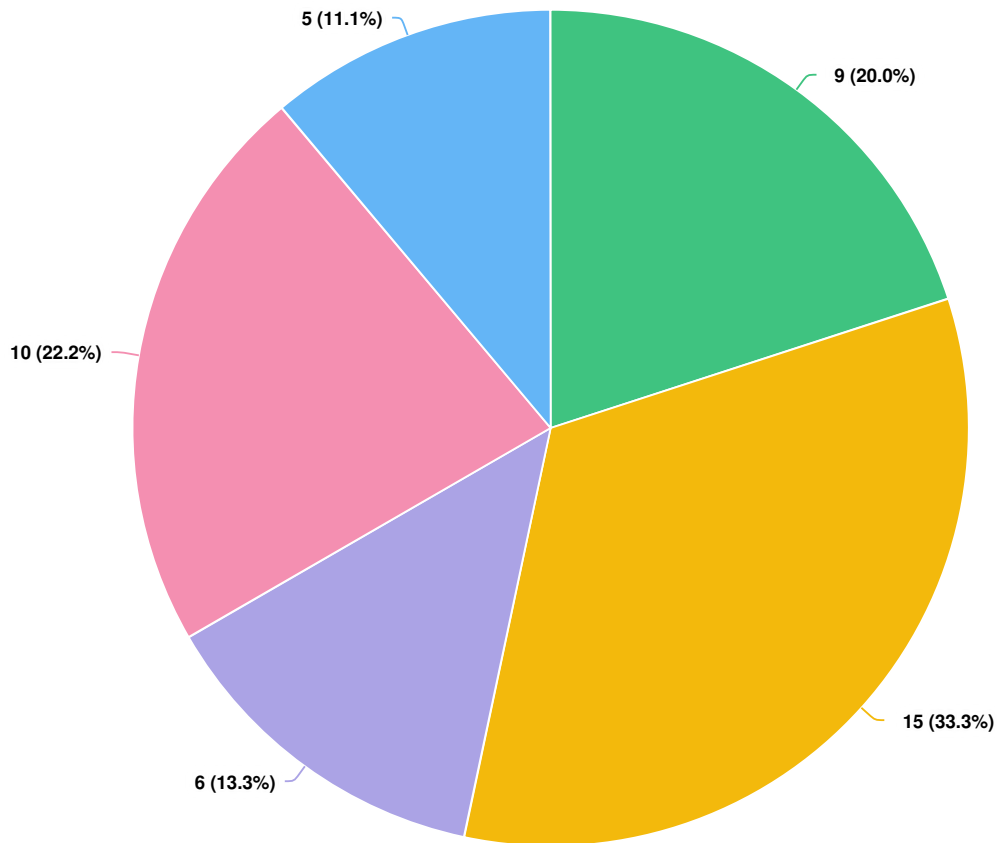
**Question options**

☒ Yes
 ☒ No
 ☐ Unsure
 ☐ Other (please specify)

Optional question (194 response(s), 2 skipped)

Question type: Radio Button Question

### Overall, were you satisfied with the Rangers/City response?



#### Question options

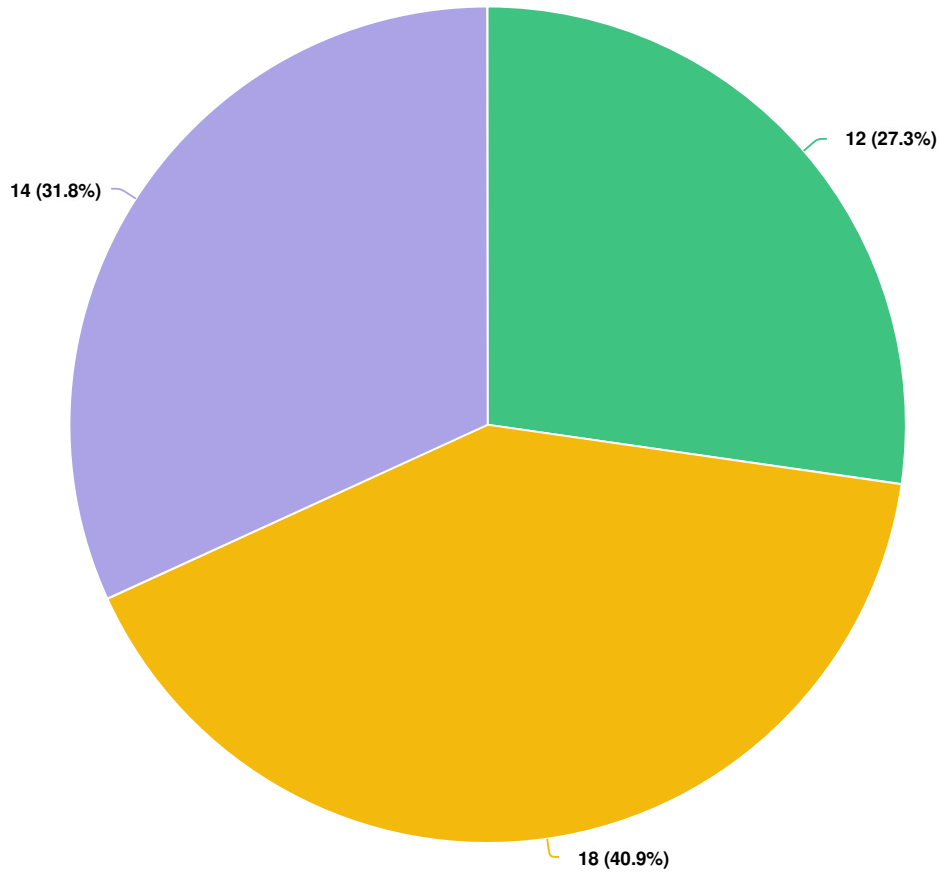
☒ Very satisfied
 ☒ Somewhat satisfied
 ☒ Neutral
 ☒ Unsatisfied
 ☒ Very unsatisfied

Optional question (45 response(s), 151 skipped)

Question type: Radio Button Question

Your Say Busselton : Summary Report for 24 June 2024 to 12 August 2024

### Was the matter resolved by a attending ranger?



#### Question options

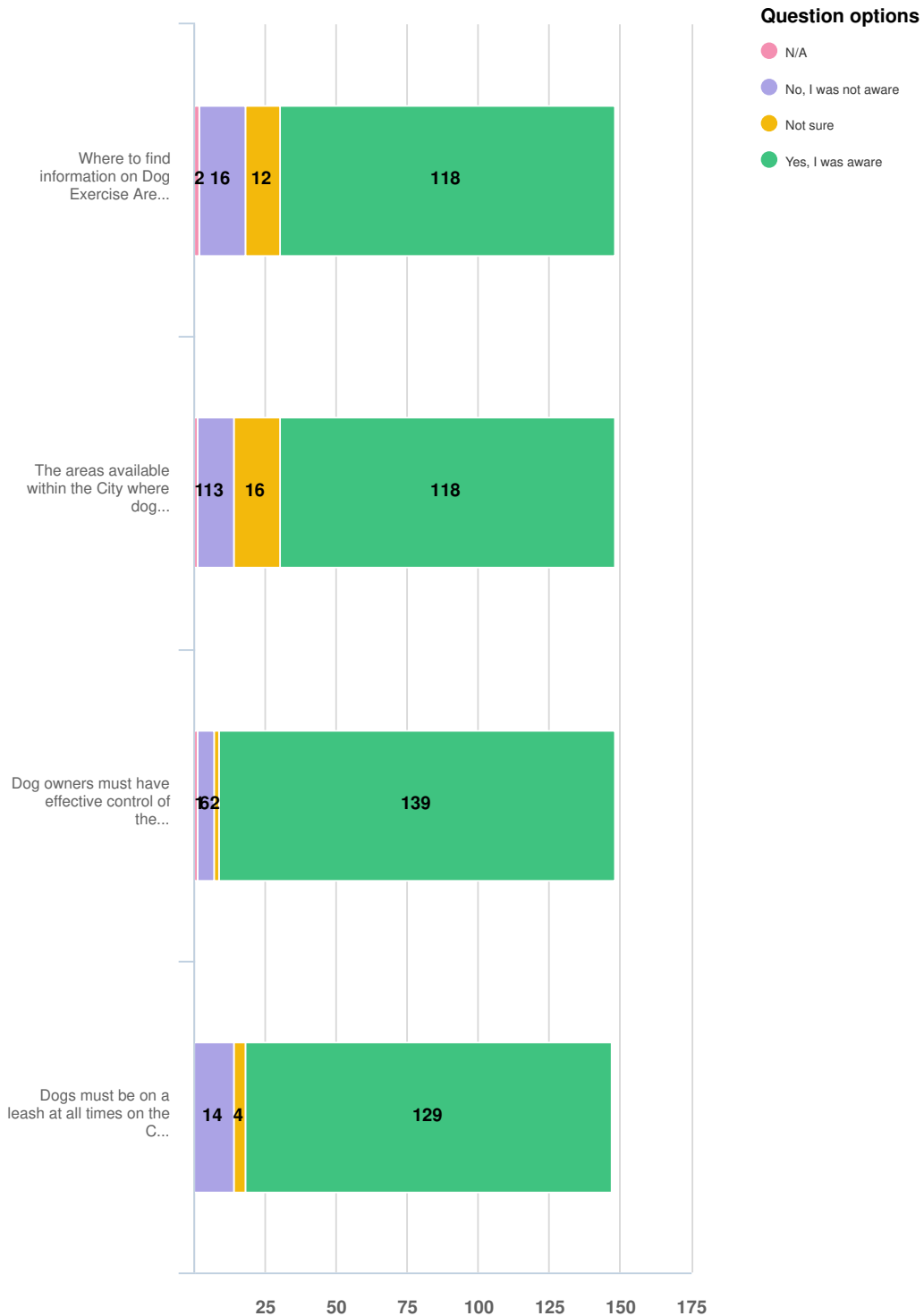
☒ Yes
 ☐ No
 ☐ Other (please specify)

Optional question (44 response(s), 152 skipped)

Question type: Radio Button Question

Your Say Busselton : Summary Report for 24 June 2024 to 12 August 2024

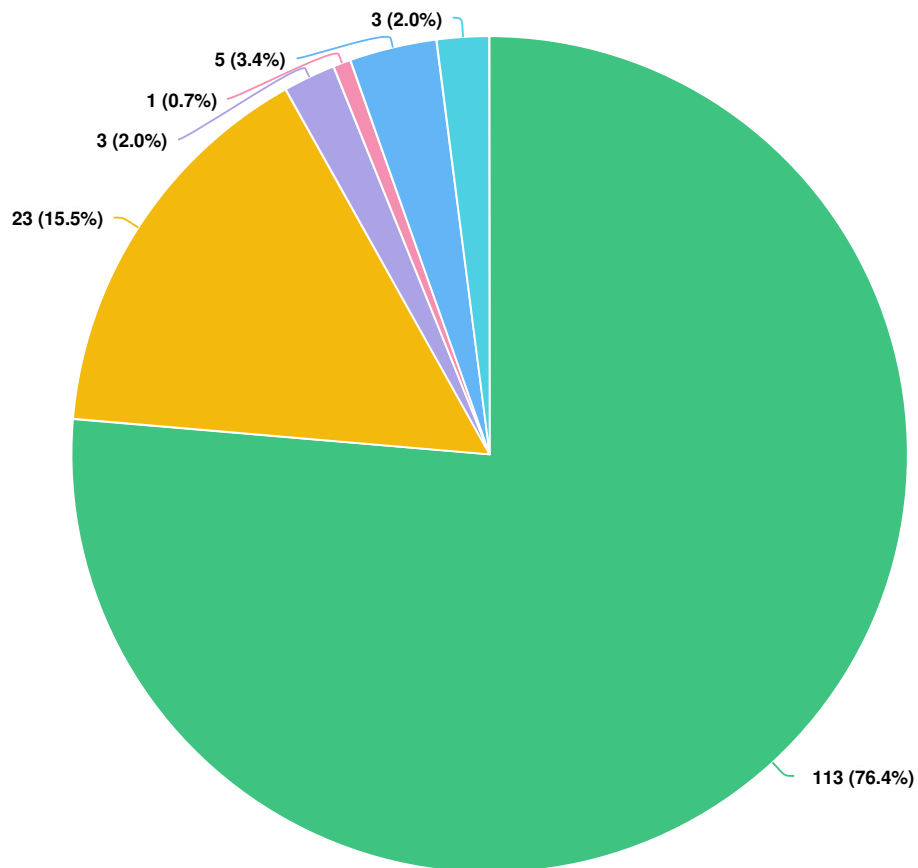
Were you aware before today of the following information:



Optional question (148 response(s), 48 skipped)

Question type: Likert Question

### On average, how often do you walk your dog/s



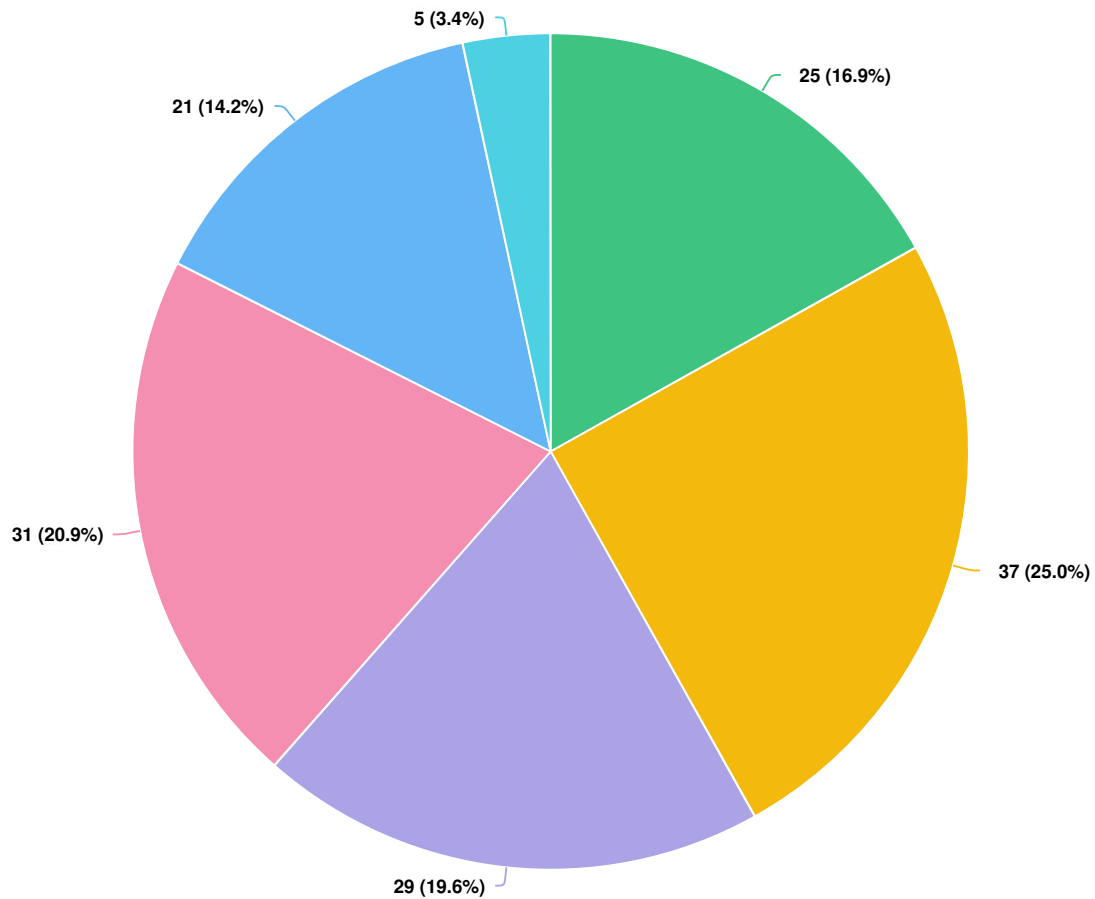
#### Question options

- Other (please specify)
 ● My dog has a large backyard and only exercises there
 ● Never
 ● Rarely
- A couple of times a week
 ● Everyday

Optional question (148 response(s), 48 skipped)

Question type: Radio Button Question

### Do you use the dog exercise off-leash areas- Grassed areas?



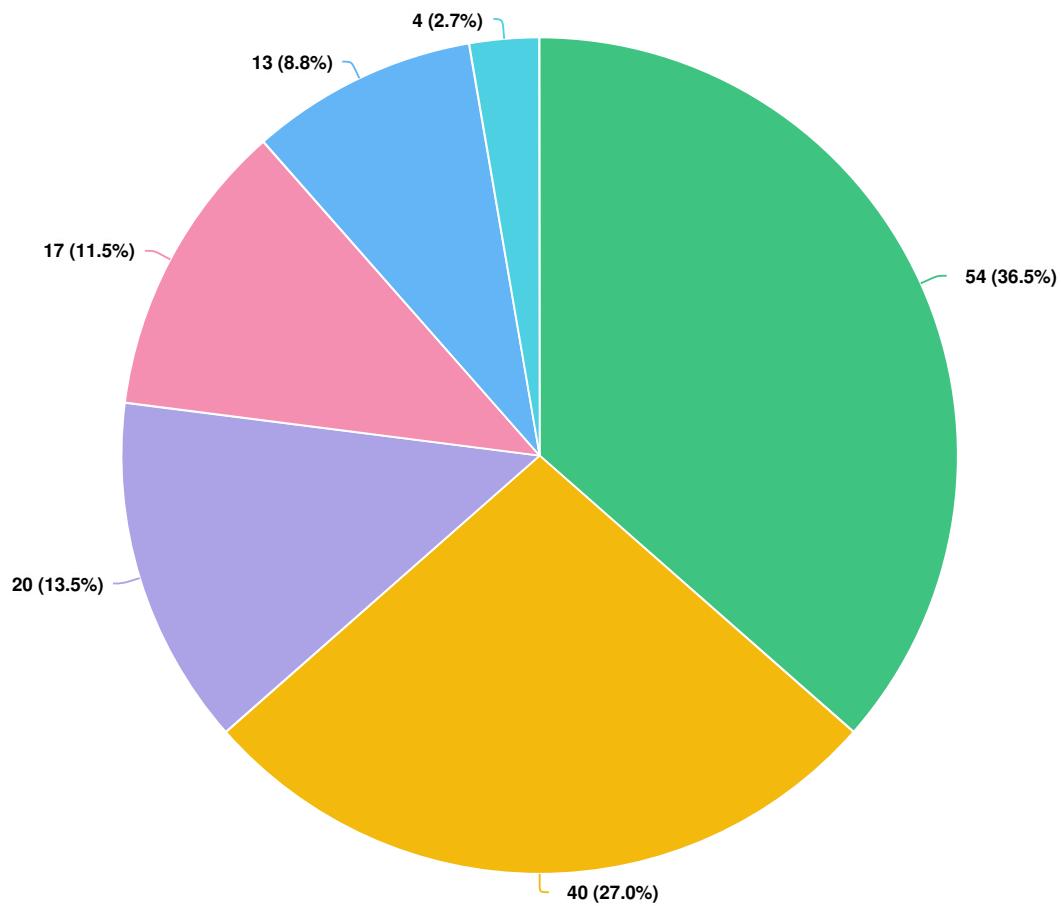
#### Question options

- Other (please specify)    ● Never    ● I use a combination of off-leash and on-leash exercising
- No, I prefer to keep my dog on a leash    ● Sometimes    ● Yes, all the time

Optional question (148 response(s), 48 skipped)

Question type: Radio Button Question

### Do you use the dog exercise off-leash areas- Beaches ?



#### Question options

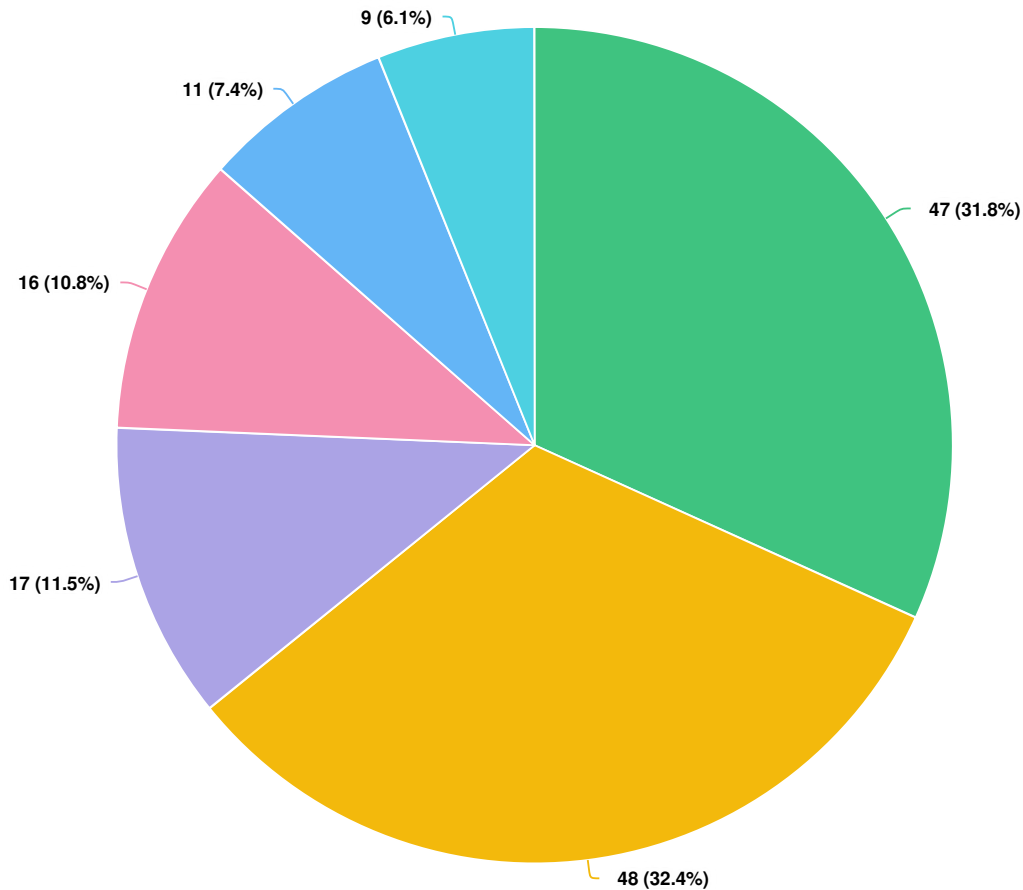
- Other (please specify)    ● Never    ● I use a combination of off-leash and on-leash exercising
- No, I prefer to keep my dog on a leash    ● Sometimes    ● Yes, all the time

Optional question (148 response(s), 48 skipped)

Question type: Radio Button Question

Your Say Busselton : Summary Report for 24 June 2024 to 12 August 2024

**Overall, how satisfied are you with the City's dog exercise beaches and off-leash exercise areas?**



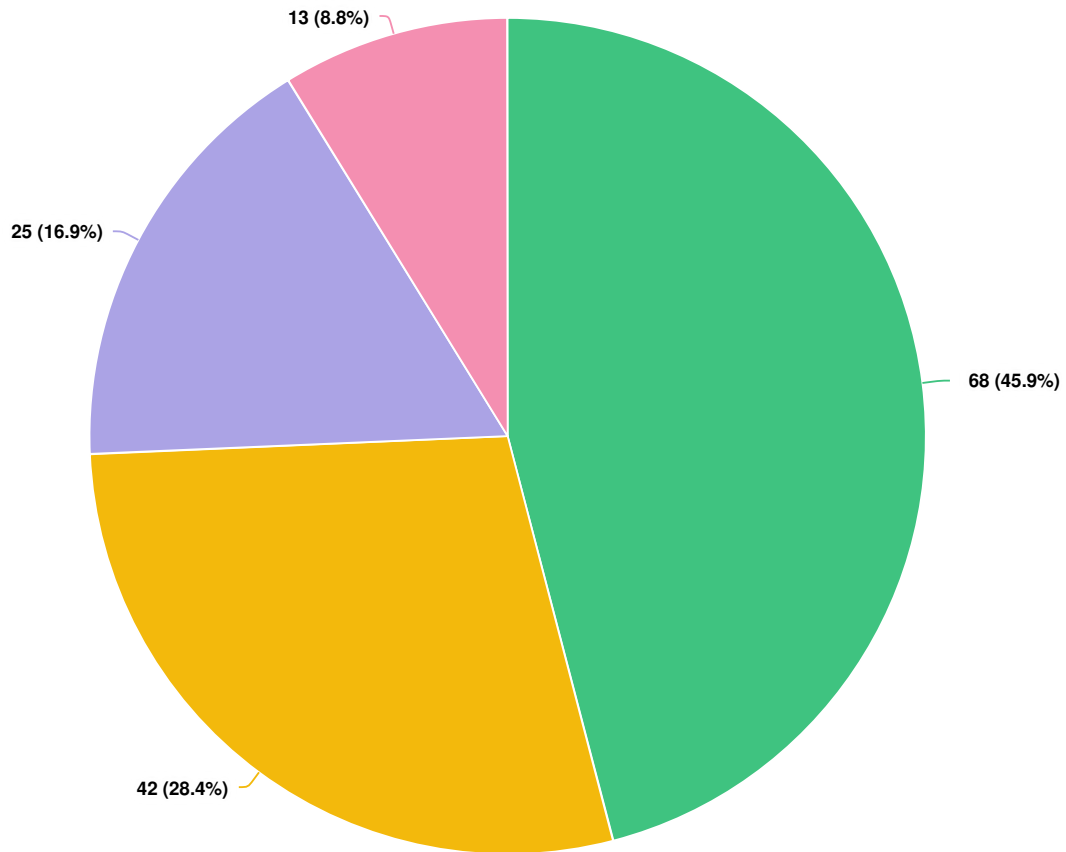
**Question options**

☐ Not Applicable
 ☐ Very dissatisfied
 ☐ Disatisfied
 ☐ Neutral
 ☐ Somewhat satisfied
 ☐ Very satisfied

Optional question (148 response(s), 48 skipped)

Question type: Radio Button Question

### Would you use a dedicated dog park?



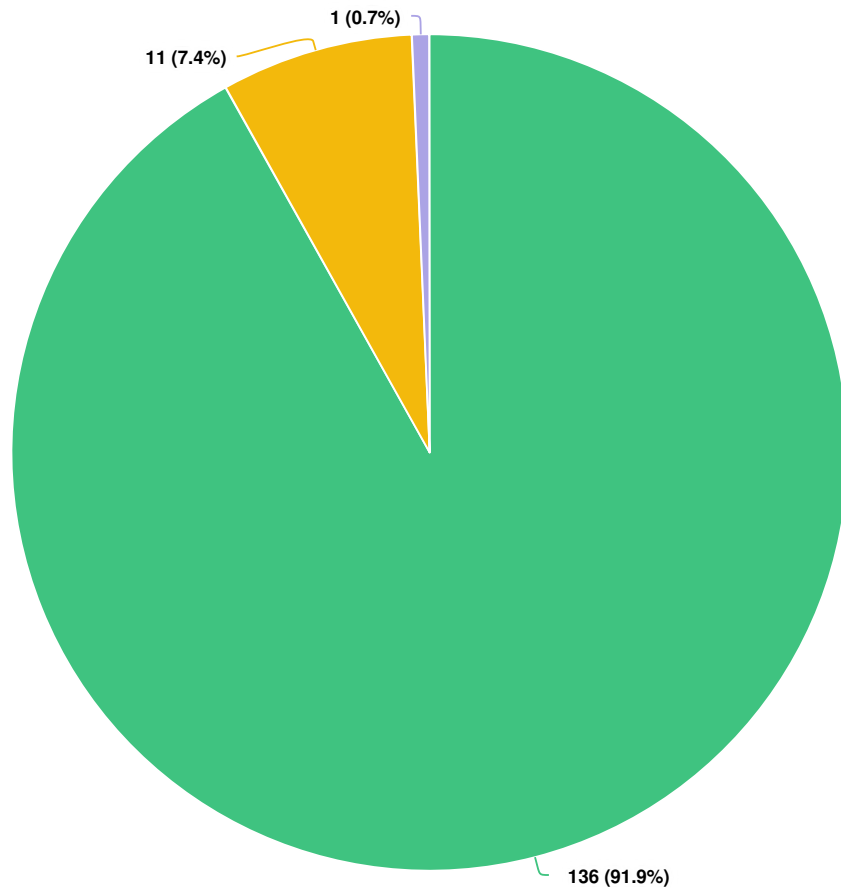
#### Question options

Other (please specify) Unsure No Yes

Optional question (148 response(s), 48 skipped)

Question type: Dropdown Question

### Have you used one of the over 100 waste bag dispensers located throughout the City?



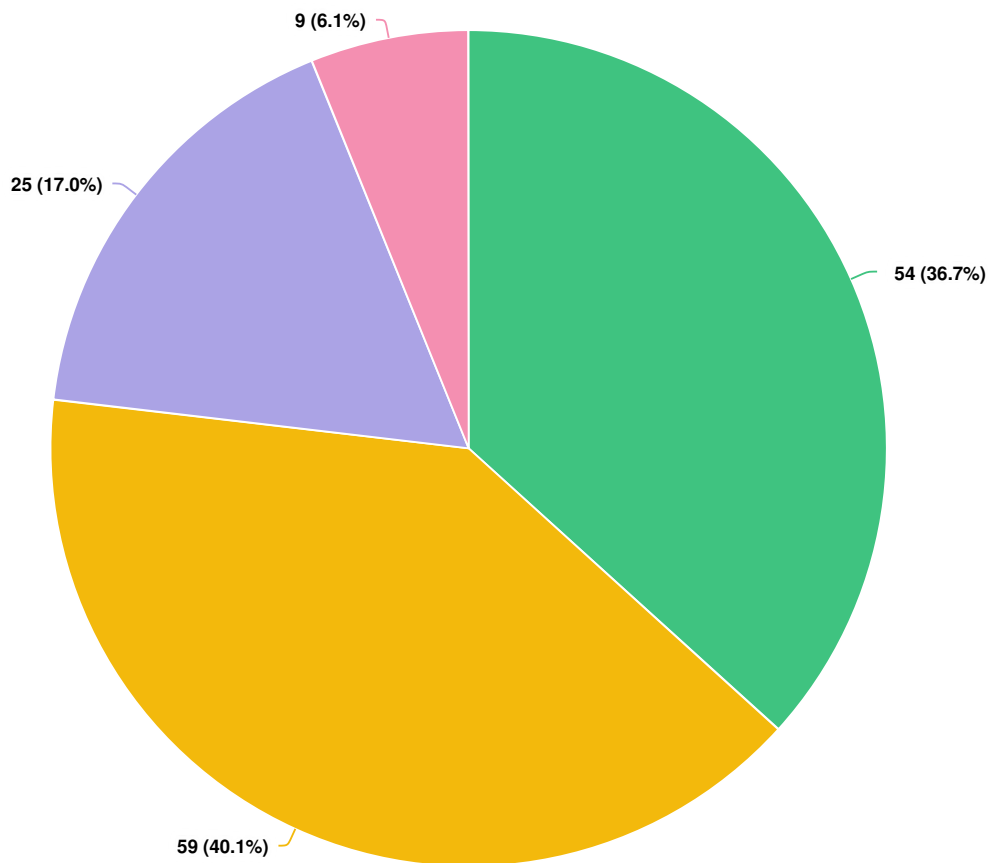
#### Question options

☐ Other (please specify)
 ☐ No
 ☒ Yes

Optional question (148 response(s), 48 skipped)

Question type: Radio Button Question

### Have you experienced empty waste bag dispensers?



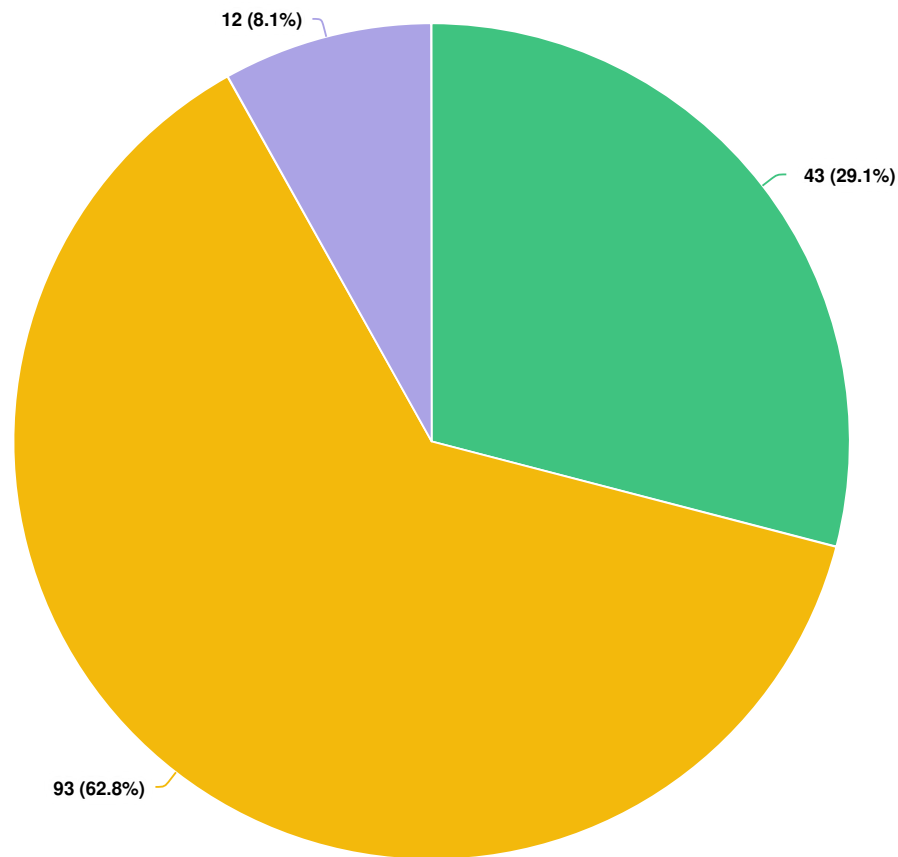
#### Question options

☐ Never
 ☐ Rarely
 ☐ Sometimes
 ☐ Often

Optional question (147 response(s), 49 skipped)

Question type: Radio Button Question

### Have you ever reported empty waste bag dispensers?



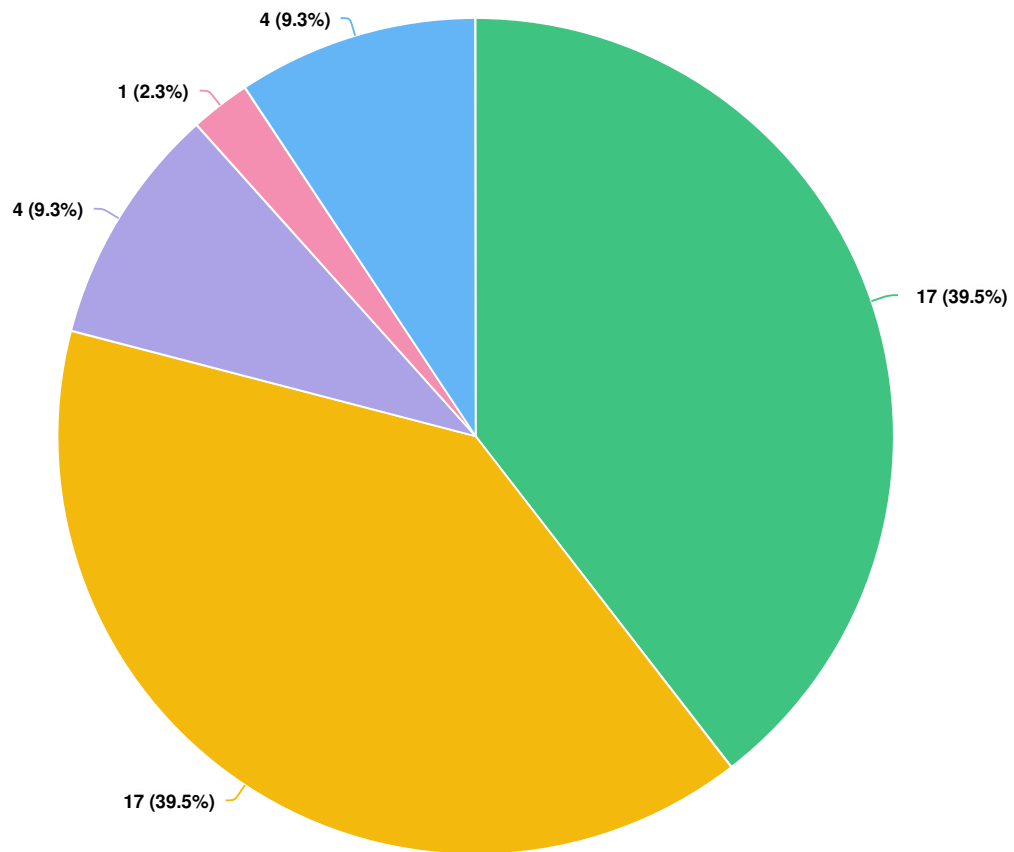
#### Question options

☐ N/A ☐ No ☐ Yes

Optional question (148 response(s), 48 skipped)

Question type: Radio Button Question

### Did you find the dispenser refilled promptly after reporting?



#### Question options

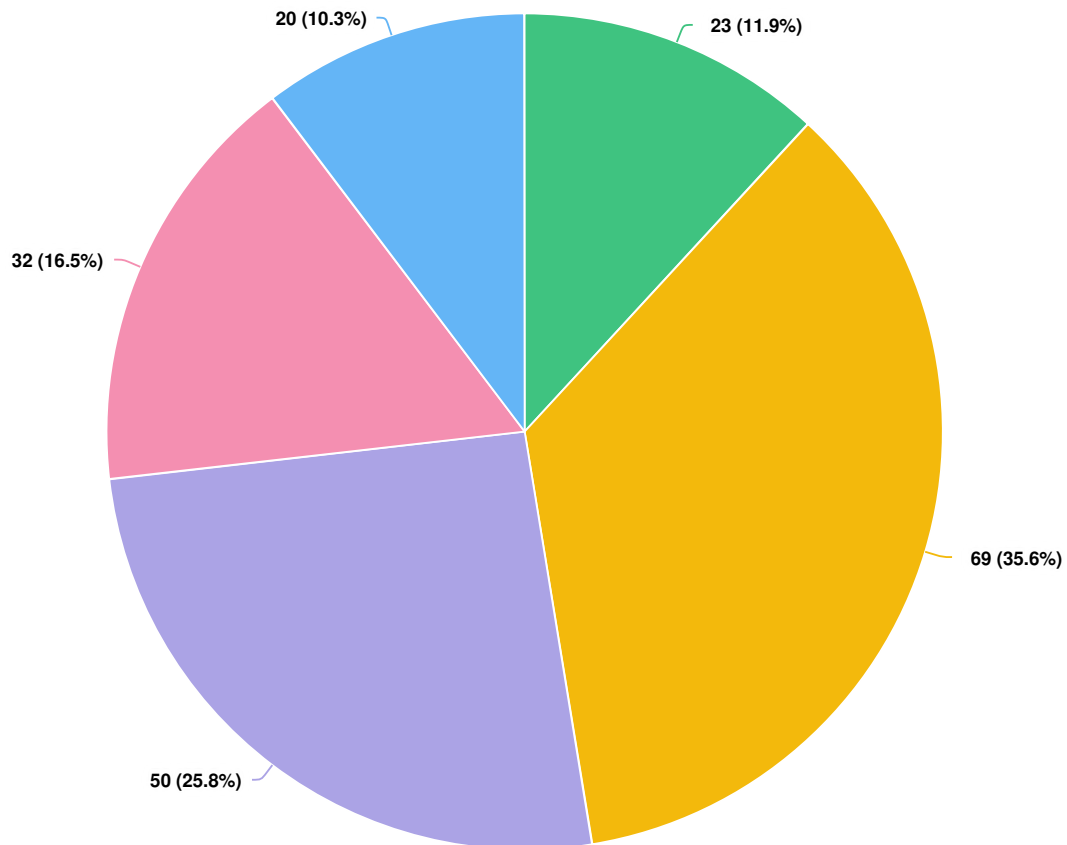
☐ Other (please specify)
 ☐ Never
 ☐ Rarely
 ☐ Sometimes
 ☐ Always

Optional question (43 response(s), 153 skipped)

Question type: Radio Button Question

Your Say Busselton : Summary Report for 24 June 2024 to 12 August 2024

**Overall, how satisfied are you with the City of Busselton Animal Management Practices and Policies?**

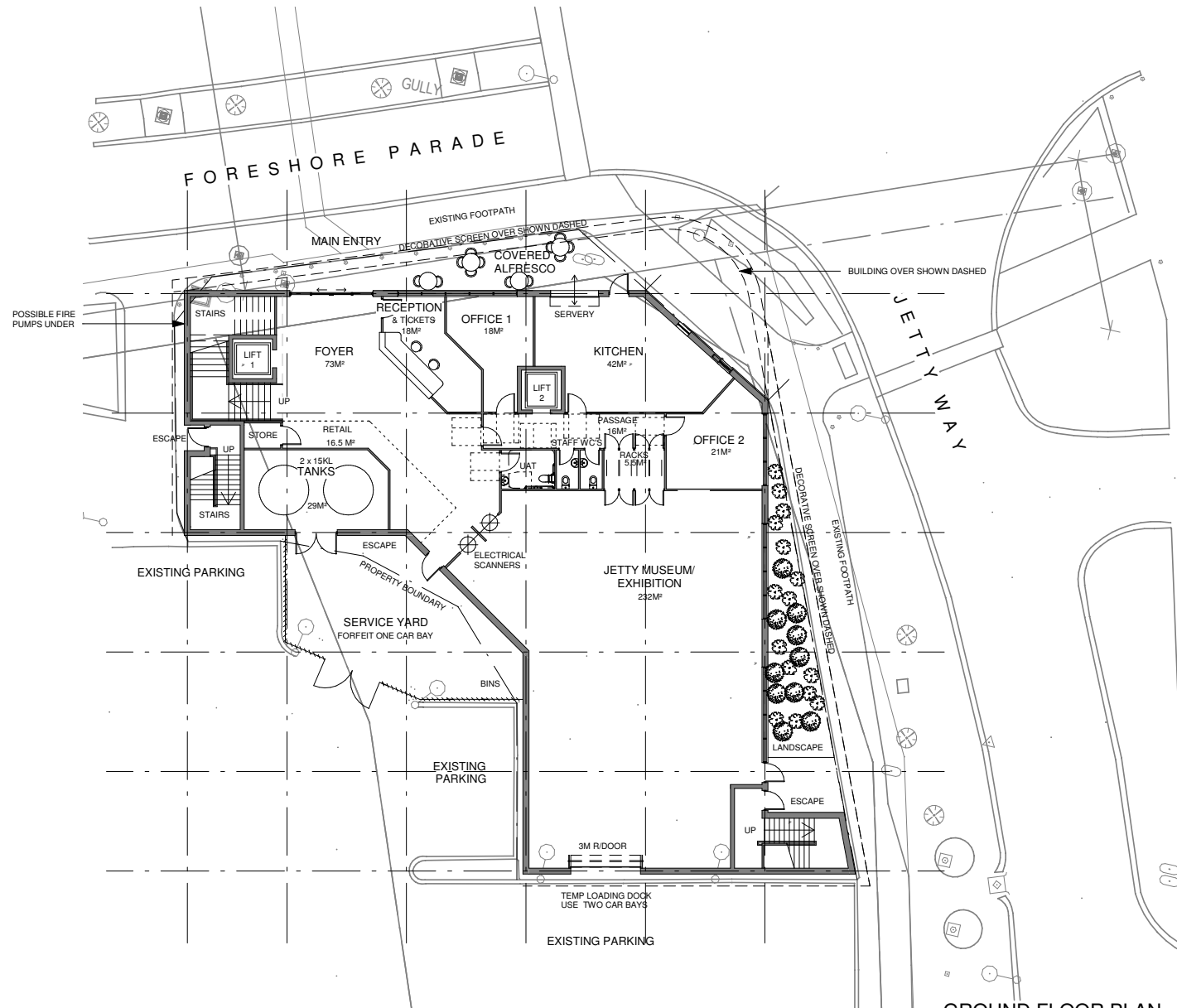


**Question options**

☐ Very dissatisfied
 ☐ Disatisfied
 ☐ Neutral
 ☐ Satisfied
 ☐ Very satisfied

Optional question (194 response(s), 2 skipped)

Question type: Radio Button Question



GROUND FLOOR PLAN

Scale 1 : 200 @A3

TOTAL GROSS FLOOR AREA 583M<sup>2</sup>

# BUSSETON MARINE DISCOVERY CENTRE

LOT 501, JETTY WAY, BUSSETON

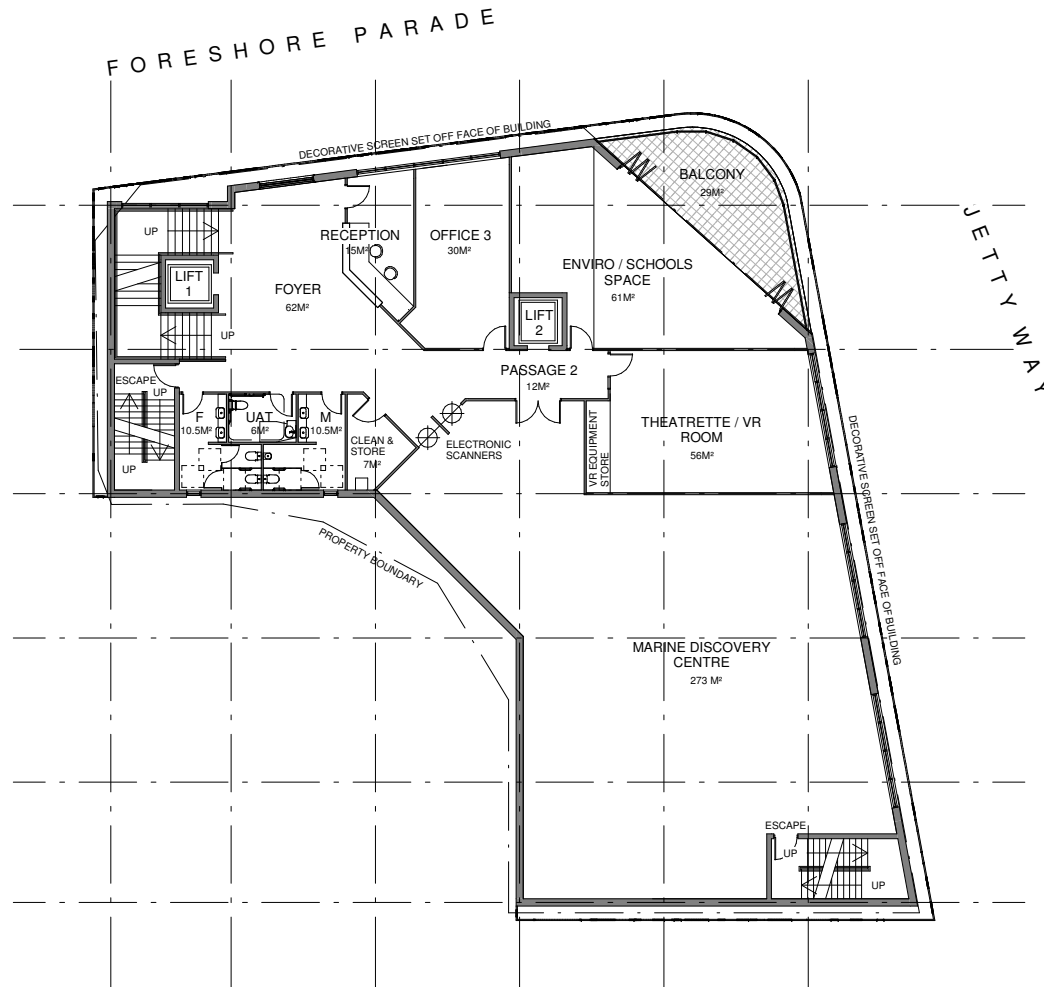
2322 SK01 8/04/24



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The Stage, Old Railway Institute Building  
62 Wittenoom Street, Bunbury, WA, 6230  
T: (08) 9791 6993 E: reception@mcgarchitects.com.au





# FIRST FLOOR PLAN

Scale 1 : 200 @A3

TOTAL GROSS FLOOR AREA 651M²

## BUSSETON MARINE DISCOVERY CENTRE

LOT 501, JETTY WAY, BUSSETON

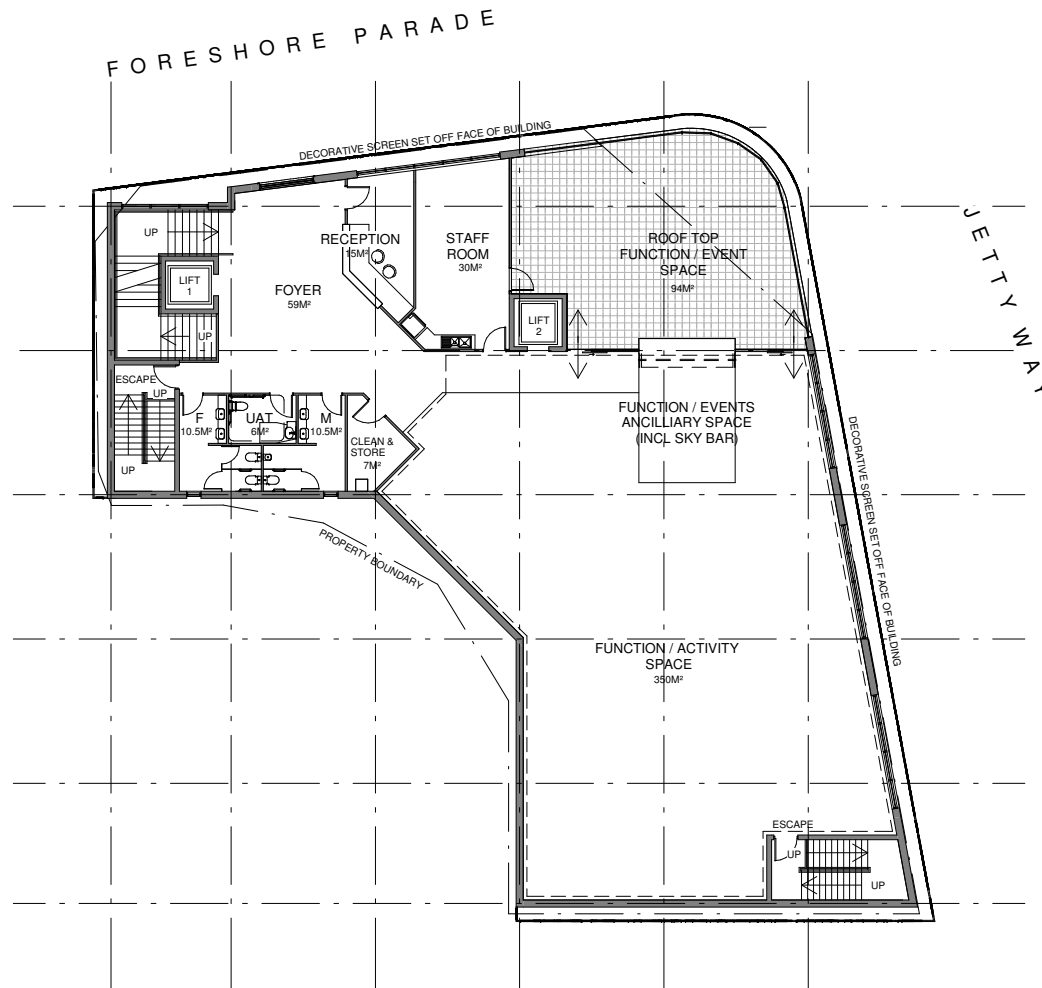
2322 SK02 8/04/24



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# LOFT FLOOR PLAN

Scale 1 : 200 @A3

TOTAL GROSS FLOOR AREA 585M²

## BUSSETON MARINE DISCOVERY CENTRE

LOT 501, JETTY WAY, BUSSETON

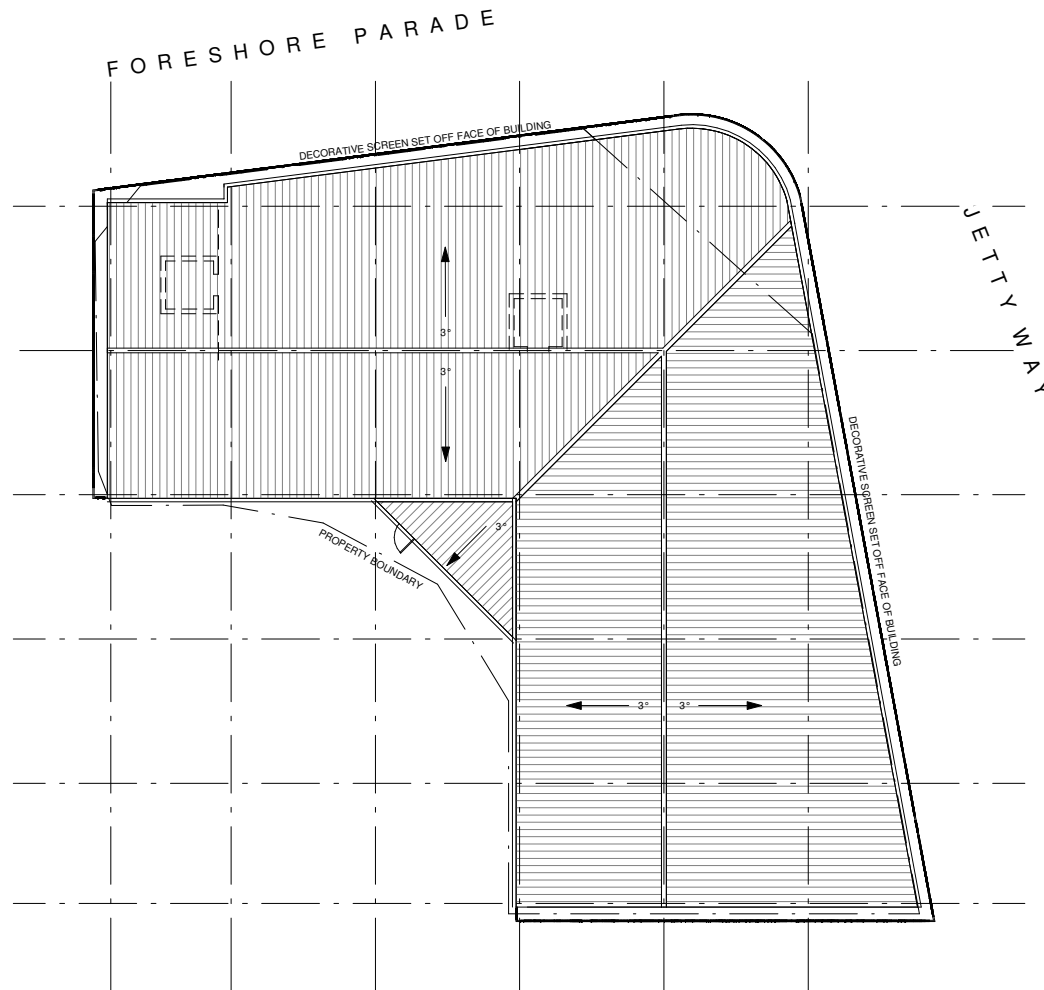
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ROOF PLAN  
Scale 1 : 200 @A3

BUSSETON MARINE DISCOVERY CENTRE

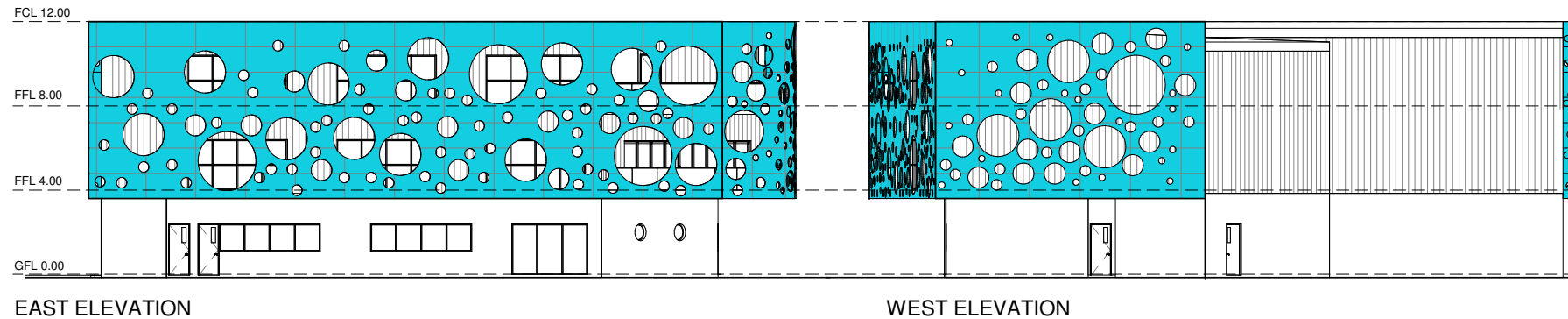
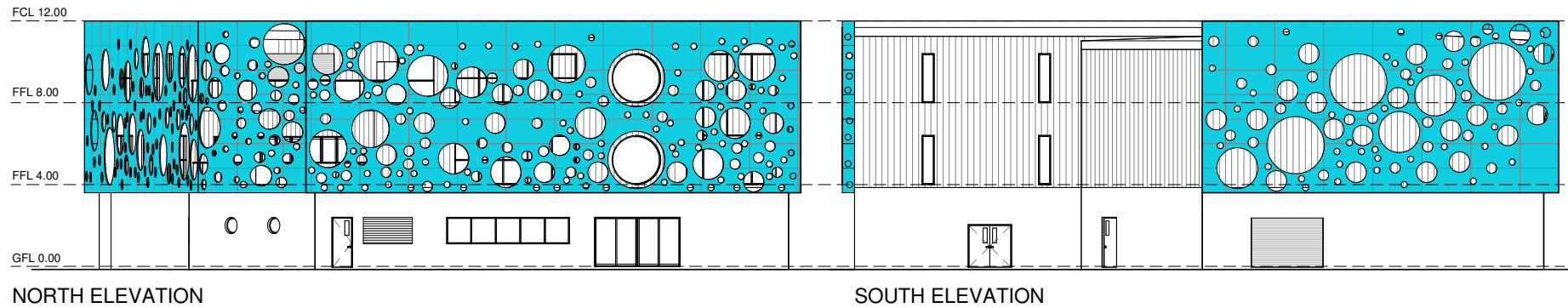
LOT 501, JETTY WAY, BUSSETON  
2322 SK04 8/04/24



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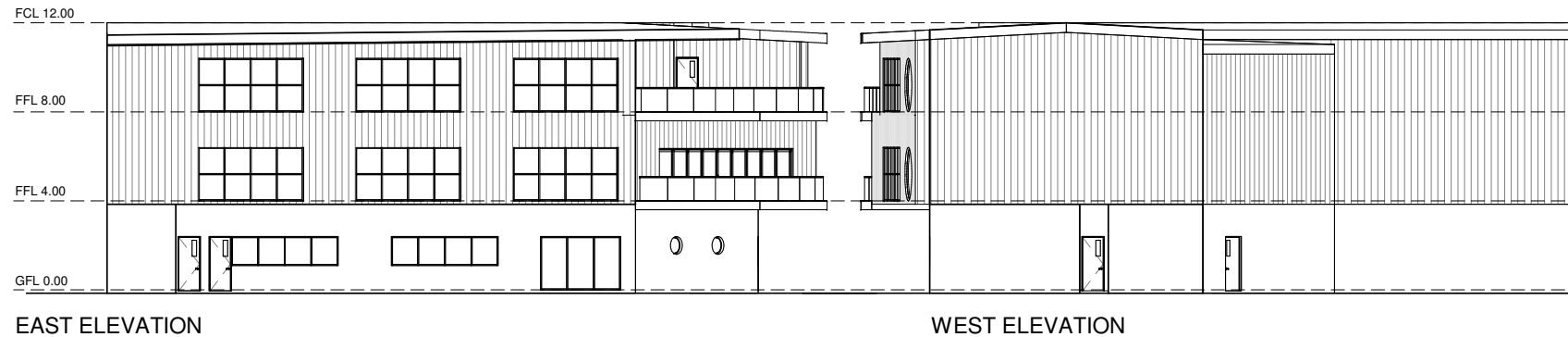
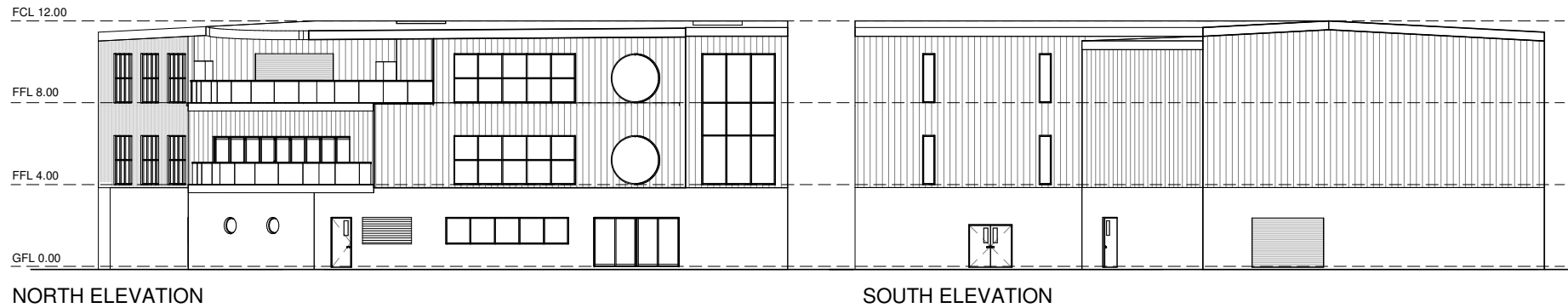
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ELEVATIONS WITH SCREENS  
 Scale 1:200 @A3  
**BUSSETON MARINE DISCOVERY CENTRE**

LOT 501, JETTY WAY, BUSSETON  
 2322 SK05 8/04/24

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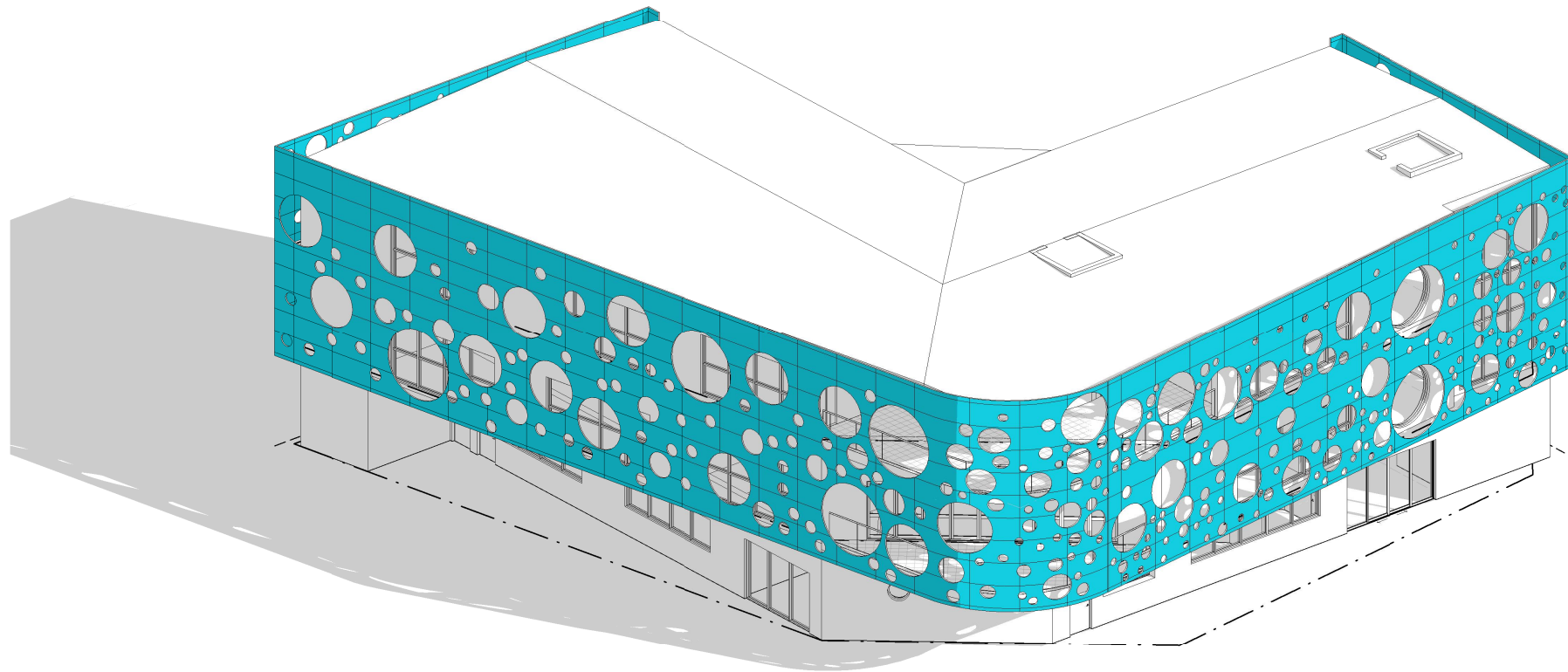
ELEVATIONS WITHOUT SCREENS  
Scale 1 : 200 @A3  
BUSSETON MARINE DISCOVERY CENTRE

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INDICATIVE 3D  
NOT TO SCALE  
BUSSETON MARINE DISCOVERY CENTRE

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## Expression of Interest

Artwork – Busselton Margaret River Airport

We acknowledge the First Nations People of this land that we work on, the Wadandi People. We pay our respects to Elders from the past, those present and leaders who are emerging.

## Contents

1.	Background Aboriginal Artwork at the Airport.....	1
2.	Busselton Margaret River Airport.....	1
	Artwork Concept Theme.....	2
	The Artwork Selection Process .....	2
3.	Remuneration .....	3
4.	Equal Opportunity.....	3
5.	Collaborative Work .....	3
6.	Copyright and Ownership .....	3
7.	Terms of agreement regarding the use of the Artwork .....	3
	Contractual Agreement .....	4
	Selection Criteria.....	4
8.	EOI Time Schedule .....	4
9.	Submitting the EOI.....	5
10.	Attachments.....	6
	Examples of possible artwork information design and locations.....	6
	Examples of potential locations .....	7



## 1. Background Aboriginal Artwork at the Airport

Tourism Western Australia (**TWA**) is seeking to facilitate Acknowledgment of Traditional Owners at key gate ways into Western Australia. This opportunity is available due to funding through the Jina: Western Australian Aboriginal Tourism Action Plan 2021-2025, which is backed by the Aboriginal Tourism Fund. .

The Busselton Margaret River Airport (**BMRA**) has been identified as a high traffic entry point for visitors to Western Australia by TWA and a grant invitation has been extended to the City of Busselton (**City**).

Through the grant, the City will commission an Aboriginal Artist or Artists (**Artist**) to create Artwork (**Artwork**) to feature throughout the Airport. The Artwork is to acknowledge the Wadandi People as the First Peoples of this country in the Airport.

## 2. Busselton Margaret River Airport

The BMRA is owned and operated by the City.

Since 2016, the City has sought to develop the BMRA as a regional aviation hub for both residents of, and visitors to, the region.

Flights arrive directly into Busselton, currently from Melbourne and Sydney, with visitors exploring the Margaret River region and the broader South West. Flights to and from the Eastern States are extremely popular with visitors and residents alike.

BRMA also services Fly-In/Fly-Out (FIFO) operations, ferrying workers to various mineral extraction sites across the North West of Western Australia.

Traffic forecasts for BMRA identify growth in demand for both tourism and resident travel shows growth in services throughout the week as well as the possibility of flights from other interstate cities and international arrivals from Singapore and Bali.

As such, the airport is a conduit for air travellers to a high tourism region and provides an ideal opportunity to introduce the visitor the culture of the Wadandi People. To do this, the Artwork will acknowledge the Traditional Owners of the land. While most of the Artwork will be in the Departures Hall, the space will still leave the traveller with cultural impressions and memories of the region.

The City works to lead by example and hopes to show best practice in the procurement of the Artwork as a reflection of the 2020-2021 Reconciliation Action Plan:

**Respect:** 1.3 Create a sense of Aboriginal place  
**Relationships:** 2.4 Establish working relationships with key Aboriginal stakeholders and community members  
**Opportunities:** 3.3 Promote Aboriginal art in public spaces to show shared history.

The City will work with Karri Karrak Aboriginal Corporation (**KKAC**) to ensure cultural appropriateness of the Artwork and due diligence of the process.



### Artwork Concept Theme

The purpose of the Artwork is to provide visual representation and acknowledgement of Wadandi First Nations Peoples' continued connection to country and culture.

Busselton/Undalup is surrounded by the waters of the ocean, the river, estuaries and wetlands. The wetland is of international importance and is recognised as a Ramsar site. All of these sources have provided an abundance of food, water and wildlife.

These natural wonders are huge tourism drawcards to the district and many life activities revolve around water.

With this in mind, the theme of the Artwork should be around waterways. This can be interpreted in any way provided it links back to water.

Further information about the existing welcomes and potential Artwork locations is included in **Attachments 1 and 2**. A visit to the site can be arranged and other ideas for artwork welcomed.

### The Artwork Selection Process

1. The City will circulate an Expression of Interest to Aboriginal artists and community to present simple concept design proposals along the themes.
2. An Assessment Panel has been established to select the design. The panel will consist of:
  - 2.1. City of Busselton representatives
    - Councillor
    - Cultural Development Officer
    - Airport Manager
  - 2.2. Karri Karrik Aboriginal Corporation representative
  - 2.3. Margaret River Busselton Tourism Association representative
  - 2.4. Professional public art curator or artist (preferably an Aboriginal artist)
3. Artwork Selection Criteria
  - 3.1. Culturally appropriate
  - 3.2. Connects and responds to the theme of waters around Busselton Undalup
  - 3.3. Artwork is suitable for abstraction if required and with approval from the Artist
  - 3.4. The artwork will fit within the budget allocated to the project.
4. Up to three Artists may be asked to provide further concept details for consideration for which they will be paid a fee as outlined in Part 3 - Remuneration.
5. The selected Artist will be contracted to provide detailed concept designs through an Artwork Commission and Licence Agreement.
6. The concept Artwork to be presented and approved by the Assessment Panel.
7. Artwork to be fabricated and installed; the Artist will be advised of the process and may be included in discussions about use of the abstract versions of the Artwork.



### 3. Remuneration

In the case that there are Artwork concepts delivered of equal standing, three Artists at most will be asked to submit detailed concepts for which each Artist submission is paid a fee of \$1,500 (plus GST if applicable).

The budget for the selected Artwork design concept is \$5,000 (exclusive of GST). This means the delivery of final artwork in a digital format as required. This to be determined and is likely to be a png, jpeg or vector file.

Dependent on what the artwork comprises, the budget for the finished artwork including fabrication and installation is limited to \$25,000 (exclusive of GST).

### 4. Equal Opportunity

Artists wishing to work in a team including emerging Aboriginal artist and a professional non-Aboriginal artist or teams made up of Aboriginal and non-Aboriginal artists are encouraged to apply.

### 5. Collaborative Work

If Artists wish to work as a team on this project, individual CV's and images need to be submitted. In the submission, the Artists will need to say why they wish to collaborate on this project. One Artist will need to be designated as the team leader and contact person.

### 6. Copyright and Ownership

Upon payment of the fee, ownership of the copyright in the design proposal will remain the joint property of the Artist and City. If unsuccessful, the ownership of and copyright in such designs shall remain vested in the Artist.

### 7. Terms of agreement regarding the use of the Artwork

- The Artwork can be photographed for the use of promoting the City of Busselton, BMRA and tourism in the region.
- Artwork and information supplied to the City for review is intended for use at BRMA only.
- Any Artwork or cultural information supplied is not to be shared, distributed electronically, or sold to any third parties.
- Any story telling or editing of cultural information relating to Artworks is to be reviewed by the Artist prior to publication to avoid any miscommunication or misinterpretation of cultural information.
- Any animation of imagery of the Artwork is to be reviewed by the Artist prior to publication.
- The use of Artwork supplied on merchandise or items for retail or commercial gain is not permitted without written consent of the Artist.
- The City acknowledges that whilst the Artwork supplied is for the use at BRMA, the Artwork remains the copyright of the Artist, and copyright remains with the Artist.



- Apart from any use permitted under the Copyright Act 1968 (Cth), no part of the Artwork may be reproduced, copied, stored in a retrieval system or transmitted in any form or by any means, including mechanical, electronic, photocopying, recording or otherwise without the prior written permission of the copyright owner, the Artist.

### Contractual Agreement

An Artwork Commission and Licence Agreement will be forwarded to the successful artist outlining:

- Remuneration milestones
- Timeframes for delivery of Artwork
- Terms of agreement regarding the use of the Artwork
- Clause for Indigenous Cultural Intellectual Property.

### Selection Criteria

The Artist should provide the following information and address the following criteria in their submission which will be used by the evaluation panel to evaluate the EOI's:

1. Name
2. Contact details (being email and phone/mobile number)
3. Address
4. Do you identify as an Aboriginal or Torres Strait Islander? Yes / No

Criterion and weight	Detail
Relevant experience (40%)	Describe and demonstrate evidence of experience in completing or supplying similar services
Creative Content (60%)	Provision of visual materials reflecting the Artwork Concept Theme that is: <ol style="list-style-type: none"> <li>1. culturally appropriate</li> <li>2. connects and responds to the theme of waters around Busselton Undalup</li> <li>3. suitable for abstraction as decals</li> </ol> Brief statement about how the Artwork reflects the Concept Themes.

### 8. EOI Time Schedule

2024	
September	EOI for artwork development opportunity released
22 November	Submission dates for EOI's close
December	Panel review of EOI submissions, preferred artist selected
2025	
January	Chosen artist informed, formal agreement put in place
January February	Artist(s) to commence feature Artwork; Manufacture of abstract decals to be manufactured
April	Artwork installation
January	Unveiling and launch ceremony

**Expression of Interest**  
**Artwork - Busselton Margaret River Airport**  
 4 of 14



## 9. Submitting the EOI

EOI's should address the selection criteria. Artists should submit concept designs in hard copy or as an email attachment. The design should be accompanied by supporting statement/story describing the Artwork as part of the EOI.

Individual and collaborative works are accepted as contemporary and/or traditional art forms.

Artists are encouraged to identify connection to Wadandi Culture.

**Please submit all applications to marked:**

**'CONFIDENTIAL EOI AIRPORT ARTWORK'**

**Email:** [city@busselton.wa.gov.au](mailto:city@busselton.wa.gov.au)

**or via post**

City of Busselton  
Locked Bag 1  
BUSSELTON WA 6280

Questions regarding the Artwork concepts or EOI process or to arrange a site visit, please contact the Cultural Development Officer, Jacquie Happ ([Jacquie.Happ@busselton.wa.gov.au](mailto:Jacquie.Happ@busselton.wa.gov.au))

**Closing date: 4.30pm 22 November 2024**



## Attachment 1 - EXISTING WELCOME AT BUSSELTON MARGARET RIVER AIRPORT ARRIVALS HALL

There is an existing welcome statement within the Arrivals Hall with words from Dr Wayne (Wonitji) Webb, Wadandi Elder and Traditional Custodian:

*Wadandi Boodja*

*Kaya, Nala Maat kaya Noonduk*

*(Hello, Our family welcomes you) to Wadandi Boodja (Saltwater People's Country) - we all come together on Boodja (Country). Whilst living, travelling, visiting and holidaying on Wadandi Boodja, we ask that you respect the land by walking softly and take time to listen to Boodja as she Wongi (talks) and leave nothing but footprints.*





## Attachment 2 – EXAMPLES OF POSSIBLE ARTWORK INFORMATION DESIGN AND LOCATIONS

### Window decals

Abstracts of the Artwork maybe implemented in the form of decals on windows and sliding doors to brighten and add vibrancy within the building. The Artwork cannot completely cover the windows, and the decals maybe features or abstracts of Artwork across the clear spaces.

An example of decals on windows below.



*Decal on window full pattern*



*Decal on window abstracted section*

### Sculpture



Sculptures are encouraged. For a sculptural artwork, be mindful that it will be in a public space. It will need to be robust with no pointy parts or holes for fingers to be jammed into, and will need to be anchored to the floor or weighed down so as not to be stolen.

The Artist would work with the City Airport staff to decide where the sculpture will be installed. All costs associated with the fabrication and installation need to be included in the budget.



### Attachment 3 – EXAMPLES OF POTENTIAL LOCATIONS

#### ARRIVALS HALL:

##### 1. Busselton Airport Welcome Statement

The exterior of the Arrivals Hall at Busselton Margaret River Airport currently has Welcome to Busselton. The City would like to add another sentence underneath this statement that is in language.

The suggested wording would be *Kaya Wadandi Boodja*.

This would be in the same font and within the colours of the Margaret River Busselton Tourism Association style guide and manufactured from the same materials. It would be located under the word Busselton in the photo below.

An abstract of the Artwork may be considered for this space.





**DEPARTURES HALL:**

**2. Departures Check-in Feature Artwork**

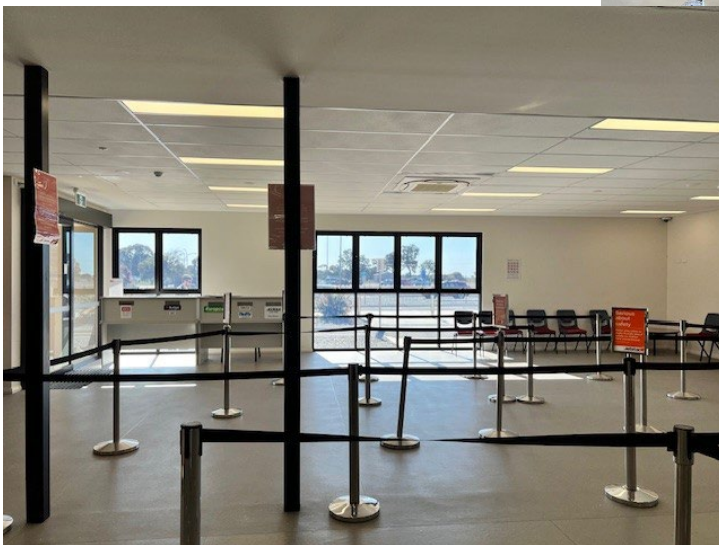
A feature Artwork will be commissioned for a wall adjacent to the Departure Check-in area. The area is where people will be waiting in line to check in and have time to admire the Artwork.





### **3. Departures Check-in abstracts of Artwork**

There are many sliding doors and windows in the Departures building. These will feature colour abstracts or patterns of the Artwork.





#### **4. Wording and Artwork at Departure Lounge Entry Doors**

There is an opportunity to add a sentence as travellers move to the Departure Lounge entry doors. The wording would be in Wadandi or Noongar language with the translation. Suggested wording below:

*Thank you, safe travels, see you again.*

Language would be approved by the KKAC Cultural Advice Committee.

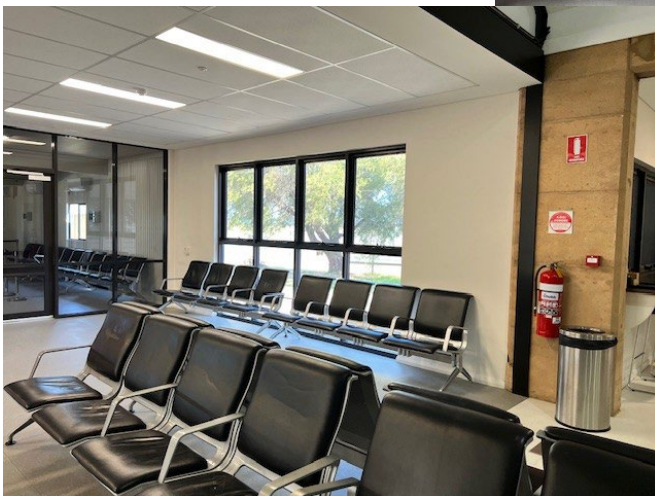
There would be some feature Artwork abstracts around the wording leading to the Security Checking area.





### 5. Departure Hall and Lounge abstract Decals

The Departure waiting area features abstracts of the Artwork as decals as the rooms need to be visible to each other. There are walls that face to the outside as well as other waiting rooms.



**From:** [Roseanna Chester](#)  
**To:** [Jacquie Happ](#); [Peta Pulford](#)  
**Cc:** [Renee Zaffino-Little](#)  
**Subject:** RE: Tourism WA - Aboriginal Gateway Infrastructure  
**Date:** Tuesday, 19 December 2023 1:49:46 PM  
**Attachments:** [image002.png](#)  
[image004.png](#)

Some people who received this message don't often get email from [roseanna.chester@westernaustralia.com](mailto:roseanna.chester@westernaustralia.com).  
[Learn why this is important](#)

This email is from outside the CoB. Links or attachments may not be safe.

Good afternoon Jacquie & Peta,

Reaching out to wish you both, and the team, a very merry Christmas and New Year!  
 I can't quite believe that we are already pressing into Christmas week, the rest of the year has absolutely flown by – hope you both have a decent stint of down time over the festive season to enjoy with family and friends.

Assuming that your team (like ours) will have a Christmas shutdown upcoming, it would be great to connect with you early in the New Year about how you have progressed with Karri Karrak, and how you have gone with them in developing a concept of an Aboriginal cultural acknowledgement piece at your airport.

Some updates on our end - our team has been reviewing our budget streams for the remaining six months of 2023-24, and happy to report that we can boost the funding available to you for this potential project.

Instead of \$40K, we do have **up to \$50K (plus GST)** available for the Busselton Airport out of our 2023-24 budget.

And if it does help, it is no longer required that the physical works need to commence by 30 June 2024, to qualify for 2023-24 funding.

We would accept a proposal which confirms that you have successfully engaged with Karri Karrak and have confirmed their involvement in the project, even if works are not projected to start until 2024-25.

All works would just need to officially be completed by **30 June 2025** at latest, as this is the cessation date of our current Jina strategic plan (which this funding comes under).

The only other consideration is that we would need enough time prior to 30 June 2024 to review and accept your proposal, draw up the contract and grant agreement, and make payment to you.

As you know, this can be a bit of a back and forth process (especially on our end between us and our contracts team!), so having a few months up our sleeve to do this before June 2024 would be amazing.

Please let me know your thoughts on the above, and again would be great to maybe jump on a call in the New Year to see where you are at, if you have any questions or concerns.

By chance are you both back in the office the week starting **Monday 8 Jan**? If so, please let me know if there is a day/time best suited that weel to jump on a quick Teams chat and I will send through a meeting invite.

Thanks ever so much, and will wait to hear from you when you have a moment!

Kind regards,

**Roseanna Chester**

A/Aboriginal Tourism Coordinator, Destination Development



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**From:** Roseanna Chester

**Sent:** Wednesday, November 15, 2023 1:11 PM

**To:** 'Jacquie Happ' <Jacquie.Happ@busselton.wa.gov.au>; 'Peta Pulford' <Peta.Pulford@busselton.wa.gov.au>

**Cc:** Renee Zaffino-Little <Renee.Zaffino-Little@westernaustralia.com>

**Subject:** RE: Tourism WA - Aboriginal Gateway Infrastructure

Hi Jacquie & Peta,

Hope this finds you both well? Just wanted to reach out to say a quick hello as we barrel towards the end of the year.

I am going away on a short stint of leave as of tomorrow but I would love to connect with you when I return, to have a quick chat to see how you have gone so far with the below, if you have any updates to share at this point etc!

I will be back in the office on Monday 27 November, so you will hear from me again after this – but noting should you need to ask any questions or anything whilst I am away, the lovely Renee Zaffino-Little will be in the office, should you need her.

All the best to you both, and looking forward to catching up soon!

Kind regards,

**Roseanna Chester**

A/Aboriginal Tourism Coordinator, Destination Development



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---

**From:** Roseanna Chester

**Sent:** Friday, October 20, 2023 1:31 PM

**To:** 'Jacquie Happ' <[Jacquie.Happ@busselton.wa.gov.au](mailto:Jacquie.Happ@busselton.wa.gov.au)>; Peta Pulford

<[Peta.Pulford@busselton.wa.gov.au](mailto:Peta.Pulford@busselton.wa.gov.au)>

**Cc:** Renee Zaffino-Little <[Renee.Zaffino-Little@westernaustralia.com](mailto:Renee.Zaffino-Little@westernaustralia.com)>

**Subject:** RE: Tourism WA - Aboriginal Gateway Infrastructure

Hi Jacquie,

Sounds very exciting and promising! Please keep across how you progress, offer still stands should you need any assist with KKAC, but it does sound like there is already a clear plan of approach, fantastic.

We will note that the \$40K funding will likely be applied for and project started within this financial year, but of course just let us know if this begins to look unrealistic and we can re-assess.

And of course, please just let us know if you have any other questions about this funding, always available for a chat.

Lovely to be working with you, and we look forward to hearing how you go with KKAC and about the art concept once when you have more info to share.

Have a lovely weekend ahead!

P.S – I have passed your hello to Tahn, who also says hello, and was chuffed to hear you are working with CoB, and on this project!

Kind regards,

**Roseanna Chester**

A/Aboriginal Tourism Coordinator, Destination Development



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---

**From:** Jacquie Happ <[Jacquie.Happ@busselton.wa.gov.au](mailto:Jacquie.Happ@busselton.wa.gov.au)>

**Sent:** Thursday, October 19, 2023 3:10 PM

**To:** Roseanna Chester <[Roseanna.Chester@westernaustralia.com](mailto:Roseanna.Chester@westernaustralia.com)>; Peta Pulford <[Peta.Pulford@busselton.wa.gov.au](mailto:Peta.Pulford@busselton.wa.gov.au)>

**Cc:** Renee Zaffino-Little <[Renee.Zaffino-Little@westernaustralia.com](mailto:Renee.Zaffino-Little@westernaustralia.com)>

**Subject:** RE: Tourism WA - Aboriginal Gateway Infrastructure

Hi Roseanna,

The City has a good relationship with Karri Karrik Aboriginal Corporation (KKAC). I have been involved with working with KKAC and facilitated a meeting when the Directors and Cultural Advice Committee visited last year. I also know Tahn!

I met with Luke Yates the admin officer, and the last CEO and have met Abby Phillis via email. The City has been liaising with KKAC about lots of different things – it is just taking time to get decisions.

We have some cool ideas for an installation type art project that links the Arrivals and Departures which are currently two different buildings and discussed this with the City's Aboriginal Community Development Officer. When we have a clearer idea of what it looks like, we will can put these forward to KKAC as a concept to get approval.

With the time frame, I think it could be possible to do the project in this financial year if it is approved.

I will get in touch with KKAC as soon as possible.

Thank you for your interest and support and please say hello to Tahn!

Warm regards

**Jacquie Happ**

Cultural Development Officer

p: (08) 9781 0335

[Jacquie.Happ@busselton.wa.gov.au](mailto:Jacquie.Happ@busselton.wa.gov.au)

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---


**From:** Roseanna Chester <[Roseanna.Chester@westernaustralia.com](mailto:Roseanna.Chester@westernaustralia.com)>

**Sent:** Thursday, 19 October 2023 11:14 AM

**To:** Peta Pulford <[Peta.Pulford@busselton.wa.gov.au](mailto:Peta.Pulford@busselton.wa.gov.au)>

**Cc:** Jacquie Happ <[Jacquie.Happ@busselton.wa.gov.au](mailto:Jacquie.Happ@busselton.wa.gov.au)>; Renee Zaffino-Little <[Renee.Zaffino-Little@westernaustralia.com](mailto:Renee.Zaffino-Little@westernaustralia.com)>

**Subject:** RE: Tourism WA - Aboriginal Gateway Infrastructure

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Hi Peta,

Thank you so much for coming back to me, and excited to hear that you and the team are keen to move forward with this!

Ideally we would love for you to work directly together with the Karri Karrak Aboriginal Corporation to develop a unique artwork concept, which is authentic and appropriate to the Traditional Owners of the region. I imagine you have an existing relationship with Karri Karrak, Tourism WA is able to assist in connecting you and initiating conversations if needed.

Tahn Donovan (our Director Aboriginal Tourism) has already spoken briefly with the Karri Karrak board of directors about our gateway infrastructure activation funding, and noted that Busselton Airport could be potential site for project funding, so they are already aware of this opportunity. Karri Karrak CEO Amy Phillis [ceo@karrikarrak.org.au](mailto:ceo@karrikarrak.org.au) would be an ideal first contact & Grace Kent [Grace.Kent@noongar.org.au](mailto:Grace.Kent@noongar.org.au), and again Tourism WA is able to provide these introductions in assist.

To enact the funding, we would require a simple letter outlining;

- the request of funds (\$40K), and how it will be used
- summary of the project (ie. put in any details you have about what the acknowledgment of country artwork/sculpture/installation will be, where it will be located, the artist(s) involved – can keep parts of this more general if needed)
- confirmation of engagement with Karri Karrak Aboriginal Corporation and their

- involvement in the project;
- expected timeline of works

Once received, our team will progress on our end to draft the grant agreement, once all signed we can then be invoiced for the funds.

In terms of our budget, we would just need to determine whether you apply for funding in either the 2023-24, or the 2024-25 financial year.

If the funding is to come out of 2023-24, works would need to have at least commenced in this financial year.

Let us know your thoughts on this, what financial year you would like to apply for funding, and of course if you would like us to initiate an introduction by email with Karri Karrak.

Thanks so much Peta, and we will wait to hear from you!

Kind regards,

**Roseanna Chester**

A/Aboriginal Tourism Coordinator, Destination Development



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---

**From:** Peta Pulford <[Peta.Pulford@busselton.wa.gov.au](mailto:Peta.Pulford@busselton.wa.gov.au)>

**Sent:** Tuesday, October 17, 2023 3:12 PM

**To:** Roseanna Chester <[Roseanna.Chester@westernaustralia.com](mailto:Roseanna.Chester@westernaustralia.com)>

**Cc:** Jacque Happ <[Jacque.Happ@busselton.wa.gov.au](mailto:Jacque.Happ@busselton.wa.gov.au)>

**Subject:** FW: Tourism WA - Aboriginal Gateway Infrastructure

**Importance:** High

Hi Roseanna

Just jumping in so that you get a response, as Jacquie is not in the office today.

Jacquie, Thelma (our Aboriginal Community Development Officer) and I have met onsite at the airport, to look at where and what we could incorporate some artwork. Jacquie and Thelma have some ideas and are just looking to flesh out a concept. We are definitely interested in progressing.

Could you please advise what is required to apply for this funding and when you would require it by? It is a fantastic opportunity, and we would love to make it happen.

Many thanks

**Peta Pulford**

Acting Manager Events and Culture  
p: (08) 9781 0302 m: 0419 277 733  
[Peta.Pulford@busselton.wa.gov.au](mailto:Peta.Pulford@busselton.wa.gov.au)

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---

**From:** Roseanna Chester <[Roseanna.Chester@westernaustralia.com](mailto:Roseanna.Chester@westernaustralia.com)>  
**Sent:** Tuesday, October 17, 2023 10:41 AM  
**To:** Jacquie Happ <[Jacquie.Happ@busselton.wa.gov.au](mailto:Jacquie.Happ@busselton.wa.gov.au)>  
**Cc:** Renee Zaffino-Little <[Renee.Zaffino-Little@westernaustralia.com](mailto:Renee.Zaffino-Little@westernaustralia.com)>; Jennifer May <[Jennifer.May@busselton.wa.gov.au](mailto:Jennifer.May@busselton.wa.gov.au)>; Corn  Lombard <[Corne.Lombard@busselton.wa.gov.au](mailto:Corne.Lombard@busselton.wa.gov.au)>; Tony Nottle <[Tony.Nottle@busselton.wa.gov.au](mailto:Tony.Nottle@busselton.wa.gov.au)>  
**Subject:** RE: Tourism WA - Aboriginal Gateway Infrastructure  
**Importance:** High

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Hi Jacquie,

How are you? I spoke briefly to Corne this morning and have left you a voicemail, would appreciate a quick call back today when you can about the below?  
We are confirming our budget commitments for our gateway infrastructure funding this week, so just hoping to check in with you about any proposal intentions for 23/24.

Thanks so much, and chat soon!

Kind regards,

**Roseanna Chester**

A/Aboriginal Tourism Coordinator, Destination Development



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**From:** Roseanna Chester

**Sent:** Tuesday, October 10, 2023 4:11 PM

**To:** 'Jacquie Happ' <[Jacquie.Happ@busselton.wa.gov.au](mailto:Jacquie.Happ@busselton.wa.gov.au)>; Tony Nottle <[Tony.Nottle@busselton.wa.gov.au](mailto:Tony.Nottle@busselton.wa.gov.au)>

**Cc:** Renee Zaffino-Little <[Renee.Zaffino-Little@westernaustralia.com](mailto:Renee.Zaffino-Little@westernaustralia.com)>; Jennifer May <[Jennifer.May@busselton.wa.gov.au](mailto:Jennifer.May@busselton.wa.gov.au)>; Corn  Lombard <[Corne.Lombard@busselton.wa.gov.au](mailto:Corne.Lombard@busselton.wa.gov.au)>

**Subject:** RE: Tourism WA - Aboriginal Gateway Infrastructure

Kaya Tony, Jacquie and team,

I hope this finds you all keeping well, and enjoying the beautiful Kambarang weather we have been having?!

We wanted to check in with you following our chat back in August. Has there been any further thoughts or discussions about the funding we have available for development of Aboriginal cultural acknowledgements at Busselton Airport?

I understand that there were considerations around the new terminal that impact this, but we would love to hear if there is still interest in taking advantage of the available funding (for 23/24 fin year).

I know we had touched lightly on the possibility of movable art (ie. decals, sculpture) or potentially something for the access road to the airport. Or potentially if this is something we should re-visit in the following financial year instead?

Would love to hear from you when you have a moment to understand where the team is at!

Thanks all, and we look forward to hearing back from you.

Kind regards,

**Roseanna Chester**

A/Aboriginal Tourism Coordinator, Destination Development



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**From:** Jacquie Happ <[Jacquie.Happ@busselton.wa.gov.au](mailto:Jacquie.Happ@busselton.wa.gov.au)>

**Sent:** Friday, August 4, 2023 2:51 PM

**To:** Roseanna Chester <[Roseanna.Chester@westernaustralia.com](mailto:Roseanna.Chester@westernaustralia.com)>; Tony Nottle <[Tony.Nottle@busselton.wa.gov.au](mailto:Tony.Nottle@busselton.wa.gov.au)>

**Cc:** Renee Zaffino-Little <[Renee.Zaffino-Little@westernaustralia.com](mailto:Renee.Zaffino-Little@westernaustralia.com)>; Jennifer May <[Jennifer.May@busselton.wa.gov.au](mailto:Jennifer.May@busselton.wa.gov.au)>; Corn  Lombard <[Corne.Lombard@busselton.wa.gov.au](mailto:Corne.Lombard@busselton.wa.gov.au)>

**Subject:** RE: Tourism WA - Aboriginal Gateway Infrastructure

Hi Roseanna,

Absolutely it will be a pleasure – we have some awesome local Aboriginal sculptors and painters available – you may know of them. Sandra Hill and Christopher Pease.

Meet you soon,

Warm regards

**Jacquie Happ**

Cultural Development Officer

p: (08) 9781 0335

[Jacquie.Happ@busselton.wa.gov.au](mailto:Jacquie.Happ@busselton.wa.gov.au)

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---

**From:** Roseanna Chester <[Roseanna.Chester@westernaustralia.com](mailto:Roseanna.Chester@westernaustralia.com)>  
**Sent:** Friday, 4 August 2023 2:45 PM  
**To:** Tony Nottle <[Tony.Nottle@busselton.wa.gov.au](mailto:Tony.Nottle@busselton.wa.gov.au)>  
**Cc:** Renee Zaffino-Little <[Renee.Zaffino-Little@westernaustralia.com](mailto:Renee.Zaffino-Little@westernaustralia.com)>; Jennifer May <[Jennifer.May@busselton.wa.gov.au](mailto:Jennifer.May@busselton.wa.gov.au)>; Jacqui Happ <[Jacqui.Happ@busselton.wa.gov.au](mailto:Jacqui.Happ@busselton.wa.gov.au)>; Corn  Lombard <[Corne.Lombard@busselton.wa.gov.au](mailto:Corne.Lombard@busselton.wa.gov.au)>  
**Subject:** RE: Tourism WA - Aboriginal Gateway Infrastructure

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Hi Tony,

Thank you kindly for coming back to us, and great to hear of your interest in this initiative! Renee and I are excited to catch up with you about the opportunities around this funding hopefully in the near future.

(And Jacqui, great to also e-meet you and looking forward to working together on this!)

Corn  – I will wait to hear from you when you have a moment. Please feel free to give me a call if you would like to chat, or email through when would be a suitable time and place in the coming weeks to meet and discuss further.

Thank you all, and hope you all have a lovely weekend ahead.

Kind regards,

**Roseanna Chester**  
 A/Aboriginal Tourism Coordinator, Destination Development



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any attachment.

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**From:** Tony Nottle <[Tony.Nottle@busselton.wa.gov.au](mailto:Tony.Nottle@busselton.wa.gov.au)>  
**Sent:** Thursday, 3 August 2023 2:23 PM  
**To:** Roseanna Chester <[Roseanna.Chester@westernaustralia.com](mailto:Roseanna.Chester@westernaustralia.com)>  
**Cc:** Renee Zaffino-Little <[Renee.Zaffino-Little@westernaustralia.com](mailto:Renee.Zaffino-Little@westernaustralia.com)>; Jennifer May <[Jennifer.May@busselton.wa.gov.au](mailto:Jennifer.May@busselton.wa.gov.au)>; Jacquie Happ <[Jacquie.Happ@busselton.wa.gov.au](mailto:Jacquie.Happ@busselton.wa.gov.au)>; Corn  Lombard <[Corne.Lombard@busselton.wa.gov.au](mailto:Corne.Lombard@busselton.wa.gov.au)>  
**Subject:** RE: Tourism WA - Aboriginal Gateway Infrastructure

Hi Roseanna,

I would certainly like to discuss this opportunity further and have also included our Cultural Development Officer Jacqui Happ in this reply who I would also like to include in our discussions.

I will get Corn  Lombard to touch base to organise a suitable time/place etc.

Regards,

**Tony Nottle**

Chief Executive Officer  
 p: (08) 9781 0445 m: 0427 076 406  
[Tony.Nottle@busselton.wa.gov.au](mailto:Tony.Nottle@busselton.wa.gov.au)

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**From:** Roseanna Chester <[Roseanna.Chester@westernaustralia.com](mailto:Roseanna.Chester@westernaustralia.com)>  
**Sent:** Monday, 31 July 2023 4:44 PM  
**To:** Tony Nottle <[Tony.Nottle@busselton.wa.gov.au](mailto:Tony.Nottle@busselton.wa.gov.au)>  
**Cc:** Renee Zaffino-Little <[Renee.Zaffino-Little@westernaustralia.com](mailto:Renee.Zaffino-Little@westernaustralia.com)>; Jennifer May <[Jennifer.May@busselton.wa.gov.au](mailto:Jennifer.May@busselton.wa.gov.au)>; Tony Nottle <[Tony.Nottle@busselton.wa.gov.au](mailto:Tony.Nottle@busselton.wa.gov.au)>  
**Subject:** RE: Tourism WA - Aboriginal Gateway Infrastructure

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Kaya Tony,

And lovely to e-meet you!

As Catrin has mentioned below, Tourism WA are seeking to integrate Aboriginal cultural welcomes into the facilities and services of our State's gateway infrastructure providers, and

have dedicated funding for this initiative as part of our [Jina: Western Australian Aboriginal Tourism Action Plan 2021-2025](#).

We would be very keen to discuss the possibility of developing a unique cultural welcome at Busselton Airport, which would act as an acknowledgement of country for visitors coming into WA and generate awareness of our State as a destination for Aboriginal cultural experiences. This could take the form of an Aboriginal art piece, sculpture, mural or other forms of artwork. We have been actively encouraging the infrastructure providers we work with to engage with a local Aboriginal corporation or artist to seek advice, proposals and quotes for what could be possible in their facility.

As an example of other infrastructure cultural activations we have been involved with, we have invested funding for Broome Airport as part of the same initiative, and they have developed a series of Aboriginal art murals, cultural signage and floor artwork in conjunction with the Yawuru Aboriginal Corporation throughout their Arrivals area (all works just verging completion, with photos of incoming which I can certainly share with you once received).

Tourism WA would have \$40K plus GST to invest in such an activation for Busselton Airport as one of the State's developing key regional gateways for interstate visitors – is this something that we could connect with you further to discuss?

We would love to set up some time to have a quick initial chat with you about this, if you could please let me know if there any particular time over the next week or so that would work well for you.

Thanks so much Tony, and look forward to hearing from you when you have a moment.

Kind regards,

**Roseanna Chester**  
A/Aboriginal Tourism Coordinator, Destination Development



Level 10, 1 William Street PERTH WA 6000

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Tourism Western Australia acknowledges Aboriginal peoples as the traditional custodians of Western Australia and pay our respects to Elders past and present. We celebrate the diversity of Aboriginal West Australians and honour their continuing connection to Country, culture and community. We recognise and appreciate the invaluable contributions made by First Nations peoples across many generations in shaping Western Australia as a premier destination.

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**From:** Catrin Allsop <[catrin.allsop@australiassouthwest.com](mailto:catrin.allsop@australiassouthwest.com)>

**Sent:** Friday, 28 July 2023 3:19 PM

**To:** [tony.nottle@busselton.wa.gov.au](mailto:tony.nottle@busselton.wa.gov.au)

**Cc:** Renee Zaffino-Little <[Renee.Zaffino-Little@westernaustralia.com](mailto:Renee.Zaffino-Little@westernaustralia.com)>; Jennifer May <[Jennifer.May@busselton.wa.gov.au](mailto:Jennifer.May@busselton.wa.gov.au)>; Roseanna Chester <[Roseanna.Chester@westernaustralia.com](mailto:Roseanna.Chester@westernaustralia.com)>

**Subject:** Tourism WA - Aboriginal Gateway Infrastructure

Hi Tony

I would like to connect you with Renee Zaffino-Little and Rosie Chester from Tourism WA's Aboriginal Tourism department. They are looking at suitable sites, including the Busselton Margaret River Airport, for the new Gateway Infrastructure program funded through [Jina: Western Australian Aboriginal Tourism Action Plan 2021-2025](#).

Over to you both to explain in more detail!

Warm regards

**Catrin Allsop**

Chief Executive Officer

---

**A:** Level 1, Dolphin Discovery Centre, Koombana Drive, Bunbury 6230

**M:** 0408 896 323

**W:** [Consumer](#) | [Corporate](#)

*ASW acknowledges lands owned by traditional custodians of the South West, the Noongar people and pay homage to them by encouraging visitors to respect and learn about the world's oldest living culture.*

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**FUNDING AGREEMENT**

**TWA2324177**

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**WESTERN AUSTRALIAN TOURISM COMMISSION**

**AND**

**CITY OF BUSSELTON**

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**July 2024**

## TABLE OF CONTENTS

RECITALS.....	4
OPERATIVE PART .....	4
1. DEFINITIONS AND INTERPRETATION.....	4
1.1 Definitions .....	4
1.2 Interpretation.....	7
2. SCOPE OF THIS AGREEMENT .....	8
3. OBLIGATIONS OF RECIPIENT .....	9
3.1 Use of Funding .....	9
3.2 No Changes.....	9
3.3 No Endorsement.....	9
3.4 Acknowledgement of Tourism WA .....	9
3.5 Accounts and Reporting .....	10
3.6 General Undertakings of the Recipient .....	10
3.7 Negation of Employment, Partnership and Agency.....	10
3.8 Veracity of Information.....	10
4. EVALUATION OR AUDIT RIGHTS.....	10
5. CONTACT OFFICERS .....	11
6. REPAYMENT AND RETENTION OF THE FUNDING .....	11
7. LIMITATION OF LIABILITY .....	11
8. FREEDOM OF INFORMATION ACT 1992, FINANCIAL MANAGEMENT ACT 2006 AND AUDITOR GENERAL ACT 2006.....	12
9. NOTICES .....	12
10. DEFAULT AND TERMINATION .....	13
10.1 Event of Default by the Recipient .....	13
10.2 Effect of Event of Default.....	14
10.3 No Further Funding and Recovery of Funding .....	14
11. AGREEMENT BETWEEN THE RECIPIENT AND A THIRD PARTY.....	14
12. GOODS AND SERVICES TAX (GST) .....	14
13. WAIVER.....	15
14. ENTIRE AGREEMENT .....	15
15. ASSIGNMENT .....	15
16. VARIATION .....	16
17. RIGHTS, POWERS AND REMEDIES.....	16
18. GOVERNING LAW .....	16
19. SCHEDULES .....	16
20. FORCE MAJEURE .....	16
21. INTELLECTUAL PROPERTY RIGHTS .....	16
21.1 Ownership of Intellectual Property Rights in New Material .....	16
21.2 Existing Material – Licence.....	17
21.3 Warranty .....	17
21.4 Intellectual Property Rights Indemnity .....	17
21.5 Working Papers .....	17
21.6 Continuing Obligation .....	18
SCHEDULE 1 CONTACT OFFICERS .....	19
SCHEDULE 2 FINANCIAL REPORT .....	20

SCHEDULE 3	PROJECT REPORT .....	21
SCHEDULE 4	PROJECT DETAILS .....	22
SCHEDULE 5	ACCOUNTS AND REPORTING .....	24
SCHEDULE 6	PAYMENT OF THE FUNDING .....	24

THIS Agreement is made on the second day of August 2024.

**BETWEEN:**

**WESTERN AUSTRALIAN TOURISM COMMISSION** a body corporate under the Western Australian Tourism Commission Act 1983 (WA) of 1 William Street, Perth, Western Australia, 6000, ABN 95 468 665 668 (**Tourism WA**).

**AND**

**CITY OF BUSSELTON** having its registered office at 2 Southern Drive, Busselton, Western Australia, 6280, ABN 97 285 608 991 (**Recipient**).

#### RECITALS

- a) Tourism WA is a State Government statutory authority and part of the broader economic development portfolio of Jobs, Tourism Science and Innovation. Tourism WA is responsible for promoting Western Australia as an extraordinary holiday destination. Its focus is on marketing the State; developing, attracting and promoting major sporting, cultural and business events; and supporting the development of significant tourism infrastructure and projects.
- b) The Recipient is a local government area comprising of five (5) town centres of Busselton, Dunsborough, Vasse, Yallingup and Eagle Bay.
- c) This Agreement represents Funding to deliver the Project, on the terms and conditions set out in this Agreement.

#### OPERATIVE PART

THE PARTIES AGREE as follows:

#### 1. DEFINITIONS AND INTERPRETATION

##### 1.1 Definitions

In this Agreement, unless repugnant to the context:

**Affected Party** means the Party prevented from performing its Obligations under this Agreement by an Event of Force Majeure.

**Agreement** means this Funding Agreement, including its recitals, schedules and annexures.

**ASX** means Australian Securities Exchange.

**Associates** mean any officer, employee, agent, consultant, contractor, nominee, licensee or adviser of Tourism WA, including any other Government Party.

**Auditor** means the Auditor General or a person who is independent of, and not related in any way to, the Recipient and is a member of CPA Australia, the Institute of Public Accountants in Australia or the Institute of Chartered Accountants in Australia.

**Auditor General** means the Auditor General for the State.

**Authorisation** means any consent, authorisation, registration, filing, agreement, notarisation, clearance, certificate, permission, licence, permit, waiver, approval, authority or exemption from, by or within a Government Agency required under any Laws, and includes any renewal of, or variation to, any of them.

**Business Day** means a day that is not a Saturday, Sunday or public holiday in the State.

**Claim** means any claim, proceeding, cause of action, action, demand or suit (including by way of a claim for contribution or an indemnity).

**Commencement Date** means the execution date of this Agreement.

**Commonwealth** means the Commonwealth of Australia.

**Contact Officer** has the meaning given in clause 5 of this Agreement.

**Date for Project Completion** means the date by which the Recipient must complete the Project set out in item 3.1 of Schedule 4.

**Deliverables** means the expected activities and outputs from the Project.

**Evaluation or Audit** means one or more of an audit, examination, investigation, inspection, review, evaluation, or a similar activity.

**Event of Default** has the meaning given in clause 10.1.

**Event of Force Majeure means:**

- (a) inclement weather;
- (b) an act of God;
- (c) a war, riot, civil disturbance, insurrection, vandalism, sabotage or terrorism;
- (d) epidemic or pandemic, any shortages caused thereby or any government response to such epidemic, pandemic or shortages;
- (e) law, rule or regulation of any government or governmental agency, and executive or administrative order or act of general application;
- (f) a strike, lockout, ban, limitation or work or other industrial disturbance; or
- (g) any other event, circumstance, happening or thing beyond the reasonable control of the Affected Party; which:
- (h) is beyond the control of the Affected Party; and
- (i) occurs without the fault, negligence or contractual breach of the Affected Party.

**Existing Material** means a work (as defined in the *Copyright Act*), a product or any other material, which satisfies all of the following criteria:

- (a) the work, product or other material:
  - (i) was created prior to the commencement of the Term; or
  - (ii) is to be created during the Term outside the scope of this Agreement, including any subsequent modifications, to such work, product or other material.
- (b) the Intellectual Property Rights in the work, product or other material are not owned by the Crown in right of the State or Tourism WA; and
- (c) the work, product or other material is required specifically for, or in connection with, the Project or records the Recipient must keep under this Agreement.

**Final Report** has the meaning given in Schedule 5 to this Agreement.

**Funding** means the amount specified in Item 2 of Schedule 4.

**Government Agency** means any government or governmental, administrative, monetary, fiscal or judicial body, department, commission, authority, tribunal, agency or entity in any part of the world.

**Government Party** means any governmental, semi-governmental or local government authority, minister, department, statutory corporation, instrumentality or government owned corporation.

**GST Act** means *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and includes all associated legislation and regulations.

**Insolvency Event** means the happening of any of these events:

- (a) an order is made, or an application is made to a court for an order, that a body corporate be wound up; or
- (b) except to reconstruct or amalgamate while solvent, a body corporate:
  - (i) is wound up or dissolved; or
  - (ii) resolves to wind itself up or otherwise dissolve itself, or gives notice of intention to do so; or
  - (iii) enters into, or resolves to enter into, any form of formal or informal arrangement for the benefit of all or any class of its creditors, including a scheme of arrangement, deed of company arrangement,

compromise or composition with, or assignment for the benefit of, all or any class of its creditors;  
or

- (c) a liquidator or provisional liquidator is appointed (whether or not under an order), or an application is made to a court for an order, or a meeting is convened or a resolution is passed, to make such an appointment, in respect of a body corporate; or
- (d) a receiver, manager, receiver and manager, trustee, administrator, controller (as defined in section 9 of the *Corporations Act 2001* (Cth)) or similar officer is appointed, or an application is made to a court for an order, or a meeting is convened, or a resolution is passed, to make such an appointment, in respect of a body corporate; or
- (e) any step is taken to enforce security over, or a distress, attachment, execution or other similar process is levied, enforced or served out against, any asset or undertaking of a body corporate; or
- (f) the process of any court or authority is invoked against a body corporate, or any asset or undertaking of a body corporate, to enforce any judgment or order for the payment of money or the recovery of any property; or
- (g) a body corporate:
  - (i) takes any step to obtain protection, or is granted protection, from its creditors under any applicable legislation; or
  - (ii) stops or suspends payment of all, or a class of, its debts; or
  - (iii) is, or is taken by any applicable legislation to be, or states that it is, or makes a statement from which it may be reasonably deduced that it is:
    - (A) insolvent or unable to pay its debts when they fall due; or
    - (B) the subject of an event described in section 459C(2)(b) or section 585 of the *Corporations Act 2001* (Cth); or
  - (iv) is taken to have failed to comply with a statutory demand as a result of the operation of section 459F(1) of the *Corporations Act 2001* (Cth); or
  - (v) ceases, or threatens to cease, to carry on all or a material part of its business; or
- (h) a person becomes an insolvent under administration as defined in section 9 of the *Corporations Act 2001* (Cth) or action is taken that could result in that event; or
- (i) anything analogous or having a similar effect to any of the events specified above happens under the law of any applicable jurisdiction.

**Intellectual Property Rights** means:

- (a) patents, copyright, rights in circuit layouts, registered designs, trademarks and the right to have confidential information (being information which is capable of being protected by way of an action for breach of confidence) kept confidential; and
- (b) any application or right to apply for registration of any of those rights,

but does not include Moral Rights.

**Law** means all applicable present and future laws including:

- (a) all acts, ordinances, regulations by-laws, orders, awards and proclamations of the State or the Commonwealth;
- (b) Authorisations;
- (c) principles, rules and requirements of the common law and equity;
- (d) standards, codes, policies and guidelines; and
- (e) the ASX listing rules.

**Liability** means any debt, obligation, Loss, compensation or charge of any kind, including those that are prospective or contingent and those the amount of which is not ascertained or ascertainable.

**Loss** means any loss, cost (including legal costs), expense, liability (whether arising in negligence or otherwise) or damage whether direct, indirect or consequential (including pure economic loss), present or future, ascertained, unascertained, actual, prospective or contingent or any fine or penalty.

**Material** means Existing Material and New Material.

**Milestones** means the milestones set out in item 3.1 of Schedule 4, as varied or amended from time to time, with each milestone in relation to a Deliverable being the date by which that Deliverable must be completed, and includes the Date for Project Completion.

**Moral Rights** has the same meaning as in the *Copyright Act 1968* (Cth).

**New Material** means anything created by the Recipient, relating to the Project, under or in connection with this Agreement, and in which Intellectual Property Rights subsist.

**Obligation** means an obligation in this Agreement.

**Party** means each of Tourism WA or the Recipient as the context requires, and **Parties** means both of them.

**Provision** means any term, condition, undertaking, promise, obligation or warranty of, made or given under this Agreement.

**Project** means the initiative or activities to be undertaken with the Funding described in Item 3 of Schedule 4.

**Project Budget** means the budget for the Project set out in Item 3.2 of Schedule 4.

**RCTI** means a recipient-created tax invoice, which term has the same meaning as in the GST Act.

**Related Body Corporate** has the meaning given to it in the *Corporations Act 2001* (Cth).

**Schedule** means any schedule to, and forming part of, this Agreement.

**Senior Staff Member** means a staff member of the Recipient who performs or holds any executive or managerial role including the role of chief executive officer, chief financial officer or an equivalent or similar role, or the role of head of a department or division, manager, senior project officer, or any other senior role.

**Special Conditions** means the conditions in Item 4 of Schedule 4.

**State** means State of Western Australia.

**Term** means the duration of this Agreement.

**Third Party Agreement** has the meaning given to it in clause 11.

**Working Papers** means all working papers, notes, reports, documents and other works (whether in paper, electronic or other forms) brought into existence by the Recipient for the purposes of performing the Recipient's obligations under this Agreement.

## 1.2 Interpretation

In this Agreement unless the context otherwise requires:

- (a) words importing the singular include the plural and vice versa;
- (b) words importing any gender include the other genders;
- (c) references to a person include an individual, the estate of an individual and any type of entity or body of persons, including a corporation, an incorporated or unincorporated association or parties in a joint venture, a partnership or a trust and the legal personal representatives, successors and assigns of that person;
- (d) a reference to a statute, ordinance, code, or other law includes regulations, by-laws, rules and other statutory instruments under it for the time being in force and consolidations, amendments, re-enactments, or replacements of any of them (whether of the same or any other legislative authority having jurisdiction);
- (e) references to this Agreement or any other instrument include this Agreement or other instrument as varied or replaced, and notwithstanding any change in the identity of the Parties;
- (f) references to writing include any mode of representing or reproducing words in tangible and permanently visible form, and include e-mail and facsimile transmission;
- (g) an Obligation incurred in favour of two or more persons is enforceable by them jointly and severally;

- (h) if a word or a phrase is defined, other parts of speech and grammatical forms of that word or phrase have corresponding meanings;
- (i) references to this Agreement include its recitals, schedules, and annexures;
- (j) headings are inserted for ease of reference only and are to be ignored in construing this Agreement;
- (k) references to time are local time in Perth, Western Australia;
- (l) where time is to be reckoned from a day or event, that day or the day of that event is to be included;
- (m) references to currency are to Australian currency unless otherwise stated;
- (n) no rule of construction applies to the disadvantage of a Party on the basis that the Party put forward this Agreement or any part thereof;
- (o) a reference to any thing is a reference to the whole and each part of it, and a reference to a group of persons is a reference to all of them collectively, to any two or more of them collectively and to each of them individually but nothing herein shall mean that part performance of an obligation shall constitute full performance thereof;
- (p) when the day or last day for doing an act is not a Business Day, then the day or last day for doing the act will be the directly preceding Business Day;
- (q) if the word "including" or "includes" is used, the words "without limitation" are taken to immediately follow;
- (r) the phrases "described in", "set out" and "specified in" shall all read as if the words "expressly or impliedly" appeared immediately before them; and
- (s) reference to a contractor or sub-contractor means a contractor or sub-contractor at any tier.

## 2. SCOPE OF THIS AGREEMENT

- (a) Subject to Tourism WA paying the Funding in accordance with this Agreement, the Recipient must:
  - (i) Deliver the Project and fulfil its Obligations in a competent, diligent, satisfactory and professional manner, and to a high standard;
  - (ii) comply with this Agreement; and
  - (iii) provide funding and other resources, including human resources, adequate to properly meet its Obligations.
- (b) Subject to subitem 4.1(b) of Schedule 4 to this Agreement, Tourism WA must pay to the Recipient the Funding in the manner set out in Schedule 4 which must be used by the Recipient to carry out the Project and for no other purpose. For the avoidance of doubt, and without in any way limiting Tourism WA's rights under subitem 4.1(b) of Schedule 4, Tourism WA has no obligation to pay any part of the Funding to the Recipient until the Recipient has complied with its obligations in item 4 of Schedule 4.
- (c) The Recipient must:
  - (i) notify Tourism WA of any actual, pending or threatened Claim, against one or more of the Recipient, a Related Body Corporate or a Senior Staff Member as soon as practicable after the Recipient first becomes aware of that Claim;
  - (ii) notify Tourism WA immediately if the Recipient is in breach of any Law, receives an audit qualification, or breaches, fails to obtain or is under scrutiny through an inquiry or decree in respect to (as applicable) any consent, registration, approval, licence or permit

or agreement, order or award binding on the Recipient or which the Recipient requires in order to carry out one or both of the Project or its business; and

- (iii) notify Tourism WA immediately if the Recipient becomes aware of any fraud or corruption in relation to the Project, the Funding, any interest which accrues on the Funding, or this Agreement.

(d) The Recipient must:

- (i) keep and maintain accurate, complete, up-to-date and properly detailed written records of income, expenditure, work, activities, progress, setbacks, problems and business and commercial arrangements and dealings in relation to either or both of this Agreement and the Project and promptly provide Tourism WA with information or documentation (relating in any way to the Project or this Agreement) requested by Tourism WA. The Recipient must ensure that all such information or documentation (as the case may be) is accurate, complete, up-to-date, properly detailed and not in any way misleading or deceptive; and
- (ii) provide Tourism WA within five (5) Business Days of any request with written evidence (to the satisfaction of Tourism WA in its absolute discretion, acting reasonably) that the Recipient is solvent and financially viable and secure and has the expertise and operational capability and capacity to carry out the Project.

### 3. OBLIGATIONS OF RECIPIENT

#### 3.1 Use of Funding

- (a) The Recipient must use the Funding for the carrying out of the Project in accordance with this Agreement and the Project Budget. All of this expenditure must be effected in a commercially prudent, sensible and reasonable manner.
- (b) In carrying out the Project, the Recipient must comply with and meet all Milestones including completing the Project by the Date for Project Completion.

#### 3.2 No Changes

The Recipient must not make any changes to the Project or any agreed budget (including the Project Budget) without the prior written consent of Tourism WA, which consent may be withheld in Tourism WA's absolute discretion, acting reasonably.

#### 3.3 No Endorsement

The Recipient agrees that nothing in this Agreement constitutes an endorsement by Tourism WA of any goods or services provided by the Recipient.

#### 3.4 Acknowledgement of Tourism WA

- (a) Any communications in relation to the Project including presentations, publications, signage, articles, newsletters, or other literary works relating to the Project must equally represent the Parties, including containing Tourism WA and Recipient's logos and names in an equally prominent position.
- (b) The respective roles of Tourism WA and the Recipient must be acknowledged at relevant forums and launches where the Project is promoted.
- (c) The Parties shall:
  - (i) work cooperatively at the senior management and officer levels;
  - (ii) maintain open communication, both formal and informal, to progress the objectives of this Agreement;
  - (iii) share information and knowledge as practicable; and

- (iv) advise any stakeholders in the Project about arrangements between the Parties.
- (d) The Parties must coordinate joint communications when dealing with the media and stakeholders in the Project in relation to the Project on issues of significance or mutual concern, including circulating draft media statements, advertising proposals and advertisements between the Parties for comment and agreement as to content and form, prior to publication.
- (e) The Recipient must liaise with Tourism WA prior to releasing, and gain the prior written approval of Tourism WA to the release of, any media statement, advertising proposal or advertisement by the Recipient in relation to the Project.

### **3.5 Accounts and Reporting**

- (a) The Recipient must provide Tourism WA with reports containing the information and within the timeframes set out in Schedules 2, 3 and 5 of this Agreement.
- (b) The Recipient must provide Tourism WA with a Final Report within three (3) months after receipt by the Recipient of any written request from Tourism WA to do so or of any earlier termination of this Agreement.
- (c) This clause 3.5 survives termination of this Agreement.

### **3.6 General Undertakings of the Recipient**

The Recipient must:

- (a) at all times duly perform and observe its Obligations and must promptly inform Tourism WA of any occurrence that might adversely affect its ability to do so in a material way;
- (b) undertake its Obligations with integrity, good faith and probity in accordance with good corporate governance practices;
- (c) not, nor attempt to, sell, transfer, assign, mortgage, charge or otherwise dispose of or deal with any of its rights, entitlements and powers or Obligations under this Agreement;
- (d) comply with all Laws; and
- (e) cooperate fully with Tourism WA in the administration of this Agreement.

### **3.7 Negation of Employment, Partnership and Agency**

- (a) The Recipient must not represent itself, and must ensure that its employees, contractors, sub-contractors or agents do not represent themselves, as being an employee, partner or agent of Tourism WA or the State or as otherwise able to bind or represent Tourism WA or the State.
- (b) The Recipient will not, by virtue of this Agreement, be or for any purpose be deemed to be, an employee, partner, or agent of Tourism WA or the State, or have any power or authority to bind or represent Tourism WA or the State.

### **3.8 Veracity of Information**

The Recipient warrants that all information and representations (in whatever form) provided or made to Tourism WA under, in connection with, or in anticipation of this Agreement are true and correct, up to date, and complete and in no way misleading or deceptive.

## **4. EVALUATION OR AUDIT RIGHTS**

At any time until five (5) years after termination of this Agreement, Tourism WA may arrange for an Evaluation or Audit to be carried out in relation to either or both of the Project and this Agreement by either Tourism WA, an Auditor or any other person that Tourism WA in its absolute discretion wishes to carry out the Evaluation or Audit. If Tourism WA arranges for an Evaluation or Audit:

- (a) Tourism WA must notify the Recipient that Tourism WA has arranged for an Evaluation or Audit to be carried out; and

- (b) the Recipient must allow all persons appointed by Tourism WA to carry out the Evaluation or Audit to:
- (c) have full access to all documents, records and premises in the control or possession of the Recipient for the purpose of carrying out the Evaluation or Audit; and
- (d) make and take copies of any and all documents and records in the control or possession of the Recipient relating in any way to either or both of the Project and this Agreement.

This clause 4 survives the termination of this Agreement.

#### 5. CONTACT OFFICERS

- (a) Each Party must appoint a staff member to be a contact officer in relation to the Project and this Agreement (this staff member and any replacement staff member performing the same role are referred to in this Agreement as the Contact Officer). The Contact Officer for each Party is authorised to act for that Party in relation to this Agreement and is the first point of contact for the other Party in relation to any disputes arising under this Agreement.
- (b) The details of each Party's Contact Officer as at the Commencement Date are set out in Schedule 1.
- (c) If a Party changes its Contact Officer that Party must notify the other Party in writing of the details (being the same categories of information set out in Schedule 1 for each Contact Officer) of the new Contact Officer within five (5) Business Days after the change.

#### 6. REPAYMENT AND RETENTION OF THE FUNDING

Within twenty (20) Business Days from receipt by the Recipient of any written request from Tourism WA to provide a Final Report or any earlier termination of this Agreement, the Recipient must remit to Tourism WA:

- (a) any Funding that Tourism WA has paid to the Recipient; and
- (b) any interest that accrued on that Funding

that has not been spent or committed in accordance with this Agreement. This clause 6 does not limit clause 10 in any way.

#### 7. LIMITATION OF LIABILITY

- (a) Tourism WA is not responsible or liable in any way for the success or otherwise of the Project or for any Loss suffered or incurred by the Recipient in undertaking the Project. The Recipient releases Tourism WA from all Liability suffered or incurred by the Recipient in relation to one or more of the Project, this Agreement and any related matter and agrees that neither it nor any Related Body Corporate will make a Claim against Tourism WA or any of Tourism WA's Associates arising directly or indirectly in relation to one or more of the Project, this Agreement and any related matter. This clause 7 may be pleaded by Tourism WA or its Associates as a bar to any proceedings commenced by the Recipient against Tourism WA or its Associates in relation to one or more of the Project, this Agreement and any related matter.
- (b) If the Funding is insufficient for the Recipient to properly fulfil all of its Obligations, then the Recipient must still fulfil its Obligations at its own cost. Once the Agreement ends, all Obligations cease (except any Obligation on the part of one Party to compensate the other Party for an antecedent contractual breach).
- (c) The Recipient must indemnify Tourism WA and must keep it indemnified and hold it and its officers, employees and agents harmless from and against all Claims or Liability, suffered or incurred by or brought against Tourism WA or any of its respective officers, employees and agents caused by, arising out of or relating directly or indirectly to any:
  - (i) breach of any Provision by the Recipient;

- (ii) act or omission of the Recipient or its employees, contractors, officers or agents which relates directly or indirectly to one or more of the Project, this Agreement and any related matter; or
- (iii) breach of a Law by the Recipient or any of its employees, contractors, officers or agents which relates directly or indirectly to one or more of the Project, this Agreement and any related matter.
- (d) The Recipient must comply with the insurance requirements set out in item 4.1 of Schedule 4.
- (e) This clause 7 survives the termination of this Agreement.

**8. FREEDOM OF INFORMATION ACT 1992, FINANCIAL MANAGEMENT ACT 2006 AND AUDITOR GENERAL ACT 2006**

- (a) This Agreement and information regarding it is subject to the Freedom of Information Act 1992. Tourism WA may publicly disclose information in relation to this Agreement, including its terms and the details of the Recipient.
- (b) Despite any express or implied provision of this Agreement to the contrary, nothing in this Agreement in any way alters, limits or affects the operation of the Auditor General Act 2006, the Financial Management Act 2006 or the Recipient's obligations (if any) in relation to these Acts. To the extent permitted by law, the Recipient must allow the Auditor General, or an authorised representative, to have access to and audit (or otherwise review, examine or evaluate) the Recipient's records and information concerning either or both of this Agreement and the Project.

**9. NOTICES**

- (a) Any notice consent, request, notification, approval or other communication (a "Notice") given or made under this Agreement must be in writing and signed by the sender or a person duly authorised by the sender.
- (b) A Notice given or made under this Agreement must be delivered to the intended recipient by:
  - (i) prepaid post (if posted to an address in another country by registered airmail);
  - (ii) hand; or
  - (iii) email, provided:
    - (A) the Notice is sent as a pdf attachment to the email and is not sent as a temporary file or link; and
    - (B) the size of the email is less than 10MB,

to the address or email address specified in Schedule 1 or the address or email address last notified by the intended recipient to the sender.
- (c) A Notice will be conclusively taken to be duly given or made:
  - (i) in the case of delivery in person, when delivered;
  - (ii) in the case of delivery by post, two Business Days after the date of posting (if posted to an address in Australia) or seven Business Days after the date of posting (if posted to an address in another country); and
  - (iii) in the case of email, the earlier of:
    - (A) the time the sender receives an automated message from the intended recipient's information system confirming delivery of the email;
    - (B) the time the email is first opened or read by the intended recipient, or an employee or officer of the intended recipient; and

- (C) 24 hours after the time the email is sent (as recorded on the device from which the sender sent the email), unless the sender receives, within that 24 hour period, an automated message that the email has not been received,

but if the result is that a Notice would be taken to be given or made on a day that is not a Business Day or is later than 5pm (local time) it will be conclusively taken to have been duly given or made at the start of business on the next Business Day.

(d) Each Party must:

- (i) monitor the information system on which the mailbox for its email address resides on a frequent and regular basis;
- (ii) immediately notify the other party if it discontinues the use of, or changes, its email address, or if it is unable to access its email address for a period longer than 24 hours;
- (iii) ensure it is able to receive Notices to its email address, including by ensuring that sufficient storage capacity is available at all times;
- (iv) ensure its firewall and/or mail server (as applicable):
  - (A) allows messages of up to 10MB to be received; and
  - (B) does not trap any messages in the spam filter that have been sent from Tourism WA's or the Recipient's domain (as relevant); and
- (v) ensure its system automatically sends a notification message to each of the sender and the recipient when a message is received by the recipient's domain but cannot or will not be delivered to the recipient.

- (e) A Notice sent to a Party's Contact Officer or any replacement thereof advised beforehand will be deemed to be received by that Party.

## 10. DEFAULT AND TERMINATION

### 10.1 Event of Default by the Recipient

An **Event of Default** occurs if:

- (a) the Recipient breaches any Provision, which (if remediable) continues without remedy for ten (10) Business Days after notice in writing has been served on the Recipient by Tourism WA. This subclause does not limit any other part of this clause 10.1 in any way; or
- (b) the Recipient breaches any Provision of this Agreement and such breach cannot be remedied. This subclause does not limit any other part of this clause 10.1 in any way; or
- (c) the Recipient fails to comply with or meet a Milestone or any other milestone set by Tourism WA in accordance with this Agreement and that failure to comply continues without remedy for ten (10) Business Days after notice in writing has been served on the Recipient by Tourism WA. This subclause does not limit any other part of this clause 10.1 in any way; or
- (d) subject to the operation of sections 415D, 434J or 451E of the *Corporations Act 2001 (Cth)*, the Recipient suffers, or is or becomes subject to, an Insolvency Event; or
- (e) Tourism WA, acting on a reasonably held belief that the Recipient is unwilling or unable to comply with any one or more of the Provisions. This subclause does not limit any other part of this clause 10.1 in any way; or
- (f) the Recipient repudiates the Agreement; or
- (g) a material warranty given by or representation made by the Recipient is or becomes untrue. This subclause does not limit any other part of this clause 10.1 in any way; or

- (h) any aspect of this Agreement is or is held to be void, unenforceable, or invalid for whatever reason; or
- (i) the Recipient persistently, regularly, consistently or continually breaches the Provisions. This subclause does not limit any other part of this clause 10.1 in any way; or
- (j) where this Agreement provides for or contemplates the Parties reaching further agreement in relation to anything the subject of, or related to, either or both of this Agreement and the Project, this further agreement is not reached and recorded in writing within a reasonable time.

#### 10.2 Effect of Event of Default

- (a) If an Event of Default occurs, Tourism WA may terminate the Agreement by providing ten (10) Business Days' notice in writing to the Recipient and the Agreement is then terminated from the date specified in that notice.
- (b) Additionally, either party may also terminate this Agreement if it decides that an Event of Force Majeure has occurred or will or is likely to occur.
- (c) Without limiting Tourism WA's rights under or on account of this Agreement (including under clause 10.2(a)), if the Recipient is in breach of this Agreement, Tourism WA may suspend the performance of its Obligations until such time as it is satisfied in its absolute discretion, acting reasonably that the Recipient has remedied that breach.

#### 10.3 No Further Funding and Recovery of Funding

- (a) If the Agreement has been lawfully terminated by Tourism WA or unlawfully terminated by the Recipient, the Recipient shall:
  - (i) cease to be entitled to payment of any unpaid Funding whatsoever (even if otherwise payable under the Agreement, including under item 3.3 of Schedule 4); and
  - (ii) remit to Tourism WA, within twenty (20) Business Days from the date of such termination, all Funding paid to the Recipient under the Agreement (together with any interest which has accrued thereon) that has not, by the termination date, been spent or committed by the Recipient in accordance with this Agreement.
- (b) If the Agreement has been lawfully terminated by the Recipient or unlawfully terminated by Tourism WA, Tourism WA must make all payments to the Recipient that the Recipient is entitled to receive under item 3.3 of Schedule 4 for any Deliverables achieved by the termination date; despite anything expressed or implied to the contrary in the Agreement or elsewhere, such duty to pay on the part of Tourism WA will be the full extent of Tourism WA's liability under the Agreement.

#### 11. AGREEMENT BETWEEN THE RECIPIENT AND A THIRD PARTY

If the Recipient enters into an agreement for a contractor to perform some or all of the Recipient's Obligations, the Recipient must ensure that such contractor:

- (a) has obligations in the Third Party Agreement which, if properly fulfilled, will ensure that the Recipient properly fulfils its corresponding Obligations and to the extent necessary to ensure that the other party has these obligations, the Recipient must ensure that the Third Party Agreement mirrors the terms of this Agreement; and
- (b) agrees to the Recipient providing Tourism WA with any documents that the contractor provides to the Recipient and to Tourism WA attending any meetings it has with the Recipient if Tourism WA wishes to obtain copies of such documents or attend such meetings.

#### 12. GOODS AND SERVICES TAX (GST)

- (a) For the purposes of this Agreement, including this clause 12, the terms "GST", "recipient-created tax invoice", "registered", "supply", "tax invoice", and "taxable supply" have the same meanings as in the GST Act.

- (b) Subject to clause 12(c) below, If GST is or becomes payable by a party (Supplier) in relation to any supply that it makes under, in connection with, or resulting from, this Agreement, then (unless the consideration for that supply is expressly stated to include GST) in addition to any consideration provided by a party (Supplied Party) for that supply, the Supplied Party must pay to the Supplier the amount of any GST for which the Supplier is liable in relation to that supply (Additional Amount) at the same time as the relevant consideration or any part of it is provided.
- (c) Subject to clause 12(e) below, the obligation in clause 12(b) above to pay the Additional Amount only arises once the Supplier has issued a tax invoice to the Supplied Party in respect of the Additional Amount.
- (d) If the Funding is consideration for the supply of anything under, in connection with, or resulting from, this Agreement which is a taxable supply under the GST Act, the Funding is exclusive of GST.
- (e) If the Funding is consideration for the supply of anything under, in connection with, or resulting from, this Agreement which is a taxable supply under the GST Act, Tourism WA may choose (in its absolute discretion) by notice to the Recipient to have Tourism WA issue a RCTI in respect of the Additional Amount and if Tourism WA so chooses:
  - (i) Tourism WA will issue a RCTI in respect of the Additional Amount and the Recipient will not issue a tax invoice in respect of that Additional Amount;
  - (ii) the Recipient warrants that it is registered for GST and will notify Tourism WA as soon as practicable of any change to the Recipient's registration;
  - (iii) Tourism WA warrants that Tourism WA is registered for GST and will notify the Recipient as soon as practicable of any change to Tourism WA's registration; and
  - (iv) Tourism WA will indemnify and keep indemnified the Recipient for any liability for GST and any related penalty or interest charge that may arise from a statement of GST payable on the supply for which Tourism WA issues a RCTI under this Agreement.

### 13. WAIVER

- (a) No right under this Agreement shall be deemed to be waived except by notice in writing signed by both Parties.
- (b) A waiver by either Party will not prejudice that Party's rights in relation to any further breach of this Agreement by the other Party.
- (c) Any failure to enforce any part of this Agreement, or any forbearance, delay or indulgence granted by one Party to the other Party, will not be construed as a waiver of any rights under this Agreement or under any Law.

### 14. ENTIRE AGREEMENT

This Agreement constitutes the entire, full and complete understanding and agreement between the Parties in relation to its subject matter and supersedes all prior communications, negotiations, arrangements and agreements between the Parties (or between Tourism WA and any party negotiating on behalf of the Recipient) with respect to the subject matter of this Agreement.

### 15. ASSIGNMENT

- (a) This Agreement is personal to the Recipient and may not be assigned by the Recipient without Tourism WA's consent, which may be withheld in Tourism WA's absolute discretion. Tourism WA may at any time, in its absolute discretion, assign or transfer its rights and Obligations under this Agreement as it sees fit.
- (b) For the purposes of this clause 15, the Recipient shall be deemed to have assigned this Agreement if any act, matter or thing is done or occurs, the effect of which is, in the opinion of Tourism WA, to transfer, directly or indirectly, the management or control of the Recipient.

**16. VARIATION**

Any modification, amendment or other variation to this Agreement must be made in writing, and must, unless Tourism WA in its absolute discretion directs in writing otherwise, be duly executed by both Parties.

**17. RIGHTS, POWERS AND REMEDIES**

The rights, powers and remedies in this Agreement are in addition to, and not exclusive of, the rights, powers and remedies existing at law or in equity.

**18. GOVERNING LAW**

This Agreement is governed by the laws in force in the State. Each Party irrevocably submits unconditionally to the non-exclusive jurisdiction of the Courts of Western Australia and of all Courts competent to hear appeals and determine therefrom in relation to any legal action, suit or proceeding arising out of or with respect to the Agreement.

**19. SCHEDULES**

- (a) Any express or implied provision of any Schedule to this Agreement is hereby deemed to be a provision of this Agreement and therefore must be complied with (by the relevant Party) in accordance with its terms.
- (b) In clause 19 (a), "provision" includes term, condition, warranty, stipulation, right, Obligation, representation and the like.
- (c) Without limiting the preceding provisions of this clause 19, the Recipient agrees to comply with the Special Conditions, if any.

**20. FORCE MAJEURE**

- (a) A party is not liable for its inability to perform, or for any delay in performing, any of its obligations under this Agreement (other than an obligation to pay money), to the extent that, and during the time that, the inability or delay is caused by an Event of Force Majeure.
- (b) If a party is prevented from performing its obligations under this Agreement by an Event of Force Majeure, then that party:
  - (i) must notify the other party of the Event of Force Majeure, giving details of the nature of the Event of Force Majeure, and the effect the Event of Force Majeure will have on the party's performance of its obligations under this Agreement; and
  - (ii) must use its reasonable endeavours to minimise the effect of the Event of Force Majeure on the party's performance of its obligations under this Agreement.
- (c) Subject to sub-clause 20(d), the time for performance of any obligation by either party under this Agreement will be extended by a period which is reasonable in the circumstances.
- (d) If a party's performance is affected by an Event of Force Majeure for a period equal to or greater than two (2) months, either party may terminate this Agreement with immediate effect by notice in writing to the other party.
- (e) This clause 20 is subject to clause 10.2(b).

**21. INTELLECTUAL PROPERTY RIGHTS**

**21.1 Ownership of Intellectual Property Rights in New Material**

- (a) As between the Parties, the Recipient shall be the owner of the Intellectual Property Rights in the New Material.
- (b) The Recipient will grant to Tourism WA, and to the extent a third party owns the Intellectual Property Rights in the New Material, procure the grant to Tourism WA of, an irrevocable,

perpetual, non-exclusive, royalty free right to use such Intellectual Property Rights in the New Material.

## 21.2 Existing Material – Licence

Nothing in clause 21.1 affects the ownership of any Intellectual Property Rights in any Existing Material.

The Recipient:

- (a) grants, and the Recipient must ensure that any other owner of any Intellectual Property Rights in any Existing Material grants, to Tourism WA in writing, an irrevocable, perpetual, royalty-free, non-exclusive licence to exercise any or all of the rights of an owner of Intellectual Property Rights in the Existing Material during the remainder of the duration of the Intellectual Property Rights in that Existing Material; and
- (b) must, if a third party owns Moral Rights in any Existing Material, obtain a written consent and waiver from the third party owner in relation to his or her Moral Rights to enable Tourism WA to use the Existing Material without regard to the third party's Moral Rights.

## 21.3 Warranty

The Recipient warrants that:

- (a) the Recipient has the right to grant the licences granted under clause 21.2(a);
- (b) no Intellectual Property Rights or Moral Rights in any Material is or will be owned by any third party unless:
  - (i) if a third party owns any Intellectual Property Rights in the Material, the Recipient has obtained a written licence from the third party owner to the same effect as the licence referred to in clause 21.2(a); and
  - (ii) if a third party owns Moral Rights in the Material, the Recipient has obtained a written consent and waiver from the third party owner in relation to his or her Moral Rights to enable Tourism WA to use the Material without regard to the third party's Moral Rights;
- (c) the Material will not infringe the Intellectual Property Rights or Moral Rights of any third party; and
- (d) all Recipient Personnel;
  - (i) who are employed or engaged solely for the purposes of this Agreement are employed or engaged under written agreements under which all Intellectual Property Rights in any New Material vest in the Recipient on the creation of that New Material; and
  - (ii) who are not employed or engaged solely for the purposes of this Agreement are employed or engaged under written agreements under which all Intellectual Property Rights in any work (as defined in the *Copyright Act*), product or other material created by the Recipient Personnel vest in the Recipient on the creation of that work, product or material.

## 21.4 Intellectual Property Rights Indemnity

The Recipient indemnifies and will keep indemnified Tourism WA and all officers, employees and agents of Tourism WA from and against all costs, losses, expenses, actions, suits, demands, claims, damages and other liabilities resulting from the Recipient's failure to comply with this clause 21, including any breach of warranty under clause 21.3, or otherwise resulting from the actual or alleged infringement of the Intellectual Property Rights or the Moral Rights of any third party by the Recipient.

## 21.5 Working Papers

Copyright and property in all Working Papers vest in the Recipient.

**21.6 Continuing Obligation**

The obligations of the Recipient under this clause 21 are continuing obligations and survive expiration or termination of this Agreement.

**SCHEDULE 1 CONTACT OFFICERS****1. NOTICE ADDRESSES****1.1 Tourism WA**

Registered Mail:	GPO Box X2261, Perth WA 6847
Email:	<a href="mailto:contract.notices@westernaustralia.com">contract.notices@westernaustralia.com</a>

**1.2 Recipient**

Registered Mail:	Locked Bag 1, Busselton WA 6280
Email:	<a href="mailto:city@busselton.wa.gov.au">city@busselton.wa.gov.au</a>

**2. CONTACT OFFICERS****2.1 Tourism WA**

Name:	Roseanna Chester
Job Title:	A/Aboriginal Tourism Coordinator
Phone:	(08) 9262 1876
Email:	<a href="mailto:Roseanna.chester@westernaustralia.com">Roseanna.chester@westernaustralia.com</a>
Street Address:	Level 10, 1 William Street, Perth WA 6000

**2.2 Recipient**

Name:	Jacque Happ
Job Title:	Cultural Development Officer
Phone:	(08) 9781 0335
Email:	<a href="mailto:jacque.happ@busselton.wa.gov.au">jacque.happ@busselton.wa.gov.au</a>
Street Address:	2 Southern Drive, Busselton WA 6280

**2.3 Recipient financial contact**

Name:	Suzie Chidgey
Job Title:	Assistant Accountant
Phone:	(08) 9781 1706
Email:	<a href="mailto:Suzie.chidgey@busselton.wa.gov.au">Suzie.chidgey@busselton.wa.gov.au</a>

## **SCHEDULE 2      FINANCIAL REPORT**

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The information listed below is indicative of the information requested by Tourism WA and may be varied by Tourism WA from time to time in its absolute discretion.

1.    Funding received from Tourism WA to date;
2.    Total monies committed and other funds received (if any);
3.    Actual payments to date; and
4.    Amount of interest earned on the Funding and on any income generated by the Project.

### **SCHEDULE 3      PROJECT REPORT**

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The information listed below, is indicative of the information requested by Tourism WA and may be varied by Tourism WA from time to time in its absolute discretion.

#### **1. Project Report**

- a. Fulfilment of Recipient's Deliverables (activities and outputs);
- b. Milestones/achievements target for the reporting period;
- c. Milestones/actual achievements for the reporting period;
- d. Explanation of variances between target and actual achievements, including reasons why milestones were not achieved, impediments encountered, action taken to overcome these and potential future impediments if any;
- e. Project indicators;
- f. Risks in relation to the Project, including in relation to completing the Recipient Obligations and solutions proposed by the Recipient in relation to these risks;
- g. What the Funding received has been spent on; and
- h. Provide copies of contracts entered into between the Recipient and any other party in relation to the Project, including third party agreements.

## SCHEDULE 4 PROJECT DETAILS

### 1. USE OF FUNDING BY THE RECIPIENT

The Recipient must use the Funding to carry out the Project in accordance with this Agreement and for no other purpose.

### 2. FUNDING AMOUNT

Funding of **\$50,000 (excluding GST)** will be provided by Tourism WA to the Recipient in the manner and within the timeframes outlined in item 3.3 of this Schedule 4 and in Schedule 6.

### 3. DETAILED DESCRIPTION OF PROJECT

#### 3.1 *Recipient's Deliverables and Payment of Funding*

Funding is provided to the Recipient to facilitate the development, in conjunction with Karri Karrak Aboriginal Corporation, of an Aboriginal art design concept that will be installed throughout the Busselton Airport. (Project)

This Project forms part of the Jina – Western Australian Aboriginal Tourism Action Plan (2021 - 2025) and will aim to achieve the following objectives:

- (a) create a uniquely Western Australia cultural welcome for visitors; and
- (b) promote visitor awareness and engagement with Aboriginal culture at a key gateway facility, positioning Western Australia as a premier Aboriginal tourism destination.

The Project is to align to Tourism WA's current brand and messaging and the Recipient will working collaboratively with Tourism WA, regarding industry communications in relation to the Project.

The Recipient agrees to commence the Project immediately after execution of this Agreement. The Date for Project Completion and Deliverables subject to this Agreement is 31 May 2025.

The deliverables and milestones are set out in the table below and are subject to the Special Conditions in Item 4 of this Schedule.

Deliverables		Milestone
A	Signing of the Agreement by both parties.	July 2024
B	Recipient, in conjunction with Karri Karrak Aboriginal Corporation, to plan, execute and manage Project as follows: <ul style="list-style-type: none"> <li>• expression of Interest (EOI) for artwork development opportunity to be released (July 2024);</li> <li>• submission dates for EOI to close (September 2024);</li> <li>• panel review of EOI submissions, selection of preferred artist (October 2024);</li> <li>• chosen artist informed, formal agreement put into place (October 2024);</li> <li>• artist to commence work (November 2024);</li> <li>• installation of works (February 2025); and</li> <li>• completion of works and opening ceremony (March-April 2025).</li> </ul>	Various as required during the Term of this Agreement
C	Recipient to provide Tourism WA a Final Report outlining the outcomes and five (5) high resolution photos within sixty (60) days of the installation of the artwork at Busselton Airport.	May-June 2025
Completion of the Project, including all of the Deliverables		31 May-June 2025

**3.2 Budget and Budget Resources**

Item of Expenditure	Amount \$	Source of Funds
Development and delivery of Project.	\$50,000	Tourism WA
<b>Total Budget (excluding GST)</b>	<b>\$50,000</b>	

**3.3 Payment Milestones**

Disbursal of the available Funding will be payable in one (1) instalment and subject to the following:

The first instalment of Funding will be payable following execution of this Agreement by all Parties and commencement of the Project.

Deliverable	Payment details and timing	Milestone Amount \$
A Execution of the Agreement	Payment will be authorised within (20) Business Days upon receipt of a tax invoice and acceptance by Tourism WA of documented evidence that this Deliverable has been met.	\$50,000 (excluding GST)

**4. SPECIAL CONDITIONS****4.1 Insurance Policies**

- (a) The Recipient shall for the Term of this Agreement at its own cost, effect and keep current:
  - i. Workers' Compensation / employers indemnity insurance in accordance with the provisions of the *Workers Compensation and Injury Management Act 1981 (WA)*, including cover for common law liability for an amount not less than \$50,000,000 for any one event in respect of workers of the Recipient; and
  - ii. Public Liability insurance for a minimum amount of \$20,000,000 in respect of any one claim and unlimited in the aggregate.
- (b) Following a written request from or on behalf of Tourism WA the Recipient, shall provide to Tourism WA certificates of currency for the insurance policies or a declaration in a form satisfactory to Tourism WA from the Recipient's insurer confirming that the insurance requirements under this Agreement have been met.
- (c) It is the sole responsibility of the Recipient to ensure that any personnel employed or engaged for the purposes of meeting its Obligations are adequately insured for the nature of services or work to be performed or provided by them.

**5. LOCAL PRODUCTS AND SERVICES**

The Recipient, in or in connection with procuring goods and services for or preparatory to the Project shall use all reasonable commercial endeavours to maximise:

- (a) such procurement from providers which have a business address closest to the place where the Project is to be carried out; and
- (b) the employment of persons who live closest to the place where the Project is to be carried out.

**6. ABORIGINAL PARTICIPATION**

In carrying out the Project, the Recipient must comply with any applicable State policies in relation to creating employment opportunities and engaging and developing relationships with Indigenous peoples.

## SCHEDULE 5 ACCOUNTS AND REPORTING

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- (a) The Recipient is to provide Tourism WA with a report (**Progress Report**) to coincide with Project deliverables as outlined in Item 3.1 of Schedule 4 and or within one (1) month after receipt by the Recipient of any written request from Tourism WA to do so or of any earlier termination of this Agreement. This report must be certified by the Chief Financial Officer or other accountable officer of the Recipient, and include:
- (i) a Financial Report certifying that the Funding was used for the Project, confirming the amount of Funding spent and which must include the information set out in Schedule 2; and
  - (ii) a Project Report which must include the information set out in Schedule 3, showing how and to what extent the Funding was spent and the extent to which the Recipient's Deliverables were performed and the Milestones met.

For the avoidance of doubt Tourism WA may:

- i. request progress reports at more regular intervals, but must not request progress reports at more regular intervals than every week; and
  - ii. determine in its absolute discretion what information the Recipient is required to include in a Progress Report and requiring less information in a Progress Report than that prescribed in item (a) of this Schedule 5 in any one instance does not constitute a waiver of Tourism WA's right to receive the information prescribed in item (a) of this Schedule 5 in every other progress report.
- (b) On completion of the Project, the Recipient is to provide Tourism WA with a report (**Final Report**) to coincide with Project deliverables as outlined in Item 3.1 of Schedule 4 or within one (1) month after receipt of any written request from Tourism WA to do so or of any earlier termination of this Agreement. This report must be certified by the Chief Financial Officer or other accountable officer of the Recipient, and include:
- (i) a Financial Report certifying that the Funding was used for the Project, confirming the amount of Funding spent and which must include the information set out in Schedule 2; and
  - (ii) a Project Report which must include the information set out in Schedule 3, showing how and to what extent the Funding was spent and the extent to which the Recipient's Deliverables were performed and the Milestones met.

**SCHEDULE 6      PAYMENT OF THE FUNDING**

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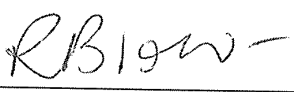

Funding will be made available subject to, in the manner outlined in, and for the purpose outlined in this Agreement.

The payment of the Funding or each tranche of the Funding as outlined in Item 3.3 of Schedule 4 (if applicable) will be processed by Tourism WA and by the time required by this Agreement, transferred into the following bank account of the Recipient by electronic funds transfer:

<b>Account name:</b>	City of Busselton
<b>BSB:</b>	016-580
<b>Account number:</b>	4343 05071

**EXECUTION OF THIS AGREEMENT**

**EXECUTED** by the Parties as an Agreement.

<p>Signed for and on behalf of</p> <p><b>WESTERN AUSTRALIAN TOURISM COMMISSION</b> by a duly authorised signatory:</p>  <p>REBECCA BROWN PSM Chief Executive Officer Western Australian Tourism Commission</p> <p><u>28/7/24.</u></p> <p>Date</p>	<p>Signed for and on behalf of</p> <p><b>CITY OF BUSSELTON</b> by a duly authorised signatory:</p>  <p>Maxine Palmer Director Economic and Business Development City of Busselton</p> <p><u>2/8/24</u></p> <p>Date</p>
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As of 11 August 2024,

TENDER INFORMATION	COUNCIL OR CEO DECISION	STATUS
<b>RFT02/24 Sediment Removal – Vasse River</b> The City's objective of this Request for Tender is the removal of nutrient rich organic sediments that have accumulated throughout the bed of the Lower Vasse River.	Council	<ul style="list-style-type: none"> <li>• A request for tender was advertised on 6 April 2024 and closed on 22 May 2024</li> <li>• Three submissions were received.</li> <li>• An evaluation panel is currently assessing the submissions.</li> <li>• Further clarifications are being evaluated on the methodology</li> </ul>
<b>RFT04/24 Dunsborough Park Shopping Centre toilet Block</b> The existing public toilet at Dunsborough Park Shopping Centre is due for upgrade and renewal this financial year. The intention of the upgrade and renewal works is to improve the overall appearance and function of the ablution and to comply with the current legislative requirements.	CEO Delegated Authority	<ul style="list-style-type: none"> <li>• A request for tender was advertised on 13 March 2024 and closed on 10 April 2024</li> <li>• Four submissions were received.</li> <li>• An evaluation panel has assessed the submissions.</li> <li>• Award of the contract has been delayed whilst continued use of the toilet block is considered by Council</li> </ul>
<b>RFT09/24 Provision of Security Screening Services at Busselton Margaret River Airport (BMRA)</b>	Council	<ul style="list-style-type: none"> <li>• A request for tender was advertised on 19 June 2024 and closed on 19 July 2024</li> <li>• Five submissions were received.</li> <li>• An evaluation panel is currently assessing the submissions</li> </ul>
<b>RFT10/24 Supply and Installation of replacement lift at Busselton Jetty Underwater Observatory</b>	CEO Delegated Authority	<ul style="list-style-type: none"> <li>• A request for tender was advertised on 10 July 2024, and closed on 21 August 2024</li> <li>• Two submissions were received</li> <li>• An evaluation panel is currently assessing the submissions</li> </ul>

TENDER INFORMATION	COUNCIL OR CEO DECISION	<ul style="list-style-type: none"> <li>STATUS</li> </ul>
<b>RFT11/24 Supply and Delivery of mobile passenger boarding ramp for Busselton Margaret River Airport (BMRA)</b>	CEO Delegated Authority	<ul style="list-style-type: none"> <li>A request for tender was advertised on 31 July 2024 and closed on 21 August 2024.</li> <li>Three submissions were received.</li> <li>An evaluation panel is currently assessing the submissions.</li> </ul>
<b>RFT12/24 Geographe Bay Coastal Mitigation Works 2024-2025</b>	Council	<ul style="list-style-type: none"> <li>A request for tender was advertised on 21 August 2024 and is closing on Wednesday 18 September 2024.</li> </ul>
<b>PQS01/24 General Maintenance of City owned buildings</b>	Council	<ul style="list-style-type: none"> <li>A request for applications to join a panel of pre-qualified suppliers was advertised on 19 June and closed on 10 July 2024</li> <li>Six submission were received.</li> <li>An evaluation panel is currently assessing the submissions.</li> </ul>

**As at 29 August 2024**

APPLICATION (Name, No. and City File Reference)	PROPERTY	DATE COMMENCED	DECISION BEING REVIEWED	STAGE COMPLETED	NEXT ACTION AND DATE OF ACTION AS PER SAT ORDERS	DATE COMPLETED / CLOSED
<b>CITY OF BUSSELTON</b>						
Amber Cloud Pty Ltd v City of Busselton (DR 231/2021)	Lot 101 Wilyabrup Road, Wilyabrup	November 2021	Review of a decision to refuse or conditionally grant an application under a planning scheme  (Single House)	Refer to previous versions of this report for historical information. <ul style="list-style-type: none"> <li>Directions hearing on 2 February 2024 was vacated and the matter is listed for a directions hearing on 31 May 2024.</li> <li>Directions hearing on 31 May 2024 was vacated and the matter is listed for a directions hearing on 30 August 2024.</li> <li>Directions hearing on 30 August 2024 was vacated and is to be listed for a directions hearing not before 25 October 2024.</li> </ul>	Directions hearing to be listed not before 25 October 2024	
Silverlodge Pty Ltd v City of Busselton (CC 1225/2023)	585 Caves Rd Marybrook	September 2023	Review of a decision under the Caravan Parks and Camping Grounds Act 1995.	Refer to previous versions of this report for historical information <ul style="list-style-type: none"> <li>On 23 July 2024 it was Ordered that the Applicant have leave to withdraw the proceeding and the proceeding is withdrawn.</li> </ul>	Proceeding withdrawn	
Silverlodge Pty Ltd v City of Busselton (CC 547/2024)	585 Caves Rd Marybrook	August 2024	Review of a decision under the Caravan Parks and Camping Grounds Act 1995.	Application filed in the SAT on 13 August 2024 <ul style="list-style-type: none"> <li>Direction hearing listed for 30 August 2024.</li> <li>Directions hearing on 30 August 2024 was vacated and is to be listed for a directions hearing not before 25 October 2024.</li> </ul>		
Happ & Anor v City of Busselton (DR 159/2022) (DR 197/2022) (DR 152/2023)	575 Commonage Road Quindalup	November 2022	1. Review of directions under s214(2) and s214(3) by the City 2. Review of decision to refuse application under a planning scheme	Refer to previous versions of this report for historical information <ul style="list-style-type: none"> <li>Refer to the Orders issued on 25 July 2024 <a href="https://ecourts.justice.wa.gov.au/eCourtsPortal/Decisions/ViewDecision?id=e616dbf9-ebe0-4bc9-a69a-5004ce365736">https://ecourts.justice.wa.gov.au/eCourtsPortal/Decisions/ViewDecision?id=e616dbf9-ebe0-4bc9-a69a-5004ce365736</a></li> </ul>	Proceedings withdrawn	
Forrest v City of Busselton (DR 101/2023)	Ludlow Park Road, Ludlow	June 2023	Review of a decision to refuse or conditionally grant an application under a planning scheme  (Industry - Extractive)	Refer to previous versions of this report for historical information <ul style="list-style-type: none"> <li>On 24 May 2024 it was ordered that: <ul style="list-style-type: none"> <li>The hearing listed for 29-31 July 2024 is vacated.</li> <li>The Applicant has leave to withdraw the proceeding and the proceeding is withdrawn.</li> <li>There is no order as to costs.</li> </ul> </li> </ul>	Proceedings withdrawn	24 May 2024
Leeuwin Civil Pty Ltd v City of Busselton (DR 78/2024)	Lot 2 Nuttman Road and Lot 3 Chapman Hill East Road, Chapman Hill	May 2024	Review of a decision to refuse or conditionally grant an application under a planning scheme  (Industry - Extractive)	Application filed in the SAT on 27 May 2024. <ul style="list-style-type: none"> <li>Direction hearing on 21 June 2024 it was ordered <ul style="list-style-type: none"> <li>The matter to be listed for mediation on 29 July 2024;</li> <li>The Mayor is invited to attend and or nominate one or more councillors and/or the CEO to attend mediation;</li> <li>Applicant to provide additional information by 22 July 2024;</li> <li>Ms Maria Gorla is invited to present for a duration of 10 minutes at the commencement of mediation.</li> </ul> </li> <li>Directions hearing on 26 July 2024 it was ordered <ul style="list-style-type: none"> <li>Mr Vernon Bussell is invited to present for a duration of 10 minutes at the commencement of mediation;</li> </ul> </li> <li>Mediation on 29 July 2024 it was ordered</li> </ul>	Mediation on 9 September 2024	

APPLICATION (Name, No. and City File Reference)	PROPERTY	DATE COMMENCED	DECISION BEING REVIEWED	STAGE COMPLETED	NEXT ACTION AND DATE OF ACTION AS PER SAT ORDERS	DATE COMPLETED / CLOSED
				<ul style="list-style-type: none"> <li>– Applicant to provide additional information by 12 August 2024</li> <li>– The matter to be listed for mediation on 9 September 2024</li> </ul>		
Radic v City of Busselton (DR 88/2024)	2/48 Hammond Road, Yallingup	June 2024	Review of a decision to refuse or conditionally grant an application under a planning scheme (Grouped Dwelling)	Application filed in the SAT on 20 June 2024. <ul style="list-style-type: none"> <li>• Direction hearing for 12 July 2024 is vacated and the matter to be listed for mediation on 30 August 2024.</li> </ul>	Mediation on 30 August 2024	
REGIONAL JOINT DEVELOPMENT ASSESSMENT PANEL						
NIL						

# Council Resolution Status Update: September 2024

Meeting Date	Item	Status	Action Required	Action Taken	Completed								
16/08/2023	Amendment 54 to Local Planning Scheme 21 Lot 2883 Puzey Road, Wilyabrup	Completed	<div><p><b>COUNCIL DECISION</b></p><p><b>C2308/88</b> Moved Cr Paul Carter, seconded Cr Phill Cronin</p><p>That the Council:</p><p>1. In pursuance of the Planning and Development Act (Local Planning Schemes) Regulations 2015 (the Regulations) adopts Amendment 54 to the City of Busselton Local Planning Scheme 21 (the Scheme) for final approval, for the purposes of:</p><p>a)Inserting a new ‘Special Provision Area 76’ as follows:</p><table><tr><th>No.</th><th>Particulars of Land</th><th>Zone</th><th>Special Provisions</th></tr><tr><td>SP76</td><td>Strata Lots 20, 21, 31, 37, 46 and 47 on Survey-Strata Plan 54626 (Lot 2883) Puzey Road, Wilyabrup</td><td>Viticulture and Tourism</td><td>For Lots 20, 21, 31, 37, 46 and 47, as shown on the current Strata Plan 54626 (approved on 24 December 2021), one Chalet per lot is permitted as unrestricted length of stay.</td></tr></table><p>b)Amending the Scheme Map accordingly.</p><p>2. In accordance with Regulation 35 (2) of the Planning and Development (Local Planning Schemes) Regulations 2015, determines that Amendment No. 54 of the City of Busselton Local Planning Scheme No. 21 is a ‘complex amendment’ in accordance with r.34 of the Regulations as it is:</p><p>(a) an amendment that is not consistent with a Local Planning Strategy for the Scheme that has been endorsed by the Commission.</p><p>3. Pursuant to r. 53 of the Regulations, endorses the Schedule of Submissions at Attachment 5, which has been prepared in response to the public consultation process.</p><p>4. Upon preparation of the necessary documentation, refers the adopted Amendment 54 to the WAPC for consideration and determination in accordance with the <i>Planning and Development Act 2005</i>.</p><p>5. Pursuant to r. 56 of the Regulations, should directions be given that modifications to Amendment 54 are required, direct these modifications to be undertaken accordingly, on behalf of the Council, unless they are considered by officers to significantly affect the purpose and intent of the Amendment, in which case the matter shall be formally referred back to the Council for assessment and determination</p><p>CARRIED 7 / 0</p><p>EN BLOC</p></div>	No.	Particulars of Land	Zone	Special Provisions	SP76	Strata Lots 20, 21, 31, 37, 46 and 47 on Survey-Strata Plan 54626 (Lot 2883) Puzey Road, Wilyabrup	Viticulture and Tourism	For Lots 20, 21, 31, 37, 46 and 47, as shown on the current Strata Plan 54626 (approved on 24 December 2021), one Chalet per lot is permitted as unrestricted length of stay.	<p><b>07/09/2023 David Sands</b></p> <p>Letter drafted CEO approval required prior to documentation being sent to WAPC.</p> <p><b>08/02/2024 Tegan Robertson</b></p> <p>Awaiting Gazettal - expected imminently.</p> <p><b>08/04/2024 Tegan Robertson</b></p> <p>Amendment 54 was Gazetted on 2 Feb 2024.</p>	
No.	Particulars of Land	Zone	Special Provisions										
SP76	Strata Lots 20, 21, 31, 37, 46 and 47 on Survey-Strata Plan 54626 (Lot 2883) Puzey Road, Wilyabrup	Viticulture and Tourism	For Lots 20, 21, 31, 37, 46 and 47, as shown on the current Strata Plan 54626 (approved on 24 December 2021), one Chalet per lot is permitted as unrestricted length of stay.										
16/08/2023	Proposed Amendment 56 to Local Planning	On Hold	<div><p><b>COUNCIL DECISION</b></p></div>	<p><b>01/09/2023 Justin Biggar</b></p>									

Meeting Date	Item	Status	Action Required	Action Taken	Completed
	Scheme 21 Special Character Area		<p><b>C2308/90</b> Moved Cr Phill Cronin, seconded Cr Anne Ryan</p> <p><b>That the Council:</b></p> <ol style="list-style-type: none"> <li>In pursuance of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> (the Regulations) initiates Amendment 56 to the City of Busselton Local Planning Scheme No. 21 (the Scheme) for community consultation for the purposes of: <ol style="list-style-type: none"> <li>Amending clause 5.7.3 to read as follows: <ol style="list-style-type: none"> <li>5.7.3 Where such objectives, provisions and/or controls are specified in Schedule 4 in relation to a designated Special Character Area, those objectives, provisions and/or controls act in conjunction with the other provisions of this Scheme relevant to that area.</li> </ol> </li> </ol> </li> <li>Pursuant to r.35(2) determine that Amendment 56 is a 'standard amendment' as it is: <ol style="list-style-type: none"> <li>An amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;</li> <li>An amendment that does not result in any significant environmental, social, economic or governance impacts on land in the Scheme area; and</li> <li>Any other amendment that is not a complex or basic amendment.</li> </ol> </li> <li>That as the amendment is in the opinion of Council, consistent with Part V of the <i>Planning and Development Act 2005</i> (the Act) and the Regulations made pursuant to the Act, that upon preparation of the necessary documentation, refer the amendment to the Environmental Protection Authority (EPA) and upon receipt of a response that the amendment is not subject to formal environmental assessment, advertise the proposal for a period of 42 days. Where the EPA determines the amendment is to be subject to formal environmental assessment, the assessment is to be prepared prior to advertising of the draft amendment.</li> <li>Council note that the City will proceed within 12 months the following further stages for review of the Special Character Areas: <ol style="list-style-type: none"> <li>Undertake a broader review of the Special Character Area framework which includes the related Scheme provisions and suite of local planning policies.</li> <li>As part of the review, the City will engage with the community to inform the preparation of revised planning controls consistent with the contemporary planning framework.</li> <li>Incorporate the findings of the stage 2 review within the planning framework.</li> </ol> </li> <li>Amend Delegation DA7 - 01 by adding the following as point 2 in the Conditions section (with subsequent points being renumbered accordingly) -  <u>Applications in Special Character Areas requiring the exercise of discretion</u>  All applications for development approval affecting land within the Special Character Areas, as identified in Schedule 4 of the Scheme, and which involve the exercise of discretion, must be brought to Council for determination, unless the application has been refused under delegated authority. <p style="text-align: right;"><b>CARRIED 6 / 0</b> <b>BY ABSOLUTE MAJORITY</b></p> </li> </ol>	<p>Amendment report signed and forwarded to EPA for advice and the Minister for consent to advertise.</p> <p>Advice received of no further action from EPA (DOC ID 5223763) and Minister granted consent to advertise (DOC ID 5221999).</p> <p>Advertising of amendment currently on hold until further consultation with affected communities is undertaken.</p>	
20/09/2023	Notice of Motion - Introduction of Recreation Facilities Reserve	Completed	<p>Please action as per resolution.</p> <p><b>COUNCIL DECISION</b></p> <p><b>C2309/119</b> Moved Cr Grant Henley, seconded Cr Anne Ryan</p> <p>That Council requests the CEO to prepare a report that considers the introduction of a dedicated Recreation Facilities Reserve as part of budget preparations and review of the Long-Term Financial Plan.</p> <p style="text-align: right;"><b>CARRIED 8 / 0</b> <b>FOR: Cr Grant Henley, Cr Paul Carter, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, Cr Phill Cronin, Cr Sue Riccelli and Cr Ross Paine</b> <b>AGAINST: Nil</b></p>	<p><b>07/08/2024 Tegan Robertson</b></p> <p>The Council resolved (C2407/207) to establish a new Sport and Recreational Facilities and Infrastructure Development Reserve on 31 July 2024.</p>	07/08/2024
18/10/2023	Audit and Risk Committee - 13/09/2023 - CEO Review of Systems	Completed	<p><b>COUNCIL DECISION</b></p>	<p><b>01/12/2023 Tim Allingham</b></p> <p>Transferred to Governance 01-Dec-2023.</p>	06/03/2024

Meeting Date	Item	Status	Action Required	Action Taken	Completed
	and Procedures (REG 17) - Update on Recommendations		<p><b>C2310/123</b> Moved Cr Jodie Richards, seconded Cr Paul Carter</p> <p>That the Council acknowledge the status update in relation to the recommendations of the Regulation 17 Review (as at the beginning of September 2023) and note that the next update will be provided to the Audit and Risk Committee post the conclusion of the December 2023 quarter.</p> <p><b>CARRIED 9 / 0</b></p> <p><b>FOR:</b> Cr Grant Henley, Cr Paul Carter, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, Cr Phill Cronin, Cr Sue Riccelli, Cr Mikayla Love and Cr Ross Paine</p> <p><b>AGAINST:</b> Nil</p>	<p><b>08/02/2024 Tegan Robertson</b></p> <p>Officers continue to progress addressing the recommendations of the Regulation 17 Review.</p> <p><b>06/03/2024 Tegan Robertson</b></p> <p>Status update on progress of the Regulation 17 Review recommendations has been provided in a report to the Audit and Risk Committee for the 13 March 2024 meeting.</p>	
18/10/2023	Policy and Legislation Committee - 13/09/2023 - Bush Fire Brigades Local Law	Completed	<p><b>COUNCIL DECISION</b></p> <p><b>C2310/124</b> Moved Cr Jodie Richards, seconded Cr Paul Carter</p> <p>That the Council:</p> <ol style="list-style-type: none"> <li>Resolves to make the <i>City of Busselton Bushfire Brigades Local Law 2023</i> in accordance with section 3.12(4) of the <i>Local Government Act 1995</i>.</li> <li>Authorises the Chief Executive Officer to carry out the processes required to make the <i>City of Busselton Bushfire Brigades Local Law 2023</i> in accordance with section 3.12(5) and section 3.12(6) of the <i>Local Government Act 1995</i>.</li> </ol> <p><b>CARRIED 9 / 0</b></p> <p><b>FOR:</b> Cr Grant Henley, Cr Paul Carter, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, Cr Phill Cronin, Cr Sue Riccelli, Cr Mikayla Love and Cr Ross Paine</p> <p><b>AGAINST:</b> Nil</p>	<p><b>01/11/2023 Briony McGinty</b></p> <p>Gazetted on 31 October 2023.</p>	03/04/2024
18/10/2023	Application for Development Approval - DA23/0359 – Holiday Home (Single House) 8 People – Lot 101 (18) Eagle Crescent, Eagle Bay	Completed	<p><b>COUNCIL DECISION</b></p> <p><b>C2310/138</b> Moved Cr Jodie Richards, seconded Cr Paul Carter</p> <p>That the Council:</p> <ol style="list-style-type: none"> <li>Consider that the application for a Change of Use Holiday Home (Single House) 8 People is generally consistent with Local Planning Scheme No. 21 and the objectives of the zone in which it is located; and</li> <li>Grant development approval for the proposal subject to the following conditions:</li> </ol> <p><b>GENERAL CONDITIONS:</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>The use hereby approved shall be in accordance with the Approved Plan dated 18 October 2023 and endorsed Bushfire Management Plan and Emergency Evacuation Plan (Version 1 dated 19 May 2023) including any conditions placed thereon by the City of Busselton.</li> <li>The use hereby approved shall at all times comply with the definition of Holiday Home (Single House) as provided in Schedule 1 of the City of Busselton <i>Local Planning Scheme No. 21</i>, as follows:</li> </ol>	<p><b>03/04/2024 Tegan Robertson</b></p> <p>Decision notice issued 20 October 2023</p>	03/04/2024

Meeting Date	Item	Status	Action Required	Action Taken	Completed
			<p><i>“Holiday Home (Single House)” means a single house (excluding ancillary accommodation), which may also be used for short stay accommodation for hire or reward for no more than 12 people (but does not include a bed and breakfast, chalet development, guesthouse, rural tourist accommodation or tourist accommodation).</i></p> <p>Notwithstanding the above interpretation, the approved use is restricted to a maximum of eight persons.</p> <p>4. Advertising signage associated with the approved use shall be no greater than 0.2m<sup>2</sup>, located within the subject site.</p> <p>5. A minimum number of three car parking bays shall be provided on site.</p> <p>PRIOR TO COMMENCEMENT OF ANY WORKS CONDITIONS:</p> <p>6. 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:</p> <p>6.1 A notification in the form of a section 70A notification, pursuant to the <i>Transfer of Lands Act 1893</i> (as amended) is to be placed on the Certificate of Title of the lot advising that:</p> <p><i>“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 Holiday Home (Single House) is conditional upon the details contained within the Bushfire Management Plan (BMP) prepared by Bushfire Prone Planning, Version 1, dated 19 May 2023 and the accompanying Bushfire Emergency Evacuation Plan (BEEP).”</i></p> <p>A copy of the Certificate of Title with section 70A notification registered against it, or a Landgate lodgement receipt, is to be submitted to the City.</p> <p>6.2 Details of on-site effluent disposal works.</p> <p>6.3 Details of the means and method of providing a potable water supply of 135,000 litres or equivalent alternative water supply as otherwise approved in writing by the City.</p> <p>PRIOR TO OCCUPATION/USE OF THE DEVELOPMENT CONDITIONS:</p> <p>7. The development hereby approved shall not be occupied, or used, until all plans, details or works required by Conditions 2, 3, 4, 5 and 6 have been implemented.</p> <p>ONGOING CONDITIONS:</p> <p>8. The works undertaken to satisfy Conditions 2, 3, 4, 5 and 6 shall be subsequently maintained for the life of the development and the following conditions complied with:</p> <p>a) The owner must implement the approved Bushfire Management Plan and Bushfire Emergency Evacuation Plan prepared by Bushfire Prone Planning, Version 1, dated 19 May 2023 for the duration of the development.</p> <p>CARRIED 9 / 0</p> <p>FOR: Cr Grant Henley, Cr Paul Carter, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, Cr Phill Cronin, Cr Sue Riccelli, Cr Mikayla Love and Cr Ross Paine</p> <p>AGAINST: Nil</p>		

Meeting Date	Item	Status	Action Required	Action Taken	Completed																																																																																																																																																																													
15/11/2023	Budget Amendments - Infrastructure and Environment	Completed	<div> <div>COUNCIL DECISION</div> <div> <div>C2311/169 Moved Cr Jodie Richards, seconded Cr Andrew Macnish</div> <table> <tr> <th colspan="6">Amendment Description</th></tr> <tr> <th colspan="6">Project Description</th></tr> <tr> <th rowspan="2">Item #</th><th>Budgeted Municipal Net Current Position</th><th>Operational Expenditure Budget</th><th>Capital Expenditure Budget</th><th>Grant</th><th>Reserves or Restricted Assets</th></tr> <tr> <th>Increase / (Decrease)</th><th>Increase / (Decrease)</th><th>Increase / (Decrease)</th><th>(Increase) / Decrease</th><th>Increase / (Decrease)</th></tr> <tr> <td rowspan="3">1</td><td colspan="5">Increase Capital Budget</td></tr> <tr> <td colspan="5">Project 15103 - Prince Street Laneway (C)</td></tr> <tr> <td>-</td><td>-</td><td>28,003</td><td>-</td><td>(28,003)</td></tr> <tr> <td rowspan="3">2</td><td colspan="5">Reduce Capital Budget on Existing Project</td></tr> <tr> <td colspan="5">Project 14859 Kershaw Street – Asphalt Overlay SLK 0 to 0.25 (C)</td></tr> <tr> <td>-</td><td>-</td><td>(18,825)</td><td>-</td><td>18,825</td></tr> <tr> <td rowspan="3">3</td><td colspan="5">Reduce Capital Budget on Existing Project</td></tr> <tr> <td colspan="5">Project 14858 Artisan Street – Asphalt Overlay SLK 0.02 to 0.16 (C)</td></tr> <tr> <td>-</td><td>-</td><td>(9,178)</td><td>-</td><td>9,178</td></tr> <tr> <td rowspan="3">4</td><td colspan="5">Remove Capital Project</td></tr> <tr> <td colspan="5">Project 14875 – Eagle Bay Boat Ramp Parking off Fern Road (C)</td></tr> <tr> <td>-</td><td>-</td><td>(30,000)</td><td>-</td><td>30,000</td></tr> <tr> <td rowspan="3">5</td><td colspan="5">Add Budget to Existing Capital Project</td></tr> <tr> <td colspan="5">Project 14876 Eagle Crescent on Road Parking – Footpath Alignment (C)</td></tr> <tr> <td>-</td><td>-</td><td>23,000</td><td>-</td><td>(23,000)</td></tr> <tr> <td rowspan="3">6a</td><td colspan="5">Add Budget to Existing Capital Project</td></tr> <tr> <td colspan="5">Project 11986 – Causeway Road Shared Path (C)</td></tr> <tr> <td>-</td><td>-</td><td>30,000</td><td>-</td><td>(30,000)</td></tr> <tr> <td rowspan="3">6b</td><td colspan="5">Add Grant Revenue for Existing Capital Project</td></tr> <tr> <td colspan="5">Project 11986 – Causeway Road Shared Path (C)</td></tr> <tr> <td>-</td><td>-</td><td>75,000</td><td>(75,000)</td><td>-</td></tr> <tr> <td rowspan="3">7</td><td colspan="5">Increase Capital Budget</td></tr> <tr> <td colspan="5">Project 11998 – Kaloorup Road Reseal SLK 0.82 to 8.76 (C)</td></tr> <tr> <td>-</td><td>-</td><td>60,000</td><td>-</td><td>(60,000)</td></tr> <tr> <td rowspan="3">8</td><td colspan="5">Reduce Capital Budget</td></tr> <tr> <td colspan="5">Project 14850 – Cook Street Asphalt Overlay SLK 0.39 to 1.25 (C)</td></tr> <tr> <td>-</td><td>-</td><td>(60,000)</td><td>-</td><td>60,000</td></tr> <tr> <td>Totals</td><td>-</td><td>-</td><td>98,000</td><td>(75,000)</td><td>(23,000)</td></tr> </table> <div> <div>CARRIED 7 / 0</div> <div>FOR: Cr Andrew Macnish, Cr Jarrod Kennedy, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, Mayor Phill Cronin and Cr Sue Riccelli</div> <div>AGAINST: Nil</div> </div> </div> </div>	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)	<div>03/04/2024 Tegan Robertson</div> <div>Budget amendments actioned.</div>	03/04/2024
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	Project 14875 – Eagle Bay Boat Ramp Parking off Fern Road (C)																																																																																																																																																																																	
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5	Add Budget to Existing Capital Project																																																																																																																																																																																	
	Project 14876 Eagle Crescent on Road Parking – Footpath Alignment (C)																																																																																																																																																																																	
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	Project 11998 – Kaloorup Road Reseal SLK 0.82 to 8.76 (C)																																																																																																																																																																																	
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8	Reduce Capital Budget																																																																																																																																																																																	
	Project 14850 – Cook Street Asphalt Overlay SLK 0.39 to 1.25 (C)																																																																																																																																																																																	
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Meeting Date	Item	Status	Action Required	Action Taken	Completed
			<div>BY ABSOLUTE MAJORITY</div>		

Meeting Date	Item	Status	Action Required	Action Taken	Completed
15/11/2023	Application for Development Approval (DA22/0806) - Single House - Lots 41 & 42 Caves Road, Marybrook	Completed	<p><b><u>COUNCIL DECISION</u></b></p> <p><b>C2311/170</b> Moved Cr Kate Cox, seconded Cr Anne Ryan</p> <p>That the Council determines:</p> <p>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</p> <p>2. To refuse to grant development approval for the following reasons:</p> <p>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.</p> <p>b. This site is zone residential R2.5 which subsequently allows for the construction of a single dwelling (1 dwelling per 4000m2). This development application could not be considered to be a single dwelling and is therefore inconsistent with the minimum area required per dwelling.</p> <p>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 Tree's (Agonis Flexuosa) which will adversely impact the WRP 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.</p> <p><b>CARRIED 7 / 0</b></p> <p><b>FOR: Cr Andrew Macnish, Cr Jarrod Kennedy, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, Mayor Phill Cronin and Cr Sue Riccelli</b></p> <p><b>AGAINST: Nil</b></p>	<p><b>03/04/2024 Tegan Robertson</b></p> <p>Refusal communicated to applicant 27 November 2023</p>	03/04/2024
13/12/2023	Audit and Risk Committee - 29 November 2023 - 2022/23 Annual Financial Statements, Audit Report and Management Letter	Completed	<p><b><u>COUNCIL DECISION</u></b></p> <p><b>C2312/202</b> Moved Cr Andrew Macnish, seconded Cr Kate Cox</p> <p>1 That the Council highlights the difficulty in discerning the actual real, up to date measure of the gap between the current replacement value of the City's total assets and their written down value and the City's reserves to replace them and the ability of the City to annually cashback its depreciation. Accordingly, the ARC requests the Auditor to make a special report of this as soon as possible.</p> <p>2 That the Council acknowledges receipt of the 2022/23 Annual Financial Statements including Auditors Opinion and Audit Management Letter as per the attached documentation, per section 7.12A(3)(aa) of the Local Government Act 1995.</p> <p>3 That the Council notes that it has met with the requirements of section 7.12A(2) of the Local Government Act 1995 with the Audit and Risk Committee, on behalf of the Council, having met with a representative of the Office of the Auditor General on 29 November 2023.</p> <p><b>CARRIED 6 / 0</b></p> <p><b>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish and Cr Kate Cox</b></p>	<p><b>03/04/2024 Tegan Robertson</b></p> <p>Complete. Report provided to the Council to address part 1 of the recommendation on 20 March 2024 (item 14.1) Action superseded by Council resolution C2403/66.</p>	03/04/2024

Meeting Date	Item	Status	Action Required	Action Taken	Completed
			<div> <p>AGAINST: Nil</p> <p>BY ABSOLUTE MAJORITY</p> </div>		
13/12/2023	Capital Programs of Works	Completed	<div> <p><b>COUNCIL DECISION</b></p> <p><b>C2312/205</b> Moved Cr Anne Ryan, seconded Cr Andrew Macnish</p> <p>That the Council:</p> <ol style="list-style-type: none"> <li>Endorse the programs of works to guide long term financial planning and development of future capital budgets; <b>and</b></li> <li>Acknowledge that this item and recommendation 1 meets the requirements of CEO Performance Criterion #6.</li> </ol> <p><b>CARRIED 6 / 0</b></p> <p><b>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish and Cr Kate Cox</b></p> <p><b>AGAINST: Nil</b></p> <p><b>EN BLOC</b></p> </div>	<p><b>03/04/2024 Tegan Robertson</b></p> <p>Program of works endorsed by the Council December 2023.</p>	03/04/2024
13/12/2023	Busselton Jetty Inc Short Term Lease of Ballaarat Room as Interim Marine Discovery Centre	Completed	<div> <p><b>COUNCIL DECISION</b></p> <p><b>C2312/206</b> Moved Cr Anne Ryan, seconded Cr Val Kaigg</p> <p>That the Council :</p> <ol style="list-style-type: none"> <li>Resolves to enter into a Lease and Licence with Busselton Jetty Inc (BJI) in respect of a portion of the 'Ballaarat Room' which forms part of 'Railway House' situated within Reserve 38558 on the following terms and conditions: <ol style="list-style-type: none"> <li>Term 2 years with an option exercisable by the City of a further 2 years;</li> <li>Rent will be a minimum of \$28,038 or 25% of 15% of the annual gross revenue generated from the use and occupation of the leased premises, whichever is the greater;</li> <li>The permitted use of the premises will be the creation and operation of a Marine Discovery Centre (MDC);</li> <li>Fit out and ongoing maintenance of the MDC will be the responsibility of BJI and a bond will be taken to guarantee the cost of returning the area to its current condition at the end of the term;</li> <li>Maintenance and insurance of the structure of the Ballaarat Room (except if caused by acts or omissions of BJI) will be the responsibility of the City;</li> <li>Cleaning costs of the MDC and internal toilets will be the responsibility of BJI;</li> <li>Such further terms and conditions as outlined in this report and as may be necessary to include in the best interests of the parties or to meet the requirements of the Department of Planning Lands and Heritage.</li> </ol> </li> </ol> <p><b>CARRIED 6 / 0</b></p> <p><b>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish and Cr Kate Cox</b></p> <p><b>AGAINST: Nil</b></p> </div> <div> <p><b>COUNCIL DECISION</b></p> </div>	<p><b>11/01/2024 Sharon Woodford-Jones</b></p> <p>working through responsibilities in terms of relocation and removal of items within the Ballaarat Room, signage and practicalities of who does what</p> <p><b>04/04/2024 Tegan Robertson</b></p> <p>The lease of the space within the Ballaarat Room to BJI has been approved by the parties and the Minister for Lands. It is due to commence on 10 April 2024. The variation to the lease to MRBTA has been agreed in an exchange of emails and will be dealt with in the form of a side letter as the lease in favour of BJI is temporary.</p>	01/04/2024

Meeting Date	Item	Status	Action Required	Action Taken	Completed
			<p><b>C2312/207</b> Moved Cr Jodie Richards, seconded Cr Andrew Macnish</p> <p>That the Council :</p> <p>2. Delegates power and authority to the Chief Executive Officer to negotiate and enter into a variation of the Lease granted to the Margaret River Busselton Tourism Association (MRBTA) to remove the portion of Ballaarat House currently licenced and managed by MRBTA on behalf of the City and allocate responsibility for outgoings between the users.</p> <p>ABSOLUTE MAJORITY REQUIRED</p> <p style="text-align: right;"><b>CARRIED 6 / 0</b></p> <p style="text-align: right;"><b>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish and Cr Kate Cox</b></p> <p style="text-align: right;"><b>AGAINST: Nil</b></p> <p style="text-align: right;"><b>BY ABSOLUTE MAJORITY</b></p>		
13/12/2023	Annual Report 2022-2023	Completed	<p><b>COUNCIL DECISION</b></p> <p><b>C2312/208</b> Moved Cr Anne Ryan, seconded Cr Jodie Richards</p> <p>That the Council:</p> <ol style="list-style-type: none"> <li>Accepts the 2022-2023 Annual Report (Attachment 1);</li> <li>Determines that the Annual Electors' meeting is to be held in the 'Undalup Room' at 2 Southern Drive, Busselton on Monday, 29 January 2024 at 5:30 pm.</li> </ol> <p style="text-align: right;"><b>CARRIED 6 / 0</b></p> <p style="text-align: right;"><b>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish and Cr Kate Cox</b></p> <p style="text-align: right;"><b>AGAINST: Nil</b></p> <p style="text-align: right;"><b>BY ABSOLUTE MAJORITY</b></p>	<p><b>16/01/2024 Tegan Robertson</b></p> <p>Local public notice of the availability of the 2022/23 annual report and notice of the Annual General Meeting of Electors has been provided pursuant to s5.55A and s5.29 of the Local Government Act 1995.</p> <p><b>06/03/2024 Tegan Robertson</b></p> <p>The Annual General Meeting of Electors was held on 29 January 2024, and the 2022/2023 Annual Report was received by Electors.</p>	06/03/2024
13/12/2023	Audit and Risk Committee - 29 November 2023 - Saltwater Project	In Progress	<p><b>COUNCIL DECISION</b></p> <p><b>C2312/214</b> Moved Cr Andrew Macnish, seconded Cr Anne Ryan</p> <p>That the Council endorse the alternative recommendation contained in confidential attachment 2.</p> <p style="text-align: right;"><b>CARRIED 4 / 2</b></p> <p style="text-align: right;"><b>FOR: Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg and Cr Andrew Macnish</b></p> <p style="text-align: right;"><b>AGAINST: Mayor Phill Cronin and Cr Kate Cox</b></p>	<p><b>30/07/2024 Maxine Palmer</b></p> <p>A confidential report is on the 31 July Council Agenda. The draft communications plan will be workshopped with Councilors on 14 August 2024.</p>	
31/01/2024	Busselton Margaret River Airport Update	Completed	<p><b>COUNCIL DECISION</b></p> <p><b>C2401/7</b> Moved Cr Andrew Macnish, seconded Cr Anne Ryan</p>	<p><b>02/05/2024 Tegan Robertson</b></p> <p>Final Airport Master Plan Busselton Margaret River Airport 2023-2043 adopted. Review of AAC terms of reference has been completed, and a report was provided to the Council at its March 2024 ordinary Council meeting.</p>	02/05/2024

Meeting Date	Item	Status	Action Required	Action Taken	Completed
			<p>That the Council:</p> <ol style="list-style-type: none"> <li>1. Receives and notes the Busselton Margaret River Airport Update report.</li> <li>2. Authorises and requires the CEO to publish the periodical BMRA Update report one week after the publication of the Airport Advisory Committee (AAC) meeting minutes should the AAC endorse the BMRA Update report.</li> <li>3. That the Council adopt the final BMRA Master Plan (version 2024) as a guide for future planning, and henceforth it is termed the Final Airport Master Plan Busselton Margaret River Airport (2023-2043) and replaces the existing BMRA Master Plan (2016-2036).</li> <li>4. Requests the CEO undertake a broader review of the terms of reference of the AAC to clarify the purpose and function of the committee, and meeting frequency and processes, to provide a report to Council at the March 2024 Ordinary Council meeting.</li> </ol> <p style="text-align: right;">CARRIED 9 / 0</p> <p>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Sue Riccelli</p> <p style="text-align: right;">AGAINST: Nil</p>		
31/01/2024	Development Application - DA22/0817 - Bed and Breakfast (Change of Use and New Development) - Special Control Area at Lot 301 (No. 29) Carnarvon Castle Drive Eagle Bay	Completed	<p><b>COUNCIL DECISION</b></p> <p><b>C2401/9</b> Moved Cr Sue Riccelli, seconded Cr Mikayla Love</p> <p>That the Council:</p> <ol style="list-style-type: none"> <li>1. Notes that the development application for Bed and Breakfast (Change of Use of Existing Single House and New Development) on Lot 301 (No. 29) Carnarvon Castle Drive, Eagle Bay was previously refused by the City on 20 September 2023 ("the decision").</li> <li>2. Notes that, pursuant to review proceedings under the <i>State Administrative Tribunal Act 2004</i> (the SAT Act), the Applicant has provided amended plans to the City, responding to concerns raised in the decision.</li> <li>3. Notes further, that the Tribunal has now invited the City to reconsider its decision.</li> <li>4. Pursuant to section 31(2)(a) of the SAT Act, sets aside the decision and substitutes its new decision as follows: <ol style="list-style-type: none"> <li>i. That application DA22/0817 submitted for development of Bed and Breakfast (Change of Use of Existing Single House and New Development) on Lot 301 (No. 29) Carnarvon Castle Drive, Eagle Bay, is considered by the Council to be consistent with <i>Local Planning Scheme No. 21</i> and the objectives of the zone within which it is located.</li> <li>ii. To grant development approval for the proposal subject to the following conditions:</li> </ol> <p><b>GENERAL CONDITIONS:</b></p> <ol style="list-style-type: none"> <li>2. The development hereby approved shall be substantially commenced within two years of the date of this decision notice.</li> <li>3. The use hereby approved shall at all times comply with the definition of Bed and Breakfast as provided in Schedule 1 of the City of Busselton Local Planning Scheme No. 21, as follows:</li> </ol> <p style="text-align: center;"><i>"Bed and Breakfast" means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast.</i></p> <p>Notwithstanding the above interpretation, the approved use is restricted to a maximum of four</p> </li> </ol>	<p><b>03/04/2024 Tegan Robertson</b></p> <p>Decision notice issued 14 February 2024</p>	03/04/2024

Meeting Date	Item	Status	Action Required	Action Taken	Completed
			<p>(4) guests.</p> <p>4. Advertising signage associated with the approved use shall be no greater than 0.2m2, located within the subject site.</p> <p>5. A minimum number of four car parking bays shall be provided on the site comprising two for the residents of the dwelling and two for the guests of the Bed and Breakfast.</p> <p>PRIOR TO COMMENCEMENT CONDITIONS</p> <p>6. 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:</p> <p>5.1 Updated plans shall be submitted reducing the wall height of the outbuilding to 3.1m to comply with Local Planning Policy 4.10 Outbuildings and Other Non-Habitable Buildings.</p> <p>5.2 A revised version of the Bushfire Management Plan prepared by Envision Bushfire Protection shall be submitted to the satisfaction of the City of Busselton.</p> <p>5.3 A Landscape Plan which shall include landscaping along the western and northern elevation of the outbuilding, hereby approved, which shall at maturity sufficiently screen the outbuilding from Carnarvon Castle.</p> <p>ONGOING CONDITIONS:</p> <p>7. The works undertaken to satisfy Conditions 3, 4 and 5 shall be subsequently maintained for the life of the development and the following complied with:</p> <p>6.1 The owner must implement the revised Bushfire Management Plan and Bushfire Emergency Evacuation Plan prepared by Envision Bushfire Protection required pursuant to Condition 5.2 for the duration of the development (Advice Note 11).</p> <p>6.2 Landscaping and reticulation shall be implemented in accordance with the approved landscape Plan and shall therefore be maintained to the satisfaction of the City. Unless otherwise first agreed in writing, any trees or plants, which, within a period of five years from first planting, are removed, die or are assessed by the City as being seriously damaged, shall be replaced within the next available planting season with others of the same species, size and number as originally approved.</p> <p>CARRIED 9 / 0</p> <p>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Sue Riccelli</p> <p>AGAINST: Nil</p> <p>Reasons: To ensure sufficient landscaping to provide screening to the western Carnarvon Castle Street frontage.</p>		
31/01/2024	Development Application - DA23/0327 - Single House (Swimming Pool, Gym & Garage) - Special Character Area at Lot 16 (No. 6) Seaview Rise, Eagle Bay	Completed	<p><b>COUNCIL DECISION</b></p> <p><b>C2401/10</b> Moved Cr Anne Ryan, seconded Cr Val Kaigg</p> <p><b>That the Council determines:</b></p> <p>1. That application DA23/0327 submitted for a Single House (Swimming Pool, Gym and Outbuilding) on Lot 16 (No. 6) Seaview Rise, Eagle Bay is generally consistent with <i>Local Planning Scheme No. 21</i> and the objectives of the zone within which it is located; and</p> <p>2. Grant development approval for the proposal subject to the following conditions:</p> <p><b>GENERAL CONDITIONS:</b></p>	03/04/2024 Tegan Robertson Decision notice issued	03/04/2024

Meeting Date	Item	Status	Action Required	Action Taken	Completed
			<p>1. The development hereby approved shall be substantially commenced within two years of the date of this decision notice.</p> <p>2. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plan(s) (enclosed), including any notes placed thereon in red by the City.</p> <p><b>PRIOR TO COMMENCEMENT OF ANY WORKS CONDITIONS:</b></p> <p>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:</p> <ol style="list-style-type: none"> <li>1. Details of on-site effluent disposal.</li> <li>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.</li> <li>3. 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:</li> </ol> <p style="text-align: center;"><i>“This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and maybe subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land”</i></p> <p style="text-align: center;">A copy of the Certificate of Title with section 70A notification registered against it, or a Landgate lodgement receipt, is to be submitted to the City.</p> <p><b>PRIOR TO OCCUATION/USE OF THE DEVELOPMENT CONDITIONS:</b></p> <p>4. The development hereby approved shall not be occupied, or used, until all plans, details or works required by Condition(s) 2 and 3 have been implemented, and the following Condition(s) complied with:</p> <ol style="list-style-type: none"> <li>1. Landscaping and reticulation shall be implemented in accordance with the approved Landscape Plan and shall thereafter be maintained to the satisfaction of the City. Unless otherwise first agreed in writing, any trees or plants which, within a period of five years from first planting, are removed, die or, are assessed by the City as being seriously damaged, shall be replaced within the next available planting season with others of the same species, size and number as originally approved.</li> </ol> <p><b>ONGOING CONDITIONS:</b></p> <p>5. The works undertaken to satisfy Condition(s) 2, 3 and 4 shall be subsequently maintained for the life of the development, and the following Condition(s) complied with:</p> <ol style="list-style-type: none"> <li>1. The external materials of the approved development shall comprise of prescribed materials as identified by the City of Busselton <i>Local Planning Scheme No.21</i>.</li> </ol> <p style="text-align: right;"><b>CARRIED 9 / 0</b></p> <p style="text-align: right;"><b>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Sue Riccelli</b></p> <p style="text-align: right;"><b>AGAINST: Nil</b></p> <p style="text-align: right;">EN BLOC</p>		
31/01/2024	Audit and Risk Committee: Terms of Reference and Independent Member	Completed	<p><b><u>COUNCIL DECISION</u></b></p> <p><b>C2401/13</b> Moved Cr Andrew Macnish, seconded Cr Jodie Richards</p>	<p><b>01/03/2024 Ben Whitehill</b></p> <p>Expressions of Interest for the Independent External Member have closed and a report with a recommended appointment will be presented to the April ordinary meeting. A report on risk management and internal audit will be presented to the March Audit and Risk Committee meeting.</p>	29/04/2024

Meeting Date	Item	Status	Action Required	Action Taken	Completed
			<p><b>That the Council:</b></p> <ol style="list-style-type: none"> <li>Adopts the amended Audit and Risk Committee Terms of Reference in Attachment 4.</li> <li>Accepts the CEO's responses to the request in Council Resolution C2311/178.</li> </ol> <p style="text-align: right;"><b>CARRIED 9 / 0</b></p> <p><b>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Sue Riccelli</b></p> <p style="text-align: right;"><b>AGAINST: Nil</b></p> <p>Reasons: Officers have made further amendments to the Terms of Reference to include meeting notice, agenda requirements and inclusions, and functions of internal auditor reports.</p>	<p><b>29/04/2024 Tegan Robertson</b></p> <p>An independent external member was appointed to the Audit and Risk Committee at the April 2024 Council meeting.</p>	
21/02/2024	Policy and Legislation Committee – 24 January 2024 – Council Policy Review: Naming of City Roads and Assets	Completed	<p><b><u>COUNCIL DECISION</u></b></p> <p><b>C2402/28</b> Moved Cr Anne Ryan, seconded Cr Kate Cox</p> <p><b>That the Council adopts the amended Council Policy: Naming of City Roads and Assets (Attachment 3) to replace the current policy, with the policy having been reviewed as part of the City's ongoing policy review cycle, inclusive of the removal of proposed point 5.10, and Committee amendments so that the below points read as follows, with subsequent renumbering as required:</b></p> <p><b>5.8: A proposal to name a significant City Asset can be put forward by:</b></p> <ol style="list-style-type: none"> <li>an Elected Member by way of a notice of motion;</li> <li>an employee via a report to the Council;</li> <li>a member of the public via a submission to the CEO who will then provide a report to the Council; or</li> <li>users of a facility via a submission to the CEO who will then provide a report to the Council.</li> </ol> <p><b>5.9: Following initial assessment, proposals will be advertised for public comment for a period of 21 days.</b></p> <p><b>5.10: Proposals to name significant City Assets will be presented to the Council for approval, including the results of public consultation.</b></p> <p style="text-align: right;"><b>CARRIED 7 / 0</b></p> <p style="text-align: right;"><b>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Kate Cox and Cr Richard Beecroft</b></p> <p style="text-align: right;"><b>AGAINST: Nil</b></p> <p style="text-align: right;">EN BLOC</p>	<p><b>07/03/2024 Jo Barrett-Lennard</b></p> <p>Policy updated on website 6 March 2024</p>	07/03/2024
21/02/2024	Policy and Legislation Committee – 24 January 2024 – Council Policy Review: Recording and Livestreaming of Meetings	Completed	<p><b><u>COUNCIL DECISION</u></b></p> <p><b>C2402/31</b> Moved Cr Anne Ryan, seconded Cr Richard Beecroft</p> <p><b>That the Council adopts the amended Council Policy 'Recording and Livestreaming of Council Meetings' (the Policy) (Attachment 3) to replace the current policy (Attachment 2):</b></p>	<p><b>07/03/2024 Jo Barrett-Lennard</b></p> <p>Policy updated on website 6 March 2024</p>	07/03/2024

Meeting Date	Item	Status	Action Required	Action Taken	Completed						
			<div><div><div>a) inclusive of the Committee amendment to point 5.2, removing reference to 'YouTube' and replacing with 'streaming service'; and</div><div>b) subject to amending point 5.1 to read: <i>‘All Ordinary and Special Council meetings, the Annual General Meeting of Electors, and Electors meetings will, wherever technically possible, be recorded on an audio device and will be made available by Livestream.’</i></div><div>c) Subject to amending point 5.2 to read: <i>‘Recordings of a meeting will be available on the City’s streaming service with a link available on the meetings schedule section of the City’s website for a period of five years after the meeting date.’</i></div></div><div>CARRIED 6 / 0</div><div>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Kate Cox and Cr Richard Beecroft</div><div>AGAINST: Nil</div></div>								
21/02/2024	Policy and Legislation Committee – 24 January 2024 – Council Policy Review: Legal Representation for Elected Members and Employees	Completed	<div><div><div><div>COUNCIL DECISION</div><div>C2402/32 Moved Cr Anne Ryan, seconded Cr Kate Cox</div><div>That the Council adopts the revised Council Policy ‘Legal Representation for Elected Members and Employees’ (the Policy) (Attachment 1) to replace the existing policy (Attachment 2).</div><div>CARRIED 7 / 0</div><div>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Kate Cox and Cr Richard Beecroft</div><div>AGAINST: Nil</div><div>EN BLOC</div></div></div></div>	07/03/2024 Jo Barrett-Lennard Policy updated on website 6 March 2024	07/03/2024						
21/02/2024	Policy and Legislation Committee – 24 January 2024 – Amendment to delegation DA 3 - 03: To Institute a Prosecution, or to Issue an Infringement (Bushfires Act 1954)	Completed	<div><div><div><div>COUNCIL DECISION</div><div>C2402/33 Moved Cr Anne Ryan, seconded Cr Kate Cox</div><div>That the Council adopts the amended delegation of authority <i>DA 3 – 03: To Institute a Prosecution, or to Issue an Infringement</i>, as per Attachment 1.</div><div>CARRIED 7 / 0</div><div>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Kate Cox and Cr Richard Beecroft</div><div>AGAINST: Nil</div><div>EN BLOC</div></div></div></div>	06/03/2024 Tegan Robertson Updated delegation DA 3-03 issued, delegated authority register updated and published to the City's website.	06/03/2024						
21/02/2024	Finance Committee - 7 February 2024 - Naturaliste Community Centre Capital Funds	Completed	<div><div><div><div>COUNCIL DECISION</div><div>C2402/36 Moved Cr Kate Cox, seconded Cr Jodie Richards</div><div>That the Council endorse the following requested budget amendment:</div><table><tr><th>Item #</th><th>Budgeted Municipal Net Current Position</th><th>Operational Expenditure Budget</th><th>Capital Expenditure Budget</th><th>Grant</th><th>Reserves or Restricted Assets</th></tr></table></div></div></div>	Item #	Budgeted Municipal Net Current Position	Operational Expenditure Budget	Capital Expenditure Budget	Grant	Reserves or Restricted Assets	29/04/2024 Tegan Robertson Budget amendment actioned.	29/04/2024
Item #	Budgeted Municipal Net Current Position	Operational Expenditure Budget	Capital Expenditure Budget	Grant	Reserves or Restricted Assets						

Meeting Date	Item	Status	Action Required	Action Taken	Completed																																												
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21/02/2024	DA23/0230 Building Envelope Modification, Single House and Swimming Pool: 37 Koorabin Drive, Yallingup	Completed	<p><b>COUNCIL DECISION</b></p> <p><b>C2402/37</b> Moved Cr Anne Ryan, seconded Cr Kate Cox</p> <p>That the Council determines:</p> <ol style="list-style-type: none"> <li>That application DA23/0230 submitted for development approval for Building Envelope Modification, Single House and Swimming Pool on Lot 99 (No. 37) Koorabin Drive, Yallingup, is considered by the Council to be generally consistent with the Local Planning Scheme No. 21 and the objectives of the zone within which it is located.</li> <li>To grant development approval for the proposal subject to the following conditions:</li> </ol> <p><b>GENERAL CONDITIONS</b></p> <p>The development hereby approved shall be <b>substantially commenced</b> within two years of the date of this decision notice.</p> <ol style="list-style-type: none"> <li>The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plan(s) (enclosed), including any notes placed thereon in red by the City.</li> <li>The building envelope hereby approved shall be in accordance with the signed, stamped, enclosed, approved plans (enclosed) including any notes placed thereon in red by the City, and except as may be modified by the following conditions. Accordingly, the enclosed, approved plan supersedes any previous building envelope plan.</li> </ol> <p><b>PRIOR TO COMMENCEMENT CONDITIONS</b></p> <ol style="list-style-type: none"> <li>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 have been approved in writing: <ol style="list-style-type: none"> <li>A schedule of the final materials, finishes and colours of all External Surfaces. The schedule shall include details of the type of materials proposed to be used, including their colour and texture. The</li> </ol> </li> </ol>	03/04/2024 Tegan Robertson Decision notice issued 7 March 2024.	03/04/2024																																												

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			<div>External Surfaces of the approved development shall comprise of Prescribed Materials as identified by the City of Busselton <i>Local Planning Scheme No.21</i>.</div> <div><div>ii.</div><div>A Landscape Plan detailing vegetation screening to be implemented between the hereby approved development and the southern lot boundary adjoining Lot 98 (No 35) Koorabin Drive.</div></div> <div><div>iii.</div><div>Details of on-site effluent disposal.</div></div> <div><div>iv.</div><div>A revised version of the Bushfire Attack Level Assessment prepared by Envision Bushfire Protection shall be submitted to the satisfaction of the City of Busselton.</div></div> <div>PRIOR TO OCCUPATION OF THE DEVELOPMENT CONDITIONS:</div> <div><div>4.</div><div>The development hereby approved shall not be occupied, or used, until all plans, details or works required by Conditions 2, 3 and 4 have been implemented and the following conditions have been complied with:</div><div><div>i.</div><div>Landscaping and reticulation shall be implemented in accordance with the approved Landscape Plan and shall thereafter be maintained to the satisfaction of the City. Unless otherwise first agreed in writing, any trees or plants which, within a period of five years from first planting, are removed, die or, are assessed by the City as being seriously damaged, shall be replaced within the next available planting season with others of the same species, size and number as originally approved.</div></div></div> <div>ONGOING CONDITIONS</div> <div><div>5.</div><div>The works undertaken to satisfy Conditions 2, 3, 4 and 5 shall be subsequently maintained for the life of the development.</div></div> <div>CARRIED 7 / 0</div> <div>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Kate Cox and Cr Richard Beecroft</div> <div>AGAINST: Nil</div> <div>EN BLOC</div>																																															
21/02/2024	RFT16/23 Bussell Highway Stage 2	Not yet started	<div>COUNCIL DECISION</div> <div>C2402/38 Moved Cr Val Kaigg, seconded Cr Jodie Richards</div> <div><div>1.</div><div>That the Council endorse the outcome of the evaluation panel’s assessment of the tender submissions received in response to RFT 16/23 Bussell Highway Upgrade Stage 2 and accept the tender submission from Carbone Bros Pty Ltd for \$1,268,246.16 (exclusive of GST) as the most advantageous to the City.</div></div> <div><div>2.</div><div>That the Council endorse the following requested budget amendments:</div></div> <table><tr><td></td><td colspan="5">Amendment Description</td></tr><tr><td></td><td colspan="5">Project Description</td></tr><tr><td rowspan="2">Item #</td><td>Budgeted Municipal Net Current Position</td><td>Operational Expenditure Budget</td><td>Capital Expenditure Budget</td><td>Grant</td><td>Reserves or Restricted Assets</td></tr><tr><td>Increase / (Decrease)</td><td>Increase / (Decrease)</td><td>Increase / (Decrease)</td><td>(Increase) / Decrease</td><td>Increase / (Decrease)</td></tr><tr><td rowspan="3">1</td><td colspan="5">Increase capital project</td></tr><tr><td colspan="5">Project 11199 - Bussell Highway (C)</td></tr><tr><td>-</td><td>-</td><td>184,401</td><td>-</td><td>(184,401)</td></tr><tr><td>2</td><td colspan="5">Reduce capital project</td></tr></table>		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 project					Project 11199 - Bussell Highway (C)					-	-	184,401	-	(184,401)	2	Reduce capital project					06/03/2024 Matthew Twyman Tender awarded as per Council resolution.	06/03/2024
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21/02/2024	Customer Service and Communications (CEO KPI)	Completed	<p><b>COUNCIL DECISION</b></p> <p><b>C2402/39</b> Moved Cr Andrew Macnish, seconded Cr Anne Ryan</p> <p>That the Council:</p> <ol style="list-style-type: none"><li>1. Observes the report providing measures and opportunities increasing community engagement and understanding of City processes and decisions addressing the relevant CEO KPI deliverable, but also notes the strategy to be a collection of process inputs NOT outcomes (which are yet to be fully assessed in terms of successfully delivering the desired customer service experience levels).</li><li>2. Accordingly, refers the matter of consideration of the CEO's performance meeting KPI criterion #4 to the next CEO Performance Committee meeting for its advice to the Council.</li><li>3. Refers the opportunity identified in the officer's report of a risk-based approach to communications and capitalising on the value offered primarily from complaints to its Audit and Risk Committee (ARC) to consider (but not be limited to) the following options moving forward:<ol style="list-style-type: none"><li>a. the CEO undertake a review of the City's complaint handling process and provide a report to the ARC outlining the risks and opportunities for improvement of the current process as it relates to customer service.</li><li>b. the CEO to engage an independent auditor to undertake a review of the City's complaint handling processes and provide a report to the ARC outlining the risks and opportunities for improvement.</li><li>c. the CEO include complaints handling as an area for audit in any future internal audit plan (noting that there is a report scheduled for the March ARC meeting that will address an internal audit plan).</li></ol></li></ol> <p>CARRIED 7 / 0</p> <p>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Kate Cox and Cr Richard Beecroft</p> <p>AGAINST: Nil</p> <p>Reasons: The purpose of setting CEO KPIs is to drive desired operational outcomes. Establishing a strategy/approach to a matter does not in itself, deliver desired outcomes. The monitoring of an outcome means measuring, understanding, and reporting factual data.</p> <p>Excellent customer service can be assured if informed customers rate it as such. There is valuable information to be derived through assessment of customer issues / complaints. For this reason it is recommended the Council require its Audit and Risk Committee (ARC) examine how best to derive the implicit value of complaints and assess risk within its complaints handling process</p>	<p><b>02/05/2024 Tegan Robertson</b></p> <p>A report and recommendation pertaining to the City's Complaint Handling Process has been provided to the Audit and Risk Committee on the agenda for its May 2024 meeting.</p> <p><b>05/06/2024 Tegan Robertson</b></p> <p>KPI criterion #4 has been referred to CEO Performance Review committee through the CEO performance review process. The Audit and Risk Committee considered an officer report on complaint handling at the May meeting, and made a recommendation to the Council which will be considered at the June 2024 ordinary Council meeting.</p> <p><b>18/07/2024 Tegan Robertson</b></p> <p>Audit and Risk Committee recommendation in regards to complaint handling was resolved on by the Council at the June meeting. Action closed - superseded by C2406/155: 'That the Council re-iterates its resolution C2402/39 and clarifies that all three action items for moving forward contained therein (3 a), b), c)), be implemented'</p>	18/07/2024																		

Meeting Date	Item	Status	Action Required	Action Taken	Completed
21/02/2024	Committee and Working Group Appointments	Completed	<div> <p><b><u>COUNCIL DECISION</u></b></p> <p><b>C2402/41</b> Moved Cr Jodie Richards, seconded Cr Anne Ryan</p> <p>That the Council:</p> <ol style="list-style-type: none"> <li>Appoint Councillor Richard Beecroft to the following committees pursuant to section 5.8 and 5.11A of the <i>Local Government Act 1995</i>:               <ol style="list-style-type: none"> <li>Audit and Risk Committee; and</li> <li>Airport Advisory Committee (second deputy).</li> </ol> </li> <li>Appoint the following elected members to the following committees pursuant to section 5.8 and 5.11A of the <i>Local Government Act 1995</i>, to fill the vacancy created by the resignation of (former) Councillor Sue Riccelli:               <p><b>CEO Performance Review Committee</b></p> <ol style="list-style-type: none"> <li>Member Cr. Val Kaigg</li> </ol> <p><b>Finance Committee</b></p> <ol style="list-style-type: none"> <li>Member Cr Val Kaigg</li> </ol> </li> <li>Appoints elected members to the newly established Waterways Management Committee pursuant to section 5.8 and 5.11A of the <i>Local Government Act 1995</i>:               <ol style="list-style-type: none"> <li>Members Cr Anne Ryan Cr Jarrod Kennedy Cr Val Kaigg Cr Mikayla Love</li> <li>Deputy Members Cr Jodie Richards</li> </ol> </li> <li>Appoints Dr Bob Jarvis, Lyndon Miles, Albert Haak, Shirley Fisher, Tony Smurthwaite, Kelly Paterson, Kerry Grist, Kerry Stewart and Danae Plowman to the Meelup Regional Park Committee pursuant to section 5.8 of the <i>Local Government Act 1995</i>.</li> </ol> <p><b>CARRIED 7 / 0</b></p> <p><b>FOR:</b> Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Kate Cox and Cr Richard Beecroft</p> <p><b>AGAINST:</b> Nil</p> </div> <div> <p><b><u>COUNCIL DECISION</u></b></p> <p><b>C2402/42</b> Moved Cr Anne Ryan, seconded Cr Jodie Richards</p> <p>That the Council:</p> <ol style="list-style-type: none"> <li>Appoint the following elected members to the Busselton Jetty Reference Group.               <ol style="list-style-type: none"> <li>Member Cr Anne Ryan</li> <li>Deputy member</li> </ol> </li> <li>Amend the meeting dates for the Meelup Regional Park Committee from 6 March 2024 and 6 November 2024 to 25 March 2024 and 25 November 2024.</li> </ol> <p><b>CARRIED 7 / 0</b></p> <p><b>FOR:</b> Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Kate Cox and Cr Richard Beecroft</p> <p><b>AGAINST:</b> Nil</p> </div>	<p><b>07/03/2024 Jo Barrett-Lennard</b></p> <p>Committee and working group appointments published. Meeting dates for Meelup Regional Park Committee advertised.</p>	03/04/2024

Meeting Date	Item	Status	Action Required	Action Taken	Completed																																																																																																																							
20/03/2024	Finance Committee - 6 March 2024 - 2023/24 Mid-Year Budget Review	Completed	<div><div>COUNCIL DECISION</div><div>C2403/46 Moved Cr Andrew Macnish, seconded Cr Richard Beecroft</div><div>That the Council, pursuant to Regulation 33A of the Local <i>Government (Financial Management) Regulations</i>, adopts the 2023/2024 Annual Mid-Year Budget Review as presented within this report.</div><div>CARRIED 9 / 0</div><div>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft</div><div>AGAINST: Nil</div><div>BY ABSOLUTE MAJORITY</div></div>	03/04/2024 Tegan Robertson Mid year budget review adopted. Report and minutes lodged with the Department.	03/04/2024																																																																																																																							
20/03/2024	Finance Committee - 6 March 2024 - Infrastructure and Environment Budget Amendments	Completed	<div><div>COUNCIL DECISION</div><div>C2403/49 Moved Cr Val Kaigg, seconded Cr Kate Cox</div><div>That the Council endorses the following requested budget amendments:</div><table><tr><th colspan="6">Amendment Description</th></tr><tr><th colspan="6">Project Description</th></tr><tr><th rowspan="2">Item #</th><th>Budgeted Municipal Net Current Position</th><th>Operational Expenditure Budget</th><th>Capital Expenditure Budget</th><th>Grant</th><th>Reserves or Restricted Assets</th></tr><tr><th>Increase / (Decrease)</th><th>Increase / (Decrease)</th><th>Increase / (Decrease)</th><th>(Increase) / Decrease</th><th>Increase / (Decrease)</th></tr><tr><td rowspan="3">1</td><td colspan="5">Add Grant Revenue to Existing Capital Project</td></tr><tr><td colspan="5">Project 14943 – Changing Places Accessible Ablutions (C)</td></tr><tr><td>-</td><td>-</td><td>150,000</td><td>(150,000)</td><td>-</td></tr><tr><td rowspan="3">2</td><td colspan="5">Remove Capital Project</td></tr><tr><td colspan="5">Project 12331 - Smiths Beach New Public Toilet (C)</td></tr><tr><td>-</td><td>-</td><td>(250,000)</td><td>-</td><td>250,000</td></tr><tr><td rowspan="3">3</td><td colspan="5">New Capital Project</td></tr><tr><td colspan="5">Project West Busselton Coastal Stabilisation CERP2223-010</td></tr><tr><td>-</td><td></td><td>160,000</td><td>(120,000)</td><td>(40,000)</td></tr><tr><td rowspan="3">4</td><td colspan="5">New Capital Project</td></tr><tr><td colspan="5">State Blackspot Program – Chapman Hill Road (C)</td></tr><tr><td>-</td><td>-</td><td>48,000</td><td>(32,000)</td><td>(16,000)</td></tr><tr><td rowspan="3">5</td><td colspan="5">Increase Budget to Existing Capital Project</td></tr><tr><td colspan="5">Project 12821 - Churchill Park Main Oval Redevelopment (C)</td></tr><tr><td>-</td><td>-</td><td>40,880</td><td>-</td><td>(40,880)</td></tr><tr><td rowspan="3">6</td><td colspan="5">Add Budget to Existing Project (C)</td></tr><tr><td colspan="5">Project 11034 - Dunsborough Non-Potable Water Network</td></tr><tr><td>-</td><td>-</td><td>29,183</td><td>-</td><td>(29,183)</td></tr></table></div>	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	Add Grant Revenue to Existing Capital Project					Project 14943 – Changing Places Accessible Ablutions (C)					-	-	150,000	(150,000)	-	2	Remove Capital Project					Project 12331 - Smiths Beach New Public Toilet (C)					-	-	(250,000)	-	250,000	3	New Capital Project					Project West Busselton Coastal Stabilisation CERP2223-010					-		160,000	(120,000)	(40,000)	4	New Capital Project					State Blackspot Program – Chapman Hill Road (C)					-	-	48,000	(32,000)	(16,000)	5	Increase Budget to Existing Capital Project					Project 12821 - Churchill Park Main Oval Redevelopment (C)					-	-	40,880	-	(40,880)	6	Add Budget to Existing Project (C)					Project 11034 - Dunsborough Non-Potable Water Network					-	-	29,183	-	(29,183)	04/04/2024 Tegan Robertson Budget amendments completed.	04/04/2024
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20/03/2024	Finance Committee - 6 March 2024 - Busselton Margaret River Airport Budget Amendment	Completed	<p><b>COUNCIL DECISION</b></p> <p>C2403/50 Moved Cr Anne Ryan, seconded Cr Jarrod Kennedy</p> <p>That the Council endorse the following requested budget amendment:</p> <table><tr><th>Item #</th><th>Budgeted Municipal Net Current Position</th><th>Operational Expenditure Budget</th><th>Capital Expenditure Budget</th><th>Grant</th><th>Reserves or Restricted Assets</th></tr><tr><td></td><td>Increase / (Decrease)</td><td>Increase / (Decrease)</td><td>Increase / (Decrease)</td><td>(Increase) / Decrease</td><td>Increase / (Decrease)</td></tr><tr><td rowspan="3">1</td><td colspan="5">From the Airport Infrastructure Reserve</td></tr><tr><td colspan="5">To new capital project code to be created</td></tr><tr><td>-</td><td>-</td><td>40,000</td><td>-</td><td>(40,000)</td></tr><tr><td rowspan="3">2</td><td colspan="5">To SWDC Airport Development Business Case (O) project # 15086</td></tr><tr><td>-</td><td>160,000</td><td>-</td><td>(127,000)</td><td>(33,000)</td></tr><tr><td>-</td><td>160,000</td><td>40,000</td><td>(127,000)</td><td>(73,000)</td></tr><tr><td>TOTALS</td><td>-</td><td>160,000</td><td>40,000</td><td>(127,000)</td><td>(73,000)</td></tr></table> <p>CARRIED 9 / 0</p> <p>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft</p> <p>AGAINST: Nil</p> <p>BY ABSOLUTE MAJORITY</p>	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	From the Airport Infrastructure Reserve					To new capital project code to be created					-	-	40,000	-	(40,000)	2	To SWDC Airport Development Business Case (O) project # 15086					-	160,000	-	(127,000)	(33,000)	-	160,000	40,000	(127,000)	(73,000)	TOTALS	-	160,000	40,000	(127,000)	(73,000)	<p>30/03/2024 Jennifer May</p> <p>An RFQ will be issued for the purchase of a new ETD machine with delivery planned before the end of the FY.</p>	31/05/2024
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20/03/2024	Audit and Risk Committee - 13 March 2024 - Capability development: risk management and internal audit	In Progress	<p><b>COUNCIL DECISION</b></p> <p>C2403/51 Moved Cr Jarrod Kennedy, seconded Cr Val Kaigg</p> <p>That the Council:</p> <ol style="list-style-type: none"><li>Pursuant to the Terms of Reference of the Audit and Risk Committee, supports the proposed implementation program for the improvement of the City's risk management capabilities and the introduction of an internal audit function.</li><li>Approve the allocation of \$110,000 in the draft 2024/2025 budget for a new risk officer plus \$35,000 consultancy to fund the engagement of a consultant to undertake the internal audit function.</li></ol> <p>CARRIED 9 / 0</p> <p>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft</p> <p>AGAINST: Nil</p> <p>EN BLOC</p>	<p>02/05/2024 Tegan Robertson</p> <p>Officers have commenced internal processes for relevant recruitment and RFQ.</p> <p>31/05/2024 Ben Whitehill</p> <p>Internal Audit RFQ evaluation has commenced.</p> <p>17/07/2024 Ben Whitehill</p> <p>Internal Audit RFQ evaluation complete and recommendation to be presented to Audit and Risk Committee on 24 July 2024.</p> <p>30/07/2024 Ben Whitehill</p> <p>Audit and Risk Committee recommendation to be considered by the Council in August.</p> <p>04/09/2024 Tegan Robertson</p> <p>The Council awarded the contract for the provision of internal audit services to Moore Australia at the 21 August 2024 Council meeting. Letter of award to follow.</p>																																																			

Meeting Date	Item	Status	Action Required	Action Taken	Completed
20/03/2024	Audit and Risk Committee - 13 March 2024 - 2023 Compliance Audit Return	Completed	<p><b>COUNCIL DECISION</b></p> <p><b>C2403/52</b> Moved Cr Jarrod Kennedy, seconded Cr Val Kaigg</p> <p>That the Council adopts the Compliance Audit Return for the period 1 January 2023 to 31 December 2023, as per Attachment 1.</p> <p><b>CARRIED 9 / 0</b></p> <p><b>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft</b></p> <p><b>AGAINST: Nil</b></p> <p><b>EN BLOC</b></p>	<p><b>27/03/2024 Ben Whitehill</b></p> <p>Compliance Audit Return submitted to DLGSC on 27 March 2024</p>	27/03/2024
20/03/2024	Audit and Risk Committee - 13 March 2024 - CEO Review of Systems and Procedures Recommendations - Implementation status	Completed	<p><b>COUNCIL DECISION</b></p> <p><b>C2403/53</b> Moved Cr Jarrod Kennedy, seconded Cr Val Kaigg</p> <p>That the Council acknowledge the status update in relation to the recommendations of the Regulation 17 Review (as at the end of February 2024) and note that the next update will be provided to the Audit and Risk Committee at the meeting on 24 July 2024.</p> <p><b>CARRIED 9 / 0</b></p> <p><b>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft</b></p> <p><b>AGAINST: Nil</b></p> <p><b>EN BLOC</b></p>	<p><b>18/07/2024 Ben Whitehill</b></p> <p>Status update report listed on the 24 July 2024 Audit and Risk Committee agenda.</p>	07/08/2024
20/03/2024	Community Sport Recreation Facilities Fund - Application	Completed	<p><b>COUNCIL DECISION</b></p> <p><b>C2403/54</b> Moved Cr Kate Cox, seconded Cr Jarrod Kennedy</p> <p>That the Council:</p> <ol style="list-style-type: none"> <li>Endorses the priority rankings of the application to the Department of Local Government Sport and Cultural Industries' Community Sport and Recreation Facilities Fund as ranking 1 of 1, priority rating B, Geographe Bay Yacht Club – Male and Female Change Room Upgrades.</li> <li>Endorses an application to the Department of Local Government Sport and Cultural Industries' Community Sport and Recreation Facilities Fund for Geographe Bay Yacht Club – Male and Female Change Room Upgrades.</li> </ol> <p><b>CARRIED 9 / 0</b></p> <p><b>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft</b></p> <p><b>AGAINST: Nil</b></p>	<p><b>02/04/2024 Adrian Fisher</b></p> <p>CSRFF submission completed with the Geographe Yacht Club and submitted to DLGSC.</p>	03/04/2024

Meeting Date	Item	Status	Action Required	Action Taken	Completed
20/03/2024	Dunsborough Lakes Sports Precinct Pavilion	In Progress	<p><b>COUNCIL DECISION</b></p> <p><b>C2403/58</b> Moved Cr Val Kaigg, seconded Cr Jarrod Kennedy</p> <p>That the Council:</p> <ol style="list-style-type: none"> <li>1. Endorse the northern perimeter location (Option 1) as the preferred location to build the Dunsborough Lakes Sporting Precinct Pavilion.</li> <li>2. Authorise the CEO to proceed to detailed design for the pavilion, in conjunction with the sporting groups, and to final costing.</li> </ol> <p><b>CARRIED 8 / 1</b></p> <p><b>FOR: Mayor Phill Cronin, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft</b></p> <p><b>AGAINST: Cr Anne Ryan</b></p>	<p><b>02/04/2024 Dave Goodwin</b></p> <p>A PCG meeting on Tuesday 2nd April will discuss the procurement approach to this project and expect to go out to tender in the next few weeks.</p> <p><b>05/06/2024 Tegan Robertson</b></p> <p>Draft concept designs are in progress, further engagement with clubs to follow.</p> <p><b>07/08/2024 Tegan Robertson</b></p> <p>Draft concept plan completed by architect. PCG have reviewed concepts. Plans will be presented to Clubs for further feedback. Once plans are finalised, procurement for tender will be progressed.</p>	
20/03/2024	Development Application - DA23/0565 - Single House (Outbuilding) - Special Control Area at Lot 5 (No. 60) Adelaide Street, Busselton	Completed	<p><b>COUNCIL DECISION</b></p> <p><b>C2403/59</b> Moved Cr Kate Cox, seconded Cr Andrew Macnish</p> <p>That the Council resolve to grant approval for DA23/0565 Single House (Outbuilding) - Special Control Area at Lot 5 (No. 60) Adelaide Street, Busselton subject to the following conditions :</p> <p><b>GENERAL CONDITIONS:</b></p> <ol style="list-style-type: none"> <li>1. The development hereby approved shall be substantially commenced within two years of the date of this decision notice.</li> <li>2. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plan(s) (enclosed), including any notes placed thereon in red by the City.</li> </ol> <p><b>PRIOR TO COMMENCEMENT OF ANY WORKS CONDITIONS:</b></p> <ol style="list-style-type: none"> <li>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: <ul style="list-style-type: none"> <li>a) 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.</li> </ul> </li> </ol> <p><b>ONGOING CONDITIONS:</b></p> <ol style="list-style-type: none"> <li>4. The works undertaken to satisfy Condition 2 and 3 shall be subsequently maintained for the life of the development.</li> </ol> <p><b>CARRIED 8 / 1</b></p> <p><b>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox and Cr Richard Beecroft</b></p> <p><b>AGAINST: Cr Jarrod Kennedy</b></p>	<p><b>03/04/2024 Tegan Robertson</b></p> <p>Development approval issued 3 April 2024.</p>	03/04/2024
20/03/2024	RFT01/24 Coastal Shared Path Construction	Completed	<p><b>COUNCIL DECISION</b></p>	<p><b>22/04/2024 Matthew Twyman</b></p> <p>Tender awarded as per Council resolution.</p>	31/05/2024

Meeting Date	Item	Status	Action Required	Action Taken	Completed																																																																																																											
			<div><div>C2403/60 Moved Cr Val Kaigg, seconded Cr Richard Beecroft</div><div><div>1. That the Council endorse the outcome of the evaluation panel’s assessment of the tender submissions received in response to RFT 01/24 Coastal Shared Path Construction and accept the tender submission from ES100 Pty Ltd as trustee for the ES100 Trust t/a Earth and Stone WA for separable portions 1, 2 and 3, for a total of \$1,090,773 (exclusive of GST) as the most advantageous to the City.</div><div>2. That the Council endorse the following requested budget amendments:</div></div><table><tr><td></td><td colspan="5">Amendment Description</td></tr><tr><td></td><td colspan="5">Project Description</td></tr><tr><th rowspan="2">Item #</th><th>Budgeted Municipal Net Current Position</th><th>Operational Expenditure Budget</th><th>Capital Expenditure Budget</th><th>Grant</th><th>Reserves or Restricted Assets</th></tr><tr><th>Increase / (Decrease)</th><th>Increase / (Decrease)</th><th>Increase / (Decrease)</th><th>(Increase) / Decrease</th><th>Increase / (Decrease)</th></tr><tr><td rowspan="3">1</td><td colspan="5">Increase capital project</td></tr><tr><td colspan="5">Project 14887 Coastal Shared Path - Forth St to Holgate (C)</td></tr><tr><td>-</td><td>-</td><td>344,633</td><td>-</td><td>(344,633)</td></tr><tr><td rowspan="3">2</td><td colspan="5">Reduce capital project</td></tr><tr><td colspan="5">Project 14895 Vincent Street to Geographe Bay Road (Reserve 44343) (C)</td></tr><tr><td>-</td><td>-</td><td>(32,272)</td><td>-</td><td>32,272</td></tr><tr><td rowspan="3">3</td><td colspan="5">Reduce capital project</td></tr><tr><td colspan="5">Project 14893 Bay View Cresent - Curtis Bay Lot 62 to Lot 4 (C)</td></tr><tr><td></td><td></td><td>(13,433)</td><td></td><td>13,433</td></tr><tr><td rowspan="3">4</td><td colspan="5">Reduce capital project</td></tr><tr><td colspan="5">Project 14891 Adelaide Street - Lot 11 to Stanley St (C)</td></tr><tr><td></td><td></td><td>(51,838)</td><td></td><td>51,838</td></tr><tr><td rowspan="3">5</td><td colspan="5">Withdraw from reserve</td></tr><tr><td colspan="5">Footpath and Cycleway Reserve [1035]</td></tr><tr><td></td><td></td><td></td><td></td><td>(247,090)</td></tr><tr><td>TOTALS</td><td>-</td><td>-</td><td>247,090</td><td>-</td><td>(247,090)</td></tr></table><div>CARRIED 9 / 0</div><div>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft</div><div>AGAINST: Nil</div><div>BY ABSOLUTE MAJORITY</div></div> <div></div> <div>31/05/2024 Paul Sheridan</div> <div>Budget amendments completed.</div> <div></div>		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 project					Project 14887 Coastal Shared Path - Forth St to Holgate (C)					-	-	344,633	-	(344,633)	2	Reduce capital project					Project 14895 Vincent Street to Geographe Bay Road (Reserve 44343) (C)					-	-	(32,272)	-	32,272	3	Reduce capital project					Project 14893 Bay View Cresent - Curtis Bay Lot 62 to Lot 4 (C)							(13,433)		13,433	4	Reduce capital project					Project 14891 Adelaide Street - Lot 11 to Stanley St (C)							(51,838)		51,838	5	Withdraw from reserve					Footpath and Cycleway Reserve [1035]									(247,090)	TOTALS	-	-	247,090	-	(247,090)
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20/03/2024	Review of infrastructure asset renewal requirements	In Progress	<div><div>COUNCIL DECISION</div><div>C2403/61 Moved Cr Andrew Macnish, seconded Cr Anne Ryan</div><div>That the Council:</div></div>	<div>05/06/2024 Tegan Robertson</div> <div>Officers have incorporated the asset renewal figures into the draft LTFP. This draft plan requires further review with elected members, which will be undertaken in the coming months.</div>																																																																																																												

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			<div><div><div><div>1. Requires the CEO to incorporate the outcomes of the review of infrastructure asset renewal funding as reported in the Asset Classes of Table 3 in the Summary of this report based on up-to-date (unit) construction rates, into the City’s draft LTFP.</div><div>2. Refers the matter of consideration of the CEO KPI #4 to its CEO Performance Review Committee for assessment consideration and subsequent recommendation to the Council.</div></div><div>CARRIED 5 / 4</div><div>FOR: Cr Anne Ryan, Cr Jodie Richards, Cr Andrew Macnish, Cr Jarrod Kennedy and Cr Richard Beecroft</div><div>AGAINST: Mayor Phill Cronin, Cr Val Kaigg, Cr Mikayla Love and Cr Kate Cox</div></div></div>																																									
20/03/2024	Business Development, Events and Marketing Program Outcomes - February 2024	Completed	<div><div><div><div><div><div><div>COUNCIL DECISION</div><div>C2403/64 Moved Cr Jodie Richards, seconded Cr Val Kaigg</div><div>That the Council:</div><div>1. Endorses the following multi-year funding allocations towards the following economic focused events, to be funded from the 2023/2024 – 2025/2026 Events Budgets:</div><table><tr><th>Event Name</th><th colspan="2">Officer Recommendation (cash)</th></tr><tr><td>Yallingup Shred Fest</td><td>2023/2024</td><td>\$10,000</td></tr><tr><td>25-28 April 2024</td><td>2024/2025</td><td>\$10,000</td></tr><tr><td></td><td>2025/2026</td><td>\$10,000</td></tr><tr><td>TOTALS</td><td>2023/2024</td><td>\$10,000</td></tr><tr><td></td><td>2024/2025</td><td>\$10,000</td></tr><tr><td></td><td>2025/2026</td><td>\$10,000</td></tr></table></div><div>2. Endorses the following single year funding allocations towards the following community focused events, to be funded from the 2023/2024 Events Budget:</div><table><tr><th>Event Name</th><th>Officer Recommendation (cash)</th><th>Officer Recommendation (in-kind)</th></tr><tr><td>Busselton Women’s Triathlon</td><td>\$5,000</td><td>Approx. \$1,000</td></tr><tr><td>14 April 2024</td><td></td><td>(ground hire, event fees, billboard hire)</td></tr><tr><td>Australian National Police Bowls Championships</td><td>\$2,000</td><td>\$0</td></tr><tr><td>17-25 April 2024</td><td></td><td></td></tr><tr><td>TOTALS</td><td>\$7,000</td><td>Approx \$1,000</td></tr></table></div><div>CARRIED 9 / 0</div><div>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft</div><div>AGAINST: Nil</div><div>BY ABSOLUTE MAJORITY</div></div></div></div></div>	Event Name	Officer Recommendation (cash)		Yallingup Shred Fest	2023/2024	\$10,000	25-28 April 2024	2024/2025	\$10,000		2025/2026	\$10,000	TOTALS	2023/2024	\$10,000		2024/2025	\$10,000		2025/2026	\$10,000	Event Name	Officer Recommendation (cash)	Officer Recommendation (in-kind)	Busselton Women’s Triathlon	\$5,000	Approx. \$1,000	14 April 2024		(ground hire, event fees, billboard hire)	Australian National Police Bowls Championships	\$2,000	\$0	17-25 April 2024			TOTALS	\$7,000	Approx \$1,000	02/04/2024 Peta Pulford All applicants advised of outcomes.	15/04/2024
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20/03/2024	Hireable e-Scooter Trial Results	In Progress	<div><div><div><div>COUNCIL DECISION</div><div>C2403/65 Moved Cr Jarrod Kennedy, seconded Cr Mikayla Love</div></div></div></div>	18/07/2024 Trevor Ayers Neuron is providing the City with a monthly update which is being provided to Elected members.																																								

Meeting Date	Item	Status	Action Required	Action Taken	Completed
			<p><b>That the Council</b></p> <ol style="list-style-type: none"> <li>Extends the current trial agreement with Neuron Mobility (Australia) Pty Ltd to 30 November 2024 subject to: <ol style="list-style-type: none"> <li>the provision of optimal designated parking locations across the City that do not block thoroughfares and are not of a visual nuisance;</li> <li>the identification of single use, narrow paths adjacent to the coast and the appropriate application of speed restrictions to these areas.</li> </ol> </li> <li>Notes the results of the community survey undertaken through Your Say, "Hireable e- scooters in the City of Busselton", that 62.4% of local residents to the Your Say survey are opposed to continuing the trial of hireable e-scooters in the City of Busselton and that approximately 50% of those opposing would change their mind if improvements were made, potentially shifting the results to approximately 65% in favour.</li> <li>Require the CEO to gauge the effectiveness of the improvement measures to address matters of concern raised by the community as a result of the survey, and provide a report to the Council reassessing the trial agreement prior to the peak summer season November 2024 to April 2025.</li> </ol> <p style="text-align: right;"><b>CARRIED 6 / 3</b></p> <p><b>FOR: Mayor Phill Cronin, Cr Jodie Richards, Cr Val Kaigg, Cr Mikayla Love, Cr Kate Cox and Cr Jarrod Kennedy</b></p> <p><b>AGAINST: Cr Anne Ryan, Cr Andrew Macnish and Cr Richard Beecroft</b></p>	<p>Officers continue to track community feedback with regards to the trial extension and maintain regular contact with Neuron representatives to implement improvement measures.</p> <p>In the past month this included removal of a parking station along Geographe Bay Road / Wakefield Ave that had been subject to ongoing purposeful toppling of e scooters.</p> <p><b>05/09/2024 Trevor Ayers</b></p> <p>An opportunity for community comment has been opened up as part of the review of the improvement initiatives that have occurred through the extended trial period.</p>	
20/03/2024	Asset Management Funding and Depreciation - Response to Council Decision	Completed	<p><b><u>COUNCIL DECISION</u></b></p> <p><b>C2403/66</b> Moved Cr Andrew Macnish, seconded Cr Anne Ryan</p> <p>That given the OAG is not prepared to prepare a report as outlined, the CEO to distil the following figures from the 2022/3 Annual Financial Audit and report these to the first workshop of the review of the LTFP:</p> <ul style="list-style-type: none"> <li>The total value of the City's assets;</li> <li>The total accumulated depreciation booked for all assets;</li> <li>The total funds held in Reserve for the capital improvement of all assets;</li> <li>The total funds held in Reserve for the maintenance of all assets (if different from the above);</li> <li>The total contribution of funds to such Reserves in 2022/3;</li> <li>The total expenditure of funds from such Reserves in 2022/3;</li> <li>The total depreciation cost for 2022/3; and</li> <li>The total asset management upgrade/maintenance expenditure for 2022/3.</li> </ul> <p style="text-align: right;"><b>CARRIED 7 / 2</b></p> <p><b>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Jarrod Kennedy and Cr Richard Beecroft</b></p> <p><b>AGAINST: Cr Mikayla Love and Cr Kate Cox</b></p>	<p><b>03/04/2024 Tegan Robertson</b></p> <p>Closed. LTFP workshop held with Elected Members on 3 April 2024.</p>	03/04/2024
20/03/2024	You Choose	Completed	<p><b><u>COUNCIL DECISION</u></b></p>	<b>18/07/2024 Tegan Robertson</b>	18/07/2024

Meeting Date	Item	Status	Action Required	Action Taken	Completed																								
			<div><div>C2403/68 Moved Cr Jarrod Kennedy, seconded Cr Val Kaigg</div><div>That the Council:</div><div><div>1.</div><div>Endorses the funding distribution of \$96,272 to the following preferred projects as chosen by the community through the You Choose community funding program:</div><table><tr><td>1</td><td>Please Help Pets of Older Persons (POOPS) Support Vet Care for Beloved Pets</td><td>\$8,500</td></tr><tr><td>2</td><td>Save our Snake-Neck Turtles! Citizen Science Busselton Turtle Tracker Team</td><td>\$11,000</td></tr><tr><td>3</td><td>Radiance Network's Outreach 1:1 In-Home Support (Pilot Project)</td><td>\$13,800</td></tr><tr><td>4</td><td>Dunsborough Community Repair <a href="#">CoOp</a></td><td>\$2,660</td></tr><tr><td>5</td><td>Underwater Observatory Evacuation Wheelchair</td><td>\$8,802</td></tr><tr><td>6</td><td>St Mary’s Anglican Church Footpath Gardens - A beautiful introduction to the City of Busselton</td><td>\$12,410</td></tr><tr><td>7</td><td>Vasse Community Garden</td><td>\$20,000</td></tr><tr><td>8</td><td>FireWise Garden Demonstration – Are you bushfire ready?</td><td>\$19,100</td></tr></table></div><div><div>2.</div><div>Endorses the return of the remaining unallocated funds of \$3,728 to the Community Assistance Program budget;</div></div><div><div>3.</div><div>Confirms its commitment to delivery of a third You Choose community funding program in 2025/26.</div></div><div>CARRIED 9 / 0</div><div>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft</div><div>AGAINST: Nil</div><div>EN BLOC</div></div>	1	Please Help Pets of Older Persons (POOPS) Support Vet Care for Beloved Pets	\$8,500	2	Save our Snake-Neck Turtles! Citizen Science Busselton Turtle Tracker Team	\$11,000	3	Radiance Network's Outreach 1:1 In-Home Support (Pilot Project)	\$13,800	4	Dunsborough Community Repair <a href="#">CoOp</a>	\$2,660	5	Underwater Observatory Evacuation Wheelchair	\$8,802	6	St Mary’s Anglican Church Footpath Gardens - A beautiful introduction to the City of Busselton	\$12,410	7	Vasse Community Garden	\$20,000	8	FireWise Garden Demonstration – Are you bushfire ready?	\$19,100	All grant recipients signed their agreements and submitted invoices for payment before 30 June 2024. Projects will be carried out in the 2024/25 financial year with a due date of 30 June 2025. Acquittals are due following completion.	
1	Please Help Pets of Older Persons (POOPS) Support Vet Care for Beloved Pets	\$8,500																											
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8	FireWise Garden Demonstration – Are you bushfire ready?	\$19,100																											
17/04/2024	Policy and Legislation Committee - 20 March 2024 - Council Policy Review: Purchasing	Completed	<div><div>COUNCIL DECISION</div><div>C2404/84 Moved Cr Mikayla Love, seconded Cr Andrew Macnish</div><div>That the Council adopts the amended Council policy: ‘Purchasing Policy’ (Attachment 1) to replace the current policy.</div><div>CARRIED 9 / 0</div><div>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft</div><div>AGAINST: Nil</div><div>EN BLOC</div></div>	<div>01/05/2024 Jo Barrett-Lennard</div> <div>Policy has been updated on City's website, inclusive of resolution number and Council endorsement date.</div>	01/05/2024																								
17/04/2024	Policy and Legislation Committee - 20 March 2024 - Council Policy Review: Regional Price Preference	Completed	<div><div>COUNCIL DECISION</div><div>C2404/85 Moved Cr Mikayla Love, seconded Cr Andrew Macnish</div><div>That the Council:</div><div><div>1.</div><div>having reviewed the Regional Price Preference Policy as part of the City’s policy review cycle, resolves not to make any amendments; and</div></div></div>	<div>01/05/2024 Jo Barrett-Lennard</div> <div>Policy has been updated reflecting administrative changes (Directorate name change)</div>	01/05/2024																								

Meeting Date	Item	Status	Action Required	Action Taken	Completed																		
			<div>2. acknowledges that the CEO will make administrative updates to the strategic context and the name of the responsible directorate.</div> <div>CARRIED 9 / 0</div> <div>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft</div> <div>AGAINST: Nil</div> <div>EN BLOC</div>																				
17/04/2024	Policy and Legislation Committee - 20 March 2024 - Council Policy Review: Building Insurance and Waste Collection Services	Completed	<div><u>COUNCIL DECISION - PART 1</u></div> <div>C2404/87 Moved Cr Andrew Macnish Seconder Cr Jodie R</div> <div>The Council adopts its Building Insurance Policy (Attachment 1).</div> <div>CARRIED 9 /0</div> <div>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft</div> <div>AGAINST: Nil</div> <div><u>COUNCIL DECISION</u></div> <div>C2404/88 Moved Mayor Phill Cronin Seconder Cr Andrew Macnish</div> <div>That the Waste Collection Service Policy (attachment 2) be referred back to the P+L committee at its next meeting of 15 May 2024.</div> <div>CARRIED 9 /0</div> <div>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft</div> <div>AGAINST: Nil</div>	<div>01/05/2024 Jo Barrett-Lennard</div> <div>Council Policy: Building Insurance has been updated on the City's website, inclusive of Directorate name change, endorsement date and resolution number.</div> <div>Council Policy: Waste Collection Services has been listed for inclusion on the agenda for the Policy and Legislation Committee meeting scheduled for 15 May 2024.</div>	01/05/2024																		
17/04/2024	Budget Amendments - Infrastructure and Environment	Completed	<div><u>COUNCIL DECISION</u></div> <div>C2404/91 Moved Cr Val Kaigg, seconded Cr Jarrod Kennedy</div> <div>That the Council:</div> <div>1. Endorse the following requested budget amendments:</div> <table><tr><th colspan="6">Amendment Description</th></tr><tr><th colspan="6">Project Description</th></tr><tr><th>Item #</th><th>Budgeted Municipal Net Current Position</th><th>Operational Expenditure Budget</th><th>Capital Expenditure Budget</th><th>Grant</th><th>Reserves or Restrict Assets</th></tr></table>	Amendment Description						Project Description						Item #	Budgeted Municipal Net Current Position	Operational Expenditure Budget	Capital Expenditure Budget	Grant	Reserves or Restrict Assets	<div>18/07/2024 Tegan Robertson</div> <div>Budget amendments completed.</div>	18/07/2024
Amendment Description																							
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Item #	Budgeted Municipal Net Current Position	Operational Expenditure Budget	Capital Expenditure Budget	Grant	Reserves or Restrict Assets																		

Meeting Date	Item	Status	Action Required					Action Taken	Completed
				Increase / (Decrease)	Increase / (Decrease)	Increase / (Decrease)	(Increase) / Decrease	Increase / (Decrease)	
			1	Increase Budget of Existing Capital Project to be funded from the Other Infrastructure Reserve					
				Project 12815 - North Street Drainage Works (C)					
				-	-	80,176	-	(80,176)	
			2	Reduce Budget of Existing Capital Project from the Other Infrastructure Reserve					
				Project 14884 - Depuch Close - Eagle Bay (C)					
				-	-	(7,617)	-	7,617	
			3	Reduce Budget of Existing Capital Project from the Other Infrastructure Reserve					
				Project 14885 - Heppingstone & Hale Street Intersection (C)					
				-	-	(26,068)	-	26,068	
			4	Reduce Budget of Existing Capital Project from the Other Infrastructure Reserve					
				Project 14886 Hester Street Drainage Renewal SLK 0.33 (C)					
				-	-	(8,737)	-	8,737	
			5	Increase Budget of Existing Capital Project from the Road Reserve					
				Project 12827 - Commonage Road (C)					
				-	-	830,500	-	(830,500)	
			6	Remove Capital Project which was to be funded from the Road Reserve					
				Project 14864 - Sugarloaf Road - Second Coat Seal (C)					
				-	-	(66,521)	-	66,521	
			7	Reduce Budget of Existing Capital Project from the Road Reserve					
				Project 14850 Cook Street Asphalt Overlay SLK 0.39 to 1.25 (C)					
				-	-	(109,082)	-	109,082	
			8	Reduce Budget of Existing Capital Project from the Road Reserve					
				Project 12005 – Payne Road (C)					
				-	-	(161,374)	-	161,374	
			9	Reduce Budget of Existing Capital Project from the Road Reserve					
				Project 12611 – North Jindong Road (C)					
				-	-	(268,637)	-	268,637	
			10	Reduce Budget of Existing Capital Project from the Road Reserve					
				Project 14854 – Boallia Road (C)					
						(85,819)		85,819	
			11	Reduce Budget of Existing Capital Project from the Road Reserve					
				Project 14858 - Artisan Street Asphalt Overlay SLK 0.02 to 0.16 (C)					
						(11,075)		11,075	
			12	Reduce Budget of Existing Capital Project from the Road Reserve					
				Project 14865 - Yallingup Beach Road Reseal SLK 0 to 0.19 (C)					
						(5,894)		5,894	
			13	Reduce Budget of Existing Capital Project from the Road Reserve					
				Project 12842 – Nuttman Road (C)					
						(4,298)		4,298	
			14	Reduce Budget of Existing Capital Project from the Road Reserve					
				Project 15108 - Bussell Highway Resurfacing SLK 0 to 3.8 (C)					

Meeting Date	Item	Status	Action Required	Action Taken	Completed																												
			<table><tr><td></td><td></td><td></td><td>(2,232)</td><td></td><td>2,232</td></tr><tr><td rowspan="3">15</td><td colspan="5">New Captial Project to be funded from the Road Reserve</td></tr><tr><td colspan="5">Metricup-Yelverton Road</td></tr><tr><td></td><td></td><td>138,134</td><td></td><td>(138,134)</td></tr><tr><td>Totals</td><td>-</td><td>-</td><td>291,456</td><td>-</td><td>(291,456)</td></tr></table> <p>2. Note these amendments will completed by the end of the financial year.</p> <p style="text-align: right;">CARRIED 9 / 0</p> <p style="text-align: center;">FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft</p> <p style="text-align: right;">AGAINST: Nil</p> <p style="text-align: right;">BY ABSOLUTE MAJORITY</p>				(2,232)		2,232	15	New Captial Project to be funded from the Road Reserve					Metricup-Yelverton Road							138,134		(138,134)	Totals	-	-	291,456	-	(291,456)		
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			138,134		(138,134)																												
Totals	-	-	291,456	-	(291,456)																												
17/04/2024	2023/2024 Community Assistance Program Round 3 Outcomes	Completed	<p><u>COUNCIL DECISION</u></p> <p>C2404/92 Moved Cr Jodie Richards, seconded Cr Anne Ryan</p> <p>That the Council endorses the following funding allocation, to be funded from the 2023/2024 Community Assistance Program budget:</p> <table><tr><th colspan="2">Applicant</th><th>Allocation</th></tr><tr><td>1</td><td>Busseton Community Garden</td><td>\$4,337.16</td></tr><tr><td>2</td><td>Busseton Hockey Association</td><td>\$6,000.00</td></tr><tr><td>3</td><td>Busseton Jetty Inc.</td><td>\$10,000.00</td></tr><tr><td>4</td><td>Busseton Men’s Shed</td><td>\$4,080.00</td></tr><tr><td>5</td><td>Radiance Network South West</td><td>\$9,500.00</td></tr><tr><td>6</td><td>Waratah Support Centre</td><td>\$10,000.00</td></tr><tr><td colspan="2">TOTAL</td><td>\$43,917.16</td></tr></table> <p style="text-align: right;">CARRIED 9 / 0</p> <p style="text-align: center;">FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft</p> <p style="text-align: right;">AGAINST: Nil</p>	Applicant		Allocation	1	Busseton Community Garden	\$4,337.16	2	Busseton Hockey Association	\$6,000.00	3	Busseton Jetty Inc.	\$10,000.00	4	Busseton Men’s Shed	\$4,080.00	5	Radiance Network South West	\$9,500.00	6	Waratah Support Centre	\$10,000.00	TOTAL		\$43,917.16	<p>05/06/2024 Tegan Robertson</p> <p>Grant agreements in progress.</p> <p>07/08/2024 Tegan Robertson</p> <p>Grant agreements issued and executed.</p>	07/08/2024				
Applicant		Allocation																															
1	Busseton Community Garden	\$4,337.16																															
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TOTAL		\$43,917.16																															
17/04/2024	Review of Bush Fire Advisory Committee Terms of Reference	Completed	<p><u>COUNCIL DECISION</u></p> <p>C2404/94 Moved Cr Mikayla Love, seconded Cr Andrew Macnish</p> <p>That the Council endorses the attached Terms of Reference for the Bush Fires Advisory Committee (attachment 1).</p> <p style="text-align: right;">CARRIED 9 / 0</p>	<p>06/06/2024 Tegan Robertson</p> <p>Bush Fires Advisory Committee terms of reference adopted and published.</p>	06/06/2024																												

Meeting Date	Item	Status	Action Required	Action Taken	Completed
			<p><b>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft</b></p> <p><b>AGAINST: Nil</b></p> <p><b>EN BLOC</b></p>		
17/04/2024	Busselton Jetty - s43 Prohibition on Fishing (Wire Trace) Order	Completed	<p><b><u>COUNCIL DECISION</u></b></p> <p><b>C2404/93</b> Moved Cr Mikayla Love, seconded Cr Jodie Richards</p> <p><b>That the Council requests the CEO to provide advice to the Minister for Fisheries on the positioning of boundaries for the proposed inclusion of the Busselton Jetty and surrounds within the s43 Prohibition on Fishing (Wire Trace) Order, as per Attachment 1.</b></p> <p><b>CARRIED 6 / 3</b></p> <p><b>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Mikayla Love, Cr Kate Cox and Cr Richard Beecroft</b></p> <p><b>AGAINST: Cr Val Kaigg, Cr Andrew Macnish and Cr Jarrod Kennedy</b></p>	<p><b>02/05/2024 Tegan Robertson</b></p> <p>Officers have advised DPIRD of the Council's decision. DPIRD representatives have confirmed they have noted the position of the Council on its recommended location for wire trace restrictions in the City of Busselton area, following the outcome of community consultation. DPIRD will be engaging Recfishwest to provide comment on the proposal from the City of Busselton. Following discussions with Recfishwest, DPIRD will provide consolidated advice to the Minister on this matter. Any decisions made by the Minister will then be communicated to the City of Busselton.</p>	02/05/2024
17/04/2024	Albert Street Bus Shelter	In Progress	<p><b><u>COUNCIL DECISION</u></b></p> <p><b>C2404/95</b> Moved Cr Val Kaigg, seconded Cr Jodie Richards</p> <p><b>That the Council:</b></p> <ol style="list-style-type: none"> <li>1. Include \$40,000 in the draft annual budget for the 2024/2025 financial year for the design and implementation of a bus shelter for TRANSWA bus services; and</li> <li>2. Request that the CEO investigate the location and bus shelter design options available, and provide a report on the suitability of available options and expected costs to the Council in the 2024/25 financial year, prior to commencing detailed design and implementation works.</li> </ol> <p><b>CARRIED 9 / 0</b></p> <p><b>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft</b></p> <p><b>AGAINST: Nil</b></p>	<p><b>05/06/2024 Tegan Robertson</b></p> <p>An allocation has been included in the draft 24/25 FY budget. Design and construction is planned to be completed during the 24/25 financial year.</p>	
17/04/2024	Redevelopment of Old Tennis Club - Headlease and Sublease of Lot 448 Marine Terrace, Busselton	Completed	<p><b><u>COUNCIL DECISION</u></b></p> <p><b>C2404/96</b> Moved Cr Jodie Richards, seconded Cr Mikayla Love</p> <p><b>That the Council:</b></p> <ol style="list-style-type: none"> <li>1. Resolves to enter into a lease with the State of WA in relation to Lot 448 on Deposited Plan 193977 (25 Marine Terrace) Busselton (the Old Tennis Club Building) and delegates power and authority to the Chief Executive Officer to negotiate and agree the lease on the following terms and conditions: <ol style="list-style-type: none"> <li>a. Term: no less than 30 years</li> <li>b. Rent: \$1000 + GST per year</li> <li>c. Permitted purpose: Development and operation of a Café, Gelato and Chocolate Retail Outlet</li> </ol> </li> </ol>	<p><b>14/05/2024 Trevor Ayers</b></p> <p>Advertising has occurred (closed 10/5/2024). 4 submissions received.</p>	05/06/2024

Meeting Date	Item	Status	Action Required	Action Taken	Completed
			<p>d. Such further terms and conditions as required by the CEO.</p> <p>2. Resolves to sublease the Old Tennis Club Building to Left Coast Chocolate Pty Ltd, subject to the consent of the Minister for Planning, Lands and Heritage and there being no objections raised through the required section 3.58 (of the Local Government Act 1995) advertising, and delegates power and authority to the Chief Executive Officer to negotiate and agree the sublease on the following terms and conditions:</p> <p>a. Term: same as Headlease term (less one day)</p> <p>b. Rent:</p> <p>Year 1 - \$100 + GST  Year 2 - \$16,250 + GST  Year 3 - \$32,500 + GST  Year 4 - \$48,750 + GST  Year 5 - \$65,000 + GST (subject to market rent review)  Year 6 and onwards – previous year’s rent annually reviewed and adjusted in accordance with CPI each year and market reviews to be undertaken on the 5<sup>th</sup> anniversary of the term and every 5 years thereafter;</p> <p>c. Permitted Purpose: Family restaurant/cafe, chocolatier and retail outlet for the sale of chocolate and gelato or other merchandise approved from time to time by the City;</p> <p>d. Such further terms and conditions as required by the CEO.</p> <p style="text-align: right;">CARRIED 9 / 0</p> <p style="text-align: center;">FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish,  Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft</p> <p style="text-align: right;">AGAINST: Nil</p> <p style="text-align: right;">BY ABSOLUTE MAJORITY</p>		
17/04/2024	Busselton Jetty Reference Group Terms of Reference	Completed	<p><b>COUNCIL DECISION</b></p> <p><b>C2404/97</b> Moved Cr Anne Ryan, seconded Cr Jodie Richards</p> <p>That the Council:</p> <p>1. Adopt the amended Terms of Reference for the Busselton Jetty Reference Group at attachment 1;</p> <p>2. Appoint an additional Elected Member to the Busselton Jetty Reference Group;</p> <p>a) Member</p> <p>Cr Val Kaigg</p> <p>b) Deputy</p> <p>Cr Mikayla Love</p> <p style="text-align: right;">CARRIED 9 / 0</p> <p style="text-align: center;">FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish,  Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft</p> <p style="text-align: right;">AGAINST: Nil</p>	<p><b>01/05/2024 Jo Barrett-Lennard</b></p> <p>Terms of Reference has been updated, inclusive of Council endorsement date and resolution number. Updated Terms of Reference have been circulated to Economic and Business Development.</p>	01/05/2024
17/04/2024	Proposed Hangar Lease at Busselton Margaret River Airport	Completed	<p><b>COUNCIL DECISION</b></p> <p><b>C2404/98</b> Moved Cr Anne Ryan, seconded Cr Jodie Richards</p> <p>That the Council resolves to advertise the proposed disposition of property in accordance with section 3.58 of the Local Government Act 1995 for the terms and conditions outlined in this report and, if there are no objections, delegates</p>	<p><b>13/05/2024 Jennifer May</b></p> <p>The lease has been advertised with no objections received. The proponent will be contacted to enter into a lease with the City.</p> <p><b>17/06/2024 Jo Barrett-Lennard</b></p> <p>The lease has been fully executed by all parties. No further action required.</p>	31/05/2024

Meeting Date	Item	Status	Action Required	Action Taken	Completed
			<p>power and authority to the Chief Executive Officer, to negotiate and enter into a lease with Mader Valley Investments Pty Ltd as trustee for Helo Trust for the occupation of a portion of Lot 1974, Deposited Plan 411016, Volume 2931, Folio 507, 86 Neville Hyder Drive, Yalyalup as referred to as D4 on Attachment 1, on the following terms and conditions:</p> <ol style="list-style-type: none"> <li>The term of the lease to be 21 years commencing on 14 May 2024 and expiring on 14 May 2045 with a further 21 year option.</li> <li>The annual rent to commence at \$20,790 plus GST with a rent free period from the date of commencement of the Term until the date of Practical Completion or 18 months from the date of commencement of the Term, whichever is earlier.</li> <li>Rent to be reviewed annually on each anniversary in accordance with CPI, with market rent reviews to be undertaken every 5 years</li> <li>Permitted purpose aircraft storage and maintenance</li> <li>Such further terms and conditions as determined by the CEO.</li> </ol> <p style="text-align: right;"><b>CARRIED 9 / 0</b></p> <p><b>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft</b></p> <p style="text-align: right;"><b>AGAINST: Nil</b></p> <p style="text-align: right;"><b>BY ABSOLUTE MAJORITY</b></p>		
17/04/2024	Behaviour complaints framework	In Progress	<p><b><u>COUNCIL DECISION</u></b></p> <p><b>C2404/102</b> Moved Cr Andrew Macnish, seconded Cr Jarrod Kennedy</p> <p>That the Council disband the Behaviour Complaints Committee (and have complaints dealt with by the Council as a whole). Consequential documents to be re-worded to reflect this.</p> <p style="text-align: right;"><b>CARRIED 7 / 2</b></p> <p style="text-align: center;"><b>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Jarrod Kennedy and Cr Richard Beecroft</b></p> <p style="text-align: right;"><b>AGAINST: Cr Mikayla Love and Cr Kate Cox</b></p>	<p><b>07/08/2024 Tegan Robertson</b></p> <p><i>Council Policy: Management of Complaints of Alleged Breaches of Behaviour</i> has been updated to remove reference to the Behaviour Complaints Committee and was reviewed by the Policy and Legislation Committee in July 2024. Committee recommendation will be considered by the Council in August 2024. Delegations to the Behaviour Complaints Committee will be reviewed and revoked through the City's annual review of delegations planned for September/October 2024.</p>	
17/04/2024	Future of Busselton-Sugito Relationship	Completed	<p><b><u>COUNCIL DECISION</u></b></p> <p><b>C2404/104</b> Moved Cr Jodie Richards, seconded Cr Kate Cox</p> <p>That the Council:</p> <ol style="list-style-type: none"> <li>Authorises a delegation comprising the Mayor, CEO and President of Busselton and Sugito Sister Cities Association (BASSCA) to travel to Sugito in Japan in August 2024 to discuss future proposals for the Busselton-Sugito Sister City relationship.</li> <li>Approves expenditure of \$10,000 from the CEO's 2023/24 contingency budget to fund the cost of the delegation to travel to Sugito for this purpose.</li> </ol> <p style="text-align: right;"><b>CARRIED 8 / 1</b></p> <p style="text-align: center;"><b>FOR: Mayor Phill Cronin, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft</b></p> <p style="text-align: right;"><b>AGAINST: Cr Anne Ryan</b></p>	<p><b>07/08/2024 Tegan Robertson</b></p> <p>Mayor Phill Cronin and CEO Tony Nottle, with BASSCA President, Ms Pauline Vukelic, travelled to Sugito in August 2024 to discuss future proposals for the Busselton-Sugito Sister City relationship.</p>	07/08/2024

Meeting Date	Item	Status	Action Required	Action Taken	Completed
17/04/2024	Elected Member Information Bulletin	Completed	<p><b>COUNCIL DECISION</b></p> <p><b>C2404/105</b> Moved Cr Andrew Macnish, seconded Cr Anne Ryan</p> <p>That the items from the Councillors Information Bulletin be noted*</p> <ul style="list-style-type: none"> <li>Minutes of Committee Meetings</li> <li>Minor Donations Program</li> <li>Current Active Tenders</li> <li>State Administrative Tribunal Reviews Update</li> <li>Council Resolution Status Update</li> </ul> <p><i>*Shall not be in any way read that the Council endorses or supports or agrees with the matter being 'noted'. In addition, this 'noting' form of communication does not excuse any party from any obligation or responsibility in relation to the matter/s being 'noted'. It is simply a recognition that the CEO has authorised the placing of the information (being 'noted') on the public Council agenda (as opposed to other media or not at all).</i></p> <ul style="list-style-type: none"> <li>That the Council request the CEO use the asterisk and associated context used in recommendation 1 if and whenever the word noted is used (or the phrase 'the Council notes..' or similar variant of note) again in the Council Agenda at any time in the future.</li> </ul> <p><b>CARRIED 5 / 4</b></p> <p><b>FOR: Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish and Cr Richard Beecroft</b></p> <p><b>AGAINST: Mayor Phill Cronin, Cr Mikayla Love, Cr Kate Cox and Cr Jarrod Kennedy</b></p>	<p><b>18/07/2024 Tegan Robertson</b></p> <p>Elected Member Information Bulletin received by Council. Templates updated to include explanatory note.</p>	18/07/2024
17/04/2024	Appointment of an Independent External Member - Audit and Risk Committee	Completed	<p><b>COUNCIL DECISION</b></p> <p><b>C2404/107</b> Moved Cr Andrew Macnish, seconded Cr Mikayla Love</p> <p>That the Council:</p> <ol style="list-style-type: none"> <li>Appoint Mr Ben Townend as the independent external member of the Audit and Risk Committee. <b>ABSOLUTE MAJORITY</b></li> <li>Pursuant to section 5.100 of the Local Government Act 1995 set the fee for the independent external member of the Audit and Risk Committee at \$415 per meeting.</li> </ol> <p><b>CARRIED 9 / 0</b></p> <p><b>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft</b></p> <p><b>AGAINST: Nil</b></p> <p><b>BY ABSOLUTE MAJORITY</b></p>	<p><b>01/05/2024 Ben Whitehill</b></p> <p>Mr Ben Townend has been appointed to the Audit and Risk Committee.</p>	01/05/2024
17/04/2024	Appointment of Independent External Members - Waterways Management Committee	Completed	<p><b>COUNCIL DECISION</b></p> <p><b>C2404/111</b> Moved Cr Anne Ryan, seconded Mayor Phill Cronin</p> <p>That the Council</p> <ol style="list-style-type: none"> <li>appoint the following independent external members to the Waterways Management Committee: <ol style="list-style-type: none"> <li>Mr Steve Disley</li> <li>Ms Vikki Viela</li> </ol> </li> </ol>	<p><b>01/05/2024 Danielle Halliday</b></p> <p>Appointees informed by digital letter on 26 April 2024 via Director of Infrastructure and Environment.</p>	01/05/2024

Meeting Date	Item	Status	Action Required	Action Taken	Completed																																							
			<div><div>2. Pursuant to section 5.100 of the <i>Local Government Act 1995</i> set the fee for the independent external member of the Waterways Management Committee at \$415 per Meeting</div><div>CARRIED 9 / 0</div><div>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft</div><div>AGAINST: Nil</div><div>BY ABSOLUTE MAJORITY</div></div>																																									
15/05/2024	Adoption of Schedule of Fees and Charges for 2024/25	Completed	<div><div>COUNCIL DECISION</div><div>C2409/130 Moved Cr Mikayla Love, seconded Cr Kate Cox</div><div>That the Council endorses the Fees and Charges as detailed in the “Schedule of Fees and Charges – 2024/25” as per Attachment 2 – Draft Schedule of Fees and Charges – 2024/25, effective from and including 1 July 2024.</div><div>CARRIED 9 / 0</div><div>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft</div><div>AGAINST: Nil</div></div>	<div>31/05/2024 Paul Sheridan</div> <div>Schedule of fees and charges adopted by the Council.</div>	31/05/2024																																							
15/05/2024	Leisure Centres Capital Funds	Completed	<div><div>COUNCIL DECISION</div><div>C2405/131 Moved Cr Jarrod Kennedy, seconded Cr Val Kaigg</div><table><tr><th rowspan="2">Item #</th><th>Budgeted Municipal Net Current Position</th><th>Operational Expenditure Budget</th><th>Capital Expenditure Budget</th><th>Grant</th><th>Reserves or Restricted Assets</th></tr><tr><th>Increase / (Decrease)</th><th>Increase / (Decrease)</th><th>Increase / (Decrease)</th><th>(Increase) / Decrease</th><th>Increase / (Decrease)</th></tr><tr><td rowspan="3">1</td><td colspan="5">New capital project funded from the Furniture Equipment Reserve</td></tr><tr><td colspan="5">New Project # TBA– Leisure Centres GLC Spin Bikes (C)</td></tr><tr><td>-</td><td>-</td><td>180,000</td><td>-</td><td>(180,000)</td></tr><tr><td colspan="6"></td></tr><tr><td>TOTALS</td><td>-</td><td>-</td><td>180,000</td><td>-</td><td>(180,000)</td></tr></table><div>CARRIED 9 / 0</div><div>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft</div><div>AGAINST: Nil</div></div>	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	New capital project funded from the Furniture Equipment Reserve					New Project # TBA– Leisure Centres GLC Spin Bikes (C)					-	-	180,000	-	(180,000)							TOTALS	-	-	180,000	-	(180,000)	<div>31/05/2024 Paul Sheridan</div> <div>Budget amendment actioned.</div>	31/05/2024
Item #	Budgeted Municipal Net Current Position	Operational Expenditure Budget	Capital Expenditure Budget		Grant	Reserves or Restricted Assets																																						
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Meeting Date	Item	Status	Action Required	Action Taken	Completed
15/05/2024	Future of the Geographe Leisure Centre	In Progress	<p><b>COUNCIL DECISION</b></p> <p><b>C2405/132</b> Moved Cr Andrew Macnish, seconded Cr Jarrod Kennedy</p> <p>That the Council authorise the CEO to:</p> <ol style="list-style-type: none"> <li>Commence a site identification process for a new District Leisure and Recreation Centre</li> <li>Undertake further feasibility analysis and assessment to confirm the scope, cost and potential funding sources for the development of a new District Leisure and Recreation facility.</li> </ol> <p><b>CARRIED 9 / 0</b></p> <p><b>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft</b></p> <p><b>AGAINST: Nil</b></p>		
15/05/2024	2024-2025 Bushfire Risk Reduction Notice	In Progress	<p><b>COUNCIL DECISION</b></p> <p><b>C2405/135</b> Moved Cr Jodie Richards, seconded Cr Richard Beecroft</p> <p>That the Council:</p> <ol style="list-style-type: none"> <li>Endorse the adoption of the 2024-2025 Bushfire Risk Reduction Notice subject to amending point 5 of the Managed Fuel Area definition within the Notice to read <i>“Unless Managed Vegetation, available Surface Fine Fuel loads must be reduced and maintained at an average compressed depth of 15mm, by Passive Fuel Reduction methods that do not permanently remove or reduce the quantity or occurrence of the native plants, shrubs, and trees within the subject area.</i></li> <li>Support the planned consultation approach and timeline for implementation of the approved 2024-2025 Bushfire Risk Reduction Notice as described within the officer comment section of this report.</li> </ol> <p><b>CARRIED 9 / 0</b></p> <p><b>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft</b></p> <p><b>AGAINST: Nil</b></p>	<p><b>04/06/2024 Rachel Runco</b></p> <p>Development of supporting documentation underway.</p>	
15/05/2024	Application for Development Approval - DA23/0468 - Grouped Dwelling - 2/48 Hammond Road, Yallingup	Completed	<p><b>COUNCIL DECISION</b></p> <p><b>C2405/136</b> Moved Cr Mikayla Love, seconded Cr Jarrod Kennedy</p> <p>That the Council determines:</p> <ol style="list-style-type: none"> <li>That application DA23/0468 submitted for development approval for Grouped Dwelling on Lot 2 (No. 2/48) Hammond Road, Yallingup, is considered by the Council to not be consistent with the Local Planning Scheme No. 21 and the objectives of the zone within which it is located.</li> <li>To refuse the development application as it does not meet the following matters to be considered when determining a development application as listed under clause 67 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> – <ul style="list-style-type: none"> <li>(2)(c) <i>any approved State planning policy;</i> It is deemed that the proposed development does not comply with State Planning Policy 7.3 Residential Design Codes as it does not comply with the design principles of the clause/s –</li> <li>Clause 5.1.3 Lot Boundary Setbacks – Proposed setback of 1.5m to the rear (western) elevation in lieu of a deemed-to-comply setback of 6m is considered not to meet the associated design</li> </ul> </li> </ol>	<p><b>04/06/2024 Joanna Wilson</b></p> <p>The decision has been issued and submitters notified of the decision.</p>	04/06/2024

Meeting Date	Item	Status	Action Required	Action Taken	Completed
			<p>principles namely in terms of having an unacceptable impact upon neighbouring properties in terms of building bulk.</p> <p><i>(2)(m) the compatibility of the development with its setting, including —</i></p> <p><i>(i) the compatibility of the development with the desired future character of its setting; and</i></p> <p><i>(ii) 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 of the development;</i></p> <p>It is deemed that the rear (western) elevation and proposed rear (western) lot boundary setback would result in unacceptable building bulk when viewed from the property to the west and would detract from the visual amenity of the neighbouring property. <sup>COB</sup></p> <p><i>(2)(n) the amenity of the locality including the following — ...</i></p> <p><i>(ii) the character of the locality;</i></p> <p>It is deemed that the rear (western) elevation and proposed rear (western) lot boundary setback would result in unacceptable building bulk when viewed from the property to the west and would be inconsistent with the character of the locality.</p> <p style="text-align: right;"><b>CARRIED 8 / 1</b></p> <p><b>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft</b></p> <p style="text-align: right;"><b>AGAINST: Cr Andrew Macnish</b></p> <p style="text-align: right;"><b>EN BLOC</b></p>		
15/05/2024	DA17/0866.01 - Application for Modification to Development Approval - Industry - Extractive (Gravel)	Completed	<p><b><u>COUNCIL DECISION</u></b></p> <p><b>C2405/137</b> Moved Cr Anne Ryan, seconded Cr Jodie Richards</p> <p><b>That the Council determines:</b></p> <ol style="list-style-type: none"> <li>That application DA17/0866.01 submitted for ‘Amendment to Development Approval – Industry – Extractive’ (gravel) at Lot 2 Nuttman Road and Lot 3 Chapman Hill East Road, Chapman Hill 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.</li> <li>That condition 6.4 is not amended as the additional haul route proposed by the applicant is not currently considered suitable from a traffic safety perspective to allow for additional heavy vehicles movements.</li> <li>That the conditions of Development Approval for the proposal referred to in (1) above be amended as follows –</li> </ol> <p><b>GENERAL CONDITIONS:</b></p> <ol style="list-style-type: none"> <li>The development hereby approved is permitted to operate until 31 December 2024. The site shall be fully rehabilitated in accordance with an approved Rehabilitation Management Plan (as approved under condition 3.2) by the expiry date of this development approval.</li> <li>2. The owner must ensure that the development is undertaken in accordance with the approved plans and the details contained within the Site and Development Plans and Application Material (Attachment B and C), other than as modified by the conditions below. Where there is a conflict between a condition of this development approval and any approved plan, the requirements of the condition shall prevail.</li> </ol>	<p><b>04/06/2024 Joanna Wilson</b></p> <p>The decision letter has been issued and submitters notified of the decision.</p>	04/06/2024

Meeting Date	Item	Status	Action Required	Action Taken	Completed
			<p>3. 3. If at any time, any of the conditions have not been complied with, all extraction activities (including haulage) must cease until such time as the breach has been rectified, to the satisfaction of the City in writing.</p> <p>PRIOR TO COMMENCEMENT OF ANY WORKS CONDITIONS:</p> <p>4. The owner must ensure that no material is extracted from the site or any other works undertaken until the following plans/details have been submitted to, and approved by, the City:</p> <p>4.1 Details of a Tree Protection Plan providing for temporary demarcation barriers to be erected to 15m from the crown drip zone of adjacent trees to protect the tree and root system from accidental machinery damage.</p> <p>4.2 A Rehabilitation Plan, to be prepared by a suitably qualified natural revegetation practitioner, incorporating like for like revegetation for the area cleared and to be revegetated with native species to provide habitat for black cockatoos and shall include details of the following:</p> <p>a) Description of the finished profile of the soils of the extraction area post extraction;</p> <p>b) Final ground contours, finished profile with embankments not to be steeper than 1 in 5;</p> <p>c) Proposed vegetation assemblage for the area post extraction, given the soil profile, topography and a description of the ecological values and functions that are expected to be returned to the revegetation offset site;</p> <p>d) Staging of revegetation process;</p> <p>e) Ripping and/or other treatments to the base of the pit;</p> <p>f) Spreading of stockpiled topsoil;</p> <p>g) Re-use of any stockpiled vegetation;</p> <p>h) Planting methodology, native species list (mix of trees, shrubs and ground covers), planting densities;</p> <p>i) Criteria for assessment of whether the revegetation has been satisfactorily completed; and</p> <p>j) Weed management plan.</p> <p>4.4 A revised Water Management Plan, including additional details regarding stormwater retention measures to prevent the flow of stormwater into neighbouring properties.</p> <p>4.5 Details of warning signage to be erected along the transport route. Signage shall include signs on both approaches to the pit along Nuttman Road 100m from the access.</p> <p>4.6 A Dust Management Plan, including details validating the water supply available for dust suppression to implement the approved and procedures associated with management of dust on the unsealed section of the haul route.</p> <p>4.7 Details for the upgrading of the existing crossover to ensure that adequate sightlines are achieved.</p> <p>4.8 Plans for the widening of Nuttman Road to:</p> <p>a) a minimum unsealed carriageway width of 7.0 metres from the crossover to the subject site north to the sealed section of Nuttman Road; and</p> <p>b) Widening of the sealed section of Nuttman Road to 6.2m with 0.80m gravel shoulders (7m formation).</p>		

Meeting Date	Item	Status	Action Required	Action Taken	Completed
			<p><i>(such plans shall specify the width, alignment, gradient and type of construction proposed for the upgrades, including all relevant horizontal cross-sections and longitudinal-sections showing existing and proposed levels, together with details of vegetation, pinch points and culverts and where necessary how such culverts will be upgraded).</i></p> <p>4.9 A 3D Digital Terrain Model indicating the following in Australian Height Datum:</p> <p>a) Existing ground levels;</p> <p>b) Maximum extraction depths; and</p> <p>c) Minimum final ground levels after rehabilitation.</p> <p>4.10 The following bonds being provided to the City:</p> <p>a) A road maintenance bond of \$20,000 (being an unconditional bank guarantee) to ensure that the surrounding road network is maintained to the satisfaction of the City for the term of the extractive industry. Those portions of public roads affected by the activities related to the approval shall be maintained to a standard acceptable to the City at the cost of the owner. The City may use the bond to maintain the affected public roads as it deems necessary.</p> <p>b) A dust bond of \$6,000, which shall be held against satisfactory compliance with the Dust Management Plan.</p> <p>c) A rehabilitation bond of \$30,000, which shall be held against satisfactory compliance with Condition 4.2 of this approval.</p> <p>d) Further to conditions 4.10 (a)-(c) (bond conditions), the bonds are to be accompanied by an executed legal agreement with the City at the full cost of the owner. The legal agreement shall include:</p> <p>i. The ability for the City to be able to use the bond, or part of the bond as appropriate, and any costs to the City including administrative costs of completing or rectifying any outstanding works on site in accordance with the conditions of this development approval and any further costs;</p> <p>ii. 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;</p> <p>iii. If at any time part of the bond is called upon, used or applied by the City in accordance with the legal agreement, the restoration of the bond to the full amount required by these conditions; and</p> <p>iv. The ability to lodge a caveat over the site to secure the City's interest.</p> <p>4.11 Details of a noise bund to the southern boundary to the satisfaction of the City, in addition to the noise reduction measures contained within the Approved Environmental Noise Assessment of Gravel Crushing by Acoustic Engineering Solutions dated 23 October 2020.</p> <p>4.12 Details of entry signage to be erected within the lot boundaries adjacent to all driveways and pit entrances, visible and legible to vehicles entering/exiting the Site. Signage shall include the following details:</p> <p>a) Approved operating hours;</p> <p>b) Site contact details;</p> <p>c) Approved haulage route and times; and</p> <p>d) School bus times.</p> <p>PRIOR TO COMMENCEMENT OF EXTRACTION CONDITIONS:</p>		

Meeting Date	Item	Status	Action Required	Action Taken	Completed
			<p>5. owner must ensure that no material is extracted until information setting out that and how the plans and details required by Conditions 2 and 4 have been implemented/has been provided to the satisfaction of the City, and the City has subsequently issued a 'Permit to Commence', confirming that extraction can commence.</p> <p>PRIOR TO COMMENCEMENT OF EXTRACTION, OTHER THAN EXTRACTION FOR UPGRADES TO NUTTMAN ROAD:</p> <p>6. Notwithstanding Condition 5 above, gravel can be extracted from and crushed on the site for the purpose of upgrading Nuttman Road and/or the crossover, in the following circumstances:</p> <p>a) Where all plans, details and bonds required by Condition 4 have been provided to and approved by the City, and implemented to the satisfaction of the City; dispa and</p> <p>b) With the prior written approval of the City.</p> <p>ONGOING CONDITIONS:</p> <p>7. The owner must ensure that the plans, details and works undertaken to satisfy Conditions 1, 2, 3, 4, 5 and 6 are subsequently implemented and maintained for the life of the development and, in addition, the following conditions must be complied with:</p> <p>7.1 The development hereby approved shall be limited to: the excavation or movement of gravel from its natural state on the site; screening of material; crushing of gravel; transportation of gravel within or off the site; associated drainage works and access ways; and rehabilitation works. At no time shall any blasting works be carried out.</p> <p>7.2 Operating hours, including the use of any vehicle or machinery, or the transportation/hauling of materials, shall be restricted to the hours between:</p> <p>a) 7:00am and 6:00pm Mondays to Fridays; and</p> <p>b) 7:00am and 1:00pm Saturdays for rehabilitation works only. No extractive works are permitted on Saturdays.</p> <p>c) No works of any kind to be carried out at any time on Sundays or public holidays.</p> <p>7.3 Within one week of each school term's commencement, details of the school bus exclusion time for both am and pm shall be submitted to and approved by the City in consultation with the relevant school bus operators. The times should include the bus operating times on the haulage routes including a 15min exclusion window either side of the earliest and latest bus time.</p> <p>7.4 The designated haulage route is to the Busselton Bypass, northwards along Nuttman Road to Walsall Road and then north along Chapman Hill Road. No other routes may be used, until trucks have reached the Busselton Bypass.</p> <p>7.5 A maximum number of 70 truck movements (i.e. 35 trucks entering and 35 trucks exiting the site) shall be permitted on any operating day (i.e. Sundays and public holidays are not operating days). No truck movements shall be permitted on any other day or outside the approved operating hours.</p> <p>7.6 Notwithstanding Conditions 7.4 and 7.5 above, should more than 70 truck movements per day and/or an alternative haulage route be proposed, a Traffic Management Plan is to be submitted to and approved in writing by the City; with the Plan being submitted to the City at least 7 working days prior to any haulage not consistent with Conditions 7.4 or 7.5 occurring.</p> <p><i>Note: The City will only approve additional movements or alternate routes where it is determined that an acceptable Traffic Management Plan has been provided. The City will not approve additional truck movements and/or an alternative haulage route for more than 20 working days in any calendar year. Any additional days will require a Modification to Development Approval to be submitted to, and approved by, the City.</i></p>		

Meeting Date	Item	Status	Action Required	Action Taken	Completed
			<p>7.7 No more than 2 hectares shall be worked at any one time; this area shall then be rehabilitated in accordance with the pasture zone 2 details pursuant to Condition 4.2 concurrently with the extraction of the following 2 hectare area.</p> <p>7.8 The lowest level of excavation shall always be a minimum of 300mm above the maximum water table level and no dewatering works are to be undertaken.</p> <p>7.9 Further to condition 7.8 (level of extraction), the final land surface (after rehabilitation for pasture) should be 500mm above the maximum seasonal groundwater.</p> <p>7.10 Native Revegetation Zone 1 of the approved Rehabilitation Plan shall be implemented this planting season in accordance with the approved details, including any notes placed thereon in red by the City.</p> <p>7.11 The owner must submit to the City annually within three months of every anniversary of the issue of the Permit to Commence certificate a written report detailing the following to the satisfaction of the City:</p> <p>a) A survey conducted by a licensed surveyor certifying:</p> <p>i. The extent/size and location of the area which has been extracted;</p> <p>ii. The extent/size and location of the area which has been rehabilitated;</p> <p>iii. The extent/size and location of the area which is currently under operation;</p> <p>b) Details as to which conditions of this development approval have been complied with and how the conditions have been complied with; and</p> <p>c) No extraction operations, including stockpiling or transportation of extracted material, are to be undertaken on the site at any time when an annual written report is due and has not been submitted to the City.</p> <p>7.12 No development (including any extraction) may be carried out at any time when any bond that is required to be in force and effect under Condition 4.10 is not in full force and effect.</p> <p>7.13 Trucks may not arrive at the Site prior to 6:45am and may not leave the Site after the relevant closing time stipulated by condition 7.2.</p> <p style="text-align: right;">CARRIED 8 / 1</p> <p>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft</p> <p style="text-align: right;">AGAINST: Cr Mikayla Love</p>		
15/05/2024	RFT07/24 Dunsborough Lakes Lansdscape Maintenance	Completed	<p><b>COUNCIL DECISION</b></p> <p>C2405/138 Moved Cr Mikayla Love, seconded Cr Jarrod Kennedy</p> <p>That the Council endorses the outcome of the evaluation panel's assessment of the tender submissions received in response to RFT07/24 Dunsborough Lakes Estate Landscape Maintenance and accepts the tender submission from Brody Kuyer as trustee for the Kuyer Family Trust trading as New Image Landscaping and Maintenance as most advantageous to the City.</p> <p style="text-align: right;">CARRIED 8 / 1</p> <p>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft</p> <p style="text-align: right;">AGAINST: Cr Andrew Macnish</p>	<p>18/07/2024 Tegan Robertson</p> <p>Contract awarded and commenced.</p>	18/07/2024

Meeting Date	Item	Status	Action Required	Action Taken	Completed																																																			
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15/05/2024	Business Development, Events and Marketing Program Outcomes - April 2024	Completed	<div><div><div><div>COUNCIL DECISION</div><div>C2405/139 Moved Cr Andrew Macnish, seconded Cr Jarrod Kennedy</div><div>That the Council:</div><div><div>1. Endorses the following single year funding allocation towards the below community focused event, to be funded from the 2023/2024 Events Budget:</div><table><tr><th>Event Name</th><th>Event Date</th><th>Cash funding allocation</th></tr><tr><td>Go Blue for June 2024</td><td>1-30 June 2024</td><td>\$4,000</td></tr><tr><td>TOTALS</td><td></td><td>\$4,000</td></tr></table><div><div>2. Recommends the following funding allocations to the below community focused events to be funded from the 2024/2025 - 2026/2027 Events Budgets:</div><table><tr><th>Event Name</th><th>Event Date</th><th>Cash funding allocation</th></tr><tr><td>Women’s Mental Health Soiree</td><td>13 July 2024</td><td>2024/2025 \$0</td></tr><tr><td>South West Jiu Jitsu Championship</td><td>11 August 2024</td><td>2024/2025 \$4,000 2025/2026 \$4,000 2026/2027 \$4,000</td></tr><tr><td>South West Japan Festival</td><td>16-17 August 2024</td><td>2024/2025 \$1,000</td></tr><tr><td>Dunsborough SongFest</td><td>8-10 October 2024</td><td>2024/2025 \$5,000 2025/2026 \$5,000 2026/2027 \$5,000</td></tr><tr><td>Dunsborough Ladies Classic Bowls Carnival</td><td>24-25 October 2024</td><td>2024/2025 \$1,000</td></tr><tr><td>Coastrek</td><td>25 October 2024</td><td>2024/2025 \$5,000</td></tr><tr><td>2024 Busselton Show</td><td>1-2 November 2024</td><td>2024/2025 \$10,000 2025/2026 \$10,000 2026/2027 \$10,000</td></tr><tr><td>Pride Wellbeing Festival</td><td>1-10 November 2024</td><td>2024/2025 \$5,000</td></tr><tr><td>Dunsborough Street Party</td><td>8 November 2024</td><td>2024/2025 \$10,000 2025/2026 \$10,000 2026/2027 \$10,000</td></tr><tr><td>White Ribbon Silent March</td><td>26 November 2024</td><td>2024/2025 \$2,000</td></tr><tr><td>Christmas in Mitchell Park</td><td>13 December 2024</td><td>2024/2025 \$5,000 2025/2026 \$5,000 2026/2027 \$5,000</td></tr><tr><td>Vasse Community Christmas Festival</td><td>14 December 2024</td><td>2024/2025 \$5,000 2025/2026 \$5,000 2026/2027 \$5,000</td></tr><tr><td>Taj’s Small Fries</td><td>15-19 January 2025</td><td>2024/2025 \$10,000</td></tr></table></div></div></div></div></div>	Event Name	Event Date	Cash funding allocation	Go Blue for June 2024	1-30 June 2024	\$4,000	TOTALS		\$4,000	Event Name	Event Date	Cash funding allocation	Women’s Mental Health Soiree	13 July 2024	2024/2025 \$0	South West Jiu Jitsu Championship	11 August 2024	2024/2025 \$4,000 2025/2026 \$4,000 2026/2027 \$4,000	South West Japan Festival	16-17 August 2024	2024/2025 \$1,000	Dunsborough SongFest	8-10 October 2024	2024/2025 \$5,000 2025/2026 \$5,000 2026/2027 \$5,000	Dunsborough Ladies Classic Bowls Carnival	24-25 October 2024	2024/2025 \$1,000	Coastrek	25 October 2024	2024/2025 \$5,000	2024 Busselton Show	1-2 November 2024	2024/2025 \$10,000 2025/2026 \$10,000 2026/2027 \$10,000	Pride Wellbeing Festival	1-10 November 2024	2024/2025 \$5,000	Dunsborough Street Party	8 November 2024	2024/2025 \$10,000 2025/2026 \$10,000 2026/2027 \$10,000	White Ribbon Silent March	26 November 2024	2024/2025 \$2,000	Christmas in Mitchell Park	13 December 2024	2024/2025 \$5,000 2025/2026 \$5,000 2026/2027 \$5,000	Vasse Community Christmas Festival	14 December 2024	2024/2025 \$5,000 2025/2026 \$5,000 2026/2027 \$5,000	Taj’s Small Fries	15-19 January 2025	2024/2025 \$10,000	<div>18/07/2024 Tegan Robertson</div> <div>All grant agreements created and sent to grant recipients. All agreements include CR point 4 ‘That all City of Busselton funding recipients be informed their funding is contingent upon the recipient/s collecting and reporting in their acquittal the data relevant to the economic development or other benefit of their event. The acquittal report will be assessed by the City and will inform ongoing funding considerations including contractual obligations for subsequent years.’</div>	18/07/2024
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15/05/2024	Busselton and Dunsborough Yallingup Chambers of Commerce and Industries - Funding Proposal	Completed	<p><b>COUNCIL DECISION</b></p> <p><b>C2405/140</b> Moved Cr Andrew Macnish, seconded Cr Jodie Richards</p> <p>That the Council:</p> <p>1. Endorse the following funding allocations from the Business Development, Events and Marketing Program (BDEMP) reserve:</p> <table><tr><th>Organisation</th><th>Financial Year</th><th>Funding allocation</th></tr><tr><td>Busselton Chamber of Commerce and Industry (BCCI)</td><td>2023/24 budget 2024/25 budget</td><td>\$60,000 \$60,000</td></tr><tr><td>Dunsborough-Yallingup Chamber of Commerce and Industry (DYCI)</td><td>2023/24 budget 2024/25 budget</td><td>\$40,000 \$40,000</td></tr></table>	Organisation	Financial Year	Funding allocation	Busselton Chamber of Commerce and Industry (BCCI)	2023/24 budget 2024/25 budget	\$60,000 \$60,000	Dunsborough-Yallingup Chamber of Commerce and Industry (DYCI)	2023/24 budget 2024/25 budget	\$40,000 \$40,000	10/07/2024 Trevor Ayers  KPIs agreed and agreements finalised	10/07/2024															
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			<p>2. To give effect to the funding allocations in resolution 1, enter into separate multi year funding agreements for the 2024/25 and 2025/26 financial years with BCCI and DYCCI that include:</p> <ul style="list-style-type: none"> <li>a. measurable key performance indicators (KPIs) including one requiring the reporting of economic benefit / value of the Chamber's initiatives that quantifies the return on the funding invested.</li> <li>b. targets to increase long-term financial sustainability;</li> <li>c. a condition that year two funding is dependent on the KPIs being met or exceeded; and</li> <li>d. a condition requiring a presentation to the Elected Members of performance against KPIs by 30 April each year, followed by a formal written report submitted to the City by 22 May each year, which will then form the basis for an officer report to the Council (in June).</li> </ul> <p style="text-align: right;"><b>CARRIED 9 / 0</b></p> <p><b>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft</b></p> <p style="text-align: right;"><b>AGAINST: Nil</b></p>		
15/05/2024	Lease of the proposed Marine Discovery Building	In Progress	<p><b>COUNCIL DECISION</b></p> <p><b>C2405/141</b> Moved Cr Jodie Richards, seconded Cr Andrew Macnish</p> <p><b>That the Council:</b></p> <ol style="list-style-type: none"> <li>1. Provide in principle support to enter into a lease with Busselton Jetty Inc (BJI) for the construction and operation of a Marine Discovery Building, as per the concept design in attachment 1, situated within Lot 501, Reserve 38558, Busselton Foreshore, as depicted in attachment 2, subject to state and federal government approval of funding and authorisation to commence the project.</li> <li>2. Agree that the terms and conditions of the lease are to be subject to a further report and decision of the Council, and are to consider: <ul style="list-style-type: none"> <li>a. Responsibilities for the maintenance and insurance of the asset;</li> <li>b. Annual costs and budget to maintain and insure the asset; and</li> <li>c. The financial benefit to the Jetty Maintenance Reserve.</li> </ul> </li> </ol> <p style="text-align: right;"><b>CARRIED 6 / 3</b></p> <p><b>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish and Cr Richard Beecroft</b></p> <p style="text-align: right;"><b>AGAINST: Cr Mikayla Love, Cr Kate Cox and Cr Jarrod Kennedy</b></p>	<p><b>30/07/2024 Maxine Palmer</b></p> <p>The proposed Marine Discovery Building is to be fully funded by the State. The terms and conditions of the lease arrangement with BJI are being worked through to consider the points raised in the Council resolution.</p> <p><b>05/09/2024 Maxine Palmer</b></p> <p>An officer report seeking the Council's decision on the proposed lease terms for the Marine Discovery Building is on the agenda for the 18 September 2024 ordinary Council meeting.</p>	
19/06/2024	Audit and Risk Committee - 8 May 2024 - Complaints Handling Process	In Progress	<p><b>COUNCIL DECISION</b></p> <p><b>C2406/155</b> Moved Cr Andrew Macnish, seconded Cr Jarrod Kennedy</p> <p><b>That the Council re-iterates its resolution C2402/39 and clarifies that all three action items for moving forward contained therein (3 a), b), c)), be implemented.</b></p> <p style="text-align: right;"><b>CARRIED 7 / 0</b></p> <p style="text-align: center;"><b>FOR: Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox and Cr Jarrod Kennedy</b></p> <p style="text-align: right;"><b>AGAINST: Nil</b></p> <p style="text-align: right;"><b>EN BLOC</b></p>	<p><b>08/08/2024 Tegan Robertson</b></p> <p>The first step of the review process has been undertaken with review of the Council's Complaints Management policy. This policy has been recommended with some minor edits to the Council by the Policy and Legislation Committee and will be considered at Council's August 2024 Council meeting. A broader report (inclusive of the outcomes of the strategic policy review) will be presented to the ARC outlining the outcomes and recommendations of a review into complaints handling.</p>	

Meeting Date	Item	Status	Action Required	Action Taken	Completed
19/06/2024	Audit and Risk Committee - 8 May 2024 - Notice of Motion - Complaints and Audit List	In Progress	<p><b><u>COUNCIL DECISION</u></b></p> <p><b>C2406/156</b> Moved Cr Andrew Macnish, seconded Cr Jarrod Kennedy</p> <ol style="list-style-type: none"> <li>Pursuant to Council resolution C2402/39*, the ARC establish a list of items/functions/matters the subject of ‘complaint’, to be reviewed through an independent or internal audit/auditor^.</li> <li>An internal audit plan list be drafted prior to the commencement of the application of the budgeted resourcing and it be priority headed by the following list. The draft internal audit plan list to be presented by the scheduled July ARC meeting.</li> <li>The internal audit plan list to include (in order of priority) but not be limited to: <ul style="list-style-type: none"> <li>A review of the definition of a Complaint (for monitoring/analysis).</li> <li>The process of assessing and monitoring and also dealing with third parties (pre and post approval) involving extractive industry Development Applications.</li> <li>The City’s Planning department’s system of application of assessment and subsequent interaction with applicants where i) DA’s are triaged upon receipt and ii) about to or have progressed to their 60/90 day limit.</li> </ul> </li> <li>The Council requests members of the ARC to submit (complaint-related) matters with accompanying justification/reasons by 5:30, 22<sup>nd</sup> May 2024 , for the CEO to collate and list as an ARC agenda item for discussion for future programming into the internal audit function at the next ARC meeting.</li> </ol> <p><i>^ The Council has allocated a combined \$145,000 to resource (via officer and consultant) the undertaking of the internal audit function.</i></p> <p><b>CARRIED 7 / 0</b></p> <p><b>FOR: Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox and Cr Jarrod Kennedy</b></p> <p><b>AGAINST: Nil</b></p> <p><b>EN BLOC</b></p>	<p><b>07/08/2024 Tegan Robertson</b></p> <p>Internal audit RFQ evaluation has been completed, and a report provided to the Audit and Risk Committee for consideration at its 24 July 2024 meeting. Committee recommendation will be considered by the Council in August 2024.</p> <p><b>04/09/2024 Tegan Robertson</b></p> <p>The Council awarded the contract for the provision of internal audit services to Moore Australia at the 21 August 2024 Council meeting.</p>	
19/06/2024	Policy and Legislation Committee - 15 May 2024 - New Council Policy: Model Litigant	Completed	<p><b><u>COUNCIL DECISION</u></b></p> <p><b>C2406/157</b> Moved Cr Andrew Macnish, seconded Cr Jarrod Kennedy</p> <p><b>That the Council adopt the Model Litigant Policy (Attachment 1).</b></p> <p><b>CARRIED 7 / 0</b></p> <p><b>FOR: Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox and Cr Jarrod Kennedy</b></p> <p><b>AGAINST: Nil</b></p> <p><b>EN BLOC</b></p>	<p><b>17/07/2024 Ben Whitehill</b></p> <p>Policy adopted and published on City website.</p>	17/07/2024
19/06/2024	Policy and Legislation Committee - 15 May 2024 - Council Policy Review: Private works on City land including private coastal protection works	Completed	<p><b><u>COUNCIL DECISION</u></b></p> <p><b>C2406/159</b> Moved Cr Andrew Macnish, seconded Cr Jarrod Kennedy</p> <p><b>That the Council adopts the Council Policy ‘Private works on City land including private coastal protection works’ as per attachment 1 to replace the current policy.</b></p> <p><b>CARRIED 7 / 0</b></p> <p><b>FOR: Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox and Cr Jarrod Kennedy</b></p> <p><b>AGAINST: Nil</b></p> <p><b>EN BLOC</b></p>	<p><b>18/07/2024 Tegan Robertson</b></p> <p>Policy adopted and published.</p>	18/07/2024

Meeting Date	Item	Status	Action Required	Action Taken	Completed
19/06/2024	Policy and Legislation Committee - 15 May 2024 - Council Policy Review: Waste Collection Services	Completed	<p><b>COUNCIL DECISION</b></p> <p><b>C2406/160</b> Moved Cr Andrew Macnish, seconded Cr Jarrod Kennedy</p> <p>That the Council adopts the Council Policy – Waste Collection Services as per attachment 1 to replace the current policy.</p> <p><b>CARRIED 7 / 0</b></p> <p><b>FOR: Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox and Cr Jarrod Kennedy</b></p> <p><b>AGAINST: Nil</b></p> <p><b>EN BLOC</b></p>	<p><b>18/07/2024 Tegan Robertson</b></p> <p>Policy adopted and published.</p>	18/07/2024
19/06/2024	Policy and Legislation Committee - 15 May 2024 - Council Policy Review: Public Artwork and Urban Art	Completed	<p><b>COUNCIL DECISION</b></p> <p><b>C2406/161</b> Moved Cr Andrew Macnish, seconded Cr Jarrod Kennedy</p> <p>That the Council:</p> <ol style="list-style-type: none"> <li>Adopts the amended Council Policy 'Public Art' as per Attachment 1 to replace the current Council Policy 'Public Artwork'; and</li> <li>Rescind the Council Policy 'Urban Art'.</li> </ol> <p><b>CARRIED 7 / 0</b></p> <p><b>FOR: Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox and Cr Jarrod Kennedy</b></p> <p><b>AGAINST: Nil</b></p> <p><b>EN BLOC</b></p>	<p><b>18/07/2024 Tegan Robertson</b></p> <p>Public Art Policy adopted and published. Urban Art Policy rescinded.</p>	18/07/2024
19/06/2024	Hannay Lane	In Progress	<p><b>COUNCIL DECISION</b></p> <p><b>C2406/165</b> Moved Cr Val Kaigg, seconded Cr Andrew Macnish</p> <p>That the Council:</p> <ol style="list-style-type: none"> <li>Retain and re-affix 'pot plants' to the dedicated pedestrian and cyclist area/path on Hannay Lane as soon as practicable to improve safety and clearly delineate the path as a no parking area.</li> <li>Request the CEO to investigate the following options for the future of Hannay Lane during the 2024/2025 financial year: <ol style="list-style-type: none"> <li>retaining two way traffic flow and constructing a kerbed raised footpath;</li> <li>one way traffic flow retaining the at grade footpath with the potential of an additional loading zone; and</li> <li>one way traffic flow constructing a kerbed raised footpath with the potential of an additional loading zone.</li> </ol> </li> <li>Request the CEO to provide a report to the Council on the outcome of the above investigation, including expected costs, in advance of the adoption of the 2025/2026 budget.</li> </ol> <p><b>CARRIED 7 / 0</b></p>	<p><b>09/07/2024 Jo Barrett-Lennard</b></p> <p>City officers have met with the petitioner onsite to discuss options outlined in the resolution.</p>	

Meeting Date	Item	Status	Action Required	Action Taken	Completed
			<p><b>FOR: Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox and Cr Jarrod Kennedy</b></p> <p><b>AGAINST: Nil</b></p> <p>Reasons: Further investigations into the options available would assist the Council in considering safety outcomes and preventing illegal parking in the lane.</p>		
19/06/2024	Sublease - Left Coast Chocolate Pty Ltd 25 Marine Terrace, Busselton - submissions received in response to local public notice	Completed	<p><b>COUNCIL DECISION</b></p> <p><b>C2406/167</b> Moved Cr Andrew Macnish, seconded Cr Jarrod Kennedy</p> <p>That the Council, after considering the submissions received under s3.58 of the <i>Local Government Act 1995</i>, approves the sublease of Lot 448, 25 Marine Terrace, Busselton (Old Tennis Club Building) to Left Coast Chocolate Pty Ltd, subject to the consent of the Minister for Lands and authorises the Chief Executive Officer to enter into a sublease on the following terms and conditions, and in accordance with the <i>Commercial Tenancy (Retail Shops) Agreements Act 1985</i>:</p> <ol style="list-style-type: none"> <li>1. Term: Initial term of 10 years with an option to renew for a further 2, 10 year terms, last term less one day.</li> <li>2. Rent: <ul style="list-style-type: none"> <li>Year 1 - \$100.00 plus GST</li> <li>Year 2 - \$16,250.00 plus GST</li> <li>Year 3 - \$32,500.00 plus GST</li> <li>Year 4 - \$48,750.00 plus GST</li> <li>Year 5 – market rent</li> </ul> </li> <li>3. From year 6 onwards, annual rent reviews will be adjusted according to CPI, with market rent reviews undertaken every 5 years.</li> <li>4. Permitted Purpose: Family restaurant/cafe, chocolatier and retail outlet for the sale of chocolate and gelato or other merchandise approved from time to time by the City.</li> </ol> <p><b>CARRIED 7 / 0</b></p> <p><b>FOR: Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox and Cr Jarrod Kennedy</b></p> <p><b>AGAINST: Nil</b></p> <p><b>EN BLOC</b></p>	<p><b>31/07/2024 Trevor Ayers</b></p> <p>Documents have been signed and finalised with both the proponents and State.</p>	31/07/2024
19/06/2024	2024 Financial Management System Review	Not yet started	<p><b>COUNCIL DECISION</b></p> <p><b>C2406/168</b> Moved Cr Andrew Macnish, seconded Cr Jarrod Kennedy</p> <p>That the Council</p> <ol style="list-style-type: none"> <li>1. Receives the 2024 Financial Management System Review and acknowledges the outcomes as presented in Attachment 1, in accordance with Regulation 5(2)(c) of the <i>Local Government (Financial Management) Regulations 1996</i>; and</li> <li>2. Requests the CEO to provide update reports on the findings and recommendations to the Audit and Risk Committee at its November 2024 meeting and thereafter quarterly.</li> </ol> <p><b>CARRIED 7 / 0</b></p> <p><b>FOR: Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox and Cr Jarrod Kennedy</b></p>	<p><b>18/07/2024 Tegan Robertson</b></p> <p>Next update to be provided to the Audit and Risk Committee at the November 2024 meeting.</p>	

Meeting Date	Item	Status	Action Required	Action Taken	Completed
			<div> <div>AGAINST: Nil</div> <div>EN BLOC</div> </div>		
19/06/2024	Audit and Risk Committee - 8 May 2024 - Legal Advice	In Progress	<div> <div> <b>COUNCIL DECISION</b>   <b>C2406/178</b> Moved Cr Andrew Macnish, seconded Cr Jarrod Kennedy   That the ARC recommend the following motion to the Council:   1. The CEO source external alternative legal advice (to that provided in December 2020 by McLeods) to provide a second opinion on the statutory requirement to advertise the BPACC (now Saltwater) business plan pursuant to s3.59 (Major Land Transaction) <i>Local Government Act 1995</i>.   2. The brief for the external alternative legal advice to provide all of the information that was provided to McLeods causing its initial advice (to Dec 15, 2020 inclusive), and the new information causing subsequent advice (post 15 Dec, 2020) along with the Council's most up to date position for purposes of seeking advice in relation to:   a) The appropriateness (or otherwise) of including contracts including but not limited to; construction, management and leases together for a common overall purpose being that of contributing/combining to the implementation of the BEACH then BPACC (later to be described as Saltwater) project proposal for the purposes of forming a Major Land Transaction (s3.59 LG Act); and   b) The triggering of the need to re-advertise a business plan (under s3.59) when planned State funding of \$9.5m^ did not eventuate (causing this amount to be replaced via further debt funding contributed by City ratepayers).   If the balance of the advice in the interests of transparency is to support public advertising under s3.59 at any time now or in the past then what options exist to ameliorate this situation from this point forward to mitigate risk (in a broad sense). Specific advice is required pursuant to LG Act s3.59(9).   ^\$9.5m exceeded the Reg 8 threshold of approx. \$7.7m at the time.   <div>CARRIED 7 / 0</div>  <div>FOR: Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox and Cr Jarrod Kennedy</div>  <div>AGAINST: Nil</div>  <div>EN BLOC</div> </div> </div>	<b>17/07/2024 Ben Whitehill</b>  External lawyer has been briefed and is preparing advice.  <b>04/09/2024 Tegan Robertson</b>  Independent legal opinion has been referred to the Department to consider and provide further advice.	
19/06/2024	Event Proposal	Completed	<div> <div> <b>COUNCIL DECISION</b>   <b>C2406/179</b> Moved Cr Mikayla Love, seconded Cr Jodie Richards   That the Council endorses the single year funding allocation of \$10,000 cash towards the event proposal that is the subject of this report.   <div>CARRIED 7 / 0</div>  <div>FOR: Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox and Cr Jarrod Kennedy</div>  <div>AGAINST: Nil</div>  <div>BY ABSOLUTE MAJORITY</div> </div> </div>	<b>18/07/2024 Tegan Robertson</b>  Event organiser informed of outcome of funding request. The City is waiting on confirmation from event organiser that they have been successful in securing the event against other global locations before preparing the grant agreement.	30/07/2024

Meeting Date	Item	Status	Action Required	Action Taken	Completed
19/06/2024	Funding Proposal - South West Development Commission	In Progress	<p><b>COUNCIL DECISION</b></p> <p><b>C2406/180</b> Moved Cr Andrew Macnish, seconded Cr Jodie Richards</p> <p>That the Council:</p> <ol style="list-style-type: none"> <li>Agrees to the request and proposal from the South West Development Commission to deliver the Innovative Industries Forum in partnership with the City of Bunbury to further attract Economic Development opportunities for the City of Busselton and surrounding regions;</li> <li>Agree to provide the following contribution to the South West Development Commission to deliver the to the Innovative Industries Forum as follows: <ol style="list-style-type: none"> <li>\$50,000 2024/25 financial year; and</li> <li>\$150,000 2025/26 financial year.</li> </ol> </li> <li>The contribution in 2a) and 2b) is conditional upon the South West Development Commission agreeing to conduct a study, at its cost, assessing the employment opportunities and economic development benefits of matters raised in the Forum, broadly and specifically in relation to the Busselton Margaret River Airport. This shall include but not be limited to, transport to and from the airport, logistics and timing of future industry development and identification of government assistance via strategy, programs and funding.</li> <li>The contribution in 2b) is conditional upon consideration of a detailed assessment of the success (or otherwise) of the Forum prepared objectively by the South West Development Commission and presented orally and in written form prior to the end of March 2025.</li> <li>Thanks the South West Development Commission for its offer to be involved and requests the CEO to suggest future such forums could be held in the City of Busselton given its growth rate will make it the largest regional district in WA.</li> </ol> <p><b>CARRIED 7 / 0</b></p> <p><b>FOR: Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love, Cr Kate Cox and Cr Jarrod Kennedy</b></p> <p><b>AGAINST: Nil</b></p> <p>Reasons: While supportive of the partnership opportunity for the Innovative Industries Forum, a study to assess and quantify the employment opportunities and economic development benefits of matters raised in the forum provides a tangible benefit outcome for the funding contribution.</p>	<p><b>31/07/2024 Trevor Ayers</b></p> <p>Discussions are continuing with the SWDC.</p>	
31/07/2024	Review of LPP 4.3 - Heritage Conservation	In Progress	<p><b>COUNCIL DECISION</b></p> <p><b>C2408/189</b> Moved Cr Mikayla Love, seconded Cr Jodie Lee</p> <p>That the Council, pursuant to clauses 3 and 4 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, adopts for public consultation the revised draft Local Planning Policy 4.3 Heritage Conservation (Attachment 1 refers).</p> <p><b>CARRIED 7 / 0</b></p> <p><b>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Lee, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love and Cr Jarrod Kennedy</b></p> <p><b>AGAINST: Nil</b></p> <p><b>EN BLOC</b></p>	<p><b>05/09/2024 Tegan Robertson</b></p> <p>Consultation has been undertaken and closed on the 28th August 2024. Officers are currently reviewing submissions and will update the documents as required before presenting them back to Council for consideration and adoption.</p>	

Meeting Date	Item	Status	Action Required	Action Taken	Completed
31/07/2024	Local Heritage Survey and Heritage List - consent to advertise	In Progress	<p><b>COUNCIL DECISION</b></p> <p><b>C2408/190</b> Moved Cr Mikayla Love, seconded Cr Jodie Lee</p> <p>That the Council, in pursuance of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> (the Regulations), initiates the public advertising of the draft local heritage survey and draft heritage list for a period of 21 days.</p> <p><b>CARRIED 7 / 0</b></p> <p><b>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Lee, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love and Cr Jarrod Kennedy</b></p> <p><b>AGAINST: Nil</b></p> <p><b>EN BLOC</b></p>	<p><b>05/09/2024 Tegan Robertson</b></p> <p>Consultation has been undertaken and closed on the 28th August 2024. Officers are currently reviewing submissions and will update the documents as required before presenting them back to Council for consideration and adoption.</p>	
31/07/2024	RFQ48/24 Supply & Delivery of Two (2) 12 Tonne 6x4 Tandem Axle Tipper Trucks	Not yet started	<p><b>COUNCIL DECISION</b></p> <p><b>C2408/191</b> Moved Cr Mikayla Love, seconded Cr Jodie Lee</p> <p>That the Council endorses the outcome of the evaluation panel's assessment of RFQ48/24 Supply &amp; Delivery of Two (2) 12T 6x4 Tipper Trucks, and accepts the quotation from Major Motors Pty Ltd ATF Major Motors Unit Trust trading as South West Isuzu (ABN 65 730 475 316), as the most advantageous quotation.</p> <p><b>CARRIED 7 / 0</b></p> <p><b>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Lee, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love and Cr Jarrod Kennedy</b></p> <p><b>AGAINST: Nil</b></p> <p><b>EN BLOC</b></p>		
31/07/2024	Margaret River Busselton Tourism Association Visitor Servicing Agreement	Completed	<p><b>COUNCIL DECISION</b></p> <p><b>C2408/192</b> Moved Cr Mikayla Love, seconded Cr Jarrod Kennedy</p> <p>That the Council enter into a three-year funding agreement with the Margaret River Busselton Tourism Association (MRBTA) for the provision of visitor servicing commencing in 2024/25 at \$157,094 and increasing by CPI in 2025/26 and 2026/27.</p> <p><b>CARRIED 7 / 0</b></p> <p><b>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Lee, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love and Cr Jarrod Kennedy</b></p> <p><b>AGAINST: Nil</b></p> <p><b>BY ABSOLUTE MAJORITY</b></p>	<p><b>05/09/2024 Trevor Ayers</b></p> <p>Agreement finalised and executed.</p>	05/09/2024

Meeting Date	Item	Status	Action Required	Action Taken	Completed
31/07/2024	Port Geographe Land Swap	In Progress	<p><b>COUNCIL DECISION</b></p> <p><b>C2408/193</b> Moved Cr Jodie Lee, seconded Cr Andrew Macnish</p> <p>That the Council:</p> <ol style="list-style-type: none"> <li>Subject to there being no objections raised through advertising as required under Section 3.58 of the <i>Local Government Act 1995</i>: <ol style="list-style-type: none"> <li>Resolves to enter into an Agreement with Macsea Nominees No.2 Pty Ltd and Port Geographe Village Centre Pty Ltd (the Joint Venture) to realign the boundaries of Lot 585 on Diagram 96606 Certificate of Title Volume 2172 Folio 810 (owned by the City) and Lot 9003 on Deposited Plan 426853 Volume 4050 Folio 379 (owned by the Joint Venture) resulting in the City acquiring freehold land of equivalent size to that being disposed of; and</li> <li>Resolves that the obligation of the Joint Venture to provide land for community purposes contained in an Agreement dated 15 June 2017 (attachment 3) is satisfied by the resultant uplift in value of the freehold land holding of the City as a result of the land swap and rationalisation of boundaries as referenced in resolution 1.</li> </ol> </li> <li>Declares, for the purposes of s3.58(4)(c)(ii) of the <i>Local Government Act 1995</i>, that the Herron Todd White valuation dated 24 November 2023 (attachment 2) is a true indication of the value at the time of the proposed disposition.</li> </ol> <p><b>CARRIED 7 / 0</b></p> <p><b>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Lee, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love and Cr Jarrod Kennedy</b></p> <p><b>AGAINST: Nil</b></p> <p><b>BY ABSOLUTE MAJORITY</b></p>	<p><b>05/09/2024 Trevor Ayers</b></p> <p>Proposed transaction is currently out for advertising - closing 13/9/2024</p>	
31/07/2024	Notice of Motion - Budget Development and Adoption	Not yet started	<p><b>COUNCIL DECISION</b></p> <p><b>C2408/195</b> Moved Cr Andrew Macnish, seconded Cr Jodie Lee</p> <p>The CEO report to the Council a proposed budget development and adoption schedule that describes the risks associated with early adoption versus the cashflow benefits of the receipt of rate revenue at the earliest possible statutory compliant juncture. This report to be considered by the Council in 2024 (in readiness for implementation for setting the 2025/26 budget).</p> <p><b>CARRIED 6 / 1</b></p> <p><b>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Lee, Cr Andrew Macnish, Cr Mikayla Love and Cr Jarrod Kennedy</b></p> <p><b>AGAINST: Cr Val Kaigg</b></p>		
31/07/2024	Saltwater Project Review	In Progress	<p><b>COUNCIL DECISION</b></p> <p><b>C2408/200</b> Moved Cr Andrew Macnish, seconded Mayor Phill Cronin</p> <p>That the Council postpone receipt of the report until the next practicable Ordinary Council meeting, pending a request for further information to be included.</p> <p><b>CARRIED 7 / 0</b></p>	<p><b>04/09/2024 Maxine Palmer</b></p> <p>Modifications to the report have been discussed with the supplier and are expected to be provided by mid September.</p>	

Meeting Date	Item	Status	Action Required	Action Taken	Completed
			<div> <p>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Lee, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love and Cr Jarrod Kennedy</p> <p>AGAINST: Nil</p> </div>		
31/07/2024	Busselton Margaret River Airport - Terminal Business Case	In Progress	<div> <p><b>COUNCIL DECISION</b></p> <p><b>C2408/201</b> Moved Cr Mikayla Love, seconded Cr Jodie Lee</p> <p>That the Council:</p> <ol style="list-style-type: none"> <li>1. Receives the Draft Busselton Margaret River Airport Terminal Business Case for the construction of a new terminal building and associated landside and airside infrastructure recommending Option 6.</li> <li>2. Authorises the Chief Executive Officer to continue discussions with the State and Federal Government for funding contributions by each party as described by Option 6.</li> <li>3. Requests the Chief Executive Officer to report back to the Council on the proposed funding contributions to be sourced from the State and Federal Governments.</li> </ol> <p>CARRIED 7 / 0</p> <p>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Lee, Cr Val Kaigg, Cr Andrew Macnish, Cr Mikayla Love and Cr Jarrod Kennedy</p> <p>AGAINST: Nil</p> <p>EN BLOC</p> </div>		
21/08/2024	RFQ61/24: Provision of Internal Audit Services	In Progress	<div> <p><b>COUNCIL DECISION</b></p> <p><b>C2408/211</b> Moved Cr Andrew Macnish, seconded Cr Val Kaigg</p> <p>That the Council accept the quotation from Moore Australia (WA) Pty Ltd (as agent for a partnership of trusts) for the Provision of Internal Audit Services subject to referee checks.</p> <p>CARRIED 8 / 0</p> <p>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Lee, Cr Val Kaigg, Cr Andrew Macnish, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft</p> <p>AGAINST: Nil</p> <p>EN BLOC</p> </div>	<p><b>04/09/2024 Tegan Robertson</b></p> <p>Moore Australia have been advised of the Council's decision, with formal on boarding to follow.</p>	
21/08/2024	CEO Regulation 17 Review of Systems and Procedures Recommendations - Implementation status	Not yet started	<div> <p><b>COUNCIL DECISION</b></p> <p><b>C2408/212</b> Moved Cr Andrew Macnish, seconded Cr Val Kaigg</p> <p>That the Council acknowledge the status update in relation to the recommendations of the Regulation 17 Review (as at the end of June 2024) and that the next update will be provided to the Audit and Risk Committee at the meeting on 13 November 2024.</p> </div>	<p><b>04/09/2024 Tegan Robertson</b></p> <p>Next update on status of Regulation 17 Review recommendations will be provided at the November 2024 ARC meeting.</p>	

Meeting Date	Item	Status	Action Required	Action Taken	Completed
			<p>In the AMD Report Table Legislative Compliance, (pg 44/53), 4.2.2 not be closed until the recommended matters have been specifically discussed by the ARC for implementation and this occur prior to the next scheduled ARC meeting in November this year.</p> <p style="text-align: right;"><b>CARRIED 8 / 0</b></p> <p style="text-align: center;"><b>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Lee, Cr Val Kaigg, Cr Andrew Macnish, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft</b></p> <p style="text-align: right;"><b>AGAINST: Nil</b></p> <p style="text-align: right;"><b>EN BLOC</b></p>		
21/08/2024	Amendments to the Consolidated Parking Scheme	Not yet started	<p><b><u>COUNCIL DECISION</u></b></p> <p><b>C2408/213</b> Moved Cr Andrew Macnish, seconded Cr Val Kaigg</p> <p>That the Council pursuant to clause 2.1 of the City of Busselton Parking Local Law 2020 approves the following amendments to the Consolidated Parking Scheme:</p> <ol style="list-style-type: none"> <li>1. Designation of two Busselton foreshore carparks, as shown in attachment 6.1.1, as <i>“2-hour parking, 9am - 5pm”</i>.</li> <li>2. Designation of the following coastal carparks, as identified in attachment 6.1.2, as <i>“No Parking or Stopping, Road or Verge, Midnight to 4am, Dec – Feb”</i>: <ol style="list-style-type: none"> <li>a. Cape Clairaut carpark and road reserve</li> <li>b. Injidup carpark and portion of Wyadup road reserve</li> <li>c. Formalised Smith beach carparks</li> <li>d. Yallingup main beach carpark</li> <li>e. Dawson Drive carpark, Yallingup</li> <li>f. Farm Break Lane, Bunker Bay</li> <li>g. Eagle Bay hall (except proposed boat trailer parking)</li> <li>h. All formalised carparks Eagle Bay-Meelup Road</li> <li>i. Meelup Beach Carparks</li> <li>j. Castle Rock Carpark</li> <li>k. Dunsborough foreshore carparks, Geographe Bay Road</li> <li>l. Dunsborough Yacht Club</li> <li>m. Quindalup Boat Ramp (except proposed boat trailer parking)</li> <li>n. Abbey Boat Ramp (except proposed boat trailer parking)</li> <li>o. Holgate Road Carpark, Broadwater</li> <li>p. Geographe Bay Road Carpark, opposite Mandalay, Broadwater</li> <li>q. Dolphin Boat Ramp (except proposed boat trailer parking)</li> <li>r. King Street Beach Carpark</li> <li>s. Carparks Busselton foreshore between Foreshore Parade and Carey street</li> <li>t. Busselton Marine Rescue, and Geographe Bay Road between Georgette St and Ford Rd</li> <li>u. Layman Road Carparks, Wonnerup</li> </ol> </li> <li>3. Designation of the following roads as shown in attachment 6.1.3 as <i>“No Stopping Road or Verge”</i>: <ol style="list-style-type: none"> <li>a. Western side of Forth Street and Northern side of Geographe Bay Road, Abbey</li> <li>b. Northern side of Geographe Bay Road, Quindalup</li> <li>c. Eastern side Smiths Beach Road – Yallingup</li> <li>d. Southern side of Margaret Street – West Busselton</li> <li>e. Both sides of Hannay Lane, Dunsborough</li> </ol> </li> <li>4. Designation of the following roads as shown in attachment 6.1.3 as <i>“2-hour Park 9am – 5pm”</i>: <ol style="list-style-type: none"> <li>a. Queen Street (North of Marine Terrace)</li> <li>b. Foreshore Parade</li> <li>c. Geographe Bay Road</li> </ol> </li> <li>10. Designation of Southern Drive, as shown in attachment 6.1.3 as <i>“1-hour Parking, 8am-5pm Mon –Fri”</i>.</li> </ol>		

Meeting Date	Item	Status	Action Required	Action Taken	Completed
			<p>6. Designation of two parking bays at Old Dunsborough Boat ramp as shown in attachment 6.1.3 as “5-minute Standing”.</p> <p>7. Designation of identified bays as “Boat Trailer Parking Only. Midnight to Noon between Dec – May”, as identified in attachment 6.1.4, at the following boat ramps:</p> <ol style="list-style-type: none"> <li>Eagle Bay Boat ramp.</li> <li>Old Dunsborough Boat ramp.</li> <li>Quindalup Boat Ramp – Southern side of Geographe Bay Road.</li> <li>Abbey Boat Ramp.</li> <li>Dolphin Road Boat Ramp.</li> <li>Busselton Marine Rescue.</li> <li>Geographe Marina.</li> </ol> <p>8. Designation of portions of 1-48/50 and 1-42 Dunn Bay Road (Woolworth’s Carpark) carparks, as shown in attachment 6.1.5, as “3-hour parking, 9am - 5pm”.</p> <p style="text-align: right;">CARRIED 8 / 0</p> <p>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Lee, Cr Val Kaigg, Cr Andrew Macnish, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft</p> <p style="text-align: right;">AGAINST: Nil</p> <p style="text-align: right;">EN BLOC</p>		
21/08/2024	Council Policy Review: Busselton Jetty - Placement of Memorial Plaques	In Progress	<p><b>COUNCIL DECISION</b></p> <p>C2408/214 Moved Cr Andrew Macnish, seconded Cr Val Kaigg</p> <p>That the Council adopt the amended Council Policy: Placement of Memorial Plaques (Attachment 1) to replace the current policy, with the policy having been reviewed as part of the City’s ongoing policy review cycle.</p> <p style="text-align: right;">CARRIED 8 / 0</p> <p>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Lee, Cr Val Kaigg, Cr Andrew Macnish, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft</p> <p style="text-align: right;">AGAINST: Nil</p> <p style="text-align: right;">EN BLOC</p>		
21/08/2024	Council Policy Review: Governance of Meelup Regional Park	In Progress	<p><b>COUNCIL DECISION</b></p> <p>C2408/215 Moved Cr Andrew Macnish, seconded Cr Val Kaigg</p> <p>That the Council adopts the Governance of Meelup Regional Park Policy as per Attachment 1 to replace the current policy.</p> <p style="text-align: right;">CARRIED 8 / 0</p> <p>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Lee, Cr Val Kaigg, Cr Andrew Macnish, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft</p> <p style="text-align: right;">AGAINST: Nil</p> <p style="text-align: right;">EN BLOC</p>		

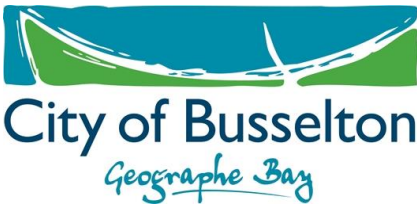
Meeting Date	Item	Status	Action Required	Action Taken	Completed
21/08/2024	Council Policy Review: Asset Management	Not yet started	<p><b>COUNCIL DECISION</b></p> <p><b>C2408/230</b> Moved Cr Kate Cox, seconded Cr Val Kaigg</p> <p>That the Council refer item 10.6 Council Policy Review: Asset Management to the Policy and Legislation Committee for further consideration at its next meeting on 18 September 2024 at 10am</p> <p><b>CARRIED 8 / 0</b></p> <p><b>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Lee, Cr Val Kaigg, Cr Andrew Macnish, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft</b></p> <p><b>AGAINST: Nil</b></p>		
21/08/2024	Council Policy Review: Complaints Management	In Progress	<p><b>COUNCIL DECISION</b></p> <p><b>C2408/216</b> Moved Cr Andrew Macnish, seconded Cr Jodie Lee</p> <p>That the Council adopts the Complaints Management Policy as per Attachment 1 to replace the current Council policy, inclusive of Committee amendments so that the following points read as follows:</p> <p><b>5.11</b> The City accepts anonymous Complaints however the Complaint may not be investigated unless it raises a serious matter, such as an issue that poses a public health or safety risk or an emergency situation, and there is sufficient information to enable the City to conduct an investigation.</p> <p><b>5.14</b> Complaints will be acknowledged no later than 5 business days of receipt by the Complaints Management Officer.</p> <p><b>5.15</b> The Complaint will be directed to an appropriate Manager/s to resolve, or to the CEO where the Complaint is in regard to a Director, or to the CEO Performance Review Committee via the Director Corporate Strategy and Performance where the Complaint is in relation to the CEO.</p> <p><b>5.19</b> i. internal corrective action (with current point i to become point j).</p> <p><b>5.20</b> Where a Complainant is dissatisfied with the way in which a Complaint has been dealt with and/or the final resolution they may refer the Complaint to the CEO. The CEO will determine the appropriate resolution of the outstanding complaint and review the complaint handling process followed. <b>If the Complaint is in relation to the CEO, the Complainant may choose to follow pathways outlined in 5.21.</b></p> <p><b>5.21</b> In circumstances where a Complaint cannot be resolved satisfactorily using internal pathways, the Complainant may choose to refer the Complaint to the Ombudsman for review. The Ombudsman can investigate Complaints about most Western Australian public authorities, including local governments.</p> <p><b>CARRIED 6 / 2</b></p> <p><b>FOR: Cr Anne Ryan, Cr Jodie Lee, Cr Val Kaigg, Cr Andrew Macnish, Cr Jarrod Kennedy and Cr Richard Beecroft</b></p> <p><b>AGAINST: Mayor Phill Cronin and Cr Kate Cox</b></p>		
21/08/2024	Council Policy Review: Community Hire of City Property	In Progress	<p><b>COUNCIL DECISION</b></p> <p><b>C2408/217</b> Moved Cr Andrew Macnish, seconded Cr Val Kaigg</p> <p>That the Council adopts the updated Council Policy – Community Hire of City Property (Attachment 1), to replace the current policy, inclusive Committee amendments so that the following points read as follows:</p> <p><b>5.3</b> The City provides Sporting Grounds for seasonal hire in support of organised sport and recreational clubs such as:</p>		

Meeting Date	Item	Status	Action Required	Action Taken	Completed
			<p>5.4 The City facilitates the one-off hire of Public Open Spaces for general community use, such as the following parks and beaches:</p> <p>5.5 The City facilitates the one-off hire of Community Facilities for general community and some commercial use, such as:</p> <p>5.6 The City facilitates the hire of the Cultural Precinct facilities for community use, such as:</p> <p style="text-align: right;">CARRIED 8 / 0</p> <p>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Lee, Cr Val Kaigg, Cr Andrew Macnish, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft</p> <p style="text-align: right;">AGAINST: Nil</p> <p style="text-align: right;">EN BLOC</p>		
21/08/2024	Council policy Review: Leasing of City Premises	In Progress	<p><b>COUNCIL DECISION</b></p> <p>C2408/218 Moved Cr Andrew Macnish, seconded Cr Val Kaigg</p> <p>That the Council adopts the amended Council Policy – Leasing of City Premises (as per Attachment 1), to replace the current policy.</p> <p style="text-align: right;">CARRIED 8 / 0</p> <p>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Lee, Cr Val Kaigg, Cr Andrew Macnish, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft</p> <p style="text-align: right;">AGAINST: Nil</p> <p style="text-align: right;">EN BLOC</p>		
21/08/2024	Council Policy Review: Management of Complaints of Alleged Breaches of Behaviour	In Progress	<p><b>COUNCIL DECISION</b></p> <p>C2408/219 Moved Cr Andrew Macnish, seconded Cr Val Kaigg</p> <p>That the Council adopts the Council Policy: Management of Complaints of Alleged Breaches of Behaviour as per Attachment 1 to replace the current policy.</p> <p style="text-align: right;">CARRIED 8 / 0</p> <p>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Lee, Cr Val Kaigg, Cr Andrew Macnish, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft</p> <p style="text-align: right;">AGAINST: Nil</p> <p style="text-align: right;">EN BLOC</p>		
21/08/2024	Council Policy Review Tourism Directional Signage	In Progress	<p><b>COUNCIL DECISION</b></p> <p>C2408/220 Moved Cr Andrew Macnish, seconded Cr Val Kaigg</p> <p>That the Council adopts the Tourism Directional Information Signage Policy as per Attachment 1 to replace the current policy, inclusive of Committee amendments so that the following points read as follows:</p> <p>2.1 This Policy is applicable to all tourism directional information signage on local government property, excluding Main Roads controlled roads.</p>		

Meeting Date	Item	Status	Action Required	Action Taken	Completed																																	
			<div><div><div>6.8</div><div>Relevant City of Busselton Operational Practices</div></div><div><div>6.9</div><div>hyperlink to online application form</div></div></div> <div>CARRIED 8 / 0</div> <div>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Lee, Cr Val Kaigg, Cr Andrew Macnish, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft</div> <div>AGAINST: Nil</div> <div>EN BLOC</div>																																			
21/08/2024	2024/2025 Community Assistance Program Round 1 Outcomes	In Progress	<div><div><div>COUNCIL DECISION</div><div>C2407/223 Moved Cr Andrew Macnish, seconded Cr Val Kaigg</div><div>That the Council endorses the following funding allocation, to be funded from the 2024/2025 Community Assistance Program budget:</div><table><tr><th colspan="2">Applicant</th><th>Allocation</th></tr><tr><td>1</td><td>Cancer Council WA</td><td>\$9,985.00</td></tr><tr><td>2</td><td>Girl Guides WA (Busselton Adventure Girl Guides)</td><td>\$250.00</td></tr><tr><td>3</td><td>Busselton Aero Club</td><td>\$10,000.00</td></tr><tr><td>4</td><td>Jobs South West</td><td>\$7,000.00</td></tr><tr><td>5</td><td>Playgroup WA</td><td>\$9,500.00</td></tr><tr><td>6</td><td>Friends of the Busselton Cultural Precinct</td><td>\$595.00</td></tr><tr><td>7</td><td>Building Busselton Town Team</td><td>\$2,280.00</td></tr><tr><td>8</td><td>Busselton Pottery Group</td><td>\$9,000.00</td></tr><tr><td>9</td><td>Disabled Surfers Australia</td><td>\$4,000.00</td></tr><tr><td></td><td>TOTAL</td><td>\$52,610.00</td></tr></table><div>CARRIED 8 / 0</div><div>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Lee, Cr Val Kaigg, Cr Andrew Macnish, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft</div><div>AGAINST: Nil</div><div>EN BLOC</div></div></div>	Applicant		Allocation	1	Cancer Council WA	\$9,985.00	2	Girl Guides WA (Busselton Adventure Girl Guides)	\$250.00	3	Busselton Aero Club	\$10,000.00	4	Jobs South West	\$7,000.00	5	Playgroup WA	\$9,500.00	6	Friends of the Busselton Cultural Precinct	\$595.00	7	Building Busselton Town Team	\$2,280.00	8	Busselton Pottery Group	\$9,000.00	9	Disabled Surfers Australia	\$4,000.00		TOTAL	\$52,610.00		
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21/08/2024	EOI to lease, manage and operate re-use shop	In Progress	<div><div><div>COUNCIL DECISION</div><div>C2408/224 Moved Cr Andrew Macnish, seconded Cr Val Kaigg</div><div>That the Council:</div><div>1. Endorses the evaluation panel’s assessment of the Expressions of Interest (Eoi) to Lease, Manage and Operate a Reuse Shop, located at the Busselton Waste Transfer Station determining that Workpower Incorporated be selected as the preferred proponent; and</div><div>2. Authorises the CEO to enter into a lease with Workpower Incorporated for an approximately 451 m2 portion of 39 (Lot 500) Rendezvous Rd, Busselton to operate a Reuse Shop for a nominal annual rent and a term of 5 years.</div></div></div>	04/09/2024 Mark Wong  Lease is currently being developed by Property																																		

Meeting Date	Item	Status	Action Required	Action Taken	Completed
			<div> <div>CARRIED 8 / 0</div> <div>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Lee, Cr Val Kaigg, Cr Andrew Macnish, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft</div> <div>AGAINST: Nil</div> <div>EN BLOC</div> </div>		
21/08/2024	Meeting Dates 2024: Waterways Management Committee	In Progress	<div> <div>COUNCIL DECISION</div> <div>C2408/225 Moved Cr Andrew Macnish, seconded Cr Val Kaigg</div> <div>That the Council adopts meeting dates for the Waterway Management Committee of 23 October 2024 and 11 December 2024 for the 2024 calendar year.</div> <div>CARRIED 8 / 0</div> <div>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Lee, Cr Val Kaigg, Cr Andrew Macnish, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft</div> <div>AGAINST: Nil</div> <div>EN BLOC</div> </div>		
21/08/2024	Notice of Motion – Vasse River Warning Signs	No yet started	<div> <div>SUBSTANTIVE MOTION</div> <div>C2408/209 Moved Cr Anne Ryan, seconded Cr Jodie Lee</div> <div>That the CEO in relation to the Lower Vasse River</div> <div> <ol style="list-style-type: none"> <li>1. Immediately review all current health warning signs.</li> <li>2. Erect additional temporary health warning signs when and where required and issue community health messaging via (but not limited to) social media messaging on alert notifications from the Department of Health when elevated levels of potentially toxic cyanobacterial species are notified.</li> <li>3. Ensure that health warning signage discourages swimming, fishing, boating (water craft) and any other associated activity.</li> <li>4. Ensure that health warning signage also references the danger to animal health.</li> <li>5. Writes to the Minister (noting the asset is vested in the State) outlining the community concern in relation to cyanobacteria and the links to MND and neurological illnesses citing research papers (noting the Ministers reference to the NHMRC of 8/4/24) requesting a higher level of funding to complete, but not limited to dredging, trials, and remediation of the River to alleviate repeat cyanobacterial issues as a matter of urgency.</li> </ol> </div> <div>CARRIED 7 / 1</div> <div>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Lee, Cr Val Kaigg, Cr Andrew Macnish, Cr Jarrod Kennedy and Cr Richard Beecroft</div> <div>AGAINST: Cr Kate Cox</div> </div>		
21/08/2024	Progress Update on Findings from OAG General Computer Controls Audit	Not yet started	<div> <div>COUNCIL DECISION</div> <div>C2407/227 Moved Cr Andrew Macnish, seconded Cr Val Kaigg</div> </div>	<p>04/09/2024 Tegan Robertson</p> <p>Next update will be provided at the November 2024 ARC meeting.</p>	

Meeting Date	Item	Status	Action Required	Action Taken	Completed
			<p>That the Council acknowledge the status update in relation to the findings of the 2023 OAG General Computer Controls audit (as at 15 July 2024) and that the next update will be provided to the Audit and Risk Committee at the meeting on 13 November 2024.</p> <p style="text-align: right;"><b>CARRIED 8 / 0</b></p> <p><b>FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Lee, Cr Val Kaigg, Cr Andrew Macnish, Cr Kate Cox, Cr Jarrod Kennedy and Cr Richard Beecroft</b></p> <p style="text-align: right;"><b>AGAINST: Nil</b></p>		
12/2021	EXPRESSION OF INTEREST - RESERVE 46187 LOT 448 MARINE TERRACE; OLD TENNIS CLUB BUILDING	Completed	<p><b>COUNCIL DECISION</b></p> <p><b>C2112/119 Moved Councillor A Ryan, seconded Councillor P Cronin</b></p> <p><b>That the Council:</b></p> <ol style="list-style-type: none"> <li>1. Acknowledges the receipt of two responses to a publicly advertised expression of interest process seeking a commercial operator to lease Reserve 46187 – Lot 448 Marine Terrace to operate a business venture consistent with the permissible building uses.</li> <li>2. Nominates Geographe Bay Brewing Co. as the ‘preferred proponent’ for a period of 6 months, as potential future lessee of Reserve 46187 – Lot 448 Marine Terrace, Busselton.</li> <li>3. Authorises the CEO to continue negotiations with the Department of Planning, Lands and Heritage to change the purpose of Lot 448 on Reserve 46187 and agree the terms of head lease with the State Government.</li> <li>4. Subject to the outcome of recommendation 3 above, authorises the CEO to enter into negotiations for the terms and conditions of a sub-lease with Geographe Bay Brewing Co, including ground rent, lease term, asset management, potential landscaping proposals and any legal considerations to operate a commercial venture and return to Council with recommendations in relation to the heads of terms.</li> </ol> <p style="text-align: right;"><b>CARRIED 9 / 0</b></p>	<p><b>27/12/2023 Sharon Woodford-Jones</b></p> <p>The proponent recently updated City officers in relation to the likely service requirements to the premises. They are nearly finished with the rebranding exercise which can be presented to Council in the New Year. CEO has confirmed that their preferred proponent status can be extended by letter</p> <p><b>02/05/2024 Tegan Robertson</b></p> <p>Complete. See C2404/98.</p>	02/05/2024
12/2023	RESERVE 46187 LOT 448 MARINE TERRACE: OLD TENNIS CLUB BUILDING PREFERRED PROPONENT EXTENSION	Completed	<p><b>COUNCIL DECISION</b></p> <p><b>C2302/024 Moved Councillor P Carter, seconded Councillor K Cox</b></p> <p><b>That the Council extends the ‘preferred proponent’ status for Geographe Bay Brewing Co. as potential lessee of Reserve 46187 – Lot 448 Marine Terrace, Busselton until 31 December 2023</b></p> <p style="text-align: right;"><b>CARRIED 9 / 0</b></p> <p><b>FOR: Cr Grant Henley, Cr Paul Carter, Cr Anne Ryan, Cr Jodie Richards, Cr Kate Cox, Cr Phill Cronin, Cr Sue Riccelli, Cr Mikayla Love and Cr Ross Paine</b></p> <p style="text-align: right;"><b>AGAINST: Nil</b></p>	<p><b>03/08/2023 Tiffany Sweatman</b></p> <p>Working with DLPH with regards to terms of the headlease and proposed commercial use. Further information has been requested to justify our request for a nominal rent headlease on the basis of placing the income from the sublease into the Jetty Maintenance Reserve. Teams meeting has been sent up, which had to be rescheduled due to absence.</p> <p><b>26/10/2023 Sharon Woodford-Jones</b></p> <p>DPLH have confirmed a nominal rent headlease can be offered. The proponent is due to meet with City officers next week to discuss the terms of the sublease. An up to date valuation will be required to determine rent and meet the statutory advertising requirements. Once the parties have agreed the heads of terms a report will be presented to Council requesting authority be given to the CEO to enter into a development agreement and sublease.</p> <p><b>02/05/2024 Tegan Robertson</b></p> <p>Complete. See C2404/98.</p>	02/05/2024



CIVIL LITIGATION REPORT  
(as at 1 September 2024)

MATTER NAME AND REFERENCE	JURISDICTION	DATE COMMENCED	STAGE COMPLETED	NEXT STEPS
BCP Contractors Pty Ltd v City of Busselton (PER CIV 1797 2020)	Supreme Court of Western Australia	July 2020	Matter was referred to the City’s insurer, LGIS, who have instructed lawyers. The proceedings are being managed by the City’s insurers.	Listed for a Case Management Conference on 18 June 2024
Eichenberg v City of Busselton & Anor (PER CIV 2226 2020)	Supreme Court of Western Australia	December 2020	Matter was referred to the City’s insurer, LGIS, who have instructed lawyers. The proceedings are being managed by the City’s insurers.	Listed for a Case Management Conference on 3 September 2024
Stacey Rouse v City of Busselton and others (CIV 2717 of 2021)	District Court of Western Australia	July 2021	Matter was referred to the City’s insurer, LGIS, who have instructed lawyers. The proceedings are being managed by the City’s insurers.	Awaiting programming

Note: Litigation is the conduct of legal proceedings by parties before a court and civil litigation is legal proceedings involving a dispute between two parties that isn't based on criminal actions. The City reports on all civil litigation currently before the courts.