



ITEMS FOR DEBATE

COUNCIL MEETING 15 MARCH 2023

ADOPTION BY EXCEPTION RESOLUTION

RECOMMENDATION

That the Committee Recommendations for items 12.1, 12.2, 12.5, 12.6, and 12.8 and the Officer Recommendations for items 13.1, and 14.2 be adopted en bloc:

12.1	Airport Advisory Committee – 8/2/2023 – BUSSELTON MARGARET RIVER AIRPORT OPERATIONS UPDATE
12.2	Policy and Legislation Committee – 1/3/2023 – PROPOSED COUNCIL POLICY: EXECUTION OF DOCUMENTS
12.5	Finance Committee – 8/3/2023 – FINANCIAL ACTIVITY STATEMENTS – YEAR TO DATE AS AT 31 JANUARY 2023 <i>Supplementary Agenda</i>
12.6	Finance Committee – 8/3/2023 – LIST OF PAYMENTS MADE – JANUARY 2023 <i>Supplementary Agenda</i>
12.8	Finance Committee – 8/3/2023 – LOCKE ESTATE COASTAL CONTRIBUTIONS <i>Supplementary Agenda</i>
13.1	PROPOSED AMENDMENT 57 TO LOCAL PLANNING SCHEME NO. 21 - LOT(S) 1 (NO.45A) AND 2 (NO.45B) CLYDEBANK AVENUE WEST BUSSELTON - CONSIDERATION FOR INITIATION FOR ADVERTISING
14.2	EVALUATION REPORT – RFT 13/22 CLEANING SERVICES

ITEMS TO BE DEALT WITH BY SEPARATE RESOLUTION (WITHOUT DEBATE)

Item No.	Item Title	Reason
12.4	Audit and Risk Committee – 8/3/2023 – 2022 ANNUAL COMPLIANCE AUDIT RETURN <i>Supplementary Agenda</i>	Absolute Majority Required
12.7	Finance Committee – 8/3/2023 – 2022/23 MID-YEAR BUDGET REVIEW <i>Supplementary Agenda</i>	Absolute Majority Required
12.9	Finance Committee – 8/3/2023 – BUDGET AMENDMENT – CULTURAL SERVICES AND AIRPORT <i>Supplementary Agenda</i>	Absolute Majority Required
12.10	Finance Committee – 8/3/2023 – BUDGET AMENDMENT – COASTAL WORKS <i>Supplementary Agenda</i>	Absolute Majority Required
12.11	Finance Committee – 8/3/2023 – BUDGET AMENDMENT – PLANT <i>Supplementary Agenda</i>	Disclosure of Financial Interest – Cr Carter Absolute Majority Required
13.2	PROPOSED AMENDMENT 59 TO LOCAL PLANNING SCHEME 21 LOT 200 (NO 1676) CAVES ROAD DUNSBOROUGH - CONSIDERATION FOR INITIATION FOR ADVERTISING	
16.1	CONSIDERATION OF THE CONDUCT OF LOCAL GOVERNMENT ELECTION: 21 OCTOBER 2023	Absolute Majority Required
20.1	Confidential Item - Audit and Risk Committee – 8/3/2023 – OAG GENERAL COMPUTER CONTROLS AUDIT 2022 <i>Supplementary Agenda</i>	Confidential Item

ITEMS FOR DEBATE

Item No. 12.3	Policy and Legislation Committee - 1/3/2023 - COUNCIL POLICY REVIEW: EVENTS	Pulled by Cr Ryan	Page 19
<p><u>ALTERNATIVE RECOMMENDATION</u></p> <p>That the Council adopts the amended Council policy: Events (the Policy) (Attachment A) to replace the current policy (Attachment B) inclusive Committee of amendments to paragraph 5.8 (g) to read as follows:</p> <p>5.8 (g) For markets specifically, preference will be given to markets:</p> <ul style="list-style-type: none">i. Being run for a charitable or community purpose; andii. In all cases, it will be a condition of approval that successful applicants should take all reasonable steps to ensure that a majority of stalls offer local produce and artisan goods, and that stalls do not offer for sale items the same or significantly similar to those offered for sale by surrounding businesses. <p>...5.8</p> <p>(g) For markets specifically, preference will be given to markets being run for a charitable or community purpose.</p> <p>5.9 In all cases, it will be a condition of approval for markets, that successful applicants should take all reasonable steps to ensure that the majority of stalls:</p> <ul style="list-style-type: none">i. offer local produce and artisan goods; andii. do not offer for sale items the same or significantly similar to those offered for sale by surrounding businesses. <p>a. And for the following paragraphs to be renumbered.</p>			
<p><u>REASONS FOR ALTERNATIVE</u></p> <p>This clarification ensures clarity for permanent businesses and also the requirement for market organisers and stall holders.</p>			
<p><u>OFFICER COMMENT</u></p> <p>Officers are in support in terms of the amendment to the Committee recommendation.</p>			
<p><u>LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS REQUIREMENT</u></p> <p>Pursuant to regulation 11(da) of the <i>Local Government (Administration) Regulations</i> 1996, if the amended recommendation is adopted by Council, the above Reasons will be recorded in the Minutes.</p>			

Item No. 13.3	AMENDMENT 40 TO LOCAL PLANNING SCHEME 21 AND AMENDMENTS TO THE LEEUWIN-NATURALISTE SUB-REGIONAL STRATEGY - CONCERNS WITH RECENT DECISIONS OF THE HON. MINISTER FOR PLANNING AND WESTERN AUSTRALIAN PLANNING COMMISSION	Pulled by Cr Riccelli Disclosure of Interest – Cr Riccelli	Page 121
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ALTERNATIVE RECOMMENDATION

RECOMMENDATION 1 (AMENDMENT 40)

That the Council, with respect to Amendment 40 -

1. Indicate that it has significant concerns in relation to elements of both the substantive planning decisions and the processes by which the decisions were made.
2. With respect to the Ministerial decision –
 - A. Indicate that the key concerns relate to -
 - i. The Minister not agreeing to depart from the State’s model definition for Bulky Goods Showroom, and the related decisions to not support inclusion of a new clause 3.5.3 (e), and the decision to make Bulky Goods Showroom a prohibited use in the Light Industry Zone; and
 - ii. The Minister requiring an additional modification to create an Additional Use designation (A84) for a ‘Convenience Store’ on Lot 178, Bussell Highway.
 - B. Seeks an urgent meeting to discuss the matter with the Minister.
 - C. Note that FOI requests related to this matter have been submitted by the City.
 - D. Following completion of points B and C above (including a meeting with the Minister, if such a meeting is agreed to), consider initiation of a further, more targeted amendment to the Scheme, seeking Ministerial approval for one or more of the following things –
 - i. Approval of an alternative, more targeted, definition of ‘Bulky Goods Showroom’ and/or a capacity to split that land use category into two separate land use categories, one of which is more targeted than the existing model definition;
 - ii. Making the more targeted land use classification permissible in the Light Industry Zone; and
 - iii. Deletion of A84.
 - E. Note that, notwithstanding the above, the City will proceed with Gazettal of Amendment 40.

RECOMMENDATION 2 (LEEWIN-NATURALISTE SUB-REGIONAL STRATEGY)

That the Council, with respect to modifications to the Leeuwin-Naturaliste Sub-Regional Strategy (LNSRS) -

1. Indicate that it has significant concerns in relation to elements of both the substantive planning decisions and the processes by which the decisions were made.
2. With respect to the WAPC decision related to LNSRS modifications –
 - A. Indicate that the key concerns relate to –

- i. The fact there was no opportunity for community consultation or formal consultation with the City before amendments were made to the LNSRS, in particular with respect to the Dunsborough Planning Investigation Area;
 - ii. The direction for Vasse North and Vasse South; and
 - iii. Seek clarity around land designated as an 'Open Space Investigation' area, with respect to the Vasse North Planning Investigation Area and Abbey South Planning Investigation Area as this is not an existing land use designation in the LNSRS
- B. Indicate that, with respect to the Dunsborough Planning Investigation Area, the LNSRS needs to more explicitly set out expectations for future structure planning in relation to –**
- i. Genuine engagement with the community, formal consultation with the City, advertisement and consideration through Council as an integral and essential part of the process;
 - ii. Maintaining and enhancing environmental values;
 - iii. Meeting long-term land supply needs for employment and services for the Dunsborough community, through provision of adequate 'Service Commercial' and 'Local Centre' lots; and
 - iv. Meeting long term land supply needs for educational, community and recreation facilities for the Dunsborough communities.
- C. Request that the WAPC re-consider the LNSRS modifications, in light of the Council's concerns; and**
- D. Given that the report considered by the WAPC in October 2021 was released to the City following an FOI request, ask that the WAPC to identify the basis on which the report, and reports of that kind, are not generally available to the public (with personal or other confidential information redacted as necessary).**

REASONS FOR ALTERNATIVE

I have significant concerns, as do Planning Staff, in relation to the processes by which these planning decisions were made. There has been no opportunity for community consultation, or any formal consultation conducted with the City before these amendments were made to the LNSRS, particularly with regards to the Dunsborough Planning Investigation Area. Therefore, it is important that future planning decisions and processes do not follow the same route.

At present, the LNSRS does not clearly articulate its 'direction' for the future structure plan and what this will include, nor does it indicate any expectation that 'genuine' community engagement, or any formal consultation with the City will ensue as an integral part of this process.

A recent letter from the DLEG indicated that the structure plan would be formulated as quickly as possible, probably by the end of 2023. I challenge how much 'genuine' engagement and consultation can be conducted, evaluated, advertised and incorporated into a 'shared vision' structure plan within that timeframe.

Considerations such as Environmental Values, provision of Public Open Space and Recreation Facilities, as well as adequate Provision of Service Commercial and Local Centre lots, to meet long term land supply needs for employment and services for the Dunsborough Community, are also not identified at present, alongside many other important factors.

OFFICER COMMENT

There are not seen to be any issues with adding this further detail with respect to the Dunsborough Planning Investigation Area. Whilst issues of this kind would need to be considered as part of further planning processes without the matters being specifically highlighted in the LNSRS, inclusion of specific references would further elevate their importance for future processes and decision-making.

LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS REQUIREMENT

Pursuant to regulation 11(da) of the *Local Government (Administration) Regulations 1996*, if the amended recommendation is adopted by Council, the above Reasons will be recorded in the Minutes.

<p>Item No. 13.3</p>	<p>AMENDMENT 40 TO LOCAL PLANNING SCHEME 21 AND AMENDMENTS TO THE LEEUWIN-NATURALISTE SUB-REGIONAL STRATEGY - CONCERNS WITH RECENT DECISIONS OF THE HON. MINISTER FOR PLANNING AND WESTERN AUSTRALIAN PLANNING COMMISSION</p>	<p>Pulled by Officers</p> <p>Disclosure of Interest - Cr Riccelli</p>	<p>Page 121</p>
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AMENDED OFFICER RECOMMENDATION

RECOMMENDATION 1 (AMENDMENT 40)

That the Council, with respect to Amendment 40 -

3. Indicate that it has significant concerns in relation to elements of both the substantive planning decisions and the processes by which the decisions were made.
4. With respect to the Ministerial decision –
 - F. Indicate that the key concerns relate to -
 - i. The Minister not agreeing to depart from the State’s model definition for Bulky Goods Showroom, and the related decisions to not support inclusion of a new clause 3.5.3 (e), and the decision to make Bulky Goods Showroom a prohibited use in the Light Industry Zone; and
 - ii. The Minister requiring an additional modification to create an Additional Use designation (A84) for a ‘Convenience Store’ on Lot 178, Bussell Highway.
 - G. Seeks an urgent meeting to discuss the matter with the Minister.
 - H. Note that FOI requests related to this matter have been submitted by the City.
 - I. Following completion of points B and C above (including a meeting with the Minister, if such a meeting is agreed to), consider initiation of a further, more targeted amendment to the Scheme, seeking Ministerial approval for one or more of the following things –
 - iv. Approval of an alternative, more targeted, definition of ‘Bulky Goods Showroom’ and/or a capacity to split that land use category into two separate land use categories, one of which is more targeted than the existing model definition;
 - v. Making the more targeted land use classification permissible in the Light Industry Zone; and
 - vi. Deletion of A84.
 - J. Note that, notwithstanding the above, the City will proceed with Gazettal of Amendment 40.

RECOMMENDATION 2 (LEEWIN-NATURALISTE SUB-REGIONAL STRATEGY)

That the Council, with respect to modifications to the Leeuwin-Naturaliste Sub-Regional Strategy (LNSRS) -

3. Indicate that it has significant concerns in relation to elements of both the substantive planning decisions and the processes by which the decisions were made.
4. With respect to the WAPC decision related to LNSRS modifications –
 - E. Indicate that the key concerns relate to –

iv. The fact there was no opportunity for community consultation or formal consultation with the City before amendments were made to the LNSRS, in particular with respect to the Dunsborough Planning Investigation Area;

v. The direction for Vasse North; and

vi. The direction for Vasse South.

F. Request that the WAPC re-consider the LNSRS modifications, in light of the Council's concerns; and

G. Given that the report considered by the WAPC in October 2021 was released to the City following an FOI request, ask that the WAPC to identify the basis on which the report, and reports of that kind, are not generally available to the public (with personal or other confidential information redacted as necessary).

REASONS FOR AMENDMENT

Councillors have requested that, to better highlight each of the two sets of issues, they each be considered as separate resolutions.

OFFICER COMMENT

There is not considered to be any reason why the original, single recommendation cannot or should not be split into two separate recommendations, but which are substantively consistent with the original, single recommendation.

LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS REQUIREMENT

Not applicable, as the substance of the two recommendations is the same as the original, single recommendation.

Item No. 13.4	PROPOSED AMENDMENT 58 TO LOCAL PLANNING SCHEME 21 LOT 6 COMMONAGE ROAD – INITIATION FOR COMMUNITY CONSULTATION	Pulled by Cr Riccelli	Page
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ALTERNATIVE RECOMMENDATION

That the Council:

- 1. Requires the following modifications to Amendment No. 58 of the City of Busselton Local Planning Scheme No. 21 prior to advertising:**

(a) Amending 'Special Provision Area No. 31' to read as follows –

No	Particulars of Land	Zone	Special Provisions
SP31	Lot 6 Commonage Road, Quindalup	Urban Development	<p>1. In addition to the information to be included in a structure plan outlined in Clause 16 of the Deemed Provisions, the structure plan is to set out the following:</p> <p>a) Identification of vegetation having conservation significance.</p> <p>b) Measures to retain, manage and enhance environmental values associated with the Special Provision Area including remnant vegetation, potential habitat for Commonwealth and State listed threatened fauna species and ecological linkages within public open space, road reserves and/or conservation areas. Such measures are required to also address linkages and connectivity with contiguous areas of similarly important remnant vegetation on land adjoining the Special Provision Area as well as management measures to ensure the habitat functions of these areas are maintained and, where possible, enhanced.</p> <p>c) Definition of boundaries of the Priority Ecological Community palusplain wetland including identification of appropriate buffers to development to the satisfaction of the Department of Biodiversity, Conservation and Attractions.</p> <p>d) A tree survey to consider retention outside of public open space areas and measures to identify and protect paddock trees within public spaces or road reserves.</p>

				<p>e) Ethnographic/cultural heritage assessment and satisfactory measures to protect identified sites and/or trees having cultural significance.</p> <p>f) Open space requirements for active recreation.</p> <p>g) The separation of, and treatment of the interface between, developable areas from Commonage Road, including the identification of a minimum 20 metre wide landscape buffer (or wider to accommodate revegetation and stormwater drainage management) and an adjacent internal road, consistent with maintaining visual landscape amenity from Commonage Road.</p> <p>h) Measures to provide for the safe and efficient movement of pedestrians and cyclists to, from and within the Special Provision Area, including the crossing of Commonage Road, which connects to existing or planned dual use path networks.</p> <p>i) A suitable buffer along the southern boundary of the site that addresses maintaining the visual amenity of adjoining rural land.</p> <p>j) A Local Water Management Strategy that is to include, amongst other things, measures to retain, protect and enhance surface water creek lines and their foreshores and locate stormwater retention basins to avoid clearing/impacts on remnant vegetation.</p> <p>k) The number of proposed access/egress points to Commonage Road and Genoli Road.</p> <p>l) Measures that address the retention of vegetation within the Genoli Road reserve.</p> <p>m) Identification of a 'Local Centre' site of approximately 4,000m² and a 'Service Commercial' site of approximately 8,000m² 3 hectares.</p> <p>n) A Local Development Plan is to be prepared for the identified 'Local Centre' and 'Service Commercial' sites and is to address:</p>
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				<ul style="list-style-type: none"> i. Land use controls; ii. Location of car parking, pedestrian and vehicular/service access; and iii. Amenity from adjoining roads and residential areas; and Landscape values and visual management considerations . <p>o) A Local Development Plan is to be prepared for the identified 'Service Commercial' site and is to address:</p> <ul style="list-style-type: none"> i. Land use controls; ii. Development frontage to Commonage Road; iii. Location of car parking, pedestrian and vehicular/service access; and iv. Landscape values and visual management considerations. <p>p) Public open space and landscape buffers to be integrated with the Local Centre and Service Commercial sites to screen development from Commonage Road.</p> <p>q) Access roads separating identified LDP Areas and residential areas are to provide a high level of amenity through boulevard-style treatment and street tree planting and landscaping of verge and median strip areas.</p> <p>r) Design guidelines to ensure that the land uses within each LDP Area are developed in a manner that has minimal impact on the amenity of the adjoining residential area whilst maintaining a high-quality appearance.</p>
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2. Subject to the modifications detailed in Part 1 above, in accordance with Section 75 of the *Planning and Development Act 2005*, adopts Amendment No. 58 of the City of Busselton *Local Planning Scheme No. 21* for advertising for the purposes of:
- (a) Rezoning Lot 6 Commonage Road, Quindalup from 'Light Industry' to 'Urban Development';
 - (b) Amending Schedule 3 Special Provision Area 31; and
 - (c) Amending the Scheme map accordingly.

3. In accordance with Regulation 35 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, determines that Amendment No. 58 of the City of Busselton Local Planning Scheme No. 21 is a 'standard amendment' in accordance with r.34 of the Regulations as it is:
 - (a) an amendment that is consistent with a Local Planning Strategy for the Scheme that has been endorsed by the Commission; and
 - (b) an amendment that does not result in any significant environment, social, economic or governance impacts on land in the scheme area.
4. That as the amendment is in the opinion of Council, consistent with Part V of the Planning and Development Act 2005 (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.
5. Prior to implementing the above, require the proponent to prepare revised amendment documents consistent with the modifications set out in the Parts above.
6. In accordance with Regulation 35A of the *Planning and Development (Local Planning Schemes) Regulations 2015*, when Amendment No. 58 takes effect, the approval of the *Dunsborough Industrial Park Structure Plan (2000)* is to be revoked.
7. Note that officers will not use delegation to adopt the structure plan and, prior to the item being presented to Council, officers will work through design considerations with the proponent that address:
 - i. Retention of vegetation;
 - ii. Visual management considerations;
 - iii. Land-use/zoning mix; and
 - iv. Road and lot layout and other urban design elements to reflect the desired future character of the site.

REASONS FOR ALTERNATIVE

Dunsborough has been experiencing a rapid population growth for some time and there is a demand to provide residential land to cater for this. However, alongside the need to provide residential lots is the need for the provision of 'Service Commercial' sites, to meet identified needs, Service the local community and provide future employment opportunities.

Lot 6 is currently zoned Light Industrial and whilst it has not been developed for this purpose to date, it is well known that there is an insufficient supply of light industrial/service commercial land within Dunsborough and Lot 6 is one of the few remaining areas that allows for this.

There is a growing need within the community to provide more local services such as Vets, Child Care Centres, Dentists and other types of 'Service Commercial' businesses similar to those offered within Enterprise Park and Clark Street.

An increase from 8000m² of Service Commercial to 3 hectares is being recommended.

For comparative purposes:

- Enterprise Park is approximately 8 ha. The lots fronting Commonage Road, from Mitre 10 to Inverness Avenue are 1.9ha and contain 12 lots of 1100-1500m².
- The recent extension to Enterprise Park (at 'The Cove') is 1.6ha and will deliver 11 lots ranging in size from 687m² to 1.5ha.
- The Clarke Street area is approximately 4 ha in size, however with a well-planned road network and interface to development sites, 3ha of 'Service Commercial' land at Lot 6 will provide a similar amount of useable development area for local businesses and will also provide for the potential relocation of Clark Street businesses.

Additional scheme provisions are included to ensure that a structure plan for the land (and the preparation of Local Development Plans) addresses design considerations for a larger Service Commercial site, in particular visual management considerations for Commonage Road and amenity of adjoining residential areas within Lot 6.

Officer Comment

The strategic intent within the current strategic framework is to consider employment within the Dunsborough planning investigation area land (in the vicinity of Enterprise Park), as set out in the *Local Planning Strategy* (LPS). This will ultimately allow for a consolidated service commercial/business site which can be planned and developed in combination with the delivery of residential land within the PIA.

At the time of finalising the LPS, there was the expectation that the investigation and determination of this would occur through the development of a town site strategy for Dunsborough and a district-level structure plan for the PIA prepared by the City and the WAPC respectively, within the Leeuwin Naturaliste Sub-regional Strategy (LNSRS). The decision of the WAPC to remove these elements and opportunities from the LNSRS creates a level of uncertainty around what the PIA might actually deliver, in terms of land to be set aside for light industrial/service commercial purposes. This supports consideration of meeting some of that need within Lot 6.

For the reasons set out below, though, too large an area of Service Commercial on Lot 6 runs the risk that it may dilute the provision of sufficient light industrial/service commercial to meet local needs in the medium to long term. Whilst there is not seen to be a particular 'right or wrong' answer to the question of what is the right size for the Service Commercial component at Lot 6, it is considered that 3 hectares is too large an area (noting that it, in terms of capacity to actually accommodate business activity, it would be similar in scale to the existing Clarke Street precinct).

The visual protection of Commonage Road, traveling from Caves Road and once past Mewett Road, has been a requirement of land development through the use of landscape strips in public ownership. It is considered that should be further supported between new Service Commercial areas on Lot 6. Due to the requirements for visual screening, Lot 6 Service Commercial should be planned around business and enterprises that do not require a business frontage to Commonage Road, for instance medical centres, dentists and child care centres, or other kinds of businesses that do not have a high need for exposure to passing traffic, such as businesses that primarily sell to other businesses.

A 3ha area of Service Commercial without the proper business exposure to through traffic may have difficulty in being viable for the market and being fully delivered over time leading to land being sterilised. Noting that Enterprise Park has been developing for at least the last 15 years with what is effectively the final stage, 'The Cove', only recently subdivided and made available to the market.

Noting that buildings in Enterprise Park are relatively tall and visible, the potential location of the light industrial/service commercial area will present design challenges within Lot 6. The visual appearance from Commonage Road will need to be managed through an LDP and Structure Plan design as well as the primary site access and an acceptable interface to provide separation to adjacent residential lots.

There are three other factors that it is felt should be considered and which suggest that 3 hectares is too large an area to identify for Service Commercial uses at Lot 6 –

1. The site may also not be suitable for land uses that generate off-site impacts such as in terms of noise or traffic – further limiting the range of potentially appropriate land-uses;
2. Too large an area could undermine the planning and business case for a larger service commercial area in the ‘PIA’ area, which could more easily be designed to accommodate businesses that require passing trade and/or generate off-site impacts; and
3. Noting that delivery of most new service commercial and light industrial areas in the City has been as a component of a larger, residential development dominated developments, it looks to be too large relative to the scale of residential development likely to occur on Lot 6.

Should Lot 6 be supported with a service commercial site, additional scheme provisions are included in the alternative recommendation to ensure that a structure plan for the land (and the preparation of Local Development Plans) addresses the additional design considerations that would be critical with a larger service commercial area, in particular, visual management considerations for Commonage Road and amenity of adjoining residential areas within Lot 6.

LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS REQUIREMENT

Pursuant to regulation 11(da) of the *Local Government (Administration) Regulations* 1996, if the amended recommendation is adopted by Council, the above Reasons will be recorded in the Minutes.

Item No. 14.1	BUSSELTON WAR MEMORIAL	Pulled by Cr Ryan Disclosure of Interest - Cr Henley	Page 705
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ALTERNATIVE RECOMMENDATION

That the item be deferred for the CEO to undertake further consultation with the representatives of the traditional land owners, including those family members who have ties to conflicts in WWI and II; with a further report to be presented to Council post that consultation.

OFFICER RECOMMENDATION

~~That the Council:~~

- ~~1. — Receives the Community Engagement Report on the Busselton War Memorial;~~
- ~~2. — Receives the Structural Assessment on the existing cenotaph (Victoria Square); and~~
- ~~3. — Endorses 'Concept 2' as the preferred concept design and resolves to proceed with the construction of a new War Memorial at Rotary Park while retaining the existing cenotaph in Victoria Square.~~

REASONS FOR ALTERNATIVE

We state before every Council and Committee meeting “We acknowledge this meeting is held on the lands of the Wadandi people and acknowledge them as the Traditional Owners, paying respect to their Elders, past present, and emerging”.

We recently received our mid year Corporate Business Plan Action Report which states “Implement the City’s Reconciliation Action Plan by strengthening relationships with the Aboriginal community, celebrating and respecting Aboriginal culture and history and collaborating on projects”.

It is fact that some of our serving men and women were Aboriginal and we consult ad nauseum on many other issues but it seems we just forgot on this one.

It would be disrespectful to not refer the item to them.

OFFICER COMMENT

The creation of a new war memorial at Rotary Park will provide an opportunity to acknowledge all local people, including Aboriginal men and women, who participated in World War I and II, and those who fought in more recent theatres of war, such as Korea, Vietnam, Bosnia, and Afghanistan.

Officers are committed to working with all stakeholder including Traditional Owners to achieve this and believe that consultation with Aboriginal representatives when developing the new honour roles for Rotary Park (should Council endorse the Officer’s recommendation) would be most effective.

LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS REQUIREMENT

Pursuant to regulation 11(da) of the *Local Government (Administration) Regulations* 1996, if the amended recommendation is adopted by Council, the above Reasons will be recorded in the Minutes.

Item No. 17.1	COUNCILLORS INFORMATION BULLETIN	Pulled by Cr Ryan	Page 736
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ALTERNATIVE RECOMMENDATION

RECOMMENDATION 1

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

- 17.1.1 Minor Donations Program – December 2022 & January 2023
- 17.1.2 Current Active Tenders
- 17.1.3 State Administrative Tribunal Reviews Update
- 17.1.5 Correspondence: Hon David Templeman MLA
- 17.1.6 Correspondence: Hon Nola Marino MP
- 17.1.7 Correspondence: Hon Don Punch MLA
- 17.1.8 Correspondence: Shane Love, Leader of the Opposition, Leader of the Nationals WA

RECOMMENDATION 2

That the Council:

- 1. Refuse Community Assistance Panel Program 2022/23 Round 3 – Dunsborough Football Club request for funding \$47,068 (ex GST); and**
- 2. Approve Community Assistance Panel Program 2022/23 Round 3 - Geographe Community Landcare Nursery request for funding \$8,756.10 (ex. GST).**

REASONS FOR ALTERNATIVE

There are numerous reasons, not least the Club has recently received \$40,000 in the 2021/22 financial year, funded ultimately from business, and if this funding by ratepayers is received then the total will be \$87,608 to ONE club spanning two financial years. The pressures on the City to fund many wants and desires of the community is huge. However, this amount for "temporary" fencing is extraordinary with those that are funding this exercise (ratepayers) expected then to pay again to gain entry to the game.

At the Council meeting of 09/9/22 the minutes reflect a "review" of the CAPs funding and confirmed that:

- (1) Assistance Grant – assistance to incorporated groups and organisations that provide programs, services or activities to the following sectors: Aged, Youth, Disadvantaged, Early Childhood and Families, Volunteers, Sport, Recreation and Environment. A maximum allocation of 60% of the total project cost, up to \$10,000 per application.
- (2) Revitalisation Grant – assistance to incorporated groups and organisations within the City of Busselton for minor infrastructure development, maintenance and upgrades and revitalisation of facilities. A maximum allocation of 60% of the total project cost, up to \$10,000 per application.
- (3) Revitalisation Grant Plus - assistance to incorporated groups and organisations within the City of Busselton for contributions towards significant infrastructure development and when other funding is obtained (e.g. from Lotterywest; Community Sporting and

Recreation Facilities Fund). Grants may value greater than \$10,000 based on one third of the total project cost.

In light of the above, the funding request does not meet any of the above and far exceeds the CAP funding criteria.

Whilst I support DFC being admitted into the SW Football League and their fundraising efforts, temporary infrastructure is not value for money for our ratepayers and perhaps as a way around the Club could, on game day, request those who want to watch the game pay on an honour basis as a solution. Another solution is for them to play at Bovell Oval, which is fully set up for this purpose.

OFFICER COMMENT

At the Ordinary Meeting held 28 April 2021, amongst other things, Council endorsed (C2104/074) a Community Assistance Program (CAP) framework and authorised the Chief Executive Officer (CEO) to approve applications. Through the framework a CAP Panel comprising nominated Councillors has been established to review CAP applications and make recommendations to the CEO. Based on this, the CAP Panel recommended funding the Dunsborough Football Club \$47,068 for the South West Football League 2023 Season temporary infrastructure, with the CEO having approved this recommendation using his authorisation from Council to approve CAP applications. This approval has been enacted.

It should be noted that while the framework provides guidance on the allocation of funding through three streams; Assistance Grant, Revitalisation Grant, and Revitalisation Grant Plus, it is a guide and funding allocations and recommendations are assessed on an individual basis and are discretionary.

LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS REQUIREMENT

Pursuant to regulation 11(da) of the *Local Government (Administration) Regulations* 1996, if the amended recommendation is adopted by Council, the above Reasons will be recorded in the Minutes.